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RIGHTS OF THE INTERNALLY DISPLACED PERSONS (IDPs) IN THE NORTHEAST NIGERIA: REVIEW OF THE LEGAL FRAMEWORK

*Francis Ekene Ikebundu**

Abstract

Boko Haram insurgency has given Nigeria a chequered history of the incidence of internally displaced persons (IDPs). The 2014 United Nations report on the population of IDPs across the globe stands at 60,000,000, of which 2,100,000 are estimated to have been displaced by the menace of the Boko Haram insurgency in Northeast Nigeria. The violent attacks and deliberate destruction of homes and properties in the Northeast Nigeria gave birth to the saga of IDPs in the country. The IDPs, being persons with special status as a result of their displacements from their usual abodes, shifted attention to the peculiarity of the rights available for their circumstances apart from the generally guaranteed fundamental human rights. Several reports had it that the same IDPs have been subjected to a series of abuses in the form of violations of their rights. This thus prompted this paper to investigate the rights of the IDPs from the available legal framework. The paper, while adopting the doctrinal method of legal research and study, examines the adequacy or otherwise of the available legal framework for the rights of the IDPs from the international stage through the regional stage and down to what is nationally obtainable in Nigeria as a country. The paper exposes the relevant challenges and inadequacies in the legal framework amidst a lack of full-fledged domesticated laws on IDPs' rights in the country. The paper found that the biggest challenge to the implementation of IDPs' rights in Nigeria lies in the lack of a robust legislation to specifically cater for the IDPs. The paper thus recommends domestication and religious implementation of the relevant international and regional instruments on IDPs' rights by the Nigerian government.

Keywords: Insurgency, Human Rights, Internally Displaced Persons, Northeast Nigeria, International and Regional Frameworks on the Rights of Internally Displaced Persons

1. Introduction

In the recent time, the flux in the rate of crisis and violence in most countries of the world brought to the fore the issue of internal displacement which is now

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becoming a subject of significant concern in the international community.¹ Both international and regional stages thus have their shares of the menace. At the national level, Nigeria is not left out of the ugly situations. In the Northeast Nigeria, mass displacements were caused by the activities of *Boko haram* - a militant group based in North-East Nigeria, whose violent campaign has resulted in humanitarian crisis in Nigeria with an estimated of 1.9million persons displaced. Reports from Internal Displacement Monitoring Centre (IDMC) posit that 85 percent of internal displacement in Nigeria is as a result of insurgency by the militant group.²

The foregoing thus led to increase in the population of the Internally Displaced Persons (IDPs) in Nigeria with its attendant consequences. One of the consequences of the incidence of IDPs in Nigeria is debate surrounding their fundamental rights since they now occupy special status from other member of the populace. The incessant abuses which the IDPs face in their respective camps therefore prompted this research to examine and evaluate the legal framework of the IDPs' rights with focus on the international, regional and national levels. Though, the legal framework sought to be reviewed in this paper is a general framework that applies to all the menaces of insurgency in the northern part of the country, however, they are being reviewed with respect to the area of focus of this paper which is the Northeast. This is not to disregard the fact that other parts of Northern Nigeria are usually bedevilled with the ugly insurgency.

2. Forms of IDPs Rights Violation in Northeast Nigeria

IDPs in some part of Nigeria have their fundamental rights abused by both the state and non-state actors. They have been harassed, maltreated, starved and sexually assaulted. Records of human rights violations of IDPs in the Northeast and Nigeria at large, are still worrisome with the increasing rate of extra-judicial killings, illegal arrests, unnecessary detention and torture, rape and assault among others.³ The results of the questionnaires circulated in the course of this research suggests that IDPs have been denied right to associations, access to education, opportunity for employment, right to own property, freedom of movement, dignity of human person, private and family life. Right to access justice has equally been denied, right to life, political parties of their choice and

¹AF Yakubu, 'Benchmarking The Rights of Internally Displaced Persons in the Fight against Boko Haram Insurgency in Nigeria' (2016) 6 *Nigerian National Human Rights Commission Journal* 21.

²Internal Displacement Monitoring Commission <<http://www.internal-displacement.org/sub-saharan-africa/nigeria/figures-analysisib>> accessed 31 December 2021.

³MT Ladan *Protection of Displaced Persons under International Human Rights and Humanitarian Laws* (ABU Press,Zaria, Nigeria) 252

also, they have been disenfranchised from voting, and are exposed to extra judicial killings by security agents.⁴

The plights of IDPs have in recent years become a formidable problem of global significance and implications.⁵ The IDPs in Borno, Yobe and Adamawa States, just like in any other Northeast States, are victims of violation of human rights both during and after displacement.⁶ Most IDPs prefer to seek shelter with relatives or friends rather than staying in camps because of their tentative assurance of freedom, care and provisions which comparatively is better provided by relatives and friends than in IDPs camps.⁷

With regards to internally displaced persons, there are various forms of security challenges. However, violations received from the security agents/government officials who are meant to protect the people reign supreme. There are cases of rape and sexual harassment from security agents, inhumane and degrading treatment at the IDP camps screening centers, as well as violation on the right of movement from one place to another.⁸

The significant rights in which these IDPs enjoy are just the normal rights⁹ usually enshrined in any country's constitution derived from natural rights as a result of being human, and which are entrenched in the constitution¹⁰. This is despite the clear constitutional provisions and several other international treaties and conventions which provide for the protection of human rights of all categories of persons without discrimination of any kind. Hence, the Displaced Persons still suffer violation of human rights by security agents in their various IDPs camps in the Northeast region of the country.¹¹

The crisis in the Northeast part of Nigeria remains one of the most severe in the world, where human rights violations continue to be reported every day.¹² The

⁴ Chap 6 of the FE Ikebundu PhD Research which summarises the findings from the questionnaire. Specifically, Chapt 6.7.0.

⁵Ibid.

⁶Ibid.

⁷MA Olukolajo, 'Crisis Induced Internal Displacement: The Implication on Real Estate in Nigeria' *Journal of Economics and Sustainable Development*, (2015).5(4) 40.

⁸ Chap 6 of the FE Ikebundu PhD Research which summarizes the findings from the questionnaire. Specifically, Chapt 6.7.0.

