ETHNO-RELIGIOUS CONFLICTS AND THE INTERNALLY DISPLACED PERSONS: AN AGITATION FOR LEGAL FRAMEWORK

A CASE STUDY OF KADUNA STATE

BY

Falalu Sarki SAMBO

LLM/LAW/02274-2009-10

DEPARTMENT OF PRIVATE LAW
AHMADU BELLO UNIVERSITY,
ZARIA, NIGERIA

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A DISSERTATION SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES, AHMADU BELLO UNIVERSITY, ZARIA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF MASTER OF LAW DEGREE – LLM LAW

DEPARTMENT OF PRIVATE LAW
AHMADU BELLO UNIVERSITY,
ZARIA, NIGERIA

JANUARY, 2017.

DECLARATION

I declare that the work in this project entitled "**ETHNO-RELIGIOUS CONFLICTS AND THE INTERNALLY DISPLACED PERSONS: AN AGITATION FOR LEGAL FRAMEWORK: A CASE STUDY OF KADUNA STATE"** has been carried out by me in the Department of Private Law. The information derived from the literature has been duly acknowledged in the text and a list of references provided. No part of this project was previously presented for another degree or diploma at this or any other institution.

Falalu Sarki Sambo _____ _____

Signature **Date**

CERTIFICATION

This dissertation entitled "**ETHNO-RELIGIOUS CONFLICTS AND THE INTERNALLY DISPLACED PERSONS: AN AGITATION FOR LEGAL FRAMEWORK: A CASE STUDY OF KADUNA STATE**" by Falalu Sarki SAMBO meets the regulations governing the award of the degree of Master of Laws - LLM of the Ahmadu Bello University and is approved for its contribution to knowledge and literary presentation.

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PROF. K. BALA	**Signature**	**Date**

DEDICATION

This work is dedicated to the Almighty Allah who has given me the opportunity to undergo this programme and special dedication goes to my family, friends and well-wishers.

Special dedication goes to my lovely Children; Fatima, Bara'atu and Uncle Mukhtar Falalu Sarki Sambo whose academic excellence I cherish and adore. My wife Mrs. Fatima Usman for enduring my numerous absence.

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It is a well-known fact that research of this nature cannot be done in isolation of others who were dependent upon for their contribution to make it a reality.

It is not possible to mention all names but, I would like to start thanking my supervisors, Professor Yusuf Aboki, Professor M.N JAMO, Dr. A.M. Madaki and Dr. A.I. BAPPA who sufficiently guided my work. I would like to appreciate all of them for painstakingly making detailed corrections and suggestions that immensely improved my work. My supervisors apart, I am equally grateful to other members of the Faculty of Law of Ahmadu Bello University, who showed interest in my work, taking time to attend my seminars and discussing my papers, among them is Professor K.S CHUKKOL and Professor Y. Y. Bambale.

I am equally indebted to Judith Simon and Rose Solomon. I am also indebted to Joseph Ukpanya for proof reading and correcting my manuscript.

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TABLE OF STATUTES

	Pg
Constitution of the Federal of Nigeria 1999	25,28,44,46,64,65,68
Kampala Convention of 23rd October, 2009.	30,31,32,37,59
Section 2 of the Introduction to the Guiding Principles on Internal Displacement, 2009	28
Principle 1(a) of the guiding principles, 2004	28
Clause 1(3) (b)	28,29
Section 46 CFRN	29
Principle 1(a)	
Clause 1(2) (b) guiding principle 2009	30
Principle 3(1)	
Principle 5(1)	33
Principle 1(i)	29
Article XXII: (3) (4)	
Section 18 CFRN 1999	65
Section 10 CFRN 1999	29
Section 33 CFRN 1999	29
Section 34 CFRN 1999	29
Section 35 CFRN 1999	29
Section 36 CFRN 1999	29
Section 37 CFRN 1999	29
Section 38 CFRN 1999	29
Section 39 CFRN 1999	29
Section 40 CFRN 1999	29
Section41 CFRN 1999	29

Section 42 CFRN 1999 29,65

Section43 CFRN 1999 29,65

Section 44 CFRN 1999 29

Section 16 CFRN 1999 29

Section 13 CFRN 1999 65

Section 2 (B) 58

Section 17 and18 of the C.F.R.N, 1999 67

Section 15 (1) (3) and Section 16, 18 and 20 30

Section 34 of the laws of the Federation (LFN) 2005 65

Section 46 (d) (6) CFRN 29

Section 6 (2) (e), (f), (g), (j) and (m) of Sub Section (1) 29

Section 25 of the proposed Bill to amend the NEMA Establishment at 1999 56

Provided in Section II of the principles Kampala Convention of October, 2009 35

Principle 6 (1) of the guiding principles 33

Principle 28 34

Principle 29 33

Principle 5 on internal displacement 33

Principle 7 (enforcement by competent legal authority) 34

Principle 11 and 12(1) on internal displacement 35,62

Principle 11 (2) (a) on internal displacement 36

Principle 23 36

Principle 29 and 30 37

Principle 12 36

LIST OF ABBREVIATION

(ERC)	--	--	--	Ethno-Religious Conflicts
(IDPs)	--	--	--	Internally Displaced Persons
(UNO)	--	--	--	United Nations organizations
(CFRN)	--	--	--	Constitution of the Federal Republic of Nigeria
(UNGP)	--	--	--	United Nations Guiding Principles
(JNI)	--	--	--	Jama'atul Nasril Islam
(CAN)	--	--	--	Christian Association of Nigeria
(INEC)	--	--	--	Independent National Electoral Commission
(PDP)	--	--	--	Peoples Democratic Party
(NEMA)	--	--	--	National Emergency Management Agency
(SEMA)	--	--	--	State Emergency Management Agency
(NGO)	--	--	--	Non-Governmental Organization
(NPF)	--	--	--	Nigerian Police Force
(NAF)	--	--	--	Nigerian Air Force
(SSS)	--	--	--	State Security Service
(SGBV)	--	--	--	Sexual Gender Base Violence
(LFN)	--	--	--	Laws of the Federation of Nigeria
(NCR)	--	--	--	National Commission for Refugees
(OAU)	--	--	--	Organization of African Unity
(IDMC)	--	--	--	International Displacement MonitoringCommittee
(IBID)	--	--	--	Same Citation with the one Fully Cited Above
(INFRA)	--	--	--	Discussed Elsewhere after this
(OPCIT)	--	--	--	Opposite Cited
(SUPRA)	--	--	--	Cited elsewhere between this

ABSTRACT

Nigeria as an Independent state with different ethnic and religious groups over the years experienced a number of ethno-religious conflicts which have claimed lives and properties. The consequence of this is the displacement of many inhabitants which are referred to as Internally Displaced Persons (IDP's). The affected persons are denied certain constitutional rights as enshrined in the Constitution of the Federal republic of Nigeria 1999 (as amended) and other international legal instruments which are aim at protecting their rights. It is to this extent that this work examined the causes of ethno-religious conflicts vis-à-vis the laws that seeks to protect the rights of victims of such conflicts. The study also examined the role of Government and Non-governmental agencies in the protection of the rights of victims of ethno-religious conflict whether such role is moral or legal? Data were collected through questionnaire and interviews and later the data were analyzed. The findings are that in Nigeria today there is no certained law dealing with the problem of internally displaced persons. Our recommendation is that with the foundation laid down by the Kampala convention and the general principles of issues relating to IDP's, the stage is set for Nigeria to hasten the process of enacting its laws or adopting the kampala convention as a national law.

TABLE OF CONTENTS

Title Page: - - - - - - - - - i

Declaration: - - - - - - - - - ii

Certification: - - - - - - - - - iii

Dedication: - - - - - - - - - iv

Acknowledgement: - - - - - - - - - v

List of Statutes: - - - - - - - - - vi

List of Abbreviations: - - - - - - - - - viii

Abstract: - - - - - - - - - - ix

Table of Contents: - - - - - - - - - - x

CHAPTER ONE
GENERAL INTRODUCTION

1.1 Background to the Research: - - - - - 1

1.2 Statement of the Research Problems and Questions: - - - 3

1.3 Aims and Objectives: - - - - - - - - 4

1.4 Justification of the Research: - - - - - - - 5

1.5 Scope of the Study: - - - - - - - - 5

1.6 Research Methodology: - - - - - - - - 5

1.7 Literature Review: - - - - - - - - 6

1.8 Organizational Layout: - - - - - - - 9

CHAPTER TWO
DISCOURSE ON ETHNO-RELIGIOUSCONFLICTS IN KADUNA STATE

2.1 Introduction: - - - - - - - - - 11

2.2 Causes of Ethno-Religious Crises in Kaduna State: - - - 16

2.2.1 Political Factor: - - - - - - - - 17

2.2.2 Economic Factors: - - - - - - - - 17

2.2.3 Social Factors:- - - - - - - 18

2.2.4 Failure of Leadership: - - - - - - - 19

2.2.5 Insincerity on the part of Governments: - - - - 20

2.2.6 Religious Factor as a source of Ethno-Religious conflict: - - 20

2.2.7 The Media: - - - - - - - - 20

2.3 Consequences of Ethno-Religious Crises: - - - - 21

2.3.1 Mass Killings and Destruction of Economic Activities - - 21

2.3.2 Displacement of Populations and its associated problems - - 21

2.4 Impact of Internal Displacement on IDPs in Nigeria - - - 22

CHAPTER THREE
ASSESMENT OF INTERNALLY DISPLACED PERSONS IN KADUNA STATE

3.1 Introduction: - - - - - - - - 25

3.2 Meaning of Internally Displaced Persons (IDP's): - - - 26

3.2.1 The Status of the IDP's "Definition":- - - - - 27

3.2.2 Why are IDPs Particularly Vulnerable: - - - - 28

3.3 Protection of Internally Displaced Persons: - - - - 29

3.3.1 Constitutional Guarantee of Human Rights in Nigeria as it Affects its Citizen: - - - - - - - 29

3.4 International legal Instrument (Kampala Convention) 2009- - 30

3.4.1 Rights of internally displaced persons under guiding principles - 31

3.4.2 Principles relating to protection from displacement: - - - 32

3.4.3 Principles relating to protection during displacement: - - - 33

3.4.4 Principles relating to return, resettlement and re-integration: - - 36

3.4.5 Assessment of IDP Camps in Kaduna State as at July 2012:- - 37

3.5 Violation of the Rights of Internally Displaced Persons and its Effects in Kaduna:- - - - - - - 41

3.6 Problems Associated with Internally Displaced Persons in Kaduna State- 44

3.7 Government Intervention in the Kaduna State Crisis:- - - 46

3.8 Short Comings of Kaduna State Government in the Handling of Internally Displaced Persons (IDPs):- - - - 49

CHAPTER FOUR
CONSTRAINTS IN THE IMPLEMENTATION OF MEASURES AGAINST PROBLEMS OF INTERNAL DISPLACEMENT OF PERSONS IN KADUNA STATE

4.1 Introduction: - - - - - - - - 51

4.1.1 Absence of Permanent Institutional and Legal Frameworks for IDPs in Nigeria: - - - - - - - 56

4.1.2 Lack of Political Will to Domesticate International and Regional Instruments on Internally Displaced Persons: - - 58

4.1.3 Absence of Proper Record on Internally Displaced Persons In Nigeria: - - - - - - - - 59

4.1.4 Lack of Basic Infrastructures and other necessities of Life in the Camps of IDP's: - - - - - - 61

4.2 Prospects on Protecting the Rights of Internally Displaced Persons in Nigeria: - - - - - - - 61

CHAPTER FIVE
SUMMARY, FINDINGS AND RECOMMENDATIONS

5.1 Summary: - - - - - - - - 64

5.2 Findings: - - - - - - - - 65

5.2.1 No Legal Framework for IDPs in Nigeria: - - - - - 65

5.2.2 Non Adaptation of the Kampala Convention, 2009. - - - 66

5.2.3 Lack of Institutional Body to Handle Issues of internally Displace Persons:- - - - - - - - 66

5.2.4 Non Implementation of Recommendation by the various Committees and Commissions Constituted by the Government - 66

5.2.5 Treatment of Perpetrators of Crime during Ethno-Religious Conflicts- 67

5.2.6 Lack of Prompt Response by the Kaduna State Government: - - 67

5.3 Recommendations: - - - - - - - 68

5.3.1 Effective Utilization of chapter II and IV of the constitution of the Federal Republic of Nigeria (1999) as Amended, visa vi Victims of Internal Displacement: - - - - 68

5.3.2 There is Urgent Needs for Legislation on IDPs:- - - - 68

5.3.3 Non-governmental organizations and philanthropist to Contribute to IDPs: - - - - - - - - 69

5.3.4 There is need for public enlightenment: - - - - - 69

5.3.5 Promoting a culture of religious tolerance: - - - - - 70

5.3.6 Good Governance: - - - - - - - - 70

5.3.7 Establishment of National Reconciliation Forum: - - - - 70

5.3.8 Provision of employment opportunity and establishment of poverty Eradication programs: - - - -` - - - 71

5.3.9 Funding and logistic: - - - - - - - 72

5.3.10 Close coordination among security agencies: - - - - 72

5.3.11 Restricting the flow of firearms: - - - - - 73

5.3.12 Utilization of early warning signal: - - - - - - 73

5.3.13 Ad-Hoc Judicial Commission of Inquiry should be Replaced byapermanent commission of inquiry:- - - - 74

Bibliography: - - - - - - - - 76

Questionnaire: - - - - - - - - 79

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background tothe Research

Ethnicity and religion have become powerful factors of mobilization for violence leading up to the destruction of lives and properties, displacement of whole communities and especially in Kaduna State and Nigeria as a whole.

In Kaduna State, there have been conflicts leading to loss of lives and destruction of properties at KasuwanMagani in 1980, Kaduna metropolis in 1982, Gure/Kahugu in 1986, Kafanchan in 1987, Kaduna City again in 1992, Kafanchan in 1999 and Kaduna, KachiaandBirninGwari in February 2000. Also, in 2007 at ZangonKataf Local Government and lastly the election violence of 2011in many parts of Kaduna State which have 3 religious and ethno-centric colorations. The causative factors that culminated into ethno-religious crises in Kaduna State include struggle for power, religious differences, political party disputes and economic imbalance.[1]

Other Factors Include:

(a) High level of poverty and unemployment,
(b) Government reliance on repressive measures which later erupt on a more serious scale.
(c) Government failure to promote social welfare, social security, social justice and equity.
(d) Government structure is anchored on patronage and social exclusionthrough discriminatory policies and actions resulting in mistrust and hostilities.

[1]International Crisis Group, African Report No 168- at page 10, 20^{t,h} December, 2010

(e) Poor threat analysis, ineffective and inefficient intelligence information by security agencies and relevant government officials.

