

EXAMINING THE IMPACT OF COVID-19 ON INTERNALLY DISPLACED PERSONS (IDPs) IN NIGERIA: HUMAN RIGHTS PERSPECTIVE

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Abstract

Nigeria has a population of about 182.2 million people. It ranks among the top of countries in Africa with the highest population of internally displaced persons (IDPs). Since 2009, violent conflicts between government forces, bandits, and Boko Haram insurgent groups have affected many people in different parts of the country, particularly the North-East. This has claimed several lives and left many internally displaced. IDPs suffer stigmatization and neglect by the government/the host community. The harrowing experience of IDPs contravenes their right to life, food, and healthcare. Their predicament is further heightened by the coronavirus COVID-19 pandemic as they struggle to survive the impact of the conflict and the virus at the same time. This paper examines the impact of COVID-19 pandemic on the rights of IDPs in Nigeria and the role of the government to protect IDPs, based on relevant human rights provisions guaranteed under the 1999 constitution of the Federal Republic of Nigeria (1999 CFRN). This is achieved through literature review and analysis of relevant human rights provisions. The paper posits that IDPs are highly vulnerable to the COVID-19 pandemic due to health risks associated with their displacement, movement, and deplorable living conditions viz-a-viz lack of access to clean water, sanitation, and hygiene facilities and services. The paper concludes by emphasizing the urgent need to address the plight of IDPs in Nigeria in the face of the COVID-19 pandemic and the role of government from the perspective of human rights protection as guaranteed under the 1999 CFRN.

Keywords: Covid-19 Pandemic, Internally Displaced Persons, Human Rights, Boko Haram, 1999 CFRN.

Introduction

*Internal displacement is the great tragedy of our time. Internally Displaced Persons are the most vulnerable of the human family.*¹

The above words espoused by a former United Nations Secretary General captures the enormity of internal displacement in the world, particularly sub-Saharan Africa which includes Nigeria.² The 2019 Internal Displacement Monitoring Centre report indicates that 50.8 million people were living in internal displacement due to disasters, conflict, and violence.³ This figure marked a significant rise in the number of internally displaced persons (IDPs) as 33.4 million new internal displacements across 145 countries and territories were recorded.⁴ The plight of IDPs in sub-Saharan Africa, and in Nigeria is appalling. The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) reveals that the IDPs in North-East Nigeria are in dire need of basic amenities such as clean water, food and nutrition, shelter, clothing, healthcare, improved sanitation, and hygiene living conditions.⁵ At the time of writing, UNOCHA revealed that the number of people in desperate need of assistance in the North-Eastern part of Nigeria increased from 7.9 million at the onset of 2020 to 10.6 million since the onset of the COVID-19 pandemic.⁶ Worse still, IDPs contend with child and gender-based violence and many internally displaced children grow up deprived of education and the long-term opportunities it affords.⁷

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¹ These were the words of Kofi Anan, cited in Africa Faith and Justice Network, 'Protection and Assistance of IDPs in Nigeria' <<https://afjn.org/protection-and-assistance-for-idps-in-africa/>> accessed 5 January 2022.

² Ibid. Although internal displacement is a global problem, but it is highly concentrated in sub Saharan Africa.

³Internal Displacement Monitoring Centre (IDMC), "Internal Displacement," <<https://www.internal-displacement.org/internal-displacement>> accessed 5 January 2022.

⁴ Ibid.

⁵United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), 'Nigeria', <https://www.unocha.org/nigeria> accessed 21 January 2022.

⁶ Ibid. In Nigeria, it is sad to observe that 23 out of 42 displacement camps across six states have no formal or informal education facilities. This is unlike the position in Camps in the Mogadishu, Bay and Bakool regions in Somalia, where good schools have been in place for no less than two decades.

⁷ Internal Displacement Monitoring Centre (IDMC), 'UNICEF for Every Child: Equitable Access to Quality Education for Internally Displaced Children,' available at <https://www.unicef.org/sites/default/files/2019-07/Education%20for%20Internally%20Displaced%20Children_web%20%281%29.pdf> accessed 10 January 2022.

Internal displacement is a threat to human security.⁸ The conditions faced by IDPs, contravene their rights to food and water, health, education, human dignity, and other survival rights enshrined in the amended Constitution of Federal Republic of Nigeria (1999 CFRN). More worrisome is the effect of the ongoing COVID-19 pandemic on the vulnerable IDPs. The standard preventive measures of social distancing, good hygiene, hand washing and proper diet are not practicable in camps where IDPs live. This paper, therefore, is an attempt to bring to the fore, the human rights violations experienced by the IDPs and the impact of COVID-19 on them. The paper is divided into seven parts. The first part is the introduction. The second part of the paper deals with the background and conceptual analysis of IDPs in Nigeria. In the third part, the history of pandemics with emphasis on the COVID-19 pandemic is discussed. The fourth part dwells on the impact of COVID-19 on IDPs. The fifth part deals with the human rights violation against of IDPs. In the sixth part, the legal framework for the protection of IDPs in Nigeria is discussed. In the final segment, recommendations are made and conclusion drawn.

Background and Conceptual Analysis of Internal Displacement and Internal Displaced Persons (IDPs) in Nigeria.

