

## **African Union Convention and the Rights of Internally Displaced Persons: An Assessment of the Kampala Convention on the Rights of IDPs in Nigeria**

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### **Abstract**

Nigeria's crisis of internally displaced persons has significantly affected the lives of people, even though the government and nongovernmental organizations offer one form of assistance in support of IDPs in order to end their sufferings but they continue to experience untold hardship without any lasting solution. The major thrust of this study is to assess the implementation of the Africa Union Convention on the rights of IDPs in Nigeria. The study adopted social inclusion theory as a theoretical framework. The theory vigorously argued that in a socially inclusive society, everyone is valued and their basic needs are supplied to them. This in turn leads to a sense of belonging among the people. The study used a mixed research design which entails both qualitative and quantitative approaches. Data collected were analyzed through the use of simple percentages and content analysis. Findings showed that the nature of the implementation of the Convention in Nigeria is not fully in line with the provisions of the Convention. It operates under the basis of curbing harsh disasters and conflict situations, not as a legal instrument as specified by the Convention. The study further revealed that Nigeria is partially implementing the Convention in her way as a sovereign state in the African sub-region, even though she was one of the fifteen (15) African countries that ratified the convention after its existence in 2009. The study concluded that there is a need to adequately address the socio-economic and political issues that give rise to the various conflicts in the country as well as other issues including the absence of good governance, poverty, unemployment, and other sources of agitations in the country. Finally, the study recommended that the government should strengthen its commitment to ensure that the rights of internally displaced persons are protected. This could be achieved by setting standards for addressing issues of segregation, rape, abuse, and other forms of violence against displaced persons so that perpetrators will be brought to justice.

**Keywords:** Internally Displaced Persons, Internal Displacement, Human Rights, Kampala Convention.

### **Introduction**

The severity of internal displacement, arising from different factors, which include violent conflicts, manmade and natural disasters, has become a global problem. In fact, in the past few years, reports of internal displacement have increased around the world, bringing about a change from large scale refugee flows to amplified internal displacement. The displacement of civilians and their need for human rights protections remain one of the vital human rights concerns of the post-Cold War era. Over 50.8 million forcefully displaced people and 46 million Internally

Displaced Persons (IDPs) have moved because of conflicts, including political, communal, and criminal violence (Internal Displacement Monitoring Centre [IDMC], 2020). Millions of IDPs are vulnerable to other drivers, including disasters, economic instability, and development projects such as infrastructure construction have displaced. These IDPs, 99 percent of whom are in low- and middle-income countries, face severe economic challenges due to displacement (IDMC, 2019).

The numerous security issues and the periodic natural disasters in Nigeria made the scale of displacement to always be on the increase. The Internal Displacement Monitoring Centre (IDMC, 2019) reports that, as of at the end of 2019, there were over 2.5 million internally displaced persons in Nigeria. Conflict and violence alone led to 248,000 new displacements across 19 states. The ongoing insurgency in the northeast triggered 105,000 displacements, criminal violence in the northwest and north central states 88,000, and communal violence in the central region 55,000. According to IDMC (2019), the causes of displacements in Nigeria are primarily due to insurgency in the Northeast, the rise of herdsmen and banditry conflicts, and massive flooding, amongst others.

Most incidences of internal displacement occur because of violent conflicts with ethnic religious and political undertones. Thousands are annually displaced internally as a result of natural disasters including flooding in the North and West, erosion in the East, oil spillage, and development projects in the Niger Delta (South-South region). Some incidences also occur due to clashes between Fulani herdsmen/ crop farmers, government forces, and armed groups (Biha Foundation, 2022)

The Kampala Convention was adopted on 6th October 2009 and has 23 provisions. Notably, it requires states to protect the rights of all persons against being arbitrarily displaced and, in so doing, to respect provisions of international law that are relevant to the protection of IDPs. Moreover, the Kampala Convention also accentuates the general obligation of states to prevent conditions that result in displacement such as 'political, social, cultural and economic exclusion and marginalization' (Kampala Convention, 2009). The Kampala Convention further emphasizes obligations relating to protection and assistance, including cooperation among states in the protection of these persons and the facilitation of access to humanitarian assistance.

