

PROTECTION OF INTERNALLY DISPLACED PERSONS' RIGHTS IN NIGERIA: AN EXAMINATION OF NIGERIA'S NATIONAL LEGAL FRAMEWORKS AND INTERNATIONAL HUMANITARIAN LAWS

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Abstract

Internal displacement is a global issue requiring concerted efforts. The rise of internal displacement is fuelled by both natural disasters and man-made factors. There are sufficient available international laws to protect the rights of displaced persons. However, the problem of enforcement and domestication has deterred their effectiveness. This paper employs the doctrinal research methodology to analyse laws protecting IDPs in Nigeria and under the international laws. It highlights the statistics of internal displacement in Nigeria, the unbearable living conditions of IDPs demanding government's attention. The study examines the current legal regime and policy frameworks under the international laws. It finds that there are laws protecting IDPs but those laws continue to face lack implementation, non-binding and unenforceability due to lack of domestication in Nigeria. Additionally, it finds that Nigeria only has national policy on IDPs' rights that has not covered some aspect of their rights under the international laws. To this end, the study recommends the need to domesticate the international laws with effective implementation in order safeguarding the rights of IDPs in Nigeria.

Keywords: *Internally Displaced Persons, Rights, Legal Frameworks, Humanitarian laws, Nigeria.*

1.0. Introduction

Internally Displaced Persons (IDPs) do not cross an international border to find safety. While they may have fled their homes for some particular reasons surrounded by violence, incessant terrorist attacks, human rights violations, flood, they tend to stay within the borders of their own countries and remain under the protection and responsibility of their government.³

Internally Displaced Persons (IDPs) are group of individuals that are unprotected in their own countries as a result of situations created by man or natural disaster.⁴ More elaborately, IDPs are groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.⁵

Internal displacement is a pervasive global issue, with far-reaching consequences for individuals, communities, and nations. Nigeria, unfortunately, is not immune to this phenomenon. The African Giant has grappled with internal displacement for decades, driven by factors which have resulted in significant humanitarian, economic, and social challenges.

2.0. Statistics of Internal Displacement in Nigeria

Records have shown that it looms largely in the Northern zone of Nigeria. As of April 2024, Displacement Tracking Matrix identified a total of 1,302,443 internally displaced persons (IDPs) in 219,445 households across Benue, Kaduna, Kano, Katsina, Kogi, Nasarawa, Niger, Plateau, Sokoto,

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³United Nations High Commissioner for Refugees (UNHCR), 'IDP Definition'.(n.d), available at <<https://emergency.unhcr.org/protection/legal-framework/idp-definition>>accessed 30 November 2024.

⁴Stephen Chuka Unachukwu, 'An Appraisal of the Challenges and Legal Protection Available for Internally Displaced Persons in Nigeria'. *International Journal of Trend in Scientific Research and Development* [2022] (6) (3) 94.

⁵Ibid.

and Zamfara states. The data collection started in March 2024 in 1,733 locations, in the ten states of north-central and north-west Nigeria. The IDP population included IDPs in camps and camp-like settings (287,790 individuals or 22%) and IDPs residing in host communities (1,014,305 individuals or 78%). This signifies an IDP increase of 19 per cent or 210,247 IDPs compared to what it was in December 2023.⁶

Study shows that the reasons for displacement varied considerably across assessed states. In Nigeria's North-Central region, Benue, Nasarawa, and Plateau reported the highest percentages of IDPs indicating that they fled their locations of origin due to communal clashes, with rates of 55 per cent, 52 per cent, and 52 per cent, respectively. Communal clashes involve confrontations between ethnic and religious groups, often triggered by land and border disputes. Conversely, in the north-western region of Nigeria, Zamfara, Katsina, and Sokoto reported armed banditry and kidnapping as the most common reason for displacement. The percentages in these states were notably high, with the trio states at 100 per cent, 84 per cent, 77 per cent respectively.

Displacements caused by tensions between herders and farmers were reported in Benue, Plateau and Kaduna states.⁷ Displacements caused by natural disasters were reported in six out of the eight states assessed. These displacements were often the result of torrential rains, windstorms and floods that have damaged infrastructures, shelters and crops.