Internal displacement in Nigeria is not a new phenomenon. Traceable to conflicts and disasters, internal displacement is an age-long occurrence. About 55 years ago, Nigeria was embroiled in an ethnic cum political crisis which metamorphosed into the now known Biafra war,⁹ which occurred between 1967 and 1970. Research has it that about two million people died and ten million people were internally displaced during that period.¹⁰ In 2001, ethnic violence occurred in Benue state involving Tivs and the Military/ Jukun where about five hundred thousand people were forced to flee their homes. Majority of them, though, were able to return to their homes by mid-2002.¹¹ By July 2002, about thirty thousand people were internally displaced as a result of the clashes between Tivs in Nassarawa and Taraba states.¹²

⁸Theresa Akpoghome, "Internal Displacement and Kampala Convention," (2015) 18 *Recht in Afrika – Law in Africa – Droit en Afrique*, available at https://www.researchgate.net/publication/292177966_Internally_Displaced_Persons_in_Nigeria_and_the_Kampala_Convention accessed 12 January 2022.

⁹ Global IDP Project 'Background Information on IDP Situation in Nigeria', (2002) <https://reliefweb.int/report/nigeria/background-information-idp-situation-nigeria-0> accessed 10 January 2022.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

Between 2009 and 2016, the terrorist group, Boko Haram carried out attacks in Nigeria and almost two and half million people who were forced to flee their homes were internally displaced.¹³ Some live in camps while many others are dispersed across various communities. An accelerated increase in the number of IDPs was recorded from about five thousand IDPs in 2009 to approximately two and a half million in 2016.¹⁴ This situation has created the worst humanitarian crisis in Nigeria history since the civil war. The IDPs are scattered across the six states of North-East Nigeria and beyond, with concentration in Borno, Yobe, and Adamawa states. They are scattered among other states in the region- Taraba, Gombe and Bauchi.¹⁵ These states are equally affected by the Boko Haram conflict leading to competition over the already inadequate resources available for the displaced persons and their host communities.

Today, it is difficult to estimate the population of IDPs in Nigeria because some of them seek shelter in the homes of friends and relatives in other towns and communities. A 2019 report shows that about 1,948,349 are reported to be displaced in Adamawa, Bauchi, Borno, Gombe Taraba, and Yobe states in Nigeria.¹⁶ At the global level, The United Nations (UN) Refugee Agency reports that 79.5 million persons are displaced, with 85% of these persons being hosted in developing countries.¹⁷ This situation underscores the need to guarantee adequate legal protection of displaced persons. At this point, the question arises: Who are IDPs? Several authorities have attempted to define IDPs. Gwadabe and others¹⁸ opine that:

Internal displacement is a situation where persons or group of persons are forcibly uprooted from their homes to other locations within their country as a result of man-induced or natural causes.

The United Nations Guiding Principles on Internal Displacement¹⁹ defines IDPs as:

¹³ Yemisi Olawale and Idris Ridwan Tosho, "Boko Haram Insurgency and Humanitarian Crisis in Nigeria: Case of Internally Displaced Persons (2009-2018)," (2021) 6 (1) *Wilberforce Journal of the Social Sciences* <http://www.nduwjss.org.ng/publication/vol_6/issue_1/article_14.pdf> accessed 20 May 2022.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Displacement Tracking Matrix (DTM), Nigeria: Displacement Report Round 26 (2019) <<https://displacement.iom.int/reports/nigeria-%E2%80%94displacement-report-26-january-2016>> accessed 10 January 2022.

¹⁷ United Nations Refugee Agency, (UNHCR) 'Global Trends: Forced Displacement in 2019', <<https://www.unhcr.org/5ee200e37.pdf%20accessed%20on%20August%202019>> accessed 11 January 2022.

¹⁸ Nasa'i Mohammad Gwadabe and others, "Forced Displacement and the Plight of Internally Displaced Persons in Northeast Nigeria," (2018) 1(1) *Humanities and Social Science Research* <<https://j.ideasspread.org/index.php/hssr/article/view/96>> accessed 10 January 2021.

¹⁹ The United Nations Guiding Principle on Internal Displacement, E/CN.4/1998/53/Add.1 February, New York: United Nations. <<https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>> accessed 10 January, 2022.

Persons or group of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid 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.

The *Kampala Convention*²⁰ defines IDPs as persons or a group of persons who have been forced to flee or to leave their homes or place or habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights, natural or human made disasters, and who have not crossed an internationally recognized states border.²¹ There are two important elements in the above definitions. The first is that the person or group of persons under reference are compelled by circumstances to forsake the comfort of their homes. Secondly, the movement of persons must be within the frontiers of the country. The instances in which internal displacement may be perceived to have occurred appears to be open ended. These include in the event of threat of national security such as the invasion of a country by terrorists, in the case of natural disasters such as flood or other environmental degradation which have rendered a community uninhabitable. Another pointer to national insecurity is threat to infrastructural development. Clearly, IDPs are persons who remain within the national borders of a state.²² They are persons who have fled from their original place of abode to safer climes within the borders of the same country due to disasters, massive human violations and armed conflict.²³ Unfortunately, government has not been responsive enough and the international community may not be able to intervene because the matter is an internal affair.²⁴ Internal displacement refers to the voluntary or forced movement,

²⁰ The *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention)*, 2009 <https://au.int/sites/default/files/treaties/36846-treaty-kampala_convention.pdf> accessed 10 January 2022.

