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**PLIGHT OF INTERNALLY DISPLACED PERSONS IN NIGERIA. CASE STUDY:
BOKO HARAM VICTIMS IN NORTH-EAST**

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I declare that I have compiled the paper independently
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ABSTRACT

The humanitarian crisis of internally displaced people is considered to be the world's troubling issue, however, the insurgency caused by Boko Haram in the North-east Nigeria which are Borno, Yobe and Adamawa are the major areas facing the crises, forcing people to leave their habitual residence and turning Internally Displaced Persons (IDPs) to different parts of the country.

However, the Nigerian government claimed to addressing this issue, but, the increasing pace of internally displaced people exhibit the government's fewer efforts towards eliminating this issue and helping people who are displaced across different regions and are living the life of exile and frustration in their own country. It also highlights the reasons of insurgency caused by the Boko Haram, the extremist ethno-religious group and investigates the extent to which this issue has led to gross violation of human rights, and what could be done to ease the plights of IDPs in Nigeria.

Furthermore, it also discussed the states national legal framework and highlight the significance of the constitution of the national policy in the Nigerian legislation. Whilst using a doctrinal research method, the findings of the study reveal that the governmental preventive measures are inadequate in addressing the issues of the IDPs.

Lastly, in a bid to seek legal solutions to the Plights of IDPs in Nigeria, case comparism were made so as to proffer long term legal solution through to the Internal displacement in Nigeria, which there to, highlights what could be done to guarantee legal rights of IDPs in Nigeria.

ABRIVIATIONS

IDPs – Internally Displaced Persons

UN- United Nation

INTRODUCTION

Nigeria known to be giant of Africa in population and its economic influence has been battling with insurgency orchestrated by the Boko-Haram terrorist in North-Eastern part of Nigeria whose philosophy is “Western education is forbidden” in which their terror act has led to millions internally displaced persons in the country. This conflict deprived the children of the childhood, they are made to suffer from the war they know nothing about. Most of them have been used as a child soldier or being abuse sexually at a tender age and somewhere killed. Whilst, the reasons for internally displaced people is the armed conflict.

The effect on the local authorities, the community that host the IDP’s and also the Internally displaced people are terrible. Human right as been violated due to this displacement because people have to flee from their homes, loss their love ones, a child has become an orphan, and they have been deprived of their livelihoods. They have also been deprived of their right to education, right to vote, and right to health due to their displacement, they now depend on the Government for basic needs.

Clearly, this insurgency caused by Boko Haram in the north eastern region of Nigeria, has led to lost lives and millions are displaced due to their terror campaign across the affected areas and this is considered to be contemporary challenges been faced by the government and the concerns of Nigerians on how to facilitate the plights of the IDPs due to the violent attacks preserved by the Boko Haram insurgents started from 2009 (Abegunde, 2017)¹. Consequent to such condition, highly vulnerable people, who are considered to be immensely exposed to the deadly attacks are children, old people and women. Indubitably, this situation is worrisome for the socio-economic and economic condition of the country. However, the government has constituted the national policy for addressing the issues of IDPs,] but the survey shows that the challenges are enormous due to poor sanitation, overcrowded camps, inadequate health facilities and security problems and

¹ Abegunde B. (2017) Humanitarian law and internal displacement in Nigeria: an urgent need for legal framework. *International Journal of Law and Legal Jurisprudence Studies*. vol4(3), 53-69.

other social amenities. Till 2019, in the total of 10 years, more than ten million people are forced to evacuate their homes and flee to safer places and host communities.

However, Nigeria has signed the Kampala convention and other humanitarian international agreements and policies, but majority of these policies and international standards are either not constituted in the national policy and/or poorly maintained, which impede the process of humanitarian laws across the country. Due to lack of national policy and legal framework addressing the plight IDPs is largely shattered and is not adequately addressed, thus, they are living poor and ineffective life across the affected area in the North-Eastern part of the country.

The IDPs across these affected areas needs durable preventive measures, which will resolve their challenges. Various institutional organizations are working towards mitigating the risk of IDPs in short term, however, due to lack of policy framework and policy deficiency, the Nigerian government is unable to manage the situation and offer medium to long term durable solution to IDPs (Adeejat-Kubra & Adenike Kolawole, 2013)². For this purpose, a number of elements are needed to effectively address and resolve the underlying triggers of internal displacement. Governmental intervention and the authoritarian engagement in the prevailing situation could assist and manage the warfare and treat displaced people humanly. To address these issues, the present study is designed to enlighten the readers/scholars and researchers to enact the humiliations faced by the IDPs and identify the responsible factors for the plights of IDPs due to Boko Haram insurgency since 2009. Furthermore, identifying the humanitarian challenges can help the national policy makers to formulate their policies in a way that cultivates the ways for the livelihood of the displaced people.

² Adeejat-Kubra & Adenike Kolawole. Towards the legal evaluation of legal and institutional framework for the protection of internally displaced persons (IDPs) in Nigeria. *OIDA International Journal of Sustainable Development*. Department of Private Law, Faculty of Law, Olabisi Onabanjo University, Ago-Iwoye, Ogun State, Nigeria. (2013): 146-150.

Method of data analysis

The present study collects and analyses the data for the plights of IDPs in the north eastern part of Nigeria by using a doctrine research methodology. The rationale for using this particular methodology is, the insurgency caused by Boko Haram is a socio-legal issue, which needs considerable efforts of the governmental authorities and regulatory reforms to include the national policy and legislation in the Nigerian Constitution to enact the issue and assist people for the provision of humanitarian rights. Doctrinal research method is purely an academic research methodology, which studies past legislations, policies and academic articles and helps build knowledge base for formulating a new national policy for humanitarian rights.

Research problem

The study has the basic concern to understand the prevailing situation of the IDPs in north eastern region and study their humanitarian needs and the relevant governmental policies that are formulated to alleviate the sufferings of the IDPs. However, the previous studies reveal that significant number of researchers has worked to examine the policies of the Nigerian legal framework and identify the needs of the displaced people, but a further study is needed to examine the efficacy of the national policy towards IDPs in the northern region of the Nigeria from the period of 2013-2018. In this way, a latest statistical data will be unleashed and will help determine the updated national policy for the humanitarian laws for IDPs. Based on the identified research problem, the present study will answer the following research questions at the end of the study;

- What are the basic needs of the IDPs in the north eastern region of the Nigeria?
- How are the policies addressing those humanitarian needs of the displaced people?
- How are the national policies designed to address the needs of the IDPs?
- What are the governmental policies regarding IDPs in the north eastern region?
- Is there any difference between the needs of the IDPs and the government national policy, if yes, what are they?
- What further contribution in the national legal policy of the Nigeria can help meeting the needs of the IDPs and improve their standard of life?

Justification of the study

The present study provides insightful information about the scope of the policies and how have they benefited the internally displaced people in the north eastern areas of the Nigeria. Moreover, the study contributes appropriate preventive measures in the legal framework of the Nigerian national policy and analyses and evaluates the legal content of the governmental policy. In addition, the recommendations given at the end of the study help government of the Nigeria to adopt new laws and revise the existing policy for internally displaced people. The violence and the insecurity caused by the Boko Haram insurgency across the northern region is reviewed and studied using doctrine research method for the period of 2013-2018, which is the latest content available for acquiring the knowledge about the plights of northern IDPs.

Aims and objectives of the study

The law guiding the IDPs spread across the three branches of international law, which are international humanitarian law, human rights law and international criminal law. This paper, will analyse and compare the legal framework of the Nigerian government on IDPs and discuss the ways to improve it. It ensures the rights of the IDPs and protects their primary rights. Based on this assumption, the study has will be focusing on how to attain the following objective;

- To find out the prevailing issues of IDPs across the north eastern region of Nigeria
- To study the basic humanitarian needs of the IDPs and to acquire the knowledge if they are adequately addressed by the Nigerian government
- To study the efficacy of the national legal framework of the Nigeria for addressing the issues of the IDPs
- To make further recommendations for the improvement of national legal framework and incorporate the humanitarian laws of both at national level and international level.

1.0 HISTORY OF IDPs IN NIGERIA

The internally displaced persons as portrayed by the United Nations Human Rights (UNHR) are people or gathering of individuals who have been constrained or obliged to escape or leave their home or habitual place of residence as a result of armed conflict, infringement of human rights or natural or man-made disasters and who have not crossed an internationally recognized border.

This paper will be focusing on internal displacement caused by the Boko-haram insurgency in the North eastern part of Nigeria namely, Borno, Yobe and Adamawa territories.

The Boko-Haram sect are known to be an Islamic extremist group, a local group, raised after 2009. The Boko Haram word is derived from the Arabic words, Boko means Book and Haram means forbidden, which had fundamental objective that western education is forbidden. The ideology of the group was based on the assumption that the government of Nigeria must impede western education in Northern regions and execute sharia law in the territory. The group was formed in the Borno state, which was governed by Muhammad Yousaf. According to him, the system of western values increased corruption, unemployment and suppressed Islamic teachings.

In 2009, the conflict between the Boko Haram sect and government militants led to the casualties and the retaliation of armed forces and police enforced five-day assault, consequently, Muhammad Yousaf was killed and several other members of the sect were also murdered. Subsequent to these incidents, the group was led by another former leader of the sect, Abubakar Biri Muhammed Shekau in 2010(Abegunde 2017)³, which transformed into a major deadly violence group in the north eastern region of the Nigeria. Since then, the sect has carried out various fatal attacks, which not only extended the operation to the north east states but it expanded to all other northern areas, which included the capital of Abuja. Their fatal procedures included armed gunman on motorbikes, suicide bombings, and other explosive attacks.

