

MEKELLE UNIVERSITY

SCHOOL OF LAW



**Title -Analyzing the Legal and Institutional Frameworks for Safeguarding Internally
Displaced Persons (IDPs) in Ethiopia and Special Focus in Tigray**

*A Thesis Submitted to the School of Law, Mekelle University in Partial Fulfillment of the
Master of Laws (LL.M) in International Human Rights Law.*

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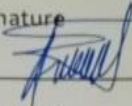
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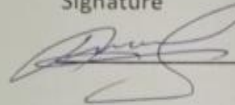
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Acronyms

(BBR)	-Building Better Response
(IDMC)	Internal displacement Monitoring Center
ACJHR	African Court of Justice and Human Rights
AFP-	Ajance France press
CEDAW Women	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DTM-	Displacement Tracking Matrix
EHRC	Ethiopian Human Right commission
ENDF	Ethiopian National Defense Force
FAO	Food and Agriculture Organization
FDRE	Federal Democratic Republic Ethiopian
GBV	Gender-Based Violence
GC	Geneva Convention
GP	Guiding Principles
IASC	Inter Agency Standing Committee
ICCPR	International Covenants on Civil and Political Rights
ICESCR	Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced persons
IFRC	International Federation of Red Cross and Red Crescent Societies
IHL	International Humanitarian Law
INGO	International Non-Government Organization
IOM	International Organization for Migration
IRC	International Rescue Committee

JIT	Joint Investigation Team
MoWCYA	Minster of Women Children and Youth Affairs
MSF	Médecins Sans Frontières
NFIs	Non-Food Items
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PTSD	post-traumatic stress disorder
TPLF	Tigray people’s Liberate front
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population, Fund
UNHCR	United Nations Higher Commission for Refugees
UNICEF	United Nations Children’s Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs)
US	United States
USAID	United States Aid international development
WASH	Water Sanitation and hygiene
WFP	World Food Programme
WHO	World Health Organization
ID	Identification Card

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Abstract

This thesis critically examines the legal and institutional frameworks for the protection of Internally Displaced Persons (IDPs) in Ethiopia, with a special focus on the Tigray region. Despite hosting one of the largest IDP populations in Africa, Ethiopia lacks a comprehensive and binding legal and institutional framework dedicated to address the rights and needs of IDPs. This contrasts with the robust protections available to refugees under international law. The absence of constitutional provisions for conflict-induced displacement and the reservation placed by Ethiopia upon ratifying the Kampala Convention underscore these gaps.

The research employed a qualitative Desk review analysis of international, regional, and national legal instruments, this thesis demonstrates that IDPs in Ethiopia particularly in Tigray are systematically left behind. Drawing upon field reports, agency publications, and academic commentary, this work identifies critical deficiencies in existing Ethiopian policies and legal mechanisms. It concludes that durable legal reform and institutional commitment are necessary to bridge the protection gap. This thesis affirms the urgent need for structural reforms to protect the dignity and rights of IDPs. Without comprehensive legal frameworks and operational institutions, displaced persons in Ethiopia and beyond will remain vulnerable to neglect, abuse, and statelessness within their own borders. The experience of Tigray must serve as a catalyst for rethinking IDP protection at all levels of governance.

Key words; Internally Displaced Persons (IDPs), Legal framework, Tigray Crisis

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Chapter One: Introduction

1.1 Background of the Study

Internal displacement has emerged as a complex and pressing global issue, affecting over 71 million people as of 2022, with 65.5 million displaced by conflict and violence alone. Africa remains the most affected continent, accounting for approximately 45% of the world’s internally displaced persons (IDPs), with Ethiopia being the second most affected country after the Democratic Republic of Congo. The conflict in Tigray, which erupted in late 2020, has significantly worsened this humanitarian crisis, forcing millions of people to flee their homes under dire conditions, often without adequate protection, assistance, or legal recourse.¹

Despite the magnitude of internal displacement in Ethiopia, the country lacks a comprehensive legal and institutional framework specifically tailored to the needs of IDPs. Existing national laws such as the FDRE Constitution, the 2013 National Policy and Strategy on Disaster Risk Management, and provisions from the criminal code offer fragmented protections that fall short of addressing the multifaceted vulnerabilities of displaced populations.² The recently ratified Kampala Convention, although a step forward, is limited in scope due to Ethiopia’s reservations; particularly on provisions related to compensation and state accountability before the African Court on Human and Peoples’ Rights.³

At the international level, the 1998 UN Guiding Principles on Internal Displacement remain soft law instruments, offering important normative guidance but lacking binding enforcement mechanisms.⁴ As a result, the responsibility for IDP protection is often left to the discretion of states, many of which lack the political will or capacity to implement even the minimal standards outlined by humanitarian frameworks such as the Sphere Handbook.⁵

¹Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2023* (Geneva: IDMC, 2023), <https://www.internal-displacement.org/global-report/grid2023>

² Girma, Biruk. “The Human Rights Protection of Internally Displaced Persons in Ethiopia: Examining the International, Regional and Ethiopian Normative Frameworks.” *Jimma University Journal of Law* 15 (2023): 68–94.

³ Addadzi-Koom, Maame Efua. “Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms.” *Journal of African Law* 67, no. 3 (2023): 329–347. <https://doi.org/10.1017/S0021855323000219>

⁴ United Nations, *Guiding Principles on Internal Displacement*, 2nd ed. (Geneva: OCHA, 2004).

⁵ Sphere Association, *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response* (Geneva: Sphere Association, 2018), 36–37.

Scholars such as Walter Kälin argue that this normative gap creates a "protection vacuum" where IDPs are often left without effective legal safeguards, unlike refugees who benefit from binding instruments like the 1951 Refugee Convention.⁶ Similarly, Addadzi-Koom notes that although the Kampala Convention is the first binding regional treaty for IDPs, it remains under-implemented due to weak enforcement mechanisms and the absence of clear institutional accountability structures.⁷

The situation in Tigray exemplifies this gap in both protection and accountability. Multiple reports by the Ethiopian Human Rights Commission (EHRC), UN agencies, and humanitarian actors have documented widespread rights violations among displaced populations, including lack of access to food, water, healthcare, education, and justice.⁸ IDPs in Tigray live in overcrowded shelters without basic services, often relying on the host community for survival in the absence of meaningful state intervention.⁹ These conditions not only violate the dignity of IDPs but also highlight Ethiopia's failure to fulfill its legal obligations under both domestic and international law.

Given this context, there is an urgent need to critically examine Ethiopia's legal and institutional response to internal displacement, particularly in Tigray. This research seeks to fill that gap by analyzing the existing normative frameworks at the international, regional, and national levels and identifying areas for legal and policy reform that can lead to durable solutions for IDPs.

1.2 Statement of the Problem

Despite being home to one of the largest populations of internally displaced persons (IDPs) in Africa, Ethiopia has no unified legal or institutional framework specifically dedicated to their protection. Internal displacement in Ethiopia is driven by a combination of armed conflict, political instability, ethnic violence, and natural disasters. The recent conflict in Tigray has

⁶ Kälin, Walter. "Consolidating the Normative Framework for IDPs." *International Journal of Refugee Law* 30, no. 2 (2018): 314–317. <https://doi.org/10.1093/ijrl/eev026>

⁷ Addadzi-Koom, "Breathing Life into the Kampala Convention," 333–335

⁸ Ethiopian Human Rights Commission (EHRC) and OHCHR, *Joint Investigation into Alleged Violations of International Human Rights and Humanitarian Law in Tigray*, November 2021, 9–10.

⁹ *Ibid.*, 7–9.

exposed the deep structural and legal failures of the Ethiopian state in addressing IDPs' rights and needs.¹⁰

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) does not contain specific provisions recognizing or protecting the rights of IDPs, particularly those displaced due to conflict. While some general rights such as the right to life, equality, property, and freedom of movement can be extended to IDPs by virtue of citizenship, there is no recognition of their distinct vulnerabilities or any coordinated legal protection.¹¹ The recently ratified Kampala Convention, though a binding regional instrument, is undermined by Ethiopia's reservations on critical aspects such as compensation and state reporting obligations.¹²

Internationally, IDPs remain a legally under protected group, unlike refugees who benefit from the 1951 Refugee Convention. The UN Guiding Principles on Internal Displacement, while widely accepted, are non-binding, and there is no global treaty for IDP protection. As Cantor explains, the IDP issue in international law remains fragmented, shaped more by soft norms and state discretion than enforceable rights.¹³

This legal vacuum contributes to fragmented institutional responses. In the Tigray region, IDPs have reported widespread human rights violations, including forced starvation, denial of humanitarian access, destruction of property, gender-based violence, and inhumane living conditions in overcrowded shelters.¹⁴ Ethiopia's national policy on disaster management does not adequately address displacement caused by conflict, and its Draft IDP Proclamation (2022) still lacks clarity, enforcement capacity, and inclusivity more it is pending on the table.¹⁵

The absence of a designated national body with legal responsibility for IDPs leads to institutional confusion and ineffective response coordination. Reports confirm that displaced people in Tigray

¹⁰ Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2023* (Geneva: IDMC, 2023), <https://www.internal-displacement.org/global-report/grid2023/>.

¹¹ Girma, Biruk. "The Human Rights Protection of Internally Displaced Persons in Ethiopia: Examining the International, Regional and Ethiopian Normative Frameworks." *Jimma University Journal of Law* 15 (2023): 70–74.

¹² Addadzi-Koom, Maame Efua. "Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms." *Journal of African Law* 67, no. 3 (2023): 333.

¹³ Cantor, David James. "'The IDP in International Law'? Developments, Debates, Prospects." *International Journal of Refugee Law* 30, no. 2 (2018): 191–217. <https://doi.org/10.1093/ijrl/eey031>.

