

## **PROTECTION OF INTERNALLY DISPLACED PERSONS IN NIGERIA, THE NEED FOR A VIABLE POLICY AND LEGAL FRAMEWORK**

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### **ABSTRACT**

*Displacement is a menace in many countries of the world. Over 160 million of world population has been forced out from their area of primary residence in the last five years. Most of these persons displaced found themselves in that situation mainly as a result of several drivers of displacement ranging from armed conflict like is the case presently in Ukraine and Sudan. Others occur as a result of generalised violence, natural disasters like flooding or even drought or hurricane, famine, human rights violations and other reasons namely environmental degradation, displacement induced by main made projects etc. in different climes like united states where natural disasters like hurricane is apparent, Europe, Canada and Asia, states have responded positively in adopting strategies to address the ugly trend. They have enacted law and initiated policies to be driven by the laws. This research has a task of finding out whether or not there is a policy and legal framework for protection of IDPs in Nigeria. The work aims at discovering whether protection under the constitution for all citizens is enough to take care of IDPs in spite of their vulnerability. The research found out that there is no legal framework in Nigeria for IDPs protection and also a policy framework as the one in place is yet to be adopted, the work at the end concluded and recommended that there cannot be a valid protection of IDPs without legal and policy framework in place in Nigeria.*

**Keywords:** Internal Displacement, Internally Displaced Persons, Vulnerability, Status and Identity of IDPs, And International Humanitarian Law.

### **Introduction**

The welfare, protection, assistance and promotion of the rights of internally displaced persons is a national question and had received regional and global attention. The negative effects and impacts of internal displacement on the individual victim, group and areas where it occurs is terrifying. According to Enwezor, (2021); Onyekwelu and Adinna (2022), internal displacement arises due to some reasons or causes including armed conflict, rising tensions and national uprising, generalised violence, human rights abuses or violations and other manmade and natural disasters. It is vital to observe that in the global internal displacement index, Abonyi (2019) noted that Africa ranks highest amongst the continents hit by internal displacement.

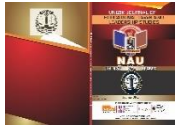


As noted by Nwankwo (2022); Ugwaka and Igbokwe (2020), it is also clear that most of the reasons for cases of displacement in Africa is as a result of protracted armed conflict which is the product of unending and inept and corrupt leadership that exist among African countries which has widened the level of poverty among the people, this frustrated many which makes them to take up arms against the state causing insecurity, insurgency and generalized violence which force many citizens of the countries to forcefully vacate their places of habitual residence instances Zimbabwe, Democratic Republic of Congo, Sudan, Liberia, Sierra Leone and Nigeria are cases of countries in Africa where corrupt and bad leadership has pauperized the citizens leading to tension, insecurity, violence of great proportion which create and instil fear on the people and they leave.

Many citizens in these African states including Nigeria and in other places such as the American States like California, Colombia and even in Europe are displaced as a result of manmade factors and natural disasters. We have heard of building collapse in Lagos Nigeria, bridge collapse both in Nigeria and other countries, we have also heard of natural disasters like earth quake, draught, flood as was witnessed in so many states in Nigeria between 2012, 2018 and recently in 2019 (Abonyi, 2019). In the flood of 2012 and 2018, states like Benue, Bayelsa and Anambra states were worst hit. In these instances, properties worth millions of naira were lost while many died in the process and others rendered homeless and displaced without trace of their family members and without hope of reuniting with them. In the United States, records have cases of natural disasters leading to high number of internally displaced persons; there is the Hurricane Katrina, the Hurricane Rita and Hurricane Florence and the most recent Hurricane Dorian that occurred in 2019. In all these cases both in Nigeria, United States and Colombia as well as others that are not disaster oriented, the victims as well as the state suffer.

According to Ofozoba and Ofozoba (2023); Anushiem, (2023), it is no longer news that due to Russian invasion of Ukraine in February 2022, millions of civilian populations of different countries have been displaced, same applies to the war-torn Sudan. There has been regional and international response on how to promote the protection, welfare and assistance to IDPS. The situation above has also created national consciousness among states on measures and strategies towards addressing the ugly problem of internal displacement (National Policy Framework by the Federal Republic of Nigeria, 2012).