The target points included churches, mosques, financial institutions, government agencies and ministry departments and security systems.

³ Abegunde B. Humanitarian law and internal displacement in Nigeria: an urgent need for legal framework. *International Journal of Law and Legal Jurisprudence Studies*. 2017;4(3). ISSN:2348-8212:

The period of 2009-2016 has adversely affected the humanitarian laws in Borno, Yobe and Adamawa regions and led to millions of human casualties. According to the survey conducted by Human Rights Watch in 2017, Boko Haram insurgency has the highest ratio of human casualties and the immense rate of human deaths is recorded since 2009 till 2017. Enormous women turned widows and children orphans in the Borno, Yobe and Adamawa regions. In 2014, there were 64 incidents recorded, which involved various methods of armed attacks, bombings, terror attacks and abductions. In 2009, their attacks murdered 2320 people and 3000 people in 2010. 4420 people were assassinated in 2013 and 5000 in 2014. The upheaval in the adverse effects of such incidents is evident from the increase in sexual-based violence and gender harassment since 2009. Women had been enormously targeted by the host communities and other violence groups due to sect activities. The increase in internal displacement had been increasingly observed due to the insurgency caused by Boko Haram.

The history shows that the internal displacement due to the insurgency of Boko Haram has the highest ratio as compared to other leading factors for internal displacement. This means that Borno, Yobe and Adamawa had observed the steady and highest ratio of internal displacement from 2009 onwards. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) 2018⁴ report, the number of IDPs increased from 100,000 in 2009-2010 to 130,000 in 2011. In 2012, the IDPs increased to 200,000 and grew to 300,000 in 2013. From May 2013 to March 2014, it slightly dropped to 250,000 due to stable condition in the northern region, but from June-July 2014, it again increased to 450,000 and from 2014-2018, there is a drastic increase due to upheaval of terror attacks by Boko Haram (Boko Haram deadly impact, 2019)⁵

Notably, the driving elements of IDPs in Nigeria are complicated and sometimes overlapping with various factors. However, the growing concern due to the militant group, Boko Haram has enforced immense number of displacements since 2014.

⁴ Musa, A., & Kurawa, G. (2018) The Role of Education in the Resettlement of Internally Displaced Persons in Nigeria: an Exploratory Discourse on the Plight of the Devastated Communities in the Northeast of Nigeria. *Innovations in Higher Education Teaching and Learning*, Chapter 2. 21–35.

⁵ Boko Haram's Deadly Impact. (2019). Retrieved from <https://www.cfr.org/article/boko-harams-deadly-impact>.

1.1 Conceptual discourse

The heightened violent attacks caused by the Boko Haram are alarming for the safety and security of the country and is responsible for the increased rate of IDPs in the North-eastern Nigeria. However, the federal government has taken initiatives to resolve the issues of the plights of IDPs and provide them camps, yet, millions of people are facing socio-economic and health issues. The insecurity of job, insufficient food supplies and lack of health facilities lead to poor sanitation in the camps across the North eastern state. Such situation worsened the plights of IDPs and enforced them to leave their camps for their protection. This situation alarmingly worsened their difficulties due to lack of basic life necessities. The IDPs are demonstrated as the abandoned people in their new communities and people do not value them and treat them as strangers. These displaced people are unable to get their basic socio-economic rights and are not in constant control of their political and socio-economic rights in their new communities. The situation is even troubling because research shows that the IDPs consist of significant number of women, children, aged and youth community, who are even more vulnerable. IDPs are also pressurized to tolerate the existing infrastructure in their new camps, which are in inhospitable condition.

This situation further complicated the whole situation and adversely affected the infrastructure and the standard of the living of the host community. This is a worrisome situation for the government, humanitarian authorities, academicians and policy makers and other stakeholders in Nigeria. However, there are various researchers who raised the need to address this issue and tackle its consequences by making policies and implementing them across the affected states, but the studies have not given considerable attention to how IDPs can be rehabilitated and reintegrated into the community. Moreover, to offer those appropriate measures and policies, this paper will serve as reference towards resolving the plights of IDPs in Nigeria. Therefore, to bridge this gap, the paper is designed towards making eye-opening policies to solving these and provoke the policy makers so as to bring their attention towards the plights of IDPs in the north-eastern region of Nigeria. The study is also discerned about the policy measures based on the socio-economic and political implications of IDPs inside the country.

1.2 Scope and Limitation

The present research is carried out by focusing on North-Eastern part of Nigeria currently, there are exceeding 45 IDP locations in North Eastern region of Nigeria country which serve as host community to the displace persons in the northern area which is the focus area of this research.

This study covers the period 2013-2019. However, the limitation of conducting research based on the previous studies conducted, literature review and articles, however, the researcher could have visited the place and examined the plights of IDPs caused by Boko Haram. Although, the level of violation of the IDPs' rights have led the researcher to study all the related materials but meeting IDPs and collecting primary data could have gained better access to the information and unleashed the reality. Lack of resources in terms of capital and time has been the major issue for collecting primary data from the sample of the study.

In addition, findings of the study are beneficial to both the government and the policy makers in a way that there will be well-fare with the issues faced by the IDPs not only in the North-Eastern parts of the country but in general, and it will as well come up with the comprehensive policies and techniques which will aid the IDPs in gaining their fundamental human rights.

Finally, this study will also contribute to literature and as well serve as point of reference in prevailing situation of the IDPs and formulate the relevant policies in these regards.

2.0 ANALYTICAL OVERVIEW

In the view to analyse the general overview on IDPs, this paper will focus on the situation and the survival efforts of the displaced people living in the camps across north eastern region in Nigeria. However, it is essential to acquire the knowledge about the people living in camps in the north eastern area, so as to provide detailed insightful information about the elements of the study.

Previously, researchers have examined the issues (Albert, 2001)⁶, which are related to the abandonment of the displaced people as well as about the worsening situation of IDPs to convey the message to the governmental regulations, since government are confined to play the fundamental roles in solving the issues about violence and internal displacement. This paper aims to analyse the and give overview on issues regarding the legal framework on internal displacement and insurgency in Nigeria.

The research study conducted by Olusegun et al. (2019)⁷ stated that in 2019, the battle in North-eastern region of Nigeria has entered into its 11th year, but, the history shows millions of civilians are killed due to the insurgency caused by Boko Haram and in response to it the government military have displaced tens of thousands across the Lake Chad areas, mounted Cameroon, Chad, Niger and Nigeria. However, in 2015-2016, the military enforcement has degraded the group's regional control, but Boko Haram has remarkably followed its tactics to uplift their activities and by the end of 2018, an increased number of attacks were observed in Nigeria's Borno region. This whole situation shows that the conflict is still prevalent in the region.

Since the beginning of the crisis, international communities and human rights reformers claimed that Boko Haram is not likely to be conquered in the battlefield. Following this idea, they underlined the necessities for a multidimensional response that dealt with the components of weakness in the district, which included severely weak service delivery, corrupt and weak

⁶ Albert, I.O. *Building peace, advancing democracy: experience with third-party interventions in Nigeria's conflict*. Ibadan: John Archers (Publishers) Ltd.2001

⁷ Olusegun, Olaitan O. Dr. (Mrs.) and Ogunfolu, Adedokun Dr. (2019)"Protecting Internally Displaced Children in Armed Conflicts: Nigeria in Focus," *Notre Dame Journal of International & Comparative Law*: Vol. 9: Iss. 2, Article 4. Obafemi Awolowo University, Ile-Ife, Nigeria. 34-55

governance, and environmental deterioration. However, the limited support over the country's counterparts confined people to reach the north-eastern area and also the response caused due to the US global war against terror restricted the focus of contributors on such governance elements on the ground. Practically, international donors entered the region very late and increased struggles to recognize successful national programs to stabilize the situation. Consequently, their struggles focused on supporting country's military survival programs and respond to the giant scale crisis affecting human rights.

The Boko Haram battle uplifted a significant loss of people and the malfunction of the family framework, deteriorated property lands and infrastructures and led to the failure of generating income sources. This trauma of fear and insecurity left people devastated and urged them to evacuate their homeland. The deteriorating situation of the displaced people can be assessed from four dimensions. Their utmost need is for life-saving aid and protect them from become the victims of human right violations and abuses, the ambiguity of attaining solutions to their issues and lastly the last dimension is the lack of governmental policies to address their issues.

IDPs are encountering traumatic situation regarding food and lack of nutritional items, which lead them towards acute malnutrition. The survey reveals that their level of acute malnutrition has been raised up to 31.2%. Furthermore, children under age 5 are the victims of severe acute malnutrition. Although in 2016, the Nigerian federal government took emergency steps towards meeting up nutritional deficiency, but still the efforts seem truncated and need further enhancement. Enormous doctors left such regions due to scarcity of basic resources, medical equipment, drugs and lack of security measures. This situation further worsened the severity of trauma because health sectors were closed permanently and medical infrastructural facilities were devastated. The survey shows that fatal malaria, severe respiratory infections and cholera are the frequent health concerns of torment IDPs, with malaria equivalent to approximately 50% of the health-related concern (Olusegun et al.,2019).⁸

The increased dilemma of water problem accumulated the health crisis and uplift sanitation and hygiene issues. The resultant trooping of IDPs in the camps, the inadequacy of water and sanitation facilities and framework affect the basic health requirements of IDPs. This lack of basic facilities

⁸ Olusegun, Olaitan O. Dr. (Mrs.) and Ogunfolu, Adedokun Dr. (2019) "Protecting Internally Displaced Children in Armed Conflicts: Nigeria in Focus," *Notre Dame Journal of International & Comparative Law*: Vol. 9: Iss. 2, Article 4. Obafemi Awolowo University, Ile-Ife, Nigeria. 34-55

uplifts the risk of diseases, dehydration issues and lead to other health ailments. The waste management problems and provision of basic utilities such as water and electric power results in poor sanitation and fatal diseases amongst the people of camps. Those displaced people who are outside the camps either reside in worship areas such as mosques, churches or reside with host communities. They also reside in abandoned fields/buildings, which are not occupied by anyone and are humanly liveable.

