

An Appraisal of the State of Internally Displaced Persons in Africa – Nigeria in Perspective

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Abstract

Internally Displaced Persons otherwise known as IDPs refer to persons who have been displaced from their traditional homes in their country for one reason or the other. This issue has assumed a significant dimension of great concern all over the world with the African sub-region being the highest victim. Internally Displaced Persons face grave dangers in their home countries as they are vulnerable economically, psychologically socially, religiously and even politically. Apart from the pronounced refugees, they constitute a major group of the vulnerable persons. They could be referred to as “refugees” in their home country. The only difference between them and the refugees is that they are still within the geographical circumference of their nationality. Economically, their means of livelihood is cut off either as farmers, fishermen, or petty traders, or artisans; psychologically and socially, they are not in good frame of mind and have lost their natural homestead and habitation, cut off from their traditional and cultural environment, distanced from their gods and deities and therefore cannot worship their gods; from the political point of view, their civil rights and obligations are even denied sometimes may be not deliberately but because of the circumstances of relocation to areas where it may not be convenient for them to exercise such rights. In Africa generally and in particular Nigeria, the issue of IDPs has become a common phenomenon and of great concern to both the government and voluntary organizations. This paper which will concentrate on Nigeria will examine the causes of displacement of people in Nigeria, the efforts made by the Government as well as legal/institutional framework for the protection of IDPs, and how far the efforts of Government have helped in alleviating the plight of IDPs. Some recommendations are made as part of the concluding remarks.

Keywords: Internally Displaced Persons IDPs, Conflict, Refugees, Vulnerable.

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INTRODUCTION

The issue of Internally Displaced Persons (IDPS) has assumed a significant dimension all over the world with the African Region being the highest victims. As it is commonly said for every 10 black African, seven are Nigerians. This statement applies to the hydra-headed issue of internally displaced persons in recent times especially with the emergence of Boko Haram and other security challenges and conflicts in Nigeria, it can therefore be said for every ten internally displaced persons in Africa, seven are Nigerians. The advent of *Jama'atul Ahlis Sunnah Lid Dawatil Wal Jihad Islamic* (otherwise called Boko Haram) in 2009, had worsened the situation in Nigeria and posed major humanitarian crises in the country in particular and the West African Sub-region. The Federal Government of Nigeria and her state counter parts, have been making concerted efforts at confronting this humanitarian problem by creating or establishing IDP Camps. But the solution is not yet in sight as security challenges

continue to escalate as result of the Boko Haram group who have not retreated and other ethnic, tribal and community and regional conflict that have continued to multiply. Thus you have the herdsmen-farmers conflict is the (North Central Zone of Benue, Nassarawa, Plateau, Kogi, Taraba and even some parts of North East, like Adamawa, Yobe; the ravaging affront of the Bandits in Zamfara, Sokoto and Kastina State in the North West, and the Religious Communal Conflict in Kaduna State also is North Central. The effect of these conflicts on the citizens who are displaced from their homes, can better be imagined than experienced. The trauma of being displayed and uprooted from their traditional settlements and becoming separated from family members and loved ones, lack of language skill, unfamiliarity with new environment besides the fear and concern about events back home, they left behind complicate their worries and worsen their plight. The fate of the internally displaced persons in Nigeria

cannot be better captured than what a learned writer said:

At the very root of displacement lies the obvious problem of detachment and eviction from established environments thus making the refugees and IDPs susceptible to economic, social and political hardship. Economically, the refugees lack the basic amenities of life having been cut from their employment. Often they are left with little or no means of livelihood and could hardly feed themselves talk more of their relatives. Even where asylum or refugee status is granted, they are still in lack as the resources at their disposal can hardly sustain them. This is so because in their new found environment, integration and amalgamation is difficult as the citizens of the host state are usually afraid or unable to accept the refugees or asylum seekers. Socially, refugees and IDPs most times lose contact with their relatives, friends and families [1].

Conceptual Analysis

Internally Displaced Persons (IDP.) The Refugee Convention [2] being the primary International Instrument for the protection of Refugee and Internally displaced persons, did not specifically define or describe what Internally Displaced Person. It only stated in Art 1 (A) (2) that:

For the purposes of the present Convention the term 'refugee', shall apply to any person who: as a result of events before 1st January, 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to

such fear, is unwilling to return to it [3].

Obviously from this Article no mention, was made of the Internally Displaced Persons. It is against this background that people have argued that there is no generally accepted definition of IDPs [4]. It can be explained out that, perhaps, the said convention was only interested with those who out fear, have left their country of Nationality.

The internally displayed person(s) refers to simply, as persons who ordinarily would have been referred to as refugees if they had left the borders of their country of Nationality and residence. Some persons have described IDP as not just internal refugees but covers persons who are forced to relocate, either because of persecution, conflict natural disaster and even development project [5].

