

NATIONAL POLICY ON INTERNALLY DISPLACED PERSONS (IDPs) IN NIGERIA

FEDERAL REPUBLIC OF NIGERIA

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REFERENCES

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LIST OF ACRONYMS

AU	African Union
CDMIF	Comprehensive Displacement Management and Implementation Framework
CSOs	Civil Society Organisations
ID	Internal Displacement
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IPCR	Institute for Peace and Conflict Resolution
JAP	Joint Appeal Process
JHAP	Joint Humanitarian Action Plan
MDAs	Ministries, Departments and Agencies
NCFR	National Commission for Refugees
NCP	National Contingency Plan
NDMF	National Disaster Management Framework
NEMA	National Emergency Management Agency
NHRC	National Human Rights commission
NRCS	Nigerian Red Cross Society
STIs	Sexually Transmitted Infections
UNGP	United Nations Guiding Principles on Internal Displacement
UNHCR	United Nations High Commissioner for Refugees

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Hadiza Sani Kangiwa
Honourable Federal Commissioner

FOREWORD

The increasing incidence of forced displacement resulting from ethnic, religious, economic and boundary conflicts, various government decisions, natural and man-made disasters, and its attendant massive destruction to lives and property have compelled the Federal Government to embark on a search for durable solutions through the drafting of a National Policy on Internally Displaced Persons (IDPs). Globally, during the last decade, the estimated number of Internally Displaced Persons as a result of armed conflicts and generalised violence, excluding natural disasters and development-induced displacement has been put at 25 million. Unfortunately, more than half of these reside in Africa, and has repeatedly drawn the attention of the world to the growing danger of displacement as being capable of reversing the strides towards achieving a reasonable standard of living for all peoples and of reversing the gains of developmental efforts.

The United Nations General Assembly in 1998 adopted a set of Guiding Principles as a tool for the prevention and management of internal displacement by nations all over the world and as a guide to all governmental and non-governmental humanitarian actors working with Internally Displaced Persons. These guiding principles were endorsed by all West African Nations at the First Conference of West African States on Internal Displacement which took place in Abuja from the 26th to the 28th April, 2006.

The UN guiding principles on displacement set the foundation for the African Union Convention for Assistance and Protection of Internally Displaced Persons which was adopted at the African Union Summit on Refugees, Returnees and Internally Displaced Persons in Kampala, Uganda, October 2009.

It is essential to recall that the idea of developing a National Policy on Internally Displaced Persons was first mooted by the National Commission for Refugees, where a draft was prepared in 2003. The result was a working document which was given to the Presidential Committee to Draft a National Policy on Internally Displaced Persons to further develop into a comprehensive National Policy. The Committee was charged with developing a framework that would enhance the prevention of Internal Displacement, propose best practices for the management of Internally Displaced Persons including the protection of their human rights and the need to mitigate their suffering once displacement has occurred.

The methodology adopted by the Committee was quite commendable. Memoranda were invited from the general public, public hearings were held, and interviews were conducted at various Internally Displaced Settlements. The Policy outlines roles and responsibilities for the Federal, State and Local Governments, non-governmental organizations, community based organizations, IDP host communities, civil society groups, humanitarian actors both nationally and internationally and the general public. In addition, it educates persons about their rights and obligations before, during and after displacement.

In 2008, the Vice President directed the Secretary to the Government of the Federation (SGF) to establish a committee to fine-tune the policy particularly with regards to an implementation framework. The Committee submitted its recommendations to the SGF in January 2009. In February 2009, the then President approved one of the recommendations affirming the expansion of the mandate and a change in the nomenclature of the National Commission for Refugees to include the resettlement and rehabilitation of IDPs. As a necessary follow-up, the National Commission for Refugees in concert with the office of the Attorney General of the Federation came up with a draft bill and submitted the original draft IDP Policy to the Federal Executive Council in October 2010. The Council thereafter directed that a

further review of the Policy with particular emphasis on section 6 (i) of the original draft be effected. This was to integrate the present realities in Nigeria, considering that the original draft was in 2004, and to emphasize the commitment of the present administration to finding durable solutions to displaced persons as well as finding lasting Peace and Security in displaced communities.

A Technical Working Group (TWG), comprising of different stakeholders, was constituted to work on the Council's directive and revise the policy and align it with the provisions of the AU Convention for the Protection and Assistance of IDPs in Africa to which Nigeria is a signatory. This TWG was extensively supported by national and international technical experts, with wide stakeholder consultations. The recommendations thereafter submitted by the TWG were geared towards saving lives, preventing large-scale displacements, wanton destruction of property, engendering national unity, promoting human and socio-economic development, as well as protecting the human rights of all persons.

In line with the concern of this administration for the security and welfare of all Nigerians, the progressive development of the nation, and the reduction, if not complete eradication of the menace of internal displacement, it is with pleasure that I recommend to the general public, the first National Policy on Internally Displaced Persons. The adoption of the Policy has suffered delays, the consequence of which has denied the country a number of opportunities which it can access only when the policy is in place. I urge all tiers of government, non-governmental organizations, international partners, civil society and all stakeholders in the humanitarian field to give it wide publicity and to implement its provisions faithfully and diligently.

Kabiru Tanimu Turaki, SAN, FCI Arb.

Honourable Minister

Ministry of Special Duties and Inter-Governmental Affairs

August.... 2013,

CHAPTER ONE

INTRODUCTION

This chapter aims at providing contextual background and situation analysis on internal displacement in Nigeria as well as definition of key terms as applicable to this policy.

1.1 CONTEXTUAL BACKGROUND AND SITUATION ANALYSIS:

The contextual background and situation analysis provides information on global and domestic context of internal displacement, examines the major causes of internal displacement in Nigeria, highlights the impact of displacement on those affected as well as their protection and assistance needs.

1.1.1 Contextual Background

While there is a visibly large number of IDPs in Nigeria scattered across various states arising from a multiplicity of causes, there is no reliable database providing a comprehensive profile of IDPs in Nigeria. In the early 2006, the increasing number of IDPs due to conflict induced internal displacement informed the Nigerian Government to consider a National Policy on IDPs the draft of which was tabled for consideration in 2007 but then Federal Executive Council did not adopt it. The draft was revised twice between 2009 and 2012 to reflect the new realities and framework provided by the Kampala Convention.

Having recognized that in Nigeria and elsewhere in the world, IDPs are amongst the most vulnerable populations for obvious reasons,¹ the Federal Government of Nigeria signed, ratified and deposited her instruments of the African Union (Kampala) Convention (which came into force on 6th December 2012) for the Protection and Assistance of IDPs in Africa.²

In July 2011, the First Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa organized by the Economic Community of West African States (ECOWAS) in Abuja, under the leadership of Nigeria, underscored the importance of every African Union Member State to signing, ratifying, domesticating and implementing the Kampala Convention.³ More importantly, the Conference stressed the need to strengthen good governance and the full respect of all human rights and international humanitarian law (IHL) in ECOWAS member states, with a view to preventing internal displacement, notably caused by the lack thereof, or emanating

1 Such as: - they have no special legal status under international law because upon displacement, they remain within their national borders and therefore, rarely receive the assistance and protection afforded refugees.