While drawing heavily on this framework, the Kampala Convention sets its tone. It recognizes issues of harmful practices as root causes of internal displacement and also places specific obligations on international organisations and humanitarian agencies. Moreover, the Kampala Convention incorporates salient obligations such as the AU's cardinal doctrine on the responsibility to protect in situations of grave breaches of human rights, including genocide, war crimes, and crimes against humanity (Romola, 2019). It is useful to draw on certain correlations between the Kampala Convention and the United Nations (UN) Guiding Principles on internal displacement in reflecting both on the normative influence of the latter and the contribution of the former. Further, both instruments underscore the pertinence of the right not to be arbitrarily displaced, also reflecting core root causes such as conflict, natural disasters, and development projects. Moreover, both instruments underscore the importance of international humanitarian and human rights law in contextualising protection for IDPs. As in the case of the Guiding Principles, the Kampala Convention is emphatic on the primary obligation of the state given that the nature of internal

displacement reflects a picture of persons within state territories over which states, under settled custom in international law, have control (Remola, 2021).

The Convention aims to prevent internal displacement, protect internally displaced persons (IDPs), and provide durable solutions to internal displacement in the African region, IDMC (2022). To achieve these aims, it sets out the rights of IDPs and lays obligations on states, armed groups, non-state actors, and other relevant actors. The rights of IDPs enshrined in the Convention include the right not to be displaced, the right to non-discrimination, the right to seek safety, the right to education, the right to food, and the right to shelter. The obligations of states include, but are not limited to, the obligation not to arbitrarily displace individuals and groups, and to prohibit and prevent the same; the obligation to respect and guarantee the human rights of IDPs; the obligation to provide or facilitate the provision of humanitarian assistance to IDPs; and the obligation to put in place legal, policy and institutional frameworks for the protection of IDPs, and to allocate resources for these purposes.

Nigeria is a State Party to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). The country ratified the Kampala Convention in 2012. The Nigerian Government has the primary duty and responsibility to assist and protect IDPs in its territory, with support from humanitarian organisations where needed. It is also obliged to incorporate the Convention into the domestic legal framework and promote conditions for voluntary, dignified, safe durable solutions to displacement. Realizing the dream of protecting the IDPs using the Kampala Convention may be a tall dream in Nigeria for some obvious reasons. The Convention was ratified in 2012 but is yet to received full implementation compared to the global best practice, due to lack of political will and institutional capacity to control the menace of IDPs in the country. Therefore, this study is to assess the implementation of the Kampala Convention on the Rights of IDPs in Nigeria

### **Statement of the Problem**

The crisis of internally displaced persons has become a global issue. Nations across the world are faced with challenges in finding a lasting solution to the problem of IDPs. For instance, in the case of this research, people are displaced from their residents through various forms of attack, either by herdsmen, banditry, insurgents, or terrorism. In other parts of the world, it could be through militancy, persecution or natural disaster, etc. In any form of these unpleasant trends is witnessed, the fabric of peace is broken, lives are lost, and people are rendered homeless. These phenomena have caused untold hardship to people universally.

This situation continues to be perforated in Nigeria due to lack of political will or effective control mechanism for internally displaced persons in the country, contrary to the framework provided in the Kampala convention on the rights of internally displaced persons. Therefore, it is necessary to assess the implementation of the Kampala Convention on the Rights of IDPs in Nigeria to ascertain why, despite its robust provision for the rights of internally displaced persons, the country is experiencing such challenges. In general terms, the objective of this research is to examine why the effect of internally displaced persons in Nigeria, despite its ratification of the Kampala

Convention on the Rights of Internally Displaced Persons in Nigeria. However, the study aims to achieve the following specific objective:

- i. To examine the nature of Kampala Convention on the Rights of Internally displaced persons in Nigeria
- ii. To appraise the extent to which Nigeria has implemented the provisions of the African Union Convention on the Rights of Internally displaced persons in Nigeria

## **Conceptual Clarification**

### **Internally Displaced Persons (IDPs)**

The end of the Cold War experienced a rapid increase in the displacement of people internally than externally. The definition of United Nations Secretary-General on internally displaced persons as: "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border" (Mooney, 2005). Although the idea of displacement caused by developmental activities has not been included in the working definition which was reflected in the 1998 Guiding Principles of the United Nations which is at the international level, at the regional level, some states have adopted the United Nations Guiding Principles' definition and have included development activities as one of the causes of internal displacement in their regions. Regions such as South Asia and West African governments have included displacement from development projects as one of the causes of internal displacements in their regions. As a result of the negligence of persons displaced by development projects, these persons receive less support from their governments and even less international aid as compared to persons displaced by conflict and violence (Agrawal & Redford, 2009)

