



THE PLIGHT OF INTERNALLY DISPLACED PERSONS IN UNOFFICIAL CAMPS IN THE FEDERAL CAPITAL TERRITORY OF NIGERIA, ABUJA

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ABSTRACT: *This paper seeks to identify the remote and immediate causes of violations of the rights of internally displaced persons (IDP's) in Abuja, and how best to remedy them. The paper also examines how well the provisions of the Kampala Convention have been applied in view of the fact that Nigeria is yet to domesticate and adopt the Convention into Nigerian law. With the aid of library and survey research, especially from interviews with practitioners, findings indicate that the main challenge is identified as the Federal Capital Territory (FCT) not owning the crisis of IDPs within their midst and not according them their rights as full citizens of the Federal Republic of Nigeria with the right to settle anywhere within the country's territory. Resultantly, no budget provisions have been made in respect of the IDPs and therein flows the inability to provide for the meaningful care of the people at the various locations. The inability to provide adequate food, shelter, medical facilities and care all stem from this root cause. The paper concludes that the situation in the IDP locations all over Nigeria and no less applicable in the FCT is one of an impending humanitarian crises of monumental proportions. UNICEF on a recent visit 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. The paper recommends registration of the IDPs in order to aid in identifying them and their needs.*

KEYWORDS: Boko Haram, Insurgency, Internally Displaced Persons, Unauthorized, Camps, Plight, Nigeria

INTRODUCTION

In understanding the plight of internally persons and unofficial camps in the Federal Capital Territory Abuja, it is pertinent to get the position of the United Nations (1951), which argues that, the rights of a refugee and that of an internally displaced persons are distinguished on the basis of whether or not the person in question has been able to cross their country's borders as opposed to those who remain within the borders of their country. Internally displaced persons (IDPs) who have migrated to the Federal Capital Territory, Abuja (FCT) as a result of either man-made or natural disaster are regarded as "unofficial" within the FCT. Due to the principle of "the sovereignty of states" IDPs are regarded as falling under the purview of national governments and their matters often do not garner the urgency and attention that refugees are afforded due to the international nature of cross border migration that is the case with the refugee crises. Refugees are clearly provided for under the laws



establishing the United Nation's High Commission for Refugees and given special protection through distinct laws and supervised by distinct bodies.

The Office of the United Nation Commissioner for Refugees is responsible for matters concerning refugees and the basic rights of refugees are encompassed under the International Human Rights Law, the International Humanitarian Laws, customary laws and conventions. A refugee is defined under the United Nations (UN) 1951 Refugee Convention "As a person who is outside their country of citizenship because they have well-founded grounds for fear of persecution because of their race, religion, nationality, membership of a particular social group or political opinion and is unable to obtain sanctuary from their home country or, owing to such fear, is unwilling to avail themselves of the protection of that country; or in the case of not having a nationality and being outside their country of former habitual residence as a result of such event, is unable or, owing to such fear, is unwilling to return to their country of former habitual residence" (King, 2012).

What therefore differentiates a refugee from an IDP is whether or not in the bid to escape adverse conditions as stated in the definition these persons have crossed international boundaries. Internally displaced people have been defined as "People or groups of people 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 (Fussell, 2012)". Nigeria is currently ranked as having one of the highest numbers of internally displaced persons in the world as a result of the Boko Haram conflict that engulfed the nation since 2009. The number is put at 3.3 million (three million three hundred thousand), the largest in Africa, as at 2014, with Abuja – Federal Capital Territory (FCT) accounting for 13,481 (UNHCR, 2014).

LITERATURE REVIEW

In an intellectual piece, Castles, Dehass and Miller (2013) posited that, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) is the first mechanism, both regionally and internationally, that seeks to impose on governments in Africa the duty to protect the rights and well-being of its citizens under conditions of displacement due to conflict, natural disasters or large-scale developments (Castles, Dehass and Miller, 2013). Despite having signed and ratified the convention, and even producing a draft policy for internally displaced persons since 2012 the constitution of Nigeria requires that all treaties shall not have the force of law unless passed by the National Assembly in whole or in part. In view of these rights violations, it is imperative that Nigeria starts the process of domiciliation of the Kampala Convention.

