

PROTECTION OF INTERNALLY DISPLACED CHILDREN IN NIGERIA: NEED FOR SHARED AND COLLECTIVE RESPONSIBILITY*

Abstract

Internal displacement is a global phenomenon that has recently attracted much publicity with little global attention. There is virtually no country in the world that has not experienced internal displacement of its citizens either as a result of natural or man-made disasters. However, Africa hosts over one-third of the global forced displacement with the greater number of victims being children. Unfortunately, since the detection of this worldwide menace, efforts made to address and arrest the situation remain insignificant in comparison with the rate of the displacement. The consequences of internal displacement on the life and development of the child are dire ranging from child mortality, sexual exploitation, health challenges and involvement in criminal activities amongst other which have a ripple effect on the larger society. To properly address this problem of displacement, the law has placed a responsibility on nation states to provide the necessary protection to the displaced child. This article, therefore, takes a journey into examining the laws relating to the protection of internally displaced children in Nigeria with a view to determining how this responsibility has been fulfilled. The doctrinal method of research was adopted based on primary and secondary sources. It was discovered that the undue concentration of the responsibility over IDCs on the national government is the major cause of the setback in achieving adequate protection for the internally displaced child. The article concluded that the problem of the internally displaced child is not necessarily the absence of laws but the inadequacy and lack of implementation of the extant laws. It is recommended inter alia that protection of internally displaced child should be the collective responsibility of the three tiers of government with clear delimitations of their powers in law and not policy.

Keywords: Child, Internal displacement, Protection, Responsibility

1. Introduction

As 2022 concluded, Nigeria was home to 3.6 million IDPs out of which¹427000 children were internally displaced as a result of climate shocks². The importance of protecting an internally displaced child³ and in fact, all children cannot be over-emphasised. Life is a *continuum*, it is seen as a circle of birth, death and in some beliefs, reincarnation. To ensure its continuity, children form an integral part of life so much so that they have been variously described as the hope or leaders of tomorrow. Despite their indispensability, children consist of the most vulnerable and powerless members of the society. To help the child realise his proper place in the society, it became imperative to set in motion laws that would guarantee his protection. Law remains the best protection tool for the child and this protection is mostly needed by the internally displaced child. Due to the factors such as their young age or, in some cases, the absence of a guardian, internally displaced children face a myriad of risks over and above those faced by other internally displaced persons.⁴ These risks include: unlawful military recruitment, sexual exploitation and abuse, child labour, denial of access to education and basic assistance, and even death.⁵ In recognition of their heightened vulnerability, it has always been accepted that internally displaced children require a raised level of protection and assistance in order to find durable solutions to their particularly, tragic situation.⁶ Internally displaced children are children first and foremost, and as children, they need special protection⁷ from their states to be able to fully enjoy all their human rights and have a healthy development.

Nigeria is known as a major generator of IDPs in the world with its consequences very dire on children. Over recent decades, significant attention has focused on solving the problems of internal displacement. However, previous studies in this regard centred more on determining the causes and consequences of forced displacement, the plights of IDPs and the legal framework in form of laws and policies available for dealing with such displacement and the protection of the affected citizens. Yet there exists a wide gap between legislation and implementation, particularly, as it affects the internally displaced child whose number keeps skyrocketing on a regular basis. There is a dearth of studies on the reasons for this gap and the enforceable legal measures to close it up. The life of a law is anchored on its implementation. Where a law is omnipotent on paper and impotent in practice⁸, such a law is not only nugatory but also dead. This notable gap in the protection of, and assistance for internally displaced children (IDCs), underscores the relevance of this Article to propose ways the available protection can reach the destination of the IDCs by considering who has responsibility over the internally displaced child and how that responsibility is discharged.

2. The Plight of Internally Displaced Children

Internally displaced persons are 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict,

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¹<<https://www.internaldisplacement.org/countries/nigeria#:~:text=As%202022%20concluded%2C%20Nigeria%20was,the%20closure%20of%20IDP%20camps.>> accessed on 5/10/2023.