2 The Kampala Convention on IDPs needing 15 ratifications under article 17(1) is yet to come into force as of 7 July 2011. Signed by 32 and ratified by 12 AU States including five ECOWAS Member States: - Gambia, Guinea-Bissau, Mali, Sierra Leone and Togo.

3 See Para 10 of the Preamble to the Final Communiqué of the Conference dated 7 July 2011 in Abuja, Nigeria.

from conflict and generalized violence and mitigating its devastating effects on the region's citizens.⁴

In the absence of a policy framework on internal displacement in Nigeria, the response to the plight of IDPs has remained largely fragmented and uncoordinated; and the response to the root causes of internal displacement, has been very poor and ineffective⁵

To this effect, IDPs have remained largely vulnerable and susceptible to all forms of exploitation, abuse and neglect across the federation. Existing figures on the number of the affected population are contradictory and pose a challenge for assessing the extent and impact of internal displacement on host communities and national security.

1.1.2 Causes of Internal Displacement in Nigeria

In Nigeria, most of the incidences of internal displacement occur because of violent conflicts with ethnic religious and/or political undertones.⁶ Thousands are annually internally displaced as a result of natural disasters⁷ including flooding in the North and West, erosion in the East, oil spillage and development projects in the Niger Delta (South-South).⁸ Some incidences also occur because of clashes between Fulani herdsmen and farmers and between government forces and armed groups. This is in addition to the over 400,000 Bakassi returnees⁹ that were internally displaced from the oil rich Bakassi Peninsula that was handed over by Nigeria to Cameroon in 2008 resulting from the 10th October, 2002 ruling of the International Court of Justice.

Analysts have always expressed fears that the level of conflict and with it the level of internal displacement, may increase each time general elections¹⁰ year draws nearer. These fears were confirmed when the National Emergency Management Agency (NEMA) reported that about 65,000 persons were displaced internally due to post-election violence spread across six Northern states including Bauchi, Kaduna, Kano, Niger, Katsina and Sokoto.

4 Ibid, points 1-3 of the Conference declaration contained in the Communiqué.

5 Ladan M.T. (2011)' Overview of International and Regional Frameworks on International Displacement: - A case study of Nigeria. A paper presented at a 2-day multi-stakeholders conference on International Displacement in Nigeria. Organised by the Civil Society Legislative Advocacy Centre, Abuja in Collaboration with IDMC and the Norwegian Refugee Council, Geneva. Held on November 21-23, 2011, at Bolton White Hotels, Abuja, Nigeria.

6 Ibid at pp. 1-2. See also the Draft National Policy on IDPs in Nigeria, supra note 7; and IDMC supra note 3.

7 Recently, the Nigerian Red Cross Society revealed that in 2010 alone about 1.5 million people were affected nationwide. The Red Cross carried out a vulnerability analysis and identified about 5,000 vulnerable families were most affected by the 2010 floods. See the Proceedings of the Multi-stakeholders conference, supra note 17.

8 United Nations Environment Programme (UNEP) Nairobi, Kenya (2011) : - Report on Environmental Assessment of Ogoni land, Niger Delta region, Nigeria.

9 Tony Nyong: 'Bakassi returnees overwhelm Akwa-Ibom', in Sunday Vanguard, Lagos, 31st August 2008.

10 See Ladan M.T. and Aisha I.K. (ed.) (2005): - Election Violence in Nigeria. AFSTRAG – Nigeria, Lagos with support from the Ford Foundation. For the analysis of the factors responsible for pre, during and post election violence in Nigeria.

Recent studies¹¹ have also shown that people's vulnerability to internal displacement in Nigeria is not only due to natural and human-made disasters, armed conflict, ethno-religious-political conflicts but also worsened by extreme poverty, lack of equal access to socio-economic resources and balanced development, high unemployment rate among able-bodied and frustrated youths as well as development and environmental-induced displacements.

It has been noted, however, that undue emphasis on disaster-induced displacement led to government prioritising disaster risk reduction and narrowing its focus to responding to disaster-induced displacement. This approach has largely ignored non-disaster-induced internal displacement and lack of strategic framework to address the plight of such displaced populations and to provide durable solutions to all types of displacement.

The endorsement of this IDP policy by the Federal Government is a demonstration of political will to providing durable solutions to the plight of IDPs and a practical admission of the fact that ensuring IDPs protection and assistance primarily lies with national authorities whose mandate and obligation it is to protect and care for them.¹²

One of the key factors compounding the plight of IDPs in Nigeria lies in the weak or non-existent process of enabling IDPs make an informed and voluntary decision as to whether to return to their home communities, remain where they are, or settle elsewhere in the country.¹³

1.1.3 Impact of Internal Displacement on IDPs and their Host Communities

a) Impact of Internal Displacement on IDPs in Nigeria

During violent conflicts or natural disasters, which force IDPs to leave, most houses and properties are destroyed, looted or burnt down. Most IDPs in Nigeria flee to neighbouring communities that are safe, usually taking refuge in temporary shelters such as schools, police stations, military barracks, public buildings and places of worship among others; having been deprived of their homes and sometimes their lands and livelihoods. This results in their lacking access to necessities of life such as food, water and shelter.

11 **Ladan M.T., (2009-10)** Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Right, Peace and Security in West Africa (20 10); ABU Press, Zaria, Nigeria; Alhassan, N., NEMA, Abuja (2011) Proceedings of the multi-stakeholders, supra note 17.

12 Section 14(2) (b) of the 1999 Nigerian Constitution imposes an obligation on the government, at all levels, to promote the security and welfare of the people as the primary purpose of government. This accord with Article 3(2) of the Kampala Convention on IDPs in Africa which requires States Parties to adopt implementing national legal and policy frameworks on the protection assistance of IDPs. Further, the Convention's Article 4 is to the effect that State Parties are obliged to ensure that all persons are protected against arbitrary displacement as a human right. Furthermore, by virtue of the Convention's Article 7, both parties in armed conflict are obliged to respect the provisions of International Humanitarian Law (IHL) and Human Rights Law in the protection and assistance to IDPs. Violators of the rights of IDPs shall be held responsible for their acts under both international and national laws.

13 Ibid.

While some efforts are made by humanitarian and faith-based organisations and government agencies to address some of the basic needs of IDPs, their vulnerability tend 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 host communities and displaced children.

Furthermore IDPs in Nigeria face insecurity and all forms of exploitation and abuse, including rape, camping in congested shelters, isolated, insecure or inhospitable areas. IDPs are also largely separated from their families especially, unaccompanied children and teenagers, the elderly and sick, persons with disabilities and pregnant women, whose special needs and privacy are not attended to, due to fragmented and uncoordinated humanitarian response to the needs of IDPs.

IDPs in Nigeria also face lack of access to justice, whether in relation to cases of human rights violations such as discrimination against ethnic and religious minorities, sexual violence, and deprivation of means of livelihood.