(f) Lack of seriousness in the implementation of the report of panels and commission of enquiries' recommendations and their manipulation's.

In Northern Nigeria, we are faced with a more devastating situation, some communities, ethnic and religious group that have enjoyed peaceful coexistence have been pitched against one another as enemies. This enmity hasoften times degenerated to a situation where whole communities are sacked, burnt down, and property worth billions of Naira have been lost or destroyed in the process.

In Kaduna State alone, during the 1987 crisis, hundreds of lives were lost, while police assessed damage to properties at seventy-eight million, five hundred and thirty- seven thousand thirty- eight naira (₦78,537,038).[2]

On 6th February, 1992, more clashes occurred which according to official report resulted in the death of 95 persons and 252 others injured, while 133 houses and 26 farmlands were destroyed.[3] Also in May, 2000 ethno-religious crisis eventually engulfed, Kaduna, Zaria, Ikara and ZangonKataf local governments. According to official report 471 persons were killed, 518 persons were injured and 229 houses and 218 vehicles were destroyed.[4]

In 1999 and 2000 violence erupted as a result of introduction of Sharia in ZamfaraState. Followed by Kaduna State, fighting lasted for four days in the State with death of about

[2] Okoye F., "The Impact of Religious and Ethnic Conflicts on Women and Children in Northern Nigeria". : Publication Human Rights monitor (2000)
[3]New Nigeria news paper 20th July, 1992 at page 10
A. R. I. Doi, Lslam in Nigeria (Zaira, Nigeria: Gaskiya Corporation, 1964), 210
[4]Police investigation Report on Kaduna Sharia Religious Crisis of February 2000

1,800 people and about 5,100 people were injured.[5]

Recurrent incidences in ethno-religious violence have taken a severe toll in the region especially in Kaduna State. All the conflicts have led to significant population displacement affecting children, women and the aged. Also, properties worth more than N40b(forty billionnaira) were destroyed.

Furthermore, in 2011, there was incidence of ethno-religious violence which permeates the political scene in Nigeria; this resulted in the loss of lives which mostly affected children, women and the aged. Similarly, places of worship, homes, schools and even hospitals were destroyed.[6]

Also the incessant insurgency by the group called Jama'ataulSunnahWal-Jama'aa.k.aBoko Haram (Western Education is illegal or prohibited) devastated the Northeastern part of the country i.eBorno, Yobe, Adamawa, Gombe and Bauchi States. Many more other states such as Kaduna, Kano, and Abuja were not left out in the attacks which had claimed the lives of many people and their properties.

This research work, intends to confront the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violation of their rights and other traumatic events, but who,however,remain within the borders of their own countries. Often, they suffer from severe deprivation, hardship and discrimination.

1.2 Statement of the Research Problems and Questions

Ethno-religious Conflicts in this country have many consequences. One of such consequences is the displacement of persons normally called Internally Displaced Persons

[5] international Crisis Group: "Northern Nigeria: Background to Conflict", Africa Report No 168-20 December 2010
[6]Ibid

(IDP). The problem which the IDPs suffer from deprivation of their rights as contained in the 1999 Constitution of the Federal Republic of Nigeria. Example of such deprivation of rights include deprivation of shelter such as accommodation, denial of socialization with the hosts of communities, denial of access to basic needs such as medical treatment, schooling or education. In agriculturalist community, denial include the denial to farmland, in many occasion, the host communities do not accept and embrace the displaced persons whole heartedly thereby reserving some rights against the IDP's.

This research work, intends to examine the following questions as it affects ethno-religious conflicts which bring about destruction of lives, properties and displacement of people within their geographical locations.

i. What are the factors that give rise to frequent ethno-religious conflicts in Kaduna State?
ii. What are the legal frameworks provided by our domestic laws and international laws to alleviate the difficulties faced by the Internally Displaced Persons and whether such laws are being implemented?
iii. What are the constraints against protection of internally displaced persons?

1.3 Aims and Objectives

The objective of this work is to critically examine the effect of ethno-religious conflicts on internally displaced persons in Kaduna State.

i. Factors that give rise to ethno-religious conflict in Kaduna State.

ii. To identify the problems associated with internally displaced persons affected by ethno-religious conflicts.

iii. To identify the legal and institutional problems associated with internal displacement.

iv. To proffer solutions with regards to better handling of internally displaced persons affected by ethno-religious conflicts

1.4 Justification of the Research

The bedrock of human existence is good health, peace and tranquility i.e. absence of societal destructive elements such as war, natural disaster, flood, earthquake and hostilitiesetc. In the absence of this peace, life becomes difficult andwhen there is ethno-religious dispute, people are displaced. In societal quest to entrench peace, strict adherence to human rights and humanitarian law must be resorted to. This unwholesome atmospheres which affects the Internally Displaced Persons prompted this research as it will be useful to the Internally Displaced Persons, Social Workers, Non-governmental Organizations, Government Agencies such as National Emergency Management Agency, State Emergency Agency, Legislators and Academics etc.

1.5 Scope of the Study

As the title of the research suggests, the research is limited to the study and examination of human rights, humanitarian law and the guiding principles governing the rights of internally displaced persons.

All these laws will be discussed in relation to the victims of ethno-religious conflicts in Kaduna State of Nigeria. In other words, the geographical location or coverage of this research work is Kaduna State.

1.6 Research Methodology

The research methodology is doctrinal and empirical.Thus primary sources consisting of treaty, convention, protocol, case lawse.t.c. and secondary sources; (textbooks, journals, the internet, newspapers, library archives, e.t.c.) and interview and questionnaires will be consulted in this research.

1.7 Literature Review

Many literary texts exist on the subject matter of this research. However, much of the texts concentrated on the historical, sociological or political; and not having legal flavor. This work will look at it from the legal perspective. Even though, the subject of the research deals with causes of ethno-religious conflicts. Therefore, both legal text as well as literary contributions from other disciplines will be implored for the overall benefit of the research.

Ayua's work[7] articulated the need for a vibrant constitutional framework crafted to take consideration of the heterogeneous nature of Nigerian society for the purpose of fostering unity and integration. This work is useful to the researcher as it provides legal bases for the assessment of the need for constitutional reform to address issues that will bring about peaceful co-existence.

This work has not touched on the issue of internal displacement of persons from any conflicts nor does it seeks to address their plight in the legal perspectives but rather calls for constitutional amendment in order to strengthening the unity of Nigeria as one indivisible country.

[7]Prof. Ayu, I.A. Nationalism. Ethnic Identity and Conflicts Management A Collection of NIAIS Journal (2000)

The book of Alubo[8] provided this research with invaluable literature on the Tiv-Jukun ethnic conflict. But being essentially a sociological and historical book, the legal dimension of ethno-religious conflicts as it affects internally displaced persons is left out by Alubo's book.

Maxwell's[9] in his work, espouse the ways through which government can harness the political will to enforce the provisions of the constitution on fundamental human right to victims of ethnic conflicts but fail to address the issue of internally displaced persons as accorded by the international humanitarian law. This work provides the researcher with valuable legal framework to be used in line with the Nigerian constitution and other international legal instruments.

Ademola's[10] work, deals extensively on the various categories and identity of conflict and the factors responsible for ethnic conflicts in Nigeria. This legal work opens a window to possible causes of conflicts which are of much use to this thesis.

Kukah's book[11] dealt with three conflicts, namely the Maitatsine religious conflict, the 1982 Kano ethno-religious conflict and the 1987 Kafanchan ethno-religious conflicts. But like Alubo's book, Kukah's book being a political and historical book did not address the legal issues that prompted this research.

Lubeck,[12] x-rayed the religious, economic and political causes of the Maitatsine conflicts leaving untouched the critical legal issues raised by this work in its statement of the problem.

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[8] Alubo, Ethnic Conflicts and Citizenship crises in the central region of Nigeria. PEFS, Universityof Ibadan (2006)

[9]Maxwell, Ethnic Conflicts and Human Rights Ativism in Nigeria. Being a Lecture Delivered to Graduating Students, NIALS Lagos, Sept. (2003) page10

[10]**Ademola, Ethnic Conflict and National Security. NIALS Lagos, Lecture Series (2003) page 20**

[11]Kukah M., Religion Politics and Power in Northern Nigeria.Spectrum Ibadan (1993) page 187-189

[12]Luback. Islamic Protest under Semi Industrialized Capitalism: The Yantatsine Explained. Africa Publishers Lagos (1985).

Yusuf's paper[13]this dissertation with anthropological root causes of ethno-religious conflicts in theMiddle Belt Region of Nigeria which, given a firsthand account and arguments of the indigene-settler problem which later metamorphose ethno-religious conflicts with its attendance consequences on the Nigerian States.

Imobighe,[14] examined the nature and character of ethnic conflicts in Nigeria and why the phenomenon is on the ascent and blames the Nigerian state for the rise in ethnic conflicts by its failure to deal with the perpetrators of violence during ethnic conflicts. In this regard, this work addresses the concern of this work on why ethno-religious conflicts happen in Nigeria. However, Imobighe's book deals with the problem in a non-legal manner, while this thesis seeks to deal with it in a legal manner.

Adarawa's,[15] offered comprehensive work on the Plateau crises including atrocities committed during the crises. In this regard it furnished this research with the horrendous character of ethno-religious conflicts with its resultant effect. This work fail to examine the effect of institutions. Leading internal displacement of mass-population of people thereby forgotten those rights to be protected under our own laws and those provided by the international legal provisions.

Falana's work[16] provided this thesis with legal authorities on the justifiability of Fundamental Objectives and Principles Directing State Policy. Justiciable fundamental objectives no doubt forces government to implement these objectives thereby helping to prevent or mitigate ethno-religious conflicts that are generated by ignorance and poverty.

The various reports of judicial commissions of inquiry set up by government to

[13]Usman Yusuf. Violent Conflicts: Communal Conflicts in Central Nigeria, Upland and Middle Benue Basin in Historical Perspective. A paper presented at the National Conference on Conflicts resolution in the Central States of Nigeria, NIPSS, Kuru, Plateau State

[14] Imobighe, T. Civil Society and Ethnic conflict Management in Nigeria, Spectrum Ibadan (2006)

[15] Adarawa M, Plateau State. Christian Association of Nigeria (CAN), People's Democratic Party (PDP) and Attemp: to Cover-up the Jos Ethnic Cleansing.. Challenge Publication, Jos (2005)

[16] Falana, F. Enforcement of Fundamental Human Rights, Maithous, Lagos, (2002)

investigate ethno-religious conflicts in the country, such as the Report of the Committee Appointed to Investigate the 1987 Kafanchan Ethno-Religious Conflicts and the white paper on the report of the Judicial Commission of Inquiry into the Post-Presidential Election Disturbances in Kaduna State, among other reports have also provided this research with a lot of valuable materials. The problems attached to the various commissions of enquiry reports are that they have not been implemented and also they did not address the issue of displacement of the victims of the various crisis.

The work of Abdu[17] provided this research with the sociological and anthropological angle of ethno-religious conflicts without delving into the legal implications on the affect persons (IDPs)

Also, the work of Okpanachi's,[18] provided this research with the identical problems associated with the two adherent of religion (Islam and Christianity). This research has gone beyond the political, social-economical and religious factors.

From the above review, it is notable that a lot of literature has been written on ethno-religious conflicts as a subject by lawyers, historians, political scientists and sociologists. However, there is still need for further research, particularly in the legal domain, to enrich the existing literatures on the subject. This work attempts to fill this gap by clinically examining the ethno-religious conflicts and the internally displaced persons.An Agitation for legal framework. A case study of Kaduna State, which is often most affected with ethno-religious conflicts which in turn brings about internal displacement of people.

[17]Hussaini Abdu, "urban dynamics, ethno-religious crises and youth violence in Kaduna, department of political science and defence studies, Nigerian defence Academy.
[18] Eyene Okpanachi, on "ethno-regious identity and conflicts in Northern Nigeria: understanding the dynamics of Shari'a in Kaduna and Kebbi States" department of political science, University of Ibadan, Nigeria.

1.8 Organizational Layout

This research organizational structure was constituted by five principal chapters. Chapter one deals with the general background to the research work. It starts with the general introduction of the work, statement of the problem, scope of the research, and the Justification of the research. It consists of the review of existing literatures, research methods adopted and the organizational plan of the thesis.Chapter two provides the conceptual discourse on ethno-religious conflicts in Kaduna State, its causes and negative impacts on the socio political and economic angle of the state and also roles of government intervention in the crises with a view to avert its re-occurrence.Chapter three discusses the legal framework for the protection of the rights of the internally displaced persons (IDP's) under the Constitution of the Federal Republic of Nigeria (1999) (as amended) and international legal instruments.Chapter four discusses the constraints in the implementation of measures against problems of IDP's in Kaduna State.Chapter five provides summary, findings and recommendations.

CHAPTER TWO

HISTORICAL BACKGROUND OF ETHNO-RELIGIOUS CONFLICTS IN KADUNA STATE

2.1 Introduction

Kaduna State is one of the largest cities in Northern Nigeria. While the north of Nigeria is predominantly Muslim (Hausa/Fulani ethnic groups), the city of Kaduna and Kaduna State have a significant population of Christians. According to some estimates, close to 40% of the population of the city Kaduna may be made up of Christians.[1] In addition to religious diversity, there are up to fifty ethnic groups based mostly in the south of the state with spatial Muslims population sometimes referred to as the Southern Kaduna minority ethnic groups,whereasMuslims (Hausa-Fulani)mainly occupy the northern part of the state backed by a strong traditional kingship of Zazzau Emirate, a part of the Sokoto Caliphate.[2] Islam provided the ideological foundation for the emirate system. Different forms of animist worship had, at least until recent times, dominated the non-Muslim populations. Regarded as non-believers by the emirate population, they became particularly receptive to Christian conversion and education. Thus, historically, the leadership of these smaller groups has been dominated by missionary-educated elites, many of whom have also been employed as pastors or lay teachers.[3] Today, these ethnic minority elites are occupying a leading position in the Christian Association of Nigeria (CAN), which has persistently attacked the hegemony of Muslim Hausa-Fulani elites in the State in particular and in the north as a whole.

[1] K. Maier, "Northern Exposure: Northern Nigerian states adopt Sharia", *The New Republic,* 223, no. 7 (14 August 2000).
[2] Falola, The History of Nigeria, Westport, Greenwood Publishing Group, 1999.
[3] Kukah M.H. Religious Politics and Power in Northern Nigeria Published by Spectrum Books Limited, (1993). P 1 at 5.