The United Nations (UN) in its Guiding Principles on Internal Displacement of 1998, gave a wide and what appears to be a more comprehensive and acceptable definition or description of IDP. According to that principle:

“persons or group 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 effect of armed conflict, situation of generalized violence, violation of human rights or natural or manmade disasters and who have not crossed an internationally recognized state border” [6].

The Distinguishing Difference between Refugees and IDPS are

- Refugee confers some Legal Status, while the IDP does not confer any Legal Status, this is because, refugees have lost the protection of their own country and are outside their own State, therefore, require some legal protection, the rights and guarantees to which IDPs are entitled stem from the fact that they are human

¹ Obinna Mbanugo: The State of Refugees and internally Displaced Persons in Nigeria: A Legal Review (2012), Nnamdi Azikiwe University Journal of International Law and Jurisprudence, Vol. 3, Pg. 97 – 106.

² Convention Relating to the Status of Refugees signed at Geneva on 28 July 1951 which come into force on 22 April 1954.

³ *Ibid* Art 1 (a), (2).

⁴ Erin Mooney: The concept of Internal Displacement and the case for Internally Displaced Persons, as a category of concern (2005) Refugee. Survey Quarterly, p9-26, See also Obinna Mbanugo n1 p.98

⁵ Erin Mooney n4. p.13

⁶ United National Commission on Human Rights, Report of the Representative of Secretary General on Internally Displaced Persons: Guiding Principles on Internal Displacement. U N Doc. E/C.N.4/1998/53/Add.2 of 11th February 1998. See Pp.13-14

beings and citizens or habitual residents of a particular state [7].

- Not all situations of internal displacement will necessarily be of concern to the international Community. If the needs of the internally displaced persons are well met by their home Government, the International Community need not and will not be involved [8]. It is of course elementary to note that every refugee issue is of international concern.

Thus, an Internally Displaced Person has these basic features:

- He must have left his natural or traditional habitat of his country.
- His leaving that place was forcible not out of his own volition, in other words, it must have been as a result of circumstances beyond his control.
- Such circumstances, are not limited to conflict or violence only but also include, natural disasters and developmental factors which gave him or her no option than to relocate.
- He is still within the territorial boundaries of his state of origin as recognized under International Law.

Causes and Circumstances of Internal Displacement in Nigeria

It is on record that internal displacement, is on the increase in Nigeria today. Infact, it is no more news to talk about people leaving or abandoning their homes for Safety elsewhere. The reasons are numerous and include, but not limited to the following.

- Ethnic conflicts or strife
- Religious conflict
- Internal armed conflict
- Activities of Bandits
- Militancy and Insurgence
- Developmental factor
- Natural Disasters (decertification, flooding, erosion etcetera)

In Nigeria there are series of ethnic conflicts as there are numerous ethnic groups. In the North central part of Nigeria, you have the protracted TIV-Jukun conflict which occurs and re-occurs without end. "TIV-Jukun conflict has had a long history of occurrence and re-occurrence over a period of time, and there has been periodic fighting between the two group, since the late 50s which conflicts have led to the destruction of lives and properties and led to the internal displacement of

people" [9]. The reason for this conflict is the issue of citizenship or indigeneship of the area making up the Taraba State.

In recent times there has been the herdsmen-farmers conflict in Benue, Plateau and Nassarawa States which is tied to ethnic groups of the Fulanis and Tivs. This has also led to displacement of thousands of people and creation of IDP Camps in these States by both the Federal and the State Governments.

Religion is another major cause of conflict in Nigeria especially the two dominant foreign religions Christianity and Islam brought by the Europeans and the Arabians to Nigeria. The adherence of these religious especially the Moslem fundamentalist who believe that people must be converted to Allah by force and there is joy in heaven if people die for the sake of Allah. This conflict is very common in the Northern part of Nigeria particularly the area comprising Kano, Kaduna, Plateau States. This has also led to people being displaced. As stated by Mbanugo [10] "It has in fact been noted that crises induced by religious divisions have produced the greater number of refugees especially IDPs in Nigeria" [11]. A state like Zamfara in the North adopted Sharia Law as its only legal system which led to clashes between Muslem and Christians in 2000.

Today the activities of the dreaded *Jama'atul Ahhs' Sunnah Lid Dawatil Wal Jihad Islamic* otherwise called Boko Haram have caused the death of thousands of Nigerian and led to the displacement of many people especially in the North Eastern part of Nigeria. This group annexed and declared part of Nigeria as an Islamic country and hoisted its flag therein accordingly. There is the militancy group in the Niger Delta area of Nigeria which have led to so many deaths and displacement of people.

The Ogoni, Umuechem and Odi crises have led to invasion of Ogoni land, Umuechem and Odi towns by Nigerian soldiers at various times leading to displacement of citizens of those communities. People have also been displaced as result of natural disasters such as Erosion, flood, desertification, and developmental factors (like large scale infrastructure – Dam, Refineries, Ports and others).

