



**Internally Displaced Persons and International Human Rights**

**Law: Nigerian Legal Perspective**

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requirements for the degree of  
Doctor of Philosophy

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by

Olugbenga Damola Falade

LLB, BL, LLM, FHEA (UK)

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## **Dedication**

To all Internally Displaced Persons in Nigeria and around the world.

## **Acknowledgements**

To God Almighty be all glory, honour, and adoration for the grace granted to me to start and finish this thesis. I appreciate my late father, the Hon. Justice Sir Samuel Adeleke Falade and my mother, Chief Mrs. Olufunke Falade.

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## **Abstract**

There are nine core UN treaties on human rights among them are the International Convention on Economic and Social Rights; the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. With these treaties and soft laws in place, the rights of Internally Displaced Persons are being infringed on without a durable solution. They are forced out of their homes in disassociation with families; deprived of food, potable water, adequate security, health facilities, shelter, schools, means of livelihood; and other social amenities without a lasting solution. No state, institution, or international body has been able to permanently resolve these issues for years. Most of the literature reviewed states that it is a domestic problem of the state, and they recommended ways of solving it but never been achievable. To address this issue, this study used a human rights-based approach to investigate legal norms and standard practices in Nigeria. The theoretical framework of the study is rooted in natural law theory, which lays the foundation for human rights generally, and positive law which is man-made law needed for the realisation of human rights. The methodology adopted is a qualitative method of study, involving an examination of primary and secondary sources.

After a thorough study, it was found that there is no specific international treaty or Nigerian domestic law for the protection of IDPs, but it was argued that there are other human rights treaties, Nigerian constitutions, and local laws that protect the IDPs. Also, it was found that internal displacement is not only an internal issue but an international issue that needs the assistance of the international community. While the activities of the international community and most governments providing aid are just palliative measures, the roots or causes of displacement need to be attacked for there to be a durable solution. It was recommended that the state or government should be held accountable for its action or inaction that led to displacement. The international recognition of any government or state, causing or unable to curb displacement, should be removed by the international community. Furthermore, there should be a technique of changing people's thinking towards IDPs; ensuring stakeholders' participation; amending of Nigerian constitution to include state policing, removal of land use Act as constitutional provisions, and placing the security and welfare of citizens under Chapter 4 which make provisions for human rights. It was concluded that resolving the plights of the IDPs will also resolve those facing refugees, and host communities, and create a peaceful society as a whole.

Keywords: IDPs, Human Rights, Legal Norms, States Responsibilities, Principle of Sovereignty, Natural Law

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## Table of Acronyms

Boko Haram	Armed Group (Western education forbidden)
CRPD	Convention on the Rights of Persons with Disabilities 2006
IASC	Inter-Agency Standing Committee
ICCPR	International Convention on Civil and Political Rights 1966
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IDMC	Internal Displacement Monitoring Centre
ILA	International Law Association International Law Association
IPCR	Institute for Peace and Conflict Resolution
NCFRMI	National Commission for Refugees, Migrants, and Internally Displaced Persons
NEMA	National Emergency Management Agency
OHCHR	Office of the High Commissioner for Human Rights
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
UNCAT	United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNDP	United Nations Development Programme
WFP	World Food Programme

## **List of Treaties**

African (Banju) Charter on Human and Peoples' Rights 1981

African Charter on the Rights and Welfare of the Child 1990

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 2009

American Convention on Human Rights 1969

Arab Charter on Human Rights 2004

Charter of Fundamental Rights of the European Union 2000

Constitution of the World Health Organization Constitution 1948

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

Convention (1) for the Amelioration of the Wounded and Sick in Armed Forces in the Field, Geneva 1949

Convention on the Rights of Persons with Disabilities 2006

Convention on the Rights of the Child 1989

Convention Relating to the Status of Refugees 1951

Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence 2011

European Social Charter (Revised) 1996

First Optional Protocol to the International Covenant on Civil and Political Rights 1966

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) 1949

Indigenous and Tribal Peoples Convention of 1989

Inter-American Convention to Prevent and Punish Torture 1985

International Covenant on Civil and Political Right 1976

International Convention against the Taking of Hostages 1979

International Convention for the Protection of All Persons from Enforced Disappearance 2010

International Convention for the Suppression of Terrorist Bombings 1997

International Convention on Economic, Social and Cultural Rights 1966

International Convention on the Elimination of all Forms of Racial Discrimination 1965

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990

International Labour Organization Convention 1989

OAU Convention Governing the Specific Aspect of Refugee Problems in Africa 1969

Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to Protection of Victims of International Armed Conflicts (Protocol 1) 1977

Protocol relating to the Status of Refugees 1967

Rome Statute of the International Criminal Court 1998

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death Penalty 1989

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 2009

The Council of Europe Convention on Prevention and Combating Violence Against Women and Domestic Violence (Istanbul Convention) 2014

Vienna Convention on Diplomatic Relations 1961

Vienna Convention on the Law of Treaties 1969

## Worst Forms of Child Labour Convention 1999

## **List of Statutes**

Colombia law 387

Constitution of Democratic Socialist Republic of Sri Lanka 2020

Constitution of India 2020

Constitution of the Federal Democratic Republic of Ethiopia 1995

Constitution of the Republic of Armenia 2015

Ethiopian Refugees Proclamation 409/2004

Kenyan Refugees Act 2021

Kenyans Refugees Act 2014

Law on Displaced Persons, Returnees and Refugees in the Republika Srpska 2005

Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia  
2014

The Interim National Constitution of the Republic of Sudan (Amendment) 2015

Uganda Equal Opportunity Act 2007

UK Children Act 1989

UK Children and Social Work Act 2017

Nigerian Statutes

Administration of Criminal Justice Act 2015

African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 2004

Anti-Torture Act 2017

Child's Rights Act 2003

Constitution of the Federal Republic of Nigeria 1999

Discrimination Against Persons with Disabilities (Prohibition) Act 2018

Environmental Impact Assessment Act 2004

Federal Character Commission (Establishment, ETC) Act 2021

Institute for Peace and Conflict Resolution (Establishment) Act 2007

Land Use Act 2004

National Agency for Food and Drug Administration and Control Act

National Commission for Refugees (Establishment, etc.) Act

National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007

National Emergency Management Agency (Establishment, etc.) Act 1999

National Human Rights Commission (Establishment) Act 1995

Nigerian Freedom of Information Act 2011

Nigerian Legal Aid Act 2011

Nigerian Red Cross Act 1960

Nigeria Police Act 2020

National Security Agencies (NSA) Act 1986

North-East Development Commission (Establishment) Act 2017

Public Complaints Commission Act 2004

Terrorism (Prevention) Act 2013

Treaties (Makin Procedure, Etc.) Act 2004

Violence Against Persons (Prohibition) Act 2015

## List of Cases

Abacha v Fawehinmi [2001] 51WRN 29.

AG Federation v AG Lagos State [2013] LPELR-20974 93 (SC)

AHG v Canada, HRC [2015] 2091/2011

Agbakoba v Director State Security Service, [1994] 6NWLR 475

Archbishop Anthony Okogie and Others v The Attorney-General of Lagos [1981] 2 NCLR 350

Attorney General of Lagos v Attorney General of Federation [2003] 12 NWLR 833

Attorney-General of the Federation v Attorney-General of Lagos State [2004] SC 70/2004

Attorney General of Ondo State v Attorney General of Federation [2002] 9NWLR 772

Buhari v INEC [2008] 19 NWLR 1120

Cecilia Kell v Canada [2008] CEDAW/C/51/D/19/2008

Elf Pet (Nigeria) Ltd v Umah [2007] 1 NWLR (1014) 44

Fawehinmi v Abacha [2000] 6NWLR (600) 228

Goldmark (Nigeria) Ltd v Ibafo Co Ltd [2012] 10 NWLR (1308) 291

Group International on behalf of Endorois Welfare Council V Kenya [2003] ACHR 276 / 2003

Hoffman in Lewis V AG of Jamaica [2001] AC 50



IDPs Guma Local Government Area of Benue State of Nigeria v INEC [2022]  
FHC/ABJ/CS/104/2022

INEC v Alhaji Abdulkair Balarabe Musa [2003] 1 SCM 63

INEC v Musa [2003] 1 SCM 63

Kaba v Canada, HRC [2010] Communication 1465/2006

Kukoyi v Aina [1999] 10 NWLR [624] 633

Lauren Henley v Australia (2023) 3 IHRR 755

National Universities Commission v Oluwo [2001] 3 NWLR (699) 90

New Zealand Court of Appeal, Zaoui v Attorney General [2005] 1 NZLR 690

Njamba and Balikosa v Sweden [2010] CAT/C/44/D/322/2007, 9.5

MSS v Belgium and Greece [2011] ECtHR 30696/09

Ogunleye v Oni [1990] 2 NWLR (135) 745

Othman (Abu Qatada) v United Kingdom [2012] ECHR 8139/09

Pacheco Tineo Family v. Bolivia, [2013] IACtHR 135

Peter Nemi & Others v The State [1994] All NLR 342

R (on the application of) ABC (a minor) Afghanistan v Secretary of State for the Home  
Department United Kingdom [2011] EWHC 2937

Registered Trustees of National Association of Community Health Practitioners of Nigeria and others v Medical and Health Workers Union of Nigeria [2008] 2NWLR 1072

Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v FGN [2015] ECW/CCJ/APP/15/15

Richard Akinnola v General Babangida [1994] 366 NWLR 1

Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya [2010] ACHR 204

SC(Jamaica) v Secretary of State for The Home Department [2022] UKSC 15; [2022] HRLM 16

SERAC and CESR v Nigeria [1996] ACHR 155/96

SERAC v Nigeria [2001] AHRLR 60

State v Patterson [1939] 60 Idaho 67

The Prosecution v Dusko Tadic, ICTY [1995] IT-94-1-AR72 70 (AC)

The Prosecution v Dusko Tadic, ICTY [1997] IT-94-1-T 562

The Registered Trustees of the Constitutional Rights Project v President of Nigeria [1992] M/102/92

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# Chapter 1 : Introduction

## 1.1 Background of the study

Internally Displaced Persons (IDPs) are:

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 generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.<sup>1</sup>

The internationally recognised rights such as rights to shelter,<sup>2</sup> movement,<sup>3</sup> and others of these people are infringed upon without adequate remedies, or quick responses to terminate its causes of infringement. It is inhumane, devastating, and disastrous for people to be forced to relinquish their peaceful home, job, family, culture, religion, happiness, and property among other things within their country without adequate remedies. They are being called by different names without any hope of restitution. Their situation is also referred to as internal relocation,<sup>4</sup> while they are also referred to as internal refugees.<sup>5</sup>

Internal Displacement is not peculiar to any region of the world, but it is a cankerworm that is destroying the human generation without a lasting solution. Unfortunately, it is

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<sup>1</sup> United Nations Guiding Principles on Internal Displacement (1998) E/CN.4/1998/53/Add 2.

<sup>2</sup> Universal Declaration of Human Rights 1948, article 25; International Convention on Economic, Social and Cultural Rights 1966, article 11(1); Convention on the Rights of Persons with Disabilities, article 28(1); European Social Charter (Revised) 1996, article 31; African Charter on Human and Peoples' Rights, article 14.

<sup>3</sup> ICCPR, article 12(1); CRPD, article 18; ACHPR, article 12; ArCHR, article 26(1); IACHR, article 22; and P 4/ECHR, article 2; the case of ACmHPR, Law Offices of Ghazi Suleiman v Sudan, Communication No 228/1999 (2003), paragraph 64.

<sup>4</sup> SC(Jamaica) v Secretary of State for The Home Department [2022] UKSC 15; [2022] HRLM 16.

<sup>5</sup> Phil Orchard, 'The Contested Origins of Internal Displacement' (2016) 28 IJRL 210.

not a new plague, it has been in existence for ages, from the time of the second world war till date,<sup>6</sup> but no durable solution to it. When a comparable refugee case gained early international recognition through the establishment of the Refugees Convention in 1951, internal displacement was not included in the Convention because it was considered to be a distinct scenario with distinct issues of a different nature.<sup>7</sup> Hathaway believes that internal displacement was not included in the Refugee Convention of 1951 because of limited international resources; for the avoidance of state responsibility, and protection of state sovereignty.<sup>8</sup> Even while UNHCR in the 1970s called for international assistance of displaced persons who were not captured by the Refugee Convention,<sup>9</sup> the principle of state sovereignty created a major stopping block.<sup>10</sup> It is difficult to comprehend the position of the United Nations given that the focus is more on the refugee crisis than internal displacement. Refugee acts created by fear of persecution can be generated from internal displacement. Most of the IDPs flee their place of abode due to armed crises which mostly are caused by religion, politics, race, or societal beliefs. Also, the threat of destruction of houses of political rivals by the government under the guise of development creates internal displacement that makes people flee to other countries to seek refugee status. The best way to solve the major problems of refugees is to attack the root of internal displacement. Not attacking the root of internal displacement makes the position of the United Nations questionable. It can be argued that due to the great loss of people to the second world war, most countries needed people to reintegrate into their society to boost their economy, labour, and social

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<sup>6</sup> Phil Orchard, *Protecting the internal displaced: rhetoric and reality*, (Routledge 2019) 1.

<sup>7</sup> Anna Eleanor Roosevelt (United State), UN General Assembly Official Records A/PV.264, 264<sup>th</sup> Meeting, 2 December 1949, 473.

<sup>8</sup> James C Hathaway and Michelle Foster, *The Law of Refugee Status* (CUP 2014) 17–18.

<sup>9</sup> David Hull, 'Displaced Persons: The New Refugees' (1983) 13(3) GJICL 756.

<sup>10</sup> Roberta Cohen and Francis M Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Brookings Institution Press 1998) 275.

activities. This allows them to open the doors of accommodations and assistance for refugees and close the doors of assistance to the IDPs by signing and adopting 1951 Refugees Convention without the inclusion of the IDPs.

Additionally, the UN's stand on IDPs is not consistent with the provisions of the UDHR,<sup>11</sup> which states that everybody has freedoms and rights without distinction of any sort, including racial, ethnic, gender, resident, or social origin, property, birth, or position.<sup>12</sup> It is obvious that IDPs have human rights but their rights are placed in the hands of individual states, who may be the cause of their displacement,<sup>13</sup> or who may not have the capacity to assist. This worsens conditions for the IDPs compared to refugees,<sup>14</sup> and shows that human rights are not what they profess as they relate not to what 'is' but to what 'ought to be.'<sup>15</sup>

Furthermore, developing countries with low social economic levels have more internal displacement than developed countries. Placing the responsibilities of IDPs on such developing countries because of the principle of sovereignty does not show that the international community wants an end to internal displacement. The UN is supposed to be the protector and enforcer of all human rights not minding the location of the victims. The stance of the UN on the status and plights of the IDPs contributes to the speedy increase in the population of IDPs and turns to be a growing global problem as millions of individuals and families are forced to flee conflict, violence, disasters, or the effect of

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<sup>11</sup> Herein after called UDHR.

<sup>12</sup> UDHR, article 2.

<sup>13</sup> Orchard (n6).

<sup>14</sup> Erin Mooney, 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern' (2005) 24(3) RSQ 14; Lindsey N Kingston and Christopher P Morley, 'Immigrants and Displaced Persons' in Henk AMJ ten Have and Bert Gordijn (eds) *Handbook of Global Bioethics* (Springer, 2014) 719, 720.

<sup>15</sup> Walter Kalin and Jorg Kunzli, *The Law of International Human Rights Protection* (Oxford University Press, 2<sup>nd</sup> edition, 2019) 18.

climate change within their countries without adequate assistance. This makes them strive for survival within their countries, away from their shelter, schools, livelihoods, and social networks, often in dangerous circumstances. It gets to the extent that Kofi Annan, the former UN Secretary-General states that ‘internal displacement is the great tragedy of our time. The IDPs are among the most vulnerable of the human family.’<sup>16</sup>

The plague called internal displacement, makes the number of IDPs keep increasing and outweigh the refugees. By 2018, the population of the IDPs had shot up to 41.3 million while refugees were 25.9 million; in 2019, 45.7 million IDPs, 26 million Refugees; and in 2020, 45.7 million IDPs.<sup>17</sup> By the end of December 2021, the IDP population had reached 59.1 million, 53.2 million of which were as a result of armed conflicts, war, and other forms of violence and 5.9 million were a result of natural disasters.<sup>18</sup> By the end of 2022, the population is 71.1 million.<sup>19</sup> At present, the population of IDPs keeps increasing while their plights for good living are getting worse without any hope for a lasting solution.<sup>20</sup>

This has degenerated into one of the global challenges and incidentally, Nigeria is one of the countries with the highest numbers of IDPs without adequate protection of rights and properties. More than ten million Nigerians were internally displaced amid the Biafran Nigerian civil war between 1967 and 1970, which was the country's first

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<sup>16</sup>Internal Displacement Monitoring Centre, ‘Internal Displacement’ (*IDMC*, 2023) <<https://www.internal-displacement.org/internal-displacement>> accessed 30 March 2023.

<sup>17</sup> Refugee Council of Australia, ‘How many refugees are there in the world?’ (Refugee Council of Australia, 2022) < <https://www.refugeecouncil.org.au/how-many-refugees/>> accessed 10 December 2022.

<sup>18</sup>Internal Displacement Monitoring Centre, ‘Children and youth in internal displacement’ (*IDMC*, 20 February 2022) < <https://www.internal-displacement.org/global-report/grid2022/>> accessed 30 March 2023.

<sup>19</sup> Internal Displacement Monitoring Centre, ‘2023 Global Report on Internal Displacement’ (*IDMC*, 2023) < <https://www.internal-displacement.org/global-report/grid2023/>> accessed 21 August 2023.

<sup>20</sup>*Ibid.*

significant internal displacement following independence.<sup>21</sup> Following that, between 1970 and 1999, numerous internal displacements in the country were induced by conflicts, natural disasters, development, or politics. The precise number of IDPs during this period is uncertain because most of those displaced moved to a different community to begin a new life, while others joined their relatives and friends in other places.<sup>22</sup> Although displacement in Nigeria was not so prominent during that period because of military rule. Between 1999 and 2007, when civilians took over the administration from the military, the action and inaction of the government brought a rise in the population of the IDPs in Nigeria.<sup>23</sup> With an IDP population of around 1.2 million, Nigeria in 2014 became one of the nations with the highest number of Internally Displaced Persons.<sup>24</sup> IDPs in Nigeria grew from 1,702,680 in December 2017 to 2,026,602 in October 2018.<sup>25</sup> The number of IDPs in Nigeria increased from 2,583,000 in December 2019 to 2,730,000 in December 2020,<sup>26</sup> 3.0 million in November 2021,<sup>27</sup> and 3.1 million in September 2022.<sup>28</sup>

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<sup>21</sup>Okechukwu Ibeanu, 'Exiles in Their Own Home: Internal Population Displacement in Nigeria' (1998) 3 *AJPS* 2, 80.

<sup>22</sup> OCHA, 'Background Information on the IDP situation in Nigeria' (*OCHA*, 2002) <<https://reliefweb.int/report/nigeria/background-information-idp-situation-nigeria-0>> accessed 30 March 2023.

<sup>23</sup> Internally Displacement Monitoring Center, 'NIGERIA: Institutional Mechanisms Fail to Address Recurrent Violence and Displacement A profile of the internal displacement situation' (*IDMC*, 2007) <<https://www.refworld.org/pdfid/4725d29e2.pdf>> accessed 30 March 2023.

<sup>24</sup>UNHCR, 'World at War: UNHCR Global Trends-Forced Displacement in 2014' (*UNHCR*, 2015)

<sup>25</sup> International Organisation for Migration, 'Nigeria-Displacement Report 26 January 2019' *DTM Nigeria Displacement Tracking Matrix* 6.

<sup>26</sup> Internally Displaced Monitoring Center 'Nigeria Overview' (*IDMC*, 2021) <<https://www.internal-displacement.org/countries/nigeria>> accessed 23 August 2021.

<sup>27</sup> UNHCR/Nigeria, 'Internally Displaced People' (*UNHCR*) <<https://www.unhcr.org/ng/idps>> accessed 17 March 2023.

<sup>28</sup> UNHCR/UK, 'Nigeria emergency' (*UNHCR*)< <https://www.unhcr.org/uk/nigeria-emergency.html>> accessed 17 March 2023.



There are many causes for the upsurge in the size and growth of IDPs in Nigeria. This includes environmental disasters such as flooding, oil spillage, sandstorms, especially climate change. UNHCR in its 2024 report states that:<sup>29</sup>

Climate change is increasingly linked to conflict and human displacement. Growing numbers of people fleeing persecution, violence and human rights violations occurring in relation to the adverse effects of climate change and disasters will need international protection. In 2022, 70 per cent of refugees and asylum seekers fled from highly climate-vulnerable countries, an increase from 56 per cent in 2012. The scope for durable solutions is also narrowing.

In 2017, the Nigerian former President, Muhammadu Buhari reported with great worry, that more than 100,000 people were displaced due to flooding in Benue State of Nigeria.<sup>30</sup> Development is another cause of an increase in the population of IDPs in Nigeria.<sup>31</sup> Internal displacement caused by development is the forced removal of residents from their homes so that their land can be used for development projects. The development activities in Nigeria caused several people to be displaced. For instance, in the 1980s, 26,000 Dadin Kowa inhabitants in Nigeria were evicted from their homes to make way for a dam on the Gongola River, and in 2015, 10,000 individuals were evicted from their homes without being relocated or given compensation for their eviction when

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<sup>29</sup> UNHCR, *Focus Area Strategic Plan for Climate Action 2024-2030* (UNHCR, 2024) 4.

<sup>30</sup> Premium Times, 'Buhari speaks on Benue flood that has displaced over 100, 000 People' (*Premium Times*, 31 August 2017) < <https://www.premiumtimesng.com/news/headlines/242094-buhari-speaks-benue-flood-displaced-100000-people.html>> accessed 1 June 2023.

<sup>31</sup> Internal Displacement Monitoring Centre, "It's a time bomb"- Protracted displacement and Urban Planning in Abuja' (*IDMC*, 18 December 2018) <<https://www.internal-displacement.org/expert-opinion/its-a-time-bomb-protracted-displacement-and-urban-planning-in-abuja>> accessed 10 December 2020.

building Lagos Metropolitan City.<sup>32</sup> Additionally, the natives of Abuja were uprooted to construct Nigeria's Federal Capital Territory.<sup>33</sup>

The activities of the deadly group, 'Boko Haram',<sup>34</sup> who murdered over 300,000 children and thousands of adults;<sup>35</sup> kidnapped 276 Chibok schoolgirls; destroyed properties worth billions of naira; and caused food insecurity in Nigeria,<sup>36</sup> led to displacement of over 2.3 million Nigerians.<sup>37</sup> Also, there are a series of clashes in the Middle Belt of Nigeria.<sup>38</sup> The herdsman and farmer armed conflicts in Plateau, Benue, Adamawa, Kwara, Kogi, Taraba, and some other states caused thousands of people to die and caused many Nigerians to escape into displacement.<sup>39</sup> IDP numbers have recently increased at a never-before-seen rate as a result of attacks by ethnic militias and other violent conflicts.<sup>40</sup> The Ofa and Erin clashes,<sup>41</sup> Modakeke and Ife clashes,<sup>42</sup> Zango-Kataf

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<sup>32</sup> Romola Adeola, 'What Does Development-Caused Displacement Look Like in Africa' (*IDMC*, December 2016) < <https://www.internal-displacement.org/expert-opinion/what-does-development-caused-displacement-look-like-in-africa>> accessed 1 June 2023.

<sup>33</sup> Aljazeera, 'Not a -man's land: Abuja's natives get ready to fight' (*Aljazeera* 2016) < <https://www.aljazeera.com/features/2016/8/9/not-a-no-mans-land-abujas-natives-get-ready-to-fight>> accessed 1 June 2021.

<sup>34</sup> Boko Haram refers to as 'Jama'atu Ahl as-Sunnah li-Da'awati wal-Jihad whose ideology is against western education, civilisation and democracy. In November 2020 also, the Boko Haram tied up and slaughtered over 43 rice farmers near Maiduguri Borno state of Nigeria, (*BBC NEWS*, 2020) <<https://www.bbc.co.uk/news/world-africa-55120638>> accessed 5 December 2020.

<sup>35</sup> Aljazeera, 'Northeast Nigeria conflict killed more than 300,000 children: UN' (*Aljazeera*, 2021) < <https://www.aljazeera.com/news/2021/6/24/northeast-nigeria-conflict-killed-more-than-300000-children-un>> accessed 21 August 2023.

<sup>36</sup> Hilary Matfess, 'Boko Haram: History and Context' (*Oxford*, 2017) <<https://oxfordre.com/africanhistory/display/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-119;jsessionid=B0F0C620E2C7B681FA4B0B75575FA39A>> accessed 22 August 2023

<sup>37</sup> The New York Times, 'Africa: Nigeria's Boko Haram Kills 49 in Suicide Bombings' (Associated Press, 2015) <[https://web.archive.org/web/20151121020206/http://www.nytimes.com/aponline/2015/11/17/world/africa/ap-af-boko-haram.html?\\_r=0](https://web.archive.org/web/20151121020206/http://www.nytimes.com/aponline/2015/11/17/world/africa/ap-af-boko-haram.html?_r=0)> accessed 21 August 2023.

<sup>38</sup> Tyotom Keghku, Kevin Alom, and Joseph Dzerkaan Fanafa, 'Herders and famers conflict and its implication for the 2019 General Elections in Nigeria: What can Public Relations Do?' (2019) 8(1) *AJSS* 44

<sup>39</sup> Human Rights Watch, 'Nigeria: Rising Toll of Middle-Belt Violence' (*HRW*, 2018) < <https://www.hrw.org/news/2018/06/28/nigeria-rising-toll-middle-belt-violence>> accessed 22 August 2023.

<sup>40</sup> International Organisation for Migration, *Nigeria-Displacement Report (2019)* 26 (DTM Nigeria Displacement Tracking Matrix 2019)8.

<sup>41</sup> Ayodele Dele Akinnusi, Oladimeji David Alao and Ayuba Gimba Mavalla, 'Interrogating Governments' Interventions in Communal Clashes: The Erin-Ile/Offa Conflicts in Perspective' (2019) 19 *GJHSS* 27, 37

<sup>42</sup> Olakunle Michael Folami and Taiwo Akanbi Olaiya, 'Gender, storytelling and peace construction in a divided society: A case study of Ife/Modakeke conflict' (2016) *CSS* 2.

clashes,<sup>43</sup> and Southern Kaduna clashes are examples of communal clashes that continue unabated in Nigeria.<sup>44</sup> These clashes contribute to the increase in the population of the IDPs, as citizens are affected physically and psychologically when their loved ones are maimed and killed, their property is destroyed, and their governments are unable to protect their rights. For fear of attack, they are left with no choice but to flee into internal displacement. The consequence of this is that several people are made homeless, without food, or potable water, and causing the majority of them to end up in IDP camps. It becomes extremely difficult to address the issues of housing, safety, means of subsistence, economical requirements, and fundamental rights.

Previously, there was no attention paid by international bodies to the issue of IDPs, but they woke up to act in the 1980s in response to the plights and increase in the number of IDPs. They recognised and discussed IDPs at conferences like the Oslo Conference on the Plight of Refugees, Returnees, and Displaced Persons in Southern Africa.<sup>45</sup> At the conference, the UN Secretary-General was directed to carry out a study on how to solve the problems of internal displacement.<sup>46</sup>

In the 1990s, internal displacement was accepted as of global issue and was put on the world agenda, although did not have a normative framework that could direct states and international humanitarian actors, nor did it have any clear definitions.<sup>47</sup> United

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<sup>43</sup> Ibrahim S Ladan-Bak, 'Interfaith conflict and political development in Nigeria: The Zangon Kataf conflict' (2015) 2(4) JSAS 174.

<sup>44</sup> Anietie Ewang, 'Multiple killings in Nigeria Kaduna State: Authority should end cycle of impunity' (2020) Human Right Watch <<https://www.hrw.org/news/2020/07/31/multiple-killings-nigerias-kaduna-state>> accessed 4 December 2020.

<sup>45</sup> UN General Assembly, 'International Conference on the Plight of Refugees, Returnees and Displaced Persons' (annex report to the International Conference on the Plight of Refugees, Returnees and Displaced in Southern Africa), UN doc A/43/717 (19 October 1988).

<sup>46</sup> Ibid, paragraph 21.

<sup>47</sup> Internal Displacement Monitoring Centre, 'An institutional history of Internal Displacement' (*IDMC*) <<https://www.internal-displacement.org/internal-displacement/history-of-internal->

Nations began to explore an institutional capacity to solve the problems of Internally Displaced Persons by creating the Department of Humanitarian Affairs, the Emergency Relief Coordinator position, and the Inter-Agency Standing Committee (IASC).<sup>48</sup> The Inter-Agency Standing Committee in the year 1992 created a task force on IDPs, whose responsibility is to maintain and protect IDPs. Also in 1992, the UN Commission on Human Rights appointed a special representative<sup>49</sup> who introduced the Guiding Principles on Internal Displacement in 1998.<sup>50</sup> Between 1999 and 2004, the IASC adopted several policies on the issues of IDPs which are, Protection of Internally Displaced Persons 1999;<sup>51</sup> IASC Manual on Field Practice in Internal Displacement 1999; IDP Training Strategy 2002; IDP Response Matrix: Methodology, Data, Analysis and Issues for Consideration 2002; Procedural Steps for Developing an IDP Response Strategy 2004; Implementing the Collaborative Response to situations of Internal Displacement- Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams 2004; and Protect or Neglect: Toward a More Effective United Nations Approach to the Protection of Internally Displaced Person 2004. With all these institutional capacities and policies, the number of IDPs continued to increase. In 2002 Internally Displaced Persons were estimated to be about 20-25 million people,<sup>52</sup> which outnumbered the Refugees which is about 10.6 million.<sup>53</sup> Humanitarian Response Review 2005 identified the lack of clear responsibility for IDPs as a major institutional

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displacement#:~:text=Internal%20displacement%20was%20placed%20on,states%20and%20international%20humanitarian%20actors. > accessed 8 December 2022.

<sup>48</sup> General Assembly Resolution 46/182, 1991.

<sup>49</sup> UNHR, 'About the Mandate: Special Rapporteur on the Human Rights Of Internally Displaced Persons' (UNHR)<<https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-mandate>> accessed 31 March 2023.

<sup>50</sup> UN Economic and Social Council, (1998) E/CN.4/1998/53/Add.2.

<sup>51</sup> The policy paper was endorsed by the Inter-Agency Standing Committee on 6 December 1999.

<sup>52</sup> Internally Displaced Persons Report of the Representative of the Secretary-General 2002, E/CN.4/2002/95.

<sup>53</sup> UNHCR, *Statistical Yearbook 2002: Trend of Displacement, Protection and Solutions* (Geneva: UNHCR 2004) Table 1.1.

gap and made recommendations.<sup>54</sup> Given these recommendations, IASC forms three clusters which are protection, camp management and coordination, and emergency shelter to address the needs of IDPs in a conflict situation. These are in position for the care of IDPs.

Since 2010 the UN and other international bodies have improved their efforts in assisting the IDPs with several policies such as the 2030 Agenda for Sustainable Development 2015; the Paris Agreement on Climate Change 2015; the New Urban Agenda 2016; ‘Leave no one behind: A commitment to address forced displacement’ framework in the 2016 World Humanitarian Summit;<sup>55</sup> ICRC Internal Displacement Strategy for 2016-2019;<sup>56</sup> International Organisation for Migration (IOM) Framework for Addressing Internal Displacement, 2017; Operational Review of UNHCR’s Engagement in Situation of Internal Displacement, 2017; the GP 20 Plan of Action for Advancing Prevention, Protection, and Solutions for Internally Displaced People 2018-2020.<sup>57</sup> In looking at the efforts of International Organisations in respect of the IDPs, it is saddening that only institutional capacity and policies are the only means adopted in solving the problem of IDPs, even though IDPs outnumber refugees.<sup>58</sup> Also, the recent UNGA Declaration for Refugees and Migrants only notes ‘the need for reflection on effective strategies to ensure adequate protection and assistance for IDPs and to prevent and

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<sup>54</sup> Costanza Adinolfi et al, *Humanitarian Response Review*, (United Nations, August 2005) 16.

<sup>55</sup> Istanbul 23-24 May 2016 explicitly mentions IDPs. See Agenda for Humanity, ‘Core Commitments,’ (2016) <<https://agendaforhumanity.org/core-commitments> > assessed 3 December 2020; IDMC, ‘Driving Global Efforts to Reduce Internal Displacement: Thoughts from Istanbul’ May 2016

<sup>56</sup> May 17, 2016.

<sup>57</sup> OHCHR, ‘20th Anniversary of the Guiding Principles on Internal Displacement: A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020@ (OHCHR, 23 May, 2018)<<https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/GP20PlanOfAction.pdf> > accessed 31 March 2023.

<sup>58</sup> IDMC, ‘Global Report on Internal Displacement’ (IDMC, 2017) <<https://www.internal-displacement.org/sites/default/files/publications/documents/20170522-GRID.pdf>> accessed 30 November 2020.

reduce such displacement.’<sup>59</sup> Noting the need to do something without doing it, amounts to nothing. Nowhere in the Declaration is any commitment made in respect of the rights of the IDPs. There are lots of universities-based research centres on Refugees and forced migration worldwide but no centre is devoted to IDP research.<sup>60</sup> Catherine believes that the refugees were focused on because they are more of a threat than good to the developed countries while little is being done to mitigate the problems of the IDPs.<sup>61</sup> It can be argued that it could be a win-win situation for the refugees and the host countries as both will gain. However, it has been argued that the movements of the IDPs are curtailed within their home countries to preclude developed countries’ obligations under the 1951 convention<sup>62</sup> from being activated.<sup>63</sup> There is a view that the problem of IDPs can be solved not only with the problem of Refugees but also independently due to its different nature.<sup>64</sup>

At the Regional level, Africa with a huge number of IDPs<sup>65</sup> is ‘a continent disproportionately affected by internal displacement’<sup>66</sup> and ‘home to the largest number of IDPs.’<sup>67</sup> Africa with more than 30 percent of the global total<sup>68</sup> is a source of suffering for millions of people, a driver of food insecurity, and a barrier to sustained

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<sup>59</sup> New York Declaration for Refugees and Migrants 2016, A/RES/71/1, article 20.

<sup>60</sup> Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019).

<sup>61</sup> Catherine Phuong, *The International Protection of Internally Displaced Persons* (Cambridge University Press 2004).

<sup>62</sup> Article 33(3a) of the 1951 Convention states that Refugee should not be returned to his original state if he is facing any threat to his life and liberty.

<sup>63</sup> Catherine Phuong, *The International Protection of Internally Displaced Persons* (Cambridge University Press 2004).

<sup>64</sup> Roberta Cohen and Francis M Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington DC: Brookings Institution, 1998) 26.

<sup>65</sup> Internal Displacement Monitoring Centre, ‘Global Report on Internal Displacement 2019’ (IDMC, 2019) <<http://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>> accessed 15 November 2020.

<sup>66</sup> African Union, *Explanatory Note on the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (African Union 2009) 2.

<sup>67</sup> Alfredo Dos Santos Soares, ‘Protecting the Environmentally Displaced Persons under the Kampala Convention: A Brief Assessment’ (2018) IX (1) CJEL 1.

<sup>68</sup> IDMC, *GRID 2017: Global Report on Internal Displacement* (Norwegian Refugee Council, 2017) 26

development.<sup>69</sup> In addressing this menace, the African Union unlike the international community adopted on October 23, 2009, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which entered into force on the 6<sup>th</sup> December 2012. It is a treaty to cater specifically for the IDPs and the first of its kind in the world.<sup>70</sup> The Kampala Convention requires states to ‘incorporate their obligations under this Convention into domestic law by enacting or amending relevant legislation on the protection of, and assistance to, internally displaced persons in conformity with their obligations under international law.’<sup>71</sup>

While 33 African Countries ratified the convention,<sup>72</sup> only Niger and Kenya domesticated it.<sup>73</sup> African Nations that developed policies based on the Kampala Convention included Zambia, Malawi, Nigeria, South Sudan, Liberia, and Somalia.<sup>74</sup> It is worrisome that despite having an IDP policy, Nigeria is still having difficulty domesticating the convention,<sup>75</sup> while other countries have not signed and ratified the convention since its introduction.<sup>76</sup> Most of the countries that decided not to sign and ratify the Kampala

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<sup>69</sup> IDMC, 2016: *Africa Report on Internal Displacement* (Norwegian Refugee Council, 2016) 4.

<sup>70</sup> Mehari Taddele Maru, ‘The Kampala Convention and its Contribution in filling the protection gap in International Law’ (2011) 1(1) *Journal of Internal Displacement* 91,130.

<sup>71</sup> Kampala Convention, article 3(2)(a).

<sup>72</sup> African Union, ‘List of Countries which have Signed, Ratified/Accessed to the African Union Convention for the Protection and assistance of Internally Displaced Persons in Africa (Kampala Convention) <[https://au.int/sites/default/files/treaties/36846-sl\\_AFRICAN\\_UNION\\_CONVENTION\\_FOR\\_THE\\_PROTECTION\\_AND\\_ASSISTANCE\\_OF\\_INTERNALLY\\_DISPLACE\\_D\\_PERSONS\\_IN\\_AFRICA\\_KAMPALA\\_CONVENTION\\_1.pdf](https://au.int/sites/default/files/treaties/36846-sl_AFRICAN_UNION_CONVENTION_FOR_THE_PROTECTION_AND_ASSISTANCE_OF_INTERNALLY_DISPLACE_D_PERSONS_IN_AFRICA_KAMPALA_CONVENTION_1.pdf)> accessed 21 April 2024.

<sup>73</sup> Niger Law No 2018-74 of 10 December 2018 on the Protection and Assistance of Internally Displaced Persons; The Prevention, Protection and Assistance to Internal Displaced Persons and Affected Communities Act, 2012 (Kenya).

<sup>74</sup> The Nation Policy on Internal Displaced Persons (IDPs) in Nigeria, 2012; The Zambian Guidelines for the Compensation and Resettlement of Internally Displaced Persons, 2013; The Policy Framework on Displacement within Somalia, 2014; Malawi Durable Solutions Framework for Internally Displaced Persons and Flood affected Populations, 2015; Puntland Policy Guidelines on Displacement; Ethiopian 2019 Federal Government Strategic Plan to Address Internal Displacement and Costed Rehabilitation.

<sup>75</sup> The implication of this is that the Convention is not applicable in Nigeria until it is domesticated in line with the provision of the 1999 Constitution of Federal Republic of Nigeria as amended.

<sup>76</sup> Algeria; Botswana; Cape Verde, Egypt; Seychelles; Morocco; Kenya; Libya; Mauritius; South Africa; and Sudan have not signed or ratified the Kampala Convention.

Convention either have a limited number of IDPs<sup>77</sup> or focus on prevention, management, and framework building in ensuring effective implementation of their domestic laws to ensure the rights of the IDPs are not infringed upon. For instance, the number of IDPs in Egypt grew in 2013 and 2014 as a result of terrorist attacks against state infrastructure and security forces, as well as government reactions to the attacks, which included demolishing homes that were closed to Gaza to establish a security buffer zone.<sup>78</sup> To uphold the rights of the IDPs, the government of Egypt gave them monetary recompense for losing their homes and land, as well as three months' worth of additional financial support for finding alternate housing and sending their kids to school.<sup>79</sup>

One could contend that a state's lack of internally displaced people does not guarantee that there would not be any internal displacement there in the future. Even in states where there are no immediate dangers of conflict or war, social unrest, economic instability, or political instability, there are still other factors that can cause internal displacement, such as natural or man-made disasters. By signing, ratifying, and domesticating the Convention, it guarantees sufficient legal protections and preventative actions are in place to safeguard IDPs in the event of internal displacement. As a result, the adoption of the Kampala Convention should not be dependent on a state's ability to resolve internal displacement issues. To ensure this fact, the African Commission pushes for the domestication of the Kampala Convention at the regional

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<sup>77</sup>Statista, 'African Countries with the largest number of Internal Displacement persons (IDPs) as of 2022' <<https://www.statista.com/statistics/1237268/number-of-internally-displaced-persons-in-africa/>> accessed 21 April 2024.

<sup>78</sup> IDMC, *A Decade of Displacement in the Middle East and North Africa* (2020) < [https://api.internal-displacement.org/sites/default/files/publications/documents/IDMC\\_MenaReport\\_final.pdf](https://api.internal-displacement.org/sites/default/files/publications/documents/IDMC_MenaReport_final.pdf)> accessed 22 April 2024.

<sup>79</sup> Ibid.



level, particularly in Uganda, Malawi, and Liberia.<sup>80</sup> Additionally, the importance of domesticating the Kampala Convention is being emphasised on a global scale. For example, while Norway demanded Ethiopia to ratify the Kampala Convention,<sup>81</sup> the UN Special Rapporteur on the Human Rights of IDPs urged Libya to sign and ratify it.<sup>82</sup>

The main hindrance for African nations in protecting the rights of the IDPs is data collection. The first meeting of the COSP, which was established under Kampala Convention Article 14(1) to oversee and assess its implementation, took place in Harare, Zimbabwe, in April 2017.<sup>83</sup> It brings up relevant data-related issues during the conference, including how to make data more palatable and representative of internal displacement situations. In an address to the membership, the Vice President of Zimbabwe, Mr. Emmerson Mngangagwa called for a systematic data-gathering method. He states that 'this will go a long way in ensuring that we have accurate statistics of IDPs for more effective planning.'<sup>84</sup>

The Nigerian Government recognizing the vulnerability of the IDPs signed and approved the ratification of the African Union (Kampala Convention) for the Protection and

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<sup>80</sup>Concluding Observations and Recommendations on the 5th Periodic State Report of the Republic of Uganda (2010-2012), adopted at the 57th ordinary session, Banjul, The Gambia 4-18 November 2015; Concluding Observations and Recommendations on the Initial and Combined Periodic Report of the Republic of Malawi on the Implementation of the African Charter on Human and Peoples' Rights (1995-2013) adopted at the 57th ordinary session, Banjul, The Gambia 4-18 November 2015; Consideration of Reports Submitted by State Parties under Article 62 of the African Charter on Human and Peoples' Rights: Concluding Observations and Recommendations on the initial and Combined Periodic Report of the Republic of Sierra Leone on the Implementation of the African Charter on Human and Peoples' Rights, adopted at the 19th extraordinary session, Banjul, The Gambia 16-25 February 2016.

<sup>81</sup> UN Human Rights Council Report of the Working Group on the Universal Periodic Review: Ethiopia UN Doc A/HRC/42/14 5 July 2019 para 163.5.

<sup>82</sup> UN Human Rights Council Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on her visit to Libya UN A/HRC/38/39/Add.2 10 May 2018.

<sup>83</sup> African Union, 'Plan of Action for the implementation of the Kampala Convention adopted by conference of State Parties' (2017) < <https://au.int/en/pressreleases/20170406/plan-action-implementation-kampala-convention-adopted-conference-states>> accessed 22 April 2024.

<sup>84</sup> Ibid.

Assistance of IDPs in Africa on 17 April 2012 but has not domesticated it.<sup>85</sup> It also makes policy,<sup>86</sup> and directs institutions to manage the affairs of the IDPs<sup>87</sup> without effective management and check and balances. In addition, without efficient mechanisms for the protection of its citizens, sets a standard of living by joining other 178 countries to declare that:<sup>88</sup>

People are the most important and valuable resource of any nation. Countries should ensure that all individuals are given the opportunity to make the most of their potential. They have the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water, and sanitation.

The right to an adequate standard of living is enshrined in human rights instruments such as the International Covenant on Economic, Social, and Cultural Rights,<sup>89</sup> the Convention on the Rights of the Child,<sup>90</sup> and the Convention on the Rights of Persons with Disabilities.<sup>91</sup> Nigeria recognises all the content of the right as developed by the Committee on Economic, Social, and Cultural Rights.

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<sup>85</sup> Section 12 of the 1999 Constitution of Nigeria states, 'No treaty between the Federation and any other county shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.

<sup>86</sup> Federal Republic of Nigeria, *National Policy on Internally Displaced Persons (IDPs) in Nigeria* (August 2012).

<sup>87</sup> For example, National Commission for Refugees Migrants and Internally Displaced Persons.

<sup>88</sup> United Nations Population Fund, *Programme of Action adopted at the International Conference on Population and Development Cairo, 5-13 September 1994* (UNPF, 2014) 11 Principle 2.

<sup>89</sup> ICESCR, article 11.

<sup>90</sup> Convention on the Rights of the Child 1989, Resolution 44/25 article 27; Nigeria domesticated the Convention on the Rights of a Child by enacting the Child's Rights Act 2003, which states in section 13(3c) that "Every Government in Nigeria shall ensure the provision of adequate nutrition and safe drinking water.

<sup>91</sup> CRPD 2006, article 28, resolution A/RES/61/106; Nigeria signed it on 30 March 2007, ratified it on 24 September 2010 and domesticated it 23 January 2018 as Discrimination Against Persons with Disabilities (Prohibition) Act, 2018.

Meanwhile, the Constitution of the Federal Republic of Nigeria, 1999 empowers the Federal Government to make laws for the peace, order, and good government of the Federation.<sup>92</sup> Against this background, the National Assembly has made several laws and institutions relating to the security and welfare of citizens which IDPs are part of, although there is no specific law for the protection of IDPs. Example of such general laws that relates to the protection of IDPs are : Administration of Criminal Justice Act 2015 which is an authority to desist crime in the society; Child's Right Act 2003 which protect and expands the rights of children; Violence Against Persons (Prohibition) Act 2015 which aims to eliminate violence in private and public life, prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders;<sup>93</sup> The Institute for Peace and Conflict Resolution (IPCR) established under the Federal Ministry of Foreign Affairs to carry out research for the promotion of peace and conflict prevention, management and resolution;<sup>94</sup> The National Emergency Management Agency (NEMA) who coordinates emergency relief operations and assists in the rehabilitation of victims where necessary; National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) who take de-facto responsibility for post-emergency and long term programmes aimed at durable solutions for IDPs; others are Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development; The Public Complaints Commission which is an authority vests with power to handle any complaint from the general public; and the Legal Aid Council. It is disappointing that none of these Acts or institutions has

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<sup>92</sup> Constitution of the Federal Republic of Nigeria (1999) Section 4(2).

<sup>93</sup> Violence Against Persons (Prohibition) Act 2015, long title.

<sup>94</sup>Institute for Peace and Conflict Resolution (Establishment) Act 2007, section 8.

specifically given rights or solved the problems of IDPs in Nigeria. Nigeria still appears not to be on track in terms of the fundamental rights of IDPs as it is ranked one of the countries with the highest number of IDPs in Africa<sup>95</sup> and this keeps increasing every day.

The Nigerian Constitution which directs the creation of these laws and institutions recognises two sets of 'rights' namely: the Fundamental Objective and Directive Principles of State Policy and the Fundamental Human Rights.<sup>96</sup> Human right is a set of rights, which confer rights and obligations on citizens.<sup>97</sup> The 'Fundamental Objectives' consist of ideals towards which a nation is expected to strive, while the 'Directive Principles' identify policies that are expected to be pursued in the nation's efforts to realize national ideals.<sup>98</sup> These principles are aspirational rather than the implemented as fundamental rights. They are not justiciable. The Constitution<sup>99</sup> characterizes what should be the right to security and welfare of Internally Displaced Persons as one of the Fundamental Objectives and Directive Principles of State Policy.<sup>100</sup>

The Directive Principles merely provide a guide to a government in Nigeria on how to meet the essential needs of Nigerians on political, economic, social, educational, and other matters.<sup>101</sup> They are goals or targets and are not legally binding. Uwaifo JSC<sup>102</sup> in the case of *A. G. Ondo State v. A. G. Federation*<sup>103</sup> stated that:

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<sup>95</sup> UNHCR, 'UK, Nigeria Emergency' (UNHCR) < <https://www.unhcr.org/uk/nigeria-emergency.html> > accessed 5 December 2020.

<sup>96</sup> CFRN, 1999 Chapters II and IV respectively.

<sup>97</sup> CFRN 1999 Chapter IV.

<sup>98</sup> Obiajulu Nnamuchi, 'Kleptocracy and its many faces: the challenges of justiciability of the right to health care in Nigeria' (2008) 1 *Journal of African Law* 52.

<sup>99</sup> Chapter II of the 1999 Nigerian Constitution.

<sup>100</sup> The provisions of Chapter II of the 1999 Constitution infers the right to security and welfare indirectly in S. 14(2)(b) and 16(2)(d).

<sup>101</sup> Okeke GN, 'Fundamental Objectives and Directives Principles of State Policy: A viable anti-corruption tool in Nigeria' (2011) 2 *Nnamdi Azikiwe University Journal of International law and Jurisprudence* 175

<sup>102</sup> JSC means Justice of the Supreme Court of Nigeria.

<sup>103</sup> *Attorney General of Ondo State v Attorney General of Federation* [2002] 9NWLR 772 [222] – [382] [A-B].

As to the non-justiciability of the Fundamental Objectives and Directive Principles of State Policy in Chapter II of our Constitution, section 6(c) says so. While they remain mere declarations, they cannot be enforced by legal process but would be seen as a failure of duty and clear disregard of them, the nature of the consequences of which having to depend on the aspect of the infringement and in some cases the political will of those in power to redress the situation. But the Directive Principles (or some of them) can be justiciable by legislation.

The above court decision and the one of the Supreme Court of Nigeria in the case of *INEC v Musa*<sup>104</sup> make it clear that while economic, social, and cultural rights are not justiciable, they could be made justiciable by the competent law-making organ if enacted into law. Since the right to welfare and security of Internally Displaced Persons can be regarded as part of economic, social, and cultural rights and is not justiciable until enacted into law, it follows that it remains a moral right.

Also, Section 6 (6) (c) of the 1999 Constitution prevents the courts from exercising jurisdiction concerning matters contained in Chapter II of the said Constitution,<sup>105</sup> and the exercise of all powers, whether legislative, executive, or judicial must be traceable to the Constitution.<sup>106</sup> Ayoola JSC<sup>107</sup> states that:

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<sup>104</sup> [2003] 1 SCM 63.

<sup>105</sup> *Ibid.* at 343 paras. D-F.

<sup>106</sup> *INEC v Alhaji Abdulkair Balarabe Musa* [2003] 1 SCM 63, *Attorney General of Lagos v Attorney General of Federation* [2003] 12 NWLR 833 [1].

<sup>107</sup> *Ibid.* 35-36, Paragraph C-A.

The acknowledged supremacy of the Constitution and by which the validity of the impugned provisions will be tested. First, all powers, legislative, executive and judicial must ultimately be traced to the Constitution. Secondly, the legislative powers of the legislature cannot be exercised inconsistently with the Constitution. Where it is so exercised it is invalid to the extent of such inconsistency. Thirdly, where the Constitution has enacted exhaustively in respect of any situation, conduct or subject, a body that claims to legislate in addition to what the Constitution had enacted must show that it has derived the legislative authority to do so from the Constitution. Fourthly, where the Constitution sets the condition for doing a thing, no legislation of the National Assembly or of a State House of Assembly can alter those conditions in any way, directly or indirectly, unless, of course, the Constitution itself as an attribute of its supremacy expressly so authorised.

The Court, in *Archbishop Anthony Okogie and Others v The Attorney-General of Lagos State*, held that no court has the 'jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting in conformity with the Fundamental Objectives and Directive Principles.'<sup>108</sup> Article 16 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act<sup>109</sup> states that every individual shall

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<sup>108</sup>(1981) 2 NCLR 350; *Attorney General of Ondo State v Attorney General of Federation* [2002] 9NWLR 772; Stanley Ibe, 'Implementing Economic, Social and Cultural Rights in Nigeria: Challenges and Opportunities' (2010) 10 AHRLJ 201.

<sup>109</sup> Chapter A9 Laws of the Federation of Nigeria 2004.

have the right to enjoy the best attainable state of physical and mental health. The Nigerian Court can infer the right to security and welfare for the IDPs from this authority when it is not explicitly spelled out in the Constitution as the act applies to everyone. The rights are only protected by various bodies of domestic laws, principally national laws,<sup>110</sup> and international human rights law, and those that fall within an environment where armed conflict subsists could benefit from an existing international humanitarian law.<sup>111</sup>

The IDPs are still hoping they can ride out the storm,<sup>112</sup> and without financial means, they need to depend on the Government for assistance for them to survive and live a reasonable life.<sup>113</sup> While dwelling on international human rights in Nigeria, an interplay between the application of the available national laws in the country becomes an issue that requires an urgent resolution, and research in that area of law becomes desirable. Particularly, considering an everyday increase in the number of IDPs in Nigeria; all sorts of human rights violations reported in and outside the IDPs' camps; and the impact of recent climate change, and Covid 19 on the IDPs.

## **1.2 Statement of the Problem**

Internal displacement is one of the major challenges to sustainable development in the world.<sup>114</sup> There are treaties, international resolutions, and declarations on fundamental

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<sup>110</sup> For example, Administration of Justice Act 2015, Child's Right Act 2003, Violence against Persons (Prohibition) Act 2015.

<sup>111</sup> International Red Cross Committee, 'Protection of victims of armed conflict through respect of International Humanitarian Law' (IRCC, 1999) <<https://www.icrc.org/en/doc/resources/documents/misc/57jpzn.htm>> accessed 8 December 2020.

<sup>112</sup> Will H Moore and Stephen M Shellman, 'Refugee or Internally Displaced Persons? To where should one flee?' (2006) 39(5) *Comparative Political Studies* 599; Jon Bennett, 'Forced Migration Within National Borders: The IDP Agenda' (1998)1 *FMR*.

<sup>113</sup> Monika Barthwal-Datta, '*Understanding security practice in South Asia: Securitization Theory and the Role of Non-State Actors*,' (Routledge, London 2012).

<sup>114</sup> United Nations General Assembly, 'Transforming our world: The 2030 Agenda for Sustainable Development' (2015), A/RES/70/1.

human rights, and there are domestic laws<sup>115</sup> on fundamental human rights in Nigeria. It is pertinent to note that there is no special treaty, international resolution, or domestic laws that make special provisions for the human rights of IDPs in Nigeria as there are for women, children, and refugees. Although there have been policies,<sup>116</sup> they have not succeeded in guaranteeing the rights of IDPs. The Federal Government has adopted several strategies in solving the plight and intractable challenges of IDPs in the past that have not yielded the desired results.<sup>117</sup> As of today, there is no way out of these challenges, and the number of IDPs keeps increasing while their rights continue to be infringed upon without any abatement. The rise in the number; infringement on the rights; and lack of quality standard of living of the IDPs have led to calls for concrete rights-based solutions to protect and assist IDPs. Consequently, this has made a legal framework for the protection of the rights of IDPs an issue that is required to be addressed in Nigeria.

Also, this creates an urgent need for legal protection and examination of various international human rights laws upon which Nigeria could have a better solution to address this problem. It is indeed a complex situation and this research finds a lasting solution to the plights of the IDPs in Nigeria by examining its cause and solution. Whether in the absence of a legal framework on internal displacement in Nigeria, the response to the plight of IDPs will remain largely fragmented and uncoordinated; and the response to the root causes of internal displacement will continuously remain very

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<sup>115</sup> For example, Constitution of Federal Republic of Nigeria 1999 as Amended, Child's Right Act etc.

<sup>116</sup> Federal Republic of Nigeria National Water Resources Master Plan 2004, National Water Policy 1995.

<sup>117</sup> Making National policy on IDPs and creating the National Emergency Management Agency (NEMA) to coordinates emergency relief operations and assists in the rehabilitation of victims where necessary; National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) to take de-facto responsibility for post-emergency and long term programmes aimed at durable solutions for IDPs; Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development.



poor and ineffective. To this effect, IDPs have largely been vulnerable and susceptible to all forms of exploitation, abuse, and neglect across the country. Thus, to adequately protect the rights and interests of IDPs in Nigeria, addressing the issue, becomes more desirable and urgently required.

Moreover, there is a concern that displacement is most likely to continue for a long time,<sup>118</sup> and the rate of human rights violations in various IDP camps is alarming.<sup>119</sup> Also, research has shown that Africa will witness more negative effects from climate change,<sup>120</sup> and no known provision has been made in Nigeria to safeguard the IDPs from being adversely affected by its impacts. This has therefore also made research into the protection of IDPs a necessity to deal with this menace appropriately. Therefore, in this study, the identifiable problems are hereby enumerated as follows: a continued increase in the number of internally displaced persons in Nigeria; lack of adequate legislation, and ineffective existing legislation to protect the IDPs; and applicability of the international human rights laws in protecting the rights of the IDPs in Nigeria in line with the international best practices.

### **1.3 Hypothesis**

The central thesis of this research is that the infringements on the human rights of the Internally Displaced Persons amidst domestic laws and international treaties keep

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<sup>118</sup> REACH Initiative (NRC), *Not ready to return: IDPs movement intentions in Borno State* (REACH Initiative 2017).

<sup>119</sup> Osagioduwa Ewaka and Toluwanimi Oluwakorede Olusegun, 'Management of Internally Displaced Persons in Africa: Comparing Nigeria and Cameroon' (2016) 10(1) ARR 193; Eni Aloba and Synda Obaji, 'Internal Displacement in Nigeria and the case for Human Rights Protection of Displaced Persons' (2016) 51 JLP 26.

<sup>120</sup> Paul Collier and others, 'Climate change and Africa' (2008) 24 Oxford Review of Economic Policy 337, UN, 'United Nations Development Group Guidelines on Indigenous Peoples Issues' (UN, 2008) <[www2.ohchr.org/english/issues/indigenous/docs/Guidelines.pdf](http://www2.ohchr.org/english/issues/indigenous/docs/Guidelines.pdf)> accessed 6 December 2020; Nicholas Stern, *The Economics of Climate Change: The Stern Review* (Cambridge 2006) 95.

unevaded due to the inept of the Nigerians, their government and the international organisation.

#### **1.4 Research Question**

This research seeks to answer the following questions:

1. What are the challenges that are affecting the protection of the rights of Internally Displaced Persons?
2. What is the international legal framework on the rights of Internally Displaced Persons?
3. To what extent are the rights of the Internally Displaced Persons guaranteed under the existing legal framework in Nigeria?
4. What are the reforms needed to enhance the protection of the rights of Internally Displaced Persons in line with International Human Rights norms?

#### **1.5 Aim and Objectives**

This study aims to examine the human rights of Internally Displaced Persons in Nigeria and how the rights of IDPs could be realized. The specific objectives are to:

- a. examine the rights of Internally Displaced Persons under the existing legal framework in Nigeria;
- b. analyse international legal provisions on the human rights of Internally Displaced Persons;
- c. identify the challenges that are affecting the protection of the rights of Internally Displaced Persons in Nigeria;
- d. recommend reforms needed to enhance the protection of the rights of Internally Displaced Persons and the legal framework in line with the International Human Rights norm.

## 1.6 Theoretical Framework

Every Nigerian has a right to live and live a good life. Like other Nigerians, IDPs have the fundamental right to a good living without any fear of threat, insecurity, uproar, and lack of amenities to survive as human beings because it is their natural right. The theoretical framework for this study is rooted in natural law theory, which lays the foundation for human rights generally, and positive law which is man-made law needed for the realization of human rights.

The natural law theory consists of basic rights that are derived from the law of nature and encompasses such things as life, liberty, and property.<sup>121</sup> The theory states that the highest priority be given to individual self-preservation and whatever is necessary to achieve the preservation of the individual.<sup>122</sup> John Locke states that the law of nature dictates that no one should be harmed but everyone must be preserved.<sup>123</sup> Thomas Hobbes argued that natural law is 'a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or takes away the means of preserving the same; and to omit that by which he thinks it may best be preserved.'<sup>124</sup> In explaining natural law, Thomas Paine distinguishes between natural rights and civil rights. He states that natural rights are those which appertain to man in right of his existence while civil rights are those which appertain to man in right of being a member of society.<sup>125</sup>

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<sup>121</sup> John Locke, 'The Enhance Edition of John Locke's Two Treatises of Government (1689,1764)' (*Online Library of Liberty*, 16 December 2019) <<https://oll.libertyfund.org/pages/john-locke-two-treatises-1689>> accessed 15 October 2020.

<sup>122</sup> Ibid.

<sup>123</sup> John Locke, *Two Treatises of Government*, (ed) Thomas Hollis (London: A. Millar et al., 1764).

<sup>124</sup> Hobbes, 'Leviathan' (*Liberty Fund*) <[http://files.libertyfund.org/files/869/0161\\_Bk.pdf](http://files.libertyfund.org/files/869/0161_Bk.pdf)> accessed 26 February 2021.

<sup>125</sup> Thomas Paine, *The Rights of Man* (New York: Penguin Books, 1985) 68.

John Locke is of the view that 'the state of nature has a law of nature to govern it which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.'<sup>126</sup> In assessing the law of nature, it is an inherent right conferred by God, nature, or reason.<sup>127</sup> Locke further argues that natural rights are in existence before the creation of the state and its protection is the primary function of the states.<sup>128</sup> In the Lockean tradition, the state is barred from violating the life, liberty, or property of its citizens. This is the concept of rights that lies at the heart of the American Constitution.<sup>129</sup> The Roman jurist, Ulpian, also said that natural rights belonged to every person, whether that person was a Roman citizen or not, but these were largely concerned with legal issues.<sup>130</sup> Despite this principle, the fundamental right of the IDPs is being infringed upon in Nigeria.

While natural law makes a case for human rights, the realization of human rights requires positive law. Jeremy Bentham states that 'right is a child of law; from real laws come real rights, but imaginary law, from 'law of nature,' come imaginary rights...' Hugo Gratius argues that human rights can be achieved by law. The law needs to be strictly adherence to in the process of protecting the rights of the IDPs. The IDPs ought not to have any problems as they are within their own country and under the guard and care of their government, but it is disturbing that the government most times contributes to

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<sup>126</sup> John Locke, 'John Locke on the rights to life, liberty, and property of ourselves and others (1689)' ( *A Milar et al, 1767*) 6 <<https://oll.libertyfund.org/quotes/497>> accessed 26 February 2021.

<sup>127</sup> Han Kelsen, *General Theory of Law and State Translated by Anders Wedberd* (1<sup>st</sup> print Harvard University Press, Reprint, the Lawbook Exchange 2007) 392.

<sup>128</sup> John Locke, *The Second Treatise on Government*. (Blackwell 1956).

<sup>129</sup> Daphne Barak-Erez and Aeyal Gross, 'Do we need social rights? Questions in the Era of Globalisation, Privatisation, and the Diminished Welfare State' in Daphne Barak-Erez and Aeyal M Gross (eds), *Exploring Social Rights between Theory and Practice 1* (Hart Publishing 2007).

<sup>130</sup> Clemens N Nathan, *The changing face of religion and human rights: a personal reflection* (Martinus Nijhoff publishers 2009) 26.

displacement and plights of the IDPs.<sup>131</sup> It is not an outside war or other countries' calamity that causes displacement but the occurrence within the country, Nigeria. One of the displaced persons has this to say:

Hunger is killing us, we have no one to cater for us ... and some of our family members have died in the hands of Boko Haram members...government is not prioritising how to return us to our ancestral homes but instead spending resources to pardon and rehabilitate nearly 900 so-called repentant Boko Haram members... The government should first rehabilitate those that were offended, if not it is making a grave mistake... We are feeling like non-Nigerians in our country; we own this country together.<sup>132</sup>

The above statement can be argued to be right as the Nigerian constitution enshrines that there is consensus among the people of Nigeria to live in unity and harmony to promote good governance and the welfare of all persons in Nigeria. The 1999 Constitution of Nigeria as amended states that:

**WE THE PEOPLE** of the Federal Republic of Nigeria;

**HAVING** firmly and solemnly resolved:

**TO LIVE** in unity and harmony as one indivisible and indissoluble sovereign nation under God dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding:

**AND TO PROVIDE** for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of Freedom, Equality and Justice, and for the purpose of consolidating the Unity of our people:

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<sup>131</sup> UNHCR, 'The UN Refugee Agency/UK' (2020) < <https://www.unhcr.org/uk/internally-displaced-people.html>> accessed 3 November 2020.

<sup>132</sup>Buba Musa Shehu, 'Worsening welfare and security of IDPs' (*The Guardian newspaper*, 1 September 2020) < <https://guardian.ng/opinion/worsening-welfare-and-security-of-idps/>> accessed 10 May 2024.

**DO HEREBY MAKE AND GIVE TO OURSELVES** the following Constitution: ...

Furthermore, Section 14(2)(a) of the Constitution states 'sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority.' This made the grundnorm<sup>133</sup> for the creation of the 1999 Constitution. Grundnorms is defined by Hans Kelsen's positive law as an order or rule or reason for the validity of the constitution and grants constitutional acceptability by the legal system.<sup>134</sup> The groundnorm is a basic law that performs legally relevant functions.<sup>135</sup> It must abide as the basis of the constitution and as Rousseau argues if government and laws do not conform to the general will, they would be discarded.<sup>136</sup>

The Nigerian Constitution enshrines the fundamental human rights in sections 33-44, creates and grants the power of the country to the arms of government in Sections 4-6, places the welfare of its citizens under fundamental objectives and directive principles of state policy in section 13-21 and security by creating the Nigerian Police Force in Section 214. The welfare of its citizens was placed under the social policy, which is not enforceable, except by the creation of an Act or law promulgating such welfare. The question is if Nigeria as a nation cannot safe the IDPs, what is the ideology of Nigerians who agreed to live in unity and harmony as one indivisible and indissoluble sovereign Nation? This work examines from these perspectives to provide a durable solution to the problem of IDPs.

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<sup>133</sup>Grundnorm is a German word which means 'fundamental norms.'

<<https://definitions.uslegal.com/g/grundnorm/> > accessed 3 November 2020.

<sup>134</sup> Hopton TC, 'Grundnorm and Constitution: The Legitimacy of Politics' (1978) 24 MLG 82.

<sup>135</sup> *ibid.*

<sup>136</sup> Munro, Andre, 'General will' (*Encyclopedia Britannica*, 22 May 2020) <<https://www.britannica.com/topic/general-will> > accessed 31 March 2023.

## **1.7 Research Methodology**

The study adopts a qualitative method of study. It involves an examination of primary and secondary sources. Primary sources are statutes, rules and regulations, and judicial decisions. Some of the most relevant statutes are: the Constitution of the Federal Republic of Nigeria 1999; The Administration of Criminal Justice Act; the National Human Rights Commission (Establishment) Act 1995; The Child's Rights Act; Discrimination Against Persons With Disabilities (Prohibition) Act; National Agency for Food and Drug Administration and Control Act; Environmental Impact Assessment Act; Violence Against Persons (Prohibition) Act 2015; the Nigerian Legal Aid Act;<sup>137</sup> National Emergency Management Agency (Establishment, etc.) Act, and National Commission for Refugees (Establishment, etc.) Act. Apart from domestic statutes, the study will also examine treaties such as the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights and laws of states implementing rights for internally displaced persons. Secondary sources that will be examined include books, journal articles, reports, policy documents, and internet materials.

## **1.8 Significance of Study**

This research addresses the plights of Internally Displaced Persons using Nigeria's peculiarity and human rights approach. The study is significant as the rights of the IDPs have been infringed upon for long a time without any durable solution. The responsibility to care for and protect has been pushed by the United Nations to their governments because of the principle of state sovereignty while their governments most times are the causes of displacement due to their inaction and actions. There is no

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<sup>137</sup>Laws of the Federation of Nigeria 2004, L9.

lasting solution to the plight of these people as they keep living without a good place of abode, food, health service, security, job, clothing, dignity, and care. It is of great concern that there is no international treaty on the protection of the IDPs, the only instrument is the Guiding Principles which carries no legal force. Also, most countries do not have laws in place protecting this set of people. Where there are laws and regional treaties, their implementations are not effective and of low significance. These have caused the population of the IDPs to keep increasing and surpass the population of Refugees. Even countries like Ukraine, Syria, Ethiopia, Yemen, Sudan, Congo, Colombia, and Nigeria have IDPs in millions. The literature on this field focuses on palliative measures and short time solutions to the plights of IDPs. This study focuses on mitigating the problems facing IDPs.

This study made durable findings and recommendations that will assist the Nigerian Government and United Nations in adopting the best approach to finding a lasting solution to the infringement of the rights of the IDPs. Also, the policymakers and legislators in making appropriate policies and laws to eradicate internal displacement in Nigeria and the world at large. The research further developed a new approach to the principle of state sovereignty. That is, the UN Security Council can review the state's authority in relation to its duty to uphold the rights of its residents and peace of the world. If there are consistent infringement of human rights, sanctions should be imposed according to article 41 of the UN Charter. Also, it provides new data through the examination of authorities for future researchers to build and benefit from.

## **1.9 Scope of Study**

The scope of this research is restricted to only Internally Displaced Persons as defined by Guiding Principles on Internal Displacement as it relates to the rights and protection



of IDPs in Nigeria. This is because of the increase in the number and suffering of Internally Displaced Persons in Nigeria, and the lukewarm attitude of the Nigerian Government, Nigerians, and the international community to the plight of the IDPs. The Nigerians and their Government relied on international bodies for a solution while this study aims to find solutions within the Nigerian context.

### **1.10 Thesis structure**

This research consists of eight chapters. Chapter 1 contains an overview of the study along with the objectives, significance, research questions, scope, and methodology as well as a statement of the problems of the study. It outlines the research direction and the essence of the study. The Literature was reviewed in Chapter 2 alongside justification for the study. Chapter 3 subsequently addresses the conceptual definition, purports, and connotations of the IDPs. Since the refugees are closely related to the concept of IDPs, their similarities and disparities are examined alongside all related issues, such as causes, problems, and consequences of internal displacement.

Chapters 4 and 5 dwell on the global evolutionary trend of human rights and humanitarian legislation, expunging the international characteristics of IDPs, and provide background to the current regime of internal displacement deducible legislation in the realm of international laws. In all, it examined the existing international legal instruments on IDPs while Chapter 6 focuses on the operation of the existing institutional and legal framework that relates to the IDPs in Nigeria. This subsequently juxtaposed to determine the level of compliance with the existing international human rights laws, particularly on the IDPs in Nigeria.

Chapter 7 interprets the findings in the previous chapters and makes necessary conclusions in proposing reforms needed to enhance the effective protection of the

rights of the IDPs in line with international human rights norms. Recommendations and the conclusion were made in Chapter 8.

## **Chapter 2 : Literature Review and Justification**

### **2.1 Literature Review**

The issue of Internally Displaced Persons has not attracted specific legislation at the international level. This is probably because there is yet to be an international convention dedicated to it. However, despite not being the beneficiaries of a specific convention, as is the case for refugees, IDPs have attracted scholarly articles, comments, and research. The reason for this can be linked to the fact that IDPs are protected by various bodies of law (principally national law, human rights law, and, particularly in those states that are experiencing armed conflicts, international humanitarian law). This, therefore, creates room for scholarly publications on the protection of rights regarding Internally Displaced Persons. Against this background, IDPs have attracted contributions from many scholars from different perspectives. Therefore, in this research, relevant literature that gives a clear background to this study will be examined. Research papers, conference presentations, academic dissertations/theses as well as journal articles on the protection of rights of the IDPs with special emphasis on international human rights best practices from various perspectives that are relevant will be examined to lay a proper background for this study.

This research considered relevant texts, that were presented in three categories; namely: a conceptual analysis of 'Internal Displacement', legal analysis along with a method of approach, and the endemic nature of the violation of these rights in Nigeria. This was carefully done by proper examination of those views that addressed the protection of the rights of the IDPs either in its general terms or in a specific approach. This is believed to be necessary to expose the lacuna and the necessary gap that this research filled.

For instance, on the conceptualisation of the Internally Displaced Persons, Phuong,<sup>138</sup> Brun,<sup>139</sup> Oluseyi<sup>140</sup> Neil,<sup>141</sup> and many other scholars<sup>142</sup> have concluded in line with the popular United Nations Commission definition of Human Rights that, persons that are forced to flee their homes as a result of one reason or the other and still helplessly remain within the territory of their own country are the IDPs. Phuong further examines international legal frameworks and summaries the humanitarian and human rights challenges of IDPs. The article evaluates the United Nations' efforts to protect IDPs and states that the IDPs do not need any legal status under international law. The study is based on the United Nations system and only examines the internal displacement in Bosnia and Herzegovina while Erin Mooney<sup>143</sup> examines the concept, definition, category, and period of internal displacement. These various publications are found useful in the conceptual analysis of IDPs, but their focus is devoid of the situation in Nigeria which the research addressed.

Lavoyer<sup>144</sup> expresses the importance of the Humanitarian Law and International Committee of the Red Cross (ICRC) as it relates to Refugees and internal displacement and concludes that greater cooperation is a need among humanitarian agencies. This position was taken in this research that there is a need for cooperation among agencies

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<sup>138</sup> Catherine Phuong, 'The International Protection of Internally Displaced Persons' (Cambridge University Press 2005).

<sup>139</sup> Cathrine Brun, 'Local Citizens or Internally Displaced Persons? Dilemmas of Long-Term Displacement in Sri Lanka' [2003] 16 JRS 376.

<sup>140</sup> Olayanju Oluseyi, 'The Protection of Internally Displaced Persons (IDPs) in Nigeria within the purview of National Human Rights Laws' [2016] 4 ALJ 272.

<sup>141</sup> Nils Geissler, 'The International Protection of Internally Displaced Persons' (1999) 11 IJRL 451.

<sup>142</sup> M Vincent, 'IDPs: Rights and Status' (2000) 8 Forced Migration Review 29; W Kalin, 'Guiding Principles on Internal Displacement-Annotations' (2000) ASIL/Brookings Institution Project on Internal Displacement 2, 3.

