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**An Appraisal Of Institutional Framework For The Protection
Of Internally Displaced Persons In Nigeria**

Ibijoke P. Byron*
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Abstract

There has been an alarming rise in the number of Internally Displaced Persons (IDPs) in Nigeria in recent times. Internal displacement of Persons in Nigeria is a recurring and large-scale phenomenon that has affected most of the states in Nigeria. The guiding principles on internally displaced persons developed by the United Nations Commission on Human Rights are the first international standards specifically tailored to the needs of IDPs. The guiding principles are consistent with international human rights law and international humanitarian law and to a large extent codify and make explicit guarantees to protect IDPs. The United Nations (UN) Guiding Principles on Internal Displacement of Persons define IDPs as persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border. This article generally discusses IDPs in Nigeria and identifies problems encountered by internally displaced persons that are typically caused by shortcomings in the legal and institutional framework on internal displacement in Nigeria and make recommendations on the way forward to alleviate the plight of the IDPs.

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Introduction

From time immemorial, people have been forced to flee conditions of political and religious persecution, violations of human rights, torture, natural disasters and inhuman and degrading treatment¹. Fleeing involuntarily from one place to another in times of upheaval in one's own country, can result in internal displacement. The 21st century has witnessed an increase in the violation of the rights of displaced persons and refugees in Nigeria. The recent spate of attacks, bombings and killings by the Boko Haram militia and clashes between Fulani herdsmen and farm settlements across the country² has increased the number of internally displaced persons in Nigeria, hence the gravity of the deprivations that are continuously suffered by millions of internally displaced persons (IDPs) in Nigeria and worldwide which cannot be readily quantified.

Internal displacement works against internally displaced persons and creates both physical and administrative obstacles to the realisation of the rights of the internally displaced person; equally, IDPs flee from their homes and properties and risk that it will not be taken over by someone else. Also, their economic, human, social and political rights are infringed on; for example, non-displaced persons are not in need of shelter nor have to leave their property behind, risking that it will be taken over by somebody else. Likewise, achievement of the right to political participation is beyond the reach of IDPs in situations where they can only exercise their right to vote at a place of origin they cannot safely return to. In 2012, Nigeria adopted a policy on IDPs³ which set out the contextual and situational analysis; policy thrust; rights and obligations of IDPs; responsibilities of government, humanitarian agencies, host communities and armed groups; policy implementation framework and strategies; and funding, monitoring, evaluation and policy review of IDPs.

¹ Rehman, J. 2010. *International Human Rights Law (2nd Edition)*, Pearson Education Limited, England, pg. 641

² Particularly Plateau State, Benue State, Ogun State, Delta State, and Enugu State

³ National Policy on Internally Displaced Persons in Nigeria, July 2012. Retrieved from www.finreview.org/young-and-out-of-place/bukar.html on May 20, 2016

The aim of this paper is to appraise the legal and institutional mechanisms of internal displacement in Nigeria vis a vis the National Policy on IDPs, identify problems encountered by internally displaced persons that are typically caused by shortcomings in the legal and institutional framework on internal displacement in Nigeria and make recommendations.

Conceptual clarification

The issue of internal displacement of persons received recognition and was indelibly placed on the international agenda as a legitimate issue of international concern 26 years ago. Since that time, awareness of the global crisis of internal displacement and the plight of IDPs has grown and international humanitarian, human rights and development agencies have become increasingly engaged with the internally-displaced both at the policy level and in the field. A United Nations office has been established to coordinate their efforts and ensure an effective institutional response⁴ and a normative framework for addressing the problem of internal displacement has been developed. Its use is being widely promoted at the national, regional and international levels and⁵ international displacement now features regularly in international discourse up to the United Nations Security Council⁶.

Despite recognition at the international level, there are different perceptions and definitions of “internal displacement” and “internally displaced persons”. For some, it refers to only those displaced by violence, conflict, persecutions; that is, people who would be regarded as refugees if they had crossed the borders of the territorial state. According to Mooney⁷, global statistics on IDPs generally support this

⁴ In 2005, the United Nations Commission on Human Rights (UNCHR) signed an agreement with other humanitarian agencies to assume the lead responsibility for protection, emergency shelter and camp management for internally displaced persons. See generally, Questions and Answers about Internally Displaced Persons. Retrieved on <http://www.ochr.org/EN/Issues/IDPersons/Pages/Issues.aspx> on 22 April, 2016

⁵ Ibid. See footnote 5

⁶ Ibid.

