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Internal Displacement in Ethiopia: Towards a New Policy and Legal Framework for Durable Solutions

Bereket Tsegay and Kiya Gezahegne

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Cover Photo: Farbuo IDP site in Adadle District, Shabelle zone of the Somali regional State, Ethiopia 8, 2021. ©Abdirahman Ahmed, Jigjiga University.

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Executive summary

Ethiopia has experienced an unprecedented increase in forced displacement within its borders over the last four decades, with the highest number recorded in 2021, when over 5.38 million people were displaced. Although the nature and dynamics of internal displacement have evolved somewhat, over 4.6 million people were forcibly displaced in 2022. This displacement has been triggered by diverse factors including conflict and natural disasters. Many of those uprooted display significant vulnerabilities. As such, the need for protection and durable solutions is pressing. This analysis reviews and identifies gaps within the existing legal and policy frameworks related to internally displaced persons (IDPs), and provides some recommendations on prevention and protection of these groups from attacks, pervasive human rights abuses and re-displacement. A durable solution requires strengthening of the legal system, adoption of an institutional framework centred on human security, and a proactive policy involving concerted efforts from multiple actors.

Key policy gaps and recommendations

1. Introduce a new comprehensive IDP legal framework alongside a new protection strategy for IDPs at the national level.

A new legal framework and national security strategy centred on peaceful negotiation and reconciliation that empowers IDPs and host communities must be developed to ensure security and protection. Faced with the occurrence of identity-based or ethnically instigated clashes, resource-based conflicts and/or inter-regional border issues that trigger mass displacements, a proactive and preventative rather than a reactive response is needed from the state in order to maintain

peace and security; thus, it must begin with strengthening the legal system through adopting a new IDP law and increasing accountability. While the state remains primarily responsible for providing security to its citizens, humanitarian agencies, regional and international organisations should also invest greater resources in supporting this process, rather than confining themselves to dealing with the consequences of the displacement crisis.

2. The rights of minority groups in ethnic-majority regional states need to be reviewed and strengthened within federal and regional constitutional frameworks.

While intended to promote the empowerment of ethnic groups in their respective regions, the reality of Ethiopia's three decades of ethnic-federalism has been a contributing factor in conflict and displacement. Conflicts have erupted over disputed land claimed by

ethnically defined administrative authorities. Unsettled borders are a particular source of intra- and interregional violence, deaths, and forced evictions; the borders of the Tigray-Amhara, Somali-Afar, and Oromia-Somali regional states are cases in point.

Furthermore, IDPs resettled under large-scale government resettlement programmes, like the ones in Metekel and Wollega zones, have found themselves re-displaced as hosting regional states lean on the constitution's ethno-federal basis to refuse them access to land, political representation and political power. At the heart of the problem is misinterpretation and misuse of the ethno-

federal system at regional level. 'Locals' consider themselves to be the sole owners of resources and thus claim to be threatened by IDPs. In view of this problem, the rights of minority groups and IDPs in ethnic-majority regional states within the federal and regional constitutional frameworks need to be reviewed and strengthened.

3. Align approaches to internal displacement with sustainable development at the local level.

IDP-focused interventions should be linked to the realities of local, regional and federal socio-economic development policies and explore how a single IDP durable solution instrument can create positive multiplier effects: synergies towards the establishment of a long-term, sustainable political-economic ecosystem. In line with the 'green economy'

agenda of the government – the Climate-Resilient Green Economy (CRGE) - options for off-farm and entrepreneurial green jobs should be explored. Policies governing displacement and development will thus function together as a mechanism for engaging both IDPs and host-communities in promoting livelihoods and peaceful coexistence.

4. Recognise that the needs of women and children are particularly acute, and design policies accordingly; engage youth.

In Ethiopia's recent conflicts and mass displacement in Metekel, Wollega, and various villages in Tigray and Oromia regions, women and girls have faced violence and sexual abuse. More than 2.5 million IDP children's physical, social and psychological development has been severely affected by the conflict in Ethiopia. The recovery and rehabilitation of these groups requires specific interventions: in designing and implementing development packages, it is fundamental to take gender into account to ensure women's active participation. The political participation of women in peace negotiations and in institutional formations such as the National Dialogue Commission

(NDC) should be promoted. Social and economic policies should work to protect children from being displaced and provide IDP children with tailored social services.

Youth are at the centre of these conflicts as protagonists – as part of the regional government special forces in Amhara, Tigray or Somali, unidentified armed groups in the Benishangul-Gumuz (BSG), armed groups in Oromia, and as part of mobs involved in violence. Therefore, a short- and long-term strategy that seeks to understand the particular circumstances and aspirations of youth is required.

Introduction

Ethiopia has experienced an extremely high level of forced internal displacement - 5.38 million in 2021 - 'the highest figure ever for a single country' as a result of conflict and violence (IDMC, 2022a:1; 2022b:30), with women and children facing the gravest impacts. In 2022, over 4.6 million people were forcibly displaced (IDMC and NRC, 2023). Furthermore, there were '1.66 million IDP returnees' in Ethiopia between March and April 2022, excluding the Tigray region (IOM, 2022a). The Ethiopian government has failed to protect the basic rights of many of these IDPs, with the result that thousands have been killed (EHRC, 2022a). Time and again, the current IDP governance regime has been shown to be unfit for purpose (see Ashine, 2021).

With the political transition that Ethiopia has been going through since 2018, coupled with large-scale conflicts and ethnically instigated killings, millions of displaced people are in a state of uncertainty, suffering in limbo for years - not knowing whether to stay in camps or return to face the risk of being killed (Gardner, 2021). The scope and efficacy of the current internal displacement regime in Ethiopia is in acute need of review to address the following vexing questions: Why has Ethiopia experienced an unprecedented level of internal displacement? What are the underlying gaps and challenges in the existing policy framework for protecting IDPs' fundamental human rights and livelihoods? How does the overarching ethno-federal configuration interplay with internal displacement? What are the key political and institutional bottlenecks blocking effective measures for a durable solution to internal displacement? In order to address the unprecedented IDP crisis and promote peaceful co-existence among diverse ethnic

groups, this paper argues a new legal and policy framework with a common set of operational procedures for effective internal displacement governance at local, regional and national levels is required.

