

**INTERNATIONAL HUMAN RIGHTS LAW AND THE PROTECTION OF INTERNALLY
DISPLACED PERSONS IN NIGERIA***

Abstract

Prior to the enactment of National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022, as both legal and institutional framework for the protection of Internally Displaced Persons in Nigeria, there was no international instrument or local enactment that directly addressed the plights of Internally Displaced Persons (IDPs) in the country. This development further aggravated the situation of those who were forced to flee their homes suddenly and unexpectedly to safer areas by violent activities of Boko Haram sect, armed Fulani herders and militant wing of Biafran agitators in the North-East, Middle-belt and South-Eastern parts of Nigeria respectively. The objective of this paper is to critically examine the import of this Act in driving the protection and management agenda of government on the internal displacement crisis in Nigeria. The paper also, examined the causes of internal displacement, as well as the various dimensions of rights violation of internally displaced persons in Nigeria. The research methodology adopted by the researchers is purely doctrinal with analytical, descriptive and prescriptive approaches. The paper concluded that ethnic and religious domination is largely the factor responsible for internally displacement in Nigeria. The researchers therefore recommended a systematic and coordinated support for the internally displaced persons, protection of the rights of the IDPs within and outside the camps, effective elimination of the threats causing displacement and final return or re-integration of IDPs into the society through provision of employment opportunities and skill acquisition programmes.

Keywords: Human Rights, Protection, Internal displacement, Re-integration, Humanitarian agencies

1. Introduction

According to United Nations' working definition of Internally Displaced Persons (IDPs), it is persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters and who are within the territory of their own country¹. Millions all over the world are currently internally displaced, as a result of various causes including forcible movements to inhospitable areas, civil wars in which villages have been destroyed, insurgency and ethnic persecution through Government policies². The plight of internally displaced persons is a problem that is not directly addressed by any international instrument³, but has been addressed by Nigeria only recently. In any conflict situation, and particularly those with ethnic or religious underpinnings, the humanitarian needs are enormous and the means of meeting those needs are severely limited. The internally displaced civilian populations move from one place to another, seeking safety and protection inside their own country. This forced population movement resulting in mass exodus constitute by their very nature, infringement of international human rights law⁴.

The consequence of internal displacement on IDPs themselves as well as on local authorities and communities that host them can be shocking⁵. While the act of displacement itself often may violate the human rights of those affected, the subsequent loss of access to homes, land, livelihood, personal documentation, family members and social networks can deleteriously affect the ability of IDPs to assert and relish an entire range of fundamental rights⁶. Most apparent, IDPs instantaneously become reliant on others for basic needs such as shelter, food and water. At the same time, their susceptibility may be amplified by barriers to accessing health care, education, employment, economic activities and electoral politics in their areas of displacement⁷. The longer the displacement continues, the greater the risk of traditional family and social structure breakdown, leaving IDPs dependent on outside aid, and vulnerable to economic and sexual exploitations⁸. Such dependency, in turn, reduces the chances of durable solutions and sustainable reintegration into the society, once political and security conditions have changed to enable such solutions to take place.

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¹ Analytical report of the Secretary –General on Internally Displaced Persons, E/CN.4/1992/23, 24 February, 1992, para 17.

² E Alabo, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Person,' *Journal of Law, Policy and Globalization*, vol.51, 2016, page 26.

³ *Ibid*

⁴ E Mooney, 'The Concept of Internal Displacement and the Case for Internally Displaced Person as a Category of Concern', *Refugee Survey Quarterly* 24, no.3 (2005), p. 9-26

⁵ *Ibid*

⁶ *Ibid*

⁷ *Ibid*

⁸ *Ibid*

Nigeria has been battling helplessly with insurgency perpetrated by Boko Haram terror groups and armed Fulani herders ravaging the North Eastern part and the middle belt of Nigeria⁹. The hazardous undertakings of Boko Haram and armed herdsmen have generated a colossal upsurge of displacement in the Northern part of Nigeria¹⁰. While Boko Haram central philosophy is ‘western education is forbidden’, it has devastatingly attacked churches, mosques, schools, police stations and government, private and public facilities with a guerrilla warfare tactics¹¹. Also, Fulani herdsmen, under the pretext of cattle grazing, have sacked countless communities in the middle belt through mass killings, burning of ancestral homes of the indigenous people and subsequent occupation of their lands. Only recently, the heinous activities of biafran agitators have surprisingly displaced innumerable number of people in Orlu and Okigwe areas of Imo State, and Ihiala, Ukpok and other border towns of Anambra State. The agonizing effects of this displacement in the South East is grossly under-reported by mainstream media.