The political, cultural and religious cleavages are reinforced by an economics imbalance. The southern districts are relatively less developed than the northern sections. Moreover, even within the Southern area, socio-economic opportunities and infrastructure improvements have tended to be concentrated in areas or enclaves inhabited by Hausa settlers.[4]With the wakening of days, these differences have periodically escalated into violent agitation and confrontation. In 1942, political protests developed among the Kaje ethnic group of the ZangonKatafDistrict over perceived discrimination by the native authority administration against the southern Zaria population.

Similar protests took place in 1948 among the Kataf of the same ZangonKatafDistrict. At different times until independence, the Kataf and other related peoples in Southern Kaduna rioted in protest against oppressivefeatures of the emirate system, particularly the headship of Fulani ruling families over predominantly non-Fulani Districts.

The polarization that followed Nigeria joining the Organization of Islamic Countries (OIC) in 1986 appeared to have opened a new phase of ethno-religious conflict in Kaduna State. The Kafanchan disturbances (March 1987) started as a theological disagreement between Christian and Muslim students of the Kafanchan Teachers College. They rapidly degenerated into a fracas that spilled into the town and ignited age-old tension between politically dominant Muslim Hausa-Fulani in the town Centre and the predominantly Christian groups in the suburbs. The fiercest violence occurred in Kaduna, Katsina Cities and Funtua Town, where Muslim mobs attacked non-Muslims and their properties (mainly churches and hotels) in retaliation for the killing of Muslims and burning of mosques in Kafanchan town and according to official estimates, the crisis claimed nineteen lives and resulted in the destruction of 169 hotels, 152 churches, five

[4] Ibid, p. 74

mosques and 95 vehicles.[5]

Even more serious rioting took place during February 1992 in Zango town in the ZangonKataf Local Government Area of Kaduna state. The ZangonKataf Local Government Council, chaired by a Kataf, JuriBabangAyok, had in January 1992 announced the impending relocation of the Zango, a weekly market from the Hausa dominated town Centre to a new site on the outskirts of the town. The Hausa community there resisted, claiming that the new site was part of the Muslim annual *Eid* praying ground and that the relocation was designed to hurt its economic position. It obtained a court injunction, with accompanying police protection, restraining the relocation. The dispute escalated, on 6 February, into clashes that, according to official estimates, left 95 persons (mostly Hausa) dead, 252 others injured and 133 houses and 26 farmlands destroyed.[6]

The Kaduna State Government appointed Justice RahilaCudjoe(the then Chief Judge of the State)to head a commission of inquiry into the violence. It had barely concluded its public sittings when a new wave of rioting broke out in the town in May, 1992. The rioting and tit-for-tat attacksbetween the Christian and Muslim communities eventually engulfed Kaduna, Zaria and Ikara Local Governments Areas. Factors mainly responsible for the escalation of the violence were reports and rumors of killing of Hausa Muslims by non-Muslims in ZangonKataf and emotions evoked among Kaduna Muslims by the sight of dead and severely injured Hausa Muslim conveyed into Kaduna City from ZangonKataf Local Government Area.

The second factor was the inability of the Kaduna State Government to dispatch security personnel to the affected areas. In this incidence 471 persons were officially confirmed

[5] The report of the Committee for Reconciliation constituted by the KDSG March, 1995.
[6] New Nigerian news paper, of 20th July, 1992 at page 22

killed in the May, 1992 disturbances, with 250 and 188 of these deaths in Kaduna city and ZangonKataf respectively. According to police sources, 518 persons were injured, 229 houses and 218 vehicles were destroyed.[7]

In the year 2000, Kaduna State was hit by even more destructive Muslim-Christian violence. Following Zamfara State's declaration of Sharia compliance, Muslim leaders began a campaign for a similar restoration for Sharia in some States. Christian Association of Nigeria (CAN), Northern Minority Groups and Southern Immigrants countered the introduction of Islamic Criminal Law in Kaduna as inappropriate, as the state had a multi-religious and cosmopolitan composition, unlike Zamfara State, which was more predominantly Muslims. Christians saw the campaign as an attempt to advance Islamic influence beyond the States with clear Muslim predominance and to restore Hausa-Fulani supremacy.The Christian Association of Nigeria (CAN) sees the implementation of Shariah Criminal Law as an adoption of Islam as a State Religion which is in contravention of Section 10 of the 1999 constitution of the Federal Republic of Nigeria," that provides the Government of the Federation or of a State shall not adopt any religion as a State religion". This had to be resisted, and fought by the adherents of Islamic Religious.

In December 1999, the Kaduna State House of Assembly formed an eleven- member committee to examine the applicability of Sharia Criminal Law. This divided the state along religious lines.[8]This is to enable the implementation of the Shariah in the State. On the sidelines,Jama'atulNasrulIslam (JNI) and the Christian Association of Nigeria (CAN)organized separate public conferences that, rather than foster dialogue and a search

[7] Crises Group interview, Secretary General, CAN Kaduna Branch, Kaduna, July, 2009.
[8] Osaghae and suberu, op. cit, p. 134

for common ground, led to a hardening of positions.[9] In the absence of an effective institutional mediation mechanism for reconciling these positions, it seemed clear that the controversy could degenerate to violence.

On 21st February, 2000, CAN organized a procession to the Governor's Office to protest against "the planned introduction of Sharia in the State".[10] The procession led to clashes between the Christian and the Muslims which rapidly degenerated into violence in all parts of Kaduna.[11] Fighting lasted for four days, with the dead and the injured estimated between 1,800 and 5,000.[12] While a Government Commission of enquiry was constituted to investigate the first riot, another major clash broke out from 22nd to 24th May, 2000.

Recurrent incidents of ethno-religious violence have taken a severe toll in the State. For instance, after the Sharia riot in Kaduna in theyear2000, the Fact-Finding Panel set up by the State Government put the material loss at more than ₦40 billion (about $266 million). All the conflicts have led to significant population displacements. After the 2000 Sharia riots, for instance, many fled the city for good, resettling in towns such as Abuja, Kano, Jigawa, Minna and Jos. While some Southerners and Easterners left for their places and neverreturned.

In Kaduna city, particularly, these conflicts have redrawn the ethno-religious demography. A climate of fear has forced Muslims, mostly the Hausa-Fulani who resided in Narayi, Sabon-Tasha, Barnawa, UngwarPama, UngwarRomi and other Christian- dominated areas to move to the predominantly Muslim Tudun-Wada area, Similarly, Christians in Muslim-dominated areas, including over 10,000 Igbo

[9] Abdu H and Umar L, hope Betrayed: A Report on Impunity and State-Sponsor violence in Nigeria, Worid organization against Torture (Brussels, 2002)

[10] lbid. Kaduna

[11] Majer . K "Northern Exposure: Northern Nigeria States adopt Sharia", The New Republic, vol. 223, no. 7 (14 August 2000).

[12] Shehusani, The Killing Fields, op. cit, p. 108; Women Advocate, September 2000, p. 16; the news, Lagos, 5 june 2000

entrepreneurs, largely moved to the southern part of the city, which is named "New Jerusalem".[13] Many who fled the state during the Sharia crisis returned, but they are also massed in the southern parts of the city. Others who would have liked to return to where they lived before the year 2000 could not because they sold their properties.[14] Ten years after the Sharia riots, the segregated settlement remains largely unchanged.

Though relative peace exists currently, due to the collective efforts of the state government, religious bodies and NGOs[15] such as the Jama'atul Nasril Islam, Christian Association of Nigeria CAN, Nigerian Women in Da'awah and Dangote Foundation etc.[16] the division caused by the Sharia crisis persists. Social relations once relatively cordial among the ethnic and religious groups, remain tense. Many Muslims avoid Christian-dominated areas and vice versa, for fear of sudden violence.[17] The atmosphere in Kaduna is particularly tense whenever there is a report of violence in another northern state.

In the year 2011 after the Independent National Electoral Commission (INEC) had declared Dr. GoodluckEbele Jonathan as a winner of the presidential election under the platform of the People's Democratic Party (PDP) as against Gen. Muhammadu Buhari (Rtd) of Congress for Progressive Change (CPC), this led to another political violence which claimed lives and properties worth billions of naira and the displacement of mass population. This was because people took laws into their hands to protest what they felt was unjustly pronounced by INEC.

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[13] Crisis Group interviews, journalist, Kaduna, June 2009; head of the Yoruba community, Kaduna, June 2009.
[1435] Crises Group interviews, journalist, Kaduna, June 2009; head of the Yoruba community, Kaduna, June 2009. (see also Femi Adi, "Kaduna City", The NEWS. Lagos 15th March, 2010.
[15] Crises Group interview, media operator, Kaduna July, 2009.
[16] Crises Group interviews, media operator, Kaduna, July 2009; senior traditional leader, Kaduna State, June, 2009.
[17] Crises Group interview, media operator, Kaduna, July 2009

2.2 Causes of Ethno-Religious Crises in Kaduna State

No claim is being made to identifying cause or causes of ethno-religious conflicts whether proximate, direct or remote but we can at least itemize conflict influencing factors as follows:

2.2.1 Political Factor

Where religion is held very seriously by a society, it affects the State and Polity. Mostly, the absence of any conceptual clarity on the real interpretation of the secular status of the Nigeria society led to competition by both Islam and Christianity.

Perhaps, the most insidious of the conflict influencing factors is the role of political operators who invoke ethnicity, religious mobilization, and manipulation of the uneducated people to gain politicalrelevance, indeed most of the ethno-religious conflicts can be traced to thiscause.

A crisis adversely affects political stability. Within the context of this study, political stability means the ability of a political system to maintain equilibrium. It also connotes the ability of a government to retain legitimacy, and carry out its normal functions while retaining the support of the people within a stable range.[18] The prevalence of crises in Kaduna State and the breakdown of law and order which occurred during the period, and by extension the power of the authority and democratic order, reflect policy failures by the Local Government Areas and sometimes by even the state government. The situation also reflects the ineffectiveness of measures put in place by the Kaduna State government to curb the occurrences and reoccurrence of crises. Thus, the prevalence of ethnic and religious crises in Kaduna State is important source of political instability.

[18] Crises Group interviews, riot victims, Kaduna, June and July, 2009.

2.2.2 Economic Factors

Diverse claims over ownership or use of land, water, other resources both tangible and intangible interests will continue to incite conflicts between communities and ethnic groups for example the purported relocation of Zonkwa Market (ZangoKataf Local Government Area) of Kaduna Stateto a new site which is the Eid ground (prayer ground) for the Muslims, evoked clashes between the Muslims and the Christians,these led to destruction of lives and properties that resulted in the Internal Displacement of Persons from the area and to go in search of shelters elsewhere.

The atmosphere of insecurity created during and after the crises disrupted economic in the state activities by discouraging local and international investment. In fact, some foreign businessmen like the Lebanese, Philippinos and Israelis, who were non-Muslims, left Kaduna State for other states or event went back to their respective countries since the crises had religious undertones.[19]The destruction of lives, properties and infrastructure during the crises deprived the State of the use of its human and material resources as well as services. This was at the time of national economic hardship when all the states were struggling for survival. Additionally, the funds meant for development projects in the state had to be diverted to crises management thereby depriving the citizens of the basic necessities of life. The amount of money expended by Kaduna State Government and donor agencies on relief materialism the February, 2000 crises was estimated at about ₦18 million ($268,705).[20]

2.2.3 Social Factors

Generally speaking, conflict situations generate humanitarian catastrophes. In the case of Kaduna State, each of the conflict discussed has caused an incredible amount of human loss and suffering. According to the police report, very large populations in the areas

[19] Powell G.B., Contemporary Democracies, Participation, Stability and Violence (Cambridge: Harvard University Press, 1982), 13

[20] Police investigation report on Kaduna Sharia religious crises of February, 200041

affected were displaced during the incidents.[21] In this crises situation, farmlands were destroyed, markets, schools and business premises were closed down, and starvation became rampant. Hospitals and clinics were not opened to the public and the social life of the people was affected negatively. The displacement of persons resulted in separation of families and communities such that the social fabric of the society was torn apart.

Enahoro observed, that the element of risk and danger are usually present and would sometimes assume enormous proportion in a crisis situation.[22] The police and the military public relations reports of the crises confirmed cases of large number of people being psychologically affected in the various crises. The hospital where the wounded and traumatized people were admitted in Kafanchan, Kaduna and Zonkwa respectively also confirmed several cases of trauma-syndrome.[23]As we have seen disagreement over cultural, ritual and other social practices may provoke violent conflicts. Also relevant are chieftaincy matters e.g. the appointment of Hausa-Fulani as Emir of Kafanchan led to communal clashes between the acclaimed indigenes asagainst the Hausa-Fulani who are regarded as settlers.

2.2.4 Failure of Leadership

Nigeria has so far not produced a charismatic leader with the ability to put together the various ethnic and religious groups to promote national unity. No leader has demonstrated outstanding ability to lead and the capacity to inspire trust and confidence of the overall citizens for national attainment.High levels of poverty and unemployment

[21] Police investigation report on Kaduna Sharia religious crises of February, 200041
[22] Police Report and Nigerian Army Report on Kaduna State Crises Submitted to Justice Dalhatu Ja'afaru Investigation Panel, June, 2001.
[41] Police investigation report on Misappropriation of Relief Funds for the February, 2000 Kaduna Sharia/Religious Crises.
[42] Ibid Police Investigation Reports of Kaduna and Kafanchan Crises.
[43] D.O. Enahoro, "Mechanism for intra-State Crises in Africa," in Garuba CA (ed) Capacity Building for Crises Management in Africa (Abuja: National War College, 1998), 108.

from mid 1980s did no credit to the successive regimes. The conspicuous extravagant life styles of political operators can only evoke resentment and agitation on the part of the various ethnic groups at the other side of the fence.

2.2.5 Insincerity on the part of Government to Implement Recommendations made by Committees, Commissions and Panels.

Reports of Panels set up to investigate various wrong doings continue to gather dust while government looks the other way.Government is failure to pay adequate attention to early warning signals of crises and conflicts led to the recurrence and escalation of violence, also government failure to stampede corrupt official practices on the part of government officials in order to ensure equitable distribution of the wealth of the nation can only generate conflicts of different dimensions.

2.2.6 Religious Factor as a Source of Ethno-Religious Conflict

Various Islamic and Christian associations exist in the State; most of them promote peaceful co-existence with one another. However, there are a few that have a fragile relationship with others outside their sects, and are directly responsible for ethno-religious conflicts. Availability of global media has acted as a further spur to radicalization of religious ideology, such as the self-styled "Boko Haram group that surfaced in Borno State in September 2004, up to the present moment. Though, not as pronounced as the Muslim groups, there are few disgruntled Christian youthsmilitia who are said to be responsible for escalations of the ethno-religious crisis of Jos in 2001.