<sup>143</sup> Erin Mooney, 'The concept of internal displacement and the case for internally displaced persons as a category of concern' (2005) 24(3) RSQ 9.

<sup>144</sup> Jean-Philippe Lavoyer, 'Refugees and internally displaced persons: International humanitarian law and the role of the ICPC' (ICRC, 30 April 1995) <<https://www.icrc.org/en/doc/resources/documents/article/other/57jmf3.htm>> accessed 6 December 2020.

to find durable solutions to the plights of the IDPs. Williams<sup>145</sup> provides comprehensive guides to law and policymakers but despite the comprehensiveness, it is restricted to the general principle of the protection of displaced persons and does not extend to the peculiar situation in Nigeria. Although identification of other jurisdictions' laws and policies was made possible by this work. Its claims that some states have acknowledged their obligations to protect the rights of the IDPs as outlined in the UN Guiding Principle were examined to establish Nigeria's IDPs' rights.

Schmidt<sup>146</sup> examines the content of the UN Guiding Principle and explains elaborately why the principle is not a treaty for combating the problems of Internally Displaced Persons. He concludes that because of the general acceptability of the United Nations Guiding Principle and its importance, it will soon become international law. To make the United Nations Guiding Principles on Internal Displacement<sup>147</sup> clearer, Walter<sup>148</sup> makes explanatory comments and notes on it in his article. All these are generalists in perspective that assisted in evaluating the position of law in relating to the issues of displacement in the world, although they do not address the specific situation of Nigeria.

The work of Oluseyi<sup>149</sup> that focuses on the protection of Internally Displaced Persons in Nigeria is not deep and comprehensive enough to cover many areas. It left out some specific violations of the rights of those in the Camp and it does not also relate the existing laws with the international human rights laws to reveal the inherent inadequacy.

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<sup>145</sup> R Williams, E Ferris, and K Koser, *Protecting Internally Displaced Persons: A manual for Law and Policymakers* (Brookings Institution-University of Bern: Project on Internal Displacement 2008).

<sup>146</sup> Patrick L Schmidt, 'The Process and Prospects for the UN Guiding Principles on Internal Displacement to Become Customary International Law: A Preliminary Assessment,' (2004) 35(3) GJIL 483.

<sup>147</sup> (1998) E/CN.4/1998/53/Add.2 5, 2.

<sup>148</sup> Walter Kalin, 'Guiding Principles on Internal Displacement' (2008) 38 Studies in Transnational Leg Policy 1.

<sup>149</sup> Olayanju Oluseyi, 'The Protection of Internally Displaced Persons (IDPs) in Nigeria within the purview of National Human Rights Laws,' (2016) 4(1) ALJ 272.

This work and others were examined to evaluate the living and health conditions of the IDPs in camps. The work is not extensive, and this creates a lacuna that this research intends to fill. While Eni<sup>150</sup> and Alobo<sup>151</sup> besides stating the endemic nature of the violation of the IDPs' rights are unanimous in giving this reason as general dynamics that are likely to increase the need for protection. Chan<sup>152</sup> in his article argues that in as much as there is no international treaty concerning Internally Displaced Persons and based on the principles of territorial sovereignty and non-intervention no state has any obligation to grant asylum to IDPs under customary international law. The position was expanded in this research that IDPs create Refugees that disturb the peace of the other states by seeking asylum. The plights of the IDPs should be of concern to the UN not of the state alone. He elaborates more on the issue of Refugees and only refers to the issue of asylum concerning the IDPs.

Itumo et al<sup>153</sup> catalog some of the responses of the Nigerian government to the protection of the rights of the IDPs, the work reflected their background as management/social scientists, but their approach lacks legal touches apart from the fact that it is not deep enough. The article of Eweka and Olusegun<sup>154</sup> is a comparative analysis of Cameroon and Nigeria which also falls within the same category as that of Itumo and others. The paper states the challenges associated with the management of IDPs in Nigeria and Cameroon which include funding, corruption, policy, lack of

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<sup>150</sup> Eni Alobo and Synda Obaji, 'Internal Displacement in Nigeria and the case for Human Rights Protection of Displaced Persons' (2016) 51 JL Pol'y & Globalization 26.

<sup>151</sup> Ibid.

<sup>152</sup> Phil CW Chan, 'The Protection of Refugees and Internally Displaced Persons: Non-Refoulement under Customary International Law?' (2006) 10(3) IJHR 231.

<sup>153</sup> Anthony Itumo and N H Nwefuru, 'Nigerian State and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio-Economic and Political Development' (2016) 6(15) Research on Humanities and Social Sciences 24.

<sup>154</sup> Osagioduwa Eweka and Toluwanimi Oluwakorede Olusegun, 'Management of Internally Displaced Persons in Africa: Comparing Nigeria and Cameroon' (2016) 10(1) ARR 193.

communication, bad terrain, and unpreparedness. He assesses the degree of success in the management of the IDPs in Nigeria and Cameroon and concludes by making a recommendation to enhance the management of IDPs in Nigeria and Cameroon. It equally lacks legal flavour, but they assisted this research to have deep knowledge of the plights of the IDPs.

Okeke-Ihejirika and others<sup>155</sup> 'interrogate the pre-displacement experiences of participants, their transition to and experiences of internal displacement, vignettes of life at IDP camps, their relationship with host communities, the non-universality of experiences of sexual and gender-based violence among female IDPs (despite the particularities of experiences of women and young girls) and the resilience and agency of IDPs.' The article proffers that the IDPs should be reintegrated. Nwaoga and others<sup>156</sup> address the approach of handling the relief materials meant for IDPs. They express concerns about how people including the securities entrusted with the donations and relief materials are transferring it to their personal use or stealing it. They suggested that all hands must be on deck and the Government should investigate and ensure the culprits are prosecuted for their acts. This position was adopted in this research but added that international donors and the IDPs must be carried along in the distribution of aid. However, their research also lacks legal flavour and points to the fact that comprehensive research is required particularly in Nigeria.

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<sup>155</sup> Philomina Okeke-Ihejirika, Temitope B Oriola, Bukola Salami, Michael Obiefune, Nwene Ejike, Ayodotun Olutola, and Omolola Irinoye, 'Beyond poverty fixation: interrogating the experiences of internally displaced persons in Nigeria' (2020) 41(9) *Third World Quarterly* 1476.

<sup>156</sup> Nwaoga, Chinyere Theresa, Okoli, Anuli B, and Favour C Uroko, 'Self-acclaimed Religious terrorism, Refugee crisis, and the Plight of Internally Displaced Persons in Nigeria' (May 2017) 8(3) *MJSS* 189.

Omidoyin and Babalola,<sup>157</sup> however, made a case for a legal framework but failed to address in a comprehensive term the challenges that the IDPs faced and their submission lacks empirical substance. Also, Ocheje<sup>158</sup> is of the view that the government of Nigeria under the guise of developments as supported by the law and legal order displaced persons unjustly in the interest of a particular class of people. He states further that the manipulation of the law under the pretense of development of the state has led to the displacement of immense numbers of Nigerians from their homes. This work is limited to displacement caused under the guise of development by the Government but failed to address other areas of difficulties and legal solutions to the problem of IDPs. The work was examined to substantiate how the government neglected the IDPs in Nigeria for no just cause.

Luke<sup>159</sup> analyses the Declaration of International Law Principles on IDPs approved by the International Law Association (ILA) in its sixty-ninth conference, held in London from July 25 to 29, 2000. The article concluded by formulating different questions among which are:

To carry this concept one step further, it may be noted that Articles 5 and 6 of the UN Charter empower the Security Council to recommend the suspension or expulsion of states that have persistently violated Charter principles. If a state so abuses the human rights of its citizens as to force them to flee their homes to become IDPs or refugees, would not such abuse trigger the application of these articles? Hitherto we have used carrots to

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<sup>157</sup> Abegunde B, and Omidoyin T J, 'Humanitarian Law and Internal Displacement in Nigeria: An Urgent Need for Legal Framework' (2017) 4(3) IJLLS 53.

<sup>158</sup> Paul D Ocheje, 'Legalizing Displacement' (1997) 32 JAAS 120.

<sup>159</sup> Luke T Lee, 'The London Declaration of International Law Principles on Internally Displaced Persons' (2001) 95 AJIL 454.



induce states to comply with Charter obligations, with uneven results.

Would it not be useful to use sticks-the suspension or expulsion of states from UN membership-where carrots have failed?

This article relates to the Declaration alone but its opinion is a guide in making recommendations in this research. Guy and others<sup>160</sup> focus mainly on refugees but chapter 9 of the book discusses the protection of IDPs. They argue that the rights of IDPs were not clear until 1998 Guiding Principles on Internal Displacement identify 'the right and guarantees relevant to the protection of the internally displaced in all phases of displacement.'<sup>161</sup> They argue that although the guiding principle alone cannot solve the problem of IDPs, it is a welcome development. They explain the stands of the United High Commissioner for Refugees (UNHCR) and other United Nations agencies like the World Health Organisation, United Nations International Children's Emergency Fund (UNICEF), and organisations like the International Organization for Migration, International Committee of the Red Cross in respect of displaced persons.

Oberiri and Alif<sup>162</sup> analyze television and blog coverage of internally displaced persons in Nigeria from October 2016 to October 2017 using the National Television Authority, African Independent Television, and Naija.com as a case study. They examine who provides a better report on the IDPs in terms of coverage, truth, and tone of the reports. It was found out that Nigeria Television Authority owned by the Federal Government of Nigeria and African Independent Television always use a positive tone and sing praises of the government for full assistance rendered to the IDPs while Naija.com (Blog) usually

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<sup>160</sup> Guy S Goodwin-Gill and Jane McAdam, *The Refugee in International law*, (Oxford University Press 2007).

<sup>161</sup> Page 484.

<sup>162</sup> Oberiri Destiny Apuke and Elif Asude Tunca, 'A comparative content analysis of television and blog coverage of internally displaced persons in Nigeria' (2019) 56(2) SSJ 168.

uses a negative tone and blunt in its report. This article discusses the issue of media as it relates to the issue of Internally Displaced Persons in Nigeria but never discusses any legal or other areas that this study discussed.

Ibeanu<sup>163</sup> examines the causes, contexts, and contests that influence the problem of Internally Displaced Persons in Nigeria and enquires into the appearances and number of Internally Displaced Persons as well as the role of the State. He argues that social insecurity created by the Nigerian Government gives rise to group conflicts which in turn leads to internal displacement and concludes that too much weight should not be placed on the Nigerian state for the protection of the rights of displaced persons due to the partisan nature, ill economic, untruthfulness of Nigerian states. Ibeanu<sup>164</sup> went further to argue that the problem of population displacement in countries like Nigeria is a problem of state-making because of the wrong policies and lackadaisical attitude of the government. This wrong policy has the propensity to be subjectivist, legalistic, and reifies the state to the extent of impacting population displacement. This study complements the findings of this research regarding the Nigerian government's stance on the violations of the rights of the IDPs. Olawale<sup>165</sup> observes the plights of the Internally Displaced Persons in Abuja, the Federal Capital of Nigeria. He enumerates the causes, problems, and effects on society. The article argues that the agencies in charge of the IDPs are more of a problem than a solution to the plights of the IDPs. It recommends research that advances the government's understanding of IDPs' problems.

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<sup>163</sup> Ibeanu I, 'Exiles in their own Home: Internal Population Displacement in Nigeria' (1998) 3 AJPS.

<sup>164</sup> Ibeanu O, 'State-Making and Internal Population Displacement: Factoring the State into Forced Migration in Nigeria during Military Rule. Africa at Crossroads: Complex Political Emergencies in the 21st Century' (*UNESCO / ENA*, 2001)<<http://www.unesco.org/most/crossroadsibea.htm>> accessed 6 October 2020.

<sup>165</sup> Stephen Adewale, 'Internally displaced persons and the challenges of survival in Abuja,' (2016) 25(2) ASR 176.

While these works are on Nigeria's issue, the approach taken can be regarded as one of sociology as the work does not relate to any principle of law or has a base in the legal field whereas the approach adopted in this study is essentially legal.

Ekpa and Dahlan<sup>166</sup> in addressing the plights of the IDPs concluded that the protection of Nigeria IDPs is incoherent, fragmental, and lacks appropriate legal and institutional mechanisms. They went further to state that in the absence of a suitable legislative amendment, the National Commission for Refugees 1989 that was renamed through presidential fiat to National Commission for Refugee, Migrants and Internally Displaced Persons (NCFRMI) 2009 remains merely window dressing and absurdly analogous to 'new wine in an old bottle.' In a similar vein, Ezeonokwasa et al<sup>167</sup> evaluated the efficacy of Nigeria's legal system in mitigating the possibility of internal displacement. They focused on the government's internal displacement policy in great detail and concluded that there is no legal framework for the protection of the IDPs.<sup>168</sup> The policy in place is inefficient.<sup>169</sup> The findings of this study refute the assertion that Nigeria lacks a legal framework for the protection of the IDPs. It contends that although there is no special law like the Child's Rights Act, all laws meant to protect ordinary citizens also apply to IDPs as citizens of Nigeria.

Islam<sup>170</sup> digs deep into the crisis and plights of the IDPs in Sudan as it affects their fundamental rights and complains that 'the UN response to the crisis has been more

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<sup>166</sup> Shedrack Ekpa and Nuarrual Hilal Md Dahlan, 'Legal Issues and Prospects in the Protection and Assistance of Internal Displaced Persons (IDPs) in Nigeria' (2016) 49 JLPG 108.

<sup>167</sup> Jude O Ezeonokwasa, Uwadineke C Kalu and Francis Ejike Okaphor, 'A Critique of the Legal Framework For Arresting the Treat of Internal Displacement of Persons to Nigeria's National Security' (2018) 9(2) NAUJILJ 10.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> M Rafiqul Islam, 'The Sudanese Darfur Crisis and Internally Displaced Persons in International Law: The Least Protection for the Most Vulnerable' (2006) 18(2) IJRL 354.

than whispering but less than roaring.’ He identifies the problems of IDPs in Sudan and proffers solutions among which is that the aggrieved groups should be accorded the same recognition for peace to reign. Although the work reveals that similar incidents happen in Sudan and Nigeria, the viewpoint expressed in it was criticised. Recognition of the aggrieved parties would lead to a surge in violent conflicts in society as everyone will believe that using force and violating other people's human rights is the greatest method to exact revenge on the government. The human rights discussed by the author relate to Sudan whereas this study is on Nigeria.

Freccero and other researchers<sup>171</sup> examine the choice of the IDPs in Afghanistan and Cameroon to cash-based intervention programmes and analysis the impact, danger, and obstacle attached to it. Their finding shows that there is an improvement in the well-being of the displaced persons and their community at large. They encourage that the cash-based intervention should continue but security measures should be in place to protect the life and property of the recipients of the cash. Also, call for further research on this area of study. This area was examined in this work whether it will be of benefit to Nigeria’s IDPs.

Durosaro and Ajiboye<sup>172</sup> investigate emotional problems associated with internally displaced adolescents in Jos metropolis, Plateau States of Nigeria. Their finding shows that educational and emotional problems are high among internally displaced adolescents and these are characterized by the memory of fearful events and nightmares. They recommend the provision of alternative educational activities. Unlike

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<sup>171</sup> Julie Freccero, Audrey Taylor, Joanna Ortega, Zabihullah Buda, Paschal Kum Awah, Alexandra Blackwell, and Ricardo Pla Cordero, ‘Safer cash in conflict: Exploring protection risks and barriers in cash programming for internally displaced persons in Cameroon and Afghanistan’ (2019) 101 IRRC 685.

<sup>172</sup> Durosaro, I A, and Ajiboye, SK, ‘Problems and Coping Strategies of Internally Displaced Adolescents in Jos Metropolis, Nigeria’ (2011) 1(20) IJHSS 256.

Durosaro and Ajiboye, Sheikh et al<sup>173</sup> examine the correlates of depression among IDPs after post-election violence in Kaduna, North-Western Nigeria, and find out that IDPs living in Hajj camps in Kaduna, Northern Nigeria developed post-conflict probable depression and definite depression. This assisted this research in evaluating the psychological effect of displacement on IDPs.

Francoise and Wilhelmina<sup>174</sup> in their article examine the reproductive rights of refugees and IDPs under the international legal framework. After analysis of the role of international agencies and non-governmental organisations, it was concluded that although recent recognition is given to reproductive health the policies of the United Nations agencies and its ally organizations are not promoting international human rights standards. These articles are solving only a specific area of life of IDPs, which is health-related, but this research solved the infringements of the rights of the IDPs. As Romola<sup>175</sup> in her book uses an interdisciplinary approach to explore the protection of IDPs with an emphasis on IDPs in Africa, Sabella did the same in her book.<sup>176</sup> Their books examine the various national positions in filling the gap in the body of knowledge. These works contribute to the findings in providing durable solutions to the plights of the IDPs. The books did not focus on the Nigeria IDPs' rights in debt as this work researched. In Romola's book, only one author discusses Internally Displaced Children in Nigeria while

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<sup>173</sup> Sheikh TL, Abdulaziz M, Agunbiade S, Joseph I, Ebit IB, Adekeye O, 'Correlates of Depression among Internally Displaced Persons after post-election Violence in Kaduna, North Western Nigeria' (2015) 170(1) JED 46.

<sup>174</sup> Francoise Girard and Wilhelmina Waldman, 'Ensuring the Reproductive Rights of Refugees and Internally Displaced Persons: Legal and Policy Issues' (2000) 26 International Family Planning Perspectives 167.

<sup>175</sup> Romola Adeola, *National protection of Internally Displaced persons in Africa: Beyond the rhetoric* (Springer Cham, 2021).

<sup>176</sup> Sabella O Abidde, *The Challenges of Refugees and Internally Displaced Persons in Africa* (Springer Cham, 2021).

in Sabella's book, one author also discusses IDPs in Nigeria concerning the Boko Haram war.

Okon<sup>177</sup> has reviewed empirical studies on the subject of internally displaced persons in Nigeria. He examines the global trend, ways, and methods in which researchers have approached this phenomenon in the past and identifies gaps. He argues that studies conducted in Nigeria on internal displacement covered causes, and factors that induce internal displacement, internal intervention for IDPs, Psychosocial challenges of IDPs, provision of education for IDPs, and an inclusive electoral process for IDPs in Nigeria but no study has been conducted to analyze how the arrival of displaced individuals affects the provision of public goods of residents and other areas. Roberta and Francis<sup>178</sup> express how people are internally displaced, and the impact of the displacement and ejection without any care or assistance from the Government and international bodies which turns out to be a problem for other neighbouring countries and the world at large. In finding the solution to the plights of internally displaced persons, they examine the ability of the international bodies, create gaps in the system, and proffer ways in which institutions can be re-organized to solve the problems. They concluded that there must be a comprehensive approach and, all hands-on-deck, from the victims, their government, and international bodies including non-governmental organisations who are at the forefront of assisting the displaced persons, in solving the problems of internal displacement. In another work,<sup>179</sup> they examine the causes and challenges faced by the IDPs by using events of 10 selected countries, which are Yugoslavia, the Caucasus in

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<sup>177</sup> Emmanuel Okokondem Okon, 'Internally displaced persons in Nigeria: Review of Empirical Studies' (2018) 2 American International Journal of Social Science Research 1.

<sup>178</sup> Roberta Cohen and Francis M Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, (Brookings Institution Press 1998).

<sup>179</sup> Roberta Cohen and Francis Mading Deng (Eds), *The Forsaken People: Case Studies of the Internally Displaced* (Brookings Institution Press Washington DC May 1998).

Europe, Sri Lanka in Asia, Colombia and Peru in America, Burundi, Rwanda, Liberia, and Sudan in Africa. It offers recommendations on each of the selected countries. Nigeria IDPs are not examined. While the interdisciplinary approach is relevant, nonetheless law is at the foundation of everything. Where the law is completely lacking, there is no basis for other endeavours. This was addressed in this study.

Phil<sup>180</sup> examines the history of Internally Displaced Persons from the Second World War till the present time, gives reasons why the issue of IDPs was not included in the 1951 Refugee Convention and concentrates on the Guiding Principle on Internal Displacement 1998. He argues that the UN Guiding Principle on Internal Displacement has introduced 'a new international protection regime for IDPs'. He concludes by arguing that the protection of IDPs remains unsolved and that the only way out is through 'improved accountability, monitoring, and enforcement mechanisms and by treating IDP assistance and protection as an international human rights issue.' This work supports the claim made in the study that the best way to address the ongoing violation of IDPs' rights is to apply a human rights approach. Despite this, the specific situation of Nigeria is not examined. While his emphasis on constitutionalism may have some bearing on the human rights approach adopted in this study since human rights are also entrenched in constitutional law, the main difference from this study is that his work does not center on Nigeria's Internally Displaced Persons.

In conclusion, the review of all relevant previous journal articles, conference and seminar papers as well as thesis or dissertation revealed that this area of law contains lacuna to be filled in terms of addressing the seeming defect in the existing laws, and

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<sup>180</sup> Phil Orchard, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019).

most importantly the issue of compliance with the International Human Rights Law and best practices. These are necessary to be addressed being the condition precedent for achieving compliance with the international best practices in Nigeria. Most works on IDPs failed to address the issue of compliance with International Human Rights and those that attempted it either looked at it from narrow perspectives of humanities, the management or social science background, and other peculiar situations of other countries. A careful review of all these works, therefore, revealed that as good and elaborated as most of these works, the peculiar problem of internal displacement in Nigeria is not addressed and this lacuna is reflected in all those well-articulated articles, conference papers, and thesis that were consulted and reviewed subsequently. Therefore, the need to address these problems with the aim of proffering solutions makes this study a desirable one especially now that the present government claims that it set out to right the wrong of past practices as evidenced by the protection of the rights of the vulnerable, while adoption of the international best practices is to be taken seriously as the needed antidote to bring the country back to the right track.

This research, therefore, filled the inadequacy of the previous studies that have identified abuse of international human rights but failed to examine or address the issue of their compliance with the applicable laws. Thus, this research distinctly contributes to the field of knowledge as opposed to other studies on the protection of IDPs' rights in Nigeria.

## **2.2 Justification for the Study**

The main aim of this thesis is to examine the rights of Internally Displaced Persons and how their rights could be guaranteed in Nigeria. Internally Displaced Persons in Nigeria lack the necessary amenities and security within their own country. Their right has been



infringed upon with little attention from the Nigerian Government or effective international support.<sup>181</sup> Although Nigeria recognises the human rights of the IDPs by ratifying various treaties,<sup>182</sup> it is pertinent to note that Nigeria adopts a dualist approach to receiving international law. Consequently, treaties have to be domesticated before they can be applied.<sup>183</sup> Niaz Shah is of a different opinion, he argued that undomesticated treaties can be applied by the courts using the British dualist approach. He based his argument on British public policy which gives the court jurisdiction to give recognition to international treaties; recognition of international customary law that is not in conflict with constitutional principles, statutes, and law; and reliability on treaties where common law is unclear.<sup>184</sup> Nigerian approaches to the rights of IDPs have been based upon either non-binding declarations or initiatives that although based upon good intentions, have no legal enforcement. While there is an Internally Displaced Persons Policy,<sup>185</sup> their rights are still being infringed upon. If the problems and plights of IDPs are researched and solved completely, the number of refugees will be lessened, because there will be fewer reasons for Nigerians to flee to another country for asylum.

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<sup>181</sup> Megan Bradley, 'Canada must step up to help millions displaced inside their own countries' (*the Conversation*, 2019) <<https://theconversation.com/canada-must-step-up-to-help-millions-displaced-inside-their-own-countries-119063>> accessed 4 November 2020.

<sup>182</sup> For example, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which entered into force on the 6 December 2012.

<sup>183</sup> 1999 Constitution of the Federal Republic of Nigeria, section 12(1); the case of *Abacha v Fawehinmi* (2001) 51WRN 29, where the Supreme Court, in discussing the provisions of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, held that the provisions of the Charter have become part and parcel of the body of the Nigerian law because it has been re-enacted by the National Assembly; *Registered Trustees of National Association of Community Health Practitioners of Nigeria and others v. Medical and Health Workers Union of Nigeria* (2008) 2NWLR 1072 [575] [23].

<sup>184</sup> Niaz A Shah, 'The Application of Human Rights Treaties in Dualist Muslim States: The Practice of Pakistan' (2022) 44(2) *Human Rights Quarterly* 257-285.

<sup>185</sup> Federal Republic of Nigeria, National Policy on Internally Displaced Persons (IDPs) in Nigeria, (August 2012).

## **Chapter 3 : Internal Displacement and its Causes, Problems, and Consequences**

### **3.1 Introduction**

As discussed in chapter 1, internal displacement is one of the most challenging humanitarian issues of the present time. It has a negative effect on host families, local communities, and millions of displaced men, women, and children. Nigeria is one of the impacted countries in terms of the IDP populations and there are reasons and causes of displacement in Nigeria. Aside from conflicts and disasters, other factors include development, poverty, climate change, lack of resources, political unrest, and ineffective governance. This chapter conceptualised the definition of IDPs and distinguished it with Refugees. Furthermore, it examines the causes of displacement, infringements on the IDPs' rights, and its consequences.

### **3.2 Meaning of Internally Displaced Persons**

There is no universal legal definition of IDPs. They were first officially mentioned but not defined by the United Nations ECOSOC in its statement:

The Economic and Social Council urges Governments, The United Nations High Commissioner for Refugees, specialized agencies and other organizations associated with the United Nations and non-governmental organizations concerned, to provide the assistance required for the voluntary repatriation, rehabilitation and resettlement of the refugees returning from abroad, as well as persons displaced within the country.<sup>1</sup>

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<sup>1</sup> Economic and Social Council Resolution 1655 (LII) [1972]; Resolution 1705 [1972], paragraph 1.

There was an agitation for definition and the calls were answered for the first time when the Secretary General of the United Nations defined IDPs:

To be persons who have been forced to abandon their homes or their beaux, their lives, security or freedom have been threatened by generalized violence, armed conflicts, internal upheavals, or similar events seriously disturbing the public order.<sup>2</sup>

In 1998, this definition was reconstructed by Francis Deng, the Special Representative of the Secretary-General on the human rights issues related to IDPs, in his Guiding Principles submitted to the 54<sup>th</sup> Session of the Human Rights Commission. The Guiding Principles conceptualize IDPs as:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.<sup>3</sup>

It can be deduced from the definition that reasons for displacement are not conclusive as the word 'in particular' is used. According to the Black Law Dictionary, the term "particular" denotes 'relating to a part of anything or a portion of anything... comprising a part only; partial in extent; not universal.'<sup>4</sup> While the Oxford Dictionary defines

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<sup>2</sup> Report of the Secretary General to the UN General Assembly District Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (1989) A/44/520, 71.

<sup>3</sup> *United Nations Guiding Principles on Internal Displacement (1998)* E/CN.4/1998/53/Add.2 5/2 6.

<sup>4</sup> Henry Campbell Black, *Black's Law Dictionary* (4<sup>th</sup> edn, West Publishing Company, 1968) 1275

'particular' as 'a unit or one among a number...'<sup>5</sup> In the case of *State v. Patterson*,<sup>6</sup> Justice Morgan ruled that the word 'particular' cannot be overlooked in legislation. The phrase 'in particular' in the definition of IDPs in the Guiding Principles indicates 'particularly,' implying that there are other reasons that can be added to those listed in the description of an IDP, for example, developmental reasons.

Forced and internal migration are also included in the definition of IDPs. Since the definition includes conflicts, disasters, and violations of human rights, the word 'force' employed in the definition is more of a physical force. Migration can be triggered by psychological forces. People may leave their houses in search of serenity if they are experiencing anxiety as a result of a government's action or inaction. Such people are not covered by the definition. Also, a person who lives outside of his nation but is forced to return due to conflicts, disasters, or violations of human rights is not included in the definition. Such a person has not been internally displaced but has crossed an international border. Will such a person be classified as a refugee in his home country or denied IDP status? The definition is also a descriptive identification of the category of persons as it steers toward flexibility rather than legal precision.<sup>7</sup> It does not grant IDPs any legal status.

The definition also fails to pinpoint the beginning and conclusion of internal displacements,<sup>8</sup> which poses a dilemma in determining when humanitarian aid is required and is no longer required. Furthermore, displacement for economic reasons is

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<sup>5</sup> Oxford English Dictionary (*Oxford University Press, 2023*). <https://www.oed.com/search/dictionary/?scope=Entries&q=particular> > accessed 24 October 2023

<sup>6</sup> *State v Patterson* (1939) 60 Idaho 67, 88.

<sup>7</sup> Walter Kälin, 'Guiding Principles on Internal Displacement: Annotations' in *Studies in Transnational Legal Policy*, No 32 (American Society of International Law and the Brookings Institution Project on Internal Displacement 2000)13, 19.

<sup>8</sup> Albert T Akume, 'The question of Internally Displaced Persons (IDPs) in Nigeria: A Reflection on Present Realities' (2015) 32(1) *Journal of Third world studies* 221, 223.

not mentioned in the definition, but in view of the word 'particularly' used, any person facing economic problem can be classified as IDPs. Protracted displacement, which is a major issue in this field, is also not mentioned. Displacement may become protracted for a lack of appropriate solutions. The longer the displacement is protracted, the more complications it will cause. Protracted internal displacement is generally defined in terms of its duration,<sup>9</sup> (five years or more) or continuous demand for humanitarian assistance.<sup>10</sup> It is a situation in which tangible progress toward long-term solutions is slow or halted for an extended period.<sup>11</sup> Protracted internal displacement is widely recognised not just as a humanitarian issue, but also as a problem that can hinder development and impede peacebuilding initiatives in affected states.<sup>12</sup>

The definition does not have a force of law as the Guiding Principles is not a binding instrument, but it is recognized worldwide. The United Nations General Assembly endorsed it<sup>13</sup> and is an instrument used by international organizations and non-governmental organizations to protect the rights of the IDPs. Africa<sup>14</sup> and the Great Lakes Regions<sup>15</sup> adopted it while some states incorporated it in their policies and legislations.<sup>16</sup>

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<sup>9</sup> IDMC, *Global Estimates 2015: People Displaced by Disasters* (IDMC/NRC 2015) 48.

<sup>10</sup> Walter Kalin and Hannah Entwisle Chapuisat, *Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome* (OCHA 2017) 11.

<sup>11</sup> Walter Kalin and Hannah Entwisle Chapuisat, 'Guiding Principle 28: The Unfulfilled Promise to End Protracted Internal Displacement' (2018) 30 *Int'l J Refugee L* 243.

<sup>12</sup> Walter Kalin and Hannah Entwisle Chapuisat, *Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome* (OCHA 2017); World Bank, *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts* (World Bank 2017)

<sup>13</sup> World Summit Outcome [2005] A/60/L 1.

<sup>14</sup> The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) adopted 23 October 2009, entered into force 6 December 2012.

<sup>15</sup> The Great Lakes Regions are Republic of Angola, Republic of Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Republic of Kenya, Republic of Rwanda, Republic of South Sudan, Republic of the Sudan, United Republic of Tanzania, Republic of Uganda, and the Republic of Zambia. These countries adopted series of protocols on the protection and assistance of the internally displaced persons which are binding on the members states. These are known as International Conference on the Great Lakes Region (ICGLR) Protocols.

<sup>16</sup> For example, Law of Georgia on Internally displaced persons from the occupied territories of Georgia; Law on displaced persons, returnees, and refugees in the Republika Srpska; and Colombia Law 387.

With this, the United Nations High Commissioner for Refugees is of the view that IDPs is an acronym for internally displaced persons which are categorized as such by the 'soulless shorthand of bureaucracy.'<sup>17</sup> It goes further to define IDPs as civilians mostly women and children who have been forced to abandon their homes because of conflict or persecution, and in addition, victims of natural disasters such as earthquakes and floods, or people who have been impelled to leave their homes because of developmental projects.<sup>18</sup> IDPs' definition is wider than the Guiding principles' definition, as it includes development and other provisions. In another vein, UNHCR considers the IDPs to be 'persons who have had to leave their homes for refugee-like reasons and are in a refugee-like situation, but who remain within the border of their own country.'<sup>19</sup>

IDPs have been provided a set of definitions to help them understand who they are, what they need, how to collect data, and how to build laws and policies to help them.<sup>20</sup> The issue of definition ought not to be a germane issue when it comes to the infringement of fundamental rights. If the question is, 'Has a person's human rights been infringed upon?' and the answer is 'yes', the international community should be concerned and strive hard to find a solution to their problems. In all situations wherever or anyhow the right of a person or group of people is being trampled upon it ought to be the legitimate responsibility of the international community.<sup>21</sup> But in the present situation where there is no clear solution to the plights of the IDPs, the call for legal definition is warranted as these people who are homeless at home with little or no

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<sup>17</sup> UNHCR, *Internally Displaced People: Questions and Answers* (UNHCR Media Relations and Public Information Service, Geneva, Switzerland 2007) 4.

<sup>18</sup> *Ibid.*

<sup>19</sup> Division of International Protection, *International Legal Standards Applicable to the Protection of Internally Displaced Persons: A Reference Manual for UNHCR staff* (UNHCR, 1996) 2.

<sup>20</sup> Erin Mooney, 'The concept of Internal Displacement and The Case for Internally Displaced Persons as a category of concern' (2005) 24 (3) *Refugee Survey Quarterly* 9, 10.

<sup>21</sup> Gareth Evans the cha, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Brookings Institution Press, Washington, DC, 2008) 52.

assistance from their family, even their country, are crying for humanitarian assistance and stop to the fundamental infringement on their human rights.

### **3.3 Distinguishes IDPs from Refugees**

Refugee was defined in 1832 for the first time by French law 'as those who reside in France without the protection of their government.'<sup>22</sup> This definition makes it seem like the origin of the notion of refugees appears to be 'unprotected persons,'<sup>23</sup> within the confine and authority of another country without the concern of the international community or under any formal international treaties.<sup>24</sup> To give legal status to over one million displaced Russians after the First World War, a certificate was issued by the League of Nations to the displaced Russians, which made it the beginning of international refugee law.<sup>25</sup> A universally recognized definition of Refugee was stated in the Refugees Convention of 1951.<sup>26</sup> Article 1 (a) states that a person will be considered a Refugee if he has been considered so under the arrangement of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;<sup>27</sup> Article 1 (a) (2) states that:

Someone who is owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such

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<sup>22</sup> Loi Relative aux Etrangers Réfugiés Qui Résideront en France 21 April 1832 (Law Relating to Refugee Foreigners Residing in France) (Google Translate).

<sup>23</sup> A Grahl-Madsen, 'The European Tradition of Asylum and the Development of Refugee Law' (1966) 3 Journal of Peace Research 278, 280; E Haddad, 'The Refugee: The Individual between Sovereigns' (2003) 17 Global Society 297, 307.

<sup>24</sup> Phil Orchard, *A Right to Flee: Refugees, States, and the Construction of International Society* (CUP 2014) 185–89.

<sup>25</sup> Phil Orchard, 'The Contested Origin of Internal Displacement' (2016) 28(2) IJRL 1, 4.

<sup>26</sup> The Convention was signed at Geneva on 28 July 1951 and came into force on 22 April 1954.

<sup>27</sup> Article 1 (A) (1).

fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The 1951 Convention excludes the following persons from the categories of Refugees: persons who are presently receiving protection or assistance from another UN organ or agency;<sup>28</sup> persons who commit a crime against peace, a war crime, or a crime against humanity or a serious non-political crime, or as being declared guilty of acts contrary to the purposes and principles of the United Nations;<sup>29</sup> and persons who refused protection of their country but accepted protection in a third country.<sup>30</sup> Article 3 of the Cartagena Declaration and Article 1(2) of the 1969 OAU Convention broaden the definition of Refugee to a person who 'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.'

There are a series of basic rights enjoyed by the refugees under international humanitarian law and international human rights law. For example, the right of nonrefoulement gives refugees the right not to be returned to the state where their rights will be infringed upon. Article 33(1) of the 1951 Convention relating to the Status of Refugees states that the States have a duty not to return a refugee to 'the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.' This is

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<sup>28</sup> Article 1(D).

<sup>29</sup> Article 1(F).

<sup>30</sup> Article 1(C).



generally accepted as a human right.<sup>31</sup> The Refugees also have the right to move within the territory of the host.<sup>32</sup> However, due to the economic situation of countries like Kenya and Ethiopia, the movement of Refugees is curtailed.<sup>33</sup> It is worth noting that Kenyan recently reversed his position and now allows refugees to work.<sup>34</sup> In addition, the Refugee has the right to liberty of persons and security in the host country, rights to moveable and immovable property,<sup>35</sup> equal access to courts,<sup>36</sup> right to wage-earning employment as foreign nationals,<sup>37</sup> and rights to family life.<sup>38</sup>

Unlike IDPs, an important requirement to become a refugee is crossing an international border. This is the main difference between the IDPs and the Refugees. Others are, the special status and specific rights of the Refugees under international law while the IDPs do not have such rights. Also, there is no clearly defined institutional protection for the IDPs, but only a little coordinated *ad hoc* response, while refugees are protected by a relatively extensive and efficient system of international protection and assistance.<sup>39</sup>

Refugees are given special protection under the 1951 Convention relating to the status of Refugees;<sup>40</sup> Protocol relating to the status of the Refugee;<sup>41</sup> Convention Governing

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<sup>31</sup>American Convention on Human Rights (1969) article 22(8); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) article 3; African (Banju) Charter on Human and Peoples' Rights African (1981) article 12(5); Also, the case of R (on the application of) ABC (a minor) Afghanistan) v. Secretary of State for the Home Department (2011) EWHC 2937 (Administration) (United Kingdom); ECtHR, and the case of M S S v Belgium and Greece (GC) no 30696/09 ECHR 2011.

<sup>32</sup>African (Banjul) Charter on Human and Peoples' Right, article 12(1) and (3); American Convention on Human Rights, article 22; International Covenant on Civil and Political Rights, article 12; the Refugee Convention 1951, article 26.

<sup>33</sup> National Refugee Proclamation No 409/2004 art 21(2) (Eth); Kenyan Refugees Act 2006, art 16(4)

<sup>34</sup> Kenyan Refugees Act 2021, section 28(5).

<sup>35</sup> Refugee Convention (1951) article 13.

<sup>36</sup> Ibid, article 16.

<sup>37</sup> Ibid, article 17.

<sup>38</sup>International Covenant on Civil and Political Rights, article 23(1) ; Ethiopian Refugee Proclamation 409 (2004), article 12 ; Kenyans Refugees Act (2014), section 15.

<sup>39</sup> Rainer Hofmann, 'International humanitarian law and the law of refugees and internally displaced persons' in: European Commission (ed), *Law in Humanitarian Crises - How can Humanitarian Law be made Effective in Armed Conflicts (European Commission Humanitarian Office 1995)*1, 249, 276.

<sup>40</sup> Convention relating to the Status of Refugees (1951) 189 UNTS 150.

<sup>41</sup> Protocol relating to the Statues of Refugees (1967) 606 UNTS 267.

the Specific aspect of Refugee Problems in Africa;<sup>42</sup> Cartagena Declaration on Refugees; Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama;<sup>43</sup> Arab Charter on Human Rights;<sup>44</sup> and 2020 Cairo Declaration on Human Rights in Islam. The 1990 Cairo Declaration on Human Rights in Islam States, for instance, states that ‘every man shall have the right, within the framework of the Shari’ah, to free movement and to select his place of residence whether within or outside his country and if persecuted, is entitled to seek asylum in another country. The country of refuge shall be obliged to protect the asylum-seeker until his safety has been attained unless asylum is motivated by committing an act regarded by the Shari’ah as a crime.’<sup>45</sup> Its 2020 revised Cairo Declaration make a major amendment by stating that,<sup>46</sup>

Refugees and migrants are entitled to the same universally recognized human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times.

It can be argued that the word ‘migrants’ include IDPs as they migrate within their country from one location to another. Although, there is no specific international legal framework dedicated to the protection of the IDPs. The Guiding Principles on IDPs which was developed is not a binding instrument. The main cause of the exclusion of the IDPs is Article 2(7) of the UN Charter which states that ‘nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of the state.’ The sovereign equality of the states and

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<sup>42</sup> OAU, Convention Governing the specific Aspect of Refugee Problems in Africa (1969) 1001 UNTS 45

<sup>43</sup> Adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama on the 22 November 1984.

<sup>44</sup> Arab Charter on Human Rights, article 28.

<sup>45</sup> Cairo Declaration on Human Rights in Islam (1990) article 12.

<sup>46</sup> Revised Cairo Declaration on Human Rights in Islam (2020) article 12

non-intervention principles are adhered to by the international community. Subject to this, each state is expected to protect people within its borders. IDPs are within the border, which makes it the responsibility of their state government to ensure their rights are protected while the Refugees have crossed the border to give the international community jurisdiction to protect their human rights. The principle of sovereignty was adhered to during the Nigerian-Biafra civil war in the 1960s, when the High Commissioner for Refugees refused to assist IDPs, stating that his 'office is not in a position to deal with situations affecting nationals who find themselves within a territory of their country.'<sup>47</sup> The Refugees were protected by the international community, while the IDPs suffered within the border of their homes.

In 1991, the former UN Secretary-General Javier Perez de Cuellar stated that:

We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents.<sup>48</sup>

There were calls from different persons and groups of persons that the stand of the international community was unfair, unjust, and discriminatory. James Grant in 1993 stated that 'the world has established a minimum safety net for refugees...this is not yet the case with respect to internally displaced populations.'<sup>49</sup> Sergio Vieira de Mello, the UN's Emergency Relief Coordinator pleaded with the Security Council to 'alleviate the

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<sup>47</sup> Roberta Cohen, 'Reconciling R2P with IDP Protection' (2010) 2 Global Responsibility to Protect 15, 16 culled from Adam Lichtenheld, From Exclusion to Expansion: Internally Displaced People and the Evolution of the International Refugee Rights Regime, Spring 2008 (unpublished Senior Honours Thesis, University of Wisconsin, on file with author).

<sup>48</sup> Ibid.

<sup>49</sup> Roberta Cohen, 'Nowhere to Run, No Place to Hide' (2002) Bulletin of the Atomic Scientists 36, 37.

suffering of innocent people throughout the world irrespective of their location,<sup>50</sup> while Kamel Morjane, Deputy High Commissioner states that it was ‘neither ethical nor practical to distinguish between human beings because of a border they may or may not have crossed.’<sup>51</sup> The Refugee Policy Group states that ‘the fact that they are displaced internally does not mean that the international community does not have a major responsibility to protect.’<sup>52</sup> To push their point, the Refugee Policy Group convened an international conference to discuss the protection of IDPs.<sup>53</sup> The discussion was based on the gap in the international system which provides protection for refugees but fails to provide for the IDPs because they are still within their home country.<sup>54</sup>

Also, Sadako Ogata,<sup>55</sup> the High Commissioner for Refugee despite her mandate to protect the Refugee, went ahead to protect the Kurds (IDPs) inside Iraq during the Gulf war. In justifying her action in assisting the IDPs inside Iraq, she states, ‘should we follow the legal dictate of not exercising our mandate inside the border and thereby refrain from helping those prevented from crossing or should we stand more on realistic humanitarian grounds and extend whatever support we could?’<sup>56</sup> When asked why the international community is not given support, she answered, ‘the problem is

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<sup>50</sup> UNOCHA, Briefing of the Security Council on emergency situation outside the Federal Republic of Yugoslavia by Under-Secretary-General-Sergio Vieira de Mello, 3 June 1999.

<sup>51</sup> Kamel Morjane, ‘ICVA Talk Back’ (2005) Newsletter of International Council of Voluntary Agencies 7-2

<sup>52</sup> Refugee Policy Group, UN Human Rights Bodies Should Deal with the Internally Displaced, Statement before the delegates to the UN Commission on Human Rights, organized by the Quaker UN Office and the World Council of Churches, Geneva, 7 February 1990; Roberta Cohen and Jacques Cuenod, *Improving Institutional Arrangements for the Internal Displaced* (Washington DC: The Brookings Institutional-Refugee Policy Group Project on Internal Displacement, October 1995) 6-7; and Thomas Weiss and David A Korn, *Internal Displacement: Conceptualization and its Consequences* (Abingdon and New York: Routledge, 2006) 11-29.

<sup>53</sup> Refugee Policy Group, ‘Human Rights Protection for Internally Displaced Persons: An International Conference,’ 24-25 June 1991.

<sup>54</sup> Ibid.

<sup>55</sup> UNHCR from 1991 to 2000.

<sup>56</sup> Sadako Ogata, *The Turbulent Decade* (New York: W W Norton and Company, 2005) 8.

sovereignty.’<sup>57</sup> Treating sovereignty as a barrier to IDPs obtaining aid from the international community<sup>58</sup> is discriminatory. Only crossing an international border qualifies refugees for international recognition and support. Because they are unable or unwilling to traverse international borders, IDPs should not be treated differently. It is also worth noting that a large movement of IDPs into another country causes greater challenges for the international community than when they stay in their own country and obtain international recognition and support as refugees. Before IDPs' human rights are infringed upon, such persons must have been forced to leave their residences without being protected and probably taken care of by the government. The Constitution of most of the countries provided for fundamental human rights and if this is infringed upon without any consequences it means the government has failed or is one of the contributors to the displacement. Should the international community base the rights of such displaced persons in the hands of such governments?

In the 1990s, the international community realised the importance of protecting the IDPs not because of the care of the IDPs but because of the increase in the number of the IDPs which makes the number of refugees increases. An increase in the number of Refugees creates fear in the host community because of its effect on their economy and security. Given this, the host countries started closing their borders against the prospective Refugees which makes the number of IDPs increase, even more than the number of Refugees. The calls for the protection of the IDPs were then heard as they started receiving attention from the international community in the 1990s. For instance, hundreds of thousands of internally displaced Kurds in Iraq were protected by the

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<sup>57</sup> David A Korn, *Exodus Within Borders: An Introduction to the Crisis of Internal Displacement* (Brooking Institution 1999) 49.

<sup>58</sup> UN Guiding Principles, principle 3 and 25.

United States of America-led coalition on the order of the UN Security Council after the Gulf war of 1991, while the UN called for access to IDPs in Somalia, Rwanda, Bosnia, and East Timor.<sup>59</sup> These show that the international community is becoming aware of its humanitarian obligations to IDPs. However, the UN refused to act forcefully when it called on Russia to uphold its international law obligations, cease attacks on civilians, and allow humanitarian access to IDPs in its invasion of Ukraine.<sup>60</sup>

For the protection of refugees, there is a specific international universal treaty,<sup>61</sup> but there is no specific international universal treaty for the protection of IDPs. For IDPs, there are non-binding UN Guiding Principles and regional conventions in effect. As human rights must be universal, equal, and non-discriminatory, there should not be differentiation in the care and protection of the refugees and the IDPs. The absence of a specific universal international treaty for the protection of the IDPs is held to be a grave lacuna in international law.<sup>62</sup> This lacuna in international law will be examined in Chapters 4 and 5 whether it is of any importance.

### **3.4 Causes of Internal Displacement**

The incessant conflicts, natural disasters, and breaches of fundamental rights create the crisis of internal displacement. Former Secretary-General of the United Nations, Kofi Annan, states that 'internal displacement has emerged as one of the great human tragedies of our time,'<sup>63</sup> owing to the size of the problem, both in terms of severity and

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<sup>59</sup> Roberta Cohen, 'No Where to Run, No Place to Hide' (2002) *Bulletin of Atomic Scientists* 36, 38.

<sup>60</sup> UN Security Council (2022) SC/14865, Humanitarian crisis in Ukraine deteriorating at alarming speed, briefers tell security council, calling for attacks on civilians to stop.

<sup>61</sup> Refugees Convention 1951; Protocol to Refugees Convention 1967.

<sup>62</sup> Nyanduga Bahame Tom, 'The Challenge of Internal Displacement in Africa' (2004) 21 *FMR* 28.

<sup>63</sup> Cohen, R & Deng, F M, *Masses in flight: The global crisis of internal displacement* (Washington DC, Brookings Institution Press, 1998) preface.

extent, and the fact that the epidemic affects practically every corner of the globe.<sup>64</sup> To find a solution to this epidemic, its causes must be established and discussed.

### **3.4.1 Conflict Induced Displacement**

Armed conflict is defined by IHL as disagreements, fights, or wars involving two or more people, ethnic groups, or countries.<sup>65</sup> Violent conflicts most times lead to death, destruction of properties, and displacement of people. Given this, conflict-induced displacement can be defined as a situation whereby people are forced to leave their residents due to disagreement, fight, or war. There are different causes of conflict-induced displacement and some of these are displacement relating to land and natural resources, and displacement relating to ethnoreligious conflicts which will be discussed extensively as it is the major causes of displacement in Nigeria.

Ethno- religious conflict can be defined as a lack of cordiality, mutual suspicion, fear, and disagreement that tends towards violence between members of one ethnic or religious group and another.<sup>66</sup> This does not just happen, it is rooted in some basic dissatisfaction or grievances which await detonation at the slightest opportunity.<sup>67</sup> The major effect of ethnoreligious conflict is that it creates instability; displacements and destroys the peaceful coexistence of people. Nigeria being a multi-ethnic and multi-religious state has witnessed a series of conflicts from this set of people, especially in northern Nigeria

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<sup>64</sup> Abebe, A M, 'Legal and Institutional Dimensions of Protecting and Assisting Internally Displaced Persons in Africa' (2009) 22(2) JRS 158-176, 288.

<sup>65</sup> Geneva Convention 1949.

<sup>66</sup> Blessing Salawu, 'Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies' (2010) 13 (3) EJSS 345, 346.

<sup>67</sup> Adejo, AM, 'Ethnic and Communal Violence in a Plural Polity: The Nigerian Experience' in Angya Charity (ed) FSS Journal of Faculty of Arts Seminar Series, Markudi: Starix Books.

since independence in 1960,<sup>68</sup> which has led to displacement. Some of these ethnoreligious conflicts in Nigeria are enumerated below.

- a. 1980 Maitatsine riot in Kano metropolis claimed 4,177 lives.<sup>69</sup>
- b. 1982 Maitatsine riot in Bullum-Kuttu, Borno State claimed 400 lives and properties worth millions of naira destroyed.
- c. 1984 Jimeta Maitatsine crisis claimed 1004 lives and 5913 families displaced.
- d. 1987 Kafanchan tumult which spread to Funtua, Kaduna, Zaria, and environs claimed 25 lives, 61 people were injured, properties were damaged and people were displaced.
- e. In 1990 Muslims' opposition to Christian Preacher, Reinhard Bonnke to preach in Kano claimed 500 lives and property.
- f. 1992 Zangon-Kataf riot
- g. 1993 Futua crisis
- h. 1994 Jos crisis
- i. 1994 Kano crisis triggered by the beheading of an Igbo man, Gideon Akaluka for desecration of the Quran
- j. 2000 Kaduna riot in an attempt to implement sharia law claimed 300 lives.<sup>70</sup>
- k. 2001 Jos crisis claimed 1,000 lives.
- l. 2009 Boko- Haram Islamic Sect crisis in Bauchi, Borno, Kano, and Yobe claimed over 700 lives, 3,500 persons were internally displaced and properties were destroyed.

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<sup>68</sup>Blessing Salawu, 'Ethno-religious conflicts in Nigeria: causal analysis and proposals for new management strategies' (2010) 13(3) EJSS 345.

<sup>69</sup> Adebayo R I, 'Ethno-Religious Crises and the Challenges of sustainable Development in Nigeria' (2010) 12(4) JSDA 213.

<sup>70</sup> S F Jango, 'Contemporary Perception of Boko Haram and other Religious Conflicts in Nigeria' (2011) A seminar Paper presented in the Religion and cultural studies, University of Nigeria Nsukka.



- m. 2010 Jos Christmas eve bombing claimed several lives
- n. 2011 Madalla Niger State bombing claimed 50 people's lives.
- o. 2012 Kano bomb attack claimed 250 persons' lives.
- p. 2014 Chibok, Bornu State adoption of over 200 girls from Federal Government College by Boko Haram
- q. 2016 Kaduna Fulani Herds' men killed over 808 people

In the year 2022, Fulani herdsmen killed 3,000 people in the middle belt region of Nigeria who were predominantly Christians while at least 50 people were killed inside St. Francis Xavier Catholic Church, Owo, Ondo State Nigeria during prayer.<sup>71</sup> Against the background provided above, the issue of ethnoreligious conflict is a common event in Nigeria.<sup>72</sup> Different people have different opinions as to the causes of the frequent occurrence of ethno-religious conflicts. Salawu states that the cause of ethno-religious conflict in Nigeria is a multi-casual variable, which is due to freedom provided by democratic rule.<sup>73</sup> He states further that 'ethno-religious conflicts in Nigeria have to do with the accusations and allegations of neglect, oppression, domination, exploitation, victimization, discrimination, marginalization, nepotism and bigotry.'<sup>74</sup>

Chendu believes that the colonial masters laid the bed for the growth of ethno-religious conflicts through the introduction of Christianity into Nigeria against the traditional religions which were tagged idolatry.<sup>75</sup> Uka is of the view that the forceful amalgamation

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<sup>71</sup>Fiona Bruce, 'Violence against Religious Groups: Nigeria' (*Hansard UK Parliament*, 6 June 2022) < <https://hansard.parliament.uk/Commons/2022-06-06/debates/A9861C66-BDE9-45B1-A094-0818F045AF7A/ViolenceAgainstReligiousGroupsNigeria> > accessed 23 March 2023.

<sup>72</sup>Basil Ugorji, *Ethno-Religious Conflict in Nigeria* (International Center for Ethno-Religious Mediation, 2016).

<sup>73</sup> B Salawu, 'Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies' (2020) 13 (3) *EJSS* 345, 346.

<sup>74</sup> *Ibid* 348.

<sup>75</sup> Egodi Uchendu, 'Religious Conflicts in Nigeria: Implication on Socio-Economic and Psychological Perceptions of Muslims in Igbo Land' (2010) 1 *JAH* 63.

of the geographical expression known as Nigeria is the cause of ethno-religious conflicts, which before colonization Nigeria had a multi-cultural/multi-ethnic, multi-lingual, and even multi-political culture.<sup>76</sup> In a similar view, Ofoeze states that:

Nigeria...is a multi-ethnic plural society with the Igbo, Hausa and Yoruba consisting of the three largest groups. Each of these ethnic groups, prior to colonial invasion had existed independently on its own and had its own socio-cultural, political and economic systems by which the entire life of its members was organized. These systems varied quite markedly among these ethnic groups so much so that in some cases, they were mutually antithetical and contradictory. It was rather these disparate ethnic groups that the colonial overlords forcefully hammered into one geo-political amalgam as Nigeria.

Also, Ibenwa and Ngele are of the opinion that the birth and growth of ethno-religious conflicts in Nigeria were caused by the alliance of the Emirs in Northern Nigeria<sup>77</sup> and Lord Fredrick Lugard that the Christians should not be allowed to preach or evangelised in the North without the permission of the Emirs.<sup>78</sup> This is the beginning of the mistrust and unhealthy relationship among the religious and ethnic groups in Nigeria.

Constitutionally, there are rights to freedom of religion,<sup>79</sup> movement,<sup>80</sup> right to private and family life,<sup>81</sup> right to freedom from discrimination,<sup>82</sup> and freedom to own a house

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<sup>76</sup> E M Uka, 'Ethnic, Religious and Communal Conflict in Nigeria: Implication for Security' (2008) 1 Bassey Andah Journal of Cultural Studies 1.

<sup>77</sup> Nkechi G Onah, Benjamin C Diara, Favour C Uroko, 'Ethno-Religious Conflicts in Nigeria: Implications on Women' (2010) MJSS 61.

<sup>78</sup> Ibid.

<sup>79</sup> Constitution of Federal Republic of Nigeria 1999, section 38.

<sup>80</sup> Ibid, section 41.

<sup>81</sup> Constitution of Federal Republic of Nigeria 1999, section 37.

<sup>82</sup> Ibid, section 42.

or property anywhere in Nigeria.<sup>83</sup> Based on these rights, it is unconstitutional to discriminate but, unfortunately, most ethnic and religious crisis starts from discrimination. Most fights in Northern Nigeria are between the southern Christian Nigerians and northern Muslims.<sup>84</sup> The discrimination against one group of society and the other most times led to war. The state government at times creates displacement for selfish reasons through this act.<sup>85</sup> For example, the Zamfara state government of Nigeria instituted Islamic Shari'a law into its state which comprises Christians, Muslims, and other religions.<sup>86</sup> This created fears of the Islamization of the state and ignited inter-religious violence that claimed lives and the destruction of properties.<sup>87</sup> This led to the displacement of Christians who had to flee to other states.

Furthermore, the deterioration of social security led to the formation of revivalist and millenarian groups in both Muslim and Christian religions, which are now hyper-conservative in approach and consider holy conflicts as divinely mandated.<sup>88</sup> Different beliefs or doctrines in the religion contributes also to conflicts in Nigeria which make internal displacement an issue to date. For example, the Boko Haram<sup>89</sup> crisis led a lot of

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<sup>83</sup> Constitution of Federal Republic of Nigeria 1999, section 43.

<sup>84</sup> Johannes Harnischfeger, *Democratization and Islamic law: The sharia conflict in Nigeria* (Campus Verlag, 2008); Voice of America News, 'Obasanjo accesses riot damages in kano: 2001-10-16' <<https://www.voanews.com/a/a-13-a-2001-10-16-32-obasanjo-67542777/286046.html>> (VOA, 2001) accessed 28 April 2022; BCC News, 'Kano: Nigeria's ancient city-state' (20 May 2004) <<http://news.bbc.co.uk/1/hi/world/africa/3708309.stm>> accessed 28 April 2022.

<sup>85</sup> UNHCR, *The state of the World's Refugees: Human Displacement in the New Millenium* (London: Oxford University Press, 2006) 156.

<sup>86</sup> The Sharia law was introduced by the former Governor of Zamfara State, Governor Sani Ahmed through public proclamation on 27 October 1999 and came into force on 27 January 2000

<sup>87</sup> Oxford Department of International Development, 'Sharia implementation in Northern Nigeria after 15 years' (*University of Oxford*) <<https://www.qeh.ox.ac.uk/content/sharia-implementation-northern-nigeria-after-15-years>> accessed 13 September 2021.

<sup>88</sup> O Ibeanu, 1998, 'Nigeria' in Jamie Hampton (ed), *Internally Displaced People: A Global Survey* (London: Earthscan Publications Ltd) 50.

<sup>89</sup> *Boko Haram*, a Hausa phrase meaning 'Western Education is forbidden' or 'Western Education is sinful' is the name commonly used to refer to the movement 'AhlisunnahLidda'awatiwa'l-Jihad', or the 'People Committed for the Propagation of the Prophet's Teachings and Jihad'.

people into displacement and made Nigeria one of the highest countries with several displaced persons in Africa to date.

### **3.4.2 Disaster-Induced Displacement**

The UN Guiding Principles on internal displacement uses a broad definition of ‘Internally Displaced Persons’ as ‘persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of... natural or human-made disasters, and who have not crossed an internationally recognized state border.’<sup>90</sup> Disaster causes great havoc in the displacement of persons. In 2016, over 24.2 million were forced into displacement worldwide, while in 2017, 18.8 million people; in 2018, 17.2 million people; in 2019, 24.9 million people; and in 2020, 30.7 million people.<sup>91</sup> There is a projection that by 2050 over 216 million people will be internally displaced due to climate change,<sup>92</sup> as over 25 million people are being displaced every year.<sup>93</sup> Disaster can be defined as ‘a calamitous event or series of events resulting in widespread loss of life, great human suffering, and distress, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society.’<sup>94</sup> A disaster-induced displacement, according to this definition, is a situation in which people are displaced within their own country as a result of a catastrophic occurrence that causes significant damage.

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<sup>90</sup> *United Nations Guiding Principles on Internal Displacement (1998)* E/CN4/1998/53/Add 2 5/2.

<sup>91</sup> M Szmigiera, ‘Number of people displaced due to disasters worldwide from 2008 to 2020’ (2021) <<https://www.statista.com/statistics/545876/number-of-people-displaced-due-to-disasters-worldwide/>> accessed 8 September 2021.

<sup>92</sup> Clement Viviane, Rigaud Kanta Kumari, de Sherbinin Alex, Jones Bryan, Adamo Susana, Schewe Jacob, Sadiq Nian, Shabahat Elham, ‘*Groundswell Part 2: Acting on Internal Climate Migration (2021)*’ (World Bank, Washington, DC) <<https://openknowledge.worldbank.org/handle/10986/36248>> accessed 1 April 2023

<sup>93</sup> IDMC, ‘UCL Humanitarian Summit’ (IDMC, 2022) < <https://www.internal-displacement.org/events/human-displacement-in-the-context-of-extreme-weather-events-and-climate-change>> accessed September 11, 2022.

<sup>94</sup> United Nations International Law Commission, *Draft Articles on the Protection of Persons in the Event of Disasters*, supplement A68/10, art 3.

There are mixed reactions as to the status of displaced persons by a disaster. While the UN Guiding Principles, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), and the Human Rights Council consider displaced persons by disaster as IDPs, some states and international organizations hold a contrary view. In Colombia, the national legislation that protects conflicts-induced IDPs does not cover those displaced by disasters,<sup>95</sup> while in Armenia the disaster-displaced persons are known as ‘ecological migrants,’<sup>96</sup> and in Aceh, they are referred to as ‘homeless.’<sup>97</sup>

Also, the disaster-induced displaced persons who cross the international border are not recognized as refugees,<sup>98</sup> except in special circumstances like when the host government deliberately demolishes the environment as a weapon of persecution or refuses to give support to their citizens.<sup>99</sup> In view of this, the status of disaster-induced displaced persons outside the international border is dicey and in that position, their home government has little or nothing to do in affording them protection as they are not within its territorial borders.

There are two sets of protection mechanisms available for people displaced by a disaster which are, displacement mechanisms and disaster mechanisms. Displacement

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<sup>95</sup> Colombia Law 387 Article 1 defines the internally displaced as ‘all people forced to migrate within the national territory, abandoning their place of residence or habitual economic activities because their lives, physical integrity, security, or personal liberty were made vulnerable or were directly threatened due to any of the following situations: internal armed conflict, internal disturbances and tensions, generalized violence, massive human rights violations, infractions of international humanitarian law, or other circumstances emanating from the abovementioned situations that cause potential or actual drastic alterations in public order.’

<sup>96</sup> T Greene, ‘Internal Displacement in the North Caucasus, Azerbaijan, Armenia, and Georgia’ in R Cohen and F Deng, *The Forsaken People: Case Studies of the Internally Displaced* (1998) 270.

<sup>97</sup> M Couldrey and T Morris ‘Post-tsunami Protection Concerns in Aceh’ (2006) Special Issue, FMR 28.

<sup>98</sup> Under the definition of ‘refugee’ in the Convention Relating to the Status of Refugees (1951) 189 UNTS 137.

<sup>99</sup> M Stavropoulos, ‘Drowned in Definitions’ (2008) 31 *Forced Migration Review* 1112; UNHCR, ‘Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective’ (UNHCR, 2008).

< <https://www.refworld.org/docid/492bb6b92.html> > accessed 8 September 2021, 7-9.

mechanisms cover all forms of human displacement ranging from political, social, environmental, or economic causes while disaster mechanisms address the issues of natural disasters<sup>100</sup> from the initial emergency response phase to rebuilding.<sup>101</sup> The two mechanisms overlap where displacement is caused by a natural disaster which allows the displaced persons to be protected under the two mechanisms as both are connected under the general human rights principles. The two mechanisms need to be ensured by the host state. The victims of disaster are entitled to human rights which their state has the primary duty to protect and where the state is not capable or fails to protect such rights, the international community shall have the duty to respect and protect such rights.<sup>102</sup>

In Nigeria, the most ravaging disasters are floods and oil spillage while others are landslides, desertification, coastal erosion, drought, sandstorms, deforestation, and air pollution.<sup>103</sup> About 20% of Nigeria's landmass is turning to desert rapidly.<sup>104</sup> Gully erosion is most severe in the south-east, north-east, and western states, with Anambra and Enugu being the worst affected, while wind erosion is particularly severe in the north-west and north-east states, where farmlands are covered by drift sands.<sup>105</sup> Coastal and marine erosion and subsidence are especially common in coastal areas like Rivers, Bayelsa, Akwa Ibom, and Cross River State.<sup>106</sup> While there are heavy

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<sup>100</sup> Examples of natural disaster include earthquakes, volcanic eruptions, flood, pandemics, tornadoes, tsunamis, landslides, cyclones and other extreme weather conditions.

<sup>101</sup> Bridget Lewis and Rowena Maguire, 'A Human Rights-based Approach to Disaster Displacement in the Asia-Pacific' (2016) 6 AJIL 326-352.

<sup>102</sup> UN Protection of Persons in the Event of Disasters, (2010) A/CN.4/L. 776.

<sup>103</sup> Steve I Onu, 'Natural Hazard Governance in Nigeria' in Brian J Gerber, Ann-Margaret Esnard, Bruce Glavovic, Christine Wamsler, Obijiofor Aginam, Thomas A. Birkland, and Tomothy sim (eds) *Oxford Encyclopedia of Natural Hazard Governance* (Oxford University Press 2019).

<sup>104</sup> Emodi Emeka Edmond, 'Drought and Desertification as they affect Nigeria Environment' (2013) 4 JEMS (2013) 45.

<sup>105</sup> Nigeria National Disaster Risk Management Policy, (2018) 1.

<sup>106</sup> Ibid.

compensations placed on BP in the Deepwater Horizon oil spill case by a court in the US,<sup>107</sup> only in a few celebrated cases, like that of the Bakolori peasants who were displaced by a dam in the 1980s and the Ogonis whose livelihoods were threatened by oil exploration were organised and effectively put their condition on the political agenda.<sup>108</sup>

To manage disasters, the Nigerian Government established the National Emergency Relief Agency (NERA) in 1976, whose main purpose is to provide post-disaster relief. In view of the increase in death and displacement caused by natural disasters, the Federal Government of Nigeria established the National Emergency Management Agency (NEMA) in 1999 to replace NERA to manage disasters in Nigeria. Despite the achievement the institution made, it is not well articulated to coordinate response activities before and during a disaster.<sup>109</sup> They acted most of the time as relief distributors to the victims. In December 2020, NEMA distributed relief materials to displaced persons in Borno State of Nigeria. In May 2021, it provides Nigerian Hydrological Services Agency (NIHSA) three automatic Weather Observation Station and provides relief materials to displaced persons in Niger State.<sup>110</sup>

According to Mashi and others, NEMA handled disasters in Nigeria with effectiveness and efficiency.<sup>111</sup> They contend that issues like the NEMA Act of 1999's shortcomings,

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<sup>107</sup> United States Environmental Protection Agency, 'Summary of criminal prosecution' (*USEPA*, 2013) <[https://cfpub.epa.gov/compliance/criminal\\_prosecution/index.cfm?action=3&prosecution\\_summary\\_id=2468](https://cfpub.epa.gov/compliance/criminal_prosecution/index.cfm?action=3&prosecution_summary_id=2468)> accessed 30 April 2022.

<sup>108</sup> I Ibeanu, 'Exiles in their own Home: Internal Population Displacement in Nigeria' (1998) 3(2) *AJPS*.

<sup>109</sup> Godwin Onyemaechi Nnadi et al, 'The National Emergency Management Agency (NEMA) and the Challenges of Effective Management of Internal Displaced Persons in Northeastern Nigeria' (2020) 25(5) *IOSR Journal of Humanities and Social Science* 14.

<sup>110</sup> National Emergency Management Agency, 'NEMA in action' (*NEMA*, 2021) <https://nema.gov.ng/nema-in-action/> accessed 8 September 2021.

<sup>111</sup> Sani Abubakar Mashi, 'Disaster Risks and Management Policies and Practice in Nigeria: A Critical Appraisal of the National Emergency management Agency Act' (2019) 33 *International Journal of Disaster Risk Reduction*, 253.

which neglected to adequately address disaster risk management and specify the roles and responsibilities of various stakeholders on the subject of risk reduction; the corruption of the state's environmental management agencies; a lack of funding; and an excessive workload limit NEMA's capability.<sup>112</sup> There is a lot to attend to in protecting the rights of IDPs from disasters.

### **3.4.3 Development Induced Displacement**

Development projects bring significant and sustainable contributions to society but also bring internal displacement. Urbanization and industrialization involve electrification; the construction of dams for potable water and irrigation; the construction of good roads and rails for transportation; and infrastructural developments. To achieve all these, people most times are displaced from their residents or place of abode. Development-induced displacement is characterized by the permanent relocation of people.<sup>113</sup> There are an estimated 15 million people per year who are displaced due to developmental projects.<sup>114</sup> Development that forcefully removes people from their land and habitat carries with it not just immediate disruption and pain, but also significant long-term dangers of more impoverishment, increased economic vulnerability, and social disintegration.<sup>115</sup>

Cernea is of the view that this kind of displacement can lead to eight forms of impoverishment, which are homelessness, joblessness, marginalization, landlessness, loss of access to common property, food insecurity, social disarticulation, and increased

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<sup>112</sup> Ibid.

<sup>113</sup> Heather Randell, 'The Short-term Impacts of Development-Induced Displacement on Wealth and Subjective well-being in the Brazilian Amazon,' (2016) 87 World Development 385.

<sup>114</sup> M M Cernea and H M Mathur (EDs.), *Can compensation prevent impoverishment? Reforming resettlement through investments and benefit-sharing*, (Oxford University Press, Oxford, UK 2008).

<sup>115</sup> Michael Cernea, 'Bridging the Research Divide: Studying Development Oustees' in Tim Allen (ed), *In Search of Cool Ground: War, Flight and Homecoming in Northeast Africa* (London: United Nations Research Institute for Social Development, Africa World Press and James Curry 1996).



morbidity.<sup>116</sup> Theodore added irreversible social and cultural impoverishment to the effect of development displacement.<sup>117</sup> The position of most Governments and the international community is that development-induced displaced persons must be resettled. The persons affected by the development projects should be able to improve or be the same as before the development.<sup>118</sup> The resettlement must be part of the development plan and the victims should be compensated for lost assets, loss of income, and livelihood, and placed into a position he was in before the development.<sup>119</sup> Resettlement and compensation are not effective enough to restore the livelihood of displaced persons. It must be noted that 'resettlement rips routine relationship of social time and social space, laying bare critical, but often ignored, dimensions of culture.'<sup>120</sup>

In Nigeria, the land in each state is vested in the Governor of that state who holds it in trust and administers it for the common benefit of everyone.<sup>121</sup> If compensation is to be paid, it will be based on the property or development of the land before acquisition by the Government. Compensation will only be paid for the farm produce on the land and not the economic value of the land, and interestingly, most of these displaced persons are not resettled but moved to IDP camps. Nigerian law does not have a provision for

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<sup>116</sup> Michael M Cernea, 'Understanding and Preventing Impoverishment from Displacement: Reflection on the state of knowledge' in Christopher McDowell (ed), *Understanding Impoverishment: The consequences of Development- Induced Displacement* (Berghahn Books-Oxford 1996) 21-22.

<sup>117</sup> Theodore E Downing, *Avoiding new poverty: Mining induced displacement and resettlement* (IIED, April 2002) 5.

<sup>118</sup> Gebre Yntiso, 'Urban Development and Displacement in Addis Ababa,' (2008) 24(2) *Eastern Africa Social Science Research Review*, 53-77, 59.

<sup>119</sup> Asian Development Bank, 'Policy on Inventory Resettlement' (*ADB*, 1996).

<<https://www.adb.org/documents/policy-involuntaryresettlement>> accessed 15 March 2021, 7-11.

<sup>120</sup> Theodore E Downing, 'Mitigating Social Impoverishment When People are Involuntary Displaced' in Christopher McDowell, *Understanding Impoverishment: The consequences of Development- Induced Displacement*, (Berghahn Books-Oxford 1996) 33.

<sup>121</sup> Section 1 of Land Use Act, Cap L5, Laws of the Federation of Nigeria 2004.

the replacement of land because another person's land cannot be acquired to be given to someone whose land has been acquired for public use.

Peradventure if there is government land, it can only be given out on leasehold, upon which rent will be required to be paid. Also, the Government most times delays paying compensation and there is always a huge task in the process of assessing compensation. These effects are avoidable and can be mitigated through more enlightened national and international policies, especially on resettlement policy with clear guidelines and procedures. Development Planning should include resettlement, compensation, and livelihood restoration of the victims.<sup>122</sup>

#### **3.4.4 Political Induced Displacement**

A political-induced displacement is a new form of displacement led by the state.<sup>123</sup> It can be defined as a situation whereby the government displaces its opponent from the state's infrastructures like markets and housing units due to their differences. This form of politically induced displacement is clientelist politics, whereby state resources are used to promote personal policies. Lewis and Ilse define it as a 'process where state-led transformation of dilapidated urban infrastructure is accompanied by the replacement of supporters of opposition political parties with individuals who are affiliated with ruling political parties.'<sup>124</sup> The state-led urban regeneration often promotes the displacement of low-income households and small businesses by wealthy households

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<sup>122</sup> Ataklti Gebreyesus, and Shishay Tadesse, 'Livelihood Impact of Development-Induced Displacements: An investigation into Post-Project Livelihood of PAPs' (2019) 35(2) EASSRR 1.

<sup>123</sup> Lewis Abedi Asante and Ilse Helbrecht, 'Urban Regeneration and Politically-Induced Displacement in a Secondary African City: A Case of the Kotokuraba Market Project, Cape Coast, Ghana' (2020) 115 Geoforum, 31.

<sup>124</sup> Ibid.

and big businesses.<sup>125</sup> It is one of the commonest politically induced displacements in the development of the city.<sup>126</sup> The effect of this action of the Government is that people are forced to leave their base unplanned to an unknown place. They are internally displaced, and it is not easy to cross the border because this cannot be a genuine reason to key into the status of refugees.