The basic aim of the study is to press the point that the fundamental and specific rights of internally displaced persons are being mindlessly violated in Nigeria, and hence the need for protection through robust laws and actions from the Nigeria state.

2. Conceptual Clarifications

The following concepts are briefly explained for better comprehension of the research work.

Human Rights

Human rights are rights we have simply because we exist as human beings- they are not granted by any state¹². These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language or any other status. The principle of universality of Human Rights is the corner stone of international human rights law. This means that we are equally entitled to our human rights. This principle, as first emphasized in the Universal Declaration of Human Rights (UDHR) is repeated in many international human rights Convention, Declarations and Resolutions¹³. Human rights are inalienable. They should not be taken away, except in specific situations, and according to due process¹⁴. All human rights are indivisible and interdependent. This means that one set of rights cannot be enjoyed fully without the other. For example, making progress in civil and political rights makes it easier to exercise economic, social and cultural rights. Similarly, violating economic, social and cultural rights can negatively affect many other rights¹⁵.

Protection of Rights

Many conflicts are sparked by a failure to protect human rights, and the trauma that results from severe human rights violations¹⁶ often leads to new human rights violations. As conflicts intensifies, hatred accumulates and makes restoration of peace more difficult¹⁷. In order to stop this cycle of violence, states must institute policies aimed at human rights protection. Many believe that the protection of human rights is essential for the sustainable achievement of the three agreed global priorities of peace, development and democracy¹⁸. Respect for human rights has therefore become an integral part of international law¹⁹.

Internal Displacement

Displaced persons under international laws are persons who have been forced or obligated to flee or to have cause to leave their homes or place of habitual residence in particular, due to or in order to stave off the effect of armed conflict, violations of human rights, situations of generalized violence, natural or man- made disasters to another place considered relatively safe within their national borders²⁰. Internally displaced persons are mostly victims of the brutality of man against man, various kinds of injustice or violent confrontations perpetrated either by their own government against them or by others, such as terrorism, communal clashes, religious conflicts, riots, natural disaster and so on²¹. The distinction between the IDPs and refugees is that IDPs shelter within the territory of their state while the displaced persons who have crossed an international border are considered refugees. In situations

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ *Ibid*

¹² United Nations Human Rights Office of the high Commission on ‘What are Human Rights’, available at <<https://www.ohchr.org>> last accessed on 12th June 2024.

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ *Ibid*

¹⁶ M Maiese, ‘Human Rights Protection’, available at <<https://www.intractability.org>> accessed on 12th June, 2024.

¹⁷ *Ibid*

¹⁸ *Ibid*

¹⁹ *Ibid*

²⁰ *Ibid*

²¹ A Itumo and N H Nwefuru, ‘Nigeria state and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio-Economic and Political Development,’ *Research on Humanities and Social Sciences* vol.6, No.15, 2016. P 27.

of armed conflict, IDPs, like any other person benefit from international humanitarian law and the legal protection of international human rights law²². However, while they continue to benefit from all of the international human rights instrument and legal protection available to other persons, they are excluded from the specialized protection of international refugee law, because they have not crossed the international border²³.

3. Legal and Institutional Framework for the Protection of Internally Displaced Persons in Nigeria

Before the enactment of the National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022, which came into force on 27th January, 2023, Nigeria was a signatory to United Nations General Assembly Guiding Principles for the Prevention and Management of Internally Displaced Persons all over the world. This set of guiding principles were adopted in Abuja by West Africa Nations during the first conference of West African States on internal displacement in 2006²⁴. Furthermore, the guiding principles of the United Nations, in 2009, set the foundation for the African Union Convention for Assistance and Protection of Internally Displaced Persons²⁵ known as Kampala Convention. The Kampala Convention, which was a regional human rights instrument, is yet to be domesticated by Nigeria in accordance with section 12(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended). These developments gave rise to the formation of National Policy on Internally Displaced Persons in Nigeria 2012, which set a vivid direction in combating the crisis of internal displacement in Nigeria occasioned mainly by Boko Haram insurgency in the North-East and violent Fulani herders in the North central of Nigeria.

