

INTERNALLY DISPLACED PERSONS AND RIGHT TO POLITICAL PARTICIPATION IN NIGERIA*

Abstract

The increasing incidence of internal displacement in Nigeria owing to ethnic conflicts, boundary disputes, natural and manmade disasters, armed banditry, insurgency as well as other security challenges make the consideration of the plight of internal displaced persons (IDPs) in terms of their human rights a germane concern. Until very recently, an often relegated right in relation to IDPs is their right to political participation. Ordinarily, IDPs are entitled to the same rights as other citizens of Nigeria, however due to circumstances of displacement, IDPs are placed in a disadvantaged position and are unable to fully enjoy this right. Electoral outcome may be tilted in one way or the other by the participation or non-participation of IDPs in elections owing to their increasing numbers and geographical spread. Similarly, the impact on electoral quality in terms of fairness and inclusiveness cannot be ignored. Accordingly, this paper employing the doctrinal research methodology examines the legal regime for the protection of the right of political participation of internal displaced persons from the international, regional and national dimensions with a view to ascertaining the extent of protection and realization. It was found that the aspect of the right to vote is the most pronounced aspect of the right of participation in Nigeria; IDPS are limited from fully exercising this right despite Section 26(1) of the Electoral Act 2010 (as amended) which stipulates that Independent National Electoral Commission (INEC) should as far as possible ensure that IDPs are not disenfranchised due to logistic and security challenges, lack of adequate technology to enhance their participation, inadequate voter and civic education among others. Recommendations towards legal reform, embracing adequate technology in collation and transmission of results, adequate engagement of IDPS in electoral processes as well as addressing the underlying issues that cause internal displacement were advanced.

Keywords: political participation, internal displacement internal displaced persons, elections

1. Introduction

Over the past few decades, internal displacement has been a phenomenon of grave concern to national, regional and international governments rousing discussions on legal and practical solutions to effectively address the peculiar needs of internally displaced persons. This discourse has necessarily involved the engagement of human rights and humanitarian agencies in the fields and at policy levels.¹ The alarming increase of internally displaced persons in recent times has made this discourse more expedient as the management of displaced persons affect national and international economies. As at 2019, about 41.3 million internally displaced persons were reported worldwide whether as a result of armed conflict, violence or natural disasters.² In Nigeria, the number of internally displaced persons is estimated at over 2 million.³ Internal displacements in Nigeria have resulted from violent conflicts (ethnic/religious), natural disasters (flooding), Fulani herdsmen and farmers clashes, Boko Haram insurgency, banditry and other forms of insecurity. The plight of internally displaced persons is usually considered from the angle of their vulnerability with respect to deprivation of their social and cultural rights such as loss of shelter, cultural heritage, loss of means of livelihood, food access, education, social amenities, health facilities, economic viability, sexual assault/harassment among others. However, until very recently, little has been said of their right to political participation even though like all other citizens, they are entitled to the same rights and freedoms.⁴ This seeming neglect is a relegation of an important and in fact necessary route to engagement, reintegration, reconciliation and advancing the welfare and concerns of internally displaced persons by giving them a voice in government and in decisions affecting them. Internally displaced persons are often in a disadvantaged position and unable to participate in public affairs especially elections due to several limitations such as conflict and insecurity, lack of access, lack of information, lack of or loss of requisite documentation, discrimination and so on. Even when internally displaced persons are able to vote, they are prone to succumb to pressure to vote for specific candidates or ruling parties to secure their welfare. There is no doubt that the exclusion of the increasing population of internally displaced persons from participating in elections can tilt the electoral outcome and deprive it of being free and fair, based on international standards.

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¹E. Mooney, 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern' [2005](24)(3) *Refugee Survey Quarterly* 1 <brookings.edu/wp-content/uploads/2016/06/9.pdf> accessed 3 March 2021.

²Internal Displacement Monitoring Centre (IDMC), 'Global Report on Internal Displacement 2019' <www.internal-displacement.org/global-report/grid2019/> accessed 18 February 2021.

³UNHCR, 'Internally Displaced Persons Population' <data2.unhcr.org/en/situations/nigeriasituation#_ga=2.244267525.1050350614.1613655124-2062342624.1613655124> accessed 18 February 2021.

⁴Principle 1, Guiding Principles on Internal Displacement <<https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>> accessed 4 March 2021.