The analysis presented here draws on qualitative methodology in the form of ten semi-structured interviews conducted with experts who possess specialised knowledge of the internal displacement dynamics in Ethiopia. International and national legal and policy documents have been also systematically reviewed. The approach taken is a multifaceted, human security-centred view that promotes human capital and long-term development in Ethiopia. Departing from traditional statism, territorial jurisdiction and militaristic views, such a framework, classifiable as a 'human security' approach (Kalle, 2016), focuses on individual citizens and encompasses multiple economic and political factors and sectors.

Internal Displacement in Context: A Typology

During the 20th and early 21st centuries, conflict, drought and famine, state-sponsored resettlement and collective agricultural schemes, and land-grabbing following land allocation to multinational companies and mega-projects like the Grand Ethiopian Renaissance Dam (GERD) (Vaughan and Mesfin, 2020) have all triggered forced migration.

This section explains scenarios associated with each of these different types of causation in more contextual detail with reference to the present situation in Ethiopia. In practice, they tend to overlap, with many IDPs subjected to more than one type of displacement over the course of their lives. Nonetheless, it is useful to separate them for heuristic purposes before discussing the policy solutions required to address them, since many require different types of intervention to address their respective consequences.

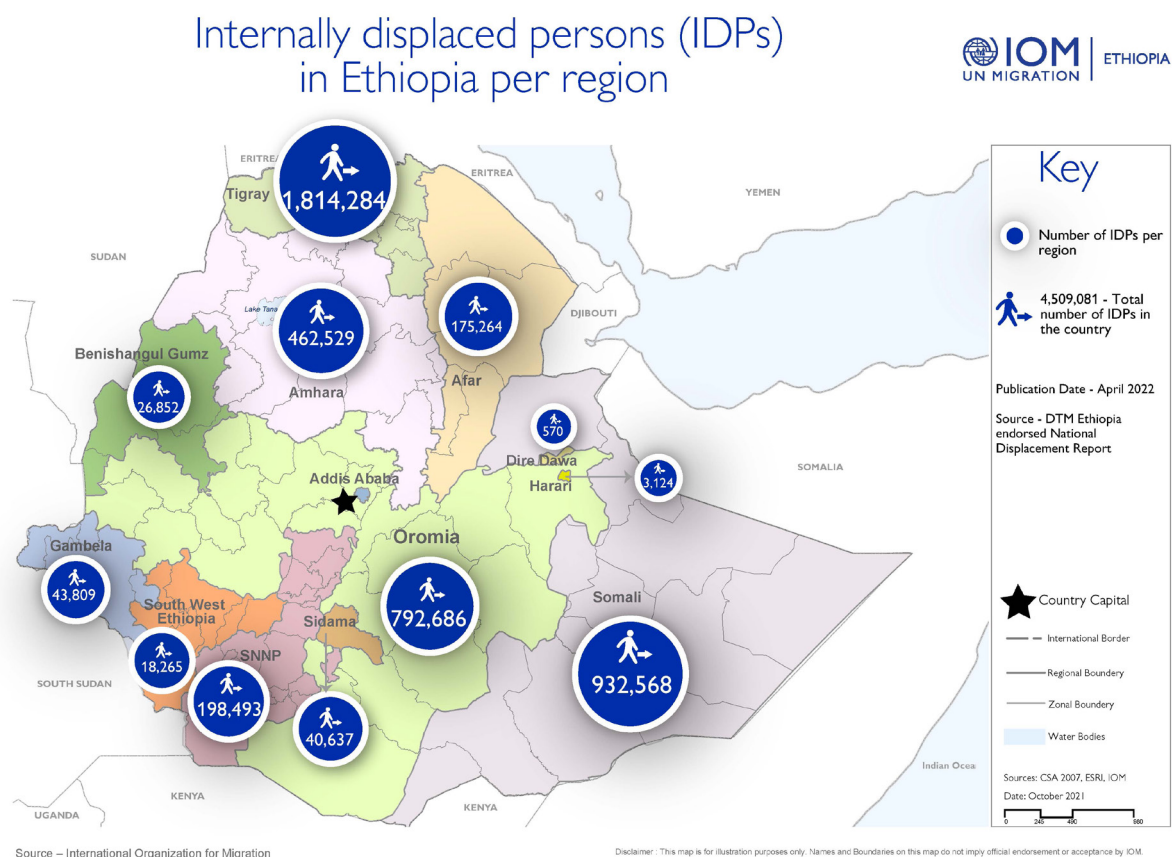


Figure 1. IDP hotspots in Ethiopia (As of April 2022), IOM Ethiopia, 2022b.

i Conflict

In 2021, conflict was the major driver of internal displacement in Ethiopia, uprooting more than 5.1 million people – 80% of the total number of IDPs (IDMC, 2022a). Historically, from the 1960s to the 1990s, Ethiopia witnessed large-scale conflicts and wars. Furthermore, numerous local conflicts, mostly over land and other natural resources, and low-intensity insurgencies (especially in Oromia and the Somali Region) have continued over most of the last three decades.

The Tigray war at the end of 2020 represented a return to full-scale war in northern Ethiopia. Tension between the federal government and the Tigray People's Liberation Front (TPLF) over the postponement of the 2020 elections, the future of the Federal system, and policy changes made to the security apparatus and the economy led to the Tigray conflict, which

escalated into full-scale war in November 2020. With the expansion of the conflict into Afar and Amhara regional states in 2021 and 2022, more than 2.5 million were displaced within their regions or neighbouring regional states and some became refugees in Sudan (see Figure 2; IOM Ethiopia, 2022b). In 2021, according to IDMC, there were 5.1 million new IDPs, making Ethiopia the country with the highest number of IDPs in Africa, followed by DR Congo with 2.7 million IDPs (2022b). Based on UN sources, with the resumption of fighting on 24 August 2022 in northern Ethiopia, more than 300,000 people were displaced within the first month (Anyadike, 2022). Furthermore, Eritrean refugees residing in camps located in the Tigray region were forced to move to a temporary refugee shelter in Alemwach, Amhara region (UNHCR, 2022).