⁹ Such as Right to life, Right to dignity of human person, Right to freedom from torture, inhumane or degrading treatment, Right to freedom from discrimination, Right to freedom of thought, conscience and religion)

¹⁰ 'Internal Displacement In Nigeria And The Case For Human Rights Protection Of Displaced Persons' p.30

¹¹ See Chap 6 of FE Ikebundu PhD research. Specifically, Chapt 6.7.0.

¹² A Report by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) in June 2018, <<https://www.unv.org/our-stories/improving-living-conditions-internally-displaced-person-adamawa-north-east-nigeria>> accessed 24 December 2021.

Human Rights Writers Association of Nigeria (HURIWA) has described the neglect suffered by IDPs as the worst case of human rights violations.¹³ Chaloka Beyani, a United Nations expert on IDPs, in a report on 29th of August, 2018, described the situation in the country as displaying the hallmarks of the highest category of crises.¹⁴ As a result of this, the worst forms of human rights violation is being suffered by these people who could be referred to as victim of circumstance.¹⁵

Women and children remain the most susceptible to sexual and gender-based violence.¹⁶ There are several reports on instances of rape, sexual harassment, forced marriage, child marriage, and uncontrolled birth resulting into high rate of infant and maternal mortality in the IDP camps in Nigeria.¹⁷ Also, there is disregard for the need of children in armed conflict situations, children are been exposed to enhanced risk of abuse, forceful conscription Ibid. by the insurgents as child soldiers, suicide bombers, sex slaves and discontinuation with their education.¹⁸ According to NEMA, there are over 750 unaccompanied and separate children.¹⁹ For the purpose of emphasis, we shall consider some of the forms of human rights violation of IDPs in the Northeast zone of Nigeria, thus:

2.1 Sexual Exploitation Abuses in IDPs Camps in Northeast Nigeria

Government officials and other authorities have raped and sexually exploited internally displaced women and girls and the government has not been doing enough to make sure these people are protected, and the abusers are appropriately sanctioned.²⁰ Similarly, in another report,²¹ it has been established that 84% of the total gender-based violence recorded by the Sexual Assault

¹³ Sahara Reporters <saharareporters.com/2018/09/24/huriwa-neglect-suffered-idps-worst-case-human-rights-violations> accessed 24 December 2021.

¹⁴ Nigeria: a huge displacement and humanitarian crisis require urgent life-saving and protection measures, <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20428&LangID=E>> accessed 24 December 2021.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ IDP Protection Strategy 2015, <www.humanitarianresponse.info/en/operations/nigeria/document/idp-protection-strategy-2015> accessed 22 December 2021.

¹⁸ 'Internal Displacement In Nigeria And The Case For Human Rights Protection Of Displaced Persons' p.31

¹⁹ 'Humanitarian Need Overview' <www.humanitarianresponse.info/en/operations/nigeria/document/idp-protection-strategy-2015> accessed 22 December 2021.

²⁰ This is based on the outcome of research question 3 in this research. The outcome can be found in Chapter 6 of this thesis.

²¹ H Abdulhamid, 'Chilling revelations of how caregivers, security agencies rape, exploit IDPs', <<https://dailypost.ng/2022/11/28/chilling-revelations-of-how-caregivers-security-agencies-rape-exploit-idps/>> accessed 27 December 2022.

Referral Centre occurred in Yobe, Bornu and Adamawa States which is where the IDP camps are situated. Further research in the report showed that most sexual exploitation were carried out by security personnel and emergency management agency staff members who have been detailed to ensure the welfare of the IDPs.

In this light, the Government has a duty to see that these people are not maltreated in the hands of the security agencies, by establishing a body of inquiry that would checkmate the activities of the security operative within the camps on daily basis.

2.2 Abuse by Movement Restrictions in the IDPs Camps in Northeast Zone of Nigeria

In Nigeria, most of the displaced persons live in IDP camps where they are either allowed to move out of the camps for a specific period or not even allowed to move out at all. For example, those living in Arabic Teachers College Village Camp said that they are only allowed to move out of the camp for just about 8 hours daily while others in some other camps said that their movement is highly restricted.²² It is even worse when the IDPs were unable to get food at a particular point for one reason or the other; they were still disallowed from going out to fend for themselves under the guise of security reasons.

Admittedly, the restriction of movement falls under the one reasonably justifiable for the purpose of protecting the general welfare of the IDPs. However, where socio-economic circumstances of the IDP Camps suppose that they are not adequately catered for, the base instinct would be to fend for themselves and may render nugatory the restriction permitted under the law. Such restriction cannot be justified when it occasions chaos and further threat to other rights.

2.3 Inhuman/Degrading Treatments Abuses of the IDPs at the Military Screening Centres

Earlier research on violations in IDP camps reveals that the Nigeria army operated screening centers where they interrogate local people to determine how much involvement they had with militants, while some were screened in few days, others are interrogated daily for months before been released to a camp. They are being locked, naked or in rags, in these screening centers for the so-called interrogation for several months.

3. Legal and Institutional Frameworks for IDPs' Rights

The 2014 United Nations report on the population of IDPs across the globe stands at 60,000,000, of which 2,100,000 is estimated to have been displaced by

²²Human Rights Watch, Nigeria: Officials Abusing Displaced Women, Girls Displaced by Boko Haram and Victims Twice Over, accessed 27 December 2022

the menace of the *Boko Haram* insurgency in Northeast Nigeria.²³ The outcome of the report showed significant increase in the population of IDPs, a number which could conveniently total the gross population of a country such as Italy.²⁴ This means that there is a surge in the number of IDPs which should concern every stakeholder. It was also observed that the number of IDPs was more than fifty-million after the World War given the fact that the world population at that period was relatively smaller compared to the current global population report.²⁵

This steady increase in the number of IDPs could spell doom for the future of a country if not adequately tackled since the phenomenon opens a tray of challenges for concerned states and affects the quality of its future. As it is clear beyond recondite that the law serves as a viable tool for social engineering, it becomes important to examine existing legal and institutional frameworks of IDPs' rights. This will aid in identifying and understanding the rights gap in existing framework on the subject matter. It is important to point out however that in the course of this research, frameworks include the legal materials that are ordinarily considered non-binding but from which policies and legislations draw inspirations in dealing with the rights of IDPs. As such, occasional reference to Guidelines and Policies may be made which may offend positivist sensitivities to the phrase 'legal framework'. It is thus intended by the researcher that the phrase 'legal framework' should not be taken strictly but understood to mean an aggregate of legal materials upon which the plight and rights of IDPs were enunciated irrespective of its abidingness.