Internal Displacement, as noted by Ezeaku (2019); Ekwesianya, Okaforcha and Okeke (2020), involves the movement of individuals out of their place of habitual residence to another place either as a result of armed conflict, internal uprising and tensions, generalized violence, human rights abuses, harsh political and economic policies of government which subject the people to suffering and natural disasters. Internal displacement creates hardship to the persons affected i.e., the victims, and makes them most vulnerable. According to Nwakoby and Iloka (2025); Osegbue (2021), the IDPs are forced to leave their place of residence, some other times they are evacuated forcefully owing to the fear of eventual occurrence of a disaster or threat or danger to life as is in Sudan now. Not only that they are separated from their family members, Onyekwelu (2024); Adinna and Onyekwelu, (2021) noted that they are subjected to excruciating difficulties and suffering which create confusion leaving them hopeless, vulnerable, frustrated and dehumanized.



Under international law, as observed by Osegbue (2019); Anushiem and Anushiem, (2023), IDPs are citizens of their respective countries and would be protected. The United Nations advocate that the approach towards IDPs should be from a human right perspective. Though some countries still argue that there is no justification why IDPs should be accorded special protection beyond the protection afforded by different state constitution to all her citizens, the emerging global trend is that there is need for the special protection of IDPs. The United Nation's guideline for protection, welfare and assistance to IDPs all over the globe is an international response towards protection of rights of IDPs. Though strictly and legally not binding on states, it influences national and regional efforts towards protection and assistance to IDPs. As Abonyi (2022) viewed, displacement is a humanitarian crisis hence apart from national laws, humanitarian law comes in to assist the victims.

Apart from the United Nations Guidelines on the protection, welfare and assistance to IDPs, the African Union Convention on the Protection, Welfare and Assistance to Internally Displaced Persons called Kampala Convention is a laudable regional effort by African Union and this instrument has not only influenced international dimension towards protecting IDPs but has boosted the campaign for the realization of the rights of victims of internal displacement. The protection of victims of displacement is vital but the need for a legal framework to give foundation for such protection in Nigeria is more important. Prior to the Kampala Convention, writers and scholars viewed that member states must ensure that there is legislation at the domestic level to protect IDPs just like there are laws protecting other vulnerable persons in the states including children, women and even persons displaced by armed hostilities or conflict as well as human rights abuses and refugees (Amano, 2020). According to Ezeaku, and Okoye (2025); Osegbue (2022); Ibe, (2019), where there is no policy for protection of victims of internal displacement and a legal framework to drive the policy, the problem of protection becomes serious. We agree with Karl in his reasoning above because without a legal framework, the policy will not only lack direction but cannot lead to the realization of its objective which is to ensure the protection of IDPs.

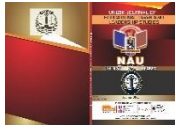
Internal displacement makes a person or group of persons to leave their primary area of residence or habitation to another area. The causes of displacement range from conflict, violence, natural and manmade disasters like flood, famine and at other times, displacement can be as a result of the harsh effects of the oppressive policies of a regime in power. It is not in doubt that victims become more and more vulnerable hence the need for their protection (Abonyi, 2023). The rise in number of IDPs in Nigeria as a result of a of the causes of displacement like the flooding of many parts of Nigeria in 2012, 2014 and 2018 and the devastating effects of insurgency and banditry in the Northeast owing to the activities of the boko haram and herders in many parts of North, Middle Belt and the violent activities in the South have left many homeless. Sadly, there is no legal framework enacted in Nigeria for the protection, assistance and promotion of welfare of IDPs in the country. Though the Federal Government of Nigeria under President Goodluck Ebele Jonathan came up with a policy framework for the protection of IDPs in Nigeria through the Presidential Technical Committee set up for that in 2013, there is yet till date no legal framework to mainstream the policy framework (Ojimba, 2024); Okeke, Okaforcha & Ekwesianya, 2019).



By the IDMC Report from its study on internal displacement in some countries including Nigeria, more than fifty million people are internally displaced in countries within the African sub region owing to violence, conflicts, developmental projects, disaster and human rights violations. This is a concern globally and agitations is high on the most productive measures vital and relevant enough to address the menace (IDMC, 2019). In Nigeria, as stated by Nonyem and Chimaa (2020), Ojimba, (2020), the protection extended to the IDPs is not based on the provisions of any legislation precisely and specifically enacted for the protection of IDPs rather, such protection are based on the activities of commissions or departments or ministries of government vested with powers and functions that overlap with humanitarian duties or services to those in need and further protection made in some specific legislations protecting other citizens in Nigeria irrespective of the situation they find themselves . A good example of the above instances or situation is where the National Commission for Refugees in Nigeria work hand in hand with agencies like National Emergency Management Agency (NEMA) and Ministry for Disaster Management and Humanitarian Affairs as well as the National Human Rights Commission. The above departments, and agencies are not by any enactment specifically empowered to protect and advance the welfare of IDPs in Nigeria. In other instances, the IDPs are protected on the basis of the rights guaranteed under chapter (iv) of the 1999 constitution as amended which rights are also being enjoyed by other citizens.