² 'Report: 427000 Children displaced in Nigeria due to Climate Crisis in 2022', <https://www.thecable.ng/report-427000-children-displaced-in-nigeria-due-to-climate-crisis-in-2022#google_vignette>, accessed on 5/10/2023

³ Otherwise referred to as IDC

⁴ UNHCR, 'Global consultations on international protection of refugee children' (2002); see also UN General Assembly 'Assistance to unaccompanied refugee minors' (2002b) and UN General Assembly 'Report of the Third Committee on assistance to unaccompanied refugee minors' (2000).

⁵ UN General Assembly 'Protection and assistance to unaccompanied and separated refugee children' (2001) par. 6.

⁶ T Kaime, 'The protection of refugee children under the African human rights system: Finding durable solutions in international law', <file:///C:/Users/izuchukwu/Downloads/Draftversion_2008TheprotectionofrefugeechildrenundertheAfricanhumanrightssystem.pdf>, accessed on 21/4/2021.

⁷ 'Children are developing. They grow in developmental sequences, like a tower of bricks, each layer depending on the one below it. Serious delays interrupting these sequences can severely disrupt development.' UN High Commissioner for Refugees, 1994, 7.

⁸ U S F Nnabue, 'Developing the Less-Developed Economies Through Foreign Investment: Nigeria in Focus', [2011], *JCCCL*, (Vol. 1), 3-4.

situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border.⁹ Where the person displaced is less than 18 years, he is a child. Displacement is a destabilizing experience for children, as it exposes them to risks at a time in their lives when they most need protection and stability.¹⁰ It becomes even more traumatizing because the difficult conditions they endure might persist for years without a solution. Factors that cause displacement of people can be natural such as floods, earthquakes, droughts, hurricanes, wildfire, famine and other disasters. However, oftentimes, the causes are human made such as wars, genocide, terrorism, insurgency, persecution and political instability.¹¹

Factors that cause displacement of people can be natural such as floods, earthquakes, droughts, hurricane, wildfire, famine and other disasters. However, often the causes are human-made. The human causes include wars, terrorism, genocide, insurgency, persecution and political instability. Internal displacement of people has been a recurring challenge in Nigeria and obviously, the most affected persons are vulnerable groups such as children, aged and women who are exposed to severe socio-economic, political, psychological, medical and environmental hazards.¹² The effects of internal displacement on children include a lack of physical security, inadequate access to education, sexual abuse, inadequate food and nutrition, and various health risks.¹³ The sudden flight of these children from their places of residence creates negative impacts on their growth and development. Internally displaced children face far higher risks to their safety and well-being than any average child. Many spend their entire childhoods away from home, sometimes separated from their families. Many also have witnessed or experienced violent acts and are at risk of abuse, neglect, violence, exploitation, trafficking or military recruitment.¹⁴ No doubt, the abrupt and violent onset of emergencies, the disturbance of their families and community structures and the critical shortage of resources to which most IDPs are subject, deeply impact the 'physical and psychological wellbeing of IDCs'. Additionally, 'infants and young children are often the earliest and most frequent victims of violence, disease and malnutrition which accompany population displacement. The internally displaced children are daily facing a lot of adversities, which affect their normal development including various types of violations of their rights, such as deprivation, exploitation, abuse and neglect.¹⁵ Displacement is one of the manifestations of the negation of the society. The ugly experiences in the camp have been narrated by some of the child victims of displacement. In the IDP camp in Maraban Rido Kaduna, a 13-year-old Sandra Yohanna who could not control her tears while narrating her ordeal in the camp said, her mother usually put salt in water for her and her siblings to drink and sleep because there was no food in the house. Another child narrated that she uses pieces of clothes to improvise as sanitary pads during her monthly period and sometimes she could get stained because she does not have enough clothes to use as sanitary pad. She further stated that they are ten and sometimes up to twenty in number sleeping in one room. There was a time her brother was infected with chicken pox, all of them suffered the same sickness because they sleep in a non-ventilated room. In corroborating the stories of these children, the coordinator of the IDP camp, Mr Adams Sule confirmed that there are over 4000 IDPs in the camp designed to accommodate only 100 persons and 2,500 of them are children most of whom are orphans. He noted that many children are facing malnutrition, diverse health challenges particularly, those who are sickle cell patients and many are out of school.¹⁶ There has also been a case of 're-displacement' of these children from the temporary refuge.