The birth of National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022 marked a huge milestone in the protection and management of the problems of Internally Displaced Persons in Nigeria. The Act, which is the legal and institutional framework, should be a potent tool for the protection and management of IDPs crisis in Nigeria. Other Nations like Colombia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia and Russia Federation²⁶ have robust legislations that provide measures to prevent displacements, the registration of the victims of displacement and provision of social, economic and legal assistance to safeguard rights endangered by the menace of displacement. This Act which provides for the management, rehabilitation, return, reintegration and settlement of all victims of displacement including refugees and migrants replaced the National Commission for Refugees Act²⁷. Section 1 (b) (v) provides inter-alia the implementation of other treaties and conventions in relation to refugees, migrants, asylum seekers, and internally displaced persons, which are ratified and domesticated by Nigeria, as part of the objectives of the Act. Part II provides for the establishment of the National Commission of the Refugees, Migrants and Internally Displaced Persons as an institutional framework for the implementation of this Act known as the ‘Commission.’ Specifically, part VI of the Act deals with issues relating to internally displaced persons (IDPs) in a succinct manner. Section 28 (2) empowers the Commission to make regulations and guidelines for the implementation of durable solutions²⁸. The commission may in discharge of its obligations, collaborate with relevant international organizations in matters relating to internally displaced persons²⁹. Also, the commission shall provide transitional protection programmes such as advocacy to ensure promotion and protection of the rights of persons of concern in camps and host communities³⁰. The commission shall equally conduct peace-building initiatives in communities of return, relocation and local integration³¹. The Act further provides for collaboration with law enforcement agencies and conduct of sensitization workshops, trainings, and seminars to mainstream human rights in counter-insurgency operations³². With the above legislation, relief and succor have come the way of internally displaced persons, by way of mitigation of hardship imposed on victims of displacement in Nigeria.

4. The Implications of Internal Displacement in Nigeria

The internal displacement comes along with a wide range of social, economic and political implications on the part of victims of displacement, host communities and the nation in general. They are as follows:

Social Implication

The internal displacement, as a result of armed conflicts, imposes untold social hardship on victims of displacement and their host communities. The social organization of displaced communities is often damaged or

²² *Ibid*

²³ *Ibid*

²⁴ . I. A Kanu, M B Bazza and I O Omojola, ‘Review of National Policy on Internally Displaced Persons (IDPs) in Nigeria’, *Nnadiabube Journal of Social Sciences*, vol.2(1) 2018, p.1

²⁵ *Ibid*

²⁶ E Alobo and S Obaji, ‘Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons,’ *Journal of law, Policy and Globalization*’ vol. 15, 2016, p.26.

²⁷National Commission for Refugees Act, Cap N21, LFN, 2004.

²⁸National Commission for Refugees, Migrants and Internally Displaced Persons Act 2022.

²⁹ *Ibid*, s.28 (3)

³⁰ *Ibid* s.28 (4) (a)

³¹ *Ibid* s. 28 (4) (b)

³² *Ibid* s.28 (4) (j)

destroyed by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles³³ in the family. Internally displaced populations, especially vulnerable groups like children, the elderly, women and pregnant ones experience profound psycho-social distress relating to displacement³⁴. Disruption of educational programmes of children and adolescents is always the case with internal displacement. Proximate to the above, is the sudden distortion of the demography of the communities that host victims of displacement. There is always a near or total collapse of the available social amenities within the host communities which often generates friction or resentment between the IDPs and their host communities. The stigma of now living a life depending on aids and handouts from humanitarian agencies, and being treated as IDPs by government, host communities and donor agencies can become nightmarish to victims of displacement in Nigeria.

Economic Implications of Internal Displacement

The forced migration of a group of people to safer areas as a result of armed conflicts has quite enormous economic cost. Loss of homes, other tangible properties and sources of livelihood of victims of displacement characterized the act itself. Also, the rush to escape from the North, has already affected the profitability of business establishment in that region³⁵. There is an alarming decline in the gross domestic product of the Northern region ravaged by activities of Boko Haram and violent Fulani herders. Banks and other industries have shut down their operations in these affected areas which resulted in near obliteration of economic activities. Mass exodus of people from the region has not only constituted a depletion of economic affairs in the North, but created destitution which has thrown those departing the north into financial and psychological pressures³⁶. Similarly, Monday Sit-At-Home declared by Biafra agitators since June, 2021 has not only crippled economic activities in the South East region on Mondays, but also reinforced the economic woes suffered by the region since the end of the civil war. On the part of victims of displacement and their host communities, displacement imposes great economic burden on the host communities by way of the IDPs competing for the available economic opportunities, with negative impact on the cost of goods and services, rent and transportation fares. These conditions can produce resentment among local host populations, and could, alongside extreme IDPs deprivation, create the background for future clashes and conflicts³⁷.