Even when the situation of most IDPs improves, potentially 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, marginalisation 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 durable solution may not have been effective or accessible, and the tailored support they needed to rebuild their lives was not available.

(b) Impact of displacement on host communities of internally displaced persons

When internally displaced persons are accommodated by host communities, these communities also experience immense pressure. There is overcrowding of internally displaced persons who create informal settlements on communal and private land. There is also overstretching of social basic amenities as water and social services such as schools, clinics, and other social infrastructure including housing. Trees are cut down for firewood, building material and charcoal burning, causing environmental degradation in the long run. More often than not, where the host community is urban, a number of internally displaced persons turn into migrants, deciding to settle and re-integrate into urban life, seeking new livelihood opportunities and a hope for a better life.

Sometimes, as internally displaced persons over-burden existing community services, resources and job or economic livelihood opportunities, tension arises between the two populations, making effective local integration difficult. Cost of living in host communities increases, especially cost of food, housing, healthcare and education.

1.2 DEFINITION OF KEY TERMS

Arbitrary Displacement: Arbitrary displacement as used in this policy shall connote the meanings adopted in the UN Guiding Principles and the Kampala Convention. The UN Guiding Principles (Principle 6) and the Kampala Convention (Article 4) recognise and construe arbitrary displacement to mean:

- a) *Displacement based on policies of racial discrimination or other similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the population;*
- b) *Individual or mass displacement of civilians in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand, in accordance with international humanitarian law;*
- c) *Displacement intentionally used as a method of warfare or due to other violations of international humanitarian law in situations of armed conflict;*
- d) *Displacement caused by generalized violence or violations of human rights;*
- e) *Displacement as a result of harmful practices;*
- f) *Forced evacuations in cases of natural or human made disasters or other causes if the evacuations are not required by the safety and health of those affected;*
- g) *Displacement used as a collective punishment;*
- h) *Displacement caused by any act, event, factor, or phenomenon of comparable gravity to all of the above and which is not justified under international law, including human rights and international humanitarian law.*

Armed Groups: This refers to dissident armed forces or other organized armed groups that are distinct from the armed forces of the Federal Republic of Nigeria;

Camps: These are erected sites with non-permanent shelters (e.g. tents) used for the collective and communal accommodation of evacuated or displaced persons. Camps can be planned (i.e. purposely-built sites, completed before or during the influx) or self-settled (i.e. set up spontaneously by internally displaced persons or host communities without the support of the government or the humanitarian community).

Clusters are sectoral groups aimed at strengthening the effectiveness of humanitarian response, particularly by building partnerships; to ensure predictability and accountability by clarifying the division of labour among organisations and better defining their roles and responsibilities.

Collective centres: These refer to pre-existing buildings and structures used for the collective and communal non-permanent accommodation of evacuated/displaced

persons in the event of a disaster. Types of buildings and structures used as collective centres vary widely. They include schools, hotels, community centres, town halls, hotels, sport infrastructures, hospitals, religious buildings, police posts, military barracks, warehouses, disused factories, and unfinished buildings, etc.

Collective shelters: This includes camps and collective centres as defined above.

Conflict-Induced Displacement: This refers to displacement resulting from people being forced to flee their homes for one or more reasons including armed conflict such as civil war, communal conflicts, generalized violence, etc and where the state authorities are unable or unwilling to protect them:

Development-Induced Displacement: This refers to a situation where people are compelled to move as a result of policies and projects implemented to supposedly enhance 'development'. Examples of this include large-scale infrastructure projects such as dams, roads, ports, airports, refineries and oil and gas installations

Disaster Management: Disaster Management is the coordination and integration of all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to and recover from threatening or actual natural or human-induced disasters. Disaster Management can also be defined as the coordination and integration of all activities necessary to build, sustain and improve the capability for disaster prevention, mitigation, preparedness, response and recovery

Disaster: In this policy, a disaster refers to an unanticipated occurrence resulting in serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected individuals, community or society to cope using their or its own resources

Disaster-Induced Displacement: This category includes displacement of people caused by natural hazards, disasters (floods, volcanoes, landslides, earthquakes), environmental change (deforestation, desertification, land degradation, global warming) and human-made induced disasters (industrial accidents, radioactivity).

Discrimination: In the context of this policy, discrimination means any disadvantageous distinctions that are based on race, colour, sex, language, religion, political or other opinion, national or social origin, state or local government of origin, indigeneity, property, birth, age, disability or other status of a person. *To give advantage or preference to someone on the basis of **objective and serious reasons** (e.g. particular vulnerability; specific needs not shared by others) rather than these criteria above does not amount to discrimination even if the person concerned possesses them.*

Durable Solutions: A durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their

displacement and can enjoy their human rights without discrimination on account of their displacement. This requires comprehensive approach encompassing voluntary return, local integration and resettlement.

Early Recovery: Recovery that begins early in humanitarian settings that involves multi-dimensional process, guided by development principles and restoration of basic services.

Early Warning: Network systems for gathering information on hazards and its use in taking action to better protect the environment and entire population.

Emergency: A situation in which lives and property are at risk and outside intervention or unusual initiatives by the group or community affected is needed.

Evacuation: This refers to facilitation or organization of transfer of individuals or groups from one area or locality to another in order to ensure their security, safety and well-being. Evacuations are forced if they are ordered and/or enforced by authorities. A forced evacuation is not considered arbitrary or unlawful displacement and thus permissible if it is done in accordance with the law, absolutely necessary under the circumstances, to protect life, health or the physical integrity of affected persons, and to the extent the emergency allows, in proper consultation with the affected population.

Forced Displacement: Refers to the involuntary movements of people due to conflicts, natural hazards or environmental disasters, chemical or nuclear disasters, famine, or development projects.

Forced Eviction: According to the UN Basic Guidelines on Development-based Evictions and Displacement, this refers to acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection. The notion of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties. Forced eviction does not automatically mean arbitrary displacement, but can be the first step leading to it

Guiding Principles: This refers to the 1998 United Nations Guiding Principles on Internal Displacement, which are recognized as an important international framework for the protection of internally displaced persons

Hazard: This refers to an event or incident which, if it materialises, can adversely affect the survival, security and safety of individuals, households or communities e.g. conflict, epidemics, flood and drought etc.

Host Community: This refers to a community that, though not displaced itself, experiences the impact or consequences of displacement, either because it has to host a considerable number of internally displaced persons either in camps, collective centres, informal settlements or directly integrated into households. It also refers to a community that has to receive and integrate formerly displaced persons who decide to return to their homes and places of habitual residence or who have decided to settle permanently elsewhere in the country.

Humanitarian worker: This includes any worker engaged by a humanitarian agency, whether internationally or nationally recruited, or formally or informally retained from the beneficiary community, to conduct the activities of that agency.

Internal Displacement: According to the African Union Convention for Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009), “Internal displacement” means *“the involuntary or forced movement, evacuation or relocation of persons or groups of persons within internationally recognized state borders”* [Article 1 (l)];

Internally Displaced Persons: According to the African Union Convention for Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009), the term “Internally Displaced Persons” is defined as *“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or 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”* [Article 1 (k)].

