

THE JURISPRUDENTIAL APPROACH TO THE CHALLENGES OF INTERNALLY DISPLACED PERSONS (IDPs) IN NIGERIA: A CRITICAL EXAMINATION OF THE PAUCITY OF LEGAL FRAMEWORK AND PROFFERED SOLUTIONS

By

Agbo Friday Ojonugwa* & Mary Arthur-Jolasinmi**

Abstract

Internally Displaced Persons (IDPs) in Nigeria face numerous challenges, including inadequate legal protection, poor living conditions, and limited access to basic necessities like food, water, and healthcare. The country's legal framework is insufficient to address the needs of IDPs, leading to a surge in human rights violations. This study adopts a jurisprudential approach to examine the challenges faced by IDPs in Nigeria and the paucity of legal frameworks. It aims to identify the gaps in existing laws and policies, and proffer recommendations for improvement. This paper employs a qualitative research methodology, involving a critical analysis of existing literature, laws, and policies related to IDPs in Nigeria. The study reveals that the country's legal framework is characterized by a lack of clarity, inconsistency, and inadequate implementation. The findings highlight the need for a comprehensive legal framework that addresses the specific needs of IDPs, including protection from violence, access to basic necessities, and durable solutions. To address the challenges faced by IDPs in Nigeria, this study recommends: Development of a comprehensive national policy on IDPs, incorporating international best practices, Enactment of a specific legislation on IDPs, providing clear guidelines for protection and assistance, Establishment of an independent national commission to oversee IDP affairs, Capacity building for relevant stakeholders, including government officials, humanitarian workers, and IDP representatives and Encouragement of community-led initiatives and inclusive decision-making processes. In conclusion, this study underscores the need for a robust legal framework to address the challenges faced by IDPs in Nigeria. By adopting a jurisprudential approach, this research highlights the importance of a rights-based approach to IDP protection and assistance. The recommended solutions aim to promote a more effective and sustainable response to the IDP crisis in Nigeria.

Keywords: *Jurisprudential Approach, Challenges, Internally Displaced Persons, Legal Framework, Proffered Solutions*

* LLB, BL, LLM, MIMHL, MMLP, Ph.D, Lecturer Faculty of Law Veritas University Bwari, Abuja FCT. kingschild4you@gmail.com, agbofr@veritas.edu.ng Phone Number: +2347033963763.

** B.A (Hons), LLB, BL, LL.M: Ph.D, Faculty of Law Philomath University, Kuje, Abuja FCT Email: Maryfaithj@philomath.edu.ng. faithjolas@yahoo.com: Tel: +2348068938316

1.0 Introduction

It is on record that in 2018 alone, 28 million people from 148 countries were internally displaced.¹ The numbers also keep rising exponentially.² These facts lend credence to the assertion that internal displacement is a global occurrence.³ It is one of the most complicated issues affecting the global community. While many factors continue to contribute to the growing number of Internally Displaced Persons (IDPs) across the globe, the most prominent causes of displacement are natural and ecological disasters, including armed conflicts of varying degrees.⁴ The common denominator, despite different causes of displacement, is that it is involuntary.⁵ Although some of the reasons are preventable, they nonetheless constitute justifiable reasons for persons who were hitherto settled in one place to forcibly move to another settlement, mainly camps that were hurriedly arranged or collective centres, that is, existing buildings or structures used for collective and communal non-permanent residence such as schools, town halls etc.⁶

Since its return to democracy in 1999 and most especially in the last decade, Nigeria has witnessed a huge displacement of members of its internal population because of multifaceted catalysts ranging from terrorism, banditry, herders/farmers clashes, ethnic and religious violence, secessionist agitations and natural disasters.⁷ While Nigeria is not new to population displacement, this is the first time the country is witnessing a consistent and constant displacement due to terrorism and armed banditry.

Displacement can be due to natural or man-made disasters. It can also be characterized as conflict-induced displacement and development-induced displacement.⁸ While the former occurs because of violence due to war, armed conflict, terrorism, banditry or any other conflict-related movement, the latter is due to policy of government targeted at development of the society or community such as road construction, dams, oil and gas installations etc. In Nigeria, the reason for displacement between conflict and development has been very disproportionate. However, research has shown that the highest percentage of persons displaced was due to one conflict or the other.⁹ It must be appreciated nevertheless that apart from natural and man-made disasters, other factors are contributing to displacement, such as extreme poverty, unemployment, and unequal access to socio-economic resources.¹⁰

¹ Council of Europe, 'The Role of Local and Regional Governments in Protecting Internally Displaced Persons (IDPs)', *37th Session of the Congress of Local and Regional Authorities* (Council of Europe 2019) p 1 <<https://rm.coe.int/0900001680989886>> accessed 24 March, 2024.

² According to the Internal Displacement Monitoring Center, there were 55 million internally displaced people across the world at the end of 2020, 48 million as a result of conflict and violence, and 7 million as a result of disasters. See IDMC, '2021 Global Report on Internal Displacement' (*Internal Displacement Monitoring Centre*, 2021) <<https://www.internal-displacement.org/global-report/grid2021/>> accessed 24 March, 2024.

³ Joachim Henkel, 'International Protection of Refugees and Displaced Persons: A Global Problem of Growing Complexity' (1985) 8 *Center for Migration Studies*, 147.

