

The Kampala Convention on Internally Displaced Persons in Nigeria: The Need for Its Domestication in Nigeria

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Abstract: In order to comprehend the challenges at hand, this article explains essential terms and investigates how internal displacement is managed in Nigeria using the Kampala Convention as a reference. The Kampala Convention and supplementary pertinent Nigerian regulations were also discussed in this article, despite the Nigerian government's inability to reduce the expanding figures of internally displaced people residing within its boundaries. This is essential since, as this paper correctly found, despite Nigeria's ratification of the Kampala Convention, it has not been domesticated. The inference of this is that the Convention would not be applicable until it has been domesticated in accordance with the requirements of the Nigerian Constitution, which is aptly represented in section 12. As a result, this study incorporates a critique of the pertinent agencies involved in the management of internal displacement of persons, as well as their associated tasks and difficulties. This essay further argues that pushing the government to domesticate pertinent laws and to afford the necessary funding for pertinent agencies will aid in finding long-lasting solutions to the problem of population relocation. This paper also makes the case for addressing the underlying causes of displacement in Nigeria and calls for challenging government policies that encourage arbitrary internal migration. It comes to the conclusion that reducing internal migration requires cooperation from the government, its agencies, non-governmental organizations, non-state actors, and individuals.

Keywords: Internally Displaced Persons (IDPs), Nigeria, Kampala Convention, Nigerian Constitution

1. Introduction

A state's security is a crucial component of development because it ensures the peace that emerges from factors like safety, justice, socioeconomic resources, and civil rights [1]. Without security, no sustained developmental progress can be made. Internal displacement of people, which has caused millions of people to evacuate their homes and villages while undermining their right to life and other human rights, is a major threat to Nigeria's national security. The extent of internal displacement in Nigeria, according to Oduwole and Fadeyi, "is capable of endangering the cohesion of the country [2]".

The management of internally displaced persons otherwise known as IDPs in Nigeria is therefore also examined in this study in light of the stipulations of the African Union Convention for the Protection and Assistance of IDPs in

Africa¹. This is necessary because Nigeria has recently struggled with the issue of IDPs, which can be brought on by either political, ethnic, or religious conflicts, or by natural disasters, as was the case in 2012 when floods devastated several states of the nation, leaving countless people homeless and dead in their wake. Therefore, a close scrutiny of the Kampala Convention would reveal a number of duties and obligations placed on States Parties to the Convention, duties and obligations that normally would assist the state in handling cases of IDPs.

Therefore, the aim of this essay is to ascertain the degree to which Nigeria, a State Party to the Convention, has complied with the terms of the Convention in handling instances of internal displacement of people within her territorial borders.

¹ The Convention was adopted at the Special Summit of the African Union held in Kampala on the 22nd day of October, 2009. Kampala Convention would be used throughout this paper.

2. Conceptual Clarification

This section of the essay makes an attempt to define a few essential terms, including internal displacement, internally displaced people, refugees, ethnic groups, ethnic conflicts, non-state actors, and migration. These descriptions are appropriate given how frequently some of these ideas are used incorrectly. People can mistakenly believe that those who are internally displaced are refugees, for example [3]. For clarification, it is important to make a contrast between the terminology that are employed in this essay.

2.1. Internal Displacement

Internal displacement is the term used to describe the forcible or involuntary migration, evacuation, or relocation of individuals or groups of individuals within internationally recognized state borders [4].

On the other hand, IDPs are individuals or a group of individuals who have been forced to flee or leave their homes or places of habitual residence, particularly as a result of or to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights, or natural or man-made disasters, and who have not crossed an internationally recognized State border [4]. The government has not adequately addressed the plight of the alarmingly increasing number of IDPs, and neither has the international community. This is because the government of the affected state bears primary responsibility for the situation because it is viewed more as an internal than as an external issue.

What distinguishes an IDP from a refugee, then?

2.2. A Refugee

A person is considered a refugee if they are outside the country of their nationality due to a well-founded fear of persecution due to their race, religion, nationality, membership in a particular social group, or political opinion. Alternatively, if they are not citizens and are outside the country of their former habitual residence due to a similar fear, they are unable or unwilling to return there².