The survey results by Olanrewaju et al., (2019)⁹ revealed that the children education is profoundly affected due to their displacement and migration. However, majority of them are unable to receive education due to death of their parents or separation during the war. The fragmentation of the educational system is further enhanced due to the destruction of schools and kidnapping and murdering children and teachers due to insurgents. Notably, the school buildings are used by the IDPs for their shelter purpose, which deteriorated educational system. However, in various camps, the government has taken initiatives to teach the children and make them accessible to education, the educational system is far below the average system, consequently, the quality is poor and the environment is not conducive to learning. The absence of appropriate teaching materials is also another cause for poor quality. Usually, incompetent volunteer teachers come and offer their services to the camps; however, their standard of teaching is far below the average.

Enormous protection issues are raised in the north eastern areas for IDPs and steer them towards the exposure of various violence such as exploitations, gender-based violence, child abuse, human trafficking, separation between the family members and detention with no focus on laws and rules governing such issues. Furthermore, it is also visible from the condition of IDPs that they are living under the inhumane situation, which are overcrowded and have fewer infrastructural facilities and/or insufficient non-food items, for instance, blankets, mosquito nets etc.

However, the increased concern against Boko Haram insurgents is that the security forces are achieving grounds against the terrorist group yet; the IDPs are frightened to go back to their

⁹ Olanrewaju, F. O., Olanrewaju, A., Omotoso, F., Alabi, J. O., Amoo, E., Loromeke, E., & Ajayi, L. A. (2019). Insurgency and the Invisible Displaced Population in Nigeria: A Situation Analysis. *SAGE Open*. 1-12

demolished communities because they do not have the surety for safety and are still ambiguous for solutions addressing their issues. On the contrary, those IDPs who took refuge in other countries are also pressurized to vacate their places and go back to Nigeria. Such displaced people, which when returned to their home country will increase the gap between the insufficient resources and crisis. This will add to the existing problems and uplift the sufferings of the prevailing IDPs and the refugees who are turned IDPs now.

However, there is uplifted humanitarian situation prevalent in Nigeria, the country has not adopted a policy to enact the situation and there is absence of definite and sustainable legislation and policy structure that are needed to address internal displacement. It has also hindered the national and international efforts to promote efforts related to human welfare. Moreover, it has also made the planning, implementation and coordination process of evaluating human welfare strenuous. Notably, the roles and responsibilities played by the human welfare players are significantly affected, consequently, a clash of interest between the humanitarian people is raised, whereas, in some areas, the duties are not handled properly and are usually neglected. Even the policy draft enacted for the IDPs of Nigeria is not fully implemented because it does not have a legal status and have scant policy objectives, which are not obligatory.

Nevertheless, policy execution is fundamental for the successful management of the IDPs. A structural policy framework is crucial for the victims of the displacement because it acts as a road map for the internal displacement, according to the national and international codes and standards. The increased challenges faced by the north eastern region of Nigeria are the result of the lack of proper policies. According to the academicians, the Nigeria's impoverished situation is due to their insufficient and unrealistic policies to address their displacement problems. This leads to the country's unproductive efforts to constructively manage the consequences of disastrous situation and conflict displacements. The complexity of north eastern IDPs is due to the country's unproductive policies. The lack of national legislation on internal displacement leads to differing policies and activities from international standards for humanitarian practices.

Similarly, according to Nwaoga, Okoli & Uroko (2017)¹⁰, the lack of state policy and due to the politics of policy implementation is accountable for the present situation in Durumi IDP

¹⁰ Nwaoga, C. T., Okoli, A. B., & Uroko, F. C. (2017) Self-acclaimed Religious terrorism, Refugee crisis, and the Plight of Internally Displaced Persons in Nigeria. *Mediterranean Journal of Social Sciences*, 8(3), 189–195.

settlement. It is also visible from the current situation that state authority is non-compliant with international standards and rules of internal displacement. Such findings are related to the findings of Akume (2015)¹¹ that the policies adopted by the Nigerian government in the Kampala agreement and other policies are not sufficiently addressing the issues and are even creating difficulties for IDPs across the country. Moreover, the illegitimacy in Nigerian IDP camps are also known as the consequential causes of the austerity of the IDPs living across the displacement camps. Stockpile, stealing and divergence of the relief items by the security workers and emergency in the northeast region along with the host communities are frequently observed illicit activities prevalent in displacement camps; thus, IDPs are deprived of the food and non-food items, which lead them to extremely vulnerable towards deterioration. In various occasions, IDPs are unable to challenge the accused people for relief materials because they think that they may be victimized by such people.

In those areas of camps, where IDPs are supplied with food items are not guaranteed if they are fed with meals three times a day or not. This is due to the criminal activities of the authoritarian people in camps. Such activities are leading factors for the hinderance of rehabilitation and damages physical and psychological well-being of the IDPs.

2.1 Causes and consequences of IDPs

Since Boko Haram attacked the north eastern region of Africa in 2009, and enormous number of police officers and their family members were killed, the intensity of the subsequent killing had been increased and in killed millions of civilians and militants in the attacks. However, when the leader of the group, Yousaf Muhammad was murdered, the attacks were escalated and the group increased its attacks on governmental agencies, churches, markets, homes, and police and military regions. The Boko Haram not only targeted churches, but even Muslim worship places were eroded and killed millions of Islamic scholars who opposed their idea of spreading terror and pressurizing government to accept their demands. During their course of attacks, nearly 10,000

¹¹ Akume, A. T. (2015) The Question of Internally Displaced Persons (IDPS) in Nigeria: A Reflection on Present Realities. *Journal of Third World Studies*, 32(1). 1-3

Nigerians were killed by since 2009 till 2017. Year 2014 had been considered as the worst year for group attacks because enormous killings and kidnapping took place in that year. Around 1000 people were killed in 40 villages of the north eastern region of Borno, Yobe and Adamawa. Majority of the attacks were executed in these three regions. However, other states such as Abuja, Kano and other northern regions were also under terror of Boko Haram (Okechukwu Ibeanu, 1999)¹².

Consequent to such attacks on various regions, millions of people were displaced. However, in 2013, the government declared an emergency situation across the three regions of north eastern Africa, but the emergency did not curb the terror attacks and they continued bombing, kidnapping and killings, property and land destructions. Despite that the government enforced the emergency situation but the attacks were even worsened as compared to before emergency situation. The innocent Nigerians were helpless and questioned the human rights associations to address these attacks and help them to take out of this critical situation.

It is not possible to count the exact figure of displaced people in Nigeria. The scope of displacement is also tremendously increased due to not only the religious conflict of the Boko Haram but the war raised conflict over development projects, enhanced community disputes for boundary restrictions and soil erosion due to battle in southern regions. The Boko Haram insurgency also led to the new conflicts such as the battle for crude oil production and the transformation of democracy also augmented the problems of the Nigerian citizen. The oil rich area in the Bakassi region is under conflict due to Boko Haram, which leads to the humanitarian and natural resources crisis globally (Oladayo Nathaniel Awojobi, 2014)¹³.

According to Tasiu et al., (2018¹⁴), IDPs are facing enormous issues due to the difficulties of being displaced from their home regions. However, the Nigerian relief centre is exponentially involved

¹² Okechukwu Ibeanu, O. (1999). Exiles in Their Own Home: Conflicts and Internal Population Displacement in Nigeria. *Journal of Refugee Studies* Vol. 12, No. 2. Department of Political Science, University of Nigeria, Nsukka, Nigeria. 62-179.

¹³ Oladayo Nathaniel Awojobi, (2014)The Socio-Economic Implications of Boko Haram Insurgency in the North-East of Nigeria. *International Journal of Innovation and Scientific Research* Vol. 11 No.1, 144-150

¹⁴ Tasiu, M., Mohammad Zaki bin A., and Laila Suriya Binti Ahmad A. (2018) Assessing the Legal Frameworks for the Protection of Internally Displaced Persons (IDPs) in the North-Eastern Nigeria. *Asian Research Journal of Arts & Social Sciences*. 7(4): (2), 1-10.

in this crisis and facilitates the external human rights agencies and other non-profitable institutions and charitable firms to fulfil the humanitarian requirements of the IDPs, which are not catered by the Nigerian constitutional reform. The lack of governmental human rights policy is the major factor that hinders the provision of human assistance to the IDPs across various regions.

Humanitarian crisis means when the human life is threatened by any problem prevalent in the country/ region and requires steps to be undertaken to resolve the issues related to their basic rights. The basic concern is to save the life of the people and follow suitable steps to provide them preventive measures. The Boko Haram attacks are seen as the threatening for the Nigerian people in terms of health, safety of the large number of people. The Boko Haram insurgency is attributed to the man-made complex emergency, which evoke them to violate the primary needs of the people such as food, water and shelter. Although, Nigeria took military steps to protect the sovereignty of the national and human rights of the people, but the fear of threats and conflict increased the humanitarian crisis across the region (Adeejat-Kubra Adenike Kolawole, 2013¹⁵).