Zolberg (1999) is of the view that whilst there exists an international framework for IDPs by way of the Geneva Conventions (particularly Common Articles 3 and the two additional Protocols along with the United Nations Guiding Principles on Internal Displacement, the African Union) seeing that African countries were more prone to conflicts and wars and produce the largest numbers of IDPs as a continent, the African Union (AU) thus felt compelled to draw up policies and strategies for the protection of people affected by the



whole phenomenon of internal displacement all in the means to enhance good governance (Zolberg, 1999). When passed into law, IDPs will be able to have recourse against their governments when any of these rights are violated. This means that the IDPs in the FCT will be able to move against the government at all levels rather than have to live under such unfavorable conditions. Once passed into law, the authorities will also be more amenable to fulfilling their obligations under the threat of being liable to legal action (Appave, 2012).

The extrajudicial killing of Mohammed Yusuf, the founding member of Jama'at Ahl as-Sunnah lid-Da'wah wa'l-Jihad, now going under the name of al-Wilayat al-Islamiyya Gharb Afriqiyyah (Islamic State West Africa Province - ISWAP) but popularly known as "Boko Haram" which literally translates from the Hausa language as "schooling is forbidden" led to the group's metamorphosis from an Islamic fundamentalist sect to what The Global Terrorism Index reported as the "deadliest terror group" in the world in 2015. This has been the main source of displacement in Nigeria in which indigenes of mainly Borno, Adamawa and Yobe States have been affected. Lesser crises in Kaduna, Plateau and Bauchi States have also led to displacement.

According to the United Nations (1951), the rights of a refugee and that of an internally displaced persons are distinguished on the basis of whether or not the person in question has been able to cross their country's borders as opposed to those who remain within the borders of their country. Once a person is able to cross the international border he/she is afforded protection as a refugee under the International Human Rights and International Humanitarian Laws and the various international conventions including the United Nations (UN, 1951) Refugee Convention which provides a special status, and with that status, special rights which are not open to the IDP as it is assumed that the IDP is under the protection of their own government (Betts, 2009).

The above does not take cognizance of the fact that often it is the action of the government in question that may have resulted from the beginning in the person's need to seek protection in the first place. In the case of Nigeria, while the Boko Haram insurgency resulted in huge displacement only comparable to what occurred during the Nigerian Civil War (1967 – 1970); it was pointedly obvious that the Nigerian military used heavy-handed methods to fish out the extremists. There were instances of burning down villages suspected of harboring extremists or reprisal attacks on villagers in retaliation against ambushed military personnel or on suspicion of harboring the insurgents. Such counter-insurgency methods were often as, or even more traumatic for the innocent victims as were the initial attacks by the insurgents (Skeldon, 2012).

In the analysis of Skeldon (2012), disasters tend to attract a significant amount of funding on the onset this was not the case for Nigeria. Nigeria was faced with the problem of fighting the insurgency and grappling single-handedly with the responsibility of the IDPs for many years before a motion was moved on the floor of the National Assembly requesting recognition of the Boko Haram insurgency as a humanitarian situation and a call for the international community to recognize Nigeria's plight and the heavy burden the country was undertaking waging the fight against insurgency on the one hand while caring for the victims on the other hand before any international assistance was accorded the country.

The camps are referred to as unofficial in that they are not listed among the international and government documents. The UNHCR, IOM, ACF among other international donor groups'



reports list the areas of insurgency as Adamawa, Borno, Gombe, and Yobe states. The trend has been that people affected by the conflict gravitate to where they have relatives or community members, if they have the means and opportunity to (Skeldon, 2012).