According to Ibe, (2022); Okoye and Ezeaku (2025), Sankarah Gumel, an Irish Aid and Missionary Worker during the Pakistani and Israeli crisis in Ghaza in 2015 viewed that internal displacement arising from armed conflict and violent conflict accounts for over seventy million cases of displacement globally and stated that the victims face excruciating hardship because both at the domestic level, regional and international fora, there is no instrument protecting IDPs. The position of Ezeaku (2025) in particular is in accord with the view of Lorenzo Kamal, African Human Rights Rapporteur for the protection of victims of armed conflict in DR Congo who reasoned those countries don't have legal regimes to protect IDPs. Even though the number or cases of displacement in the African continent continues to rise (Kamal, 2015).

The concerns raised for the absence or dearth of legal regimes for protection of IDPs at state level, regional and international community of states has led to the adoption of General Principles for the protection of internally displaced persons by the United Nations (Okaforcha & Iloka (2025; Ekwesianya, 2022). In as much as the General Principles is a welcome development, its provisions more or less do not impose any obligation on member states compelling or mandating them to take radical measures or steps towards protecting and advancing the welfare and assistance to the IDPs all over the world. As stated by Ucheagwu-Okoye (2025); Okaforcha, and Okeke (2020), the principles are more or less persuasive and permissive. The introduction of and adoption of the Kampala Convention is a laudable effort by the African Union front in the regional action consistent with global best practice to address the legalization of any policy or plan to protect and advance assistance and welfare of the IDPs within the countries in the region and beyond. The Kampala Convention remains a viable influencer for global protection of IDPs.



In totality Okechukwu (2025) and Azubuike, (2024), are in agreement with the views of many scholars (Anushiem, (2022). Obumse, (2022); Ofozoba (2020); Okoye (2021) that the protection of IDPs in Nigeria should not just end up in developing a policy framework, such framework must be backed up by a legal document or legislation that has passed through a legislative activity at the National Assembly and passed into law. Ugwaka and Igbokwe (2023) also shared the dominant view that at present, there is no legislation in Nigeria passed specially and precisely for the protection of IDPs.

Interesting and painfully too, the number of IDPs in Nigeria since 2014 is staggering owing to violent conflicts between state actors and armed bearing groups like Boko Harm terrorists, destruction of farms and raiding of villagers by Fulani herdsman, the terror of the bandits in the North, West and Eastern roads are by no means in the increase. There is need for the protection of the IDPs but there is no law to give foundation to the protection unless there is a legal framework, the truth remains that the protection cannot work but remains unattainable (Ucheagwu-Okoye, 2021; Ezeaku, 2025).

Recently, in 2022, Russia invaded Ukraine without justification and as a result there has been war in Ukraine, this war has led to death of Russians and Ukrainians and other nationals, it has also led to millions of people from different countries to be displaced and forced out of their primary places of residence in Ukraine including Nigerians who are both students in Ukraine, employees in private sectors, and even public service. Many of these displaced people in Ukraine have returned to their motherland like many Nigerians did. This has also led to serious implications and impact on the economy.

The same incident in Ukraine is repeating itself in Sudan where there is ongoing conflict between dissident group and government forces with United States and Russia each with one of the wary factors.

### **Conceptual Definitions**

By the Internal Displacement Monitoring Centre (IDMC) Report, more than fifty million people internally displaced as a result of violent conflicts, developmental projects, disaster, and human rights violations (IDMC, 2012).

It is a fact that internal displacement has remained a glaring humanitarian and human right concern facing the international community (Anushiem, 2017; Iloka & Nwakoby, 2025). The same thing is expressed at the level of states and at the level of regional domain. Our view is that the issue of internal displacement should be treated and seen as an emergency that should be given urgent attention. It is important to look at some concepts to appreciate the need for this work to internal displacement and protection of victims.

#### **a. Internal Displacement:**

Internal displacement revolves around situations of difficulty in which individuals involved find themselves they have nothing to do but to leave their home little or nothing to do but to leave their home voluntarily or forcefully for purposes of securing their life. It also indicates that internal displacement arises for one's safety or threat to danger of one's life which precipitates sudden movement to avert the danger. Internal



displacement is the movement of a person or persons out of his or their area of primary and habitual residence either due to conflict, imminent damage, natural disaster, human right violation or even tension arising from harsh government policies (Salako, 2021).