Flowing from the aforementioned, it is proposed that the primary distinction between an IDP and a refugee is that an IDP has not crossed an internationally recognized boundary, whereas a refugee has. This distinction is essential since the IDPs, not refugees, will be the subject of this research.

2.3. An Ethnic Group

A group whose members share a common language or culture is referred to as an ethnic group by the International Criminal Tribunal for Rwanda in *Prosecutor v. Akeyesu* [5]. The idea that an ethnic group is made up of people who interact and identify as belonging to a designated or labeled social group that shares their interests and demonstrates some traits of a separate culture while remaining a part of greater society has been made numerous times [6]. The estimated

number of ethnic groups in Nigeria is over 250 [7]. This is evidenced by the absence of consensus over the standards for classifying ethnic groups [7].

Conflicts between two or more ethnic groups are referred to as ethnic conflicts.

Finally, the term "non-state actor" refers to private individuals who are not government employees [4]. The Boko Haram sect, the Movement for the Emancipation of the Niger Delta (MEND), the Ijaw Youth Congress (IYC), the Egbesu Boys, the Oodua People's Congress (OPC), the Arewa Consultative Forum (ACF), the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), (the indigenous People of Biafra) IPOB and others too numerous to mention are just a few of the non-state actors operating in Nigeria. The increasing number of IDPs in Nigeria is mostly due to the acts and inactions of these organisations.

Migrants should be considered as well in this essay.

2.4. Migrant

The International Organization for Migration (IOM) defines migration as "the movement of an individual or a group of individuals, either across international borders (international migration) or within a state (internal migration), encompassing any type of movement of individuals, regardless of its length, composition, and causes." This definition, which encompasses all types of migration—voluntary, forced, long-term, and short-term—is obviously very broad. Along with economic migrants, it also encompasses the migration of refugees, displaced people, and uprooted individuals [8].

However, regardless of a person's legal situation, whether the migration is voluntarily or not, or the reasons for the movement, the term "migrant" applies to anyone who is relocating over an international boundary or inside a state away from where they usually reside³.

This essay will also take into account IDPs, who for various reasons have been forced to relocate within their country of origin. They are defined as individuals or groups of individuals who, without crossing an internationally recognized State border, have been forced or compelled to flee or leave their homes or places of habitual residence due to, or in order to avoid, armed conflict, situations of generalized violence, human rights violations, or natural or man-made disasters⁴.

Internal displacement has been defined in another perspective as the forcible emigration of people from their countries of origin because of unfavorable circumstances that

² The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol.

³ See the International Migration Law – Glossary on Migration, a publication of the International Organization for Migration. Retrieved on 4 December, 2021 from publication<:iom.int/system/files/pdf/iml_1_en.pdf>. accessed 4 December, 2021.

⁴ United Nations Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add 2, 11th February, 1998, paragraph 2; this definition is adopted as well by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, 2008, also known as the Kampala Convention.

have afflicted them or that their government has been unable to immediately address [9].

Internal displacement is also defined as instances in which people or groups are forced to leave their homes but continue to be within the borders of their own countries, according to a pair of knowledgeable brains. The latter aspect, of course, differentiates from refugees, who are similarly evacuated forcibly but now traverse state borders that are recognized globally [10].

Forced migration is described by the 1951-founded International Organization for Migration as a migration that, while its causes may vary, involves force, compulsion, or coercion⁵.

As a result, it is evident from a combined reading of the abovementioned definitions that displacement can result in migration, and in a sense, migrants can also be displaced people who have ended up in another location of the country due to external forces that are typically beyond their control but have not travelled across international borders. They are forced to go elsewhere in their country because they are victims of violence, conflicts, tension, and natural catastrophes. As a result, the term "IDPs" is broad enough to include immigrants who, as a result of being uprooted, have ended up in a completely different part of the country from where they were previously registered.

Succinctly, the words "IDPs" and "forced migrants" are used in this essay interchangeably and extremely broadly.