One cannot find it herculean to discover that communal clashes are more prevalent in North-Central Nigeria, while armed banditry and kidnappings are more rampant in Nigeria's North-Western zone.⁸

Ordinarily, special protection is usually accorded to the more vulnerable class of persons (such as children, people with disabilities, refugees, IDPs, *inter alia*) owing to their peculiar circumstances. However, the dark reality is, in spite of being under the shield of the government, treatment in IDP camps in Nigeria is yet to conform to guiding principles of human sustenance, as fundamental rights are nastily degraded through inadequate supplies of basic needs, deprivations and abuses resulting to unfavourable living conditions.

Additionally, a more practical causing factor of displacement in the North eastern Nigeria is the violent attacks perpetrated by the *Boko Haram* insurgency which is highly alarming. Even though both federal and state governments in these areas have made efforts to address the plights of IDPs by providing IDPs camps, immaterialised laws and policies, many of such displaced persons are still facing severe socio-economic, health and environmental challenges. Inarguably, attempts to abandon IDPs in suffering without meeting their basic human needs as provided by legal principles on the protection and treatment of IDP is tantamount to redefining human rights and it is not without implications and of global concern⁹

3.0. Living Conditions of IDPs Demanding Attention

Nigeria, a country with a population of over 200 million, has one of the highest numbers of internally displaced persons (IDPs) globally. From climate change-induced disasters to protracted conflict and violence, Nigeria has been facing multiple crises that have caused a significant increase in the number of IDPs. As of December 2022, there were approximately 4.5 million IDPs in the country. This places Nigeria as the third-highest country in Africa for the number of IDPs, behind the Democratic Republic of Congo and Ethiopia. Sadly, the plight of Nigeria's IDPs often goes unnoticed and neglected. They lack adequate attention from policymakers, global actors, and humanitarian organisations, resulting in immense suffering and hardship. IDPs are frequently deprived of essential

⁶ International Organisation for Migration (IOM), 'DTM Nigeria — North-Central and North-West — Round 14/IDP Atlas'. Available at <<https://dtm.iom.int/reports/nigeria-north-central-and-north-west-round-14-idp-atlas-june-2024>> accessed 30 November 2024.

⁷ Crisis Group, *Herders against Farmers: Nigeria's Expanding Deadly Conflict* (19 September 2017) available at <<https://www.crisisgroup.org/africa/west-africa/nigeria/252-herders-against-farmers-nigerias-expanding-deadly-conflict>> accessed 30 November 2024.

⁸ IOM (n6).

⁹ Shaibu, M. T. & Lanre Olu-Adeyemi, *Redefining Human Rights in Nigeria: An Appraisal of Living Conditions in Internally Displaced Persons Camp*. Available at <<http://dx.doi.org/10.6007/IJARPPG/v7-i1/7044>> accessed 2 December 2024.

needs such as shelter, food, healthcare, and education, and they face various forms of exploitation, abuse, and violence.¹⁰

The challenges faced by IDPs are complex, unceasing and multifaceted. IDPs often encounter difficulties in accessing fundamental services such as healthcare, education, and clean water and sanitation. They are also at risk of various human rights violations, including sexual and gender-based violence, exploitation, and forced recruitment into armed groups. IDPs are vulnerable to poverty, social exclusion, and discrimination, which can hinder their ability to recover and lead productive lives.¹¹

As afore stated, IDPs are vulnerable to unbearable state of living attributing a nastily degradation of their fundamental rights through inadequate supplies of basic needs, deprivations and abuses resulting to unfavourable living conditions perpetrated by both security operatives and non-state actors. It is imperative to explicitly define the sort of unbearable living status they are being subjected to, hence the following list:

1. Destruction of property and homes: Militants and insurgents who ought to be severely weakened by the government play a key role in raiding, razing and destroying communities, destroy property, and loot belongings, leaving IDPs homeless and destitute;
2. Humanitarian partners on the ground have reported that over 21,000 internally displaced persons (IDPs) are sleeping in open spaces in Bama, Damboa, Monguno, and Rann towns in Borno State following multiple fire outbreaks, heavy rains and windstorms that destroyed their shelters;
3. IDP camps and displacement sites often congested shelters or isolated in insecure or inhospitable areas, making them vulnerable to exploitation and abuse. IDP camps and camp-like settlements are disorganised, flood-prone;
4. Food are always in short supply (inadequate), not regularly supplied (food assistance does not last from one distribution until the next, especially as the intervening time sometimes extends beyond a month), food is provided without any spices to make it edible, while in some not provided at all. As a result, many have died due to starvation, hunger or severe malnutrition - extreme food insecurity. Besides, vulnerable children are acutely malnourished leading to diarrhoea diseases and many have died due to lack of portable water source;¹²
5. Restrictions on movement and access to humanitarian aid: IDPs are often subjected to restrictions on their movement, making it difficult for them to access food, water, medical care, and other essential services; and
6. Arbitrary arrests and detention: IDPs are often arbitrarily arrested and detained without charge or access to legal representation. They may be held in overcrowded and unsanitary conditions, and subjected to torture, ill-treatment, and sexual violence.

Conjunctively, it is necessary to state that humanitarian workers and organisations operating in Nigeria for the purpose of assisting and safeguarding internally displaced persons have faced repeated attacks and threats, including looting and destruction of humanitarian supplies depriving IDPs of the required special aid, killings and abductions among others.

4.0. Legal Frameworks Governing the Rights of Internally Displaced Persons in Nigeria

Sequel to the fact that internal displacement has, over the years, become one of the most pressing humanitarian issues, a complex framework of international and regional laws and policies has been developed.

The legal framework safeguarding the rights of IDPs in Nigeria comprises a combination of international instruments, national policies, laws and institutions including global and domestic

¹⁰Tasiu Magaji, 'Internally Displaced Persons (IDPs) in Nigeria: The Roles of International Actors'. (2024) *Wukari International Studies Journal* [2024] (8) (5) 196.

¹¹Ibid.

¹²(n9).

institutions set up for same purpose. These frameworks aim to guarantee the protection, and promotion of the rights of people who have been forcefully displaced from their habitual residence as a result of armed conflicts, violence, natural disasters, among other factors.

4.1. International Legal Frameworks for IDP Protection

4.1.1. United Nations Guiding Principles on Internal Displacement

The Guiding Principles are a set of 30 principles or guidelines and/or standards developed in accordance with international law to address the needs of people who are internally displaced. As envisaged in the foreword to the Guiding principles, while responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations.¹³

More explicitly, internally displaced persons are described to be persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.¹⁴ IDPs shall in all respect, be entitled to enjoy the same rights as others within a country with no sense of discrimination owing to their status.¹⁵ In a view to ascertain the protection of IDPs, national authorities are saddled with the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction and the IDPs are equally entitled to request same.¹⁶

Essentially, every human being's right to life is highly prioritised as no one should be deprived of his life. It is well emphasised herein that IDPs must be protected from murder, genocide, arbitrary executions, starvation, enforced disappearances, mass killing whatsoever.¹⁷ Furthermore, emphasis is made as regards IDPs' right to dignity, liberty and security, freedom of movement, seek safety, family life, education, freedom from discrimination and more importantly, adequate standard of living.

The Guiding Principles' widespread acceptance alone does not guarantee their domestic implementation because they are frequently confused with the drawbacks of inadequate capacity to monitor compliance. However, it is needful to appraise the relevance of the Principles as it stands today.¹⁸ The Guiding Principles has gained international acceptance, standard and authority as United Nations' agencies and a good number of member-states have regularly referred and relied on principles embedded in it through domestication into national laws.

4.1.2. African Union Convention for the Protection and Assistance of Internally Displaced Persons

African Union Convention for the Protection and Assistance of Internally Displaced Persons, commonly referred to as Kampala Convention is the first international regional agreement on the protection and assistance of IDPs created by the African Union. This convention only applies to African Union member states who had adopted and ratified it. Adopted in 2009, it elaborates on the Guiding Principles on Internal Displacement and regionalises IDPs protection, emphasising state responsibility and outlining specific obligations for assistance, return, and durable solutions.¹⁹

Notably, the definition of IDPs provided in this Convention closely matches that in the Guiding Principles. Internal displacement is defined by the Kampala Convention, just like the Guiding

¹³ United Nations Guiding Principles on Internal Displacement, 1998. Available at <<https://www.unhcr.org/sites/default/files/legacy-pdf/43ce1cff2.pdf>> accessed 4 December 2024.