Political Implication

There has been growing critique, in recent years, of the way in which humanitarian and aid agencies purport to speak on behalf of IDPs/refugees, and their tendency to represent IDPs solely as helpless and lost³⁸. This has resulted in the silencing of IDPs' voices and exclusion from design and implementation of interventions aimed at IDPs communities³⁹. Lack of outlets for the peaceful expression of IDPs voices and exclusion from political processes may encourage violence, as this may be seen as the only way in which the displaced can be heard⁴⁰. There is high risk of recruitment of idle youths as political thugs in the host communities with its attendant destabilizing effects. Furthermore, the lack of effective grievance mechanisms and outlet to articulate different viewpoints and the failure of humanitarian actors to institutionalize such practices can result in the misclassification of ordinary political engagement for radicalization⁴¹ of IDPs.

5. The problem of Internally Displaced Persons (IDPs) In Nigeria

According to International Centre for Investigative Report (ICIR), Nigeria had 3.4 million⁴² internally displaced persons as at December, 2023. The report further noted that about half of the incidents occurred in Borno State⁴³. Conflicts persisted in the North-Eastern state of Adamawa, Borno, and Yobe, where various non-state armed groups (NSAGs) operate⁴⁴. The number of attacks against the military and government installations in Borno fell, but clashes between NSAGs and attacks on civilians continued and, in some areas, intensified⁴⁵. Most displacements in Nigeria, a decade ago, were associated with armed conflict, particularly in the North East, but nearly three-quarters of the total for 2023 was triggered by criminals and communal violence, including clashes

³³ E Aloba and S Obajji, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons,' *Journal of Law, Policy and Globalization*, vol.15, 2016, p.28

³⁴ *Ibid*

³⁵ *Ibid*

³⁶ A Itumo and N H Nwefuru, *Ibid*, p. 32

³⁷ *Ibid*

³⁸ *Ibid*

³⁹ *Ibid*

⁴⁰ *Ibid*, p. 32

⁴¹ *Ibid*

⁴² International Centre for Investigative Reporting (ICIR), 'Nigeria Had 3.4 million Internally Displaced Persons as of 2023,' available at <http://www.ICIRNigeria.org>. Accessed on 17th June, 2024

⁴³ *Ibid*

⁴⁴ *Ibid*

⁴⁵ *Ibid*

between herders and farmers in North-Western states⁴⁶. Some of these violent attacks by terrorist groups and bandits contribute to internal displacement within the country⁴⁷. Interestingly, a large number of IDPs in North-East live with relatives and friends⁴⁸. 87% of IDPs live with host communities and 23% live in camps or camp-like setting⁴⁹. The situations in other states are quite different, while there are no identified camps in Yobe, Bauchi and Gombe, 12% of the IDP population in Adamawa and 18% of IDPs in Borno live in camps or camp-like settings⁵⁰.

The challenges specifically faced by IDPs in Nigeria include insufficient understanding of the rights of the IDPs, as set out in the UN Guiding Principles on Internal Displacement and the Kampala Convention vis-a-vis right to life, freedom of movement, association, dignity of human person, personal liberty, right to private and family life etc⁵¹. These rights are often violated with impunity by criminal elements that orchestrated their displacement. Also, many IDPs have witnessed loss of their family members through violent attacks by Boko Haram insurgents, armed Fulani herders and violent Biafran agitators. Furthermore, women and children remain the most vulnerable to sexual and gender-based violence⁵². There have been reported instances on rape, sexual harassment, forced marriage, infant marriage, sexual diseases and uncontrolled birth occasioning high infant and maternal mortality in make-shift IDP camps in Nigeria⁵³. The most common type of accommodation used by IDPs in Nigeria are schools and government building⁵⁴. Report, also, shows that IDPs live in churches, mosques, town halls, abandoned and uncompleted buildings, and where available, other forms of make-shift camps which are grossly inadequate and unsuitable for accommodating the surge in displaced population⁵⁵. The shelters are often overcrowded and unsuitable in terms of water and sanitation facilities, cooking and privacy, especially for women⁵⁶. There is a near or total collapse of health facilities in places that witnessed displacement. This situation is made worse by the fact that access to health-care in Nigeria is generally poor and ‘is severely constrained for both the IDPs and host communities as a result of destruction of health-care facilities’⁵⁷ and killing of health workers by the violent elements that caused the displacement. Some IDPs have access to food distribution every day while others receive irregular food distribution⁵⁸. Thus, there is serious malnutrition in conflict areas because of limited access to food distribution.