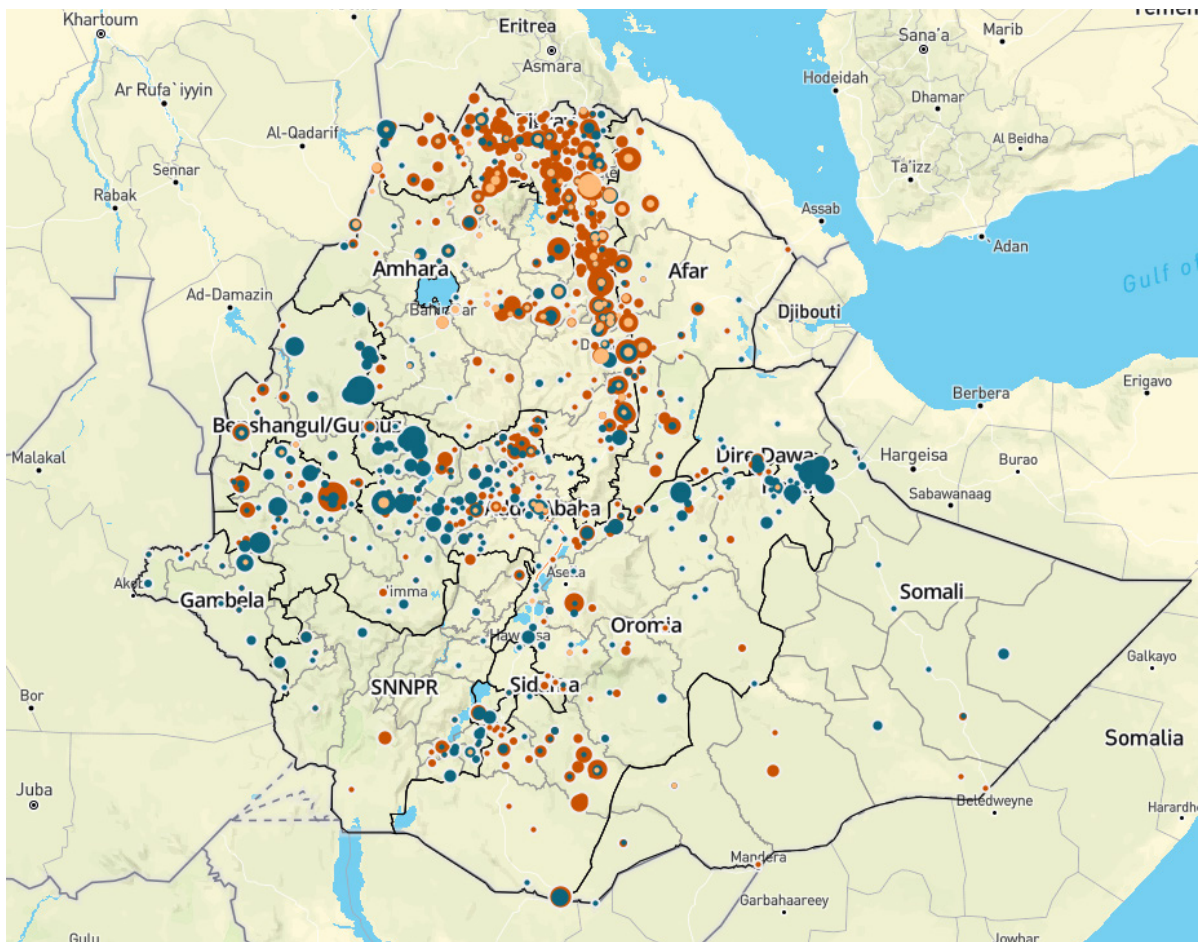


Figure 2. Chronically affected conflict hotspots in Ethiopia, EPO, 2022.

ii Resettlement, Violence, and Re-Displacement

Resettlement has been pursued as state policy to mitigate drought, famine, food insecurity and capacitating household livelihoods in the country for nearly four decades (Vaughan and Mesfin, 2020). In response to the drought and famine of the 1980s, the Derg regime, in accordance with its collectivisation and villagisation initiatives, promoted resettlement as a 'dual strategy' (Pankhurst and Piguet, 2004) to tackle famine at the origin and ensure household food self-sufficiency. Between 1984 and 1986 about 600,000 people were resettled (de Waal, 1991). However, the programme was criticised due to its top-down, coercive approach, which consisted of the most 'complex, ambitious and draconian measures ever attempted by the Ethiopian state' (Pankhurst and Piguet, 2004:867), and failed to bring substantive positive livelihood changes to resettlers while causing often severe conflict with the host communities. Similarly, in the 2000s, the Ethiopian People's Revolutionary Democratic Front (EPRDF) reintroduced resettlement mainly for the purposes of reducing poverty and improving livelihoods and, in its two schemes (2003-2006), moved 1.2 million people (Cernea, 2009). Furthermore, under the 'commune' programme, a 'state-engineered social relocation' with the sedentarisation of pastoralist communities was implemented in the Afar, Somali, Benishangul-Gumuz and Gambella regions (Vaughan and Mesfin, 2020:4).

Following these resettlement programmes, longstanding tensions and sporadic conflicts have been very common in Ethiopia. As evidenced in BSG and Oromia regional states, resettled people have been re-displaced in recent years due to the continuous attacks

inflicted on them by members of host communities or their retaliatory responses, inter-communal violence, attacks by armed forces such as the Oromo Liberation Army (OLA), Gumuz armed groups or unidentified armed groups (UAGs), and counter-insurgency operations by Ethiopian government forces (Gerth-Niculescu, 2021). In Metekel, for instance, the native Gumuz blame resettlers, mainly from Amhara, for destroying their local ecology, holding 'disproportionate economic power and influence' (Gardner, 2021) and historical narratives and stereotypes against them.

As a key informant underscored, 'the human security of some of the resettled or displaced has been at risk as they were re-displaced twice or three times in recent years and trapped in a vicious circle of displacements'. Unable to address 'the magnitude of the security problem in the area', the Ethiopian Human Rights Commission (EHRC) head called on federal and regional authorities to discharge their responsibilities and stop the ethnic-based attacks on civilians, and displacements (2022a).