4. International Legal Framework

4.1 United Nations Guiding Principles on Internally Displaced Persons

It is important to note that the UN Guiding Principle is a soft law developed by the Human Rights Commission of the United Nations. As such, it lacks compellability component of a regular law or hard law. That notwithstanding, it occupies the front burner of consideration in this research because of the particularity of its principles to IDPs as, to the mind of this researcher, no other law – soft or hard- has enunciated upon principles relevant to plight of the IDPs in general as the Guiding Principles under consideration. It collates variety of rights available to the IDPs for state parties to comply with in accordance with international best practices and principles of international law. The document covers the situation of IDPs in the event of displacement and beyond especially when it comes to returning the IDPs to their formal settlement.

The principles under the document are to be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse

²³ C Adeogun-Phillips 'Do Internally Displaced People Have Right under the Law?' *Vanguard Law and Human Rights News* (2015).

²⁴ Ibid.

²⁵ Ibid.

distinctions.²⁶ The observance of the principles shall not affect the legal status of any authority, group, or persons. The Guideline places obligation on governments to ensure safeguarding of IDPs' rights under the law and as well as providing them with access to humanitarian assistance.²⁷ Thus, in a situation where any government fails to live up to its responsibility, the IDPs should be allowed to make demands for their entitled protection and humanitarian assistance from national authorities, and they shall not be punished for making such demand. The principles have served as good precedent over the years for developing national framework to cater for the plight of the IDPs.

Section 1 of the UN Guiding Principles makes provision for general principles relating to internally displaced persons. For example, it provides that internally displaced persons shall enjoy fully the same rights as enjoyed by other persons under international and domestic laws, without any form of discrimination because of them being in that situation.²⁸ It also provides that the recognition and observance of these rights is compulsory for all authorities, groups and persons irrespective of their status under the law, and without any adverse distinction.²⁹ Another important provision made in this UN guiding principles is that it has specially given attention to the protection of certain categories of IDPs, these include children, unaccompanied minors, expectant mothers, persons with disabilities, and so on and the provision is to the effect that these particular set of people must be given protection and assistance as required by the peculiarity of their conditions and the specialty of their needs.³⁰

The UN Guiding Principles defines IDP and provides a comprehensive statement of what protection means during internal displacement. The principles also address a range of particular needs and protection risks that typically arise in situations of internal displacement by bringing together the rights of IDPs and the responsibilities of both state and non-state actors towards them.³¹ However, these principles, despite being reflective of the existing standards of international law, are mere principles which do not enjoy compulsion on the member States.³² The argument thus is that the guiding principles are merely toothless bull dog in Nigeria as they cannot enjoy binding force without being fully domesticated. This continues to be helpless to the situation of IDPs in the North-eastern Nigeria.

4.2 United Nations Resolution 1325

²⁶First Geneva Convention, 1949, art 22.

²⁷ Principle 2 (2)United Nations Guiding Principles on Internal Displacement

²⁸ Principle 1 of the United Nations Guiding Principles on Internal Displacement

²⁹ Principle 2 of the United Nations Guiding Principles on Internal Displacement

³⁰ Principle 4of the United Nations Guiding Principles on Internal Displacement

³¹W Kaelin, Annotatios, 'Guiding Principles, American Society of International Law' (2000) <http://www.asil.org/pdfs/study_32.pdf> accessed on 6 January 2022.

³²Ibid.

This is a resolution by the United Nations' General Assembly to analyze gender-specific aspects of conflict and peace particularly in recognition of the importance of women's involvement in peace and security issues.³³ Its main objective is to provide theoretical and practical understanding of conflict, peace and security from a gender perspective so as to respond to the specific needs of women in conflict and post-conflict situations.³⁴ The resolution specifically addresses how women and girls are disproportionately impacted by violent conflict and war and recognizes the critical role that women can and already do play in peace-building efforts.³⁵ It also affirms that *peace and security efforts are more sustainable when women are equal partners in the prevention of violent conflict, the delivery of relief and recovery efforts and in the forging of lasting peace.*³⁶ The resolution is made up of four pillars to wit; prevention, participation, protection, and relief/recovery.

*In this regard, prevention calls for improved intervention strategies to prevent violence against women, including the prosecution of perpetrators of such violence.*³⁷ Participation anticipates a situation of increased involvement of women at all levels of decision-making particularly in respect of management and resolution of conflicts, peace negotiations, peace operations and as security personnel.³⁸ Protection as the third pillar calls for protection of the female gender from sexual and gender-based violence that may arise in emergency and humanitarian situations such as in the IDP camps.³⁹ The fourth pillar aims to advance relief and recovery measures to address crises through a gendered lens by considering the peculiar needs of women and girls in IDP camps and

³³ F Nduwimana, 'United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security: Understanding the Implications, Fulfilling the Obligations' (Office of the Special Adviser on Gender Issues and Advancement of Women, Department of Economic and Social Affairs, United Nations) 7

³⁴ Ibid, 8.

³⁵ United States Institute of Peace (USIP), 'What is UNSCR 1325?: An Explanation of the Landmark Resolution on women, Peace and Security' <https://www.usip.org/gender_peacebuilding/aboutUNSCR1325> accessed 31 December 2021.

³⁶ Ibid.

³⁷ 'UN Resolution 1325: Significant But Lacking' www.peacewomen.org/resource/un-resolution-1325-significant-lacking#:~:text=UNSCR%201325%20contains%20four%20pillars%3A%20participation%2C%20prevention%2C%20protection%2C,in%20the%20peace%20building%20and%20conflict%20resolution%20processes accessed 31 December 2021.

³⁸ Ibid.

³⁹ 'Introduction to the Four Pillars of UNSCR 1325' (2018) <https://www.wilpf.org.uk/introduction-to-the-four-pillars-of-unscr-1325/> accessed 1 May, 2021.

settlements.⁴⁰ It is important to advert mind to the fact that the resolution in an international instrument which cannot be enforced to suit the course of the IPDs' plight as a matter of course except with national law tapping into it. The lack of political will and infectious environment of corruption continue to be stumbling block.