### 3.4.5 Climate Change and Anthropogenic factor

Climate change is another cause of internal displacement. It presents an exceptional challenge with devastating effects on humanity. Climate change does not directly displace people, but it produces environmental effects that make it difficult for people to live in an area.<sup>127</sup> Climate change will certainly have an impact on organisms and ecosystems as well as human systems and well-being. These changes will include an increase in both land and ocean temperature.<sup>128</sup> Climate change made displacement and will still cause displacement by making a certain part of the world much less viable places to live.<sup>129</sup> In 2008, 20 million people were displaced by extreme weather

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<sup>125</sup> I Lindall, and C Ampaire, 'The untamed politics of urban informality: "Gray Space" and struggles for recognition in an African city' (2017) 17(1) *Theoret Inq Law*, 257-282; T Gillespie, 'Accumulation by urban dispossession: Struggles over urban space in Accra, Ghana,' (2016) 41 *Transaction of the Institute of British Geographers*, 66.

<sup>126</sup> Jeffrey W Paller, *Democracy in Ghana: Everyday Politics in Urban Africa*, (Cambridge University Press, Cambridge 2019).

<sup>127</sup> Elizabeth Ferris, 'Displacement, Natural Disasters, and Human Rights' (*Brookings*, 2008) <<https://www.brookings.edu/on-the-record/displacement-natural-disasters-and-human-rights/>> accessed 8 September 2021.

<sup>128</sup> Hoegh-Guldberg, O, D Jacob, M Taylor, M Bindi, S Brown, I Camilloni, A Diedhiou, R Djalante, K L Ebi, F Engelbrecht, J Guiot, Y Hijioaka, S Mehrotra, A Payne, S I Seneviratne, A Thomas, R Warren, and G Zhou, 'Impacts of 1.5°C Global Warming on Natural and Human Systems,' in Masson-Delmotte, V P Zhai, H O Pörtner, D Roberts, J Skea, P R Shukla, A Pirani, W Moufouma-Okia, C Péan, R Pidcock, S Connors, J B R Matthews, Y Chen, X Zhou, M I Gomis, E Lonnoy, T Maycock, M Tignor, and T Waterfield (eds) *Global Warming of 1.5°C 'An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, (IPCC, 2018)* <<https://www.ipcc.ch/sr15/chapter/chapter-3/>> accessed 8 September 2021.

<sup>129</sup> IOM Migration Research Series, 'Migration and Climate Change' (International Organisation for Migration, Switzerland, 2008)1.

conditions and there is a projection that between 25 million to 1 billion people will be displaced due to climate change by the year 2050.<sup>130</sup>

Climate change is projected to be a poverty multiplier, which means that its impacts are expected to make the poor poorer and the total number of people living in poverty greater.<sup>131</sup> Filippo Grandi states that ‘we need to invest now in the preparedness to mitigate future protection needs and prevent future climate caused displacement. Waiting for disaster to strike is not an option.’<sup>132</sup>

### **3.5 Violations of IDPs’ Rights**

The effect of internal displacement on society and the IDPs is devastating. It violates the human rights of the victims, the subsequent loss of properties and family members; lack of access to health care, education, economic activities, potable water, and sanitation. It creates the inability of IDPs to enjoy their fundamental rights. They face a lot of infringements on their basic human rights. Most of them are homeless. The properties destroyed infringe on the right to own property; inhuman or degrading treatment infringes on the right to dignity of the human person; discrimination against IDPs breaches their right to freedom from discrimination; and family disassociation breaches the right to family and private life. Kalin and Robert Goldman pointed out that displacement:

Breaks up the immediate family, cuts off important social and cultural community ties; terminate stable employment relationships; precludes or forecloses formal educational opportunities; deprives infants, expectant

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<sup>130</sup> Ibid.

<sup>131</sup> n 95.

<sup>132</sup> UNHCR, ‘Climate change and disaster displacement’ (UNHCR, 2021) <[https://www.unhcr.org/climate-changeanddisasters.html?gclid=EAlalQobChMlZ\\_BzYPw8glVehoGAB3zawCtEAAYASAAEgIFivD\\_BwE&gclid=aw.ds](https://www.unhcr.org/climate-changeanddisasters.html?gclid=EAlalQobChMlZ_BzYPw8glVehoGAB3zawCtEAAYASAAEgIFivD_BwE&gclid=aw.ds)> accessed 8 September, 2021.

mothers, and the sick of access to food, adequate shelter or vital health services; and make the displaced population especially vulnerable to acts of violence, such as attacks on camps, disappearance or rape.<sup>133</sup>

These problems are beyond their basic humanitarian needs but go dip into their fundamental human rights, as they often face all sorts of criminal acts. To make the necessary corrections to the problems of IDPs, these infringements and other associated problems need to be identified and discussed.

### **3.5.1 Sexual and Gender-Based Violence**

Gender-based violence is a human rights issue associated with IDPs. It affects both sexes but is most prevalent in women and girls.<sup>134</sup> It ranges from physical violence during displacement and sexual violence thereafter. There are reports of gender-based violence in exchange for material needs in the hands of the military personnel that are supposed to protect the IDPs.<sup>135</sup> The Istanbul Convention,<sup>136</sup> defined violence against women as:

A violation of human rights and a form of discrimination against women and girls shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to

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<sup>133</sup> R Cohen, and F M Deng, *Masses in flight: The global crisis of internal displacement*, (Washington, DC: Brookings Institution, 1998) 74.

<sup>134</sup> Oluwadamilola A Adejumo, Lorretta Ntoimo, Micheal S Odimayo, Wasiu O Adebimpe, Benedette Okiei, Walter Osungbemi, Ebenezer Olajuyigbe, Kate Igbafe, Abiola Temitayo-Oboh, Toyin Faboya, Olubunmi Oludiran, Friday E Okonofua, 'Experience of Gender-based Violence by Internally Displaced Women in Southern Nigeria: A Cross-sectional Study' (2021) JIV 1.

<sup>135</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the world's Human Rights* (2018) 284.

<sup>136</sup> Istanbul Convention is a human rights treaty of the Council of Europe on prevention and combating violence against women and domestic violence, 2011.

women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.<sup>137</sup>

There are other regional conventions like the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women 1994 (Convention of Belem do Para); and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 (Maputo Protocol) that explicitly deal with violence against women and responsibility of states to protect.

In Nigeria, internally displaced women and girls are vulnerable to abduction, exploitation, rape, sexual slavery, incessant assault, and forced marriage,<sup>138</sup> even inside Government camps which ought to be secure places. For example, an act of rape in the camp is an epidemic. In 2019, at the Bakassi Internally Displaced Persons' Camp, a flight lieutenant was convicted of raping a 14 years old girl who came out to collect firewood.<sup>139</sup> A rape case against a staff member of a non-governmental organisation who raped a 14-year-old internally displaced girl to death was also reported on January 20, 2022.<sup>140</sup> Furthermore, Amnesty International claimed on May 24, 2018, that the Nigerian Military and Civilian Joint Task Force raped thousands of internally displaced women in 2018.<sup>141</sup> On the 2nd of June 2018, a group of women denied the allegation

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<sup>137</sup>Council of Europe Convention on preventing and combating violence against women and domestic violence 2011, article 3(1).

<sup>138</sup> OHCHR, 'Northeast Nigeria: Addressing Impunity for Sexual Violence Amidst a Decade-Long Conflict' (OHCHR, 2019) <<https://www.ohchr.org/EN/NewsEvents/Pages/SexualViolenceNortheastNigeria.aspx>> accessed 9 September 2021.

<sup>139</sup> Ibid.

<sup>140</sup> Vanguard Newspaper, 'How NGO Staff Raped 15-year-old Female IDP to Death in Borno' (Vanguard Newspaper, 21 January 2022) <<https://www.vanguardngr.com/2022/01/how-ngo-staff-raped-15-year-old-female-idp-to-death-in-borno/>> accessed 28 April 2022.

<sup>141</sup> Amnesty International, 'Nigeria: Starving Women Raped by Soldiers and Militia who Claim to be Rescuing Them' (Amnesty International) 24 May 2018 <<https://www.amnesty.org/en/latest/news/2018/05/nigeria-starving-women-raped-by-soldiers-and-militia-who-claim-to-be-rescuing-them/>> accessed 29 May 2022

against the military,<sup>142</sup> but on the 5th of June 2018, a group of internally displaced people led by Hajiya Hamsatu Allamin campaigned for justice, claiming that they were raped by the military as Amnesty International claims, but that they were forced to deny it by the military.<sup>143</sup> These are pathetic reports as perpetrators are in a position to protect the victims. There are lots of atrocities that are against the human rights of Internally Displaced women and girls which ought to be corrected.<sup>144</sup>

Also, men and boys are experiencing sexual violence and are more exposed to attacks during violence than women and girls, although it is not pronounced in most of the research. It always goes unreported and unnoticed. The focus is more on a female without discussion or raising issues in respect of the plights of displaced men and boys, it is discriminatory.

### **3.5.2 Child's Rights Violation**

Children are vulnerable because of their incapability to manage and protect their rights without the assistance of a guardian. In this respect, there are legal frameworks for the protection of the rights of children. Article 6 of the United Nations Convention on the Rights of a Child<sup>145</sup> states that the inherent right to life of a child must be recognized and the state party must ensure the survival and development of a child. Similar provisions are enshrined in the African Charter on the Rights and Welfare of a Child, which states that 'every child shall be entitled to the enjoyment of the rights and freedoms

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<sup>142</sup> Vanguard News, 'No one raped us, Amnesty International lied-Borno IDPs, others Reveal' ( *the Vanguard*, 2 June 2018, < <https://www.vanguardngr.com/2018/06/no-one-raped-us-amnesty-international-lied-borno-idps-others-revealed/>> accessed 29 April 2022.

<sup>143</sup> Vanguard News, 'We were Actually Raped and Forced to Deny it by Soldiers-Borno IDPs' 5 June 2018 < <https://www.vanguardngr.com/2018/06/actually-raped-forced-deny-soldiers-borno-idps/>> accessed 29 April 2022.

<sup>144</sup> Ibid.

<sup>145</sup> G A Res 44/25 of 20 November 1989 entry into force 2 September 1990.

recognized and guaranteed in this Charter...<sup>146</sup> Do internally displaced children enjoy the rights as stated in the international treaties? As of the end of 2019, Internally Displaced Children by conflict globally are more than 19 million while those displaced by disasters are in millions.<sup>147</sup> In West and Central Africa, 5.4 million children are internally displaced.<sup>148</sup> The risks and challenges facing these children are numerous. They live destitute lives in their own country. As teenagers, some are disintegrated from their parents and most struggle to provide for themselves. They are molested, harassed, used for labour, and forced to join armed groups while others are vulnerable to abuse, harassment, violence, and exploitation. Their rights to education under international norms faded away as they were in transit or IDP camps where no such provisions were made.<sup>149</sup> Also, they faced acute deprivation in their access to health care, clean water and sanitation, secure accommodation, and protective services. These deprivations and breaches of human rights can be particularly acute in the lives of displaced children and cause long-lasting harm. Children are correctly seen as the most vulnerable in the world.<sup>150</sup>

### **3.5.3 Infringement on the Freedom of Movement**

Globalization has increased the movement of people within and outside their country's borders, but not so with the IDPs. According to Nickel:

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<sup>146</sup> African Charter on the Rights and Welfare of the Child 1999, Doc. CAB/LEG/24.9/49 (1990, article 3

<sup>147</sup> Unicef Data, 'Lost at home: The risks and challenges for internally displaced children and urgent actions needed to protect them' (UNICEF, 2020) <<https://data.unicef.org/resources/lost-at-home-risks-faced-by-internally-displaced-children/#:~:text=Internally%20displaced%20children%20are%20particularly%20vulnerable%20to%20abuse%2C,of%20the%20opportunity%20to%20reach%20their%20full%20potential>> accessed 8 September 2021.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Unicef Data, '2020: Migrant and displaced children in the age of COVID-19' (UNICEF, 2020) <<https://data.unicef.org/resources/migrant-and-displaced-children-in-the-age-of-covid-19/>>



A person who is imprisoned or even under house arrest suffers greatly reduced abilities to act in a multitude of areas. Freedom of movement is the liberty to go-and stop- where one pleases within the limits of respect for the liberty and rights of others...residence is closely related to movement, it is a liberty to choose a new place as one's temporary or permanent home, along with the liberty to resolutely stay in one's native place if one wishes.<sup>151</sup>

Generally, the rights of movements are set forth under several international treaties, regional instruments, States Constitutions, and laws. For example, the Universal Declaration of Human Rights states that 'everyone has the right to leave any country including his own, and return to his country.'<sup>152</sup> The International Convention on the Elimination of all Forms of Racial Discrimination prohibits any form of racial discrimination but creates the right to leave anywhere in one's own country or outside the border of the country.<sup>153</sup> Articles 12 and 13 of the International Covenant on Civil and Political Rights (ICCPR), Article 10 of the Convention on the Rights of the Child (CRC), Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD), Article 15 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Article 12 of the African Charter on Human and People's Rights contain rights to freedom of movement. Also, the UN Guiding Principles grants IDPs the right to liberty of movement in and out of camps or settlement and the freedom to choose their residence.<sup>154</sup> In the same vein, most countries have embedded this right in their Constitutions. Article 29(2) (a) of the Constitution of Uganda guarantees the freedom of

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<sup>151</sup> James W Nickel, *Making Sense of Human Rights* (2nd edn, Malden, Mass: Blackwell Publishing 2007).

<sup>152</sup> Universal Declaration of Human Rights 1948, article 13 (2).

<sup>153</sup> International Convention on the Elimination of all forms of Racial Discrimination 1965, article 5.

<sup>154</sup> United Nations Guiding Principle, principle 14.

everyone to move freely in Uganda and reside in any part of the country; Section 21 of the Constitution of South Africa guarantees the right of movement within and outside the country; Article 33 paragraph 2 of the Syrian Constitution provides for rights to free movement; also, the Constitution of Ethiopia,<sup>155</sup> South Sudan,<sup>156</sup> India,<sup>157</sup> Armenia,<sup>158</sup> and Sri Lanka.<sup>159</sup> It is worthy of note that like other Nations, 'every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.'<sup>160</sup>

Despite the above-mentioned laws and treaties, the freedom of movement of the IDPs is being infringed upon daily. Most times the IDPs are kept in camps known as IDP camps and their movement is restricted to a particular area of their country. They may not even be allowed to cross the border of their country. The reasons for the restriction are insecurity, which usually occurs during armed conflict or violence; the hostility of the neighbouring community; use as an instrument of shield against opposition attack; lack of documentation and identification; attitude and inaction of Government; fear of apprehension of conflict or disaster, Government Policy; and the specific area designated as a reliefs distribution center.

While the freedom of movement may be limited, as permitted by article 12(3) ICCPR, either as a derogation under article 4 of the ICCPR or to safeguard public health, morals,

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<sup>155</sup>Constitution of the Federal Democratic Republic of Ethiopia 1995, article 32.

<sup>156</sup> The Interim National Constitution of the Republic of the Sudan (Amendment) 2015, article 27.

<sup>157</sup> The Constitution of India 2020, article 19.

<sup>158</sup> The Constitution of Republic of Armenia 2015, article 40.

<sup>159</sup> The Constitution of Democratic Socialist Republic of Sri Lanka 2020, article 14.

<sup>160</sup> Constitution of the Republic of Nigeria 1999, section 41(1).

public safety, or other people's rights and freedoms. The state must safeguard IDPs' freedom of movement in compliance with international standards.

#### **3.5.4 Family Disintegration**

A family is a natural unit and an integral part of society. Regrettably, displacement has resulted in the disintegration of IDP families and communities. The family is recognized to be protected and cared for by the government under several treaties and conventions. Article 8 of the European Convention on Human Rights states that everyone has a right to private and family life while Article 18 of the African Charter on Human and Peoples' Rights states that the members' states should protect and take care of physical health and morals of the family. Likewise, Article 11(3) of the American Convention on Human Rights 1969 which is in all force with Articles 17 and 23 of the International Covenant on Civil and Political Rights 1966 states that people have the right to protection against arbitrary or abusive interference with their private life, their family, and their homes. Also, Article 12 of the Universal Declaration of Human Rights 1948 and Article V of the American Declaration of the Rights and Duties of Man, 1948 state that the family must be protected against any arbitrary interference. Despite the existence of these treaties and covenants, most displaced persons' families have still been disintegrated due to a lack of proper government help.

Displacement disarticulates the kinship system whereby intimate bonds are destroyed and lower unity within the family structure. The socialisation and the culture of the IDPs

give way to growing alienation.<sup>161</sup> This is against the aims of several international and regional treaties.

### **3.5.5 Deprivation of Humanitarian Access**

This applies only in internal armed conflict. Specifically, Article 3 of the Additional Protocol II of the Geneva Conventions states the essential rules for the treatment, protection, and care of victims fleeing an internal armed conflict. The major challenge is the inability of humanitarian bodies to access IDPs with appropriate and timely assistance. Protecting IDPs is one of the most daunting challenges. 'Whether the victims are forced into camps, choose to hide, or merge into communities, they tend to be among the most desperate of populations at risk. Internal displacement...denies innocent persons access to food, shelter and medicine and exposes them to all manner of violence.'<sup>162</sup>

Humanitarian aid is denied most times because of the insecurity, fear of attack of the aid workers, lack of location of the IDPs, and perpetration of the violations by the Government. If there are conventions that call for the establishment of safe zones or hospital zones to have access to war victims,<sup>163</sup> why is it not possible to have an established international safety zone monitored by the UN or its agencies for the IDPs in times of distress? There is no humanitarian body that will attempt to access IDPs

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<sup>161</sup> Robert Goldman and Walter Kalin, 'Legal framework', in Roberta Cohen & Francis Deng (eds.), *Masses in Flight-The Global Crisis of Internal Displacement*, (1998) 73.

<sup>162</sup> Brookings Institution Project on Internal Displacement, *Handbook for Applying the Guiding Principles on Internal Displacement* (UN Office for the Coordination of Humanitarian Affairs, 1999) 1.

<sup>163</sup> Article 23 of the First Geneva Convention (Geneva Convention for the Amelioration of the wounded and sick in Armed Forces in the Field, 1949) creates hospital zones for the sick and wounded in the armed forces; Article 14 of the Fourth Geneva Convention (Geneva Convention relating to the Protection of the Civilian persons in the time of war, 1949) creates hospital zones for the civilian sick and wounded during the war, while Article 15 creates a neutralized zones for all civilians; Article 59 and 60 of Additional Protocol 1 (Additional Protocol of 1977 to 1949 Geneva Convention Relating to Protection of Victims of International Armed Conflicts) contains provisions of non defended localities and de-militized zones respectively.

without the consent and provision of security by the host country. Also, no government will accept the existence of a situation that indicates its failure to protect or provide for its citizens. It is worse if the government is one of the warring factions, consent for humanitarian intervention will be refused or neglected for political or military scores. An internally displaced person escaping the regressive acts of the government will seek refuge in a safety zone managed by the authorities unconnected with the government. If a safety zone is created and managed by international bodies, there will be easy access to humanitarian aid for IDPs. The World Health Organisation states that ‘as long as IDPs remain inaccessible and therefore not identified, nothing can be done to safeguard their health’<sup>164</sup>

### **3.5.6 Breaches of Right to Good Health**

Health is defined as ‘a complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity.’<sup>165</sup> It is the fundamental right of every individual irrespective of race, religion, political beliefs, or one’s condition.<sup>166</sup> The right to health extends to a wide range of factors that help lead a healthy life for example potable water, safe food, healthy working and environmental conditions, health-related education and information, and gender equality.<sup>167</sup>

Article 12.1 of the International Covenant on Economic, Social and Cultural Rights states that states recognize ‘the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health’ while Article 12.2 enumerates, by way of illustration, a few ‘steps to be taken by the states parties...to achieve the full realization

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<sup>164</sup>World Health Organisation, ‘Internally Displaced Persons, Health and WHO’ (2000) Paper presented at the Humanitarian Affairs Segment of ECOSOC, New York, 19-20 July 2000.

<sup>165</sup>Constitution of the World Health Organization 1948, preamble.

<sup>166</sup> Ibid.

<sup>167</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No 31, The Right to Health, 2018, 3.

of this right.’ Also, health rights are recognized under Article 5(e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965; Article 11.1 (f) and 12 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979; Article 12 of the CESCR General Comment No 4;<sup>168</sup> and Article 24 of the Convention on the Rights of the Child of 1989. Article 19 of the Guiding Principles of Internally Displacement addresses the issues of health of IDPs. It states that they shall fully receive practicable medical care and the attention they require. It requires that special attention should be paid to female health care and contagious and infectious diseases. Several regional human rights instruments also recognize the right to health, such as the European Social Charter of 1961 as revised,<sup>169</sup> the African Charter on Human and Peoples’ Rights of 1981,<sup>170</sup> and the Additional Protocol of the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988.<sup>171</sup> There are several Declarations on human rights to health. For example, Article 25.1 of the Universal Declaration of Human Rights affirms that ‘everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services.’”

Despite the existence of these rules, IDPs continue to face several health issues. Displacement in any form causes direct or indirect health challenges to the people affected. It is direct when the act of displacement causes injury to the displaced persons and indirect when other factors like infectious diseases and malnutrition occur.<sup>172</sup>

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<sup>168</sup> Adopted at the 22nd Session of the Committee on Economic Social and Cultural Rights, on 11 August 2000 E/C.12/2000/4).

<sup>169</sup> Article 11.

<sup>170</sup> Article 16.

<sup>171</sup> Article 10.

<sup>172</sup> Owoaje, Eme, Uchendu, Obioma, Ajajyi, Tumininu, Cadmus, Eniola, ‘A review of the health problems of the internally displaced persons in Africa’ [2016] 4 NPMJ 23.

### **3.5.7 Breach of the Right to Work**

IDPs like other citizens have the right to work anywhere to earn a living and to engage in whatever job without any harassment or humiliation. Article 23(1) of the Universal Declaration of Human Rights states that ‘everyone has the right to work, to free choice of employment, to just and favourable conditions of work and protection against unemployment.’ The African Charter on Human and Peoples’ Rights also recognizes the right to work.<sup>173</sup> The state parties in recognition of this right, covenant to provide technical and vocational guidance, training programmes, policies, and techniques in achieving the full realization of it.<sup>174</sup> Displacement puts the IDPs in a state of being without land to cultivate or carry out their daily work. The expropriation of land will create hardship for the IDPs. Most times the victims have invested in land or inherited the land to be used for commercial purposes.

Also, most of the IDPs are in the state of being unemployed due to their displacement. Businesses crump in war or crisis zones. In the urban areas businesses are forced to close and this makes people lose their jobs, self-employed persons flee and leave their businesses while in the rural area, landless labourers will lose access to work on land owned by others.

### **3.5.8 Violation of Right to Housing**

The right to housing can be defined as the right to live somewhere secure, with peace and dignity.<sup>175</sup> This right does not require the government to build houses for its citizens but ‘covers measures that are needed to prevent homelessness, prohibit forced evictions, address discrimination, focus on the most vulnerable and marginalized groups,

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<sup>173</sup> African Charter on Human and Peoples’ Rights 1981, article 15.

<sup>174</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights 1966, article 6.

<sup>175</sup> The United Nations Committee on Economic, social and Cultural Rights, The Committee’s general comments 1991, 4 (right to adequate housing) and 1997, 7(on forced evictions).

ensure the security of tenure to all, and guarantee that everyone's housing is adequate.<sup>176</sup> Several international human rights laws recognize this right. For example, Article 25(1) of the Universal declaration of Human Rights, Article 11 of the Universal Declaration of Human Rights, Article 21 of the 1951 Convention Relating to the Status of Refugees, Article 5(2) of the International Labour Organization's 1962 Convention No 117, Article 5(e)(iii) of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, Article 17 of the 1966 International Covenant on Civil and Political Rights, Article 14(2) and 15(2) of the 1979 Convention on the Elimination of All Forms of Discrimination against Women, Article 16(1) and 27 (3) of the 1989 Convention on the Rights of the child, Article 14, 16, and 17 of the International Labour Organisation's 1989 Convention No. 169, Article 43(1)(d) of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their families, and Article 9 and 28 of the 2006 Convention on the Rights of Persons with Disabilities.

The right to housing is not explicitly stated in the African Charter on Human and Peoples' Rights but the Commission held in the case of *Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights (CESR) v. Nigeria* that:

The right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health..., the right to property, and the protection accorded to the family forbids the wanton destruction of the shelter because when housing is destroyed,

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<sup>176</sup> United Nations High Commissioner for Human Rights (OHCHR), Fact Sheet No 21/Rev.1, The Human Right to Adequate Housing, November 2009.



property, health, and family life are adversely affected. It is thus noted that the combined effect of articles 14, 16, and 18(1) reads into the Charter a right to shelter or housing.<sup>177</sup>

IDPs' rights to housing are protected under the aforementioned treaties but rather the reverse is the case when it comes to putting the right into practice. There is a discriminatory sharing of extremely few housing units, which makes it difficult for them to obtain long-term and suitable living conditions. In addition, IDP camps are often dilapidated and congested, with insufficient shelter and basic needs, making them vulnerable to the effects of Climate Change and Covid 19.

In Nigeria, the right to housing is not explicitly stated under any law. The Nigerian Constitution recognises it under section 16(2d) where it states that 'the state shall direct its policy towards ensuring that suitable and adequate shelter ... are provided for all citizens.' This falls under the fundamental objectives and directives of state policy which is a nonjusticiable issue in view of section 6(6c) of the Constitution which restrains the jurisdiction of the court. To achieve the objective of the state policy in this regard, the Federal Government made a National Housing Policy, 2012 but virtually no impact was achieved in providing housing for the IDPs and the entire citizens at large. Apart from the Constitution, Rent Control and Recovery of Premises Laws were promulgated by States Assemblies which impliedly provide some aspect of rights to housing. The Court held that the main purpose of the Premises Law is 'to provide security of tenure and protection of tenants.'<sup>178</sup> The Landowners cannot forcefully eject or recover their premises from their tenants without their appropriate compliance with the procedures

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<sup>177</sup> Communication No 155/96.

<sup>178</sup> *Sule v Cotton Board* (1985) 2NWLR 17.

laid down in the Rent Control and Recovery of Premises Laws. Although the law does not protect the right to housing, if the tenant fails to pay rent as when due, he can be subjected to eviction by the court. Also, no law protects IDPs from having access to free accommodation except in the camps provided by the Government.

Homelessness is intrinsic to IDPs. The UN Guiding Principles state that IDPs are in a state of homelessness. Homelessness is referred to as ‘the most visible and most severe symptom of the lack of respect for the right to adequate housing.’<sup>179</sup> In a cultural sense, homelessness and the loss of a group’s cultural space result in alienation and status deprivation.<sup>180</sup>

### **3.5.9 Marginalization of the IDPs**

Marginalization means depriving an individual or a group of people of their constitutionally guaranteed rights to live a dignified and reasonable life.<sup>181</sup> The process of marginalization is when something or someone is given less value, and this is a societal phenomenon that involves neglecting the needs, desires, and expectations of a minority, subgroup, or undesirables.<sup>182</sup>

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<sup>179</sup>UN General Assembly, ‘Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context’ (2019) 74<sup>th</sup> Session of the General Assembly A/74/183.

<sup>180</sup> Shubhra Seth, ‘The Politics of Internally Displaced Persons’ in Stephen M Croucher, Joao R. Caetano, and Elsa A Campbell, *The Routledge Companion to Migration, Communication, and Politics* (Taylor and Francis Group 2018) 49, 55.

<sup>181</sup> Uganda Equal Opportunity Act 2007, section 2.

<sup>182</sup> Hon Lady Justice Percy Night Tuhaise, ‘Raising the voice and empowering the marginalised in the administration of justice – A view from court’ (A Presentation to the Annual Judges’ Conference on 24 January 2018) <<http://judiciary.go.ug/files/downloads/Raising%20the%20Voice%20and%20Empowering%20the%20Marginalized%20in%20the%20Administration%20of%20Justice%20by%20Hon.%20Lady%20Justice%20Tuhaise.pdf>> accessed 29 April 2022.

IDPs are the segments of society for one reason or another silenced within the democratic government in voicing and pursuing their claims.<sup>183</sup> IDPs' marginalization occurs when their cultural status is belittled, regarded as strangers, and denied entitlement and opportunities in their own country.<sup>184</sup> They are being marginalized in their own country where the constitution clearly states that one can stay and work anywhere within the country. Also, their marginalization causes food insecurity. In displacement, there is the risk of unavailability of food and reduction in source of income or its total bar. The effect of the unavailability of food is malnutrition, which can lead to death. Furthermore, they are denied social services like potable water, education opportunities, and access to justice and legal assistance.

### **3.6 Consequences of IDPs' Rights Violations**

The difficulties the IDPs are experiencing have serious repercussions. One of them is that IDPs might be forced to migrate to another country to become a refugee without any desire to do the same. This action can affect the sustainability of the economy of the country and the labour force will be lost to other states and the international community. Although Border closures because of Covid-19 have prevented people from seeking international protection. This could increase internal displacement as people keep struggling to find safety inside their country of origin. Travel restrictions worldwide have increased.<sup>185</sup> Globally, 36 percent of all points of entry assessed by the International Organization for Migration (IOM) and 48 percent of land border crossings were closed

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<sup>183</sup> Rachna Sharma, *Media, the State and marginalization: Tackling Challenges* (Cambridge Scholars Publishing 2018) 6.

<sup>184</sup> Shubhra Seth, 'The Politics of Internally Displaced Persons' in Stephen M Croucher, Joao R. Caetano, and Elsa A Campbell, *The Routledge Companion to Migration, Communication, and Politics* (Taylor and Francis Group 2018) 49, 55.

<sup>185</sup> IOM, 'Global Mobility Restriction Overview Weekly update of 31 August 2021' (IOM, 2021) <<https://migration.iom.int/reports/covid-19-travel-restrictions-output---31-august-2021?covid-page=1>> accessed 9 September 2021.

as of 30 April 2020, this curtails the ability of the IDPs to seek refuge.<sup>186</sup> Asylum applications in the EU dropped by almost half between February and March 2020 because of border closures.<sup>187</sup> Now that the issues of Covid-19 have subsided, IDPs that are facing serious problems will be at liberty to seek asylum.

Internally displacement creates a negative impact on the host communities. It does not only affect the IDPs, but it affects the non-displaced host persons and their entire community. One of the effects on the host community is that it increases the cost of housing.<sup>188</sup> Most communities face a lack of accommodation as the influx of IDPs make houses scarce and the price increase. In most situations, IDPs are homeless and denied jobs. On the effect on livelihood, the increase in the number of IDPs creates competition for jobs and a reduction of wages in the host area.

Also, overburden of essential services like overcrowding of educational facilities and lack of quality education;<sup>189</sup> shortage of health officials and drugs; and low power supply. Another effect of the displacement is insecurity in the host community<sup>190</sup> and unequal treatment by international organizations that result from the influx of forced migrants into an area that may already have limited resources. Positively, their presence can

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<sup>186</sup> Meghan Benton, Jeanne Batalova Samuel, Davidoff-Gore, Timo Schmidt, *Covid-19 and State of Global Mobility in 2020* (International Organisation for Migration and Migration Policy Institute, 2021).

<sup>187</sup> European Asylum Support Office, Latest asylum trends- June 2021, (*European Union Agency*, 2021) <<https://www.easo.europa.eu/latest-asylum-trends> > accessed 9 September 2021.

<sup>188</sup> E Depetris-Chauvin and J Rafael Santos, 'Unexpected Guests: The Impact of Internally Displacement inflows on Rental Prices in Colombian Host Cities' (2018) 134 JDE 289-309.

<sup>189</sup> UNICEF and IDMC, 'Equitable Access to Quality Education for Internally Displaced Children' (*UNICEF/IDMC*, 2019) <<https://www.unicef.org/media/56196/file/Equitable%20access%20to%20quality%20education%20for%20internally%20displaced%20children.pdf> > accessed 9 September 2021.

<sup>190</sup> H Bohnet, F Cottier and S Hug, 'Conflict-Induced IDPs and the Spread of Conflict' (2016) 62(4) JCR 691.

boost the economy of the host area. New economic opportunities and an increase in the consumption of local produce will boost the sales of local merchants.<sup>191</sup>

### **3.7 Conclusion**

The Chapter examines the definition of IDPs and their interrelation with Refugees. It has been established that the grounds for becoming a refugee may overlap with IDPs but are primarily different. While the IDPs are still within their country, the refugees are outside their country and their rights are been protected under international laws. It was found that there is no reason why the United Nations cannot protect the rights of everyone irrespective of their location. The IDPs and the refugees ought to have the same rights and access to aid and assistance from international agencies.

Also, the causes of internal displacement were examined, and it was discovered that apart from conflicts and natural disasters, other activities cause internal displacement. For example, development, economy, climate changes, and political activities cause or contribute to internal displacement. Furthermore, the problems facing IDPs are examined, and it was found that there are infringements to the rights of the IDPs which are not abridged, or lasting solutions provided for. The consequences of these problems were analysed, and it was discovered that it creates migration of IDPs to other countries which might affect the workforce in Nigeria and the sustainability of the economy among other consequences.

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<sup>191</sup> Louisa Yasukawa, 'The impacts of Internal Displacement on Communities: Examples from Ethiopia and Somalia' (2020) 39(4) RSQ 544.

This chapter has also shown that there are serious problems that call for the examination of international norms if there are legal norms in place for the protection of IDPs. And if there is, why do the problems still exist without a lasting solution? There is no way the problems can be examined and provides tangible solutions without examining the international legal framework on the rights of IDPs together with bodies, institutions, or organisations in charge of IDPs.

The international norms relating to the plights and rights of the IDPs were examined under three headings: International Human Rights Law (IHRL); International Humanitarian Law (IHL) and International Criminal Law (ICL). Although some aspects of International Disaster Law (IDL) relate to internal displacement caused by disaster, it is a developing area of law that deals with prevention, mitigation, and recovery from various hazards such as natural and man-made disasters. This specific area of law was discussed by the way. The next chapter examined the rights of the IDPs and the responsibilities of states under the IHRL while Chapter 5 discussed the rights of the IDPs under the IHL and ICL together with international institutions in charge of IDPs.

## Chapter 4 : Protection of IDPs' Rights under International Human Rights Law

### 4.1 Introduction

Chapter 3 discussed the causes of internal displacement as well as the challenges that IDPs face during and after their displacement. This chapter finds good solutions to the plights of the IDPs under international human rights law and international disaster law and examines the roles of the states in the protection of the rights of the IDPs.

In resolving infringement on human rights and international displacement crises, the UN and its agencies perform a wide range of roles. These roles vary from prevention, protection, and provisions for displaced persons. In preventing and protecting human rights: treaties, conventions, rules, and generally soft laws which include declarations, recommendations, and guidelines were made under the human rights law, while treaties and soft laws are being made under the international humanitarian law for the provision of necessities, care, and support during and after displacement. These treaties and soft laws are devised mainly for other aspects of life, but part of their content relates to IDPs.

There is no specific international treaty made in respect of IDPs except the soft laws that do not have a binding effect. Most international documents and the UN Guiding Principles on Internal Displacement make it the responsibility of individual states to protect and care for their IDPs.<sup>1</sup> Some states choose to assist on a humanitarian basis in

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<sup>1</sup> OHCHR, 'About Internally Displaced Persons' <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons#:~:text=As%20a%20crucial%20element%20of,for%20their%20assistance%20and%20protection> accessed 8 May 2024.

natural disasters such as earthquakes and floods or internal armed conflicts. The state in return decides which treaty or rules to adopt into their system, even after being a party to such a decision; and sometimes the international norms adopted are not strictly complied with. They assumed responsibility as an assistant and not as a rights-based approach, even when the general principle is that every effort should be taken to prevent unauthorised displacement, and when it does occur, attempts should be made to minimise and ameliorate the negative impact on individuals and communities, as well as to provide a long-term solution for all those concerned.<sup>2</sup> The attitude of governments towards the predicament of IDPs and their obligations to the IDPs under the IHRL were among the subjects discussed in this chapter.

As discussed, there is no international treaty specifically addressing the plights of the IDPs, however, several IHRLs contain norms on internal displacement. These norms are relevant to the prevention of internal displacement as well as the protection of the IDPs' rights. It is pertinent to note that the IHRL grants IDPs the same rights and freedoms as other citizens of their nation on an equal footing and without discrimination. These rights are frequently ignored, infringed, or completely discarded. To develop a permanent, viable solution, the rights of the IDPs are examined under the IHRL.

## **4.2 Protection against Displacement**

The IDPs' protection against displacement can be inferred from the provisions of international conventions such as articles 12 and 17 of the International Covenant on Civil and Political Rights;<sup>3</sup> article 5d of the International Convention on the Elimination

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<sup>2</sup> UNHCR, 'Handbook for the Protection of Internally Displaced Persons, part v, protection risks: Prevention, mitigation, and response (Action Sheets) 164' (UNHCR, 2019) <<https://www.unhcr.org/uk/4794b2342.pdf>> accessed 14 May 2022.

<sup>3</sup> Freedom to choose residence and rights to privacy, family, home and protection of law against interference or attacks.



of All Forms of Racial Discrimination;<sup>4</sup> article 22 of the Convention on the Rights of Persons with Disabilities;<sup>5</sup> and article 16 of the Convention on the Rights of the Child.<sup>6</sup> The provisions of these articles are on rights to protection against unlawful attack; noninterference of privacy and family life, home, movement, and freedom to choose residence but one of the challenges against these conventions is their weak implementation. The countries affected by these conventions are usually not ready to implement or abide by their provisions. For example, the Russian state, a member of the Security Council of the UN, a body whose responsibility is to maintain peace in the world invaded Ukraine and caused internal displacements of about 5.1 million people.<sup>7</sup> In a similar vein, Hamas attacked Israel on 7 October 2023 maiming over 1400 people which led to the internal displacement of about 200,000 Israelis,<sup>8</sup> and in Israel's retaliation, over 1.4 million people have been displaced in Gaza as of 27 October 2023.<sup>9</sup> Instead of implementing these conventions, the international community made a General Resolution which literally does not have a binding effect on the players of these wars.<sup>10</sup> In the disobedience of these conventions, IDPs are deprived of their rights when they are forced out of their private residence due to armed crises, disasters, and developments, without conducive accommodation, nutritious food, private life, and family. Even when article 16(1) of the 1989 Indigenous and Tribal Peoples Convention

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<sup>4</sup> Freedom of movement and rights to own property and residence.

<sup>5</sup> Right to privacy, family, residential and protection of law against attacks.

<sup>6</sup> Right to privacy, family, home and protection of law against attacks.

<sup>7</sup> IOM, 'Ukraine Internal Displacement Report: General Population Survey Round 13' (IOM, 2023) < <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-13-11-may-14-june-2023?close=true> > accessed 28 October 2023.

<sup>8</sup> The Times of Israel, 'About 200,000 Israelis Internal Displaced Amid ongoing Gaza War, Tensions in North' [Times of Israel, 2023] < <https://www.timesofisrael.com/about-200000-israelis-internally-displaced-amid-ongoing-gaza-war-tensions-in-north/> > accessed 28 October 2023.

<sup>9</sup> UK Parliament, 'King's Speech 2023: Foreign affairs and defence' [UK Parliament, 2023] < <https://lordslibrary.parliament.uk/kings-speech-2023-foreign-affairs-and-defence/> > accessed 28 October 2023.

<sup>10</sup> United Nations General Assembly (UNGA) A/ES-10/L 25 on the protection of civilians and upholding legal and humanitarian obligations [2023] GA/12548.

states that persons should not be forcefully removed from their inhabit,<sup>11</sup> Israel state ordered over 1.1 million indigenous Palestinians to leave northern Gaza.<sup>12</sup> It is pertinent to note that there are also soft laws on the protection against displacement, for example, the principles on internal displacement prohibit internal displacement except when it is justifiable. It states that all persons have the right to be protected against being arbitrarily displaced.<sup>13</sup> Also, Paulo Sérgio Pinheiro, the Special Rapporteur on Housing and Property Restitution, gives recognition to the right not to be displaced arbitrarily.<sup>14</sup> There is a recognition and an implied right not to be displaced under international human rights law.

At the regional level, it can be argued that recognition is given to rights not to be displaced. The Protocol on the Protection and Assistance to Internally Displaced Persons,<sup>15</sup> which serves as the first legally enforceable instrument on the right not to be displaced, was adopted by eleven African states of the Great Lakes Region. Also, the African Union enacted the legally binding Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) in 2009, which explicitly states that everybody has the right not to be displaced.<sup>16</sup> So the African position is different and stronger than the rest of the international community.

The right not to be displaced has been recognised as a widely accepted human right that is derived from or implied by other well-established human rights such as freedom of

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<sup>11</sup> Indigenous and Tribal Peoples Convention of 1989, article 16 (1).

<sup>12</sup> UNHR, 'Israel must rescind evaluation order for northern Gaza and comply with international law: UN expert' [UNHR, 2023] <<https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international> > accessed 28 October 2023.

<sup>13</sup> UN Guiding Principles on Internal Displacement, article 6.

<sup>14</sup> UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (commonly known as the Pinheiro Principles), principle 5(1).

<sup>15</sup> International Conference on the Great Lakes Region, 'Protocol on the Protection and Assistance to Internally Displaced Persons' (2006).

<sup>16</sup> Article 4(4).

movement and residence, the right to private life, and the right to decent housing. The solutions need to be found in the midst. These rights will be discussed in detail with the view of establishing non-displacement as a human right.

#### **4.2.1 Restoration of the Freedoms of Movement and Residence**

The right to be free of arbitrary displacement can be inferred from the basic nature of freedom of movement and residence.<sup>17</sup> According to Article 13 of the Universal Declaration of Human Rights 1948 (UDHR), everyone has the right to move and dwell anywhere they like.<sup>18</sup> The Declaration opens by stating that everyone is born free and must have equal rights.<sup>19</sup> This establishes the rights that persons including IDPs have without discrimination. It states in Article 14 that everyone has the right to seek asylum from persecution. This gives room to IDPs to seek asylum outside their country of origin if they so wish, although the section does not place a duty on states to grant asylum.

The ICESCR<sup>20</sup> recognises the intrinsic dignity and equality of human beings in order to achieve ideal freedom for them. Conditions for the enjoyment of economic, social, cultural, civic, and political rights were also developed to reach this ideal of freedom. These conditions are the right to work and the right to work in favourable conditions;<sup>21</sup> right to social protection;<sup>22</sup> right to the best possible bodily and mental health; right to education;<sup>23</sup> right to participate in cultural activities;<sup>24</sup> and right to good living which

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<sup>17</sup> Dame Rosalyn Higgins, 'Liberty of Movement within the Territory of a State: The Contribution of the Committee on Human Rights' in Yoram Dinstein (eds ), *International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne* (The Hague, Martinus Nijhoff, 1989) 325, 336.

<sup>18</sup> GA 217 A (III), Universal Declaration of Human Rights, 1948 herein thereafter called UDHR.

<sup>19</sup> *Ibid*, article 1.

<sup>20</sup> International Covenant on Economic, Social and Cultural Rights.

<sup>21</sup> *Ibid*, article 6 and 7.

<sup>22</sup> *Ibid*, article 9.

<sup>23</sup> Article 13.

<sup>24</sup> Article 15(1a).

includes adequate food, clothing, and housing.<sup>25</sup> The right to housing can be read as implying the right to remain in one's home and not be displaced arbitrarily, as this is crucial for the enjoyment of all economic, social, and cultural rights. The right to decent housing was considered by the ICESCR Committee as a right to live somewhere in safety, peace, and dignity.<sup>26</sup> As a result, arbitrary displacement can violate the ICESCR's right to decent housing.<sup>27</sup> Similarly, the African Commission believes that the right not to be displaced arbitrarily can be deduced from the right to housing because the right prohibits the malicious destruction of shelter, which has negative consequences for property, health, and family life.<sup>28</sup>

Further, the 1966 International Covenant on Civil and Political Rights<sup>29</sup> establishes a wide range of civil and political rights. These rights pertain to a person's life,<sup>30</sup> dignity,<sup>31</sup> liberty, and security;<sup>32</sup> freedom of movement;<sup>33</sup> equality before the law;<sup>34</sup> freedom of thought; conscience and religion;<sup>35</sup> freedom of expression;<sup>36</sup> and interference in one's private, home, and family.<sup>37</sup> Article 12 of the covenant clearly states that everyone is entitled to the liberty of movement and the right to choose residence. This also grants

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<sup>25</sup> Article 11.

<sup>26</sup> ICESCR, General Comment A of 13 December 1991 'The Right to Adequate Housing, article 11.1, paragraph 7.

<sup>27</sup> ICESCR, General Comment 7 of 20 April 1997, 'The Right to Adequate Housing, article 11.1, paragraph 5.

<sup>28</sup> *The Social and Economic Rights Action Centre and the Centre for Economic and Social Rights v Nigeria*, paragraphs 60-63.

<sup>29</sup> GA 2200A (XXI), 16 December 1966; hereinafter called ICCPR.

<sup>30</sup> *Ibid*, article 6.

<sup>31</sup> *Ibid*, article 7 and 8.

<sup>32</sup> *Ibid*, article 9.

<sup>33</sup> Article 12.

<sup>34</sup> Article 14.

<sup>35</sup> Article 18.

<sup>36</sup> Article 19(2).

<sup>37</sup> Article 17.

the right not to be displaced arbitrarily. The HRC is responsible for monitoring its implementation and enforcing the treaty.<sup>38</sup>

The Committee acclaimed great success over the years including changes in law, policy, and practice of the members' states in line with the principles of the covenant, which improved individuals' lives.<sup>39</sup> The individuals, including IDPs, are entitled to full and equal enjoyment of all civil and political rights protected by the Covenant, yet there is no meaningful effort to address their challenges. There is no international treaty specifically addressing the rights of IDPs, as for the refugees, children, and women. Although the Committee does not have the power to direct, discipline, and make rules for the states to abide by, it can make suggestions. It can also record the facts in the yearly report to the General Assembly if the state decides not to submit a report. While deciding on a complaint of a member state's abuse of human rights, the Committee has the authority according to article 2 (3) of the Covenant to simply request that the state remedy the infringement. The Committee can restore the freedoms of movement and residence by putting pressure on states to abide by the relevant Conventions in order to have protection against displacement.

The International Convention on the Elimination of All Forms of Racial Discrimination 1965, which Nigeria is a state party,<sup>40</sup> protects people from racial discrimination on a global scale. The convention defines racial discrimination as:

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<sup>38</sup> The First and Second Optional Protocol, GA 2200A (XXI) of 16 December 1966 and GA 44/128 of 15 December 1989 respectively.

<sup>39</sup> UN High Commissioner for Human Rights, 'Civil and Political Rights: The Human Rights Committee Fact Sheet No 15 (Rev 1)' (United Nations Geneva, 2005) 30.

<sup>40</sup> Nigeria ratified it on 16 October 1967.

any distinction, exclusion, restriction, or preference based on race, colour, descent, a national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.<sup>41</sup>

Racial discrimination, segregation, apartheid, and any sort of notions or conceptions of the superiority of one race or group of people over another are all condemned and prohibited by the treaty.<sup>42</sup> It is the states' responsibility to ensure efficient security and remedies against racial discrimination in the enjoyment of the right to freedom of movement and residency within the state.<sup>43</sup> It impliedly creates the right not to be displaced through the right to housing and residence. The treaty covers everybody including the IDPs but the IDPs are being segregated and their rights are being infringed upon without or with less care from the member states of this treaty.

Also, the Convention on the Elimination of all Forms of Discrimination against Women establishes an international bill of rights for women. The Convention among other things covers several areas of the life of women which include their civil rights, legal status, human reproduction, cultural impact, and measures to eliminate discrimination against women. The convention employs the state to protect women from any form of discrimination regarding their right to movement and freedom to choose residence and domicile.<sup>44</sup> Despite this convention, internally displaced women and girls still suffer

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<sup>41</sup> General Assembly Resolution 2106 (XX) of 21 December 1965, article 1(1).

<sup>42</sup> Ibid, article 2, 3, and 4.

<sup>43</sup> Ibid, article 5d (i).

<sup>44</sup> Ibid, article 15(4).

discrimination and experience more challenges than their men counterparts. They are economically, legally, politically, and socially less empowered than men making it difficult to get affordable decent accommodation; they are finding it difficult to re-established themselves elsewhere because some states do not allow women to have legal property rights;<sup>45</sup> they were denied aids where the male head of the house is the sole recipient;<sup>46</sup> suffer greater disadvantage than displaced men in the labour market;<sup>47</sup> face stigmatization and marginalization in their community of origin;<sup>48</sup> vulnerable to a traumatic stress disorder, depression, and anxiety than displaced men or non-displaced women;<sup>49</sup> and at the higher risk of sexual violence.<sup>50</sup> The Convention has not achieved substantially concerning female counterparts of IDPs.

Persons under the age of 18 have rights recognised by the 1989 Convention on the Rights of the Child.<sup>51</sup> It enumerates 42 substantive rights, including the right to legal protection against unlawful intrusion into one's privacy, family, and home.<sup>52</sup> The right

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<sup>45</sup> Suelen Emilia Castiblanco Moreno, 'Female entrepreneurship in a forced displacement situation; The case of Usme in Bogota' [2016] 7 *Suna De Negocios*, 61.

<sup>46</sup> Julia St Thomas King, Dennis Ardis, 'Identity crisis? Documentation for the displaced in Iraq' (*Humanitarian Practice Network*, 2015) < <https://odihpn.org/magazine/identity-crisis-documentation-for-the-displaced-in-iraq/>> accessed 8 November 2021.

<sup>47</sup> Rtjoms Ivlevsa, Michail Veliziotisb, 'Beyond Conflict: Long-Term Labour Market Integration of Internally Displaced Persons in Post-Socialist Countries' [2017] Discussion Paper Series of I Z A Institute of Labor Economics, (IZA DP No. 11215) 29.

<sup>48</sup> Fatima Kyari Mohammed, 'The Causes and Consequences of Internal Displacement in Nigeria and Related Governance Challenges' Working Paper FG (SWP Berlin 8 April 2017) 25; Human Rights Watch, 'Here, Rape is Normal' : A Five-Point Plan to Curtail Sexual Violence in Somalia' (*HRW*, 13 February 2014) 61 <[https://www.hrw.org/sites/default/files/reports/somalia0214\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf)> accessed 8 November 2021.

<sup>49</sup> Taiwo Sheikh, Mohammed Abdulaziz, Samuel Agunbiade, Ike Joseph, Bill Ebiti, Oluwatosin Adekeye, 'Correlates of Depression among Internally Displaced Persons after Post-Election Violence in Kaduna, Northwestern Nigeria' [2015] 170 *Journal of Affective Disorders*, 46-51; Moreno Cornellias, Nino Makhshvii, Ivdity Chikovani, Vikram Patel, Martin McKee, Jonathan Bisson, Bayard Roberts, 'Patterns of Somatic Distress among Conflict-Affected Persons in the Republic of Georgia' (2015) 78 (5) *Journal of Psychosomatic Research* 466-471.

<sup>50</sup> Amnesty International, *'They Betrayed us' Women who Wurvived Boko Haram Raped, Starved and Detained in Nigeria* (Amnesty International Ltd, London, UK 2018).

<sup>51</sup> General Assembly Resolution 44/11/1989.

<sup>52</sup> *Ibid*, article 16.

not to be displaced can be inferred from the right to legal protection against unlawful intrusion at home. The Convention admonishes states to safeguard the child's rights and ensure everyone knows their rights. Despite the conventions, internally displaced children's rights are being violated alongside their parents, while others suffer alone with no one to care for them.

At the regional levels, there are conventions on the freedom of movement and right of choice of residence that create rights not to be displaced. The African Charter on Human Rights states that every person has the right to free movement and choice of residence as much as they obey the law.<sup>53</sup> IDPs are homeless at home which means they are residents or citizens of the territory in which they have built or have their residence. The regional conventions cover their plights implying that they have the right to housing and movement within their country. Respecting the terms of these treaties is imperative for the international community, regional organisations, and state governments to establish a lasting peace that permits peaceful coexistence without any treaty of displacement.

#### **4.2.2 Right to Private and Family Life**

The right not to be displaced can be inferred from the right to private and family life. A family is considered a vital social group or unit that deserves to be respected and protected.<sup>54</sup> This is recognized in Article 16(3) of the 1948 Universal Declaration of Human Rights (UDHR); Article 23(1) of the 1966 International Covenant on Civil and Political Rights (ICCPR); Article 10(1) of the 1966 International Covenant on Economic,

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<sup>53</sup> African Charter on Human and Peoples' Rights, article 12(1).

<sup>54</sup> Kate Jastram and Kathleen Newland, 'Family Unity and Refugee Protection,' in Erika Feller et al (eds), *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, (Cambridge University Press 2003) 555.



Social and Cultural Rights (ICESCR); Article 44 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;<sup>55</sup> the preambles to the 1989 Convention on the Rights of the Child (CRC); and the 2006 Convention on the Rights of Persons with Disabilities.<sup>56</sup> The family was also regarded as a basic group or unit of a community entitled to protection and assistance under regional laws. Article 18 of the 1990 African Charter on the Rights and Welfare of the Child; and Article 18 of the 1981 African Charter on Human and Peoples' Rights affirm that the family is a vital social group or unit that deserves respect and protection.

The family has the right to privacy and protection against unlawful interference. Article 17(1) of the ICCPR protects the right to privacy, family, home, and correspondence from unjustified or unlawful intrusion while Article 17(2) emphasises that everyone has the right to protection against such intrusion or attacks. The CRC outlines strict protections for a child's right to a stable home.<sup>57</sup> It urges states parties to guarantee a child's right to know and be cared for by his or her parents;<sup>58</sup> to respect a child's right to family relations without unlawful interference and to ensure that a child is not taken away against the choice of parents.<sup>59</sup> The regional instrument also recognises the right of everyone not to be subjected to arbitrary or unlawful interference with privacy, family, home, or correspondence.<sup>60</sup>

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<sup>55</sup> UNGA, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, A/RES/45/158.

<sup>56</sup> UNGA, Convention on the Rights of Persons with Disabilities 2006, A/RES/61/106, Annex I.

<sup>57</sup> Jason M Pobjoy, *The Child in International Refugee Law* (Cambridge Asylum and Migration Studies, 2017) 19-22; 27-32.

<sup>58</sup> Article 7.

<sup>59</sup> Article 9.

<sup>60</sup> African Charter on the Rights and Welfare of the Child 1990, CAB/LEG/24.9/49 (1990), article 9 and 10.

In conclusion, international laws, together with related regional human rights instruments affirm the right to family life, which logically leads to a right not to be displaced. Any act of forceful displacement destroys family ties. There would be no 'group' to respect or preserve if family members did not have the right to live together. The family must be highly respected, and decisions that will have a negative impact on this social unit should be avoided. Homes will undoubtedly be destroyed when a family member is attacked, as others will undoubtedly flee for their lives, forcing them into displacement. Respecting the family and having a duty to safeguard them under international norms is something that the states and the international community must do.

#### 4.2.3 Right to Land

The land is a bridge that cuts across a variety of human rights. It is a means of livelihood for many people and is essential to their economic rights. Also, it is commonly associated with homeland: people's identities, communal life, and roots.<sup>61</sup> Therefore, it relates to social and cultural rights. There is a lot of negative effect of sudden and forceful displacement of persons from their home and homeland.<sup>62</sup>

International law protects individual legal rights to land.<sup>63</sup> The UN Special Rapporteur on Indigenous states that 'the recognition and protection of land rights is the basis of all indigenous movements and claims today in the face of the continuous encroachment on their land'.<sup>64</sup> This infers rights not to be displaced. Principle 9 of the Guiding Principles

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<sup>61</sup> Maria Stavropoulou, 'Right not to be displaced' (1994) 9(3) AUJLR 717.

<sup>62</sup> Gil Loescher, 'Mass Migration as a Global Security Problem' (1991) 7 World Refugee Survey 7.

<sup>63</sup> Jeremie Gilbert, *Indigenous peoples' Land Rights under International law: From Victims to Actors* (Brill Academic Publishers 2<sup>nd</sup> edition, 2016); Alejandro Fuentes, 'Protection of Indigenous Peoples Traditional lands and exploitation of Natural Resources: The Inter-American Court of Human Rights' Safeguards' (2017) 24 (3) International Journal on Minority and Group Rights 230.

<sup>64</sup> UN Document E/cn4/sub 2/1986/7/Add.4, New York, 1987.

on internal displacement establishes the state's responsibility to prevent displacement by safeguarding the rights of those who are most at risk of losing their property. This means that the state needs to recognise and preserve indigenous peoples' and rural communities' land tenure rights. In addition, the International Labour Organization's Convention compels member states to respect the peoples' traditions and spiritual values in their relationships with the lands or territories.<sup>65</sup> The Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly in 2007, states that indigenous peoples 'shall not be forcibly removed from their lands or territories' unless they give their 'free, prior, and informed consent,' as well as fair compensation and the option of return, where possible.<sup>66</sup>

In 2022, the Food and Agriculture Organisation of the United Nations stated that the States need to recognise, respect, and protect tenure rights including forced eviction against threats and infringements.<sup>67</sup> In a series of decisions, the rights of people to land have been protected by the court. The Committee on the Elimination of Discrimination against Women decided that the respondent had violated the right of the Petitioner for failing to prevent her eviction from the house while she was seeking protection in a domestic violence shelter.<sup>68</sup> The African Commission on Human and Peoples' Rights<sup>69</sup> also refers to the ties between human rights and land.

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<sup>65</sup> International Labour Organization, Convention No 169 (1989), Article 13 (1).

<sup>66</sup> UN General Assembly, Declaration on the Rights of Indigenous Peoples (2007), A/RES/61/295, Article 10.

<sup>67</sup> Food and Agriculture Organisation, 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security' (FAO 2012) <<https://doi.org/10.4060/i2801e>> accessed 31 May 2022.

<sup>68</sup> Cecilia Kell v Canada, CEDAW/C/51/D/19/2008.

<sup>69</sup> African Commission on Human and Peoples' Rights, Case 276 / 2003 – Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya (2010), paragraph 204.

Land is more than a commodity; it is a requirement for the fulfillment of numerous human rights.<sup>70</sup> Notwithstanding the lack of a distinct human right to land, current international human rights norms and soft laws deal with various individuals' rights to land which infers rights not to be displaced. Given this, protection from forced displacement is important not only because of the compulsion involved but also for the numerous human rights breaches that result.

### **4.3 Protection in Displacement**

In times of internal displacement, IHRL ensures that IDPs can exercise their rights in safety and dignity on an equal footing with other members of their society. The primary legal basis for protection efforts is provided by national legislation, which should be consistent with a state's obligations under international law. Finding a long-term solution to the predicament of the IDPs requires an examination of their legal rights as well as the responsibility that States and other authorities have under international law.

#### **4.3.1 Right to seek Safety**

The United Nations' focus on World Refugee Day 2022 is 'whoever, wherever, whenever, everyone has the right to seek safety.'<sup>71</sup> It further defines seeking safety as the right to protection, safe access without pushing back, and humane treatment without discrimination.<sup>72</sup> Andreas Wissner<sup>73</sup> states that every person has the right to seek safety and to have access to human rights, whoever they are, wherever they come from, whenever they are forced to flee.' The IDPs are entitled to seek safety<sup>74</sup> during their

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<sup>70</sup> UNHR, Land and human rights standards and applications 2015, United Nations, HR/PUB/15/5/Add.1, 1.

<sup>71</sup> NUHCR, World Refugee Day, < <https://www.unhcr.org/uk/world-refugee-day.html>> accessed August 26, 2022.

<sup>72</sup> Ibid.

<sup>73</sup> UNHCR Representative to the European Institutions in Strasbourg on the occasion of World Refugee Day 2022 <<https://www.coe.int/en/web/portal/-/council-of-europe-and-unhcr-anyone-fleeing-war-or-persecution-has-the-right-to-seek-safety-and-protection>> accessed 2 January 2022.

<sup>74</sup> ICCPR, article 12.

displacement and among these rights are the right to seek safety in another part of the country; the right to leave their country; the right to seek asylum in another country; the right to be protected, feed, educate and care for in camps; and the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health. To achieve all these, the government must be proactive.

It is the primary responsibility of the Government to ensure that the rights of the IDPs to seek safety are protected. The failure of the Government to act most times leads to displacement. If a government can ensure adequate security for its citizenry there will not be any displacement. The Government must have failed in its responsibility for there to be displacement that leads to infringement of its citizenry. Even the Government at times is the main cause of displacement. How would the life of a victim be secured by the victimizer? Where will an irresponsible government provide a secure zone for the IDPs to seek safety? Although, it is a difficult task to take the responsibility of the citizenry away from their government. But if the IDPs cannot get safety in the hands of their government, the best approach is for the international community to review the power of the Government in order to provide security and safety to the IDPs.

#### **4.3.2 Right to Dignity**

The IDPs face a lot of inhumane treatment during displacement and to avoid such treatment there are treaties, soft laws, and domestic laws in place. The United Nations reiterated 'to reaffirm faith in fundamental human rights, in dignity and worth of the human person,'<sup>75</sup> It states also that 'all human beings are born free and equal in dignity and rights.'<sup>76</sup> Also, African Nations agreed that 'freedom, equality, justice, and dignity

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<sup>75</sup> United Nations Charter 1945, preamble.

<sup>76</sup> Universal Declaration on Human Rights 1948, article 1.

are essential objectives for the achievement of the legitimate aspirations of the African people.’<sup>77</sup> Additionally, many state constitutions, and the sustainable development goals include dignity. These treaties and domestic laws demonstrate that respect for human dignity is regarded as being of the utmost significance, and in more recent times, respect for dignity has developed a close relationship with the concept of human rights.<sup>78</sup>

Dignity entails the worth of being valued and respected. The act of keeping IDPs in a camp without necessary social amenities, food supply, potable water, family togetherness, appropriate shelter, and proper care infringes on the right to dignity. Principle 8 of the UN Guiding Principles on Internal Displacement states that displacement should not be carried out in a manner that infringes on the right to dignity. It can be argued that being displaced is a stigma as the names and status of people who were forced to flee were changed to IDPs. Despite the stigma that comes with being identified as IDP, it is through this title that their predicament can be recognised, and provisions made to restore their rights.<sup>79</sup>

There are provisions for the rights to dignity of persons for the IDPs,<sup>80</sup> but the continuous infringement of this right is unresolved. Immanuel Kant formulated the principle of dignity of persons to be ‘a status which places the life of human beings above all price’<sup>81</sup> and that ‘all persons, regardless of rank or social class, have an equal intrinsic

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<sup>77</sup> Charter of the Organisation of African Unity, 1963, preamble; African (Banjul) Charter on Human and People’s rights, 1981, preamble.

<sup>78</sup> Rachel Bayefsky, Dignity, Honour, and Human Rights: Kant’s Perspective, [2013] 41(6) *Political Theory* 809–837; Jeremy Waldron, Wai-chee Dimock, Don Herzog, and Michael Rosen, ‘Dignity, Rank, and Rights: The Berkeley Tanner lectures’ (Oxford University Press, 2015) 14.

<sup>79</sup> Gloria Miranda Angel, ‘The Six Expressions of Dignity According to IDPs in Colombia’ in Kerrie Holloway ed, *Dignity in Displacement* (ODI, 2019).

<sup>80</sup> UN Guiding Principles on Internal Displacement, article 8, and 11.

<sup>81</sup> James Rachels, 1986, Kantian Theory: The Idea of Human Dignity, <[https://public.callutheran.edu/~chenxi/phil345\\_022.pdf](https://public.callutheran.edu/~chenxi/phil345_022.pdf)> accessed 26 August 2022.

worth or dignity.’<sup>82</sup> This principle ought to be recognized and respected as the foundation of human dignity, because all human beings, whether IDPs or refugees, must be assumed to possess the capacities and predispositions of self-sufficiency if not in displacement but before the displacement. IDPs have an inherent right to dignity, which Governments must respect, protect, and strictly enforce. Individuals are also expected to respect the dignity of the human person of the IDPs.

#### **4.3.3 Right not to Discriminate**

IDPs, like other citizens, have the right not to face discrimination,<sup>83</sup> but mortality rates among internally displaced persons are far greater than other citizens.<sup>84</sup> Also, they continue to face a significant danger of being physically attacked, sexually assaulted, and kidnapped, and they typically lack access to proper housing, food, and medical care.<sup>85</sup> There is no adequate humanitarian assistance. Although every humanitarian assistance is expected to be carried out without discrimination,<sup>86</sup> IDPs are facing a lot of humanitarian crises. Their rights are being violated in their own country and most Governments are not taking responsibility for the needs of the IDPs.

#### **4.3.4 Rights under the Principles of Non-Refoulement**

According to the principle of non-refoulement, states are not allowed to transfer or expel people from their territory or effective authority if there are good reasons to think they could face persecution, torture, mistreatment, or other grave human rights violations

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<sup>82</sup>Thomas E Hill, ‘Kantian Perspectives on the Rational Basis of Human Dignity’ in Duwell, M, Braarvig, J Brownsword, R and Mieth, D (eds), *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* (Cambridge University Press, 2014)215-221.

<sup>83</sup> UN Guiding Principles on Internal Displacement, article 1.

<sup>84</sup> UN Human Rights Office of the High Commissioner, ‘About Internally Displaced Persons: Special Rapporteur on the Human Rights of Internally Displaced Persons’. < <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>> accessed September 1, 2022.

<sup>85</sup> Ibid.

<sup>86</sup> UN Guiding Principles on Internal Displacement, article 24.

upon return. This principle is an essential component of the outright ban on torture and other cruel treatment, and it is characterised by its total nature devoid of any exception.<sup>87</sup> In this regard, it extends to all individuals, most especially the refugees but it can be argued that it applies to the IDPs. Displaced persons have the right to move to other parts of their country without rejection from the state or local government. The reverse is the case in Nigeria. People who are internally displaced in the Northern part of Nigeria due to the Boko Haram insurgency are taken as security threats and rejected in other parts of the country.

Non-refoulement ought to apply to every level of government and it must apply everywhere a State exerts authority or effective control. The prohibition of refoulement is clearly stated under several treaties;<sup>88</sup> recognised as a norm of customary international law;<sup>89</sup> and has several judgments in its favour.<sup>90</sup>

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<sup>87</sup> UN Human Rights Office of the High Commissioner, 'The principle of non-refoulement under International Human Rights Law' (*UN OHCHR*), <<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>> accessed September 1, 2022.

<sup>88</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), article 3; International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), article 16; International Convention against the Taking of Hostages 1979, article 9(1); International Convention for the Suppression of Terrorist Bombings 1997, article 12; the Charter of Fundamental Rights of the European Union, article 19(2); Inter-American Convention on the Prevention of Torture; American Convention on Human Rights 1969, article 22(8); OAU Convention Governing Specific Aspects of Refugee Problems in Africa, 1969, article II(3); and The 1990 International Convention on the Protection of all Migrant Workers; African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 2009, article 9.2(e).

<sup>89</sup> Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (Oxford University Press, 2<sup>nd</sup> edition, 1996), at pp. 167–171; Elihu Lauterpacht and Daniel Bethlehem, 'The scope and content of the principle of non-refoulement: Opinion,' in Erika Feller, Volker Türk and Frances Nicholson (eds), *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge University Press, Cambridge, 2003) 193–219; UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law, Response to the Questions posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in cases 2 B v R 1938/93, 2 B v R 1953/93, 2 B v R 1954/93* (UNHCR Publication 1994); New Zealand Court of Appeal, *Zaoui v Attorney General*, 30 September 2004, (No 2) [2005] 1 NZLR 690, paragraph 34.

<sup>90</sup> ECtHR, *Othman (Abu Qatada) v United Kingdom*, No 8139/09, 17 January 2012, para 235, 258; IACtHR, *Pacheco Tineo Family v. Bolivia*, Judgment of November 25, 2013, para 135; ECtHR, *MSS v Belgium and Greece*, 30696/09, 21 January 2011; Human Rights Committee, *Kaba v Canada*, 21 May 2010,



#### **4.3.5 Rights to Means of Identification**

Everyone has a right to be recognized before the law,<sup>91</sup> and the authorities concerned are saddled with the responsibility to effect this right by issuing necessary documents,<sup>92</sup> even when all documents have been lost. As the IDPs are still within the boundary of their country, their Government needs to provide identification cards or recognition means for them. The lost certificates should be replaced with certified true copies or be issued another one by the Government. Providing the IDPs with means of identification and certificates will give them the privilege to seek their rights within and outside their country.

#### **4.3.6 Child's Rights during Displacement**

An internally displaced child has the same recognition and rights as any other IDP. Although the words "person or group of persons" are in the definition of IDPs, it is unclear from the definition if children born to internally displaced parents after the displacement events are IDPs. It can be argued that they are not IDPs because they were not compelled or forced to flee their homes or places of abode. However, there are compelling considerations from the perspective of human rights that support giving IDP children the same protections and benefits as their parents.<sup>93</sup> Even some states recognise and give children born after the event of displacement by IDPs parents an IDP status if any of the parents consent.<sup>94</sup> There are other treaties and soft laws apart from

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Communication No. 1465/2006; Human Rights Committee, *A.H.G. v Canada*, No. 2091/2011, 5 June 2015, para 10.4; and, CAT, *Njamba and Balikosa v Sweden*, CAT/C/44/D/322/2007, 3 June 2010, para 9.5.

<sup>91</sup> Guiding Principles on Internal Displacement, 20(1).

<sup>92</sup> *Ibid*, (2).

<sup>93</sup> European Union and the United Nations, 2020, 'International Recommendations on Internally Displaced Persons Statistics (IRIS): Expert Group on Refugee and Internally Displaced Persons Statistics (EGRIS)' (Luxembourg: Publications Office of the European Union, 2020) 23.

<sup>94</sup> Law Of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia, 2014, article 6:2.

the general ones which are specifically on child's rights. These treaties and soft laws cover the rights of the internally displaced child as they are part of the community in which the treaties and soft laws govern. An example of such treaties is the Convention on the Prohibition of the Worst Forms of Child Labour and Immediate Action for Their Elimination<sup>95</sup>

The convention defines the worst form of child labour to include slavery, sales, and trafficking of any form; use of a child for prostitution, illicit affairs, pornography production or performances; and any injurious work that can harm the health, safety, or morals of children.<sup>96</sup> To prevent children from these forms of worse labour, member states are directed as a matter of priority to ensure the prevention and eradication of the worst forms of child labour,<sup>97</sup> through the right to education<sup>98</sup> and implementation of action programmes.<sup>99</sup> As IDPs live in a member state party, human rights treaties apply to them, and their plights are addressed.

Although this convention is in place, the majority of internally displaced children are among the most vulnerable. They are abused, made to work, and treated with contempt. On paper, most nations support the agreement, but no significant action has been taken to defend children's rights, and the justification of sovereignty as an explanation for international organisations not assisting IDP children is untenable. The UN Security Council should exert pressure on a state that violates the rights of the vulnerable, including children, to change its course of action. If the state does not, sanctions under Article 41 of the UN Charter may be applied.

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<sup>95</sup> ILO Convention 182 of 1999 hereinafter refers to as 'Worst Forms of Child labour Convention.'

<sup>96</sup> Ibid, article 3.

<sup>97</sup> Worst Forms of Child labour Convention, article 1.

<sup>98</sup> Ibid, art 7.

<sup>99</sup> Ibid, art 6.

Also, the 1989 Convention on the Rights of the Child<sup>100</sup> recognises the human rights of persons under the age of 18. It enumerates 42 substantive rights, including the right to life; protection of the dignity of a person;<sup>101</sup> right to legal protection against unlawful intrusion into one's privacy, family, home, or correspondence;<sup>102</sup> right to good health<sup>103</sup> and standard of living;<sup>104</sup> right to education;<sup>105</sup> protection from dangerous work,<sup>106</sup> unfair economic treatment, and sexual exploitation or abuse.<sup>107</sup> It further admonishes states to safeguard the child's rights and ensure everyone knows their rights. In ensuring this, a Committee on the Rights of the Child was formed to oversee the implementation of the convention by the states and monitor progress made.

In addition to the Convention, there are two protocols: Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography 2000 which prohibits the sale of children, child prostitution, and child pornography,<sup>108</sup> and Optional Protocol on the Involvement of Children in Armed Conflict 2000 which protects everybody below 18 years from recruitment and use in hostilities. Despite the conventions and protocols, internally displaced children's rights are being violated alongside their parents, while others suffer alone with no one to care for them.

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<sup>100</sup> General Assembly Resolution 44/11/1989.

<sup>101</sup> Ibid, article 19(1).

<sup>102</sup> Ibid, article 16.

<sup>103</sup> Ibid, article 24.

<sup>104</sup> Ibid, article 27.

<sup>105</sup> Ibid, article 28.

<sup>106</sup> Ibid, article 32(1).

<sup>107</sup> Ibid, article 34.

<sup>108</sup> General Assembly Resolution 2000, A/RES/54/263.

#### 4.3.7 Rights of Persons with Disabilities during Displacement

Over 1 billion people are disabled,<sup>109</sup> while around 40 million disabled people are refugees or internally displaced persons.<sup>110</sup> Disabled persons were already stigmatised in their communities before being compelled to migrate and face heightened risks during and after the flight.<sup>111</sup> The aid operations do not anticipate or respond to the unique requirements of people with disabilities.<sup>112</sup> Human rights-based protection for disabled IDPs is a pressing global concern.<sup>113</sup> Disability integration has been highlighted as a human rights issue in situations of risk, such as natural disasters and armed conflict, and this calls for the establishment of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.<sup>114</sup>

The 2006 Convention on the Rights of Persons with Disabilities (CRPD) promotes a social model of disability that views people with disabilities as active participants with equal rights.<sup>115</sup> In its words, it promotes, defends, and ensures that all individuals with disabilities have full and equal access to all human rights and basic freedoms, as well as encourages respect for their inherent dignity.<sup>116</sup> This rights-based approach asserts that all individuals with disabilities, regardless of their social or economic condition, are

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<sup>109</sup> World Health Organisation, 'Disability and health' (*WHO*, 2021) <<https://www.who.int/en/news-room/fact-sheets/detail/disability-and-health>> accessed 9 April 2022.