¹⁴(n13) para 3.

¹⁵(n13) pr. 1.

¹⁶(n13) pr. 3.

¹⁷(n13) pr. 10.

¹⁸Shedrack Ekpa, 'Formulating Legal and Policy Frameworks for the Protection of Internally Displaced Persons in Nigeria: A Case Study of Internal Conflicts on Jos, Plateau State' (Unpublished PhD Dissertation, University of Malaysia, 2016).

¹⁹African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2012. Available at <<https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>> accessed 5 December 2024.

Principles, as “involuntary or forced movement, evacuation, or relocation of persons or groups of persons within internationally recognised state border.”²⁰

Similar to the previous definition, this one emphasises that the migration is coerced and involuntary and takes place on state territory. Kampala Convention is widely known to be legally binding. As a matter of fact, the legal character of this convention has been widely celebrated.

More emphatically, the Convention requires signing, ratification, and/or accession by state parties.²¹ In a bid to comply with this obligation, Nigeria signed, ratified, and deposited her instrument of ratification, making its provisions applicable to IDPs on Nigerian territory legally. This Convention expressly states that it is the obligation of the national government to protect and assist IDPs. Significant among the innovations of the Convention is its protection of IDPs from arbitrary displacement. The Convention specifically prohibits the arbitrary displacement of individuals whose existence is based on land, and it further states that such acts may constitute international crimes.²² Additionally, national authorities are urged to establish procedures for resolving the problems that led to the displacement, with a focus on restoring land where it has been determined that IDPs' ability to support themselves and feel a connection to the property.²³

Despite the fact that Nigeria is a signatory to the Kampala Convention and other international treaties, the provisions of the treaties have not been adequately reflected in the national policy, though policy frame work has been drafted in Nigerian National Policy on Internally Displaced Persons 2012 and strategies but these policies and strategies still suffer from poor implementation.

4.1.3. African Charter on Human and Peoples' Rights 1981

African Charter on Human and Peoples' Rights (ACHPR) was adopted in June 1981 and came into force on 21 October, 1986. The provisions of the Charter established a system for the protection and promotion of human rights within the institutional framework of the Organisation of African Unity, now African Union. The Charter affirms the range of civil, political, economic, social and cultural rights including the right of every individual to freedom of movement and choice of residence and the right to property to all persons including the with no preclusion of IDPs. The Charter consists of individual rights, group rights and duties. Some of the groups afforded special measures of protection under the Charter include family; women, children, the aged and disabled.

The African Charter on the Rights and Welfare of the Child and the Protocol to the Africa Charter on Human and Peoples' Rights on the Rights of Women in Africa are established with the aim to supplement the Charter's provisions for the protection of the rights of children and women. Both instruments include specific provisions relating to States obligations to respect human rights in times of armed conflict and reiterate the responsibility of States to protect civilians under International Humanitarian Law.

The Charter enunciates that 'every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.'²⁴ It is depicting inferable that the 'Other status' referred therein can also be implied to include displacement status of IDPs. In essence, IDPs are entitled to the enjoyment of the rights and freedoms guaranteed by the Charter and not to be subjected to any discrimination of any kind by reason of their displacement.

²⁰(n19) art. 1(1).

²¹(n19) art. 16 & 17.

²²(n19) art. 4.

²³(n19) art. 11

²⁴Article 2, African Charter on Human and People's Rights 1981.

4.1.4. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ('the Maputo Protocol')

On 11 July 2003, African heads of state and government representatives gathered in Maputo, Mozambique to adopt a comprehensive framework for women's and girls' rights in Africa. Hence, the pseudonym "the Maputo Protocol" as aforementioned, it was adopted as an additional human rights framework under the African Charter on Human and Peoples' Rights.