¹⁴ Ethiopian Human Rights Commission (EHRC) and OHCHR, *Joint Investigation into Alleged Violations of International Human Rights and Humanitarian Law in Tigray*, November 2021, 9–10.

¹⁵ Jimma University Journal of Law, "Draft Proclamation on the Protection and Assistance of IDPs in Ethiopia," vol. 15 (2023): 85–90.

are often left without food, water, sanitation, or access to justice, relying heavily on overwhelmed host communities or NGOs.¹⁶

Hence, this research investigates the extent to which existing legal and institutional frameworks in Ethiopia and at the international and regional levels fail to safeguard the rights of IDPs, with a special focus on the lived experiences of displaced persons in Tigray.

1.3 General Objective

To critically assess an advocate for the development of a comprehensive legal and institutional framework for safeguarding the rights and welfare of Internally Displaced Persons (IDPs) in Ethiopia, with a special focus on conflict-induced displacement in the Tigray region.

1.4 Specific Objectives

- To examine the effectiveness and limitations of international and regional legal instruments governing the protection of IDPs, particularly during armed conflict.
- To assess the relevance and applicability of Ethiopian constitutional and legal provisions to the protection of IDPs.
- To identify gaps between legal norms and practical realities, drawing on documented cases of human rights violations against IDPs in Tigray.

1.5 Scope of the Study

This study is limited to analyzing the legal and institutional frameworks relevant to the protection of internally displaced persons in Ethiopia, with a geographical focus on the Tigray region during and after the 2020–2022 conflict. It covers:

- The international, regional, and national legal instruments applicable to IDPs.
- The role of domestic institutions responsible for IDP support and protection.
- The actual implementation gap is witnessed through case studies and reports on Tigray IDPs.

¹⁶ EHRC, *Brief Monitoring Report about IDPs in Tigray*, February 2021, 7–8.

1.6 Significance of the Study

This thesis addresses a crucial protection gap in Ethiopia's legal and policy landscape. By highlighting inconsistencies, it contributes to ongoing legal reform efforts. Specifically, the study:

- Offers policy-relevant analysis that can inform Ethiopia's legislative work on IDPs, including improving the draft proclamation.
- Strengthens the argument for constitutional reform or the inclusion of conflict-induced displacement as a specific legal category.
- Serves as an advocacy tool for civil society, legal practitioners, and humanitarian organizations seeking to protect the rights of IDPs.
- Provides an academic foundation for future research on the intersection of conflict, displacement, and legal accountability in Ethiopia.

1.7 Literature Review

The academic and policy discourse on internal displacement emphasizes a persistent normative and institutional gap in the protection of internally displaced persons (IDPs), especially in conflict-prone states like Ethiopia. Despite increasing recognition of their plight, IDPs remain among the least protected populations globally. The Tigray crisis starkly illustrates the absence of legal, political, and humanitarian safeguards, revealing the weaknesses of Ethiopia's existing frameworks and the limitations of international norms.

1.7.1 The Global Protection Gap for IDPs

Unlike refugees who are protected by the 1951 Refugee Convention and its Protocol, IDPs lack a binding international treaty. The UN Guiding Principles on Internal Displacement (1998) have served as a soft-law instrument, offering important principles of protection, but without legal force or accountability mechanisms.¹⁷ As Walter Kälin argues, the Guiding Principles, while

¹⁷ United Nations, *Guiding Principles on Internal Displacement*, 2nd ed. (Geneva: OCHA, 2004).

normatively rich, are “politically endorsed but legally non-binding,” creating a vacuum in enforcement and state responsibility.¹⁸

Similarly, David Cantor underscores the fragmented nature of international law on IDPs, stating that there is “no single coherent body of international law governing internal displacement,” which leaves most displaced persons reliant on weak and discretionary national systems.¹⁹ Roberta Cohen also emphasizes that the absence of a binding instrument continues to marginalize IDPs within both humanitarian and legal frameworks.²⁰

The Brookings-Bern Project further contends that durable solutions for IDPs are often undermined by institutional fragmentation, weak national capacities, and lack of legal clarity challenges that are particularly acute in fragile states.²¹ As Grandi notes in his message to the 2022 UNHCR Global Report, legal instruments that exist “do not take into account the crisis-specific needs of IDPs,” and most states lack tailored legal frameworks that clearly allocate responsibilities.²²

1.7.2 Regional Responses and Limitations: The Kampala Convention

Africa stands out as the only region to adopt a binding treaty on internal displacement in the Kampala Convention (2009). This instrument obligates states to prevent displacement, protect IDPs, and facilitate durable solutions. However, implementation remains weak. As Addadzi-Koom notes, while the Convention offers a strong legal basis, “the absence of domestic enforcement mechanisms in many states including Ethiopia undermines its practical effect.”²³

Ethiopia ratified the Kampala Convention in 2020, but with reservations on critical provisions such as compensation and state accountability to the African Court on Human and Peoples’

¹⁸ Kälén, Walter. “Consolidating the Normative Framework for IDPs.” *International Journal of Refugee Law* 30, no. 2 (2018): 314–317. <https://doi.org/10.1093/ijrl/cey026>.

¹⁹ Cantor, David James. “‘The IDP in International Law’? Developments, Debates, Prospects.” *International Journal of Refugee Law* 30, no. 2 (2018): 191–217.

²⁰ Cohen, Roberta, and Francis M. Deng. “Developing the Normative Framework for IDPs.” *International Journal of Refugee Law* 30, no. 2 (2018): 310–313.

²¹ Brookings-Bern Project on Internal Displacement. *IASC Framework on Durable Solutions for Internally Displaced Persons* (Washington, D.C.: Brookings Institution, 2010), 6–8.

²² UNHCR, *Global Report on Law and Policy on Internal Displacement* (Geneva: Global Protection Cluster, 2022), 5.

²³ Addadzi-Koom, Maame Efua. “Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms.” *Journal of African Law* 67, no. 3 (2023): 333–335.

Rights.²⁴ Scholars like Ojeda and Dieng recognize the Convention’s transformative potential but also highlight that states often “fail to translate regional obligations into actionable domestic law.”²⁵ This is true for Ethiopia, where the ratification has not yet to result in meaningful institutional reform or legal guarantees for IDPs on the ground.

1.7.3 The Ethiopian Context: Fragmented Frameworks and Institutional Weakness

Ethiopia provides a textbook case of legal and institutional fragmentation in the protection of IDPs. According to Girma, the existing laws including the Constitution, the Disaster Risk Management Strategy (2013), and criminal law offer only generalized protections, with “no single comprehensive instrument that defines, protects or governs the condition of IDPs.”²⁶

Regasa and Lietaert similarly argue that Ethiopia’s approach to internal displacement remains “invisible in law and policy,” with an operational understanding that excludes displacement caused by state-sanctioned actions such as resettlement.²⁷ This omission violates the Kampala Convention and Guiding Principle 6, which prohibit arbitrary displacement by the state. The Draft IDP Proclamation No./2022, while a positive gesture, suffers from vague terminology and prioritizes “public interest” over the rights of displaced persons a loophole that could justify forced displacement under development pretenses.²⁸

The Heinrich-Böll Foundation’s 2021 report further notes that Ethiopia lacks a centralized institutional mechanism to coordinate IDP protection. Displacement responses are often ad hoc, fragmented across ministries, and lacking accountability.²⁹ The report calls for an “urgent adoption of a clear legal and institutional framework” anchored in the Kampala Convention and supported by a designated authority at both federal and regional levels.³⁰

²⁴ Jimma University Journal of Law. “Draft Proclamation on the Protection and Assistance of IDPs in Ethiopia.” Vol. 15 (2023): 85–87.

²⁵ Dieng, Adama. “Protecting Internally Displaced Persons: The Value of the Kampala Convention as a Regional Example.” *International Review of the Red Cross* 99, no. 1 (2017): 270–275.

²⁶ Girma, “The Human Rights Protection of Internally Displaced Persons in Ethiopia,” 73–74.

²⁷ Regasa, Dereje, and Ine Lietaert. “In Search of the Invisible People.” *Refugee Survey Quarterly* 41, no. 2 (2022): 326–328. <https://doi.org/10.1093/rsq/hdab022>.

²⁸ Ethiopian Draft Proclamation No. .../2022, Article 3.

²⁹ Heinrich-Böll-Stiftung. *Internal Displacement in Ethiopia: Towards a New Policy and Legal Framework*, 2021, 11.

³⁰ *Ibid.*, 17–19.

1.7.4 Humanitarian Realities: The Case of Tigray

The Tigray conflict offers a tragic example of how legal and institutional failures translate into human suffering. As documented by the Ethiopian Human Rights Commission (EHRC) and UNOCHA, displaced persons in Tigray have experienced food shortages, lack of medical care, unsafe shelters, and a complete absence of government-led support.³¹ Host communities carried over 70% of the burden, while IDPs were subjected to “dehumanizing living conditions,” with many lacking even basic identification documents.³²

Reports from the Lowenstein Human Rights Clinic confirm that the Ethiopian government’s siege strategy, including restrictions on aid and destruction of infrastructure, constituted violations of international humanitarian law.³³ The Sphere Handbook, though offering minimum standards for humanitarian aid, remains largely ineffective in contexts like Tigray, where state obstruction severely limits implementation.³⁴

1.8 Research Questions

This thesis is guided by the following central and subsidiary research questions:

1. What legal and institutional frameworks currently exist at the international, regional, and national levels to protect internally displaced people (IDPs)?
2. To what extent do these frameworks address the specific vulnerabilities of conflict-induced IDPs, particularly in the Tigray region of Ethiopia?
3. What are the main legal and institutional gaps in Ethiopia’s response to internal displacement?
4. How can Ethiopia strengthen its normative and institutional mechanisms to ensure better protection of IDPs during armed conflicts and humanitarian crises?