⁷ Mooney, E. (2005) The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern, Refugee Survey Quarterly, Vol 24 No. 3, United Nations Commission on Human Rights

view by counting only those displaced by conflict. He adds that others, however, consider internal displacement as a much broader concept and includes those displaced by natural disasters and development projects. Others; question whether it is useful to single out IDPs, who commonly are “refugees” as a category at all, and there is also no consensus on when internal displacement ends; that is, when an IDP should no longer be considered as such. There has been much agitation on this issue as there is at present, no legal definition of IDPs as what can be found around are just definitions of their status. Yet a definition is essential for identifying the population concerned and their needs, particularly in order to compile data, frame laws and policies designed to assist them.⁸ The guiding principles on internal displacement⁹ define internally displaced persons as:

Persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural, human-made disasters, or large scale development projects and who have not crossed an internationally recognized state border¹⁰

Black’s law dictionary defines¹¹ an internally displaced person as:
...someone who remains within an internally recognised State border after being forced to flee a house or place of habitual residence

⁸ The United Nations Secretary-General, at the request of the Commission on Human Rights (Resolution 1992/73), appointed Francis Deng as his Representative on Internally Displaced Persons in 1992. His successor, Walter Kälin, was appointed in September 2004 as Representative of the Secretary-General on the Human Rights of Internally Displaced Persons.

⁹ The Guiding Principles on Internal Displacement". E/CN.4/1998/53/Add.1, United Nations. New York. Retrieved from http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html. On April 23, 2016.

¹⁰ Deng F., "The Guiding Principles on Internal Displacement". E/CN.4/1998/53/Add.1, United Nations. New York. Retrieved from http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html on April 20, 2016.

¹¹ Gardner, B.A. (2009) Black’s Law Dictionary (9th Ed.) West Publishing Co., USA

because of armed conflict, internal strife, the governments' systematic violations of human rights or man-made disasters.

It is observed that the above definitions are merely descriptive of the status of IDPs and lack one description of an internally displaced person and confer no legal status on them whatsoever. There are also a range of views on the issue of definition of internal displacement.¹² There are two core elements of the concept of internal displacement:

- Involuntary movement, and;
- Staying within the territorial borders of the State.¹³

Internally displaced persons (IDPs) move away either voluntarily or involuntarily from their place of abode but stay within the state borders, this distinguishes IDPs from individuals who leave their homes out of choice and could have safely remained where they lived. The second element – staying within the border- differentiates between IDPs and Refugees who by definition are people who flee or are expelled from a country, especially because of persecution, and seek haven in another country.¹⁴ However, in terms of risk and deprivation, both refugees and IDPs face the same problems.

The above highlight the main causes of internal displacement, which are:

- armed conflict
- violence
- violations of human rights, and,

¹² See United Nations Commission on Human Rights, Report of the Representative of the Secretary-General on Internal Displacement; UN doc.E/CN.4/1993/35 (21 January, 1993) paras 33-53; UN Commission on Human Rights, Report of the Representative of the Secretary-General on IDPs UN doc. E/CN.4/1995/50 (02 February, 1995), paras 116-127

¹³ This distinguishes an IDP from a refugee who by international definition and recognition is outside the territorial state. See Article 1, Convention Relating to the Status of Refugees, 28 July, 1951

¹⁴ Black's Law Dictionary *ibid*.

- natural or human-made disasters¹⁵

The handbook for the protection of IDPs¹⁶ states that the above list is not exhaustive and other situations can cause involuntary movement within one's own country. It also indicates that an IDP definition is descriptive rather than legal. It describes the factual situation of a person who has had to leave his/her place of habitual residence and does not confer a special legal status or rights in the same way that refugee status does because IDPs, unlike Refugees, are within the state and enjoy its protection. As such, IDPs remain entitled to all the rights and guarantees as other habitual residents of the state; the major difference is that their situation is heightened by protection risks some of which will be listed below.¹⁷

1. Loss of access to landed or rented property- this results in homelessness
2. Loss of livelihood/source of income – this results in poverty, hardship, marginalisation, exploitation and abuse
3. Diminished access to adequate food, safe water and public services such as education, and health care, which lead to increased levels of hunger, malnutrition and disease.
4. Collapse of family and community structure- caused by separation of family members. Unaccompanied and separated children, women and older persons and persons living with disabilities face heightened risks of abuse,