3. An Overview of the Kampala Convention 2009

The Convention on the Protection and Assistance of IDPs in Africa was adopted by the African Union on October 22 and 23, 2009, at its Special Summit in Kampala (otherwise known as the Kampala Convention) [11]. In order to protect IDPs in Africa and to develop responses to internal displacement, the African Union became the first continental organization to proffer a legally obligatory policy framework [11]. In 2012, Nigeria ratified the Kampala Convention [12]. Nigeria deposited its ratification instrument with the African Union Commission in May 2012, becoming the 12th nation to do so [11]. In November 2012, Swaziland ratified the Convention, making it the 15th nation to do so. As stated in the document, this Convention shall enter into force thirty (30) days following the deposit of the instruments of ratification or accession by fifteen (15) Member States [4] and that the Chairperson of the AU Commission shall notify Member States of the coming into force of this Convention [4].

The Convention therefore became effective on December 16, 2012, as a result of the aforementioned provision. Since then, the Convention has been ratified by some other African nations⁶.

3.1. Core Objectives of the Convention

The Convention has five core objectives [4] which are to:

- 1) encourage and strengthen regional and national initiatives aimed at reducing or preventing internal displacement, outlawing it, eradicating its causes, and offering long-lasting fixes;
- 2) create a legislative framework to protect and help Africans who are internally displaced, avoid internal displacement;
- 3) create a legislative framework for the States Parties to stand together, cooperate together, promote long-term fixes, and assist one another in the fight against displacement and its effects;
- 4) outlines the duties and responsibilities of States Parties with regard to the protection of and support for internally displaced people as well as the prevention of internal displacement;
- 5) define the obligations, roles, and responsibilities of armed groups, non-state actors, and other relevant parties, such as civil society organizations, with regard to preventing internal displacement and providing protection and support to internally displaced people.

By supporting and bolstering regional and national initiatives, the primary objective thereby promotes the elimination of the fundamental causes of internal displacement. States parties are urged to offer long-lasting answers. The causes of internal displacement in Nigeria are extremely complicated, making it seem like a mammoth undertaking to prevent, mitigate, and eliminate them, but a long-lasting solution can be gradually attained. When IDPs may exercise their basic human rights without facing discrimination arising from their displacement and their unique aid and protection requirements that are related to their displacement have been met, a sustainable solution has been reached [13].

A long-lasting solution may also be attained through sustained reintegration at the location of origin, sustained local integration in refugee camps for IDPs, or sustained integration in another region of the nation [13] from which they have migrated. The State Party (in this case, Nigeria) should be aware that the search for a lasting solution is a gradual, frequently lengthy process of addressing the unique needs of persons who have been displaced and ensuring that their fundamental human rights are upheld without hindrance; it is also a complex process that addresses issues related to human rights, humanitarian assistance, development, reconstruction, and peacebuilding, and it necessitates the timely and coordinated participation of various actors [13].

3.2. Guiding Premise for Nigeria and Other States Parties

The following should be the guiding premise for lasting solutions for Nigeria as a whole and any other State Party [13]:

⁵Is a leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental.

⁶ The Convention has been ratified by Benin, Burkina Faso, Central African Republic, Chad, Gabon, The Gambia, Guinea-Bissau, Lesotho, Niger, Nigeria,

Sierra-Leone, Togo, Uganda, Zambia and Swaziland. Thirty-Seven other AU Member countries have signed the Convention but are yet to ratify it.

- 1) The State Party must understand that the relevant national authorities must bear the major duty for offering long-term solutions for IDPs. International actors involved in humanitarian relief and development only play complimentary roles [4];
- 2) That the relevant authorities should permit and facilitate quick, unhindered access for aid and development organizations that help IDPs find a long-term solution;
- 3) That all policies and choices on long-term solutions should be made with IDPs' needs, rights, and legitimate interests as their top priority,
- 4) That all relevant parties must respect the appropriate decision about the pursuit of long-term solutions and take part in their development and management;
- 5) That if an IDP later has the opportunity to return, his or her decision to settle locally should not be seen as giving up their fundamental human right to do so;
- 6) That IDPs should never be pressured or encouraged to migrate to or return to regions where their life, safety, liberty, or health would be in danger;
- 7) IDPs looking for a long-term solution shouldn't face discrimination because of their displacement;
- 8) Additionally, it must be remembered that, in contrast to the displaced, populations and communities that assist IDPs in their reintegration have demands that may be equivalent;
- 9) IDPs who have found a long-lasting solution remain covered by international humanitarian law and fundamental human rights, where appropriate.