³¹ Ethiopian Human Rights Commission (EHRC), *Monitoring Report on the Situation of IDPs in Tigray*, February 2021, 7–8.

³² *Ibid.*, 8–9.

³³ Lowenstein Human Rights Clinic, Yale Law School. “*All of Us Are in Constant Hunger*”: *Ethiopia’s Responsibility for Starvation in Tigray*, June 2023, 7.

³⁴ Sphere Project, *The Sphere Handbook* (Geneva: Sphere Association, 2018), 40–45.

1.9 Research Methodology

This study adopts a qualitative legal research approach grounded in doctrinal analysis and comparative review. It relies primarily on desk-based document analysis of legal instruments, policy frameworks, human rights reports, and academic publications.

The methodology includes:

- Review of international soft and hard law instruments such as the UN Guiding Principles on Internal Displacement, the Geneva Conventions, and relevant human rights treaties.
- Analysis of regional legal frameworks, notably the Kampala Convention and AU instruments relevant to internal displacement.
- Examination of Ethiopia's domestic legal framework, including constitutional provisions, the National Policy on Disaster Risk Management (2013), and the Draft IDP Proclamation No./2022.
- Use of case studies and reports focused on the Tigray region to illustrate the practical protection gap.

The approach is supported by the IASC Framework on Durable Solutions for IDPs, which emphasizes multi-level legal, political, and institutional review to assess the adequacy of protection and assistance systems.³⁵

1.10 Limitations of the Study

While this study offers a critical and timely analysis, several limitations must be acknowledged:

- Studying is limited to secondary data. No primary fieldwork was conducted due to time, access, and security constraints in Tigray.
- The focus is mainly legal and institutional and does not cover the full spectrum of humanitarian operational responses.

³⁵ Brookings Institution – University of Bern, *IASC Framework on Durable Solutions for Internally Displaced Persons* (Washington, D.C.: Brookings Institution, 2010), 3–4. <https://www.brookings.edu/idp>.

- The scope is geographically narrowed to Ethiopia, with emphasis on Tigray. While this allows for detailed analysis, it may limit broader generalizations.
- Some documents and laws cited (e.g., the Draft IDP Proclamation) may not reflect final versions or implementation outcomes, given the evolving legal landscape.

Despite these limitations, the research contributes significantly to academic and policy debates on internal displacement and can serve as a foundational study for future empirical or interdisciplinary research.

Chapter Two: International Legal Frameworks and Guiding Principles Related to IDPs

2.1 Overview

Internally Displaced Persons (IDPs) face significant protection challenges globally due to the absence of a comprehensive and binding international legal regime. Unlike refugees, who are covered by the 1951 Refugee Convention, IDPs remain within their country of origin and fall primarily under the state’s jurisdiction. Consequently, the protection of IDPs is fragmented across various bodies of international law, including international human rights law, international humanitarian law (IHL), and soft law instruments such as the UN Guiding Principles on Internal Displacement.

Leading scholars, including Walter Kälin and Roberta Cohen, argue that although human rights and humanitarian law apply to IDPs in principle, they fail to provide adequate protection in practice, particularly during internal armed conflicts where state capacity and willingness to act are often compromised.³⁶

2.2 The Universal Declaration of Human Rights (UDHR)

The UDHR (1948) affirms fundamental rights applicable to all individuals, including IDPs. Articles 3, 5, and 13 guarantee the right to life, protection from inhuman treatment, and freedom of movement.³⁷ While these rights are universal, the UDHR is non-binding and lacks

³⁶ Kälin, Walter. “Consolidating the Normative Framework for IDPs.” *International Journal of Refugee Law* 30, no. 2 (2018): 314–317. <https://doi.org/10.1093/ijrl/eev026>.

³⁷ United Nations, *Universal Declaration of Human Rights* (1948), Articles 3, 5, 13.

enforcement mechanisms, making it an insufficient standalone tool for IDP protection during armed conflict or state collapse. That is the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported the Tigray Crisis was severe on humanitarian conditions in Tigray, with limited access to food, healthcare, and sanitation for IDPs regardless of the UDHR.³⁸

2.3 International Covenant on Civil and Political Rights (ICCPR)

The ICCPR (1966) codifies civil liberties such as the right to life (Art. 6), security of the person (Art. 9), and freedom of movement (Art. 12).³⁹ These provisions are relevant to IDPs but depend entirely on the state’s capacity and political will. In conflict zones like Tigray, where the state is often the perpetrator or absent, these protections become theoretical rather than practical.

As noted by Cantor, while IDPs are entitled to these rights, “there is no clear mechanism to ensure their implementation during crises of internal displacement.”⁴⁰ The ground in Tigray witness and strengthen Cantor’s idea further where the UN Office of the High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission's (EHRC) Joint Investigation Team (JIT) unearthed evidence of widespread violence against civilians during the war. This violence included horrific acts like sexual assault, arbitrary detention with no legal basis, physical abuse, and forced displacement into camps with inadequate living conditions – all clear violations of fundamental human rights. The investigation team spoke to survivors of this violence in towns, cities, IDP camps, and even a safe house in Mekelle. These survivors came from all over Tigray, including places like Mekelle, Samre, Maichew, Mekoni, Bora, Addis Alem, Wukro, Adi Hageray, Shire, Tembien, Adet, Shimelba, and Sheraro.⁴¹

2.4 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR (1966) protects fundamental human rights crucial for Internally Displaced Persons (IDPs), notably the right to an adequate standard of living (including food and housing) and healthcare (Art. 11–12).⁴² These are core concerns for IDPs, particularly during protracted

³⁸ UN OCHA (19 February 2023).

³⁹ United Nations, *International Covenant on Civil and Political Rights* (1966), Articles 6, 9, 12

⁴⁰ Cantor, David James. “‘The IDP in International Law’? Developments, Debates, Prospects.” *International Journal of Refugee Law* 30, no. 2 (2018): 200.

⁴¹ OHCHR & EHRC (2021), p.41

⁴² United Nations General Assembly (1966), *International Covenant on Economic, Social and Cultural Rights*, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, Articles 11–12.

displacement. However, the ICESCR is progressive in nature, meaning that states are expected to implement it "to the maximum of available resources." In fragile political and ethnic based scenario contexts like Ethiopia, this flexibility often results in non-implementation or minimal compliance. However, the treaty's requirement for progressive realization "to the maximum of available resources" often leads to minimal compliance in fragile contexts like Ethiopia, where political and ethnic tensions exist.

The challenges in implementing these rights were starkly evident during the Tigray crisis, which profoundly disrupted daily life, severing social connections and preventing significant cultural and religious gatherings. In Aksum, for instance, IDPs who had fled violence were unable to celebrate the major religious festival of 21 Hidar Tsiyon due to the conflict and the presence of Eritrean forces, constituting a violation of religious freedom.⁴³ These forces further exacerbated the suffering of displaced people by denying them fundamental necessities such as adequate food, shelter, water, and protection.

This situation reflects broader patterns across the region, where the conflict led to widespread violations of basic human rights potentially contravening international law, particularly Article 11 of the ICESCR. The denial of essential survival needs like food, water, and shelter to many displaced people directly challenged the guarantee of an adequate standard of living. Furthermore, the destruction of cultural and religious heritage sites, described as "no more sacred places" (Ajance France press - AFP), also implicated Article 11 by undermining the right to cultural life.⁴⁴ Consequently, there was a clear need for international monitoring to ensure Ethiopia fulfilled its ICESCR obligations and for efforts to build stronger protective legal and institutional frameworks.

Alongside these violations, the right to health, guaranteed by ICESCR Article 12, was severely compromised. A "de facto blockade" restricted essentials, while conflict caused injuries and mass displacement (over 2.8 million), according to a WHO report. This blockade and the fighting precipitated a healthcare system collapse, leaving only 3% of facilities fully functional. This catastrophic breakdown resulted in rising infectious diseases (malaria, measles), failed

⁴³ Asylum Research Centre (ARC) "*Ethiopia: The Situation in Tigray - November 2021*" (2021), P.61

⁴⁴ Agence France-Presse (AFP). "'No More Sacred Places': Heritage Sites Under Siege in Tigray Conflict." April 30, 2021. <https://sites.tufts.edu/reinventingpeace/2023/05/02/tigrays-micro-managed-siege/>

vaccination campaigns, critical medicine shortages impacting maternal health and chronic conditions, and increased mortality due to insufficient medical personnel.⁴⁵

2.5 Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC, 1989) mandates heightened protections for children, especially regarding displacement, conflict, health, education, and family unity (Art. 22, 24, 27).⁴⁶ However, realizing these rights faces challenges in conflict zones like Tigray, often depending heavily on domestic implementation due to limits in specific international enforcement for IDP children.

According to the JIT report the Tigray crisis led to mass child displacement, creating severe risks and violations of rights. IDP children suffered profound psychological trauma from witnessing extreme violence, were often orphaned or separated from caregivers, and faced critical shortages of food, water, shelter, protection, education, and healthcare.⁴⁷ The scale of family separation was significant; the Ministry of Women Children and Youth Affairs (MoWCYA) identified and reunified 3,621 separated children, while parent testimonies confirmed ongoing searches for children missing since the conflict's outset.⁴⁸

Despite these reunification efforts, reports suggest "thousands" of children were separated (JIT report), and substantial work remains to locate and reunite all of them. The current report lacks clear details about the comprehensive future and timelines for reunification. Furthermore, CRC Article 39 specifically obligates states to support the recovery and reintegration of children affected by armed conflict, addressing their deep trauma. Consequently, the Ethiopian government, as a CRC state party, must urgently prioritize allocating sufficient legal and financial resources to achieve complete family reunification and ensure the long-term recovery, well-being, and durable solutions for these profoundly affected children.⁴⁹

2.6 Geneva Conventions and Additional Protocols

Critical protections relevant to the Tigray conflict are established by International Humanitarian Law, notably the Fourth Geneva Convention (1949) and Additional Protocol I (1977). Prohibitions against forced displacement unless militarily necessary (GCIV Art. 49), collective punishment (GCIV Art. 33), and the use of starvation as a method of warfare (AP I Art. 54) were reportedly violated in Tigray. Additionally, safe passage from besieged areas, which is

⁴⁵ WHO, Crisis in Northern Ethiopia <https://www.who.int/emergencies/situations/crisis-in-tigray-ethiopia> (accessed on 29/3/2024)

⁴⁶ *Convention on the Rights of the Child*. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, Articles 22, 24, 27.