¹⁵ See generally Kellenberger, J. (2009) Root causes and prevention of internal displacement: The ICRC Perspective. Special Summiton Refugees and IDPs in Africa, Kampala, Uganda. Retrieved from <https://www.icrc.org/eng/resources/documents/.../displacement-statement-231009.htm> on April 21, 2016

¹⁶ Handbook for the Protection of Internally Displaced Persons retrieved through <http://www.refworld.org/docid/4790ebc02.html> on 29 April, 2016. The Handbook is the result of collaborative effort of people serving in United Nations agencies, international organisations and humanitarian actors. It was facilitated by the United Nations Commission for Human Rights in coordination with the Global Protection Cluster Working Group (PCWG) and provides operational guidance and tools to support the protection responses in situations of internal displacement.

¹⁷ Op.cit. See footnote 18

including sexual exploitation, child labour, or forced recruitment into armed groups.

5. Loss of documents, destruction and confiscation as a result of displacement can lead to problems and difficulties in accessing public services such as education and health care can limit movement and freedom and IDPs face heightened risks of harassment, exploitation (cheap labour) arrest and detention.

Balmanno¹⁸ describes the experience of IDPs and states that “compelled to live nomadic existence in makeshift camps and refugee centers, IDPs fall victim to persistent violations of their human rights such as physical assault, execution, rape, harassment and deprivation of basic necessities including food, water, medicine and medical care.” IDPs and refugees are similar in the sense that they are all victims and a lot of the existing jurisprudence human rights have been built around the death and survival of IDPs and refugees.¹⁹ The rights of IDPs imbibe fundamental human rights, economic, civil, social and political rights.²⁰ Many universally recognised human rights are directly applicable to IDPs and these include the right to life²¹, protection from torture, inhuman or degrading treatment²², freedom of movement²³ and the right to vote and be voted for.²⁴ These rights are affirmed amongst other rights for all citizens of a country.

¹⁸ Balmanno, A.(1995) “Protecting the Internally Displaced Under International Humanitarian Law” Human Rights Brief 2 no. 2., Article 5.Retrieved from http://www.digitalcommons.wcl.american.edu/hrbrief_pp.4-5 on 22 April, 2016

¹⁹ Rehman, J. International Human Rights Law. op. cit.

²⁰ See generally, Handbook for the Protection of IDPs, Action Sheet 1. Retrieved from <http://unchr.org/4794b2.pdf> on April 22, 2016

²¹ See Section 33, Constitution of the Federal Republic of Nigeria, Laws of the Federation of Nigeria, 2004 (CFRN, LFN, 2004; Article 6, International Covenant on Civil and Political Rights (ICCPR); Article 3, Universal Declaration of Human Rights (UDHR).

²² Section 34 CFRN, LFN 2004; Article 7, ICCPR; Article 5, UDHR. See also, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

²³ See Section 41, CFRN; Article 12 (4), ICCPR, Article 13, UDHR,

²⁴ See Section 77 (2) CFRN; Article 25 ICCPR; Article 21, UDHR, Article 15 ICESCR

International human rights and humanitarian rights in relation to internally displaced persons

Internal displacement of persons is a serious global challenge, even more serious than refugee problems, as IDPs can be found in all continents but are most noticeably present in Africa. Statistics indicate that IDPs in Africa are half the number in the world. Internal displacement received official recognition at the international level in the early 1990s when it became recognised as a legitimate matter. Mooney²⁵ states the awareness of the global crises of internal displacement and of the plight of internally displaced persons has grown; a normative framework for addressing the problem has been developed, is being widely promoted at the national, international and international level and international humanitarian, human rights and development agencies have become increasingly engaged with the internally displaced, both at the policy level and in the field and a United Nations Office has been established to coordinate their efforts as well as to ensure an effective international response.²⁶

The guiding principles on internally displaced persons developed by the United Nations Commission on Human Rights²⁷ (Guiding Principles) was designed as a guide and tool for the prevention and management of internally displaced in all nations of the world. It is referenced by all governmental and non-governmental humanitarian actors that work with internally displaced persons. The guiding principles is specifically tailored to the needs of Internally Displaced Persons (IDPs), and is consistent with international human rights law and international humanitarian law and to a large extent, codify and make explicit guarantees protecting internally displaced persons that are inherent in these bodies of law. The guiding principles provide that national authorities have the primary duty and responsibility to provide protection and assistance to IDPs within their jurisdiction. This principle further stipulates that IDPs are entitled to enjoy full

²⁵ Mooney, E. (2005) 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern, Refugee Survey Quarterly, Vol 24 No. 3. United Nations Commission on Human Rights

²⁶ Ibid. He adds that Internal Displacement now features regularly in International discourse, and not only in human rights and humanitarian circles, but also in the debates of the United Nations Security Council.