The national and local governments, as well as other humanitarian actors, must collaborate to provide the IDPs with this right-based support, and excellent record keeping is essential to keeping track of IDPs and ensuring their safety. Therefore, the Convention requires States Parties to implement or amend relevant legislation on the protection of and assistance to IDPs in accordance with their obligations under international law in order to effectively address the issues related to IDPs [4]. Considering the requirements of the host communities, states parties are also required to adopt measures, including national and local internal displacement strategies and policies [4].

One colossal job that Nigeria as a nation must undertake is the incorporation of international law into our domestic legislation. Nigeria has ratified a large number of treaties, however they have not yet been domesticated. According to section 12 of the Federal Republic of Nigeria 1999 Constitution (as amended), no treaty between the Nigerian government and a nation shall have legal effect until it has been re-legislated by the National Assembly. International treaties are not enforceable in Nigeria until they have been domesticated, according to this statutory requirement. It is shocking and depressing that Nigeria, the continent's powerhouse, has yet to domesticate the Kampala Convention as of the date of this report.

In order to prevent and avoid circumstances that could result in the arbitrary displacement of people, States Parties are required under Article 4 (1) to uphold and assure

upholding their commitments under international law, particularly human rights and humanitarian law [4]. Respect and ensuring respect entails holding the state accountable for failing to follow the guidelines set forth in the Convention as well as for failing to put the required safeguards in place to assure adherence to its terms. All state institutions, as well as any other organizations or people under their control, are required to respect and uphold the Convention's norms in order to ensure that its requirements are followed.

"Ensure respect" is the responsibility of third countries who are not directly impacted by internal migration; in other words, the international community should step in if the issue threatens to overrun the aforementioned affected country. The "duty of due diligence" refers to this. Additionally, it implies that the international community has a duty to guarantee that the afflicted state abides by and respects the terms of the Convention that she has ratified.

In addition to creating a legal framework to stop IDPs and to safeguard IDPs, the Convention's second main goal is to provide a framework for state collaboration, solidarity, and support [4].

This can be taken to suggest that states are expected to have institutional and legislative frameworks to assist them in dealing with the issues associated with IDPs. This paper will discuss how much Nigeria complies with these requirements.

3.3. General Requirements for States Parties

In conclusion, the Convention set down some general requirements for States Parties, including:

- 1) The responsibilities of States Parties with regard to internal displacement protection [4];
- 2) The responsibility for defense and support [4]; international organizations, as well as humanitarian groups [4];
- 3) The defense of and support for people who are internally displaced during armed conflict [4];
- 4) Responsibilities pertaining to the African Union [4];
- 5) A State Parties obligation to provide sustainable revenues [4]; problems involving payments and rewards [4]; registration and identification documents [4]; monitoring and compliance [4]; *etcetera*.

Additionally, Article 13, which deals with registration and documentation, is critical to creating a long-term solution for IDPs. The obligation of States Parties under Article 9 of the Convention to provide protection and aid to people who are internally displaced is both fascinating and illuminating.

Thus, Article 9 (2) (b) provides that:

...To the greatest extent possible and as quickly as possible, provide adequate humanitarian assistance to people who are internally displaced. This assistance must cover food, water, shelter, medical attention and other health services, sanitation, education, and any other required social services. Where appropriate, it should also extend to the local and host communities.

The degree to which the aforementioned rule is being followed in Nigeria is debatable because recent events have led many Nigerians to question the government's dedication

to making sure that IDPs are properly cared for. On national television few days before Christmas 2014, the government was seen delivering food to IDPs in an IDP camp in Abuja. Even though the National Emergency Management Agency (NEMA) had stated that the IDPs will be transferred to a more suitable environment, the camp's unclean condition was quite evident upon a careful inspection due to its crowded nature. Although, they expressed appreciation to the administration for its hardwork, the IDPs emphasized that they would have preferred to return to their homes and be reunited with their family. They expressed dissatisfaction about their lack of access to proper medical and health care, the point that their kids were no longer in school, and other social benefits that they should be eligible for.