Against the above background, this chapter analyses the protection of the right to political participation of internally displaced persons in Nigeria, identifies possible obstacles to the enjoyment of this right and proffers possible measures aimed at overcoming the obstacles. The work is outlined as follows: Section 1 is this introduction; Section 2 deals with the Explanation of Key Concepts; Section 3 explains Right to Political Participation of Internally Displaced Persons in Nigeria; Section 4 focuses on the Analysis of the Right to Political Participation of Internally Displaced Persons in Nigeria, identifying the problems and prospects: and Section 5 which is the Concluding Section with recommendations on how to guarantee the protection of the political right of displaced persons in Nigeria.

2. Explanation of Key Concepts

Internally Displaced Persons

The conceptual parameters of internal displacement and persons who are classed as internally displaced persons have evolved over the years from restrictive definitions to more liberal definitions towards ensuring that protection is given to all categories of persons who deserve to be recognized and protected. It is not the intent of this chapter to trace the evolution of concept of internal displacement, but to note that it is now fairly settled what persons are classified as internally displaced persons.⁵

The definition included in the Guiding Principles on Internal Displacement⁶ has overtime become a universal standard for defining internally displaced persons. It provides that internally displaced persons are:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or 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.⁷

Thus, the main characteristics of internal displacement include involuntary movement within a state necessitated by actual or threatened effect of armed conflict or situations of generalised violence, violation of human rights or natural or manmade disasters. These persons need not have been forced to flee; they may have been obliged to flee. Their flight need not have been sudden or unexpected and the movement may or may not be in large numbers as small numbers or even individual movement may suffice. The main distinction between internally displaced persons and refugees is that refugees cross an international border while internally displaced persons do not. Thus, even though internally displaced persons may share the same circumstances and challenges as refugees, internally displaced persons do not have a special status in international law with rights specific to their situation as refugees do.⁸ The term ‘internally displaced persons’ is purely and only descriptive.⁹

Political Participation

The concept of political participation defies a precise definition as there is hardly any consensus among scholars on it. Arguments center on whether political participation should include active or passive forms of actions, aggressive or non-aggressive behavior, structural or non-structural objects, governmental or non-governmental aims, mobilized or voluntary actions and intended or unintended outcomes.¹⁰ Verba and Nie define political participation in an active and narrow sense as ‘behavior designed to affect the choice of governmental personnel and/or policies.’¹¹ This definition encompasses actions such as voting and campaigning but not passive actions as feelings of patriotism and awareness on political issues. In a much broader sense and including passive forms of action, Barnes and Kasse *et al* define political participation as ‘all voluntary activities by individual citizens intended to influence either directly or indirectly political choices at various levels of the political system.’¹² Nelson in like manner defines political participation as ‘action by private citizens intended to influence the actions

⁵For further details see: IDMC, ‘An Institutional History of Internal Displacement’ <<https://www.internal-displacement.org/internal-displacement/history-of-internal-displacement>> accessed 30 March 2021.

⁶ 1998.

⁷United Nations Commission on Human Rights, *Report of the Secretary-General on Internal Displacement*, UN doc.E/CN.4/1998/53/Add.2(1) February 1998; Same definition is used in Art 1(k) African Union Convention for Protection and Assistance of Internally Displaced Persons in Africa 2009 (Kampala Convention).

⁸United Nations Human Rights Office of the High Commissioner, ‘About Internally Displaced Persons’ <<https://www.ohchr.org/en/issues/idpersons/pages/issues.aspx>> accessed 11 May 2021.

⁹ *Ibid.*

¹⁰P.J. Conge, ‘Review: The Concept of Political Participation: Towards a Definition’ [1998](20)(2) *Comparative Politics* 241 <<http://www.jstor.org/stable/421669>> accessed 11 May 2021.

¹¹S. Verba and N.H. Nie, *Participation in America: Political Democracy and Social Equality* (Narper and Row 1972) 2 in P.J. Conge, *ibid.*

¹²S.H. Barnes, M. Kaase and others, *Political Action: Mass Participation in Five Western Democracies* (Sage Publications 1979) 59 in P.J. Conge, *ibid.*

or the composition of national or local governments.’¹³ Bearing in mind the need to juxtapose the requirements of generality and precision so as to ensure a balanced definition that is not too narrow and restrictive or perhaps too inflated as to render it indeterminate, Conge defines political participation as ‘individual or collective action at the national or local level that supports or opposes state structures, authorities and/or decisions regarding allocation of public goods.’¹⁴ It suffices therefore to say that political participation embraces involvement in public and political life of a state. It includes seeking and holding public offices, involvement in political parties, voting and being voted for during elections at all levels of government. Political participation thrives when freedom of speech, assembly and association are guaranteed and respected.