Internally displaced persons (IDPs), according to the United Nations Guiding Principles on Internal Displacement (1998), are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border." This, however, is a descriptive definition, which does not confer a special legal status because IDPs, being inside their country, remain entitled to all the rights and guarantees as citizens and other habitual residents of their country. As such, national authorities have the primary responsibility to prevent forced displacement and to protect IDPs. Thus, when these people live within their state border, (UNHCR, 1998; Mamman, 2020), they are called internally displaced persons but if they cross an internationally recognized state border are called refugees (Mamman, 2020).

Olukolajo, Ajayi, and Ogungbenro (2014) stated that Internally Displaced Persons (IDPs) are typically unfortunate victims of the brutality of man against man. Various kinds of injustice or violent confrontation are perpetrated either by their government against them or by others such as terrorism, community clashes, religious conflicts, riots, and natural disasters (Olukolajo et al, 2014).

The African Union Convention for Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009), defined the term Internally Displaced Persons as; 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border'. Durosaro and Ajiboye (2011) in supporting the above definitions, indicated that there are two main components of the IDPs; the coercive or otherwise involuntary movement which takes place within national borders mainly caused by factors such as armed conflict, violence, human rights violation, and disaster. These factors afford people little or no choice at all to leave their homes and further alienate them from the most essential protection mechanisms, such as community networks, access to services, and livelihoods. The second part of the IDPs as acknowledged by Durosaro and Ajiboye (2011) is the movement within national borders which IDPs remain legally under the protection of national authorities of their habitual residence, unlike refugees who have been deprived of the protection of their state (country) of origin, they are expected to enjoy the same rights as those who are not displaced. In any way IDPs are defined, it is worthy to note that they have not crossed internationally recognized boundaries. In other words, their movement might just be temporal. This means that they could return whenever the prevailing circumstances (e.g. conflicts, wars, natural disasters) that made them leave in the first place are no longer in their former place of residence.

In this context, the study agreed with the definitions provided by the African Union Convention for Protection and Assistance of internally displaced persons in Africa (Kampala Convention, 2009), that Internally Displaced Persons as; 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border'.

## **Human Rights**

The concept of human rights can be traced to the Greeks and other religious groups of the world where citizens were allowed to practice their religion and slavery was later abolished by UDHR (1948). During this period, several regulations and norms were codified acknowledging that all human beings have rights that should be respected. Though these rights could be claimed as situations arise, they were mostly enjoyed by individuals with particular status in the community. Thus, persons who were then regarded as masses or slaves could not enjoy their rights and freedoms (Barbara & Blessing, 2014).

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements, and human dignity. The full spectrum of human rights involves respect for, and protection and fulfillment of, civil, cultural, economic, political, and social rights, as well as the right to development. According to Josephine (2017), Human rights are universal – in other words, they belong inherently to all human beings – and are interdependent and indivisible. These are

moral principles or norms that describe certain standards of human behavior and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being. Rights are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin, gender, or any other status. They are universal and are therefore applicable everywhere and at every time, and are egalitarian in the sense that they are the same for everyone.

In Nigeria, such rights are termed Fundamental Human Rights and are covered by sections 33- 42 of the Constitution of the Federal Republic of Nigeria and they protect the right to life, liberty, speech, dignity, free assembly, religion, and gender among others. The idea of human rights suggests that "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights." The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature, and justifications of human rights to this day.

Human rights, also known as natural rights, relate to certain rights, freedoms, or privileges that are held to be innate parts of human beings, and cannot be denied by society Ugiomo (2016). These are rights that every human being is entitled to enjoy by being human. This is why they are referred to as inalienable rights. These rights are accommodated in both international legal instruments and domestic legislation. When these rights are accommodated in domestic laws and/ or Constitutions of Nation States, like Nigeria for instance, they become recognised as Fundamental Human Rights.