The deadliest conflict of the era, Nigeria's fight against Boko Haram is the lethal conflict, which continues to kill thousands of people on daily basis. However, a recent study on Boko Haram territorial control states that their conflict is now confined to a few villages and small pockets of the countryside, but their tactics to kill millions of people is still uprising and is considered as a threat to the millions of people. Suicide bombings have been the leading factor for one third of the emergencies in the first half year of 2018. The group is exponentially involved in attacking Muslim places of worship such as mosques. The group has a control over collecting taxes from those areas that are under their authority.

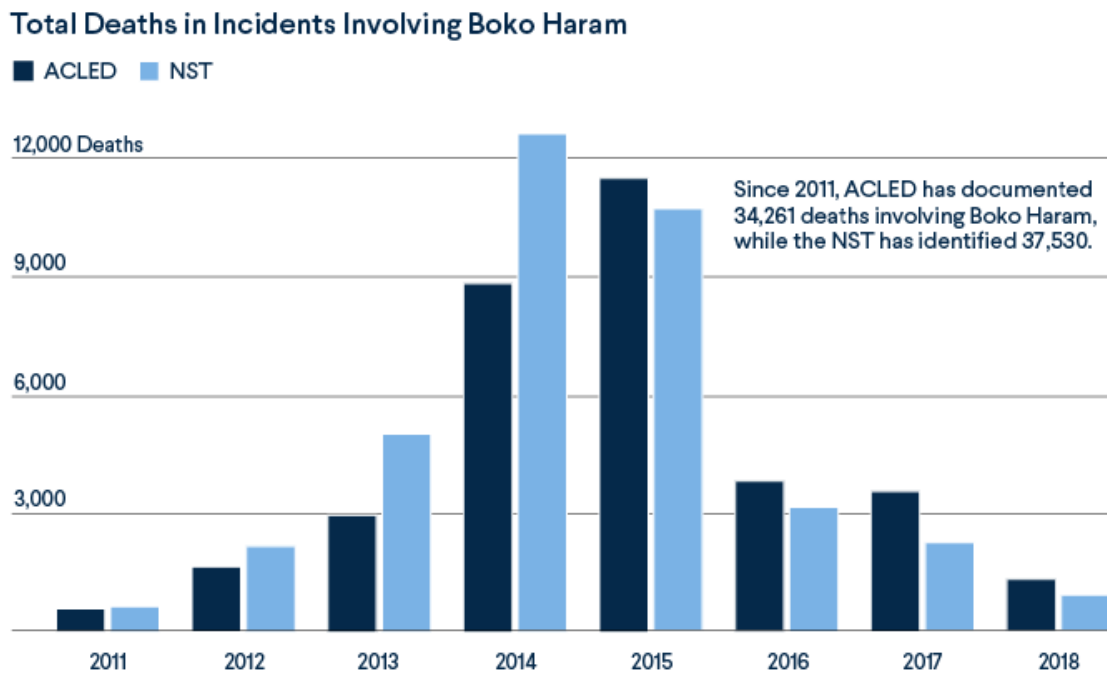
The estimates by UN refugee agency states that since 2009, the group has displaced approximately 2.4 million people and has led 7 million people into malnutrition and starvation. The degradation of infrastructure is one of the deadly consequences of Boko Haram fighters. It includes millions of breakdowns of the regional schools and health care centers. Disruptive communities and hindered economic development are other factors contributing to the severity of the situation.

¹⁵ Adeejat-Kubra & Adenike Kolawole. (2013) Towards the legal evaluation of legal and institutional framework for the protection of internally displaced persons (IDPs) in Nigeria. *OIDA International Journal of Sustainable Development*. Department of Private Law, Faculty of Law, Olabisi Onabanjo University, Ago-Iwoye, Ogun State, Nigeria. 146-150.

According to the data collected by the Nigeria Security Tracker, during seven years of violence due to Boko Haram, there are total 2021 attacks caused by them, which killed 37530 people and millions of people were displaced. The conflict had been recorded on peak during 2014-2015, whereas the violence is reduced in 2016 but again upraised in 2018-2019.

The figure below shows the deaths during all these seven years of conflict;

Fig 1



Source (Boko Haram's Deadly Impact, 2019)¹⁶

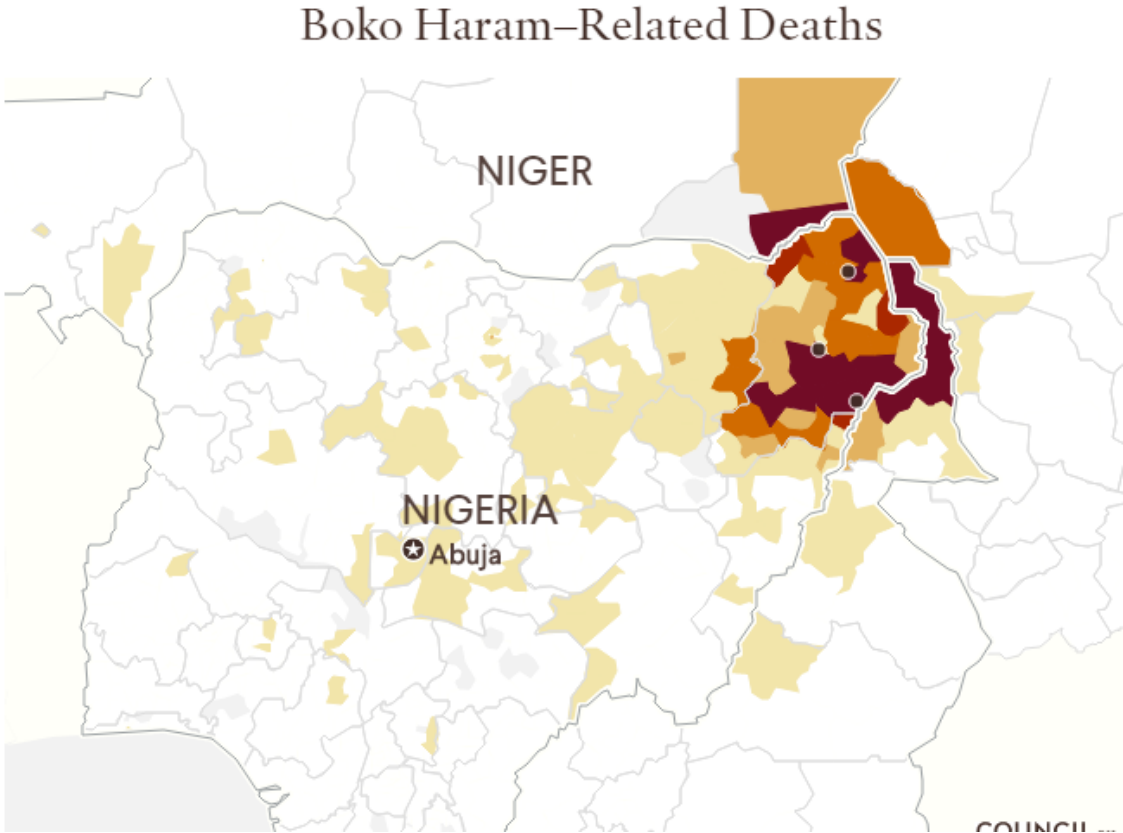
The above figure estimates the two results showed by NST (Nigeria Security Tracker) and Armed Conflict Location and Event Data Project (ACLED). However, there is a difference between both the estimates as according to NST, there are fewer deaths as compared to the data recorded by ACLED.

¹⁶ Boko Haram's Deadly Impact. (2019). Retrieved from <https://www.cfr.org/article/boko-harams-deadly-impact>.

The geographical reach of Boko Haram is limited to the northeastern regions, particularly it attacks the areas of Adamawa, Borno and Yobe states, however, the group is largely restricted to the Borno region with a violence attacks on Maidugri, Gwoza and Kukawa.

The figure below shows the region under terror attacks of Boko Haram;

Fig 2



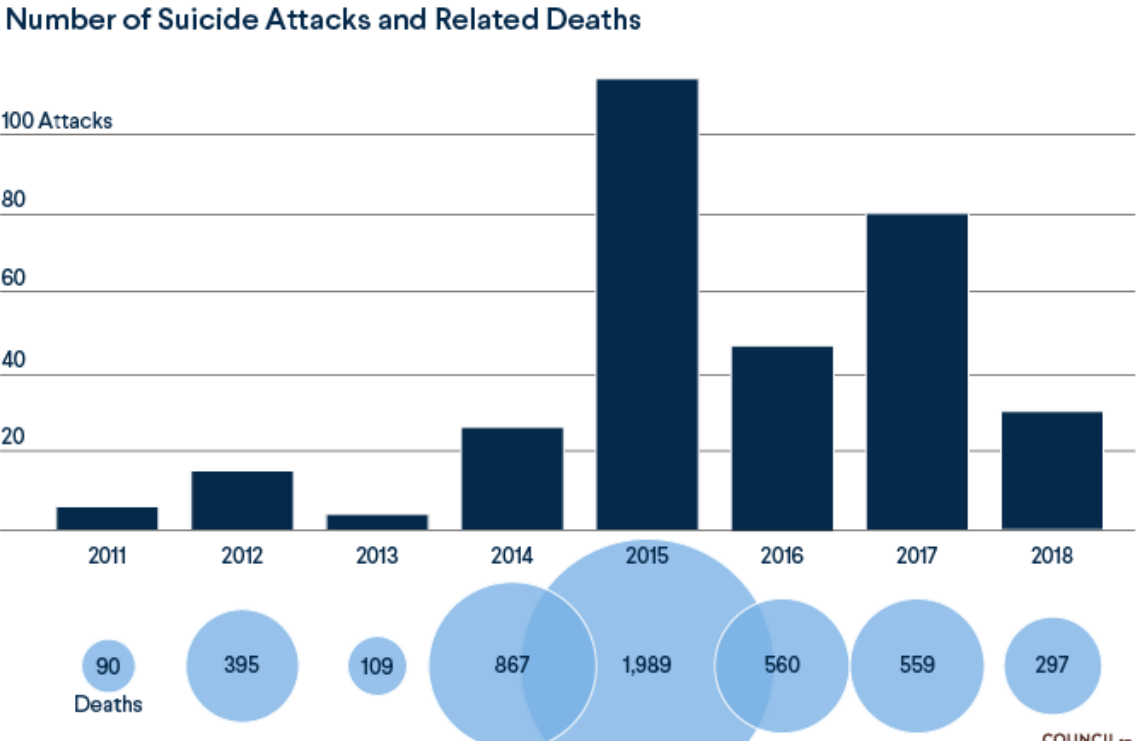
Source (Boko Haram's Deadly Impact, 2019)¹⁷

¹⁷ Boko Haram's Deadly Impact. (2019). Retrieved from <https://www.cfr.org/article/boko-harams-deadly-impact>.