²⁷ Ibid.

rights and freedoms like other persons in the country and shall not be discriminated against because of their displacement.²⁸

It is accepted that internally displaced persons should, in accordance with established principles of International law, enjoy the protection and assistance of their own government. The Nigerian government, as with most sovereign national governments in countries with internally displaced persons, regularly insists that the primary responsibility for ensuring the security and welfare of their citizens are in their care and the responsibility for protecting and assisting IDPs rests first and foremost with the national authorities. In addition to the responsibility of the Federal Government, IDPs have specific needs and experience heightened vulnerability which flows from the fact of being displaced and they therefore, are entitled to special protection and assistance.²⁹

Although existing human rights and humanitarian law provisions provide some protection for internally displaced persons, the viewpoint of international law is that IDPs remain the responsibility of the territorial state but due to conflict and inadequate resources, the state may be unable or unwilling to accord little or any protection³⁰. Rehman³¹ asserts that state parties are often implicated in the displacement conditions of and furthermore, Article 3 of the Geneva Convention 1949 does not provide for any enforcement mechanisms. Although the UNHCR has been actively involved in incidents of internal displacement since 1972, there is no binding document

²⁸ Principle 3(1) of the Guiding Principles. Retrieved from www.unhcr.org/43ce1c72.html on April 20, 2016

²⁹ Ibid.

³⁰ Although provisions found in the International Bill of Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights apply to IDPs, there is allowance for derogation from some human rights in times of emergencies. It should be noted that governments who create situations resulting in internal displacement, or who are not sympathetic to the plight of the displaced persons or are in financial difficulty, are generally unwilling to provide displaced persons with rights found in international human rights instruments, also, human rights law does not directly specific situations such as internal displacement. See generally Balmanno, A. Protecting the Internally Displaced Under Humanitarian Law. op. cit.

³¹ Rehman, J. International Human Rights Law op. cit.

addressing the issue of IDPs at the international level. There is also no United Nations organisation willing to take responsibility for IDPs; although they provide oversight functions.³² Balmanno³³ opines that IDPs are more vulnerable than refugees because they lack international protection and assistance, and although they surpass those of refugees; there is at present, no international regime in existence to specifically protect IDPs.

Most of the existing human rights jurisprudence has been built around the experience of IDPs and refugees and these rights are imbibed in fundamental human rights, economic, social and cultural rights, as well as political rights. Many universally recognised human rights are directly applicable to IDPs and refugees and these include; the right to life, protection from torture and inhuman and degrading treatment, the right to freedom of movement. These rights are affirmed among other rights for all persons, citizens and non-citizens alike.

Regional protection of IDPs in Africa

The African Charter on Human Peoples' Rights, the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People's Rights which have been domesticated in Nigeria affirm the range of civil, political, economic, social and cultural rights, including the right of every individual to freedom of movement and choice of residence and the right to property, play a prominent role in the protection of IDPs because they allow for the enforcement of rights at the Regional Human Rights Court and ensure respect for international humanitarian law. They make concrete reference to the need to protect and assist internally displaced children especially and ensure family reunification in situations of displacement.

The Protocol on the rights of women includes commitments to:

- Protect internally displaced women against all forms of violence, rape and sexual exploitation and ensure that perpetrators are brought to justice.

³² Rehman, J. *ibid*; Balmanno, A. *Ibid*.

³³ *Ibid*.

- Ensure the increased participation of displaced persons, particularly women, in the management of camps and settlements; and
- Devote attention to widows' property rights, which is important for women heads-of-households whose numbers tend to increase dramatically during displacement.