⁴ UN Office of the High Commissioner for Human Rights, 'Human Rights and Refugees' (*UN Office of the High Commissioner for Human Rights*, July 1993) <<https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>> accessed 25 March, 2024. Fact Sheet

⁵ *Ibid.*

⁶ National Policy on Internally Displaced Persons (IDPs) in Nigeria, Federal Republic of Nigeria, July, 2012, 9-10

⁷ S. A. Adesote and A. O. Peters, 'A Historical Analysis of Violence and Internal Population Displacement in Nigeria's Fourth Republic, 1999 to 2011' (2015) 3 *International Journal of Peace and Conflict Studies* 14

⁸ National Policy on Internally Displaced Persons (IDPs) in Nigeria (n 6) 10

⁹ Internal Displacement Monitoring Centre (n 9)

¹⁰ *Ibid*

Very importantly, in Shedrack Ekpa and Nuarrual Hilal Md Dahlan, in their article titled “Towards the Evolution of Right to Reparation for Loss of Housing and Property of IDPs in Nigeria,”¹¹ discuss conflicts and displacement in Nigeria. A similar issue with this article and the research here is that the article discusses reparation for the loss of property as an IDP human right which government should consider protecting. Also, like this research, the article discusses that victims of conflicts in Nigeria are confronted with a wide range of physical and psychological trauma to their persons coupled with the loss of their homes and other lifetime investments. However, the article is focused more on reparations for the loss of housing and property of IDPs in Nigeria and the relocation of IDPs to safe zones or IDPs camps. This paper also assesses the challenges of IDPs and paucity of the legal framework.

However, The jurisprudential approach to addressing the challenges faced by Internally Displaced Persons (IDPs) in Nigeria is crucial in ensuring their rights and dignity are protected. However, the paucity of the legal framework in Nigeria has hindered effective protection and assistance to IDPs. The challenges faced by IDPs in Nigeria are multifaceted, including lack of political will, inadequate budgetary allocation, corruption, and insecurity. These challenges have resulted in a lack of access to basic necessities like food, shelter, healthcare, and education for IDPs.

2.0 Challenges to the Realisation of IDPs' Rights in Nigeria

The status of the Internally Displaced Persons as a vulnerable group is not in contention. Apart from the general challenges of rights protection in Nigeria, vulnerable groups are more prone to rights violations.¹² Denial of their fundamental rights caused by the crises notwithstanding, there are some specific rights donated to the IDPs given their special status as captured in the National Policy on IDPs.¹³ The realization of these rights suffers great challenges due to a lack of political will, poor budgeting allocation to meet the needs of the IDPs, corruption in the management of available resources and paucity of up-to-date legal framework. All these serve as difficulties confronting the nation in the quest to ensure the promotion and protection of the rights of IDPs, especially their socioeconomic rights.

2.1 Lack of Political Will

Political will is an important element for driving change, policy, and legislation and for achieving important outcomes that impact implementing policies, processes, legislation and other drivers of change in human behaviour.¹⁴ The category of political will in consideration focuses on the willingness and tenacity to pursue and improve the plight of IDPs and the need to ameliorate their suffering through the deliberate efforts of political leaders at all levels. Unfortunately, the political leaders in Nigeria lack the will to change many things and get things done, especially as it relates to the suffering of IDPs all over the country; as long as there is no change of attitude, the condition of IDPs will not be any different than it is now.

¹¹ Shedrack Ekpa and Nuarrual Hilal Md Dahlan, ‘Towards the Evolution of Right to Reparation for Loss of Housing and Property of Internally Displaced Persons (IDPS) in Nigeria,’ (2020) 6 *Mediterranean Journal of Social Sciences* pp 380–386.

¹² US Department of State, ‘Nigeria 2021 Human Rights Report’ (2021 Country Reports on Human Rights) <https://www.state.gov/wp-content/uploads/2022/03/313615_Nigeria-2021-Human-Rights-Reports.pdf> accessed 14 February, 2024.

¹³ National Commission for Refugees, ‘National Policy on Internally Displaced Persons (IDPS) In Nigeria’ (2012 NCR Publication).

¹⁴ See Definition of ‘lack of political will’: UIA, The Encyclopedia of World Problems (UIA, 15 June 2021) <<http://encyclopedia.uia.org/en/problem/lack-political-will>> accessed 14 February, 2024.

The national approach to addressing the issues of IDPs in Nigeria is segmented into two through the Federal institutions and State institutions.¹⁵ The Federal Government is responsible through various institutions to create reliefs and ensure adequate care for the IDPs. In contrast, the respective State governments in whose territory the IDPs reside equally hold corresponding responsibilities of daily care and settlement of the IDPs. At the Federal Level, the two institutions primarily concerned with the IDPs are the National Emergency Management Agency (NEMA) and the National Commission for Refugees, Migrants and Internally Displaced Persons. While the NEMA Act¹⁶ specifically gives it a mandate to react to emergencies and give relief to the people faced with emergencies such as IDPs, the Act establishing the National Commission for Refugees¹⁷ did not give it any mandate that captures the IDPs.

It is imperative to state that creating the Federal Ministry of Humanitarian Affairs, Disaster Management, and Social Development¹⁸ is a commendable step in this direction. Creating a parent Ministry to coordinate all matters affecting IDPs will reduce the seeming tension amongst various interventionist approaches used at different times and stem the tide of poor governance structure for related issues. The recent enactment of the National Commission for Refugees, Migrants and IDPs Act and its long-awaited presidential assent since former President Muhammadu Buhari's regime indicates a positive political will to address the seemingly intractable challenges of institutional governance of IDPs.¹⁹ However, it is yet to be seen how efficient and effective the new Act will be in addressing the challenges to the realization of the rights of IDPs in Nigeria.