<sup>110</sup> United Nations, CRPD/CSP/2010/3 of 3 September 2010.

<sup>111</sup> David Anderson, 'Human Rights and Persons with Disabilities in Developing Nations in Africa' (2004) Paper delivered at the 4<sup>th</sup> Annual Lilly Fellows Program National Research Conference, 13 November 2004).

<sup>112</sup> Janet Lord, Michael Waterstone, and Michael Stein, *Disability Inclusive Development and Natural Disasters, in Law and Recovery from Disaster: Hurricane Katrina* (Robin Paul Malloy edition, 2008)71.

<sup>113</sup> Michael Ashley Stein and Janet Lord, 'Human Rights and Humanitarian Assistance for Refugees and Internally Displaced Persons with Disabilities', in *Aspects of Disability Law in Africa* (Ilze Grobbelaar-du Plessis & Tobias Van Reenen editions, 2011) 31; Aleema Shivji, 'Disability and Displacement: A Shared Vision' (2010) 35 FMR 4, 4; Rachael Reilly, 'Disabilities and Displacement: Disabilities Among Refugees and Conflict-affected Populations', (2010) 35 FMR 8, 8.

<sup>114</sup> General Assembly Resolution 2006, A/RES/61/106; General Assembly Resolution 2007, A/RES/61/106

<sup>115</sup> *Ibid*, article 1

<sup>116</sup> *Ibid*

entitled to all human rights and fundamental freedoms.<sup>117</sup> One of the CRPD's main goals is to explain and apply existing universal human rights norms to the lives and experiences of people with disabilities.<sup>118</sup> States Parties under the CRPD commit to ensuring and promoting the full fulfillment of all human rights and basic freedoms for all people with disabilities, without discrimination based on a disability of any sort.<sup>119</sup> Also, the States recognise among others, rights to equality and non-discrimination;<sup>120</sup> rights of women and children with disabilities;<sup>121</sup> awareness-raising;<sup>122</sup> accessibility of disabled;<sup>123</sup> inherent right to life;<sup>124</sup> liberty and security of person;<sup>125</sup> freedom from torture and cruelty;<sup>126</sup> freedom from exploitation, violence, and abuse;<sup>127</sup> respect for the integrity of disabled;<sup>128</sup> and freedom of expression and opinion.<sup>129</sup>

Since the CRPD is a comprehensive human rights pact with duties that must be interpreted horizontally across the treaty, there is a compelling case to be made for disabled IDPs under the convention.<sup>130</sup> Article 19 of the Convention makes it the responsibility of the state to ensure that persons with disabilities enjoy the full right to live in a community and enjoy assistance necessary to support living and inclusion in the community. It is also the responsibility of the state to remove any obstacles and barriers that will deny persons with disabilities access to social services.<sup>131</sup>

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<sup>117</sup> Rosemary Kayess and Phillip French, 'Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities', (2008) 8 HRLR 1.

<sup>118</sup> Janet Lord & Michael Ashley Stein, 'The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities' (2008) 83 Washington Law Review 449, 456.

<sup>119</sup> CRPD, article 4(1).

<sup>120</sup> *Ibid*, article 5.

<sup>121</sup> *Ibid*, article 6 and 7.

<sup>122</sup> *Ibid*, article 8.

<sup>123</sup> *Ibid*, article 9.

<sup>124</sup> *Ibid*, article 10.

<sup>125</sup> *Ibid*, article 14.

<sup>126</sup> *Ibid*, article 15.

<sup>127</sup> *Ibid*, article 16.

<sup>128</sup> *Ibid*, article 17.

<sup>129</sup> *Ibid*, article 21.

<sup>130</sup> United Nations Document A/CONF.157/23 of 12 July 1993.

<sup>131</sup> *Lauren Henley v Australia* (2023) 3 IHRR 755.

Despite the emergence of thriving disability rights following the adoption of the CRPD, there is no disability rights framework in IDP legal policy. As a result, there is a persistent inclusion gap in IDPs' responses to displacement, as well as a lack of accessible activities. The adoption of the CRPD by states throughout the world, as well as the enactment of relevant legislation and policy, should result in the expansion and strengthening of the security and assistance of disabled IDPs. Also, driven by the CRPD's normative framework, humanitarian organisations' protection, and assistance efforts should result in more disability-sensitive and inclusive responses, as well as the ability to modify activities for disability equality.<sup>132</sup>

#### **4.4 Post Displacement Rights**

To offer long-lasting solutions for the predicament of IDPs, it is necessary to examine if there exists international human rights law that allows them to return to their pre-internal displacement position and if not, if there are interim measures in place to lessen the impact of their displacement. In addition, to research the optimal course of action following post-displacement.

##### **4.4.1 Right of Family Reunification**

Family reunification can be defined as coming or bringing together the displaced members of the family together. The right to family reunification can easily be deduced from the right to private and family life. ICRC states that 'all appropriate steps shall be taken to facilitate the reunion of families temporarily separated.'<sup>133</sup> Although family reunification is explicitly recognized as a right in certain regions of the world,<sup>134</sup> it is still

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<sup>132</sup> Michael Ashley Stein and Janet Lord, 'Enabling Refugee and IDP Law and Policy: Implications of the UN Convention on the Rights of Persons with Disabilities' (2011) 28 *Ariz J Int'l & Comp L* 401.

<sup>133</sup> ICRC, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of NonInternational Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609, article 4(3)(b).

<sup>134</sup> UNHCR, "The 'Essential Right' to Family Unity of Refugees and Others in Need of International Protection in the Context of Family Reunification" (*F Nicholson, Protection Policy and Legal Advice*

contested because it entails states taking proactive measures.<sup>135</sup> Most IDPs are unable to be reunited with their family after displacement due to economic factors and the inability to make provisions for shelter. The Governments are not taking cognisance of this, they close IDP camps after the events that create displacement without ensuring amenities are put in place for families to be reunited.

#### **4.4.2 Rights of Return, Resettlement, and Reintegration**

According to Guiding Principles, IDPs have the right of choice to return to and peacefully live in their former houses or other locations of habitual habitation as if they had never been displaced. Also, in general, the right to voluntary return is recognised under the Convention Governing Refugee Problems in Africa;<sup>136</sup> the Universal Declaration on Human Rights;<sup>137</sup> the International Covenant on Civil and Political Rights;<sup>138</sup> and the African Charter on Human and Peoples' Rights.<sup>139</sup> Although these provisions are not explicitly mentioned IDPs' rights to return home, there are compelling arguments in favour of expanding the definition of the right of return under these treaties to include everyone who has been displaced from their homes and lands, not only those who have crossed international borders.<sup>140</sup>

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*Research Series*, December 2017) < <http://www.refworld.org/docid/5a3cebbe4.html>> accessed 1 November 2022.

<sup>135</sup> Helene Lambert, Family Unity in Migration Law: The Evolution of a More Unified Approach in Europe”, in *Research Handbook on International Law and Migration*, V Chetail and C Bauloz (eds) (Edward Elgar Publishing, 2015).

<sup>136</sup> OAU Convention Governing the Specific Aspect Refugee Problems in Africa 1969, article 5.

<sup>137</sup> Universal Declaration on Human Rights 1948, Article 13(2).

<sup>138</sup> International Covenant on Civil and Political Rights 1966, article 12(4).

<sup>139</sup> African Charter on Human and Peoples' Rights, article 12(2).

<sup>140</sup> S Leckie, An Introduction to the 'Pinheiro Principles' in *The Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons* (Centre on Housing Rights and Evictions 2005) 3; MJ Anderson, 'The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles): Suggestions for Improved Applicability' (2011) 24 *Journal of Refugee Studies* 304, 305; P Orchard, 'The Contested Origins of Internal Displacement' (2016) 28 *International Journal of Refugee Law* 210.

Due to the possibility of major ethnic rivalries, land disputes, and religious disagreements among other things that may lead to revenge among the returning IDPs. Rebuilding a community for the IDPs may require a significant amount of material and human resources. For there to be a successful implementation of the IDPs' right of return, it will be necessary to have a very well-thought-out strategy, a deep grasp of the situation, and sensitivity to the various groups concerned. An innovative strategy and sound policy are required to build a new life for the IDPs.

In ensuring the implementation of the right of return of IDPs, the Guiding Principles on Internal Displacement stipulate that it is the responsibility of the competent authorities to take action to enable the voluntary safe return and reintegration of IDPs.<sup>141</sup> The duty of ensuring placed on the Government is so because the IDPs are still within the country and the Government has to protect and ensure the safe return of its citizens. This places a lot of responsibility on the Government as the return of IDPs entails more than the physical movement of people back to their former place of residence or another place of choice of the IDPs within the country.

The Government must ensure the safety, provision of water, food, and social amenities; housing; work; security, and mental stability of its citizens. This means a complete re-establishment of the affected area. Most Governments will not be able to provide resources for such re-establishment without the support of the international community. The holding of the international community and Guiding Principles that the host Government has the responsibility to ensure the return, resettlement, and reintegration of the IDPs to their base while the return of the refugees is more of the

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<sup>141</sup> Ibid, Guiding Principle, principle 28.



responsibility of the international community is not justifiable. If an event creates displacement and the victims flee for the same reasons,<sup>142</sup> but are called different names due to their locations during the displacement (Refugee, and Internally Displaced Persons); recognised as people of 'separate problems of a different character;<sup>143</sup> cared for differently by two distinct bodies (International Community and the IDPs' Government) because of their location during displacement; the durable solution to the plights of the two is to return to the same location call home. Homes can be destroyed by one person in one day, but they cannot be built back in a day by one person, it needs collective hands. A protected Refugee will become an Internally Displaced Person<sup>144</sup> if he comes back home without having shelter. The right of return, resettlement, and reintegration should be a collective responsibility of everybody and not of the host nation alone. The international community need not wait for the National Government to seek assistance from them before joining to protect the IDPs' right to return, resettlement, and reintegration. Not only by regulations and rules but must be supported by necessary humanitarian assistance.

A crucial issue taming the international reaction has been the principle of state sovereignty.<sup>145</sup> Sovereignty carries with it the state's obligation to defend fundamental

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<sup>142</sup> Susanne Schmeidl, 'Exploring the Causes of Forced Migration: A Pooled Time-Series Analysis, 1971–1990,' *Social Science Quarterly* 78, 2 (1997); Will H Moore and Stephen M Shellman, 'Refugee or Internally Displaced Person? To Where Should One Flee?,' *Comparative Political Studies* 39, 5 (2006); Christian A Davenport, Will H Moore, and Steven C Poe, 'Sometimes You Just Have to Leave: Domestic Threats and Forced Migration, 1964–1989,' *International Interactions* 29 (2003); Will H Moore and Stephen M Shellman, 'Whither Will They Go? A Global Study of Refugees' Destinations, 1965–1995,' (2007) *ISQ* (51) 4.

<sup>143</sup> Phil Orchard, 2019, *Protecting the Internally Displaced: Rhetoric and Reality*, (London: Routledge) 2.

<sup>144</sup> Phil Orchard, *Improving the implementation of National Internally Displaced Persons Laws and Policies and Politics (UNHCR)* < <https://www.unhcr.org/uk/events/conferences/5a86d0497/improving-implementation-national-internally-displaced-persons-laws-policies.html?query=Internally%20Displaced%20persons>> accessed September 10, 2022

<sup>145</sup> Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, DC: Brookings Institution Press, 1998), 275.

human rights and engage in effective governance. If a state breaks the promise of fair treatment, it loses its right to use its sovereignty as a defense against international action.<sup>146</sup> The use of sovereignty as a tool in the violation of IDPs' human rights of return, resettlement, and reintegration is unacceptable. The principle of state sovereignty may rule modern society, but not the modern jungle of chaos where the IDPs are placed.

#### **4.4.3 Rights of Restitution of Losses**

Restitution and other remedies are available for IDPs, although many of them do not get any sort of justice for the injustices they experience. As discussed in Chapter 3, IDPs lose their standard of living, peace, jobs, place of abode, and properties among other things to the forced internal displacement. The IDPs have the right to acquire back their losses after the crisis that led to displacement. Although some of these losses cannot be quantified. For example, the psychological trauma they passed through cannot be quantified to be compensated for. Also, no amount of compensation can replace the loss of a loved one. For losses that can be quantified, the IDPs have the right to restitution of their losses. The right to go back to their land, housing, and properties to mitigate the impact of internal displacement. The post-displacement rights to property restitution;<sup>147</sup> non-discrimination;<sup>148</sup> equality; protection from displacement;<sup>149</sup> privacy and respect for the home;<sup>150</sup> peaceful enjoyment of possessions;<sup>151</sup> sufficient housing;<sup>152</sup> freedom of movement;<sup>153</sup> and voluntary return<sup>154</sup> establishes an aggregated system

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<sup>146</sup> Helton, Arthur C, 'Surmounting Indifference: Refugees and the New Statecraft', *The Price of Indifference: Refugees and Humanitarian Action in the New Century* (Oxford, 2002; online edn, Oxford Academic, 1 Nov. 2003), < <https://doi.org/10.1093/0199250316.003.0006> > accessed 10 September 2022.

<sup>147</sup> UN Resolution E/CN.4/Sub.2/2005/17 and E/CN.4/Sub.2/2005/17/Add.1 of 28 June 2005.

<sup>148</sup> Ibid, 3.1

<sup>149</sup> Ibid 5.1

<sup>150</sup> Ibid 6.1

<sup>151</sup> Ibid 7.1

<sup>152</sup> Ibid 8.1

<sup>153</sup> Ibid 9.1

<sup>154</sup> Ibid 10.1

of global principles to ensure the rights of IDPs. The presumption among the international community was that restitution of house, land, and property (HLP) is the most appropriate remedy for forced migrants, especially since it may facilitate return as the "preferred" solution to displacement.<sup>155</sup> It is imperative to state that there ought to be remedies for other losses that cannot be quantified. This will bring peace of mind and justice. The state is required to ensure effective remedies for the violation of IDPs and other people's rights.<sup>156</sup> Also, the state must ensure adherence to the above rights in the safe arrival of IDPs to their previous homelands, and ensure that all housing, land, and property restitution measures, institutions, mechanisms, and legal frameworks comply with universal laws.<sup>157</sup>

The principle of restitution is all-inclusive. It recognises any person that is arbitrarily or unlawfully displaced, puts a legal framework in place for the prevention of future displacement, and recognises the fundamental nature of housing, land, and property restitution as a key concern of states and the international community. A durable solution as suggested in the 2010 Inter-Agency Standing Committee (IASC)<sup>158</sup> is achievable if the host state recognises and domesticates these principles.

Also, the 1989 Indigenous and Tribal Peoples Convention<sup>159</sup> establishes a framework for guaranteeing that indigenous and tribal peoples have equal access to their rights as

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<sup>155</sup> Bradley, Megan, 'Restitution and Other Remedies for Refugees and Internally Displaced Persons', in Cathryn Costello, Michelle Foster, and Jane McAdam (eds), *The Oxford Handbook of International Refugee Law*, Oxford Handbooks (2021; online edn, Oxford Academic, 9 June 2021) <<https://doi.org/10.1093/law/9780198848639.003.0063>> accessed 11 July 2023.

<sup>156</sup> International Covenant on Civil and Political Rights, article 2 (3a).

<sup>157</sup> *Ibid* 11.1

<sup>158</sup> Inter-Agencies Standing Committee, *Framework on durable solution for internally Displaced Persons* (The Brookings Institution USA, April 2010).

<sup>159</sup> ILO Convention No 169.

other people;<sup>160</sup> addresses the issue of persons being relocated specifically; provides conditions and guarantees that must be met; and safeguards the persons, institutions, property, labour, cultures, and environment of the individuals concerned. The migration of indigenous peoples from their ancestral lands as a result of crises that cause internal displacement is a worldwide occurrence. People lose their heritage, beliefs, culture, and respect as a result of this predicament. As stated in the convention, it is the government's responsibility to preserve these people's rights. However, the current state of affairs, both during and after the crisis, demonstrates that the government has failed in its role when indigenous peoples are unable to return to their homeland or when ancestral edifices are destroyed. The convention needs to be severely reviewed because its impact is not felt by the people.

#### **4.5 IDPs' Rights under International Disaster Law**

International disaster law is a developing field of law that deals with disaster preparedness, response, and recovery. Nothing is more capable of having an impact than the threat posed by the prevalence and severity of natural disasters, many of which are brought on by our changing climate. While some natural disasters, such as hurricanes, wildfires, tsunamis, landslides, floods, and earthquakes, strike rapidly, others, such as drought and desertification that result in crop failure and shortages of food, take time to have an impact on human life. Due to these disasters, many people are forced from their homes to become IDPs. For example, the 2022 Pakistan flood, displaced about 8 million people;<sup>161</sup> and the 2015 Nepal earthquake displaced 2.8

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<sup>160</sup> Art 2 and 3.

<sup>161</sup> NUHCR, 'UNHCR: Humanitarian needs remain acute for displaced in flood-hit areas of Pakistan' (NUHCR, 2022) < <https://www.unhcr.org/uk/news/briefing/2022/9/63297ee24/unhcr-humanitarian-needs-remain-acute-displaced-flood-hit-areas-pakistan.html>> accessed 26 September 2022.

million people.<sup>162</sup> In Nigeria, the President of the country, President Muhammadu Buhari states that:

All Federal agencies dealing with rescue and disaster management have been directed to scale up response and intervention efforts to support the victims of flooding across the country, as well as all the affected State Governments - 33 States so far affected, and the FCT.

The devastation caused by these floods is saddening, most recently in Bayelsa, where the figures so far indicate 700,000 persons have been displaced in about 300 communities & villages. Our deepest condolences to the families of all the victims, and all those affected, nationwide.<sup>163</sup>

Natural Disasters have been the cause of around 265 million displacements, more than three times the number caused by conflict and violence.<sup>164</sup> IDPs displaced by natural disasters suffer the same difficulties as those escaping conflict and violence. Many of them experience homelessness, loss of property and income, lack of security, restricted access to services such as food, water, healthcare, and education, as well as social network disruption.

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<sup>162</sup> IOM, 'Nepal: Thousands remain displaced from Earthquake, exposed to impact of coming monsoon season' (*IOM*, 2020) <<https://www.iom.int/news/nepal-thousands-remain-displaced-earthquake-exposed-impact-coming-monsoon-season#:~:text=Nepal%20%2D%20In%20April%20and%20May,million%20people%20to%20be%20displaced>> accessed 26 September 2022.

<sup>163</sup> Aljazeera, 'Nigeria Flood Death Toll Tops 600 as Thousands Evacuated' (*Aljazeera*, 2022) <<https://www.aljazeera.com/news/2022/10/17/nigeria-flood-death-toll-rises-as-thousands-evacuated>> accessed 5 September, 2023.

<sup>164</sup> IDMC, Disaster Displacement: A Global Review, 2008-2018 (*IDMC*, 1 May 2019). <<https://www.internal-displacement.org/sites/default/files/publications/documents/201905-disaster-displacement-global-review-2008-2018.pdf>> accessed 27 September, 2022.

In finding a lasting solution, the Kyoto Protocol<sup>165</sup> and Paris Agreement<sup>166</sup> were made by the UN to stop the current and future rise of the uncontrollably expanding effects of climate change and to safeguard the population of people concentrated in storm- and flood-prone areas. To reduce the advent of temperature rise, the UN is trying to bring greenhouse gas concentrations in the atmosphere to 'a level that would prevent dangerous anthropogenic interference with the climate system.'<sup>167</sup> Also, the Tampere Convention reduces suffering during disasters.<sup>168</sup> It covers both the installation and utilisation of robust, adaptive telecommunication services during disasters. The affected State has to provide prompt communications assistance to mitigate the effects of a disaster. No laws or restrictions are preventing the use of communications during disasters.

Some bodies are created for the management of disasters. The United Nations Office for Disaster Risk Reduction (UNDRR) coordinates efforts to build societies that are more secure and resilient. The International Federation of Red Cross promulgated the International Disasters Response Law among other laws. To find the solution to the natural disaster that causes displacement, the government, agencies and organisations, and individuals must know their roles, responsibilities, and rights when it comes to disasters and climate change actions. Effective laws provide clarity on who needs to do what before, during, and after disaster strikes. Despite this, little has been achieved on the issues of internal displacement caused by natural disasters, and by actions or inactions of their government.

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<sup>165</sup>Protocol of Amendment to the International Convention on the Simplification and harmonisation of Customs Procedures, 1973 and 1999.

<sup>166</sup> United Nations Framework Convention on Climate Change, 2015.

<sup>167</sup> Kyoto Protocol, article 5.

<sup>168</sup> Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, 1998.

#### **4.6 States' Responsibilities to the IDPs under the IHRL**

The State has the responsibility to safeguard the human rights of all people including the IDPs living within its borders.<sup>169</sup> The three components of this duty are to protect, fulfill, and respect human rights. To protect IDPs from threats and violations of their human rights, the State must take all necessary precautions to stop and prevent any abuses of rights by any person or organisations. The precautions may include promulgation of domestic law on IDPs; prevention and investigation of any act of abuse or threat of abuse of IDPs rights; and adequate justice through effective remedy.

To achieve the duty to fulfill, the state must take all reasonable steps to guarantee that those under its authority which includes the IDPs can exercise their human rights. These steps include the creation and adoption of national laws and policies on internal displacement, the establishment of national institutions to uphold the rule of law and protect the rights of the IDPs; the creation of a strong judicial system; and the optimum use of resources to gradually bring about the full realisation of rights as directed by the international community.<sup>170</sup>

Under the duty of respect, the State must act in accordance with human rights, which includes refraining from taking any measures that would make it difficult or impossible for IDPs to exercise their legal rights, such as restricting their freedom of movement, right to housing, right to family, and right to employment. To achieve all these roles, over twenty states have included the right not to be displaced in their national

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<sup>169</sup> International Covenant on Civil and Political Rights, article 2; International Convention on the Elimination of All Forms of Racial Discrimination, article 6.

<sup>170</sup> ICESCR, article 2(1).

legislation and policy,<sup>171</sup> while many states have made laws in respect of IDPs' displacement. These states are Colombia (1997 IDPs Law), Georgia (2010 Decree of the Georgian Government, and 2014 IDP Law), Honduras (2016 IDP Law), Kenya (2012 IDP Act), Kyrgyzstan (2002 Law on Internal Migration), Mexico (2012 IDP law, and 2014 IDP Law), Peru (2014 IDP law), Philippines (2010 Disaster Reduction Act, and 2014 IDP Act), South Sudan (2019 IDP Act), and Ukraine (2014 IDP Law). While others that make policies or guidelines are Nigeria, Afghanistan, Bangladesh, Bosnia, and Herzegovina, Burundi, the Central African Republic, the Democratic of Congo, Ethiopia, Gambia, Iraq, Malawi, Namibia, Nepal, Niger, Sierra Leone, Somalia, Sri Lanka, Sudan, Timor Lester, Uganda, Vanuatu, Yemen, and Zambia. Some countries have gone to the extent of criminalising it.<sup>172</sup>

It can be argued that there is no need for specific laws on IDPs in a country where there are adequate laws on the protection of the citizens' rights. Since all citizens are entitled to certain rights, IDPs' rights do not exist in a vacuum. However, access to and enjoyment of rights by IDPs are sometimes hampered by their peculiar circumstance of internal displacement. Any specific law on internal displacement then must have as its goal and outcome ensuring that IDPs have access to their rights on an equal basis with other citizens or long-term residents of the state.

It is important to exercise caution to avoid isolating IDPs as a distinct legal group as a result of an IDP-specific law. Instead of making IDPs-specific law, it is possible to address

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<sup>171</sup> Naziye Dirikgil, 'Addressing the Prevention of Internal Displacement: The Right Not to Be Arbitrarily Displaced' (2022) *Journal of International Migration and Integration* 13-18.

<sup>172</sup> Iraq (Prime Minister's Order 101 s 2008, paragraph 1); Kenya (National Policy on the Prevention of Internal Displacement and the Protection and Assistance to Internal Displaced persons 2011, paragraph 52); and Philippines (Rights of Internally Displaced persons Act 2014).



the specific protection concerns that arise in circumstances of internal displacement by amending general law. The state's legal framework must maintain and guarantee the rights of IDPs under international law; ensure its conformity with international legal standards; and adhere to the state's obligations under international treaties. Unfortunately, most times the actions or inactions of the state cause displacement. For example, the production of oil in the Niger Delta of Nigeria causes the destruction.

#### **4.7 Conclusion**

The Chapter examined the protection of the rights of IDPs under international human rights law and international disaster law. Also discussed the responsibilities of states in protecting the rights of the IDPs. It was discovered that at every stage of displacement be it before, during, and after displacement, there are international human rights treaties for the protection of the IDPs. Although the international treaties are not specific to IDPs, the African Region, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), is specific to IDPs. Also, there are soft laws and Guiding Principles on Internal Displacement for the protection of the IDPs' rights.

It was further found that there are several state laws on the rights of IDPs. Over twenty state instruments specifically reference IDPs or their rights. It was argued that IDPs enjoy the same rights as other citizens under the relevant laws, but the laws are weak in their implementation. IDPs flee because of danger, and if there is an effective law that avers danger there will be no need to flee or be displaced or call for protection. IDPs, like other citizens, are also protected by treaties and non-binding laws to which the state is a party or signatory. The international community together with the states who make these treaties, soft laws, and domestic laws on the human rights of IDPs have done a good job

in contributing to the protection of the fundamental rights of the IDPs. However, having these laws, treaties and soft laws never stop the infringement of IDPs' rights. The poor implementation contributes to the failure of these laws.

It was discovered that most wars and armed conflict that creates displacement are caused directly or indirectly by the superpowers<sup>173</sup> that are members of the United Nations while an internal crisis is caused by the states through their inaction or actions. For example, the leading countries in the UN whose responsibility among others are to maintain peace in the world are the major manufacturers of weapons while most states are the makers of bad policy that adversely affects human beings. The self-gains of both are the main causes of the crisis which produced IDPs. Likewise, the climate changes that lead to environmental disasters are caused by the production of oil and other activities of the members of the UN.

Technically it will be hard for these authorities to make treaties, conventions, declarations, or any law that will affect their interest negatively and if they do, pretending good intentions, they do not implement them effectively. For example, the international community shifted the responsibilities of IDPs to the individual states in order not to breach the principle of the sovereignty of states. Peradventure if the state cannot take care of or be of assistance to its citizens, they can call on international bodies for assistance. If this is the case, what is the essence of the treaties and soft laws that impliedly protect the IDPs? It is the international body that dresses a state with sovereignty, why can they not wipe a state of sovereignty because of the infringement

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<sup>173</sup> Superpowers have prominent positions on the international scene and are distinguished by their capacity to project power or influence globally. Superpowers' foreign, military, and economic policies are closely observed by other nations and have a significant impact on the global community. For instance, the United States of America, the United Kingdom, China, Russia and France are Superpowers.

of human rights? It was argued that there should be an imposition of 'non-recognition of states' on any state that breaks IDPs' human rights. Also, it can be concluded that the international community positions itself on the plights of IDPs as an 'Assistance Body,' not a humanitarian. The aim of a humanitarian should be to save lives, alleviate suffering, and maintain fundamental human rights without any stringent conditions.

Furthermore, the international body created a guiding principle that does not have a binding effect on the protection of IDPs' human rights. If there cannot be a law or treaties in place that will protect the IDPs, there ought to be efficient guidelines to protect the rights of the IDP. It was argued that the government, states, international bodies, and individuals should be sanctioned by the international criminal court for inaction or actions that cause or bring continuity to a crisis that affects more than one thousand persons at a time.

Also, all these treaties, conventions, and declarations does not have consequences for their violation. A treaty or convention is supposed to be 'an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designations.'<sup>174</sup> Although it was argued that 'almost all nations observe all principles of international law and almost all of their obligations almost all the time.'<sup>175</sup> This can be true if the treaty is in the selfish interest of a nation or its government. Most countries disobey international law if it is not in the best interest of their country or its present government.<sup>176</sup> This weakened the strength of most of the treaties and turned

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<sup>174</sup> The Vienna Convention on the law of Treaties, article 2(1)(a).

<sup>175</sup> Louis Henkin, 'How Nations behave' (New York, Columbia University Press 1979) 47.

<sup>176</sup> Mearsheimer John, 'The false promise of international institutions' (1994-95) *International Security* 5, 49.

them into a bulldog without a tooth. Jean-Jacques Rousseau argues that international law is not effective,<sup>177</sup> while Hobbes states that it positions human beings in a state merely troubled by peace, but not permanent war.<sup>178</sup> Goldsmith and Posner are of the view that a state's obligation under international law may not change its behaviour except in the interest of its citizens.<sup>179</sup> It could be concluded that the admissibility of any treaty by states depends on the situation on the ground in their home state.

In a normal contract, there are consequences for breaching an agreement entered, but this is not the same concerning international laws which are respected at will. The reason for this is mostly based on the principle of sovereignty, but in a situation whereby a sovereign nation entered into a legally binding agreement with other countries, is it not bound to obey it? A country like Nigeria needs to domesticate treaties, conventions, or any international law before it can bind the country. It is not right to wait for a country that participated in a discussion and making of a treaty by signing and ratifying it and still await internal approval (domestication) before it can bind the country. So far, if a country participates in the making, signing, and ratification of a treaty, such a treaty should bind that country.

Also, there should be a compensation clause in all treaties to reads, 'The parties to this arrangement agreed to pay a fine if the treaty is violated.' The implementation of this may be through a competent international tribunal or authority. For instance, an action can be taken against the state for breach of the treaty or a report can be made to the

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<sup>177</sup> Hoffman Stanley, 'Rousseau on War and Peace' (1963) 57(2) APSR 217.

<sup>178</sup> Ibid.

<sup>179</sup> Goldsmith Jack and Posner Eric, *The limits of international law*, (New York, Oxford University Press, 2005) 188.

UN Security Council to put pressure on the state to obey the treaty and pay compensation for the act of disobedience of the treaty in order to sustain peace.

It was argued that there is no essence of international human rights laws when a state that has legal and moral obligations to comply with an agreed ratified acceptable treaty does otherwise. This has made human rights a mirage and until a solution to this is found human rights of the IDPs will continue to be infringed upon not only by individuals but states who are the makers of the treaties. The attempts made by International Humanitarian Law, International Criminal Law, and the Court, to protect the rights of the IDPs and the roles of International Organizations in protecting the rights of the IDPs were discussed in the next chapter.

## Chapter 5 : IDP Protection under International Humanitarian Law, International Criminal Law, and The Role of International Organisations

### 5.1 Introduction

Chapter 4 analysed extensively the rights of the IDPs under international human rights law and state laws. It also evaluated the duties of the state on the protection of the IDPs. Chapter 5 analyses how international humanitarian law (IHL)<sup>1</sup> and international criminal law apply and protect the IDPs. IHL sets out rules to protect the innocent and their properties, limits the means of warfare, ensures compliance with its provisions, and cares for the victims of the war.<sup>2</sup> IDPs are within the borders of their own country, and they might still be displaced by internal or external armed conflicts to which international humanitarian law and international criminal law apply. This Chapter also examined UN Guiding Principles on Internal Displacement and the role of international organisations in the protection and assistance of the IDPs.

International humanitarian law categorised armed conflicts into two namely: international armed conflicts and non-international armed conflicts. International armed conflicts are armed conflicts between two or more states while non-international armed conflicts are 'protracted armed violence between governmental authorities and organised armed groups or between such groups within a state'.<sup>3</sup> In international armed conflicts, the international humanitarian laws that apply are customary law; the four Geneva Conventions in particular, the fourth convention on the protection of civilians;

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<sup>1</sup> To be referred to as IHL.

<sup>2</sup> Geoffrey S Corn, *The law of armed conflict: an operational approach* (New York: Wolters Kluwer Law & Business, 2012).

<sup>3</sup> The Prosecution v Dusko Tadic [1995] ICTY (AC) 70; The Prosecution v Dusko Tadic [1997] ICTY (AC) 562.

Additional Protocol 1 to the Geneva Conventions while in non-international armed conflict, the applicable international humanitarian law is customary law, Article 3 common to the four Geneva Conventions; Additional Protocol to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II) 1977; Article 19 of the 1954 Cultural Property Convention; the 1977 United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques; the 1993 Chemical Weapons Convention; Amendment Protocol II of 1996 to the 1981 Certain Conventional Weapons Convention concerning landmines; and the 1997 landmines Treaty. In a situation where internal displacement is a result of international armed conflicts, the stated conventions will apply to the situation of the IDPs.

Also, the Van Boven/Bassiouni principles implicitly guarantee the rights of IDPs, as it refers to the international community taking a 'victim-centered approach,' expressing support for the casualties of international war crimes and attending to serious human rights and IHL violations. The principles will take care of IDPs' needs and rights than with human rights or international humanitarian law breaches.<sup>4</sup> It should be noted that by the provisions of the Statute of the Permanent International Criminal Court, the Court has jurisdiction over a violation of international humanitarian law whether of international or non-international armed conflicts.

Internal displacement can be the result of both internal and external armed conflicts that the whole set of rules of international humanitarian law applies. An example of external armed conflict is an armed conflict or war between one country and another that creates IDPs to which IHL applies. The invasion of Ukraine by Russia led to over five

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<sup>4</sup> Marten Zwanenburg, 'The Van Boven/Bassiouni Principles: An Appraisal' (2006) 24(4) NQHR 641.

million people's displacements within Ukraine;<sup>5</sup> armed conflicts between Israel and Palestine that created internal displacement in occupied Palestinian territories;<sup>6</sup> the 2023 Israel-Hamas war that has created over 5.1million internal displacement in Palestine as of 27 October 2023;<sup>7</sup> and an armed conflict between Nigeria and Cameroun over Bakassi Peninsular that produced over 400,000 IDPs<sup>8</sup> are international armed conflicts. While highly organized protracted armed violence within a country that creates IDPs will be categorized as non-international armed conflict. The internal displacement of people caused by the recent Boko Haram, and Islamic State in West Africa Province (ISWAP) insurgency in Nigeria; Nigerian Civil War of 1967-1970, in which Biafra wanted to secede from Nigeria which is still an ongoing armed conflict in the eastern part of Nigeria; Syrian civil war;<sup>9</sup> armed conflict in Sudan,<sup>10</sup> Democratic Republic

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<sup>5</sup> UNHCR, 'UNHCR: One year after the Russian invasion, insecurity clouds return intentions of Displaced Ukrainians' (*UNHCR*, 2023) < <https://www.unhcr.org/news/unhcr-one-year-after-russian-invasion-insecurity-clouds-return-intentions-displaced-ukrainians> > accessed 21 July 2023.

<sup>6</sup> Maher Anawati Bitar, 'Internal Displacement in Occupied Palestinian Territories: Politics and the Loss of Livelihood', in Dawn Chatty, and Bill Finlayson (eds), *Dispossession and Displacement: Force Migration in the Middle East and North Africa* (London, British Academy Scholarship online, 2010) 68-96 < <https://doi.org/10.5871/bacad/9780197264591.003.0004>> accessed 5 January 2023.

<sup>7</sup> IOM, 'Ukraine Internal Displacement Report: General Population Survey Round 13' (*IOM*, 2023) < <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-13-11-may-14-june-2023?close=true>> accessed 28 October 2023.

<sup>8</sup> Francis Baye, 'Implications of the Bakassi Conflict Resolution for Cameroon', 10 *AJCR* (2010)1; Steve Ross Omisore, Olufemi Abifarin and Amade Roberts Amana, 'Nigeria's Policy on Internally Displaced Persons,' (2020) 24(3) *World Affairs: The Journal of International Issues* 148-159, 149.

<sup>9</sup> Syria Government armed conflicts against non-state armed groups such as Hay'at Tahrir al-Sham, the Islamic State group, the Syrian Democratic Force among others, RULAC Geneva Academy, 'Non-International Armed Conflicts in Syria' (*RULAC*) < <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-syria>> accessed 5 January 2023.

<sup>10</sup> Sudanese Government Armed Conflicts against Non-State Armed Groups such as Sudan Liberation Movement/Army-Abdel Wahid in Darfur; Justice and Equality Movement (JEM); Sudan People's Liberation Movement/Army-North (SPLM-North), See RULAC Geneva Academy, *Non-international Armed Conflicts in Democratic Republic of Sudan* < <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-sudan#collapse3accord>> accessed 3 January 2023.



of Congo,<sup>11</sup> Ethiopia,<sup>12</sup> and Yemen.<sup>13</sup> are examples of non-international armed conflicts which part of IHL provisions applies.

Nigeria ratified the four Geneva Conventions,<sup>14</sup> which makes the country to be bound by the provisions relating to international armed conflicts and non-international armed conflicts. The activities of the Nigerian Government on its implementation of the IHL were commended by the International Criminal Tribunal for the Former Yugoslavia in the case between Prosecutor and Dusko Tadic aka 'Dule.' The tribunal states that 'A further confirmation can be found in the 'Operational Code of Conduct for Nigerian Armed Forces,' issued in July 1967... the Federal troops were duty-bound to respect the rules of the Geneva Conventions... This 'Operational Code of Conduct' shows that in a large-scale and protracted civil war the central authorities, while refusing to grant recognition of belligerency, deemed it necessary to apply not only the provisions of the Geneva Conventions designed to protect civilians in the hands of the enemy and captured combatants, but also general rules on the conduct of hostilities that are normally applicable in international conflicts. It should be noted that the code was

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<sup>11</sup> Democratic Republic of Congo armed conflicts against non-state armed groups which include Allied Democratic Forces (ADF), the Democratic Forces for the Liberation of Rwanda (FDLR) and the Mai-Mai Yakutumba, See RULAC Geneva Academy, Non-international Armed Conflicts in Democratic Republic of Congo, < <https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-democratic-republic-of-congo#collapse2accord> > accessed 3 January 2023.

<sup>12</sup> Ethiopia armed conflicts against non-state armed groups which are Tigray People's Liberation Front (TPLF) and the Oromo Liberation Army (OLA), See RULAC Geneva Academy, Non-international armed conflicts in Ethiopia' (RULAC) <<https://www.rulac.org/browse/conflicts/non-international-armed-conflict-inethiopia#collapse2accord>> accessed 4 January 2023.

<sup>13</sup> Yemen faces non-international armed conflict against non-state armed groups which are the Houthis, al-Qaeda in the Arabian Peninsula, the Southern Transitional Council and other armed groups, see RULAC Geneva Academy, 'Non-international armed conflicts in Yemen' (RULAC) < <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-yemen> > accessed 4 January 2022.

<sup>14</sup> All four Geneva conventions were ratified on the 20 June 1961; Protocol 1 & 2 to the Geneva convention was ratified on the 10 October 1988, ICRC, 'Database' (ICRC) < [http://ihl-databases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/40BAD58D71673B1CC125861400334BC4/%24File/IHL\\_and\\_other\\_related\\_Treaties.pdf?Open](http://ihl-databases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/40BAD58D71673B1CC125861400334BC4/%24File/IHL_and_other_related_Treaties.pdf?Open) > accessed on 3 January 2023.

applied by the Nigerian authorities.<sup>15</sup> The entire provisions of the IHL will be focused on in this Chapter on how it relates to the IDPs and to find a lasting solution to the problem of internal displacement in Nigeria, as there have been international armed conflicts in Nigeria that may reoccur, but at present, there are non-international armed conflicts.

## **5.2 IDPs' Rights under the International Humanitarian Law**

Global humanitarian problems include internal displacement.<sup>16</sup> All protections available to civilians would be available to IDPs. Under international humanitarian law, IDPs who are not taking part or no longer taking part in armed conflicts are entitled to protection. IHL prohibits indiscriminate attacks against civilians or their properties; starvation of civilians; using civilians as a shield; displacement of any kind except for security reasons; ill human treatment damage to the environment; and collective punishment against civilians.<sup>17</sup> Most IDPs are civilians and there are significant provisions under IHL that pertain to the protection of the IDPs' humanitarian rights,<sup>18</sup> but it is important to state that international humanitarian law does not have jurisdiction over internal displacement caused by environmental disasters.

### **5.2.1 Principle Against Internal Displacement**

In both international and domestic armed conflicts, IHL holds the principle that prohibits parties from forcefully displacing people unless necessary for the security of the civilians

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<sup>15</sup> ICTY, *The Prosecutor v Dusko Tadic*, Appeal Chamber, IT-94-1-AR72, (1995) paragraph 106; AHM Kirk-Greene, *1 Crisis and Conflict in Nigeria, A Documentary Sourcebook 1966-1969* (Oxford University Press 1971)455-57.

<sup>16</sup> United Nations General Assembly A/70/709, 'One Humanity: Share Responsibility' (2016) 81.

<sup>17</sup> ICRC, 'How does IHL protect refugees and internally displaced persons?' (ICRC, 2015). <<https://www.icrc.org/en/document/how-does-humanitarian-law-protect-refugees-and-internally-displaced-persons-0>> accessed 18 September 2022.

<sup>18</sup> 1949 Fourth Geneva Convention (GC IV); 1977 Additional Protocols I and II (AP I and AP II); and Customary International Humanitarian Law (CIHL).

involved or vital military objectives.<sup>19</sup> Under the IHL, any attacks that could potentially result in accidental loss of civilian life and harm to them and their properties must be avoided during armed crises.<sup>20</sup> It is apparent that armed crises invariably result in civilian deaths, injuries, and property destruction, as well as internal displacement. A military engagement in another state without an attack on the civilian is the best but it is more of a theory than practical in the real sense of it because most of the armed groups are not aware of or do not recognise this principle. For example, an armed group in Nigeria, Jamaat-u-AhliSunna-Lidda-Awati Wal-Jihad (the organization committed to the propagation of the Prophet's teachings and jihad), popularly known as Boko Haram which means 'Western education is forbidden' does not show the understanding of this convention in the way they killed civilians.

### **5.2.2 IHL and IDPs' Rights during Displacement**

The international community and most countries of the world have humanitarian laws that protect everyone who falls within the provisions of the laws during times of war or armed conflicts. These humanitarian laws are not specific about internal displacement, but their provisions relate to the situation of the IDPs. However, its effect is not efficient as the act of displacement is denying the IDPs their rights to peaceful co-existence, privacy, family, work, and good living among other rights. The people are displaced without proper protection within their own country due to the action or inaction of their government, its agents, and a few citizens of the country. It is worth noting that IHL fails to protect against the act of displacement caused by natural disasters.

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<sup>19</sup> 1949 Fourth Geneva Convention (GC IV), articles 49 and 147; Additional Protocol I (AP I), article 51(7), 78(1), and 85(4)(a); Additional Protocol II (AP II), article 4(3)(e) and 17; Customary International Humanitarian Law (CIHL) Rule 129.

<sup>20</sup> Geneva Conventions of Additional Protocol I, 1949, article 51(5)(b) & 57(2)(b); Rule 14 of the ICRC Customary Law Study (ICRC CLS).

IHL protects Nigerians' rights during internal displacement. It puts a responsibility on the Nigerian government to protect and ensure the wellness and peace of its citizens. Where the government fails, the IHL and humanitarian institutions have the responsibility to protect the rights of the Nigerian IDPs during displacement.

#### **5.2.2.1 Right to Family Life**

It was analysed in Chapter 4 that IDPs have rights to family life under IHRL. According to IHL, family life must be preserved as much as possible during displacement, and the cohesiveness of families must be safeguarded.<sup>21</sup> All family members are expected to cohabit together during crises, even in detention,<sup>22</sup> and displacement.<sup>23</sup> Authorities are expected to take all necessary steps to ensure their reunification if displaced.<sup>24</sup>

#### **5.2.2.2 Right against Discrimination**

IHL mandates that civilians be treated equally and without discrimination.<sup>25</sup> Nigeria's IDPs are required to be treated with respect and cannot be subjected to discrimination because of their displacement or for any other reason. Domestic normative and policy frameworks must avoid treating IDPs differently than the rest of the community.<sup>26</sup>

#### **5.2.2.3 Right to life and dignity**

IDPs in Nigeria have the right to life and dignity under international humanitarian law.<sup>27</sup> IHL states that the physical and mental well-being of the IDPs must be protected; they must not be collectively punished,<sup>28</sup> used as a human shield,<sup>29</sup> or taken hostage and

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<sup>21</sup> GC IV, article 27 and CIHL Rule 105.

<sup>22</sup> GC IV, articles 82(2) and (3); AP I, article 75(5); AP II, article 5(2)(a).

<sup>23</sup> GC IV, article 49(3) and CIHL Rule 131.

<sup>24</sup> GC IV, article 26; AP I, article 74; AP II, article 4(3)(b); CIHL Rule 105.

<sup>25</sup> GC IV, articles 3, 13 and 27; AP I, article 75; AP II, articles 2(1) and 4(1); CIHL Rules 87 and 88.

<sup>26</sup> ICRC, Internally Displaced Persons and International Humanitarian Law.

<sup>27</sup> GC IV, articles 3, 27 and 32; AP I, article 75; AP II, article 4; CIHL, rules 87 and 89.

<sup>28</sup> GC IV, article 33; AP I, article 75(2)(d); AP II, article 4(2) (b); CIHL, rule 103.

<sup>29</sup> GC IV, article 28; AP I, article 51(7); AP II, article 13(1); CIHL, rule 97.

subjected to any form of sexual violence.<sup>30</sup> It can be argued that there is no respect for human life in Nigeria as the government takes less care to protect the lives of the IDPs. At present, there are no international armed conflicts in Nigeria, but there are internal armed conflicts and their consequences are loss of lives, hardness and suffering in displacement, and a series of breaches of fundamental rights. The Government needs to have value for life, ensure the good health of its citizens, and protect them.

#### **5.2.2.4 Right to an Adequate Standard of Living**

IDPs in Nigeria have the right to an adequate standard of living which is good shelter, good nutrition, better living, provision of standard health care, and peace of mind.<sup>31</sup> It is wrong to deny IDPs the means to survive, especially food, water, and livestock during armed conflicts.<sup>32</sup>

#### **5.2.2.5 Right to Justice**

IDPs' right to justice for the breach of their fundamental rights is recognized by the international community. For serious violations of International Human Rights Law and serious violations of IHL, IDPs in Nigeria have the right to the following remedies: access to justice; appropriate, effective, and timely compensation for harm suffered; and access to relevant information concerning violations and reparation systems.<sup>33</sup>

The state parties must ensure justice for IDPs. It has the power to impose sanctions for serious breaches of the rights of IDPs in international armed conflicts.<sup>34</sup> Also, it is the state's responsibility to suppress all acts contrary to the 1949 Conventions and

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<sup>30</sup> GC IV, articles 3 and 27(2); AP I, articles 75(2), 76 and 77; AP II, article 4(2); and CIHL, rule 93.

<sup>31</sup> GC IV, article 49(3); AP II, article 17(1); CIHL, rule 131.

<sup>32</sup> AP I, article 54(2); AP II, article 14; CIHL, rule 54.

<sup>33</sup> The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights law and Serious Violations of International Humanitarian Law (The Principle of Van Boven/Bassiouni), Resolution 2005/35, article VII.

<sup>34</sup>GC I, articles 49 and 50; GC II, articles 50 and 51; GC III, articles 129 and 130; GC IV, articles 146 and 147; AP I, article 85; and CIHL, rule 158.

additional protocol; and investigate and prosecute war crimes committed by their citizens or on their land.<sup>35</sup>

#### **5.2.2.6 Right to Property**

Nigeria IDPs' property rights are recognized under IHL.<sup>36</sup> It is unlawful to steal civilian property during armed conflict<sup>37</sup> or to carry out retaliation in cases of international armed conflict.<sup>38</sup> Even, the taking or destruction of an enemy's property is not permitted unless it is necessary for military purposes.<sup>39</sup> The direct, retaliatory, or indiscriminate attack on civilian targets is also prohibited.<sup>40</sup>

#### **5.2.2.7 Internally Displaced Children's Rights under IHL**

Nigeria Children during internal displacement have a specific right to dignity and protection, also the right to an education,<sup>41</sup> documentation,<sup>42</sup> the right not to be enlisted in the military,<sup>43</sup> or other armed groups or to participate in hostilities,<sup>44</sup> and the right to family unity.<sup>45</sup>

#### **5.2.3 Rights of IDPs under IHL after Displacement**

As soon as the circumstances that cause displacement end, IDPs have a right to return of their own will in safety to their houses or move to other preferred areas within the country.<sup>46</sup> They have all rights as enshrined in the laws applicable to other citizens like them. Also, they have the right to their property and peace.

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<sup>35</sup> CIHL, rule 158.

<sup>36</sup> CIHL, rule 133.

<sup>37</sup> GC IV, article 33(2), AP II, article 4(2)(g); CIHL, rule 52.

<sup>38</sup> GC IV Article 33(3), AP I, article 52(1) and CIHL, rule 147).

<sup>39</sup> GC IV, article 147 and CIHL, rule 50.

<sup>40</sup> AP I, articles 48, 51(4), 52(1) and 85; CIHL, rules 7 and 11.

<sup>41</sup> CIHL, rule 135; GC IV, article 24(1); GC IV, article 50(1); AP II, article 4(3)(a).

<sup>42</sup> GC IV, article 50; GC IV, article 97(6); AP I, article 78(3).

<sup>43</sup> AP I, article 77(2); AP II, article 4(3); CIHL, rules 136 and 137.

<sup>44</sup> ICC Statute, articles 8(2)(b)(xxvi) and 8(2)(e)(vii).

<sup>45</sup> GC IV, article 27 and CIHL, rule 105.

<sup>46</sup> GC IV Article 49 and CIHL Rule 132

#### **5.2.4 Ineffectiveness of International Humanitarian Law**

It was discussed in Section 5.1 that IHL categorized armed conflicts into two namely: international armed conflicts and non-international armed conflicts. There was an international armed conflict between Nigeria-Cameroun over Bakassi Peninsula which caused internal displacement but at present, there is no international armed conflict in Nigeria. Nigeria only has internal armed conflict, such as Boko Haram Islamist insurgency; Farmer-Herder Clashes; Biafra Separatist Rebellion; Militancy in Niger Delta; and ISWP protracted armed violence, which are causing internal displacement in Nigeria. The sets of laws that apply to Nigeria's situation are, article 3 common to the Geneva Conventions; Additional Protocol II; and Customary International Humanitarian Law applicable to internal armed conflict. Article 3 common to the Geneva Conventions states that any person who is not involved in armed conflicts or has laid down arms has the right to humane treatment without any discrimination from other citizens. It forbids maiming, killing, humiliating treatment, and uncaring attitude. Nigerian IDPs are forced to flee their places of abode, they are not part of armed groups but they are not given humane treatment. Their rights stated in paragraphs 5.1 to 5.3 above are being infringed upon without any remedies in place. This shows the ineffectiveness of this convention.

Also, in light of the ability of armed groups like Boko Haram to seize control of parts of Nigeria, Additional Protocol II, which aims to extend the fundamental principles of the law of armed conflicts to internal conflicts, is applicable in Nigeria. At its fourth session, the Diplomatic Conference decided to shorten and simplify the Protocol out of concern that it could weaken state sovereignty, make it more difficult for governments to effectively maintain law and order within their borders, and potentially be used as

justification for foreign intervention.<sup>47</sup> 18 Articles were adopted instead of 47 Articles presented by the ICRC.<sup>48</sup> This act weakened the Protocol, the Nigerian government is a party state but the Nigerian IDPs do not experience the benefits of the Protocol since their rights to life, liberty, good health, and other rights are violated without a permanent solution. Likewise, the benefits of customary international humanitarian law applicable to internal armed conflict are not felt by the IDPs.

The goal of international humanitarian law given its modern cardinal principle of humanity is to strike a balance between human rights and military necessity.<sup>49</sup> This principle was put in place to protect IDPs as well as other civilians and minimize the effects of armed conflict on them. The humanitarian law that holds this principle is not effective as armed conflict continues to be a major contributor to displacement, and many of today's armed conflicts are marked by flagrant violations of human rights and international humanitarian law, which include the deliberate targeting of civilians and infrastructure, indiscriminate attacks, ill-treatment, maim, and the use of prohibited means and methods of warfare.<sup>50</sup> This has caused numerous displacements. For example, armed crises in Syria gave birth to 6.1 million IDPs;<sup>51</sup> the Ukraine crisis born 6,243,000 IDPs as of 26 September 2022;<sup>52</sup> the Syrian Arab Republic crisis 6.7 million,

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<sup>47</sup> ICRC Database, 'Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977' (ICRC, 1977) <<https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977>> accessed 29 October 2023.

<sup>48</sup> Ibid.

<sup>49</sup> Michael N Schmitt, Wolff Heintschel von Heinegg, (ed) *The Development and Principles of International Humanitarian Law* (London & New York, Routledge, Taylor and Francis Group) xix.

<sup>50</sup> Nina Schrepfer, 'Protection in Practice: Protecting IDPs in Today's Armed Conflicts' (2018) 30 Int'l J Refugee L 292.

<sup>51</sup> UN Office for the Coordination of Humanitarian Affairs, '2018 Humanitarian Needs Overview: Syrian Arab Republic' (OCHA 2017) 6.

<sup>52</sup> IDMC, Overview

<<https://www.internaldisplacement.org/countries/ukraine#:~:text=6%2C243%2C000%20people%20wer,e%20estimated%20to,September%202022%2C%20according%20to%20IOM>> accessed 15 October 2022.



the Democratic Republic of the Congo 5.3 million IDPs, Colombia 5.2 million as of December 2021; and Nigeria 2.1 million,<sup>53</sup> to mention a few.

Also, with international humanitarian law in place, organisations are still typically unable to physically protect IDPs from danger, and their ability to deliver relief is still being constrained by the States' lack of political will to address and stop breaches of human rights. It can be argued that in modern-day crises, international humanitarian law is more imaginary than real. Its powers have been constrained by many factors like the principle of the sovereignty of the state; lack of economic, social, and security power; and lack of a deterrent mechanism for the violator of humanitarian laws. The humanitarian laws are more in the hands of the violators, that is the government of a nation and its agents who decide who and when to allow humanitarian action in a specific situation, instead of being in the hands of the humanitarians and the victims. To have a better international humanitarian law, the view of Gordon Brown states that 'enduring values we can readily rediscover and embrace a passion for liberty for all, anchored in an ethic of responsibility by all, which comes alive for our generation in a commitment to fairness for all'<sup>54</sup> should be adopted. When a deterrent mechanism for liberty, responsibility, and fairness is ensured, there will be a modern effective international humanitarian law that protects the IDPs.

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<sup>53</sup>UNHCR, 'Nigeria Emergency' (*UNHCR*) < <https://www.unhcr.org/uk/nigeria-emergency.html>> accessed 15 October 2022.

<sup>54</sup> Gordon Brown, 'Gordon Brown on Liberty and the Role of the State' (*The Guardian*, 13 December 2005) < <https://www.theguardian.com/politics/2005/dec/13/labour.uk>> accessed 15 October 2022.

### **5.3 The Court and International Criminal Law in Defence of the IDPs' Rights**

In terms of legal protection, the international judicial system has evolved to criminalise forced displacement as a war crime, genocide, aggression, or a crime against humanity, regardless of whether the displacement is internal or external.<sup>55</sup> The International Criminal Court has jurisdiction over cases relating to violations of international human rights and humanitarian law on states parties to ICC statute. It is complementary to national criminal jurisdictions and a permanent institution that has jurisdiction over serious crimes of international concern.<sup>56</sup> The crimes of genocide, crimes against humanity, war crimes, and aggression fall under the jurisdiction of the court.<sup>57</sup> Also, Conflict-induced displacement is one of the results or effects of crimes within the jurisdiction of the court. The act of causing displacement of people for reasons related to conflicts is defined as a war crime under Article 8 (2)(e) (viii) unless the security of the civilians affected, or essential military considerations necessitate it. The ICC has declared the activities of Boko Haram which are the major causes of internal displacement in recent times in Nigeria as an armed conflict of non-international character within the scope of articles 8(2)(c) and (e) of the Rome Statute of the ICC.<sup>58</sup> The Court examined the speech of the former President of Nigeria, President Jonathan declaring the activities of Boko haram as an 'insurgency' and activities of the Nigerian security forces as to the existence of a non-international armed conflict.<sup>59</sup>

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<sup>55</sup> Rome Statute of the International Criminal Court, article 5, 6, 7, and 8.

<sup>56</sup> Rome Statute of the International Criminal Court, article 1.

<sup>57</sup> Ibid, article 5.

<sup>58</sup>International Criminal Court, Office of the Prosecutor, 'Report on Preliminary Examination Activities (2013)' paragraphs 218-219.

<sup>59</sup> Ibid 217, 229.

The international criminal court usually assumes jurisdiction over matters when the National Courts refuse to take jurisdiction or have proven unwilling to prosecute and punish the crime in question. There is sufficient international law to penalize forced displacement, however, it is not as strong as it is for other grave crimes such as murder, rape, and theft. On the other hand, most national criminal justice systems are different from the crime of forced displacement.<sup>60</sup> They typically focus on crimes related to displacement rather than displacement itself, which is often considered as a 'natural' outcome of other crimes or as an intrinsic impact of armed conflict, and thus the criminal responsibility of the actors involved in these crimes is not prosecuted.<sup>61</sup>

Also, for the International Criminal Court to investigate, prosecute, and punish any offender it needs the assistance and cooperation of the state involved.<sup>62</sup> This can be a challenge to the court in a situation whereby the state refuses to cooperate with it or the government of the state is the accused. This generates a serious impediment to the effective administration of justice as stated in the Rome statute of the International Court. Furthermore, opinions or decisions of the court have hardly been attended to in policymaking. The decision of the courts ought to be examined and criticised by the policymakers to effect it in the subsequent policies they will make in respect of the IDPs.

For serious violations of international human rights law and serious violations of IHL, the victim has the right to the following remedies under international law: access to justice; appropriate, effective, and timely recompense for harm suffered; and access to relevant

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<sup>60</sup> Federico Andreu-Guzmán, 'Criminal Justice and Forced Displacement: International and National Perspectives' (2013) International Center for Transitional Justice and the Brookings LSE Project on Internal Displacement.

<sup>61</sup> Ibid.

<sup>62</sup> Rome Statute of the International Criminal Court, article 86.

information concerning violations and reparation systems.<sup>63</sup> The international community is expected to take a 'victim-centered approach,' expressing support for the casualties of international law crimes and attending to serious human rights and IHL violations.<sup>64</sup> They are more concerned with the victims' needs and rights than with human rights or international humanitarian law breaches.<sup>65</sup> The states must criminalise and ensure the prosecution and punishment of violators of domestic or international human rights and humanitarian law.

It can be argued that the Government of the state should be prosecuted for failure to carry out its responsibilities over the IDPs. Article 7(k) states that the court has jurisdiction over 'other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health.' An inhumane act is cruel and heartless. The act of government abandoning its displaced persons to suffer greatly and die without proper care and protection is an inhumane act over which the international criminal court should have jurisdiction.

#### **5.4 The Roles of International Institutions in Situations of Internal Displacement**

This section examines how UN agencies and other voluntary organisations assist and can better assist the IDPs in resolving their plights following the international best practices. There was a lack of coordination in assisting IDPs when the UNGA decided that the solution to the plights of the IDPs rested in their governments. However, most states do not carry out these responsibilities because of insufficient resources, a nonchalant attitude of the Government, and intentional acts of the Government to displace a

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<sup>63</sup> The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights law and Serious Violations of International Humanitarian Law, Resolution 2005/35 (The Van Boven/Bassiouni Principles), Section VII.

<sup>64</sup> Ibid.

<sup>65</sup> Marten Zwanenburg, 'The Van Boven/Bassiouni Principles: An Appraisal' (2006) 24(4) NQHR 641.

section of its people. When the government fails to carry out its responsibility to the IDPs for whatever cause, the international community becomes involved.

In the early 1990s, the UN started exploring an institutional capacity to solve the problems of IDPs. Its Department of Humanitarian Affairs, whose duty among others is to ensure a coherent response to emergencies,<sup>66</sup> assisted the IDPs in times of emergency. Also, its Emergency Relief Coordinator brings together humanitarian stakeholders to provide a coordinated response to a crisis and to ensure each stakeholder works within the allowed framework. In the utter lack of a single UN agency with exhaustive authority for the care and protection of IDPs, the Inter-Agency Standing Committee (IASC)<sup>67</sup> concludes that the most effective and only practical response mechanism to internal displacement scenarios is a 'collaborative strategy.'<sup>68</sup>

The findings of the Protection Survey, IDP Response Matrix, and IDP Unit Evaluation are strikingly similar in their assessments. They all agree that one of the most serious flaws in international actions against internal displacement is a failure and lack of commitment to putting the collaborative approach into practice. In addition to a lack of commitment at some levels, the lack of awareness and comprehension of the approach's essential precepts among some key actors was the second most common cause for its failure to be implemented. However, there are areas where the collaborative approach can and should be strengthened as a policy framework for coordinating the worldwide response.

There are several United Nations institutions, state agencies, humanitarians, and development organisations that step in to offer protection, and assistance and provide

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<sup>66</sup> GA resolution 46/182, 19 December 1991.

<sup>67</sup> Ibid.

<sup>68</sup> IASC, 'Internal Displaced Persons: Implementing the Collaborative Response to Situations of Internal Displacement' (New York: UNICEF 2004) 7.

aid to IDPs. The state agencies are established to assist allied countries in protecting and giving aid to the IDPs. International Government or Non-Governmental Organisations such as the Red Cross, WHO, Doctors without Borders, and UNICEF are in Nigeria to deal directly with the issues of IDPs.<sup>69</sup> An extensive discussion on the roles of these and many more international institutions will guide us as to their importance and efficiency in protecting the rights of the IDPs.

#### **5.4.1 Activities of the UN Agencies in the Protection of IDPs**

In times of displacement caused by war, armed conflicts, disasters, or development, there are international institutions that assist and provide aid to the IDPs. The roles and activities of these institutions are discussed below. Also, their common constraints in finding lasting solutions to the plights of the IDPs are discussed thereafter.

##### **5.4.1.1 Secretary-General's Representative on IDPs**

The international community has made tremendous progress toward establishing a protective structure for IDPs. The formation of the Office of Secretary-Representative General on IDPs was the first of these innovations. Cecilia Jimenez-Damary is the current holder of this office, which was formerly held by Francis M. Deng from 1992 to 2004 with other successors. The area of operation includes promoting recognition of IDPs' human rights; interacting with governments, non-governmental organisations, and other stakeholders on issues concerning IDPs; enhancing the global response to internal displacement, and integrating IDPs' human rights into the UN framework.

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<sup>69</sup> Osa Osagioduwa Eweka and Toluwanimi Oluwakorede Olusegun, 'Management of internally displaced persons in Africa: Comparing Nigeria and Cameroon' (2016) 10(1) ARR 193.

#### 5.4.1.2 UN High Commissioner for Refugees

UNHCR was established in 1950 to assist Europeans who were homeless and vulnerable in the aftermath of war world II.<sup>70</sup> Its core mandate has been to assist and protect the refugees while IDPs were not mentioned as part of its mandate in its statute.<sup>71</sup> According to Article 9, the High Commissioner has the power to engage in other activities within the limitation of its resources as the General Assembly may specify. As a result, the UN General Assembly broadened the UNHCR's mandate to include IDPs.<sup>72</sup> The UNHCR is now involved in the safety and well-being of IDPs who are displaced as a result of persecution, widespread violence, conflict, or grave human rights abuses. UNHCR in conjunction with the Nigerian Government provides shelter, identity cards, non-food items, psycho-social support, and legal assistance to the IDPs in Nigeria.<sup>73</sup>

UNHCR participation in a specific operation will necessitate a request or authorization from the Secretary-General or a competent UN principal organ; consent of the state concerned, and where applicable, other entities in a conflict. It is the role of the state to provide access to the displaced persons; adequate security for UNHCR and implementing partners; strict guidelines of responsibility and accountability with the capacity to act; and adequate resources.<sup>74</sup> UNHCR only assists IDPs when the UN Secretary-General makes a special request with the approval of the State concerned,<sup>75</sup> and it has assisted over 5.6 million IDPs.<sup>76</sup> In 2005, the UNHCR signed an agreement with

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<sup>70</sup> UNCHR, 'History of UNHCR' (UNHCR) <[unhcr.org/uk/history-of-unhcr.html](https://www.unhcr.org/uk/history-of-unhcr.html)> accessed on 10 April 2022.

<sup>71</sup> General Assembly Resolution 428, 1950; UN Document A/1775 of 1950, Statute of the Office of the United Nations High Commissioner for Refugees, 46.

<sup>72</sup> General Assembly Resolution 53/125 of December 1998.

<sup>73</sup> UNHCR, 'Protection' (UNHCR) <<https://www.unhcr.org/ng/protection>> accessed 4 January 2023.

<sup>74</sup> EC/50/SC/INF.2 of 20 June 2000.

<sup>75</sup> Goodwin-Gill, and Guy S, 'The refugee in international law' (Oxford: Clarendon Press 1996) 266.

<sup>76</sup> Roberta Cohen, 'The Global Crisis of Internal Displacement' in James D White and Anthony J Marsella (eds), *Fear of Persecution: Global Human Rights, International Law, and Human Well-Being* (Lexington, Mass: Lexington Books, 2007)15.

other humanitarian organisations to take over leadership responsibility for IDPs' protection, emergency shelter, and camp management, and in 2019, the UNHCR issued an updated IDP policy that reaffirms its commitment to acting decisively and predictably in situations of internal displacement.<sup>77</sup> In examining this request, the consent of the host state and other parties in the conflict are required and in holding this there would not be an easy solution to the plight of the IDPs because getting the consent of the warring parties may be difficult.

Also, considering political and financial support, as well as operational and security constraints, the type and scope of UNHCR's involvement have varied between missions and regions.<sup>78</sup> For example, its efforts and involvement on the issue of IDPs in Eastern Europe are more extensive, whilst its involvement in Africa is minimal. Insecurity and lack of capacity and resources in Africa were made as factors.

#### **5.4.1.3 International Organization for Migration**

IOM's work on internal displacement encompasses all aspects of prevention, readiness, and risk mitigation, as well as humanitarian assistance, rehabilitation, and peacekeeping. The main goal of the IOM is to provide comprehensive, context-specific responses that promote accountability to involved populaces and data protection standards. As part of its activities, IOM provides aid in the form of shelter, mattresses, blankets, floor mats, kitchen sets, and other reliefs to over 1,500 IDPs in Nigeria.<sup>79</sup>

IOM Director General, António Vitorino stated that the number of IDPs has been steadily increasing in recent years and that efforts are underway to empower IDPs and find ways

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<sup>77</sup> UNHCR, 'Guidance package for UNHCR's engagement in situations of internal displacement' (UNHCR, 2019).

<sup>78</sup> EC/50/SC/INF.2, 2000.

<sup>79</sup> IOM, 'Over 15,000 Internal Displaced Persons in Immediate Need of Shelter as Flood Ravages Camps in Northern Nigeria' (IOM, 7 October, 2022) < <https://www.iom.int/news/over-15000-internally-displaced-persons-immediate-need-shelter-flood-ravages-camps-northeast-nigeria> > accessed 4 January 2023.



to assist them in rebuilding their lives in collaboration with national authorities, civil society, and the private sector.<sup>80</sup> This has not been achieved as the number of IDPs keeps increasing every day.

#### **5.4.1.4 UN Human Rights Council**

On 15 March 2006, the UN established UNHRC with the following responsibilities:<sup>81</sup> to enhance human rights and fundamental freedoms;<sup>82</sup> address human rights violations;<sup>83</sup> enhance human rights education as well as advisory;<sup>84</sup> promote effective human rights coordination; and make recommendations, among other responsibilities.<sup>85</sup>

The Human Rights Council has been working on several initiatives to efficiently promote and safeguard the rights of IDPs which include developing and promoting national law and policy, providing legal assistance and supporting complaints, raising awareness, education, and human rights training, and promoting and facilitating IDP participation.<sup>86</sup> For example, the Council since February 24, 2022, has been closely monitoring the impact of the Russian Federation's armed aggression on Ukrainian human rights and calling for the assistance of those displaced.<sup>87</sup> Due to this crisis, the UN removed Russia as a member of the Human Rights Council.<sup>88</sup> Also, it monitors the insurgency of Jama'atu

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<sup>80</sup> IOM, 'IOM Welcomes High-Level Panel's Recommendations on Internal Displacement', (*IOM*, 2021) <<https://www.iom.int/news/iom-welcomes-high-level-panels-recommendations-internal-displacement>> accessed 11 April 2022.

<sup>81</sup> UN Resolution 60/251 of 15 March 2006, article 1.

<sup>82</sup> *Ibid*, article 2.

<sup>83</sup> *Ibid*, article 3.

<sup>84</sup> *Ibid*, article 5.

<sup>85</sup> *Ibid*, article 3.

<sup>86</sup> General Assembly A/HRC/41/40 of 17 April 2019.

<sup>87</sup> UNHR, 'Overview' (*UNHR*, 2022) <<https://www.ohchr.org/en/countries/ukraine>> accessed 11 April 2022.

<sup>88</sup> United Nations, 'UN General Assembly votes to suspend Russia from the Human Rights Council' (*UN*, 2022) <<https://news.un.org/en/story/2022/04/1115782>> accessed 11 April 2022.

Ahlu-Sunna Lidda'Awati Wal Jihad (Boko Haram) in order to find a lasting solution to the infringement of the human rights of IDPs in Nigeria.<sup>89</sup>

#### **5.4.1.5 Office of the High Commissioner for Human Rights**

The UN High Commissioner for Human Rights<sup>90</sup> is responsible for promoting and protecting all human rights guaranteed by the United Nations Charter and international human rights laws and treaties. In terms of operations, the OHCHR collaborates with arms of governments of member states, public agencies, civil society, multilateral institutions, the United Nations, and its institutions to build and strengthen human rights protection, particularly at the national level, in line with international standards.<sup>91</sup>

The activity of the OHCHR focuses on developing and monitoring international norms, providing a forum for many stakeholders to raise and discuss grievances and broad human rights issues, and offering recommendations to key stakeholders.<sup>92</sup> In Nigeria, OHCHR provided a legal and institutional framework for human rights compliance by establishing a Human Rights Desk, developing a Human Rights Policy, and adopting a Code of Conduct and Rules of Engagement for the Army in order to support the Nigerian Army in its fight against insurgency.<sup>93</sup>

Given the existence of human rights conventions signed and ratified by state parties, the UN should establish a check and balance mechanism to guarantee their implementation. If any party state is not protecting human rights as stated in the convention, such state

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<sup>89</sup> Human Rights Council, A/HRC/35/27/Add.1, 'Report of the Special Rapporteur on the human rights of internal displaced persons on his mission to Nigeria' (2017).

<sup>90</sup> Known as the UN Human Rights Office (OHCHR).

<sup>91</sup> OHCHR, 'What we do: an overview' (OHCHR, 2022) < <https://www.ohchr.org/en/about-us/what-we-do> > accessed 11 April 2022.

<sup>92</sup> Ibid.

<sup>93</sup> United Nations Human Rights Office of the High Commissioner, 'OHCHR in Nigeria' (UN OHCHR) < <https://www.ohchr.org/en/countries/nigeria/our-presence> > accessed 4 January 2022.

can be reported to the Security Council for necessary measures against the state as stated in Article 41 of the UN Charter. The current situation in the world is dragging humanity backward since there is no regard for human existence. For example, the act of Russia invading Ukraine and causing displacement is a breach of human rights that sanctions are supposed to be imposed on Russia by the United Nations. The UN can refer the matter to the Security Council which can impose sanctions that may include economic and trade sanctions, arms embargoes, travel bans, and financial or commodity restrictions on Russia.<sup>94</sup> Also, it is easier for the government of a country to infringe on the human rights of its citizens and hide under sovereignty which will not allow any country or the international community to intervene. The role of OHCHR is not felt in the crisis rocking the IDPs and the whole world in general.

#### **5.4.1.6 United Nations Office for the Coordination of Humanitarian Affairs**

OCHA was established as part of the UN Secretariat to assist the Emergency Relief Coordinator and the Secretary-General in carrying out their leadership and coordinating duties as outlined in GA Resolution 46/182. Also, to enable a coordinated response to emergencies. Its primary responsibility is to bring humanitarian players together. By coordinating, advocating, enforcing policy, managing information, and humanitarian financing, OCHA supports effective humanitarian action.<sup>95</sup>

OCHA ensures that humanitarian action reduces environmental harm and aids IDPs that are affected by natural and man-made environmental emergencies.<sup>96</sup> It also assists the

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<sup>94</sup> United Nations Charter, article 41.

<sup>95</sup> OCHA, 'Our work' (*OCHA*) < <https://www.unocha.org/about-ocha/our-work> > accessed 9 October 2022.

<sup>96</sup> OCHA, 'United Nations Office for the Coordination of Humanitarian Affairs Annual Report 2021' (Geneva: OCHA) 71.

IDPs displaced by conflicts by providing them with humanitarian aid in several countries like Nigeria, Niger, Afghanistan, Colombia, Ukraine, and Syria among others.<sup>97</sup>

#### **5.4.1.7 Inter-Agency Standing Committee (IASC)**

Resolution 46/182 of the UN General Assembly established the IASC in 1991 to develop policy, establish strategic priorities, and mobilise aid in response to humanitarian emergencies. Furthermore, it offers ideas and methods for solving urgent problems facing the humanitarian system. IASC has made a series of statements,<sup>98</sup> adopted a series of policy papers, and published a series of publications on the plights of IDPs.<sup>99</sup> Its publication assists the Government and international organisations in finding a durable solution to the plight of IDPs in Nigeria and the entire world.