Additionally, there have been claims that some IDPs who are eligible to vote may not be able to exercise that right in the upcoming 2023 general elections because they have not yet received their permanent voters cards (PVCs), and as a result, they are unlikely to return to their communities before the elections.

Disaster management in Nigeria is mostly the responsibility of NEMA, which was founded in 1999. Additionally, they are in charge of organizing disaster relief efforts and helping those who have been affected by disasters get back on their feet. They have also been at the vanguard of helping IDPs during crises and emergency phases, but they lack the means to help IDPs for a prolonged period of time.

Additionally, they lack the resources to help returning citizens reintegrate into their communities. In a nutshell, this violates the Convention's provisions that call for States Parties to pursue long-term results to the challenges of displacement by encouraging and establishing favorable conditions for voluntary return, local integration, or relocation on a viable basis and in an orderly manner [4]. Government aid rarely extends beyond emergency measures in the vast majority of IDP cases in Nigeria. For instance, Partners for Development claimed that when thousands of IDPs residing in camps in Benue State as a result of the Tiv-Hausa crisis in Nassarawa State received assistance to return to their home areas, it only included transportation [14].

Worthy of note is that the Bauchi State government gave land for more than 2,000 displaced families to build new homes in 2004, which is very admirable, and this helped to accomplish some practical outcomes with the reintegration of returnees.

The absence of experience in handling issues of IDPs, which has manifested in inefficiencies and conspicuous gaps in the help provided to the afflicted individuals, has been noted as a critical obstacle and a stumbling block for national response. There appears to be a disagreement over who is accountable for looking after IDPs between NEMA and the National Commission for Refugees (NCR), which was given an informal authority to do so in 2002. For the benefit of everyone impacted, this impasse urgently has to be resolved. These agencies must have clearly defined functions in order to prevent conflict of interest. NCR has been preoccupied with policy concerns, while also attempting to function as a

government operational agency, in contrast to NEMA, which looks to be an operational agency⁷.

Therefore, Nigeria may find it difficult to fulfill its goal of protecting IDPs under the Kampala Convention for a number of obvious reasons.

This is considering the fact that, despite the Kampala Convention being ratified on December 6, 2012, it has yet to be domesticated in Nigeria in conformity with the statutory provisions of the Federal Republic of Nigeria 1999 Constitution (as amended). This is important because the Convention cannot be applied in Nigeria until it is domesticated, in complying with section 12 of the Constitution. It is worrying to ponder how the state has been handling the problems with IDPs given that the Convention has not yet been domesticated.

The 2006 draft of the National Policy on IDPs has not yet been made into a binding document. Multiple adjustments have been made to the proposed policy. Between 2009, 2010–2011, there were three revisions made to the draft. The federal government has yet to adopt the further amended draft since 2012. Nigeria is still dealing with major incidents of displacement in the year 2022 without a proper legal system.

There are currently 981,416 IDPs in the nation, according to a January 2015 statement by the Director General of NEMA [15]. He pointed out that the NEMA statistics were based on quantitative and qualitative data that NEMA had gathered in cooperation with the Nigerian Red Cross Society, the State Emergency Management Agencies, the IOM, and traditional leaders in Nigeria. He continued by stating that, of the total, 107,997 IDPs were housed in camps, while 804,732 were staying with host communities and family members [15].

When the numbers are even more broken down, it is found that 915,329 of the IDPs were impacted by the insurgency in the North Eastern region of Nigeria, while around 66,087 of the IDPs were displaced by natural catastrophes. 20 IDP camps were also found to exist throughout Nigeria's northern region. Health facilities in all three States of emergency are now receiving medical equipment from NEMA and UN organizations, while treating victims of insurgency strikes [15]. By way of support and transporting victims to hospitals and to give first aid care when necessary, NEMA has placed ambulances in key places [15]. In Baga Town, one of the cities devastated by the insurgency, NEMA is offering the 3,200 IDPs from Baga complete humanitarian care at its secure facility at the Teacher's Village Camp in Maiduguri, Borno State [15].