Kampala Convention: This refers to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa adopted by the special summit of the Union held in Kampala, Uganda, on 22nd October 2009.

Livelihoods: This refers to “the combination of the resources used and the activities undertaken in order to live. The resources might consist of individual skills and abilities (human capital), land, savings and equipment (natural, financial and physical capital, respectively), and formal support groups or informal networks that assist in the activities being undertaken (social capital).”

Non-state actors: This refers to private actors who are not public officials of the Government of Nigeria, including other armed groups not referred to in article 1(d) of the Kampala Convention, and whose acts cannot be officially attributed to the Nigerian government.

Protection: According to the Inter-Agency Standing Committee Internally Displaced Persons Protection Policy (1999), protection is defined as “... *all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian Law, refugee law)*. Protection therefore involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation.

Reintegration: To provide services to assist the displaced into meaningful employment or other forms of economic empowerment within the society and to stimulate the development of effective service delivery.

Resettlement: Enabling internally displaced persons to voluntarily return to their communities, rebuild their homes and re-unite with their families or enabling them to integrate into another community or a place within the territory of Nigeria other than their place of original displacement for the purpose of durable solution”.

Returnee: This refers to persons or group of persons returning to their communities after displacement by armed conflict, natural or human induced disasters, situations of generalised violence, forced evictions or human rights violations.

Risk: is the probability or likelihood that a hazard will materialize.

Sexual abuse: this refers to actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.

Sexual exploitation: this refers to any abuse of a position of vulnerability, differential power or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.

Sphere Minimum Standards: This refers to internationally acceptable minimum standards for monitoring and evaluating the effectiveness and impact of humanitarian assistance¹⁴;

Vulnerability: Vulnerability refers to “*the characteristics of a person or group and their situation that influence their capacity to anticipate, cope with, resist and recover from the impact of a hazard.*” (Wisner et al, 2004). It involves a combination of factors that determine the degree to which someone’s life, livelihood, property and other assets are susceptible to risk caused by a discrete and identifiable event (or series or cascade of such events) in nature and society.

¹⁴The Sphere Project (2011): Humanitarian Charter and Minimum Standards in Humanitarian Response, Southampton, UK.

CHAPTER TWO

POLICY THRUST

This chapter aims at providing policy frame work and scope, rationale/ justification, goals, objectives, guiding principles, declaration (vision and mission).

2.1 POLICY FRAMEWORK AND SCOPE

This policy provides a framework for national responsibility towards prevention and protection of citizens and, in some cases, non-citizens, from incidences of arbitrary and other forms of internal displacement, meet their assistance and protection needs during displacement, and ensure their rehabilitation, return, re-integration and resettlement after displacement. The policy spells out principles guiding humanitarian assistance and implementation of durable solutions in situations of internal displacement in Nigeria.

This policy has adopted the human rights-based approach and its principles. The intention is to accommodate as much as possible the provisions of existing international conventions, treaties and protocols on internal displacement, and guided by the dictates of international humanitarian and human rights laws. This policy therefore draws extensively from the guidance of international and national frameworks on the prevention of internal displacement, as well as those on protection and assistance of internally displaced persons. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the UN Guiding Principles on internal displacement and the Sphere Minimum Standards for Humanitarian Assistance have significantly defined the direction of this policy.

The policy therefore, without prejudice to other existing frameworks and policy guidelines for protection and assistance of vulnerable populations, specifically seeks to address:

- a. **All causes** of internal displacement as identified in Section (1.3) of this Policy
- b. **All groups** of internally displaced persons including those with special needs and vulnerabilities including host communities
- c. **All needs** of internally displaced persons, including assistance and protection needs thereby ensuring the realisation of the full range of their human rights
- d. **All phases** of displacement including pre-emergency and relief phases to recovery (rehabilitation, re-integration, return and resettlement phases) thereby creating conditions for durable solutions.
- e. **All levels** and arms of government from the local to state and federal levels, including all ministries, departments and agencies of government charged with

- diverse responsibilities for guaranteeing the rights of internally displaced persons and adequately meeting their assistance and protection needs
- f. **All affected areas** by opening up the humanitarian space as well as facilitating, coordinating and ensuring safe and secure access by all state and non-state humanitarian actors to internally displaced persons, irrespective of where internal displacement has occurred within the country, including territories not directly under the control of conflicting parties, be they state or non-state actors.
 - g. **All Rights** of internally displaced persons as provided for in the constitution of the Federal Republic of Nigeria, international human rights and humanitarian laws and other related instruments relevant for the protection and assistance of IDPs, and which guarantee their fundamental freedoms and claims to a life of dignity.

2.2 POLICY VISION AND MISSION

a) VISION STATEMENT

This policy envisions an equitable and stable Nigerian society that is proactive and responsive to emergency situations that could lead to internal displacement, where the right to a life of dignity is guaranteed for all internally displaced persons and where adequate measures and durable solutions exist to prevent and mitigate the impact of internal displacement on vulnerable populations.

b) MISSION STATEMENT

This policy seeks to provide a framework for national accountability and responsibility to protect and promote the rights of internally displaced persons, families and host communities as well as adopt strategic measures for coordinated gender-sensitive response to all types and phases of internal displacement in Nigeria.

2.3 POLICY GOAL AND OBJECTIVES

The overall goal of this policy is to strengthen institutional mechanisms and framework for the realisation of the rights, dignity and wellbeing of vulnerable populations through the prevention of the root causes, mitigation of the impact and achievement of durable solutions to internal displacement in Nigeria

This policy therefore seeks to achieve the following specific objectives:

- a. Ensure the establishment of a comprehensive and gender responsive framework for national responsibility, coordination and collaboration with respect to protection, assistance and other humanitarian interventions related to internal displacement in Nigeria.
- b. Provide for the respective obligations, responsibilities and roles of various agencies and institutions of government and non-state actors including communities, civil

society organizations, armed groups, international humanitarian and development partners or any other relevant actors with respect to the prevention of internal displacement, protection of, and assistance to internally displaced persons in Nigeria;

- c. Promote the fundamental human rights of all internally displaced persons in Nigeria and ensure their maximum access to protection and assistance without any form of discrimination whatsoever;
- d. Accentuate the commitment of the Government of Nigeria to the obligations of state parties under various international treaties, conventions and protocols relating to humanitarian law and human rights protection in situations of emergencies and internal displacement, with special attention to the Kampala Convention; and
- e. Ensure accountability of state and non-state actors including individuals, armed groups, multinationals and other actors whose actions or in-actions directly or indirectly result in arbitrary displacement of vulnerable populations in Nigeria

2.4 POLICY GUIDING PRINCIPLES

This policy is predicated on a number of general and humanitarian assistance/human rights protection principles enshrined in various bodies of international humanitarian and human rights laws and codes of conduct.