#### **5.4.1.8 Human Rights of IDPs Special Rapporteur**

Special Rapporteur on the Human Rights of IDPs was established by UN Commission on Human Rights in 2004 with Resolution 2004/55 and in 2007, the mandate of the Rapporteur was extended with Resolution 6/32, while it was further extended in 2010 with Resolution 14/6 and in 2013 with Resolution 23/8. The mandate of the Special Rapporteur is to address the problems of internal displacement; consolidate international response to the plight of the internal displacement; engage in coordinating international advocacy in improving the protection and respect of the human rights of IDPs, and enhance intergovernmental, regional and non-governmental organisation and

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<sup>97</sup> Ibid.

<sup>98</sup> Statement by Principals of the Inter-Agency Standing Committee on Afghanistan; Statement by Principals of the Inter-Agency Standing Committee on Gender-based Violence in Tigray region of Ethiopia, 2021; Statement on Yemen by Principals of the Inter-Agency Standing Committee, 2020.

<sup>99</sup> For example, IOM Framework for Addressing Internal Displacement, 2017; IOM Operations on Internal Displacement, 2017; IASC Framework on Durable Solutions for Internally Displaced Persons 2010; Quick Reference Guide: IASC Framework on Durable Solutions for IDPs, 2010; When Displacement Ends- A Framework for Durable Solutions, June 2007; IASC, Protect of Neglect: Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons, 2004.

other relevant actions.<sup>100</sup> In addition, the rapporteur is expected to disseminate, promote, and apply the Guiding Principles on Internal Displacement.<sup>101</sup> In carrying out its mandates, the Rapporteur carried out a series of activities to ensure the human rights of the IDPs.<sup>102</sup> The Rapporteur visits countries on the invitation to assess and engage with the Governments, non-state actors, international and local humanitarian agencies, civil society, displaced persons, and other relevant individuals or agencies on whether the needs of IDPs are being met, and to report its activities back to the Human Rights Council and UN General Assembly yearly.<sup>103</sup> Also, the Rapporteur organises a series of seminars, conferences, and workshops to tackle the issues of IDPs.<sup>104</sup>

#### **5.4.1.9 United Nations Development Programme**

UNDP created in 1965 is the outcome of the combination of the United Nations Expanded Programme of Technical Assistance (UNEPTA) and the United Nations Special Fund, both of which were created in 1949 and 1958, respectively.<sup>105</sup> Its critical role is to coordinate and mobilise external aid to the peace efforts. It is a major source of international funding, as well as a key coordinator of donor activities and an implementation organisation. It also oversees the activities of ECAPs.<sup>106</sup> ECAPs are created to raise funds for key projects such as the reintegration of disarmed soldiers, post-conflict elections, and mediation. UNDP also supports the IDPs in Nigeria by creating a 'Crisis Response and Resilience Programmes' to promote a resilience-based

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<sup>100</sup>Human Rights Council A/HRC/RES/32/11 (2016), Mandate was reviewed in 2019 through Resolution A/HRC/RES/41/15.

<sup>101</sup>United Nations Economic and Social Council E.CN.4/1998/53/Add.2.

<sup>102</sup> OHCHR, 'Areas of activity of Special Rapporteur' (OHCHR) <<https://www.ohchr.org/EN/Issues/IDPersons/Pages/Activity.aspx>> accessed 11 April 2022.

<sup>103</sup>*ibid.*

<sup>104</sup>OHCHR, 'Reports on seminars, conferences, and workshops' (OHCHR, 11 April 2023) <https://www.ohchr.org/EN/Issues/IDPersons/Pages/seminars.aspx> accessed 19 March 2022.

<sup>105</sup>United Nations Development Programme, 'About us' (UNDP, 2022) <<https://www.undp.org/faqs>> accessed 2 April 2022.

<sup>106</sup> ECAPs means Expanded Consolidated Inter-Agency Appeals.

development approach and complement humanitarian assistance.<sup>107</sup> This programme enhances the self-reliance of Nigerian IDPs and strengthens institutional capacities.<sup>108</sup>

UNDP has made a concerted effort to establish a cohesive strategy for promoting democratic governance in post-conflict settings and to base its corporate policies and operational tactics on it.<sup>109</sup> Democracy assistance and government support initiatives, according to a 1998 evaluation, "were envisioned as encompassing projects aimed at forging consensus, protecting human rights, increasing political participation and broadening inclusion, reforming the judiciary, enhancing public security, reforming electoral systems, modernising public administration, and decentralising the state."<sup>110</sup>

UNDP, on the other hand, lacks a coherent reform agenda, and its democratic aid plans are mostly ex-post rationalisations of de facto operational changes rather than proactive and directed operational programmes.<sup>111</sup> Many of its activities were driven by funder demands and needs, rather than the organization's internal framework for responses and policies, or national priorities.<sup>112</sup>

#### **5.4.1.10 World Food Programme (WFP)**

WFP created in 1961 is today a leading humanitarian organisation that saves lives in emergencies and provides food aid to people in the face of conflict, disasters, and the

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<sup>107</sup> UNDP, 'Crisis Response and Resilience in Nigeria' (UNDP, 2023) < <https://www.undp.org/nigeria/crisis-response-and-resilience-nigeria> > accessed 4 January 2023.

<sup>108</sup> Ibid.

<sup>109</sup> Carlos Santiso, 'Promoting Democratic Governance and Preventing the Recurrence of Conflict: The Role of the United Nations Development Programme in Post-Conflict Peace-Building' (2002) 34(3) *Journal of Latin American Studies* 555-586.

<sup>110</sup> UNDP *Evaluation Office, Evaluación del programa de gobernabilidad para América Latina y el Caribe* (UNDP 1998).

<sup>111</sup> UNDP, *Governance Foundations for Post-Conflict Situations: UNDP's Experience* (New York, November 1999).

<sup>112</sup> UNDP *Evaluation Office, Sharing New Ground in Post-Conflict Situations: The role of UNDP in support or reintegration programme*, (2000) ix-x. < <https://digitallibrary.un.org/record/592730?ln=en> > accessed 11 April 2022.

effects of climate change.<sup>113</sup> In the 1990s, the WFP was significantly transformed by the necessity for UN intervention to provide emergency feeding to refugees and displaced persons fleeing internal wars.<sup>114</sup> WFP has recently focused on IDPs to provide aid to them, particularly in Ukraine, which is under Russian aggression. It expands to provide food and cash to millions of internally displaced Ukrainians, as well as refugees and asylum seekers who fled the country.<sup>115</sup> Also, it supports the Nigerian government by providing food and nutrition for 1.9 million IDPs.<sup>116</sup> Margot van der Velden<sup>117</sup> states 'It's an extremely concern situation of people that are trapped or people that are on the move and people that are displaced.'<sup>118</sup>

WFP encounters three problems as its involvement in complex situations has grown: coordinating the provisioning of food aid relief from diverse sources and agencies; meeting unprecedented logistical responsibilities and operating in an insecure environment.

#### **5.4.1.11 United Nations Children's Fund**

Every child deserves to grow up in a secure and supportive environment.<sup>119</sup> These are the watchwords of UNICEF but many children grow up suffering as IDPs without any fault of their own. Children are most destabilised and traumatised by displacement because

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<sup>113</sup> WFP, 'Who we are' (WFP, 2022) <<https://www.wfp.org/who-we-are>> accessed 11 April 2022.

<sup>114</sup> Raymond F Hopkins, *Complex emergencies, peacekeeping and the world food programme* (International Peacekeeping 1998) 71.

<sup>115</sup> World Food Programme, 'War in Ukraine: WFP aims to reach more than 300m people caught up in the conflict' (WFP, 2022) <<https://www.wfp.org/>> accessed 11 April 2022.

<sup>116</sup> WFP, 'What the World Food Programme is doing to respond to the North Eastern Nigeria emergency' <<https://www.wfp.org/emergencies/nigeria-emergency>> accessed 4 January 2023.

<sup>117</sup> WFP Director of Emergencies at World Food Programme supported food distribution at a church in Dnipro.

<sup>118</sup> World Food Programme, 'War in Ukraine: WFP aims to reach more than 300m people caught up in the conflict' (WFP, 2022) <<https://www.wfp.org/>> accessed 11 April 2022.

<sup>119</sup> UNICEF, 'What we do' (UNICEF, 2022) <<https://www.unicef.org/what-we-do>> accessed 4 April 2022

it uproots and exposes them to risks at a moment in their life when they need support and security the most.

UNICEF responds quickly to the needs of children during times of internal crisis by providing life-saving food, potable water, and basic healthcare, as well as education and protection from violence and exploitation.<sup>120</sup> Recently UNICEF made a pronouncement during the Russian invasion of Ukraine that ‘as the number of children fleeing their homes continues to climb, we must remember that every single one of them needs protection, education, safety, and support.’<sup>121</sup> In Nigeria, UNICEF has been of great assistance to internally displaced children. In 2022, over 72,600 severely malnourished internally displaced children were treated; 223,072 were reached with integrated primary health care services; 450,000 were granted access to education; and 55,000 received mental health and psychosocial support services (MHPSS).<sup>122</sup>

Internally Displaced Children benefit immensely from UNICEF but there are a lot of challenges faced by UNICEF.<sup>123</sup> Some of these are security issues in times of armed conflicts, non-cooperation of the government, and access to internally displaced children. The most important one is the failure of the states or warring parties to abide by international norms during a crisis or war. A child cannot commit a crime, but, unfortunately, they are victims of crises. This is devastating and inhumane, It behooves the international community to make a stringent rule that in any situation of internal

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<sup>120</sup> UNICEF, ‘UNICEF works for children around the world’ (UNICEF, 2022) <<https://www.unicef.org.uk/about-unicef-uk/>> accessed 4 April 2022.

<sup>121</sup> UNICEF, ‘Two million refugee children flee war in Ukraine in search of safety across borders’(UNICEF, 2022) <<https://www.unicef.org/press-releases/two-million-refugee-children-flee-war-ukraine-search-safety-across-borders>> accessed 11 April 2022.

<sup>122</sup> UNICEF, ‘Nigeria: Humanitarian Situation Quarter 1 SitRep 2022’ (UNICEF, 2022) <<https://www.unicef.org/media/121306/file/Nigeria-Humanitarian-SitRep-January-March-2022.pdf> >

<sup>123</sup> Majid rafizadeh, ‘UNICEF faces major challenges 77 Years on’ (2023) Arab News <<https://www.arabnews.com/node/2421786>> accessed 11 May 2024



crisis where its agent, UNICEF pronounced that there are multiple killings of children, a war will be made against any party that kills innocent child not minding the principle of sovereignty. If there can be a rule in the United Kingdom that allows the government to take over a child that is maltreated by the parent not minding whether the parent/child is British or not,<sup>124</sup> then such rules can be carried out to save the future.

#### **5.4.1.12 World Health Organization**

WHO was created in 1948 to help all people reach the highest possible level of health,<sup>125</sup> which was defined at the time as a state of complete physical, psychological, and social well-being, not only the absence of disease or infirmity.<sup>126</sup> It was established as a specialised UN organisation to serve as the world's leading public health agency, providing countries with impartial, technical medical advice and direction when needed.<sup>127</sup> It has been actively engaging in rebranding many conventional public health roles and functions as 'global health security,' as well as taking on several new duties and obligations aimed at countering both well-established and newly emerging 'threats' to human health.<sup>128</sup>

Displacement has a long-term impact on health and health care. IDPs are exposed to risks and vulnerabilities because of their displacement, increasing their risk of disease and death.<sup>129</sup> Furthermore, it puts a strain on local health systems, and the population is forced to share in the IDPs' miseries. In many cases, conflicting parties purposefully

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<sup>124</sup>UK Children Act 1989; UK Children and Social Work Act 2017.

<sup>125</sup> Constitution of the World Health Organization constitution (1948)1.

<sup>126</sup> Ibid, Preamble.

<sup>127</sup> Adam kamradt-Scott, 'The World Health Organization, Global Health Security and International Law' in Hitoshi Nasu and Kim Rubenstein (eds), *Legal perspectives on security institutions* (Cambridge University Press 2015).

<sup>128</sup> Sara Davies, 'Securitizing Infectious Disease' (2008) 84 *International Affairs* 295.

<sup>129</sup> Tual Sawn Khai, 'Vulnerability to Health and Well-being of Internally Displaced Persons (IDPs) in Myanmar Psot-Military Coup and Covid- 19' (2023) *Arch Public Health* 185.

deny IDPs access to health treatment and humanitarian aid. In all these situations, WHO usually takes the lead in rapid health assessments; epidemiological and nutritional surveillance; epidemic preparedness; essential drug management; tuberculosis and sexually transmitted diseases control; physical and psychosocial rehabilitation; guidelines and advice on nutritional needs and rehabilitation; immunization; and reproductive health.<sup>130</sup>

#### **5.4.1.13 United Nations Central Emergency Response Fund (CERF)**

The Central Emergency Response Fund (CERF) was created by the UN as a means of providing more prompt and dependable humanitarian aid to persons affected by armed conflicts and natural disasters.<sup>131</sup> CERF has assisted in solving the plights of the IDPs by releasing funds to international agencies in order to attend to IDPs' emergency problems or needs.<sup>132</sup> Between January 2022 to September 2022, CERF releases the sum of \$76,522,754 for emergency humanitarian assistance of the IDPs in Yemen, South Sudan, Mali, Chad, Mozambique, Mauritania, Nigeria, Burkina Faso, and Congo;<sup>133</sup> \$11,884,246 was released for the rapid humanitarian assistance to cushion the effect of an earthquake of IDPs and others in Haiti;<sup>134</sup> and \$102,557,409 was released in the year 2021 for the rapid humanitarian assistance of the IDPs in Nigeria, Mozambique, Niger, Burkina Faso, Republic of Sudan, Central African Republic, Cameroon, Chad, and Myanmar.<sup>135</sup>

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<sup>130</sup> ECOSOC, 'Internally Displaced Persons, Health and WHO' Paper presented at the Humanitarian Affairs Segment of ECOSOC 2000, New York.

<sup>131</sup> UN Resolution A/RES/60/124 (2005).

<sup>132</sup> UNCERF, 'CERF Allocation by emergency: Displacement 2022' (UNCERF, 2022) < <https://cerf.un.org/what-we-do/allocation/2022/emergency/16> > accessed 30 September 2022.

<sup>133</sup> Ibid.

<sup>134</sup> United Nations CERF, 'CERF Allocation by emergency: Earthquake 2022' < <https://cerf.un.org/what-we-do/allocation/2021/emergency/1> > accessed 30 September 2022.

<sup>135</sup> United Nations CERF, 'CERF Allocation by Emergency 2022: Displacement 2021' (UNCERF, 2022) < <https://cerf.un.org/what-we-do/allocation/2021/emergency/16> > accessed 30 September 2022.

Millions of dollars are being spent by CERF to provide the IDPs with immediate humanitarian help. The funds are meant to provide temporary life-saving aid. If a crisis lasts for a long time, the fund will be completely unsustainable. Additionally, the fund provides an incentive that causes the host government to disregard its obligations to the IDPs, and because corruption is commonplace in most of the world's nations, the fund may not be wisely used for its intended goals.

According to two of the members of the UN Secretary-General's High-Level Panel on Internal Displacement, Per Heggernes, and Alexander Bilak, a 'Global Fund on Solutions to Internal Displacement will be the most effective strategy to address a protracted internal displacement.'<sup>136</sup> The fund's objectives will be to help IDPs out of dependency and assist public services to reduce reliance on international humanitarian aid. The host state's government is expected to demonstrate its willingness to receive the fund and to collaborate with the finance institutions, private sectors, and civil society within the state to invest the fund for the prevention of protracted internal displacement.<sup>137</sup> It would not be easy to get an investor to invest in the Global Fund for the prevention of protracted internal displacement, as there will not be gains for the investor. UN CERF is still the best option during an emergency if it is managed well. In protracted displacement, the Government must direct its policy toward finding durable solutions to the plight of the IDPs.

#### **5.4.2 Constraints of the UN Agencies**

The historical mandates and institutional positioning of the UN institutions have led to a system with artificial boundaries,<sup>138</sup> to the detriment of those in need of assistance

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<sup>136</sup> UN, 'Opinion: It's time for a Global Fund for displacement' (UN, 2021) < <https://www.un.org/internal-displacement-panel/content/opinion-its-time-global-fund-displacement> > accessed 6 March 2021.

<sup>137</sup> Ibid.

<sup>138</sup> For example, between the coordination roles of the UNHCR for refugees and OCHA.

and protection. Conflicts of interest are emerging because of the UN agencies' triple roles: the donors, the coordinators, and executors, particularly when it comes to identifying the plights of the IDPs and assisting with aid.<sup>139</sup> Also, funding mechanisms are clumsy, slow, and unsuited for urgent emergencies.<sup>140</sup>

The UN institutional reform to guarantee better coordination among its agencies in the delivery of assistance to IDPs is not effective. Despite these organisations' efforts, the vast majority of IDPs continue to be without humanitarian aid or protection resulting in the international community's discriminatory, unequal, and in many cases inadequate reaction to their suffering. Many of these organisations only give short-term humanitarian aid, which has proven to be insufficient, unsustainable, and inappropriate to the protracted nature of many IDP crises. The organisations will be able to fulfill immediate needs while also building long-term solutions for IDPs if they collaborate. For long-term humanitarian aid, better humanitarian-development cooperation is required. There should be general coordination of institutions. There is a need for more and better effective ways to address the problem of IDPs.

### **5.4.3 Engagements of Civil Society Organisations in IDPs' Protection**

In addition to UN and regional bodies, NGOs are also playing an important role in resolving the plight of the IDPs. They contribute their quota by providing medical assistance, aid, and advice to the IDPs. The activities of the major NGOs are discussed in this section.

#### **5.4.3.1 International Displacement Monitoring Centre (IDMC)**

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<sup>139</sup> Sean Healy and Sandrine Tiller, *Where is everyone?: Responding to emergencies in the most difficult places* (London: Medecins sans Frontieres, 2014) 8.

<sup>140</sup> Ibid.

IDMC was founded as part of the Norwegian Refugee Council (NRC) in 1998 as a source of data and analysis on internal displacement.<sup>141</sup> To address the issues of IDPs, it keeps track of the phenomena; conducts research into it; documents solutions; advises the government and the larger community; and collaborates with other organisations.<sup>142</sup> It has been given an imperial and reliable service to the international community to improve the lives of internally displaced persons and people at risk of becoming displaced in the future.

IDMC conducts a series of studies on IDPs in Nigeria and publishes key information and data used in planning. Such publications are *Internal Displacement in Nigeria: A Hidden Crisis*;<sup>143</sup> *‘Once the Road is Safe’ – Displacement and Return in North-Eastern Nigeria*;<sup>144</sup> and *Impacts of Displacement: Displaced by Violence, Jos, Nigeria*.<sup>145</sup>

#### **5.4.3.2 Norwegian Refugee Council (NRC)**

The Norwegian Refugee Council (NRC) is an independent, right-based humanitarian organisation that works to defend the rights of IDPs and other vulnerable groups during crises. It offers humanitarian assistance, finds durable solutions, and ensures the prevention of similar occurrences. The six areas of expertise that NRC focuses on include education, camp administration, livelihoods and food security (LFS), information,

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<sup>141</sup> IDMC, ‘About IDMC’ (*IDMC*) <<https://www.internal-displacement.org/about-us> > accessed 2 October 2022.

<sup>142</sup> IDMC, ‘From Evidence to impact: Mapping the next 10 years at IDMC’ (*IDMC*)< [https://www.internal-displacement.org/sites/default/files/publications/documents/2030\\_IDMC%20Strategy\\_Final.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/2030_IDMC%20Strategy_Final.pdf)> accessed 16 October 2022.

<sup>143</sup> IDMC, *Internal Displacement in Nigeria: A Hidden Crisis* (2005) < <https://www.internal-displacement.org/publications/internal-displacement-in-nigeria-a-hidden-crisis> > accessed 7 January 2023.

<sup>144</sup> IDMC, ‘Once the Road is safe – Displacement and Return in North-Eastern Nigeria’ (*IDMC*, August 2019) <<https://www.internal-displacement.org/publications/once-the-road-is-safe-displacement-and-return-in-north-eastern-nigeria>> accessed 7 January 2023.

<sup>145</sup> IDMC, *Impacts of Displacement: Displaced by Violence, Jos, Nigeria*, (2021)< [https://www.internal-displacement.org/sites/default/files/publications/documents/%202021.10.21\\_IDMC\\_Impacts%20of%20Displacement\\_Nigeria.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/%202021.10.21_IDMC_Impacts%20of%20Displacement_Nigeria.pdf) > accessed 7 January 2023.

counseling, legal aid (ICLA), shelter and settlements, and water, sanitation, and hygiene (WASH).<sup>146</sup> The largest IDP populations in the world, including those from Afghanistan, Colombia, the Democratic Republic of the Congo, Iraq, Myanmar, Somalia, South Sudan, and Syria, are given protection and support by the NRC.<sup>147</sup> Also, since 2015 NRC has been assisting the IDPs in Nigeria by providing them with water, shelter, education, information, counseling, and legal assistance.<sup>148</sup> One of the major challenges facing NRC is the means of identifying the IDPs as most of them do not have identification legal documents.<sup>149</sup>

#### **5.4.3.3 International Rescue Committee (IRC)**

The IRC is a nonprofit organisation founded in July 1933 with the primary goal of assisting displaced people whose lives and means of subsistence have been destroyed by conflict and natural disasters.<sup>150</sup> IRC is contributing positively to resolving IDPs' plights in many countries. It provides emergency health and nutrition services; water and sanitation; free education; psychosocial support, and reproductive healthcare to those who were internally displaced by the Yemeni civil war;<sup>151</sup> provides cash assistance, potable water, shelter, assistance to health facilities, and employment to displaced persons in Afghanistan;<sup>152</sup> and also provides education, healthcare, livelihoods, GBV

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<sup>146</sup> NRC, *Annual Report from the Board 2021* (Norwegian Refugee Council, May 2022) 3

<sup>147</sup> NRC, 'Internal Displacement' <<https://www.nrc.no/what-we-do/speaking-up-for-rights/internal-displacement/>> accessed 3 October 2022.

<sup>148</sup> NRC, 'NRC in Nigeria' (NRC)< <https://www.nrc.no/countries/africa/nigeria/>> accessed 7 January 2023.

<sup>149</sup> Ibid.

<sup>150</sup> Alton Kastner, 'A brief history of the International Rescue Committee' (*IRC*) < <https://www.rescue.org/sites/default/files/document/999/abriefhistoryoftheirc0.pdf>> accessed 5 October 2022.

<sup>151</sup> International Rescue Committee UK, 'IRC UK Annual Report and Financial Statements 2021' page 6 < <https://www.rescue.org/sites/default/files/2022-07/Final%20signed%20accounts%202021%20-%20IRC%20UK.pdf>> accessed 16 October, 2022.

<sup>152</sup> Ibid.

counseling service, protection, cash assistance, and food distribution to the displaced people in Ethiopia, among other humanitarian assistance to IDPs.<sup>153</sup>

In Nigeria, IRC provides vital support to over 800,000 IDPs who lost their homes to flood in 2012, and 2014. It provided water, food emergency shelter; health and nutrition services, education, and protection to thousands of IDPs affected by internal armed conflict, while in 2019 it provided aid to Internally Displaced Nigerians in Borno, Adamawa, and Yobe.<sup>154</sup> IRC has continued providing lifesaving support to IDPs in Nigeria to date amidst security challenges. In a security incident in 2022, one of its staff went missing in north-eastern Nigeria which is a setback to assistance rendering the IDPs.<sup>155</sup>

#### **5.4.3.4 Amnesty International**

Amnesty International is a nongovernmental organization that supports global efforts to stop violations of human rights.<sup>156</sup> It carries out research, and publication and advises Governments, the international community, and agencies on the rights of IDPs. For instance, it raises the issues of IDPs in Afghanistan and calls on Afghan Government and international organisations to provide and allocate adequate resources to guarantee the economic and social rights of all IDPs.<sup>157</sup> Also, it raised concern about the closing of IDP camps,<sup>158</sup> and abuses on the rights of IDPs in Iraq;<sup>159</sup> submitted a report to the UN on

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<sup>153</sup> Ibid.

<sup>154</sup> IRC, 'Humanitarian Crisis: Nigeria' (*International Rescue Committee*, 2023) < <https://www.rescue.org/country/nigeria>> accessed 7 January 2023.

<sup>155</sup> IRC, 'IRC statement regarding missing staff members in Monguno, Nigeria' (*International Rescue Committee*, 2022) < <https://www.rescue.org/press-release/irc-statement-regarding-missing-staff-members-monguno-nigeria>> accessed 7 January 2022.

<sup>156</sup> Amnesty International, 'What we do' (*Amnesty International*) < <https://www.amnesty.org/en/what-we-do/>> accessed 5 October 2022.

<sup>157</sup> Amnesty International, 'We survived the virus, but may not survive the hunger: The impact of Covid-19 on Afghanistan's Internally Displaced' (Amnesty International, 2021) 24.

<sup>158</sup> Amnesty International, 'Iraq: closure of IDP camps putting thousands stigmatized as 'ISIS sympathisers' at risk-new report' (*Amnesty International*) <<https://www.amnesty.org.uk/press-releases/iraq-closure-idp-camps-putting-thousands-stigmatised-isis-sympathisers-risk-new>> accessed 5 October 2022.

<sup>159</sup> Amnesty International, *Marked for life: Displaced Iraqis in cycle of abuse and stigmatization* (Amnesty international, November 2020).

the plights of disabled IDPs in Yemen,<sup>160</sup> and stated thus in respect of IDPs in Syria, ‘these internally displaced people (IDPs) remain extremely vulnerable, and their numbers continue to swell.’<sup>161</sup> In Nigeria, It raises complaints over the closure of IDP camps in Maiduguri;<sup>162</sup> publishes information about the plights of the IDPs in Nigeria;<sup>163</sup>

#### **5.4.3.5 The International Committee of the Red Cross**

The prime objective of the ICRC is to ease the suffering of the victims of armed conflicts as well as other violence.<sup>164</sup> The ICRC’s duties as relates to IDPs are numerous and crucial. IDPs have the right to the same general protection and assistance that ICRC provides to other civilians, which can be summarised as follows: protection of civilians; respect for international humanitarian law and humanitarian principles; visits to persons deprived of their liberty; emergency medical assistance and rehabilitation; assistance in public health programmes; provision of necessities; and unification of family members.<sup>165</sup> Recent ICRC activities in aid of displaced persons, particularly in Ukraine

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<sup>160</sup> Amnesty International, ‘Protection of Internally Displaced Persons with disabilities in Yemen’ (*Amnesty International*, 2020) <<https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/Call/AmnestyInternational.docx>> accessed 16 October 2022.

<sup>161</sup> Amnesty International, ‘Syria’s internal displaced- ‘The world has forgotten us’ (*Amnesty International*, 20 June 2013) <<https://www.amnesty.org.uk/blogs/campaigns/syria%E2%80%99s-internally-displaced---%27-world-has-forgotten-us%E2%80%99>> accessed 5 October, 2022.

<sup>162</sup> Amnesty International, ‘Nigeria: Plans to close IDP camps in Maiduguri could endanger lives’ (*Amnesty International*, 2021) < <https://www.amnesty.org/en/latest/news/2021/12/nigeria-plans-to-close-idp-camps-in-maiduguri-could-endanger-lives/>> accessed 7 January 2021.

<sup>163</sup> Example of such is, ‘Nigeria 2021’ < <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/> > accessed 7 January 2023; ‘Urgent Action: Displaced women, children denied right to food’ (*Amnesty International*) < <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR4482662018ENGLISH.pdf> > accessed 7 January 2023.

<sup>164</sup> ICRC, ‘Mandate and mission’ (ICRC) < <https://www.icrc.org/en/who-we-are/mandate>> accessed 16 October 2022.

<sup>165</sup> Lavoyer Jean-Phillippe, ‘Refugees and internally displaced persons-International humanitarian law and the role of the ICRC’ (1995) 4 IJRL, 35,305, 174-175.



and Nigeria<sup>166</sup> have been considerable. It tried all efforts to ensure the evacuation of civilians from the scene of war and give reports of activities in the country.<sup>167</sup>

The safety of ICRC workers amid crises, poor adherence to humanitarian law by all warring parties, restriction of access to IDPs during crises, and insufficient aid materials are among the obstacles that the ICRC faces. The ICRC called for a "special safe zone" to help alleviate the obstacles, but this request has been met with criticism. To ensure that the right of the IDPs is not infringed upon, the ICRC moves around to monitor and evaluate the activities relating to the protection and assistance of IDPs, as well as supervises relief to guarantee unbiased, administrative management over the distribution system, and the ability to follow up on the impact of aid.<sup>168</sup>

#### **5.4.3.6 The International Catholic Migration Commission (ICMC)**

ICMC is a humanitarian organization that protects IDPs among other groups regardless of faith, race, ethnicity, or nationality. The International Catholic Migration Commission (ICMC) calls on Governments and the international community to recognise IDPs; safeguard their rights by participating in the UN High-Level Panel on Internal Displacement, restore their dignity by moving for change for them; advocate access to medical care, COVID-19 vaccines, and other treatments for them; and provides cash

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<sup>166</sup> ICRC, 'Nigeria: Supporting host communities and displaced people in 2019' <<https://www.icrc.org/en/document/nigeria-supporting-host-communities-and-displaced-people-2019>> accessed 7 January 2023.

<sup>167</sup>Aljazeera, 'Ukraine latest updates: ICRC says Mariupol evacuation on hold' (Aljazeera, 2022) <<https://www.aljazeera.com/news/2022/3/31/russian-troops-leave-chernobyl-nuclear-power-plant-ukraine-says-liveblog>> accessed 11 April 2022.

<sup>168</sup> Marion Harroff-Tavel, 'Action Taken by the International Committee of the Red Cross in Situations of Internal Violence' (1993) 29 International Review Red Cross, 215.

assistance and other materials.<sup>169</sup> It specifically addressed the UN Human Rights Council in its 51<sup>st</sup> meeting of the challenges facing IDPs in Nigeria and called for assistance.<sup>170</sup>

#### **5.4.4 Constraints of Civil Society Organisation**

Non-government Organisations (NGOs) play an important role in supporting IDPs' rights, but they are not taking a rights-based approach. A rights-based approach is highlighted as a sign of power dynamics and the fundamental values of inclusion, responsibility, and non-discrimination.<sup>171</sup> The NGO assistance is based on needs that are accessible as a privilege and not as a right. The Organisation decides whom to assist, when to assist, and how to assist. They cannot be mandated to assist against their wish. Even when there is a call for assistance from a particular set of IDPs in a particular area, the organization may decide not to answer the call, but instead, assist a different set of persons whom they feel need their assistance. The need approach can only assist by solving the immediate problems of IDPs while the rights-based approach includes IDPs in the activities to solve their problems without any discrimination.

Also, Humanitarian Organisations frequently struggle with a lack of adequate human, financial, and technical resources to assist IDPs. The capacity of humanitarian actors to satisfy the needs of IDPs is limited due to the severe financing shortage and significantly restricted humanitarian access in many places. In the UK, local and external factors have

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<sup>169</sup> ICMC, 'Don't Let Internal Displaced Persons go unseen, faith-based organisations plead' (ICMC) <<https://www.icmc.net/2020/06/20/dont-let-internally-displaced-persons-go-unseen-faith-based-organizations-plead-2/>> accessed 5 October 2022.

<sup>170</sup> ICMC, 'ICMC on Nigeria: Global community cannot stand by as Nigerians lose their lives' (Vatican News, 27 September 2022) <<https://www.vaticannews.va/en/church/news/2022-09/nigeria-vitillo-international-catholic-migration-human-rights.html>> accessed 7 January 2023.

<sup>171</sup> Sofia Gruskin, Dina Bogecho, and Laura Ferguson, 'Rights-Based Approaches to Health Policies and Programs: Articulations, Ambiguities, and Assessment' (2010) *Journal of Public Health Policy*, 129-145; Azza Abdelmoneium, 'Participation and Children's Rights: A Case Study on the Role of Non-Governmental Organizations Working for Internally Displaced Children in Khartoum-Sudan in Health Services' (2016) 4 *Int'l J Soc Sci Stud* 59.

resulted in a decline in humanitarian financing together with political involvement in humanitarian crises.<sup>172</sup>

Furthermore, the presence of risk in the operating environment can make it challenging for humanitarian organisations to balance the needs of the people they are trying to help with the need to reduce possible harm to their people, resources, and reputation.<sup>173</sup> The safety of their humanitarian staff most times are not guaranteed by the host government. Even they are at more risk if the host government is the cause of the displacement to deal with a section of its population. Also, when the humanitarian organization gives an unfavourable report or opinion about the action or inaction of the Government. There are instances whereby the officials will be imprisoned for no just cause and at times physically assaulted or personal safety not guaranteed by the Government. These most times make the Non-Profit Association exhibit significant fear of taking risks to assist the IDPs within the host country.

Corruption of most governments and their officials hampers humanitarian assistance. The relief materials in their custody are stolen or shared among the government officials or rebranded by the host government for its selfish and personal gain which includes political recognition.

Also, most of the local organisations which stand as an intermediary between the international community and the IDPs are not reliable in assisting the IDPs. They profess what they are not to create attention from the international community and use it as an

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<sup>172</sup> International Rescue Committee UK, *IRC UK Annual Report and Financial Statements 2021*, 4.

<sup>173</sup> Abby Stoddard, Katherine Haver, and Monica Czwarno, 'NGOs and Risk: How international humanitarian actors manage uncertainty' (*Humanitarian Outcome*, February 2016) <[https://www.humanitarianoutcomes.org/sites/default/files/publications/ngo-risk\\_report\\_web.pdf](https://www.humanitarianoutcomes.org/sites/default/files/publications/ngo-risk_report_web.pdf)> accessed October 9, 2022.

avenue to enrich themselves to the detriment of the IDPs. They collude with Government officials to cheat, give false reports, and mismanage the situations and relief materials meant for the IDPs. If the government, organisations, associations, and individuals recognized by the international community as managers, volunteers, and assistants of the vulnerable IDPs are the master minder of their continuous problem, what is the hope of the IDPs?

## **5.5 The Guiding Principles on Internal Displacement**

In finding a lasting solution to the challenges facing the IDPs, the UN Secretary-General's Representative on Internally Displaced Persons,<sup>174</sup> presented the Guiding Principles on Internal Displacement before the UN Commission on Human Rights in 1998. Even though the principles are not legally binding, they have garnered tremendous clout in recent years. The Guiding Principles are the most important IDP instrument at the international level, even though they are fundamentally soft law. They serve as the primary international guideline for IDP protection. The Guiding Principles were not intended to create new legal norms; rather, they were intended to infer how existing laws of international human rights and humanitarian law would apply to situations involving internal displacement.<sup>175</sup> The Guiding Principles standards are thus referential, with any legal force derived from the more general, non-IDP-specific rules of international law from which they are inferred.

The promulgation of explicit national law on IDPs based on the provisions of the Guiding Principles by some nations<sup>176</sup> is one of the biggest legal progresses gained from the

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<sup>174</sup> Francis M Deng.

<sup>175</sup> Guiding Principles 2, 3.

<sup>176</sup>The United Nation Refuge Agency, '*Internal Displacement: Responsibility and action*' (UNRA, 2013) <<https://www.refworld.org/pdfid/528b1a444.pdf>> accessed 10 April 2022.

Guiding Principles concerning IDPs' rights. This demonstrates how IDPs' protection guidelines are progressively becoming local laws from its international soft law. However, the extent, content, and legal character of various national frameworks on IDPs vary widely, reflecting disparities in each country's legal systems, internal politics, and perceptions of displacement difficulties. Nonetheless, many of these national IDP protection regimes are predicated, in whole or in part, on the Guiding Principles' worldwide norms.<sup>177</sup>

Adoption of the principles by regional organisations in Africa is another major legal progress gained by the Guiding Principles concerning IDPs' rights. The Protocols 2006 of the International Conference on the Great Lakes Region (ICGLR), a sub-regional conference, mandates that the 10 States parties integrate the Guiding Principles into their national law. Despite the preamble upholding the fundamental rights of IDPs as laid out in the Guiding Principles, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009 (Kampala Convention) imposes innovative IDP-related responsibilities on its 27 States parties, which Nigeria is one of them. The Kampala Convention and the 2006 Protocol respect the relevance of the Guiding Principle and establish an independent legal basis for IDP protection.<sup>178</sup>

These principles provide the concrete assurances necessary to guarantee respect for the human rights of IDPs,<sup>179</sup> but state parties are not strictly abiding by them. A country like Nigeria signed and ratified the Convention but has not domesticated it. The

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<sup>177</sup> Nina Schrepfer, 'Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection' (2012) 24 IJRL 667.

<sup>178</sup> David James Cantor, 'The IDP in International Law: Debates, Development and Prospects' (2018) 31(2) IJRL 191.

<sup>179</sup> Kalin Walter and Jorg Kunzli, *The law of international human rights protection* (Oxford University Press, USA 2019).

consequence no doubt is the increase in the number of IDPs and greater infringements of their fundamental rights. Facing the consequences, the member states call for an independent panel to examine and proffer durable solutions to the problem of internal displacement.<sup>180</sup> The independent panel was created as demanded and the concluded part of their final report reads:

Most crucially, we are struck by the lack of political will to address internal displacement. Too many States fail to acknowledge or take responsibility for their displaced citizens and residents. The United Nations, donor countries and international financial institutions, among others, have also not demonstrated the level of commitment required to overcome this crisis. As a result, there has been a collective failure to prevent, address and resolve internal displacement.<sup>181</sup>

The question is, why would member states not abide by the Guiding Principles? Is it because is not binding? If yes, what of the treaties that protect the rights of the IDPs implicitly? Why would African states that associated themselves with the binding Kampala Convention<sup>182</sup> not obey it? The Panel recommended a developmental approach to solve the issues of IDPs,<sup>183</sup> where there is no evidence of obedience to the Guiding Principles. It can be argued that a developmental approach without obedience to humanitarian laws will be like a building without a solid foundation. The issue of IDPs should not be taken with levity. Although the Guiding Principle is not a treaty if

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<sup>180</sup> UN Secretary-General's High-Level Panel on Internal Displacement, 'Shining a light on internal displacement: A vision for the future' (2021) Report 1.

<sup>181</sup> Ibid.

<sup>182</sup> African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

<sup>183</sup> UN Secretary-General's High-Level Panel on Internal Displacement, Shining a light on internal displacement: A vision for the future, (2021) 1.

rigorously used as a guide, a higher-level reinforcement of protection from internal displacement is achievable.<sup>184</sup>

## **5.6 Conclusion**

This chapter has established that IDPs do have rights that are specifically acknowledged under International Humanitarian Law (IHL) concerning their condition of displacement, but these rights are only applicable in circumstances of international and domestic armed conflict. It does not apply to situations of natural disasters, non-violent political and social conflicts, or governmental displacements. Also, it was found that IDPs have their rights protected under the international criminal law. The act of causing displacement of people for reasons related to conflicts is a war crime unless the security of the civilians affected, or essential military considerations necessitate it. The International Criminal Court has jurisdiction over cases relating to violations of international humanitarian law on states parties to ICC statute. This chapter also examined the roles of international institutions in the protection of the IDPs and found that there are many international institutions both UN agencies and civil society organisations that assist and provide aid to IDPs whose rights have been infringed under international humanitarian law and other international norms. It was discovered that there are so many, and their roles are not coordinated. Furthermore, they have a lot of constraints such as shortage of funds, materials, personnel, lack of support from the host government, corruption, and insecurity. The chapter lastly discussed extensively the protection of IDPs under the UN Guiding Principles on Internal Displacement which is the only international legal framework that specifically and explicitly discussed the

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<sup>184</sup> Naziye Dirikgil, 'Addressing the prevention of internal displacement: The right not to be arbitrarily displaced' (2022) *Journal of International Migration and Integration*.

rights of the IDPs. It was found that it is not a treaty and is not binding on any state, but some states have used the principle in promulgating local laws.

The existence of international humanitarian law, international criminal law, the vast number of UN agencies in charge, and the activities of civil society organisations should provide durable solutions to the plights of the IDPs, but the reverse is the case. The numbers of IDPs keep increasing every day and their burden rises without any hope for the future. The works of literature are full of assistance, achievements, plans, goals, and challenges of these organisations as it relates to the issues of IDPs but without durable solution or common objectives on how to solve the problems of IDPs. Each institution manages the affairs of the IDPs in its own way and raises the same challenges year after year. Their activities although bring palliative to the IDPs never terminate their problems. International humanitarian law and international institutions have not been able to find a lasting solution to the infringement on the rights of the IDPs. And the inhumane acts on the IDPs need to stop. If the international legal and institutional framework has not found a lasting solution to the plights of the IDPs, it is imperative to discuss a state legal and institutional framework as a case study in order to find a lasting solution to the infringement on the rights of the IDPs. The next chapter discussed the legal and institutional framework for the protection of the IDPs in Nigeria.



## Chapter 6 : The Legal and Institutional Framework on the Rights of the Internally Displaced Persons in Nigeria

### 6.1 Introduction

The international community holds that the protection and needs of the IDPs are the responsibilities of their government.<sup>1</sup> Although they are forcefully displaced through armed conflicts, natural disasters, and developmental projects, they are still within their national borders.<sup>2</sup> This was strongly backed up by the stance that the international community has no authority over a state's internal matters since they are internal affairs and are subject to the principle of sovereignty. Despite this stance, the UN, its agencies, and the African Union have made a series of rules, treaties, and soft laws, in general, to find solutions to the plights of the IDPs as discussed in Chapters 4 and 5. Nigeria admits the stance of the international community on the primary responsibilities of the government to protect and provide for IDPs and in the absence of capacity, it can call on the international community for assistance.<sup>3</sup> The former Vice President of Nigeria, Prof. Yemi Osinbajo in admitting states that:

We want to assure Nigerians that the plight of the IDPs will continue to receive due attention because after all, these are our brothers and sisters, citizens of our nation. Therefore, restoring the dignity and material well-being of these citizens is a key objective of the Buhari presidency.<sup>4</sup>

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<sup>1</sup> United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement* (1998) principle 3.

<sup>2</sup> Ibid.

<sup>3</sup> Federal Republic of Nigeria, National Policy on Internally Displaced Persons (IDPs) in Nigeria (2012)21

<sup>4</sup> Office of the Vice President, 'Presidency Working to Improve IDPs' Living Conditions,' (*The Nigerian Voice*, 2015) <<https://www.thenigerianvoice.com/news/184895/presidency-working-to-improve-idps-living-conditions.html>> accessed 13 November 2022.

This chapter will examine the provisions of the Nigerian Constitution, laws, policies, and the institutions put in place if any, for the protection of the IDPs' rights. Also, the activities of the Government and other groups to find a lasting solution to the problems of IDPs and reasons why there is no durable solution to the plight of IDPs to date in Nigeria. Examination of these issues will provide the right solution to the plights of IDPs in Nigeria.

## **6.2 Protection of IDPs Rights under the Nigerian Constitution**

The Nigerian Constitution is the supreme law in the country. All other laws must be compatible with it, and any incompatible law will be declared null and void and of no legal effect.<sup>5</sup> The objective of the Nigerian Constitution, according to its preamble, is to promote good governance and the welfare of all people in adherence to the principles of freedom, equality, and justice. The constitution does not explicitly mention the rights of the IDPs but that does not mean they do not have rights under the constitution. All aspects of life cannot be explicitly inculcated in the Constitution. The Constitution ought to contain its supremacy over any other Acts or laws, organ of government, and sharing formula of the state powers and fundamental human rights among others. The Nigerian Constitution contains the fundamental rights of all its citizens. The Nigerian IDPs are Nigerians or residents of Nigeria, which means they are included in the group of people referred to in the constitution. Since the Constitution is binding on them, they are entitled to rights and obligations that are spelled forth in it.<sup>6</sup> To buttress this right, the Nigerian national policy states that:

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<sup>5</sup> Nigerian Constitution 1999 as amended, section 1(3).

<sup>6</sup> Nigerian Constitution 1999 as amended, section 1.

All rights contained in the Constitution of Nigeria, statutes, and domesticated sub-regional, regional, and international human rights and humanitarian instruments, which all citizens of Nigeria are entitled to, shall be applicable to all IDPs in Nigeria.<sup>7</sup>

The human rights that the Nigerian Constitution makes provisions for and applicable to IDPs are the rights to life;<sup>8</sup> right to dignity of the person;<sup>9</sup> right to personal liberty;<sup>10</sup> right to a fair hearing;<sup>11</sup> right to privacy;<sup>12</sup> freedom of opinion, thought, and conscience;<sup>13</sup> freedom of religion;<sup>14</sup> freedom of press and expression;<sup>15</sup> freedom of association;<sup>16</sup> freedom of movement<sup>17</sup> equality rights;<sup>18</sup> and rights to own property.<sup>19</sup> Also, the constitution stipulates that ‘the security and welfare of the people shall be the primary purpose of the government.’<sup>20</sup> Although this provision is part of the fundamental objectives and directive principles of state policy it is not binding except legislation is made in respect of it. The Court's power also does not extend to the provisions of the constitution concerning fundamental objectives and directive principles of the state policy,<sup>21</sup> but it gives recognition to the responsibilities of a responsible government.

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<sup>7</sup> Nigerian National Policy, 2012, Chapter 3.

<sup>8</sup> Nigerian Constitution 1999 as amended, section 33.

<sup>9</sup> Ibid, section 34

<sup>10</sup> Ibid, section 35

<sup>11</sup> Ibid, section 36

<sup>12</sup> Ibid, section 37

<sup>13</sup> Ibid, section 38

<sup>14</sup> Ibid.

<sup>15</sup> Ibid, section 39

<sup>16</sup> Ibid, section 40

<sup>17</sup> Ibid, section 41

<sup>18</sup> Ibid, section 42

<sup>19</sup> Ibid, section 43

<sup>20</sup> Nigerian Constitution, 1999 as Amended, section 14(2)(b)

<sup>21</sup> Ibid, section 6(6) (c)

To have rights is one thing and to have those rights infringed is another thing. All rights are protected by the constitution but there is a lack of implementation in Nigeria. The rights to dignity, movement, family, privacy, and property as stated in the Nigerian Constitution were infringed upon when the IDPs were forced out of their homes to an unplanned displacement. Although the Nigerian Constitution provides for the citizens' rights, the politicization of religion and ethnicity gave rise to many armed groups,<sup>22</sup> that are causing mayhem burgeoning human displacement, and violation of the IDPs' rights. By bombing, kidnapping, robbing, killing, and destroying property, Boko Haram keeps violating the rights of IDPs in the country's northern region. They seized part of the IDPs' land and proclaimed it to be a 'sovereign state.'<sup>23</sup> While the Indigenous People of Biafra (IPOB), an armed group in south-eastern Nigeria, fighting for secession are committing atrocities against the citizens and leading people into displacement by their orders, among which is the 'Sit at Home Order.' Any citizens who disobeyed were macheted, killed, and their properties destroyed. The Herder-farmers armed conflicts also are claiming lives and properties in most of the regions of Nigeria.

Also, with the constitution protecting the rights of the residents in place, environmental disasters keep forcing people away from their place of abode.<sup>24</sup> Nigeria is well blessed

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<sup>22</sup> The Indigenous People of Biafra (IPOB), Oduduwa Peoples' Congress (OPC), Egbesu, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), Igbo Peoples' Congress (IPC), Arewa Peoples' Congress (APC), the Bakassi Boys, Igbo Youth Congress (IYC), the Nigerian or Yobe Taliban, Movement for the Emancipation of the Niger Delta (MEND), Niger Delta Volunteer Force (NDVF), Niger Delta Resistant Movement (NDRM), Movement for the Survival of the Izon Nationality of the Niger Delta (MOSIEND), Boko Haram and Niger Delta Volunteer Force (NDVF), see, Bamidele O, 'Boko haram catastrophic terrorism- an albatross to national peace, security and sustainable development in Nigeria' (2012) JSDA 32.

<sup>23</sup> Williams Hansen, 'Poverty and Economic Deprivation Theory: Street Children, Qur'anic Schools/Almajirai and the Dispossessed as a Source of Recruitment for Boko Haram and other Religious, Political and Criminal Groups in Northern Nigeria [2016] 10 Perspectives on Terrorism, 88.

<sup>24</sup> Kelechi Kenneth Osayi and Ejimofor Raphael Opara, 'Migration for Survival in Nigeria: Interrogating Causations and Consequences' (2023) 3(1) NJAH 1.

with oil resources, and it relies on it as a source of energy and to power its economy. The heavy reliance on fossil oil is causing climate change and the destruction of human and animal habitats which leads to environmental disasters that cause internal displacement in Nigeria. For example, Oil was discovered in Ogoni land, Rivers State of Nigeria in 1957. Chevron Corporation and Royal Dutch Shell teamed up to extract and produce the oil which leads to the destruction of means of livelihood, cultural heritage, wildlife, ecosystem, and marine life and also causes pollution of water and air. Barbara P. Thomas-Slayter noted:

Oil exploration by international oil companies, especially Shell, has turned the Ogoni homeland in Nigeria into a wasteland of pollution with a poisoned atmosphere and widespread devastation caused by acid rain, oil spillages, and oil blowouts. Lands, stream, and creeks are totally and continually polluted, the atmosphere has been poisoned, charged at it is with hydrocarbon, vapours, methane, carbon monoxide, carbon dioxide and soot emitted by gas ...<sup>25</sup>

Ken Saro-Wiwa, a renowned leader who was sentenced to death by the military in Nigeria for protesting against environmental destruction in the Ogoni land stated:

The environment is man's first right  
We should not allow it to suffer blight  
The air we breathe we must not poison

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<sup>25</sup> Barbara P Thomas-Slayter, *Southern Exposure: International Development and the Global South in the Twenty-First Century* (Kumarian Press 2003) 238.

They who do should be sent to prison.<sup>26</sup>

Unfortunately, they were not sent to prison as stated by Ken Saro-Wiwa, but they, who protested against the destruction of the environment in Ogoni land by the oil company were killed in their thousands while 80,000-100,000 people were forced to flee into displacement.<sup>27</sup> This is typically what happens in all the Oil-producing communities in Nigeria. The environmental disasters have caused Nigeria IDPs to face depression as they are dehumanised, homeless, jobless, without food security, and increased morbidity. They live without potable water, electricity, good roads, and other social amenities. Their children do not have the privilege to attend school and most of them are sick as a result of contaminated water, floods, and other environmental effects.

In displacement, Nigerian IDPs are entitled to a wide range of economic, social, cultural, civil, and political rights, including the need for basic humanitarian aid (such as food, shelter, and medical care), the right to be safe from physical harm, the right to an education, the right to freedom of movement, and the right to vote among other rights. It is worrisome that the Nigeria IDPs are still struggling and demanding these rights from the Government. Despite all the problems IDPs faced before fleeing to the camps, they are still being pushed back to their homes that were destroyed. The Government of Borno State in Nigeria is forcing IDPs to return home. Osai Ojigho of Amnesty International complaint thus:

Returning displaced persons forcibly to villages that are not safe would be in violation of the Nigerian government's responsibility of protecting the right

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<sup>26</sup> Laura Westra, 'Development and Environmental Racism: The Case of Ken Saro-Wiwa and the Ogoni' (1998) 6(1) Race, Gender & Class 152.

<sup>27</sup> Ibid.

to life of civilians. Most displaced persons barely escaped from Boko Haram's campaign of killings, abductions, looting and torture, or from the attacks, extrajudicial killings or torture in unlawful detention by the Nigerian military. They have endured years of gross human rights violations and abuses, including war crimes by the military and armed groups.<sup>28</sup>

The most troubling is the shock activities of the Government and its agencies in the IDP camps. IDPs are made to live in mosques, churches, schools, removable temporary tents, and opened camps without adequate necessities.<sup>29</sup> Adequate security is not provided which makes armed groups attack IDPs in the camps from time to time.<sup>30</sup> For instance, two female suicide bombers attacked the IDP camp in the Dikwa Local Government Area of Borno killing more than 58 people, and injuring more than 80 people.<sup>31</sup> Also, over 6 people were murdered and 14 injured by Boko Haram in an attack at an IDP camp at Agiri, Mafa Local Government Area.<sup>32</sup> Children are being recruited as armed groups and used on the battlefield by Boko Haram which is a grave violation of child rights.<sup>33</sup> While over 100 Children were given birth to without anyone to issue birth certificates,<sup>34</sup> and feeding is made difficult for the IDPs, Camp Officials are living fat on the aid and food

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<sup>28</sup> Amnesty International, 'Nigeria: Plans to close IDP camps in Maiduguri could endanger lives' (*Amnesty International*, 2021) < <https://www.amnesty.org/en/latest/news/2021/12/nigeria-plans-to-close-idp-camps-in-maiduguri-could-endanger-lives/> > accessed 8 January 2023.

<sup>29</sup> Stephen Adewale, 'Internally displaced persons and the challenges of survival in Abuja.' [2016] 25 (2) ASR 176.

<sup>30</sup> Synda Obaji, and Eni Aloba, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons' [2016] 5 JLP 26.

<sup>31</sup> UNHCR, 'Enhancing Security and Protection around IDP settlements' (*UNHCR*, 2016) < [https://www.globalprotectioncluster.org/old/\\_assets/files/field\\_protection\\_clusters/Nigeria/files/pswg-position-paper-on-enhancing-security-and-protection-around-idp-sites\\_april-2016\\_en.pdf](https://www.globalprotectioncluster.org/old/_assets/files/field_protection_clusters/Nigeria/files/pswg-position-paper-on-enhancing-security-and-protection-around-idp-sites_april-2016_en.pdf) > accessed 8 January 2023.

<sup>32</sup> Amnesty International (n 27)

<sup>33</sup> Sirwan Kajjo, Hassan Maina Kaina, 'Experts: Boko haram Recruiting Children as Soldiers, Suicide Bombers', < [https://www.voanews.com/a/extremism-watch\\_experts-boko-haram-recruiting-children-soldiers-suicide-bombers/6195472.html](https://www.voanews.com/a/extremism-watch_experts-boko-haram-recruiting-children-soldiers-suicide-bombers/6195472.html) > accessed 13 January 2023.

<sup>34</sup> UNHCR, 'Over 1,500 displaced children receive birth certificates in Nigeria' (*UNHCR*, 31 August 2021) < <https://www.unhcr.org/news/stories/2021/8/612e01a44/over-1500-displaced-children-receive-birth-certificates-in-nigeria.html> > accessed 13 January 2023.

met for the benefit of the IDPs.<sup>35</sup> There is no access to good healthcare.<sup>36</sup> In some areas, they lack health facilities due to health workers' fear of attack by Boko Haram.<sup>37</sup>

The Army that was supposed to defend the territory of Nigeria is the one that infringed on the IDPs' rights to life by causing the death of over 160 IDPs in an airstrike at Rann Camp due to their negligent act.<sup>38</sup> The Nigerian Police who is in charge of internal security and Camp Officials operate a cartel of human trafficking in the camp.<sup>39</sup> Philip Obaji stated:

But through all my conversations with the women and girls in the two large camps I visited, there was one common thread which emerged - tales of sexual abuse and the horrors of human trafficking. The majority of the women I interviewed had either been sexually abused or had come into contact with human traffickers, frequently posing as agents offering them work as maids in far-away cities.<sup>40</sup>

This is against the right to human dignity. It is worrisome that the human traffickers enslave and rape girls who fled Boko Haram assaults. When they get pregnant and are

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<sup>35</sup> Samuel Malik, 'Nigerian Officials Grow Rich on the Hunger of the Poor' (New Internationalist, 18 July 2016) <<https://newint.org/features/web-exclusive/2016/07/18/nigerian-corruption-idp-camps>> accessed 13 January 2023.

<sup>36</sup> Winifred Ekezie, Penelope Siebert, Stephen Timmons, Rachael L. Murray and Manpreet Bains, 'Exploring the Influence of Health Management Processes on Health Outcomes among Internally Displaced Persons (IDPs)' (2022) 6 JMH 100124.

<sup>37</sup> Binta Babakura, Terna Nomhwange, Anne E Jean Baptiste AE, et al, 'The Challenges of Insecurity on Implementing Vaccination Campaign and its Effect on Measles Elimination and Control Effort: A Case Study of 2017/18 Measles Campaign in Borno State, Nigeria' [2021] 39 Vaccine C66-C75.

<sup>38</sup> Nick Turse, 'US Played Secret Role in Nigeria Attack that Killed more than 160 Civilians' (*The Intercept*, 28 July 2022) <<https://theintercept.com/2022/07/28/nigeria-civilian-displaced-bombing-us/>> accessed 8 January 2023.

<sup>39</sup> US Department of State, '2019 Trafficking in Persons Report: Nigeria' (*US Department of State*, 2019) <<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/nigeria/>> accessed 13 January 2023.

<sup>40</sup> Aljazeera Media Institute, 'Aljazeera Journalism Review' (Aljazeera) <<https://institute.aljazeera.net/en/ajr/article/1892>> accessed 13 January 2023.



born, they sell their children to make money.<sup>41</sup> The National Agency for Prohibition of Trafficking in Persons (NAPTIP) makes the situation of these victims worse when it places its trust in one of the alleged perpetrators for its surveillance. The head of its unit states that:

The office has now increased surveillance in the IDP camp, Mikita Ali, head of the NAPTIP office covering the northeast region, says. 'We are working with camp managers and camp officials to whom we've given our toll-free numbers and told to call us if they suspect any case of human trafficking.'<sup>42</sup>

These camp managers and camp officials are the main perpetrators. Where lies the hope of the IDPs? This does not mean there is a need to explicitly have another set of rights in the Constitution for the IDPs. It will be a replication of rights. Similarly, there is no justification that if the rights are explicitly stated in the constitution, the rights of the IDPs will be better protected. The question is, why is it that the rights of the IDPs are still trampled upon in the face of the Constitution? Are there national laws to safeguard them? IDPs have been a part of the community, and they are covered by the same laws and rules as everyone else. Examination of the Nigerian laws and institutional framework, as relates to the rights of the IDPs, will inform whether there is a need for amendment or there will be a call for the promulgation of a new law in solving IDPs' problems.

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<sup>41</sup> Aljazeera, 'Survivors of Nigeria's 'Baby Factories' Share Their Stories' (*Aljazeera*, 3 May 2020) <<https://www.aljazeera.com/features/2020/5/3/survivors-of-nigerias-baby-factories-share-their-stories>> accessed 13 January 2023.

<sup>42</sup> Ibid.

### 6.3 Protection of IDPs under Other Laws

There are several laws relating to human rights and other areas of life made by the government of Nigeria. All laws protecting the rights of Nigerian citizens indisputably protect the rights of IDPs, although there is no specific or explicit law made for the protection of the IDPs and no specific institution well equipped to take care of the needs of the IDPs.<sup>43</sup> It lies in whose responsibilities to make law and create an institution for the IDPs in Nigeria. Section 3 of the Nigerian Constitution provides for three tiers of government in Nigeria: Federal, State, and Local governments. The Federal and the State Governments were given authority over people and property within their respective territorial jurisdictions.<sup>44</sup> Each of these governments is independent of the other and has its own will and administrative infrastructure for carrying out its duties.<sup>45</sup> The legislative lists, which include the exclusive legislative list, the concurrent legislative list, and the residual legislative list, define the distribution of powers among the tiers of government in Nigeria. The constitution provides for an exclusive list which contains matters listed only for the National Assembly to legislate,<sup>46</sup> and a concurrent list which contains matters that both the National Assembly and the States Assembly can legislate.<sup>47</sup> Residual Matters are those that fall solely under the state's legislative authority and are not included in either the Exclusive or Concurrent Lists.<sup>48</sup> If the National Assembly legislates on any matters on the residual list, the state government

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<sup>43</sup> Bagoni Alhaji Bukar, 'Nigeria needs to take responsibility of its IDPs' (*Oxford University Research*, 1 August, 2023) <[https://ora.ox.ac.uk/objects/uuid:e3a4c9da-0c20-4d82-8041-2654abe270ca/download\\_file?file\\_format=application%2Fpdf&safe\\_filename=bukar.pdf&type\\_of\\_work=Journal+article](https://ora.ox.ac.uk/objects/uuid:e3a4c9da-0c20-4d82-8041-2654abe270ca/download_file?file_format=application%2Fpdf&safe_filename=bukar.pdf&type_of_work=Journal+article)> accessed 30 October 2023.

<sup>44</sup>AG Federation v AG Lagos State (2013) LPELR-20974(SC) 93, A-G.

<sup>45</sup> Ibid.

<sup>46</sup> Nigerian Constitution 1999, Schedule II, part 1.

<sup>47</sup> Ibid, part 2.

<sup>48</sup> Attorney-General of the Federation v Attorney-General of Lagos State, (2004), SC 70/2004.

may decide not to adopt it and it will not be binding or have any effect on the state.<sup>49</sup>

Unlike the Federal and State Governments, the Local Councils do not have wide authority. By the provisions of Schedule IV of the Nigerian 1999 Constitution, the 774 Local Government Councils in Nigeria have among other duties to provide and maintain public conveniences; appropriate refuse disposal; primary and adult schooling; public facilities; register of birth and death; cemeteries; and accommodation for the destitute. The National Assembly and the States Assembly have the power to make laws for the maintenance of security and public order in Nigeria,<sup>50</sup> but internal displacement is a residual matter that is not covered by either an exclusive or concurrent list.<sup>51</sup>

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)<sup>52</sup> is a regional treaty on IDPs to which Nigeria is a party, but it has not been domesticated in Nigeria. For the National Assembly to legislate on an international treaty that is not included in the exclusive list, it has to be ratified by a majority of all the Houses of Assembly in the Federation.<sup>53</sup> The Act of the National Assemblies makes under the exclusive list bind every person in the Nigeria Federation while the laws made under the concurrent and residual list by the State Assembly have a binding effect on the people within the state. Several laws have been passed for the good governing of the country and the states. Some of the laws relate to the IDPs' situations although there is no specific or explicit National Act or State law for the protection and welfare of the IDPs.

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<sup>49</sup> For example, National Assembly adoption of the Child's Rights Act of 2003 (CRA) which domesticates the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) which 24 states out of 36 states adopted.

<sup>50</sup> Nigerian Constitution 1999, section 11 (1) and (2).

<sup>51</sup> Aderomola Adeola, *Internally Displaced Persons and the Law in Nigeria* (first published, London & New York, Routledge 2022)10.

<sup>52</sup> Adopted on the 23 October 2009.

<sup>53</sup> Nigerian Constitution 1999, section 12.

The National Assembly of Nigeria passed the Violence Against Persons (Prohibition) Act 2015 (also known as the VAPP Act) to eliminate and prohibit violence in private and public life and ensure full protection and necessary remedies for victims.<sup>54</sup> Although the Act does not explicitly mention IDPs but covers IDPs being citizens of Nigeria. The Act prohibits rape;<sup>55</sup> infliction of physical injury on another;<sup>56</sup> coercion;<sup>57</sup> offensive conduct;<sup>58</sup> political violence,<sup>59</sup> deprivation of liberty;<sup>60</sup> damage to property with intent to cause distress;<sup>61</sup> forced isolation or separation of a person from family and friends;<sup>62</sup> emotional, verbal, and psychological abuse;<sup>63</sup> stalking;<sup>64</sup> intimidation;<sup>65</sup> attack with harmful substance;<sup>66</sup> and violence by state actors.<sup>67</sup> This Act covers every activity in and outside the IDP camps. It is pathetic that the authorities tasked with prosecuting offenders view violence as more of a political issue that calls for political solutions as opposed to criminal trials. Based on the divisions to which they belong, armed groups are frequently hailed as heroes rather than villains in Nigeria.<sup>68</sup>

The Act makes provisions for the rights of the victims of violence such as IDPs to include the right to obtain the needed material, full medical, psychological, social, and legal aid from governmental and non-governmental organisations that offer such assistance.<sup>69</sup>

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<sup>54</sup> Violence Against Persons (Prohibition) Act, 2015 (VAPP Act 2015) Preamble.

<sup>55</sup> VAPP Act 2015, Section 1.

<sup>56</sup> Ibid, section 2

<sup>57</sup> Ibid, section 3

<sup>58</sup> Ibid, section 5

<sup>59</sup> Ibid, section 23

<sup>60</sup> Ibid, section 10

<sup>61</sup> Ibid, section 11

<sup>62</sup> Ibid, section 13

<sup>63</sup> Ibid, section 14

<sup>64</sup> Ibid, section 17

<sup>65</sup> Ibid, section 18

<sup>66</sup> Ibid, section 21

<sup>67</sup> Ibid, section 24

<sup>68</sup> Shedrack Ekpa, Nuarrual Hilal Md Dahlan, 'Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria' [2016] *Journal of Law, Policy and Globalisation*, 49.

<sup>69</sup> Ibid, section 30.

Also, the rights to access legal, health, and social services as well as other pertinent help with ease and to be informed of their availability; and rights to the State's rehabilitation and re-integration programme, which enables victims to get the prerequisite skills for any profession of their choosing as well as the necessary formal education or access to microcredit facilities.<sup>70</sup> IDPs are fully entitled under the law to all the mentioned rights but their actual provisions are being denied.

Also, the Child's Rights Act protects the rights of internally displaced children. It guarantees their rights against discrimination;<sup>71</sup> the right to survive and develop;<sup>72</sup> freedom of association and peaceful assembly;<sup>73</sup> freedom of thought, conscience, and religion;<sup>74</sup> right to freedom of movement;<sup>75</sup> the dignity of a child;<sup>76</sup> right to enjoy the best attainable state of physical, mental and spiritual health;<sup>77</sup> right to free compulsory and universal basic education;<sup>78</sup> right to special protection;<sup>79</sup> and right to private and family life.<sup>80</sup> These rights come with duties to the Government to ensure its implementation, but little is the power of the Federal Government as children's welfare and protection are covered by the residual list of the Constitution. Each state of the federation has the responsibility to legislate and implement the law governing the rights and welfare of children within its state. The result is that the Child's Rights Act only

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<sup>70</sup> Ibid.

<sup>71</sup> CRA 2003, Section 10

<sup>72</sup> Ibid, section 4

<sup>73</sup> Ibid, section 6

<sup>74</sup> Ibid, section 7

<sup>75</sup> Ibid, section 9

<sup>76</sup> Ibid, section 11

<sup>77</sup> Ibid, section 13

<sup>78</sup> Ibid, section 15

<sup>79</sup> Ibid, section 16

<sup>80</sup> Ibid, section 8

applies to Nigeria's Federal Capital Territory, Abuja. Although not less than 24 States' Houses of Assembly in Nigeria have adopted it as a state law.<sup>81</sup>

The states of the North-Eastern part of Nigeria are yet to adopt the Child's Rights Act, even though several states within the federation of Nigeria have done so with modifications fit to the cultural demands of the states.<sup>82</sup> Ironically, North-Eastern Nigeria has the highest number of internally displaced children, whose rights have been grievously infringed against due to the Boko Haram insurgency.

To protect the Nigerians against the acts of torture, cruelty, inhuman and degrading treatment, an Anti-Torture Act, 2017 was enacted. The IDPs being part of the Nigerian society have their rights protected under the Act. The Act defines torture to include physical torture which is beating, food deprivation, rape, sexual abuse, mutilation, dental torture, harmful exposure to extreme cold and sunlight, use of psychoactive drugs; and mental or psychological torture which includes witnessing of torture of one's family, denial of sleep, inducing fear on someone and treating with bodily harm.<sup>83</sup> The Act states there shall be no justification for an act of torture in Nigeria,<sup>84</sup> but the difficulties facing the IDPs can be categorised as an act of torture. A situation whereby IDPs are made homeless without adequate food, potable water, and other social amenities. They are being maltreated, raped, confined in the camp, and dehumanised.

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<sup>81</sup> National Human Rights Commission, 'Child Rights' < [https://www.nigeriarights.gov.ng/focus-areas/child-rights.html#:~:text=Child's%20Right%20Act%20\(2003\)%20is,36%20states%20of%20the%20federation.>](https://www.nigeriarights.gov.ng/focus-areas/child-rights.html#:~:text=Child's%20Right%20Act%20(2003)%20is,36%20states%20of%20the%20federation.>) accessed 12 January 2023.

<sup>82</sup> Olanike S Adedokun 'Application of the Subsidiarity Principle in Intercountry Adoption in Nigeria: Lessons from South Africa' [2018] 5(2) JCLA 22–44, 37.

<sup>83</sup> Anti-Torture Act 2017, section 2.

<sup>84</sup> Ibid.

The law is supposed to protect the IDPs against all these violations of human rights, but its implementation is weak.

Furthermore, the Terrorism (Prevention) Act, 2011 (TPA) as amended by the Terrorism (Prevention) (Amendment) Act, 2013 (TPAA) criminalised the act of terrorism against the IDPs. The Act defines a 'Terrorist' to mean, any natural person who: i. Commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully; ii. Participates as an accomplice in terrorist acts; iii. Organizes or directs others to commit terrorist acts; or iv. Contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.'<sup>85</sup> Kofi Anna states that 'terrorism is a direct attack on the core values the United Nations stands for namely; human rights and the rule of law, the protection of civilians; mutual respect between people of different faiths and cultures; and peaceful resolution of conflicts.'<sup>86</sup> While UN Security Council defines it as under:

A criminal act, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages with the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing an act.<sup>87</sup>

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<sup>85</sup> Terrorism (Prevention) Act, 2011, as amended in 2013, section 40(f).

<sup>86</sup> A T Akujiobi, 'An Assessment of The Nigerian Terrorism Prevention Act and its Impact on National Security' [2018] Global Journal of Human-Social Science XVIII, 31.

<sup>87</sup> UN Security Council, Security Council Resolution S/RES/1566, 2004.

By the provision of the Act in Nigeria, activities of the armed groups that creates internal displacement is an act of terrorism that attracts the death penalty.<sup>88</sup>

Article 1 of the African Charter<sup>89</sup> enjoining member states to recognise, adopt and give effect to the provisions of the Charter. Nigeria adopted the Charter and domesticated it.<sup>90</sup> The domestication of the African Charter not only protects the fundamental rights of the citizens, especially the IDPs but also protects and preserves the jurisdiction of the Nigerian Courts.<sup>91</sup> The Nigerian court in the case of *Fawehinmi v Abacha* held that the international flavour of the African Charter, which assumes that the legislature has no intention of violating an international obligation, makes it superior to Nigerian legislation, but not to the Nigerian Constitution.<sup>92</sup>

The Charter recognises the rights of Nigerians which include rights to liberty;<sup>93</sup> equality before the law;<sup>94</sup> right to respect;<sup>95</sup> freedom of conscience;<sup>96</sup> freedom of movement;<sup>97</sup> right to participate in government;<sup>98</sup> rights to property;<sup>99</sup> right to education, good state of mind, and work;<sup>100</sup> rights of existence;<sup>101</sup> and rights to national and international peace and security,<sup>102</sup> among other rights. The Nigerian Constitution provides for some

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<sup>88</sup> Terrorism (Prevention) Act, 2011, as amended in 2013, section 1 (2) (a-h).

<sup>89</sup> The African Charter on Human and Peoples' Rights, CAB/Leg/67/3Rev 5.

<sup>90</sup> African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria, 2004.

<sup>91</sup> *The Registered Trustees of the Constitutional Rights Project v President of Nigeria*, M/102/92; *Richard Akinnola v General Babangida*, (1994) 366 NWLR 1; *Agbakoba v Director State Security Service*, (1994) 6NWLR 475; and *Peter Nemi & Others v The State* (1994) All NLR 342.

<sup>92</sup> SC (2000) 4 LLER 1; (2000) 6NWLR (Part 600) 228.

<sup>93</sup> Article 6

<sup>94</sup> Article 3

<sup>95</sup> Article 2

<sup>96</sup> Article 8

<sup>97</sup> Article 12

<sup>98</sup> Article 13

<sup>99</sup> Article 14

<sup>100</sup> Article 15, 16 and 17

<sup>101</sup> Article 20

<sup>102</sup> Article 22



of these rights, but the Charter expands the rights of Nigerians, especially that of the IDPs. It also creates duties for the state. The court held that the Governments have a responsibility to respect their citizens by enacting proper laws, upholding them, and shielding them from potentially harmful actions committed by third parties.<sup>103</sup> Article 27 states that 'every individual shall have duties towards his family and society.' These duties are enumerated in Article 29 to include the preservation of the harmonious development of the family; serving the national community; the duty not to compromise the country's security; and preservation of African cultural values with co-residents. IDPs still have a plethora of challenges despite the provisions under the Charter for their rights and obligations. It can be concluded that the challenges are still in existence because the provisions of the Act are not implemented effectively.

Article 7 states that every person in Nigeria has to 'preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue, and consultation and, in general, to contribute to the promotion of the moral wellbeing of society.'<sup>104</sup> The respect for human dignity in African culture and the act of mediation in settling disputes is fading away. A mutual way of settling disputes such as mediation, consultation, or arbitration is needed to resolve disputes amicably and to evade crises that will lead to displacement. If Article 7 is abided by everybody in a true spirit, the world will be a better place for the IDPs.