**b. Internally Displaced persons (IDP's):**

IDP's are persons affected by displacement, they are victims of displacement that need protection. The definition of internally displaced persons IDPs mostly commonly used comes from the United Nations Guiding Principles on Internal Displacement. The guiding principles defines IDPs as persons or groups of persons who have been forced or obliged to flee or leave their homes as a result of armed conflict, generalised violence, and human rights violations as well as natural disaster like flood, drought and others (UN Guiding Principles on Internal Displacement, 1998).

Some scholars have argued that other displacement may occur owing to the effects of the particular primary cause of which triggers another or other displacement, forcing people out of their homes. A good example is where violence is already in place or there is armed conflict, some persons even though not yet affected by the conflict or the violence may suspect or anticipate grave human rights violations like sexual abuse, illegal detention and as a result of this leave their homes. This is the case in Ukraine and Sudan where many foreign nationals are fleeing already even though the violence and attack has not reached where they live (Abonyi, 2021).

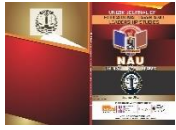
**c. Vulnerability:**

The concept of vulnerability as it relates to IDPs means the likelihood that the victims of displacement are exposed to danger and situation which makes it practically necessary that they must be protected. IDPs found themselves in situation beyond the ordinary and become vulnerable.

**d. Status and Identity of IDPS:**

The issue of status and identity of who is an IDP is a fundamental question. The reason is because the IDPs do not have the same status as refugees as they are still in the territory of a state's internationally recognized borders. Some have argued that IDPs should be accorded the status of civilians or civilian population entitled to be protected under the Geneva Convention and its Additional Protocols especially as it concerns armed conflict, internal tensions, generalised violence and human rights violations (Abonyi, 2020).

There may be some problems in regarding the IDPs *simpliciter* as civilians in the sense that there are other causes or drivers of internal displacement where there is nothing like armed conflict. Examples are natural disasters like flooding or drought or even hurricane as is mostly the case in American States where we have Hurricane Rita, Hurricane Katrina, Hurricane Florence and even Hurricane Doris. In the instances of the above in the case of natural disaster, there is no armed conflict and hence there is no expression like the combatant or civilians. In such situation, those to be regarded the IDPs becomes mainly those who are perceived and seen to have passed through such suffering arising as a result of the disaster. More often, identifying them becomes difficult as to their names, origin, family linkage or ties and all the above features assist in shaping the type of humanitarian response that they will get. The view of Abonyi is germane which is that any event creates a situation of humanitarian crisis like displacement should receive a humanitarian attention and action which no doubt will



demand response of humanitarian law and application of domestic laws in place and where no law exist one must be enacted (Abonyi, 2023).

**e. International Humanitarian Law:**

International humanitarian law contains many provisions concerning the prevention of displacement and protection of IDPs. Such provisions can readily be founded under the Geneva Conventions I V and Additional Protocols I and I (API and APII) (C R C Customary International Humanitarian Law, 2009). States parties are urged and enjoined to put the provisions into the legal frameworks of their states towards protecting the IDPs. Most states of UN like Nigeria till date have no legal framework or even institutional framework in place to protect IDPs. Prevention of violation of IHL reduces displacement as it leads to reduction IDPs as a result of armed conflict. Forcible displacement is also prohibited. It becomes imperative for military necessity and IDPs should be allowed to return to their origin when the security concerns raised has ceased to exist in the affected areas (C R C Customary International Humanitarian Law, 2009 Art. 49).

Owing to their situation of being displaced, IDPs suffer from particular vulnerabilities. They must be treated humanely and shall not be discriminated against on grounds of their displacement and no law shall single IDPs out for less favourable treatment. Protected persons should be treated equally in equal consideration without any adverse distinction (C R C Customary International Humanitarian Law, 2009 Art. 3, 27).

The IDPs also are recognized and seen as part, of civilian population and should be protected as other civilians and are entitled to the right to life, dignity of human person, freedom, life standards family life, documentation, property and possessors, prohibition of forcible recruitment of children, qualitative education, employment and social protection etc (C R C Customary International Humanitarian Law, 2009 Art. 4).

**f. Legal Framework/Policy Framework for IDPs:**

The two concepts are vital for the protection of IDPs. The legal framework is the “Law” that should drive the policy for protection of IDPs while the policy framework is the template containing the strategies and measures and guidelines for protecting the victims of displacement.

**g. Internal Displacement and Cross Border Movement:**

Internal displacement and cross border movement has a link (Abonyi, 2019). What the above means is that one leads to the other or influence the other to occur.