⁴⁷ OHCHR & EHRC (2021), p.80.

⁴⁸ OHRCHA and EHRC, (2021), p.5

⁴⁹ CRC, (Article,39)

encouraged by GCIV Article 17, was potentially contravened by siege tactics that hindered aid and protected persons.⁵⁰

While challenges are faced in IHL enforcement, especially internally where state cooperation may be lacking, and as noted by Kälin, normative gaps for IDPs may not be fully addressed by IHL when the state itself is implicated in violations, non-negotiable minimum standards applicable to *any* armed conflict are established by Common Article 3 of the Geneva Conventions (1949).⁵¹ Humane treatment is mandated by this article, whereby violence, torture, hostage-taking, degrading treatment, and extrajudicial punishment are prohibited. Potential breaches of these Common Article 3 standards in Tigray are suggested by evidence, including widespread sexual violence (reported by the IRC), which violates prohibitions on violence and degrading treatment.⁵² Unmet essential needs among IDPs due to obstructed aid were detailed in UNOCHA's report, actions contrary to humane treatment obligations.⁵³ Furthermore, a failure to ensure basic well-being, indirectly implicating Common Article 3's core principles, is indicated by the massive scale of displacement (over 1.7 million IDPs per the IOM report) and the poor conditions reported in shelters, even if shelter specifics are not explicitly covered by the article.⁵⁴ In sum, potential violations of specific IHL articles (such as GCIV Art. 49, Art. 33, Art. 17; AP I Art. 54) and the fundamental standards of Common Article 3 are suggested by reports emerging from Tigray regarding displacement, collective punishment, siege tactics, sexual violence, aid denial, and the dire conditions faced by IDPs. These potential breaches highlight the critical need for independent investigations and accountability for actions that severely impacted the civilian population.

2.7 The UN Guiding Principles on Internal Displacement (1998)

The UN Guiding Principles are the first comprehensive international document outlining rights and responsibilities regarding IDPs. They define IDPs (Principle 1), outline the causes of displacement (Principle 6), and establish obligations for state protection, assistance, and durable solutions.⁵⁵ However, the Guiding Principles are non-binding and have no enforcement body or monitoring mechanism.

Scholars such as Cohen and Kälin emphasize that while the Guiding Principles are an important normative step, it has not been internalized into binding international law or national legislation

⁵⁰International Committee of the Red Cross (ICRC), *Geneva Conventions of 12 August 1949 and Additional Protocols* (1977), Fourth Convention, Art. 33, 49; Additional Protocol I, Art. 54.

⁵¹ Kälin, "Consolidating the Normative Framework for IDPs," 315.

⁵² International Rescue Committee (IRC), *Tigray Gender Analysis Key Findings*, (4 May 2021).

⁵³ UNOCHA, *Ethiopia - Tigray Region Humanitarian Update Situation Report, 2 Sep 2021*, 2 September 2021, p. 12

⁵⁴ IOM, over 1.7 million People Displaced Due to Conflict Need Urgent Assistance in Northern Ethiopia, 25 May

⁵⁵ United Nations, *Guiding Principles on Internal Displacement*, U.N. Doc. E/CN.4/1998/53/Add.2 (1998), Principles 1–3

in many countries.⁵⁶ Ethiopia, for instance, has not adopted a national legal instrument that enforces the Guiding Principles. As Addadzi-Koom summarizes, the reliance on soft law “has led to policy fragmentation and weak accountability,” especially in regions facing protracted internal conflict.⁵⁷

In sum, while international human rights and humanitarian laws provide partial protection to IDPs, there is no unified or enforceable international legal framework comparable to the refugee regime. The UN Guiding Principles offer a normative foundation but lack legal force. Instruments like the ICCPR, ICESCR, CRC, and Geneva Conventions provide protections in theory, but in practice, they fail to address the specific vulnerabilities of IDPs in fragile and conflict-affected states like Ethiopia, Tigray.

This absence of binding global norms contributes to inconsistent protection, legal ambiguity, and inadequate humanitarian responses, as starkly seen in the Tigray crisis. It is within this normative gap that this research seeks to advocate for a more structured and enforceable legal and institutional framework both globally and within Ethiopia.

Chapter Three: Regional Legal and Institutional Frameworks – The Kampala Convention

3.1 Overview of the Kampala Convention

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009) commonly known as the Kampala Convention is the first and only legally binding regional instrument specifically designed to protect IDPs. It establishes obligations for state parties to prevent displacement, protect displaced populations, and facilitate durable solutions.⁵⁸ Despite its significance, implementation across African states remains weak, particularly in Ethiopia, where legal reservations and institutional paralysis have hindered the Convention’s transformative potential.

⁵⁶ Cohen, Roberta, and Francis Deng. “Developing the Normative Framework for IDPs.” *International Journal of Refugee Law* 30, no. 2 (2018): 310–313.

⁵⁷ Addadzi-Koom, Maame Efua. “Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms.” *Journal of African Law* 67, no. 3 (2023): 335.

⁵⁸ African Union, *Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa* (2009), <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>.

As Addadzi-Koom explains, while the Kampala Convention is “a legally binding normative achievement,” its enforceability depends entirely on how states domesticate and operationalize it.⁵⁹ In Ethiopia’s case, the Convention was ratified only in 2020 over a decade after its adoption and with reservations on Articles 12 and 14, particularly regarding compensation and access to regional judicial mechanisms.⁶⁰ These reservations undercut the accountability provisions of the Convention and reflect a lack of political will to provide full protection to IDPs.

3.2 Key Articles of the Kampala Convention

Article 3 requires states to respect and ensure respect for the principles of humanity and human dignity of IDPs, including adherence to international humanitarian law and human rights obligations.⁶¹ In practice, this obligation has been violated in Tigray, where displaced persons face inhumane living conditions, food blockades, and attacks on civilian infrastructure conditions documented by the Ethiopian Human Rights Commission (EHRC) and international bodies.⁶²

Article 5(4) mandates state parties to designate an authority responsible for coordinating the protection and assistance of IDPs, a requirement Ethiopia has failed to meet.⁶³ There is no central agency tasked with overseeing IDP affairs, and institutional responsibilities remain scattered among under-resourced regional bureaus and humanitarian partners. According to the Heinrich-Böll Foundation, this fragmentation leads to inconsistent service delivery and policy paralysis.⁶⁴

Article 7 addresses the protection of property and livelihoods, obligating states to protect IDPs from the arbitrary loss of land and assets.⁶⁵ In Tigray, mass displacements were accompanied by looting, home destruction, and denial of access to farmland. The government's failure to investigate or compensate for these losses represents a direct violation of Article 7, as also noted

⁵⁹ Addadzi-Koom, Maame Efua. “Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms.” *Journal of African Law* 67, no. 3 (2023): 330.

⁶⁰ Jimma University Journal of Law. “Draft Proclamation on the Protection and Assistance of IDPs in Ethiopia.” Vol. 15 (2023): 85.

⁶¹ Kampala Convention, Art. 3.

⁶² Ethiopian Human Rights Commission (EHRC), *Monitoring Report on IDPs in Tigray*, February 2021, 7–9.

⁶³ Kampala Convention, Art. 5(4).

⁶⁴ Heinrich-Böll-Stiftung, *Internal Displacement in Ethiopia: Towards a New Policy and Legal Framework* (2021): 11.

⁶⁵ Kampala Convention, Art. 7.

by Beza and Agegnehu in their analysis of property violations among IDPs in northern Ethiopia.⁶⁶

Article 9(2)(b) places a duty on state parties to provide adequate humanitarian assistance and ensure access to essential services. Ethiopia has not fulfilled this duty in Tigray, where thousands of IDPs continue to live in overcrowded shelters without food, clean water, or healthcare.⁶⁷ The Lowenstein Human Rights Clinic reports that this deprivation amounts to a deliberate starvation tactic, thus breaching both Article 9 of the Kampala Convention and Article 11 of the ICESCR.⁶⁸

3.3 Ethiopia's Ratification and Legal Reservations

Ethiopia ratified the Kampala Convention through Proclamation No. 1184/2020, but with explicit reservations on compensation mechanisms and the duty to report to the African Court on Human and Peoples' Rights.⁶⁹ These reservations significantly weaken the enforceability of the Convention in Ethiopia and undermine regional accountability mechanisms designed to address violations.

As noted by Dieng, reservations such as Ethiopia's "undermine the regional jurisprudence of responsibility," effectively allowing states to escape scrutiny even when serious violations occur.⁷⁰ Furthermore, Ethiopia has not translated the Kampala Convention into domestic law. The Draft IDP Proclamation (2022) contains vague commitments and does not assign a coordinating authority nor establish grievance mechanisms.⁷¹ Ojeda emphasizes that even in countries that ratify the Kampala Convention, "implementation is often symbolic rather than systemic."⁷² Ethiopia's case is characteristic of this, where ratification has had no tangible

⁶⁶ Beza, M. G., and Agegnehu, A. W. "The Quest for Remedies for Violations of IDPs' Right to Land and Property in Ethiopia." *Bahir Dar University Journal of Law* 12, no. 2 (2022): 235–238.