The United Nations Conference on the Human Environment declared that, in addition to providing for his basic needs, mankind is both a creature and a builder of his surroundings, which allows him to develop intellectually, morally, socially, and

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<sup>103</sup> SERAC v Nigeria (2001) AHRLR 60 (ACHPR 2001) Paragraph 57

<sup>104</sup> The African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act

spiritually. Throughout the long and arduous history of humanity on Earth, there has come a point where, because of the speedy advancement of science and technology, mankind can drastically alter its surroundings on a never-before-seen scale. The natural and artificial components of man's surroundings are both vital to his welfare and the fulfilment of his fundamental human rights, including the right to life.<sup>105</sup>

Humankind cannot and does not simply tamper with the environment; rather, it may unintentionally be forced to do so by circumstances, but the general rule is that humankind must preserve the ecosystem to survive.<sup>106</sup> For humankind not to make any development that will cause environmental devaluation that can lead to a natural disaster that gives birth to IDPs, most states create an Environmental Impact Assessment (EIA), which is an instrument used to evaluate the significant environmental impacts of a project or development proposal.

Environmental Impact Assessment Act was created in Nigeria to carry out or authorise the carrying out of any activity that may have an impact on the environment or have an environmental effect; to encourage the implementation of appropriate policy that will allow the goal and objective to be achieved; and to foster the growth of techniques for information sharing, alerts, and counselling when proposed activities are likely to have substantial environmental consequences on society.<sup>107</sup> The Act aims to reduce the natural disasters that can create displacement but the effect of the Act is considerably low. Nigerians carry out activities especially building along the waterways, dumping

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<sup>105</sup>Stockholm Declaration of the United Nations Conference on the Human Environment, 1972.

<sup>106</sup>John O Oucho, 'Environmental Impact of Refugees and Internally Displaced Persons in Sub-Saharan Africa' (*University of Warwick*, 2007) <[https://warwick.ac.uk/fac/soc/crer/research/mariecurie/afrobrain/oucho/publications/environmental\\_impact\\_of\\_refugees\\_and\\_internally\\_displaced\\_persons\\_in\\_sub.doc](https://warwick.ac.uk/fac/soc/crer/research/mariecurie/afrobrain/oucho/publications/environmental_impact_of_refugees_and_internally_displaced_persons_in_sub.doc)> accessed 28 October 2022.

<sup>107</sup> Environmental Impact Assessment Act 2004, section 1.

refuse inside the river, digging boreholes indiscriminately and so many other acts without any meaningful caution from the Government and its agents. This attitude most times leads to flooding and environmental disasters that create internal displacement.

#### **6.4 Judicial Protection of IDPs**

‘Without Justice, life would not be possible and even if it were it would not be worth living.’<sup>108</sup> Denial of access to justice contributes to internal displacement. A situation whereby the rights of an individual are being infringed upon without access to court for justice can make such an individual flee for safety. Access to justice includes accessibility to court, affordability of litigation expenses; quick justice, and understanding of substantive and procedural law for justice. A just society that prosecutes perpetrators of armed conflicts with adequate punishments if found guilty will result in fewer crimes and displacement.

The Nigerian Courts have taken a major role in the protection of the rights of individuals, even during military rule, and there are several court judgments on the fundamental rights of Nigerians, although there are few relating to the IDPs. An example of a case relating to IDPs is an action instituted against the Federal Government of Nigeria by the Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP)<sup>109</sup> at the ECOWAS Community Court praying the court for a declarative order that failure of the Nigerian Government to implement the national policy proactively and effectively on IDPs and address the challenges facing IDPs is unlawful and against the provisions of conventions in which Nigeria signed. Also, an order holding the government responsible

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<sup>108</sup> Giorgio Del Vecchio, ‘Justice Delayed is Justice Denied-Banks’ Recovery Cases Perspective’ (*Law serves*) < <https://lawserves.com/tag/justice-delayed/> > accessed 22 May 2023.

<sup>109</sup> Suit No ECW/CCJ/APP/15/15.

for the breach of the fundamental rights of the IDPs. The court held that the plaintiff failed to establish his case beyond reasonable doubt and dismissed the case.

Also, an action instituted by IDPs in Guma Local Government Area of Benue State of Nigeria against INEC for violating their constitutional rights by allegedly refusing to register them and set up polling stations in their IDP camps<sup>110</sup> and that INEC had violated its obligations under Sections 10(1) and (2) of the Electoral Act and Paragraph 15(c) of Part 1 of the Third Schedule to the Constitution for disenfranchising them. The Court urges INEC to ensure it registers the IDPs and they vote during an election.

In pursuing criminal justice for the IDPs, criminal trials were held against 1,669 Boko Haram suspects for their abuse of human rights which led to the internal displacement of millions of Nigerians. The first trial took place in October 2017 and involved 575 defendants, the 2<sup>nd</sup> trial was in February 2018 at Wawa Cantonments, Kainji in secrecy while the third came up on July 9 and 10 involving over 200 defendants including women. In the trial, 113 defendants were convicted, 5 were acquitted, 97 were discharged without trial based on the court decision that they did not have any case to answer, while 9 cases were struck out due to errors of charging them twice.<sup>111</sup> While some of the perpetrators are sentenced to death by the court, the executive arm of the government in its usual manner, did not execute the judgment.<sup>112</sup> It can be argued that there should be a clear execution of judgment for an act of killing, rape, and abuses of human rights and displacement. It will serve as a warning to other people who wish to

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<sup>110</sup> FHC/ABJ/CS/104/2022.

<sup>111</sup> Human Rights Watch, 'Nigeria: Flawed Trials of Boko Haram Suspects' (*HRW*, 17 September 2023) <<https://www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects> > accessed 2 August 2023.

<sup>112</sup> Amnesty International, 'Nigeria 2022' (*Amnesty International*, 2023) <<https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>> accessed 1 August 2023.

perpetrate similar acts. Also, the Nigerian Government has kept granting amnesty to the perpetrators of the act of displacement with full care.<sup>113</sup> while the victims are languishing in poverty and humiliation without adequate protection of their rights. This is double jeopardy for the victims. The perpetrators killed and maimed them; abducted several; tortured and inflicted other cruel, inhuman, and degrading treatment on people; committed sexual and gender-based violence; used children in hostilities; destroyed properties and made victims forcefully flee into internal displacement.<sup>114</sup> The perpetrators are now granted amnesty with full care while the victims are crying for assistance. A policy is also put in place to strengthen the rule of law, access to justice, and protect the human rights of the perpetrators.<sup>115</sup> Under the Nigerian justice system, a victim cannot file a criminal case in court unless the state or one of its agencies institutes a criminal case. The state can decide not to file a charge against any of the perpetrators. The Attorney General can even file a nolle prosequi during the pendency of a case. Access to justice and earning justice for the infringement of the rights of the IDPs is in the hands of the State which has the responsibility to bring perpetrators to court for trial.

The Court of Law is created to ensure justice for every Nigerian but the IDPs do not have adequate access to it because of their dilemma. Litigation is not free in Nigeria and most lawyers in Nigeria are not ready to handle pro bono cases for IDPs. Even most Legal Aid Groups are not ready to part with their money and time to fight the cause of the IDPs in

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<sup>113</sup> Editorial Board, 'Amnesty for Boko Haram' (*The Guardian Newspaper*, 2018) <<https://guardian.ng/opinion/amnesty-for-boko-haram/>> accessed 2 August 2023.

<sup>114</sup> General Assembly A/HRC/30/67 of 9 December 2015, Report of the United Nations High Commissioner for Human Rights on violations and abuses committed by Boko Haram and the impact on human rights in the countries affected.

<sup>115</sup> Federal Republic of Nigeria, Policy Framework and National Action Plan for preventing and Countering violent Extremism, (2017) 27.

Court. Those that ready to handle IDP matters for free are still demanding filing fees, while some represent IDPs for recognition and or funding from international organisations. Only a few sets of organisations and persons are ready to bear the entire cost of litigation for the IDPs. Unfortunately, there are several infringements on the rights of the Nigerian IDPs committed by people, agents of the government, and even the government itself but no recourse to justice. An example of such is the act of negligence committed by the Nigerian Army in bombing an IDP camp in Rann, Borno State.<sup>116</sup> Over 100 IDPs died, and several were injured but there is no record that compensation was paid to these categories of people. This is an act of irresponsibility of the Federal Government and no one or society fights the cause of the IDPs in court to a logical conclusion. This is the most heinous form of inhumanity.

Furthermore, according to the US Department of State, IDPs are subjected to severe abuse, sex trafficking, and exploitation by Nigerian government officials which include security officers and humanitarian workers in charge of the camps.<sup>117</sup> This occurs because IDPs do not have access to legal aid or means of subsistence.<sup>118</sup> The Nigerian IDPs need free and unlimited access to legal services and court for their rights to be protected.

## **6.5 IDPs' Rights under the Nigerian Policies and Other Regulations**

In terms of scope and content, the policy framework is a thorough, cohesive, and dynamic document that assists the Government and stakeholders in implementing their plans following the priorities and resources of the country. In finding a durable solution

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<sup>116</sup> Human Right Council, A/HRC/47/33Add.2, 'Advance Unedited Version' (2021) 8, 40.

<sup>117</sup> US Department of State, '2021 Trafficking in Persons Report: Nigeria' (*US Department of State, 2021*)<<https://www.state.gov/reports/2021-trafficking-in-persons-report/nigeria/>> accessed 29 October 2022.

<sup>118</sup> Ibid.

to the plights of the IDPs, the Nigerian Government adopts policies for the efficient coordination, protection, and provision of aid to the IDPs.

National Migration Policy 2015 (NMP) states that internal displacement is a significant part of internal migration, which happens when individuals are driven out of their homes because of environmental havoc, conflicts, wars, ethnic strife, or natural catastrophes.<sup>119</sup> The main objectives of the policy regarding IDPs are: to provide a platform for the uniform administration of migration; a strategic direction for efficient and effective migration management; eradicate trafficking in person, migration abuses, crime, and other forms of exploitation; develop a cost-effective method of official remittances, and ensure gender equality.

The policy adopts the provisions of the Kampala Convention in providing protection and provision for IDPs. It aims at identifying the roots and effects of internal displacement; ensuring a legal framework for the prevention, protection, and assistance of IDPs; implementing, monitoring, and evaluating international and regional instruments governing IDPs; and engaging international, regional, and national institutions regarding IDPs.<sup>120</sup> The strategies to achieve these aims and objectives are, to pass appropriate legislation; increase participation in the decision-making of all ethnic groups; even distribution of national resources; protect human rights; provide microloans; avoid authorities' human rights abuses; ensure the safety of humanitarian actors; ensure sufficient funding; ensure domestication of Kampala Convention, and enhance the country's abilities for disaster risk reduction and assistance to helpless people.<sup>121</sup>

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<sup>119</sup> National Migration Policy 2015, 8.

<sup>120</sup> Ibid, 4.5.4

<sup>121</sup> Ibid, page 50.

National Policy on Internally Displaced Persons, 2021 was made to address the causes and solve the challenges of internal displacement; protect the rights and mitigate the suffering of the IDPs; establish a coordinated institutional framework; and enumerate strategies to achieve the aimed goals. The Policy states the present positions of things concerning IDPs, causes of internal displacement; its impact on the IDPs and host community; and guiding principles which include the principle of respect for sovereignty, gender equality, accountability, participation, and empowerment.

The Policy outlines the rights of the IDPs which include all rights enshrined in the Nigerian Constitution, statute, sub-regional, regional, and international treaties;<sup>122</sup> the right to enjoy full equality; right to safety in any part of Nigeria; right to request and receive protection and assistance from the state or its agents;<sup>123</sup> rights to protection from displacement;<sup>124</sup> rights to protection and assistance during and after displacement;<sup>125</sup> and rights of IDPs during return, relocation, and integration.<sup>126</sup> It enumerated the rights of internally displaced children;<sup>127</sup> rights of internally displaced women;<sup>128</sup> rights of internally displaced persons with disabilities;<sup>129</sup> rights of internally displaced persons living with HIV (PLHIV)<sup>130</sup> and rights of internally displaced elderly persons.<sup>131</sup> It creates responsibilities for the IDPs which include obedience to the law,<sup>132</sup> and for the government which can be summed up as the obligation to respect, protect,

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<sup>122</sup> Ibid, 3.1.1 (1)

<sup>123</sup> Ibid, 3.1.1(4)

<sup>124</sup> Ibid, 3.1.2

<sup>125</sup> Ibid, 3.1.3

<sup>126</sup> Ibid, 3.1.9

<sup>127</sup> Ibid, 3.1.4

<sup>128</sup> Ibid, 3.1.5

<sup>129</sup> Ibid, 3.1.6

<sup>130</sup> Ibid, 3.1.7

<sup>131</sup> Ibid, 3.1.8

<sup>132</sup> Ibid, 3.2



and fulfill IDPs' rights as provided for in the constitution and international treaties.<sup>133</sup> It also outlines the duties of the host community to include the provision of adequate security, promotion of harmony and integration of IDPs, prohibition of acts of discrimination, and access to humanitarian agencies.<sup>134</sup> It states the strategies to use in preventing internal displacement; rehabilitation of IDPs; return, relocation, and local integration of IDPs; and sensitization of communities. Furthermore, it enumerated the roles of the regional and international humanitarian actors. The Policy states the rights of IDPs as enumerated in the treaties and conventions for example the UN Guiding Principles and the Kampala Convention.

Although Nigeria has signed and ratified these treaties and conventions, it is yet to be domesticated as law in Nigeria. This does not evade responsibilities on Nigeria instead it imposes obligations which the government is sheering away from. Due to the overlap of responsibilities and a lack of direction regarding which agency oversees the process, the fundamental issue here appears to be related to the process of domesticating the Kampala Convention. The Migration Policy raises the issue of ensuring the domestication of the Kampala Convention while the National Policy on Internally Displaced Persons raises the same issue. There are previous policies on IDPs, 2009 and 2012, this is the third one but the situation of the IDPs never changes, they keep increasing and their challenges keep multiplying.

To curb the devastating impact of disasters which is the major cause of internal displacement in Nigeria, a National Disaster Risk Management Policy 2018 was adopted by the Government. Its primary goals are to set policy guidelines for supportive actions

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<sup>133</sup> Ibid, 4.1

<sup>134</sup> Ibid, 4.3.2

that will strengthen communities, people, businesses, and institutions in Nigeria. This is to reduce the negative effects of disasters and improve the capacity of the entire nation to prevent, prepare for, respond to, and recover from disasters.<sup>135</sup> The policy applies to all kinds of risks either small or large scale, natural disasters, or man-made disasters, frequent or infrequent. Its top priorities are, increasing knowledge of disaster risk; empowering multi-stakeholder governance; ensuring readiness, and increasing investment to strengthen resilience to disaster.<sup>136</sup> If the aim of building a safer and more resilient community is achieved by risk reduction, the number of IDPs will be reduced drastically and there can be a durable solution to the plights of the IDPs.

## **6.6 The Roles of Institutions in Protecting the Rights of the IDPs**

There are government agencies, non-government organisations, and individuals that protect the rights of the IDPs. Government agencies are shadowed with the responsibility to cater for the citizens. Some of these agencies have a specific role and are created for specific sets of people while others serve the entire citizenry. The activities of these agencies will be critically examined concerning the IDPs.

### **6.6.1 Protection of IDPs by the Nigerian Forces**

As the protection of human rights is a fundamental aspect of policing,<sup>137</sup> the Nigerian Police Force has the responsibility to protect the rights of the IDPs. It is created under section 214 of the 1999 Nigerian Constitution which prohibits any other Police Force in Nigeria. Its main duties which cover the IDPs are highlighted under section 4 of the Police Acts to include prevention and detection of crime; apprehension of perpetrators of crime; preservation of law and order; protection of life and property; ensuring due

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<sup>135</sup> National Emergency Management Agency, Nigeria National Disaster Risk management Policy, 1x.

<sup>136</sup> Ibid.

<sup>137</sup> Nigeria Police Act, 2020, section 1(b).

compliance of the laws and regulations and performance of any other duties as required of them.<sup>138</sup> The Nigeria Police Force which has the constitutional duty to protect the rights of the people of Nigeria is facing challenges of allegations of human rights abuses and weakness.<sup>139</sup> Also, the Nigerian Police Force has failed to stop crimes, fraud, and the evil deeds of insurgents, militias, youth gangs, terrorists, and ethnic and tribal groupings, among others.<sup>140</sup> It appears that the Nigeria Police Force lacks or has lost the professional orientation, understanding of current technology, surveillance skills, and tools necessary to play the leading role that is expected of them in Nigeria.<sup>141</sup> They still hold on to the use of force and arms in curbing armed conflicts and related offences instead of using modern artificial intelligence. To crown this, there are allegations against the Nigerian Police Force that they contribute to the infringement of the IDPs' rights by assisting the attackers,<sup>142</sup> maltreating the IDPs in the camp, and trafficking IDPs during displacement.

For other security purposes, the Constitution established the Nigerian Armed Forces to share domestic security responsibilities as enshrined in the Constitution and as directed by the President;<sup>143</sup> and the Department of State Security Services (DSS) whose duties include internal security, counterterrorism, and surveillance.<sup>144</sup> These institutions' activities in curbing armed conflicts and maintaining peace in and around IDP camps are

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<sup>138</sup> Nigeria Police Act, 2020, no 2.

<sup>139</sup> Ndubuisi J Madubuike-Ekwe, Olumide K Obayemi, 'Assessment of the Role of the Nigerian Police Force in the Promotion and Protection of Human Rights in Nigeria' [2019] 23(1) ASICL, article 3, 22.

<sup>140</sup> Opara Oguchialu, Raimi Lasisi, 'The Nigeria Police Force and its Constitutional Responsibility in the Present Democratic Dispensation [2020] 8(4) Business Management and Economic 85.

<sup>141</sup> Ibid.

<sup>142</sup> Adedeji Akeem Okemuyiwa, 'The Role of the Police in Protecting Internally Displaced Persons: In a Case Study of Northern Nigeria' (*ResearchGate*, 12 July 2018 <[https://www.researchgate.net/publication/326351972\\_THE\\_ROLE\\_OF\\_THE\\_POLICE\\_IN\\_PROTECTING\\_INTERNALLY\\_DISPLACED\\_PERSONS\\_IN\\_A\\_CASE\\_STUDY\\_OF\\_NORTHERN\\_NIGERIA](https://www.researchgate.net/publication/326351972_THE_ROLE_OF_THE_POLICE_IN_PROTECTING_INTERNALLY_DISPLACED_PERSONS_IN_A_CASE_STUDY_OF_NORTHERN_NIGERIA)> accessed 10 March 2023

<sup>143</sup> Nigerian Constitution 1999, section 217 & 218.

<sup>144</sup> National Security Agencies (NSA) Act 1986, Chapter 74, LFN 2004, section 6.

weak. They also contribute to the problems facing IDPs, by carrying out unlawful and arbitrary killing, degrading treatment, arbitrary arrest and detention, poor investigation, and accountability. The U.S. Department of State states that ‘there were credible reports that members of the security forces committed numerous abuses...the government took steps to investigate, punish, and prosecute alleged abuses...but impunity for such abuses and corruption remained a problem.’<sup>145</sup>

Due to the failure of each of the forces to curb the activities of the armed group especially the Boko Haram in the Northeast, the Federal Government of Nigeria formed a Special Military Joint Task Force (SMJTF)<sup>146</sup> to carry out an operation on the Boko Haram to protect the right of the IDPs and restore peace in the Northeast of Nigeria. The SMJTF's failure to acquire the people's trust and respect in the initial stages of Nigeria's campaign against Boko Haram in the Northeast spurred efforts to find local alternatives.<sup>147</sup> Communities in particular encouraged self-help as a tool for people to deal with daily insecurities.<sup>148</sup>

A Civilian Joint Task Force (CJTF) which comprises the local people was formed to assist in the security of the area. The CJTF turns out to be a gatekeeper that supplies the SMJTF intelligence against the insurgency.<sup>149</sup> Due to its extensive familiarity with the

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<sup>145</sup>US Department of State, ‘2021 Country Reports on Human Rights Practices: Nigeria’ (*US Department of State*, 2021)< <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/nigeria>> accessed 21 January 2023.

<sup>146</sup> The SMJTF is made up of the Nigerian Army (NA), Nigerian Airforce (NA), State Security Service (SSS), National Intelligence Agency (NIA), Nigeria Police Anti-Terrorism Squad (NPATS), Mobile Force (MOPOL), Nigeria Immigration Service (NIS), Nigeria Customs Service (NCS), and the Nigeria Security and Civil Defence Corps (NSCDC).

<sup>147</sup> Seun Bamidele, ‘The Civilian Joint Task Force and Struggle against Insurgency in Borno State, Nigeria’ [2017] 7(2) *African Conflict and Peacebuilding Review* 85-98.

<sup>148</sup> Baba Gana Kolo, ‘Civilian JTF: The Transformational Protest in Borno State’ [2014] 2 *International Journal of Social Science and Human Behavior Study* 1-7.

<sup>149</sup> Idris, Hamza, Yahaya Ibrahim, and Ibrahim Sawab, ‘Who Are Borno’s ‘Civilian JTF?’ *Nigerian Daily Trust Newspaper*, 29 March 2014.

environment and its integration into the community's social life, they prevent a series of Boko Haram invasions; arrest hundreds of Boko Harams; and liberate communities.<sup>150</sup> Their activities reduced the insurgency in the Northeast of the country.

### **6.6.2 Institutional Support for IDPs' Access to Justice**

There are government agencies under the Federal Ministry of Justice that are granted the power to protect the citizens' rights to justice. These agencies of government also have the responsibility to protect and give guidance to IDPs concerning their rights. The activities of these institutions concerning the IDPs will be examined to find a lasting solution to the inadequate or lack of access to justice for the IDPs.

#### **6.6.2.1 National Human Rights Commission**

The National Human Rights Commission Act of 1995 (as amended) established the National Human Rights Commission of Nigeria following UNGA Resolution 48/134 which calls on all member states to create independent national institutions for the promotion, protection, and enforcement of human rights. The NHRC (Amendment) Act, 2010 gave the Commission more independence and strengthened its authority concerning the promotion and protection of human rights; the investigation of alleged violations of human rights, the enforcement of judgments, the review of legislation at all levels to ensure compliance with human rights standards, and public education, research, and dialogue to increase awareness of human rights issues. The commission partners with other agencies and civil organisations in its activities to protect the rights of IDPs.<sup>151</sup>

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<sup>150</sup> Idayat Hassan, 2015. 'Counter-Insurgency from Below, the Need for Local Grassroots Defenders in Curbing the Insurgency in North-East Nigeria' [2015] 4 (2) West Africa Insight 25–28.

<sup>151</sup> NHRC, 'Refugees Internally Displaced Persons, Migrants and Asylum Seekers' (NHRC) <<https://www.nigeriarights.gov.ng/focus-areas/refugees-internally-displaced-persons-migrants-and-asylum-seekers.html> > accessed 9 November 2022.

The Commission responds to some of the complaints of the IDPs by offering services but does not have the authority to impose binding judgment. It contributes significantly to the protection of human rights and the control of administrative activities by offering a suitable platform for the examination and adjudication of human rights complaints that are presented before it. It carries out a series of activities to stop the infringement against the rights of the IDPs,<sup>152</sup> but its activities are not felt by the IDPs due to lack of funds; lack of power to implement its recommendation; government influence; lack of accurate data; and lack of adequate infrastructures.<sup>153</sup> It can be argued that NHRC which ought to play an active role in the protection of the IDPs is a weak organisation when it comes to the protection of the IDPs. They are more of the media, that is raising issues concerning IDPs but has never been able to protect or find lasting solutions to the plights of the IDPs.

#### **6.6.2.2 Legal Aid Council (LAC)**

LAC was established by Legal Aid Decree No. 56 of 1976, now Legal Aid Act 2011 to provide free legal advice, services, representation; and alternative dispute resolution to vulnerable Nigerians in a conflict, including IDPs to enhance access to justice. This agency has the power to curtail injustice against IDPs and ensure access to justice for them, but little has been achieved. The ineffectiveness is caused by poor funding; unethical activities of the staff; and unawareness of the commission by the vulnerable.

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<sup>152</sup> Premium Times, 'NHRC to investigate alleged fraudulent activities in IDPs camp' (*Premium Times Nigeria*, 26 July 2018) < <https://www.premiumtimesng.com/regional/north-east/277902-nhrc-to-investigate-alleged-fraudulent-activities-in-idp-camps.html>> accessed 9 November 2022; The Guardian, 'NHRC calls for urgent action to protect refugee, migrants, IDPs' (*The Guardian*, 2021) < <https://guardian.ng/news/nhrc-calls-for-urgent-action-to-protect-refugee-migrants-idps/>> accessed 9 November 2022.

<sup>153</sup> OVC Okene, 'National Human Rights Commission and the Promotion and protection of Human Rights in Nigeria- Reflections, Emerging Challenges and Suggestions for Effectiveness' *Recht in Afrika Law in Africa*; Nneka Amalu and Moyosore Odusola Adetu, 'The Role of the National Human Rights Commission (NHRC) in Post Conflict Situations in Nigeria' [2019] 8(1) *International Journal for Arts and Humanities* 132.

Apart from the causes of ineffectiveness, the Legal Aid Council whose main duty is to protect and defend the vulnerable like IDPs is under the Ministry of Justice whose main function is to defend the Government of Nigeria in court. This cannot attract justice in a situation where the Government is the violator of humanitarian rights, and LAC is the prosecutor. The LAC needed independence to be just in their activities.

### **6.6.3 Institutional Protection against Disaster-Induced Displacement**

One of the main causes of internal displacement is natural disasters. Natural disasters most times, are not the act of nature but the action or inaction of the human being. For example, Climate change is caused by generating electricity and heat by burning fossil fuels; manufacturing and industry produce emissions; cutting down forests; means of transportation; and powering buildings among other things.<sup>154</sup> All these are actions carried out by human beings. When environmental degradation stops or is reduced, its consequences and calamity that befalls which leads to internal displacement will stop. To achieve this, several agencies were created under the Federal Ministry of Environment but two are specific to the issues of IDPs.

#### **6.6.3.1 National Environmental Standards and Regulations Enforcement Agency (NESREA)**

There are lots of environmental disasters in Nigeria that cause internal displacement. This is the act of man but not of nature, as flooding in Nigeria is caused most times by dumping of refuse in the waterways and building along the water course among other acts.

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<sup>154</sup> UN, 'Causes and Effects of Climate Change' (UN)< <https://www.un.org/en/climatechange/science/causes-effects-climate-change>> accessed 8 November 2022.

National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 as amended in 2018 creates the National Environmental Standards and Regulations Enforcement Agency (NESREA) to be a parastatal of the Federal Ministry of Environment to protect and develop the environment in Nigeria. It enforces environmental standards, regulations, rules, laws, policies, and guidelines.<sup>155</sup> To achieve its goals, regulations that cover nearly all human activities were made,<sup>156</sup> but their impact on environmental management, conservation, protection, and sustainability in Nigeria is minimal. This is due to non-compliance with environmental laws;<sup>157</sup> no adequate instrument to examine the effect of industrial pollution;<sup>158</sup> politics;<sup>159</sup> institutional weakness;<sup>160</sup> lack of a national database on environmental quality; poor enforcement of the laws and regulations; lack of adequate manpower; lack of jurisdiction over petroleum havoc; and the issue of multiple agencies.<sup>161</sup>

### **6.6.3.2 National Oil Spill Detection and Response Agency (NOSDRA)**

National Oil Spill Detection and Response Agency (Establishment) Act, 2006 creates NOSDRA to prepare, detect, and respond to oil spillages in Nigeria. Section 19 of the Act

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<sup>155</sup> NESRA Act, section 1(2)(a).

<sup>156</sup> For example: National Environmental (Wetlands, riverbanks and lake shores) regulations 2009, S1, 26; National Environmental (Watershed, mountain, hilly and catchment areas) Regulations 2009, S1, 27; National Environmental (sanitation and wastes control) Regulations 2009, S1, 28; National Environmental (permitting and licensing system) Regulations 2009, S1, 29; National Environmental (Access to genetic resources and benefit sharing) Regulations 2009, S1, 30; National Environmental (Mining and Processing of Coal, ores and industrial minerals) Regulation 2009, S1, 31; National Environmental (Ozone layer protection Regulations 2009, S1, 32; National Environmental (Soil erosion and floor control) Regulations 2011, S1, 12; National Environmental (Domestic and industrial plastic, rubber and foam sector) Regulations 2022, S1, 17; and National Environmental (Dams and reservoirs) Regulations 2014, S1, 66.

<sup>157</sup> World Bank, *Towards the development of an environmental action plan for Nigeria* (Washington DC, World Bank 1990).

<sup>158</sup> Morufu Raimi and Clinton Ezekwe, *Assessment of Trace Elements in Surface and Ground Water Quality* (Mauritius, LAP Lambert Academic Publishing, 2017).

<sup>159</sup> L E Nduonofit, Y A Nkpah, C.L. Poroma and Z.D Kidi, 2015 'An Appraisal of Waste Management in Nigeria: Problems and Prospects' 3 *Journal of Social Science Public Affairs*, 10-15

<sup>160</sup> Suleiman Romoke Monsurat; Morufu Olalekan Raimi; Henry Olawale Sawyerr, 'A Deep Dive into the Review of National Environmental Standards and Regulations Enforcement Agency (NESREA) Act' 2019 *Research Journal of Applied Sciences*.

<sup>161</sup> *Ibid.*



grants the Agency the power to assess any damage caused by an oil spillage; advise the Federal Government on the health effects of oil spillage; guide and protect highly sensitive areas, habitats, and wildlife; and monitor the clean-up operation.

With these laws and agencies in place, there is continuous environmental damage caused by oil spillage in Ogoni land, the Niger Delta region, and other oil-producing areas in the southern part of Nigeria.<sup>162</sup> The Oil released contains polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and heavy (toxic) metals,<sup>163</sup> which contaminate the soil and pollute water. This act of fundamental infringement of human rights continues without any abatement due to weak enforcement of government policies and laws.<sup>164</sup> This makes the people living in the area to be internally displaced without adequate help from the agency or the government.

Due to the weaknesses of these agencies and their creating laws, Nigerians and their Government keep destroying nature forgetting that:

Humankind has not woven the web of life. We are but one thread within it. Whatever we do to the web, we do to ourselves. All things are bound together. All things connect... the earth is our mother. Whatever befalls the earth befalls the sons of the earth. If men spit upon the ground, they spit upon themselves.<sup>165</sup>

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<sup>162</sup> I V Ejiba, S C Onya, and O K Adams, 'Impact of Oil Pollution on Livelihood: Evidence from the Niger Delta Region of Nigeria' [2016] 12(5) *Journal of Scientific Research and Reports* 1-12.

<sup>163</sup> AO Ajugwo, 'Negative Effects of Gas Flaring: The Nigerian Experience' [2013] 1(1) *Journal of Environment Pollution and Human Health* 6-8; Christopher B Obida, G Alan Blackburn, J Duncan Whyatt, and Kirk T Semple, 'Quantifying the Exposure of Humans and the Environment to Oil Pollution in the Niger Delta using Advanced Geostatistical Techniques' (2018) 111 *Environment International* 32-42.

<sup>164</sup> Olabode A Oyewunmi, and Adebukola E Oyewunmi, 'Managing Gas Flaring and Allied Issues in the Oil and Gas Industry: Reflections on Nigeria' [2016] 7(4) *MJSS* 643.

<sup>165</sup> Chief Seattle, 'The Speech of Chief Seattle' (*Goodreads*, 2023) < [https://www.goodreads.com/author/quotes/331799.Chief\\_Seattle](https://www.goodreads.com/author/quotes/331799.Chief_Seattle)> accessed 9 November 2022.

If Nigerians keep destroying nature in the cause of developments or their inaction, nature will keep bringing disasters that cause internal displacement.

### **6.6.3.3 Host Communities Development Trust Fund**

To preserve the rights of the oil-producing host communities,<sup>166</sup> the Petroleum Industry Act 2021 establishes the Host Community Development Trust Fund (HCDTF), with each Settlor,<sup>167</sup> mandated to set up the Fund in the community where they carry out petroleum operations.<sup>168</sup> The Settlor is also required to appoint the Board of Trustees (the Board) and Committee members who will conduct a Needs Assessment,<sup>169</sup> which will evolve into the Community Development Plan in order to establish the Trust's project. This will reduce the number of IDPs, foster sustainable prosperity, enhance good relationships between the Oil company and the community, and provide social and economic benefits from petroleum to the host community.<sup>170</sup> It also creates inclusiveness as a member of the community must be part of the management committee.

With the fund in place, the plights and number of the IDPs will be reduced. Their rights and environments will be well protected as they are involved in decision-making. The settlors must ensure they involve the host communities in decisions that affect or will affect their society, and if the settlors fail to carry out their responsibilities under the Act, their licence can be revoked.<sup>171</sup>

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<sup>166</sup> Petroleum Industry Act 2021, section 318.

<sup>167</sup> The holder of an interest in Petroleum Prospecting Licence or Petroleum Mining Lease whose area of operation is located or appurtenant to a community.

<sup>168</sup> Ibid, section 235.

<sup>169</sup> Ibid, section 251.

<sup>170</sup> Ibid, section 234.

<sup>171</sup> Ibid, section 238.

#### **6.6.4 Management and Provision of Aid to the IDPs**

The Nigerian government establishes institutions that it delegates to administer the affairs of the vulnerable such as IDPs. These institutions are entrusted with aid and other needs of the IDPs. The examination of their activities determines a lot, in determining whether IDPs' rights are rightly protected.

By an executive order issued on 21 August 2019, the Federal Ministry of Humanitarian Affairs was created with the following responsibilities: managing the formulation and execution of equitable social inclusion and protection programmes in Nigeria; developing humanitarian policies and providing effective coordination of local and international humanitarian interventions; ensuring strategic disaster mitigation, preparedness, and response.<sup>172</sup> Several agencies under the Ministry work in the interest of and for the protection of the IDPs.

##### **6.6.4.1 North-East Development Commission (NEDC)**

The Commission was established by the North-East Development Commission (Establishment) Act, 2017 with the aim of 'receiving and managing funds allocated by the Federal Government and international donors for resettlement, rehabilitation, integration and reconstruction of roads, houses and business premises of victims of insurgency and terrorism as well as tackling the menace of poverty, illiteracy, ecological problems and any other related environmental or developmental challenges in the North-East states; and for other related matters.'<sup>173</sup>

The main functions of the commission are to rebuild North-East, Nigeria and assist victims of internal crisis,<sup>174</sup> among the victims are IDPs. The sources of income include

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<sup>172</sup> Federal Ministry of Humanitarian Affairs, 'Disaster Management and Social Development' (*FMHA*) <<https://www.fmhds.gov.ng/>> accessed 9 November 2022.

<sup>173</sup> North-East Development Commission (Establishment) Act, 2017, preamble.

<sup>174</sup> *Ibid*, section 8.

at least 10% of annual statutory allocations due to member states of the commission; 10% of the Ecological fund annually for 10 years; 3% of the annual VAT; grants, lent to or deposit with the commission by the Federal, state, anybody or foreign donors; gifts, loans, grants-in-aid, testamentary dispositions or otherwise; proceeds from assets that may accrue to the commission; and fees charged by the commission.<sup>175</sup> With the sources of income for the commission, the Nigerian IDPs in the North East of Nigeria ought not to face any difficulties but the reverse is the case they are the most vulnerable persons in the country. Most of the Commissions or agents of Government are prone to corruption. The commission's aims as stated in the Act are duplication of functions among other Federal Ministries and other Federal Agencies especially NEMA and NCFRMI whose main function is to resettle, rehabilitate, and integrate IDPs and other victims back into society. Duplication of activities is a means of mismanaging and siphoning government funds. There is no major activity of the Commission different from the other agencies since the inauguration of its board.

#### **6.6.4.2 National Emergency Management Agency (NEMA)**

The National Emergency Relief Agency (NERA) was established by Decree No. 48 of 1976, and in 1999 NEMA replaced it through the promulgation of the National Emergency Management Agency (Establishment, etc.) Act. This laid the groundwork for disaster management in Nigeria. NERA was tasked with planning, supplying, and supervising emergency aid for victims of natural disasters. It collaborated with a network of organisations that share overlapping duties and responsibilities, including the Nigerian Police Force, the Nigerian Armed Forces, and the Nigerian Red Cross Society.

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<sup>175</sup> Ibid, section 14.

NEMA was created to expand the scope of activities placed on NERA. In addition to the prevention, management, and distribution of aid to disaster victims in Nigeria,<sup>176</sup> the NEMA Act enhanced the country's disaster management financing sources.<sup>177</sup> Furthermore, the Act significantly pioneered aspects that were not covered by the NERA Act, such as the creation of the Agency's Governing Council, terms of office, and membership termination.<sup>178</sup>

In any disaster, NEMA maintains a situation room that is staffed around the clock to monitor the situation and disseminate pertinent information to the people and the headquarters. The headquarters provides necessary help, including humanitarian aid. The Act also makes provision for the creation of the States Emergency Management Agency (SEMA), with the duty to inform the Agency of any disasters within the state; respond and manage to them and be accountable to the agency.<sup>179</sup> In addition to the creation of SEMA, the Borno State government established the Ministry of Reconstruction, Rehabilitation, and Resettlement to coordinate the return and restoration of IDPs from the post-Boko Haram insurgency and rebuild private and public buildings destroyed.

The NEMA protects the rights of the IDPs by providing relief materials; feeding; shelter and ensuring their resettlement in camps. For instance, in 2006, due to community conflicts, NEMA evacuated around 1700 Nigerians from the Mambilla Plateau and more than 500 Nigerians were also securely evacuated in 2011 from the Ivory Coast, Egypt,

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<sup>176</sup> Section 1 and Section 6.

<sup>177</sup> Section 13, 15 and 17.

<sup>178</sup> Sections 2, and 3.

<sup>179</sup> Section 8 and 9.

Libya, and Tunisia.<sup>180</sup> In addition, NEMA built camps, established cells in collaboration with the Military and provide food items to the IDPs.<sup>181</sup> In order to foster the culture of constructing community and national resilience to disasters, NEMA and the Nigerian Educational Research and Development Council (NERDC) have worked together to introduce Disaster Risk Reduction (DRR) into Basic and Post Basic Education Curricula in Nigeria.<sup>182</sup>

Some of the NEMA responsibilities on IDPs in the North-East of Nigeria have been transferred to the North-East Development Commission.<sup>183</sup> There is an overlap of powers between these agencies established under the same ministry, the Federal Ministry of Humanitarian Affairs, Disaster Management, and Social Development. Also, it exists in the majority of states and usually provides aid to IDPs during a crisis emergency phase, but underfunding makes it unable to serve those who have been displaced for an extended period or assist returnees in reintegrating.

#### **6.6.4.3 National Commission for Persons with Disabilities**

The Commission was created by the Discrimination against Persons with Disabilities (Prohibition) Act,<sup>184</sup> to protect the rights and interests of disabled persons. The commission is given an open power to do anything lawful to achieve its aims. The specific duties of the Commission are to ensure the education and welfare of disabled

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<sup>180</sup> Nnadi Godwin Onyemaechi et al, 'The National Emergency Management Agency (NEMA) and the Challenge of Effective Management of Internal Displaced Persons in North Eastern Nigeria (2020) 25(5) IOSR Journal of Humanities and Social Science, 14.

<sup>181</sup> Nigerian Federal Ministry of Information and National Orientation, 'NEMA's Effort in managing Humanitarian Crisis in the North East (2016) < <https://fmino.gov.ng/nema-efforts-managing-humanitarian-crisis-north-east/>> accessed 3 May 2024.

<sup>182</sup> Nigerian Government, Nigeria's Path to Sustainable Development through Green Economy: Country Report to the Rio + 20 Summit June 2012, 89.

<sup>183</sup> NEMA, 'Monthly IDPs feeding in Borno and Adamawa States: NEDC takes over from NEMA' (*NEMA*, 8 November 2022) < <https://nema.gov.ng/monthly-idps-feeding-in-borno-and-adamawa-states-nedc-takes-over-from-nema/>> accessed 9 November 2022.

<sup>184</sup> Section 31.

persons.<sup>185</sup> The commission's activities to protect the interest of disabled IDPs are not felt.

#### **6.6.4.4 The National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI)**

The Federal Government of Nigeria established the National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI), formerly known as the National Commission for Refugees (NCFR), by Decree 52 of 1989, now Cap. N21, Laws of the Federation of Nigeria, 2004 (NCFRMI Act), to handle the affairs of refugees, migrants, and internally displaced persons in Nigeria. This is done to fulfill the United Nations General Assembly Resolution 319(IV) under Article 35 of the United Nations 1951 Convention. The NCFRMI has carried out a series of empowerment projects toward the sustainability of the IDPs,<sup>186</sup> although there are overlapping mandates between it and NEMA.

#### **6.6.4.5 The National Agency for Prohibition of Trafficking in Persons (NAPTIP)**

The Trafficking in Persons (Prohibition) Enforcement and Administration Act of 2015 created NAPTIP with the goals of protecting victims, promoting domestic and international cooperation, and providing a legal and institutional framework for the prohibition, prevention, detection, prosecution, and punishment of human trafficking.<sup>187</sup> It is the responsibility of NAPTIP to eradicate human trafficking in the IDP camps, but little has been achieved by the agency. The number of human trafficking in IDP camps keeps increasing. Labour and sexual exploitation are the most identified form

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<sup>185</sup> Discrimination against Persons with Disabilities (Prohibition) Act, 39.

<sup>186</sup> NCFRMI, 'Project Reliance' (NCFRMI) < <https://ncfrmi.gov.ng/project-reliance/> > accessed 1 November 2022.

<sup>187</sup> Section 1 and 2.

of human trafficking in IDP camps and North-East Nigeria IDP camps are the hotspot area for such activities.<sup>188</sup>

#### **6.6.4.6 Nigerian Red Cross Society (NRCS)**

The Nigerian Act of Parliament of 1960 created the Nigerian Red Cross Society and it was recognized by the International Committee of the Red Cross on 15 May 1961,<sup>189</sup> to become an independent national society. The NRCS is a voluntary aid organisation and auxiliary to the government.<sup>190</sup> The Nigerian Red Cross society reports the impact of a flood on about 5,000 IDPs in 2010.<sup>191</sup> In 2018, it supported over 800 IDP households who were victims of a flood in the areas of health, potable water, sanitation, provision of food, household items, and cash for resettlement. Also, in collaboration with other international organisations, the NRCS oversees the management of over 84 IDP camps. It provides aid and basic health care in several IDP camps and settlements.<sup>192</sup> In the northeast of Nigeria where people were displaced and their houses and properties were destroyed due to the Boko Haram insurgency, the NRCS provides housing units for about 18,228 persons.<sup>193</sup> The activities of the NRCS were hindered due to attacks on their staff. Hauwa Liman and Saifura Khorsa were abducted and murdered by Boko haram when they were carrying out their voluntary role as nurses to save a life. Also, four male

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<sup>188</sup> UNHCR, 'Assessment of trafficking risks in internally displaced persons camps in North-East Nigeria for the United Nations High Commissioner for Refugees' (*UNHCR*, 7 April 2020) 6 <<https://data.unhcr.org/en/documents/download/75273>> accessed 10 November 2022.

<sup>189</sup> International Committee of the Red Cross, 'Recognition of the Nigerian Red Cross Society' (434<sup>th</sup> Circular).

<sup>190</sup> Nigerian Red Cross Act, 1960, cap 324, section 5(1).

<sup>191</sup> Muhammed Tawfiq Ladan, 'National Framework for the Protection of Internally Displaced Persons (IDPs) in Nigeria,' A paper presented at a workshop for judges and kadis on Refugee Law organised by National Institute, Abuja, Nigeria on the 20 April 2013.

<sup>192</sup> Nigerian Red Cross Society, 'Annual Report 2018' page 11.

<sup>193</sup> *Ibid*, 16.



voluntary workers were murdered.<sup>194</sup> This shows the weakness of the Nigerian security force in protecting and enforcing the rule of law.

#### **6.6.5 Efforts of Non-Governmental Organisations in Protecting the Rights of IDPs in Nigeria**

Non-Governmental Organizations are involved in providing shelter, aid, services, and other necessities for the protection of the IDPs' rights since the Nigerian government has not addressed the issue of internal displacement in the nation. Non-governmental organisations such as CLEEN Foundation; Social Economic Rights Accountability Project (SERAP); Network for Justice; Justice Development and Peace Commission; Nigeria Bar Association (NBA); Human Rights Center; National Committee on Torture; and Catholic Institute for Development, Justice and Peace (CIDJAP) among others, assist and protect the right of IDPs by providing services and aid to them. Non-governmental organizations significantly contribute to the situation of IDPs in Nigeria, but there are challenges such as lack of access to IDP camps, particularly those in Borno State. This is frequently hampered since they are regarded as high-risk areas. Government policies and lack of resources which include expertise, money, and strategies are other hindrances facing organisations assisting IDPs. The weakness of most of the national non-governmental organizations is that they depend on limited international funding.

#### **6.7 Causes of Nigeria's IDPs rights infringement amidst laws and Institutional Framework**

There are laws and institutions in place for the protection of every resident of Nigeria, to which IDPs are included. Even, NCFRMI Act and its commission cover IDPs. It would be a wrong assumption to state that the rights of the Nigerian IDPs are being infringed upon because there is no special or explicit legislation or specific institution for the

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<sup>194</sup> Ibid, 11.

management of IDPs.<sup>195</sup> Assuming an explicit law is promulgated for the protection of IDPs, what difference will it bring? It will state the rights of IDPs and the responsibilities of the Governments and non-governmental institutions, which are already being stated by other Nigerian laws. For example, Chapter 4 of the Nigerian Constitution clearly states the rights of every person in Nigeria; the Child's Rights Act states the rights of a child; the Violence Against Persons (Prohibition) Act prohibits criminal acts.

The existence of Nigerian laws and institutions might lead one to believe that IDPs' rights are effectively safeguarded in Nigeria, however, this is not the case. On paper, Nigerian IDPs have legal and humanitarian rights, but there are numerous infringements on their rights, which the government and society have failed to address. The main cause and impediment to a durable solution is the ideology of the people; the basis and foundation for the laws and institutions; the culture of impunity; sectarian strife; and ethnic rivalry.

There are about 250 ethnic groups in Nigeria, with Hausa-Fulani accounting for 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, and Tiv 2.5% and others 16%.<sup>196</sup> Also, there are two major religions in Nigeria which are Christianity and Muslims. The Northern part of Nigeria which comprises the Hausa-Fulani and Kunari ethnic groups is predominantly Muslim while the Eastern part which comprises of Ibos ethnic group is predominantly Christian. The Southern part comprises several ethnic groups among whom are the Ijaw, and Ibibio ethnic groups which are dominantly Christians, and the western part of Nigeria comprises the Yoruba ethnic group. The Yorubas have mixed religions which are Muslim and Christian. Lastly, the Middle Belt, central Nigeria is home

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<sup>195</sup> Eni Aloba and Synda Obaji, 'Internal displacement in Nigeria and the Case for Human Rights Protection of the Displaced Persons' [2016] *Journal of Law, Policy and Globalization* 51.

<sup>196</sup> University of Birmingham, 'CIFORB Country Profile – Nigeria' (*University of Birmingham*) <<https://www.birmingham.ac.uk/Documents/college-artslaw/ptr/ciforb/resources/Nigeria.pdf>> accessed 12 November 2022.

to a diverse range of smaller ethnic groups, most of whom are Christian, but there is a considerable Muslim community. Hon. Justice Nike Tobi held that 'Nigeria is one vast and huge country made up of so many diversities in terms of tribe, cultures, sociology, anthropology.'<sup>197</sup> The existence of groups with various ethnic, religious, and political histories within a country is one of the primary arguments for choosing a federal system of governance.<sup>198</sup> Nigeria operates a Federal system of Government but is still struggling to manage this diversity and build a national identity, particularly between the country's 'Muslim North' and 'Christian South.' These ethnic groups hold their people, land, and boundaries with much interest above the national interest and any interference or trespass by another ethnic may lead to a crisis. In a nutshell, there is fear of ethnic and religious dominance which has been in existence for a long time.

Religious identity commonly crosses regional, ethnic, political, and social borders, making it a frequent source of conflict. Given this, the government's laws and decisions follow this line to avert crises. The government's proposal to create cattle ranches in all states of the country to end nomadic grazing was, for example, criticised by the western, eastern, and southern parts of Nigeria, who believe it is for the advantage of the north, whose main occupation is cattle rearing.<sup>199</sup> Any problem that arises in the Northern part of Nigeria is for the people of the north be it displacement, farmers-herdsmen conflicts,

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<sup>197</sup> Buhari v INEC (2008) 19 NWLR 246, 427.

<sup>198</sup> J Erk, 'Still in Search of the Federal Spirit: The US Supreme Court and Federalism' in A G Gagnon et al (eds) *Understanding Federalism and Federation* (London, Routledge 2016) 87.

<sup>199</sup> Emmanuel Nzomiwu, 'South East Governors reject cattle ranches' (*Independent Newspaper Nigeria*, 8 July 2018) <<https://independent.ng/south-east-governors-reject-cattle-ranches/>> accessed 15 November 2023).

or Boko Haram insurgency,<sup>200</sup> while any problem that arises in the southern part of Nigeria is for the people of the south be it kidnapping or IPOB crises.<sup>201</sup>

Due to these ethnic rivalries, making a law or policy in favour of the Northern IDPs that will affect or place a burden on the West, South, or East will not be acceptable to the other parts of Nigeria. The Nigerian laws have the undertone of this diversity which makes it difficult to separate religious, ethnic, and regional divides in Nigeria from IDP issues. For example, the Nigerian 1999 constitution states that the composition and conduct of Government either federal, state, or local council and their agencies must be carried out to reflect the federal character in recognition of the diversity of the people in such a manner to encompass all ethnic, sectional groups, and beliefs.<sup>202</sup>

To achieve this, the Federal Character Commission was created.<sup>203</sup> Its powers are spelled out in Part 1C of the Third Schedule to the 1999 Constitution to promote, monitor, and enforce compliance with the proportional sharing principles in all bureaucratic, economic, media, and political positions at all levels of government.<sup>204</sup> It has the authority to devise an equitable allocation mechanism for socioeconomic services, amenities, and infrastructure.<sup>205</sup> This position is acceptable by the Nigerians as they believe it brings equality and equal representation and sharing of national gains but it has a bad effect on the IDPs. The effect of this on the IDPs is that when positions or resources are shared across the board no section will allow its share to be given to another section because of the problem the section is facing. Also, no ethnic group or

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<sup>200</sup> Boko Haram is a terrorist group centred in northeastern Nigeria that operates in Chad, Niger, and northern Cameroon as well. In recent years, this group has prompted greater displacement.

<sup>201</sup> IPOB (Indigenous People of Biafra) is a Nigerian separatist group. Its major goal is to re-establish Biafra as a sovereign state in Nigeria's Old Eastern Region.

<sup>202</sup> Nigerian 1999 Constitution, section 14 (3) and (4).

<sup>203</sup> Nigerian 1999 Constitution, section 153.

<sup>204</sup> Federal Character Commission (Establishment, ETC) Act, 2021 LFN Cap F7.

<sup>205</sup> Ibid, section 4(1d).

section will permit another ethnic group to take over or occupy its lands or resources for any reason or condition. For instance, IDPs in any northern states of Nigeria will practically not be allowed by the people or ethnics in the southern states to take refuge on the land in their region. Also, the Government will not make policies or laws on the issues of IDPs that will take away from one ethnic group and give to another ethnic group. For example, an attempt by the Federal Government to build IDP camps in the southwest part of Nigeria which comprises the Yoruba ethnic group, for the benefit of the displaced Northerners (Hausas and Fulanis) was refused by the Yorubas.<sup>206</sup> In examining the situation of things critically, Nigerians are united by the virtues of laws but are divided across the ethnic and religious groups in the country which make it difficult for the IDPs to relocate to another part of the country. To avoid an ethnic crisis, the Nigerian government will avoid passing a law or making policies for such to happen.

Also, the Nigerian 1999 Constitution includes measures to preserve religious freedom and forbid discrimination on religious grounds, among other things. However, in some regions, the execution of some constitutional provisions results in religious freedom breaches. Twelve northern states have Shari'ah-based criminal codes, with state-funded religious police enforcing the laws in seven of them. Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano state governments also sponsored and backed Hisbah, or religious police, to enforce its interpretations. Violence and prejudice against minor Muslim sects and mostly Christians have occurred in these states, which has caused displacements and violations of the rights of the IDPs. The Federal Government has little or nothing to do to curb the excess of these states.

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<sup>206</sup> Rotimi Agboluaje and Alex Monye, 'Afenifere tasks Buhari on insurgency, says no to IDP camps in South' (*The Guardian Newspaper*, 28 June 2022) < <https://guardian.ng/news/afenifere-tasks-buhari-on-insurgency-says-no-to-idp-camps-in-south/>> accessed 7 January 2023.

Protection is a right as enshrined in the Nigerian Constitution, and the African Character on human rights, but one can argue that the actions of the Government indicate that protection is a privilege, not a right. There is a law in place, but its implementation becomes difficult for the government. The IDPs lack adequate protection and aid to survive. The little protection and provision made are publicised for the world to appreciate the effort of the Government. If an investigation is carried out, most of the government efforts are shams, because most of the aid and activities are used by Government officials to siphon public funds and enrich themselves.<sup>207</sup> An example of such is the PINE<sup>208</sup> fund scandal.

PINE was established to direct the government's response to the humanitarian situation in North-East Nigeria, to rebuild infrastructure, and to rehabilitate IDPs displaced by the Boko Haram insurgency. Nigerian Government released funds running to over 700 million naira for the project, but the said fund was siphoned off by top Government officials including the Secretary to the Government of the Federation (SGF)<sup>209</sup> who was alleged and charged to Court in Charge Number, CR/158/19 before the Federal High Court. Also, an IDP camp mosque in Borno State of Nigeria was built using N30 million, according to the Federal Ministry of Agriculture and Rural Development, which the Federal Government of Nigeria was queried on social media in respect of the official letter dated 10 December 2020 with ref. No. FMA/PROC/AHS/SIP/2020/7742/1 approving N30m for the construction of a mosque in the IDP camp.<sup>210</sup> Also, the N5.8 billion North East Intervention Fund which the lawmakers alleged was mismanaged by

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<sup>207</sup> Osa Osagioduwa Eweka and Toluwanimi Oluwakorede Olusegun, 'Management of Internally Displaced Persons in Africa: Comparing Nigeria and Cameroon' (2016) 10(1) ARR 193.

<sup>208</sup> PINE means Presidential Initiative for the North-East, Nigeria.

<sup>209</sup> Babachir Lawal.

<sup>210</sup> Chibuzor Emejor, 'How We Spent N30m To Build Mosque in IDP Camp-FG,' Saturday Independent, 22 May 2021, 4.

the National Emergency Management Agency (NEMA).<sup>211</sup> Other corrupt-related activities include overstating the number of IDPs; diversion of money meant for aid; self-gratification; diversion of aid materials after inspection by government authorities; and hauling and reduction of food allocated to the IDPs by government officials.<sup>212</sup>

Further on the ideology of Nigerians, the Federal and the State Governments of Nigeria provide accommodations for the IDPs by opening several IDP camps in the crisis-affected areas in Nigeria. Recently, the most affected crisis area, Borno State IDP camps has been closed. Against negative effects raised by the IDPs and international organisations,<sup>213</sup> between May 2021 and January 2022, the Mocgolis camp, NYSC camp, Farm Centre camp, Bakasi camp, Stadium camp, and Teachers Village camp housing 103,568 IDPs were closed.<sup>214</sup> Also, between 27 July and 2 August 2022, Dalori II IDP camp (officially called 250 Housing Estate) located in Konduga LGA housing over 11,580 persons was closed.<sup>215</sup> Additionally, between 4 and 7 August 2022 Dalori I IDP camp (officially called Federal Training Centre), housing about 7,478 IDPs, located in Konduga LGA was

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<sup>211</sup>Kehinde Akintola, 'Reps: Release of N5.8bn Eurobond without NASS approval was illegal' (BusinessDay Newspaper, 13 November 2018) < <https://businessday.ng/exclusives/article/reps-release-n5-8bn-eurobond-without-nass-approval-illegal/>> (11 November 2022; This Day Newspaper, 'House Indicts Osinbajo over Alleged Mismanagement of N5.8bn IDP Fund' (*This Day Newspaper*, 9 November 2018) <<https://www.thisdaylive.com/index.php/2018/11/09/house-indicts-osinbajo-over-alleged-mismanagement-of-n5-8bn-idp-fund/>> accessed 11 November 2022

<sup>212</sup> Premium Times, 'Exploitation of Internally Displaced Persons in Nigeria, By Kayode Ogundamisi' (*Premium Times Nigeria*, 12 July 2015) < <https://opinion.premiumtimesng.com/2015/07/12/exploitation-of-internally-displaced-persons-in-nigeria-by-kayode-ogundamisi/>> accessed 11 November 2022.

<sup>213</sup> Amnesty International, 'Nigeria: Plans to close IDP camps in Maiduguri could endanger lives' (*Amnesty International*, 2021) < <https://www.amnesty.org/en/latest/news/2021/12/nigeria-plans-to-close-idp-camps-in-maiduguri-could-endanger-lives/>> accessed 3 September 2022.

<sup>214</sup> Global Protection Cluster, 'Advocacy Note for the Borno State Government (BSG), Humanitarian Leadership and Donors Protection Concerns on the Closure of Dalori I and II IDP Camps and Returns and Relocations of IDPs in Borno State, North-East Nigeria' (*Relief Web*, 2 September, 2022) <[file:///C:/Users/OLUGBENGA%20FALADE/Downloads/psne\\_-\\_dalori\\_i\\_and\\_ii\\_camp\\_closures\\_and\\_returnsrelocations\\_-\\_2022.09.02\\_-\\_final.pdf](file:///C:/Users/OLUGBENGA%20FALADE/Downloads/psne_-_dalori_i_and_ii_camp_closures_and_returnsrelocations_-_2022.09.02_-_final.pdf)> accessed 3 September 2022.

<sup>215</sup> DTM, 'Nigeria- Camp Closure Flash Report-Dalori I Camp, Borno State' (DTM, 2022) < <https://dtm.iom.int/reports/nigeria-%E2%80%94-camp-closure-flash-report-%E2%80%94-dalori-i-camp-borno-state-24-august-2022>> accessed 3 September 2022.

closed.<sup>216</sup> IDPs were affected by the camp closures and were either returned to their areas of origin which the survey indicates the highest number of IDPs voted for<sup>217</sup> or relocated to places closer to their ancestral homes or moved elsewhere into camp or non-camp settings. The head of the affected IDP household was given less than (#100,000.00) One Hundred Thousand naira (£236.92) as a condition to vacate the camp and thereafter the whole household was forced out of Camp without their consent.

The main reason for this action is the lack of funding and humanitarian assistance. The IDPs called for consultation but they were denied. While other citizens of Nigeria are enjoying the provision of adequate shelters, the IDPs were relocated to the worst camp in terms of facilities, and others were left to be displaced at the hands of the attackers. Even when the provision of the law is clearly against discrimination in Nigeria. Section 15 (2) and (3) of the Nigerian Constitution states that the state shall encourage national integration; prohibit any form of discrimination; free mobility of people; full residence rights for every citizen; prohibition of corrupt practices and abuse of power; and foster a feeling of belonging.<sup>218</sup> The attitude of the Government towards the plight of the IDPs is not commendable.

A study of IDPs in Nigeria reveals that 85% of those polled said that the conditions in the camps were insufficient to suit their needs, 15% were undecided, and nobody thought the conditions were adequate.<sup>219</sup> In addition, Olagunju found that Nigeria's government lacked the necessary tools to meet the housing needs of IDPs.<sup>220</sup> Indeed, the IDPs' are

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<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> It is a 'fundamental objective and direction principles of state policy'.

<sup>219</sup> Atanda S Sambo, 'Internal Displaced Persons and their Information Needs' (2017) University of Nebraska - Lincoln DigitalCommons@University of Nebraska – Lincoln, 11.

<sup>220</sup> O Olagunju, 'Management of internal displacement in Nigeria.' (2006) Unpublished thesis. Brandeis University.



not well taken care of but it cannot be said that the government lacks the necessary tools. The Government has the resources but the corruption and personal gains which contravene the UN Guiding principle,<sup>221</sup> have beclouded their reasoning. Also, the institutions in charge of the management of the IDPs are inadequately coordinated to achieve the goals that provide a durable solution to the plights of IDPs in Nigeria.<sup>222</sup> For example, there is virtually no difference in the duties of NEMA and NEDC.

Also, a reactive instead of a proactive attitude of the Nigerian Government and its agencies to disaster as stated by Maduka<sup>223</sup> caused the internally displaced women and girls to lose their respect to make a living. A lot of IDP women and girls have been trafficked within Nigeria due to armed conflicts, natural disasters, and bad financial conditions.<sup>224</sup> IDP camps have turned into a market where women are traded. The United Kingdom reports state that:

Nigerian women and girls often ended up working in prostitution or domestic servitude...Some IDP camps in northern Nigeria functioned as gateways for trafficking to neighbouring countries...<sup>225</sup>

The Nigerians and their government have the wrong ideology that needs to be corrected to save the IDPs and the nation in general. Japheth believes that there should be a

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<sup>221</sup> The UN Guiding Principles on Internal Displacement, principle 24(2).

<sup>222</sup> Roberta Cohen and Francis M Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, (Brookings Institution Press, 1998) 835.

<sup>223</sup> El Maduka, '*Responses to Ecological Disaster Induced Displacement in Anambra State*' (2012) Unpublished Thesis, University of Ibadan, Nigeria.

<sup>224</sup> Human Rights Watch, 'You Pray for Death: Trafficking of Women and Girls in Nigeria' (*HRW*, 2019) <<https://www.hrw.org/report/2019/08/27/you-pray-death/trafficking-women-and-girls-nigeria>> accessed 29 October 2022.

<sup>225</sup> UK Government, 'Country Policy and Information Note: Trafficking of Women, Nigeria, April 2022 (accessible version)' (*UK Government*, 12 August 2022) <<https://www.gov.uk/government/publications/nigeria-country-policy-and-information-notes/country-policy-and-information-note-trafficking-of-women-nigeria-april-2022-accessible-version>> accessed 12 November 2022.

national repentance, that 'when people repent of corruption and other criminal act against humanity as such basic amenities and other facilities will become more available.'<sup>226</sup> Peradventure, if legislation is promulgated titled, 'the Punishment and Repentance Act' whose aim will be to control the ideology of the Nigerians and punish any act against the humanitarian role, maybe things will change for the better for the IDPs.

## **6.8 Conclusion**

As noted above, there are laws and institutional frameworks in Nigeria that protect the rights of the IDPs but the attitude of the Government and the citizen to the plights of the IDPs is one of the main concerns discussed. Nigerians and their Government have the responsibility to protect the IDPs as they have agreed to live together in harmony which is the basis of the Nigerian constitution. The social contract theory holds that everyone releases their power in unity for the state to have and protect it. Nigeria has a constitution that anchors on this theory, with enlarged land, diverse cultures, and several mineral resources. With this uniqueness, it ought not to lack good shelter and amenities to care for the IDPs. Nigerians need to be educated on reasons why nationality should be put forward before ethnicity. People hold their culture, beliefs, and land in high esteem more than their country. The Constitution and other laws need to be well implemented by all, the government and its people for there to be peace that eliminates internal displacement in Nigeria. The citizen should rise to be the whistleblower of any wrong and create national love and unity above regional love.

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<sup>226</sup> Torruam Japheth Terande 'Nigeria in the Valley of Recession: A call for National Repentance as a Panacea for Internally Displaced Persons (IDPs) Economic Development,' IJAMR 4 (5)1-6.

Also, Nigeria can adopt the United Nations Secretary-General's suggestion in finding lasting solutions to the problems of displacement which are: prevention of forced displacement; addressing its root causes; remedies for those affected; provision of resources; political leadership; and corporation by the international community.<sup>227</sup> This approach can solve the problem of internal displacement in Nigeria. The best solution to any problem is prevention. If a preventive method is adopted, there will be a need to find the root cause of every armed conflict in Nigeria and make necessary corrections. Also, the effect of environmental disasters can be eradicated or reduced if the causes of the previous occurrences are examined and necessary prevention technics against future occurrences are put in place. As good as the suggestion of the Secretary-General, the implementation of the suggestion is the responsibility of the state and its government, who are in the best position to prevent, address the root, and remedy the affected. However, the major problem or cause of internal displacement is the Nigerian government which happens to be in a position to find a lasting solution. If the international community does not put a mechanism in place to check the government and sanction any states that infringe on the rights of the IDPS, the protection of the IDPs' rights will be a mirage.

Furthermore, there is nothing in place in Nigeria to correct the root of the crisis than the traditional method of waging war against the armed groups. It can be concluded that there is a lackadaisical attitude on the part of the government not to put training in place for its officers and IDP camp officials to understand the best international practices in handling internal displacement and the best way to protect IDPs' rights.

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<sup>227</sup> Ban Ki-Moon, 2014, UN chief urges more action to tackle displacement; recalls youth on the run in wartime Korea' (UNHCR UK) <<https://www.unhcr.org/uk/news/latest/2014/10/542bf04cfc5/un-chief-urges-action-tackle-displacement-recalls-youth-run-wartime-korea.html>> accessed September 3, 2022.

Although there is a policy concerning IDPs, the policy is not implemented. It is only on paper without any effective implementation. There is no solid plan to correct the abnormalities facing the IDPs. Politics has deterred the provision of resources to the IDPs while there is a lack of political leadership. The act of governance in Nigeria is poor and there is no strong and reliable system. Every Government in power dictates what it wants. They make laws to suit their desires and treat any person or institution who raises queries about their activities as an enemy of the Government. The public services have been politicised. The fact that government affairs are not well managed contributed to the misery of the internally displaced people.

Using a human rights perspective, local authorities, communities, INGOs, and UN agencies can work together to find a long-term solution to the violation of the rights of IDPs. Interventions must follow the guidelines of due process and non-discrimination to guarantee a human rights approach. It would be wrong to deny anybody or any group the right to return, relocate, or integrate locally based on factors, including ethnicity, language, religion, clan, gender, age, socioeconomic class, or political affiliation. An intervention grounded on human rights must positively influence each person's ability to exercise their rights, express their opinions, participate in society, and reap its advantages. International organisations like the International Organisation for Migration, UN High Commissioner for Refugees, UN-Habitat, Bureau for Humanitarian Assistance, Nigeria Humanitarian Fund, and Foreign, Commonwealth and Development Office working together with all the stakeholders will reduce Nigeria's political influence on protecting the rights of the IDPs and place the government on the right track in managing the affairs of the IDPs efficiently. Every person who is affected by the intervention must benefit from it and be able to exercise their rights and voices. The

discussion on findings; and solutions through the human rights approach will be discussed in the next chapter.

## **Chapter 7 Interplay on the Internally Displaced Persons' Human Rights**

### **7.1 Introduction**

The objective of this chapter is to interpret the findings in the previous chapters and make necessary conclusions in providing reforms needed to enhance the protection of the rights of the IDPs in line with international human rights norms. In the previous chapters, some discoveries are germane in providing necessary reforms to the infringement of the rights of the IDPs. Chapters 3, 4, 5, and 6 using the rights-based approach explored in detail the causes and impact of internal displacement; examined the international legal norms available for the protection of the Nigeria IDPs; and Nigeria's legal and institutional framework for the protection of IDPs. They analysed the rights of the IDPs and relevant domestic laws, soft laws, treaties, and conventions that are in place to safeguard the rights of IDPs in Nigeria. The findings of those analyses necessitate discussion to be able to find a lasting solution to the plights of the IDPs as based on research question 4. This Chapter will discuss those findings and proffer solutions to the prolonged plights of the IDPs in Nigeria using international best standards.

### **7.2 Main Findings**

The main findings are as under:

- a. There are legal frameworks for the protection of IDPs in international, regional, and Nigerian law.
- b. The Nigerian Government's acts and inactions cause infringement on the rights of the IDPs.

- c. It is the responsibility of the state and the international community to protect the human rights of the IDPs.
- d. The recognition not early bestowed on the IDPs aggravated and prolonged the plights and infringement of the IDPs' rights.
- e. Nigeria has the obligation under the international laws to obey Treaties and Convention not domesticated in Nigeria.
- f. Humanitarian activities are challenging and dangerous in Nigeria.
- g. The contemporary issues facing Nigeria's internally displaced people are still being resolved using antiquated security measures.
- h. IDPs' welfare and security are not recognised as constitutional rights in Nigeria.
- i. The State Government has legislative authority over Internal Displacement.
- j. Ineffective implementation of the laws creates mistrust and hardship for the IDPs.
- k. The government's power to acquire land has a detrimental effect on IDPs.
- l. There is a lack of appropriate information
- m. IDP issues are not being approached from a human rights perspective.
- n. There is an uncoordinated Government institutions' actions regarding IDPs
- o. Nigeria does not implement the Kampala Convention.
- p. IDPs' hardships are exacerbated by Nigerian ideology
- q. Rethinking the Concept of State Sovereignty

To address the research questions, the findings are interpreted as follows:

**7.2.1 Finding 1: There are legal frameworks for the protection of IDPs in international, regional, and Nigerian law.**

It was found that there is no international treaty specifically for IDPs but there are legal frameworks in which the rights of the IDPs can be inferred. The protection of

human rights is provided for by the IHRL, IHL, and criminal laws, from which it may be deduced that IDPs' rights are also protected. The findings in chapters 3 and 4 create an insight into the present position of the IDPs and make known the rights infringed upon, the legal and institutional framework in place, and the position of the international community. At the regional level, there is the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) which protects the interest of the Nigerian IDPs, as Nigeria is a party to the Convention although it is not yet domesticated in Nigeria.

It was found in chapter 6 that contrary to the work of literature reviewed that there is no legal framework for the protection of the rights of Nigerian IDPs, it was discovered that the Constitution and some laws in Nigeria protect the rights of the IDPs. Although the Nigerian Constitution does not specifically mention IDPs, its provisions cover IDPs being part of the citizens of the country. Also, there are laws in place for the protection of the rights of the IDPs, although they are not specifically promulgated for the IDPs. Any provisions of the law that cover Nigerians will certainly cover IDPs. It was further found that there is a policy formulated for the protection of IDPs. The Nigerian government likewise establishes institutions that carry out activities to manage emergencies and other human rights issues that can benefit IDPs. Furthermore, there are voluntary organisations in Nigeria that assist and provide aid to IDPs. With all these provisions in Nigeria, there are still infringements on the rights of IDPs. The ideology and disuniting of the Nigerians are discovered in Chapter 6 to be part of the causes of infringement on the rights of IDPs. In addition, the implementation of laws in Nigeria is very poor due to corruption and ineptness of the government.



In addition, It was discussed in Chapter 6 that the National Policy on IDPs was made to address the causes and solve the challenges of internal displacement; protect the rights and mitigate the suffering of the IDPs; establish a coordinated institutional framework; and enumerate strategies to achieve the aimed goals. It was found that Nigeria has a robust policy on IDPs that directs the government on the way to act in a particular event or incidence, but this policy is not efficiently implemented by the Government. A series of works of literature are calling for its legislation as law. There is no need to promulgate it as a law, there are laws on the ground that its implementation can be based on. The Government needs to put the policy into action to protect the rights of the IDPs.

### **7.2.2 Finding 2: The Nigerian Government's acts and inactions cause infringement on the Rights of the IDPs.**

It was found that there is an omission in the works of literature as to the role of the governments in the causes of displacement, the infringement on the rights of IDPs, and the challenges they are facing. That is, what role does the government play in the causes of displacement? It was discovered that apart from disaster and conflict-induced displacement mentioned in the definition of the IDPs, there are more forms of induced displacement such as development, political, and climate change-induced displacement. There is no position as to the effect that the government is the major cause of disasters, conflicts, development, and climate displacement.

It can be interpreted that the government is the major cause of internal displacement due to its actions or inaction in respect of natural or man-made disasters that cause internal displacement. Lack of information causes havoc to people living in unsafe areas. There is modern technology to forecast weather conditions and if this is effectively used, the government can project the effect of weather and make

necessary plans to avert any negative consequences. The people that may be affected will be informed. Consultation using alternative dispute resolution technique to discuss the anticipated disaster, its consequences, and relocation of impending people to a safe and conducive area can be completed before the incident. The Nigerian Government is not proactive enough, reason disasters are causing internal displacement.

In respect of armed conflicts, every armed conflict is caused by one reason or the other. Also, every society has rules of law that govern every activity, and there is always a law enforcement agent in every society. Where there is an armed conflict that causes internal displacement, it means the government is weak in its responsibility to its people. People have laid down their rights for the sovereignty of the state, the state has all responsibility to protect the rights of everyone. Issues that will lead to armed conflicts ought to be discussed and solutions provided before it will lead to a crisis that causes displacement. If it is an issue that can be resolved amicably, Government security agents ought to be able to carry out surveillance and gather intelligent reports to develop the best way to resolve the issue. It is a sad event not to be protected and be displaced in one's own home country.

In respect of developmental displacement, the Nigerian land law places the State Governor as the custodian of land within his state and it has the power to acquire land for public use. This never goes without the requirement to follow. Among these requirements is adequate compensation. This power has been arbitrarily used by the Government in disposing of people of their rights to their land and development on the land for their selfish use. This has caused a lot of displacement, especially in Abuja and the state capitals in Nigeria.

Due to all these Government attitudes, the number of IDPs has surpassed the number of Refugees and other migrants. The rights of IDPs keep being infringed upon without a durable solution. The examination of the legal frameworks in chapters 4, 5, and 6 shows that there are several treaties, conventions, soft laws, and domestic laws, in place for the protection of the IDPs' rights, although IDPs are not specifically mentioned in most of these norms. Also, there are institutional frameworks established to protect the rights of the IDPs. With all these, there is no end to the problems of the IDPs.