The Maputo Protocol elaborates on the provisions outlined in the African Charter on Human and Peoples' Rights with emphasis on the urgent need to address the unique challenges and discrimination women face across the continent. It addresses salient issues including violence against women, economic and political empowerment, and reproductive rights among others. The Protocol guarantees a wide range of rights including civil, political, economic, social, cultural, and environmental rights. Some of the guaranteed rights include: right to dignity, right to life, integrity and security, right to access justice and equal protection before the law, right to participation in the political and decision-making process, right to peaceful existence, right to protection during armed conflict, right to education and training, and right to economic and social welfare rights among others.

The Maputo Protocol protects women in armed conflict in its as it provides that states parties shall protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict as well as undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.²⁵

One of the strengths of the Protocol is the emphasis on its practical implementation which involves state parties putting on measures to translate its provisions into action. Nigeria is one of the early countries to ratify the Maputo Protocol. Nigeria ratified the Protocol on 16th December 2004 signifying its intention to be bound by its provisions. However, unlike the African Charter, the Maputo Protocol has not been directly incorporated to form part of our domestic laws.²⁶ Although, Nigeria has legislation prohibiting violence and sexual exploitation such as the Violence Against Persons Prohibition Act of 2015 and the Sexual Offences Act of 2010 among others. These laws are gender neutral and not gender specific.

In spite of the fact that Maputo Protocol seeks to protect the internally displaced women from all forms of violence, rape and sexual exploitation, sexual harassment is rife in camps of IDPs across the northern Nigeria mostly when it comes to access food or money.²⁷

It is even more saddening that most of the cases of sexual abuse go unreported as many are hushed or they risk eviction especially if the perpetrators are camp officials, while those reported sometimes do not yield positive results as the perpetrators of such acts are still seen walking aimlessly around the camp. Hence, a swift action with more proactive steps to be taken in prosecuting sexual crimes in IDP camps to deter people from engaging in such acts.

4.1.5. African Charter on the Rights and Welfare of the Child (ACRWC) 1990

The Charter is a regional instrument addressing issues of particular interest and importance to children. It was adopted by the Organisation of African Unity (OAU) in 1990 and it entered into force in 1999. This treaty provides for the rights of children in armed conflict and specifically covers the protection of internally displaced children. The Charter also known as the Children's Charter originated because member states of the African Union believed that CRC did not address important socio-cultural and economic realities particular to Africa.

²⁵ Article 11 (1-3), Maputo Protocol 2003.

²⁶ Omosefe Oyekanmi, 'Domesticating the Maputo Protocol: Violence and Women's Political Participation in Nigeria' (2021)5(1) *International Journal of Advanced Research in Public Policy, Administration and Development Strategies* (IJARPPADS).

²⁷ Shehu Salmanu, 'Nigeria: Ending Sexual Abuse in IDP Camps,' DW Media, 28 March 2024. Available at <<https://amp.dw.com/en/nigeria-ending-sexual-abuse-in-idp-camps/a-68690841>> accessed on 9 December 2024.

The Charter provides that state parties to the Present Charter shall, in accordance with the obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by the armed conflicts. Such rules shall also apply to children in situation of internal armed conflicts, tension and strife.²⁸

The Charter guarantees the rights of the children in the African Countries that have ratified it. Nigeria ratified the Charter on 23rd July 2001 and has domesticated both the CRC and the Charter by enacting the Child Rights Act of 2003 to give effect to the provisions of the treaties in the country. However, of the 36 states in Nigeria, 34 have enacted laws that give effect to CRA. This is due to the fact that children's issues fall within the purview of the state government and without the state government's enactment, the provisions of the CRA will not apply in such states.²⁹

4.2. National Legal Frameworks

The national frameworks relating to the rights of IDPs in Nigeria are the Nigerian legislations which contains various provisions on the rights of IDPs in Nigeria. The national legal frameworks relating to the rights of IDPs in Nigeria are the Nigerian Constitution, National Policy on Internally Displaced Persons in Nigeria with the inclusion of domestic laws safeguarding the rights of IDPs in Nigeria.