### **Theoretical Framework**

The social inclusion theory is concerned with groups of people who need assistance due to their prevailing situation. The theory is easily associated with 'Social Exclusion' as a theory and is traced to the French notion of *les exclus* in 1970 with the authorship of the expression credited to René Lenoir (Robo, 2014). This theory postulates that in a socially inclusive society, everyone is valued and their basic needs are supplied to them. This in turn leads to a sense of belonging amongst the people. However, there are some values that form the basis of the social inclusion theory such as: everyone needs support, can learn, can contribute, can communicate, is ready and together we are better (Robo, 2014).

Social inclusion is a result of the action taken positively to change the circumstances of these people. In a lighter form, social inclusion is the opposite effect to the social exclusion theory. This theory is best understood when explaining social exclusion theory as both theories are 'the inseparable side of the same coin' (Robo, 2014). The Social Inclusive theory is apt for the purpose of this study as it supports the integration of the internally displaced persons into the larger society. In Nigeria, if the internally displaced persons are well integrated into the society, this alignment would allow for better management of the crisis and enhanced security of persons in the country. This in turn would enhance human security.

### **Research Methodology**

To achieve the objectives, the study used a mixed research design which entails both qualitative and quantitative approaches. The population of the study was twelve thousand one hundred and sixty-seven (12,167) which was derived from the population of specific units and departments in

the IDPs Camps, National Emergency Management Agency (NEMA), Non-Governmental Organisations (NGOs), National Human Rights Commission (NHRC) and National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) in Abuja -Nigeria. The population is chosen because there are stakeholders and individuals who can provide basic and necessary information on the subject matter.

**Table 1. Target population for questionnaires**

<b>Sampled Area</b>	<b>Units/Departments</b>	<b>Target Population</b>
Internally Displaced Persons	Area One IDP(Durumi) Camp	3000
	Lugbe IDP Camp	2700
	Kuje IDP Camp	2500
	New Kuchingoro IDP Camp	3500
National Emergency Management Agency (NEMA)	Disaster Risk and Reduction Unit	26
	Search and Rescue Unit	19
Non-Governmental Organisations	International Committee of the Red Cross	30
	Healthy and Smart Children Foundation	35
	Social Welfare Network Initiatives	22
	Excellence Community Education Welfare Scheme	20
	Peace Foundation Orgasation	17
	Life Builders Initiative	24
	Doctors Without Borders	12
National Human Rights Commission	Investigation and Legal Unit	17
National Commission for Refugees, Migrants, and Internally Displaced Persons	NCFRMI	245
	Total	12167

*Source: Researcher’s Field Survey, 2023*

**Sample size:** Sample refers to any sub- set or sub-group of the population. A sample is a group of items taken from the population, so that the needed information can be obtained for the purpose of analysis.

**Sample size determination**

Sample size therefore is a selected fraction out of the entire population. To obtain a representative sample size in a study like this where the population of the study is finite the researcher used the Smith (2008) formula to determine the sample size of this study.

Where:

SMITH 2008

$\frac{N}{3+ (ME)}$

N = Total Population

3 = Constant

$$\begin{aligned}
 &0.025 \text{ is the Margin Error} \\
 &\frac{12,167}{3 + 12,167 (0.0025)} \\
 &\frac{12,167}{30.4175} \\
 &= 400
 \end{aligned}$$

According to the formula of sample size determination developed by Smith (2008), the study found that only 400 respondents would answer the questionnaires. In addition, responses from selected interviewees using the purposive sampling technique were used to supplement the result from the questionnaire analysis, below is the distribution of sample size for interview.

**Table 2. Distribution of sample size for interview**

S/N	Sample	Sample size
1	Internally Displaced Persons	4
2	National Emergency Management Agency (NEMA)	1
3	Non-Governmental Organisations	2
4	National Human Rights Commission	3
5	National Commission for Refugees, Migrants, and Internally Displaced Persons	2
	Total	12

Source: Field Survey, 2023.

### Sampling technique

For this study, purposive sampling technique was employed for the selection of respondents for both the questionnaire and interview. Respondents who have fore knowledge of the area under study were selected. The samples were selected from specific departments in six sectors namely the IDPs Camps, National Emergency Management Agency (NEMA), Non-Governmental Organisations (NGOs), National Human Rights Commission (NHRC) and National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI), in Abuja -Nigeria.

### Data Analysis and Interpretation of Result

Four hundred (400) copies of the questionnaire were administered to 400 respondents and 389 copies were filled and retrieved. Analysis was, therefore, done based on the copies of the questionnaire retrieved. Descriptive statistics was used to analyse the data obtained from the questionnaire while content analysis was used to analyse data from the interview and secondary sources.