However, the rebellious act against governmental authorities has a long history in Nigeria, particularly in southern and northern regions, but before 2011, suicide bombings had not been extensively used as political weapon. Boko Haram adopted the suicide bombings strategy to enforce the governmental authorities for their demands fulfilment.

The figure shows the increase in suicidal attacks since Boko Haram adopted this strategy;

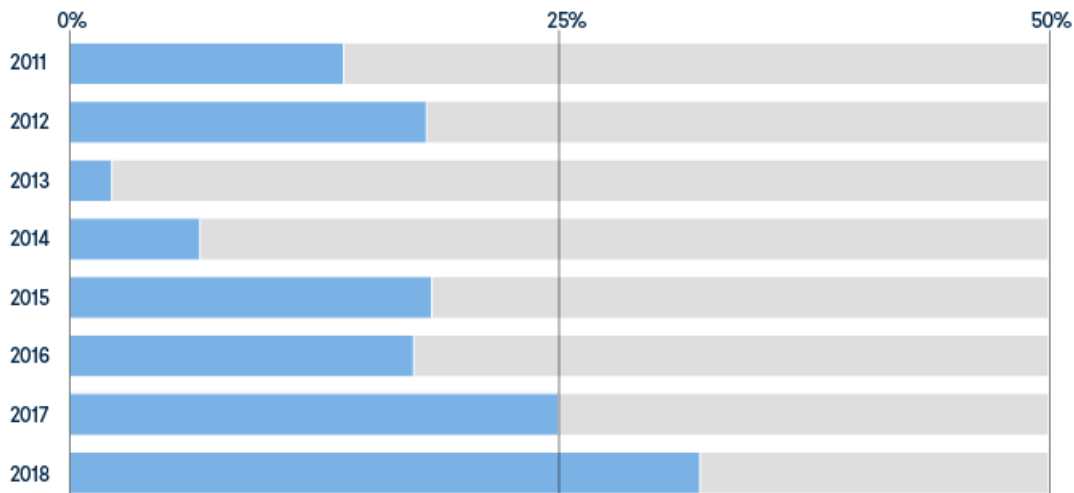
Fig 3



Source (Boko Haram's Deadly Impact, 2019)

The above figure clearly demonstrates the increase in deaths due to suicidal bombings in 2014-2016, however, in 2017-2018, the intensity had been reduced.

Percent of Total Deaths From Suicide Bombings



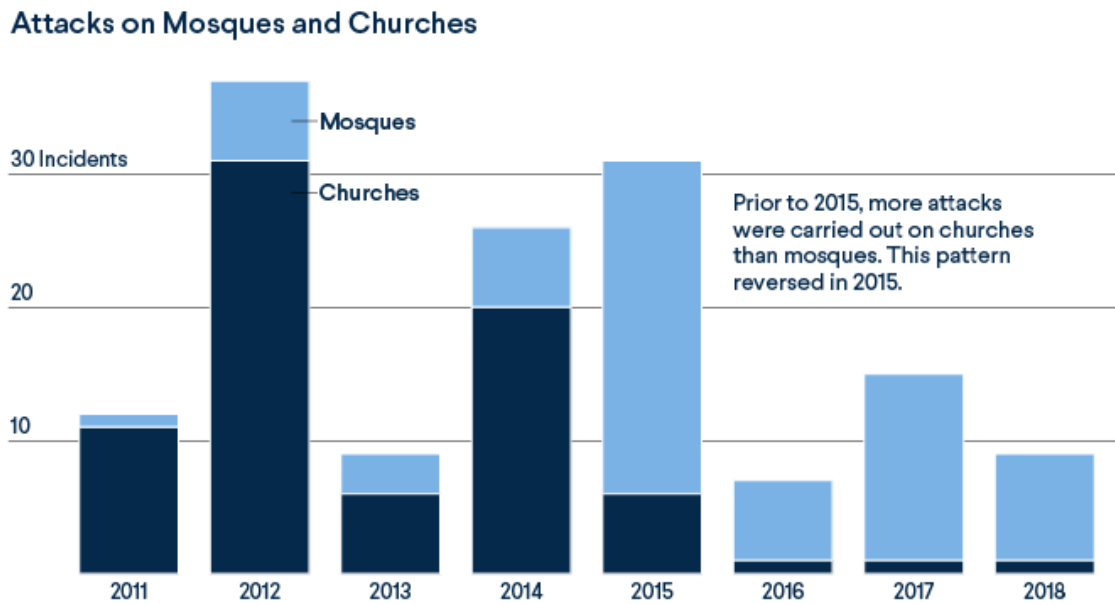
Source (Boko Haram's Deadly Impact, 2019)¹⁸

In the above figure, it is illustrated that the suicidal attacks were reduced from 2017-2018, but the ratio of deaths had been increased in these years. This is due to the fact that the people were intensely injured during these years, which led to increased deaths.

Amongst all these suicidal attacks, the group attacked enormous number of mosques than churches. However, the reason is not clear to anyone but it is likely due to the power struggle between various factions. It is shown from the figure below;

¹⁸ Boko Haram's Deadly Impact. (2019). Retrieved from <https://www.cfr.org/article/boko-harams-deadly-impact>.

Fig 5



Source (Boko Haram's Deadly Impact, 2019)¹⁹

During 2015-2018, the number of attacks on mosques has been increased as compared to the attacks on churches, as shown in the above figure.

2.2 Security challenges of IDPs

For a robust security system in Nigeria, it is required that the country should be free from every possible external aggressive behaviour. Not only the external but the internal people should also refrain from posing threats to each other, which do not violate rights and physical well-being must not be deteriorated. IDPs are exponentially contributing to the insecure country wide situation in Nigeria because millions of people are displaced from their homes and are living the life of exile in their own territorial region. Due to Boko Haram insurgency, up till now, more than 10 million people are displaced and are shelter less. This figure is quoted by the internal displacement monitoring centre. This figure is not only augmented due to the Boko Haram insurgency, but as

¹⁹ Boko Haram's Deadly Impact. (2019). Retrieved from <https://www.cfr.org/article/boko-harams-deadly-impact>.

mentioned previously; natural disaster and terrorism are also contributing factors in Nigeria (Peterside, 2014)²⁰.

Consequent to above mentioned situation, the security challenges include loss of shelter and loss of income source, breakup of families and community centers, loss of properties and other intangible assets and important documents. However, losing a home does not exhibit that a person is abandoned from shelter, but it involves spiritual, emotional, social, cultural and psychological linkages. The cultural linkages involve the traditional association and affinity, which are developed over time. However, losing a home is threatening for IDPs in various ways because they are exponentially exposed to bad weather such as heat, wind and sun, rains (Tasiu et al.,2018)²¹. In this way, family's privacy is lost and they feel insecure. Moreover, people lose their jobs due to loss of their homes because people live in those places, which is near to their office. Eventually, losing a home also leads to the loss of economic loss i.e. loss of property house or land that can be used for agricultural purposes. IDPs can also augment breaking up of families and community support networks. The research also exhibit that children are highly vulnerable to such disruptions and social amenities such as abuse and chaos.

IDPs threaten not only the tangible resources such as homes, clothes and jobs but it also endangers intangible resources such as friendship and sense of belonging to a specific place. Loss of papers and documents is even the most critical aspect of the internal displacement issue because when a person loses them in urgency of displacement, not only the individual but the entire economy is deteriorated.

2.3 Government policy and action on IDPs

The requirement for the legal framework due to protecting IDPs legally is a major factor for considering IDPs for a serious concern. However, those who are against this notion usually argue that IDPs should be treated like war affectees. But this perspective cannot be neglected that IDPs

²⁰ Peterside, B.Z. (2014) A Threat to National Security: The case of Boko Haram in Nigeria. *The Academic Journal of Interdisciplinary Studies*. Vol 3, No. 4, 1-8

²¹ Tasiu, M., Mohammad Zaki bin A., and Laila Suriya Binti Ahmad A. (2018) Assessing the Legal Frameworks for the Protection of Internally Displaced Persons (IDPs) in the North-Eastern Nigeria. *Asian Research Journal of Arts & Social Sciences*. 7(4). 1-10.

are the result of the internal displacement, which is raised due to conflict between ethnic groups. However, IDPs can also be generated due to natural disasters or the fear of conflict. Not providing sufficient support to the IDPs also steer them feel separate from the entire population and augments the discrimination between displaced and citizen of host region. The vulnerability of displaced people is increased, if they are forced to isolate from the entire population (Oladayo Nathaniel Awojobi, 2014)²².