Nigeria has favored the camping method of providing protection for the IDPs. The reasons are that it is a first response mechanism to bring together those fleeing from danger and it provides the displaced persons with the assurance and tranquility of safety in numbers as well as the assurance of belonging to the Nigerian state. Camping also allows for easily measurable indices relating to number of IDPs, statistics as to their needs, problems and progress among many other variables. The camp method provides security and the ability to implement the WASH blueprint and when this is provided adequately it affords the agencies responsible for the care of the IDPs the ability to mobilize assistance to those affected more easily as they have easier access to the inhabitants of the camp, they are able to keep better tabs on them and for the IDPs it enhances provision of their basic needs which affords them their dignity (Guild, 2009).

Theoretical Framework

The paper adopts the liberal citizenship theory, which explains the concept of *citizens* having social and political dimensions of human beings as something essential as well as a part of the construction of their own identity (Herbermas, 1992). The liberal theory also sees citizens as having the right to live anywhere in a country, move freely without restrictions and enjoy all other rights defined by the constitution to be enjoyed by the citizens. Being a citizen has to do with the existence of a political structure, with the existence of institutions that conform it (Macedo, 1990).

The relevance of this theory to the topic under study is that, Nigerian citizens who have been forced by either man-made or natural situations to leave their homes have been declared not allowed to live in the Federal Capital Territory as displaced persons in an isolated place called camp. Such places where such people live has been declared unofficial in Abuja. This move is inconsistent with the fundamental rights of Nigerian citizens to freedom of movement.

FINDINGS AND DISCUSSION

The Federal Capital Territory, also known as Abuja, covers an approximate area of 7, 315 km² and was home to a population of about 2, 238, 000 (Roman, 2013). According to Levinus (2015), the IDP camps in the Federal Capital Territory (FCT) are however overflowing now. The wave of internally displaced has grown this population by about 15,000 additional people.

The numbers of locations are over eight with many sub-groups and it has been very difficult to afford them the necessary standards of WASH. As a result, many of the IDPs have abandoned these camps, and have sought refuge among family and friends within the city. Statistics show that there are more IDPs resident in the host communities than there are at the camps. "Many people have been forcibly displaced, with 81% living in host communities, placing a considerable strain on limited resources." In line with the UNHCR New Policy on



Refugee Protection and Solutions in Urban Areas (September 2009) UNHCR and the host government are responsible for IDPs whether or not they reside in camps.

The National Emergency Management Agency is the lead organization responsible for the IDPs in Nigeria (Levinus, 2015). It has its headquarters in Abuja, the Federal Capital Territory of Nigeria and is supported by branches at all the state levels called State Emergency Management Agency (SEMA). According to Akujiobi (2016) of the NEMA Headquarters in Abuja, “NEMA works hard to attain the highest ethical international standards supported by their international partners.” Ishaya (2016), the Zonal Coordinator for the National Emergency and Management Agency (NEMA) in the FCT has reinforced the informality of the said IDP settlements by positing that they should be referred to as “locations” as they could not properly be referred to as camps as they did not meet up with UNHCR requirements. Reviews of these locations show areas where significant humanitarian deficiencies are observed (Levinus, 2015).

The Humanitarian Needs Overview (2016) puts people in need of assistance at an “estimated 7 million comprising displaced, confined and hosting civilians.” This sharply puts into focus the effect the phenomenon of displacement has, not only on the IDPs themselves but also on their host communities. According to Abbas (2016), the wave of internally displaced has grown this population. Reviewing current literature there are about twenty-one locations with over twenty-one thousand IDPs.