6. Rights and Obligations of IDPs, Government, Humanitarian Agencies, Host Communities and Armed Groups

The imperativeness of national policy on prevention and management of internally displaced persons became louder after the adoption of the United Nations set of guiding principles of the IDPs and Kampala Declaration of the African Union on Internal Displaced Persons. Nigeria, being a signatory to these international human rights documents, created a policy document for the management of the IDP crises in 2012 known as National Policy on Internally Displaced Persons in Nigeria. The policy document seeks to address all causes of migration, all groups, needs, phases, levels, areas of concerns and rights as regards internally displaced persons⁵⁹. It envisioned ‘an equitable and stable Nigeria society that is proactive and responsive to emergency situation that could lead to internally displacement, where the right to a life of dignity is guaranteed for all internally displaced persons and where adequate measures and durable solutions exist to prevent and mitigate the impact of internal displacement on vulnerable populations’⁶⁰.

Rights and Obligations of IDPs

The third chapter of the policy document focuses on the rights and obligations of internally displaced persons. They have general rights such as the rights contained in the Constitution of Federal Republic of Nigeria, Statutes, domesticated sub-regional, regional and international human rights and humanitarian instruments which other citizens are entitled to⁶¹. Equally, they have specific rights such as right to protection from arbitrarily displacement, right to protection and assistance during and after displacement, which includes right to physical

⁴⁶ *Ibid*

⁴⁷ *Ibid*

⁴⁸ *Ibid*

⁴⁹ *Ibid*

⁵⁰ *Ibid*

⁵¹ *Ibid*

⁵² *Ibid*

⁵³ *Ibid*

⁵⁴ *Ibid*

⁵⁵ *Ibid*

⁵⁶ *Ibid*

⁵⁷ *Ibid*

⁵⁸ *Ibid*

⁵⁹ National Policy on Internally Displaced Persons, Federal Republic of Nigeria, August 2012, pp. 19-26

⁶⁰ I A Kanu, M B Bazza and I O Omojola, ‘Review of National Policy on Internally Displaced Persons (IDPs) of Nigeria, vol.2 (1), 2018, p.4.

⁶¹ *Ibid*

security and integrity, basic necessities, civil and political rights and restoration of property including land⁶²; internally displaced children shall also have rights to their names, proper upbringing, education, inheritance, traditional titles etc⁶³. The rights of women must also be protected; her rights to sanctity, privacy, dignity, freedom to choose who to marry, hold positions of authority, financial assistance, own property, self-development etc⁶⁴. For those with disability, they have a right to modified physical environment, mobility devices, training and specialized medical care, access to information, education, priority attention in service delivery⁶⁵. The internally displaced persons do not only have rights, but also obligations towards the same society that ensures their rights. Internally displaced persons have an obligation to be law abiding citizens, and shall take responsibility for individual and collective crimes committed under national and international laws or as defined in the national or state laws. They have a responsibility to respect the culture and norms of host communities and the rules and regulations in collective settlement⁶⁶.

Responsibility of Government

The obligations and responsibilities of government is based on the fact that she is the primary duty bearer with responsibility of protecting internally displaced persons⁶⁷. The package of protection must be responsive, aimed at preventive or stopping violations; it is also remedial, aimed at providing redress; and environment building, aimed at providing the necessary and legal/ institutional framework, capacity building and awareness necessary for the promotion of human rights⁶⁸. International human rights law also imposes on the government a threefold obligation: the obligation to respect human rights, obligation to protect human rights and the obligations to fulfill these rights⁶⁹.

Relief and succor came to the way of IDPs by the recent enactment of National Commission for Refugees, Migrants and Internally Displaced Persons Act 2022. Nevertheless, government needs to do more by having robust budgetary allocation for the IDPs, effective collection of data regarding the number and conditions of IDPs, creation of an unfettered access to justice for the IDPs, elimination of all threats that cause displacement and final return and re-integration of displaced persons into the society.

Obligations and Responsibility of Humanitarian Agencies

The Humanitarian agencies which are partners in alleviating the plights of the IDPs, ‘must comply with the law and policy guidelines set in the international law and the laws of the Federal Republic of Nigeria⁷⁰. In providing protection and assistance to the IDPs, they must adhere to the core minimum standards in water, sanitation and hygiene protection, in food security, nutrition and food aid, in shelter, settlement and non-food items, in health services, and the minimum standards common to all sectors bordering on participation, initial assessment, response, targeting, monitoring, evaluation, aid workers competencies and responsibilities, and supervision, management and support of personnel⁷¹.