3. Right to Political Participation under International Law

It is needless to say that political participation lies at the heart of modern democracy, giving legitimacy to governments, promoting accountability as well as engendering responsive and responsible deployment of national resources towards developmental ends.¹⁵ The extent to which political participation is regarded as a human right can easily be settled from the positivist perspective of ascertaining the extent to which it is recognized and protected by law as such. The right to political participation is included in the foremost global human rights document - the Universal Declaration of Human Rights¹⁶ as well as in other latter human rights documents. The specific content of this right however varies in the different legal documents embodying it. This disparity may not be unassociated with the lack of consensus on the concept of political participation itself and to what extent global, regional or national communities see it as a right which must be protected by law. Specific international human rights documents that contain the right to political participation include: Article 21 of the Universal Declaration on Human Rights which states,

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 25 of the International Covenant on Civil and Political Rights¹⁷ provides that,

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Fox identifies three guarantees in this right as provided in the ICCPR: non-discrimination, right to participate in public affairs and the right to free elections.¹⁸ It is also pertinent to note that the ‘right and opportunity to’ is what is mandated therefore envisaging practical positive measures that should be undertaken to overcome specific difficulties that impede realisation of this right.¹⁹ Article 13 of the African Charter on Human and Peoples Rights²⁰ states that, ‘Every citizen shall have the right to freely participate in the government of his country, either directly or through freely chosen representatives, in accordance with provisions of the law.’ This provision mandates freedom from any form of intimidation in the process of choosing leaders but fails however to be as comprehensive as ICCPR which included non-discrimination, universal suffrage and secret ballot. As noted by Fox, the ACHPR by limiting the provision to being ‘in accordance with the provisions of the law’ failed to capitalise on the

¹³S.P. Huntington and J.M. Nelson, *No Easy Choice: Political Participation in Developing Countries* (Harvard University Press 1976) 4 in P.J. Conge, *ibid.*

¹⁴ P.J. Conge, *ibid* 247.

¹⁵Y. Sairambay, ‘Reconceptualising Political Participation’ [2020](30)(1) *Human Affairs* 120 <degruter.com/document/doi/10.1515/humaff-2020-0011/html> accessed 11 May 2021.

¹⁶ UDHR 1948.

¹⁷ICCPR, adopted by the UN General Assembly Resolution 220A (XXI) on 16 December 1966 <<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>> accessed 30 March, 2021.

¹⁸ G.H. Fox, ‘The Right to Political Participation in International Law’ [1992](7) *Yale Journal of International Law* 539.

¹⁹A. Shujaat and others, ‘Internally Displaced Persons and Electoral Participation: A Brief Overview’ *IFES White Paper* September 2016.

²⁰ ACHPR 1981 <<https://www.achpr.org/legalinstruments/detail?id=49>> accessed 30 March, 2021.

opportunity to impose appropriate universal standards of conduct by which state laws can be measured.²¹ Fortunately however, the African Charter on Democracy, Elections and Governance has to a large extent filled this void by providing universal standards based on regular, transparent, free and fair elections in Africa.²²

The Office of the High Commissioner on Human Rights in elucidating the right to political participation as provided in the ICCPR noted that taking part in the conduct of public affairs relates to the exercise of political power by any arm of government as well as covers all aspects of public administration and policy formulation.²³ Furthermore, citizens also participate directly in conduct of public affairs when they choose or change their Constitution or decide public matters through a referendum or other electoral process.²⁴ These activities are to be undertaken without distinction being made between citizens and without unreasonable restrictions. Regarding the right to vote, states must take all effective measures to ensure all persons entitled to vote are able to exercise that right and where registration is required, it should be facilitated and obstacles to such registration should not be imposed.²⁵ Furthermore, if residence requirements apply to registration, they must be reasonable and should not be imposed in such manner as to exclude the homeless. It also involves voter education and registration campaigns. Elections must be conducted in a free and fair manner on a periodic basis within a framework of laws that allow effective exercise of voting rights. There should not be inhibitions to the free expression of their will and finally the result of genuine elections should be respected and implemented.²⁶ Regarding Article 25(c) the right and opportunity of citizens to have access to public service positions on general terms of equality should be respected and implemented.²⁷