⁶⁷ EHRC, *Monitoring Report*, 8–10.

⁶⁸ Lowenstein Human Rights Clinic, Yale Law School, "*All of Us Are in Constant Hunger*": *Ethiopia's Responsibility for Starvation in Tigray* (2023): 6–7.

⁶⁹ Proclamation No. 1184/2020, Federal Negarit Gazette, Addis Ababa.

⁷⁰ Dieng, Adama. "Protecting Internally Displaced Persons: The Value of the Kampala Convention." *International Review of the Red Cross* 99, no. 1 (2017): 272.

⁷¹ Jimma University Journal of Law, "Draft Proclamation on IDPs," 86–88.

⁷² Ojeda, Sergio. "The Kampala Convention on Internally Displaced Persons: Some IHL Aspects." *Refugee Survey Quarterly* 29, no. 3 (2010): 58–66.

impact on the ground for displaced populations due to the reservation and low political commitments.

3.4 Institutional Weakness and Enforcement Failure

A central challenge in Ethiopia's implementation of the Kampala Convention is the absence of institutional architecture. Article 5(2)(a) obliges states to integrate IDP concerns into national development plans and policies. Yet, Ethiopia's national development frameworks remain silent on internal displacement, and the Disaster Risk Management Policy (2013) barely mentions IDPs, focusing instead on natural disasters.

Girma notes that Ethiopia's failure to establish a coordinating body for IDPs "reflects both legal ambiguity and administrative indifference."⁷³ The Ministry of Peace, once tasked with conflict resolution, has played a limited role in displacement affairs, and the Ethiopian Disaster Risk Management Commission lacks clear legal authority over IDPs displaced by conflict.

The Kampala Convention offers a robust legal framework for IDP protection, but its promise remains unfulfilled in Ethiopia. Ratification with reserves, lack of domestic legislation, institutional fragmentation, and state inaction have rendered the Convention ineffective in protecting IDPs in Tigray. Ethiopia's conduct violates several core provisions of the Convention, including those on non-discrimination, protection of property, coordination, and humanitarian access. As Addadzi-Koom argues, without enforceable national mechanisms, the Kampala Convention risks becoming "a paper tiger," especially in fragile and conflict-ridden states.⁷⁴

Chapter Four: National Legal and Institutional Frameworks in Ethiopia

4.1 Overview

Despite being one of the African countries most affected by internal displacement, Ethiopia lacks a comprehensive and binding national legal framework specifically addressing the rights and needs of internally displaced persons (IDPs). While various provisions in Ethiopia's

⁷³ Girma, Biruk. "The Human Rights Protection of Internally Displaced Persons in Ethiopia." *Jimma University Journal of Law* 15 (2023): 70–74.

⁷⁴ Addadzi-Koom, "Breathing Life into the Kampala Convention," 336

Constitution, disaster management laws, and criminal statutes touch upon rights relevant to IDPs, none constitute a coherent or enforceable mechanism for their protection especially those displaced by armed conflict.

This institutional vacuum has contributed to large-scale neglect of IDPs in Tigray, where millions remain in limbo, lacking legal protection, humanitarian access, or sustainable solutions.⁷⁵ Ethiopia's failure to adopt a targeted legal and policy framework for IDPs reflects both legislative ambiguity and administrative fragmentation, as scholars like Girma have noted.⁷⁶

4.2 The Constitution of the Federal Democratic Republic of Ethiopia (FDRE)

The FDRE Constitution (1995) provides a general bill of rights for all persons, including the rights to life, property, freedom of movement, and protection from inhuman treatment (Articles 14–25). However, it does not recognize internally displaced persons as a distinct legal category, nor does it include provisions for conflict-induced displacement.⁷⁷

As Beza and Agegnehu argue, this omission allows the state to escape legal responsibility for its actions or inaction regarding displacement.⁷⁸ The lack of constitutional recognition of IDPs further undermines any attempt to operationalize rights like restitution, return, or compensation through domestic legal processes.

Moreover, Article 40 of the Constitution protects the right to property but offers no clear restitution or reparation pathway for those displaced or dispossessed due to war or political violence. In practice, this has left displaced Tigrayans without recourse for the loss of homes, farms, and livelihoods destroyed during the conflict.⁷⁹

⁷⁵ Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2023* (Geneva: IDMC, 2023), 12–14.

⁷⁶ Girma, Biruk. “The Human Rights Protection of Internally Displaced Persons in Ethiopia: Examining the International, Regional and Ethiopian Normative Frameworks.” *Jimma University Journal of Law* 15 (2023): 70–74.

⁷⁷ Constitution of the Federal Democratic Republic of Ethiopia (1995), Articles 14–25.

⁷⁸ Beza, M. G., and Agegnehu, A. W. “The Quest for Remedies for Violations of IDPs’ Right to Land and Property in Ethiopia.” *Bahir Dar University Journal of Law* 12, no. 2 (2022): 223.

⁷⁹ *Ibid.*, 233–235.

4.3 The Disaster Risk Management Policy (2013)

Ethiopia's National Policy and Strategy on Disaster Risk Management (2013) prioritizes responses to natural disasters such as droughts, floods, and epidemics. However, it provides no specific guidance on conflict-induced displacement or durable solutions for IDPs.⁸⁰

As noted in the Heinrich-Böll Foundation's 2021 report, the policy treats displacement as a secondary consequence of environmental disaster, not as a human rights or protection issue requiring legal recognition and state accountability.⁸¹ This framework is thus inadequate for addressing the complex protection needs of people displaced by armed conflict, such as those in Tigray.

4.4 Draft IDP Proclamation No. /2022

In 2022, Ethiopia introduced a Draft Proclamation on the Protection and Assistance of Internally Displaced Persons, seen as a response to internal and international pressure. While the draft offers some alignment with the Kampala Convention and UN Guiding Principles, it remains vague, aspirational, and legally weak.

According to the Jimma University Journal of Law, the draft fails to define key concepts such as "arbitrary displacement," does not assign institutional leadership, and lacks mechanisms for compensation, legal remedies, or enforcement.⁸² Its broad invocation of "public interest" may be used to justify future displacement or deny return rights.⁸³

Additionally, the Draft Proclamation does not prioritize IDP participation in decision-making, despite this being a principle in both the Guiding Principles and the Kampala Convention. As Roberta Cohen observes, participatory rights are often the most neglected aspect in national IDP laws, particularly in authoritarian or centralized governance contexts.⁸⁴

⁸⁰ National Policy and Strategy on Disaster Risk Management, FDRE Council of Ministers, 2013.

⁸¹ Heinrich-Böll-Stiftung, *Internal Displacement in Ethiopia: Towards a New Policy and Legal Framework* (2021): 10

⁸² Jimma University Journal of Law, "Draft Proclamation on the Protection and Assistance of IDPs in Ethiopia." Vol. 15 (2023): 85–89.

⁸³ *Ibid.*, 88.

⁸⁴ Cohen, Roberta. "Developing the Normative Framework for IDPs." *International Journal of Refugee Law* 30, no. 2 (2018): 312.

Critical Analysis of the Draft IDPs Proclamation No.../2022 in Ethiopia

This analysis critiques key provisions of the draft law and proposes specific recommendations to enhance the protection and rights of IDPs one by one.

1. Limited Scope of Displacement

The definition of "arbitrary displacement" in Article 3 of the Draft Proclamation primarily focuses on the outcome of displacement, such as demographic changes caused by state actions or generalized violence, while failing to address the full spectrum of causes of displacement. This narrow scope leaves situations where displacement occurs under government policies, such as large-scale development projects or land acquisitions, potentially unaddressed. Displacement caused by government policies indirectly creating unsafe living conditions is not covered under this definition, which could potentially exclude some forced displacements from legal protection.⁸⁵

The Ethiopian Constitution (Article 44(2)) guarantees displaced individuals the right to compensation or relocation assistance.⁸⁶ However, the lack of a clear and inclusive definition of displacement under the Draft Proclamation risks leaving many IDPs without legal recourse, especially in cases of indirect displacement for public interests or political agendas. Furthermore, terms like "generalized violence" are vague and open to interpretation, which could lead to disagreements over the classification of certain displacements.

The draft law should include a broader, more comprehensive definition of displacement that addresses forced displacement under various circumstances, including development-induced displacement, and clearly outlines the intent and causes of displacement. This would help protect IDPs in a wider range of situations and prevent abuse of the law for political or development purposes.

⁸⁵Draft IDPs Proclamation No.../2022

⁸⁶ FDRE 1995 Constitution

2. Right to Movement and Restrictions

Article 6(3) introduces the concept of "proportional" restrictions on the movement of IDPs.⁸⁷ While this is intended to limit excessive constraints on freedom of movement, the term "proportional" is subjective and open to interpretation. Governments might exploit this flexibility to arbitrarily restrict IDPs' movement, undermining their right to freely choose their place of residence.

Without clear guidelines, the term "proportional" can be misused, leading to inconsistent and potentially unlawful restrictions on IDP movement. Such ambiguity can also allow governments to impose unnecessary movement restrictions under the guise of security or public order, which might disproportionately affect IDPs.

To address these concerns, the draft law should provide clear, standardized criteria for assessing proportionality in movement restrictions, ensuring that any limitations on IDP movement are necessary, transparent, and subject to independent review. An independent oversight body should be established to monitor and evaluate these restrictions, ensuring they are applied fairly.

3. Right to Access Resources

Article 6(4) conditions IDP access to education, healthcare, and other social services on the "extent available resources/capacity of the country permits."⁸⁸ This provision creates uncertainty about the government's responsibility to provide services to IDPs, suggesting that resource scarcity could be used to limit access to essential services.

