AN APPRAISAL OF THE LEGAL FRAMEWORK OF THE NATIONAL EMERGENCY MANAGEMENT AGENCY (NEMA) IN THE MANAGEMENT OF INTERNALLY DISPLACED PERSONS (IDPs) IN NIGERIA

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1.1 Introduction

Internal displacement in Nigeria is a recurring and large-scale phenomenon. Most parts of the 36 states have seen many waves of displacement, both small and large-scale. It is a situation caused essentially by conflict, generalized violence, insurgencies, human right violations and natural disasters, whereby members of the affected community are forced to leave their homes and seek refuge in neighboring communities or states.[1] Research reveals that Nigeria accounts for more than one million out of Africa's nine million people internally displaced from their homes due to armed conflict and generalized violence in 2011. This figure however excludes the millions of persons displaced within their own countries due to natural disasters and development projects.[2]

In Nigeria and elsewhere in the world, the affected populations have been categorized as Internally Displaced Persons (IDPs). Internally Displaced Persons are the most vulnerable population for obvious reasons, such as loss of their

[1] Ladan M.T.,Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Right, Peace and Security in West Africa, ABU Press, Zaria, 2010, page 7-9.

[2] Alhassan N., A Case study Report on the National Response to Internal Displacement in Nigeria: Progress, Challenges and Prospects. A paper presented at the workshop organized by Civil Society legislative Advocacy and internal Displacement Monitoring Centre IDMC, (unpublished) held at Rockview conference Hall, Abuja on December 9, 2013.

homes, properties and lives of their relations as well as the fact that many remain largely unseen and uncared for.[3]

1.1.1 Statement of Problem

A statement of problem identified in the foregoing events in Nigeria is, the Government at the Federal, State and Local levels do not have sufficient machinery in place to adequately address the issues of internal displacement. The capacity of the Institutions created by Government to effectively manage internally displaced persons is limited (especially to providing only short term solutions). In connection to the above statement of problem are the gaps in the Institutional mandates in giving clear authority to specifically handle internal displacement issues, as well as the absence of a National Legal Framework or policy document on the Assistance and Protection of Internally Displaced Persons which has lead to constrained national response.

1.1.2 Objectives of the Research

In view of the above therefore, the objective of this paper is to examine the efficiency of the Federal Government of Nigeria in managing the challenges arising from displacements of persons through the institution of National

[3] Ladan M.T., Africa's Landmark Human Rights Treaty on Internally Displaced Persons (IDPs) which entered into force on 6th December, 2012. Commentary (Aired on Radio Nigeria Network by the Federal Radio Corporation of Nigeria (FRCN) Abuja on Tuesday, 11th December, 2011, at 12pm.

Emergency Management Agency (NEMA), in addition, to address the gaps and inadequacies in the NEMA Act, and the need for a reasonable expansion of the Act. In an attempt to achieve this objective, the paper examines issues such as;

The mandates of the National Emergency Management Agency (NEMA) as provided in the National Emergency Management Agency Act, 1999, and other related policy documents, International and Regional laws on the protection and assistance of IDPs which are the Guiding Principles[4] and Kampala Convention[5] both of which have been signed and ratified by Nigeria, and the roles and activities of NEMA in managing internal displacement, its achievements and challenges.

1.2 Conceptual Clarifications

Certain key terms appearing in the title of this paper require both general and contextual definitions in line with the context which it is used in the work. They include: "Internally Displaced Persons" (IDPs) and National Emergency Management Agency (NEMA).

[4]Deng F., "The guiding principles on internal displacement". E/CN.4/1998/53/Add.l, February 11. New York, NY: United Nations. New York: United Nations. http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html. Retrieved October 23, 2012.

[5] The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted on the 27th of October, 2009. Reflects and builds on existing frameworks of International humanitarian law (IHL) and International Human Rights Law (IHRL), as well as soft law as the Guiding Principles in Internal displacement. The Kampala Convention poses obligations on State parties to respect and ensure respect for both IHL and IHRL. The Convention entered into force on 6th December, 2012.