The absence of reliable and complete data about the needs, vulnerabilities, and capacities of IDPs in a particular environment is another part of the inept of the government discussed in Chapter 5. It was found that the Nigerian government has a weak database concerning the IDPs. There is no accurate record of the number of IDPs, IDP camps, children, and difficulties facing IDPs. It based its planning on international records when it was supposed to be the other way around. This is one of the major problems of the plights of the IDPs because where there is no adequate data, there can never be effective planning, such as feeding, clothing, shelter, and provision of identification cards to the IDPs. It will be difficult for the international community to assist the IDPs in Nigeria. Noticing this, IOM with National stakeholders has worked hard to establish the Data Tracking Matrix in Nigeria to provide a baseline reference for the number of IDPs in the nation's northeast, this tool has made it possible to plan more effectively.<sup>1</sup> More work needs to be done to ensure accurate data in locations that are more difficult to access for security and planning.

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<sup>1</sup> International Committee of the Red Cross (ICRC), 'Translating the Kampala Convention into practice: A Stocktaking Exercise' [2017] 99(1) International Review of the Red Cross 365-420, 397

For the IDPs' rights to be effectively protected, there must be efficient data collection in respect of all activities relating to it. Starting from the causes of their displacement, management, future risks, number of displaced persons, number of properties destroyed, the quantum of the destruction, living conditions of the IDPs and relocation or integration details, problems solved, problems facing, and health and safety procedures in place. The Government needs to take proactive steps to ensure an adequate database and artificial intelligence mechanism for the IDPs to solve the problems of internal displacement in Nigeria.

**7.2.3 Finding 3: It is the responsibility of the state and international organisations to protect the human rights of the IDPs.**

It was found in Chapter 3 that the Guiding Principles and works of literature reviewed place the responsibilities of the IDPs on the states. This is based on the principle of sovereignty which makes the international community not partake in the internal affairs of states. It can be interpreted that if the responsibilities of the IDPs are based on their state due to the principle of sovereignty, then sovereignty as a principle ought to be upheld as a duty to the state. Seth in agreeing with this point states that:

To summarise, the 'politics' surrounding IDPs will continue as a game of pass the parcel until every state understands that a stable population is a quintessential feature of statehood and, as corollary, that a stable population is a vital elect of a stable state. The answer to the conundrum of millions of homeless and uprooted IDPs is to accept and respect the concept of sovereignty as responsibility.<sup>2</sup>

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<sup>2</sup> Shubhra Seth, 'The Politics of Internally Displaced Persons' in Stephen M. Croucher, Joao R Caetano, and Elsa A Campbell, *The Routledge Companion to Migration, Communication, and Politics* (Taylor and Francis Group, 2018) 49 at 62.

Examining the synonyms of 'sovereignty,' it gives meanings like freedom, autonomy, independence, authority, and rule, on which most governments based their power and reasoning without holding the principle of responsibility. Where there is a clear responsibility, there will be a clear respect for the freedom of citizens. This position is tenable for the state to recognise that its sovereignty is based on its duty to protect the rights of the IDPs because internal displacement is a war against humanity. It affects not only a state but other nations as it produces refugees. The root cause of refugee migration is an unresolved internal displacement in a state that degenerated into the affairs of another state and or an international issue. When the justification of a state is decaying, the international community has the responsibility to remove the shield of the sovereignty of such a state to protect the rights of its citizens. Recognising the rights of citizens over the sovereignty of a state will make the state to be proactive in resolving the plights of the IDPs in distress. Also, this will solve the problems of forced migrants which is creating unrest in the world today.

Thousands of IDPs are dying every year on an international sea, while thousands face human trafficking, maiming, false imprisonment, rape, and death on an international journey by land and train to flee internal crisis and internal displacement plights in their state.<sup>3</sup> Hopes of those who survived the journey were dashed when they faced another set of infringements of their rights ranging from maltreatment, imprisonment, and extradition.<sup>4</sup> Some are lucky to be called refugees and treated well but it never ends

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<sup>3</sup> UNHCR, 'Desperate Journeys: Refugees and migrants arriving in Europe and at Europe's borders January-December 2018' (*UNHCR*) < <https://www.unhcr.org/desperatejourneys/> > accessed 17 January 2023

<sup>4</sup> Aljazeera, 'Syrian refugees protest Denmark's attempt to return them' (Aljazeera) < <https://www.aljazeera.com/news/2021/6/2/syrian-refugees-protest-against-denmarks-attempt-to-return-them>> accessed 17 January 2023

their suffering until they are integrated into another society. At this stage, the media, and international organisations sing praises of the host state for its assistance in integration, as if the migrants are worth nothing. The question is why the silence on the gains the refugee will bring into the economy of the host state? Why is it that the United Nations refuses to give recognition and assistance to IDPs in solving the international problems of refugees? Is it the benefits they derive from refugees that preclude them from solving the IDP problem before it escalates? This work answered in an affirmative and holds that 'accepting, protecting, and empowering refugees is a win-win-win formula: for the refugees themselves, for the country of destination, and the country of origin.'<sup>5</sup> The hopeless refugees are just an investment used to make gains in carrying out dirty and dangerous jobs.<sup>6</sup> The short-term cost of caring for the refugees can turn into a big investment for the host country.<sup>7</sup>

The issues of the IDPs are supposed to be more important to the United Nations for them to create a means of sanctioning any state party that its action or inaction infringed on the rights of the IDPs if they are benefiting from the predicament of the IDPs like states that produce war ammunitions and call for peace in the world. If there is peace in the world where would states like the United States of America, the United Kingdom, Russia, Germany, and the like sell their instruments of destruction and ammunition? Production of these ammunitions contributes to armed conflicts in third-world countries like Nigeria, as it gives people access to it to carry out their aims. The protection of the

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<sup>5</sup> Dany Bahar, 'Why accepting refugee is a win-win-win formula' <<https://www.brookings.edu/blog/up-front/2018/06/19/refugees-are-a-win-win-win-formula-for-economic-development/>> accessed 17 January 2023

<sup>6</sup> Phillippe Legrain, 'Refugees are not burden but an opportunity' (*OECD*, 2016) <<https://www.oecd.org/migration/refugees-are-not-a-burden-but-an-opportunity.htm>> accessed 17 January 2023

<sup>7</sup> Bruce Edwards, 'Refugees as Assets to their New Countries' (*International Monetary Fund Publication*, 2022) < <https://www.imf.org/en/Publications/fandd/issues/2022/06/investing-in-refugees-caffe-economics>> accessed 17 January 2023

rights of IDPs is not only in the hands of the state as enshrined in the UN Guiding Principles on Internal Displacement and works of literature reviewed but in the hands of both the international community and the state.

Also, most works of literature reviewed in Chapter 2 hold that the provision of aid by international organisations will protect the rights of the IDPs. Assistance in the form of aid is not sufficient to put an end to internal displacement. Aid has been given in Nigeria, but it never ends displacement, it cushions the effect of displacement. Some government officials and their cohorts are even using it to enrich themselves. They converted the aid to personal use and they are not checked or punished by the government. A corrupt government official can be sanctioned by not granting a visa to other countries under Article 8 of the 1961 Vienna Convention on Diplomatic Relations which states that:

The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

The United States of America President has put in place a similar policy by denying corrupt persons and their families visas to their country.<sup>8</sup> This should be emulated by other countries so that there would not be any haven place for corrupt government officials who convert aid that belong to the IDPs.

The primary duty of the UN Security Council is to maintain international peace and security.<sup>9</sup> It can be argued that it is part of the responsibilities of the UN Security Council to protect the rights of the IDPs although it is an internal issue of the affected state. The Security Council states that:

Notes that the overwhelming majority of internally displaced persons and other vulnerable groups in situations of armed conflict are civilians and, as such, are entitled to the protection afforded to civilians under existing international humanitarian law;...the deliberate targeting of civilian populations and other protected persons and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and, in this regard, reaffirm[ed] its readiness to consider such situations, and where necessary, to adopt appropriate steps.<sup>10</sup>

Armed conflict is one of the factors that force people to flee their homes. The UN Secretary-General in his report to the Security Council noted that while civilians are

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<sup>8</sup> A Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Persons Enabling Corruption, 2023.

<sup>9</sup> United Nations Charter, article 24.

<sup>10</sup> S/RES/1296 (2000) on the Protection of Civilians in Armed Conflict, paragraph 3 and 5.



frequently driven from their residences or flee violence, displacement both within and beyond borders continues to be a defining feature of conflict.<sup>11</sup> The Council recognised that widespread suffering caused by displacement is a byproduct of instability and occasionally a fuel source of new conflict.<sup>12</sup> It explicitly prohibits forced displacement,<sup>13</sup> and it places sanctions on any individual violating international law on the forced displacement of a child<sup>14</sup> and a woman<sup>15</sup> in resolutions specifically for Congo (DRC).

IDPs are particularly vulnerable during armed conflict, and this affects durable peace, reconciliation, and development.<sup>16</sup> According to a study, 142 of the 747 resolutions the UN Security Council adopted between 1999 and 2010 included internal displacement.<sup>17</sup> Some of these resolutions addressed the internal issue of displacement in states like Sudan, Bosnia and Herzegovina, Georgia, Cote d'Ivoire, Liberia, Sierra Leone, Iraq, and the Democratic Republic of Congo but did not address the issues of internal displacement in Colombia and Turkey,<sup>18</sup> likewise in Nigeria. It could be argued that when it comes to internal displacement, the UN Security Council favours some nations over others, and this has to change in order to adequately defend the rights of IDPs in Nigeria. Additionally, on a case-by-case basis and when appropriate, the UN Security Council should consider methodically stressing in its resolution the states' obligations to uphold the security and civilian nature of IDP camps; denounce and demand an immediate end

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<sup>11</sup> UN Security Council, Report of the Secretary-General on the Protection of Civilians in Armed Conflict, S/2010/579, 11 November 2010, paragraph 13.

<sup>12</sup> S/PRST/1999/6 (1999) on the Protection of Civilians in Armed Conflict, page 1.

<sup>13</sup> S/RES/1261 (1999) on the Children and Armed Conflict, paragraph 2; S/RES/1539 (2004) on Children and Armed Conflict, paragraph 1; S/RES/1674 (2006) on Protection of Civilians in Armed Conflict, paragraph 5.

<sup>14</sup> Security Council Resolution 1698 (2006).

<sup>15</sup> Security Council Resolutions 1807 (2008) and 1857 (2008).

<sup>16</sup> S/RES/1265 (1999) on the Protection of Civilians in Armed Conflict, preamble

<sup>17</sup> Sanjula Weerasinghe and Elizabeth Ferris, Security Council, Internal Displacement and Protection: Recommendations for Strengthening Action Through Resolutions (The Brookings Institution, 2011).

<sup>18</sup> Ibid.

to any acts of violence or abuses against IDPs by parties to armed conflicts that violate applicable human rights law and international humanitarian law; and put pressure on states to protect the rights of IDPs through economic and trade sanctions such as travel bans and financial or commodity restriction as stated in article 41 of the UN Charter.

#### **7.2.4 Finding 4: The recognition not early bestowed on the IDPs aggravated and prolonged the plights and infringement of the IDPs' rights.**

In Chapter 3, it was found that the subject of IDPs did not previously receive any attention from the international community. The international community declined to give IDPs early universal recognition as it did with refugees, even though they were groups of people who were forced to flee their homes and become displaced within their own countries with their rights violated. This marks the beginning of the IDPs' challenges. They were forced into displacement without adequate shelter, potable water, food, security, work, means of livelihood, social life, and education. They were humiliated, raped, assaulted, threatened, maimed, and even killed without respect for humanity. These caused aggravated pain, dehumanising, and greater infringement on their human rights. It can be interpreted that the international community knows the IDPs' challenges and foresees the implication of early refusal to assist them but holds on to the orthodox view, that persons are objects of international law that is governed by their national laws, not subjects matter of international law protected by international human rights law as being held recently. If a human right is inherent and overarching as professed by the international community, the rights of the IDPs ought to have been protected as the rights of the Refugees have been protected without any constraint or hindrance.

It took a while before they were internationally recognized and when they were recognized, in the early 1990s, the United Nations began to explore an institutional capacity to solve the problems of IDPs. In interpreting the roles of institutions concerning IDPs it can be stated that it was a failure as there was no specific institution directed to lead or carry out specific tasks, so there were conflicts of interest. Other challenges of these institutions include risk of life, unavailability of aid to IDPs, and clear access to the IDPs among others. The failure is imminent as the international community does not have as much concern or interest in the situation of IDPs as it has interest in the situation of the refugees. It was further found that when the number of IDPs kept on increasing, more than the number of refugees, the international community felt concerned. This prompted them to adopt the UN Guiding Principles on Internal Displacement, as IDPs were viewed principally as operational challenges to be resolved with policy rather than legal ones. This policy is not achieving goals as planned and the numbers of the IDPs keep increasing day by day. There are suggestions from some quarters that the UN is supposed to adopt a treaty like the 1951 Refugee Convention instead of the Guiding Principles for Internal Displacement. This can be interpreted to be of no consequence as there are treaties on human rights that protect the interests of the IDPs. If these treaties are well implemented, the rights of the IDPs will be well protected. The African Union adopted the Kampala Convention to protect the rights of the IDPs, but this did not make any significant changes in Nigeria and other African countries where the rights of the IDPs are being breached. Some states like Colombia have specific laws for the protection of the IDPs, still, they have a high number of IDPs compared to some states without explicit laws on the protection of the IDPs. The international community needs to put effective mechanisms in place to ensure the

effective implementation of the human rights law, by this the rights of the IDPs and other vulnerable will be protected.

#### **7.2.5 Finding 5 Nigeria has the obligation under the international laws to obey Treaties and Convention not domesticated in Nigeria**

Some works of literature suggest that there is no treaty or convention for the protection of IDPs, but it was discovered that the rights of the IDPs can be inferred from treaties, conventions, and soft laws relating to the entire Nigerian citizens. Any treaties for the protection of other citizens of Nigeria also cover the IDPs. Nigeria is a party to international treaties where the rights of the IDPs can be inferred but few are domesticated. It is discovered that any treaties, and conventions, that are not domesticated in Nigeria are not binding and of no legal effect, although Nigeria has the obligation under the international laws to obey such treaties. There is no requirement in international law to domesticate treaties, as state parties acquire obligation that needs to be fulfilled. This obligation is not fulfilled by the Nigerian Government except when the treaties are domesticated in Nigeria. It is imperative to note that most treaties were signed and ratified but not domesticated in Nigeria. This was found to be causing a delay in finding a lasting solution to the plights of the IDPs. The Executive arms of the Nigerian Government that sign and ratify a treaty cannot promulgate it as law.<sup>19</sup> The Nigerian Constitution states that 'no treaty between the Federation and any other country shall have the force of law [in Nigeria] except to the extent to which any such treaty has been enacted into law by the National Assembly.'<sup>20</sup> If a treaty is not formally domesticated or adopted into law by the National Assembly, it does not become domestic law and is not binding on Nigeria. There are no such treaties on IDPs but most

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<sup>19</sup> R B Antoine, *Commonwealth Caribbean Law and Legal Systems* (Routledge, 2<sup>nd</sup> Edition 2008) 224; the dissenting opinion of Hoffman in *Lewis V AG of Jamaica* (2001) AC 50.

<sup>20</sup> 1999 Nigerian Constitution, section 12 (1)

other treaties in which the rights of the IDPs can be inferred have not been domesticated several years after their ratification because the National Assembly has, over the years, shown little interest in carrying out this crucial constitutional duty. As a result, the ratified undomesticated treaties may not fully provide the necessary support and complementarity for Nigeria's legal system.<sup>21</sup> This has also resulted in the poor implementation of treaties, conventions, and soft laws on the issues of IDPs.

The major complaint of the National Assembly is that they are not involved in the formation of those treaties and that it is the executive arm of Government that signed and ratified the treaties for the state without their knowledge and consent. It can be interpreted that treaties impose legislative obligations and National Assemblies need to discharge those obligations. All organs of state are responsible, and the Nigeria constitution is clear, their knowledge and consent are not required in the making of the treaties, but it will benefit the IDPs if the National Assembly can be involved in the making of treaties. The Nigerian Constitution and the Treaties (Making Procedure etc.) Act<sup>22</sup> can be amended to involve the National Assembly in the treaty-making in Nigeria. It is imperative to note that the African Kampala Convention has not been domesticated in Nigeria. This is a major contributor to the plights of IDPs. The National Assembly has to be proactive in bringing a lasting solution to the plights of the IDPs by domesticating treaties that are beneficial to the IDPs in Nigeria, especially the Kampala Convention.

#### **7.2.6 Finding 6: Humanitarian activities are challenging and dangerous in Nigeria**

It was discovered in Chapter 5 that there are humanitarian laws that apply to the IDPs in Nigeria. Likewise, the International Community with the support of its agencies; states'

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<sup>21</sup> C E Okeke and M I Anushiem, 'Implementation of Treaties in Nigeria: Issues, Challenges and The Way Forward' [2018] 9(2) NAUJILJ 216-229

<sup>22</sup> Treaties (Making Procedure, Etc) Act, 2004, S 3 (3)

agencies, and voluntary organisations have been working hard to protect the rights of the IDPs in Nigeria by assisting in terms of materials and services. They give money, shelter, food, kitchen utensils, potable water, clothing, advice, and educate the IDPs, with the assistance of the Nigerian Government Agencies for upward distribution. These efforts could have great relief for the IDPs from their predicaments but challenges facing the humanitarian institutions do not allow it.

Humanitarian activities are challenging and dangerous because of armed conflict and unrest. The violations of IHL have been a major cause of conflict-related internal displacement in Nigeria. The armed groups do not have respect for the IHL and are not well-oriented to see reasons why the aid workers should not be harmed. Several aid workers have been killed, maimed, and humiliated by armed groups for their charitable work. This is a major stumbling block in the way of the humanitarian groups as fear of attack, kidnapping, and humiliation makes them close their doors to the IDPs. It is extremely dangerous for them to travel on the road, especially in the Borno State of Nigeria road, helicopter transport is frequently the only choice, but it is expensive.<sup>23</sup> Their fundamental rights, especially security cannot be guaranteed by the Nigerian Government.

The Constitution provides for the creation of the Nigerian Police Force and other forces but their activities to curb the insurgences and armed conflicts are so weak. They have been unable to protect the IDPs even in the IDP camps not to mention the humanitarian workers. Most of the security officers turn out to be perpetrators when their activities

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<sup>23</sup> OCHA, 'Nigeria Humanitarian Needs Overview 2022' (OCHA, February 2022)  
<[243](https://reliefweb.int/report/nigeria/nigeria-humanitarian-needs-overview-2022-february-2022#:~:text=The%20conflict%20stemming%20from%20the,caused%20a%20crisis%20of%20protection.> accessed 19 January, 2023</a></p></div><div data-bbox=)

concerning the IDPs are examined. They joined in illegal activities like rape, harassment, trafficking, and conversion of goods that belong to the IDPs. This makes the management of the IDPs by humanitarian organisations difficult as there is hardly anyone to trust. There is a need to restructure the Nigerian Police Force and other security forces. There can be a State Police Force to complement the efforts of the Nigerian Police Force and to serve as a check and balance. The security and protection of international aid workers will allow them to be able to serve and protect the rights of the IDPs.

Another finding is the act of corruption in the IDP camps. There are a series of allegations of misappropriation of funds, aid conversion, and uneven distribution of aid that are meant for the IDPs by the officials of the Nigerian Government.<sup>24</sup> These reliefs are alleged to be shared among the officials while some are distributed to the host community<sup>25</sup> before the remaining are shared among the IDPs. In confirming this allegation, Sani<sup>26</sup> states that:

Surprisingly, after the materials were delivered and received by the authorities of the local council, only very few of the IDPs benefitted from the materials,...The NEMA officials bribed the local council officials by giving them a portion of the items while they carted away the bulk of the relief...That same month, a team of aid workers from Yobe SEMA came to Geidam to deliver another batch of relief materials that included rice,

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<sup>24</sup> Adam Alqali, 'Nigeria: When Aid Goes Missing' (*Institute for War and Peace Reporting*, 5 September 2016) < <https://reliefweb.int/report/nigeria/nigeria-when-aid-goes-missing> > accessed 17 January 2023

<sup>25</sup> Kyari Mustafa, 'Relief Materials meant For Nigerians IDPs are Ending Up in the wrong hands' (*HumAngle Media*, 29 June, 2021) < <https://humanglemedia.com/relief-materials-meant-for-nigerian-idps-are-ending-up-in-the-wrong-hands/> > accessed 17 January 2023

<sup>26</sup> Sani Babagana, 'IDP protection monitor in Geidam' (UNHCR Publication)

cooking oil, sugar, millet, spaghetti, soap, second-hand clothes, and mosquito nets...“Unbelievably, as the delivery of the relief materials coincided with the holy Muslim month of Ramadan and was close to the Muslim Eid al Fitr festival, [a local official] distributed most of the items to politicians, associates and cronies in the area, with fewer than half of the items going to the IDPs...Later, many of the items were seen being sold openly at the local market in Geidam.<sup>27</sup>

Also, the distribution of relief among the IDPs is unequal. They give more aid to people they can have sex with while less aid is given to those who would not agree to such an act. They turned it to trade by barter. All efforts put in place became fruitless because the perpetrators were the managers and officials of the IDP Camps.

It is worrisome that several anti-graft agencies are in charge of misappropriation of funds or corrupt practices in Nigeria, such as the Independent Corrupt Practices and Other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), the Nigerian Extractive Industries Transparency Initiative (NEITI), the Code of Conduct Bureau (CCB), Public Complaint Commission and the Bureau of Public Procurement (BPP), as well as Nigerian Police Force. Despite the existence of these institutions and the passing of numerous laws to combat corruption, the problem nevertheless persists and looks unsolvable. This has reduced the trust of international organisations in the Nigerian government. Attempts made by international organisations to directly care for and assist the IDPs without involving government officials meets the water loop. If Nigeria does not kill corrupt practices, Corrupt practices

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<sup>27</sup>OCHA, 'Nigeria: When Aid Goes Missing' (OCHA, 2016) < <https://reliefweb.int/report/nigeria/nigeria-when-aid-goes-missing>> accessed 1 February 2023



will kill Nigeria as it is killing the rights of the IDPs. To kill corruption, there is a need to restructure the entire system of government and re-orientate everyone as to the function and responsibility of each agency. There should be adequate penal punishment that focuses especially on the security forces. If the security forces are well equipped and managed well, there will not be armed conflicts and corruption in Nigerian society.

**7.2.7 Finding 7: The contemporary issues facing Nigeria's internally displaced people are still being resolved using antiquated security measures.**

It was discovered that the main plight of IDPs is insecurity in Nigeria. Insecurity starts from insurgency to displacement, maiming, and other criminal activities perpetrated in the IDP camp. It was found that there are several laws and institutions in place to maintain peace and orderliness in the country but instead of curbing the crime, the institutions are contributing to the plights of the IDPs and the Nigerians at large. The Nigerians do not trust them any longer because of their arbitrary use of power, corruption, extrajudicial killing, torture, and unlawful detention. Also, it was found that their mode of operation is moribund and obsolete. The use of force and arms without intelligence reports in the modern day does not produce better results and it even leads to the infringement of the rights of other people who are innocent of committing a crime.

It was discovered that the security of the IDPs can be improved by taking a people-centered approach, which can be tagged as community security. Community security is described by Saferworld as ‘a people-centered strategy to resolving insecurity that incorporates human security, development, and state-building concepts.’<sup>28</sup> Similarly, it can be defined as a way to strengthen the police’s ability to reach into communities, by establishing volunteers at local levels that provide information to the police or act on

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<sup>28</sup> Saferworld, *Community Security Handbook*, (London: Saferworld, 2014)

their behalf, in some cases increasing state control and surveillance.<sup>29</sup> Arguably, Community security is a practical and realistic security-enhancing measure that can be relied on in Nigeria. Although the Police Act called for community partnership in discharging its responsibilities under any law, this is not activated in practice because the citizens do not trust the police mode of operation, and they can even sell the information given to them to the perpetrators. To curb the activities of the armed group and secure the rights of the IDPs, the Nigerian Government needs to restructure the Nigerian Police Force and other forces in a way that the society will have trust in them. Also, there is a need to amend the constitution, especially section 214 which bars other forms of Police Force in Nigeria. This should give way for community policing, to leave the act of policing in the hands of the indigenes who understand the terrain and importance of the security of their area better than any other person. Community Police can be structured in a hierarchical order, from the area level to the local government level to the state level, and then to the Federal level.

Also, Artificial Intelligence (AI) needs to be adopted in protecting the rights of the IDPs. The UNHCR, IOM, and World Bank have promoted the adoption of the development of Artificial Intelligence in solving the humanitarian challenges facing the IDPs.<sup>30</sup> AI can be

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<sup>29</sup> Stabilisation Unit, 'Policing the context: Principles and guidance to inform international policing assistance,' (DCAF, 2014) <[https://issat.dcaf.ch/download/44111/682626/Stabilisation%20Unit\\_Policing%20the%20Context%20hat%20Works-%20March%202014.pdf](https://issat.dcaf.ch/download/44111/682626/Stabilisation%20Unit_Policing%20the%20Context%20hat%20Works-%20March%202014.pdf)> accessed 22 January 2023

<sup>30</sup> Jumpei Takami el, 'Forecasting Internally Displaced People's Movements with Artificial Intelligence' (Research Gate, January 2022) <[https://www.researchgate.net/publication/357505743\\_Forecasting\\_Internally\\_Displaced\\_People's\\_Movements\\_with\\_Artificial\\_Intelligence](https://www.researchgate.net/publication/357505743_Forecasting_Internally_Displaced_People's_Movements_with_Artificial_Intelligence)> accessed 11 March 2023.

used to monitor the movement of IDPs;<sup>31</sup> support resettlement;<sup>32</sup> solve identity issues;<sup>33</sup> support humanitarian preparedness; analyse data for risk assessment before occurrence; reduce human error; forecast weather conditions; identify the needs of IDPs; reduce inequality;<sup>34</sup> and prevent IDPs from harm.

### **7.2.8 Finding 8: IDPs' welfare and security are not recognised as constitutional rights in Nigeria.**

It was found in Chapter 5 of the Nigerian Constitution that security and welfare are not placed as constitutional rights in Nigeria. For this, the Nigerian Government cannot be held accountable for insecurity in the country. The constitutional rights of the IDPs are as stated in Chapter 4 of the Nigerian Constitution as discussed in Chapter 5 but the issue of the security of Nigerians which include the security of IDPs is placed under the fundamental objective which is not legally binding on the Government. The provisions of Chapter 2 of the Nigerian Constitution, which is the fundamental objective and directive principles of state policy can only stand as a principle or guide to the Government. The only ground where the fundamental objective can be binding is when the National Assembly promulgates it as a law. Section 14 (2b) states that it is the primary duty of the Government to ensure the security and welfare of its people. Similarly, Section 15 (3) 1999 Constitution states that 'to promote national integration, it shall be the duty of the State to, a. provide adequate facilities for and encourage free

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<sup>31</sup> Displaced people movement is being monitored using AI and geospatial by Palo Alto of Orbital Insight, Karen Emslie, 'AI Support Displaced People, Refugees in Ukraine and Beyond,' <<https://cacm.acm.org/news/264635-ai-supports-displaced-peoples-refugees-in-ukraine-and-beyond/fulltext>> accessed 11 March 2023

<sup>32</sup> Ibid, GeoMatch is developed by Stanford University's Immigration Policy Lap (IPL) to resettle displaced persons in a better place.

<sup>33</sup> Ibid, Homeward is being developed by Emerge for an identity management and intelligent resettlement platform.

<sup>34</sup> This can be done by providing access to education, healthcare services; improve infrastructure and serve as surveillance on child and women against sexual abuse and other ill behaviour.

mobility of people, goods and services throughout the Federation; b. secure full residence rights for every citizen in all parts of the Federation.’

As it is, the security, mobility, and welfare of the IDPs are not adequately protected and the Nigerian Government cannot be held accountable, or any court action instituted against the Government to force it to carry out its responsibilities. The Nigerian Courts do not have jurisdiction over provisions in Chapter II of the Constitution titled, ‘Fundamental Objective and Directive Principles of State Policy.’<sup>35</sup> The Constitution needs to be amended to ensure that the security of the Nigerians is made paramount and any negligence from the Government and its agencies can be prosecuted and damages awarded. Failure to carry out responsibility should attract punishment to the perpetrators and compensation to the victims.

#### **7.2.9 Finding 9: The State Government has Legislative Authority over Internal Displacement**

It was discovered in Chapter 6 that the powers of the National and State Assemblies to legislate on a matter are based on the legislative power possessed under the Constitution.<sup>36</sup> The legislative power is divided between the Federal, State, and local Governments. As discovered in Chapter 6, internal displacement and management of the IDPs are not placed under the Exclusive list in which the National Assembly can legislate or under the Concurrent list in which both the National and the State can legislate. This indicates that it is under the residual list which the states have the autonomy to legislate over. It is worthy of note that issues relating to internally displaced

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<sup>35</sup> Nigerian Constitution, 1999, section 6(6c)

<sup>36</sup> Nigerian Constitution, 1999, Schedule II

children are under a concurrent list which both the national and State Assembly can legislate upon.

It is worrisome that the issues relating to internal displacement are not placed under the exclusive list for the National Assembly to legislate and proffers legislation that will mandate the executive to carry out necessary action to resolve the issue of displacements. This may have caused reasons why the National IDPs' Policy has not been made law. Also, the State does not have the resources to assist the IDPs as the state only depends on their low internally generated revenue and the Federal Government allocation to survive. The state always seeks the assistance of the Federal Government when there are armed conflicts as they are not in charge of security. Likewise, they do not have the resources to cushion the effect of displacement. The internal displacement could have been better placed under the exclusive list for good control and management of internal displacement.

#### **7.2.10 Finding 10: Ineffective implementation of the Laws creates mistrust and hardship for the IDPs**

It was established in Chapter 6 that there are laws for the protection of IDPs in Nigeria. Among these laws are the Violence Against Persons (Prohibition) Act of 2015; the Child's Rights Act; the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act; and the Terrorism (Prevention) Act, of 2011 (TPA) as amended by the Terrorism (Prevention) (Amendment) Act, 2013 (TPAA). Any law that applies to any citizen in Nigeria applies to the IDPs. The enforcement of the law is a major responsibility of the State. The Constitution of the Federal Republic of Nigeria states that the executive

arm of Government has the responsibility to implement the law.<sup>37</sup> Where there is any grey area or dispute the Judiciary will interpret and adjudicate on disputes.<sup>38</sup>

A law is practically dead without efficient enforcement. The inefficient implementation of law in Nigeria contributes to the act of displacement and plights of the IDPs. It was found that the institutions expected to carry out the implementation are sluggish and ineffective. They are corrupt and only answer the call of the politicians and powerful people in society. There is little or nothing being carried out in respect of the IDPs. To ensure effectiveness, the law requires public institutions in Nigeria to record and save their activities for checks and balances,<sup>39</sup> they do not have a culture of preserving records.<sup>40</sup> This attitude does not let organisations and the public understand the level of suffering of the IDPs. Their rights are being infringed on without proper documentation. For example, the National Population Commission which the Constitution granted the power to count the number of citizens does not have an appropriate record of the IDPs in Nigeria. Both local and international institutions relied on the record of an international agency like IOM to plan for the Nigerian IDPs. IRC states that 'despite the expansion of assistance to IDPs, the lack of high-quality data is a major bottleneck in determining humanitarian needs. Even when funding is available, data gaps impact negatively on the efficient utilisation of resources.'<sup>41</sup> There are institutions detailed for data collection but there is no result.

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<sup>37</sup> Nigerian Constitution, 1999, section 5

<sup>38</sup> Ibid, section 6

<sup>39</sup> Nigerian Freedom of Information Act, 2011, section 2

<sup>40</sup> Ngozi J Udombana, 'Addressing the Implementation Challenges of Institutional Obligation and Reporting Requirements under the Nigeria Freedom of Information Act 2011' [2019] 10 Beijing Law Review 5

<sup>41</sup> International Rescue Committee, 'Nigeria: Conflict and Famine Risk in the Northeast' Humanitarian Risk in 2021, (IRC Data 2021)

Also, the law directs the Nigerian Police Force and other security agencies to protect the citizens of Nigeria, but corruption has made them lose focus as discussed above. The police force that investigates, arrests, and prosecutes only thinks of personal gains. While the judge that adjudicates thinks of promotion to the position of a Chief Judge or Higher bench and gives judgment in favour of the government and its institutions to be in their good book. The execution of the law in respect of the IDPs is poorly implemented and the court which could have been the hope of IDPs is no different. There are several laws governing Nigerian society, but the agents of government ideals never trend toward good implementation of the law. They look for means of cheating the law. The law appears to exist more in theory or principle than in actual reality because it has not had a significant influence.

Most IDPs are unwilling to seek their rights in a Court of law, they prefer to suffer in quiet or seek alternative dispute resolution. This is attributed to factors such as a lack of trust in the judicial system; the high cost of legal proceedings; the slowness of judicial processes and poverty. Administrative attitude needs to be checked and corrected for there to be a lasting solution to the plights of the IDPs in Nigeria.

**7.2.11 Finding 11: The government's power to acquire land has a detrimental effect on IDPs.**

It was found in Chapter 6 that most of the developmental displacements are caused by the Nigerian Government. Against the right of citizens to acquire and own immovable property anywhere in the country as enshrined in the Constitution,<sup>42</sup> the Government has the power to acquire such property for public use. The Land Use Act makes the State Governor, the custodian of land in the state and he has the power to acquire any land

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<sup>42</sup> 1999 Constitution of the Federal Republic of Nigeria (as amended), section 43.

for public use.<sup>43</sup> Even he has the power to revoke a right of occupancy for overriding public interest.<sup>44</sup> The Governor can acquire a whole city if he follows the acquisition procedure and pays compensation.<sup>45</sup> This certainly can degenerate into internal displacement. Compensation most times is not equivalent to the worth of the land or building thereon. It has a psychological effect on the owners of the land. To get a temporary resident to stay; time and capital involved in building another resident; and immediate dislocation with adequate time to prepare are problems that lead people to internal displacement. The law is draconian as it leaves the rights of residence in the hands of one person (The Governor) who can misuse the power. It is worrisome that the Land Use Act cannot be easily amended as it has the force of the 1999 Nigeria Constitution. Section 315 of the Nigerian Constitution states that:

5. Nothing in this Constitution shall invalidate the following enactments, that is to say....d. the Land Use Act, and the provisions of those enactments shall continue to apply and have full effect in accordance with their tenor and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed except in accordance with the provisions of section 9(2) of this Constitution.

This provision of the Constitution places the Land Use Act as part of the provision of the Constitution which grants the Governor the exclusive power to displace people on their land and place of abode to use the land for the developmental project. It can be argued that it conflicts with section 43 of the same Constitution which grants the right to acquire

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<sup>43</sup>Land Use Act 1978 Cap. L5 Laws of the Federation of Nigeria 2004, section 1.

<sup>44</sup> Ibid, section 28.

<sup>45</sup> National Universities Commission v Oluwo [2001] 3 NWLR, part 699 at page 90; Elf Pet (Nigeria) Ltd. v Umah [2007] 1 NWLR 44; Kukoyi v Aina [1999] 10 NWLR 633 and Ogunleye v Oni (1990) 2 NWLR 745; Goldmark (Nigeria) Ltd v Ibafo Co Ltd [2012] 10 NWLR 291.



and own immovable property. These rights have been infringed upon by the Governors every day in Nigeria. They usually acquired the land for public use, forced residents to vacate their houses without anywhere to live, and later sold to their cohorts in the name of the government. This needs to be resolved to be able to find a lasting solution to the plights of the IDPs.

#### **7.2.12 Finding 12: There is a Lack of Appropriate Information**

It was established in Chapter 5 that there are laws and institutions in place that protect the rights of the IDPs in Nigeria but there is no appropriate information about the societal activities. The information in the public domain is based on ethnic rivalry; religious competitiveness; political jargon; inequality and hatred. Inappropriate information calls for agitation which leads to the disturbance of the peace of society. It was discovered that the focus on societal development has been lost in Nigeria instead focus is on personal gains, at best ethnic gains. The main focus should be on how laws and institutions will work efficiently to promote peace in society and protect the rights of the IDPs. If there is peace in society, less will be an effort to secure the people and the IDPs. No government can be everywhere at a particular point in time. Peace has eluded Nigeria for a long time because of bad governance. Finding the eluded peace first, then adequate security would fall in line. To find eluded peace, there must be an appropriate information and roundtable conference of all stakeholders including the perceived terrorists.

Also, the right to religion should be maintained in Nigeria. Religious institutions have a lot of influence on their members, so they need to be guided on what they preach to their members. Appropriate information through them can bring peace into society and voluntary assistance to the IDPs. Similarly, the right to information should be maintained. The media, both print and electronic should observe the ethics of

professionalism. Most media in Nigeria derailed from their responsibility of societal watchdog and embarked on sentimental reporting which can fuel more insurgency in the country. There is a need to sanitize the media to hold and speak the truth to build peace in society. The existing legal framework in Nigeria guarantees media-free access to public information or records.<sup>46</sup> Through this, the media can be of assistance to the IDPs by carrying out investigative journalism which will give a background truth to the plights of the IDPs. This will create data for the Government and the International Community to plan for better ways to protect the rights of the IDPs. Even society will be rightly educated on armed conflicts and their effects to abstain from them. In addition, Research institutions and universities can be of assistance in this area by researching to collect data for the planning and management of the IDPs' affairs. Appropriate information proffers will end internal displacement.

### **7.2.13 Finding 13: IDP issues are not being approached from a human rights perspective.**

A rights-based approach identifies the human rights that are in danger when disaster displacement happens and considers who is responsible for ensuring that these rights are protected.<sup>47</sup> It recognised that people are entitled to their basic human rights before, during, and after the disaster as guaranteed under international law.<sup>48</sup> It was established in Chapter 6 that most times these rights are not well protected in Nigeria and this causes greater risks to the lives of the IDPs in Nigeria. For example, rights to

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<sup>46</sup> Nigerian Constitution 1999 as amended, sections 22 and 39; Nigerian Freedom of Information Act 2011, section 1(1)

<sup>47</sup> McAdams Jane, 'Climate Change, Forced Migration, and International Law' in McAdams Jane, Editor, *Climate Change and Displacement: Multidisciplinary Perspectives* (Oxford: Hart Publishers, 2012) 8

<sup>48</sup> Draft Articles on the Protection of Persons in the Event of Disasters, United Nations International Law Commission, provisionally adopted so far by the Commission, UN General Assembly Official Records, 68th session, Supplement No.10 (A68/10) article 8.

information are being deprived when IDPs are not well informed of the impending natural disaster. Also, their rights are breached for not being educated about the risks involved, their effects, and the prevention of disasters. Most people dumped refuse on the waterways while others built along the riverbank without noticing or being aware of the risk involved. During displacement, IDPs are treated by the Government and society as beggars, as they are not given the essential needs as the needs arise. The inactiveness of the Nigerian Government during and after disasters is also an infringement on IDPs' rights. Early warning and proactiveness of the Government and people can solve the situation.

It can be argued that disaster vulnerability is a consequence of inadequate human rights protections; hence, rather than being an environmental issue, the effects of a disaster can be seen as a component of ongoing social, economic, or cultural issues that call for structural and comprehensive change.<sup>49</sup>

#### **7.2.14 Finding 14: There is an uncoordinated Government Institutions' Actions Regarding IDPs**

It was established in Chapter 5 that several Government institutions are in charge of the management or matters related to the rights of IDPs. Some of the institutions discussed are the National Emergency Management Agency (NEMA), National Commission for Refugees, Migrants, and Internally Displaced Persons (NCRMI), North East Development Commission (NEDC), and National Human Rights Commission. Despite the creation of these Government agencies by the Federal Government of Nigeria, there is no clear

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<sup>49</sup> Bridget Lewis, Rowena Maguire, 'A Human Rights-based Approach to Disaster Displacement in the Asia-Pacific' [2015] 6(2) Asian Journal of International Law 326-352

solution to the infringement of IDPs because their activities towards elevating the suffering of the IDPs have been hindered by inadequate funding and corruption.<sup>50</sup>

Also, it was found that the activities of these institutions have been politicised and controlled by ethnic beliefs. In addition, there is no clear demarcation in their activities and they hold on to the same activities without any success. NEMA was directed to coordinate all activities concerning IDPs, and NEDC was also given the same power. There is a complexity in who manages which affairs. Also, these agencies relied on government interventions and international aid to carry out their activities without proper accountability. For there to be any meaningful progress by these agencies there is a need for restructuring. It is vital to have efficient coordination between the relevant government agencies and between the Federal Government and international organisations. The IDPs, host communities, governmental agencies, and international organisations must all be involved in the discussions, information-sharing, and decision-making processes that attract a truly inclusive approach to providing a durable solution.

#### **7.2.15 Finding 15: Nigeria does not implement the Kampala Convention.**

The Kampala Convention was found in Chapter 5 to be the first legally binding pact that dealt with internal displacement brought on by armed conflict, natural disasters, and significant development projects in Africa. It binds African Countries that are signatories to the convention. It was established that Nigeria is a signatory and has ratified the Convention, but its impact has not been felt by the IDPs in Nigeria because the convention has not been domesticated. The domestication and implementation of the Kampala Convention have been done by many States, and others are coming up to do

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<sup>50</sup> Olanike Adedokun, 'Internally Displaced Children in Nigeria: A Rights-Based Situation Appraisal' in Romola Adeola(edn), *National Protection of Internally Displaced Persons in Africa: Beyond the rhetoric*, (Springer, Switzerland, 2021)2

the same. States can come together to share experiences and collaborate to fully implement the convention; it is necessary to gather the various experiences of states and work together. A bilateral agreement between other neighbouring countries can be formed in which they can have joint security to curb the activities of the armed groups especially the Nigerian Boko Haram Group that carry out their terrorist activities in Nigeria and its surrounding countries. If countries like Nigeria, Cameroun, and Lake Chad can collaborate to manage the armed groups, they will not have places to hide or plan their nefarious activities.

#### **7.2.16 Finding 16: IDPs' hardships are exacerbated by Nigerian ideology**

It was found in Chapter 6 that Nigerian ideology is the primary factor preventing long-term solutions to the plights of IDPs. Nigerians' attitudes and ideals are influenced by their culture of impunity, sectarian strife, and ethnic rivalry. Nigerians prioritise their ethnicity over their national unity and even give their religion priority over the nation's unity. Any measure taken by the government to assist the IDPs that could endanger or negatively impact the interests of a particular ethnic or religious group would be strongly opposed. If such a measure is taken, law and order may collapse, which may lead to yet another internal displacement.

These ethnic groups place a high value on their people, land, culture, religion, and borders over the interests of the country, and any encroachment or interference by one ethnic group or the government could spark an armed conflict. For example, an attempt by the Federal Government to build IDP camps in the southwest part of Nigeria which comprises the Yoruba ethnic group, for the benefit of the displaced Northerners (Hausas and Fulanis) was refused by the Yorubas. Relocating IDPs from areas of armed conflict to other parts of Nigeria will be nearly impossible due to Nigerians' ideology, even

though section 2 of the country's constitution explicitly declares that the Federal Republic of Nigeria is a single, sovereign nation that cannot be split or dissolved.

Additionally, Nigerians view their nation's wealth as a 'national cake' that should be plundered, shared, and relished. The term 'national cake' was first used in reference to Nigeria's oil boom in the 1960s; however, the economic success and good fortune that came with this boom have inadvertently become the primary source of the nation's problems. This is frequently associated with corrupt practices among people managing the country's finances.

A typical Nigerian holds that he must use whatever means necessary to get his portion of the cake. It can be argued that the syndrome called 'National Cake' contributes to the high rate of insecurity such as ethnic rivalry, political and religious armed conflicts, attacks on public schools, Boko Haram insurgency, kidnapping for ransom, political crises, and other organised crimes that cause internal displacement. Additionally, the 'national cake' ideology of Nigerians, which can be read as the 'legalisation of corruption,' is a factor that contributes to the lack of resources for the welfare of the IDPs despite the country's abundance of natural wealth. Worse still, the host community in Nigeria feels that because it is a national cake, they should receive a portion of the relief or palliatives intended for the IDPs from the government and international community. This action denied IDPs access to essential supplies.

The laws and regulations that form Nigeria's norms and value system were shaped and dictated by the ideologies of the people who made them. This has had a significant impact on Nigerian society's tranquility, prosperity, order, and peace. There should be a reorientation of Nigerians especially, the Government and its officers. Also, there should

be a heavier punishment for any act of corrupt practice in Nigeria. The ideology of Nigerians needs to change to have a durable solution to the plights of the IDPs.

### **7.2.17 Rethinking the Concept of State Sovereignty**

The UN Guiding Principles on Internal Displacement and the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) make it the responsibility of the state to protect the rights of the IDPs against any infringement. It has been argued that the infringement on the rights of the IDPs is caused due to the action and inaction of the state. For instance, if a state is proactive enough to prevent armed crises there will not be any displacement. Likewise, if the state provides necessary aid for natural disasters displaced persons, their rights will be protected. It can be argued that the existence of IDPs creates refugees that affect the peace and economy of other states. Unfortunately, no state can query or challenge another state for the infringements of IDPs' rights because of the principle of state sovereignty. The principle of state sovereignty upholds states' status and rights as well as equality of nations, sovereignty immunity, and the right to be free from interference or intervention by any foreign or international authority. There is no higher power than the nation-state. The standard is that any international legal framework that is not consented to by a state is not binding on such a state, but the principle of state sovereignty is changing. Professor Henry Schermers states that:<sup>51</sup>

The content of the notion of "sovereignty" is continuously changing, especially in recent years...From the above we may conclude that under international law the sovereignty of States must be reduced...that the world

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<sup>51</sup> Henry Schermers, 'Different Aspects of Sovereignty' in Gerard Kreijen and others (eds), *State, Sovereignty, and International Governance* (Oxford Academic 2002) 185.

community takes over sovereignty of territories where national governments completely fail and that therefore national sovereignty has disappeared in those territories.

According to Richard Haass, sovereignty is not absolute, it is subject to certain restrictions.<sup>52</sup> Some of the rights associated with sovereignty are relinquished when states conduct, allow, or threaten to do unacceptable acts against their own citizens or foreign nations.<sup>53</sup> The past UN Secretary-General, Boutros Boutros-Ghali stated in his report to the Security Council that:<sup>54</sup>

Respect for [the state's] fundamental sovereignty and integrity [is] crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality.

Also, another former UN Secretary-General, Kofi Annan informed the UN General Assembly that:<sup>55</sup>

Our post-war institutions were built for an inter-national world, but we now live in a global world...A global era requires global engagement...If States bent on criminal behaviour know that frontiers are not the absolute defence; if they know that the Security Council will take action to halt crimes against

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<sup>52</sup> Richard N Haass, 'Sovereignty: Existing Rights, Evolving Responsibilities' (2003) US Department of State Archive < <https://2001-2009.state.gov/s/p/rem/2003/16648.htm> > accessed 25 April 2024.

<sup>53</sup> Ibid.

<sup>54</sup> An Agenda for Peace-Preventive Diplomacy, Peace-making, and Peace-Keeping, Report of the Secretary General, UN Document A/47/277-S/24111, paragraph 17 (1992)

<sup>55</sup> Kofi A Annan, Secretary-General's Speech to the 54th Session of the General Assembly, UN Doc. SGISMI 7136 (1999).



humanity, then they will not embark on such a course of action in expectation of sovereign impunity.

Kofi Anna continued by urging those who perceive the renunciation of state sovereignty as a cause for distrust, cynicism, and animosity to embrace the move as a positive step forward.<sup>56</sup> The state should not be allowed to hide under the principle of sovereignty to infringe on the rights of IDPs. If an action of a state affects the rights of its citizens and the peace of the neighbouring states by producing refugees, the United Nations through the Security Council should be able to sanction the state not minding its sovereignty. The above-discussed modern strategy should be used to hold state governments accountable and exert pressure on them to uphold the rights of the IDPs and those of other countries.

### **7.3 Conclusion**

This chapter discussed the findings in chapters 1 to 6 and made the necessary conclusion on each discovery in a way that answers research questions. It provides reforms needed to enhance the protection of the rights of the IDPs in line with international human rights norms. It further elaborated on the defects in the international norms and Nigeria's domestic laws in respect of the IDPs and discussed alternative options in solving the infringements on the rights of the Nigeria IDPs. With these interpretations, there is an assurance that the rights of the IDPs can be restored if an appropriate conclusion and recommendation are made and implemented. The next chapter will make necessary conclusions and recommendations concerning the predicaments of the IDPs in Nigeria.

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<sup>56</sup> Ibid.

## Chapter 8 Conclusion and Recommendations

### 8.1 Conclusion

A life built on the principle of natural law should be a pleasant life, but it was found that the lives of the IDPs are not pleasant although based on natural law, which positive law compliments. It was interpreted in Chapter 7 that a series of positive laws which are international and domestic legal norms relating to them are put in place but still, they are in bondage of infringements of rights just like the slaves having the first human rights declaration<sup>1</sup> but still in slavery. Millions are displaced without food, water, shelter, education, respect, and family. They live at home without an abode. Their situation is pathetic. To find a durable solution, interpretations of findings were carried out in Chapter 7 and conclusions were drawn. The conclusion to those findings needs to be discussed to find recommendations that will provide a durable solution to the plights of the IDPs in Nigeria.

It was concluded in Chapter 7 that the actions and inaction of the Government are the major causes of internal displacement in Nigeria and the principle of sovereignty held on to by the international community in accessing responsibility to the state cannot provide lasting solutions to the plights of the IDPs. In most instances of displacement, a state is a perpetrator. It was concluded that there are both international and legal frameworks in place for the protection of the IDPs but the state is weak in the implementation of the laws and regulations put in place; most of the international treaties are not domesticated; the Nigerian Constitution did not provide for the community policing and places the security and welfare of the people under the

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<sup>1</sup> Article 1 states 'that all men are by nature equally free and independent, and have certain inherent rights...'

fundamental objective of the state which does not have a binding effect; Nigerian security agencies instead of protecting the IDPs contributes to the infringement of their rights; government institutions through corruptions and other ill behaviours are denying the IDPs the aid from the international organisations; the orthodox ways of resolving crises needs modern technology and better means of handling crises; and the peculiarity of Nigeria is not investigated in making and implementing laws. The Constitution needs to be amended and the institutional framework needs to be restructured and monitored to put an end to the infringement of the IDPs. It was concluded that the lukewarm attitude of the UN towards the plights of the IDPs is because of the gains they derived from Refugees. It was found that if the Plights of IDPs are resolved, it will stop the infringements on the rights of the Refugees and reduce the challenges facing the international community in solving the plights of Refugees. All stakeholders, that is the international community, the state, and its citizens have responsibilities towards IDPs and where the state fails to carry out its responsibility, its sovereignty can be removed to protect the rights of the IDPs. Also, the international community needs to examine the peculiarity of a country before providing necessary aid.

The conclusion to the findings has showcased the necessary recommendations that can be made in solving the infringement of the rights of the Nigeria IDPs. The research has established that, despite shortcomings and difficulties in its application, a rights-based approach could be strengthened by increased interaction with existing human rights treaties, domestic legislations, and wider adoption of soft-law concepts, and that no new legal instrument is necessary.

## 8.2 Recommendations

- a) The Nigerian Constitution needs to be amended to include security and welfare as fundamental rights of the citizens against its placement as a 'fundamental objectives and directive principle of state policy' under chapter II of the Constitution. Also, Section 12(1) should be deleted, so that any treaties that are signed and ratified by Nigeria will be binding without any need for domestication. Furthermore, the issue of internal displacement should be placed under the concurrent list so the Federal Government and the State can have jurisdiction to legislate on it. Community policing should be included in the constitution to strengthen the protection of the IDPs. Section 315(5d) that incorporated the Land Use Act into the constitution should be removed to give the National Assembly power to deliberate and legislate on it to remove or reduce the power of the Governor of states to acquire the landed property of citizens for public use.
  
- b) The frequent use of the military to attack and track down armed groups should be discontinued by the government, it is outmoded. The government needs to create a bilateral agreement with the neighbouring countries to share both human and material resources to curb the activities of the armed groups, bring perpetrators to justice, and prevent internal displacement. Artificial intelligence and modern technological tools can be used to seize control of the nation's airspace, locate armed groups' hideouts, and use drones to attack important flashpoints without harming or infringing on IDPs' rights. Also, artificial intelligence is needed to take count of the IDPs; provide aid; check IDPs' movement; advice on conducive areas to live in, and carry out research to solve other IDPs' problems.

- c) To ensure that there is peace and that the number of IDPs does not increase to the point where they need to seek asylum in other nations, the UN Security Council must take a stand to apply sanctions under Article 41 of the UN Charter to any state that violates or fails to protect the rights of IDPs.
- d) The government must make sure that it uses a rights-based strategy to address the IDPs' problems in a long-lasting way. IDPs should have the freedom to choose their integration, relocation, and return and should enjoy long-term safety and security, an adequate living standard, access to housing, health care, and education, as well as livelihood and employment opportunities. They should also have access to personal and other documentation, family reunification, participation in political processes, and effective legal remedies.
- e) To maximise the potential for government bodies to perform at an efficient level, achieve their goals, and increase public confidence in their decisions while still adhering to their obligations and responsibilities, good governance frameworks should be developed for all parties managing the affairs of the IDPs, including government agencies, international organisations, the host community, and security forces.
- f) A human rights-based early-warning indicator system should be developed by the government to prevent and mitigate the effects of displacement. Also, Alternative Dispute Resolution mechanisms should be adopted to prevent displacement, manage displacement, and mitigate the effect of displacement.

g) The ideology of Nigerians needs to be corrected through the media, religious houses, and educational institutes. These groups can reorientate the Nigerians about their belief in the control of national wealth, corruption, ethnic diversity, the principle of charity, duty, and responsibility to provide protection and humanitarian assistance to IDPs within their locality in line with the international human rights norm. Stiffer measures need to be taken against any person who infringes on the rights of the IDPs. There should be exigent laws that will deter people from stealing; corrupting; carrying out immoral acts like kidnapping, trafficking, and slavery; and misappropriation of government funds. He who takes the life of the vulnerable, the displaced person should not live. By stealing resources belonging to the vulnerable one is taking their life too. When there are stiffer measures, people will change because of the fear of the punishment.

## Reference list / Bibliography

### BOOKS

Adeola A, *Internally Displaced Persons and the Law in Nigeria* (1st edn, Routledge 2022).

Adeola A, *National Protection of Internally Displaced Persons in Africa: Beyond the Rhetoric*, (1<sup>st</sup> edn, Springer 2021).

Adinolfi C et al, *Humanitarian Response Review*, (United Nations, August 2005).

African Union, *Explanatory Note on the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (African Union 2009).

Amnesty International, *Amnesty International Report 2017/2018: The State of the World's Human Rights* (Amnesty 2018).

Amnesty International, *Marked for life: Displaced Iraqis in cycle of abuse and stigmatization* (Amnesty International, 2020).

Amnesty International, *They Betrayed Us' Women Who Survived Boko Haram Raped, Starved and Detained in Nigeria* (Amnesty International UK 2018).

Amnesty International, *We Survived the Virus, but may not survive the Hunger: The Impact of Covid-19 on Afghanistan's Internally Displaced* (Amnesty International, 2021).

Antoine R B, *Commonwealth Caribbean Law and Legal Systems* (2<sup>nd</sup> edn, Routledge 2008).

Barak-Erez D and Gross A, 'Do we need social rights? Questions in the Era of Globalisation, Privatisation, and the Diminished Welfare State' in Daphne Barak-Erez and Aeyal M Gross (eds), *Exploring Social Rights between Theory and Practice 1* (Hart Publishing 2007).

- Barthwal-Datta M, *Understanding security practice in South Asia: Securitization Theory and the Role of Non-State Actors* (1<sup>st</sup> edn, Routledge 2012).
- Basil U B, *Ethno-Religious Conflict in Nigeria* (International Center for Ethno-Religious Mediation 2016).
- Benton M, Samuel J B, Gore D, and Schmidt T, *Covid-19 and State of Global Mobility in 2020* (IOM 2021).
- Brookings Institution Project on Internal Displacement, *Handbook for Applying the Guiding Principles on Internal Displacement* (UNOCHA 1999).
- Cernea M M and Mathur H M (eds), *Can compensation prevent impoverishment? Reforming resettlement through investments and benefit-sharing*, (Oxford University Press, Oxford, UK 2008).
- Cohen A and Zlotogorski D, *Proportionality in international humanitarian law: Consequences, Precautions, and Procedures* (New York: Oxford University Press, 2021).
- Cohen R, *Human Rights Protection for Internally Displaced Persons*, (Refugee Policy Group 1991).
- Cohen R and Deng F M, *Masses in Flight: The Global Crisis of Internal Displacement*, (Brookings Institution Press, 1998).
- Cohen R and Cuenod J, *Improving Institutional Arrangements for the Internal Displaced* (Washington DC: The Brookings Institution-Refugee Policy Group Project on Internal Displacement, October 1995).
- Cohen R and Deng F M (Eds), *The Forsaken People: Case Studies of the Internally Displaced* (Brookings Institution Press 1998).



Cha G E, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Brookings Institution Press 2008).

Division of International Protection, *International Legal Standards Applicable to the Protection of Internally Displaced Persons: A Reference Manual for UNHCR staff* (UNHCR 1996).

Downing T E, *Avoiding New Poverty: Mining Induced Displacement and Resettlement* (IIED 2002).

Elsa A Campbell, *The Routledge Companion to Migration, Communication, and Politics* (Routledge 2019).

E U and the U N, *International Recommendations on Internally Displaced Persons Statistics (IRIS): Expert Group on Refugee and Internally Displaced Persons Statistics (EGRIS)* (Office of the European Union, 2020).

Geoffrey S Corn, *The Law of Armed Conflict: An Operational Approach* (Wolters Kluwer Law & Business, 2012).

Gilbert J, *Indigenous Peoples' Land Rights under International Law: From Victims to Actors* (2<sup>nd</sup> edn, Brill Academic Publishers 2016).

Gillard E, *Proportionality in the Conduct of Hostilities: The Incidental Harm Side of the Assessment* (Chatham House: The Royal Institute of International Affairs, 2018).

Goodwin-Gill G S and McAdam J, *The Refugee in International Law*, (3<sup>rd</sup> edn, Oxford University Press 2007).

Hathaway J C and Foster M, *The Law of Refugee Status* (2<sup>nd</sup> edn, CUP 2014).

Henk ten Have A M J, and Gordijn B, (eds) *Handbook of Global Bioethics* (1<sup>st</sup> edn, Springer 2014).

Henkin L, 'How Nations behave' (New York, Columbia University Press 1979).

IDMC, *Global Estimates 2015: People Displaced by Disasters* (IDMC/NRC 2015).

IDMC, *GRID 2017: Global Report on Internal Displacement* (Norwegian Refugee Council, 2017).

IDMC, *2016: Africa Report on Internal Displacement* (Norwegian Refugee Council, 2016).

Kalin W and Chapuisat H E, *Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome* (OCHA 2017).

IASC, *Internal Displaced Persons: Implementing the Collaborative Response to Situations of Internal Displacement* (UNICEF 2004).

Ibeanu O, Nigeria in Jamie Hampton (ed), *Internally Displaced People: A Global Survey* (Earthscan Publications Ltd 1998).

IOM Migration Research Series, *Migration and Climate Change*, (International Organisation for Migration 2008).

Inter-Agencies Standing Committee, *Framework on durable solution for internally Displaced Persons* (The Brookings Institution USA 2010).

International Organisation for Migration, *Nigeria-Displacement Report* (Displacement Tracking Matrix 2019).

International Rescue Committee, *Nigeria: Conflict and Famine Risk in the Northeast Humanitarian Risk in 2021* (IRC Data 2021).

International Rescue Committee UK, *IRC UK Annual Report and Financial Statements 2021* (IRC 2021).

Jack G and Eric P, *The Limits of International Law*, (Oxford University Press, 2005).

Kalin W and Kunzli J, *The Law of International Human Rights Protection* ( 2<sup>nd</sup> end, Oxford University Press 2019).

Kelsen H, *General Theory of Law and State Translated by Anders Wedberd* (1<sup>st</sup> edn, Harvard University Press 2007).

Kirk-Greene A H M, *1 Crisis and Conflict in Nigeria, A Documentary Sourcebook 1966-1969* (Oxford University Press 1971).

Korn D A, *Exodus Within Borders: An Introduction to the Crisis of Internal Displacement* (Brooking Institution 1999).

Locke J, *The Second Treatise on Government* (B Blackwell 1956).

Locke J, *Two Treatises of Government*, (ed) Thomas Hollis (A Millar et al 1764).

Lord J, Waterstone M, and Stein M, *Disability Inclusive Development and Natural Disasters, in Law and Recovery from Disaster: Hurricane Katrina* (Robin Paul Malloy edition, 2008).

Barthwal-Datta M, *Understanding Security Practice in South Asia: Securitization Theory and the Role of Non-State Actors* (1<sup>st</sup> edn, Routledge 2012).

Nathan C N, *The Changing Face of Religion and Human Rights: A Personal Reflection* (Martinus Nijhoff Publishers 2009).

Nickel J W, *Making Sense of Human Rights* (2nd edn, Blackwell Publishing 2007).

Nigerian Red Cross Society, *Annual Report 2018* (NRC 2018).

NRC, *Annual Report from the Board 2021* (Norwegian Refugee Council, 2022).

Ogata S, *The Turbulent Decade*, (W W Norton and Company, 2005).

Orchard P, *A Right to Flee: Refugees, States, and the Construction of International Society* (CUP 2014).

Orchard P, *Protecting the Internally Displaced: Rhetoric and Reality* (Routledge 2019).

Paine T, *The Rights of Man* (Penguin Books 1985).

Paller J W, *Democracy in Ghana: Everyday Politics in Urban Africa* (Cambridge University Press 2019).

Phil O, *Protecting the Internal Displaced: Rhetoric and Reality*, (Routledge 2019).

Phuong C, *The International Protection of Internally Displaced Persons* (Cambridge University Press 2005).

Pobjoy J M, *The Child in International Refugee Law* (Cambridge Asylum and Migration Studies 2017).

Raimi M, and Ezekwe C, *Assessment of Trace Elements in Surface and Ground Water Quality* (LAP Lambert Academic Publishing, 2017).

REACH Initiative (NRC), *Not ready to return: IDPs movement intentions in Borno State* (REACH Initiative 2017).

Saferworld, *Community Security Handbook*, (Saferworld, 2014).

Schmitt M N and von Heinegg W H, (ed) *The Development and Principles of International Humanitarian Law* (1<sup>st</sup> edn, Routledge 2012).

Sharma R, *Media, the State and Marginalization: Tackling Challenges* (Cambridge Scholars Publishing 2018).

Stern N, *The Economics of Climate Change: The Stern Review* (Cambridge 2006).

Ugorji B, *Ethno-Religious Conflict in Nigeria* (International Center for Ethno-Religious Mediation, 2016).

UNDP, *Evaluation Office, Evaluación del programa de gobernabilidad para América Latina y el Caribe* (UNDP 1998).

UNDP, *Governance Foundations for Post-Conflict Situations: UNDP's Experience* (New York, November 1999).

UNHCR, *Guidance Package for UNHCR's Engagement in situations of Internal Displacement Version 1* (UNHCR 2019).

UNHCR, *Internally Displaced People: Questions and Answers* (UNHCR Media Relations and Public Information Service, Geneva, Switzerland 2007).

UNHCR, *Statistical Yearbook 2002: Trend of Displacement, Protection and Solutions* (UNHCR 2004).

UNHCR, *The State of the World's Refugees: Human Displacement in the New Millennium* (Oxford University Press 2006).

UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law, Response to the Questions posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in cases 2 B v R 1938/93, 2 B v R 1953/93, 2 B v R 1954/93* (UNHCR 1994).

UNHCR, *World at War: UNHCR Global Trends-Forced Displacement in 2014* (UNHCR 2015).

UN Office for the Coordination of Humanitarian Affairs, *2018 Humanitarian Needs Overview: Syrian Arab Republic* (OCHA 2017).

Waldron J, Dimock W, Herzog D, and Rosen M, *Dignity, Rank, and Rights: The Berkeley Tanner lectures* (Oxford University Press 2015).

Walter K and Kunzli J, *The law of international human rights protection* (Oxford University Press 2019).

Weiss T and Korn D A, *Internal Displacement: Conceptualization and its Consequences* (Routledge, 2006).

Williams R, Ferris E, and Koser K, *Protecting Internally Displaced Persons: A manual for Law and Policymakers* (Brookings 2008).

World Bank, *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts* (World Bank 2017).

World Bank, *Towards the Development of an Environmental Action Plan for Nigeria* (Washington DC, World Bank 1990).

#### **Contributions to edited books**

Adelakun O, 'Internally Displaced Children in Nigeria: A Rights-Based Situation Appraisal' in Romola Adeola(edn), *National Protection of Internally Displaced Persons in Africa: Beyond the rhetoric*, (Springer 2021).

Adeola R, 'National protection of Internally Displaced Persons' in Sabella O Abidde, *The Challenges of Refugees and Internally Displaced Persons in Africa* (Springer Cham 2021).

Cernea M, 'Bridging the Research Divide: Studying Development Oustees' in Tim Allen (ed), in *Search of Cool Ground: War, Flight and Homecoming in Northeast Africa* (United Nations Research Institute for Social Development, Africa World Press and James Curry 1996).

Cernea M M, 'Understanding and Preventing Impoverishment from Displacement: Reflection on the state of knowledge' in Christopher McDowell (ed), *Understanding Impoverishment: The consequences of Development- Induced Displacement* (Berghahn Books-Oxford 1996).

Cohen R, 'The Global Crisis of Internal Displacement' in James D White and Anthony J Marsella (eds), *Fear of Persecution: Global Human Rights, International Law, and Human Well-Being* (Lexington, Mass: Lexington Books, 2007).

Cohen R, 'Reconciling R2P with IDP Protection' (2010) 2 Global Responsibility to Protect 15, 16 culled from Adam Lichtenheld, *From Exclusion to Expansion: Internally Displaced People and the Evolution of the International Refugee Rights Regime* (unpublished Senior Honours Thesis, University of Wisconsin, 2008).

Downing T E, 'Mitigating Social Impoverishment When People are Involuntary Displaced' in Christopher McDowell, *Understanding Impoverishment: The consequences of Development- Induced Displacement* (Berghahn Books-Oxford 1996).

Erk J, 'Still in Search of the Federal Spirit: The US Supreme Court and Federalism' in A G Gagnon et al (eds) *Understanding Federalism and Federation* (1<sup>st</sup> edn, Routledge 2015).

Goldman R and Kalin W, 'Legal framework', in Roberta Cohen and Francis Deng (eds.), *Masses in Flight-The Global Crisis of Internal Displacement*, (Brooking Institution Press 1998).

Greene T, 'Internal Displacement in the North Caucasus, Azerbaijan, Armenia, and Georgia' in Cohen R, and Deng F, *The Forsaken People: Case Studies of the Internally Displaced* (Brookings Institution Press 1998).

Helene Lambert, 'Family Unity in Migration Law: The Evolution of a More Unified Approach in Europe' in Chetail V, and Bauloz C (eds), *Research Handbook on International Law and Migration* (Edward Elgar Publishing 2015).

Higgins D R, 'Liberty of Movement within the Territory of a State: The Contribution of the Committee on Human Rights' in Yoram Dinstein (eds ), *International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne* (The Hague, Martinus Nijhoff, 1989).

Hofmann R, 'International humanitarian law and the law of refugees and internally displaced persons' in: European Commission (ed), *Law in Humanitarian Crises - How can Humanitarian Law be made Effective in Armed Conflicts* (European Commission Humanitarian Office 1995).

Jane M, 'Climate Change, Forced Migration, and International Law' in Jane M (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishers, 2012).

Jastram K, and Newland K, 'Family Unity and Refugee Protection' in Erika Feller et al (eds), *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, (Cambridge University Press 2003).

Kamradt-Scott A, 'The World Health Organization, global health security and international law' in Hitoshi Nasu and Kim Rubenstein (eds), *Legal perspectives on security institutions* (Cambridge University Press 2015).

Kantian T E, 'Perspectives on the Rational Basis of Human Dignity in Duwell, M, Braarvig, J Brownsword, R and Mieth, D (eds), *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* (Cambridge University Press 2014).



Kälin W, 'Guiding Principles on Internal Displacement: Annotations' in *Studies in Transnational Legal Policy*, No 32 (American Society of International Law and the Brookings Institution Project on Internal Displacement 2000).

Lauterpacht E, and Bethlehem D, 'The scope and content of the principle of non-refoulement: Opinion,' in Erika Feller, Volker Türk and Frances Nicholson (eds), *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge University Press 2003).

Leckie S, 'An Introduction to the 'Pinheiro Principles' in *The Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons* (Centre on Housing Rights and Evictions 2005).

Onu S I, 'Natural Hazard Governance in Nigeria' in Gerber B J, Esnard A, Glavovic B, Wamsler C, Aginam O, Birkland T A, and Sim T, (eds) *Oxford Encyclopedia of Natural Hazard Governance* (Oxford University Press 2019).

Seth S, 'The Politics of Internally Displaced Persons' in Stephen M Croucher, Joao R Caetano, and Elsa A Campbell, *The Routledge Companion to Migration, Communication, and Politics* (Taylor and Francis Group 2018).

Steve I Onu S I, 'Natural Hazard Governance in Nigeria' in Gerber B J, Esnard A, Glavovic B, Wamsler C, Aginam O, Birkland T A, and Tomothy sim (eds) *Oxford Encyclopedia of Natural Hazard Governance* (Oxford University Press 2019).

Stein M A and Lord J E, 'Human Rights and Humanitarian Assistance for Refugees and Internally Displaced Persons with Disabilities in Africa' in Grobbelaar-du Plessis I, and Reenen T O (eds), *Aspects of Disability Law in Africa in editions*, (Pretoria University Law Press 2011).

## ARTICLES

Abebe A M, 'Legal and Institutional Dimensions of Protecting and Assisting Internally Displaced Persons in Africa' (2009) 22(2) JRS 288.

Abegunde B, and Omidoyin T J, 'Humanitarian Law and Internal Displacement in Nigeria: An Urgent Need for Legal Framework' (2017) 4(3) IJLLJS 53

Adebayo R I, 'Ethno-Religious Crises and the Challenges of sustainable Development in Nigeria' (2010) 12(4) JSDA 213

Adejo, A M, 'Ethnic and Communal Violence in a Plural Polity: The Nigerian Experience' in Angya Charity (ed) JFASS.

Adejumo O A, Ntoimo L, Odimayo M S, Adebimpe W O, Okiei B, Osungbemi W, Olajuyigbe E, Igbafe K, Temitayo-Oboh A, Faboya T, Oludiran O, Okonofua F E, 'Experience of Gender-based Violence by Internally Displaced Women in Southern Nigeria: A Cross-sectional Study' (2021) JIV 1

Adelakun O S, 'Application of the Subsidiarity Principle in Intercountry Adoption in Nigeria: Lessons from South Africa' [2018] 5(2) JCLA 22–44, 37

Adewale S, 'Internally Displaced Persons and the Challenges of Survival in Abuja,' (2016) 25(2) ASR 176

Ajugwo A O, 'Negative Effects of Gas Flaring: The Nigerian Experience' [2013] 1(1) JEPHH 6

Akinnusi A D, Alao O D, and Mavalla A G, 'Interrogating Governments' Interventions in Communal Clashes: The Erin-Ile/Offa Conflicts in Perspective' (2019) 19 GJHSS 27.

Akpoghome U T, 'Internally Displaced Persons in Nigeria and the Kampala Convention' (2016)18(1) LA 58.

-

Akujiobi A T, 'An Assessment of The Nigerian Terrorism Prevention Act and its Impact On National Security' [2018] GJHSS 31.

Akume A T, 'The question of Internally Displaced Persons (IDPs) in Nigeria: A Reflection on Present Realities' (2015) 32(1) JTWS 221, 223.

Alobo E and Obaji S, 'Internal Displacement in Nigeria and the case for Human Rights Protection of Displaced Persons' (2016) 51 JLPG 26.

Anderson D, 'Human Rights and Persons with Disabilities in Developing Nations in Africa' (2004) Paper delivered at the 4<sup>th</sup> Annual Lilly Fellows Program National Research Conference, 13 November 2004).

Anderson M J, 'The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles): Suggestions for Improved Applicability' (2011) 24 JRS 304, 305.

Andreu-Guzmán F, 'Criminal Justice and Forced Displacement: International and National Perspectives' (2013) International Center for Transitional Justice and the Brookings LSE Project on Internal Displacement

Amalu N, and Adetu M O, 'The Role of the National Human Rights Commission (NHRC) in Post Conflict Situations in Nigeria' [2019] 8(1) IJAH 132.

Apuke O D and Elif Asude Tunca E A, 'A comparative content analysis of television and blog coverage of internally displaced persons in Nigeria' (2019) 56(2) SSJ 168.

Asante L A, and Helbrecht I, 'Urban Regeneration and Politically-Induced Displacement in a Secondary African City: A Case of the Kotokuraba Market Project, Cape Coast, Ghana' (2020) 115 Geoforum, 21.