The guiding principles on displacement set the foundation for the African Union Convention for Assistance and Protection of Internally Displaced Persons, which was adopted at the African Union Summit on Refugees, Returnees and Internally Displaced Persons in Kampala, Uganda, in October 2009. The African Union Convention for the Protection and Assistance of IDPs in Africa (Kampala Convention) specifies in Article 2 (1) of the convention "to take necessary measures to ensure that IDPs who are citizens in their country of nationality can enjoy their civic and political rights". This convention was ratified by Nigeria in 2012.³⁴

International humanitarian law, human rights and internally displaced persons in Nigeria

Internal displacement is regarded as a serious global challenge and is sometimes seen as more serious than refugee crisis. This is because, in terms of the numbers and impact, internal displacement can be more disconcerting. Internally displaced persons can be found in every continent in the world and it has recently expanded in number and focus in Nigeria.³⁵ It is pertinent to note that internal displacement in Nigeria is a recurring and large-scale phenomenon³⁶. Most parts of the 36 states have seen many waves of displacement, both small and

³⁴ Article 2(1) Guiding Principles. Retrieved from www.unchr.org/43ce1cff2.html on April 20, 2016

³⁵ This is largely due to the activities of Boko Haram insurgents and communal clashes between Fulani herdsman and farmers in rural communities.

³⁶ There has been a history of internal conflict and displacement in Nigeria since the mid-1960's; it is reputed to have started in Western Nigeria and was political in nature. See generally Olagunju, O. (2006) Management of Internal Displacement in Nigeria, Working Paper #35. Retrieved from web.mit.edu/cis/www/migration/pubs/rwp/35_displacement.pdf on April 20, 2016

large-scale. It is a situation caused essentially by conflict, generalized violence, insurgencies, human right violations and natural disasters, whereby members of the affected community are forced to leave their homes and seek refuge in neighbouring communities or states.

Internally displaced persons are people or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border. A study research revealed that Nigeria accounts for more than one million out of Africa's nine million people internally displaced from their homes due to armed conflict and generalised violence³⁷. The vast majority of IDPs in Nigeria are women and children. They face a range of threats to their physical safety and restrictions on their freedom of movement. Many are traumatised by the violence that prompted them to flee and are afraid to return. Those whose homes have been damaged or destroyed by conflict and flooding have nowhere to go back to. Most internally displaced families live and share resources with host communities.³⁸

In Nigeria, the full impact of displacement is unclear simply because figures are often only available after larger-scale crises³⁹. Estimates suggest that violence and disasters caused by natural hazards have

³⁷ This was achieved in 2011. This figure however excludes the millions of persons displaced within their own countries due to natural disasters and development projects. See Bukar, B.A. Nigeria needs to take responsibility for its IDPs. Retrieved from www.fmreview.org/young-and-out-of-place/bukar.html on April 20, 2016

³⁸ Rushing, E.J., et. al. (2014) Nigeria: Multiple Displacement Crisis overshadowed by Boko Haram. Sub-Saharan Africa. Retrieved on 24 April, 2016

³⁹ This figure is based on an assessment conducted from November to December 2015 by the International Organisation for Migration's (IOM) Displacement Tracking Matrix (DTM) team in 207 Local Government Areas (LGA) covering 13 States of Northern Nigeria: Abuja (13,481 IDPs); Adamawa (136,010 IDPs); Bauchi (70,078 IDPs); Benue (85,393 IDPs); Borno (1,434,149 IDPs); Gombe (25,332 IDPs); Kaduna (36,976 IDPs); Kano (9,331 IDPs); Nasarawa (37,553 IDPs); Plateau (77,317 IDPs); Taraba (50,227 IDPs); Yobe (131,203 IDPs); and Zamfara (44,929 IDPs).

forced a staggering number of people to flee their homes, but information is sketchy as data collection is inconsistent and unreliable, leading to an alarming lack of understanding of displacement dynamics, and fragmented and inadequate responses. Both the Nigerian authorities and the international community have focused disproportionately on north-east Nigeria. The current emphasis on short-term, emergency response also prevents understanding of how vulnerabilities increase with each cycle of displacement, how to address the causes of displacement and how to facilitate IDPs' achievement of durable solutions.⁴⁰

Other countries also face the challenges that emanate from internally displaced persons.⁴¹ The United Nations in 2014 reported in its annual figures that there were presently almost 60 million refugees and internally displaced people (IDPs) around the globe.⁴² That is about one in every 122 people worldwide. This is roughly the equivalent of the entire population of Italy. The number of refugees and IDPs last exceeded 50 million during World War.⁴³

Nigeria ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa⁴⁴, also known as the Kampala Convention, and rewrote a draft policy on IDPs to incorporate its provisions. In 2012, Nigeria adopted its own National Policy on Internal Displacement. The policy delineates the roles and duties of the federal, state and local governments, non-governmental organisations, community-based organisations, IDP host communities, civil society groups, humanitarian actors both national and international and the general public. It also educates persons about their rights and obligations, before, during and after displacement.