2.4.1 General Principles

For purposes of specificity, the following general principles are cardinal to the effective implementation of this policy:

- a) ***Principle of Respect for Sovereignty***: This policy recognises that the government of the Federal Republic of Nigeria has the primary responsibility of protecting and assisting its citizens in the event of internal displacement. Where national capacity is inadequate, the government must seek external assistance from the international humanitarian community. Where such assistance is being rendered, serving humanitarian agencies must show respect for the sovereignty, territorial integrity and national unity of the Nigerian state, and operate within the laws of the Federal Republic of Nigeria. However, the Government of Nigeria, while protecting its sovereignty, will ensure that the rights, needs and legitimate interests of internally displaced persons would be given primary considerations.
- b) ***Principle of Gender Equality***: This policy upholds the primacy of gender equality and the equal protection of women's and men's human rights in carrying out humanitarian and peace-building activities, paying special attention to the violation of women's rights and the provision of appropriate remedies. While intervening on internal displacement, state and non-state humanitarian actors must ensure equal representation of women and men in peace mediation and

decision-making at all levels and stages of humanitarian assistance; and guarantee participation of women's organizations in capacity-building for humanitarian response, rehabilitation and recovery.

- c) **Principle of Empowerment:** Humanitarian assistance to, and protection of internally displaced persons must be provided with the primary objective of saving lives, in ways that support livelihoods, reduce vulnerability to future causes of displacement and support durable solutions. Government agencies and humanitarian actors should therefore work to ensure that aid does not undermine local productivity or coping strategies, or disturb normal migratory patterns or foster dependency. Internal displacement prevention and impact mitigating programmes must be carefully planned and implemented in ways that facilitate the link from relief to sustainable development and durable solutions. International humanitarian actors, in the course of their interventions on internal displacement in Nigeria, should consider working with and through locally existing government agencies and Non-Governmental Organisations as partners in planning and implementation, as well as collaborate and cooperate with relevant government structures where appropriate. They should as much as possible, strengthen local technical and institutional capacity to scale up or replicate such interventions at local and national levels. Strengthening local capacity should also include employing local staff, purchasing local materials and trading with local commodity and service providers.
- d) **Principle of Participation:** Designing, planning, implementation, monitoring and evaluation of interventions targeting internally displaced persons or their host communities must actively involve them at all stages. They must be carried along in decision-making processes, and be duly consulted and informed on decisions related to their relocation, provision of relief, rehabilitation, return, resettlement or re-integration. They must also be actively involved in the management of relief, resettlement and rehabilitation camps, and conscious effort must be made to include women and children in such decision-making processes.
- e) **Principle of Accountability:** Disaster situations offer scope for mismanagement, abuse and misappropriation of available funds and resources. The relationship between humanitarian agencies and affected people often mutually reinforces the notion that relief is charity, viewing affected people as passive recipients. Both government, private sector, local and international humanitarian agencies and development partners active in the protection and assistance of internally displaced persons must demonstrate openness and accountability for resources and actions. Primary accountability shall be to the beneficiaries (internally displaced persons and their communities), to the coordinating agency and to the donors, through full disclosure of relevant information and timely reporting. In accordance with the principle of accountability, this policy holds state and non-state actors accountable for their actions or inactions resulting in internal

displacement, whether arbitrary in nature, man-made, development-related, due to natural resource exploitation or caused by preventable natural disasters.

2.4.2 Humanitarian Principles:

In the provision of humanitarian assistance and protection to IDPs, humanitarian actors and service providers shall be guided by the following core principles:

- a) **Principle of Humanity and the Humanitarian Imperative:** This policy requires that human suffering of internally displaced persons be addressed in all its forms wherever found. In the event of intervening in preventing or mitigating the impact of internal displacement, affected persons must be treated with dignity, and be seen as human beings and not just some vulnerable hopeless victims of circumstance requiring assistance. The purpose of humanitarian action is to protect life and health and ensure respect for human beings. Humanitarian actors, whether state or non-state, must therefore endeavour to respect the culture, structures and customs of the communities and displaced population with which they work. This principle underscores the right to receive and to give humanitarian assistance.
- b) **Principle of Neutrality:** This policy requires that in the course of protecting and assisting internally displaced persons or providing services, humanitarian actors must maintain neutrality and not take sides in hostilities or engage in controversies of a political, racial, ethnic, religious or ideological nature.
- c) **Principle of Impartiality and Non-discrimination:** In implementing the provisions of this policy, humanitarian action targeting internally displaced populations must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making **no distinctions** on the basis of ethnicity, indigeneity, gender, religious belief, social class or political persuasion.
- d) **Principle of Independence:** Humanitarian agencies, whether local or international, are required by this policy to act independently and must never knowingly – or through negligence – allow themselves, or their employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor act instrumentally in advancing the foreign policies of donor governments that could be injurious to Nigeria. Similarly, the provision of aid must not exploit the vulnerability of victims of internal displacement and be used to further any political or religious objectives. On the other hand, the Government of Nigeria, armed groups and community leaders are obliged to grant unrestricted access by humanitarian agencies to any locations in Nigeria where internally displaced persons are found or in need of protection and assistance, without undue interference, including areas not directly under their control.
- e) **Principle of Protection from Harm and Abuse:** In protecting internally displaced persons, humanitarian actors must avoid exposing people affected during

displacement to further harm, for example, building settlements for displaced people in unsafe areas. This principle is also concerned with protection from violence, force or inducement to act against one's will, e.g. to take up arms, to be forcibly removed from a place or to be prevented from moving, or to be subjected to degrading treatment or punishment. It is also concerned with preventing or mitigating physical and psychological harm, including sexual abuse or exploitation, the spread of fear and deliberate creation of terror or panic. Humanitarian actions should include helping affected people to claim their entitlements and access remedies such as legal redress, compensation or restitution of property, as well as helping people recover from and overcome the effects of abuse – whether physical, psychological, social or economic. This policy requires that in the discharge of their responsibilities as host communities to internally displaced persons, the host communities shall be protected from harm and harmful conduct by the IDPs or other aggressors attacking them on account of their hosting IDPs. In the event of such hostility from IDPs or their aggressors to IDPs, host communities shall be protected by the state including but not limited to the prosecution of the IDPs or aggressors responsible for the hostility.

CHAPTER THREE

RIGHTS AND OBLIGATIONS OF IDPS

This chapter seeks to outline the rights and obligations of IDPs consistent with Nigeria's constitutional and treaty obligations.

3.1 RIGHTS OF IDPS

Persons affected by displacement situations experience a wide variety of needs in the short, medium and long term. These include food, water, shelter and other essential items, security, physical and psychological well-being, assistance in restoring family links, health care, education, economic and social rehabilitation.

People are especially vulnerable when they are displaced, whatever the cause of the displacement. They are deprived, often brutally, of their ordinary environment, and this directly threatens their ability to meet their most basic needs, especially when families are torn apart or when relatives are killed or missing.

For humanitarian action to be effective, it is of paramount importance to take into account all the needs of IDPs at every stage of their displacement. Only a comprehensive approach can ensure that assistance and protection – two interlocking aspects of effective humanitarian operations – are provided simultaneously. The needs of IDPs cannot be strictly divided into categories or sectors.