Obligations and Responsibilities of Host Communities

The government and humanitarian agencies have responsibilities towards the host communities, which equally are major actors in the protection of the IDPs. These responsibilities are in form of rights to these host communities. They include socio-economic rights involving conflict prevention and peace building efforts, adult literacy and health promotion initiatives and the expansion of the economic opportunities of the host communities⁷². They have the right to security of lives and property and right for adequate compensation by relevant authorities for land used as camp sites. Other rights are right to food security through means such as agricultural support to boost local food production and mitigate the impact of influx of IDP population on food security, right to safe environment and quality health⁷³.

Host communities, in turn, have their obligations towards the IDPs which include provision of adequate security and safety for IDPs, promotion of harmony and integration of IDPs, ensuring that the IDPs are not discriminated against on the basis of ethnicity, religion, sex etc, the provision of a safe space for the IDPs for the construction of temporary shelters, ensuring access by humanitarian agencies, non-governmental organizations and government officials, allowing the IDPs to freely express themselves in terms of their culture, religion, political

⁶² *Ibid*

⁶³ *Ibid*

⁶⁴ *Ibid*

⁶⁵ *Ibid*

⁶⁶ *Ibid*, p.6

⁶⁷ *Ibid*

⁶⁸ *Ibid*

⁶⁹ *Ibid*

⁷⁰ *Ibid*

⁷¹ *Ibid*

⁷² *Ibid*

⁷³ *Ibid*

beliefs without discrimination or molestation, not limiting the lawful movement of IDPs in and out of the community or prevent them access to any part of their community⁷⁴.

Obligations of Armed Groups towards IDPs

Armed groups, which played a role in the IDP crisis, have obligation not to carry arbitrary displacement, hamper the provision of protection and assistance to IDPs, deny IDPs access to food, water, security, health, shelter, separate members of the same family, restrict the free movement of the IDPs, recruit children or permit them to take part in hostilities, forcibly recruit persons, kidnap, take hostage, or engage in sexual slavery or trafficking, especially as regards women or children, impede humanitarian assistance and passage of relief consignments, attack or harm humanitarian personnel or violate the civilian and humanitarian character of places where IDPs are sheltered⁷⁵.

7. Comparative Analysis of Rights Protection for the IDPs in Nigeria and Colombia

Over the years, Nigeria had no legal framework for the protection of the rights of the internally displaced people until only recently. The National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022 which came into force on the 27th January, 2023 was intended to alleviate the plights of not only the refugees and migrants, but also the internally displaced persons in Nigeria. Before the enactment of this Act, Nigeria relied on National Policy on Internally Displaced Persons which was a policy document derived from a set of guiding principles adopted by the United Nations General Assembly for the prevention and management of crises associated with internal displacement all over the world. The cry for a legal and institutional framework dealing with the menace of displacement became louder after the astronomical rise in the displacement cases in the North East region of Nigeria, especially the Borno state, about a decade ago. The government watched helplessly as the crisis engulfed almost all the states in the Middle- Belt of Nigeria. Only recently, the activities of Biafran agitators have displaced countless communities in some parts of Imo and Anambra states of Nigeria. The key agents of this displacement are the Boko Haram Islamic Sect, armed Fulani herders and violent Biafran agitators. Boko Haram quest to impose its own version of Islam has seen the displacement of several communities in the North East and North West, destruction of public institution like schools, police stations, military barracks, churches, mosques etc. also, the quest for the grazing of animals has seen arm welding Fulani herdsmen sack farming communities in the North Central states like Plateau, Niger, Benue etc. The activities of these non-state actors have brought death, destruction and untold economic woes on helpless residents of these areas. Despite the formulation of the Act mentioned above, violation of rights of internally displaced people continues unabated. The currency of this Act has made its impact insignificant in the lives of internally displaced population of Nigeria.

Protection of Rights of Internal Displaced Persons in Colombia

Colombia remained at the centre of multiple and overlapping displacement situations in 2023⁷⁶. The number of internally displaced people reached 6.9 million within the country⁷⁷. Despite confrontations between some armed groups as they looked to expand territorial control, the Government continued negotiations with various non- state armed actors under the ‘Total Peace’ policy, a plan to sharply reduce violence in the country through dialogue⁷⁸. UNHCR supported Colombia’s institutional response to displacement by fostering a network or protection actors, strengthening institutions and prioritizing solutions through the legalization of informal settlement with high concentrations of internally displaced people as well as community empowerment⁷⁹. 2800 people benefited from legalization while another 3208 people in these settlements received land titles⁸⁰. Also, UNHCR directly assisted over 638,000 people in Colombia in 2023, including refugees, and migrants, internally displaced people, returnees, and people at risk of statelessness⁸¹. This total included more than 230,000 people who were provided information on access to rights and services⁸².