Despite the passage of the new Act on IDPs, governments across levels have failed to demonstrate the serious political will to end challenges of IDPs. The Boko Haram crises, the major contributor to IDPs, has continued for decades.²⁰ New frontiers of crises in the North-West country's North-West region, the unending farmer/herders clashes, especially in the North-Central region, have attributed immensely to the rise in IDPs.²¹ There is no stern policy in place or a deal with these incessant crises leading to more IDPs. The challenge of flooding which has turned yearly in the country, has not received decisive attention from the governments at all levels despite early warnings from the experts.²²

The Federal and State Governments have failed to ensure adequate infrastructure and supplies within most IDP camps in Nigeria. There are significant health and social challenges within IDP Camps in Nigeria and severe health and social breakdowns without pro-active and preventive intervention from

¹⁵ Anthony Itumo and Nwobashi Humphrey Nwefuru, 'Nigerian State and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio-Economic and Political Development' 6 (2016) 5 pp. 24-38.

¹⁶ See section 6 of National Emergency Management Act 12 (As Amended by act 50) 1999.

¹⁷ See National Commission for Refugees Act, Cap. N12 (Laws of the Federation of Nigeria, 2004).

¹⁸ Established 21 August 2019. See Editorial, 'The Impact of the NSIPs under the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development' *Vanguard* (Lagos, 13 April 2013) <<https://www.vanguardngr.com/2022/04/the-impact-of-the-nsips-under-the-federal-ministry-of-humanitarian-affairs-disaster-management-and-social-development/>> accessed 15 February, 2024.

¹⁹ The Bill was signed into law on 15 February, 2023 by President Muhammadu Buhari. See Funmi Ajumobi 'NCFRMI Bill Awaiting Presidential Assent, Says Federal Commissioner' *Vanguard* (Lagos, 31 March 2022) <<https://www.vanguardngr.com/2022/03/ncfrmi-bill-awaiting-presidential-assent-says-federal-commissioner/>> accessed 15 February, 2024.

²⁰ Ferguson Amaobi Onuegbu and Gospel Nukoaka Lebari, 'The State and the Management of Internally Displaced Persons in Nigeria,' *International Journal of Social Sciences and Management Review* 5 (2022) pp 1-12.

²¹ *ibid.*

²² Editorial, 'Preparing Against 2023 Floods' *Thisday* (13 June 2023)

<<https://www.thisdaylive.com/index.php/2023/03/03/preparing-against-2023-floods>> accessed 15 February, 2024.

Governments. For example, in 2021, there were widespread reports about the increase of prostitution amongst IDPs, a similar complaint was made by the Governor of Borno State, Governor Babagana Zulum²³ and some allegations were made against officials involved in this situation.²⁴ In Nigeria, there have been health challenges like cholera outbreak, amongst others.²⁵ These indicate serious neglect and a lack of basic infrastructure like water, sanitation, toilets, food, survival kits, etc. These causative elements will degenerate and lead to more serious social and health issues.

2.2 Inadequate Budget Allocation

One of the challenges facing attaining medical and human rights of IDPs in Nigeria is inadequate budgetary allocation. Despite increasing allocation each year, the rising number of IDPs, the poor economic outlook of the country as fueled by rising inflation and other negative socioeconomic indices such as flood, high cost of fuel, high cost of foreign exchange and poor harvest have all impacted negatively on the marginal increase in the allocations.²⁶ In 2019, the Commissioner of the National Commission for Refugees, Migrants and Internally Displaced Persons (NCMRI), Basheer Garba Mohammed, disclosed that Nigeria has a growing population of about 2.2 million IDPs.²⁷ But despite this number, the budgetary allocation for the needs of IDPs is still very poor.²⁸

At the budget defence before the House of Representatives in December 2022, the Minister of Humanitarian Affairs, Disaster Management and Social Development, Hajia Sadiya Umar Farouq, decried poor allocations to the Ministry despite increasing humanitarian demands.²⁹ She recalled that in 2019 the NCMRI got 6 Billion Naira for capital expenditure but shrank to 1 Billion Naira in 2020.³⁰ At the 2022 budgetary defence before the House of Representatives, the Commissioner, NCMRI, Imaan Ibrahim, informed the lawmakers that N4.89 billion was approved for the Commission in the 2021 appropriation, N705. Forty-five million was for recurrent expenditure, and the sum of N3.38 billion was for capital expenditure.³¹ Although as of November 2021, the sum of N8.51 billion was released to the Commission for capital and overhead expenditures.³² She stated further that in the 2022 budget, the sum

²³ Ochogwu Sunday, 'Prostitution Taking Over IDP Camps: Gov Zulum Raises Alarm' *Daily Post* (Abuja, 7 July 2021) <<https://dailypost.ng/2021/07/07/prostitution-taking-over-idp-camps-gov-zulum-raises-alarm/>> accessed 15 February, 2024.

²⁴ Kunle Adebajo, 'Sex for Survival: How Officials Use Underage Girls As Objects of Pleasure' *Premium Times* (Abuja, 20 September 2020) <<https://www.premiumtimesng.com/news/headlines/415976-sex-for-survival-how-officials-use-underage-idp-girls-as-objects-of-pleasure.html>> accessed 15 February, 2024.

²⁵ Moise Chi Ngwa, Alemu W, Ifeanyi O. et al, 'The Multi-Sectorial Emergency Response to a Cholera Outbreak in Internally Displaced Persons Camps in Borno State, Nigeria, 2017' (2017) *BMJ Journal* <<https://gh.bmj.com/content/5/1/e002000>> accessed 15 February, 2024.