A lot of children were displaced from the IDP Camp in Borno State following an airstrike by the Nigerian military that left many dead and some others injured. Thus, the safety and physical security of the child are not guaranteed. Additionally, reports indicate government officials, as well as security forces, and aid workers have committed sexual exploitation crimes against internally displaced children including sex trafficking in government-run IDP camps, informal camps, and local communities, including around Maiduguri, the Borno State capital.¹⁷ The daunting challenge currently confronting the Nigerian state is how to alleviate the plights of internally displaced persons.¹⁸

3. Responsibility over Internally Displaced Children in Nigeria

International Law is primarily concerned with the rights, duties and interests of states.¹⁹ The basic principle of 'State Responsibility' in international law provides that any State that violates its international obligations must be held accountable for its acts. More concretely, the notion of state responsibility means that states, which do not respect their international duties

⁹ United Nations Guiding Principles on Internal Displacement

¹⁰ 'The Rights and Guarantees of Internally Displaced Children in Armed Conflict', <https://childrenandarmedconflict.un.org/wp-content/uploads/2022/06/10-08849-Rights-Guarantees-Internally-Displaced-Children-Armed-Conflict_WP_2_Cover02_Web.pdf>, accessed on 14/9/2023.

¹¹ V Irunbor, J Uba, & V M Obibessong, 'Resource Allocation and Rehabilitation of Internally Displaced Persons in Cross River State, Nigeria', <https://www.researchgate.net/publication/372907264_Resource_Allocation_And_Rehabilitation_Of_Internally_Displaced_Persons_407_RESOURCE_ALLOCATION_AND_REHABILITATION_OF_INTERNALLY_DISPLACED_PERSONS_IN_CROSS_RIVER_STATE_NIGERIA> accessed on 14/9/2023.

¹² A Itumo, 'Nigerian State and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio-Economic and Political Development', [2016], (Vol.6, No.15), *Research on Humanities and Social Sciences* 24.

¹³ O O Olusegun, & A Ogunfolu, 'Protecting Internally Displaced Children in Armed Conflicts: Nigeria in Focus,' [2019], (Vol. 9: Issue. 2), *Notre Dame Journal of International & Comparative Law*, 4

¹⁴ 'Children', <<https://www.unhcr.org/children-49c3646c1e8.htm>> accessed on 28/10/2019.

¹⁵ 'The Rights and Guarantees of Internally Displaced Children in Armed Conflict', <<https://childrenandarmedconflict.un.org/publications/WorkingPaper-2-Rights-GuaranteesIDP-Children.pdf>>, accessed on 25/7/2023

¹⁶ 'Plight Of IDPs Amid Hunger in Kaduna Camp'

<<https://leadership.ng/plight-of-idps-amid-hunger-in-kaduna-camp/>>, accessed on 11/9/2023

¹⁷ '2023 Trafficking in Persons Report: Nigeria', <<https://www.state.gov/reports/2023-trafficking-in-persons-report/nigeria#:~:text=Reports%20indicate%20government%20officials%2C%20as,Maiduguri%2C%20the%20Borno%20State%20capital>>, accessed on 11/9/2023.