4. Right to Political Participation in Nigeria

The Constitution of the Federal Republic of Nigeria 1999 (as amended) recognizes the right to political participation as a fundamental objective and directive principle in its Chapter II. Section 14(2)(a) lays the foundation that ‘sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority.’ Section 14(2)(c) specifies that ‘the participation by the people in their government shall be ensured in accordance with the provisions of the Constitution.’ Though the provisions in Chapter II of the Constitution are not justiciable,²⁸ it is undeniable that it is a recognition of the right of the Nigerian people to participate in their government. The section also references other sections of the Constitution which contain specific provisions that give life to this right and are justiciable. The Constitution provides that every citizen in Nigeria who has attained the age of eighteen years residing in Nigeria shall be entitled to be registered to vote.²⁹ There is also a constitutional prescription of qualification for eligibility to be voted into various public offices as well as disqualifying factors.³⁰ Section 78 of the Constitution provides that the registration of voters and conduct of election shall be subject to the direction and supervision of the Independent National Electoral Commission.³¹ The rights to freedom from discrimination, freedom of association and peaceful assembly, freedom of expression and freedom of movement are guaranteed in the Constitution.³² The guarantee of these rights is indispensable to the realization of the right to political participation. The Electoral Act contains detailed provisions that prescribe how the right to vote is to be activated through elections.³³ It should be noted that the right to vote is the most pronounced aspect of the right to political participation recognized in Nigeria. Other than the principle of federal character³⁴ through which equal representation of all parts of the federation or state in the composition of the federal and state governments and agencies ought to be ensured, the major content of the right to political participation in Nigeria is focused on to the right to take part in elections. There is however no particular provision specifically mandating Nigerian citizens to change the constitution or take major public decisions by referendum or plebiscite.

²¹ G.H. Fox, *op cit* 568.

²² Adopted on January 30th, 2007 by the African Union; African Union, ‘Assembly of the African Union Eighth Ordinary Session’ <<https://au.int/sw/decisions/assembly-african-union-eighth-ordinary-session>> accessed 19 November 2019.

²³ Office of the High Commissioner on Human Rights, General Comment No.25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Art. 25:12/07/96 CCPR/C/21/Rev.1/Add. 7, General Comment No.25 <equalrightstrust.org/ertdocumnetbank/general%20comment%2025.pdf> accessed 4 March 2021.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ S 6(6)(c) CFRN 1999.

²⁹ Ss 77(2), 117(2), 132(5), 178(5) CFRN 1999 (as amended).

³⁰ Ss 65 & 66 (National Assembly); ss 106 & 107 (State Houses of Assembly); ss 131 & 137 (President); Ss 177 & 182 (Governor) CFRN 1999 (as amended).

³¹ Hereinafter referred to as INEC.

³² Sections 42, 40, 39 and 41 CFRN 1999 (as amended).

³³ The Electoral Act 2010 (as amended).

³⁴ Section 14(3) & (4) CFRN 1999 (as amended).

5. Right to Political Participation of Internally Displaced Persons

States wherein internally displaced persons are found have the primary responsibility for their assistance and protection. Internally displaced persons as all other citizens of Nigeria are entitled to respect, protection and fulfilment of all rights contained in the Constitution, domesticated sub-regional, regional and international human rights and humanitarian instruments. A basic principle in asserting the rights of internally displaced persons is that of non-discrimination as provided in Section 42 of the Constitution.³⁵ Accordingly, internally displaced persons should be treated equally as other Nigerian citizens even if this means taking additional measures to ensure they are placed on the same plane as other Nigerians especially with respect to their right to political participation. Put succinctly by Steiner and Alston, 'Equality in law precludes discrimination of any kind, whereas equality in fact may involve the necessity of different treatment in order to attain a result which establishes an equilibrium between different situations.'³⁶ The United Nations Guiding Principles on Internal Displacement³⁷ which is a compilation of international standards reflected in existing human rights instruments and humanitarian law and which serve as a guidance to states and agencies providing assistance and protection to internally displaced persons provides unequivocally for equality in its Principle 1,