1.2.1 "**Internally Displaced Persons**" (IDPs)

The General Principles on Internal Displacement by the United Nations defines internally displaced persons as:

> *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, human-made disasters, or large scale development projects and who have not crossed an internationally recognized state border.*[6]

It is well recognized, and often emphasized that because internally displaced persons remain within their country, they should in accordance with established principles of International law, enjoy the protection and assistance of their own government. Indeed government regularly insists that they have the primary responsibility for ensuring the security and welfare of their citizens, this includes the displaced population. The responsibility for protecting and assisting IDPs rests first and foremost with their national authorities.[7] Also, because of the special

[6] Deng F., "The guiding principles on internal displacement". E/CN.4/1998/53/Add.l, United Nations. New York: http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html. Retrieved October 23, 2012.

[7] This is a core concept reflected in the Guiding Principles on internal displacement (appendix) which set forth the rights of IDPs and the obligations of government towards them, it is also a central tenet guiding international and regional approaches to internal displacement.

situation, specific needs and the heightened vulnerability that flow from the fact of being displaced, IDPs are entitled to special protection and assistance.[8]

Furthermore, it is important to note the difference between Refugees and IDPs; Under International law, it is the responsibility of the Government concerned to provide assistance and protection for the IDP's in their country. Refugees on the other hand, are granted legal status because they have lost the protection of their own country, and are therefore in need of international protection, which is not necessary for those (IDPs) who do not cross national borders, rather they remain citizens or habitual residents of their country and continue to be entitled to enjoy the rights available to the population as a whole.

1.2.2. National Emergency Management Agency (NEMA)

The background to the establishment of the National Emergency Management Agency dates back to the work of an Inter-Ministerial body, set up by the Federal Government in 1990, to address natural disaster reduction strategies, in line with the UN International Decade for Natural Disaster Reduction (IDNDR), now re-echoed by the Hyogo Framework of Action (2005-2015). This body was also tasked to address the limited scope of the then National Emergency Relief Agency (NERA), established in 1976, to collect and distribute relief materials to disaster victims. The Committees report was followed up by the expansion of the scope of

[8]Supra note 6 at page 9.

NERA to an Independent body under the Presidency, backed by decree 119 of 1993.

In order to brace up to the challenges ahead, the management of NERA, in 1997, organized a National Workshop involving major stakeholders in disaster management in Nigeria to deliberate on some issues which include the need to:

i) Expand the functions of NERA, amend the decree setting up NERA and change the name of the Agency to National Emergency Management Agency (NEMA).

ii) Structure the new Agency by putting into consideration appropriate Policies and Strategies; Search and Rescue resource mobilization capabilities; Information, Education and Prevention strategies; Administration, Finance and Logistics systems; Relief and Rehabilitation capabilities; Research and Planning.

iii) Appropriate budgetary allocation for the operations of the Agency.

The acceptance of these recommendations led to the establishment of the National Emergency Management Agency (NEMA) to manage disasters in all its ramifications.[9]

[9]Section 6 (2), National Emergency Management Agency, Cap. 34, Laws of the Federation of Nigeria, 2004.

1.3. The Legal Framework of NEMA

NEMA in accordance with the NEMA Act is mandated to carry out the following functions;

a) Formulate policy on all activities relating to disaster management in Nigeria and co-ordinate the plans and programmes for efficient and effective response to disaster at national level;

b) Co-ordinate and promote research activities relating to disaster management at the national level;

c) Monitor the state of preparedness of all organizations or agencies which may contribute to disaster management in Nigeria;

d) Collate data from relevant agencies so as to enhance forecasting, planning and field operation of disaster management;

e) Educate and inform the public on disaster prevention and control measures;

f) Co-ordinate and facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to distress call;

g) Co-ordinate the activities of all voluntary organizations engaged in emergency relief operations in any part of the Federation;

h) Receive financial and technical aid from international organizations and non-governmental agencies;

i) Collect emergency relief materials to victims of natural or other disasters and assist in the rehabilitation of the victims where necessary;

j) Distribute emergency relief materials to victims of natural or other disasters and assist in rehabilitation of victims where necessary;

k) Liaise with State Emergency Management Committees established under section 8 of this Act to assess and monitor where necessary, the distribution of relief materials to disaster victims;

l) Process relief assistance to such countries as may be determined from time to time;

m) Liaise with the United Nations Disaster Reduction Organization or such other international bodies for the reduction of natural and other disasters;

n) Prepare the annual budget for disaster management in Nigeria; and

o) Perform such other functions which in the opinion of the Agency are required for the purpose of achieving its objectives under this Act.[10]