3.1.1 General and Specific Rights

- a) All rights contained in the Constitution of Nigeria statutes and domesticated sub-regional, regional and international human rights and humanitarian instruments which all citizens of Nigeria are entitled to shall be applicable to all internally displaced persons in Nigeria.
- b) All IDPs have the right to enjoy in full equality, the same rights and freedoms under both international and domestic law as do all other citizens and persons in Nigeria. However, non-citizens may not be eligible to vote and be voted for in local elections unless the law expressly entitles them to.
- c) IDPs shall have
 - i. The right to seek safety in another part of the country;
 - ii. The right to leave their country;
 - iii. The right to seek asylum in another country; and

- iv. The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.
- d) IDPs have a right to request and receive protection and assistance from the state and local authorities and shall not be punished or persecuted for making such a request.
- e) Vulnerable IDPs shall have a right to receive protection and assistance required by their condition or special needs. Such vulnerable IDPs shall include children accompanied, unaccompanied and orphans, women including nursing and expectant mothers and female heads of households, persons with disabilities, and the elderly.

3.1.2 Rights to Protection from Displacement

- a) Every person shall have a right not to be arbitrarily displaced from his or her home or place of habitual residence. All acts of arbitrary displacements as defined in Section 1.2 of this policy are therefore specifically prohibited.
- b) In situations other than during the emergency phases of armed conflict, generalised violence and disasters and despite due consultations and participation of affected persons, all the following guarantees should be put in place by the government authorities effecting the eviction prior to its execution:
 - i. A specific decision authorizing the evictions has been taken by the relevant government authority empowered by law to order such measures;
 - ii. An opportunity for genuine consultation with those affected, including public hearings on the proposed eviction plans and alternatives;
 - iii. Adequate and reasonable notice prior to the scheduled date of eviction;
 - iv. The timely provision of information in an accessible format on the eviction process, future use of the land and resettlement plans for affected persons;
 - v. The presence of government officials during an eviction;
 - vi. The proper identification and registration of all persons being evicted;
 - vii. The proper identification of all persons carrying out the eviction;
 - viii. The prohibition of evictions during bad weather or at night;
 - ix. Provision of legal remedies including provision of affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities;

- x. Provision of adequate compensation for loss of properties and inconveniences resulting from the evictions based on comprehensive assessment reports; and
 - xi. Provision of legal aid by the legal aid council and other agencies providing *pro-bono* legal aid services to affected persons, where needed, to seek redress from the courts.
- c) However in cases of armed conflict, displacement may be unavoidable to ensure the safety and security of civilians involved or for imperative military reasons while in the case of disasters, residents may require evacuation for their safety and health.
- d) Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, security of the person of IDPs.

3.1.3 Rights to Protection and Assistance During and after Displacement

During displacements, in addition to their other existing rights, IDPs have right to their physical security and integrity, basic necessities, civil and political rights, economic, social and cultural rights and right to, or restoration of their property including lands.

Specifically, IDPs have the following rights during displacement

- a) The right to life shall be fully protected by law. IDPs shall be protected in particular against genocide; ethnic cleansing; murder; summary or arbitrary executions; enforced disappearances; as well as from threats to commit any of the aforementioned acts. IDPs shall also be protected from acts of violence when they are not participating in hostilities. It is prohibited for special areas to be created wherein attacks on civilians are permitted; starvation shall not be used as a method of combat; IDPs shall not be used as human shields, nor shall landmines be used against them.
- b) The right to dignity, physical, mental, and moral integrity of all human beings is hereby guaranteed by this Policy. IDPs whether or not their liberty is restricted shall be protected against rape, sexual harassment, mutilation, torture, inhuman treatment or punishment, gender specific violence, forced prostitution, indecent assault, slavery in any form, forced sale into marriage, sexual exploitation, forced labour of children, and acts of violence intended to spread terror among internally displaced persons. Threats to commit any of the above are also forbidden.
- c) The right to liberty and security of every person is guaranteed. No one shall be arbitrarily arrested or detained. IDPs shall not be interred in camps. If confinement is necessary, it shall not last longer than

absolutely necessary and warranted by exigencies. Such confinement must cease immediately the necessity or exigency ends. IDPs shall not be taken hostage.

- d) Displaced children shall not be recruited as child soldiers or permitted to take part in hostilities. Cruel, inhuman, and degrading practices that compel compliance with recruitment shall be prohibited always.
- e) Every Internally displaced person shall have the right to freedom of movement in and out of camps or settlements, and freedom to choose where he/she will reside.
- f) The right of IDPs to know the fate of missing relatives enshrined in this policy. The lead agency under the Human Rights & Protection Sector established by this National Policy in collaboration with The National Commission for Refugees (where it is not the sector lead), Security Agencies, other relevant authorities and international humanitarian agencies shall endeavour to establish the fate and location of IDPs reported missing, and shall cooperate with international organizations that are engaged in this task. IDPs must be informed of any progress in this type of investigation. Authorities concerned shall endeavour to collect and identify mortal remains of the deceased, prevent their mutilation and disposal, and endeavour to return those remains to next of kin wherever possible. Gravesites should be protected and marked for easy identification. Except where hostilities may resume due to access to gravesites, such access should be granted and protected.
- g. Respect for family life should be guaranteed for all human beings. Proper accommodation should be provided to the greatest extent possible; members of the same family should not be separated. All efforts should be made to reunite families quickly. The relevant IDPs camp management authorities should make all effort to respond to enquiries by families and should facilitate the work of national and international organizations involved in family reunification. While in camps, IDPs are entitled to the sanctity of normal family relationships.
- h. All IDPs shall have the right to an adequate standard of living. At the minimum and without discrimination, relevant authorities shall provide IDPs with safe access to essential food and water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation. Women should be full participants in the distribution of these supplies. Good conditions of safety, nutrition, health, and hygiene should be ensured.
- i. All wounded, infirmed, and IDPs with disability shall receive medical care to the fullest extent practicable which shall include psychological and social services whenever necessary. Special provision should be made for

female health care needs. Attention should also be given to contagious and infectious diseases including HIV/AIDS among IDPs.

- j. Every human being including IDPs has the right to recognition as a person before the law. Therefore the Human Rights and Protection Sector lead shall liaise with the relevant authorities (including the Nigeria Immigration Services, Independent National Electoral Commission, Nigeria Police Force, Federal Road Safety Commission, Local Government authorities, and any other institution to ensure that all IDPs are issued all documents necessary for the enjoyment of their legal rights. This shall include the issuance of passports or other travel documents, national or personal identification documents, drivers' licenses, voters' cards, birth certificates, marriage certificates, and other related documents.
- k. Authorities should issue replacement documents as required by IDPs without the imposition of unreasonable conditions, such as requiring the return to former residences to obtain such documents. Women and men shall have equal rights to obtain documentation, and to have it issued in their own names.
- l. No one shall be arbitrarily deprived of property and possessions. The property and possession of IDPs shall be protected from pillage, indiscriminate attacks, being used as shields for military operations, objects of reprisal, or as a form of collective punishment.
- m. IDPs, regardless of whether they live in camps or not, shall enjoy the right to freedom of thought, conscience, religion, belief, opinion or expression; the right to seek employment or participate in economic activities; the right to vote and participate in government or civic affairs; and the right to communicate in a language they understand. IDPs shall also have the right to associate freely with other persons.
- n. Every human being has the right to an education. The Education Sector lead under the sector approach established by this policy shall liaise with other relevant education authorities and humanitarian agencies to ensure that all IDP children receive education that shall be free and compulsory at the primary level. Education should respect their cultural identity, language, and religion. Special efforts should be made to encourage the full participation of women and girls in educational and training programmes.