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

Principle 3 of the Guiding Principles pinpoints national governments as having the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons in their territories. Principle 20(2) mandates authorities to issue to internally displaced persons all documents necessary for the exercise of their legal rights and in particular facilitate the issuance of new documents or the replacements of documents lost in the course of displacement without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence. Principle 22(1)(d) is a direct and unequivocal statement on the right to political participation of internally displaced persons. It states that internally displaced persons whether or not living in camps shall not be discriminated against as a result of their displacement in the enjoyment of their right to vote and participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right. Principle 29(1) provides further that internally displaced persons who have returned to their homes or places of habitual residence or who have settled in another part of the country shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

The African regional approach to dealing with internal displacement is reflected in the African Union Convention for the Protection and Assistance of Internally Displaced Persons which was adopted on 23 October 2009 and entered into force on 6 December 2012.³⁸ It was ratified by Nigeria on 17 April, 2012. It provides in Article 9(1)(a) that state parties should protect the rights of internally displaced persons by preventing discrimination against them in the enjoyment of their rights on grounds that they are internally displaced persons. State parties are also to 'take necessary measures to ensure that internally displaced persons who are citizens in their country of nationality can enjoy their civic and political rights particularly public participation, the right to vote and to be elected to public office.'³⁹ Article 13(2) and (3) contain similar provisions as Guiding Principle 20(2) but includes further that failure to issue internally displaced persons with such documents shall not impair the exercise or enjoyment of their human rights. Article 3 mandates state parties to:

- (a) incorporate their obligations under the Convention into domestic law by enacting or amending relevant legislations on the protection of and assistance to internally displaced persons in conformity with their obligations under international law;
- (b) designate an authority or body that would be responsible for coordinating activities aimed at protecting and assisting internally displaced persons.
- (c) adopt other measures as appropriate, including strategies and policies on internal displacement at national and local levels taking into account the needs of host communities.

Article 11(2) of the Kampala Convention mirrors Principle 15(d) of the Guiding Principles which preserves the right to voluntary return to former places of habitual residence, implying that internally displaced persons should not be forced to return to their former residences to vote or access any other right.

³⁵ CFRN 1999 (as amended).

³⁶H.J. Steiner and P. Alston, *International Human Rights in Context: Law, Politics, Morals* (Oxford University Press 1996) 93 in E. Mooney, *op cit*.

³⁷United Nations, *Guiding Principles on Internal Displacement* E/CN/1998/53/Add.2[OCHA/IDP/2004/01]

<<http://www.brookings.edu/fp/projects/idp/resources/GPsEnglish.pdf>> accessed 30 March 2021.

³⁸ Also known as the Kampala Convention; <unhcr.org/4ae9bede9.html> accessed 31 March 2021.

³⁹ Article 9(2) Kampala Convention.

Nigeria adopted a National Policy on Internally Displaced Persons in August 2012, mirroring the Guiding Principles 1998 and the Kampala Convention. The National Commission for Refugees, Migrants and Internally Displaced Persons, a parastatal under the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development is the main institution entrusted with addressing and managing affairs relating to internally displaced persons in Nigeria.

6. Analysis of Right to Political Participation of Internally Displaced Persons in Nigeria

Internal displacement in Nigeria has taken an unprecedented dimension as situations of generalized violence: Boko Haram insurgency, banditry, abductions, Fulani herdsman/farmers clashes, floods and so on have ravaged our nation forcing millions to leave their habitual residences. It is our argument that protecting the right to political participation of internally displaced persons is not only beneficial to the internally displaced persons themselves but also to the entire nation. Preserving this right signals responsiveness of the government and enhances inclusivity which has a psychological effect of creating a sense of belonging among internally displaced persons which in turn boomerangs in loyalty to the government and contribution to development. This loyalty is essential as it gives government vital information necessary to win the war against terrorism and banditry which is a major cause of displacement. There is also the advantage of providing avenues for reconciliation and improving accountability. Even though the right to public participation of internally displaced persons is recognized in Nigeria, the realisation of this right in practical terms is limited due to operational, logistic and political complexities. The measures taken to reduce the ill effects of displacement on the right to political participation have not been sufficient as internally displaced persons are deprived from taking part in elections on equal terms with other citizens.⁴⁰ Specific areas in which internally displaced persons are disadvantaged will be considered below:

Voter Registration: Ordinarily, the Electoral Act⁴¹ provides in Section 12 (1) that a person shall be qualified to be registered as a voter if he is a citizen of Nigeria who has attained the age of 18 years; is ordinarily resident, works in, originates from the Local Government Area Council or Ward covered by the registration centre; presents himself to the registration officers of the Commission and is not subject to any legal incapacity. Section 13 states further that a person who before the election is resident in a constituency other than one in which he was registered may apply to the Electoral Commissioner of the state where he is currently resident for his name to be entered on the transferred voters list for the constituency. Such an application must be accompanied by the applicant's voter's card and shall not be made less than 30 days before the date of an election in the constituency where the applicant is resident. These provisions are discriminatory to internally displaced persons who are disadvantaged by circumstances of their displacement having been forced to or obliged to leave their usual residences where they might have been registered to vote, may have lost their voters card in process of displacement and may want their votes reflected in their original places of residence even though unable to return there.

The Independent National Electoral Commission⁴² in an effort to include in the 2015 elections the large number of persons internally displaced as a result of the Boko Haram insurgency, undertook a special IDP voting operation for State of Emergency states even though there was no specific provision of the Electoral Act mandating it to.⁴³ On the 16th December 2014, INEC directed that special polling units for internally displaced persons be created as well as enabled the registration of voters and distribution of voters cards in the relevant North Eastern states only.⁴⁴

The much needed legal backing came via the amendment of the Electoral Act in 2015 by the inclusion of Section 26(1) which states that, 'In the event of an emergency affecting an election, the Independent National Electoral Commission shall, as far as possible, ensure that persons displaced as a result of the emergency are not disenfranchised'. Upon this law, INEC issued Regulations for Voting by Internally Displaced Persons 2018 as well as a Framework on Voting by Internally Displaced Persons to serve as a guide for the conduct of voting of internally displaced persons during the 2019 elections.⁴⁵ The guiding principles of these documents are inclusivity and non-discrimination. The Framework and Regulations classified internally displaced persons into Intrastate IDPs and Interstate IDPs. Intrastate IDPs refer to internally displaced persons within a state while interstate IDPs

⁴⁰IFES, 'Promoting Electoral Participation of IDPs' 7 December 2018 <<https://www.ifes.org/news/promoting-electoral-participation-internally-displaced-persons>> accessed 30 March 2021.

⁴¹ EA 2010 (as amended).

⁴² Hereinafter referred to as 'INEC'.

⁴³INEC, *Framework for Voting by Internally Displaced Persons (IDPs)* (December 2018) <INEC website> accessed 30 March, 2021.

⁴⁴E.C. Iloh and others, 'Voting Rights of IDPs in Nigeria 2015 General Elections'[2018](7)(5)*Journal of African Elections* 93 <doi:10.20940/JAE/2018/v17/la5p.93> accessed 4 April 2021.

⁴⁵ INEC, *op cit*.

refer to internally displaced persons hosted in another state. Intrastate IDPs could participate in all categories of elections while interstate IDPs could only participate in presidential elections. INEC was mandated to take certain steps to ensure internally displaced persons participate in the 2019 elections. These include: conduct a survey of internally displaced persons, organize internally displaced persons by delineation details; conduct continuous voter registration and distribute voter cards at IDP camps; create voting centers upon risk assessments at IDP camps or at centralized locations; and reconfigure Smart Card readers. Special result sheets were to be designed as well as collation and result management modifications made. Special arrangements for security had to be made while still trying to maintain normal transmission procedures. Voter education and publicity on the modalities on IDP voting were also factored in the framework so as enable the internally displaced persons make informed choices.⁴⁶

Implementation of this framework and regulations in the 2019 election was not totally successful. The Election Observation Mission of the European Union noted that electoral participation of internally displaced persons in Nigeria can only be overcome by long term planning due to sizeable population of the IDPs, geographical spread and lack of demographic data.⁴⁷ It noted further that the regulations and framework were adopted in December 2018, long after the general voter registration had taken place. Internally displaced persons were not given sufficient opportunity to register and collect their PVCs thereby disenfranchising a sizeable number of them.⁴⁸ The disparity between interstate and intrastate IDPs meant that interstate IDPs could only vote in the presidential elections or alternatively register to vote in their current location and loose connection with their home state gubernatorial, National Assembly and House of Assembly elections by voting for positions in their current locations. Only intrastate internally displaced persons could vote for in all levels of elections in their current location but for representatives of their original constituencies. It was observed that out of ten internally displaced persons only three could vote for their home or original constituencies.⁴⁹ High level of vote buying and pressure were exerted on internally displaced persons to vote for certain candidates in promise of increased state support in some states like Borno.⁵⁰ IDPs right to be voted for was not addressed.