²⁶ *Ibid.*

²⁷ Mathew Ogune and Murtala Adewale, 'Refugee Commission Decries Poor Budgetary Allocation for IDPs' *The Guardian* (Abuja 27 November 2019) <<https://guardian.ng/news/refugee-commission-decries-poor-budgetary-allocation-for-idps/>> accessed 3 March 2024.

²⁸ Ojjeva Ehiosun, 'Financial Crunch: 7,000 IDP Children Cry out for Help over Hardship' *New Telegraph* (Lagos, 18 March 2023).

²⁹ Samson Atejoko Usman, 'Poor Score for Humanitarian Minister as Senate Requests further Details on Social Investment Programme' *Daily Post* (5 December 2022) <<https://dailypost.ng/2022/12/05/poor-score-for-humanitarian-minister-as-senate-requests-further-details-on-social-investment-programme/>> accessed 3 March 2024.

³⁰ *Ibid.*

³¹ Editorial, 'IDPs in Nigeria Increased by One Million in the Last One Year- Commissioner' *The Guardian* (8 November 2021) <<https://guardian.ng/news/idps-in-nigeria-increased-by-one-million-in-the-last-one-year-commissioner/>> accessed 3 March 2024.

³² Editorial, 'IDPs in Nigeria Increased by One Million in the Last One Year – Commissioner' *The Guardian Nigeria News* (Lagos March 23 2022) <<https://guardian.ng/news/idps-in-nigeria-increased-by-one-million-in-the-last-one-year-commissioner/>> accessed 3 March 2024.

of N5.74 billion was earmarked for the operations of the Commission. While N1.18 billion was for recurrent expenditures, N4.55 billion was for capital expenditures. The slight increase in the allocation was attributed to an increase in the number of Persons of Concern (POCs) across the country's six geopolitical zones.³³

The 2023 budgetary allocation to NCMRI shows a slight increase in the sum of N10.35 billion, in which the overhead and personnel cost amount to N1.304 billion and the capital expenditure is N9.053 billion. Although from 2021 till date, there has been an increase in the budgetary allocation to NCMRI, these allocations do not reflect the reality of meeting the medical and human rights needs of the IDPs. A comparative analysis of the budgetary allocations of the country with the estimates of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA - Nigeria) will reveal significant disparity. The 2023 budgetary allocation of N10 billion to NCMRI is equivalent to 21.6 Million USD. For the year 2022, the Nigerian Humanitarian Response Plan, as carried out by the United Nations' Office for the Coordination of Humanitarian Affairs (UNOCHA), estimated 1.13 Billion USD for the needs of IDPs, but 736.7 Million USD was received by the Office, which represents only a 65 percent of the required financial allocation for the year.³⁴ It simply means that 3 percent of the needs are left unmet. According to Nigeria's Situation Report, about 8.3 million Nigerians will require humanitarian assistance in the three states of Borno, Adamawa and Yobe in the year 2023. 4.4 million people will require food assistance from the three states. Considering the devastating effects of the flood across the country in 2022, with estimated 4.4 million Nigerians affected and 2.4 million displaced (over half of this number of displaced persons is in Bayelsa state), the number of persons in need of food assistance for the year 2023 has sporadically increased across the country.³⁵

The health funding for Borno, Adamawa and Yobe States is estimated at 52.68 Million USD (the equivalent of N22, 389,000,000 based on the current CBN rate), targeting 4.41 million persons.³⁶ The estimated cost for shelter and non-food items is 56.80 million USD (N24,140,000,000) for 1.46 million people.³⁷ In October 2022, 329 households suffered displacement due to fire outbreaks and floods in Borno.³⁸ In Adamawa and Yobe, 36, 362 and 22, 573 households also needed shelter and other non-food items, respectively.³⁹ An estimated sum of 101.54 Million USD (N43, 154,500,000) is needed for safe water in Borno, Adamawa and Yobe in 2023 due to a shortage of water supply and interruption as a result of theft of solar panels, inverters and submersible pumps.⁴⁰ Education need is targeted at 1.21

³³Bankole I, "FG to Borrow N5.62trn to Finance Deficit in 2022 Budget —Finance Minister" [2021] Vanguard News <<https://www.vanguardngr.com/2021/08/fg-to-borrow-n5-62trn-to-finance-deficit-in-2022-budget-finance-minister-2/>> accessed 4 March, 2024.

³⁴ OCHA, 'Nigeria' (OCHA Publications 2023) <<https://www.unocha.org/nigeria>> accessed 4 March, 2024.

³⁵Leslie Hodges, 'USDA ERS - Coronavirus (COVID-19) Pandemic Transformed the U.S. Federal Food and Nutrition Assistance (Economic Research Service 2021)<<https://www.ers.usda.gov/amber-waves/2021/october/coronavirus-covid-19-pandemic-transformed-the-u-s-federal-food-and-nutrition-assistance-landscape/>> accessed 4 March, 2024.

³⁶ Reliefweb, 'North-East Nigeria: Borno, Adamawa and Yobe States Humanitarian Dashboard (August 2019) – Nigeria' (*ReliefWeb*, October 23, 2019) <https://reliefweb.int/report/nigeria/north-east-nigeria-borno-adamawa-and-yobe-states-humanitarian-dashboard-august-2019> accessed 4 March 2024.

³⁷International Rescue Committee, 'Cost Efficiency: Non-Food Item Distribution' (*The IRC*) <<https://www.rescue.org/report/cost-efficiency-non-food-item-distribution>> accessed 4 March 2024.