In 2021, it is very depressing to see that there exists 3 million [16] IDPs in Nigeria, with a startling 500,000 Nigerian people still abroad in Chad, Cameroon, Niger, Libya, and other nations. This concerning number jerked up

⁷ This was clearly shown in its comprehensive plan of action for resettlement, reconciliation, reconstruction and reintegration programmes for the Plateau State IDPs. See the National Commission for Refugees (NCR) Report on the Fact-Finding Mission of NCR: IDPs in Bauchi, Nassarawa and Plateau States, May 27, 2004.

by a whopping 1 million in just 2020 alone [16]. Approximately 73,000 refugees from 23 different nations are said to be living in Nigeria, it was further claimed. This position was made known while speaking defending the 2022 budget of the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) at the House of Representatives Committee on IDPs and Refugees with the assertion that “due to the current unprecedented humanitarian crisis in Nigeria and the alarming growth rate of displacement, the number of IDPs have increased in the past one year by about 1 million causing the number of displaced persons in Nigeria to rise to a frightening 3 million.” [16]

Therefore, this article makes the claim that handling such a large figure of IDPs without an effective framework could be extremely difficult for the agencies tasked with such duties. Therefore, the state must work hard to develop the National Policy that will aid in reducing, if not completely eliminating, internal displacement of persons in Nigeria. As a result, the NCFRMI has also declared that, in their capacity as a government agency, they are meticulously drafting a National Policy that would expressly forbid arbitrary displacement, whether it is caused by the acts or policies of the state at all levels or by non-state actors [17].

4. Relevant Legislative Instruments in Combating the Daunting Challenges of IDPs in Nigeria

There are still additional legal instruments that secures the security and protection of IDPs in Nigeria, and these will be described below.

(a) The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Nigerian Constitution (as amended) [18] guarantees the protection and advancement of the rights it guarantees. These rights include those to life, human dignity, personal liberty, fair trial, privacy, and family life as well as freedoms of speech, religion, assembly, association, and travel. They also include the freedom from discrimination and the ability to purchase and hold real estate [19]. The Federal Republic of Nigeria's 1999 Constitution (as amended), which states that the main function of the state is to ensure the welfare and security of the populace, can also be used to infer indirectly that arbitrary relocation is a problem [17]. The progressive realization of these fundamental rights—political, social, economic, and environmental—is also provided for in Chapter 2 of the Constitution. However, this chapter is titled "Directive Principles of State Policy" and its contents are not enforceable in any Nigerian court of law. The government is advised to provide for the requirements of IDPs and to safeguard them as much as feasible with the resources at its disposal until lasting solutions are found as anticipated.

(b) The African Charter on Human and Peoples' Rights

Nigeria has domesticated and is bound by the African Charter on Human and Peoples' Rights [20]. The rights to political, civic, social, economic, and environmental

development are for the first time guaranteed by a regional instrument⁸. This includes the rights to an appropriate standard of living, a safe environment, cultural development, and the freedom from discrimination. The aforementioned rights are promised to IDPs in Nigeria, even though they may not always be realized right away. The government is accountable by certifying that these rights are respected by IDPs in Nigeria.

(c) The Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement was created with the needs of IDPs in mind. It should be emphasized that because the principle is not a binding legal agreement, states who violate it are not subject to any penalties. The guiding ideas within are congruent with and reflect existing international norms. According to Principle 6 of the Guiding Principles on Internal Displacement which states that displacement shall endure no longer than warranted given the circumstances. In harmony with Principles 28-30, IDPs have a legal right to long-lasting solutions.

The Guide outlines the commitments of state or national authorities as well as the rights of IDPs. IDPs have the same legal entitlements to freedoms and rights under domestic and international law as other citizens of their country, according to Principle 1. They cannot be subjected to any form of discrimination when exercising their rights and freedoms because they are internally displaced. According to Principle 3, it is the primary duty and responsibility of the national authorities to safeguard and assist IDPs who are within their borders, and in Nigeria, NEMA has been carrying out this job. Principle 4 (2) acknowledges the necessity of some unique categories of IDPs, and this is consistent with the Kampala Convention's requirements that States Parties should provide additional safety and support for IDPs with exceptional needs, including separated and unaccompanied children, female household heads, expectant women, mothers of young children, the elderly, and those with disabilities or communicable diseases [4].