4.2.1. Constitution of the Federal Republic of Nigeria 1999 (as altered)

The key national legal framework governing the rights of IDPs in Nigeria is the Constitution of the Federal Republic of Nigeria 1999 (as altered). It is imperative to establish the fact that the grundnorm from which other laws derive efficacy does not make any specific references to term "IDPs".

Nevertheless, IDPs, being citizens of Nigeria are also entitled to certain constitutionally established fundamental rights. In accordance with the fundamental duty of government that, citizens, including IDPs, are to be protected and assisted in the enjoyment of their unalienable rights, it is the responsibility of the Nigerian government as a whole to ensure that these rights are respected, safeguarded, observed and duly guaranteed with no form of arbitrariness from the either the government or its agencies.

The constitution explicitly outlines citizens' rights as the right to life, human dignity, personal liberty, privacy, and family life as well as the freedoms of religion, expression, assembly, association, and movement. It also states that the state is required to ensure the promotion of the security and welfare of all citizens.³⁰ As aforementioned, the Constitution entrenches the rights of all persons with no exempting IDPs. As a matter of fact, there vulnerable state should be a reasonable expectation for a proper safeguard of their fundamental rights. With no attempt to exempt a vital fundamental right which they are prone to be subjected to, the Constitution provides for their right to freedom from any discrimination.³¹ In essence, IDPs have a legal right to life, human dignity, freedom from torture and other cruel or inhumane treatment, as well as the right to personal liberty, the protection of which gives the Nigerian government a clear obligation of treating everyone equally with equal rights and opportunities.³²

4.2.2. African Charter on Human and Peoples Rights (Enforcement and Ratification Act) 1983

It is undisputed that the African Charter on Human and Peoples' Rights, initially a regional human rights treaty has been incorporated into our domestic laws in March, 1983 pursuant to the extant provision of Section 12 of the 1979 Constitution of the Federal Republic of Nigeria, being the Constitution in force as at the time.³³ As a matter of law, contained in this Act are the civil and political rights, economic, social and cultural rights and group rights of all Nigerian citizens of which IDPs

²⁸ Article 22, African Charter on the Rights and Welfare of the Child 1990.

²⁹ Steve Aya, 'FG: 34 States Have Domesticated Child Right's Act', *This Day* (29 November, 2022). Available at <<http://www.thisdaylive.com>>accessed 9 December 2024.

³⁰ Chapter 4, Constitution of Federal Republic of Nigeria 1999 (as altered).

³¹ Section 42, Constitution of Federal Republic of Nigeria 1999 (as altered).

³² Ibid.

³³ It provides that: 'No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.'

who are also citizens are equally entitled to enjoy as rights and freedoms. In essence, the Act advocates equal treatment and enjoyment of the same rights to all.³⁴

Expressly contained in the Act are elimination of discrimination against women, children, aged and the disabled and the protection of their rights.³⁵ Furthermore, the Act³⁶ similarly provides for the following rights: equal protection of the law, respect for life and the integrity of person, dignity of human person and freedom from torture, cruel, inhuman or degrading punishment and treatment, liberty and security of a person, right to be heard, to freely assemble with others, to movement, to favourable condition of work, to education among others. Although the Act recognises the right of individuals to seek asylum in other countries when persecuted, it does not explore and directly recognise the persons displaced within the country. Put in another way, the Act there are no specific provisions of the Act establishing, protecting and safeguarding IDPs human rights. IDPs, presumably enjoy the rights accorded to other citizens due to the fact that they are still within the country and are under the protection of the government.

The deficiencies contained therein is that in spite of these copious and well-spelt out rights, IDPs still suffer hardship and deprivations of the rights presumably protected by the Act. Over the years, IDPs basic fundamental rights have been trampled upon due to the vulnerable state they live with. A good typical example of these rights violations was the raid by militant forces, on an IDP camp in Benue State, Nigeria, where about 35 people including pregnant women and children were reportedly killed with scores left spared but with injuries.³⁷