The sudden feeling of being stripped off from their homeland and other sources of livelihood, IDPs are enforced to anxiety and depression. However, Nigeria implemented the National Policy on IDPs in 2012 as an ailment to the IDPs for the particular concern about their fundamental human rights. Although, the policy did not convert into a statute but it remained the same policy and did not gear up the humanitarian concerns. Due to presidential decree, the statutory order that was formulated in 1989 under the name National Commission for Refugees were expanded in 2002 and covered the issue of IDPs in 2009. The underlying purpose was to protect and assist IDPs. Subsequent to these circumstances, the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) originated. However, the Nigerian Act do not exhibit such changes till now and if the amendments were not made in the act, the commission was unable to execute its activities in the region.

No specific statute had been implemented across the affected region to protect the IDPs in Nigeria. The 1999 constitution, however was modified, bolstered the governmental regulatory authorities to act in response to the humanitarian concerns of the IDPs. Moreover, section 5(1) of the 1999 Constitutional Law Nigeria ensured the constitution to strengthened the legislation covering human rights of the IDPs, which were specifically included in the chapter IV. This was the reason that the national policy on IDPs 2012 was followed by the president of the Nigeria.

There are various parts of the legal framework formulated for the IDPs in Nigeria, which included multiple instruments and settlements covering the aspects of human rights and imposed the country

to comply with such laws and policies. To respond to the humanitarian law, the African Union Convention for the protection and facilitation of IDPs in Africa enforced the state to respond to

²² Oladayo Nathaniel Awojobi, (2014) The Socio-Economic Implications of Boko Haram Insurgency in the North-East of Nigeria. *International Journal of Innovation and Scientific Research* Vol. 11 No.1, 144-150.

the human rights of the IDPs. However, this legislation is still not nationalized in Nigeria as amended by the section 12 of the 1999 (Adeejat-Kubra Adenike Kolawole,2013)²³.

As previously discussed in the present study, there is another policy that enact the internally displaced people in Nigeria is United Nation Guiding Principles. The prime importance of the policy is to provide a long-lasting solution to the IDPs and offer them security in terms of food, clothes, shelter and health and safety. According to the Inter-Agency Standing Committee (IASC) framework, the IDPs will be ensured with long lasting solutions if they do not desire for protection and security of their basic necessities of life and enjoy the humanitarian law across the region. The chapter 3 of the policy ensure that the basic humanitarian rights of IDPs are fulfilled and protected, even if they are displaced due to violence of due to natural disaster. The rights are categorized in two groups; general rights of the IDPs and specific rights of the IDPs. The general rights of the IDPs include their fundamental right to stay protected from being displaced and their right to be protected during and after the displacement period. Meanwhile, other areas that are covered include their right to go back to their local region, voluntarily and relocate in other areas. On the contrary, specific rights of the IDPs are concerned with special attention given to a particular person (s) due to specific reason (s). For instance, it may include; rights of IDP children, rights of IDP women, rights of IDP disable person and rights of old IDP people. Although, IDPs are protected under the policy for their humanitarian laws, but they are abided by the law and are liable for any crime under international and national law. Such displaced people are not allowed to disrespect cultural norms of the host regions (Imasuen Emmanuelar, 2015)²⁴.

The chapter 4 of the policy also enforce various stakeholders to play their role and execute their activities and ensure the safety and protection of IDPs such as government, human rights authorities, host regions and militant groups. Amongst all these tiers, government has the prime responsibility to protect IDPs internally and assist them for their basic necessities of life. They have three dimensional duties; first they should prevent leading circumstances, which lead to violence and displacement, secondly if the people are displaced, they must be given access to

²³ Adeejat-Kubra & Adenike Kolawole. (2013). Towards the legal evaluation of legal and institutional framework for the protection of internally displaced persons (IDPs) in Nigeria. *OIDA, International Journal of Sustainable Development*. Department of Private Law, Faculty of Law, Olabisi Onabanjo University, Ago-Iwoye, Ogun State, Nigeria. 146-150.

²⁴ Imasuen Emmanuelar, (2015). Insurgency and humanitarian crises in Northern Nigeria: The case of Boko Haram. *The African Journal of Political Science and International Relations*. Vol. 9(7), Department of Politics and Governance, Kwara State University, Nigeria. 284-296.

justice and offer them remedial measures to rehabilitate due to violence in the past. And the third dimension is to provide them with infrastructural and institutional framework that promotes the respect for human rights of the IDPs and refrain them from future violence.

Considering human rights agencies in Nigeria, they are substantially working for the basic rights protection of IDPs and comply their activities with the international and national law, however, in various circumstances, a conflict is raised between human rights agencies and governmental authorities due to their preoccupied activities in the host communities. The policy identifies the rights of the people living across host communities and the government and human rights agencies are also enforced to recognize their rights in accordance to the non-discrimination act, for instance, the rights to life security, social rights, economic rights and right to healthy and safe life are included in the policy act. Eventually, host communities are abided by the law to provide sufficient security and safety to the IDPs settled in their community and give them freedom to express their viewpoint related to the culture, religion and political perspective (Anthony Itumo and Nwobashi, Humphrey Nwefuru, 2016)²⁵.

The Nigerian federal government has enforced the IDP Focal Coordinating Institution to implement the policy concerning human rights of the IDPs and include it in the presidency in accordance to the chapter 5 (3)(1) of the policy. The prime responsibilities of this institution include; giving suggestions to the president, government and intergovernmental authorities and other facilitation agencies about the IDP policy problems.

The Nigerian National Policy on IDPs is considered to be the applicable instrument for effectively and efficiently responding to the short and long-term requirements of the IDPs. Undoubtedly, this policy is demonstrated to be a solid step towards the protection of IDPs in Nigeria, which has widely covered the concept of internal displacement.

²⁵ Anthony Itumo PhD, Nwobashi, Humphrey Nwefuru, (2016). Nigerian State and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio-Economic and Political Development. *Research on Humanities and Social Sciences*, Vol.6, No.15, Department of Political Science, Ebonyi State University. 24-33.

3.0 ANALYTICAL LEGAL REVIEW ON GOVERNMENT POLICY ON IDPs

The initial thoughts that hits out mind is if Nigerian government is taking essential measures to minimize the impacts of displacement and prevent the people from its negative influence.

However, the first and foremost responsibility of the government is to combat those situation that steer people to displace from their territorial regions. This is the fundamental responsibility of the state government, which is explained in the Guiding Principles on Internal Displacement principle 5-9 about internal displacement issue (Adewumi Israel Badiora, 2017)²⁶.

According to these principles, national reformers have the primary responsibility to avoid those situations that might trigger the displacement and prevent unneglectable displacement, alleviate its negative impacts and ascertain if any displacement does not last long more than the required time and instance. According to the principle 10-13, the displaced people have integral rights to life, integrity, dignity and security, which would help the people from getting displaced and eliminate those conditions that urge people to flee from their territories (Jide, Ugo Igariwey, & Ese Ujara, 2017)²⁷

The Nigerian national policy has integrated the Guiding Principles on Internal displacement, which is shown from the structure of the state national obligations and also differentiates between arbitrary displacement and other examples of displacement. For instance, the displacement due to military interventions and involuntary movement of civil people inside their own country is not allowed pursuant to the international human rights laws, however, if it is justified by their security purposes or by means of enforced military actions. In such circumstances, the displaced person is allowed to go back to their territories, as soon as, the disturbances are ceased and the areas are cleared.

Although the national policy on IDPs in Nigeria is a bold step, however, it has various its flaws. One major flaw of this policy is; the collaborative efforts are designed to protect the IDPs and facilitate them to access human rights through fragmented agencies and institutions.

²⁶ Adewumi Israel Badiora. Civil Unrest, Insurgences and the Challenges of Community Displacement in Sub-Saharan Africa: A Silhouette of selected states in Nigeria. *International Journal of Criminal Justice Sciences (IJCJS)*, K. Jaishankar. Vol. 12 (2). Wesley University, Nigeria. (2017): 302-31

²⁷ Jide I, Ugo Igariwey, & Ese Ujara, Legislative intervention of North-East Nigeria's internal displacement: A discourse. *Journal of public administration, France and law*. Iss 12, (2017): 155-167.

This means that there is no central institution that have the direct responsibility to cater IDPs and fulfill their needs. The government must consider this area of concern and establish a governmental institution who has the wide knowledge about the issues of the IDPs and provide them appropriate measures to enact the issues.

However, The Nigerian government has satisfactorily integrated laws in the national policy, which ensure the provision of health, hygiene, nutrition and shelter. Moreover, the government has the responsibility to establish homes for displaced people and protect them from environmental hazardous situations.

In 2011, the state of Uganda formulated a five-year plan for those people who were living in poverty-stricken areas and mountainous areas. Approximately 10,000 people were found to be living in under construction areas, which was halfway destructed (Isaac et al.,2015)²⁸. However, the government sufficiently provided temporary homes to such people and they were already moved on to those places in the western areas of Uganda. By implying these principles in the national policy of Nigeria, the country can ensure that the government has taken initiatives for the displaced people and are empowered by the national law to execute their activities, freely and independently.

According to the principle 7 (3) of the Guiding Principle of Internal Displacement, the national authorities are enforced to take appropriate steps if the disasters. The government of Nigeria has the legal reformation for taking procedures and processes that compensate and relocate the affected people, particularly women, children and elderly persons are given incentives for protection and safety (Oladayo & Nathaniel Awojobi, 2014)²⁹.