While the Ethiopian Constitution (Article 90(1)) also links access to services to available resources, the situation of IDPs is uniquely urgent due to their vulnerability.⁸⁹ The potential for the government to deny services based on resource constraints raises concerns that IDPs might not receive adequate support. Moreover, this could make services contingent on the political priorities of the ruling party.

The draft law should include a stronger, clearer provision ensuring that resource limitations do not lead to the denial of basic services. It should prioritize the needs of IDPs, ensuring their

⁸⁷ Draft IDPs Proclamation No..../2022

⁸⁸ " *Ibid* "

⁸⁹ FDRE 1995 Constitution

access to critical services like healthcare, education, and social protection, regardless of broader resource limitations.

4. Strengthening IDP Participation

While Article 7(1) acknowledges the right of IDPs to participate in decisions affecting them, it lacks concrete mechanisms for ensuring meaningful participation.⁹⁰ This is a significant gap, as participation is often limited to formal acknowledgment without tangible processes for engagement.

Merely recognizing the right to participation without offering structured, ongoing avenues for input limits IDPs' ability to influence policies and programs that directly affect their lives. Meaningful participation requires concrete mechanisms for consultation and decision-making.

The draft law should outline specific processes for IDP participation, such as the establishment of advisory boards, community committees, and formalized consultation procedures. Additionally, the government should implement mechanisms to ensure transparency and accountability in the participation process, including regular monitoring and evaluation.

5. Verification Systems and Potential Risks

Article 19(3) aims to simplify the issuance of identity documents for IDPs, which can improve access to services.⁹¹ However, the relaxed issuance procedures introduce risks related to fraud, identity theft, and territorial disputes over property rights, especially in Ethiopia's ethnically diverse regions.

The risk of fraud and abuse is significant when regulations around identity document issuance are loosened. Criminals could exploit these relaxed rules to facilitate identity theft or engage in illegal activities. Furthermore, in a country with territorial disputes, such as Tigray, Amhara, and Oromia, easier access to identity documents could fuel conflicts over resource allocation and land ownership.

The draft law should incorporate a robust verification system to cross-check IDP identities through existing records, community testimonies, and local authorities. This would help prevent

⁹⁰ “*Supra note*”

⁹¹ Draft IDPs Proclamation No..../2022

fraud and ensure that identity documents are issued to the rightful individuals, reducing the potential for misuse.

6. Durable Solutions and Omissions

While Article 21 acknowledges the need for durable solutions for IDPs,⁹² it lacks specific provisions for the restoration of housing, land, and property, which are critical for sustainable reintegration.

The IASC Framework on Durable Solutions emphasizes the importance of restoring property rights and providing a dignified standard of living for IDPs.⁹³ While the Ethiopian draft law mentions return, local integration, and relocation, it fails to address the restoration of property, land, or housing, which is essential for long-term reintegration and economic stability for IDPs.

The draft law should explicitly recognize the need to restore IDPs' property, land, and housing rights, ensuring that they are compensated for lost assets and provided with support to rebuild their lives. This will help facilitate true reintegration and provide IDPs with the stability necessary for long-term recovery.

7. Accountability and Transparency

One of the key concerns within the Draft IDPs Proclamation No..../2022 is the issue of accountability. Article 26(2) establishes that the Council is accountable to the Prime Minister,⁹⁴ but it fails to mention accountability to the very population it aims to serve: the internally displaced persons (IDPs) themselves. For the interventions and programs outlined in the law to be fair, effective, and transparent, the legal framework must include mechanisms that allow IDPs to provide feedback and hold the Council accountable for its actions.

To promote transparency and effectiveness, the legal framework should mandate the creation of robust feedback mechanisms. These could include complaint hotlines, suggestion boxes, or regular meetings, where IDPs can report violations of their rights or express concerns about the implementation of the Proclamation. Such mechanisms will encourage accountability and foster more efficient and effective support for displaced populations.

⁹² *Ibid*

⁹³ International Guiding Principles on Internal Displacement (IASC Framework on Durable Solutions, April 2010)

⁹⁴ Draft IDPs Proclamation No..../2022

8. Gender and Diversity Representation

A critical issue lies in the composition of the Council as outlined in Article 27(1).⁹⁵ While the Council's membership is extensive, it lacks a clear requirement for proportional representation of gender and other diverse ethnic groups affected by displacement. Although some members of the Council may fulfill this role indirectly, relying on chance is inadequate. For the Council to effectively represent the diverse needs of IDPs, the law should mandate proportional representation from these groups.

The Draft IDPs Proclamation should include provisions that ensure gender and ethnic diversity within the Council and regional councils. This would not only enhance the Council's legitimacy but also ensure that the perspectives of all displaced populations are considered in decision-making processes. The inclusion of these clauses will be particularly important as the law will likely govern IDPs for an extended period.

9. Civil Society Participation

Inclusivity within the Council should also extend beyond gender and ethnicity to encompass broader civil society participation. While Article 27(1) mentions religious institutions,⁹⁶ it excludes civil society organizations (CSOs) that are actively engaged in IDP issues. Including CSOs is critical for ensuring that the response to displacement is informed by the expertise and experiences of organizations working directly with displaced populations.

The law should explicitly include a clause ensuring the meaningful participation of relevant civil society organizations in the IDP response. Furthermore, the "other concerned bodies" clause in Article 27 could be a valuable addition if clearly defined. It is crucial to establish transparent criteria for selecting these bodies, ensuring that they represent Ethiopia's diverse ethnic groups, address specific disaster-related needs, and include organizations focused on disability rights, gender issues, and post-disaster accessibility. This will promote inclusivity and ensure that the law is responsive to the needs of all communities, including marginalized groups.

⁹⁵ *"Ibid"*

⁹⁶ *"Ibid"*

10. Bureaucratic Hurdles in Humanitarian Response

Article 31(10) of the Draft IDPs Proclamation permits the Ministry to authorize partners to aid and donate to IDPs⁹⁷. However, this provision could lead to bureaucratic obstacles that slow down the humanitarian response due to lengthy approval processes and complex regulations. Such delays have proven disastrous in real-world crises, such as the Tigray conflict, where bureaucratic hurdles significantly delayed the delivery of aid to those in need.

To avoid such delays, Sub-Article 31(10) should be amended to include clear criteria and time-bound procedures for authorizing humanitarian partners. This would streamline the process, accelerate decision-making, and ensure that aid reaches IDPs in a timely manner, especially during emergencies. The government should also reconsider restrictions on international non-governmental organizations (INGOs) to avoid creating unnecessary barriers to aid.

11. Overlooking Specific IDP Needs in Education and Healthcare

While Articles 33 and 34 address IDP link to the existing local education and healthcare,⁹⁸ they fall short by overlooking the unique needs of displaced populations. Specifically, the articles do not address the challenges faced by IDP students, such as disruptions in their schooling, nor do they provide catch-up programs or psychosocial support. IDP children often experience trauma, and their education must include trauma-informed teaching practices. Similarly, the healthcare provisions lack specificity regarding the training of healthcare workers to address the unique needs of displaced populations, such as mental health support for women, children, and people with disabilities.

Both Article 33 and Article 34 should be amended to include provisions for psychosocial support, trauma-informed education, and specialized training for healthcare workers. Catch-up programs for IDP children and specific training for educators on handling displacement-related trauma would help facilitate reintegration. Furthermore, healthcare workers should be equipped to handle the unique health challenges faced by IDPs, including mental health issues and care for pregnant women and children.

⁹⁷ *Ibid*

⁹⁸ *Ibid*

Article 37, which outlines the role of police institutions,⁹⁹ fails to mention their responsibility in protecting IDPs from violence and exploitation during displacement. This oversight leaves a critical gap in the legal framework, as police forces are integral to ensuring the safety and security of IDPs, especially in the face of potential exploitation or harm.

The draft law should be amended to clearly outline the role of police institutions in protecting IDPs from violence, exploitation, and abuse during displacement. Additionally, an independent oversight body, such as an Ombudsman or a dedicated committee within the Ethiopian Human Rights Commission, could be established to monitor and ensure the effective implementation of the IDP law. This would strengthen accountability and ensure that IDPs' rights are upheld during their displacement

Generally, the Draft IDPs Proclamation No..../2022 represents a significant step towards addressing the needs of IDPs in Ethiopia. However, it needs significant revisions to address its limitations, particularly in its scope, clarity, and the implementation of IDP rights. By broadening the definition of displacement, clarifying provisions on movement restrictions, ensuring guaranteed access to resources, and strengthening participation mechanisms, strengthening accountability mechanisms, ensuring gender and ethnic representation, streamlining bureaucratic processes, and providing specific provisions for education, healthcare, and police protection, Ethiopia can develop a more robust legal framework. These changes will help create a system that not only protects IDPs but also promotes their reintegration and ensures a sustainable solution to displacement.

4.5 Criminal Law and the Absence of Protection

Ethiopia's Criminal Code penalizes acts such as arson, looting, forced eviction, and inhumane treatment. However, there is no codified crime of forced displacement, nor any prosecutorial pathway for IDPs to seek justice for conflict-related abuses.¹⁰⁰

The EHRC has documented widespread human rights violations against IDPs in Tigray, including sexual violence, starvation, destruction of property, and the use of displacement as a

⁹⁹ *"Ibid"*

¹⁰⁰ Federal Democratic Republic of Ethiopia, *Criminal Code* (2005).

military strategy.¹⁰¹ However, these crimes have largely gone unpunished, due in part to the absence of specialized legal or prosecutorial units to address displacement-related violations.

4.6 Institutional Fragmentation

One of the most critical barriers to effective IDP protection in Ethiopia is institutional fragmentation. There is no single government agency designated as the lead body on IDP issues. The Ministry of Peace, Disaster Risk Management Commission, and regional bureaus often operate independently, with little coordination or shared accountability.¹⁰²

As Girma points out, this has led to an “ad hoc and humanitarian-driven approach” in which non-state actors bear the primary responsibility for IDP support.¹⁰³ In Tigray, this vacuum has left displaced persons dependent on overwhelmed host communities and NGOs, without consistent government assistance or legal remedy.