¹⁸ Itumo, A., *op.cit.*

¹⁹ M N Shaw, *International Law*, (5th Edn, London, Cambridge Press, 2003), p.77.

are responsible to immediately stop their illegal actions, and make reparations to the injured.²⁰ State responsibility, is a cardinal institution of international law. It results from the general legal personality of every State under international law, and from the fact that States are the principal bearers of international obligations.²¹ State responsibility in the context of this Article however, is concerned with who should provide protection to IDPS and how they should do so; exactly what duties do states owe to IDPS under international law?²² Because internally displaced persons reside within the borders of their own countries and are under the jurisdiction of their governments, the primary responsibility for their protection and assistance rests on their national authorities. States are responsible for protecting the rights of their citizens. In customary international law, nationality provides the principal link between the individual and the law of nations. In line with this, Nigeria has adopted and incorporated international treaties on protection of the displaced persons including children, into their national laws thereby undertaking legal obligations to protect them. The Guiding Principles on Internal Displacement underscores this point where in *Principle 3* it stated that: 1) National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction; 2) Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request. In like manner, the Kampala Convention and Great Lake Protocol on the Protection and Assistance of Internally Displaced Persons assign the primary responsibility of protecting internally displaced persons within their territory or jurisdiction without discrimination of any kind, to State Parties and to also provide humanitarian assistance to them.²³ By ratifying the Guiding Principles and the Kampala Convention, Nigeria has accepted the responsibility of providing protection to IDPs *albeit*, it has not domesticated any of them. Nigeria has no specific law on internal displacement but operates a National Policy on Internally Displaced Persons²⁴ which equally assigns to Government, the primary responsibility to protect IDPs. Accordingly, the Policy provides as follows:

Government is considered the primary duty bearer with the responsibility for protection of internally displaced persons. Such protection will be responsive, i.e. aiming to prevent imminent or stop on-going violations, remedial, i.e. aiming to provide redress (e.g. access to justice, reparation or rehabilitation) for past violations, or environment building, i.e. aiming at creating the necessary legal and institutional framework, capacity and awareness that is necessary to promote respect for human rights of internally displaced persons and prevent future violations.²⁵

Similarly, Section 14(1)(b) of the Constitution of Nigeria has declared as one of the fundamental objectives of Government, that the security and welfare of the people is the primary purpose of Government. Regrettably, this is one of the provisions contained in Chapter 11 of the Constitution that have been declared non-justiciable²⁶. The Policy too is unenforceable.

4. The Need for Shared/Collective Responsibility over Internally Displaced Children amongst the Tiers of Government

The defining feature of responsibility-sharing is that the responsibility is allocated to two or more actors that work together with a view to achieving a particular outcome.²⁷ This aspect of shared responsibility builds on the notion of collective responsibility²⁸. Shared responsibility is not simply the aggregation of two or more individual responsibilities. In many situations of shared responsibility, two or more actors stand in some relationship to each other, and their conduct or omissions mutually influence the scope of responsibility of the other. An important application of the concept of shared responsibility is to situations where responsibility is based on multiple actors contributing to each other's acts and thereby to the eventual outcome. The very ability of actors to achieve results that they cannot achieve alone can even be the basis for a (moral) obligation to work together (or, in my terms, to engage in concerted action).²⁹ When states act together, they rely on each other and can achieve together more than they can alone; this is a basis for the distribution of responsibility between all of them. The principle of shared responsibility thus defined can provide important benefits to international as well as national governance. A system where law distributes legal responsibility to multiple actors, interests of victims in situations where states and other actors act in concert rather than alone are better protected. The notion of responsibility that reflects that 'togetherness' is appropriate.³⁰

Responsibility-sharing for IDPs is necessary because the costs associated with protecting and displaced persons are unequal. Responsibility-sharing centres on three main goals: first, most importantly, to prevent the situations that cause people to be displaced; second, to maintain adequate protection for displaced persons while addressing undue burdens on host countries and communities; and third, to promote solutions for the displaced, including local integration, return, and resettlement. Responsibility-sharing is needed at all stages of displacement, from prevention of the causes through durable solutions. The challenge of responsibility-sharing is then to ensure that arrangements for cooperation expand and improve the protection space for displaced persons. The concept preaches strengthening of cooperation and solidarity and equitable responsibility and burden sharing; and further urges all States and actors in IDP protection to increase their efforts to implement these

²⁰ H Okorie, 'The Concept of State Responsibility for Violation of International Humanitarian Law', in U U Chukwumaeze, R Olaoluwa, & A Nnabue, (eds), *Law, Social Justice and Development A Festschrift for Professor Uba Nnabue*, (Owerri, Imo State University Press, 2013) pp. 38-39.