The state response has been the formation of military command posts, effectively transferring vast areas from civilian governance to military control, and training of local militia in Oromia and BSG regions (Gerth-Niculescu, 2021). However, militarisation cannot bring a lasting solution to these cycles of violence and displacement (Tsegay, 2022). Rather, it is imperative to review the role of armed and non-armed actors, institutional set-ups and historical processes that led to such displacements by listening to local voices. One such way of doing this is via traditional or elders' conflict resolution and reconciliation mechanisms, as in the Afar and

Somali regions, and Oromia's Gadaa system for restoring peace and order and achieving durable solutions. The role of the state in such circumstances would be to create space for such local voices to play an autonomous

role within a larger national and/or broader dialogue, and not to instrumentalise them for its own ends. This is particularly important given that in various contexts, the state is viewed as a party to the conflict.

iii Development-induced Displacement

With the aim of becoming a middle-income country by 2025, Ethiopia has invested in infrastructure and implemented large-scale development projects which have led to the displacement of people and disruption of livelihoods (Vaughan and Mesfin, 2020:4). Flagship projects include the GERD and other hydropower projects. The rapid expansion of urban centres has also been significant. For instance, the Addis Ababa City Administration, which governs the capital city and is home to about five million people, intended to extend its boundaries to the Oromia region, which caused local grievances, tensions and resistance from Oromo students

and youth movement (Qeerroo) and led to the displacement of households residing on lands that were appropriated for the city's expansion (Pellerin and Ashenafi, 2022). Furthermore, as Gerth-Niculescu has documented, the Gumuz in the BSG region were pushed by agricultural production focused on 'large-scale land acquisitions by both local and foreign investors' which attracted labourers from 'the central highlands of Amhara, many of whom have stayed on, moving into forested land and creating new settlements' (2021). Such development-induced displacement has been common across the country.

iv Disasters and Environmental Hazards

Ethiopia is a disaster-prone country. Over 62% of its landmass is arid and semi-arid, making it vulnerable to droughts and biophysical shocks (Kassahun et al., 2008). Natural hazards, the unpredictability of climate variability, successive harvest failures, soil erosion and low productivity, the death of livestock, locust outbreaks, population pressure on natural ecosystems, the lack of a flourishing local economy and alternative means of livelihoods (see Pankhurst et al., 2013) have been key drivers of displacement and account for significant vulnerabilities. This has constrained household and communal 'adaptive capacity' and led to livelihood deterioration (FDRE, 2019b:1).

Ethiopia has experienced the impacts of slow-onset disasters and climate change manifested in droughts and famines, including the tragic famine of 1983-85 that caused the deaths of about one million people and displaced several million (de Waal, 1991). In 2021 alone, disasters related to drought, chronic food insecurity and floods have displaced 240,000 – mainly in the Afar, Oromia, Somali and SNNP regions (IDMC, 2022c). In 2022, the southern and south-eastern pastoral areas of Ethiopia were terribly affected by droughts - displacing an estimated 1 million people in Somali region (as of September 2022) as well as 372,000 in Borena zone of Oromia (between March and September 2022), that is, 30% of the

population of the zone (FEWS Net, 2022). This led to the establishment of an 'informal IDP settlement in Dubluke woreda [district]' (Ibid). The government introduced a multi-billion-dollar social security and inequality reduction package – the Productive Safety Net Programme (PSNP), emergency assistance and the Household Asset Building Programme (HABP) – but still, 23.5% of the population live below the national pover-

ty line and are vulnerable to shocks (World Bank, 2022). As Ethiopia's National Adaptation Plan (NAP) of the CRGE indicated, 'increased droughts and floods' will intensify rural outmigration and forced displacement (FDRE, 2019b:41). As a result, it once again considers 'arranging voluntary resettlement/migration' among its 18 adaptation options (Ibid:58).



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IDP relocation site in Goljano District, Fafan zone of the Somali regional state in Ethiopia, May 1, 2021.

Legal Systems and Policy Frameworks

The legal protection of IDPs is a fundamental principle of human rights, embedded in both the federal constitution and international treaties ratified by Ethiopia, such as the UN Guiding Principles, the International Covenant on Civil and Political Rights (ICCPR) and the African Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention). Ethiopia has fully or partly domesticated each of these international laws into its legal system. However, the legal protection of IDPs is dispersed over different laws and policies, like the criminal code and national disaster policy. The National Policy and Strategy on Disaster Risk Management 2013 serves as the primary humanitarian legislative document for minimising the risk and/or impact of disasters (FDRE, 2013).

Departing from historical approaches to governance in Ethiopia based on assimilative policies, the post-1990s state structure has embraced ethnic federalism to 'guarantee minority rights and safeguard the harmony and integrity of the policy and state' (van der Beken, 2015:150). However, despite the federal system's recognition of minority groups, the political consequences of the way in which this system has developed have been adverse for IDPs' human security.

Ethiopia's federal constitution guarantees its citizens equal access to land, resources and employment opportunities. Article 14 provides every citizen with 'the inviolable and inalienable right to life' while Article 25 guarantees their 'equal and effective protection without discrimination on grounds of race, nation, language, etc' (FDRE, 1995). Article 44, sub-article 2, guarantees IDPs 'the right to commensurate monetary or alternative means of compensation, including relocation with adequate state assistance'. Furthermore, Article 39 grants every Nation, Nationality and People in Ethiopia 'the right to a full measure of self-government' and a regional constitution. Contravening the federal constitution, certain constitutions

of the regional states, however, have denied citizens their democratic rights and land tenure entitlements, which has led to internal displacements and re-displacements. For instance, Article 2 of the BSG Regional Constitution (2002) gives natives an 'equal number of representatives' but leaves non-native inhabitants – mainly resettlers and IDPs – without any representation (van der Beken, 2007:128). The IDPs are considered 'second [class] citizens', as a key expert asserted; denial of a peaceful life and access to local resources has been exacerbating their livelihood insecurity.