2.2.7 The Media

The way the media reports an ethno-religious conflict could instigate the conflict or put it out. In the Kafanchan ethno-religious conflict, it was alleged that the media reporting of the conflict escalated the crises through sensinalizations of the report of

the crises which fostered hatred inthe state.[24]

The media is referred to as the fourth realm after the executive, the legislature and the judiciary. It is, therefore, an arm of government charged with the responsibilities of educating, information and entertaining the people. If the media performs its role positively during or even before ethno-religious conflicts, the country would enjoy more peace and harmony than presently.

2.3 Consequences of Ethno-Religious Crises

Any society that is bedeviled with Ethno-Religion Conflicts, the resultant effect would be hostilities with the following consequences such as:

2.3.1 Mass Killings and Destruction of Economic Activities

The many incidence of religious-based violence since the 1980s have led to the massacre of thousands of citizens, many of these citizens were in the able bodied group and were contributing to the development of the Nigerian state. Their loss therefore represents a loss to the development of the nation. Religious riots have also had highly destructive effects on economic activities. The riots in Kaduna and Jos in 2000 and 2003 respectively resulted in extensive destruction of public infrastructure, private property and economic activities. While the Nigerian government has been promoting Plateau state as a favorable destination for local and foreign tourists, the frequent occurrence of the crisis completely eroded whatever progress that ought to have been achieved in the state and the entire country as a tourist attraction.

2.3.2 Displacement of Populations and its associated problems

[24] Police Investigation Reports of Kaduna and Kafanchan Crises

The activities of the groups engaged in religious-based violence have over the years led to the sudden and mass displacement of large population groups within the country. For instance, many inhabitants were forced to flee their homes owing to the frequent occurrence of the crisis. Such displacement of population has created serious humanitarian problems, forcing government to divert resources that would have been used to enhance economic security.

Undermining the Nation's image abroad since the 1980s, repeated incidence of religious-based violence had tended to portray the country in a very negative light before the international community. This unhealthy image not only scares away investors and tourists who would have brought in much-needed capital to the country, but also undermines the country's campaigns on such issues as hosting international sporting events and representing Africa in the United Nations Security Council.

2.4 Impact of Internal Displacement on IDPsin Kaduna State

When a violent conflict or natural disaster forces IDPs to leave their homes and their communities, most houses and properties are destroyed, looted or burnt down. Most IDPs flee to neighbouring communities that are safe, usually taking refuge in temporary shelters such as schools, public buildings and places of worship among others; having been deprived of their homes and sometimes their land and livelihoods. As a result, IDPs lack access to the necessities of life such as food, water and shelter.

While some efforts are made by humanitarian and faith-based organizations and government agencies to address some of the basic needs of IDPs, their vulnerability tends to be increased by barriers to accessing healthcare services, education, employment, economic activities and information for participation in decision-making affecting their

lives. With some IDPs camped in school buildings, education is usually disrupted for both local communities and displaced children.[25]

IDPs face challenges of insecurity and all forms of exploitation and abuse including rape, having camped in congested shelters, isolated, insecure or inhospitable areas. Displacement often separates family members from one another and children are denied access to education and Primary Health Care Services. This is distressing experience for unaccompanied children and adolescents, the elderly, the sick, the handicapped and pregnant or nursing mothers, whose particular needs (such as a nursing mother's need for privacy) are not attended to, due to the fragmented and uncoordinated nature of the various humanitarian responses to the needs of IDPs.[26]

IDPs in Kaduna State also lack access to justice, whether in relation to human rights violations (for example, discrimination on the basis of ethnicity or religion), sexual violence, and deprivation of means of livelihood by the host community.[27]

Even when the situation of most IDPs improves, durable solutions have remained out of the reach of specific groups with particular needs or vulnerabilities. These include the elderly or sick people, widows barred from recovering the property they had lived in, or members of minorities facing discrimination, marginalization and exclusion or whose livelihoods depend on a particular attachment to their areas of origin or settlement. For such groups, strategies or incentives that had encouraged others to move towards a

[25]See IDMC and NCFRop cit note 3; Alhassan and Ladan op cit note 27; Nigerian Red Cross Society op cit note 20 and further reference therein.
[26] Ibid; see also Action Aid Nigeria (2008) 'Policy brief dealing with the recurrent crises in Jos Plateau State: Policy option for conflicts transformation' 1-6.
[27] Ladan op cit note 17 at 18.

durable solution may not have been effective or accessible, and the tailored support they needed to rebuild their lives was not available.[28]

The elite have played a vital role towards the control and prevention of the crisis in Kaduna State through publications, organizing seminars workshops, conferences, jingles and staging of audio and visual dramas.This has positively impacted on the entrenchment of harmonious coexistence thereby ensuring socio-political and economic activities in the state.

[28] Ibid

CHAPTER THREE

AN ASSESMENT OF INTERNALLY DISPLACED PERSONS (IDPs) IN KADUNA STATE

3.1Introduction

Internally displaced persons are persons displaced from their homes either as a result of natural disasters or man instigated conflicts. These conflicts range from flooding, bush burning, ethno-religious and communal conflicts etc. People displaced by any of the above disasters often find themselves uprooted from their homes but remain within their home state. And also, the rights which they ought to enjoy as human beings or as citizens are not being observed. This is largely due to the absence of a legal and institutional framework on internally displaced persons in Nigeria.

Provisions for the Protection of citizens'rights under normal and abnormal circumstance as the case of the IDPs are contained in the Constitution of the Federal Republic of Nigerian 1999 (as amended), at some points becomes difficult to implement. This is because there is no specific National Legal Framework provided to facilitate the protection of these constitutional rights. Especially chapter II of the same constitution even where any of the rights is breached, they may not be in possession or may not be aware of the legal instrument to use and enforce such rights. They may find themselves abandoned with no readily available support.

In view of the above, this chapter examined the legal instrument put forward to protect the rights of Internally Displaced Persons (IDP's) especially with regards to the enforcement of their fundamental rights vis-à-vis International Legal Instrument.

3.2 Meaning of Internally Displaced Persons (IDP's)

Internally Displaced Persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.[1]

3.2.1 The Status of the IDP's "Definition"

"It is worth nothing that Internally Displaced Persons even though they are uprooted from their habitual residence though remain within their home state does not confer special legal status unlike the refugees.This is because the rights and guarantees to which internally displaced persons are entitled stem from the fact that they are human beings and citizens or habitual residents of a particular state. Those rights and guarantees emanate from the peculiar vulnerable and special needs that flow from the fact being displaced.

By locating the description of "Internally Displaced Persons" in their introductory section rather than in their main body, Guiding Principles seek to highlight the descriptive and non-legal nature of the term "internally displaced persons". Internally displaced persons need not and cannot be granted a special legal status comparable to refugee status. Rather, as human beings who are in a situation of vulnerability they are entitled to the enjoyment of all relevant guarantees of human rights and humanitarian law, including those that are of special importance to them. This does not rule out the possibility of administrative measures such as registration on the domestic level to identify those who are displaced and need special assistance. However, lack of such registration would not

[1]Mooney E., "The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern". In Refugee Survey Quarterly, Volume 24, Issue 3, 2005.

deprive internally displaced persons of their entitlements under human rights and humanitarian law".[2]

3.2.2 Why are IDPs Particularly Vulnerable?

Although all persons affected by conflict and/or human rights violations suffer, displacement from one's place of residence to another and may make the internally displaced persons particularly vulnerable. The following are some of the factors that are likely to increase the need for their protection.

i. Internally Displaced Persons may be in transit from one place to another, may be in hiding, may be forced toward unhealthy or inhospitable environments, or face other circumstances that make them especially vulnerable.

ii. The social organization of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities.

iii. Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound psychosocial distress related to displacement.

iv. Removal from sources of income and livelihood may add to physical and psychosocial vulnerability for displaced people.

v. Schooling for children and adolescents may be disrupted.

vi. Internal displacement to areas where local inhabitants are of different groups or inhospitable may increase risk to internally displaced communities; internally displaced persons may face language barriers during displacement.

vii. The condition of internally displacement may raise the suspicions of or lead to abuse

[2]Ibid

by armed combatants or other parties to conflicts.

viii. Internally displaced persons may lack identity documents essential to receiving benefits or legal recognition; in some cases, fearing persecution, displaced persons have sometimes got rid of such documents.

3.3 Protection of Internally Displaced Persons

The responsibility to protect internally displaced persons lies squarely on their home government.[3] As citizens, they retain all their rights and protection under both human rights and international humanitarian law.[4] This in essence means, the governments should accord the IDPs all the nondiscrimination. In this regard, the Guiding Principles on Internal Displacement provides:

"Internally displaced persons shall enjoy in full equality, the same rights and freedoms under 16international and domestic laws, as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced".[5]

With regard to the position of internal government on the protection of the (DPs,) it has been provided that national authorities have the responsibility and primary duty to provide protection and humanitarian assistance, especially when they live within the jurisdiction of such authorities.[6]

3.3.1 Constitutional Guarantee of Human Rights in Nigeria as it affects its Citizen

[3]See Section 2 of the Introduction to the Guiding Principles on Internal Displacement 2004.
[4]Construction of Federal Republic of Nigeria 1999
[5]Principle 1(a)
[6]Principle 3 (1) of the Guiding Principles, 2004

The Constitution of Federal Republic of Nigeria (1999) as amended has provided adequate provisions on the protection of human rights in Nigeria and are contained in chaptersIV which is subject to litigation whereas chapter II of the same constitution are mere ideals i.e. non justiciable. The sacred rights are contained in Section 33 to 45, and are as outline.

a. Right to Life[7]
b. Right to the Dignity of Human Person[8]
c. Right to personal Liberty[9]
d. Right to Fair Hearing[10]
e. Right to Private and Family Life[11]
f. Right to Freedom of Thought, Conscience and Religion[12]
g. Right to Freedom of Expression and the Press[13]
h. Right to Freedom of Assembly and Association[14]
i. Right to Freedom from Discrimination[15]
j. Right to Acquisition and Ownership of Immovable of Property[16]

[7] Section 40 CFRN 1999
[8]Section 41 CFRN 1999
[9]Section 42 CFRN 1999
[10]Section 43 CFRN 1999
[11] See the Preamble to the Guiding Principles, 2004
[12] Clause 1 (3) (b) of the Guiding Principles, 2004
[13] Principle 1 (i) of the Guiding Principles, 2004
[14]Ibid
[15] Opcit at p. 48
[16] Ibid

k. Right Against Compulsory Acquisition of Property[17]

The above rights are guaranteed and protected by the Constitution of the Federal Republic of Nigeria (1999) as amended,but those contain in chapter II of the same Constitution (Fundamental Objectives and Directive Principles of State Policy). Particularly, section 15 (1) (3), 16, 18, and 20 which mostly affects people either in a normal or in conflicts times, are not justiciable.

3.4 International Legal Instrument (Kampala Convention) 2009

The legal working documents, which entered into force in December, 2012, contains provisions for protection of internally displaced persons all over the world; itis the Guiding Principles on Internal Displacement which addresses the specific needs of the IDPs as identified. This rights and guarantees seek to provide protection from displacement, during displacement and during returned resettlement and reintegration.[18] The Legal Documents provide guidance to states faced with the phenomenon of internal displacement,[19]and protection of the rights whether displaced or not displaced.[20]

According to the United Nations, internally displaced persons (IDPs) are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or- natural or human-made disasters, and who have not crossed an internationally recognized State border.[21].

[17] Ibid
[18] Clause 1 (2) (b) of the Guiding Principles, 2009

[20] Principle 1 (i) of the Guiding Principles, 2009
[21] Provided in Section II of the principles Kampala Convention of October, 2009

The flight described in the definition is internal, national authorities are responsible for providing protection to people displaced in their own countries. However, over time the humanitarian community has come to recognize that IDPs "are often in need of special protection, not least because the government responsible for protecting them is sometimes unwilling or unable to do so, or may itself be the cause of displacement.

The existence internally displaced persons (IDPs) is often seen as an indicator of the spread and intensity of armed conflict. Facilitating their return home is often a key goal of peace processes. IDPs are vulnerable economically, socially, psychologically and politically. Uprooted from their homes, having lost access to their accustomed livelihoods, resented by their hosts and often viewed as a burden or as opponents by governments responsible for their protection, they may be unable or unwilling to speak out when they are denied their rights and face dependence on their neighbours and on the international community. However, they also bring with them resilience, skills and determination to survive, and often constitute an asset to their new environment. Exposure to new lifestyles can in turn offer refugees and IDPs resources that will prove valuable to them when they return home and that will enable them to contribute towards stabilizing their home environment.

3.4.1 Rights of Internally Displaced Persons under the Guiding Principles

The Guiding Principles provide certain rights that will ensure protection to the IDPs, which will also enable them to have a sense of belonging.

The Principles provide for three different sets of protection as follows:

Principles relating to protection from displacementPrinciples relating to protection during

displacement[22]

Principles relating tohumanitarian assistance[23]

Principles relating to return, resettlement and reintegration

3.4.2 Principles relating to protection from displacement.

Internally displaced persons are generally vulnerable. This makes their need for protection paramount and as Ladan puts it;

Internally displaced persons are fugitives in their own country who, more often than not, find their rights and interests unrecognized and unprotected. Recent examples from Africa And the former Yugoslavia Show that relevant government authorities are indeed unable and or unwilling to respond adequately to the needs of IDPs and as a result, are increasingly appealing to international community for assistance.[24]

The vulnerability of the IDPs to many risks,make their protection a priority and also a herculean task. In this regard the Guiding principles on internal displacement first made a prohibition against displacement.[25]This is perhaps in view of the fact that the right of persons would be better protected and secured when they remain in their homes. The prohibition under the principles is against all forms of displacements. This prohibition is directed largely, against displacement facilitated by ethnic cleansing, altering the ethnic, religious or racial composition of the affected population.[26] The story is the same even for the purpose of large scale development projects which are not justified by compelling and overriding public interest.[27] Even in situation of natural disaster, displacement is only

[22] Provided in Section II of the principles Kampala Convention of October, 2009
[23] Provided in Section II of the principles Kampala Convention of October, 2009
[24] Ibid
[25] Ibid
[26] Ibid
[27] Provided in Section II of the principles Kampala Convention of October, 2009

allowed where the safety and health of those affected require that they must be evacuated.[28]

What can be deduced from the above is that displacement itself is not encouraged; it is in fact categorically, prohibited, unless where it becomes absolutely necessary. Where however, displacement becomes a necessary evil, the principles provide that, "Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement all together, where no alternative exist, all measures shall be taken to minimize displacement and its adverse effect".[29]

By the above provision, even where displacement becomes necessary, it is imperative for the authorities to provide an alternative settlement to the displaced. Therefore, a situation where IDPs are left in temporary camps for a very long period of time is completely against the intent and purpose of the guiding principles. It is in fact, the case with victims of the 2011 post-election violence in Kaduna State where in the IDPs in Mando Hajj Camp stayed for more than 3 year, with no decent accommodation or other basic necessities of life.