⁷⁴ *Ibid*

⁷⁵ *Ibid*

⁷⁶ United Nations High Commissioner for Refugees, ‘Report on Situation Colombia.’ Available at <https://Reporting.unhcr.org>. Accessed on 19th June, 2024.’

⁷⁷ *Ibid*

⁷⁸ *Ibid*

⁷⁹ *Ibid*

⁸⁰ *Ibid*

⁸¹ *Ibid*

⁸² *Ibid*

Features of Internal Displacement in Colombia

Colombia has faced one of the world's most acute internal displacement situations associated with conflict and violence for five decades⁸³ now. Colombia occupies a unique niche within the global patterns of internal displacement⁸⁴. The features of internal displacement in Colombia are as follows:

- Colombia has the largest population of conflict-affected internally displaced persons (IDPs) in the world.
- In the Western Hemisphere, Colombia is the only nation with a large IDP population.
- Internal displacement in Colombia is unidirectional.
- Colombia internal displacement is protracted in time.
- Ongoing armed conflict provides the context for internal displacement in Colombia.
- Colombia internal displacement is complexly related to drugs trafficking.
- Multiple mechanisms contribute to Colombia internal displacement.
- The predominant pattern of Colombian internal displacement is rural-to-urban.
- In Colombia, those who are displaced have no defining identity, nor unifying identity nor historical enemies.
- Special populations are disproportionately represented among the IDPs.
- Colombia IDPs are officially designated as 'victims of armed conflicts'.
- Colombia IDPs have no safe place to migrate and no safe alternatives to return.
- The rigors of IDP existence are replete with psychological consequences⁸⁵.

It must be re-emphasized that 'actions by non-state armed groups against the civilian population are the main causes of forced displacement in Colombia⁸⁶. The main needs of displacement population are based on lack of protection, and access to temporary shelter, food, health services, education and access to safe water⁸⁷. Also, clashes between rival armed groups were second most important driver of displacements, as well as threats made via phone calls, pamphlets and other means⁸⁸.

Protection of Internally Displaced Persons by Constitutional Court in Colombia

As we all know, 'forced displacement temporarily prevents internally displaced persons (IDPs) from providing for themselves⁸⁹. Faced with lack of prompt and persistent assistance to meet needs, hundreds of IDPs have to meet turned to constitutional protection to stop their situation from worsening⁹⁰. Constitutional justice has not just protected the rights of individual applicants, but it has also prompted the authorities to make structural changes in public policy⁹¹. The Colombia constitutional Court has set forth a series of guidelines which also protect IDPs' rights. They are as follows:

IDPs Need for Judicial Protection: Under this, the State and society in general have an ethical imperative to immediately and comprehensively protect IDPs, who represent one of the most vulnerable sectors of the population⁹².

Judicial Action to Correct IDP Public Policy Failure: In Colombia, the increasing number of legal claims brought by IDPs is a symptom of the difficulties they face when seeking assistance, and is a sign of institutional weakness⁹³. The inadequate response of public entities causes them to lose legitimacy in the eyes of the displaced population and thus to lose the confidence that the displaced population had placed in them⁹⁴. The legal demands are an opportunity for institutions to regain the legitimacy lost by the state's failure to fulfill its duties⁹⁵.

The Effects of the Constitutional Court Judgments: The Court has been behind the most important advances and developments in policies regarding the displaced population in Colombia since 2004⁹⁶. The effects are as follows:

- I. The Court has defined state obligations and IDPs rights by the integrating international standards in the national legal framework, bearing in mind the strong legal standards by which the institutions in Colombia state operate⁹⁷.

⁸³ Internally Displacement Monitoring Centre, available at www.internal-displacementmonitoringcentre. Accessed on 19th June, 2024.

⁸⁴ National Library Medicine, 'Internal Displacement in Colombia,' available at <http://www.ncbi.nlm.nih.gov>. Accessed on 19th June, 2024.

⁸⁵ *Ibid*

⁸⁶ Forced Displacement in Colombia more than doubled in 2021, available at <https://www.aljazeera.com>. Accessed on 19th June, 2024.

⁸⁷ *Ibid*

⁸⁸ *Ibid*

⁸⁹The Brookings Institution, University of Bern: 'Judicial Protection of Internally Displaced; Colombian Experience,' available at www.brookings.edu. Accessed on 19th June, 2024.