²¹ J R Crawford, 'State Responsibility', (2015), *Oxford Public International Law*, <https://spacelaw.univie.ac.at/fileadmin/user_upload/p_spacelaw/EPIL_State_Responsibility.pdf> accessed on 18/3/21

²² C Phuong, 'Identifying States' Responsibilities towards Refugees and Asylum Seekers,' <<https://esil-sedi.eu/wp-content/uploads/2018/04/Phuong.pdf>> accessed on 28/4/2021

²³ See the Preamble and *Article V (1)* of the Kampala Convention and *Article 3(3)* of the Great Lake Protocol

²⁴ 2012

²⁵ Chapter 4.1.

²⁶ See 1999 Constitution S 6.

²⁷ A Nollkaemper, 'The Duality of Shared Responsibility', [2018], (Vol. 24, No. 5), *Contemporary Politics*, 524-544

²⁸ T T Erskine, 'Coalitions of the Willing' and the Shared Responsibility to Protect', in A. Nollkaemper, A., & Jacobs, D., (Eds.), *Distribution of Responsibilities in International Law*, (Cambridge: Cambridge University Press, 2015) pp. 277-284.

²⁹ T T Erskine, *op cit*.

³⁰ A Nollkaemper, *op cit*.

important principles, including through the provision of much needed support to host countries or communities by mobilizing financial and other necessary resources, and ensure protection and assistance and realize durable solutions for IDPs and for other persons of concern, as appropriate, in order to enhance the coping ability and resilience of host communities, as well as provide assistance in a more predictable, timely, sustainable and equitable and transparent way. The needs of host communities, particularly those close to origin home of IDPs, have been a particular focus of responsibility-sharing concerns. IDP movements are uneven throughout the world for morally arbitrary reasons. IDPs tend to flee to states that are located close to their home states or communities; they often manage to get to places where there is an existing community of IDPs in order to make assimilation easier.

In Nigeria, protection of IDPs has been treated as the sole responsibility of the Federal Government with the other tiers playing a passive role. It must be clearly stated that primary responsibility does not translate to sole responsibility. The duty imposed on the National Government to protect IDPs is not exclusive to it. The National Government is only required to be the principal driver of the protection. As a matter of fact, all manner of persons and institutions within a nation state are expected to assist the state in carrying the burden of protecting internally displaced persons. In its provisions on who has the responsibility over IDPs in Nigeria, the National IDP Policy did not define the term 'Government' although the term being used in the singular form is suggestive of a single Government. Assuming, the term is used in its plural form to connote more than one government, it must be resolved whether it refers to the various arms of Government or the different tiers of Government. A closer look at the introductory part of Chapter 4 of the Policy reveals an intention that 'Government' includes the different tiers of Government. In the exact words of the Policy, 'this chapter seeks to outline the various responsibilities of government at *all levels* to prevent internal displacement, protect and assist IDPs in Nigeria'. Again, assuming the levels of Government contemplated by this provision are the national, state and local governments, this statement can at best be described as a blanket statement in the absence of any provision in the Policy that delimits the functions of each level of Government. Consequently, amongst the three tiers of Government in Nigeria, the Federal Government has always assumed the primary responsibility of protecting IDPs while the state and sparingly, the local governments have played a supportive role usually at their whims and caprices. This explains the lack of grassroot structures or institutions for the protection of IDPs at the states and local government levels and their non-chalance in responding to the plights of IDCs. Except the international organisations, agencies and non-governmental bodies that have undertaken to cater for IDP as non-state actors, the major institutional frameworks regulating IDP protections are all federal establishments such as the Ministry of humanitarian Affairs and Social Development, NEMA³¹, NCRMI etc. many of which do not have state presence except NEMA that has SEMA at the state levels with no much activity in place .