The International Organization for Migration (IOM) (2017) noted that the movement of human populations across the planet has characterized human societies throughout history. Migration is a multidimensional phenomenon and deals with economic, social and political factors and can be international or internal. International migrations mean movement of people across political boundaries of a country to another country different from the country of origin. Displacement is a causative agent or factor that pushes and pulls internal (domestic) or international (cross border) migration or movement. Such internal movement or cross border movement is either caused by armed conflict or internal uprising, generalised violence harsh economic and political policies made and implemented against identified group or groups, human rights violations, natural and man-made disaster etc. Nigeria like other countries of the world has been affected by the menace of this



primary and root causes of displacement. Flooding in many parts of Nigeria have left many to standstill and helpless without any hope of survival. In the same way, in the United States the cases of hurricane outburst are alarming and have increased the number of IDPs. We strongly observe that in the States, there are cases like hurricane Katrina, hurricane Rita, hurricane Doris or Dorian and hurricane Florence as case may be.

In summary, some persons who are forced to live their homes as a result of the primary causes of displacement like natural disaster are frustrated under the circumstance. As a result of this most of them decide to travel out of Nigeria and while on transit they fall into the hands of criminal gangs like human traffickers. In the process some of them died and their vital organs removed in what is called organ harvesting under International Law. This crime is on the increase all over the world including Nigeria even though prohibited under the Polemo Convention as well as under section 20 of the NAPTIP Act of 2015.

### **Laws And Institution for Protecting IDPs in Nigeria**

In many countries of the world, National response to displacement in the form of policy and legal framework is still low. In the words of Manuel Jose Capaeda, he restated on the issue of constitutional protection of IDPS in Colombia, that before 1997, the state responded to forced displacement in an *ad-hoc* and ineffective manner and that no specific national policy for protection of IDPS existed and protection was provided to IDPS within the general social welfare and emergency response system (Brooking, 2020).

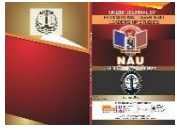
In Nigeria, there is no law protecting victims of displacement and till date the national responses towards the protection, promotion of rights, welfare and assistance of displaced persons anchored on efforts made to address the suffering of victims of other national emergencies (Abonyi, 2019).

Even as it is today, there is no instrument or Act protecting IDPs alone in the country and all protection of IDPs come within the purview of the law establishing National Emergency Management Agency (NEMA) and also the law establishing the National Council for Refugees. Recently, the Ministry of Humanitarian Affairs and Disaster Management Affairs was also established and a Minister in the person of Ms Amina Faruq appointed to oversee and head the ministry and ensure the coordination of all disaster and emergencies in Nigeria at present, IDPs are protected within the provision of Nigerian constitution as citizens of the state and no more. In Nigeria like other states, national laws, strategies, and policies are important and necessary owing to many reasons and factors, presently in Nigeria, the IDPs have no specific Law or Act made for their protection. However, there are other laws that, there provisions are applied and implemented to assist and promote the rights, interest and protect the victims of displacement. These laws are:

### **The Laws**

#### **1. The 1999 Constitution of Federal Republic of Nigeria**

The IDPs are citizens of Nigeria by virtue of their birth and as a result they are protected like other citizens within the provisions of the constitution under chapter II «Directive principles» and chapter IV dealing on fundamental or basic rights including right to life, dignity of human person, personal liberty, freedom



from discrimination, association etc. they can also enforce this right under section 46(i) and under the fundamental rights enforcement procedure rules 2009.

**2. The National Council of Refugees, Migrants and Internally Displaced Person Act:**

This Act protects persons under emergency and humanitarian crisis and situation including refugees, migrants and IDPS. Valid provisions were made for protection of the persons captured under the Act.

**3. National Emergency Management Agency Act (NEMA Act):**

This act made to create an agency called NEMA to respond to all national emergencies of which displacement is now captured as one.

**4. National Agency for Prohibition of Trafficking in Person Est. Act NAPTIP Act 2015:**

The Act deals with trafficking in persons but is important as it relates to IDPS in the sense that displacement can induce trafficking, a frustrated IDP can be forced or lured and trafficked in the process.

**5. Immigration Act:**

This is a law enacted and concerns those moving out of Nigeria and those coming into Nigeria. Displacement can force people to abandon his home and sometimes, such persons may end up leaving without due process of law in the form of what is called illegal migration.

**6. National Human Rights Commission Act:**

This Act made provisions for establishment of a commission with function to advance human rights of citizens of Nigeria. The IDPs are human beings and citizens too and are protected.