For the purposes of this Policy and for the avoidance of doubt anywhere reference is made to the responsibility of State Security agencies to secure the lives of people and property, such agencies shall include but are not limited to the Nigerian Police Force, the Military, the Nigeria Security and Civil Defence

Corps, and the State Security Services or other relevant security agencies by whatever name called. .

3.1.4 Rights of Internally Displaced Children:

Internally displaced children shall be entitled to the full enjoyment of their rights under the Nigerian Constitution, statutes, and domesticated sub regional, regional and international human rights and humanitarian instruments. Internally displaced children shall, in particular, enjoy their rights under the Child Rights Act and similar laws enacted at the State and local government levels.

It has been observed that some children lose the only living parent or both parents during communal conflicts and disasters. This naturally, leads to the problem of establishing their true identities. However, in this National Policy, the government hereby asserts as follows:-

- a. That every child has the right to a name and he/she also has a right to be identified with the community of his/her birth, where possible.
- b. To ensure his/her proper upbringing, an internally displaced child that is orphaned could be adopted by a family either from his/her ethnic group or otherwise, which means his/her status could be decided by his/her new family. This shall be in compliance with all state and federal legislation on adoption.

In such a case:

- i. The new parents must ensure that he/she attains full educational development as their biological children;
 - ii. That the child shall not be subjected to child abuse;
 - iii. That the child shall be fully integrated into the family and treated equally like other biological children;
 - iv. That the child shall be entitled to honours such as traditional titles where he/she so merits it, and shall not be discriminated against just because of his/her being an internally displaced child;
 - v. Under no circumstance shall the child be reminded that he/she is adopted from an internal displacement camp;
 - vi. That the adoption of the child is perpetual, not reversible and non-renounceable.
- c. As an alternative to adoption, a child could also be fostered and have access to all rights such as education, inheritance, and traditional titles as are enshrined in Sharia or Customary Law.
 - d. It is the policy of the government not to discourage internally displaced children from communicating in their native language or any other language of their choice.

- e. Under no circumstance shall an internally displaced child be used for street hawking, forced labour or any other forms of child exploitation.
- f. Internally displaced children shall be entitled to good medical care and immunization against diseases that may cause death, retard their growth or affect their general well being.
- g. Because of the peculiar status of internally displaced children, it is the policy of government to ensure their full integration into the society. Internally displaced children shall not be ascribed as belonging to any cast system, such as “Osu”, “Abiku”, “Ogbanje”.
- h. This National Policy shall ensure that internally displaced children (persons below the age of 18) are protected against torture, sexual exploitation, drug abuse, as well as early and forced marriage.
- i. This National Policy shall ensure the protection of children in exceptionally difficult circumstances. This means that a special regime shall be established for the protection of children in such difficult circumstances which shall include but not limited to orphans, children with health challenges and children with disabilities
- j. Internally displaced children are entitled to inherit the property of their parents. In case both parents are lost in conflicts, disaster or any other cause in the course of displacement, the Human Rights and Protection Sector lead agency as established by this policy in conjunction with relevant state and local government agencies shall take adequate measures to ensure that the law protects their orphan status and their inheritance.
- k. Schools are often destroyed during most disasters therefore, in order for the Internally Displaced Children to return to school while in camp, the Education Sector lead agency under the sectoral approach established by this National Policy shall liaise with relevant agencies within the locality to assist in relocating the children to neighbouring schools that are ascertained to be safe. This shall not preclude the building of new schools in the place of relocation.
- l. It shall also be the responsibility of the Education Sector lead agency under the sectoral approach established by this National Policy to work in conjunction with local and state education authorities to create a conducive learning environment for Internally Displaced Children by collaborating with the UNICEF and other education agencies to provide instructional materials and teaching aids for the schools.
- m. Where formal education facilities are not available, informal education options including livelihood skills training should be provided for internally displaced children. While providing access to education, attention should be paid to girl-child education, as they are most likely to miss out on the basis of gender dynamics.

- n. The Human Rights and Protection Sector lead agency under the sectoral approach established by this National Policy shall liaise with UNICEF and other relevant agencies and Ministries to ensure the protection and care of displaced children, with particular attention to orphaned, HIV infected/affected and unaccompanied children, as well as child-heads of households and children with disabilities or those with other debilitating conditions. .
- o. The Human Rights and Protection Sector lead agency under the sectoral approach established by this National Policy shall promote children’s rights to survival, development, participation and protection, relevant government agencies responsible for child welfare in collaboration with UNICEF and other humanitarian agencies should facilitate the establishment of child-friendly spaces in camps as an essential means for providing integrated care for children. Children who have been traumatised during conflicts or disasters should be provided with appropriate psycho-social support
- p. The Human Rights and Protection Sector lead agency under the sectoral approach established by this National Policy shall work closely with relevant agencies and the camp administrators to ensure the safety and security of children, including protecting them from sexual molestation, child labour, abduction by armed groups, trafficking and forced prostitution.

3.1.5 Rights of Internally Displaced Women:

Conscious of the fact that women are an especially vulnerable group among IDPs and that some of them have been victims of different forms of indignity and abuse, the Federal Government, through this National Policy, without prejudice to the national gender policy, hereby provides as follows:

- a. That the sanctity of Nigerian womanhood shall not in any way be violated;
- b. Every woman in an IDP camp shall have the rights to her privacy;
- c. Women in IDP camps shall not be subjected to any form of indignity; including beating, forced labour, sexual abuse, or forceful stripping either for medical examination or other reasons whatsoever without her consent;
- d. Under no circumstance shall women and men be lumped together in a room except as husbands and wives or as members of the same family;
- e. It is the policy of government to protect Internally Displaced Women from forced marriage. Thus, nobody shall determine the partner of, or the period within which internally displaced women ought to get married;
- f. Women in IDP camps shall be entitled to hold any position of authority in camp without any form of discrimination;

- g. Women in IDP camps shall be free to take micro-credit and other financial assistance with or without the consent of their husbands for economic self-reliance;
- h. Women in IDP camps have the right to own property and disburse the property with or without the consent of their spouses;
- i. Every woman in an IDP camp has the right to embark on any form of lawful economic activity of her choice to enhance her well-being and that of her family;
- j. Women in IDP camps are entitled to self-development, particularly in the area of education and skill acquisition.

3.1.6 Rights of Internally Displaced Persons with Disabilities

All wounded, infirm, and IDPs with disability shall receive medical care to the extent practicable which shall include psychological and social services whenever necessary.