The impact of the roles of states and local governments in addressing the problems of IDCs cannot be ignored due to their proximity to the people. However, to fully take advantage of these roles and extract quality commitment on the part of the states and local governments in the protection of IDPs, there is need to clearly spell these roles out in a legislation the same way taxation matters have been shared amongst the three tiers of Government.³² Because protection of IDCs is capital intensive, most states may not want to willingly provide for it except under a legal duty. There is no doubt that states have made considerably efforts in assisting the IDCs within their territories, unfortunately, the efforts are insignificant in the face of the high rate of displacement and increase in the number of IDPs. States governments have played certain roles in providing IDCs with make-shift shelters in designated camps, first hand reliefs and are gradually working towards returning them back home although without adequate preparations and measures to protect them. For instance, in Borno State, the epicenter of the conflict with a population of about 1.8 million displaced persons, the State Government in 2021 began shutting down all camps located in Maiduguri, the capital, generally regarded as the most secure location in the state. The shutdowns have compelled displaced people to leave the camps without consultation, adequate information, or sustainable alternatives to ensure their safety and livelihoods. Shutting down the camps has pushed many displaced people—who were already suffering from the conflict—deeper into destitution, leaving them struggling to eat, meet basic needs, or obtain adequate shelter.³³

While the efforts of the state governments in this regard are acknowledged, more is expected to protect the socio-economic, civil and political rights of IDPs and this can only be achieved if their responsibility is documented in a law which responsibility shall not be discretionary but mandatory. Thus, even the responsibility of the national Authority has to be reviewed and removed from the realm of fundamental political and humanitarian objective to an enforceable legal duty. Policies are at best expectations from the Government. They do not impose a legal obligation. Due to their limited roles in the protection and assistance of IDPs in Nigeria, the Federal Government in 2022 came up with a new policy on IDPs wherein the primary burden of protecting IDPs has been shifted to the state governments. According to the immediate past Minister of Humanitarian Affairs, Disaster Management and Social Development Sadiya Umar Farouq:

The State Government is responsible for the welfare of its indigenes while the Federal Government is concerned with the welfare of all Nigerian citizens. In times of humanitarian challenges, the State Government has the primary responsibility while the Federal Government intervenes as required.³⁴

The clear involvement of the State Government is a welcome development for grass root protection of the IDPs but it not clear if the state government referred to, is the home state of the IDP or the host state. If the former is the case, it springs up yet more controversies as to the capacity of the home state to offer protection to its displaced indigenes that it failed to protect within its territory *ab initio*, particularly, where the state itself is the cause of the displacement. If on the other hand, the latter is the case, is it not an additional burden on the host state to cater for non-indigenes within its territory, how is the state expected to fulfil this obligation? Shifting the primary responsibility of protecting IDPs to the state government while the National

³¹ although at the state levels you have the SEMA

³² Taxes and Levies (Approved List for Collection) Act, 1998

³³ 'Those Who Returned are Suffering', <<https://www.hrw.org/report/2022/11/02/those-who-returned-are-suffering/impact-camp-shutdowns-people-displaced-boko>>, accessed on 14/9/2023

³⁴ 'In new policy, FG shifts responsibility of displaced indigenes to state'

, <https://guardian.ng/news/in-new-policy-fg-shifts-responsibility-of-displaced-indigenes-to-state/>, accessed on 12/9/2023

Government only plays an interventionist role may not be in the best interest of the IDCs. At the point of displacement and relocation to other states, the IDC is now considered a non-indigen of the receiving state and may not as of right, demand from the state protection but as a citizen he has the right to demand from the National Government protection and assistance. The National Government should retain and maintain the lead role in the protection of IDCs but the states must be assigned specific responsibility and must work in synergy with the National Government.