**Protection Under Regional and International Instruments:**

There are two notal instruments that protect IDPs outside Nigeria. They are the:

1. The AU Convention for protection, promotion of welfare and assistance of IDPs called the Kampala Convention. It is one of the foremost legal documents for protection of IDPs in the world. Nigeria is signatory to it.
2. The UN Guiding Principles for protection of IDPs all over the globe: the Guiding principle made viable provisions for promoting assistance and rights of IDPs but the provisions do not impose any obligations on member states and the member states are merely enjoined to take measures in their countries capable of promoting the welfare of IDPs.

**The Institutions**

We have stated that there is no law driving the protection of IDPs in Nigeria. Though this is the situation, there is need for such a law. Also, there is also little or no evidence of a policy framework as the policy framework as the policy recommended during the Goodluck Ebele Jonathan Administration in 2012 is yet to be adopted nor implemented by the Federal Government. However, there are institutions that by their functions have contributed to the promotion of the welfare and assistance to IDPs in Nigeria. They are:

- i. The National Commission for refugee's migrants and IDPs created by the (NCRMI ACT).



- ii. The Ministry of Humanitarian Affairs, disaster management and social development.
- iii. The National Emergency management agency (NEMA).
- iv. The Nigerian Immigration Service.
- v. The National Human Rights commission established by the NHRC Act.
- vi. The UN High Commission for Human Rights.
- vii. NGOs and coalition of civil society groups in Nigeria.
- viii. The African Commission for Human Rights.

### **Challenges Against Realising the Protection of IDPs in Nigeria**

The IDPs are citizens of Nigeria either by birth or by other considerations as outlined in the country's constitution. By virtue of being a citizen or citizens the IDPs are by implication and legally speaking are protected like any other citizen of the country i.e., others not under the situation of displacement. All the rights therefore afforded by the Constitution and other legislations, enactments and statutes are by extension enjoyed by the IDPs. In addition, the IDPs are equally entitled to the rights under Chapter II of the Constitution which rights have come to be recognized as unenforceable and non-justifiable and remain the goals and aspirations of the state including the right to qualitative education, good standard of living, provision of basic facilities or amenities as well as health, employment and so on. Because there is no specific law protecting IDPs, the only protection, they get is on the basis of the constitution of Nigeria which is protection afforded to all citizens. The challenge here is that IDPs face a unique disturbing situation against the position of other citizens, hence there should have been a law enacted to take care of this their unique or peculiar precarious situation. This is not yet done till date as there is yet no "specific" "law" made strictly for IDPs and their protect in Nigeria.

#### **i. Challenge Of Lack of Identify and Registration:**

Most times, the identify of IDPs are not known. Sometimes, they are not registered, without the identity and registration, it becomes difficult to trace their lineage or family and reunite them. Painfully too, if no registration is done, there will also be a problem.

#### **ii. Challenge Of Corruption/ Bad Leadership:**

Protection of IDPs is also difficult in Nigeria because of corruption and bad leadership. Most times relief materials meant for IDPs are diverted.

Serious concern has been raised at various levels and spheres for the protection of victims of internal displacement. The concern is not only made at local level but it has dominated the regional commentary as well as international discourse (Salenko, 2019). From the above, the firm position is that the need for the protection of victims of internal displacement enjoy a tripod endorsement and approval such that at state level, it is accepted, at regional domain, it is recognized while at international level, it is adopted. There is therefore in our view a unanimity in the expression and opinion that victims of internal displacement stand risk of vulnerability and as a result the need for their protection becomes inevitable. Based on that, the government of states must develop a



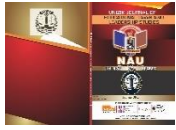
policy framework for protecting the IDPs just as regional groups must work out measures and strategies for IDPs' protection and in the same manner the international community must have principles and acceptable standards and best practices for treatment and protection of victims of internal displacement (Salenko, 2019).

Nigerian government has a policy framework for the assistance and welfare of the IDPs but the policy framework is yet to be adopted. Apart from policy framework not yet being adopted, there is also absence of legal framework. From the contextual perspective also, while there is visibly large number of IDPs in Nigeria scattered across various states arising from multiplicity of causes, there is no reliable data base providing a comprehensive profile of IDPs in Nigeria.