The right to live is undoubtedly, paramount to all human beings. In view of this, the Guiding Principles provide that displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.[30]This is a perfect confirmation of the assertion earlier made in this research that IDPs enjoy rights that are enjoyed by all other citizens. The only problem is that people not under any form of displacement tend to pursue the enforcement of their rights more aggressively, when they

[28] Ibid
[29] Principle 5 (1) if the Guiding Principles
[30] Principle 6 (1) if the Guiding Principles

are violated, as against the displaced, who are more concerned with issues of survival.

3.4.3 Principles relating to protection during displacement

The first set of protection discussed above relates to protection or right guaranteed not to be displaced. The category of protection guaranteed in this second phase, refers to protection of the rights of the IDPs during the period of displacement. This kind of protection is provided under article III of the Guiding Principles on Internal Displacement.

The types of protection guaranteed under this part are numerous, but for the purpose of this research, only a few of them considered fundamental and central to this paper would be discussed. This is because they are the kinds of protection that are mostly considered to be either absent or at the least, insufficient in the camps where the IDPs are kept.

One thing worthy of note is that, the Guiding Principles provide that every human being has the right to dignity as well as physical, mental and moral integrity.[31]The Principles further provide:

(a) Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against.

(b) Rape, mutilation , torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity such as acts of gender specific violence, forced prostitution and any form of indecent assault.[32]

The fact that someone lacks a good shelter such as the one being experienced in concentration camps where the IDPs are kept, is enough degrading and loss of his

[31] Principle 28 on the Guiding Principles on Internal Displacement
[32] Principle 29 on the Guiding Principles on Internal Displacement

dignity.This could also lead to evils such as rape while women would be exposed human dangers such as threat intimidation and undue influence etc.

Issue of security is so fundamental to human survival and for this reason the Guiding Principles make provision for ensuring the security of the IDPs.[33] With regards to living standards of the IDPs, the Principles provide:

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances and without discrimination, competent authorities shall provide internally displaced persons with, and ensure safe access to:

(a) Essential food and portable water

(b) Basic shelter and housing

(c) Appropriate clothing and

(d) Essential medical science and sanitation

Although the Guiding Principles are very clear on the need to provide basic amenities to the IDPs, in most cases this is absent especially, where the IDPs stay in concentration camps for a very long period. With regards to the health need of the IDPs, Principle 19(1), makes a specific mention of the health needs of women, which includes access to reproductive health care and services. This is one aspect of the right of the IDPs or even the generality of people (right to health), that has been considered by the constitution as a non-justice' able right. Even though such a provision has been made in the Guiding Principles, enforcing it is also another major challenge facing the IDPs.

[33] Principle 11 (1) on Internal Displacement

Education is very fundamental to the survival of human beings. Unfortunately, the right is not constitutionally guaranteed in Nigeria as a fundamental right. The Principles however, makes it priority; and it provides.

1. Every human being has the right to education

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons (women and children) receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language, and religions.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons in particular adolescents and women, whether or not living in camps, as soon as conditions permit.[34]

It is rather unfortunate that observing the above rights as provided under the Guiding Principles, is somewhat a difficult task; this is because, people displaced in Nigeria are mostly provided with relief materials through National Emergency Management Agency (NEMA) and State Emergency Management Agency (SEMA).[35] Issues of Health and Education largely depend on the structure put in place e.g. in some camps, voluntary services are been provided by Professionals such as Medical Doctors, Nurses, Teachers and Social Workers etc. [36]

3.4.4 Principles relating to return, resettlement and re integration

[34] Principle 11 (2) on Internal Displacement
[35] Principle 12. Principle 14 also makes provision for the right to liberty of movement and freedom to choose 'residence. This is not possible in a concentration camp, where space is even limited.
[36] Principle S23 of the Guiding Principles

It goes without saying that persons displaced by either natural or human- instigated disasters must not remain displaced forever. For this reason the Principles have made adequate provisions on the return, resettlement and reintegration of the IDPs with the remaining part of the society. In this regard, Principle 28 provides:

(1) Competent authorities have the primary duty and responsibility to establish conditions as well as provide the means which allow internally displaced persons to return voluntarily in safety and with dignity, to their homes or places of habitual residence or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the re-integration of returned or resettled internally displaced persons.

(2) Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and integration.

By the above provision, it is necessary that all persons displaced must be returned to their habitual places of residence. Where this become difficult or impossible for any reason, it is the responsibility of the government to resettled the victims to an area of their choice.[37]

In an attempt made by the Kaduna State Government during the reign of His Excellency, Late Ibrahim Patrick Yakowa to resettle victims of 2011 post-election violence did not go down well with the affected victims; instead of taking them back to their former abode or by rebuilding their houses, the then government offered only monetary assistance to find an alternative residence. This has negated the principles enshrined in the Kampala convention of 2009.[38]

[37] Principle 29 and 30

[38] According to Malam Musa Dan Azumi Chairman of IDPs at Mando Hajj Camp, Kaduna during an interview held on the 25th June, 2014 at No. 5 Katuru Rd, Ung. Sarki, Kaduna.

3.4.5 Assessment of IDP Camps in Kaduna State as at July 2012

As a result of the 2011 post-election violence in Kaduna State, many camps were established to accommodate the internally displaced persons. The camps include MarabanRido Camp, Aboro District Camp in Sanga Local Government, Maraban Jos Camp in Igabi Local Government, Dan bushiya and Mando Hajj Camp in Kaduna North Local Government. All the Camps were closed down or the IDPs left but it was only that of Mando that remained for three years with a total population of 6,000 people.

Before the closing down of these camps, a committee was set up by the Executive Secretary of (SEMA) to visit various camps of Internally Displaced Persons (IDPs) in Kaduna to ascertain their current situation. The team which was lead by the Assistant Director Planning, Relief and Natural Disaster Management, Mr. NuhuGyams carried out a need assessment tour of all existing IDP camps in the state on the 5th of July, 2012. The main purpose of the tour was to determine:

- The current number of IDP camps left,
- Number of displaced persons that remaining in various camps (Women, men, children, windows, orphans etc.)
- Their needs and challenges.

The visit to various camps is as follows:

1. **RIDO CAMP**

Current number of displaced persons left:

- Men – 607
- Women – 422

- Children- 495
- Widows – 8
- Orphans – 32

Total: 1,564 IDPs

Challenges/Needs:

i. There are problems of accommodation.

ii. They have foodstuff but lack of ingredients to prepare food.

iii. Lack of good health care system for pregnant women.

iv. They are uncomfortable staying in the camp leaving their businesses and trade behind. They therefore solicit government provision of adequate security so they can return home.

v. They also solicit for more assistance especially from individuals and government.

vi. Lack of educational and recreational faculties in all the camps.

2. DANBUSHIYA CAMP

The Assessment Team found out that the IDPs at Danbushiya camp normally go for their normal business during the day to return to the camp at dusk. Therefore as at time of assessment, the camp was vacant.

3. MARABAN JOS CAMP

Current number of displaced persons left:

- Men – 153
- Women – 105
- Children - 215
- Widows –30

Total: 503 IDPs

Challenges/Needs:

i. They still need food and help from government.

ii. They request the government to renovate their houses so they can return to their place of abode and continue with their business.

iii. They also solicit tor ingredients for coking and food items since the fasting period is fast approaching.

SUMMARY OF FINDINGS:

- Total number of IDP camps left in the State = 2
- Total number of Displaced Person left:
  - Men = 760
  - Women = 527
  - Children = 710
  - Widows = 38

- Orphans = 32

Total = 2,067

- **Challenges/Needs:**

- Lacks of ingredients for cooking.

- Government should boost security so they can return to their homes and businesses.

- Solicits additional relief items.

3.5 Violation of the Rights of Internally Displaced Persons (IDPs) and its Effects in Kaduna State:

It is a well-known fact that any society which is bedeviled by ethno-religious conflict no doubt violates certain natural rights of individuals. For example, the Nigerian constitution stipulates certain rights for the Nigerian Citizen under chapter IV section 33 sub (1) of the constitution which provides that:

*''*every person has the right to life and no one shall be deprived intentionally of his life, save in execution of sentence of a court in respect of criminal offence of which he has been found guilty in Nigeria''.

From the above subsection, one can deduce that the right to life extends to all human beings irrespective of age, sex or tribe whether legally, because the subsection states "every person" instead of "every citizen" that is used in other rights.

In most cases their search for refuge takes them long distances, often on foot. Flight itself is arduous: families can lose contact with each other, sick and elderly relatives may have to be left behind and refugees in flight. Lack of languages skills and unfamiliarity with new surroundings, coupled with fear and concern about events back home, create added

burdens. They are usually being torn from their livelihoods and the means of generating an independent income. They may be obliged to settle in isolated or economically marginal is restricted. Where violence ravages rural areas, those displaced may be forced into towns and trading centers where a precarious living in the informal sector may be the only option. Legal restrictions on employment and income generation often make refugees and IDPs permanently depend on the good will hosts and on humanitarian assistance. This can reduce their capacity for self – reliance and their determination to survive, giving rise to what assistance providers sometimes describe as a ‘‘culture’’. Host communities often see refugees and IDPs as a drain on their already meager resources, and assistance provided to them may become the source of resentment from hosts, who may themselves be among the most marginalized segment of their own community. Refugees and IDPs can be exploited by employers, receive harsh at the hands of the authorities and be at the mercy of landlords. They are vulnerable to abuse (including high level of sexual violence and exploitation) from official and other powerful members of their own and host communities. Especially when flight is the result of armed conflict, resolving the situation of IDPs may require political agreements that are hard to come by.

Health and Educational facilities are crucial to all displaced populations. Education is often ignored by assistance providers working with the displaced; education is a way out of their impoverishment and cultural isolation. Displaced populations are particularly poorly served with secondary education, without which adolescents and young people have difficulty finding employment. Health services for displaced populations are critical because of the physical and psychological stresses of displacement. Sexual and reproductive health is a major issue for refugee and IDP populations (see chapter on sexual a reproductive health) although, like education, it is often overlooked by assistance providers. Displacement, and the unaccustomed lifestyles encountered in exile or in IDP

camps, can change increased transmission rates of HIV/AIDS and other sexually transmitted diseases (see chapter on HIV/AIDS). Population growth among such communities can be a politically sensitive issue, affecting access to contraceptives and to maternal and child health services. The return of displaced populations to their homes may also raise a broad range of problems.

The internally displaced have the right to a safe return. They cannot be forced to return to a country where they are likely to face persecution or torture. Those who wish to return may not have the funds to do so, especially when intensive efforts are required to renovate homes, fields, equipment, markets and to restock animals. For communities returning to rural environments, foods aid will be required until crops can be harvested when flight has been caused by armed conflict, returnees may face unexploded land mines and other ordnance in fields, roads and even homes (see chapter on landlines). Avoid these dangers may mean not one but several relocations before security can be assured. Where displaced populations have been away a long time, the size of the community may have increased in exile, generating heightening pressure on resources upon return. Displaced populations who wish to return home may face difficulty claiming property and other entitlements. Repossessing rights to houses or land, for example can involve lengthy legal procedures. The problems are particularly acute for IDPs who have no single UN agency mandate to ensure their welfare on who are primarily dependent on their own government to uphold their rights, in many cases it is these same government to uphold their rights. In many cases it is the same governments whose neglect and abuse have given rise to the displacement and who have failed to put in place adequate mechanisms for IDPs to express their governments whose neglect and abuse have given rise to the displacement and who have failed to put in place adequate mechanisms for IDPs to express their grievances. Refugees and IDPs also may be seen as contributors to

the insecurity of others, especially where themselves have been directly in political disturbance.

3.6 Problems Associated with Internally Displaced Persons in Kaduna State

Internal displacement is a common consequence across Nigeria of inter-communal and political violence, flooding and forced eviction, while some of the conflict appears to be caused by overlapping and mutually reinforcing regional, religious and ethnic divisions, but violence often stems from competition for scarce opportunities and their communal resources. Current levels of displacement are deemed particularly high by a number of organizations, but in the absence of a functioning monitoring mechanism, no accurate figures are available. Ad-hoc local registration exercises have hinted at the scale of the phenomenon, but those who seek shelter and support from family and friends – and who make up the majority of internally displaced people (IDPs) – tend not to be counted because of their absence in the Camps.

Kaduna state had been one of the states in the northern part of Nigeria heated by ethno-religious conflicts right from 1980 up till 2011 presidential election that resulted in the loss of many lives, properties and internal displacements of women, children and the aged. However, the occurrence of internal displace negates the principles of fundamental human rights as enshrined in the chapter four of the Nigerian constitution of 1999 as amended. Also, all the provisions of international law concerning international humanitarian laws which seek to protect internally displaced persons in allitsentirety thereby causing untold hardship on the on affected persons. As a result of incessant ethno – religious conflicts which resulted to internal displacement, four camps were opened within the state to accommodate the increasing numbers of the displaced personswith the

hues and cries in the radio, newspapers and other communication sources and also the information available at this moment, the UN guidelines as a benchmark led me to arriving at a fair picture of the situation if IDPs in Kaduna in particular and in Nigeria in general. Communal conflict has been rampant in Nigeria, many of them taking place after the 2000 Kaduna crisis in the year 2000.

The summary of my findings is that the management of IDPs in the Kaduna Statefrom 1980 was a humanitarian disaster. Almost all the respondents (Government Agencies, NGOs, IDPs and non –IDPs) have agreed on this. However, the real IDPsproblems on the ground now are that people cannot return to their oldsettlement for fear of insecurity, religious persecution, marginalization and other negative factors. The peace that Government is so courageously managing is an uneasy one. The city is clearly divided on ethno – religious lines. Considering that Kaduna had for about 100 years been the metropolitan headquarters of Northern Nigerian which is comprised of hundreds of different ethnic groups and religious, the town as it is now is a shadow of itself and a city turned on itself for destruction. When the city has been psychologically rebuilt and restored to its true status as home to all Nigerians irrespective of language, culture or religion, when any Nigerian can live anywhere in Kaduna without fear of being killed for believing differently or speaking differently, then would one say that the local underlying causes of violent conflict and IDPs has been truly addressed. Furthermore, a preponderance number of respondents agreed that the underlying causes of conflict and incidence of IDPs is economic – youth unemployment.