Ethiopia lacks a coherent national legal and institutional framework for the protection of IDPs. The FDRE Constitution does not recognize conflict-induced displacement; the Disaster Risk Policy is focused on natural disasters; and the Draft Proclamation is legally and institutionally weak. These gaps, coupled with fragmented institutional responsibilities, have rendered IDP protection ineffective particularly in conflict zones like Tigray.

Without constitutional recognition, specific criminal sanctions, and a well-resourced lead institution, Ethiopia’s IDP response remains inadequate and inconsistent with its regional and international obligations. Addressing this legal vacuum requires binding national legislation, a centralized institutional mechanism, and an approach rooted in the rights and dignity of displaced populations.

5.4. Case Study: Institutional Failures in Tigray

The case of Tigray intensely illustrates the human cost of Ethiopia’s legal and institutional vacuum.

¹⁰¹ Ethiopian Human Rights Commission (EHRC), *Monitoring Report on IDPs in Tigray*, February 2021, 7–10.

¹⁰² Heinrich-Böll-Stiftung, *Internal Displacement in Ethiopia*, 12.

¹⁰³ Girma, “The Human Rights Protection of Internally Displaced Persons in Ethiopia,”

According to IDMC (2024), over 2.5 million people were displaced within Tigray between 2020–2023, yet there was no domestic legal framework obligating authorities to provide durable solutions (GRID Report, p. 34).¹⁰⁴ EHRC-OHCHR Joint Report (2021) documented widespread violations including looting, killings, denial of access to health services, and sexual violence in IDP sites.¹⁰⁵ UNHCR (2022) and UNDP (2022) both noted that IDPs in Tigray were routinely denied access to legal aid, land restitution, or return options highlighting the absence of procedural and institutional safeguards.

Beza and Agegnehu (2022) emphasize: “The state’s failure to provide a coordinated and rights-based IDP response in Tigray demonstrates the urgent need for legal and policy reform grounded in binding human rights standards”¹⁰⁶

5.5 Civil Society and International Actors

In the absence of strong national institutions, the role of civil society and international partners has been critical. Organizations such as the Norwegian Refugee Council, ICRC, UNHCR, and Ethiopian Red Cross have stepped in to fill protection gaps. However, reliance on international actors underscores the systemic weaknesses of Ethiopian institutions.

Adem (2020) suggests that “while international humanitarian actors are indispensable during emergencies, sustainable IDP protection must ultimately be state-led and legislatively guaranteed”¹⁰⁷

Ethiopia’s current legal and institutional response to internal displacement is inadequate, fragmented, and reactive. The lack of an IDP-specific law, the dormant draft proclamation, and the absence of a centralized national authority have created a vacuum where millions of IDPs particularly in Tigray are left behind. Without urgent reform and legal codification of IDP rights, Ethiopia will continue to fall short of its international, regional, and moral obligations.

¹⁰⁴ International Displacement Monitoring Centre (IDMC). 2024. *Global Report on Internal Displacement (GRID) 2024*. Geneva: IDMC. <https://www.internal-displacement.org>.

¹⁰⁵ Ethiopian Human Rights Commission (EHRC) and Office of the United Nations High Commissioner for Human Rights (OHCHR). 2021. *Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law in Tigray*. <https://www.ohchr.org>.

¹⁰⁶ Beza, Mekonnen G., and Agegnehu A. Weldesilassie. 2022. “The Quest for Remedies for Violations of IDPs’ Right to Land and Property in Ethiopia.” *Bahir Dar University Journal of Law* 12 (2): p. 242.

¹⁰⁷ Adem, A.M., 2020. *The Protection of Internally Displaced Persons in Ethiopia: The Analysis of Legal and Institutional Frameworks*. Master’s thesis, Ethiopian Civil Service University, School of Law and Federalism.

Chapter 5: Legal Institutions and Actors Responsible for IDPs

5.1 International Level: UNOCHA and Cluster Coordination

The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) plays a central role in coordinating humanitarian responses to internal displacement worldwide. In crisis settings such as Tigray, UNOCHA acts as the central hub, mobilizing partners, coordinating logistics, and ensuring that aid reaches displaced populations efficiently. Under the Inter-Agency Standing Committee (IASC) system, UNOCHA oversees eleven UN-led cluster groups that specialize in key humanitarian sectors such as food, water, shelter, education, and protection (IASC, 2014, Section 3.3).¹⁰⁸

For instance, the Protection Cluster is led by UNHCR and includes sub-clusters for Child Protection (UNICEF), Gender-Based Violence (UNFPA and UNICEF), and Housing, Land, and Property (UN-Habitat). The World Food Programme (WFP) co-leads the Food Security Cluster alongside FAO, and the International Organization for Migration (IOM) leads the Camp Coordination and Management Cluster. This division of roles is designed to ensure clarity, efficiency, and accountability during emergencies.¹⁰⁹

However, during the Tigray crisis, this coordination architecture faced serious obstacles. In July 2021, UNOCHA reported that supply routes from Amhara into Tigray were blocked, and the only remaining corridor via Afar was rendered inaccessible following an attack on a WFP convoy.¹¹⁰ Bureaucratic barriers and delays in federal clearance processes significantly slowed humanitarian deliveries. Grant Leaity, the UN’s Acting Humanitarian Coordinator for Ethiopia, noted in September 2021 that the response effort was “systematically undermined by denial of access and clearance hurdles,” despite the urgent needs on the ground.¹¹¹

International NGOs like the International Medical Corps (IMC) also faced shortages in medical and nutritional supplies while attempting to serve displaced populations in Western Tigray and Dansha. Although partners such as UNICEF, MSF, Goal Ethiopia, and ICRC helped set up mobile clinics, continued access restrictions limited their effectiveness.¹¹² These examples reveal

¹⁰⁸ Inter-Agency Standing Committee, *Building Better Response: Strengthening the Humanitarian Coordination System*, Section 3.3 (IASC 2014) <https://www.humanitarianresponse.info> accessed 11 May 2025.

¹⁰⁹ Inter-Agency Standing Committee (IASC), *Building Better Response: Strengthening the Humanitarian Coordination System* (2014) section 3.3 <https://www.humanitarianresponse.info> accessed 11 May 2025.

¹¹⁰ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), *Ethiopia: Tigray Humanitarian Update – Situation Report No. 8* (29 July 2021) <https://reliefweb.int/report/ethiopia/ethiopia-tigray-humanitarian-update-situation-report-no-8-29-july-2021> accessed 11 May 2025.

¹¹¹ Grant Leaity, ‘Ethiopia: Humanitarian Update, Situation Report – September 2021’ (UNOCHA, 30 September 2021) <https://reliefweb.int/report/ethiopia/ethiopia-humanitarian-update-situation-report-30-september-2021> accessed 11 May 2025.

¹¹² United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), *Ethiopia: Tigray Region Humanitarian Update – Situation Report No. 5* (24 June 2021) <https://reliefweb.int/report/ethiopia/ethiopia-tigray-region-humanitarian-update-situation-report-no-5-24-june-2021> accessed 11 May 2025.

the real-world limitations of even well-structured international systems in politically constrained environments.

The failure of global institutions to address institutional accountability in displacement contexts has also been widely critiqued in the literature. As Schrepfer (2012) argues, “despite significant coordination mechanisms, international responses to internal displacement continue to suffer from unclear mandates and fragmented leadership structures”.¹¹³ Similarly, Cantor (2018) emphasizes that “international protection for IDPs remains conceptually and operationally fragile due to the absence of institutionalized responsibility at the global level”.¹¹⁴

5.2 Regional Level: African Union and Humanitarian Frameworks

At the regional level, the African Union (AU), through its Peace and Security Council (PSC), plays a key role in conflict prevention and resolution. The Kampala Convention, adopted in 2009, represents a landmark regional treaty for IDP protection. However, as Addadzi-Koom (2023)¹¹⁵ and Cantor (2018)¹¹⁶ observe, its implementation has been weak due to lack of political will, limited resources, and enforcement mechanisms.

The AU’s response to the Tigray conflict was criticized for being slow and insufficient. Although the Convention obligates states to prevent arbitrary displacement and ensure durable solutions, there has been little evidence of regional enforcement in Ethiopia’s case. The AU has not initiated any formal investigation or accountability mechanism regarding the displacement crisis in Tigray, despite documented human rights violations and large-scale displacement.¹¹⁷

This failure is not isolated. As Dieng (2017) observes, “the Kampala Convention remains a valuable but underutilized tool, as regional institutions lack the capacity to compel states to implement its provisions”.¹¹⁸ Okello (2019) further explains that the Convention’s lack of a formal compliance mechanism renders it “a normative framework without enforcement teeth”.¹¹⁹

5.3 National Level: Ethiopian Institutions and Legal Duties

The primary responsibility for IDP protection lies with the Ethiopian government. While Ethiopia is party to various international human rights and humanitarian treaties, their implementation has been inconsistent. National institutions with partial mandates include:

¹¹³ Nina Schrepfer, 'Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection' (2012) 24(4) *International Journal of Refugee Law* 670.

¹¹⁴ David James Cantor, *The IDP in International Law? Developments, Debates, Prospects* (Oxford University Press 2018) 193-194.

¹¹⁵ Mawuli E Addadzi-Koom, 'Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms' (2023) 67(3) *Journal of African Law* 329, 347.

¹¹⁶ David James Cantor, *The IDP in International Law? Developments, Debates, Prospects* (Oxford University Press 2018) 193-194.