In the early 2006, the increasing number of IDPs due to conflict induced internal displacement informed the Nigerian Government to consider a National Policy on IDPs the draft of which was tabled for consideration in 2007 but the then Federal Executive Council (FEC) could not adopt it. The draft was revised twice between 2009 and 2012 to reflect the realities of today and fall in line with the provisions of the AU Framework on Internal Displacement i.e. the Kampala Convention. In recognition of the obvious fact that IDPs are among the most vulnerable groups everywhere in the world including Nigeria, the government of Nigeria ratified and deposited her instruments of the African Union (the Kampala Convention) which came into force in 2012 for the protection, assistance and welfare of IDPs in Africa (Kampala Document Commentaires, Ratification and Signing, 2019).

The importance of this convention in shaping of the country's policy and legal framework for protection and assistance of IDPs cannot be overemphasised. This is because the convention is seen as a reference point and indeed a template influencing development process in the emerging trend towards protection and assistance of IDPs in the whole of African sub region not only promoting adoption of policy framework by states towards promoting welfare and assistance to IDPs but also acting as a booster to the development of legal regimes and legislations for the protection and assistance of IDPs within the dictates of the law (ECOWAS, 2011).

In 2011, the Economic Community of West African States (ECOWAS) organized the First Ministerial Conference on Humanitarian Assistance and Internal Displacement in Abuja under the leadership of Nigeria. During the conference, the need for every member state of the Union to sign, ratify, domesticate and commence implementation of the Kampala Convention was underscored. The conference also stressed the need to strengthen good governance and full respect of all human rights and international humanitarian law (IHL) in ECOWAS member states with a view to preventing internal displacement notably caused by lack thereof or emanating from conflict and generalized violence. The conference further stressed the need to mitigate the devastating effects on the region's citizens by other factors like disasters and environmental hazards. Most worrisome is the absence of policy framework on IDPs in Nigeria which made the response to the plight of IDPs to be fragmented even though the number of IDPs increase daily just as their vulnerability widens.



The scope, thrust, goal, vision and mission of the Federal Government of Nigerian policy framework on IDPs is clear and certain. The target of the policy its concern and goal are to advance the course, protection and assistance of IDPs in any part of Nigeria thereby rehabilitating them, reintegrate them and in doing this check their vulnerability (Federal Government of Nigeria, 2012). The policy framework is patterned in such a manner that it provides foundation for national responsibility towards preventing and protection of citizens and in some cases non-citizens from incidences of arbitrary and other forms of internal displacement, meet their protection and assistance needs during displacement and ensure their rehabilitation, return, re-integration and resettlement after displacement. The policy spells out principles guiding humanitarian assistance and implementation of durable solutions in situations of internal displacement in Nigeria. It is interesting to observe that the policy framework for the protection of IDPs in Nigeria even yet to be adopted by government domesticated and integrated the human rights based approach as well as its principles and the intention of using this approach is to accommodate as much as possible the dynamic provisions of existing international conventions, treaties and protocols on internal displacement and guided by the dictates of international humanitarian and human rights laws thereby drawing inspirations and guidance of international and national framework on prevention, protection and assistance, their welfare and survival like any other citizen.

The Federal Government of Nigeria Policy Framework for Protection and Assistance to IDPs even though not yet adopted seeks to address the following:

1. All causes of internal displacement
2. All groups of IDPs including those with special needs and vulnerabilities including host communities.
3. All needs of IDPs including their assistance, welfare and their protection and by this realise the full range of their human rights.
4. All phases of displacement including pre-emergency and relief phases to recovery (rehabilitation, re-integration, return and resettlement phases) and by this create conditions for durable solutions.
5. All levels of government, federal, state and local government, their agencies, bodies, departments, ministries and parastatals charged with diverse responsibilities for guaranteeing the rights of IDPs.
6. All affected areas so as to open humanitarian spaces and windows and facilitate, coordinate and ensure safe and secured access by humanitarian actors (non-state and state actors) to IDPs irrespective of where displacement occurred within the country.
7. All rights of IDPs as provided in Constitution of Federal Republic of Nigeria, international human rights and humanitarian laws and other related instrument which are relevant for the protection and assistance of IDPs.

In summary, the policy framework is aimed, which we support, at creating a comprehensive and gender responsive framework for national responsibility, coordination and collaboration for protection, assistance and other humanitarian interventions related to IDPs in Nigeria, provide roles of relevant agencies or institutions and non-state actors like communities society organizations, international humanitarian agencies, ensuring the



realisation of human rights of IDPs and advance state community to obligations of state parties to conventions in place for protection of IDPs etc (Federal Government of Nigeria, 2012). It is also observed that the policy thrust of the intended policy framework of federal government of Nigeria for IDPs is geared toward promoting the following principles against gender disparity in favour of gender equality, principle of accountability, principle of accountability, principle of neutrality, empowerment of IDPs, accountability, independence and respect for state sovereignty, principle of humanity and principle of protection from harm and abuse.