4.3 1949 Geneva Conventions

The 1949 Geneva Convention has two (2) protocols of 1977 and 2005 respectively. That of the 2005 is very apt with respect to the discussion at hand. The reason being that the hallmark of the protocol is the protection of any person who becomes victim of armed conflict especially like that of *Boko Haram* insurgency in Nigeria. The targets are mainly the victim of war and armed conflict such as the IDPs. The provisions of the Convention and the protocols strive to make a clear distinction between two sets of people. i.e. those who engage in armed conflict and those who are not engaged in the hostility but abjectly powerless. Thus, adequate provisions and protection are therefore given to the later as a result of their vulnerability.⁴¹

The Convention also caters for the challenges usually face by the victims of shipwreck, prisoners of war, and the wounded as well as the civilians.⁴² The provision of the Convention has been lauded for its non-discrimination especially towards states that are not parties to it. Thus, it came to the aid of all and sundry even though the area of IDPs is not particularly mentioned in the Convention.⁴³ The Convention provides that all civilians, prisoners of war and others including IDPs must be treated with dignity and all their rights must be respected without any discrimination.⁴⁴ There is great abhorrence to tampering with their lives and properties.⁴⁵ They therefore must not be subjected to any form of torture and where applicable they must be given medical assistance and intensive care.⁴⁶ The parties to armed conflicts such as *Boko Haram* also have the duty to be lenient with the IDPs by protecting the wounded and the sick amongst them as well as the disabled.⁴⁷ The Convention stipulates that at any point in time, medical unit must be provided to catering for the sick, wounded,

⁴⁰United Nations, 'UN Security Council Resolution 1325 on Women and Peace and Security (2000)' <https://www.unwomen.org/en/docs/2000/10/un-security-council-resolution-1325> accessed 31 December 2021.

⁴¹ First Geneva Convention 1949 as amended.

⁴² Fourth Geneva Convention 1949 as amended.

⁴³ Art 2.

⁴⁴ Art 7 First Geneva Convention 1949 as amended.

⁴⁵ Art 8.

⁴⁶ Art 9.

⁴⁷ Art 10.

disabled and this medical unit is barred from attack from any conflicting parties.⁴⁸

The Geneva Convention has been hugely successful over the years. However, it needs to be strengthened in terms of its existing legal framework. As an example, the law does not spell out the concept of direct participation in hostilities. This is a setback in the law because the concept is a very crucial one in that people (IDPs inclusive) lose their protection against attack when and for as long as they directly participate in armed conflict.⁴⁹

4.4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1981

The convention entered into force on 3rd September 1981 and has been ratified by 189 states as of 8 March 2013. Nigeria became signatory to the convention on 23rd April, 1984 and ratified it on the 13th June 1985.⁵⁰ On ratification of the convention many states had entered a large number of reservations to important articles, but many were later withdrawn.⁵¹ The Optional Protocol was adopted by the UN General Assembly on the 6th of October 1999 and entered into force on 22nd of December 2000.⁵² Currently it has 80 signatories and 109 parties.⁵³ An Optional Protocol to (CEDAW) introduced two new enforcement mechanisms. Firstly, the consideration of individual complaints and secondly the conduct of inquire.

⁴⁸ Art 11 of the third Geneva Convention 1949 as amended

⁴⁹ ICRC, 'Are The Geneva Conventions Still Relevant?' (2015) <https://intercrossblog.icrc.org/blog> accessed 8December 2021.

⁵⁰Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), new York 18th December 1979 https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV8&chapter=4&lang=en accessed on 25of December 2021.

⁵¹ States may exempt themselves from one or more of the provisions of the instrument by formally submitting a reservation; reservations incompatible with the object and purpose of CEDAW are not permitted (article 28 (2)). Art 29 gives two or more States parties the right to refer a dispute about the interpretation of CEDAW for arbitration and, if it remains unresolved, to the International Court of Justice. To date this provision has not been acted on. See General Recommendations No. 4 and No. 20 on reservations to the Convention adopted by the Committee on the Elimination of Discrimination against Women (United Nations document HRI/GEN/1/Rev.5).

⁵²*Optional protocol to women's convention* <https://www.un.org/womenwatch/daw/cedaw/protocol/wom1242.htm> accessed 20th November 2021

⁵³ UNHCHR, 'Parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women' https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV8b&chapter=4&lang=en accessed 20 November 2021.

Article 1 of CEDAW defines discrimination against women as including that done on the basis of sex, equality and access to human rights. As the CEDAW protections cover all women or the female gender, they apply equally to internally displaced women because whenever such a woman encounters one form of discrimination or the other, it is not always clear whether the discriminatory practice is attributable to her gender or her predicament. There are various forms of discrimination that could be encountered by a woman who is internally displaced, either from other displaced persons who are not women or from the hands of security agents.

There are various other international instruments which make provision for the guaranteed rights and entitled assistance for the IDPs. These instruments anticipate a situation whereby every person would be treated equally within the ambit of the law. In essence, what these provisions seeks to address is that people (IDPs or no IDP) should all be made to enjoy equal rights before the law and any form of discrimination that may want to arise from any authority towards the IDPs, because of their state, should be frowned at by the government.

A protocol made pursuant to CEDAW obligates countries that have ratified it to eliminate discrimination and to make positive measures in the expansion of human rights.⁵⁴ This has been ratified by all but six (6) UN member nations.⁵⁵ Apart from the fact that the law has grown over time as more countries have ratified it and more NGOs participated in the reporting process, it has also been shown that the ratification of CEDAW correlates with increase in women's life expectancy, higher rate of women in elective office, increase in the ratio of girls to boys in primary and secondary schools and employment opportunities.⁵⁶ However, CEDAW does not explicitly address violence against women. This is because it was drafted in the 1970s and approved by the UN in 1979, a few years before violence against women emerged onto the global agenda as a pressing issue.⁵⁷ Thus, CEDAW as an international enabling legal instrument needs to be reviewed with a view to making it specifically address the incessant issue of violence against women especially in the nomenclature of displacement of women through insurgency.

5. Regional Legal Framework

5.1 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa

⁵⁴ United Nations General Assembly, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Resolution A/RES/54/4, 1999.

⁵⁵ L Baldez, 'Why Not Amend CEDAW' (28 November 2018).

⁵⁶ Ibid.

⁵⁷ Ibid. Although the law could be easily amended as the procedure for amending CEDAW is quite simple, and that's again one of the good things about CEDAW.