²¹ Article 1(k) of the *Kampala Convention*.

²² Leonard C. Opara and Deon Erasmus and Leah Ndimouwuri, “Enhancing Protection of Internally Displaced Persons Through Domestic Law and Policy,” (2019) 10(2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* <<https://www.ajol.info/index.php/naujilj/article/view/183687>> accessed 15 January 2022.

²³ Anita Nwotite, “An Assessment of Armed Conflict and Internally Displaced Persons in the Syrian Civil War: The Need to Strengthen Protection,” (2020) 10 *Journal of Public and Private Law, UNIZIK* <<https://ezenwaohaetorc.org/journals/index.php/UNIZIKJPPL/article/download/1056/1058>> accessed 15 January 2022.

²⁴ Akpoghome, ‘Internal Displacement and Kampala Convention’ note 8.

evacuation or relocation of persons or groups of persons within internally recognized state borders.²⁵

Causes of Internal Displacement of Persons in Nigeria

This segment addresses the key causes of internal displacement in Nigeria. These include clashes²⁶ and disasters as discussed below:

Inter Communal Clashes/ Armed Conflict

Nigeria has experienced numerous inter-communal clashes which have resulted in the displacement of people. For instance, the Ife/Modakeke, Osun State conflict, triggered by a leadership tussle, led to the internal displacement of persons.²⁷ The armed conflict between Nigerian government and the Boko Haram Islamic militant group also resulted in the displacement of millions of persons in the North-Eastern part of the country. In response to this crisis, a state of emergency was declared in May 2013 in Adamawa, Borno and Yobe states.²⁸ Despite this declaration, Boko Haram intensified its operation which culminated in massive humanitarian crisis, excessive loss of lives and property, and widespread displacement of the civilian population.²⁹

Natural Disasters

Worldwide, the frequency and intensity of natural disasters are increasing. Disasters may be sudden or gradual. Floods, storms, wildfires, earthquakes, and volcanic eruptions are examples

²⁵ Article 1(l) of the *Kampala Convention*.

²⁶ These clashes had social implications as they affected interpersonal relationships as well as marriage and family. In addition, the clashes had economic implications as the means of livelihood of inhabitants were thwarted while government spend huge sums of money for the purpose of restoring peace to the affected communities.: Nwachukwu John Uzoma and Osadola Oluwaseun Samuel, ‘Socio-Economic Implications of the Ife/Modakeke Conflicts on Inter Group Relations In Nigeria – A Re-Assessment’, (2019) 7(4) *Global Scientific Journal* <http://www.globalscientificjournal.com/researchpaper/SOCIO_ECONOMIC_IMPLICATIONS_OF_THE_IFE_MODAKEKE_CONFLICTS_ON_INTER_GROUP_RELATIONS_IN_NIGERIA_A_RE_ASSESSMENT.pdf> accessed 20 January 2022.

²⁷ James Taofiq Fadeyi and Muhammad Abdullahi, Communal Conflict and National Security in Nigeria: Selected Case Studies <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3471404> accessed 20 January 2022.

²⁸ Greg Botelho, “Nigerian President Declares Emergency in 3 States during Rebellion,” *CNN* (Nigeria 13 May 2013) <<https://edition.cnn.com/2013/05/14/world/africa/nigeria-violence/index.html>> accessed 31 March 2022.

²⁹ Caroline Erong, “Community Hosting of Internally Displaced Persons in Maiduguri, Borno State-Nigeria,” Being a Research Paper presented in partial fulfilment of the requirements for obtaining the degree of Master of Arts in Development Studies at *The Hague*, Netherlands in November 2017. <https://thesis.eur.nl/pub/41648/Erong-C_MA2016-17_SJP.pdf> accessed 20 January, 2022.

of sudden disasters while droughts and desertification are slow-developing disasters.³⁰ These disasters worsen the lives of people in the developing world who are already living in vulnerable conditions. However, developing countries are not the only ones at risk. Many developed countries have been hit by severe weather conditions that have caused major damage and displacement of persons. The majority of people displaced as a result of natural disasters stay within their home countries. As a result, they are considered internally displaced persons (IDPs) rather than refugees. Nevertheless, some displaced persons are forced to cross borders as a result of natural disasters and conflicts. The International Displacement Monitoring Centre reports that over 42 million people were displaced by sudden-onset natural disasters in 2010. In 2011, about 15 million people were displaced by natural disasters in at least sixty-one countries; Africa and Asia were the hardest hit.³¹