³⁸Thomas Frank, E&E News, "Disasters Displaced More Than 3 Million Americans in 2022" (*Scientific American*, February 6, 2023) <<https://www.scientificamerican.com/article/disasters-displaced-more-than-3-million-americans-in-2022/>> accessed 4 March 2024.

³⁹*Ibid.*

⁴⁰ OCHA, 'Borno, Adamawa and Yobe in 2023 Due to Shortage of Water Supply' (OCHA, 2023) <<https://www.unocha.org/nigeria>> accessed 5 March 2024.

million persons,ns with 83.17 Million USD (N35, 347,250,000) estimated to meet the need.⁴¹ This is to create more temporary learning spaces, renovation of schools and general education infrastructure. The estimated amount for 0.28 million IDPs to ensure their early recovery and livelihood is 58.95 Million USD (N25, 053,750,000).⁴² This is to settle some of the IDPs trying to return to their base and begin a new life after displacement, as many of them have been reported to take to criminality and harmful social activities due to means of livelihood.

The reality of the above-estimated needs for IDPs is that budgetary allocation from the Nigerian government is grossly inadequate, especially with the continuous increase in the number of IDPs across the country. Therefore, meeting the challenges confronting IDPs with poor allocations is difficult. As evident as the humanitarian assistance from donor agencies continue to remedy the shortage from the government, there is still a huge gap that needs to be filled.

2.3 Corruption

Corruption has been identified as one of the significant challenges confronting the realization of IDPs rights. In March 2019, Amnesty International noted, "There were protests at the Shettima Ali Monguno and Teachers Village camps in Maiduguri in February over lack of food, ill-treatment and corruption."⁴³ The International organization was particular about the failure of the Nigerian government to protect the rights of women who left their homes and means of livelihood due to the insurgency. Amnesty International stated that many women struggle to access food and other basic items in camps for IDPs and are restricted from leaving. It added, "Those who speak up about their ordeal face harassment from government officials, particularly the Borno State Emergency Management Agency (SEMA)."

Before the Amnesty International report, the Senate of the Federal Republic of Nigeria in 2016 identified acute corruption in managing the funds meant for the IDPs. In a hearing investigating the spending of the Presidential Initiative for the North East (PINE), the Senate uncovered some facts which testified to large corruption within the system. In its published report, the Senate states, "so much money has been made available by government with very little to show for it."⁴⁴

The Senate report published a breakdown of some questionable PINE spending shrouded in high-level corruption.⁴⁵ Payments to contractors, such as \$646,000 for "removal of invasive plant species along river channels" and donations of \$318,000 to non-governmental agencies organizing conferences, were carefully selected as pointing to some corrupt activities. Further, it showed \$372,000 had been spent on a "supply of temporary shelters" (that is, tents), but the Senate's report states it found "no record of these shelters anywhere."⁴⁶ The Senate says the "rather incoherent and largely fragmented state of the

⁴¹*Ibid.*

⁴²Statista, 'Education in Nigeria' (*Statista*, September 13, 2022) <<https://www.statista.com/topics/6658/education-in-nigeria/#topicOverview>> accessed 5 March 2024.

⁴³ Akinola Ajibola, 'Amnesty International Demands Probe of 'Rampant Corruption' in IDP Camps' ChannelsTV (8 March 2019) <<https://www.channelstv.com/2019/03/08/amnesty-international-demands-probe-of-rampant-corruption-in-idp-camps/>> accessed 5 March 2024.

⁴⁴Editorial, 'Senate Uncovers Corruption in FG's Committee on North East' *International Centre for Investigative Reporting* (8 December 2016) <<https://www.icirnigeria.org/senate-uncovers-corruption-in-fgs-committee-on-north-east/>> accessed 5 March 2024.

⁴⁵*Ibid.*

⁴⁶ Taiwo-Hassan Adebayo, 'Presidential Committee to Rebuild North-East Unable to Account for N2.5 Billion' *Premium Times* (8 December 2016).

procurement process so far points to a vague and corrupt scheme." In total, PINE was unable to account for \$7.9 million of its funds at the senate hearing.⁴⁷

Although PINE was set up by ex-president Goodluck Jonathan and replaced by President Muhammadu Buhari with the Presidential Committee on the North East Initiative (PCNI), it is important to note that all of PINE's payments to contractors were made during the first tenure of President Buhari's administration. The first payment, a \$158,000 contribution to a conference, was made on 1 January 2016. In June 2016, Governor Kashim Shettima ordered police investigation into allegations against State Emergency Agency of stealing and selling relief materials for profit.⁴⁸

In the report of the International Centre for Investigative Reporting (ICIR) on "How Corruption is Killing Children in IDP Camp,"⁴⁹ it was revealed that staggering corruption especially by state officials in charge of ensuring relief materials for IDPs has led to the death of many children in the camps especially across Borno State. The report cited MSF survey of the humanitarian crisis in Borno, which was shown to the Cable by a presidential source.