This Convention caters for the rights of IDPs within the region of Africa. It is also referred to as Kampala Convention. The Convention was adopted in 2009 as a way of providing panaceas for addressing plight of the IDPs in the region with a view to prevent further occurrence.⁵⁸ Thirty-five member states have become signatories to the Convention by May 2012 of which twelve member states had already ratified it. To enter into force, the convention must be ratified by 15 member states before it will be binding on the 53 member states of the African Union.⁵⁹

The Kampala Convention is the first regional legal convention to secure the protection of IDPs and it is unique in its explicit provisions regarding the obligations of civil society organizations in addition to state actors. The convention provides that member states have the obligation to provide enabling environment to ensure sufficient protection and assistance of the IDPs and play pivotal role in collaboration with international bodies and relevant stakeholders with a view to actualizing the aim and objectives of the convention.⁶⁰

The Convention also contains several elements which seem to be ground-breaking in advancing the international protection of IDPs. The objectives of the convention include:

- (1) preventing internal displacement by addressing its root causes;
- (2) establishing a legal framework applicable to all stages of displacement; and
- (3) outlining the obligations and responsibilities of State and non-state actors.

Its scope is also comprehensive. It touches upon all stages of displacement, namely, prevention of displacement, protection and assistance during displacement, and endurable solutions. It also covers internal displacement caused by a wide variety of non-exhaustive factors including armed conflicts, generalised violence, violations of human rights, consequences of large development projects, and harmful practices. Some of its provisions are related to the protection and assistance of those who are hosting IDPs. Rather than listing the needs of IDPs and identifying corresponding rights, it provides, in much more detail, the obligations and responsibilities of not only States but also armed groups, other non-state actors, the AU, and international organizations.⁶¹

⁵⁸ ATHA 'Protection of Internally Displaced Persons' (Harvard Humanitarian Initiative) (humanitarian academy at Havard).

⁵⁹ Ibid.

⁶⁰ Kampala Convention, art 5 (6).

⁶¹ Protecting the Internally Displaced: A Manual for Law and Policymakers (Brookings Bern Project on Internal Displacement, 2008)

The Convention is both a human rights and humanitarian instrument. It thus provides norms applicable to both protection issues and assistance. Several of its provisions reaffirm the rights of IDPs and their protection from discriminatory practices. Its provisions dealing with early warning systems and risk reduction are relevant for creating better and effective prevention.⁶⁰ As expected, a number of provisions of the Convention show its attempt to create a balance between the sovereignty of the State and the State's responsibility.⁶²

The unending argument therefore is that as beautiful as the provisions of the Convention are, all the principles contained in the document are not legally binding and therefore not enforceable except by virile political will on the part of state government through domestication of the provisions in the Convention.⁶³

5.2 African Charter on Human and Peoples' Rights (ACHPR) 1981

As of 2016, 54 states in African have signed and ratified the charter as compliance in respect of human rights in African continents and Nigeria ratified it on the 22nd of July, 1983 which took effect on the 21 of October 1986.⁶⁴ One of the fundamental provisions made in the charter is the right to be free from any form of discrimination, that is to say, every human being, internally displaced persons inclusive, are to be treated without discrimination of any kind on the basis of either race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, birth or other status.⁶⁵ Looking carefully at the chapter 1 of this particular law which talks about the rights of the human being, it is evident that the charter keeps on using the phrase 'every individual'. This simply connotes that everybody, IDPs or not, should be treated equally and given equal protection before the law and the government should always ensure and encourage the observance of these rights.

It is clear that the African Charter is designed specifically to suit the African situation; however, it only emphasized on the economic, cultural and social aspect of African rights without adequately making provisions for political and civil rights. By this, it limits the operation of those rights using claw-back

<http://www.brookings.edu/papers/2008/1016_internal_displacement.aspx> accessed 12 January 2021.

⁶²Ibid.

⁶³ Kampala Convention 'Protecting Internally Displaced Persons: the Value of the Kampala Convention as a Regional Example' <<https://www.cambridge.org/core/journals/international-review-of-the-red-cross/article/>> accessed 8 December 2021.

⁶⁴ African Union 'African Charter on Human and People Rights' <<https://treaties.un.org/pages/showDetails.aspx?objid=08000002800cb09f>> accessed 25 December 2021.

⁶⁵ ACHPR Article 2.

clauses which allow the state to restrict its treaty obligations.⁶⁶ The good and the bad news are that the Charter as enjoyed domestication in Nigeria. However, what continues to be daunting is the attitudes of government and its agencies to compliance with the domesticated provisions.

5.3 Protocol to the African Charter on Human and Peoples' Rights (Maputo Protocol)

The Protocol to the African Charter otherwise known as Maputo Protocol was adopted on 11th July, 2003 after the commencement of negotiation on it in 1995. The main aim of the Protocol is to change the fortune of women in Africa in terms of status and gender discrimination. The Protocol thus legislates gender equality, encourage acts directed towards eliminating of all forms of discrimination of women and girl child in Africa.

The protocol places obligation on the governments of the state parties to ensure achievement of the aims of the Protocol through legislative and institutional measures. The Protocol designed certain principles which safeguard the health and general well-being of women and girl child through prohibition of certain harmful practices apart from elevating status of women to that of men in gender arena.⁶⁷

While the Maputo Protocol is laudable for its protective provisions towards women and girl child, it however silent on the obligation of states to address the many issues of rights of women to pass on nationality as only men can pass on nationality in most countries.⁶⁸ Also, this protocol could be said to lack a wide range of acceptance as eighteen states some of which include those facing serious crises threatening their women and girls are yet to ratify the protocol. As it were, the inherent weakness in the protocol deserves timeous review for effective implementations.

5.4 African Union Constitutive Act

The African Union Constitutive Act represents a reflection of global commitment. There was a need for political efforts of all governments of the state parties of United Nations with respect to waging war against ethnic problems, prevention of genocides being a heinous crime against humanity. The foregoing was the unanimous agreement of the state parties at the World Summit of United Nations in 2005.⁶⁹ The task to undertake the work of developing the conceptual and legal framework for the international protection

⁶⁶ The African Charter on Human and People's Rights: How Effective is the Legal Instrument in Shaping a Continental Human Rights Culture in Africa? <<https://www.lepetitjuriste.fr>> accessed 8 December 2021.

⁶⁷ Art 2 of the protocol.