⁹⁰ *Ibid*

⁹¹ *Ibid*

⁹² *Ibid*

⁹³ *Ibid*

⁹⁴ *Ibid*

⁹⁵ *Ibid*, p.99

⁹⁶ *Ibid*

⁹⁷ *Ibid*

- II. Also, the Court has encouraged the Government to change the priority of policies in order to meet the axiological order set out in the Constitution. According to the court, attending to and overcoming a humanitarian crisis such as displacement must be a priority for the state⁹⁸.
- III. In order to protect IDPs' rights and ensure preferential treatment, the Court, in accordance with domestic legislation, sought clarity from the authorities regarding what resources should be assigned to displacement⁹⁹.
- IV. Institutions have strengthened their ability to assist the displaced population, providing assistance that at least responds to this population specific needs in accordance with Court decision¹⁰⁰.
- V. The decision of the Court promoted a new relationship between authority and citizens, which was an important development, particularly given that these citizens are victims of the conflicts¹⁰¹.

From the foregoing, it is glaringly clear that Colombia gives Nigeria quality edge in protection of rights of internally displaced persons.

8. Conclusion and Recommendations

Unlike refugees who cross national borders and benefit from an established system of international protection and assistance, those forcibly uprooted within their own countries, by armed conflict, internal strife, systematic violations of human rights, or natural disasters, lack of predictable structures of support¹⁰². Internal displacement has become one of the more pressing humanitarian, human rights and security problems confronting the international communities¹⁰³ as no continent is spared from this menace. Forced displacement causes IDPs from effectively catering for their survival, and equally makes them vulnerable to violations and abuse from the armed groups that caused their displacement, the host communities and sometimes from both officials of Government and humanitarian agencies that ought to give care and protection. Some of the basic needs of internally displaced persons include access to food, shelter, health-care, water and security. Government, host communities, humanitarian agencies and armed groups have their obligations and responsibilities towards the protection of IDPs in Nigeria. It is the duty of government to create legal and institutional framework for the protection of rights of internally displaced persons. Host communities have a duty not to discriminate against IDPs, deny them access to food, water and shelter; have a duty to create harmonious co-existence between them and the displaced persons. Also, armed groups, which are key actors to the menace of displacement, must not hamper the provision of aids to the IDPs; must not separate members of the same family; must not restrict free movement of the IDPs; must not recruit children as soldiers; must not involve in sexual slavery or trafficking

For effective mitigation of the hardship faced by internally displaced persons in the North East, North West, Middle-Belt, and South East regions of Nigeria, by reason of the heinous activities of Boko Haram Islamic sect, armed Fulani herders and violent Biafran agitators, this research work recommends as follows:

- i. The recently created institution by the National Commission for Refugees, Migrants and Internally Displaced Persons Act 202, referred to as the 'Commission', must be strengthened with both robust budgetary allocation and personnel to undertake the mandate bequeathed to it by law, in protecting the rights of IDPs in Nigeria.
- ii. Internally displaced persons, as human beings in a state of vulnerability, are entitled to the enjoyment of all relevant guarantees of human rights and humanitarian rights which include right to life, movement, association e.t.c. These rights must be protected by the Court.
- iii. Government and humanitarian agencies must pay specific attention to the most vulnerable groups among the IDPs such as children, aged and women, who are exposed to severe socio-economic and political challenges which always resulted in increased starvation, lack of accommodation, unemployment, school disruption, sexual harassment, child labour, early marriage, poor health and sanitation.
- iv. Proximate to the above, is the need for government to respond to the plights of IDPs strategically, and sustainably re-integrate the IDPs into the society through provision of employment opportunities and skill acquisition programmes.
- v. The creation of specialized Court or Mobile Court fully devoted to the trial of internal displacement matters. Also, Nigeria should emulate Colombia constitutional court that empowers the IDPs to seek for the protection of their rights as individuals. This will certainly be a step in the right direction in protection of rights of IDPs.
- vi. Lawyers and non-lawyers should move into the IDPs camps to bring their services to bear in stemming the tide of rights violation and abuse in the IDPs camps.
- vii. The internally displaced persons must participate in the design and implementation of the support and assistance given to them by government, donors or humanitarian agencies.
- viii. Elimination of threats that orchestrated the displacement should be the top priority of government, so that the displaced persons can return and re-integrate into their various societies.

⁹⁸ *Ibid*

⁹⁹ *Ibid*

¹⁰⁰ *Ibid*

¹⁰¹ *Ibid*

¹⁰² *Ibid*

¹⁰³ *Ibid*