In Nigeria, natural disasters have impacted heavily on citizens over the years. The River Niger and its tributaries experience floods on a yearly basis. In 2012, Bayelsa, Delta, Anambra, Edo and Kogi States were severely affected by floods that displaced people in these states.³² More recently, in October 2020, flood levels at the hydrological stations monitored in Niamey (Niger Republic) and Malan Ville (Benin Republic) reached the red alert zone due to the intensity of torrential rainfall.³³ This caused flooding in many states including Jigawa, Kebbi, Kwara, Sokoto, and Zamfara states, affecting about 91,254 persons.³⁴ The flood incident was caused by the intensity of the rainfalls at the peak of the flood season and the release of dams located in neighboring Niger, Cameroon and Benin, which resulted in the Benue and Niger rivers overflowing their banks and affecting communities living along the same and in surrounding areas.³⁵ In Kebbi state, farmlands were completely immersed in floods as a result of heavy rains. In Jigawa state, 18 out of the 27 local government areas were affected, resulting in loss of crops worth millions of naira.³⁶ In Kwara State, more than 5,000 households have been

³⁰ International Peace Institute (IPI), 'Disasters and Displacement: Improving Preparedness and Protection', (2013) <<https://reliefweb.int/report/world/disasters-and-displacement-improving-preparedness-and-protection>> accessed 15 January 2022.

³¹ Ibid.

³² Emmanuel Okokondem Okon, 'Natural Disasters in Nigeria: An Econometric Model' (2018) 2(1) *American International Journal of Social Science Research*. Available at <<https://www.cribfb.com/journal/index.php/aijssr/article/view/170>> accessed 20 January 2022.

³³ International Federation of Red Cross (IFRC), 'Nigeria: Floods - Emergency Plan of Action (EPoA) DREF n° MDRNG030' (2020) <<https://reliefweb.int/report/nigeria/nigeria-floods-emergency-plan-action-epoa-dref-n-mdrng030>> accessed 20 January 2022.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

affected by flood.³⁷ These floods expose people to water-borne diseases, damage farmers' crops, and disrupt their planting seasons. Some areas get disconnected from the rest of the community.³⁸

Effects of Internal Displacement

In North-Eastern Nigeria, the Boko Haram conflict has led to heightened levels of displacement and food insecurity. While humanitarian access is improving, most displaced families still rely on vulnerable host communities for their basic needs. This puts already impoverished host communities under extreme pressure, leading to food shortage, insecurity, and malnutrition. Lootings and fear of attacks have prevented many farmers from working in their fields, leading to the loss of harvests and productive assets, and extremely reduced purchasing power.³⁹ The paper is not oblivious of the efforts made by the Food and Agricultural Organization (FAO) and other non-governmental organizations (NGOs) in mitigating against plight of IDPs. For instance, in order to respond to the immediate needs of the affected population, FAO launched a full-scale response. A dedicated team of experts based in Maiduguri work closely with partners on the ground. FAO's mission is to provide immediate livelihood support to vulnerable pastoralists and agro-pastoralists, including returnees, IDPs and host communities.⁴⁰ FAO designed a resilience approach aimed at strengthening resilience in North-Eastern Nigeria, as well as in other countries of the Lake Chad basin – Cameroon, Chad and Niger. This approach is expected to support mobility, multi-activity, multiple use of lands (3Ms) that characterize large parts of the agro-ecosystems in North-East Nigeria and beyond. The efforts of NGOs and other organizations in reducing the plight of IDPs and assisting them, though commendable, has limited capacity to meet their needs.⁴¹

Impact of Covid-19 on Internal Displaced Persons

Coronavirus disease (COVID-19) is a highly transmittable and pathogenic viral infection caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). It shook the world with its entrance in December 2019.⁴² The COVID-19 pandemic was ruthless in its mission,

³⁷ Ibid.

³⁸ Ibid.

³⁹ Food and Agricultural Organization of the United Nations, "FAO in Emergencies: Nigeria," <<https://www.fao.org/emergencies/countries/detail/en/c/213439>> accessed 24 January 2022.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Muhammad Adnan Shereen and Others, 'COVID-19 Infection: Origin, Transmission, and Characteristics of Human Coronaviruses, (2020) 24 *Journal of Advanced Research* <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7113610/>> accessed 10 February 2022.

overwhelming the health systems of many nations, causing a colossal loss world over. The COVID-19 pandemic, which began in Wuhan, China on December 8, 2019, was declared a Public Health Emergency of International Concern (PHEIC) on January 30, 2020 by the World Health Organization (WHO). Within the first quarter of the year 2020, the virus had spread to virtually all countries of the world. Globally, by June 7, 2020, there were over seven million cases, with the United States leading with over two million cases. Statistics revealed the following: Brazil – over 700,000 cases, Russia – over 500,000 cases, South Africa – over 54,000 cases, and Egypt – over 38,000.⁴³ Following the WHO declaration, the Coronavirus Preparedness Group (CPG) was constituted on January 31 2020 in Nigeria. The World Health Organisation (WHO), as a result of the spread of the virus and the compromised state of its healthcare system, categorized Nigeria among the most vulnerable countries on the African continent.⁴⁴