⁶⁸ Pambazuka News 'The Maputo Protocol: Evaluating Women's Rights' <<https://www.pambazuka.org/gender-minorities>> accessed 8 December 2021.

⁶⁹ 'Responsibility to Protect' <www.globalr2p.org> accessed 11 November 2021.

of IDPs was put on one Mr. Francis M. Deng, who became the Representative of the Secretary-General on IDPs in 1992. He put forward that the concept of sovereignty as responsibility be recognized as the most appropriate protection framework for people displaced inside their countries. The concept arose from work he and other scholars had done on Africa at the Brookings Institution⁷⁰ and also from work done by Refugee Policy Group ('RPG') on the protection of IDPs.⁷¹

The concept posits primary responsibility for the welfare and safety of IDPs with their governments. However, when governments are unable to fulfil their responsibilities, they should request and accept offers of aid from the international community. If they refuse or deliberately obstruct access and put large numbers at risk, the international community has a right and even a responsibility to take a series of calibrated actions. These range from 'diplomatic demarches to political pressures, sanctions, or, as a last resort, military intervention.'⁷² The failure of each state to control the atrocity of genocide within their jurisdiction led to the inevitable involvement of international community with a view to sanitize the situation.⁷³ The constant challenges to the viability of the Act include the individual sovereignty. By the doctrine of sovereignty, each member state government continue to hold on to their sovereignty to frustrate the purpose for which the Act was passed.

6. National Legal and Policy Framework

6.1 Constitution of Federal Republic of Nigeria 1999 (as amended)

The Constitution talks about general rights of all Nigerians (IDPs inclusive). The constitution under chapter 4 guarantees certain fundamental rights which are to be enjoyed by everybody in the country. These rights include, among others: rights to life,⁷⁴ rights to dignity of human person,⁷⁵ right to personal

⁷⁰ FM Deng, *Protecting the Dispossessed* (Washington DC: Brookings Institution), 1993, 14-20; and Deng and other, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington DC: Brookings Institution, 1996), 2-19, 27-33.

⁷¹ See Cohen, 'Human Rights Protection for Internally Displaced Persons,' 16-19, which says that 'Sovereignty carries with it a responsibility on the part of governments to protect their citizens,' and discusses the human rights and humanitarian contributions to this concept; and Roberta Cohen, 'Statement to International Journalists Round Table on Human Rights and the United Nations,' United Nations, New York, 14-16 October 1991, which says that 'sovereignty implies humanitarian and human rights obligations by governments to the persons residing on their territories.'

⁷² Ibid.

⁷³ Cohen and Deng, *Masses in Flight*, 7.

⁷⁴ S 33(1) & (2) CFRN 1999 as amended. See also Article 3, UDHR, 1948, art 7 of ACHPR (Ratification and Enforcement) Act Cap. A9 Laws of Federation of Nigeria 2004.

⁷⁵ S 34 (1) (a) CFRN 1999 as amended, See Article 3 UDHR, 1948, Art 5, ACHPR 1981.

liberty,⁷⁶ right to fair hearing,⁷⁷ right to freedom of movement⁷⁸, right to freedom of association and peaceful assembly,⁷⁹ rights to freedom from discrimination⁸⁰ and rights to privacy and family life.⁸¹ All these rights are just the general fundamental rights that the Constitution guaranteed. It is however sad that the Constitution does not provide for specific class of rights for IDPs considering the circumstances and situation in which they have found themselves.

6.2 National Policy on Internally Displaced Persons (IDPs) in Nigeria

This policy derived inspiration from principles laid down by the United Nations on which the African Union Convention for IDPs protection is premised. The UN principles enjoyed popular acceptance by West African countries in Abuja on the 28th of April 2006. Thus, intentions to adopt its principles were manifest in the AU Summit on Refugees, Returnees and Internally Displaced Persons in Kampala (Uganda), October 2009. Consequently, Nigeria just as well as Uganda and Gambia formulated its own IDPs policy on the rules deriving from the Guiding Principles.⁸²

The Policy outlines roles and responsibilities for the Federal, State and Local Governments, non-governmental organizations, community-based organizations, IDP host communities, civil society groups, humanitarian actors both nationally and internationally and the general public as well as educating persons about their rights and obligations before, during and after displacement.⁸³

With the submission of report by the Committee, National Commission for Refugees in concert with the office of the Attorney General of the Federation came up with a draft bill and submitted the original draft IDP Policy in October 2010. Further review of the Policy was done towards integrating present realities in the country and based on the original draft of 2003 towards showing financial commitment of government in finding durable solutions to displaced persons and lasting peace and security in the displaced communities.⁸⁴

A Technical Working Group (TWG), comprising of different stakeholders, was constituted to work on the Council's directive and revise the policy using the Convention of the AU on protection of IDPs as a template. This TWG was

⁷⁶ S 35 CFRN 1999 as amended, Article 6 ACHPR.

⁷⁷ S 36 CFRN 1999 as amended, Article 7 ACHPR.

⁷⁸ S 41 CFRN 1999, art 12 ACHR.

⁷⁹ S 40 CFRN 1999, art 11 ACHPR.

⁸⁰ S 42 CFRN 1999 as amended, article 3 ACHPR.

⁸¹ S 37 CFRN, See art 17 (1) ICCPR and Article 12 UDHR 1948.

⁸² A Akanmu, 'National Policy on Internally Displaced Persons (IDPs) in Nigeria: The Grave Exclusion' www.academia.edu/32348580 accessed 9 November 2021.

⁸³ Ibid.