⁴⁰ Rushing, E. Nigeria; Multiple Displacement Crisis. Ibid.

⁴¹ For instance, other countries like Australia, and majorly European countries

⁴² Number of Displaced Worldwide Hits Record High- UNCHR Report of 18 June, 2015. Retrieved from www.bbc.com/news/world-33178035 on 22 May, 2016

⁴³ Adeogun-Phillips, C. (2015) Do internally displaced people have rights under the law? Retrieved from www.vanguardngr.com/.../do-internally-displaced-people-have-rights-under... On April 20, 2016. The ever-increasing number of IDPs pose enormous challenges and is capable of sparking tensions in areas and regions that were previously untroubled

⁴⁴ This is also known as the Kampala Convention and it was ratified in Nigeria on May 2012

Up till the present, no one has an exact number of Nigeria's IDPs. Different agencies which have been mandated and permitted to deal with IDP issues in Nigeria⁴⁵ have different numbers. In reality, the numbers change daily. For instance, the United Nations Office for West Africa (UNOWA) estimates about 700,000 IDPs from north-east Nigeria alone. The United Nations High Commission for Refugees (UNHCR) puts the IDP population now in north-east at closer to 900,000. The National Emergency Management Agency (NEMA)'s figures are closer to UNOWA's⁴⁶, and unfortunately, the nation faces a challenge in assessing the actual extent and impact of internal displacement on communities and national security in Nigeria.

The figures only take into account encamped and documented IDPs and exclude informal support structures. The Internal Displacement Monitoring Centre (IDMC), Geneva, as at 2014, credited Nigeria with an IDP population of over 4.3 million, which was the highest in Africa at the time, the third highest in the world behind Syria and Iraq. Given the spate of attacks and bombings that have been taking place from 2014 in the north and middle-belt regions of Nigeria, these figure will be much higher,

Causes and impact of internal displacement in Nigeria

The identified causes of internal displacement in Nigeria include post-election violence, intercommunal and ethnic violence⁴⁷ desertification in the Sahelian fringes of northern Nigeria, inundation in the creeks and littoral zones of the Niger-Delta, erosion in the East, oil spillage, forced eviction as a result of development which results in destitution and the shift in the nations border as a result of the handing over of the oil-rich Bakassi Peninsula by Nigeria to Cameroon in 2008 as a result of the 10th October ruling in the International Court of Justice.

⁴⁵ National Emergency Management Agency (NEMA, established in 1999), Red Cross, Catholic Relief Services, Save the Children (United Kingdom), Amnesty International, UNICEF, UNDP, UNHCR and Medecins Sans Frontiers (MSF), to name a few.

⁴⁶ Odinakalu, C.A., (2014) Internally Displaced Persons and the 2015 General Elections. Retrieved from blogs.premiumtimesng.com/?p=166360 on April 23, 2012

⁴⁷ Ibid.

Ladan⁴⁸ also asserts that extreme poverty, lack of access to socio-economic resources and balanced development, and high unemployment rate among able-bodied youths add to the problems of internal displacement in Nigeria. In short, the coverage of displacement in Nigeria is national.

The impact of internal displacement includes:

- Forced relocation as a result of violent conflict or natural disaster or forced relocation which forces IDPs to flee into neighbouring communities and cities; taking shelter in temporary shelters such as schools, police stations, military barracks, public buildings and places of worship.
- Exploitation – most places where IDPs flee to become unguarded camps, overcrowded, rundown, unplanned and unprepared to receive a large number of displaced persons and this leads to all manner of exploitation - be it sexual or work oriented – just to survive.
- Health – malnutrition, especially the children. UNICEF 2015, April Report indicate that the children in the camps showed increased levels of malnutrition, malaria, typhoid, cholera, high blood pressure, polio, and so on
- Sexual harassment – rape – women have been reported arriving the camps pregnant after enduring months of rape from terrorists.
- Trauma/Torture
- Internal displacement also has an effect on host communities as they are not designed to accommodate a sizeable number of unplanned people. This leads to overcrowding as IDPs create informal settlements on communal and private land, thus overstressing basic social amenities such as water, schools, clinics and housing. It also leads to environmental degradation. Internal displacement can in addition lead to heightened situations of tension in communities where IDPs now compete for already scarce resources which can increase the cost of living and hinder local integration.