FRAMEWORK FOR THE PROTECTION OF IDP IN NIGERIA

⁹ Ruth Yohanna Joshua: Ethnic Conflicts in Nigeria: A study of TIV-Jukun Socio-Economic Perspective. Pp. 18 – 24.

¹⁰ Mbanugo: n1, P 98

¹¹ GD Jeadayibe: Religious Conflict and Internally displaced persons in Nigeria available at <http://www.internal-displacement.org> accessed on 20/6/2019.

⁷ Walter Kalin: Guiding Principles on Internally Displayed Persons: Annotations Studies in Transnational Legal Policy No. 32, Pp. 13 – 19

⁸ Eric Mooney n4. Pp. 13-14.

In Nigeria, there is no legal framework for protection and assistance of IDPs. However, there is a policy framework to that effect. Nigeria however is a party to the Kampala Convention 2009 i.e African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which has a lot of similarity to the United Nation's Guiding Principles. The only legal framework in Nigeria is the National Emergency Management Agency (NEMA) which was established by the National Emergency Management Agency (Establishment) Act 2004 [¹²] which replaced the National Emergency Relief Act of 1976. The Agency has the following functions:

- a) To formulate policy on all activities relating to disaster management in Nigeria and co-ordinate the plans and programmes for efficient and effective response to disasters at national level;
- b) Co-ordinate and promote research activities relating to disaster management at the national level;
- c) Monitor the state of preparedness of all organisations or agencies which may contribute to disaster management in Nigeria;
- d) Collate data from relevant agencies so as to enhance forecasting, planning and fields operation of disaster management;
- e) Educate and inform the public on disaster prevention and control measures;
- f) Co-ordinate and facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to distress call;
- g) Co-ordinate the activities of all voluntary organisations engaged in emergency relief operations in any part of the Federation;
- h) Receive financial and technical aid from international organisations and non-governmental agencies for the purpose of disaster management in Nigeria;
- i) Collect emergency relief supply from local and foreign sources and from international and non-governmental agencies;
- j) Distribute emergency relief materials to victims of natural or other disasters and assist in the rehabilitation of the victims where necessary;
- k) Liaise with State Emergency Management Committees established under section 8 [13] of this Act to assess and monitor, where necessary, the distribution of relief materials to disaster victims;
- l) Process relief assistance to such countries as may be determined from time to time;

- m) Liaise with the United Nations Disaster Reduction Organisation or such other international bodies for the reduction of natural and other disaster;
- n) Prepare the annual budget for disaster management in Nigeria; and
- o) Perform such other functions which in the opinion of the Agency are required for the purpose of achieving its objectives under this Act [¹⁴].

NEMA in recent times has been prominent in its activities and responses to the occurrence disasters and other emergencies arising in particular from Boko Haram operations and generally from other occurrence. It sends relief materials and facilitate the survival of victims. However, the agency, it has been argued, is not pro-active enough in preventing disaster in mitigating post disaster reconstruction and rehabilitation. The synergy and collaboration among disaster and related agencies is said to be lacking [¹⁵]. This has led some writers to describe the method of operations of NEMA as "Vulture Concept" mode of operation instead of adopting "eagle concept" [¹⁶].

The vulture concept only wait until the disaster happens then follows a flurry of activities after which nothing happen again, while the eagle adopts a proactive method aimed at preventing the disaster.

As stated earlier, the Federal Government have formulated a comprehensive policy framework in 2014 in line with Kampala Convention and UN guiding principles on internal displacement which spelt out the rights and obligations of the IDPs, the responsibilities of Government, humanitarian agencies, host communities and armed groups to IDPs. According to the Policy framework, Government is considered as the primary duty bearer with responsibility for protection of internally displaced person, such protection should be responsive ie. aimed at the prevention of imminent or stop on going violations; remedial-aimed to provide redress-like access to justice reparation or rehabilitation for past violations; environment building –aimed at creating the necessary legal and institutional framework, capacity and awareness that is necessary to promote respect for human rights of internally displaced persons and prevent future occurrence Against the backdrop of the above, the Government has the followings obligations:

¹⁴ The National Emergency Management Agency Establishment Act 2004, Cap N34 LFN 2004 S.6(1)

¹⁵ Mbanugo: n1. p 104

¹⁶ B. Ayeni: Challenges to mainstreaming Disaster Risk Reduction into the Development Process in Nigeria, in Mainstreaming Disaster Risk Reduction into Sustainable Development in Nigeria Vol. II (Abuja NEMA Publications 2007) P. 58

¹² Cap N34 Laws of the Federation of Nigeria (LFN), 2004

¹³ Section 8 of the NEMA Act provides for the establishment of State Committees

- Obligation to respect the human rights of IDPs ie to refrain from actively violating their rights
- The obligation to protect such rights ie to intervene and take protective action on behalf of the victims of internal displacement against threat by others or stemming from their displaced situation;
- Obligation to fulfill these rights ie to provide goods and services necessary to allow internally displaced persons to fully enjoy their rights, and to discharge these obligations without discrimination [¹⁷].