Basically in Nigeria, the legal authority for coordination and integration of disaster management is the National Emergency Management Agency (NEMA). The response to IDPs' assistance and protection needs is generally addressed through disaster management mechanisms. As part of its functions under Section 6(1) (j) NEMA is mandated to distribute emergency relief materials to victims of "natural

[10] Section 6 (1) National Emergency Management Agency, Cap. N.34, Vol.10, Laws of the Federation of Nigeria, 2004.

or other disasters" and assist in the rehabilitation of the victims where necessary". They provide short-term assistance usually for the first two to four weeks of displacement,[11] but are also mandated to coordinate emergency relief operations, the Agency works in collaboration with other federal, state and local agencies to this end, and perform other related responsibilities provided in the functions stated above.

In practice basically, IDP management is part and parcel of disaster management as IDP's are products of natural and human made disasters. All facets of disaster management cycle – Prevention, Mitigation, Preparedness, Response and Recovery are applicable to IDPs and they constitute components of IDP management. In theory however, the NEMA Act does not specifically make reference to *internally displaced persons* (IDPs) in Nigeria, rather it describes them as 'victims of disaster'. This is a major lacuna in the NEMA law that affects the Agency's legal capacity and authority in managing IDPs.

1.3.1. Current Policy documents which compliment the NEMA Act

In line with the Agency's expanded mandate of being proactive, they have in place various plans and policies to prepare for and respond effectively to different forms of disasters when they occur, this process is what forms the foundation towards

[11] Olabisi D., Kampala Convention. One year on: progress and Prospects, Internal Displacement Monitoring Center (IDMC) Publishing Company, Addis Ababa, Ethiopia, 2013, Page 17.

mitigating, or at best preventing internal displacement. It is the escalation of these disasters (if not properly managed) that results in the displacement of people from their original place of abode to seek succor and safety in other states or places. The following frameworks are currently in place:

i. The **National Disaster Management Framework**[12] is the foundation upon which all plans, policies, programmes and procedures for disaster management can be created, developed or sustained. It is a generic plan covering all hazards. It is structured into seven thematic areas, namely: Institutional Capacity, Co-ordination, Disaster Risk Assessment, Disaster Risk Reduction, Disaster Prevention, Preparedness/Mitigation, Disaster Rehabilitation; and Facilitators. It is however limited to the activities of NEMA alone.

ii. Search and Rescue (SAR) and Epidemic Evacuation Plan (SAREEP)[13] covers action plans in nine disaster scenarios: Epidemic, Food, Fire, Collapsed building, Road traffic accident, Rail accident, Maritime related disaster, Aviation disaster; and Oil spill disaster. **SAREEP** specifies the alerting system; lines of authority, organizational roles and responsibilities at strategic, tactical and operational levels at the scene of a disaster, for effective coordination.

[12] www.preventionweb.net/english/professional/policy, Developed by Department planning Research and Forecasting, of the National Emergency Management Agency, Abuja, March 29, 2010

[13] National Emegency Management Agency, Search and Rescue (SAR) and Epidemic Evacuaion Plan, Published by National Emergency Management Agency, Abuja, 2011

iii. The National Contingency Plan for Nigeria[14] is another multi-hazard emergency management plan. It focuses on the hazards with the highest probability of occurrence and severity such as flood, communal conflicts, drought and epidemics. The Contingency Plan addresses the readiness of disaster management stakeholders in the country and defines the modus-operandi for engaging international assistance if and/or when required. It is however limited to victims of natural disasters and a population of only 10,000 was used as a benchmark for planning assumptions. Though the plan is detailed, it is not pragmatic, during the floods of 2012; it could not be implemented as the caseload went up as high as about 5million people affected, rendering the plan unworkable in the circumstance.[15]

iv. Lake Nyos Disaster Response Plan[16]

This Manual in addition to the Agency's Disaster Risk Reduction efforts, provide guidelines on how to respond to emergencies, including flood, prior to, during and after the disasters. The manual must be in tune with current realities which means it must envisage a very high level of possible flood, so that it doesn't overwhelm the State or Government.