It is not in doubt that when a legislation is enacted to address the specific needs of IDPs in Nigeria that the concerned persons will benefit. Law protects the rights of victims and makes it possible for categories of victims and makes it possible for categories of victims of displacement to be adequately protected including civilians, victims of natural disasters, women and children, those with HIVS and others with other Chronic diseases, the displaced disable persons, displaced elderly and aged women and men and others no one will be left out.

As for the policy framework, it is beneficial because all the victims captured in the legal framework will be captured in the policy and every peculiarity of a group will be covered in the framework. The policy will also encourage framework. The policy will also encourage establishment of committee and adhoc bodies to address peculiar and particular situations and by this, every segment of the displaced population will be covered.

Thus, the legal and policy framework will ensure equity and equality in handling displacement issue or crisis or cases in Nigeria devoid of discrimination or nepotism as case may be. One of the benefits of legal and policy framework for IDPs in Nigeria is that enforcement of the rights of IDPs will be practically impossible without the law driving a policy and the policy itself. No citizen can be protected in a vacuum. Protection must flow from a legal instrument and without such instrument, protection of those contemplated in the policy is a mere imagination. In Nigeria, the position is that even though the policy framework for protection of the IDPs has not been adopted, there is also no legal framework to support it.

So, as it is now, the protection of IDPs does not go beyond protection afforded to other citizens of Nigeria as citizens within the constitution and other extant laws in Nigeria. The IDPs are protected under chapter IV of 1999 CFRN and are entitled to the fundamental rights guaranteed therein from sections 33(1) up to section 45 of the same constitution enforceable under section 46(1) and with the procedure laid under the Fundamental Rights Enforcement Procedure Rules 2009. Under the Constitution and the Rules, any citizen including IDPs in any part of Nigeria who believes his/her right or rights above has or have been tampered violated or is likely or threatened to be violated can seek redress in the high court of the state where the incident occurred by taking up action in court. Order II Rules 1, 2, 3, 4, of the Fundamental Rights Enforcement Rules 2009 are instructive.

Apart from enforcing the rights as stated above within the provision of the domestic enactments above, such applicant can still recourse to procedure and mechanism laid in regional and international instruments especially



the ones domesticated as part of Nigerian law by the National Assembly like the African Charter on Human and Peoples Rights (the Banjul Charter). There are other regional conventions like the AU Convention for the Protection, Welfare and Assistance of Internally Displaced Persons in Africa (the Kampala Document) though Nigeria is a leading member of African Union, Nigeria is yet to domestic this convention which is at present the most viable and laudable effort and instrument promoting assistance to IDPs the world over and has influenced the trend in protection of IDPs in other continents and indeed globally. The United Nations Guidelines for Protection and Assistance to IDPs only lay principles for protection and assistance to IDPs but has no mandatory obligation imposed on member states towards protecting IDPs nor does it have a mechanism through which victims of displacement can seek remedy or relief for the hardship and violations of their rights arising from the displacement.

Though there are international instruments like the International Convention for Civil and Political Rights, the International Convention on Economic, Cultural and Social Rights, the same problem exists as the state parties are enjoined and urged or persuaded not compelled to take steps capable and likely possible to promote the rights of their citizens including the IDPs.

Thus, the issue of enforcing the rights of the IDPs without a legal framework remains an enigma and indeed one that will for a long time in the future continue to challenge the assistance and protection of IDPs in Nigeria and globally.

### **Recommendations**

The following recommendations are made:

1. Urgent action for a legal framework protecting IDPs:  
Laws afford protection to all and sundry, the IDPs are faced by peculiar challenges of displacement, accordingly, a law specially made for their protection should be enacted.
2. Urgent and immediate steps to adopt a national policy framework for IDPS.  
The policy framework structured by Dr Ebele Jonathan's government should be adopted and implemented by the federal government for protection of IDPs.
3. The Domestication of Kampala Documentation and implementation of its provisions for protection of IDPs should be pursued by federal government.
4. Minimum Treatment for IDPs under the UN general principles for IDPs should be implemented in Nigeria.
5. Collaboration among institutions in Nigeria for realisation of Assistance and welfare of IDPs, NEMA, NHRC, NCR and ministry of disaster management and humanitarian affairs must work in synergy to promote the welfare of IDPs in Nigeria.



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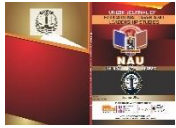
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