This is a national problem. I sense desperation and helplessness in the responses on this issue of poverty. The federal government in Abuja does not seem to know what to do to address this economic panic. There is therefore no guarantee that the efforts of Kaduna

State Government are alone sufficient to prevent future violence and IDP crisis. Other states appear even less prepared than KadunaState in terms of proactive provision for preventing and managing incidences of IDPs.

3.7 Government Intervention in the Kaduna State Crisis

In responding to the problem caused by the ethno-religious crisis in Kaduna State, the federal and state governments have relied largely on the statutory security agencies. These are primarily the Nigeria Police Force (NPF), State Security Service (SSS), theARMY (NA) and the Nigerian Air Forces (NAF). While the NPF is charged with the prevention, detection and investigation of crimes, it also has an important role to play in the maintenance of law and order, and in guaranteeing the safety of citizens. The SSS has primary responsibility to provide prompt and accurate intelligence that enables the government to formulate policies and respond to security threats. The Nigerian Immigration Service (NIS), which is responsible for regulating the movement of persons in and out of the country, has a role to play in monitoring the ingress of religious militants. The Nigeria Custom Service (NCS), which is charged with monitoring and regulating the import and export of goods into the country, has an implied responsibility to prevent trafficking of illegal materials into Nigeria, like the small arms that are used by religious militants and other violent groups. In the face of the threats posed, these agencies appear not to have been able to function optimally as was required in order to preempt the militants or neutralize them completely. Apart from that Kaduna state government also inaugurated commissions and committees of inquiry and investigation panels to curtail the situations. For example, there was a committee for reconciliation and search for lasting peace for ZangonKataf community of 1994 which terms of references are to explore the possibility of addressing both the remote and immediate causes of the disturbances in ZangonKataf Local Government to determine the ingredients for lasting

peace, etc; a committee to investigate causes of riots and disturbances in Kaduna State of 1987; the Judicial Commission of Inquiry into the 2001 Gwantu crisis and also a panel of inquiry to unravel the unfortunate incident of Bachama Road cemetery T/Wada, Kaduna of February, 2005; Judicial commission into the post-election violence in Kaduna State in 2011.

Apart from constitution and inauguration of those committees by the Kaduna State government, there has been humanitarian assistance to the internally displaced persons (the victims to the Kaduna crisis), i.e. provision of food, shelter, drinking water and clothes, etc.

However, the involvement of the government still proved insignificant, having regard to the nature and gravity of the sequence of violence that occurred in the state. The Kaduna State government fails woefully to implement the findings of those committees or provide adequate measures to tackle the identified problems. Furthermore, the restitution given by the government to the internally displaced persons was inadequate.

In addition to the effort made by the Kaduna State government in May, 1999, the then government took cognizance of the need to seriously consider the concrete involvement of the people in the political process of change and development, the question of groups perceiving themselves as neglected or excluded from the terrain of political power and in the sharing of the benefits of the resources and wealth of the state. The government drew concrete programs and management strategies for its control and abatement. This is meant not only to carry all our people along and meet their yearnings and an aspiration at all times but also with a view to narrow the divides amongst the people of the state, thus avoiding conflicts.

Government in its quest for political stability created chiefdoms and districts headed by traditional rulers representing interest of their communities and development areas were also established to provide participation in governance and for more employment opportunities as well as providing infrastructural and other developments closer to the people. This measure has substantially reduced or eliminated age long source of conflict especially between the northern and southern part of Kaduna state, but minor sources of conflict also emerged mainly on boundary, ruling houses and succession pattern.

In addition to this, the Kaduna State Government encouraged dialogue, negotiation, accommodation and alternative dispute resolution as a mechanism for resolving disagreements and misunderstanding. A forum of leader of thought was inaugurated with a view to achieving equality and justice that provided the basis of the legal reforms in the state bearing in mind the ethno-religious differences of the diverse communities. The tripod on which the judicial system operates (sharia, customary and common laws) ensures equity and fairness in the state.

Weekly security council meeting and being held with heads of security agencies with his royal highness the emir of Zazzau as the chairman of the state council of chiefs and some key government officials, to review and discuss the security situation in the state in order to take pro-active measures against conflicts.

A state committee for inter-religious harmony and understanding with various standing committees to deal with areas of conflicts leading to the establishment of the two bureau for religious affairs (for both Islamic and Christian matters)to coordinate all religious activities and maintain peace within the various ethnic and religious groups in the state.

As part of government effort, ministry for chieftaincy affairs was created and mandated with the responsibility of constant dialogue and consultations to resolve land and boundary disputes as well as succession conflicts capable of erupting into violence.

Another effort made by the government is in the issue of almajirai which is causing societal menace as children roam the street in the quest for Islamic knowledge without proper shelter, clothing, and other basic necessities of life thereby exposing them to criminal activities. Boarding schools were built and scholars were engaged to provide both western and Islamic education to them.

The elites have played a vital role towards the control and prevention of the crisis in Kaduna State through publications, organizing seminars, workshops, conferences, jingles and staging of audio and visual dramas, this has positively impacted on the entrenchment of harmonious coexistence thereby ensuring socio-political and economic activities in the state.

3.8 Short Comings of Kaduna State Government in handling Internally Displaced Persons (IDPs)

The Kaduna State Government in its attempts to handle the internally displaced persons affected by the 2011 post- election violence accommodated almost 6,000 IDPs in the Mando Hajj Camp. This transit camp was used as a transit for pilgrims to the Kaduna Airport.It is a temporary shelter without the basic necessities or amenities to make life enjoyable. The Fact that the State Government used one of its agencies (Kaduna State Management Agency) to provide only relief materials such as Food, Blankets, Water, and Plastic Buckets etc. The Government also in its effort to close the camp not minding whether the victims are provided with resettlement provisions such as taking them back to their settlement, rebuilding their houses or resettling them in any part of the state in accordance with their choice. The government decided to provide the victims with

N20,000, N55,000, and N60,000 depending on the family size of the victims to enable them resettle. The victims were given ultimatum to vacate the Mando Hajj Camp and this generated a lot of tension between the State Government and the victims. The Federal Government of Nigeria did little to the affected victims through National Emergency Management Agency (NEMA) by also providing relief materials which is of no difference to that of the Kaduna State Government. The affected victims remained at the camp for 3years without adequate provision for their needs.

Non-Governmental organizations also rendered assistance to the victims in providing them with food, clothes, kitchen utensils, plastic rubbers and other basic needs, philanthropists like AlhAlikoDangote through his foundation made a direct disbursement of N100,000 and food stuff to the victims.

The Kaduna State Government after giving financial assistance to the victims gave ultimatum to vacate the camp and when the victims refused, water and electric supplies were cut off and were left in the dark. They were threatened for eviction through the use of security agencies but the kind gesture of Alh. AlikoDangote saved the situation.

It suffice to say that the Kaduna State Government has woefully failed in terms of handling the internally displace persons as there was no adequate provision to cater for their health, education, social and recreational facilities to enable them conduct their lives in a dignified and respectful manner.

CHAPTER FOUR

CONSTRAINTS IN THE IMPLEMENTATION OF MEASURES AGAINST PROBLEMS OF INTERNALDISPLACEMENT OF PERSONS IN KADUNA STATE

4.1 Introduction

Issues and Challenges in Protecting the Rights of Internally Displaced Persons is common knowledge to the Nigeria government, unfortunately, the national response is generally constrained by lack of comprehensive legal and policy frameworks, technical, human, material and financial capacity to protect and assist displaced persons for a longer period of time, or to assist returnees to reintegrate[1] effectively without any discrimination and undue suffering. The resultant consequence is the flagrant violations of their civil, political, cultural, social and economic rights that are guaranteed under the federal constitution and the federal international rights, humanitarian and refugee laws to which Nigeria is a state party.[2]

Further, this constrained national response has resulted in inefficiencies and support gaps to affected populations. In addition, confusion exists at the federal level over who has the mandate to respond to and assist IDPs, which results in competition for resources. This unnecessary and unhealthy competition is more pronounced between the NEMA, established in 1999, and the National Commission for Refugees (NFR), established in 1989.[3]

On the other hand, NEMA is responsible for overall disaster management in Nigeria, including the coordination of emergency relief operations as well as assisting in the rehabilitation of the victims where necessary. It has presence in most states of the federation and often supports IDPs in the emergency phase of a crisis, but it does not

[1] IDMC op cit note 3
[2] Ladan op cit note 29.
[3] Ibid

have the necessary legal mandate or capacity (including expertise and resources) to address the needs of the people displaced beyond the emergency phase and beyond disaster-induced displacement needing durable solutions for return and reintegration.[4]

On the other hand, NCFR in its set, were mandated to lay down general guidelines and overall policies on issues relating to refugees and asylum seekers in Nigeria and to advise the Federal Government on policy matters relating to refugees. In 2002, President Obasanjo informally extended NCFR's mandate to cover the management of the affairs of IDPs because of the sheer volume, trend and impact of their plight on the Nigeria society.[5] Although, the incorporated the 1951 UN Convention relating to the status of refugees, its 1967 Protocol and the 1969 Organization of African Unity (OAU) Convention governing specific aspects of refugees' problems in Africa, which together form the guide to protection duties in Nigeria the enabling law remains obsolete and does not incorporate new challenges or the additional mandate of the NCFR on IDPs, returnees and stateless persons.[6]

Further, the lack of effective coordination, capacity, adequate funding and logistics are obstacles for the implementation of the mandate of state emergency management committees. The obstacles apply also to the establishment of the six geo-political zones – already approved – meant for displaced persons' information tracking and grassroots project management.[7]

Furthermore, the overall national response to the plight of displaced persons in the last 12 years has been criticized by research experts and international donors on various grounds,

[4] Ladan op cit note 17 at 4-15
[5] Ibid. See also Federal Executive Council of Nigeria Meeting of 14 September, 2011, where the Council Approved the ratification of the Un ConventionRelating to the Status of Stateless Person 1954.
[6] Ladan op cit note 29.N0. 21 Cap. 244 laws of the Federation of Nigeria (2004)
[7] See NCFR (2008) 'Concept Paper and Four-Year Strategic Framework and plan of action with Durable Solution to the Plight of refugees and IDPs in Nigeria'9.

including lack of leadership for effective coordination; the absence of a proper registration system for IDPs; inefficient use of resources despite available financial capacity; lack of medium and long-term strategic planning, implementation, monitoring and evaluation framework; the politicization of humanitarian assistance; and the fairly ad hoc UN assistance to IDP's in Nigeria.[8]

No one knows for sure how many IDPs exist globally, for many stay unseen, uncared for and un-regarded. Some governments deny their existence. However, one estimate suggests that there were 11,1 million displaced Africans in 2010, due to armed conflicts and violence, excluding Nigeria, where reliable figures were not available.[9]

Existing figures on the population of IDPs in Nigeria provided by national authorities and Non-Government Organization (NGOs) are estimate referring to incidences of localized displacement and estimates based on registration exercises undertaken by the Nigerian Red Cross Society.[96] Thus, the number of IDPs only includes those who have sought shelter at temporary IDP camps. For example, as at January 2011, the National Commission for Refugees revealed that there are about 1,4 million IDPs spread across 15 states of the Federation due to natural disaster like flooding, ethno-religious conflicts, generalized violence, Bakassi returnees and violent clashes between armed groups and government forces.[10]

On the other hand, for the year 2010 alone, the Nigerian Red Cross, having carried out a vulnerability analysis and identified 5,000 vulnerable families most affected, estimated

[8]IDMC op cit note 3.
[9] Proceedings of the Multi Stakeholders' Conference on IDP Protection in Nigeria and the African Union Convention on the Protection and Assistance for IDPs op cit note 17, CISLAC's website: www.cislancnigeria.org.
[10] See table 1 'Persons of concern to the NCFR in Nigeria' NCFR op cit note 3.

that 1,5 million people were affected by floods in Nigeria.[11]

According to internal displacement monitoring centre (IDMC), as at 2013, 3.3 million People were displaced in Nigeria essentially as a result of insurgency. It also recorded 1,538,982 IDPs in Nigeria as of April, 2015 as at December, 2015, the total of IDPs identified in Adamawa, Bauchi, Borno, Yobe, Gombe and Taraba amounted to 2,152,000 people.[12] The vast maturity of IDPs identified in the above mentioned State here been do peaced because of insurgency (91.98%) a smaller number was forced to force to leave their place of origin because of community clashes (7.96%) or natural disaster (0.06%)[100] in Borno 24.2% of the population was displaced in 2015. Following an increase in violence in the State since the beginning of the year.

A large number of IDPs in North East Nigeria live with relatives and friends. 87% IDPs live with host communities and 13% live in camps or camp like-settlings.[13] The situation in other States are difficult while there are no identified camps in Yobe, Bauchi and Gombe, 12% of the IDP population in Adamawa and 18% of IDPs in Borno live in Camps or camp like settling(s). A total of 43 displacement sites have been identified in Adamawa, Borno and Taraba States. The number of individual residing in these sites consists of 154, 108 individuals within 19,348 households.[14] The bulk of these victims are women and children who are also the most vulnerable. Research shows that 62% of the IDP population in sites is Female while 38% are Male. Half of the total numbers of individual residing in sites are children under 17 years old. The vulnerability identified that within the IDPs population 3.33% are simple headed households. 2.26% are breast

[11] IDPs in Nigeria, daily times/protecting internally displaced persons/last assessed 23rd February, 2016;
[12] IDMC Nigeria IDP figures Analysis, http//www internal displacement.org/sub-Saharan Africa/Nigeria/figures analysis last assessed 4th March, 2016.
[13] Ibid
[14]The date for the report are the results of a detailed site assessment conducted in 33 sites in Borno and Adamawa in January – February, 2015 covering148 and 484 individuals in 18,255 house-holds by internal displacement monitoring centre (IDMC).

feeding mothers while 1.22% are pregnant women. In addition, 1.61% of the IDPs have been identified as un-accompanied and separated children[15]

Lastly, the leader of the International Society for Social Justice and Human Rights, an NGO based in Port-Harcourt, Rivers State, revealed in an exclusive interview that the number of IDPs in Nigeria had increased from the post-Bakassicrises figure of 5,6 million to its current 6,3 milliondue to the April, 2011 post-election violence in some states of the Federation.[16]

It is evident from the above contradictory figures that any attempt to assess the volume, trend and impact of internal displacement on both IDPs and their host communistwill be a challenging exercise.[17]Such conflicting figures apparently were not based comprehensive survey nationwide neither were they disaggregated by gender and age. Hence, the figures do not make room for an effective planning for durable solutions including an effective gender and age-specific response. As such, you find blanket responses, which focus on relief materials without addressing the special needs of pregnant women, nursing mothers, children and young girls, the aged, the disabled and persons living with Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), among others.[18]The psychological and gender-specific needs response is often lacking, thus leaving many IDPs emotionally distressed, disadvantaged, helpless and vulnerable to all forms of exploitation and abuse in temporary camps or in isolated and inhospitable refuge sites.[19]

Protecting the rights of IDPs include provision of their basic needs and this has been

[15] Nigerian Red Cross Society op cit note
[16.] processings of the Multi Stakeholders' Cnference on IDP protection in Nigeria and the African Union
[17] see table 1 persons of concern to the NCFR in Nigeria' NCFR op cit note
[18] See ECOWAS Final Communique of the First Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa op cit note 13 at 4-5.