Furthermore, the right of IDPs violated is not limited to their right to life as it sadly extends to infringements on their right to human dignity. Additionally, a situational assessment report on IDPs in Northeast, Nigeria conducted by NOI Polls and reported on 18 July 2024, revealed that 66 percent of 400 displaced people in the States of Adamawa, Borno and Yobe as well as Bauchi, Gombe and Taraba reported that camp staff sexually abused the displaced women and girls. It is saddening to learn that these instances of sexual abuse and human rights violations committed against the IDPs are usually committed by camp staff members 66 per cent of the time, host community members 28 per cent of the time, and camp elders six per cent of the time who reasonably ought to be at the forefront in safeguarding IDPs fundamental human rights.³⁸

In addition to the violations of the civil and political rights of IDPS, there are also incidences of violations of their socio-economic rights guaranteed under this Act. IDPs, though under the protection of the Nigerian government are denied state-supported entitlements to education, public health care, housing, a living wage, decent working conditions. It is worthy to note that the Act under discourse provides for economic, social and cultural rights such as; right to work, right to the best state of 'physical and mental health', and right to 'education'. IDP's denial to the basic necessities of life such as food, water, shelter, clothing and medically necessary health care will affect both their physical and mental health as the well-constructed rights are neither effectively enforced nor safeguarded.

4.2.3. National Policy for Internally Displaced Persons in Nigeria 2012

This policy was adopted by the Federal Government of Nigeria on (IDPs) as a response to the challenges of internal displacement and the plight of displaced population. The Policy begins by restating the fundamental rights that all citizens have under the 1999 Constitution while simultaneously acknowledging the unique vulnerability of the displaced population, providing them with protections. mitigating their suffering where and when displacement has occurred and establish a harmonised response accordingly.³⁹

³⁵Ibid, Article 18(3) & (4).

³⁶Ibid.

³⁷Voice of Martyrs, 'At Least 35 Killed During IDP Camp Raid,' Open Doors Canada (20 April, 2023) available at <<https://www.vomcanada.com/tagged-items/attack.htm?limit=10&start=40>>accessed 7 December 2024.

³⁸International Affairs Forum, 'Sexual Exploitation and Abuse in IDP Camps: A Case of Nigerian Aid Workers Using Female IDPs for Self-Pleasure' (18 July 2024)available at <<https://www.ia.forum.org>>accessed 7 December2024.

³⁹National Policy on Internally Displaced Persons in Nigeria 2012

It is safe to conclude that the totality of rights provided under this national policy is similar to that of the Guiding Principles and Kampala Convention. Most importantly, the Policy charges the government with the obligation to respect, protect and fulfil the established rights for IDPs. Similarly, the obligations of the humanitarian agencies, host communities, security agencies are well enunciated considering the fact that they play a very significant role in providing aid and special assistance to IDPs.

5.0. Institutional and Domestic Frameworks for IDP Protection

Over years, quite a number of institutions have been established by the government saddled with the responsibility of addressing the incessant issues of internal displacement. The institutional frameworks for IDPs involves various institutions such as government agencies, international organisations, and non-governmental organisations (NGOs) working together to with the aim to address the needs, mitigate the sufferings and protect the rights of IDPs. They are as follows.

5.1. National Emergency Management Agency Act

The National Emergency Management Agency (NEMA) leads the forefront in tackling internal displacement providing humanitarian aid to victims of disaster regardless of their causes, it is pertinent to the protection of internally displaced people.⁴⁰

It is imperative to state that virtually all the 36 states in Nigeria operate with their respective State Emergency Management Agency. In showing that the scope of operations of NEMA is pertinent to IDPs' protection and assistance, the provisions of the Act is insightful as it provides that cover situations of internal displacement caused by conflicts, natural and man-made factors.⁴¹ These duties include, among other things, formulating policies for managing all emergencies and disasters, coordinating research and planning, and keeping an eye on organisations and data collection related to such activities.⁴²

One particular defect of the NEMA Act is the fact that it does not contain any safeguards to stop discrimination or other types of arbitrary treatment of disaster victims, including internally displaced persons (IDPs), as is the case under international and regional frameworks and in some domestic regimes.⁴³