Most efforts by INEC were directed towards internally displaced persons living in IDP camps leaving out the large number of internally displaced persons living outside camps in host communities or elsewhere. Evenly addressing the right of vote of internally displaced persons across the nation is essential to maintaining the fairness of elections as a large IDP population as in Nigeria can affect electoral outcome. Therefore, ensuring internally displaced persons in support of a ruling candidate/party are enabled to vote to the detriment of others who may be in support of the opposition should be avoided. Focusing on the IDP population in the north east to the detriment of the other IDPs in the south or north central states casts aspersion on the entire electoral process. There is also the fear that changes in constituency allocation of internally displaced persons can alter electorate demography and potentially affect electoral outcomes. This fear may however be overrated in Nigeria as a large number of Nigerians usually travel from their usual places of residence to their state of origins to register for elections so as to influence electoral results in their places of origins.

The uncertainty of whether internally displaced persons may or may not return to their constituencies of origin poses a challenge in planning for their enfranchisement.⁵¹ Other challenges faced in efforts to enfranchise internally displaced persons include additional finances, additional logistic arrangements, increased risk of electoral malpractices such as multiple registration and reduced media and election observation missions' access to oversee elections especially due to insecurity. Insecurity and lack of relevant voter information affect the participation of internally displaced persons themselves who may either feel insecure, or ignorant of the voting processes provided for them.

7. Conclusion and Recommendation

Promoting, respecting, protecting and fulfilling the right to political participation of internally displaced persons must of necessity involve a thorough assessment of electoral framework in specific relation to internally displaced persons. Specific obstacles must be addressed to ensure internally displaced persons are treated equally with others citizens in this regard. A balance must however be made between ensuring full and equal rights to political participation of Internally displaced persons without compromising their security and access to humanitarian

⁴⁶ *Ibid.*

⁴⁷ European Union, 'Election Observation Mission Nigeria 2019: Final Report – General Elections 23 February, 9 and 23 March 2019' <eods.eu/library/Nigeria_2019_eu_eom_final_report-web.pdf> accessed 31 March 2021.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ A. Shujaat and others, 'Internally Displaced Persons and Electoral Participation: A Brief Overview' *IFES White Paper* September 2016.

services on one hand and the need to maintain credibility of the entire electoral process. It is therefore recommended as follows:

- Deliberate efforts should be made by states to address underlying causes of internal displacement in Nigeria. In other words, the root causes of the violence, banditry, boko haram insurgency, herdsmen clashes and so on should be identified and tackled with sincerity and consistency.
- The current framework and regulations on IDP voting in Nigeria should be amended to be more detailed and totally reflective of Nigeria's international obligations.
- The dichotomy between interstate and intrastate IDPs should be removed and necessary arrangement and logistics be made to ensure all internally displaced persons can vote at all levels of elections for constituencies of origin or places of current abode without any adverse consequence on their IDP status or access to humanitarian assistance.
- Internally displaced persons living within host communities but outside IDP camps should also be included in arrangements for inclusion in elections. To do this accurate and demographic data of IDPs should be afforded to INEC from the Ministry of Humanitarian Affairs.
- Strategic plans must be mapped out well ahead of elections to ensure enough time for implementation and dealing with unforeseeable interventions. There should be sufficient time for voter registration, distribution of PVCs.
- Innovative ICT systems should be utilized to ease collation and sorting processes. To this end electronic voting and electronic transmission of votes should be utilized to erase problems of directing results across states especially in regard to interstate IDPs.
- Constant and deliberate communication between INEC and IDP communities must be done to ensure inclusive decision making, effective communication of voter information and procedures in native language of the internally displaced persons.
- Adequate measures for security of the internally displaced persons and electoral officers must be taken. These measures must however not amount to intimidating internally displaced persons especially as they are still facing the psychological trauma of displacement.
- Political parties should be mandated to give special concessions to internally displaced persons interested in vying for elections such as reducing cost of obtaining nomination forms and assistance in campaigning.