[14] Department of Planning Research and Forecasting, National Contingency Plan For Nigeria, Published by National Emergency Management Agency, Abuja. March 2011. It provides out requirements for Humanitarian response for the initial ten days during an emergency. The plan was generic in nature and prepared with UNICEF support.
[15] Retrieved from http://www.internal-displacement.org/publications/global-estimates-2012. Internal Displacement Monitoring Center collected the data used for their annual report on People Displaced by Disasters.
[16] Department of Disaster Risk Reduction, National Emergency Management Agency Lake Nyos Disaster Response Plan, published by National Emergency Management Agency, Abuja, 2011.

1.3.2. NEMA's Coordination Mechanism across the country

Basically, there are disaster management structures at all levels. NEMA at the Federal level has one central office in Abuja and 6 Zonal offices divide on the basis of 6 geo political zones of the country. The NEMA Act provides for State governments to establish State Emergency Management Agencies (SEMAs)[17]. Currently 22 out of 36 states have established SEMAs as the leading Agencies for disaster management. The NEMA Zonal offices serve as liaison between the central office in Abuja and relevant SEMAs. The Act however, does not make it mandatory to form Local Emergency Management Agencies (LEMA). NEMA's role is meant to supplement the emergency response delivered at the state level (SEMAs). The state distributes relief supplies provided by NEMA, manage camps and collate data, but their capacities vary widely across the country and very few states are able to respond effectively to internal displacement crisis. Unfortunately also, no bilateral coordination mechanism exists between any two neighboring states and local governments. Hence in cases where the SEMAs are not fully functional, they rely instead on ad hoc emergency committees backed up by NEMA[18](working through the Zonal and Operational Offices). The highest decision making body on disaster management is the Governing Council of NEMA which is headed by the Vice President, while SEMAs Governing Council are

[17] Section 4, National Emergency Management Agency, Cap 34 Laws of the Federation of Nigeria 2004.
[18] Femi A., After Mission Report: Assessment of National Emergency Management Agency (NEMA), Published by Internal Displacement Monitoring Centre, July 5, 2013, Page 7.

headed by the Deputy Governors. The governing councils at both levels are relegated to the second in command in political leadership who have limited powers and authority in allocating financial resources and taking immediate decisions in emergency situations. NEMA and SEMA both have limited capacity to look into strategic issues.

1.3.3 Local and International Response to Internal Displacement

a) Local Response

The disaster management system in Nigeria is still nascent. Despite the fact that it has substantial documents and plans. Its inadequacies become apparent after major disasters as the case was during the 2012 flood. It may be safe to say therefore that the efforts are made largely in the direction of managing small scale implementation activities and immediate recovery of disaster victims. There is no National legal framework or comprehensive approach to prevent displacement, mitigate its effects and minimize its duration. The response to displacement generally included under disaster management mechanism varies[19] from state to state, and has been uncoordinated and ad-hoc leading to both shortfalls and duplications.

[19]Ladan M.T., Legal and Policy Imperatives for the Prevention, Protection, Assistance and Durable Solution to the Plight of Internally Displaced Persons (IDPs) in Nigeria: in African Year Book on International Humanitarian Law, Published by JUTA, South Africa, 2011 at Page 79-106.

Given that the response from the government Agencies is insufficient and slow as a result of bureaucracy or the competing interest of stakeholders, the Red Cross Society, Civil Society Organizations (CSOs) and Faith based groups have been providing immediate relief and assistance on an ad-hoc basis in the after math of violence. Their assistance however, tends to be short-term, and does not necessarily contribute to the longer term reconstruction of lives and livelihood. In other cases, the response tends to target people in camps, even though the majority of IDPS are hosted by relatives or local communities who bear most of the burden of assisting them.[20]

b) International Response

Nigeria's donors have generally favored development and assistance of humanitarian programmes. The US Agency for International Development (USAID) is the largest and most influential bilateral donor, followed by Britain's Department for International Development (BFID). Most multi-lateral funding has been channeled through the UN Development Programme, the World Bank and the European Union donors' focus have been largely on providing support to tackle poverty through promoting good governance, democratization, rule of law and Human rights. There is however a need for better enlightenment among the

[20] Supra, at note 18.

operators (locally and internationally) to adopt basic strategies that can be used to channel this funding appropriately to areas that are currently affecting the stability of the country (internal displacement) particularly, the resettlement of IDPs in the aftermath of major disasters/conflict.[21] The Nigerian Government needs a lot of support in this area. On the other hand, the UN Country Team of other operational Agencies such as the United Office for the Coordination of Humanitarian Affairs (UN OCHA) and World Food Programme (WFP) are currently involved in coordinating the Inter-Agency response to disasters through its Emergency Preparedness Working Groups. They are also focused on IDP protection and assistance.