Furthermore, matters of displacement fall within the exclusive legislative list, thereby restricting the powers of the state to designate through the instrumentality of law effective protection mechanisms for IDCs within their jurisdiction. Nonetheless, protection can be achieved by the states if full recognition and implementation is granted the Child's rights Act which falls under the residual legislative list. Unfortunately, not all states have enacted the child's right law particularly, those who are worse hit by displacement³⁵ and for those who have the law, the IDC was not recognised except as one in need of assistance. According to the CRA, a child is considered in need if he or she is disabled, internally displaced, a refugee, or if his or her health and development are likely to be significantly impaired without assistance. State responsibility in this regard shall include safeguarding and promoting the welfare of the children in need within the State by promoting the upbringing of those children by their families, and by providing a range and level of services appropriate to the needs of the children.³⁶ The IDC is not viewed as a right bearer but one in need of humanitarian assistance. Until, there is a clear delimitation of the government responsibilities to protect the IDCs in a well-established legal regime and the right to demand their fulfilment, the plethora of rights accorded the child will always remain a myth. Both the original and current positions under the 2012 and 2021 IDP policies that assign only a level of government the primary responsibility to protect the IDCs should be jettisoned. In a country as populated as Nigeria, the responsibility of IDP protection should be shared amongst the three tiers of government and proper budget allocation equally made to each of the levels of government for proper and easier execution of their duties and to enable grassroot protection which is currently lacking in the protection of the IDCs. Where it cannot effectively handle its responsibility over IDPs, governments are encouraged to seek the cooperation of international organizations or humanitarian agencies, civil society organizations and other relevant actors subject to their rights to sovereignty.³⁷ IDCs can easily become marginalized in their own country, living in precarious conditions, with an uncertain legal status, poorly defined rights in domestic law, and inadequate specific protection of legal, social, economic and political rights.³⁸ Not only do IDPs have to suffer the catastrophic effects of loss of homes, property and livelihoods, but as victims of long-term displacement, they also suffer the indignity, exploitation and vulnerability of dependence on state aid and in need of targeted assistance.³⁹ In such situations, therefore, international intervention becomes necessary to prevent gross human rights violations of the IDPs.

5. Grassroot Protection of the IDCs and the Host Communities

By grassroot protection, we mean that protection should not be far, but accessible and reachable to the IDCs and this can be actualised by the use of institutions nearest to them such as the local government and the host communities. The proximity of the host community and the local government to the IDCs makes them indispensable in achieving grassroot protection of these IDCs. It must be pointed out that most of the displacements happen in the rural area and their transit also within their local neighbourhood thereby making the local government the first custodians of the IDCs and strategic instruments for IDP protection, if duly empowered both legally and economically. Regrettably, in Nigeria the local government system is gradually fizzling out as a result of the overbearing interference with their autonomy by the state governments which have made the local governments almost invisible, moribund and nonvirile in the affairs of the nation. Again, IDCs depend heavily on host communities for their survival. The solidarity and support of those communities takes the form of many types of direct, indirect, permanent and occasional assistance. Host communities show solidarity towards IDPs by allowing them to find shelter with them, in whatever form. They also facilitate IDPs' access to essential products and services, in particular by sharing their resources and social services with them. Furthermore, it is sometimes thanks to host communities that IDPs have access to economic activities that allow them to regain their autonomy and hence to meet their needs themselves. As they have been cut off from their usual support networks and original communities, IDPs rely on host communities to create new social networks and obtain information that is essential if they are to exercise their rights or obtain basic social services. Host communities therefore, play a leading role in the provision of humanitarian assistance and protection to IDPs. The role played by host families and communities positions them as 'an informal instrument of humanitarian aid – *de facto* NGOs critical to saving lives, building resilience and providing essential services'.⁴⁰ But the negative effects of internal displacement hit IDP host communities just as hard. They are exposed to various threats as they seek to assist and support IDPs. Where resources are already scarce and economic opportunities are absent, frequent displacement places an additional, unexpected burden on the resources of the communities where displaced populations seek refuge, increasing the vulnerability and needs of those communities. Furthermore, mass population movements destabilize host communities, as the resulting rapid depletion of resources can lead to tension between IDPs and those communities. In turn, this tension exacerbates localized violence, and armed extremist groups take advantage of this to recruit members from the local population and step up their attacks.⁴¹ At the same time as being among the main providers of humanitarian protection and assistance, host communities are severely affected by mass displacement. However, they are often ignored in responses to internal displacement. They are constantly exposed to violence and suffer multiple violations of their fundamental rights. In view of the above, it is essential to provide these communities with adequate protection, especially as they play a leading role in providing humanitarian protection and assistance to internally displaced persons.