The unimaginable level of this issue forced the Federal Government to declare nutrition emergency in Borno State sometimes in June 2016 in what has been described as belated action. The action of the federal government was seen as belated because the Nations' threshold recommended for nutritional emergency of 2.1 deaths per 10,000 under-five children per day had already been exceeded before the declaration. It is surprising also that the national government had to wait for a survey conducted by a foreign aid agency before acting in that regard.⁵⁰ In June 2016, 1,200 people, mostly women and children, were moved by the Nigerian Army Bama to the Nursing Village camp in Maiduguri. MSF carried out nutritional screening exercise on 466 children from six months to five years of age and the result of the exercise was alarming in that it was discovered that 39% of them were suffering from acute malnutrition". The same exercise was repeated in Bama on more than 800 children which report showed that 19% were suffering from acute malnutrition.⁵¹

Further to the above, the MSF's epidemiological centre (Epicentre), carried out retrospective mortality surveys and nutritional assessments at Muna Garage Camp from August to September 2022 at Custom House camp. The Report from Muna Garage Camp showed that 9.5% of the children under five were affected by acute malnutrition and 15.4% by moderate acute malnutrition. Therefore, a total of 24.9% of children under five years old were affected by general acute malnutrition — a rate well above the 20

⁴⁷*Ibid.*

⁴⁸ Ndahi Marama, 'Alleged Re-Bagging of IDP Rice: Shettima Orders Probe, Arrest of Culprit' *Vanguard* (18 June 2016) <<https://www.vanguardngr.com/2016/06/alleged-re-bagging-of-idp-rice-shettima-orders-probe-arrest-culprits/>> accessed 9 March 2024.

⁴⁹ Fisayo Soyombo, 'How Corruption is Killing children in IDP Camps' *International Centre for Investigative Reporting* (30 December 2016) <<https://www.icirnigeria.org/how-corruption-killing-children-idp-camps/>> accessed 9 March 2024.

⁵⁰ Beaumont P, "Failed State? Why Nigeria's Fragile Democracy Is Facing an Uncertain Future" *The Guardian* (October 19, 2022) <<https://www.theguardian.com/global-development/2021/oct/25/failed-state-why-nigerias-fragile-democracy-is-facing-an-uncertain-future>> 10 March 2024.

⁵¹ Reynolds G, "How the Pandemic Is Changing Our Exercise Habits" *The New York Times* (October 7, 2020) <<https://www.nytimes.com/2020/10/07/well/move/pandemic-exercise-habits-study.html>> 11 March 2024.

percent emergency threshold.⁵² The report of the exercise carried out at the Custom House Camp revealed "severe acute malnutrition among the children under five years old (the most severe form of malnutrition exposing children to a high risk of death) was estimated at 4.3 percent and moderate acute malnutrition at 15.6 percent.⁵³ Severe acute malnutrition has been defined by the World Health Organisation as follows – "Severe acute malnutrition is defined in these guidelines as the presence of oedema of both feet or severe wasting.⁵⁴

The food shortage crisis leading to these staggering statistics is a product of corruption as revealed.⁵⁵ While it is ordinarily expected that the staff of the Borno State Emergency Management Agency would be the most sympathetic to the state of affairs of the IDPs in their care, it was discovered that rather than allowing them access to all the food supply from NEMA, they cornered some of the supplies to somewhere else.

Many IDPs are aware of the corruption going on within the Camps but could not talk openly due to fear of victimization. Some of the IDPs interviewed by the ICIR investigator expressed their views despite apparent fears that most of the foods earmarked for the Camps do not get there as officials of SEMA would have carted away some parts of it making the supplies grossly inadequate for the IDPs. One of the IDPs interviewed voiced thus:

Our children are living here with us without food. They give us rice without firewood; no medicine to take care of ourselves during ill-health. Please come in and see where we sleep; just floor without mattress. It is true that there's some hanky-panky with food items. When food arrives the camp, they don't give us everything. They give us some and keep some back. The foodstuff that they hold back in the store, they do not share for us until another batch of food arrives at the end of the month.⁵⁶

Corruption in the distribution of food items and other relief materials seems to be general knowledge amongst the IDPs but most of them have no voice because of their pitiable situation. Some expressed opinions that the food shortage crisis within the Camps were as a result of hoarding by SEMA. They believed that SEMA distributes less than what they usually get from NEMA and this has grossly affected the wellbeing of the IDPs across the state. A man with family of nine revealed:

If you can give 25kg of rice to a man with nine family members to care for, for one month or for 45 days, what is that? What do you call that? How would you give someone 20kg of corn to eat for one month? No charcoal, no firewood. They have to sell three to five modules of the rice to buy charcoal. In fact, in this camp, there are people from Gwoza who have never received food since they came in. People are saying that they don't know what to do. They can't return to Gwoza; they are not comfortable here. They have to stay back here and just manage it.

⁵² Public Health Association, 'The Control of Communicable Diseases: Report of a Committee of the American Public Health Association,' 50 Public Health Reports (1896-1970)32 pp. 1017–77.

⁵³ *Ibid.*

⁵⁴ World Health Organisation, *Pocket Book of Health Care for Children* (2013, WHO Publication).

⁵⁵ Fisayo Soyombo (n 39).

⁵⁶ *Ibid.*

The bulk of the food theft is from SEMA. Before, if you were a family of nine to 10, you would get 100kg of rice. But they later reduced it to 50kg. The national chairman of NEMA came to this camp in October and said that they were bringing food for us. In fact, he said they had food that could last us for two months. So, if they had surplus of two months, how is it possible that our rations have been cut by half? He said it that NEMA was giving enough food to SEMA. So the question to ask SEMA is: why they are reducing our food?⁵⁷

The entrenched corruption amongst staff of SEMA had occasioned protests in the IDP camps. In August 2016, there were protests amongst IDPs from two different camps which led to the blocking of the highways linking Borno to adjoining states complaining of "poor feeding and ill-treatment"⁵⁸ at the camps. The IDPS at the Arabic Teachers College Camp were the first to protest, on August 2022 they were followed by those from the Bakassi Camp on August spontaneous protests compelled the state government to call-off central feeding system hitherto being used whereby food was cooked in central kitchen and shared to IDPs. The household sharing formula was adopted instead which sees to the sharing of raw foods stuff to each family. It is however now apparent that the problems run deeper than the central cooking system.