### Result of the Findings

**Table 3. The nature of Kampala Convention on the Rights of Internally displaced person’s in Nigeria.**

Responses	Frequency	Percentage
Full Implementation	75	19.28%
Partial Implementation	289	74.29%
Yet to begin Implementation	25	6.42%
Total	389	100%

Field Survey, May, 2023

From the table above 75(19.28%) respondents indicated that Nigeria is fully implementing the Convention while 289(74.28%) shared the opinion that partial implementation is what is ongoing in Nigeria. 25(6.42%) of the respondents believed that Nigeria is yet to begin implementation.

Three perspectives on the country's status on the implementation of the Convention have emerged from interaction with respondents. The first is that Nigeria is fully implementing the Convention in its way as a sovereign state in the African sub-region and it was one of the fifteen (15) African countries at the forefront in the implementation process. The National Internal Displacement Monitoring Centre is only a vocabulary that does not matter as long as all the requirements for the implementation such as an adequate standard of living, including at a minimum, access to adequate food, water, housing, health care, and basic education. This is the general position of staff of the International Committee of the Red Cross. One of the respondents affirmed that:

By the Kampala Convention standard, Nigeria has all that a country is expected to meet. In every country, we have different processes and procedures, so it could be that the procedures that Nigeria will take to set up a National Internal Displacement Monitoring Centre (NIDMC) are more cumbersome and complex than some other sub-Africa states. To us at the International Committee of the Red Cross, we are not in the best position to ask Nigeria the question, why do you not have NIDMC? This is what they have presented to us as their national focal institution on issues of the implementation of the Kampala Convention on the rights of internally displaced persons ... it is recognised by us formally and any action taken by them is seen by us as valid towards implementing the Convention. (Field Survey, May 2023).

Another International Committee of the Red Cross official responded similarly that:

The creation of a National Internal Displacement Monitoring Centre is the prerogative of states of the political authorities in all the Member-States. While the Convention prescribes the need for a National Internal Displacement Monitoring Centre to be created through the national parliament, this is also the convenience of our dear nation because of the sovereign rights and responsibilities of each person. All that Nigeria needs is a strong political commitment by the government whether it is a National Committee or agencies, there should be a dedicated accommodation, dedicated staff, and a budget line...Nigeria has complied with this 100%. This is the sustainability aspect of what Member-States are expected to do. So, the nomenclature is immaterial to some extent in so far as we can effectively put together all the elements. (Field Survey, May 2023).

The argument is that Nigeria has satisfactorily complied with the requirement in Article 2 of the Convention which requires that all states should put in place an implementation framework.

As stated by an International Committee of the Red Cross official 2, in an interview:

The position is that as far as the implementation process among the Africa Member-States is concerned, the country has done so well, and "Nigeria has therefore taken the lead" (Field survey, May 2023).

Putting it in the words of an International Committee of the Red Cross official 2 in an interview:

The implementation of the Convention for now is being carried out satisfactorily because every stakeholder involved in the business is aware of it as is being carried out through NEMA.

Interestingly, the above position is borne by some staff of the International Committee of the Red Cross itself. The position is more political than real. However, this might not be unconnected with the fact that they would not want to be seen as accusing Nigeria of being irresponsible in its inability to comply with commonly accepted norms of the Kampala Convention for fear that it might be offended and reduce its support to the organisation, being among the funding Member-State. Their position even contradicts efforts by stakeholders including Nigeria leaders who are making efforts to push through with the process of establishing a National Internal Displacement Monitoring Centre as the required structure the country needs to properly implement the Convention, because IDMC contributes to improving national and international capacities to protect the assist of the millions of people around the globe who have been displaced within their own country. With the above submission, so much has been left undone in the implementation process due to the absence of a National Internal Displacement Monitoring Centre and lack of political will which signifies the deficit that needs yet to be addressed.

The second position is that although Nigeria does not yet have National Internal Displacement Monitoring Centre; it is implementing the Convention to some extent through the activities of NEMA and other sister agencies. It is a gradual process that will lead to the incorporation of all the aspects of the Convention eventually if it is continued.