The policy integrated in the Nigeria for assisting internal displaced people follows the humanitarian approach and its fundamental principles. In this way, the state government has the fundamental motive to implement the provision of prevailing international agreements, treaties and protocols on internal displacement. This, furthermore, is escorted by the international humanitarian law and human rights acts. For this purpose, there are various conventions established for protecting and assisting IDPs in Africa, for instance, The African Union

²⁸ Isaac T, Asmat-Nizam A., Knocks T-Z, Joyce M..T., The Psychological Trauma on Boko Haram Victims in Nigeria: Conflict Resolution Perspective. *Mediterranean Journal of Social Sciences*. Vol 6, No.6, (2015): 519-525

²⁹ Oladayo Nathaniel Awojobi, The Socio-Economic Implications of Boko Haram Insurgency in the North-East of Nigeria. *International Journal of Innovation and Scientific Research* Vol. 11 No.1, (2014): 144-150

Convention for the Protection and Assistance of IDPs in Africa –Kampala Convention, the UN Guiding Principles on IDPs and the Sphere Minimum Standards for Humanitarian Assistance have extensively elaborated the direction of national policy for IDPs (Adeejat-Kubra & Kolawole, 2013)³⁰.

The policy seeks to address those issues related to the existing structure and policy framework, which are designed to protect and assist of vulnerable people. The section 1.3 of the policy include the essential points, which explain the leading causes of internal displacement. In essence, the policy also identifies the groups of the IDPs, who require special care and assistance and protect them from the vulnerabilities of host regions. All needs section of the policy entails the special protection and facilitation needed for the internally displaced people to ascertain their recieval of humanitarian actions. However, to ensure the relief to the displaced people including pre-emergency phase and recovery phase which include rehabilitation, return and resettlement stages and establish situations for them, which ensure their durable solution. The policy has integrated section, which ensure the governmental reformers, authorities including arms from local, state and federal levels to carry out activities that guarantee rights of the IDPs (Musa, 2011)³¹.

This includes federal ministries, departments and agencies of the Nigerian parliament. The rights of IDPs are integrated in the constitution of the Federal Republic of Nigeria, international humanitarian laws and standards and human rights that are related to the facilitation of the IDPs and ensure their claim for provision of primary freedom and life dignity.

The national legal framework realizes the significance of equitable and justice-enforced society in Nigeria to act proactively and responsively to the emergency conditions that might trigger internal displacement. In such circumstances, the right to life and right to dignity is adequately guaranteed for all IDPs and the durable measures are prevalent across the regions to alleviate the influence of IDPs on those areas that are vulnerable to hazards. However, the integrated framework to national

³⁰ Adeejat-Kubra & Adenike Kolawole. Towards the legal evaluation of legal and institutional framework for the protection of internally displaced persons (IDPs) in Nigeria. *OIDA, International Journal of Sustainable Development*. Department of Private Law, Faculty of Law, Olabisi Onabanjo University, Ago-Iwoye, Ogun State, Nigeria. (2013): 146-150.

³¹ Musa, A., & Kurawa, G. Chapter 2 The Role of Education in the Resettlement of Internally Displaced Persons in Nigeria: an Exploratory Discourse on the Plight of the Devastated Communities in the Northeast of Nigeria. *Innovations in the Higher Education Teaching and Learning*, (2018): 21–35. doi:10.1108/s2055-364120180000013002

obligations and accountability to encourage the rights of the IDPs, their families and host regions. Notably, implying strategic preventive measures can coordinate the response to the empathetic gender-based discrimination at all phases of the IDPs in Nigeria in north eastern region.

The objective of national policy for IDPs is to robust the institutional framework and procedures that envision the rights to dignity and protect the well-being of endangered populations. The policy also has the fundamental objective to mitigate the adverse impacts and remove the root causes leading to internal displacement. By establishing a framework, which is comprehensive and is responsive towards gender-based issues and foster humanitarian intervention, linked with the IDPs of Nigeria.

3.1 The Guiding Principles of Internal Displacement

In a bid to ensure that the IDPs are well protected and cared for by the relevant authorities and stakeholders we will be examining analogy that beholds the protection of the displaced persons. However, these principles are tailored towards the needs of IDPs in explaining the obligations of national authorities and non-state actors. The principles cover the phases internal displacement which are; the pre-displacement phase, during displacement and during return or resettlement and re-integration.

Furthermore, in describing the scope and purpose of the guiding principles it states that;

'Persons or groups 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 conflicts, situations of generalized violence, violations of human rights or in the situation of natural or human-made disasters, and that these persons have not crossed an internationally recognised border³².'

From the above description of scope and purposes, it clearly states and identifies two core element of internally displaced persons which are;

- The coercive character of the movement and secondly,
- That such movement only takes place within national borders

³² Oduwole Tajudeen A and Fadeyi Adebayo O.(2013), Issues of refugees and displaced person in Nigeria. *Journal of Sociological Research*. ISSN 1948-5468 (2013), Vol. 4, No 1, pp 1-18

Section 1 general principle

Principle 1

1. *Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced*³³.

Principle 3. *1 National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction*³⁴.

The above sections have set out the principle regarding to rights of IDPs and obligations for national authorities. This means the Nigerian government should be actively responsive in ensuring that rights of the IDPs are duly preserved.

Furthermore, section II encompasses issues related to protection of displacement and also articulates the rights not be displace from the first instance. This means that, the state are obliged to ensure that they avoid displacement of persons. Whilst, the third section of the principles which extensively clarify the aspects of civil, social, cultural rights and economic benefits that IDPs should be enjoying.

These includes principle 11 (2) (a) Which says; IPDs are to be protected against acts of violence, torture and cruel, inhuman or degrading treatment or punishment as well as the rights to be protected against the use of anti-personal land mines.

It also states that; cautionary measures should be taken in preventing against contagious and infectious diseases. (Principle 19 (3)). While the fourth section specified the need of humanitarian assistance from the international organisation when the states and or authorities are

³³ Ocha *Guiding principles on internal displacement*. Internal Displacement monitoring Centre (IDMC Publisher). August 1998

³⁴ Ocha *Guiding principles on internal displacement*. Internal Displacement monitoring Centre(IDMC Publisher). August 1998

unable or unwilling to provide assistance to the displaced persons and that the consent to do so shall not be arbitrarily withheld.

In general, the guiding principles has placed its importance to protection, assistance and reintegration of needs of the displaced persons majorly on women and children. This is because, these group of people form the majority of the displaced populations. It however, called upon the affected countries in which Nigeria is included to base their natural laws and policies on these guiding principles.

Conclusively, these frameworks developed in the guiding principle has not only set pace for norms to be observed, it also provides room for discussion on IDPs matters by providing strategies for preventing displacement of persons. This has also prompt Nigeria to developing policies on internal displaced persons.

3.2 Legal framework

When people are migrated from one country to another country due to come conflict and/or violence, the advanced international refugee law is implemented and results in the execution of the 1951 refugee convention and its protocol of 1967. However, the internally displaced people are not given the privilege as refugees, but they are less identified under international law. Thus, in the past few years, due to the IDPs in the Nigeria, there has been considerable increase in the matter of country's sovereignty. IDPs are recognized as the global issue since 1980s after the execution of international conferences and discussed refugees from South African region and Central America. Leading to this situation, a need to formulate an effective legal framework was raised to protect IDPs and offer them protection and assistance. The period of 1980-2000 had been marked as the recognition of the plights of IDPs.

In 1998, the United Nation's (UN) guiding principles on IDPs have been served as a foundation for protecting rights of IDPs. UN is extensively playing its role by corresponding guiding principles for protecting IDPs rights. Such guiding principles had been adopted by regional firms

in Africa, Europe and US to formulate their treaties and persuade their state members to include the guiding principles in their relevant national laws (Imasuen Emmanuelar, 2015).³⁵

According to the international law commission (ILC), the state governments have more responsibility to intervene their relevant legislations for the protection of their citizens. In essence, states have the fundamental responsibility to facilitate IDPs in their regional areas. In Nigeria, the IDPs are living with enormous health issues, lack of food, social issues and other mortality issues. Undeniably, Nigerian government has the fundamental responsibility to protect their IDPs, but researchers argue that their constitutional reforms are insufficient to address the IDPs issues. The fundamental right to human dignity, life and other rights must be preserved by the federal state. However, the scope of these rights is dependent on the legal framework provided for the protection of the internally displaced people. For this purpose, constitution is considered as the national legal framework that states the rights and duties of the government to protect the IDPs in the national boundary. This constitution will act as an origin that is being used by multiple governmental firms to operate. The detailed analysis of the Nigerian constitutional law state that the country has not specifically addressed the issues of IDPs, nor does it offer any provision to enact the dilemma, but it shows rigidity to amend its laws for providing benefits to IDPS. Nigerian constitution is the major law of the country; however, other laws can be included in the constitution to enact the issue and those laws, which are not consistent with the Nigerian constitutional law 1999, are considered void. The chapter 4 and section 33-46 of the constitution clearly demonstrates that the Nigerian citizen has the right to live a peaceful life with the provision of basic facilities of life.