It is prominent that the Guiding Principle placed additional emphasis on the needs of women and children for protection, aid, and reintegration. This is hardly surprising considering that women and children account for the majority of IDPs. They are typically the most at risk during any crisis or emergency. The Guiding Principle contain many admirable principles and rules, however as was already mentioned, they do not have legal effect and are not binding. The principles are just persuasive, but Nigeria might utilize them as a guideline and the basis for its national policy on internal displacement.

(d) International Humanitarian Law

IDPs in countries experiencing armed conflict are recognized as civilians for the purposes of International Humanitarian Law (IHL) and are given protection under the Fourth Geneva Convention [21], Additional Protocol I [22] and II [23]. When there is an international dimension to the

⁸ These rights are as contained in Articles 2-24 of the Charter.

armed conflict, the Fourth Geneva Convention and Additional Protocol I will apply. Nevertheless, when there is an internal dimension to the armed conflict, Protocol II and Common Article 3 will apply. This distinction is significant since it displays the cutoff value for applying these laws. Particularly in Nigeria, we currently have conflicts that do not meet the requirements for applying the Conventions. Although, thousands of homeowners have been evicted from their residences in Nigeria arising from these internal conflicts, these conflicts are categorized as other instances of violence, and as such, Article 3 of the four Geneva Conventions, in addition to other national laws and the protection of human rights, comes into force. Due to the fact that Common Article 3 is an international custom, it is applicable.

Additionally shielded from the consequences of military activities are civilians [24]. The protocol specifically forbids the forceful moving of people unless necessary for urgent military needs or in cases when their security is in danger. Civilians must be welcomed in adequate housing, hygienic, healthy, safety, and nutritional conditions [24]. The protection provided to IDPs is outlined in great detail in Article 48 of the Additional Protocol I. Common Article 3 provisions are strengthened by Additional Protocol II's Article 4 (1) and (2), which was adopted on June 8, 1977. Collective punishments, acts of terrorism, and pillage are prohibited by this Article. It forbids offences against one's personal decency like rape, forced prostitution, and any kind of indecent assault. As a result, those who are denied their freedom are likewise safeguarded [24], and court guarantees are made [24]. The sick and injured, as well as those who are tending to them, must be protected and appreciated [24]. Special protection is also provided for women and children [24].

The Conventions have been ratified and domesticated by Nigeria, and the Protocols have also been ratified. In order to protect IDPs, one should rely on the provisions of these laws, which are quite pertinent. The Protocol also specifies that where people need supplies that are necessary for their existence, relief measures of a solely humanitarian, unbiased, and done without any discrimination nature are to be undertaken with the approval of the State concerned [24].

5. Conclusion

Examining the Kampala Convention to analyze the issues facing IDPs has proven that IDPs do exist in Nigeria. The Kampala Convention was adopted by Nigeria in 2012, but the country has not yet domesticated it. As a result, the law is now not enforceable and does not apply to the contemporary status of IDPs.

The 1999 Constitution (as amended) does not address disaster and emergency situations, even though IDPs are entitled to certain human rights protections under it. Additionally, the federal government lacks the authority to foist any structure or command on the states or local governments. The federal government cannot resolve every

issue involving IDPs on its own, making this a significant burden.

Despite being highly desirable, the UN Guiding Principles lack legal authority. In order to make the principles enforceable and binding on states that have ratified them, efforts should be made to elevate their status into treaties or laws.

Another admirable piece of law is the African Charter, however the Nigerian government is still unsure how to go about putting it into practice. While it is undeniable that the government is working to protect IDPs in the nation, disaster resilience for at-risk and afflicted areas still seems to be a long way off for the government. For instance, there is still very little dedication to catastrophe mitigation. In Nigeria, the government is making little to no attempt to deal with the root causes of violence and disasters.

Additionally, no existence of systems in place to alert the thronging populace of the onset of violence or natural calamities in a timely manner.

The government should domesticate the Kampala Convention, which is still waiting, and strengthen and empower the pertinent agencies by allocating the funding and resources required to make such agencies efficient.

The Kampala Convention and the UN Guiding Principles on IDPs should both be complied with by all present legislation, which should all be changed to bring them into line with the current disaster management trend.

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