From the foregoing, therefore, it is apparent that the nature of the implementation of the Convention in Nigeria is not fully in line with the provisions of the Convention. It operates under the basis of curbing harsh disasters and conflict situations, and not as a legal instrument as specified by the Convention, and this with all its attendant limitations even though it collaborates with NEMA and National Commission for Refugees, Migrants, and Internally Displaced Persons in this regard as the focal institution for the implementation of the Convention and Nigeria recognizes it as such.

African Union merely tolerates this situation because of Nigeria's hegemonic posture which the organisation does not dare to sanction for its failure to put the necessary structure in place for the proper implementation of the Convention. The gaps that exist between the Convention and the extent to which Nigeria has engaged its provisions in the implementation process is a manifestation of the limitations of Nigeria in contrast to what the Kampala Convention would accomplish.

Political will is very essential in many international agreements because it determines an entity's commitment to abide by provisions set forth. In this regard, Internal Displaced Person agenda almost entirely relies on the political will of the member states to make and enforce laws that regulate the rights of the IDPs problem which has since become a global phenomenon. The Kampala Convention was an ample demonstration of the political will of African leaders to stem the effect of the rights of the IDPs in the African sub-region in line with international commitments. With the adoption of the Convention, the challenges for Nigeria and the region are

no longer the absence of a strategy for engaging in comprehensive combat against the rights of the IDPs but the political will to apply and implement the framework. Therefore, it is observed that Nigeria lacks the political will and institutional capacity to implement the AU Convention.

**Table 4: The extent to which Nigeria has implemented the provisions of the African Union Convention on the Rights of Internally displaced persons in Nigeria**

<b>Responses</b>	<b>Strongly agree (SA)</b>	<b>Agree (A)</b>	<b>Disagree (D)</b>	<b>Strongly disagree (SD)</b>	<b>Undecided (U)</b>	<b>Total</b>
Nigeria has established the strategies for prevention of internal displacement	97 (25.06)	64 (16.53)	128 (33.07)	58 (14.98)	42 (10.85)	389 (100%)
Nigeria has established the strategies for protection and assistance of IDPs during displacement	85 (21.96)	70 (18.08)	117 (30.23)	114 (29.45)	03 (0.07)	389 (100%)
Nigeria has been able to institutionalise the strategies for rehabilitation of IDPs	61 (15.53)	88 (22.62)	130 (33.41)	110 (28.22)	–	389 (100%)
Nigeria has established the strategies for return, relocation and local integration of IDPs	59 (15.16)	71 (18.25)	133 (34.19)	120 (30.84)	06 (1.54)	389 (100%)
Nigeria has been able to achieve adequate standard of living, including at a minimum, access to adequate food, water, housing, health care and basic education	55 (14.13)	60 (15.42)	145 (37.27)	129 (33.16)	-	389 (100%)
Nigeria has been able to strengthen effective mechanisms that restore their housing, land and property or provide them with adequate compensation	94 (24.16)	57 (14.65)	134 (34.44)	95 (24.42)	09 (2.31)	389 (100%)
Nigeria has established IDP focal coordinating institution	113 (29.04)	75 (19.28)	136 (34.96)	63 (16.19)	02 (0.51)	389 (100%)
Nigeria has established Internal Displacement Coordination Sectors	123 (31.61)	135 (34.70)	74 (19.02)	54 (13.88)	03 (0.77)	389 (100%)
Nigeria has been able to apply effective remedies for displacement-related violations, including access to justice, reparations and information about the causes of violations	53 (13.62)	60 (15.42)	166 (42.67)	110 (28.27)	04 (1.02)	389 (100%)

*Field Survey, May, 2023*

The table above indicates responses on the extent to which Nigeria has complied with the provisions of the Kampala Convention on the Rights of Internally Displaced persons in Nigeria. The first roll on if Nigeria has established the strategies for prevention of internal displacement as stipulated by the Convention indicates that 25.06% and 16.53% strongly agreed and agreed to the

opinion that Nigeria has established the strategies for prevention of internal displacement, on the other hand, 33.07% and 14.98% respectively strongly disagreed and disagreed to that opinion, stating that Nigeria has established the strategies for prevention of internal displacement as stipulated by the Kampala Convention. 10.85% of the respondents were undecided about the question. In clear terms, it is obvious that Nigeria has not fully established the strategies for the prevention of internal displacement as stipulated by the Convention which is meant to be the implementing body of the Convention.