In the first month of the COVID-19 pandemic, the Nigeria Centre for Disease Control (NCDC) stated that training of the rapid response teams across the 36 states in Nigeria was concluded in December 2019. On January 28, 2020, NCDC further revealed that a coronavirus group had been set up to activate its incident system to respond to any emergency.⁴⁵ Additionally, the NCDC worked with 22 states in Nigeria to activate their emergency operation centers to manage and link up with the national incidence coordination centers. Although the government had strengthened surveillance at the airport since January 2020, Nigeria recorded its COVID-19 index case on 27 February 2020 in Lagos, when a 44-year-old Italian, who worked in Nigeria, returned from Milan, Italy on 25th of February 2020. His status was confirmed by the virology laboratory of the Lagos University Teaching Hospital, a part of the laboratory network of the Nigeria Centre for Disease Control.⁴⁶ Since the index case was reported in Nigeria, the number of cases increased, albeit slowly, compared to western countries. At present, it is reported that the NCDC has recorded a total number of 255, 468 confirmed cases of COVID-

⁴³ Jimoh Amzat and Others, “Coronavirus Outbreak in Nigeria: Burdens and Socio-medical Response during the First 100 Days,” (2020) 98 *International Journal of Infectious Diseases* <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7307993/pdf/main.pdf>> accessed 31 March 2022.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Nigeria Centre for Disease Control (NCDC), First Case of Coronavirus Disease Confirmed in Nigeria’ (2020) <<https://ncdc.gov.ng/news/227/first-case-of-corona-virus-disease-confirmed-in-nigeria>> accessed 2 February 2022.

19 and 3,142 deaths.⁴⁷ The scale of the pandemic in Africa has not been as severe compared with other parts of the world, such as Europe and the Americas. However, the humanitarian and socio-economic impact as well as the increased protection concerns aggravated by COVID-19 informed restrictions and containment measures has had a devastating impact on the region. It triggered unprecedented protection needs, risks and vulnerabilities for migrants, displaced populations, and host communities throughout the region.⁴⁸

The world over, lock-down measures brought about restrictions in mobility. As a result, millions of Nigerian migrants were rendered jobless and stranded, and unable to send their usual remittances home. This further compounded the dilemma of IDPs. The pandemic-triggered movement restrictions and measures which continued to impact the daily lives and circumstances of IDPs, refugees, and host communities. Livelihoods were interrupted and access to healthcare, where available, remained reduced. Many communities hosting IDPs lack access to healthcare, water, and sanitation, in addition to issues of overcrowding, poor shelter, scarce resources, and limited access to reliable information. The impact felt by these communities not only increases humanitarian need but also exacerbates the existing and already complex barriers for IDPs and refugees to seek solutions.⁴⁹ The transmittable nature of COVID-19 compelled the government to put measures in place to curtail the spread of the disease. These measures include enforcement of the use of face masks, social distancing, temporary closure of markets, schools and institutions, as well as restriction of movement. Indeed, regulations were made in some states of the country to enforce social distance and the compulsory use of face masks.⁵⁰ However, these measures provoked more hardship for the

⁴⁷Nigeria Centre for Disease Control (NCDC), 'Covid-19 Nigeria' <<https://covid19.ncdc.gov.ng/>> accessed 1 April 2022.

⁴⁸ International Organisation for Migration (IOM), 'COVID-19 Strategic Response and Recovery Plan 2020 for East and Horn of Africa' <https://reliefweb.int/sites/reliefweb.int/files/resources/EHoA%20%20COVID-19%20Strategic%20Response%20and%20Recovery%20Plan%202021_0.pdf> accessed 4 February 2022.

⁴⁹ Ibid.

⁵⁰For instance, on March 27, 2020, the Lagos State Government issued the Infectious Diseases (Emergency Prevention) Regulations 2020. <<https://pwc-nigeria.typepad.com/files/infectious-diseases-regulations-2020.pdf>> accessed 20 May, 2022 ; On March 29, 2020, the Ekiti State Government issued the Ekiti State Corona Diseases (Prevention of Infection) Regulations 2020, which is designed to prevent the spread of coronavirus in Ekiti State. <<https://www.pwc.com/ng/en/covid-19/government-covid-19-response-measures.html>> accessed 20 May, 2022; In March 30, 2020, the Federal Government of Nigeria, Covid-19 Regulations, 2020 provides guidelines that are geared towards curtailing the effect of the Covid-19 pandemic on economic activities and livelihood. Available at: <https://covid19.ncdc.gov.ng/media/archives/COVID-19_REGULATIONS_2020_20200330214102_KOhShnx.pdf> accessed 20 May 2022.

generality of Nigerians who prior to the emergence of the disease had been impoverished. Specific measures to cushion the effect of lockdown measures were completely lacking.

In the face of these challenges, IDPs are forced to live in deplorable conditions. Their peculiar circumstances, worsened by the COVID-19 pandemic, places them at a higher risk of contracting COVID-19. IDPs lives become more complicated due to cramped living conditions in camps, camp-like settings and urban slums; poor nutrition, compromised health, limited access to sanitation, lack of reliable information and support networks, language barriers, and other social and cultural obstacles are some of the challenges they face.⁵¹ Many IDPs are disproportionately affected by the economic repercussions of lockdown measures, given their already precarious living circumstances and reliance on casual labor and/or external support to meet their basic needs. As a result, they are more prone to exploitation and abuse of all kinds.