1.3.4. International Legal instruments on the protection of IDPs

International Law for a long time concentrated on Refugee rather than IDP issues. Till today, there is no treaty dedicated specifically to addressing the plight of IDPs at the global level. However, in 1998, the United Nations came up with the Guiding Principles. It is not a Treaty, Convention or a Declaration; rather it deals on Human Rights and International Humanitarian Law architecture to manage IDP issues. In the quest for a more effective response, the international community took some initiatives to address the plight of IDPs more effectively, hence, the adoption

21 Ladan M.T., National Response to the trend of Internal Displacement In Nigeria : Key Issues, Institutional Framework, Gaps And Challenges. A Paper Presented At a workshop organized by Civil Society Consultation on the Draft National Internally Displaced Persons (IDP) Policy And Domestication of Kampala Convention In Nigeria. Held in Vines Hotel, Abuja, May 30th – June 1st, 2012.

of the Guiding Principles.[22] Adopting the Guiding Principles marked an important milestone in the evolution of Human Rights, among other major steps forward.[23] The significance of the Guiding Principles includes the following:

i. They provide clarity and specificity regarding the plight of IDPs.
ii. They have shaped the development of legally binding principles (the framework upon which the Kampala Convention is based)
iii. They help in broadening the understanding of the plight and phenomenon of IDPs.

The Guiding Principles gave birth to the Kampala Convention which was developed by the African Union.[24] It is the first regional document on the protection of IDPs, some of its objectives include:

i. To provide Regional and National measures to prevent or mitigate displacement and provide durable solutions.
ii. Provides a legal framework for member states in the protection and assistance of IDPs, as well as the responsibilities of other non-state actors.
iii. Provides access to human right law protection and enforcement of other rights which did not exist before.

[22] The representative of the Secretary General on IDPs Francis Deng has been catalytic to these initiatives to stimulate a better understanding of the numerous complex issues associated with internal displacement.
[23] Georg K. Human Right Council Adopts Guiding Principles on Business and Human Rights, published by Norwegian Refugee Council, Geneva, June, 17, 2011
[24] ibid

The two International legal Instrument which have been signed and ratified by Nigeria are; The Guiding Principles on the Protection of Internal Displacement[25] and African Union Convention on Internally Displaced Persons in Africa (Kampala Convention).[26] They are a constant source of reference and a guide to the proposed National Policy documents on IDPs in Nigeria. They are however yet to be domesticated in Nigeria.

1.4. Conclusion

In summary, the National Emergency Management System needs to be strengthened, the NEMA Act is already under review so it is timely to propose amendments that will make NEMA a robust organization with the ability to play a pivotal role in conducting comprehensive disaster response and management activities in the country.[27]

1.4.1 Observations

In the light of these above, the following observations have been made:

1. Several gaps have been identified in the NEMA Act which is why the amendment of the Act is proposed in order to address some of these issues which

[25]Deng F., "The guiding principles on internal displacement". E/CN.4/1998/53/Add.l, February 11. New York, NY: United Nations. New York: United Nations. http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html. Retrieved-October 23, 2012.

[26] www.african-union.org/root/ar/index/convention

[27] Femi A., After Mission Report: Assessment of National Emergency Management Agency (NEMA), Published by Internal Displacement Monitoring Centre, July 30, 2013, Page 17.

include: the absence of legal mandate to carry out certain responsibilities in relation to its mandates such as; protecting and assisting IDPs, providing durable solutions to their plights, expansion of funds, as well as the problem of having a limited scope within which the Agency operates which are some of the reasons why efforts by the government (NEMA) are perceived as or seen to be ineffective in addressing the plights of IDPs in particular.

