

# Nigeria needs to take responsibility for its IDPs

Bagoni Alhaji Bukar

**There remain legal and policy challenges in assisting and protecting internally displaced persons in Nigeria.**

There has been an alarming rise in the number of IDPs in Nigeria for reasons including ethnic, religious and political conflicts, violations of human rights, and mostly human-made and occasional natural disasters such as floods. Nigeria at present, however, has no legislation that deals explicitly with IDPs and no organisation equipped to handle IDP registration and other related matters.

In order to address this gap and ameliorate the plight of IDPs, in 2003 the Federal Government of Nigeria set up a committee to draft a National Policy on IDPs to assist in registration and issuance of identity cards, prevention or reduction in instances of internal displacement, and allocation of responsibilities to agencies and organs of government, non-governmental and civil society organisations. The committee's work culminated in a National Policy on Internally Displaced Persons which was prepared and presented to government in 2011 but it is yet to be officially adopted. The draft Policy is based on the Guiding Principles on Internal Displacement and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the 'Kampala Convention') of 2009.

## Legislative and institutional framework

In the absence of a legal framework or institution, provision of assistance, protection, reintegration and resettlement for IDPs is mostly undertaken by agencies of government on an ad hoc and reactive basis. The draft National Policy aims to guide the different branches of government, donors and humanitarian agencies in preventing displacement and in providing protection and assistance to those displaced. It also allocates responsibilities to the appropriate government bodies for different aspects of the short-, medium- and long-term response to internal displacement, with the existing National Commission for Refugees (NCFR) as the governmental focal point with responsibility for coordinating the activities of all agencies, including international humanitarian agencies. Furthermore, it empowers the National Emergency Management Agency, the Human Rights Commission and the Institute of Peace and Conflict Resolution to partner with the NCFR to support the activities of the states and local governments in implementing the Policy within their respective spheres of activities when it is officially launched.

The Policy starts by re-affirming the fundamental rights of all citizens under the 1999 Constitution but also acknowledges the particular vulnerabilities of women and children, according them special guarantees. It then includes measures to protect against being displaced and sets out standards pertaining to the delivery of humanitarian assistance by national and international humanitarian agencies. To this end, the Policy envisages the application of various laws and institutions to the protection of IDPs under what it terms a 'humanitarian framework of cooperation' of all relevant ministries, states, local governments, departments and

agencies as well as international organisations and charitable institutions. The Policy also identifies some circumstances under which a person ceases to be an IDP.

It goes on to outline in general terms national and international legal principles applicable to IDPs. These principles are reflections of fundamental rights of individuals as guaranteed under the Constitution and under international instruments, including freedom from discrimination, freedom of movement, freedom of association, and the rights to dignity and family life.

While the Policy guarantees the protection of the above mentioned rights, it at the same time prohibits acts that are capable of causing internal displacement such as ethnic cleansing or large-scale development projects not justified by public interest. It outlines strategies for the prevention and management of conflicts including the involvement of communities and ethnic groups in the economic, political and social activities of the government, and promotes dialogue, consultation, inter-ethnic marriages, religious harmony through inter-faith relations, education and a fair and equitable distribution of economic resources among the people and communities. Where, however, displacement becomes inevitable, then all the rights of citizens equally accrue to IDPs.

The NCFR is enjoined to create a conducive atmosphere for the return, resettlement or reintegration of IDPs. In planning for return, resettlement or reintegration, the Commission is equally enjoined to ensure participation of the IDPs through their chosen representatives.

The Constitution declares that the security and welfare of the people shall be the primary purpose of government; accordingly, government at all levels and its agencies are the first referral point in the implementation machinery of the Policy. However, the Federal Government has delegated most of its responsibilities to the NCFR. This now has ultimate responsibility for rehabilitation, resettlement and reintegration of all IDPs as well as for the prevention of conflicts or disasters leading to displacement along with specific other agencies

Following a year-long survey, Nigeria's National Emergency Management Agency reported in late 2011 that there were some 370,000 IDPs in the country, including some 74,000 in camps. Previous estimates by government and other agencies only included people who had sought shelter at temporary IDP camps, and did not reflect the many who had taken refuge with family and friends. In the absence of mechanisms to monitor IDPs' ongoing situations, it has been impossible to determine how many may have recovered and achieved a durable solution.

Internal Displacement Monitoring Centre, December 2011  
<http://tinyurl.com/Nigeria-IDPs2011>

which have responsibility for emergency management, protecting human rights or designing and implementing programmes to prevent the breakdown of peace and to prevent conflict that would lead to displacement.

One of the major problems is the fact the Policy has no legal status and is therefore incapable of enforcement either by the government or the delegated actors. In addition, there is no body or organisation responsible for monitoring implementation by the NCFR, which is anyway under-funded. Recognising the scale of the funding difficulties, the government has proposed the establishment of a Humanitarian Trust Fund to attract funding from individuals, corporate bodies, international agencies and others for activities in aid of IDPs. Similar funding bodies should be established for

other government agencies that complement the work of the NCFR. However, even if there were adequate funding, there is the problem of lack of accountability by those entrusted with public office and funds.

Currently there are monumental challenges relating to prevention of displacement, assistance, return and relocation of IDPs. The National Policy has come at a time when the country actually requires a strong legal and institutional framework – rather than a mere policy – and effective implementing institutions.

**Bagoni Alhaji Bukar** *Babagonibukar@yahoo.co.uk* is a Reader and Head of Department, Private Law in the Faculty of Law, University of Maiduguri, Borno State, Nigeria.