Based on these obligations, Government must take all necessary actions and put in place strategies and mechanisms for addressing the problem of IDPs in Nigeria. Furthermore to achieve the above obligations, Government is obligated to put in place measures for achieving the following:

1. Preventing all causes of displacement in Nigeria and minimize its adverse effects
2. Raising national awareness of the problems of displacement
3. Collecting data on the number and conditions of internally displaced persons in Nigeria
4. Supporting training on the rights of internally displaced persons among all relevant government authorities, host communities and the IDPs themselves
5. Creating a legal framework for upholding the rights of internally displaced persons including domestication and implementation of the Kampala Convention
6. Implementing and continuously reviewing a national policy on internal displacement
7. Creating the institutional framework for effectively coordinating all interventions targeting all phases of internal displacement in Nigeria.
8. Empowering and ensuring that the National Human Rights Commission, Legal Aid Council, security agencies and other relevant agencies adequately integrate internal displacement into their work
9. Ensuring the active participation of internally displaced persons in decision making
10. Supporting durable solutions from prevention of displacement to long term development goals
11. Allocating adequate resources to tackling the problem of internal displacement through the various intervening ministries, departments and agencies of government
12. Seeking and strengthening cooperation with the international community when national

capacity is insufficient to address the challenges of internal displacement.

13. Putting in place measures to protect properties left behind by IDPs [¹⁸].

CONCLUDING REMARKS

Notwithstanding the intentions of this policy framework especially as it relates to the responsibilities of Government to IDPs, it is obvious that not much have been achieved in terms of implementation. There are series of reports both at the national and international levels about the poor treatment of IDPs in the various IDP Camps including but not limited to poor funding, poor feeding and starvation, sexual harassment and poor health facilities, insecurity in the camps, no educational facilities for the children, corruption by IDP camp officials, shelter, water sanitation. The United Nations High Commission on Refugee in its report in 2017 about the IDP situation painted a very gloomy picture of the situation in Nigeria when it declared as follows:

“UNHCR is responding to the growing needs of Nigerian Internally displaced people (IDPs) and Refugees who are facing enormous challenges and dire living conditions due to a lack of food, shelter, water and sanitation, as well as limited and overstretched health facilities” [¹⁹].

The said body further identified, sexual abuse, and exploitation, poor living conditions, lack of documentation of IDPs, negative impact on children and women, inaccessibility of some IDP and security situations in some camps, fear, distrust and others and increase on a daily basis of IDPs which stands at an estimated figure of 3.7 Million in 2017. The body is of the view that it will require about 74 million dollars to take care of IDPs in Nigeria per year.

It is obvious that the situation of IDPs in Nigeria is pathetic and gloomy. The Nigerian Government has not done enough. The NEMA needs to do more and there should be aggressive implementation of the policy framework which is already in place. Government should take the preventive approach and ensure that the causes of displacement are reduced to the barest minimum if not eliminated. Just like it is suggested the eagle approach should be adopted instead of the vulture approach that waits until disaster or conflict occurs before it can act. There should also be formal legislation for the protection and assistance of IDPs, the policy framework should be translated into a

¹⁷National Policy on Internally Displaced Persons (IDPs) in Nigerian (Federal Republic of Nigeria August 2012, Pg. 39

¹⁸ National Policy on Internally Displaced persons in Nigeria (Federal Republic of Nigeria, August 2012), p 40.

¹⁹ UNHCR, The UN Refuge Agency Nigerian Situation 2017. Supplementary Appeal Jan – Dec. 2017 Revised July 2017.

legal framework and sanctions should be placed on IDPs Camp officials who mismanage or embezzle fund meant for the upkeep of IDPs. As suggested by some commentators, Government should consider constitutionalizing the rights of IDPs as part of Chapter IV of the Constitution dealing with fundamental rights [²⁰].

It has also been suggested that experts can be invited to assist the country in the development of legal framework and management of IDPs [²¹].

International community and humanitarian Law experts, Non – Governmental organization, the red cross and other humanitarian agencies should be involved. Finally, there should be sincerity of purpose by the Nigerian Government and its agencies on the issue of protection and assistance of IDPs. Everything should not be used to play politics. Before formally making the Policy framework a law, Government and its agencies should effectively and honestly implement the said policy framework.

²⁰ Romola Adola: Nigerian Constitution holds the key to protecting internally Displaced people. Available at theconversation.com accessed 16/6/2019

²¹ Mbanugo n1. Page 105