⁸⁴ Ibid.

extensively supported by national and international technical experts, with wide stakeholder consultations. The recommendations thereafter submitted by the TWG were geared towards saving lives, preventing of large-scale displacements, wanton destruction of property, engendering national unity, promoting human and socio-economic development as well as addressing human right abuse.⁸⁵

However, the 2012 National Policy is bedevilled with various shortcomings as it relates to IDPs' plights. Among the shortcomings perceived in the policy are its patent lack of conceptual clarification making it difficult to place the construct of IDPs under context, lack of attention on the transitional periods for integration of IDPs into the society.⁸⁶

It is worthy of note that professionals in the legal and health professions are mostly saddled with responsibilities in the Policy. Also, Non-governmental Organizations such as Civil Society Organizations, Nigerian Red Cross Society and host communities are adequately catered for in the provisions of the policy, while professionals in the environment who constitute core environmentalists are grossly excluded. For instance, the Red Cross Society, the Institute of Peace and Conflict Resolution was included in the IDP scheme, while environmentally related institutes such as the Nigerian Institute of Town Planners, Nigerian Institute of Architects, Nigerian Institute of Builders and Nigerian Society of Engineers among others were excluded. Similarly, armed group (such as police and military), government ministries, departments and agencies such as National Human Rights Commission, National Emergency Management Agency and other international organizations like United Nations High commission for Refugees had their shared responsibilities and commitments on fostering the well-being of the IDPs and IDPC in the country. Whereas, Ministries of Environment, Ministry of Works and Housing, Ministry of Transport and the likes are excluded from being a key player in the Policy.⁸⁷ This exclusion is a biggest challenge towards smooth implementation of the policy.

6.3 Violence against Persons (Prohibition) Act 2015

This is an Act which prohibits all forms of violence against persons, in private and public life and provides maximum protection and effective remedies for victims and punishment for offenders.⁸⁸ The Act is concerned about the pervasive violence against women and girls, especially sexual violence that may be perpetuated by anybody including security operatives. For example, one of

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ The Preamble to the Violence Against Persons (Prohibition) Act 2015

the prevalent forms of violation that is suffered by IDPs is unlawful sexual activities such as rape and defilement. Thus, the Act prohibits any form of sexual intercourse with any girl/woman who does not consent to such intercourse or when the intercourse was done against her will.⁸⁹ This also extends to other unconventional sexual activities which did not constitute rape before the enactment of the act such as the use of object or other part of the body in any other opening of another person's body. This has effectively been acknowledged and criminalized under the Act.

Also, IDPs suffer violation of their right to freedom of movement, especially in the various IDP camps. It is noted that this Act as well prohibits such deprivation of a person's liberty except pursuant to an order of the court.⁹⁰ Acts such as forced isolation or separation from friends and family, exciting and participating in emotional, verbal and psychological abuse⁹¹ as well as general violence by state actors has therefore been criminalized under the Act.⁹²

It must be noted however that this Act only applies to the Federal Capital Territory and any other state in Nigeria where it has been domesticated and in force. In fact, by virtue of Section 27 of the Act, only the High Court of the Federal Capital Territory has jurisdiction to entertain and determine any matter brought under the Act. The situation in the country is that most High Courts are usually congested with cases thereby leading to little or no attention given to the case involving violation against women and girls. A special court for this purpose would have done better. Just like every other national law reviewed above, the commonest weakness of them continues to be the attitudes of government towards standardization of the laws vis-a-vis their implementations. The corruption in the land coupled with lack of real political on the part of successive governments in the country has to be checked.

7. Institutions Responsible for the Protection of the Rights of IDPs

These are the agencies or bodies which are overseeing the affairs and the protection of the rights of (and offer assistance such as relief distribution, coordination of resources towards efficiency, effective disaster prevention, *inter alia* to) Internally Displaced Persons. They are bodies established by a statute specifically for the Internally Displaced Persons.

7.1 National Emergency Management Agency (NEMA)

The Agency, NEMA was established through the National Emergency Management Agency (Establishment, etc.) Act of 1999, to manage disasters in

⁸⁹ S 1 Violence Against Persons (Prohibited) Act. Apart from this prohibition, Section 5 of the Act also prohibits a person from making another person, either by force or threat, to engage in such act.

⁹⁰ S 10 of the Violence Against Persons (Prohibition) Act.

⁹¹ S 13 of the Violence Against Persons (Prohibition) Act.

⁹² S 24 of the Violence Against Persons (Prohibited) Act.

Nigeria.⁹³ The establishment of NEMA ushered in a new dawn in disaster management from the hitherto narrow practice of relief distribution. The purpose for the establishment of the body is for the coordination of resources towards efficient and effective disaster prevention, preparedness, mitigation and response in Nigeria. It acts in the following areas: Coordination, Disaster Risk Reduction, search and rescue; policy and strategy; Geographic Information System, Advocacy, and education.

There are certain provisions which appear to be rights to be enjoyed by persons who have been internally displaced in Nigeria. These provisions are entrenched in the National Emergency Management Agency Act, established pursuant to the spirits of section 12 of the Nigerian Constitution, with the sole agenda of managing disasters in Nigeria. The Agency is saddled with certain responsibilities for the benefit of the IDPs such as the provision of relief materials, collaborating with state and Non-state Actors for the purpose of improving the welfare of Internally Displaced Persons.⁹⁴ The weakness of the agency as provided for under the law is however that the Agency is not rights focused. Thus, no right as such obtains from the provisions of the Act especially for the welfare of Internally Displaced Persons. The only provisions which seem a bit relevant in this discourse are provided under paragraphs J and K of the said section 6 which address the violations relating to improved standard of living, as well as violations relating to medical/health rights of the IDPs.

This restricted system in approach to protection of the welfare of Internally Displaced Persons under the Act is worrisome. This is even despite the efforts of the United Nations (UN), its organs and non-governmental organizations collaborating with the government of Nigeria through the National Emergency Management Agency (NEMA) in order to mitigate the conditions of internally displaced persons and rehabilitate the victims.⁹⁵

7.2 State Emergency Management Agency (SEMA)

The State Emergency Management Agency law is enacted by the Houses of Assembly of various state across Nigeria and it applies for the protection and assistance of IDPs.⁹⁶ The agency is saddled with various responsibilities among which are to coordinate the activities of relevant agencies in prevention and management of disasters in the state, respond promptly to any emergency at hand within the state, provide relief materials/ financial assistance to victims of various disaster in the state, for the development of loss, prevention programs

⁹³ 'About NEMA' <<https://nema.gov.ng>> accessed 24 December 2021.

⁹⁴ S 6 National Emergency Management Agency Act; Cap N34 Laws of the Federation of Nigeria 2004.

⁹⁵ 'Aims and Objectives' <<https://www.scribd.com/document/331957028/aims-objectives>> accessed 9 November 2021.