¹¹⁷ Mawuli E. Addadzi-Koom, 'Breathing Life into the Kampala Convention: Towards Workable Enforcement Mechanisms' (2023) 67(3) *Journal of African Law* 329–347, 337; David James Cantor, *The IDP in International Law? Developments, Debates, Prospects* (Oxford University Press 2018) 193–194.

¹¹⁸ Adama Dieng, 'Protecting Internally Displaced Persons: The Value of the Kampala Convention as a Regional Example' (2017) 99(1) *International Review of the Red Cross* 263–282, 271

¹¹⁹ James M. Okello, 'In Lieu of a Travaux Préparatoires: A Commentary on the Kampala Convention for IDPs' (2019) 31(2–3) *International Journal of Refugee Law* 349–378, 368.

Ministry of Peace officially designated to implement the Kampala Convention. However, its attempt to coordinate IDP protection in Tigray was rebuffed by the regional administration in 2020, indicating political friction and lack of operational authority.

National Disaster Risk Management Commission (NDRMC): The federal body tasked with disaster coordination, including IDP issues.¹²⁰ Yet during the Tigray conflict, the NDRMC struggled to provide accurate data and coordinate relief due to mobility restrictions and inter-agency overlap. Ministry of Federal Affairs, according to the 2013 National Policy and Strategy on Disaster Risk Management, it leads conflict-related displacement responses.¹²¹ However, it played a limited role in the Tigray response.¹²²

5.4 Ethiopian Human Rights Commission (EHRC)

Established under Article 55(14) of the Constitution and Proclamation No. 210/2000 (amended by No. 1224/2020),¹²³ the EHRC has a broad mandate to investigate and report on human rights violations. In February 2021, EHRC conducted site visits in Mekelle and found that IDPs were lacking food, water, sanitation, and medical care. The EHRC also joined the OHCHR in a joint investigation into confirming systemic abuses including killings, sexual violence, and denial of humanitarian access.¹²⁴

Despite these findings, the EHRC has faced criticism for limited independence and capacity. In rural Tigray, aid had not reached displaced populations for over five months by March 2021, raising serious questions about the effectiveness of national oversight.¹²⁵

5.5 Regional and Local Governments

According to Article 52 of the Ethiopian Constitution, regional states are responsible for managing local affairs. This includes, in principle, responding to natural or man-made disasters. In practice, however, regional governments are often under-resourced and overwhelmed. During the Tigray conflict, they lacked the capacity to register IDPs, deliver aid, or provide adequate shelter.

A December 2020 joint assessment by the UN and NDRMC found that access to clean water in Tigray was severely restricted. Many civilians were using unprotected sources, which posed

¹²⁰ National Disaster Risk Management Commission (NDRMC), *Annual Report on Disaster Coordination and Response* (2020).

¹²¹ Ministry of Federal Affairs, *National Policy and Strategy on Disaster Risk Management* (2013).

¹²² Joint Investigation Team (JIT), *Supporting Report on Humanitarian Efforts and Institutional Gaps in Tigray* (2021).

¹²³ Ethiopian Human Rights Commission (EHRC), *Established under Article 55(14) of the Constitution and Proclamation No. 210/2000 (amended by No. 1224/2020)*.

¹²⁴ Ethiopian Human Rights Commission (EHRC) and Office of the United Nations High Commissioner for Human Rights (OHCHR), *Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law in Tigray* (2021)

¹²⁵ EHRC and OHCHR, *Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia* (3 November 2021) <https://www.ohchr.org/en/documents/reports/joint-investigation-ethiopia-tigray> accessed 11 May 2025.; Amnesty International, *Ethiopia: Humanitarian Access Denied as Tigray Crisis Deepens* (30 March 2021) <https://www.amnesty.org/en/latest/news/2021/03/ethiopia-humanitarian-access-denied/> accessed 11 May 2025.

significant health risks. The same assessment noted that local agencies were not equipped to manage the massive influx of IDPs and were unable to support reintegration processes.

Although numerous actors exist across international, regional, and national levels, their responses to internal displacement, especially in the Tigray context, have been uncoordinated and insufficient. Despite the structural clarity of the UNOCHA cluster system, the promise of the Kampala Convention, and the mandates of Ethiopian institutions, displaced persons continue to fall through the cracks. As Schrepfer (2012) concludes, “a legal framework without an implementation architecture cannot guarantee protection”.¹²⁶ This fragmentation demands urgent reform to ensure that legal mandates are matched with operational capacity and political commitment.

Chapter 6: Conclusion and Recommendations

6.1 Conclusion

This thesis has demonstrated that internally displaced persons (IDPs) in Ethiopia particularly in Tigray exist within a profound legal and institutional vacuum. While refugees benefit from a comprehensive international legal regime, IDPs are addressed only through a patchwork of soft law instruments and regionally binding frameworks that are often poorly implemented.

At the **international level**, despite the presence of multiple human rights and humanitarian law instruments, including the Guiding Principles on Internal Displacement, there is no dedicated, binding international legal regime for IDPs. Scholars such as Kälin, Cantor, and Schrepfer have repeatedly emphasized the systemic institutional gaps in the global response to internal displacement.¹²⁷ These shortcomings became starkly evident during the Tigray crisis, where UNOCHA’s robust humanitarian coordination mechanisms were hindered by security constraints and bureaucratic obstruction.¹²⁸

At the **regional level**, the African Union's Kampala Convention represents a significant step forward but suffers from weak enforcement. As noted by Addadzi-Koom (2023),¹²⁹ Okello (2019),¹³⁰ and Dieng (2017),¹³¹ the Convention’s promise remains largely rhetorical without

¹²⁶ Nina Schrepfer, ‘Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection’ (2012) 24(4) *International Journal of Refugee Law* 676.

¹²⁷Walter Kälin and Hannah Entwisle Chapuisat, ‘Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome’ (2017) UN OCHA, <https://www.unocha.org/sites/unocha/files/Breaking-the-Impasse.pdf> accessed 11 May 2025.; David James Cantor, *The IDP in International Law? Developments, Debates, Prospects* (Oxford University Press 2018).; Nina Schrepfer, ‘Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection’ (2012) 24(4) *International Journal of Refugee Law* 667.

¹²⁸ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), ‘Ethiopia – Tigray Region Humanitarian Update’ (various issues, 2021), <https://reliefweb.int> accessed 11 May 2025.

¹²⁹ Charles Addadzi-Koom, ‘The Kampala Convention and the Protection of Internally Displaced Persons in Africa: Achievements, Challenges and the Way Forward’ (2023) 35(1) *African Journal of International and Comparative Law* 86.

¹³⁰ Moses Okello, ‘The Kampala Convention and Internal Displacement in Africa: Advancing a Comprehensive Response Framework’ (2019) 31(3) *International Journal of Refugee Law* 363.

¹³¹ Adama Dieng, ‘Implementing the Kampala Convention: Opportunities and Challenges’ in Romola Adeola (ed), *The Internally Displaced Person in International Law* (Edward Elgar 2017) 266.

institutional backing or state accountability mechanisms. Ethiopia's ratification, coupled with reservations and limited reporting, further diminishes its utility.

At the **national level**, Ethiopia lacks a comprehensive legal and institutional framework for IDP protection. The Constitution does not recognize displacement explicitly, and the Draft IDP Proclamation of 2022 remains unenacted. The institutional landscape is fragmented, with overlapping mandates among the Ministry of Peace, NDRMC, and regional authorities. The Ethiopian Human Rights Commission (EHRC), while empowered to monitor human rights violations, has faced resource constraints and political challenges, particularly in Tigray.

The case study of Tigray offers compelling evidence of the consequences of this legal and institutional vacuum: mass displacement, systemic denial of assistance, and widespread rights violations without accountability. As Schrepfer (2012)¹³² and Cantor (2018)¹³³ have argued, without enforceable frameworks and institutional capacity, international law remains aspirational for IDPs.

6.2 Recommendations

A. At the International Level

1. The United Nations should initiate consultations toward a binding international treaty on the protection of IDPs, building upon the Guiding Principles and existing human rights instruments.
2. International humanitarian agencies must develop rapid response protocols for complex emergencies involving state obstruction, with clear accountability mechanisms.
3. The UN Human Rights Council should enhance the mandate of the Special Rapporteur on the Human Rights of IDPs to include regular country visits and thematic reports.

B. At the Regional Level (African Union)

1. The African Union should establish a compliance mechanism for the Kampala Convention, including periodic state reporting and peer review processes.
2. The AU Peace and Security Council must increase its capacity to respond to displacement crises and should consider fact-finding missions in member states where displacement arises from state-perpetrated violence.
3. The African Court on Human and Peoples' Rights should encourage states to remove reservations limiting individual access to legal remedies.

¹³² Nina Schrepfer, 'Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection' (2012) 24(4) *International Journal of Refugee Law* 667, 676.

¹³³ David James Cantor, *The IDP in International Law? Developments, Debates, Prospects* (Oxford University Press 2018) 193–194.

C. At the National Level (Ethiopia)

1. The Ethiopian Parliament should urgently enact the Draft IDP Proclamation (2022), incorporating international and regional standards and defining clear institutional mandates.
2. A national coordinating body for IDPs should be established with dedicated funding, inter-ministerial authority, and regional branches.
3. The Ethiopian Human Rights Commission should be empowered and resourced to monitor IDP conditions independently and to report publicly on violations.
4. Regional governments must receive capacity-building and logistical support to fulfill their mandates in IDP registration, service delivery, and durable solutions.
5. The government should ensure humanitarian access to conflict-affected areas, including Tigray, and hold accountable those obstructing aid.

D. Research and Advocacy

1. Civil society and academic institutions should expand documentation of IDP experiences and legal gaps, particularly in conflict-affected areas like Tigray.
2. Legal aid programs and mobile clinics should be supported in IDP camps and host communities to promote access to justice and basic services.

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