⁴⁸ Ladan, M.T. (2010) Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Rights, Peace and Security in West Africa, ABU Press, Zaria, Nigeria

Appraising institutional mechanisms for humanitarian protection of internally displaced persons in Nigeria

Although Federal Government has responded alongside international organisations by providing humanitarian assistance, Ogundamisi⁴⁹ alleges exaggeration of the numbers of IDPs, redirection of food, carting away of items by personnel, self-gratification, non-handing over of items obtained. Rather, he claims that they are diverted. Indeed, UNICEF reports that only 15% of US \$26.3 million for humanitarian support was received.

The national policy on internal displacement adopts a human rights-based approach to the issue of internal displacement and embraces to an extent, the provisions of existing international conventions, treaties and protocols on internal displacement and seeks to address all causes, phases, levels, affected areas of internal displacement alongside seeking to address all groups and rights of internally displaced persons. It seeks to strengthen institutional mechanisms and framework for the realisation of the rights, dignity and wellbeing of vulnerable populations through the prevention of root causes, mitigation of the impact and achievement of durable solutions to internal displacement in Nigeria by promoting the fundamental human rights of all IDPs and ensure accountability.

A short assessment of the national policy in its totality indicates that the Nigerian government has a long way to go in achieving its vision, mission, aims and objective as regards internally displaced persons in Nigeria in the sense that in terms of its obligations to IDPs it has fallen short of its own objectives in terms of provision of:

- i. Ensuring the attainment of the rights contained in the Constitution of Nigeria and other domesticated international and regional instruments;
- ii. Enjoyment of full equality and enjoyment of rights and freedoms as other citizens do;

⁴⁹ Ogundamisi, K..(2015) "Exploitation of Internally Displaced Persons in Nigeria" Retrieved from www.opinionnigeria.com/exploitation-of-internally-displaced-persons-in-Nigeria-by-kayode-ogundamisi/#sthash.BEPf2lw7.AEvTCp8m.dpb8 on April 24,2016

- iii. Protection against forcible return to or resettlement;
- iv. Protection and assistance required by their conditions or special needs;
- v. Protection from displacement where avoidable;
- vi. Protection and assistance during and after displacement;
- vii. Protection of internally displaced children and ensuring that they enjoy their rights under the Nigerian constitution;
- viii. Protection of women from all forms of victimisation, violations, indignity and abuse;
- ix. Protection of IDPs with disabilities;
- x. Special attention to IDPs living with HIV and other diseases;
- xi. Right to vote, local integration, return and relocation.

Recommendations

Based on the above policy and currently, it is recommended that the Nigerian government should collaborate with donor agencies, care providers and non-governmental agencies to set up a workable institutional and legal framework, on internal displacement in order to secure the safety and security of lives and property of internally displaced persons as provisions on this should not be at the whim of the Head of State or Governors. The institutional and legal framework would be expected to cover:

- i. Regulation of distribution of aid to IDPs so as to ensure non-discrimination as IDPs rely on the generosity of donors;
- ii. Setting up of proper mechanisms to ensure non-discrimination in the enjoyment of their human rights;
- iii. Preventing all causes of displacement and minimising its adverse effects;
- iv. Ensuring proper coordination of relief services;
- v. Increasing public awareness/enlightenment on the issue of internal displacement;
- vi. Encouraging the collection of data on all forms of internal displacement;
- vii. Support the training on the rights of internally displaced persons among all government authorities, host communities and the IDPs themselves;

Conclusion

Internal displacement has become a threat to the safety and security of the world in the 21st century. IDPs are vulnerable because they have been uprooted from their homes or habitual place of residence due to internal violence, human rights violations, generalised violations, natural disasters, development and shift in border of the state and in most cases face an uncertain future, and human right violations. Although the endorsement of the National Policy on Internal Displacement in Nigeria is laudable, there must be political will to ensure that the provisions of the policy are carried out. There have been arguments and complaints that the government focuses more on disaster-induced displacement and largely ignore non-disaster induced displacement. Whatever the cause of displacement, it is necessary for the government to set in place mechanisms for proper care of all displaced persons so that they can enjoy the rights accorded all citizens of the country.