By constituting Ugandan law in the Nigerian constitution, which protects the fundamental rights of its citizens and furnishes its IDPs for social equity and economic progression. Furthermore, the constitution steers the governmental institutions to provide its citizens their fundamental rights of shelter, education, food and health, clean water, clothes and other social requirements. The constitution states that if the people are placed inside the territorial boundaries of the country, they must be protected by the national legislation as IDPs; however, it must be efficiently implemented

³⁵ Imasuen Emmanuelar, (2015). Insurgency and humanitarian crises in Northern Nigeria: The case of Boko Haram. *African Journal of Political Science and International Relations*. Vol. 9(7), Department of Politics and Governance, Kwara State University, Nigeria. 84-296.

to safeguard its citizens. The government must protect its citizens from getting internally displaced. This is addressed by the guiding principle on IDPs and the African union convention on IDPs. The UN resolution 46/182 (1991)³⁶ stated that every country has the fundamental responsibility to protect its citizen from natural disasters and other emergencies. However, the existing legislation addresses the humanitarian aspect of the IDPs but still in the Nigerian Constitution, the implementation of UN resolution s.46 for providing protection. For this purpose, NEMA (National Emergency Management Agency) can resolve the issues pertaining IDPs due to insurgency of Boko Haram. The agency works in collaboration with the United Nation's International Decade for Natural Disaster Reduction (IDNDR), which was established by the Nigerian federal government in 1990 under Act 12 of constitution. In the given perspective, if we establish a legal framework to protect IDPs from natural disaster and consider the IDPs as the victims of the terrorism and disaster and offer them a legal capacity to protect them from the vulnerability of war.

3.3 Legal Protection of IDPs

The situation of IDPs is alarming and research has shown that camps meant for the displaced persons are temporary in nature which consist of public properties like schools, hospitals and others provided by the army or police barracks.

The international law as describe by (Ladan 2001) refugees are been granted special status due to loss of protection from their state and therefore in need of international protection but do not necessary have to cross their own border. As regard this, the internally displaced persons should not be exempted from this protection and should be seen as human being who are vulnerable situation and they should be entitled to benefits from relevant form of human rights and humanitarian law.

³⁶ Imasuen Emmanuel,(2015). Insurgency and humanitarian crises in Northern Nigeria: The case of Boko Haram. *African Journal of Political Science and International Relations*. Vol. 9(7), Department of Politics and Governance, Kwara State University, Nigeria.284-296.

3.4 Comparative legal solutions

In recent years several countries that are faced with problems as regard IDPs overtime have developed legal mechanism in resolving the plights of internal displacement. This paper will briefly discuss the cases in which these countries has taken in gradually resolving displacement.

In this part, we will be discussing on solution as regards the Russian aggression in Ukraine and the steps the Ukrainian government has taken to ease the plights of IDPs. The Donbass region and annexation of Crimea was hit by the Russian aggression which led millions of displacements within the country.

This prompt Ukraine as a state to take proactive measures in creating an effective foundational legal framework and effective mechanism in implementing the norms of international law. During the course of solving this problem they were able to create rooms to reflect the Principles of Internal displacement in their national legislation which could create procedural and legal steps in solving the plights of IDPs which are sufficiently effective.

Consequently, in the year 2017, Ukraine were able to draw up a road map which includes coming up with an approved state target programme for recovery and peacebuilding in the affected areas of the Eastern region. These programmes include restoration of communal property of the residence of IDPs, raising awareness of IDPs programmes and as well attracting the IDPS to participate in decision-making process. Whilst at the end of that year the Ukrainian government were able to adopt the strategy for IDPs for long term solution until the year 2020 which not only cover the affected parts, but the entire country.

In the case of Internal displacement in Ukraine which indeed established the gross violation of rights under the international humanitarian law and human rights law which according to customary international humanitarian law defined the presence of armed conflict, and this could also be compared to the current armed conflict in the North East Nigeria which was orchestrated by the Boko Haram sect in pursuit of their self-acclaimed objectives. Also, the Article 2 of the

Geneva Convention holds that, where a territory is occupied an armed conflict is deemed to exist³⁷.

Comparatively, the case of human rights violations does exist in both states and Ukraine as a state did responded to the norms of international law by ensuring that legislative procedural steps taken in protecting the rights of the IDPs. While in the case of IPDs in Nigeria due to the armed conflicts over a decade still lacks legislative procedural steps protecting vulnerability of her IDPs towards violations of human rights.

The Ukrainian legal regulation on IDPs, Article 2(1) explains that, rights and freedom of IDPs are guaranteed under the constitution and laws of the land while it also guarantees returning of such residence and its further reintegration. While Article 4(1) (2) establishes registration of internally displaced persons and IDPs are recognized by their certificate of registration and also it creates platform in registering their place of residence as at where the circumstances occurred.

While in the case of internally displacement in the North-East Nigeria, the policies and legal frame work did not establish legislation backed by the national laws that ensures and guarantees rights of rights of IDPs as compared to Article 2 and 4 in the Ukrainian constitution as regards rights and freedom, proper registration and reintegration procedure.

Meanwhile, other procedures have also been set out by the Ukrainian government which also undergoes monitoring by the international organisation to ensure that the affected persons (IDP) are duly targeted.

Furthermore, the procedures set out in the regulation were for IDPs entering higher education institution by;

- Creation of a simplified procedure for creation of educational center for Crimea and Donbas IDPs on the basis of displaced higher institutions in the affected region and also the provision of IDPs with hostels, textbooks and internets

³⁷ Tsybulenko E., Francis J.A. (2018) Separatists or Russian Troops and Local Collaborators? Russian Aggression in Ukraine: The Problem of Definitions. In: Sayapin S., Tsybulenko E. (eds) *The Use of Force against Ukraine and International Law. T.M.C. Asser Press/Springer, The Hague*, pp. 123-144

- To also ensures that IDPs do have access to medical care with no discrimination in comparison with the population of host communities.
- Setting-up adequate health care funding from the state allocation, ability to participate in national election and as well implementing housing programme for the IDPs.

The above regulation shows that the Ukrainian government has been proactive in creating a legislative measure in ensuring that the rights of IDPs are not violated and as well making sure that they have been re-integrated in the host communities.

On the contrary, Nigeria on th17th of April, in the year 2012 became the 12th African country to ratify the Kampala Convention in a bid to ease the plights of IDPs, but since the ratification, the Convention has not been domesticated in Nigeria and thus making it complicated to apply legal application on this provisions of the Convention within Nigeria which is subjected to the constitutional embargo of Section 12 of the constitution of the Federal Republic of Nigeria 1999 (as amended), states that; *‘No treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.*

(2) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the he Exclusive Legislative List for the purpose of implementing a treaty.

(3) A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) of this section shall not be presented to the President for assent and shall not be enacted unless it is ratified by a majority of all the House of Assembly in the Federation³⁸.

These means that; a treaty can only be domesticated in Nigeria only when ascended by the Nigerian legislature and signed by the President, then it can be admitted in Nigerian Court.

³⁸ Constitution of Federal Republic of Nigeria 1999 <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>

In a consequential discourse, the Nigerian government have been reluctant in ensuring that the rights of IDPs are protect but hiding under the umbrella on the National Policy on IDPs which in the name of paper has no normative platform to assert a legitimate claim for the IDPs at the Law court.

However, the Kampala convention is highly important to the protection of IDPs in Nigeria which will offers an enforceable guidance on the protection of IDPs. The convention also places the issues of IDPs on in the realm of binding legal obligation which will make the issue of accountability a priority.

On this note it is cogent that Nigeria as a state need to take legislative measures in ensuring that these treaties are ascended to by the relevant state authorities to guarantee the rights of the IDPs in the country and as well become a bedrock that will ascertain the legitimate claim and protection of IDPs in the national court.

3.5 Recommendation and Conclusion

This paper serving as a consortium of NGO looking towards the plights of IDPs in Nigeria which will be creating itself as an independent legal authority on this issue. However, studies have shown that states itself creates displacement either for religious, political or means of counterinsurgency.

In the view of these, this paper is in the course of creating a legal document in re-awakning the state on their obligations as regards the guiding principles on internal displacement so as to provide a degree of international protection to IDPs in Nigeria by restating their rights which are embodied in the existing international humanitarian law, human rights law and in the confined of refugee law. In the course finding long term solution to the plights of IDPs in Nigeria, this paper does hereby recommend thus;

- i) That the international human rights community should pressure the government without any further delay in bringing an end to the legal and institutional processes that hinders the adoption of IDPs signed conventions adopted into national legislation, this will remain a credible pathway towards effective protection of IDPs.
- ii) That the IDPs legislation should be affected holistically in such a way that it guarantees the legal competence for institution that will cater for the protection of internal displacement in the Country.

- iii) That as part of international norms followed by the Ukraine, the Nigerian government should ensure the issuing registration certificate as displaced person. This will facilitate the procedural process in reintegration back in to the community. Also, it will further sustain the current effort of the International Migration for Migration which helped in Data Tracking Matrix (DTM) in data management. It will assist the government in future planning as regards the protection of IDPs
- iv) That the international Human rights community should constantly monitor and publish reports on IDPs designated camps in the North-East Nigeria with whom are exposed to other vices which aggravate their difficulty in terms of gross violations of human rights, safety, security and general welfare. This will make the state accountable to making sure that IDP camps are properly equipped.
- v) This paper also demands that, it is imperative that the Nigerian government ensure full participation of IDPs in the decision-making process and involve pay attention to the most vulnerable individuals or groups which includes persons with disabilities, displaced children, pregnant women and as well the older persons.
- vi) Lastly, it challenges that, in adopting the International norms into its national legislation, this will create an enabling legal environment for the IDPs in enabling a platform to assert a legitimate claim at the national Law court.

In conclusion, as expressly explained above, the IDPs in Nigeria are entitled the whole range of International human rights and humanitarian Law instruments. This paper hereby calls on International human rights and humanitarian law institutions to challenge the state for failing to adopt international norms and to legislate its signed conventions into national laws.

Finally, this paper concludes that, once the above recommendations are taken into consideration by the Nigerian government, policy makers and the stakeholders with the constant pressure from the international community, this will help in solving a long-term violation of human rights of the IDPs in Nigeria and as well create legal platform for IDPs to challenge their plights in the national court.

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