2. It is also worrisome that the country ratified the African Union "Kampala Convention" on Internal Displacement in May 2012 and made a draft Policy on IDPs to incorporate its provisions, neither of which have been adopted. Apparently the increasing number of IDPs due to conflict induced internal displacement informed the Nigerian Government to consider a National Policy on IDPs, the draft was tabled for consideration in 2007, but the government did not adopt it. The draft was revised thrice in 2009 and 2010-11 and by 2011, it remained a draft yet to be adopted. It was further revised by a team of consultants and Multi-Stakeholders Forum between 30 May and August 2012. This revised draft is also awaiting adoption by the federal government.[28]. Two years on, however, the National

[28] Official reason unknown to this author, but believed by many analysts to be a slow process in adopting it. The Government was not influenced by the recommendations and resolutions of the 1st Regional Conference on internal displacement in West Africa, held between April 26 - 29, 2006 in Abuja, and hosted by the Federal Government of Nigeria in collaboration with the Economic Community of West African States (ECOWAS), the Office of the UN Secretary-General on Human Rights of IDPs and the Brookings Institution - University of Bern Project on Internal Displacement. One of the recommendations of the conference was that ECOWAS Member States should undertake measures to address the root causes of internal displacement including developing laws and policies on IDPs consistent with States' obligations under International Human Rights and Humanitarian Laws.

Assembly and the Federal Executive Council are yet to adopt the policy, or a domestic law to implement the convention. The absence of such framework as a means of clearly defining roles and responsibilities has, and will continue to hamper humanitarian and development efforts to mitigate the effects of internal displacement. They are very essential to a holistic approach in supporting IDPs' search for durable solutions, and in preparing for and preventing future displacement.[29]

3. Figures on displacement are often only available after larger scale crises, but they suggest that violence and disasters caused by natural hazards have forced a staggering number of people to flee their homes. Many were displaced by the flooding in 2012 in Nigeria for instance, but the full scale and impact of internal displacement are unclear, in part because data collection by stakeholders is poor and inconsistent. The gaps result in an alarming lack of understanding of the country's displacement dynamics, most notably how people's vulnerabilities are complicated by multiple cycles of displacement, these leads to response efforts that are fragmented and generally inadequate. Some of the displaced persons who go to find refuge with friends and relations in neighboring communities are unaccounted for. Those living in camps however, usually receive relief of basic food items from

[29] Olagunju .O.Field Research Documenting the Challenges Faced by the Nigerian Government and Ngo's In Addressing the Problems of Internally Displaced Persons (IDP'S), **Published by University of Ibadan, Ibadan,** October, 2006, Page 35.

NEMA, even though most camps and camp-like settings close a few weeks after displacement takes place, and little is done to help the IDPs find durable solutions to their displacement. As a result, most of them are scattered across certain locations with no one to account for them at the end of the day.[30]

4. It has also been observed that IDPs rarely participate in the plans and policies on issues of protection and assistance, which are primarily for their benefit. Many IDPs across the Federation have complained to IDP protection analysts and human activists, that most often, interventions and support provided to IDPs are determined without consulting with them, nor taking into consideration their priorities or peculiar needs.[31] This hampers any genuine efforts to address the causes of displacement, or help people at risk prepare or prevent it. For instance, the current focus on short-term emergency response on an ad hoc basis creates a near blind spot in terms of understanding how IDPs vulnerabilities increase with each cycle of displacement.[32]

5. The conditions the IDPs find themselves, contravenes the fundamental human rights to life, dignity, liberty, freedom of movement and security of those affected. There are also issues of discrimination, false imprisonment, missing persons in the

[30] Fragmented response to Internal displacement amid Boko Haram attacks and flood season, Reported by Internally Displaced Monitoring Center, July, 23 2013. www.internal-displacement.org
[31] www.actionaid.se/en/tags/235/73, Dealing with the Current crises in Jos, Plateau State. Policy options for Conflict Transformation and displacement Policy Brief, Abuja 2008, note 43.
[32] www.internal-displacement.org Internal Displacement Monitoring Center. (IDMC), 23 July, 2013.

course of displacement,[33] which are rarely addressed by the government. This is also in contravention of the duty provided in the Guiding Principle (s)[34] to the effect that all authorities and international actors shall respect and ensure respect for their obligation under international law including Human Rights Law and Humanitarian Law in all circumstances so as to prevent and avoid conditions that might lead to displacement.