Some camp officials have been accused of diverting relief materials even from donors. A member of the Civilian JTF who volunteered opinion to the ICIR investigator stated that: "There are IDP camp officials who have bad character; when some donors bring relief materials, these officials pass them on to their families rather than the IDPs who need them".⁵⁹ He stated further:

Instead, they will hoard it — and in the night, they will take the items to their families and friends. We have that problem in many camps, especially the NYSC Camp, Muna Garage Camp and Bakassi Camp. In these three camps, I have seen this happen. It's a very terrible problem how officials hoard donations to IDPs.

This is why IDPs protested recently. They said that people were coming to camps to bring relief items, but these were not getting to them. That is why we need good officials at IDP camps.⁶⁰

Most times, SEMA officials only distribute half and keep half of materials supplied for IDPs to themselves to be repackaged and sold in open market. Where the little foods were supplied, the complimentary items such as cooking kerosene, charcoal or even salt were not supplied. Therefore, the IDPs are forced to sell parts of the foods items supplied in order to purchase the necessities to make it edible. There is acute water shortage within most of the camps which contribute to the negative nutritional conditions of the camps. Clothing materials meant for the IDPs were often hoarded away from them.⁶¹

⁵⁷*Ibid.*

⁵⁸ Fatima Ali Busuguma, 'On the Plight of Women and Children in IDPs Camps' *PRNigeria* (9 December 2022) <<https://prnigeria.com/2022/12/09/plight-women-children-idps/>> accessed 11 March 2024.

⁵⁹ Fisayo Soyombo (n 39).

⁶⁰*Ibid.*

⁶¹ Klobucista C, 'Water Stress: A Global Problem That's Getting Worse' *Council on Foreign Relations* (April 3, 2023) <<https://www.cfr.org/background/water-stress-global-problem-thats-getting-worse>> accessed 21 March 2024.

A Daily Trust report confirmed some of the allegations made against SEMA by the IDPs.⁶² In fact, it was further revealed that when the supplies are televised and symbolically launched by the top government officials, it is common to see trucks carting away most of the items later in the day and never to be seen or heard of again. It was further revealed that some camps are better treated than others when it comes to distribution of relief materials. The officials of SEMA countered the position of IDPs that many of them contribute to the circle of misdeeds being complained about. Some IDPs take two to three rations when some of their colleagues have not even got any. It was alleged that many of the IDPs sell their food in order to get some other foods which may not be in supply within the camps. It was further stated that the supply by SEMA is according to international standards. It was revealed thus:

They are also telling lies that several families are grouped on one bag of rice. There is a standard we are following: for every adult, the dry food ratio is 320gm per day per person. This is the world standard; and it is for cereal alone. You can consume up to 500gm per day, but what matters most is the kilo calorie content of the food required for the person. The maximum rice you can consume as an individual in one month is 10kg because you can't eat more than two cups in a day. So I will give you 10kg if you have five members in your family. I will multiply the 10 by five, which will give me 50kg. This is why we are giving them 50kg bag for a family of five for a month. It is the standard.⁶³

Despite the denial by officials of SEMA, an independent report from Sahara Reporters also confirm massive corruption going on in IDP camps although this time around in Adamawa State,⁶⁴ also a North-East State affected by the insurgency. The report focuses on the corruption of the some humanitarian organizations operating at the Malkohi internally displaced persons camp in Yola, Adamawa State. Some of these agencies and organizations adopt different approaches aimed at making illicit gains off IDPs, for example, it was revealed that IDPs are bribed to remain in the camps despite return of peace to their original homes.⁶⁵ How apparent lack of structure has necessitated rampant corruption, over inflation of contracts, and diversion of relief materials in most cases in NEMA.⁶⁶ The Nigerian government should explore new strategies of establishing new agency aside NEMA to ensure that funds and materials donated to them are properly monitored and utilized for the purpose of their rehabilitation.⁶⁷

Top government officials have been fingered in the corruption rocking the management of IDPs across the country. The case of former Secretary to the Government of the Federation, Babachir Lawal who was involved in a grass-cutting scandal in IDP camps in the North East through his company. It has been argued by scholars that the protracted Boko Haram insurgency is due to corruption which has worsened the case of IDPs. The diversion of fund meant for military armament and allowances for

⁶²FG Not Paying Attention to Benue IDPs – SEMA - Daily Trust' (*Daily Trust*, February 4, 2022) <<https://dailytrust.com/fg-not-paying-attention-to-benue-idps-sema/>>

⁶³*Ibid.*

⁶⁴Editorial, 'How NGOs Bribe IDPs in Adamawa to Stay in Camps so they can Remain in Business' *Sahara Reporters* (3 September 2019) <<https://saharareporters.com/2019/09/03/exclusive-how-ngos-bribe-idps-adamawa-stay-camps-so-they-can-remain-business>> accessed 22 March 2024.

⁶⁵*Ibid.*

⁶⁶*Ibid.*

⁶⁷Livinus Akajife Ekoh and others, 'Rehabilitation of Internally Displaced Persons in Nigeria's North East Region Challenges and Prospects,' *6 Social Scientia* 4 (2019) pp 2-10.

military personnel contributed immensely to continuation of the insurgency for over a decade with resultant cases of displacement.