- Babakura B, Nomhwange T, Jean Baptiste A E, et al, 'The Challenges of Insecurity on Implementing Vaccination Campaign and its Effect on Measles Elimination and Control Effort: A Case Study of 2017/18 Measles Campaign in Borno State, Nigeria' [2021] 39 Vaccine C66-C75.
- Bamidele O, 'Boko haram catastrophic terrorism- an albatross to national peace, security and sustainable development in Nigeria' (2012) JSDA 44.
- Bamidele S, 'The Civilian Joint Task Force and Struggle against Insurgency in Borno State, Nigeria' [2017] 7(2) ACPR 85.
- Bayefsky R, 'Dignity, Honour, and Human Rights: Kant's Perspective' [2013] 41(6) *Political Theory* 809.
- Beard J, 'Law and War in the Virtual Era' (2009) 103 AJIL 409, 427
- Bennett J, 'Forced Migration Within National Borders: The IDP Agenda' (1998) FMR 1
- Bohnet H, Cottier F, and Hug S, 'Conflict-Induced IDPs and the Spread of Conflict' (2016) 62(4) JCR 691.
- Brun C, 'Local Citizens or Internally Displaced Persons? Dilemmas of Long Term Displacement in Sri Lanka' [2003] 16 JRS 376
- Cantor D J, 'The IDP in International Law: Debates, Development and Prospects' (2018) 31(2) IJRL 191.
- Couldrey M and Morris T, 'Post-tsunami Protection Concerns in Aceh' (2006) FMR 28.
- Chan P, 'The Protection of Refugees and Internally Displaced Persons: Non-Refoulement under Customary International Law?' (2006) 10(3) IJHR 231.
- Cohen R, 'No Where to Run, No Place to Hide' (2002) BAS 36.

Collier P el, 'Climate Change and Africa' (2008) 24 OREP 337.

Cornellas M, Makhshvii N, Chikovani I, Patel V, McKee M, Jonathan Bisson, and Bayard Roberts, 'Patterns of Somatic Distress among Conflict-Affected Persons in the Republic of Georgia' (2015) 78 (5) JPR 466.

Davenport C A, Moore W H, and Poe S C, 'Sometimes You Just Have to Leave: Domestic Threats and Forced Migration, 1964–1989,' International Interactions 29 (2003) 27.

Davies S, 'Securitizing Infectious Disease' (2008) 84 International Affairs 295.

Depetris-Chauvin E and Santos J R, 'Unexpected Guests: The Impact of Internally Displacement Inflows on Rental Prices in Colombian Host Cities' (2018) 134 JDE 289.

Dirikgil N, 'Addressing the Prevention of Internal Displacement: The Right Not to Be Arbitrarily Displaced' (2022) JIMI 13.

Durosaro I A, and Ajiboye S K, 'Problems and Coping Strategies of Internally Displaced Adolescents in Jos Metropolis, Nigeria' (2011) 1(20) IJHSS 256.

ECOSOC, 'Internally Displaced Persons, Health and WHO' Paper presented at the Humanitarian Affairs Segment of ECOSOC (2000) New York 19.

Edmond E E, 'Drought and Desertification as they affect Nigeria Environment' (2013) 4 JEMS 45.

Ejiba I V, Onya S C, and Adams O K, 'Impact of Oil Pollution on Livelihood: Evidence from the Niger Delta Region of Nigeria' [2016] 12(5) JSRR 1.

- Ekezie W, Penelope Siebert, Stephen Timmons, Rachael L. Murray and Manpreet Bains, 'Exploring the Influence of Health Management Processes on Health Outcomes among Internally Displaced Persons (IDPs)' (2022) 6 JMH 100124.
- Ekpa S, Md Dahlan N H, 'Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria' [2016] JLPJ 49.
- Eweka O and Olusegun T O, 'Management of Internally Displaced Persons in Africa: Comparing Nigeria and Cameroon' (2016) 10(1) ARR 193.
- Folami O M, and Olaiya T A, 'Gender, Storytelling and Peace Construction in a Divided Society: A Case Study of Ife/Modakeke Conflict' (2016) 2 CSS 1.
- Francis Baye, 'Implications of the Bakassi Conflict Resolution for Cameroon' (2010) 10 AJCR 1.
- Freccero J, Taylor A, Ortega J, Buda Z, Awah P K, Blackwell A, and Cordero R P, 'Safer Cash in Conflict: Exploring Protection Risks and Barriers in Cash Programming for Internally Displaced Persons in Cameroon and Afghanistan' (2019) 101 IRRC 685.
- Fuentes A, 'Protection of Indigenous Peoples Traditional lands and exploitation of Natural Resources: The Inter-American Court of Human Rights' Safeguards' (2017) 24 (3) IJMGR 230.
- Gebreyesus A, and Tadesse S, 'Livelihood Impact of Development-Induced Displacements: An investigation into Post-Project Livelihood of PAPs' (2019) 35 EASSRR 1.
- Geissler N, 'The International Protection of Internally Displaced Persons' (1999) 11 IJRL 451.
- Gillespie T, 'Accumulation by urban dispossession: Struggles over Urban Space in Accra, Ghana,' (2016) 41TIBG 66.

- Girard F, and Waldman W, 'Ensuring the Reproductive Rights of Refugees and Internally Displaced Persons: Legal and Policy Issues (2000) 26(4) IFPP 167.
- Grahl-Madsen A, 'The European Tradition of Asylum and the Development of Refugee Law' (1966) 3 JPR 278.
- Gruskin S, Bogecho D, and Ferguson L, 'Rights-Based Approaches to Health Policies and Programs: Articulations, Ambiguities, and Assessment' (2010) JPHP 129.
- Haddad E, 'The Refugee: The Individual between Sovereigns' (2003) 17 Global Society 297.
- Hansen W, 'Poverty and Economic Deprivation Theory: Street Children, Qur'anic Schools/Almajirai and the Dispossessed as a Source of Recruitment for Boko Haram and other Religious, Political and Criminal Groups in Northern Nigeria [2016] 10 Perspectives on Terrorism 88.
- Harroff-Tavel M, 'Action Taken by the International Committee of the Red Cross in Situations of Internal Violence' (1993) 29 IRRC 215.
- Hassan I, 2015. 'Counter-Insurgency from Below, the Need for Local Grassroots Defenders in Curbing the Insurgency in North-East Nigeria' [2015] 4(2) WAI 25.
- Hopkins R F, Complex Emergencies, Peacekeeping and the World Food Programme (1998) IP 71.
- Hopton TC, 'Grundnorm and Constitution: The Legitimacy of Politics' (1978) 24 MLJ 82.
- Hull D, 'Displaced Persons: The New Refugees' (1983) 13(3) GJICL 756.

- Ibe S, 'Implementing Economic, Social and Cultural Rights in Nigeria: Challenges and Opportunities' (2010) 10 AHRLJ 201.
- Ibeanu O, 'Exiles in Their Own Home: Internal Population Displacement in Nigeria' (1998) 3(2) AJPS 80.
- International Committee of the Red Cross (ICRC), 'Translating the Kampala Convention into practice: A Stocktaking Exercise' [2017] 99(1) IRRC 365.
- Islam M R, 'The Sudanese Darfur Crisis and Internally Displaced Persons in International Law: The Least Protection for the Most Vulnerable' (2006) 18(2) IJRL 354.
- Itumo A, and Nwefuru N H, 'Nigerian State and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio-Economic and Political Development' (2016) 6(15) RHSS 24.
- Ivlevsa R, Veliziotisb M, 'Beyond Conflict: Long-Term Labour Market Integration of Internally Displaced Persons in Post-Socialist Countries' [2017] IZA DP 11215.
- Jean-Phillippe L, 'Refugees and internally displaced persons-International humanitarian law and the role of the ICRC' (1995) 4 IRRC 74.
- Kalin W, 'Guiding Principles on Internal Displacement' (2008) 38 STLP 1.
- Kalin W, and Chapuisat H E, 'Guiding Principle 28: The Unfulfilled Promise to End Protracted Internal Displacement' (2018) 30 IRL 243.
- Keghku T, Alom K, and Fanafa J D, 'Herders and farmers conflict and its implication for the 2019 General Elections in Nigeria: What can Public Relations Do?' (2019) 8(1) AIJSS 44.
- Kayess R and French P, 'Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities' (2008) 8 HRLR 1.



Kolo B G, 'Civilian JTF: The Transformational Protest in Borno State' [2014] 2 IJSSHBS 1.

Ladan-Bak I S, 'Interfaith Conflict and Political Development in Nigeria: The Zangon Kataf conflict' (2015) 2(4) JSAC 174I.

Lee L T, 'The London Declaration of International Law Principles on Internally Displaced Persons' (2001) 95 AJIL 454.

Lewis B, and Maguire R, 'A Human Rights-based Approach to Disaster Displacement in the Asia-Pacific' (2016) 6 AJIL 326.

Lindall I, and Ampaire C, 'The Untamed Politics of Urban Informality: "Gray Space" and Struggles for Recognition in an African city' (2017) 17(1) TIL 257.

Loescher G, 'Mass Migration as a Global Security Problem' (1991) 7 WRS 7.

Lomo Z A, 'The Struggle for Protection of the Rights of Refugees and IDPs in Africa: Making the Existing International Legal Regime Work' (2000) 18(2) BJIL 268.

Lord J and Stein A M, 'The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities' (2008) 83 WLR 449.

Madubuike-Ekwe N J, Obayemi O K, 'Assessment of the Role of the Nigerian Police Force in the Promotion and Protection of Human Rights in Nigeria' [2019] 23(1) ASICL 22.

Maru M T, 'The Kampala Convention and its Contribution in Filling the Protection Gap in International Law' (2011) 1(1) JID 91.

Mearsheimer John, 'The False Promise of International Institutions' (1994-95) 19(3) IS 5.

- Mooney E, 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern' (2005) 24(3) RSQ 14.
- Moore W H, and Shellman S M, 'Refugee or Internally Displaced Persons? To where should one flee?' (2006) 39(5) CPS 599.
- Moore W H and Shellman S M, 'Whither Will They Go? A Global Study of Refugees' Destinations, 1965–1995' (2007) 4 ISQ 51.
- Monsurat S R, Raimi M O, and Sawyerr H O, 'A Deep Dive into the Review of National Environmental Standards and Regulations Enforcement Agency (NESREA) Act' (2019) RJAS 1.
- Moreno S E C, 'Female Entrepreneurship in a Forced Displacement Situation; The Case of Usme in Bogota' [2016] 7 SNJ 61.
- Morjane K, 'ICVA Talk Back' (2005) NICVA 7.
- Nduonofit L E, Nkpah Y A, Poroma C L and Kidi Z D, (2015) 'An Appraisal of Waste Management in Nigeria: Problems and Prospects' 3 JSSPA 10.
- Nwaoga C T, Okoli A B, and Uroko F C, 'Self-acclaimed Religious Terrorism, Refugee Crisis, and the Plight of Internally Displaced Persons in Nigeria' (2017) 8(3) MJSS 189.
- Nyanduga B T, 'The Challenge of Internal Displacement in Africa' (2004) 21 FMR 28.
- Obaji S, and Aloba E, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons' [2016] 5 JLPG 26.
- Obiajulu O, 'Kleptocracy and its Many Faces: The Challenges of Justiciability of the Right to Health Care in Nigeria' (2008) 1 JAL 52.

- Obida C B, Blackburn G A, Whyatt J D, and Semple K T, 'Quantifying the Exposure of Humans and the Environment to Oil Pollution in the Niger Delta using Advanced Geostatistical Techniques' (2018) 111 EI 32.
- Ocheje P D, 'Legalizing Displacement' (1997) 32 JAAS 120.
- Oguchialu O, Lasisi R, 'The Nigeria Police Force and its Constitutional Responsibility in the Present Democratic Dispensation [2020] 8(4) BME 85.
- Okeke C E, and Anushiem M I, 'Implementation of Treaties in Nigeria: Issues, Challenges and The Way Forward' [2018] 9(2) NAUJILJ 216.
- Okeke G N, 'Fundamental Objectives and Directives Principles of State Policy: A Viable Anti-Corruption Tool in Nigeria' (2011) 2 NAUJILJ 175.
- Okeke-Ihejirika P, Oriola T B, Salami B, Obiefune M, Ejike N, Olutola A, and Irinoye O, 'Beyond Poverty Fixation: Interrogating the Experiences of Internally Displaced Persons in Nigeria' (2020) 41(9) TWQ 1476.
- Okene O V C, 'National Human Rights Commission and the Promotion and protection of Human Rights in Nigeria- Reflections, Emerging Challenges and Suggestions for Effectiveness' *Recht in Afrika Law in Africa* (2010) 107.
- Okon E O, 'Internally Displaced Persons in Nigeria: Review of Empirical Studies' (2018) 2 AIJSSR 1.
- Oluseyi O, 'The Protection of Internally Displaced Persons (IDPs) in Nigeria Within the Purview of National Human Rights Laws' [2016] 4 ALJ 272.
- Onah N G, Benjamin Diara C, Uroko F C, 'Ethno-Religious Conflicts in Nigeria: Implications on Women' (2010) MJSS 61.

- Omisore S T, Abifarin O, and Amana A R, 'Nigeria's Policy on Internally Displaced Persons,' (2020) 24(3) JII 148.
- Orchard P, 'The Contested Origins of Internal Displacement' (2016) 28 (2) IJRL 210.
- Owoaje T, Uchendu O C, Ajayi T O, Cadmus, E O, 'A Review of the Health Problems of the Internally Displaced Persons in Africa, (2016) 23(4) NPMJ 161.
- Oyewunmi O A, and Oyewunmi A E, 'Managing Gas Flaring and Allied Issues in the Oil and Gas Industry: Reflections on Nigeria' [2016] 7(4) MJSS 643.
- Phuong C, 'Implementing Economic, Social and Cultural Rights in Nigeria: Challenges and Opportunities' (2010) 10 AHRLJ 201.
- Randell H, 'The Short-term Impacts of Development-Induced Displacement on Wealth and Subjective Well-being in the Brazilian Amazon,' (2016) 87 World Development 385.
- Reilly R, 'Disabilities and Displacement: Disabilities Among Refugees and Conflict-affected Populations', (2010) 35 FMR 8.
- Salawu B, 'Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies' (2010) 13 (3) EJSS 345.
- Santiso C, 'Promoting Democratic Governance and Preventing the Recurrence of Conflict: The Role of the United Nations Development Programme in Post-Conflict Peace-Building' (2002) 34(3) JLAS 555.
- Schmeidl S, 'Exploring the Causes of Forced Migration: A Pooled Time-Series Analysis, 1971–1990' (1997) 2 SSQ 78.

- Schmidt P L, 'The Process and Prospects for the UN Guiding Principles on Internal Displacement to Become Customary International Law: A Preliminary Assessment' (2004) GJIL 35.
- Schrepfer N, 'Addressing Internal Displacement through National Laws and Policies: A Plea for a Promising Means of Protection' (2012) 24 IJRL 667.
- Schrepfer N, 'Protection in Practice: Protecting IDPs in Today's Armed Conflicts' (2018) 30 Int'l J Refugee L 292.
- Ekpa S and Dahlan N, 'Legal Issues and Prospects in the Protection and Assistance of Internal Displaced Persons (IDPs) in Nigeria' (2016) 49 JLPG 108.
- Sheikh T L, Abdulaziz M, Agunbiade S, Joseph I, Ebit I B, Adekeye O, 'Correlates of Depression Among Internally Displaced Persons after Post-Election Violence in Kaduna, North Western Nigeria' (2015) 170(1) JED 46.
- Shivji A, 'Disability and Displacement: A Shared Vision' (2010) 35 FMR 4.
- Soares A D S, 'Protecting the Environmentally Displaced Persons under the Kampala Convention: A Brief Assessment' (2018) IX (1) CJEL 1.
- Stanley H, 'Rousseau on War and Peace' (1963) 57 (2) TAPSR 217.
- Stavropoulos M, 'Drowned in Definitions' (2008) 31 FMR 1112.
- Stavropoulou M, 'Right not to be Displaced' (1994) 9(3) AUJLR 717.
- Stein M A, and Lord J, 'Enabling Refugee and IDP Law and Policy: Implications of the UN Convention on the Rights of Persons with Disabilities' (2011) 28 Ariz J Int'l & Comp L 401.

Terande T J 'Nigeria in the Valley of Recession: A call for National Repentance as a Panacea for Internally Displaced Persons (IDPs) Economic Development' IJAMR 4.

Tom N B, 'The Challenge of Internal Displacement in Africa' (2004) 21 FMR 28.

Uchendu E, 'Religious Conflicts in Nigeria: Implication on Socio-Economic and Psychological Perceptions of Muslims in Igbo Land' (2010) JAH 63.

Udombana N J, 'Addressing the Implementation Challenges of Institutional Obligation and Reporting Requirements under the Nigeria Freedom of Information Act 2011' [2019] 10 BLR 5.

Uka E M, 'Ethnic, Religious and Communal Conflict in Nigeria: Implication for Security' (2008) 1 BAJCS 1.

UN Secretary-General's High-Level Panel on Internal Displacement, 'Shining a light on internal displacement: A vision for the future' (2021) Report 1.

Vincent M, 'IDPs: Rights and Status' (2000) 8 FMR 29.

W Kalin, 'Guiding Principles on Internal Displacement-Annotations' (2000) ASIL 2.

Yasukawa L, 'The Impacts of Internal Displacement on Communities: Examples from Ethiopia and Somalia' (2020) 39(4) RSQ 544.

Yntiso G, 'Urban Development and Displacement in Addis Ababa,' (2008) 24(2) EASSRR 53.

Zwanenburg M, 'The Van Boven/Bassiouni Principles: An Appraisal' (2006) 24(4) NQHR 641.

INTERNET

Abby Stoddard, Katherine Haver, and Monica Czwarno, 'NGOs and Risk: How international humanitarian actors manage uncertainty' (*Humanitarian Outcome*, February 2016)

<[https://www.humanitarianoutcomes.org/sites/default/files/publications/ngo-risk\\_report\\_web.pdf](https://www.humanitarianoutcomes.org/sites/default/files/publications/ngo-risk_report_web.pdf)> accessed 9 October 2022.

Adam Alqali, 'Nigeria: When Aid Goes Missing' (*Institute for War and Peace Reporting*, 5 September 2016) < <https://reliefweb.int/report/nigeria/nigeria-when-aid-goes-missing>> accessed 17 January 2023

Adedeji Akeem Okemuyiwa, 'The Role of the Police in Protecting Internally Displaced Persons: In a Case Study of Northern Nigeria' (*ResearchGate*, 12 July 2018 < [https://www.researchgate.net/publication/326351972\\_THE\\_ROLE\\_OF\\_THE\\_POLICE\\_IN\\_PROTECTING\\_INTERNALLY\\_DISPLACED\\_PERSONS\\_IN\\_A\\_CASE\\_STUDY\\_OF\\_NORTHERN\\_NIGERIA](https://www.researchgate.net/publication/326351972_THE_ROLE_OF_THE_POLICE_IN_PROTECTING_INTERNALLY_DISPLACED_PERSONS_IN_A_CASE_STUDY_OF_NORTHERN_NIGERIA)> accessed 10 March 2023.

Aljazeera Media Institute, 'Aljazeera Journalism Review' (*Al Jazeera*) < <https://institute.aljazeera.net/en/ajr/article/1892>> accessed 13 January 2023.

Aljazeera, 'Survivors of Nigeria's 'Baby Factories' Share Their Stories' (*Al Jazeera*, 3 May 2020) < <https://www.aljazeera.com/features/2020/5/3/survivors-of-nigerias-baby-factories-share-their-stories>> accessed 13 January 2023.

Aljazeera, 'Syrian refugees protest Denmark's attempt to return them' (*Al Jazeera*, 2 June 2021)< <https://www.aljazeera.com/news/2021/6/2/syrian-refugees-protest-against-denmarks-attempt-to-return-them>> accessed 17 January 2023.

Aljazeera, 'Ukraine latest updates: ICRC says Mariupol evacuation on hold' (*Al Jazeera*, 2022) <<https://www.aljazeera.com/news/2022/3/31/russian-troops-leave-chernobyl-nuclear-power-plant-ukraine-says-liveblog>> accessed 11 April 2022.

Alton Kastner, 'A brief history of the International Rescue Committee' (*IRC*) < [https://www.rescue.org/sites/default/files/document/999/abriefhistoryoftheir\\_c0.pdf](https://www.rescue.org/sites/default/files/document/999/abriefhistoryoftheir_c0.pdf)> accessed 5 October 2022.

Alto P, and Emslie K, 'AI Support Displaced People, Refugees in Ukraine and Beyond' (*Communication of the ACM*, 15 September 2022) < <https://cacm.acm.org/news/264635-ai-supports-displaced-peoples-refugees-in-ukraine-and-beyond/fulltext>> accessed 11 March 2023.

Amnesty International, 'Iraq: closure of IDP camps putting thousands stigmatized as 'ISIS sympathisers' at risk-new report' (*Amnesty International*, 23 November 2020) <<https://www.amnesty.org.uk/press-releases/iraq-closure-idp-camps-putting-thousands-stigmatised-isis-sympathisers-risk-new>> accessed 5 October 2022.

Amnesty International, 'Urgent Action: Displaced women, children denied right to food' (*Amnesty International*, 22 May 2018) < <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR4482662018ENGLISH.pdf> > accessed 7 January 2023.

Amnesty International, 'Nigeria: Plans to close IDP camps in Maiduguri could endanger lives' (*Amnesty International*, 15 December 2021)<<https://www.amnesty.org/en/latest/news/2021/12/nigeria-plans-to-close-idp-camps-in-maiduguri-could-endanger-lives/>> accessed 7 January 2021.

Amnesty International, 'Nigeria 2022' (*Amnesty International*, 2023) <<https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>> accessed 1 August 2023.

Amnesty International, 'Nigeria: Starving Women Raped by Soldiers and Militia who Claim to be Rescuing Them' (*Amnesty International*, 24 May 2018) < <https://www.amnesty.org/en/latest/news/2018/05/nigeria-starving-women-raped-by-soldiers-and-militia-who-claim-to-be-rescuing-them/>> accessed 29 May 2022.



Amnesty International, 'Protection of Internally Displaced Persons with disabilities in Yemen' (*Amnesty International*, 2020)

<<https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/Call/AmnestyInternational.docx>> accessed 16 October 2022.

Amnesty International, Syria's internal displaced- 'The world has forgotten us' (*Amnesty International*, 20 June 2013)

<<https://www.amnesty.org.uk/blogs/campaigns/syria%E2%80%99s-internally-displaced---%27-world-has-forgotten-us%E2%80%99>> accessed 5 October 2022.

Amnesty International, 'What we do' (*Amnesty International*) < <https://www.amnesty.org/en/what-we-do/>> accessed 5 October 2022.

Anietie Ewang, 'Multiple killings in Nigeria Kaduna State: Authority should end cycle of impunity' (*Human Rights Watch*, 2020)

<<https://www.hrw.org/news/2020/07/31/multiple-killings-nigerias-kaduna-state>> accessed 4 December 2020.

Asian Development Bank, Policy on Involuntary Resettlement, (ADC, 1996)

<<https://www.adb.org/documents/policy-involuntaryresettlement>> accessed 15 March 2021.

Bahar D, 'Why accepting refugee is a win-win-win formula' (*Brookings*, 19 June 2018)

<<https://www.brookings.edu/blog/up-front/2018/06/19/refugees-are-a-win-win-win-formula-for-economic-development/>> accessed 17 January 2023.

Ban Ki-Moon, 2014, UN chief urges more action to tackle displacement; recalls youth on the run in wartime Korea' (UNHCR UK)

<<https://www.unhcr.org/uk/news/latest/2014/10/542bf04cfc5/un-chief-urges-action-tackle-displacement-recalls-youth-run-wartime-korea.html>> accessed September 3, 2022.

BBC NEWS, <<https://www.bbc.co.uk/news/world-africa-55120638>> accessed 5 December 2020.

BCC News, 'Kano: Nigeria's ancient city-state' (BBC News, 20 May 2004) <<http://news.bbc.co.uk/1/hi/world/africa/3708309.stm>> accessed 28 April 2022.

Brown G, 'Gordon Brown on liberty and the role of the state' (The Guardian, 13 December 2005) <<https://www.theguardian.com/politics/2005/dec/13/labour.uk>> accessed 15 October 2022.

Bruce Edwards, 'Refugees as Assets to their New Countries' (*International Monetary Fund Publication*, 2022) <<https://www.imf.org/en/Publications/fandd/issues/2022/06/investing-in-refugees-cafe-economics>> accessed 17 January 2023.

Bruce F, 'Violence against Religious Groups: Nigeria' (Hansard UK Parliament, 6 June 2022) <[https://hansard.parliament.uk/Commons/2022-06-06/debates/A9861C66-BDE9-45B1-A094\\_0818F045AF7A/ViolenceAgainstReligiousGroupsNigeria](https://hansard.parliament.uk/Commons/2022-06-06/debates/A9861C66-BDE9-45B1-A094_0818F045AF7A/ViolenceAgainstReligiousGroupsNigeria)> accessed 23 March 2023.

Buba Musa Shehu, 'Worsening welfare and security of IDPs' (*The Guardian newspaper*, 1 September 2020) <<https://guardian.ng/opinion/worsening-welfare-and-security-of-idps/>> accessed 3 November 2020.

Collins, 'Dictionary' <<https://www.collinsdictionary.com/dictionary/english/conflict>> accessed 29 April 2022.

Council of Europe, 'Council of Europe and UNHCR: Anyone Fleeing war or Persecution has the Right to Seek Safety and Protection' (*Council of Europe*, 20 June 2022) <<https://www.coe.int/en/web/portal/-/council-of-europe-and-unhcr-anyone->

[fleeing-war-or-persecution-has-the-right-to-seek-safety-and-protection](#)>

accessed 2 January 2023.

DTM, 'Nigeria- Camp Closure Flash Report-Dalori I Camp, Borno State' (DTM, 2022)' <

<https://dtm.iom.int/reports/nigeria-%E2%80%94-camp-closure-flash-report->

[%E2%80%94-dalori-i-camp-borno-state-24-august-2022](https://dtm.iom.int/reports/nigeria-%E2%80%94-dalori-i-camp-borno-state-24-august-2022)> accessed 3 September 2022.

ECHO, 'Forced Displacement Fact Sheet' (ECHO) <[https://civil-protection-humanitarian-](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/forced-displacement-refugees-)

[aid.ec.europa.eu/what/humanitarian-aid/forced-displacement-refugees-](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/forced-displacement-refugees-)

[asylum-seekers-and-internally-displaced-persons-idps\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/forced-displacement-refugees-) > accessed 2 October 2022.

Editorial Board, 'Amnesty for Boko Haram' (*The Guardian Newspaper*, 2018) <

<https://guardian.ng/opinion/amnesty-for-boko-haram/>> accessed 2 August

2023.

Edwards B, 'Refugees as Assets to their New Countries' (*International Monetary Fund Publication*, 2022)

<<https://www.imf.org/en/Publications/fandd/issues/2022/06/investing-in->

[refugees-afe-economics](https://www.imf.org/en/Publications/fandd/issues/2022/06/investing-in-)> accessed 17 January 2023.

Emmanuel Nzomiwu, 'South East Governors reject cattle ranches' (*Independent Newspaper Nigeria*, 8 July 2018) <[https://independent.ng/south-east-](https://independent.ng/south-east-governors-reject-cattle-ranches/)

[governors-reject-cattle-ranches/](https://independent.ng/south-east-governors-reject-cattle-ranches/)> accessed 15 November 2023.

European Asylum Support Office, Latest asylum trends- June 2021, (*European Union Agency*, 2021) <

<https://www.easo.europa.eu/latest-asylum-trends> > accessed 9

September 2021.

Ferris E, 'Displacement, Natural Disasters, and Human Rights' (*Brooking*, 2008) <

<https://www.brookings.edu/on-the-record/displacement-natural-disasters->

[and-human-rights/](https://www.brookings.edu/on-the-record/displacement-natural-disasters-)> accessed 8 September 2021.

Fiona Bruce, 'Violence against Religious Groups: Nigeria' (*Hansard UK Parliament*, 6 June 2022)

<<https://hansard.parliament.uk/Commons/2022-06-06/debates/A9861C66-BDE9-45B1-A094-0818F045AF7A/ViolenceAgainstReligiousGroupsNigeria>> accessed 23 March 2023.

Food and Agriculture Organisation of the United Nations, 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security' (FAO, 2012) <<https://doi.org/10.4060/i2801e>> accessed 31 May 2022.

Global Protection Cluster, 'Advocacy Note for the Borno State Government (BSG), Humanitarian Leadership and Donors Protection Concerns on the Closure of Dalori I and II IDP Camps and Returns and Relocations of IDPs in Borno State, North-East Nigeria' (*Relief Web*, 2 September 2022) <[file:///C:/Users/OLUGBENGA%20FALADE/Downloads/psne\\_dalori\\_i\\_and\\_ii\\_c\\_amp\\_closures\\_and\\_returnsrelocations - 2022.09.02 - final.pdf](file:///C:/Users/OLUGBENGA%20FALADE/Downloads/psne_dalori_i_and_ii_c_amp_closures_and_returnsrelocations_-_2022.09.02_-_final.pdf)> accessed 3 September 2022.

Helton, Arthur C, 'Surmounting Indifference: Refugees and the New Statecraft', *The Price of Indifference: Refugees and Humanitarian Action in the New Century* (Oxford, 2002) <<https://doi.org/10.1093/0199250316.003.0006>> accessed 10 September 2022.

Hobbes, 'Leviathan' (*Liberty Fund*)

<[http://files.libertyfund.org/files/869/0161\\_Bk.pdf](http://files.libertyfund.org/files/869/0161_Bk.pdf)> accessed 26 February 2021.

Hoegh-Guldberg O, Jacob D, Taylor M, Bindi M, Brown S, Camilloni I, Diedhiou A, Djalante R, Ebi K L, Engelbrecht F, Guiot J, Hijioka Y, Mehrotra S, Payne A, Seneviratne S I, Thomas A, Warren R, and Zhou G, 'Impacts of 1.5°C Global Warming on Natural and Human Systems,' in Masson-Delmotte, Zhai V P, Pörtner H O, Roberts D, Skea J, Shukla P R, Pirani A, Moufouma-Okia W, Péan C, Pidcock

R, Connors S, Matthews J B R, Chen Y, Zhou X, Gomis M I, Lonnoy E, Maycock T, Tignor M, and Waterfield T (eds) *'Global Warming of 1.5°C: An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, (Intergovernmental Panel on Climate change, 2018)* <<https://www.ipcc.ch/sr15/chapter/chapter-3/>> accessed 8 September 2021.

Hon Lady Justice Tuhaise P N, 'Raising the voice and empowering the marginalised in the administration of justice – A view from court' (A Presentation to the Annual Judges' Conference on 24 January 2018) <<http://judiciary.go.ug/files/downloads/Raising%20the%20Voice%20and%20Empowering%20the%20Marginalized%20in%20the%20Administration%20of%20Justice%20by%20Hon.%20Lady%20Justice%20Tuhaise.pdf>> accessed 29 April 2022.

Human Rights Watch, 'Here, Rape is Normal' A Five-Point Plan to Curtail Sexual Violence in Somalia' (HRW, 13 February 2014) <[https://www.hrw.org/sites/default/files/reports/somalia0214\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf)> accessed 8 November 2021.

Human Rights Watch, 'Nigeria: Flawed Trials of Boko Haram Suspects' (HRW, 17 September 2023) <<https://www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects>> accessed 2 August 2023.

Human Rights Watch, 'You Pray for Death: Trafficking of Women and Girls in Nigeria' (HRW, 2019) < <https://www.hrw.org/report/2019/08/27/you-pray-death/trafficking-women-and-girls-nigeria>> accessed 29 October 2022

Ibeanu O, 'State-Making and Internal Population Displacement: Factoring the State into Forced Migration in Nigeria during Military Rule. Africa at Crossroads: Complex Political Emergencies in the 21st Century' (UNESCO / ENA' 2001) <<http://www.unesco.org/most/crossroadsibea.htm>> accessed 6 October 2020

ICMC, 'Don't Let Internal Displaced Persons go unseen, faith-based organisations plead'(ICMC) <<https://www.icmc.net/2020/06/20/dont-let-internally-displaced-persons-go-unseen-faith-based-organizations-plead-2/>> accessed 5 October 2022.

ICMC, 'ICMC on Nigeria: Global community cannot stand by as Nigerians lose their lives' (Vatican News, 27 September 2022  
<<https://www.vaticannews.va/en/church/news/2022-09/nigeria-vitillo-international-catholic-migration-human-rights.html>> accessed 7 January 2023.

IDMC, 'Database' (IDMC)  
< [http://ihldatabases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/40BAD58D71673B1CC125861400334BC4/%24File/IHL\\_and\\_other\\_related\\_Treaties.pdf?Open](http://ihldatabases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmodres/domino/OpenAttachment/applic/ihl/ihl.nsf/40BAD58D71673B1CC125861400334BC4/%24File/IHL_and_other_related_Treaties.pdf?Open)> accessed on 3 January 2023.

ICRC, 'How does IHL protect refugees and internally displaced persons?' (ICRC, 2015)  
<<https://www.icrc.org/en/document/how-does-humanitarian-law-protect-refugees-and-internally-displaced-persons-0>> accessed 18 September 2022.

ICRC, 'Mandate and Mission' (ICRC) < <https://www.icrc.org/en/who-we-are/mandate>>  
accessed 16 October 2022.

ICRC, 'Nigeria: Supporting host communities and displaced people in 2019' (5 September 2019)  
<<https://www.icrc.org/en/document/nigeria-supporting-host-communities-and-displaced-people-2019>> accessed 7 January 2023.

ICRC, 'War and Crime' <<https://www.icrc.org/en/war-and-law> accessed> (ICRC) 14 October 2022.

IDMC, 'About IDMC' (IDMC, 2022) <<https://www.internal-displacement.org/about-us>>  
accessed 2 October 2022.

IDMC, 'Children and youth in internal displacement' (*IDMC*, 20 February 2022) <<https://www.internal-displacement.org/global-report/grid2022/>> accessed 30 March 2023.

IDMC, 'Disaster Displacement: A Global Review, 2008-2018' (*IDMC*, 1 May 2019) <[https://www.internaldisplacement.org/sites/default/files/publications/documents/201905-disaster\\_displacement-global-review-2008-2018.pdf](https://www.internaldisplacement.org/sites/default/files/publications/documents/201905-disaster_displacement-global-review-2008-2018.pdf)> accessed 27 September 2022.

IDMC, 'From Evidence to Impact: Mapping the next 10 years at IDMC' (*IDMC*) <[https://www.internal-displacement.org/sites/default/files/publications/documents/2030\\_IDMC%20Strategy\\_Final.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/2030_IDMC%20Strategy_Final.pdf)> accessed 16 October 2022.

IDMC, 'Global Report on Internal Displacement' (*IDMC*, 2017) <<https://www.internal-displacement.org/sites/default/files/publications/documents/20170522-GRID.pdf>> accessed 30 November 2020.

IDMC, 'Impacts of Displacement: Displaced by Violence, Jos, Nigeria' (*IDMC*, 2021) <[https://www.internal-displacement.org/sites/default/files/publications/documents/%202021.10.21\\_IDMC\\_Impacts%20of%20Displacement\\_Nigeria.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/%202021.10.21_IDMC_Impacts%20of%20Displacement_Nigeria.pdf)> accessed 7 January 2023.

IDMC, 'Internal Displacement' (*IDMC*, 2023) <<https://www.internal-displacement.org/internal-displacement>> accessed 30 March 2023.

IDMC, 'Internal Displacement in Nigeria: A Hidden Crisis' (*IDMC*, February 2005) <<https://www.internal-displacement.org/publications/internal-displacement-in-nigeria-a-hidden-crisis>> accessed 7 January 2023.

IDMC, 'Once the Road is safe – Displacement and Return in North-Eastern Nigeria' (*IDMC*, August 2019)

<<https://www.internal-displacement.org/publications/once-the-road-is-safe-displacement-and-return-in-north-eastern-nigeria>> accessed 7 January 2023.

IDMC, 'Overview' (IDMC, 2022) <<https://www.internaldisplacement.org/countries/ukraine#:~:text=6%2C243%2C000%20people%20were%20estimated%20to,September%202022%2C%20acording%20to%20IOM>> accessed 15 October 2022.

IDMC, '2023 Global Report on Internal Displacement' (IDMC, 2023) <<https://www.internal-displacement.org/global-report/grid2023/>> accessed 21 August 2023

International Rescue Committee UK, 'IRC UK Annual Report and Financial Statements 2021' (IRC, 17 March 2022) <<https://www.rescue.org/sites/default/files/2022-07/Final%20signed%20accounts%202021%20-%20IRC%20UK.pdf>> accessed 16 October 2022.

Internally Displaced Monitoring Center, 'Nigeria' (IDMC) <<https://www.internal-displacement.org/countries/nigeria>> accessed 23 August 2021

Internal Displacement Monitoring Centre, 'An Institutional History of Internal Displacement' (IDMC) <<https://www.internal-displacement.org/internal-displacement/history-of-internal-displacement#:~:text=Internal%20displacement%20was%20placed%20on,state%20and%20international%20humanitarian%20actors.>> accessed 8 December 2022.

Internal Displacement Monitoring Centre, 'Global Report on Internal Displacement 2019' (IDMC, 2019) <<http://www.internaldisplacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>> accessed 15 November 2020.



Internal Displacement Monitoring Centre, 'It's a time bomb"- Protracted displacement and Urban Planning in Abuja' (*IDMC*, 18 December 2018) <<https://www.internal-displacement.org/expert-opinion/its-a-time-bomb-protracted-displacement-and-urban-planning-in-abuja>> accessed 10 December 2020.

IOM, 'Echo backs IDPs Aid Programme' (*IOM*, 2 August 2007) <<https://www.iom.int/news/echo-backs-idp-aid-programme>> accessed 2 October 2022; ECHO, 'Forced Displacement fact sheet' <[https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/forced-displacement-refugees-asylum-seekers-and-internally-displaced-persons-idps\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/forced-displacement-refugees-asylum-seekers-and-internally-displaced-persons-idps_en)> accessed 16 October 2022.

IOM, 'Global Mobility Restriction Overview Weekly update of 31 August 2021' (*IOM*, 2021) <<https://migration.iom.int/reports/covid-19-travel-restrictions-output---31-august-2021?covid-page=1>> accessed 9 September 2021

IOM, 'IOM Welcomes High-Level Panel's Recommendations on Internal Displacement' (*IOM*, 2021) <<https://www.iom.int/news/iom-welcomes-high-level-panels-recommendations-internal-displacement>> accessed 11 April 2022

IOM, 'Nepal: Thousands remain displaced from Earthquake, exposed to impact of coming monsoon season' (*IOM*, 24 June 2016) <<https://www.iom.int/news/nepal-thousands-remain-displaced-earthquake-exposed-impact-coming-monsoon-season#:~:text=Nepal%20%2D%20In%20April%20and%20May,million%20people%20to%20be%20displaced>> accessed 26 September 2022.

IOM, 'Over 15,000 Internal Displaced Persons in Immediate Need of Shelter as Flood Ravages Camps in Northern Nigeria' (*IOM*, 7 October, 2022) <<https://www.iom.int/news/over-15000-internally-displaced-persons-immediate-need-shelter-flood-ravages-camps-northeast-nigeria>> accessed 4 January 2023.

IOM, 'Ukraine Internal Displacement Report: General Population Survey Round 13' (IOM, 2023) < <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-13-11-may-14-june-2023?close=true>> accessed 28 October 2023

IRC, 'Humanitarian Crisis: Nigeria' (*International Rescue Committee*, 2023) < <https://www.rescue.org/country/nigeria>> accessed 7 January 2023.

IRC, 'IRC statement regarding missing staff members in Monguno, Nigeria' (*International Rescue Committee*, 2022) < <https://www.rescue.org/press-release/irc-statement-regarding-missing-staff-members-monguno-nigeria>> accessed 7 January 2022

James Rachels, 'Kantian Theory: The Idea of Human Dignity' (*California Lutheran University*, 1986) < [https://public.callutheran.edu/~chenxi/phil345\\_022.pdf](https://public.callutheran.edu/~chenxi/phil345_022.pdf)> accessed August 26, 2022

Jean-Philippe Lavoyer, 'Refugees and Internally Displaced Persons: International Humanitarian Law and the Role of the ICPC' (*ICRC*, 30 April 1995) < <https://www.icrc.org/en/doc/resources/documents/article/other/57jmf3.htm>> accessed 6 December 2020

Johannes Harnischfeger, *Democratization and Islamic law: The Sharia conflict in Nigeria* (Campus Verlag, 2008)

John Locke, 'John Locke on the Rights to Life, Liberty, and Property of Ourselves and Others (1689)' (*A Millar et al*, 1764) <<https://oll.libertyfund.org/quotes/497>> accessed 26 February 2021.

John Locke, 'The Enhance Edition of John Locke's Two Treatises of Government (1689,1764)' (*Online Library of Liberty*, 16 December 2019)<<https://oll.libertyfund.org/pages/john-locke-two-treatises-1689>> accessed 15 October 2020.

John O Oucho, 'Environmental Impact of Refugees and Internally Displaced Persons in Sub-Saharan Africa' (*University of Warwick*, 2007) <[https://warwick.ac.uk/fac/soc/crer/research/mariecurie/afrobrain/oucho/publications/environmental\\_impact\\_of\\_refugees\\_and\\_internally\\_displaced\\_persons\\_in\\_sub.doc](https://warwick.ac.uk/fac/soc/crer/research/mariecurie/afrobrain/oucho/publications/environmental_impact_of_refugees_and_internally_displaced_persons_in_sub.doc)> accessed 28 October 2022.

Julia St Thomas King, Dennis Ardis, 'Identity crisis? Documentation for the displaced in Iraq' (*Humanitarian Practice Network*, 2015) <<https://odihpn.org/magazine/identity-crisis-documentation-for-the-displaced-in-iraq/>> accessed 8 November 2021.

Jumpei Takami el, 'Forecasting Internally Displaced People's Movements with Artificial Intelligence' (*Research Gate*, January 2022) <[https://www.researchgate.net/publication/357505743\\_Forecasting\\_Internally\\_Displaced\\_People's\\_Movements\\_with\\_Artificial\\_Intelligence](https://www.researchgate.net/publication/357505743_Forecasting_Internally_Displaced_People's_Movements_with_Artificial_Intelligence)> accessed 11 March 2023.

Kajjo S, and Kaina H M, 'Experts: Boko haram Recruiting Children as Soldiers, Suicide Bombers' (*VOA*, 4 September 2020) <<https://www.voanews.com/a/extremism-watch-experts-boko-haram-recruiting-children-soldiers-suicide-bombers/6195472.html>> accessed 13 January 2023.

Kastner A, 'A brief history of the International Rescue Committee' (*International Rescue Committee*)<<https://www.rescueuk.org/sites/default/files/document/999/abriefhistoryoftheirc0.pdf>> accessed 5 October 2022.

Kehinde Akintola, 'Reps: Release of N5.8bn Eurobond without NASS approval was illegal' (*Businessday NG*, 13 November 2018) <<https://businessday.ng/exclusives/article/reps-release-n5-8bn-eurobond-without-nass-approval-illegal/>> accessed 11 November 2022.

Kyari Mustafa, 'Relief Materials meant For Nigerians IDPs are Ending Up in the wrong hands' (*HumAngle Media*, 29 June 2021) <<https://humanglemedia.com/relief-materials-meant-for-nigerian-idps-are-ending-up-in-the-wrong-hands/>> accessed 17 January 2023.

Legrain P, 'Refugees are not burden but an opportunity' (*OECD*, 2016) <<https://www.oecd.org/migration/refugees-are-not-a-burden-but-an-opportunity.htm>> accessed 17 January 2023.

Maher Anawati Bitar, 'Internal Displacement in Occupied Palestinian Territories: Politics and the Loss of Livelihood', in Dawn Chatty, and Bill Finlayson (eds), *Dispossession and Displacement: Force Migration in the Middle East and North Africa* (*British Academy Scholarship*, 2010) <<https://doi.org/10.5871/bacad/9780197264591.003.0004>> accessed 5 January 2023.

Malik S, 'Nigerian Officials Grow Rich on the Hunger of the Poor' (*New Internationalist*) <<https://newint.org/features/web-exclusive/2016/07/18/nigerian-corruption-idp-camps>> accessed 13 January 2023.

Marin M, 'Vice-President of the European Commission between 1993 and 1999' (*European Commission*) <[https://civil-protection-humanitarian-aid.ec.europa.eu/who/30-years-eu-humanitarian-aid\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/who/30-years-eu-humanitarian-aid_en)> accessed 2 October 2022.

Megan Bradley, 'Canada must step up to help millions displaced inside their own countries' (*The Conversation*, 2019) <<https://theconversation.com/canada-must-step-up-to-help-millions-displaced-inside-their-own-countries-119063>> accessed 4 November 2020.

Mohammed F K, 'The Causes and Consequences of Internal Displacement in Nigeria and Related Governance Challenges' (*SWP Berlin*, 8 April 2017) <<https://www.swp-berlin.org/en/analysis/2017/04/the-causes-and-consequences-of-internal-displacement-in-nigeria-and-related-governance-challenges>> accessed 17 January 2023.

[berlin.org/publications/products/arbeitspapiere/Mohammed\\_2017\\_Internal\\_Displacement\\_Nigeria.pdf](https://berlin.org/publications/products/arbeitspapiere/Mohammed_2017_Internal_Displacement_Nigeria.pdf)> accessed 7 November 2023.

Munro, Andre, 'General will' (*Encyclopedia Britannica*, 22 May 2020) <<https://www.britannica.com/topic/general-will>> accessed 31 March 2023.

National Emergency Management Agency, 'NEMA in action' (*NEMA*, 2021) <https://nema.gov.ng/nema-in-action/> accessed 8 September 2021.

National Human Rights Commission, (*NHRC*) 'Child Rights' <[https://www.nigeriarights.gov.ng/focusareas/childrights.html#:~:text=Child's%20Right%20Act%20\(2003\)%20is,36%20states%20of%20the%20federation](https://www.nigeriarights.gov.ng/focusareas/childrights.html#:~:text=Child's%20Right%20Act%20(2003)%20is,36%20states%20of%20the%20federation)> accessed 12 January 2023.

NCFRMI, 'Project Reliance' (*NCFRMI*) < <https://ncfrmi.gov.ng/project-reliance/>> accessed 1 November 2022.

NEMA, 'Monthly IDPs feeding in Borno and Adamawa States: NEDC takes over from NEMA' (*NEMA*, 8 November 2022) < <https://nema.gov.ng/monthly-idps-feeding-in-borno-and-adamawa-states-nedc-takes-over-from-nema/>> accessed 9 November 2022

NHRC, 'Refugees Internally Displaced Persons, Migrants and Asylum Seekers' (*NHRC*) <<https://www.nigeriarights.gov.ng/focus-areas/refugees-internally-displaced-persons-migrants-and-asylum-seekers.html>> accessed 9 November 2022.

Nick Turse, 'US Played Secret Role in Nigeria Attack that Killed more than 160 Civilians' (*The Intercept*, 28 July 2022) < <https://theintercept.com/2022/07/28/nigeria-civilian-displaced-bombing-us/>> accessed 8 January 2023

NRC, 'Internal Displacement' (*NRC*) <<https://www.nrc.no/what-we-do/speaking-up-for-rights/internal-displacement/>> accessed 3 October 2022.

NRC, 'NRC in Nigeria' (NRC) < <https://www.nrc.no/countries/africa/nigeria/> > accessed 7 January 2023.

NUHCR, 'UNHCR: Humanitarian needs remain acute for displaced in flood-hit areas of Pakistan' (UNHCR, 20 September 2022) <<https://www.unhcr.org/uk/news/briefing/2022/9/63297ee24/unhcr-humanitarian-needs-remain-acute-displaced-flood-hit-areas-pakistan.html>> accessed 26 September 2022.

NUHCR, 'World Refugee Day' (UNHCR, 2022) < <https://www.unhcr.org/uk/world-refugee-day.html>> accessed August 26, 2022.

OCHA, 'ECHO factsheet-Nigeria' (OCHA, 26 September 2022) <<https://reliefweb.int/report/nigeria/echo-factsheet-nigeria-last-updated-26092022> > accessed 6 January 2022.

OCHA, 'Background Information on the IDP situation in Nigeria' (OCHA, 2002) <<https://reliefweb.int/report/nigeria/background-information-idp-situation-nigeria-0>> accessed 30 March 2023.

OCHA, 'Nigeria: When Aid Goes Missing' (OCHA, 2016) < <https://reliefweb.int/report/nigeria/nigeria-when-aid-goes-missing>> accessed 1 February 2023.

OCHA, 'Nigeria Humanitarian Needs Overview 2022' (OCHA, 2022) <<https://reliefweb.int/report/nigeria/nigeria-humanitarian-needs-overview-2022-february-2022#:~:text=The%20conflict%20stemming%20from%20the,caused%20a%20crisis%20of%20protection>> accessed 19 January 2023.

OCHA, 'Our work' (OCHA, 2022) < <https://www.unocha.org/about-ocha/our-work>> accessed 9 October 2022.

Office of the Vice President, 'Presidency Working to Improve IDPs' Living Conditions,'  
(*The Nigerian Voice*, 9 July 2015)

<<https://www.thenigerianvoice.com/news/184895/presidency-working-to-improve-idps-living-conditions.html>> accessed 13 November 2022.

OHCHR, 'Northeast Nigeria: Addressing Impunity for Sexual Violence Amidst a Decade-Long Conflict' (*OHCHR*, 5 November 2019)

<<https://www.ohchr.org/EN/NewsEvents/Pages/SexualViolenceNortheastNigeria.aspx>> accessed 9 September 2021.

OHCHR, '20th Anniversary of the Guiding Principles on Internal Displacement: A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020' (*OHCHR*, 23 May 2018)

<<https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/GP20PlanOfAction.pdf>> accessed 31 March 2023.

OHCHR, 'What we do: an overview' (*OHCHR*, 2022) < <https://www.ohchr.org/en/about-us/what-we-do> > accessed 11 April 2022.

Okemuyiwa A A, 'The Role of the Police in Protecting Internally Displaced Persons: In a Case Study of Northern Nigeria' (*ResearchGate*, 12 July 2018) < <https://www.researchgate.net/publication/326351972> THE ROLE OF THE POLICE IN PROTECTING INTERNALLY DISPLACED PERSONS IN A CASE STUDY OF NORTHERN NIGERIA> accessed 10 March 2023.

Orchard P, Improving the implementation of National Internally Displaced persons laws and policies and politics (*UNHCR*)

<<https://www.unhcr.org/uk/events/conferences/5a86d0497/improving-implementation-national-internally-displaced-persons-laws-policies.html?query=Internally%20Displaced%20persons>> accessed 10 September 2022.

Oucho J O, 'Environmental Impact of Refugees and Internally Displaced Persons in Sub-Saharan Africa' (*University of Warwick*, November 2007) <[https://warwick.ac.uk/fac/soc/crer/research/mariecurie/afrobrain/oucho/publications/environmental\\_impact\\_of\\_refugees\\_and\\_internally\\_displaced\\_persons\\_in\\_sub.doc](https://warwick.ac.uk/fac/soc/crer/research/mariecurie/afrobrain/oucho/publications/environmental_impact_of_refugees_and_internally_displaced_persons_in_sub.doc)> accessed 28 October 2022.

Oxford Department of International Development, 'Sharia implementation in Northern Nigeria after 15 years' (*University of Oxford*) <<https://www.qeh.ox.ac.uk/content/sharia-implementation-northern-nigeria-after-15-years>> accessed 13 September 2021.

Phil Orchard, Improving the implementation of National Internally Displaced Persons Laws and Policies and Politics (*UNHCR*) <<https://www.unhcr.org/uk/events/conferences/5a86d0497/improving-implementation-national-internally-displaced-persons-laws-policies.html?query=Internally%20Displaced%20persons>> accessed September 10, 2022.

Phillippe Legrain, 'Refugees are not burden but an opportunity' (*OECD*, 2016) <<https://www.oecd.org/migration/refugees-are-not-a-burden-but-an-opportunity.htm>> accessed 17 January 2023.

Premium Times, 'Buhari speaks on Benue flood that has displaced over 100, 000 People' (*Premium Times Nigeria*, 2017) <<https://www.premiumtimesng.com/news/headlines/242094-buhari-speaks-benue-flood-displaced-100000-people.html>> accessed 1 June 2023.

Premium Times, 'Exploitation of Internally Displaced persons in Nigeria, By Kayode Ogundamisi' (*Premium Times Nigeria*, 12 July 2015) <<https://opinion.premiumtimesng.com/2015/07/12/exploitation-of-internally-displaced-persons-in-nigeria-by-kayode-ogundamisi/>> accessed 11 November 2022.



Premium Times, 'NHRC to investigate alleged fraudulent activities in IDPs camp' < <https://www.premiumtimesng.com/regional/north-east/277902-nhrc-to-investigate-alleged-fraudulent-activities-in-idp-camps.html>> (*Premium Times Nigeria*, 26 July 2018) accessed 9 November 2022.

Refugee Council of Australia, 'How many refugees are there in the world?' (*Refugee Council of Australia*, 2022) < <https://www.refugeecouncil.org.au/how-many-refugees/>> accessed 10 December 2022.

Refugees International, 'COVID-19 and the Displaced: Addressing the Threat of the Novel Corona Virus in Humanitarian Emergencies' (*Refugees International*, 30 March 2020) <<https://www.refugeesinternational.org/reports-briefs/covid-19-and-the-displaced-addressing-the-threat-of-the-novel-coronavirus-in-humanitarian-emergencies/>> accessed 5 November 2023.

Rotimi Agboluaje and Alex Monye, 'Afenifere tasks Buhari on insurgency, says no to IDP camps in South' (*The Guardian Newspaper*, 28 June 2022) < <https://guardian.ng/news/afenifere-tasks-buhari-on-insurgency-says-no-to-idp-camps-in-south/>> accessed 7 January 2023.

Romola Adeola, 'What Does Development-Caused Displacement Look Like in Africa' (*IDMC*, December 2016) < <https://www.internal-displacement.org/expert-opinion/what-does-development-caused-displacement-look-like-in-africa>> accessed 1 June 2023.

RULAC Geneva Academy, Non-international Armed Conflicts in Democratic Republic of Congo (*RULAC*, 2018) < <https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-democratic-republic-of-congo#collapse2accord>> accessed 3 January 2023.

RULAC Geneva Academy, Non-international armed conflicts in Ethiopia (*RULAC*, 2018) <<https://www.rulac.org/browse/conflicts/non-international-armed-conflict-inethiopia#collapse2accord>> accessed 4 January 2023.

RULAC Geneva Academy, Non-international Armed Conflicts in Democratic Republic of Sudan (RULAC, 2018) < <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-sudan#collapse3accord>> accessed 3 January 2023.

RULAC Geneva Academy, 'Non-International Armed Conflicts in Syria' (RULAC, 2018) < <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-syria>> accessed 5 January 2023.

RULAC Geneva Academy, Non-international armed conflicts in Yemen, (RULAC, 2028) < <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-yemen>> accessed 4 January 2022.

Samuel Malik, 'Nigerian Officials Grow Rich on the Hunger of the Poor' (New Internationalist, 18 July 2016)<<https://newint.org/features/web-exclusive/2016/07/18/nigerian-corruption-idp-camps>> accessed 13 January 2023.

Seattle C, Leader of the Suquamish, and Duwamish Native American Tribes, 'Chief Seattle> Quotes' (Goodreads, 2023) < [https://www.goodreads.com/author/quotes/331799.Chief\\_Seattle](https://www.goodreads.com/author/quotes/331799.Chief_Seattle)> accessed 9 November 2023.

St Thomas King J, Ardis D, 'Identity crisis? Documentation for the displaced in Iraq' (Humanitarian Practice Network, (*Humanitarian Practice Network*, 29 October 2015) < <https://odihpn.org/magazine/identity-crisis-documentation-for-the-displaced-in-iraq/>> accessed 8 November 2021.

Stabilisation Unit, 'Policing the context: Principles and guidance to inform international policing assistance,' (UK Government, 1 March 2014)

<[https://issat.dcaf.ch/download/44111/682626/Stabilisation%20Unit\\_Policing%20the%20Context%20What%20Works-%20March%202014.pdf](https://issat.dcaf.ch/download/44111/682626/Stabilisation%20Unit_Policing%20the%20Context%20What%20Works-%20March%202014.pdf)> accessed 22 January 2023.

Stavropoulos M, 'Drowned in Definitions' (2008) 31 *Forced Migration Review* 1112; UNHCR, 'Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective' (*Refworld*, 23 October 2008) < <https://www.refworld.org/docid/492bb6b92.html>> accessed 8 September 2021.

Szmigiera M, 'Number of people displaced due to disasters worldwide from 2008 to 2020' (*Statista*, August 2022) <<https://www.statista.com/statistics/545876/number-of-people-displaced-due-to-disasters-worldwide/>> accessed 8 September 2021.

Takami J, 'Forecasting Internally Displaced People's Movements with Artificial Intelligence' (*ResearchGate*, January 2022) <[https://www.researchgate.net/publication/357505743\\_Forecasting\\_Internally\\_Displaced\\_People's\\_Movements\\_with\\_Artificial\\_Intelligence](https://www.researchgate.net/publication/357505743_Forecasting_Internally_Displaced_People's_Movements_with_Artificial_Intelligence)> accessed 7 November 2023.

The Guardian, 'NHRC calls for urgent action to protect refugee, migrants, IDPs' (*The Guardian*, 2021) < <https://guardian.ng/news/nhrc-calls-for-urgent-action-to-protect-refugee-migrants-idps/>> accessed 9 November 2022.

The Times of Israel, 'About 200,000 Israelis Internal Displaced Amid ongoing Gaza War, Tensions in North' [*Times of Israel*, 2023] < <https://www.timesofisrael.com/about-200000-israelis-internally-displaced-amid-ongoing-gaza-war-tensions-in-north/>> accessed 28 October 2023.

The United Nation Refugee Agency, *Internal Displacement: Responsibility and Action* (*Refworld*, 2013) <<https://www.refworld.org/pdfid/528b1a444.pdf>> accessed 10 April 2022.

The New York Times, 'Africa: Nigeria's Boko Haram Kills 49 in Suicide Bombings' (Associated Press, 2015) <<https://web.archive.org/web/20151121020206/http://www.nytimes.com/ap-online/2015/11/17/world/africa/ap-af-boko-haram.html? r=0>> accessed 21 August 2023.

This Day Newspaper, 'House Indicts Osinbajo over Alleged Mismanagement of N5.8bn IDP Fund' (*THISDAYLIVE*, 9 November 2022) <<https://www.thisdaylive.com/index.php/2018/11/09/house-indicts-osinbajo-over-alleged-mismanagement-of-n5-8bn-idp-fund/>> accessed 11 November 2022.

Turse N, 'US Played Secret Role in Nigeria Attack that Killed more than 160 Civilians' (*The Intercept*, 28 July 2022) <<https://theintercept.com/2022/07/28/nigeria-civilian-displaced-bombing-us/>> accessed 8 January 2023.

Uchendu E, 'Religious Conflicts in Nigeria: Implication on Socio-Economic and Psychological Perceptions of Muslims in Igbo Land' (*John Challenge*, 16 March 2016) <<https://princejohnchallenge.blogspot.com/2016/03/religious-conflicts-in-nigeria.html>> accessed 8 September 2021.

UK Government, 'Country Policy and Information Note: Trafficking of Women, Nigeria, April 2022 (accessible version)' (*UK Government*, 12 August 2022) <<https://www.gov.uk/government/publications/nigeria-country-policy-and-information-notes/country-policy-and-information-note-trafficking-of-women-nigeria-april-2022-accessible-version>> accessed 12 November 2022.

UK Government, 'FCDO annual report and accounts 2020 to 2021' (*UK Government*, 22 September 2021) <<https://www.gov.uk/government/publications/fcdo-annual-report-and-accounts-2020-to-2021/fcdo-annual-report-and-accounts-2020-to-2021-sections-11-to-21>> accessed 28 September 2022.

UK Government, 'UK commits millions to helping the world's most vulnerable on World Humanitarian day' (*UK Government*, 19 August 2022) <  
<https://www.gov.uk/government/news/uk-commits-millions-to-helping-the-worlds-most-vulnerable-on-world-humanitarian-day>> accessed 2 October 2022.

UK Government, 'What we do' (*UK Government*) <  
<https://www.gov.uk/government/organisations/foreign-commonwealth-development-office>> accessed 2 October 2022.

UK Parliament, 'King's Speech 2023: Foreign affairs and defence' [UK Parliament, 2023] <  
<https://lordslibrary.parliament.uk/kings-speech-2023-foreign-affairs-and-defence/>> accessed 28 October 2023.

UN, 'Causes and Effects of Climate Change' (*UN*) <  
<https://www.un.org/en/climatechange/science/causes-effects-climate-change>> accessed 8 November 2022.

UN, 'Opinion: It's time for a Global Fund for displacement' (*UN*, 8 November 2021) <  
<https://www.un.org/internal-displacement-panel/content/opinion-its-time-global-fund-displacement>> accessed 6 March 2021.

UN, 'United Nations Development Group Guidelines on Indigenous Peoples Issues' (*UN*, 2008) <  
[www2.ohchr.org/english/issues/indigenous/docs/Guidelines.pdf](http://www2.ohchr.org/english/issues/indigenous/docs/Guidelines.pdf)> accessed 6 December 2020.

UNCERF, 'CERF Allocation by emergency: Displacement 2022' (UNCERF, 2022) <  
<https://cerf.un.org/what-we-do/allocation/2022/emergency/16>> accessed 30 September 2022.

UNDP, 'Crisis Response and Resilience in Nigeria' (*UNDP*) <  
<https://www.undp.org/nigeria/crisis-response-and-resilience-nigeria>> accessed 4 January 2023.

UNDP Evaluation Office, *Sharing New Ground in Post-Conflict Situations: The role of UNDP in support or reintegration programme*, (UNDP, 2000) < <https://digitallibrary.un.org/record/592730?ln=en>> accessed 11 April 2022.

UNHR, 'About the Mandate: Special Rapporteur on The Human Rights Of Internally Displaced Persons' (UNHR) < <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-mandate>> accessed 31 March 2023.

UNHCR, 'Assessment of trafficking risks in internally displaced persons camps in North-East Nigeria for the United Nations High Commissioner for Refugees' (UNHCR, 7 April 2020) < <https://data.unhcr.org/en/documents/download/75273>> accessed 10 November 2022.

UNHCR, 'Climate change and disaster displacement,' (UNHCR, 2021) [https://www.unhcr.org/climate-changeanddisasters.html?gclid=EAlaIQobChMlz\\_BzYPw8gIVehoGAB3zawCtEAA\\_YASAAEgIFlvD\\_BwE&gclsrc=aw.ds](https://www.unhcr.org/climate-changeanddisasters.html?gclid=EAlaIQobChMlz_BzYPw8gIVehoGAB3zawCtEAA_YASAAEgIFlvD_BwE&gclsrc=aw.ds) accessed 8 September 2021.

UNHCR, 'Climate Change and Disaster Displacement' (UNHCR/UK, 2021-2023) <<https://www.unhcr.org/uk/climate-change-and-disasters.html>> accessed 30 March 2023.

UNHCR, 'Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective' (UNHCR, 2008) < <https://www.refworld.org/docid/492bb6b92.html>> accessed 8 September 2021.

UNHCR, 'Desperate Journeys: Refugees and migrants arriving in Europe and at Europe's borders January-December 2018' (UNHCR) < <https://www.unhcr.org/desperatejourneys/>> accessed 17 January 2023.

UNHCR, 'Enhancing Security and Protection around IDP settlements' (UNHCR, 2016) < [https://www.globalprotectioncluster.org/old/assets/files/field\\_protection\\_clu](https://www.globalprotectioncluster.org/old/assets/files/field_protection_clu)

sters/Nigeria/files/pswg-position-paper-on-enhancing-security-and-protection-around-idp-sites\_april-2016\_en.pdf> accessed 8 January 2023.

UNHCR, 'Handbook for the Protection of Internally Displaced Persons, part v, protection risks: Prevention, mitigation, and response (Action Sheets)' (UNHCR, 25 November 2018) < <https://www.unhcr.org/uk/4794b2342.pdf>> accessed 14 May 2022.

UNHCR, 'Introduction to The Mandate Of The Special Rapporteur On The Human Rights Of Internally Displaced Persons (IDPs)' (UNHCR) < <https://www.ohchr.org/en/issues/idpersons/pages/mandate.aspx>> accessed 4 December 2020.

UNHR, 'Israel must rescind evaluation order for northern Gaza and comply with international law: UN expert' [UNHR, 2023] <<https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>> accessed 28 October 2023

UNHCR, 'Internally Displaced People' (UNHCR/Nigeria) <<https://www.unhcr.org/ng/idps>> accessed 17 March 2023

UNHCR, 'Nigeria emergency' (UNHCR/UK) < <https://www.unhcr.org/uk/nigeria-emergency.html>> accessed 17 March 2023.

UNHR, 'Overview' (UNHR, 2022) <<https://www.ohchr.org/en/countries/ukraine>> accessed 11 April 2022.

UNHCR, 'Over 1,500 displaced children receive birth certificates in Nigeria' (UNHCR, 31 August 2021) < <https://www.unhcr.org/news/stories/2021/8/612e01a44/over-1500-displaced-children-receive-birth-certificates-in-nigeria.html>> accessed 13 January 2023.

UNHCR, “The ‘Essential Right’ to Family Unity of Refugees and Others in Need of International Protection in the Context of Family Reunification” (*F Nicholson Protection Policy and Legal Advice Research Series*, December 2017) < <http://www.refworld.org/docid/5a3cebbe4.html> > accessed 1 November 2022.

UNHCR, ‘The UN Refugee Agency/UK’ (*UNHCR* 2020) < <https://www.unhcr.org/uk/internally-displaced-people.html>> accessed 3 November 2020.

UNHCR, ‘Protection’ (*UNHCR*) < <https://www.unhcr.org/ng/protection>> accessed 4 January 2023.

UNHCR, ‘UNHCR: One year after the Russian invasion, insecurity clouds return intentions of Displaced Ukrainians’ (*UNHCR*, 2023) < <https://www.unhcr.org/news/unhcr-one-year-after-russian-invasion-insecurity-clouds-return-intentions-displaced-ukrainians> > accessed 21 July 2023.

UN Human Rights Office of the High Commissioner, ‘About Internally Displaced Persons: Special Rapporteur on the Human Rights of Internally Displaced Persons’ (*UN OHCHR*) < <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>> accessed September 1, 2022.

UN Human Rights office of the High Commissioner, ‘The principle of non-refoulement under international human rights law’ (*UN OHCHR*) <<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNonRefoulementUnderInternationalHumanRightsLaw.pdf>> accessed September 1, 2022.

United Nations, ‘UN General Assembly votes to suspend Russia from the Human Rights Council’ (*UN*, 2022) <<https://news.un.org/en/story/2022/04/1115782> > accessed 11 April 2022.



United Nations Development Programme, 'About us' (*UNDP*, 2022) <<https://www.undp.org/faqs>> accessed 2 April 2022.

United Nations Office of the High Commissioner, 'OHCHR in Nigeria' (*UN OHCHR*) <<https://www.ohchr.org/en/countries/nigeria/our-presence> > accessed 4 January 2022.

UNICEF, 'Nigeria: Humanitarian Situation Quarter 1 Situation Report 2022' (*UNICEF*, 2022)<<https://www.unicef.org/media/121306/file/Nigeria-Humanitarian-SitRep-January-March-2022.pdf> > access 10 October 2023.

UNICEF, 'UNICEF works for children around the world' (2022) <<https://www.unicef.org.uk/about-unicef-uk/>> accessed 4 April 2022.

UNICEF, 'Two million refugee children flee war in Ukraine in search of safety across borders'(*UNICEF*, 2022) <<https://www.unicef.org/press-releases/two-million-refugee-children-flee-war-ukraine-search-safety-across-borders>> accessed 11 April 2022.

UNICEF, 'What we do' (*UNICEF*, 2022) <<https://www.unicef.org/what-we-do>> accessed 4 April 2022.

UNICEF Data, 'Lost at home: The risks and challenges for internally displaced children and urgent actions needed to protect them' (*UNICEF*, 5 May 2020) <<https://data.unicef.org/resources/lost-at-home-risks-faced-by-internally-displacedchildren/#:~:text=Internally%20displaced%20children%20are%20particularly,to%20reach%20their%20full%20potential> > accessed 8 September 2021.

UNICEF Data, 'Migrant and displaced children in the age of COVID-19' (*UNICEF*, 5 May 2020) <https://data.unicef.org/resources/migrant-and-displaced-children-in-the-age-of-covid-19/>> accessed 7 November 2023.

UNICEF and IDMC, 'Equitable Access to Quality Education for Internally Displaced Children' (*UNICEF and IDMC*, 2019).

<<https://www.unicef.org/media/56196/file/Equitable%20access%20to%20quality%20education%20for%20internally%20displaced%20children.pdf> > accessed 9 September 2021.

United Nations CERF, 'CERF Allocation by emergency: Displacement 2022' (*UN CERF*, 2022) <<https://cerf.un.org/what-we-do/allocation/2022/emergency/16>> accessed 30 September 2022.

United States Environmental Protection Agency, 'Summary of criminal prosecution' (*USEPA*, 2013)

<[https://cfpub.epa.gov/compliance/criminal\\_prosecution/index.cfm?action=3&prosecution\\_summary\\_id=2468](https://cfpub.epa.gov/compliance/criminal_prosecution/index.cfm?action=3&prosecution_summary_id=2468)> accessed 30 April 2022.

University College London, 'UCL Humanitarian Summit: Human Displacement in the context of extreme weather events and climate change' (*UCL*, 15 June 2022) <<https://www.internal-displacement.org/events/human-displacement-in-the-context-of-extreme-weather-events-and-climate-change>> accessed 11 September 2022.

University of Birmingham, 'CIFORB Country Profile – Nigeria' (*University of Birmingham*) <<https://www.birmingham.ac.uk/Documents/college-artslaw/ptr/ciforb/resources/Nigeria.pdf>> accessed 12 November 2022.

U.S. Department of State, '2021 Country Reports on Human Rights Practices: Nigeria' (*US Department of State*, 2021) <<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/nigeria>> accessed 21 January 2023.

US Department of State, '2019 Trafficking in Persons Report: Nigeria' (*US Department of State*, 2019) <<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/nigeria/>> accessed 13 January 2023.

US Department of State, '2021 Trafficking in Persons Report: Nigeria' (*US Department of State*, 2021) < <https://www.state.gov/reports/2021-trafficking-in-persons-report/nigeria/>> accessed 29 October 2022.

USAID, 'BHA fact sheet' (*USAID*) <<https://www.usaid.gov/humanitarian-assistance/documents/bha-fact-sheet>> accessed 2 October 2022.

USAID, 'Nigeria-Complex Emergency' (*USAID*, 2022)  
<[https://www.usaid.gov/sites/default/files/2022-12/2022-12-16\\_USG\\_Nigeria\\_Complex\\_Emergency\\_Fact\\_Sheet\\_1.pdf](https://www.usaid.gov/sites/default/files/2022-12/2022-12-16_USG_Nigeria_Complex_Emergency_Fact_Sheet_1.pdf)> accessed 19 January 2023.

USAID, 'Restoring Livelihoods for Displaced Nigerians' (*USAID*, August 2016)  
<<https://www.usaid.gov/news/restoring-livelihoods-displaced-nigerians>>  
accessed 4 January 2023.

USAID, 'USAID Assistance to Internally Displaced Persons: Policy Implementation Guidelines' (*USAID*)  
<<https://www.usaid.gov/sites/default/files/documents/1868/200mbd.pdf>>  
accessed 2 October 2022.

USAID, 'Who we are' (*USAID*) <<https://www.usaid.gov/who-we-are>> accessed 2 October 2022.

Vanguard Newspaper, 'How NGO Staff Raped 15-year-old Female IDP to Death in Borno' (*Vanguard News*, 21 January 2022)  
<<https://www.vanguardngr.com/2022/01/how-ngo-staff-raped-15-year-old-female-idp-to-death-in-borno/>> accessed 28 April 2022.

Vanguard News, 'No one raped us, Amnesty International lied-Borno IDPs, others Reveal' (*Vanguard News*, 2 June 2018)  
<<https://www.vanguardngr.com/2018/06/no-one-raped-us-amnesty-international-lied-borno-idps-others-revealed/>> accessed 29 April 2022.

Vanguard News, 'We were actually Raped and Forced to Deny it by Soldiers-Borno IDPs' (*Vanguard News*, 5 June 2018)

< <https://www.vanguardngr.com/2018/06/actually-raped-forced-deny-soldiers-borno-idps/>> accessed 29 April 2022.

Viviane C, Kumari R K, Alex D S, Bryan J, Susana A, Jacob S, Nian S, Elham S, 'Groundswell Part 2: Acting on Internal Climate Migration' (World Bank, 2021)

<<https://openknowledge.worldbank.org/handle/10986/36248>> accessed 1 April 2023.

Voice of America, 'Obasanjo accesses riot damages in kano: 2001-10-16' (*VOA News*, 30 November 2009)

<<https://www.voanews.com/a/a-13-a-2001-10-16-32-obasanjo-67542777/286046.html>> accessed 28 April 2022.

World Food Programme, 'War in Ukraine: WFP aims to reach more than 300m people caught up in the conflict' (*World Food Programme*, 2022)

<<https://www.wfp.org/>> accessed 11 April 2022.

WFP, 'What the World Food Programme is doing to respond to the North Eastern Nigeria emergency' (*WFP*, 2022)

< <https://www.wfp.org/emergencies/nigeria-emergency>> accessed 4 January 2023.

WFP, 'Who we are' (*WFP*, 2022) <<https://www.wfp.org/who-we-are>> accessed 11 April 2022.

World Food Programme, 'War in Ukraine: WFP aims to reach more than 300m people caught up in the conflict' (*World Food Programme*, 2022)

< <https://www.wfp.org/>> accessed 11 April 2022.

World Health Organisation, 'Disability and health' (*World Health Organisation*, 2021)

<<https://www.who.int/en/news-room/fact-sheets/detail/disability-and-health>> accessed 9 April 2021.