Positive strides that have been made with respect to the political participation of IDPs have occurred in spite of the ethno-federal system's working rather than because of it: Adopting the African Union's (AU) Kampala Convention [Article 9(2)(L)] and ensuring the constitutional rights of IDPs to elect and be elected, for instance, Ethiopia issued the Electoral Proclamation No. 1162/2019, followed by a Directive No.13/2021, which are considered major headways in the meaningful enfranchisement and inclusion of IDPs, and in guaranteeing their political participation through 'special polling

stations' (EHRC, 2022b). However, in the 2021 national election, 'restrictive residency and documentation requirements, inadequate provision of absentee voting arrangements, lack of awareness and voters' education are among some of the obstacles that hindered ... [IDPs'] electoral rights' and particularly

those of women and disabled IDPs (Ibid). This disenfranchisement has deterred IDPs from representing their own interests – as documented in the exclusive political process and experiences of resettlers in the BSG region.

State Responses to IDPs in Ethiopia

With conflict and violence the main drivers of forced displacement, key informants noted that reconciliation is the way forward for the government as it seeks to build consensus and peaceful coexistence among the various conflicting ethnic groups and/or warring parties. Understanding the urgency for reducing the different societal and political conflicts, Proclamation 1102/2018 was declared for the formation of the Ethiopian Reconciliation Commission (ERC) (FDRE, 2019a). Despite the documentation of more than '370 traditional reconciliation and conflict resolution mechanisms', the first-ever such institution in Ethiopia has failed to bring tangible outcomes and consequently dissolved at the end of 2021 (Tsegaye, 2022). For instance, the ERC has failed to mediate between the federal and Tigray regional states due to their untenable 'pre-conditions' (Abiye, 2020). Following further engagements and pressure from the international community, however, the two main parties to the conflict in and around Tigray have agreed to a ceasefire and disarmament through an AU mediation process carried out in Pretoria, South Africa on 2 November 2022. This has prevented further displacements in Tigray, Afar and Amhara regions, but finding durable solutions for the more than 2.5 million IDPs requires a deeper understanding of their post-conflict needs and looking for measures that promote sustainable peace and livelihoods.

Besides addressing the large-scale conflict in the northern Ethiopia, in order to end the cycle of violence in other regions, some local level initiatives have taken place – for instance, the BSG region signed an agreement with some armed groups to stop violence – though the situation is still fragile and attacks on civilians continue.

In promoting reconciliation, the National Dialogue Commission (NDC) (Proclamation No.1265/2021) which aims to 'resolve the differences and disagreements through broad-based inclusive public dialogue that engenders national consensus' (FDRE, 2021) was established. However, NDC has attracted criticism as it ignored 'procedural fairness and inclusivity' (SIHA Network et al., 2022). For instance, of the '42 nominees shortlisted ... , only 4 were women, and of the finally selected 11 commissioners, only 3 are women' (Ibid). Furthermore, there is a 'deep trust deficit' and its legitimacy is being questioned by the Ethiopian Political Parties Joint Council (EPPJC) which called for its 'review' (Ekubamichael, 2022) and having a 'third party facilitator to lead the process' (Yared, 2022:20). Despite such critical views and a volatile political environment, NDC could play a role in conflict transformation and transitional justice by creating a conducive environment for durable solutions - through inclusive and grassroots approaches and listening to the voices of IDPs and host communities.

i Ethiopia Durable Solutions Initiative (DSI)

Endorsing the Strategic Plan to Address Internal Displacement in Ethiopia and the Internally Displaced Persons (IDP) Recovery Plan in April 2019 (IOM, 2022b); and within the premise of the global imperative of scaling up interventions and the Kampala

Convention to bring durable solutions to IDPs, Ethiopia (jointly with the UN) launched a Durable Solutions Initiative (DSI) in December 2019. The DSI sets a 'principled operational framework and platform to design and implement durable solutions in support of IDPs in Ethiopia and host communities at locations of return, relocation or local integration' (Ministry of Peace and UN Ethiopia, 2019).

Its ultimate objective is to 'support political ownership and leadership at the highest level, ensure community engagement, as well as linking up the necessary humanitarian, development, and peace actors to support durable solutions for IDPs' (Ibid:2). With about 80 members, as Figure 3 depicts, DSI is governed by the National Disaster Risk Management Commission (NDRMC)-led federal Durable Solutions Working Group (DSWG) and co-chaired by IOM and the UN Resident Coordinator's Office (RCO) and implemented across its regional states.

The Gedeo (SNNP) –Guji (Oromia) clashes which led to an estimated 818,250 ethnic Gedeo IDPs (OCHA, 2018) was one of the triggering events for the government to consider the DSI – a very large number of displaced persons within short span of time, as the expert explained.

Given DSI is in its early stages, casting a verdict on its performance would be premature, not least because COVID-19 created an 'additional layer of complexity to relief operations' and developmental interventions (OCHA, 2021:34). Most interviewees agreed that following recent changes in Ethiopia demanding humanitarian responses, such as the increase in the number of IDPs, durable solutions are no longer a political priority. Despite the government plan to integrate 'durable solutions into the national development plan, and into national and sub-national urban and spatial development plans' (ReDSS, 2021:1), its impact has been very limited. That is, '[a]t