The camps are makeshift and made of materials such as sheets of plastic and cardboard boxes, barely serving as a shelter to the elements. A camp situated at New Kuchigoro is said to have at least 2,000 adults and about 400 children, another camp at Dagba - Area One is makeshift and holds over 4,000 IDPs who have been there for over two years. Other camps are at Lugbe, Kuje, Gidadaya, Orozo, Apo, and Gwarimpa. The Director of the FCT Emergency Management Agency (FEMA), Abass (2016) has stated, “Those are the ones we have captured. There are so many other ones and, on daily basis, they keep coming to the FCT.” According to him, the agency learnt that the IDPs occupied an area in Orozo for weeks before they were discovered (Levinus, 2015).

Funding for the “locations” are ad hoc according to Abbas (2016), stating that the Federal Government and Federal Capital Administration do their best to provide funding where possible but a lot of the support they receive is from religious bodies, “random acts of kindness” from private individuals and non-governmental agencies, local and international non-governmental organizations. This goes to emphasize that many of the IDPs are in host communities and their numbers are unknown. There seems not to be a great understanding on the part of the government as to its responsibility to the IDPs as there is no articulated approach laid out to meet its obligations to the IDPs. All Nigerians are subject to equal protection under the constitution; where this is not the case it results in the violation of their rights.

The National Human Rights Commission (NHRC) is a Commission of the Federal Republic of Nigeria established in line with the United Nations’ General Assembly Resolution to promote and protect human rights within all member states (Agbamuche, 2015). The NHRC has been collaborating with international non-governmental organizations (NGOs) to provide protection services for Nigeria in the light of the violent armed conflict resulting from the Boko Haram conflict; they have done this under the banner of the Protection Sector Working



Group Organization in collaboration with eight UN organizations and other International Non- Governmental Organizations (INGOs). The UN agencies and INGOs role have been complementary as well as having a collaborative approach to assistance (National Human Rights Commission, 2015). Some of the violations of internally displaced persons' rights have been discussed below:

A. Non – Recognition of the IDPs within the FCT by Authority: The foremost violation of the rights of the IDPs is that of their rights as citizens of the Federal Republic of Nigeria. Under the Constitution of the Federal Republic of Nigeria, the State has vowed to protect and defend the liberty of all its citizens. Under Chapter Four the Fundamental Human Rights of citizens are enumerated. These rights consist of a Right to Life, Right to Dignity of Human Person, Right to Personal Liberty, Right to Fair Hearing, Right to Private and Family Life, Right to Freedom of Thought, Conscience and Religion, Right to Freedom from Discrimination among others (Olanrewaju, Omotoso and Alabi, 2018).

This proves to be the foremost violation of the rights of the IDPs in Abuja – the violation of their right to dignity of human person. The fact that they are going unacknowledged by the government that ought to most strongly identify with their presence. As a result, no funds have been appropriated for their use and the Federal Capital Territory Administration under which they fall has chosen to totally ignore their presence in the FCT. It is for this reason that the FCT refers to them as unofficial IDPs. The excuse tendered was that if the FCT acknowledges them it would encourage an onslaught of more IDPs from the Northeastern parts of Nigeria. The locations for IDPs in the FCT are also unable to provide the IDPs with their basic human rights. These rights are those identified by Maslow's pyramid of needs as food, clothing and shelter. Food items are mostly from donations from well-meaning good Samaritans and despite that, it is well known that these supplies are inadequate. Reports are rife that these rations are still diminished by corrupt officials who skim a large portion for their personal consumption or repackage and sell for personal gain (Olanrewaju, Omotoso and Alabi, 2018).

B. Absence of Medical Care: The absence of medical care and facilities has also proved to be a major violation of the rights of the IDPs in the FCT. No medical facilities were reported and many reports were made of women giving birth without any medical supervision. One of the reports even had the reporter having to take part in a delivery; another report is of a reporter providing the means of transportation by which the woman in labor was transported to hospital. Disease is rampant in these locations with health warnings as to the outbreak of malaria, typhoid fever, chicken pox and dysentery (Obikaeze and Onuoha, 2016).