³⁵ Adamawa, Bauchi, Gombe, Kano and Zamfara

³⁶ Section 171(a)-(b)

³⁷ Article III (3) of Kampala Convention, Article 3(10) of the Great Lake Protocol.

³⁸ 'The Rights and Guarantees of Internally Displaced Children in Armed Conflict', <<https://childrenandarmedconflict.un.org/publications/WorkingPaper-2-Rights-GuaranteesIDP-Children.pdf>>, accessed on 28/5/2023

³⁹ Paraskeva, C., 'Protecting Internally Displaced Persons under the European Convention on Human Rights and other Council of Europe standards A Handbook', <<https://rm.coe.int/handbook-costas-paraskeva-eng/168076087f>>, accessed on 28/5/2023

⁴⁰ International Review of Red Cross, 'Why communities hosting internally displaced persons in the Sahel need stronger and more effective legal protection', <<https://international-review.icrc.org/articles/why-communities-hosting-idps-in-sahel-need-more-effective-legal-protection-918>>, accessed on 11/11/2023

⁴¹ *Ibid.*

States Parties shall assess or facilitate the assessment of the needs and vulnerabilities of internally displaced persons and of host communities, in cooperation with international organizations or agencies'. This means that States must identify the nature and scale of the needs and vulnerabilities not only of the IDPs, but also of the communities that are hosting them.

Respecting and implementing the protections to which IDP host communities are entitled strengthens not only their resilience but also that of the IDPs they are hosting. Responding to the needs of host communities allows them to both continue providing for themselves and to help the IDPs they are hosting. Strengthening the protection and assistance provided to IDP host communities hence increases their ability to help reduce the vulnerability of IDPs. In practice, however, IDP host communities are insufficiently protected, which is limiting their resilience and that of the IDPs they are hosting. Humanitarian aid often seems to be focused on the needs of IDPs in camps and other official sites, at the expense of host communities, which are also in desperate need of such support. Protecting host communities and meeting their needs would also help to prevent tensions arising between those communities and IDPs, which in turn could help to maintain peace and prevent the emergence of new conflicts. Where there is a shortage of resources – natural resources, goods, or public services such as health care, education or water – the prolonged presence of IDPs can lead to competition between them and their host communities. Such competition could create or exacerbate tensions.⁴² The communities should not be a dumping ground for IDPs without concrete proactive plans put in place for their protection. These communities need to be empowered legally, socially and economically to play a proper host to these IDCs and for a peaceful co-existence with the IDCs. The needs of both the IDCs and the host communities must be given due consideration in forced displacement. Where this is done, these communities would willingly take up the responsibility of shielding the IDCs from harm and granting them the required assistance.

6. Conclusion

Nigeria has a broad human rights law (international, regional and domestic) that can improve to a greater extent the protection of IDCs if the government applies some level of sincerity and exercise political will in the implementation of these laws. A shared and collective responsibility amongst the tiers of government is recommended for effective protection of the IDCs. The legal provisions that assign to the National Government or Authority the primary responsibility to protect IDPs should not be construed to mean sole or exclusive responsibility. The National Government is only required to be the principal driver of the protection. As a matter of fact, all manner of persons and institutions within a nation state are expected to assist the state in carrying the burden of protecting internally displaced persons. The other tiers of government should be fully integrated in this responsibility which is usually capital intensive and not one to be left to a particular tier of government; be it national, state or local government as the case may be. The impact of the roles of states and local governments in addressing the problems of IDCs cannot be ignored due to their proximity to these IDCs. However, to fully take advantage of these roles and extract quality commitment on the part of the states and local governments in the protection of IDPs, there is need to clearly spell out their different roles in a legislation. This should be considered in the Bill establishing a National Commission for Internally Displaced Persons (IDPs), Refugees and Migrants pending before the National Assembly.

⁴² *Ibid.*