The second roll above shows the responses on if Nigeria has established the strategies for the protection and assistance of IDPs during displacement as stated in Article 5 of the Kampala Convention. 21.96% and 18.08% strongly agreed and agreed to that effect while 30.23% and 29.45% strongly disagreed and disagreed respectively. 0.7% of the respondents which constitutes 3 persons were undecided about the issue.

The third roll above shows that 15.53% and 22.62% of respondents strongly agreed and agreed to the question on if Nigeria has been able to institutionalised the strategies for rehabilitation of IDPs while 33.41% and 28.22% disagreed and strongly disagreed to that effect. Here it clearly states that a greater percentage do not share the opinion that Nigeria has succeeded in this aspect.

The fourth roll shows that 15.16% and 18.25% strongly agreed and agreed that Nigeria has established the strategies for the return, relocation, and local integration of IDPs while 34.19% and 30% respectively did not support that Nigeria has established the strategies for return, relocation and local integration of IDPs in line with the AU's Kampala convention. 6 respondents constituting 1.54% were undecided about the matter.

The fifth roll indicates that a larger percentage of the respondents constituting 14.13% and 15.42% respectively were of the opinion that Nigeria has not succeeded in achieving an adequate standard of living, including at a minimum, access to adequate food, water, housing, health care, and basic education while 37.27% and 33.16% shared a different opinion.

The sixth roll on the opinions of respondents on if Nigeria has been able to strengthen effective mechanisms that restore their housing, land, and property or provide them with adequate compensation as stated in the Convention has the following responses: 94 and 57 respondents constituting 24.16% and 14.65% strongly agreed and agreed to the opinion that Nigeria has been able to strengthen effective mechanisms that restore their housing, land, and property or provide them with adequate compensation. On the other hand, 134 (34.44%) and 95(24.42%) respondents are of a different opinion. A fraction of the respondents 9(2.31%) were undecided in this matter.

The seventh roll shows that 63 (16.19%) and 75 (19.28%) supported the opinion that Nigeria has been able to establish IDP focal coordinating institution as they strongly disagreed and disagreed respectively. while on the other hand, 136 and 113 constituting 34.96% and 29.04% respectively strongly agreed and agreed. Only 2 (0.51%) respondents were undecided on this issue.

The eighth roll on if Nigeria has established internal displacement coordination sectors in Nigeria. 123 (31.61%) and 135 (34.70%) agreed with the fact that Nigeria has established Internal displacement coordination sectors while 74 (19.02%) and 54 (13.88%) disagree and strongly disagree with that opinion. A total number of 3 (0.77%) respondents were undecided.

Lastly on the ninth roll, as stipulated in the convention, Nigeria was expected to apply effective remedies for displacement-related violations, including access to justice, reparations, and information about the causes of violations. From the responses of the respondents, 53(13.62%) and 60(15.42%) strongly agreed and agreed to that effect while 166(42.67%) and 110(28.27%) strongly disagreed and disagreed to the opinion. A fraction of 1.02% of respondents were undecided about the issue. Therefore, the above revealed that Nigeria has partially implemented internally displaced persons' rights. Although it was revealed that Nigeria has established internal displacement coordination sectors across states to ameliorate the plight of IDPs.

Along the same line with the above analysis, the interview frequency revealed that Nigeria has been partially implementing the provisions of the African Union Convention on the rights of internally displaced persons. For example, Joseph stated in Daily Sun (6<sup>th</sup> May 2022) that in FCT IDPs Camps where over 2000 IDPs mostly women and children, were lodged, it was observed that they were in dire need of food evidenced by the swift manner in which some of the children aged between four and seven years, rushed to pick up Mango fruit that fell from a tree. Mr. Yadume Amuwa expressed worries over the absence of security personnel around Kunchigoro IDPs camp in FCT. He also disclosed that young girls, some of them below the age of 18, were impregnated in the camps and have been delivered of their babies. He said IDP camps made them vulnerable to different challenges. Ladi Mathias and Adasho Deborah, both inmates of the camp explained that they watched helplessly as their children fell sick and died due to the absence of medical attention.