[19] Internally Displaced Persons in Nigeria and Matters Arising (anonymous), posted an economic confidential.com/2011/internally-displaced-persons-in Nigeria retrieved 10-05-2014.

confronted with a lot of challenges, some of which have been discussed below.

4.1.1 Absence of Permanent Institutional and Legal Frameworks forIDPsin Nigeria

Internal displacement has within the last three (3) decades become a cankerworm issue in Nigeria especially in the Northern part of the country,some of these internal displacements were as a result of natural disasters such as floods, bush burning, epidemic etc.The bulk of Internal Displacement resulted from ethno-religious or communal conflicts. This is more so in Kaduna State, which is the focal point of this work, the first conflict was ethno-religious in nature as time back to 1980. Since then several other conflicts haveerupted with the latest in 2011 (post-election violence).

Internal displacement goes along with several challenges both to government and those displaced. Displaced persons are always confronted with various challenges which include the loss of their livelihood, frustrations, abuses, threats of assaults, intimidation denial of economic and social privileges by the host communities.[20]

On the part of governments, the major challenge is catering for IDPs and this is largely aggravated by the absence of a permanent institution or a legal framework that has been put in place to look after them. Although there is the National Emergency Management Agency (NEMA), and the State Emergency Management Agencies (SEMAs), their effort is not enough. This is because they are not bodies that have been specifically established to handle the welfare of IDPs; their assignments are wider in scope to cover other issues other than IDPs. So, apart from IDPs, they also have other mandates. One encouraging development is that under the Proposed Bill to amend the NEMA Establishment Act, 1999, the Agency has also been mandated to handle all matters concerning Internally

[20] See Section 25 of the Proposed Bill which is the Interpretation Section.1

Displaced Persons.[21]

Management of IDPs is a complex issue that extends beyond distribution of assistance. This makes the N.E.M.A and SEMAs, incapable of handling perfectly, issues of internally displaced persons. In view of this, one can say without any fear of contradiction, that Nigeria at the moment does not have a permanent institution or a legal framework for taking care of internally displaced persons as it is the case with refugees. In the case of refugees there is a commission for refugees established by an act of the National Assembly to handle all issues concerning them. This situation has some far reaching consequences as observed by Ladan. According to him:

> *Although the plight of internally displaced persons is common knowledge to national authorities in Nigeria, unfortunately, the national response is generally constrained by lack of comprehensive legal and policy frameworks, technical, human, material, and financial capacity to protect and assist displaced persons for a longer period of time or to assist returnees to reintegrate effectively without any discrimination and undue suffering. The resultant consequence is the flagrant violations of their political, civil, cultural, social and economic rights guaranteed under the nationalconstitutions,international humanitarian and refugee laws to which Nigeria is a signatory.*[22]

What can be deduced from the foregoing is that, absence of both legal and institutional frameworks on IDPs in Nigeria has more or less made them second class citizens. It has also given room for the violation of their rights either directly, or by not taking good care of them properly as provided by the Constitution and other relevant laws. A situation where people displaced by either natural or human-instigated disasters would be kept in

[21] M.T. Ladan National Response to the Rising Trend of International Displacement in Nigeria: Key Issues, Institutional Framework, Gaps and Challenges. A paper presented at a Civil Society Consultation on the Draft National Internally Displaced Persons (IDPs) Policy and Domestication of Kampala Convention in Nigeria, held at Gombe Jewel Hotel, Abuja between May, 30th 2012 to June, 1st 2012 p.8".
[22] Kampala Convention of 2009

concentration camps for more than two and half years without providing an alternative accommodation says it all on the difficult situation of the IDPs in Nigeria.

4.1.2 Lack of Political will to domesticate International andRegional Instruments on Internally Displaced Persons

Nigerian governments both at national and state levels, have agencies responsible for providing emergency assistance to persons displaced by disasters. This is done through the instrument of the National Emergency Management Agency (NEMA), at the federal level while states also have the same agencies which have been established for similar purpose. But as stated earlier, this is an ad hoc arrangement that may not be able to cater for all the needs of the IDPs, especially where they remain displaced for a very long time.

Keeping internally displaced persons for a very long time without resettlement can be attributed largely, to lack of political will to do so in clear violation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons.[23] Though the Convention has been established to provide a legal framework for preventing internal displacement and protecting and assisting IDPs in Africa,[24] it has also provided that states parties shall:

(a) Incorporate their obligations under this Conventioninto domestic laws by enacting or amending relevant legislations on the protection of, and assistance, to internally displaced persons, in conformity with their obligations under International Law.

(b) Designate an authority or body, where needed, responsible for co-coordinating activities aimed atprotecting and assisting internally displaced persons and

[23] Seetide 2'b) of the convention (Kampala 2009)
[24] Ladal, M.T. Ladan National Response to the Rising Trend of International Displacement in Nigeria: Key Issues, Institutional Framework, Gaps and Challenges op cit at p4.

assignresponsibilities to appropriate organs for protectionandassistance, and for cooperating with relevant international organizations where no such authority or body exists.

What can be quickly gathered from the above provisions is that the Kampala Convention has given free hand for countries of the continent to establish institutions that will take care of internally displaced persons. Unfortunately, Nigeria has not taken advantage of the opportunity. The first attempt made by Nigeria to have a comprehensive legal framework on internally displaced persons was in 2006, when a draft policy on IDPs was prepared and tabled for consideration in 2007 but this did not materialize.[25] The draft was revised twice in 2009 and 2010-2011 and up till May 2012 it was not adopted.[26]All this can be attributed to lack of political will on the part of governments. With political will, this would have been history as Nigeria does not need to draft new legislation on IDPs, it may just adopt and domesticate the Kampala Convention and implement it. The Convention can be used as a guide to provide an institution that will specifically cater for the needs of internally displaced persons.

The process of domestication of any international legal instrument in Nigeria is through presentation of the document through the national assembly to be passed into law. And it may take years before passage

4.1.3 Absence of Proper Record on Internally Displaced Persons in Nigeria

Having an exact number of internally displaced persons in Nigeria is one way of easily providing for their needs. Not having this figure is no doubt an anomaly; not only in Nigeria but even at the global level there is no specific figure on the exact number of

[25] Ladan National Response to the Rising Trend of International Displacement in Nigeria: Key Issues, Institutional Framework, Gaps and Challenges op cit at p4
[26] Ibid. the Kampala convention (supra)

internally displaced persons that are spread all over the world across countries.[27]This is perhaps, because of the fact that they, as against refugees, are displaced within their own countries, a situation which takes them out of the protection of the United Nations High Commission for Refugees (UNHCR).

In Nigeria today, the figure of internally displaced persons is not certain, but existing figures provided by both national authorities and Non-Governmental Organizations is estimated to be Three Million three Hundred Thousand people(3,300,000.00).[28] This number is believed to be spread across fifteen states of Nigeria; it also includes those displaced by both natural and manmade disasters.

On the other hand, the figure provided by NEMA as at 2011 is far lower than the above figure. The figure given by NEMA was put at 377, 701, which is a contradiction of the combined figures given by the Nigerian Red Cross Society and the National Commission for Refugees. However, recent statistics have shown that there are presently, 613,729 internally displaced persons in Nigeria, spread across the country.[29] This figure was gathered between February 2013 to February 2014 and of the figure, 258, 252 are minors and babies, 207, 583 women and 147,894 men. One shocking thing about these figures is the fact that more than four hundred thousand have been displaced by internal conflicts. This has in essence confirmed this writer's proposition that Nigeria does not have an exact figure of internally displaced persons spread across the country. This constitutes a stumbling block in making adequate provisions for the IDPs.

[27] Ibid at page 8

[117] Abimaje, A (et al). Internally Displaced Persons: 613, 729 Nigerians Living in camps.
[29] lbid at page 8

4.1.4 Lack of Basic Infrastructure and other Necessities of Life in the Camps of IDPs

Situation in camps of persons displaced internally is really not encouraging. The level of infrastructure in the camps is so pathetic, with no basic infrastructures, such as water, electricity or schools. In Kaduna state for example, electricity and water supplies were disconnected at the Mando Hajj camp that was used for settling victims of the 2011 post-election violence in the State.[30]These camps cannot in any way be called homes as they could not provide the comfort which places called homes will.One major challenge in handling the issues of IDPs is the lack of proper personnel and records that will give direction as to the needs of the affected victims. This is in fact, contrary to the provision of the Guiding Principles on Internal Displacement, which provides for protection of the IDPs before and during displacement.[31]Protection here involves providing everything that will make life better for the IDPs, including provision of basic amenities.

4.2 Prospects on Protecting the Rights of Internally Displaced Persons in Nigeria

Despite all challenges associated with the protection of Internally Displaced Persons in Kaduna State of Nigeria, a lotneed to be done. Even though internally displaced persons are within theterritory of their own countries, IDPs have a glimpse of hope in view of the fact that in spite of the absence of legal or institutional frameworks that will cater for their needs in Nigeria, there are other options. These options are provided by the Nigerian Constitution, regional and international instruments for the country to explore; this in essence, provides the prospect for the protection of rights of the IDPs, which will now be discussed.

As indicated in this work, there is presently no institutional legal framework responsible

[30] Ibid

[31]Interview with Chairman of People Displaced by 2011 post-election violence in Kaduna State, Musa Dan Azumi Yusuf conducted by the write on 25th May, 2014 at Katuru Rd., U/Sarki, Kaduna.

for internally displaced persons in Nigeria. This poses a great danger to the lives of those displaced not only as a result of Ethno Religion Conflicts but even in terms of natural calamity in Nigeria; they are only taken care of through ad hoc arrangements made by the National Emergency Management Agency (SEMA), and the State Emergency Management Agencies as well as some charitable Non-governmental Organizations.[32] But despite this gap, Nigeria as a nation, should also fulfill its obligation by domesticating international legal instruments to which she was signatory. Domesticating and implementing these instruments will enable Nigeria to have both the legal framework and the institutions that will specifically handle the issue of IDPs, which will in turn provide a permanent solution to the challenges mentioned above.

Experience has shownthat Non-governmental organizations and individuals have the zeal to assist internally displaced persons while living in concentration camps and at the same time enable them to find alternative accommodation. This has been confirmed by the Chairman of the internally displaced persons who settled at the Mando Hajj Camp in Kaduna, Malam Musa Dan Azumi Yusuf. According to him, the IDPs at the camp were assisted by organizations such as Muslim Professionals in Da'awah, with food and other basic necessities such as cosmetics, clothes etc. Individuals such as AlhajiAlikoDangote, Chairman and Chief Executive Officer of Dangote Group of Companies, also made a giant stride towards making life better for the IDPs at the Mando Camp. He distributed the sum of One Hundred Thousand Naira each to all family men at the camp who were around six thousand in number. This is a clear indication that philanthropists have the interest of assisting Internally Displaced Persons in Nigeria. It is therefore imperative to incorporate business tycoons such asAlhAlikoDangote and Non-governmental organizations to participate in handling the problems of internally displaced persons in

[32] See for Example, Principles 11 and 12 of the Guiding Principles.

the country. This will go a long way in making life better for the IDPs and at the same time compliment governments' effort in drastically reducing the problem of internal displacement in Nigeria.

CHAPTER FIVE

SUMMARY FINDINGS AND RECOMMENDATIONS

5.1 Summary

Nigeria being one of the largest and most populous countries in Africa, has been in the news for the past 30 years as a major African theatre of ethno-religious conflicts, as a result of geographical and cultural differences, political and economic domination, violence, aggression, manipulation of the commoners by the elites, reprisal killings and destruction of properties. The religious differences between Muslims and Christians, all constituted the cause of ethno religious conflicts leading to loss of lives and destruction of properties.

Kaduna State is not left out inthese crises of ethno religious conflict as it occurred inKasuwanMagani in 1980, Kaduna city in 1982, Gure/Kahugu in 1986, Kafachan in 1987, Kaduna in 1992, Kafanchan in 1999 and Kaduna, Kachia and BirninGwari in February, 2000. Also in 2007 in ZangonKataf Local Government and lastly thepostelection violence of 2011 which affected many parts of Kaduna State.

From the research conducted it is visibly clear that some of the crises were as a result of deepened grudges of hatred, enmity, political differences, land disputes, religious intolerance, manipulation of commoners by the elites in order to achieve their political and economic interest, there is also poverty occasion by unemployment, attachment of ethnicity to religion, deprivation, marginalization and dominance. Other factors include religious attachment to politics, bad leadership, and external influence.

Part of the observation being made regarding the issues of internal displacement is that the Constitution of the Federal Republic of Nigeria 1999 (as amended)under Chapter II fundamental principles and objectives and chapter IV of the samehas not been strictly

adhered to in dealing with internally displaced persons. And this resulted in the denigration of their fundamental rights as provided. Also the state agency handling issue of disaster or natural occurrences in the name of State Emergency Management Agency (SEMA) only provided relief materials to the victims of internal displacementsand the need of the victims'superceded relief materials, their needs extended to resettlement and reintegration into their various communities.

Also, we have seen how the Guiding Principles provided by the United Nations Charter and also the African Union Charter as reflected in the Kampala Convention of 2009 for the protection of internally displaced persons was violated. We have seen how the Nigeria Government has upto this moment not domesticated the Kampala Convention of 2009 which provided protection in line with it principles. It has also being observe that uncoordinated effort of the various agencies such as the Nigerian Police Force, Nigerian Civil Defense Service Corps, the Red Cross and the philanthropieshave worked in different directions and this has cause a lot of problems in the handling of the internally displace persons.

5.2. Findings

5.2.1 No Legal Framework for IDPs in Nigeria

From the foregoing, it is crystal clear that ethno-religious conflicts have undermined the constitutional provisions of section 33 (1) right to life, section 37 right to private and family life, and Section 42 (1). Ethno religious conflict have also violated chapter II of the Constitution (Fundamental Objectives and Directive Principles of State Policy) as contained in Section 16, 17 and Section 18 of the 1999 Constitution of the Federal Republic of Nigeria.