C. Water, Sanitation and Hygiene: the UNICEF protocol on water, sanitation and hygiene (WaSH) are standards for the adequate maintenance of the needs of the inhabitants of camps such as the provision of water, toilet facilities, sanitation and hygiene which must be met in all locations inhabited by IDPs. This is to curtail the outbreak of diseases in the midst of IDPs. Many camps/locations have a significant proportion of children in relation to the adult population and it is an established fact that for children under the age of five, matters of hygiene are a leading cause of death. There are no signs of these conditions being met and it can be inferred that they are the cause



of the outbreak of the diseases enumerated previously in this discourse (Obikaeze and Onuoha, 2016).

Chapter 2 Rights in the Constitution are rights considered under Fundamental Objectives and Directives, Principles of State Policy. These rights are inclusive of free and compulsory education, adequate healthcare, gainful employment, food and shelter but these rights are not considered justiciable as is the case with those listed under the Fundamental Human Rights. This would not have been too incapacitating had all African countries honored their promises to domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons (the Kampala Convention) that came into effect in 2009 and most countries in Africa adopted the provisions (Zachary, 2000).

The provisions in the Kampala convention sought to give IDPs rights, which are justiciable against their governments but in the case of Nigeria, such international conventions need to be domesticated before they can take effect. Nigeria has not domesticated the provisions of the Kampala Convention thus denying its citizens the benefits of the Convention. The Kampala convention lays out the rights that IDPs are to expect in addition to those provided by the country's constitution. These are (Portes and Dewind, 2004): (1) Child protection and protection against sexual and gender based violence (2) Food Security (3) Nutrition (4) Water (5) Sanitation and Hygiene (6) Health (7) Education (8) Emergency Shelter and Non-Food Items (9) Camp Coordination and Camp Management, and (10) Early Recovery and Livelihoods

D. Forceful Return of IDPs to their Habitual Residence: The Commander-in-Chief of the Nigerian Armed Forces in the person of the President, Muhammadu Buhari has applauded the gallant efforts of the Nigerian military having announced that Boko Haram had been “technically defeated” and a lot of the territory once under their control has now been liberated. It would be a natural progression therefore for the return of the IDPs. Many of the IDPs are apprehensive having gotten reports of some of their villages and hamlets being re-raided by Boko Haram insurgents once some returnees had tried to settle back resulting in their massacres (Zachary, 2000).

The Kampala Convention clearly spells out that under no circumstances are IDPs to be forcefully repatriated but that it should be a matter of choice, carefully considered by the IDPs and under no compulsion whatsoever. It behooves on the government of the day to ensure that their normal habitation is safe and secured. The government is also required to assist the community that the IDPs are going back to with rebuilding and reconstruction. Despite these provisions the government agencies have tried to pressurize them into going back. Many of the IDPs have expressed their desire to settle in the current locations where they have found themselves and have even taken to doing businesses in these places (Zachary, 2000).

Discussion

The main challenge is identified as the Federal Capital Territory Abuja not owning the crisis of IDPs within their midst and not according them their rights as full citizens of the Federal Republic of Nigeria with the right to settle anywhere within the country's territory. Resultantly, no budget provisions have been made in respect of the IDPs and therein flows



the inability to provide for the meaningful care of the people at the various locations. The inability to provide adequate food, shelter, medical facilities and care all stem from this root cause. Some of the other major challenges are as follows (Joshua and Olanrewaju, 2016).

These middlemen (referred to by NEMA officials as professional IDPs) who disguise as leaders of the IDPs and organize them to collect rations and other assistance which these professional IDPs re-bag or tax for their personal profit not mindful of the situation of the IDPs and not in any way alleviating their sufferings should be forestalled by protection monitors. As much as is possible the INGOs should try to deal directly with the IDPs and their “recognized” leaders.