⁹⁶ Responsibilities 2; Lagos State Emergency Management Agency <<https://lasema.lagosstate.gov.ng/responsibilities-2/>> accessed 10 December 2021.

and procure necessary technology to mitigate identified emergency situation.⁹⁷ This agency is well established in each of the three selected states (Borno, Yobe and Adamawa) under the state level, whereby the Deputy Governor of each of the States is the Chairman of the body. It is however observed that most states do not realise the purpose of the laws through the bodies because of inadequate funding. The demands of the Agencies require huge financial commitments. Where there is a lack of funding, there is the possibility of sub-optimal functioning for the agencies.

7.3 North-East Development Commission (NEDC)

The North-East Development Commission (NEDC) came into being in October 2017. The mission of NEDC is to ensure redevelopment of the affected parts of Nigeria's North-East during armed conflict.⁹⁸ The NEDC is funded by the Federal Government of Nigeria as well as other local and international institutions/bodies.⁹⁹ To this end, a lot of local and international donors have swung into action with a view to actualizing the purpose for which NEDC was established. This therefore brings to fore certain challenges.

An instance of such challenges is the need to coordinate the plethora of local and international donors who had shown interest in the cause especially in the area of preventing projects and programs duplications. The need to ensure that the various programs introduced by these players are compatible with the local content and cultural acceptance is another challenge.¹⁰⁰ Thus, the NEDC has a great role to play in this wise to come up with good framework for the coordination of the relevant stakeholders and ensure that their activities conform to the cultural conviction of the targeted people.¹⁰¹

7.4 National Commission for Refugees, Migrants and Internally Displaced Persons

The Commission was established by Decree 52 of 1989 known as the National Commission for Refugees etc Decree.¹⁰² The NCFRMI Act is a product of three (3) major legal instruments¹⁰³ regulating certain aspect of Refugees problems in Africa and they together form the guide to the protection and management of asylum seekers and refugees in Nigeria. The Commission's mandate was

⁹⁷ Ibid.

⁹⁸ 'Nigeria Unviels Northeast Development Commission' <www.cfr.org/blog/nigeria-unviels-north-east-development-commissionn> accessed 27 November 2021.

⁹⁹ International Bilateral Donors, the African Development Bank, the World Bank, the UN, the European Union, USAID, UKAID/DFID,

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² The Commission <www.ncfrmi.gov.ng/the-commission/> accessed on 9 December 2021.

¹⁰³ The 1951 United Nations Convention relating to the status of Refugees, its 1967 Protocol and the 1969 Organization of African Unity Convention.

expanded by the Federal Government to cover issues relating to Internally Displaced Persons (IDPs) and the coordination of Migration and Development in 2002¹⁰⁴ and 2009 under the administrations of President Olusegun Obasanjo and Goodluck Jonathan respectively.

NCFRMI's mandate is to map out national action plans for the welfare of the people affected by armed conflicts such as the IDPs, Migrants among others. All these categories of persons are referred to as Persons of Concern to the Commission. The mission is to integrate the best solutions through effective utilization of data, research and planning for the return, resettlement, rehabilitation and re-integration of all persons of concern.¹⁰⁵ This of course helps to address the violations that may occur from the internally displaced person's right to freedom of movement and personal liberty, as well as their right to return safely, voluntarily and with dignity, such that family members who were separated as a result of the displacement should as quick as possible be reunited and be allowed to recover their properties and possessions which they left behind or were disposed of upon displacement.¹⁰⁶

It is important to note that the commission has collaborated with both national and international bodies over some years to bring succour to IDPs through various initiatives such as the construction of massive housing programmes under the IDPs Resettlement Cities Project comprising of states in Northeast Nigeria. These programmes include education facilities and agricultural schemes. This has been credited to the pro-activeness of the Commission and the support of the Federal Government. Also, skill acquisition programmes have been organised with numerous beneficiaries identified.¹⁰⁷

7.5 Presidential Committee on North-East Initiative (PCNI)

This committee was established by the immediate past President Muhammadu Buhari to serve as the primary national strategy coordination and advisory body for all humanitarian interventions, transformational and developmental efforts in North-East Nigeria. The PCNI is created to oversee all remedial programs, policy implementation among others aimed at addressing the IDP crisis bordering on the IDP right to education, food security, livelihood, hygiene and shelter in Northeast since 2009.¹⁰⁸ Another key part of the PCNI's role as the Government of Nigeria's coordinating body for recovery efforts in Northeast is

¹⁰⁴ AJ Falode, 'Nation-building Initiatives of the Olusegun Obasanjo Administration in the Fourth Republic, 1999-2007' (2013) *University of Mauritius Research Journal*.

¹⁰⁵ Ibid.

¹⁰⁶ Principle 28(2) of the United Nations Principle on Internal Displacement 1998

¹⁰⁷ Agidike Abdul Onu, NCFRMI/UNHCR and the Task of Managing Refugees in Nigeria <<https://www.vanguardngr.com/2021/02/ncfrmi-unhcr-and-task-of-managing-refugees-in-nigeria/>> last accessed 20 December 2022.

¹⁰⁸ PCNI <About PCNI pcni.gov.ng/about-pcni/> accessed on 10 December 2021

the discussion with stakeholders on the issues relating to intervention gaps in respect of violations across the various sectors.

8. Conclusion

There are numerous provisions from the international laws, regional laws and national documents which safeguard and protect IDPs' rights. It is of no doubt that the IDPs are entitled to the general fundamental human rights as provided in the chapter 4 of the 1999 constitutions (as amended) and other international treaties on human right. In the same vein, these IDPs by virtue of the circumstance in which they have found themselves, are also entitled to other peculiar rights under the laws. Therefore, it is the duty of a responsive and responsible government to make sure that the fundamental human rights of these people are kept intact without prejudice to the peculiar rights available to these IDPs under the laws.

It is however worthy of note that a number of challenges beacon as pointed above. Despite the provisions of the laws in relation to the rights of IDPs, they still suffer abuses due to lack of proper implementation of the laws in place and the utmost inadequacy of the laws to specifically cater for them. Another challenge with regards to the enforcement of the rights of IDPs is the weaknesses or lacuna in the various instruments that were discussed earlier especially the fact that some of these instruments are mere conventions and policies which does not have a binding effect. Until and unless the provisions of the international and regional legal framework are fully domesticated in Nigeria, the enforcement of the rights of IDPs will continue to suffer great set back.

It is thus recommended that Nigerian government should rise to the occasion with a view to domesticate and implement the salient relevant provisions of the international and regional instruments with a view to give new face to implementation of the IDPs rights in Nigeria.