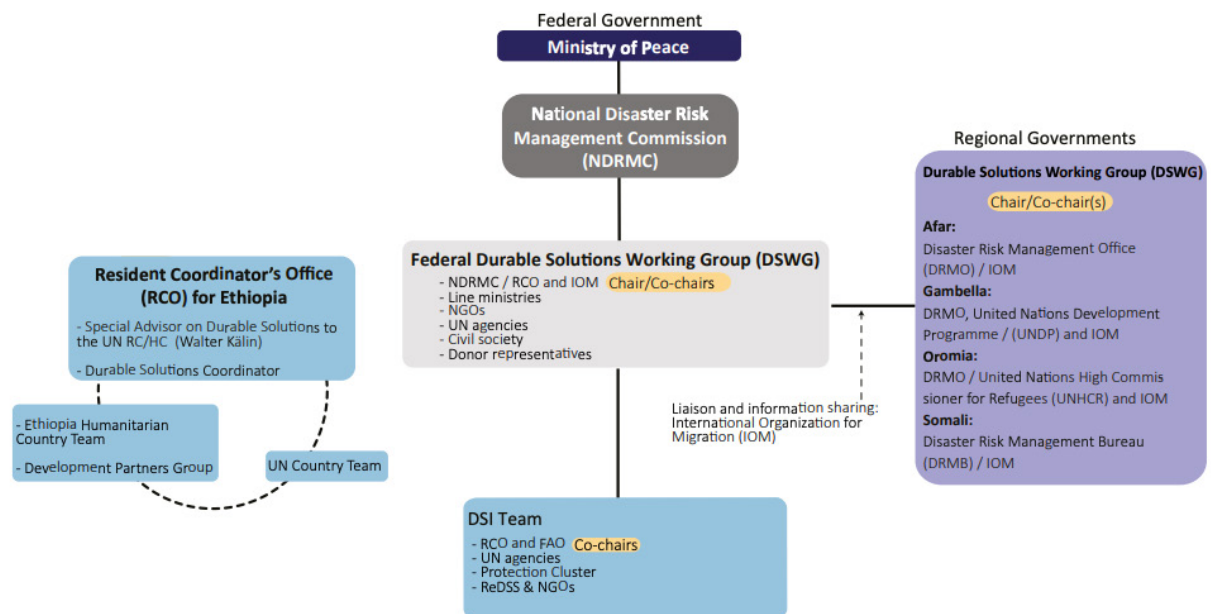


Figure 3. DSI within the federal and regional structure Source: UNHCR et al. (2020:84)

an operational level, there has been limited progress to date to support IDPs to find solutions' (UNHCR et al., 2020:85).

In general, the interviewees agree that there is a disparity within Ethiopia when it comes to actions taken in embracing durable solutions among the regional states, with the Somali region being commended for forming the DSWG and continuously showing their readiness to work with the approach for the integration, relocation and return outcomes of the DSI. However, as one respondent made clear, the general picture across the board is that the Federal government needs to invest more political will into durable solutions, whether they be local integration, relocation and/or return of IDPs:

The [IDP] issue has been hanging in the balance since 2016. No serious focus has been given to it, and that is why it is about to turn into a protracted situation. The government has also ratified the Kampala Convention and the DSI Yet [their] implementation ... needs an investment and that is where we need the government to give appropriate attention.

Furthermore, despite international actors' advocacy and initial technical and financial

support for durable solutions, funding 'remains extremely limited' which 'illustrates a structural challenge in the international financing system, whereby there is reluctance among some donors to mobilise additional funding to support for durable solutions' (ReDSS, 2021:1-2).

Considering the acute need for resources and responding to the IDPs problem, the UN has recently called for the international donor community and financial sectors to urgently 'scale up flexible and long-term financing for IDP-inclusive services...[and] predictable, catalytic financing to help jump-start the solutions process in relevant country contexts' (UN, 2022:13). The IDP funding in Ethiopia has been supported through the federal government budget with contributions from development partners including resources from emergency and post-crisis programming funds like a Rapid Response Fund (RRF). However, there is 'no [a] dedicated financing architecture to support displacement solutions' and this shows 'disconnected humanitarian and development aid coordination systems and sets of actors' (Ibid:16). According to one expert interviewee, the IDP financing lacks a resource pooling mechanism that takes multisectoral and multi-year programming into consideration.

ii Integration, Relocation and Return

Beyond immediate humanitarian responses, as per the Kampala Convention, IDPs should be allowed 'to make a free and informed choice' on the options that guarantee their safe return, their integration locally, or their relocation (African Union, 2009). According to Principle 6(3) of the UN Guiding Principles, '[d]isplacement shall not last longer than required by the circumstances' (UNCHR, 1998). For instance, in most of the

cases, IDPs are hosted in public buildings, mainly schools converted into IDP camps, which are unsuitable accommodations (Desalegn, 2022) and negatively affect the host communities children's access to educational services, as per the DSI expert interview.

Therefore, each of the three options for IDPs - to return to their place of origin, integrate

locally or settle in inter-regional or intra-regional state settlements - should be made available through identifying the right settlement areas, sustainable livelihood systems and ensuring peaceful coexistence with the host communities. Once displaced or re-displaced, IDPs tend to prefer to return to their place of origin. However, it may be difficult due to 'livelihood loss, destruction of [productive] assets, or continuing insecurity' (Muhumed et al., 2021). Furthermore, as Alexion et al. argued '[w]hen IDPs arrive at their destination, their previous livelihoods may now be much less feasible than before' (2021). For instance, for those Somali IDPs who were 'displaced from highly fertile areas in Oromia region', it would be difficult to get the same ecological setting in Somali region (Muhumed et al., 2021:2). In most cases, loss of income as a result of internal displacement occurs. IDPs may eventually be able to find new income-generating activities in their host area, but this takes time. A survey conducted with 156 IDPs in Liaanmo, Gode woreda of Somali region of Ethiopia in 2021 showed that while 42% were able to continue the same source of livelihood, 47% lost their earnings and became unemployed, and the remaining 11% were forced to change their source of earnings (Cazabat and Yasukawa, 2021:8). Durable solutions require household-based, tailored interventions to improve livelihoods.

One pathway to a durable solution relies on local integration. In Ethiopia, depending on the regional states and the communities involved in hosting the IDPs, reactions to local integration vary. For instance, as documented in the Somali region, some host communities have been welcoming and have provided full support for people displaced from Oromia and Afar regions, as they shared their concerns, notwithstanding long-term

local resource sharing challenges (Muhumed et al., 2021). Experts interviewed said the top priority of the Ethiopian government is return, though concerns have been raised by civil society organisations about the pre-conditions for facilitating such processes. Indeed, as mentioned at the beginning of this report based on IOM-Ethiopia's Displacement Tracking Matrix (DTM) 'there were an estimated 1.66 million returning IDPs (399,750 households)' in Ethiopia – mainly to their places of origin (2022a). Given the ceasefire agreement signed in Pretoria last November, IDPs in Tigray, Afar and Amhara regional states are expected to return to their pre-conflict homes. Despite the fact the IDPs need durable solutions, the government should ensure such places of return are safe and free from inter-ethnic conflicts.