5.2.2 Non Adaptation of the Kampala Convention, 2009.

It is also our finding that the United Nations Guidelines on internal displacement has not been complied with; this is the benchmark for assessment of handling the internally displaced persons.Article 7 of the 20th day of November, 1989 which gives protection to children and also was adopted in Geneva at the Forty Fourth Session of the United Nations General Assembly has not been adopted.

5.2.3 Lack of Institutional Body to Handle Issues of internally displace persons.

There is nospecific institutionthat handles the Issue of internally displaced persons. The various government agencies such as the Nigeria Emergency Management Agency (NEMA), State Emergency Management Agency (SEMA), Nigeria Civil Defense (NCD) etc. and the Non-Governmental Organizations such as Red Cross and other Organizations do not have management of internally displace persons as their main objectives. There is absence of central co-ordination between the different bodies to deal with the handling of IDPs, this brings about confusion.

5.2.3.1.1 Non Implementation of Recommendations by the various Committees and Commissions of inquiries Constituted by the Government.

It was found that "Judicial Commission of Inquiry" as an institution is commonly used by the Federal and State Governments are a legal and institutional framework for the prevention and mitigation of ethno-religious conflicts". Among other things, it has been found that the main tasks given to commissions are tasked to "investigate'' the "immediate'' and "remote'' causes of a conflict. Furthermore, it was found that "Judicial Commission if Inquiry" as an institution has failed in its main task of preventing future recurrence of conflicts. Conflicts have occurred and re-occurred in the same place, between the same parties, over the same dispute and "investigate'' by several "Judicial Commissions of Inquiry''. Despite the various administrative and judicial committees

established by the government to look into ethno religious conflict and to advise it,the recommendations made by these various bodies are been neglected.For example, the recommendations made by the judicial commissionsof inquiriesof 1987 and 1992 where not implemented.

5.2.5 Treatment of Perpetrators of Crime during Ethno-Religious Conflicts

Ethno-religious conflicts in Nigeria have been allowed to go out of hands, and government is confused as to which way to go. As a result, more attention is being paid to political solutions, which are not producing any results, at the expense of legal solutions, and justice. Government's reaction to ethno-religious conflicts, by over blowing "remote causes", which are political in nature, at the expense of "immediate causes", which are legal in nature such as murder and arson, undermines the law that government is supposed to uphold. If homicide, the unlawful killing of just one person, is the most serious capital offense, carrying the maximum death sentence, then genocide, the unlawful killing of a group of people, such as a hundred people and trying to exterminate a whole ethnic or religious group, should be the worst of homicide with more serious consequences. Unfortunately, suspects of genocide cases go free in ethno-religious disturbances in Nigeria. This attitude of government, reduce the value, dignity and sanctity of human life that the Constitution as well as human right conventions seek to promote. The only logic that can be concluded is that the former is political killing while the latter is purely criminal. Therefore, the International Criminal Court (ICC) at The Hague, Netherlands can be used to try people who commit acts of genocide or crimes against humanity during ethno-religious conflicts in Kaduna State and Nigeria.

5.2.6 Lack of Prompt Response by the Kaduna State Government

It was observed that during the crises in 2011 in Kaduna State, there was problem of deployment of security personnel's to the affected areas because the governor as the chief

security officer of the state has limited power over the security agencies in his state. The Nigerian Army, the Nigerian Police Force and the Nigerian Civil Defense Corps are all under the control of the Federal Government of Nigeria.

Lastly, based on the above finding**s** repeated occurrences of ethno-religious conflict have tended to portray the country in a very negative light before the International Community. This unhealthy image not only scares away Investors and tourist who have brought in much needed capital to the country, but also undermines the country's campaign on such issues for example hosting International events and representing Africa in the United NationsSecurity Councils.

5.3 Recommendations

Based on the above submission, the following recommendations are hereby given:

5.3.1 Effective Utilization Of Chapter Ii And Iv Of The Constitution Of The Federal Republic Of Nigeria (1999) As Amended Visa Vi Victims Of Internal Displacement

Nigeria should fulfill its obligations and responsibilities as provided in its ground norms in the protection of its citizens most especially those affected by human or natural disasters.

Chapter II of the constitution of the Federal Republic of Nigeria (1999) should be amended to make it justiciable in our courts just as chapter IV of the same constitution. There should be direct application of international convention, protocol and treaties by the Nigeria courts as is been done in other countries of the world likein Lesotho, India and Argentina

5.3.2 There is Urgent need for Legislation on IDPs

Nigeria as a nation must fulfill all its international obligations by domesticating all international legal instruments dealing with the welfare and protection of internally displaced persons such as the Kampala Convention 2009under the Guiding Principles on

internal displacement. This will assist proper coordination of all activities dwelling on the protection and welfare of IDPs. It will also facilitate the establishment of a permanent institution with legal backing that will address properly and more effectively, the challenges of internally displaced persons in Nigeria. This will only be possible if there is the political will domesticate and to enforce those International instruments dealing with the welfare and protection of IDPs,direct implementation of International Instruments by the Nigerian Government through the establish agencies such as the Nigerian Court would surely protect the right of IDPs. Other Countries like Germany apply international instrument without domestication.

5.3.3 Non-governmental Organizations and Philanthropist to contribute to IDPs

The role of Non-governmental organizations (NGO) and philanthropists in assisting and protecting the rights of the internally displaced persons in Nigeria should be regulated. They should register and declare their source of funds and area of assistance intended to be giving to the internally displace persons.

The support and assistance of the Chairman and Chief Executive of Dangote Group of Companies, AlhajiAlikoDangote to IDPs atthe Mando Hajj camp in Kadunaduring the post-election violence of 2011 was a giant stride in assisting governments to cope with the challenges of internal displacement and IDPs in Nigeria. Also, similar efforts made by NGOs should be encouraged as part of effort to address the problems of IDPs. This may be done through a centralize Institution in order to avoid the problems experienced in Kaduna State during the 2011 violence.

5.3.4 There is Need for Public Enlightenment

Education and economic empowerment of young people and promotion of interfaith and multi-ethnic dialogue should be encouraged by the Government and Non-governmental

Organizations. There should be a politics of ideology which is devoid of political bitterness, hatred and political actors should desist from using religion and ethnicity to divide and rule the ordinary people.

5.3.5 Promoting a Culture of Religious Tolerance

To effectively mitigate the persistent occurrence of religious violence in Nigeria, the government needs to be pro-active in promoting the culture of tolerance by adherents of the two religions. The best way to do that is through education and enlightenment of the people through the mass media, civil society organizations and educational institutions to respect and tolerate other religions as well as extol the culture of others Adherents of both religions should also be enlightened through the use of credible religiousscholars, to imbibe the habit of reporting through the right channel, if offended by any member or group of the opposing religion instead of taking laws into someone's hands without recourse to the rule of law.

5.3.6 Good Governance

Good governance is another way in which religious violence could be minimize or averted. There is need for government at all levels, from federal to local level, to show accountability, transparency, responsiveness, equity and justice. Government that is effective and efficient, and governs by the rule of law, is most likely to succeed in its fight against crises and conflicts. Good governance assures that corruption, deprivation, marginalization and dominance are pushed aside and views of the people are taken into consideration. If this situation exists, various religious and ethnic groups will have a sense of belonging and thereby cooperate with the government and even accept to live side by side with one another, regardless of their tribes, ethnicity or religions.

5.3.7 Establishment of National Reconciliation Forum

Because of the interconnectivity of religion with ethnicity in Nigeria, which is mostly the creation of its colonial masters, when they applied the 'Divide and Rule' system of governance, some trivial issues that should not under normal circumstances take much time to be resolved tends to degenerate into a more precarious and dangerousethnics or religious crises, There is therefore the need for the government of Nigeria to form a reconciliation committee that should organize a forum whereby reputed and credible religious, and ethnic figures will come together to brainstorm each other through lectures on the needle consider one another as Nigerians regardless of religion or ethnicity. A committee that will disabuse the minds of Nigerians from the legacies left behind by the colonial power, which encourages religious and ethnic inclination rather than nationalism.

5.3.8 Provision of Employment Opportunities and Establishment of Poverty Eradication Programs

In order for the government to eradicate or reduce the level of unemployment in the country, it first of all needs to encourage the general public on the importance of education and the need to go back to school to acquire at least the basic knowledge needed to be productive in the society. Furthermore, the government needs to complement this by providing employment opportunities to those who possesses the requirements to get employments. Meanwhile, these are not enough. There is also the need for concrete measures to be put in place to eradicate the abject poverty that is known to exist among the majority of Nigerians. If this occurred, it is believed that the intensity, which crises usually have, will reduce to the barest minimum.

This study acknowledges the fact that Nigeria has embarked on various programs on poverty alleviation and employment generation, but with little success. The application of the social security strategy through the establishment of more vocational centers, to

absorb the teeming unemployed youth and provision of small loans so that young people might start their own micro businesses will reduce their susceptibility of being used to foment crises and violence. This will no doubt reduce the cost of preventing or managing crises when they crop up as erupted.

5.3.9 Funding and Logistics

To enhance security operations, there is need for a special increase in budgetary allocation to the security agencies. This will help to increase theirprofessional's personnel and modernize their equipment holdings in order to meet theincreasing security challenges affecting the nation.

5.3.10 Close Coordination among Security Agencies

In the management of religious violence or crisis in Kaduna State(Nigeria), close collaboration between the security agencies is necessary to prevent it or reduce it to a minimum level. This can be achieved through regular meetings to appraise security situations and exchange vital information in respect of possible crises areas and situations. This strategy has proved effective in advanced nations of the world especially Great Britain and the United State of America.[34] For instance, according to Black in the US, Interpol relies heavily on information furnished by the Central Intelligence Agency (CIA).[35] This capability, if properly applied, will provide the security agencies a better approach towards preventing or managing crises whenever they occur. It will also reduce the cost of logistics and personnel required to handle such crises Situations.

[34] D. Black, The Manners and Customs of the Police (New York: Academic Press, 1988).
[35] A.I. Mawby, Comparative Policing Issues (London: Union Hyman Publication, 1990).

5.3.11Restricting the Flow of Firearms

Efforts at mopping up all illegally acquired small arms in the country would help in reducing the impact of religious crises whenever they occur. This can be achieved through regular security aids and buy-back programs. A good example is that of Rivers State Government that offered money to AlhajiAsariDokubo, the leader of the Niger Delta People Volunteer Force (NDPVF) to surrender his arms. This paid off as thousands of arms and Stores of ammunition were handed over to the government.[36] While some observed that the militant leader turned in obsolete weapons and got money to buy new ones, the mopping up strategy could be perfected and made more effective.

The federal government could also encourage a situation whereby the arms do not come in at all through close monitoring and vigilance by the Customs and the Police. This could be achieved through professionalizing the security agencies, which are in most cases, the cause. There is also the need for security agencies like the police lo regularly raid known gunrunners, those who are locally making weapons and criminal hideouts to prevent firearms from getting into the hands of the wrong people. The use of this mop-up strategy will go a long way to reduce crises and also manage themat a lower cost whenever they do occur.

5.3.12 Utilization of Early Warning Signals

According to Hopple, Androile and Freedy, "early warning signal is a credible strategy of managing the challenges of ethnic, religious violence, and therefore must be heeded toso that crises do not snowball into unmanageable dimensions."[37] In Nigeria, early warning signals are not takes seriously, as evidenced during the February 2000 Kaduna Sharia

[36] Daily Sun (Lagos, 9th November, 2004), 4.
[37] G.W. Hopple, S.J. Androile and A. Freedy, National Security Crises Forecasting and Management (Boulder: Westview Press, 1984).

crises. Crises which are mainly due to disputes over leadership and distribution of resources can be tackled if an early warning element is applied through the use of informants and the press. This can reduce or even prevent crises when effectively managed and is less expensive as the casualties and costs will be reduced to a minimum. The Ministry of External Affair needs to put a priority on keeping its finger on the pulse of ethno-religious trends, at least to the same extent as it does in trying to protect government officials.

5.3.14 Ad-Hoc Judicial Commission of Inquiry should be replaced by a Permanent Commission of Inquiry

The use of ad-hoc "judicial commissions of Inquiry'' to investigate communal violence should be stopped. In this regard, the following is recommended:

a. A permanent and independent body should be created, which can be called "***independent Communal Violence Commission'' (ICVC),*** fashioned after the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC).

b. Reliance on regular criminal justice institutions such as the police, ministries of justice and the court system, should be encouraged for investigation and prosecution of incidences of communal violence.

Other recommendations includes:-

I. Trauma rebuilding centers should be established for the victims of internal displacement to provide guide and counseling.

II. Camp Administration: the camps should be administratively managed by administrators and security personnel e t c

III. People from host communities should not be allowed into the camps in order not to distort distribution of material to the victims.

IV. Victims of natural or manmade disaster who are leaving with their relations/friends should also be registered and be made to enjoy from the provisions made to internally displaced persons as provided by our local and international laws

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Dear Sir/Madam,

RESEARCH QUESTIONNAIRE

SAMBO SarkiFalalu a Postgraduate Student of the Faculty of Law (ABU) currently written a Research Thesis Titled "**ETHNO-RELIGIOUS CONFLICTS AND THE INTERNALLY DISPLACED PERSONS: AN AGITATION FOR LEGAL FRAMEWORK -** A Case Study of Kaduna State". This Questionnaire is designed to obtain information.

Thank you for your co-operation.

……..
SAMBO SarkiFalalu
(Research Student)

QUESTIONNAIRE

Find below some questions to be answered by the Internally Displaced Persons kept at Mando Hajj Camp.

1. When they were first brought to the Camp?
   ……
   ……
2. For how long have they stayed there?
   ……
   ……
3. How were they treated by both States and Federal Government?
   ……...……
   ……...……
   ……
4. Did they receive any assistance from either State or Federal Government?
   ……...……
   ……...……
   ……
5. How often did they receive the assistance of NEMA and SEMA?
   ……...……
   ……...……
   ……
6. Were they adequately taken care of by Government, in terms of their welfare such as food, health care and?
   ……..……
   ……..…..……
7. Did their children have the opportunity to go to school while they were in the camp?
   ……..……..
   ……
   ……
8. How can you describe the heath care of pregnant women, was there special medical facilities for them?
   ……...……
   ……...……
   ……..…
9. Did anybody die in the camp as a result of poor health care in the camp?
   .....……
   ……...……
   ……..
10. How can you describe the condition in the camp, is it comfortable, can you call it home?
    ……...……

……...……
……

11. Did you have any case of women or children being raped while at the camp?
……
……

12. Why did it takes you up to three years before you left the camp?.....……
……...……..……..

13. Now that you have left, is it because Government has provided an alternative and better accommodation for you?

…….....
……...…….……...…
……...…….
.....

14. How are you coping after leaving the camp?
……...……
……
……