IDPs experienced protracted displacement where plans for their resettlement were put on hold due to restrictions on movement and no support was provided for their temporary local integration. Restrictions on movement may undermine people's ability to flee violence and seek refuge or asylum in their countries or other countries. Furthermore, in some countries, IDPs, having lost their means of livelihood, were compelled to return home prematurely, or at least, move away from urban centers, where the virus is more likely to spread quickly. It is worthy of mention that restrictions on movement, delays in deliveries of goods, the suspension of livelihoods, food aid, cash programmes and vaccination campaigns owing to reduced access to funds, as well as concerns about the safety of staff working in camps impeded the ability of humanitarian organizations to assist IDPs and respond to sudden and slow-onset emergencies, thereby creating the conditions for new or secondary displacements.⁵²

Remarkably, in December 2021, the Federal Government embarked on the mass vaccination of IDPs against COVID-19 in Nigeria. The Executive Director of the National Primary Health Care Development Agency said the move is in fulfillment of the Federal Government's commitment to ensuring that everyone in Nigeria has access to the COVID-19 vaccines.⁵³ The

⁵¹International Committee of the Red Cross (ICRC), "Reducing the Impact of the COVID-19 Pandemic on Internally Displaced Persons," available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Reducing%20the%20impact%20of%20the%20COVID-19%20pandemic%20on%20internally%20displaced%20people%20%28IDPs%29.pdf>> accessed 31 January 2022.

⁵² Ibid.

⁵³ Ayodeji Owolabi, "FG Begins Mass Vaccination of IDPs against Covid-19," *The Cable* (Nigeria 10 December 2021) <<https://www.thecable.ng/photos-fg-begins-mass-vaccination-of-idps-against-covid>> accessed on 4 February, 2022.

discovery of COVID-19 vaccines marked a great achievement in the global efforts to combat the effect of the disease. However, it is important to note that the WHO has cautioned the global community that despite the use of vaccines, the basics of preventing COVID-19 should still be adhered to. This stance of WHO brings to mind the need for special protection of IDPs in the light of the nature of their environment.⁵⁴

Human Rights of IDPs in Nigeria

The 1999 CFRN guarantees the human rights of all persons which includes but not limited to the right of every person to life, freedom from discrimination, and so on. The right of citizens to live peacefully in any part of the country and carry out their legitimate businesses is in tandem with the principle of egalitarianism. This principle is firmly entrenched in the dictates of equality and fair treatment.⁵⁵ These are ingredients for integration and harmony in a polity. As IDPs in Nigeria are citizens of the country, they are entitled to the full protection of national laws and the rights it guarantees other citizens without any discrimination.⁵⁶ IDPs, generally speaking, face human rights violations of different degrees,⁵⁷ and the impact of COVID-19 worsens their already vulnerable situation. While it is noted that many of the measures put in place by government have been necessary in light of the collective struggle against the pandemic, it is clear that keeping human rights considerations at the fore ensures better outcomes for everyone. The impact on the human rights of IDPs and the specific rights and protections afforded them has not always been sufficiently taken into account. As a result, IDPS find themselves trapped in deeply precarious situations.⁵⁸ Human rights guides outline how powers can be exercised for the benefit of the people. During the COVID-19 pandemic, states were supported to recalibrate their response measures to maximize their effectiveness in combating the disease and minimize the negative consequences.⁵⁹ Human rights law recognizes

⁵⁴ WHO, 'Coronavirus Disease 2019 (Covid-19)', note 43.

⁵⁵ Albert T. Akume, "The Question of Internally Displaced Persons (IDPS) in Nigeria: A Reflection on Present Realities" (2015) 32(1) *Journal of Third World Studies* <<https://www.jstor.org/stable/45195119>> accessed 20 March 2022.

⁵⁶ See s. 42 of the 1999 CFRN.

⁵⁷ Aminu Zubairu Suroja, "Displaced Persons in North-Eastern Nigeria: Causes, Effects and the Role of Social Workers," (2020) 8(3) *Sociology and Anthropology*, <https://www.researchgate.net/publication/340413108_Displaced_Persons_in_North-Eastern_Nigeria_Causes_Effects_and_the_Role_of_Social_Workers> accessed 15 March 2022.

⁵⁸ United Nations (UN), "Policy Brief: Covid-19 and People on the Move," (2020) <<https://data2.unhcr.org/en/documents/download/76793>> accessed 31 March 2022.

⁵⁹ United Nations (UN), "Covid-19 and Human Rights: We are all in this Together," (2020) <https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_human_rights_and_covid_april_2020.pdf> accessed 31 March 2022.

that national emergencies may require limits to be placed on the exercise of certain human rights. The scale and severity of COVID-19 reached a level where restrictions are justifiable on public health grounds. The paper does not seek to constrain the government in shaping an effective response to the pandemic. Rather, it aims to signal to the government possible pitfalls in the response to the situation as it affects IDPs, and to suggest ways in which attention to human rights of IDPs can shape better responses.