1.4.2. Recommendations

However, the proposed recommendations to these observations are as follows;

1. There is an urgent need to expand the NEMA Act to reflect the emerging trends of managing disasters as well as displacement. The Agency must review its Laws so that it can be better equipped with the necessary legal backing to perform its responsibilities and avoid the constant criticisms and limitations they have been experiencing in terms of resources and man power and other facilities which have hindered them from sufficiently performing, to the general satisfaction of the IDPs and the public in general.
2. The government must also develop and adopt the relevant national policies and the legal framework on IDP management, re-strategize on the

[33] Deng F., "The guiding principles on internal displacement". E/CN.4/1998/53/Add.l, United Nations. New York: http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html. Retrieved October 23, 2012.
[34] ibid

implementation and the enforcement of the laws and practic**e.** The endorsement of the IDP policy by the Federal Government is a necessary political will to providing durable solutions to the plight of IDPs and a practical admission of the fact that ensuring IDP protection and assistance primarily lies with national authorities mandated to protect and care for them.[35] Policy makers should focus on concepts and practices that promote social development, equity, economic growth and environmental quality to minimize the impact of hazards, reduce vulnerability and enhance coping and adaptive capacity. The draft on the National Policy on IDPs should be given a more serious attention and made to see the light of day without any more unnecessary delays as this is the number one key towards addressing the existing problems and controversy on the legal authorities and the roles of these authorities in the protection and assistance of IDPs.

3. It is important for stakeholders to reconcile their findings after any disaster occurs in order to avoid divulging conflicting figures and information to the Government and the local and international community. For the government to be able to address this situation adequately, they should have the accurate information which will guide in making informed decisions to tackle the situation appropriately. It is also important for the international community

[35]Golwa, G., Peace and Security as Imperatives for National Development, Published by Institute for Peace and Conflict Resolution, Abuja, 2013, Page 3.

to follow up on the level of progress or otherwise as well as the challenges the country is facing as it strives to address the situation for purpose of humanitarian intervention and accurate data collection for reference and record purposes.

4. Opportunities should be given to IDPs to participate in decision, policies and programmes organized to address their needs, for instance in the management of camps, they can be involved as members of camp management committees. Also in activities that encourage the maintenance or restoration of communal links or promote the integration of the displaced into the surrounding community can contribute to their security. After all, it is often said that Disaster management is everyone's business.
5. Prevention is paramount, but is probably the most difficult measure to take by government. Yet the best prevention against displacement is ensuring the respect for the fundamental human rights of civilians and populations in all situations and circumstances consistent with government constitutional and treaty obligations, this will to a large extent reduce the threats to the security and welfare of the citizens. This approach accords with constitutional obligations imposed on all levels of government as articulated by chapter 2 of the constitution[36] which provides for the security and welfare of the

[36] Section 14(2)(b), Constitution of the Federal Republic of Nigeria, 1999.

people as the primary purpose of government, and to ensure the progressive realization of fundamental, foreign policy and environmental objectives and directive principles of state policy for the common good of all citizens.[37]

1.4.3. Concluding Remarks

In conclusion, for Nigeria to meet the desired expectations in the control and management of disasters and emergencies, the legal institutions and National legal frameworks in relation to disaster management should be coherent, transparent, implementable and enforceable. We cannot afford to continue relying on the "Adhoc committee" systems of looking into, and managing disasters through unconventional means when they occur. IDP management requires multi-sectoral and multi-dimensional approach; it is not a task for one Institution due to its complex nature. The standard management model for assistance and protection in situations of internal displacement, rather than a single agency approach, is one that involves government officials, UN agencies, international organizations, CSOs and NGOs. The protection role of other actors, including international agencies and NGOs, involves reinforcing national responsibility and supporting, not substituting, and must be recognized and accepted a necessary aspect in the protection responsibilities of competent authorities.
It is important to enhance the operational capacity of national and international

[37] Ladan M.T., Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Right, Peace and Security in West Africa, ABU Press, Zaria, 2010, page 80.

humanitarian responders and support existing states, local and community coping mechanisms**.** All agencies providing humanitarian assistance to internally displaced persons have a responsibility to consider how the design and implementation of their assistance activities might best contribute to promoting protection of the internally displaced. Efforts must be intensified most especially in the aspect of proffering durable solutions in a pro-active manner rather than a re-active manner. NEMA needs to prepare standard protocols based on International best practices in order to change the face of disaster management completely from what it is today, to what it should be, judging by International standards.