In respect of the government's actions to date, policy has been least successful where it involved 'premature returns to areas where root causes of initial displacement are not addressed' (UNHCR et al., 2020). Despite the eminent life-threatening risk posed to IDPs, in some instances, government officials have used unnecessary pressure to return them to their places of origin, as confirmed by the key informants. As a consequence of such involuntary measures, 15,000 Gedeo returnee IDPs fled West Guji, Oromia region again in December 2019 (Gardner, 2019). Furthermore, one interviewee suggested the government refrain from withdrawing humanitarian assistance for IDPs' involuntary returns. As the review of Muhumed et al. in three locations in the Somali region — Tuliguled, Goljano and Adadle districts — reveals, the main challenges of the DSI have been in providing adequate financial support and access to fertile arable land for IDPs to make

them 'financially independent and to not rely on assistance for survival' (2021:24). The review also suggests that 'an increase in data, financial resources, organisational capacity,

and political will' (Ibid) is necessary if the DSI is to have a lasting impact on the lives of IDPs.



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IDP relocation site in Goljano District, Fafan zone of the Somali regional state in Ethiopia, May 1, 2021.

iii Actors and institutions

The role of actors and institutions in deterring displacement and providing timely responses is crucial to creating a stable society and remaining prepared for emergencies and developmental purposes. Enacted IDP laws and policies require an institutional mechanism for effective delivery and implementation at national and local levels. An expert involved in durable solutions' intervention in Ethiopia described the problem thus:

The state has the primary responsibility to take care of IDPs. [As] they are citizens of the country that they live in and therefore have every right that other citizens enjoy. The international community or other non-state actors have a supplementary and/or complementary role. ..., but do not replace its role.

This puts the state at the centre of IDP policy and programming, while also requiring effective development partners' long-term, targeted intervention. However, the state's institutional architecture is missing a coordination component.

Therefore, as the DSI as well as the Kampala Convention require, durable solutions should have a designated institution for coordinating the multisectoral and multilateral tasks as well as pooling the resources needed.

Different institutional architectures have enabled implementation of existing fragmented legal frameworks and other interventions. They have aimed mainly to deliver immediate humanitarian assistance but have been less effective in devising long-term durable solu-

tions for IDPs. Unlike the Administration for Refugees and Returnees Service (RRS) that deals with refugees and returned migrants in Ethiopia, there is no a single government structure solely responsible for IDPs – despite the severity of the problem and the intricate nature of internal displacement and the multifaceted nature of the actors' circle of influence. Regardless of the presence of such platforms, most government structures prioritise emergency and post-crisis assistance, and focus less on prevention. The ability of such institutions to provide a durable solution to IDPs is also considered to be limited, as described by one of the interviewees: 'Institutional capacities are very weak in many parts of Ethiopia that host IDPs'.

Within this decentralised approach, however, the NDRMC has been established in 2015 under Council of Ministers Regulation No. 363/2015 for disaster prevention and response coordination at the national level, including coordinating pertinent government and non-government agencies to provide humanitarian assistance for IDPs – implementing its annual inter-agency Humanitarian Response Plan (HRP). Meanwhile, the policy indicates the Ministry of Peace will also be responsible for monitoring and responding to conflict related disasters and displacement. The Ministry of Peace, the NDRMC, the EHRC and the Ethiopian

Human Rights Council (EHRCO) are among the main national actors entrusted with the promotion and protection of human rights of IDPs by monitoring and investigating cases of human rights violation. Moreover, civil society and international organisations such as the Ethiopian Red Cross Society, ICRC, OCHA, UNHCR and Norwegian Refugee Council (NRC), among many others, also engage in providing humanitarian assistance to IDPs.

The Inter-Agency Standing Committee (IASC) cluster system at national and sub-regional levels is also established to coordinate IDP response. The clusters, led by different agencies, include Camp Coordination and Camp Management (CCCM), Emergency Shelter and Non-Food Items (ES/NFI) and WASH clusters. Other coordination groups include the disaster risk management technical working group (DRMT-WG), the inter-cluster coordination group (ICCG) and the inter-agency accountability working group (IAAWG). Moving away from this cluster and working group franchised institutional system is necessary to develop a 'Whole-of-Government Approach'. It must be led by a designated displacement-focused commission or entity that can harmonise and coordinate the work of otherwise fragmented entities.

Conclusion and Recommendations

Gaps and challenges

In addressing the present IDP crisis in Ethiopia, this paper has sought to understand why many existing laws protecting IDPs are not applied. It has also set out to establish several areas in which critical legal, policy and institutional gaps exist, in which suggested new laws and policies are required. The following is a summary of these gaps and challenges in the implementation of extant legal protections. The task of understanding each of these is integral to the analytical foundations of any new way forward, out of crisis and towards durable solutions:

i The peace and security regime and its impacts in terms of mass displacement.

In the last few years, a lack of effective preventive security has been the primary driver of displacement and re-displacement of people in Ethiopia. The federal and regional security strategies and institutional structures have failed to guarantee civilians' physical protection and their livelihoods (EHRC, 2022a; Ashine, 2021). Evidence, inter alia, from Oromia, BSG and Somali regional states reveals people have been exposed to ethnic-based, widespread and systematic killings. Some have been burned to death while they were in their homes. Displaced people have been killed in resettlement areas by state-affiliated forces, militias and/or unidentified armed groups (Birhanu, 2020). Regional state officials have been complicit in some attacks that pushed minorities and resettled groups out of regions such as Oromia and BSG (FBC, 2020). As measures intended to restore peace, state responses have included forming command posts and 'a new multi-ethnic self-defence militia', measures that brought brief stability but failed to bring sustainable peace in the particular localities concerned (Gerth-Niculescu, 2021). Despite the recent AU-mediated cessation of hostilities agreement between the federal government and the TPLF, peace and reconciliation efforts have so far failed to bear any fruit with respect to the many ongoing intercommunal conflicts. A change in institutional names, such as renaming the ERC to EDC, or changes in personalities or structures without any substantive measures, cannot reduce the suffering of IDPs (Tsegaye, 2022). Only preventive security strategies developed through a deep understanding of the evolution of the conflicts and a suitable policy and institutional system can help to reduce the number of people displaced and their suffering.

ii The need for a comprehensive IDP law and legal protection.