There are many complaints by the women of being sidelined in the distribution of the little relief materials that are made available by well-wishers. The Boko Haram conflict has had a toll on menfolk who were either conscripted to fight for the insurgents or abducted to do the bidding of the insurgents while many more were not so lucky as the insurgents killed them in large numbers. Despite the majority of the people at the locations being female with children, the government programs fail to recognize women as capable to serve as heads in distributing developmental aid in the various locations. Facilities such as schools, vocational training once available should be open to all and women can be given small grants for livelihood purposes.

Sexual and Gender-based Violence and Exploitation. There are cases of sexual violence, prostitution, survival sex, rape as well as other SGBV issues, which are common reports within the camps. In cases where there is a gap in protection minors are often taken from camps as slaves or even trafficked as the desire for house-helpers are high in the country.

The neglect of the IDPs by the government can impinge on their sense of belonging and lead to resentment. The neglect may further translate in the IDPs not being gainfully employed and this can further give room for involvement in wrong ideologies and lead to radicalization resulting in the problem of insurgency going full circle into another generation.

The experiences that the IDPs have undergone from the initial attacks, the forced migration and living under the squalid conditions in the locations within the FCT no doubt must have left emotional and psychological effects on them. It is very important in the resettlement process to provide them with the necessary psycho-social support they might need.

CONCLUSION

The situation in the IDP locations in the FCT which are likewise applicable to IDPs all over the Federation is one of an impending humanitarian crisis of monumental proportions. UNICEF on a recent visit 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 the possibility of one child in every five dying was a grave possibility. It is imperative to mention that, Nigeria and the Federal Capital Territory must respect international documents governing the way and manner Internally Displaced Persons should be treated, especially the Kampala Convention, as these people have no country other than Nigeria.



RECOMMENDATIONS

The recommendations proffered below will aid in curtailing the sufferings and plight of internally displaced persons not only in the Federal Capital Territory of Abuja, but in the entire country. These recommendations are:

1. Domestication of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention): Nigeria needs to domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) that came into effect in 2009. Once these provisions have been adopted into Nigerian Law these rights will be specific and justiciable and IDPs will be able to have recourse against their governments when any of these rights are violated. The AU convention also states that where states are unable or unwilling to meet these obligations it can seek assistance from the AU, or other international organizations.
2. Encouraging the registration of IDPs. Now that it has been realized that urban areas tend to take on the greatest onslaught of IDPs and such urban areas bear a huge proportion of the humanitarian response registration of IDPs will aid in identifying them and their needs.
3. There is the need to foster cordial relationships between the host communities and the IDPs in a way that they recognize their relationship can be mutually beneficial. The government and partner agencies need to organize programs that will benefit the IDPs and the host communities.
4. The ability to use modern tools like radio broadcasts to reach out to IDPs in hard-to-reach areas as well as traditional methods of using of town criers, village meetings will help in the process of disseminating information, tracking, profiling and recording groups that are the focus of any study and policy formulation.
5. The introduction of conditional cash transfers. Conditional cash transfers are a means of attracting IDPs who are ingrained in the urban areas to come out and make them known for the sake of being registered to receive stipends aimed at eliminating their suffering. Conditions for families to receive their stipends may include enrolling their children into schools, ensuring that certain foods are included in the families' groceries to ensure nutritional balance for the children, etc. It is now also acceptable that hosting families are also eligible for an allowance as a means of recognizing the extra burden that they have taken on.
6. Introduction of vocational and skill acquisition programs – IDPS in escaping for their safety have to leave behind their means of livelihood. For instance, farmers are unable to relocate their farmlands and it is unlikely that in their host communities they will be able to acquire such lands or their farming skills may not be in consonance with those of the area in which they have settled. This tends to bring about dependency on aid and a resultant loss of dignity. The fact the women make up a large portion of the inhabitants of the IDP camps as their movement is restricted because they are responsible for the care of the children due to traditional and gender roles, cultural and gender biases, also leads to feminization of poverty. It is important to teach IDPs livelihood skills to overcome these concerns.



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