The human rights violation of IDPs in Nigeria are herein discussed within the ambits of the provisions of the 1999 CFRN. Of particular interest are the right to life and the right to dignity of the person. The right to life is guaranteed by the 1999 CFRN⁶⁰ and it is enjoyable by all citizens including IDPs. Invoking the right to life reminds us that the government has a duty to protect human life including addressing the general conditions in the country that give rise to direct threat to life. With respect to IDPs, the government has a duty to address the issues leading to internal displacement in the country. It is only by so doing that the right to life of IDPs can be actualized. The right to life is the right to live and not be deprived intentionally, save in execution of the sentence of a competent court in respect of a criminal offence of which a person has been found guilty in Nigeria.⁶¹ This, no doubt, sets the tone for the sanctity of human life and dignified existence. As with every other citizen of Nigeria, IDPs have the right to the dignity of their humanity as guaranteed under the 1999 CFRN. The constitution provides that every person is entitled to respect for the dignity of his person and none shall be subject to inhuman or degrading treatment, torture or forced labor, slavery, or servitude.⁶² The parameters that account for the determination of whether or not the rights to life and dignity are in violation are entrenched in the current status of IDPs and the conditions of living with which they have had to daily contend. A forceful ejection or eviction from a place of habitual residence without a guarantee of adequate shelter, food security, and healthcare is a direct affront on or threat to life. Also, people lose their sense of dignity when they are faced with no option than to beg for survival. This is especially difficult for those who ordinarily had control of their means of livelihood. This is evident in the survival *operandi* within the various IDP camps spread across the country, especially in the North-East of Nigeria. Being denied decent shelter, healthy food, as well as access to adequate healthcare per time is a true reflection of deprivation and therefore a violation of the right to life.

⁶⁰ Section 33 of the Constitution of the Federal Republic of Nigeria, 1999.

⁶¹ *Ibid*, s. 33 (1).

⁶² S. 34 of the 1999 CFRN.

The right to health is inherent in the right to life. COVID-19 tested to the limit, states' ability to protect the right to health.⁶³ Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. Everyone, regardless of their social or economic status, should have access to the healthcare they need.⁶⁴ IDPs are a unique set of people who are vulnerable by reason of their peculiar circumstances. The government therefore has a responsibility to protect their fundamental rights as guaranteed under the constitution. While it is agreed that the rights contained in Chapter 2 of the 1999 CFRN which includes but not limited to the right to health, safety and welfare of the people is not justiciable in Nigeria, evolving legal jurisprudence have embraced them as fundamental rights.⁶⁵ However, to better guarantee the enjoyment of the human rights of IDPs, there is need for the government to take steps to formulate an IDP specific law which will guarantee the enjoyment of and full actualization of these rights.

Legal Framework on Internal Displacement in Nigeria

Presently, the legal framework for the assistance and protection of the rights and welfare of IDPs in Nigeria is a mere perception. It is only woven around the National Policy on IDPs,⁶⁶ the UN guiding principles, and the Kampala convention. None of these are statutorily recognized in Nigeria. Notable therefore, is the indubitable fact that there is no subsisting law or Act of the National Assembly, neither is there any domesticated international legal

⁶³ United Nations (UN), 'Covid-19 and Human Rights' note 60.

⁶⁴ Ibid.

⁶⁵ See the African Charter on Human and Peoples' Rights 27 June 1981, 21 I.L.M 58 (entered into force 21 Oct. 1986), which has not only been ratified by Nigeria, but also domesticated via the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap A9) Laws of Federation of Nigeria, 2004 pursuant to s. 12 of the 1999 CFRN. The Preamble to the Charter affirms as follows: "Convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights..." It has been opined that the fundamental right to life enshrined in s. 33 of the 1999 CFRN should not be interpreted rigidly as the right to life does not mean the right to life alone, it also entails that health emanates from the right to life and since life is precious, it must not be interpreted narrowly, as it also includes, the right to shelter, clothing amongst others.... Since fundamental rights are enforceable and the Directive Principles are not, then the Directive Principles must conform to and run ancillary to fundamental rights for them to be enforceable. Femi Falana, 'Justiciability of Chapter 2 of the 1999 Constitution (as amended): Need for the Nigerian Judicial System to be more Proactive' *The Vanguard* (Nigeria 03 March 2022) <<https://www.vanguardngr.com/2022/03/justiciability-of-chapter-2-of-1999-constitution-need-for-the-nigerian-judicial-system-to-be-more-proactive-5/>> accessed 23 May 2022.

⁶⁶ Federal Republic of Nigeria, National Policy on Internally Displaced Persons (IDPs) in Nigeria <<https://www.refworld.org/pdfid/5a7ae2324.pdf>> accessed 31 March 2022.

instrument on the subject of discourse within the *corpus juris* of Nigeria. The UN guiding principles are merely principles without any binding force. Hence, its provisions cannot be invoked for the purpose of enforcing the protection of the rights of IDPs in Nigeria. The Kampala Convention which remains the world's only legally binding regional instrument on internal displacement⁶⁷ does not have the force of law in Nigeria as it has not been domesticated into our national laws as provided by the 1999 CFRN.⁶⁸ The National Policy on IDPs also remains a mere policy as it is yet to become an Act of the National Assembly since the policy was presented to the government in 2011. Accordingly, it is safe to posit that there is currently no legal framework *stricto sensu* providing protection and assistance to IDPs and *a fortiori* enforcing their rights in Nigeria. The best and closest to a legal framework is the Act establishing the National Commission for Refugees.⁶⁹ Its mandate was expanded by an executive fiat to include and deal with matters relating to migrants and IDPs.⁷⁰ In furtherance of the new extended mandate, the nomenclature of the commission was changed to National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI).⁷¹ The enabling law however does not reflect this new status and scope of engagement as the same is yet to be duly amended to incorporate the expansion already made by the presidency. This was without prejudice to the pendency of the bill for an Act to repeal the National Commission for Refugees Act and to enact the National Commission for Refugees, Migrants and Internally Displaced Persons Act 2019. The bill, when passed, would vest in the power of the commission, the management, rehabilitation, return, reintegration, and resettlement of refugees, migrants, and victims of displacement.⁷² This legitimately raises the fundamental issue of *ultra vires* the