Another respondent from the interview conducted at National Commission for Refugees, Migrants, and Internally Displaced Persons said that no budget provisions have been made in respect of the IDPs, and therein flows the inability to provide meaningful care to the people at the various locations. The inability to provide adequate food, shelter, medical facilities, and care all stem from this root cause. They concluded that the situation in the IDP locations all over Nigeria and no less applicable in the FCT is one of an impending humanitarian crisis of monumental proportions. One of the interviewees narrated that UNICEF on her recent visit to some of the IDPs camps around FCT predicted that over two hundred and fifty thousand children under the age of five years would be suffering from acute malnutrition within the year if no serious intervention is undertaken to halt the current trend of malnutrition, disease, and hunger in the camps and one child in every five dying was a grave possibility.

### **Discussion of Findings**

The results from the findings are here discussed in line with the objectives of the study earlier stated. The first objective of the study was to examine the nature of the Kampala Convention on the Rights of Internally Displaced Persons in Nigeria. It was discovered that the nature of the implementation of the Convention in Nigeria is not fully in line with the provisions of the Convention. It operates under the basis of curbing harsh disasters and conflict situations, not as a legal instrument as specified by the Convention. Other interviewees saw the nature of the Kampala Convention on the rights of internally displaced persons in Nigeria as a gradual process that will lead to the incorporation of all the aspects of the Convention eventually if it is continued. The respondents revealed that Nigeria is partially implementing the Convention in its way as a sovereign state in the African sub-region, even though it was one of the fifteen (15) African countries that ratified the convention after its existence in 2009. Finally, it was observed that

Nigeria lacks the political will and institutional capacity to grab full implementation of the Convention.

The second objective of the study was to assess the extent to which Nigeria has implemented the provisions of the African Union Convention on the Rights of Internally displaced persons in Nigeria. Available data generated from the respondents showed that Nigeria has been partially implementing the provisions of the African Union Convention on the rights of internally displaced persons. It was found from the secondary source that in FCT Camps, over 2000 IDPs mostly women and children, were lodged in dilapidated schools and self-made shelter. Another set of interviewees reviewed that IDPs in FCT are in dire need of food evidenced by the swift manner in which some of the children aged between four and seven years, rushed to pick up Mango fruit that fell from a tree. Mr. Yadume Amuwa expressed worries over the absence of security personnel around Camps in FCT. It was discovered by one of the interviewees who claims anonymous in National Commission for Refugees, Migrants, and Internally Displaced Persons that no budget provisions have been made in respect of the IDPs, and therein flows the inability to provide meaningful care to the people at the various locations. Another set of respondents revealed that the situation in the IDP locations all over Nigeria and no less applicable in the FCT is one of the impending humanitarian crises of monumental proportions.

Finally, the findings showed that the provision of the convention required member-states after it came into force to commence the implementation with the establishment of national strategies for the protection and assistance of IDPs during displacement, the strategies for prevention of internal displacement, and an adequate standard of living, including at a minimum, access to adequate food, water, housing, health care, and basic education. Invariably, Nigeria has not fully complied with the provisions of the African Union Convention on the Rights of Internally Displaced Persons.

## **Conclusion**

This study has examined African Union convention and the rights of Internally Displaced Persons in relation to the Kampala Convention on the Rights of IDPs in Nigeria. The study appraised the implementation of the Kampala convention and the need to mitigate the plights of the IDPs in the country. The findings of the study reveal that despite the provisions of the convention, the strategies for preventing the conditions contributing to displacement, protection, and assistance during displacement has not improved. The number of internally displaced persons has continued to rise and the conditions of the IDPS has not improved.

## **Recommendations**

Based on the findings of the study, the following recommendations were made;

- i. The government should strengthen its commitment to ensure that the rights of internally displaced persons are protected. This could be achieved by setting standards for addressing issues of rape, abuse, and other forms of violence against displaced persons so that perpetrators will be brought to justice.
- ii. The Government should initiate constitutional amendments to incorporate the rights of internally displaced persons and their protection. This would ensure durable solutions to the internal displacement problem at all government levels. It will also serve as a basis to

test the constitutionality of governmental actions, policies, interventions, and laws on internal displacement.

- iii. There is need to adequately address the socio-economic and political issues that gave rise to the various conflicts in the country as well as other issues including the absence of good governance, poverty, unemployment, and other sources of agitations in the country.
- iv. More efforts should be geared toward enlightening the public about the dangers posed by disaster and conflict. Relevant government agencies in Nigeria should demonstrate sufficient commitment to the security of its citizens by enacting the enabling policies for full implementation of the robust provisions of the Convention which can effectively control IDPs when properly employed.

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