3.0 Paucity of Legal Framework

Until recently, there is no specific law dealing with the rights and needs of IDPs in Nigeria. The National Commission for Refugees was established in 1989 when the challenges of IDPs were not very pronounced in Nigeria. Therefore, as at the time the Act establishing the Commission was enacted, it did not contemplate the management of IDPs. It was by presidential fiat that the mandates of the Commission were extended to cover IDPs protection and assistance.⁶⁸ Despite the good intention surrounding the expansion of the mandates of the National Commission for Refugees and as profound as the initiative seems, failure to amend the establishing Act of the Commission more than ten years after the presidential directive shows lack of political will to give legal backing to the Commission's enlarged responsibilities.⁶⁹ The change in the name of the Commission to reflect IDPs does not confer more powers on it than the enabling Act does. This has been a very daring challenge to the Commission especially in the areas of having total control over IDPs issues and knowing the limits of powers shared with other agencies of the federal government such as NEMA in that regards.⁷⁰

The absence of necessary legal framework governing IDPs protection and assistance in Nigeria has placed huge responsibility on the National Emergency Management Agency (NEMA) which is the only body with capacity to respond swiftly to emergency situations given its mandate. NEMA is an agency of Federal Government that intervenes swiftly in crisis situation and it has a unit dedicated to IDP related issues. However, it is certainly not empowered to attend to the long term needs of IDPs in such a way that an agency of government with clear mandate would do. Its limited resources dedicated to all emergency situations in the country would not avail it the ability to meet the challenges of IDPs at all times. It is obviously the realization of this fact that necessitated expanding the mandate of the National Commission for Refugees to take care of the long term issues of the IDPs.⁷¹

The absence of clearly defined mandates of the two agencies of the Federal government responsible for IDPs, that is NEMA and the National Commission for Refugees, Migrants and Internally Displaced Persons tend to aggravate rivalry between the two bodies and this has resulted in poor working synergy between them. This has ultimately resulted in wasteful interventions in the humanitarian crises in Nigeria by the two bodies. It is therefore, necessary to state clearly mandates of the two institutions for the overall proper coordination, management and implementation of national legal framework and policies for the promotion and protection of the rights of the IDPs.⁷²

One of the salient means of guaranteeing protection and assistance of IDPs lies in the implementation of laws and policies insofar as it relates to IDPs' rights and entitlements and their consequential enforcement upon actual breach or threatened infraction of the same. Most of these laws and policies

⁶⁸ Anthony Itumo and Nwobashi Humphrey Nwefuru (n 4).

⁶⁹ Odinkalu, Chidi Anselm, 'Back to the Future: The Imperative of Prioritizing for the Protection of Human Rights in Africa ' 47 Journal of African Law 1 (2003)pp. 1–37.

⁷⁰*Ibid.*

⁷¹ Nnadi Godwin Onyemaechi, Ezeani Onyebuchi Emmanuel and Nnadi Helen Chinedu, 'The National Emergency Management Agency (NEMA) and the Challenges of Effective Management of Internally Displaced Persons in North Eastern Nigeria (2020)' IOSR Journal of Humanities and Social Science 25 (2020) 5 pp. 14-27.

⁷²*Ibid.*

that entrench protection for IDPs in Nigeria are either in the nature of soft laws and treaties which also lack effective monitoring systems to ensure implementation and compliance by states party, in addition to their domestic application which is evidently limited also by the provisions of the national laws. Nigeria's dualist legal system in particular where international law and domestic law are considered as two distinct legal systems require reception legislation before treaties become enforceable by national courts also contributes to the growing concerns regarding non-implementation and enforcement of IDPs norms. There are no national institutions with the mandate to ensure implementation and enforcement of IDPs norms in Nigeria as it were in other jurisdictions like Uganda where the National Human Rights Commission is saddled with this onerous responsibility.⁷³

4.0 Conclusion

The jurisprudential approach to the challenges of Internally Displaced Persons (IDPs) in Nigeria reveals a complex web of issues. The lack of political will, budgetary allocation, corruption, and paucity of legal framework have exacerbated the plight of IDPs. Despite the efforts of international organizations and local NGOs, the Nigerian government's response to the IDP crisis has been inadequate. The existing legal framework is insufficient, and the country's political instability has hindered effective implementation of policies. The consequences are dire, with IDPs facing poverty, hunger, and insecurity.

5.0 Recommendations

Against the above background, this paper recommend as follows:

1. **Strengthening Legal Framework:** Nigeria should develop a comprehensive legal framework that addresses the specific needs of IDPs, including their rights to housing, healthcare, and education.
2. **Increased Budgetary Allocation:** The government should allocate sufficient funds to support IDP programs, ensuring effective implementation of policies and provision of essential services.
3. **Anti-Corruption Measures:** Nigeria should establish robust anti-corruption mechanisms to prevent embezzlement of funds meant for IDP support.
4. **Political Will:** The government must demonstrate genuine political will to address the IDP crisis, including addressing root causes such as insecurity and poverty.
5. **Collaboration with International Organizations:** Nigeria should enhance collaboration with international organizations to leverage expertise, resources, and funding to support IDP programs.
6. **Community Engagement:** The government should engage with local communities to raise awareness about IDP rights and involve them in the planning and implementation of IDP programs.
7. **Capacity Building:** Nigeria should invest in capacity building for government officials, NGOs, and community leaders to enhance their ability to respond to IDP needs.
8. **Monitoring and Evaluation:** The government should establish robust monitoring and evaluation mechanisms to track progress, identify gaps, and adjust policies accordingly.

⁷³ Anthony Itumo and Nwobashi Humphrey Nwefuru (n 4).