⁶⁷ International Committee of the Red Cross (ICRC), 'The Kampala Convention: Key Recommendations Ten Years On' <<https://www.icrc.org/en/document/kampala-convention-key-recommendations-ten-years>> accessed 31 March 2022.

⁶⁸ See s. 12 of the CFRN.

⁶⁹ Nigeria: National Commission or Refugees (Establishment, etc.) Act, Cap N21 LFN 2004, 29 December 1989 <<https://www.refworld.org/docid/3ae6b522e.html>> accessed 13 March 2022.

⁷⁰ Jude O. Ezeanokwasa and Ueadineke C. Kalu and Francis Ejike Okaphor, "A Critique of the Legal Framework for Arresting the Threat of Internal Displacement of Persons to Nigeria's National Security," (2018) 9(2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* available at <<https://www.ajol.info/index.php/naujilj/article/view/168826>> Accessed 23 May, 2022; Shedrack Ekpa and Nuarrual Hilal Md. Dahlan, "Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria," (2016) 49 *Journal of Law, Policy and Globalization* <<https://www.iiste.org/Journals/index.php/JLPG/article/view/30769>> accessed 23 May 2022.

⁷¹ The needed amendment to the original Act to reflect these changes in scope has not been made. Without this amendment, the activities of the Commission in the area of internally displaced persons remain outside of Law. Ezeanokwasa and Others, "A Critique of the Legal Framework for Arresting the Threat," note 71.

⁷² Bill for an Act to repeal the National Commission for Refugees Act and to enact the National Commission for Refugees, Migrants and Internally Displaced Persons Act 2019 <<https://placbillstrack.org/upload/HB171.pdf>> accessed 30 March 2022.

powers and functions of the commission as presently constituted, pursuant to the extant provisions of the enabling instrument.

No doubt, the need to expeditiously commence and conclude the amendment of the Act has become inevitable, having been long overdue. This paper, therefore, agitates for the timely amendment of the Act. It is the position of this paper that the absence of a legal framework on the protection of IDPs has left their fate in the hands of the government. As commendable as the efforts of Nigeria's Federal Government have been in tackling IDPs needs amidst the COVID-19 pandemic, it is yet to adequately tackle the care and protection of internally displaced persons. The swift domestication of the Kampala Convention, the passing into an Act of the National Assembly the National Policy on IDPs as well as the enactment and commencement of the bill for an Act to establish a National Commission for Refugees, Migrants and Internally Displaced Persons remains a viable response to the plight of IDPs in Nigeria.

Conclusion and Recommendations

This work emphasizes the need for IDPs to enjoy special legal protection because of their vulnerable position. First, as human beings, they are entitled to their human rights as enshrined in national and international legal instruments. It is therefore crucial for government to demonstrate respect and facilitate the enforcement of these rights that are hinged on the protection of IDPs, especially in the face of the ongoing global emergency. A step in the right direction is the domestication of the Kampala Convention which makes copious provisions for the duties and responsibilities of states parties as well as adequate protection and assistance of IDPs at all stages of displacement including finding lasting and sustainable solutions to internal displacement. The passing into law of the National Policy on IDPs is also long overdue. This paper therefore calls on the government to do the needful to ensure the rights as well as protect and assist IDPs in the enjoyment of these rights.

Secondly, government should adopt mitigation measures such as building of new shelters or restructuring of the existing shelters for IDPs in such a manner as to facilitate observance to COVID-19 protocols. Also, there is need for food banks to be provided to boost food security for IDPs during the pandemic and other disasters.

Thirdly, government should take all efforts as crucial to facilitating the sustainable integration of IDPs. This can be achieved through returning them to their habitual place of abode by enhancing the necessary infrastructural development while empowering them for survival. In the alternative, the camps where they were housed can be effectively rehabilitated for proper settlement. Again, government may propose new habitations for the final settlement of IDPs in Nigeria.

Conclusively, the paper attempted an analysis of the impact of the dreaded COVID-19 on IDPs. These people have been selected because of their compromised position and the unpalatable conditions they live in. This predisposes them to contracting the virus. It is gratifying to observe that government has commenced the vaccination of IDPs to reduce their risk of contracting COVID-19. However, the taking of the vaccines, as has been stated, does not suggest that preventive measures such as social distancing, hand-washing, and use of face masks should be dispensed with. In addition, it is important for government to respect and enforce the rights of IDPs as encapsulated in domestic and international legal instruments.