5.2. National Human Rights Commission Act 1995

In 1995, National Human Rights Commission was established as the primary organisation for the compliance and enforcement of Nigerians' human rights laws.⁴⁴ Just like some other frameworks, this Act makes no direct or exact reference to IDPs. However, a swift inference can be drawn from some statutory functions of the commission *viz*; enforcement of the provision of the constitution in relation to the fundamental rights of Nigerians as enshrined in Chapter 4, CFRN 1999 (as altered) and all other international and regional human rights' treaties, monitoring and investigation of human rights violations; rendering of assistance to victims in their quest for appropriate remedy in cases of fundamental rights violations; conducting research on human rights issues and formulation of policies on human rights among others. As advocated earlier on, all Nigerians, including IDPs are entitled to enjoy the services of the NHRC Commission. With no scintilla of doubt, flowing from the vulnerable state of IDPs, it is beyond scrutiny to acknowledge the fact that they really need this most. One significant thing that reasonably make the adoption of NHRC Act adoptable for the protection of

³⁹ National Policy on Internally Displaced Persons in Nigeria 2012

⁴⁰ National Emergency Management Agency (Establishment) Act 1999 Cap N34 LFN 2004.

⁴¹ (n40) s 6.

⁴² Ibid.

⁴³ Chi Johnny Okongwu, Simon Ejokema Imoisi, and Obieshi I, 'Legal and Institutional Frameworks for Protection of Internally Displaced Persons in Nigeria'. *De Juriscope Law Journal* [2023](3) (1) 7

⁴⁴ National Human Rights Commission (Establishment) Act 1995 now Cap N46 Laws of the Federation of Nigeria 2004 as amended in 2010.

IDPs is the fact that it support victims in their quest for compensation and remedies that are appropriate for the severity of their suffering which is upheld by a court.⁴⁵

5.3. National Commission for Refugees (Establishment) Act 1989

The National Commission for Refugees, Migrants and Internally Displaced was established pursuant to National Commission for Refugees (Establishment) Act 1989. This Act established a national institution on refuge protection in 1989 with the primary purpose of providing protection and aid for refugees.⁴⁶ "Internally displaced persons (IDPs)" is not defined nor used in this Act. However, in 2002, the commission's mandate was proposed to include a new class of vulnerable people, including migrants and internally displaced people.

In essence, the Act's enacting clause expressly assigns this commission the duty to lead and coordinate a national action plan for the protection and assistance of refugees, asylum seekers, migrants, and IDPs who are now being proposed to the commission as persons of concern. This duty is implied by the commission's mandate being extended, which is stated in the act's very words.⁴⁷

Nigerian domestic laws likewise have some roles to play in protecting persons in displacement. The provisions of the Criminal Code, Penal Code, Terrorism Prevention Amendment Act 2013, and Administration of Criminal Justice Act 2015 will be used as the foundation to ensure that those responsible for crimes involving displacement in Nigeria are held accountable for any crime committed in relation to arbitrary displacement, armed conflict, terrorism leading displacement of persons from their abodes as an host of others.

6.0. Conclusion and Recommendations

It is safe to conclude that IDPs' rights need to be protected from abuse by states and non-state actors. The 1999 constitution (as amended) guarantees certain fundamental rights to all Nigerian citizens, including IDPs, on the basis of equality. These rights include right to life, right to freedom from torture, right to freedom from inhumane or degrading treatment, right to respect for private and family life, freedom from any form of discrimination and right to an adequate standard of living. Having examined the available international, regional, and national laws and policies which protects the rights of IDPs in Nigeria, the paper recommends the implementation of the robust protection mechanisms for IDPs as provided for in the various international and regional legal frameworks and the Nigerian Constitution inclusive. In addition, there should be a strong collaboration and coordination among governments, international organisations, and civil societies to ensure swift response to the needs of IDPs. This collaboration is important because it guarantees an unimpeded delivery of humanitarian aid to IDPs, mechanisms to hold law enforcement agencies accountable for any violations of IDPs' rights, and the allocation of sufficient resources to law enforcement agencies to aid their duty of safeguarding IDP camps to prevent terrorist attacks and kidnapping of IDPs.

⁴⁵(n44) s. 22(1) and (2)

⁴⁶National Commission for Refugees (Establishment) Act 1989 revised as Cap N21 LFN 2004.

⁴⁷The Enacting Clause of Decree No 52 of 1989.