In the absence of a global, legally binding instrument under international law like for refugees, Cantor argues 'the protection of IDPs tends to be viewed as a matter of policy rather than law', nonetheless, 'a distinct field of IDP law is now emerging' (2018:191). In general, there are two streams of thought on introducing legal reforms or strengthening

the implementation of existing IDP related policies. Some call for the review of relevant laws and systems in order to address IDPs' human insecurity. Others question the focus on calls for legal reforms, as the 'real challenge remains respect for, rather than development of, the law' (Droege, 2008:9).

One of key experts consulted for this paper, from the Somali region, prioritised effective implementation of the existing legal frameworks, rather than bringing in new laws: 'The problem [in] Ethiopia has not been due to a lack of laws, but due to the lack of implementation of the existing laws, policies and strategies. ... The institutional and legal framework is there to protect IDPs. The Kampala Convention, the constitution, the National Durable Solutions Initiative, etc. are all documents that protect IDPs at different levels. Therefore, we need to focus on implementation capacity and no longer dwell on laws and policies'. However, most others held strong views emphasising the importance of having a comprehensive IDP law to protect IDPs from being forcibly

displaced and to defend their rights within the legal system. They highlighted the importance of capacity building, securing political will, and implementation, but underscored the need for an IDP law that can strengthen the legal system.

Looking at the experiences of other countries can give us some understanding on issues around the IDP law. In 2021, Oxford Pro Bono Publico (OPBP) of the University of Oxford carried out a survey on IDPs' legal protection in eight states. They found that, despite all states having 'laws or policies', some have 'special comprehensive legislations' (Colombia, El Salvador and Niger); others have 'special comprehensive national policies' (Nepal and Uganda); others still have a 'basket of legislations and policies addressing various aspects of internal displacement' (The Philippines, Turkey and Ukraine) (OPBP, 2021:13). Ethiopia is one of the many countries with a 'bundle of legislations' on IDPs' (Ibid:10), lacking any comprehensive or overarching framework.

iii The adverse consequences of ethno-federalism's misinterpretation/misapplication at the regional level.

Ethiopia, with more than 80 ethnic groups, is one of the most diverse countries in Africa. Ethno-federalism has been the main constitutional framework for governing its ethnic diversity over the last three decades. Its instrumentalisation has had profound implications, exacerbating the risks of violent conflict, migration and displacement, because displacement governance is subject to ethno-local intercommunal relationships. Ethno-federalism has accorded greater powers to Ethiopia's 'nations, nationalities and peoples' (FDRE, 1995). However, while

it has recognised the rights of these people, it has failed to accord effective protection to minorities and displaced communities within the regional states, under both the national and the regional constitutions, while disadvantaging those who are displaced and/or resettled, as well as minority groups in majority ethnic group states.

Moreover, following the ethno-federal based redrawing of regional states in 1995, land claims have led to numerous local conflicts that have displaced many people. This was

the case, for instance, in the Afar-Somali border conflict which affected mainly the Adaytu, Undufo, and Garba-Issa administ-

rative areas. Since 2019, clashes of this kind have displaced more than 150,000 people into Sitti, Somali region (Hadi, 2022).

iv The lack of coordination of actors and institutions in delivering integrated IDP-focused interventions.

Institutional fragmentation and the diverse interests and influence of multiple actors have hindered the uptake of proactive measures and durable responses to IDPs' struggles in Ethiopia. Interventions to support IDPs should be integrated with development policies. That is to say, they 'should go beyond shock responsive humanitarian assistance and consider sustainable livelihood supports' (UNHCR et al., 2020:86). As a regional DSI expert noted: 'The federal and regional states capacity in the humanitarian responses is relatively clear and effective. However, the main challenge remains with the integrated long-term durable solution

intervention that brings peacebuilding and alternative livelihood options to the IDPs'. He added: 'there is a lack of ownership and coordination for such durable solutions and the participation of IDPs is described as low or non-existent'. Developmental intervention requires significant investment, active engagement of the actors involved and an effective institutional structure to deliver integrated livelihood packages in Ethiopia – a point made by most of the experts interviewed. For IDP-focused resource pooling, the absence of a custom-built financing mechanism was also identified.

v Inclusiveness and the development of targeted interventions for specific social groups: women, youth and children.

The majority of IDPs are women, youth and children. They have also been the most vulnerable to killings and burnings in Ethiopia (Addis Insight, 2022). Given the low and unequal socio-economic status of women in society, their adaptive capacities are limited (Lailulo et al., 2015). As recent conflicts in northern Ethiopia have demonstrated, gender-based violence has been a particular threat to the human security of women and girls (Onabanjo, 2021). Moreover, as one DSI expert interviewed said, 'most interventions are generic and do not consider women's active participation in household livelihood planning, integration, relocation or return; nor are they engaged in labour-market oriented skills trainings'.

Youth have also been involved as active participants in conflict in Tigray, Amhara, Afar and Oromia. Integrated socio-economic packages are required that address national development needs and the aspirations of youth. However, we must go beyond explaining the behaviour of youth in terms of unemployment and the low opportunity costs of participation in conflict to examine the nature of their aspirations and the particular factors that draw youth into conflicts in different socio-economic contexts. Media outlets and social media should be afforded particular consideration, given their growing impact on Ethiopian youth.

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Short Bio

Bereket Tsegay (PhD) is a Research Associate at the SOAS, University of London and a Non-Resident Fellow of the African Studies Centre Leiden, the Netherlands. His research interests intersect conflict analysis, climate change, migration, policy and governance analysis.

Kiya Gezahegne (PhD) is an Assistant Professor of Social Anthropology at Addis Ababa University. She has worked on a range of migration-related projects, including the experiences of Ethiopian migrants in Gulf countries, migration management and livelihoods on the Ethiopia-Sudan border and a legal and policy analysis on forced displacement in Ethiopia.

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Kenya

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