In order to access their rights in displacement camps, Persons with disabilities need specific support due to their peculiar situations related to their disabilities. They may have less access to their rights and the humanitarian assistance provided for IDPs if the following barriers exist:

- 1) Lack of mobility aids
- 2) Lack information in a format which they understand; and
- 3) Lack of accessible physical environment

The following needs of Persons with disabilities to enable them access their rights as IDPs should be provided by the relevant sector lead agencies established by this National Policy with responsibility social welfare and health, namely:

- a) **Modified Physical Environment:** in the construction of camp infrastructure, provision should be made for entrance ramps, non-slipper floors, wide entrances/exits and wide lavatories that can accommodate wheel chairs. Provision of these will aid their access to sleeping areas, conveniences and dispensaries.
- b) **Assistive/Mobility Devices:** Internally displaced persons in need of assistive and mobility devices should be provided with such, including wheelchairs, walking canes, evacuating chairs, walkers, crutches, hearing aid equipments. Provision of these will facilitate their movement and afford them some independence.
- c) **Trained Personnel & Specialised Medical Care:** Internally displaced persons with disability in need of specialised care should be provided with such, including caregivers to assist those with ambulatory problems or intellectual and developmental disabilities. Sign language interpreters are to be provided to aid communication with the Deaf, physiotherapists especially for those who have newly acquired disability (e.g. amputees) during the crises that displaced them.

Persons with mental or psychosocial disabilities should be provided with psychiatrist support to keep them under control

- d) **Access to information** should be provided in formats that are accessible to IDPs with disability (e.g. converted into Braille for the visually impaired),
- e) **Children with disabilities: internally displaced children with disability should be** enrolled in nearby special schools that meet their specific needs (e. schools for the Blind, Deaf and mentally retarded or challenged, etc) to protect their right to education.
- f) ***Prioritising persons with disability in service delivery: Persons with disability should be prioritised in water, food and other supplies distribution queues. Where there are persons who cannot afford mobility or are house-bound, mobile distribution systems should be provided to reach them***

3.1.7 Right of Internally Displaced Persons Living With HIV (PLHIV)

Special attention should also be given to contagious and infectious diseases including HIV/AIDS among IDPs. Under no circumstances should persons living with HIV/AIDS or who have other contagious and infectious diseases be discriminated against either on account of their health conditions or in the provision of social or health services. They have a right not to be discriminated against on any of the above grounds as well as under the 1999 Constitution of Nigeria and other relevant human rights and humanitarian laws.

All sector lead agencies established by this National Policy shall mainstream HIV and AIDS into their protection and assistance interventions and shall work in collaboration with relevant government agencies responsible for AIDS control at all levels (NACA, SACA, LACA) and international humanitarian agencies, Non-governmental organisations, and local community-based support groups to ensure that:

- a) Displaced persons living with HIV have access to purified water and hygienic food and sanitary environment to avoid contaminations which could lead to opportunistic infections caused by their compromised immunity
- b) Displaced persons living with HIV have access to adequate care and support services including psycho-social support
- c) Children orphaned by AIDS are given special attention and care
- d) Displaced persons living with HIV and their families, including children affected by AIDS are not discriminated against or stigmatized in any way
- e) Displaced persons living with HIV have access to condoms and positive living education including information on positive prevention to minimise infecting their partners or re-infecting themselves
- f) Women living with HIV have access to prevention-of-mother-to child services and information, including family planning, treatment and infant feeding options to minimise infecting their new-born babies

- g) Displaced persons living with HIV have access to treatment including anti-retroviral drugs (ARVs) and treatment for opportunistic infections. Availability of oral rehydration therapy, long-lasting insecticide treated bed nets and water purifying systems shall also be provided to them as a matter of priority and primary importance.
- h) Confidentiality of data and information on displaced persons living with HIV is maintained and only disclosed with informed consent, to avoid stigma and discrimination

3.1.8 Right of Internally Displaced Elderly Persons

Displacement poses serious challenges and infringement on the rights of older persons especially those in their sixties and above. Sometimes, in the flight phase of emergencies, families have to make the painful choice of leaving them behind as opportunity cost for saving children and younger people. Most humanitarian efforts do not plan for or take displaced elderly persons into consideration, and their needs are largely unmet in collective shelters and re-settlement camps. Research has shown that older people are more resistant to displacement, rather preferring to stay behind to protect family assets and livelihoods.

This policy recognises the vulnerability of older persons before, during and after displacement, and therefore guarantees their human rights. All relevant sector lead agencies established by this National Policy shall work in collaboration with relevant government, national and international humanitarian agencies, and civil society organisations to protect and guarantee their rights by ensuring that:

- a) Older persons left behind during flight by family members in times of emergency are accessed and evacuated;
- b) Relevant identification and documentation is obtained for older persons in displacement
- c) Land and housing rights of older persons are protected during and after displacement especially for widows and elderly women
- d) The basic needs of older persons in displacement including nutrition, shelter (including mattresses, blankets, warm clothing, tent, rain coats, etc), water, sanitation and specialised health care are provided for during and after displacement
- e) Older persons in displacement are re-united with their families and that they are provided with adequate social support systems
- f) Older persons' livelihoods support systems and means of income generation are rebuilt, especially those providing care to younger children whose parents might have been lost prior to or during displacement.
- g) Older persons in displacement are provided with relevant psycho-social support, palliative care and post-traumatic counselling since they are most likely to suffer post-traumatic stress disorders

- h) Transportation and mobility is provided to elderly persons during evacuation and displacement following emergencies, disasters, violence and conflicts or other causes of displacement
- i) Special queues are provided for older people at food distribution and health centres to avoid them being stampeded or pushed down by large crowds struggling for same services on a “survival of the fittest basis”
- j) “Social spaces” are created in camps, collective shelters and host communities where older people can meet to interact, solve problems, share experiences, gain literacy skills, obtain livelihood support and reduce isolation. This gives them social support that helps to restore their dignity and respect within the internal displacement community.
- k) Older people have access to official communications and information disseminated in the camps by providing information in local dialects and using interpreters to make sure that elderly persons are not left out in planning and delivery of humanitarian services.
- l) water containers are provided in smaller sizes and with handles that can easily be carried by older persons
- m) Camp and shelter facilities are accessible and safe for older persons e.g. provided with rails, non-slippery floors, etc
- n) Displaced older women are protected from physical and sexual abuse, including all forms of gender-based violence and discrimination

While the above measure are to protect the rights of older persons and ensure their safety, security and welfare during and after displacement, it is worth noting that older persons are amongst the most willing to return to their places of origin due to the strong ties to their lands, farms, homes and property. In pursuing durable solutions, the relevant agencies shall prioritise older persons in the provision of comprehensive return packages for displaced persons to sustain and support return and resettlement as provided for in section 5.1.4 of this policy.

3.1.9 Rights of IDPs to Voluntary Return, Local Integration and Relocation.

IDPs shall have the right to decide if they want to return to their homes or places of habitual residence, be integrated in the host community, be relocated to another place within the country or seek asylum in another country.

In addition to any other rights enumerated in any other part of this Policy, IDPs who choose to return, be integrated locally or relocated within the country shall specifically have the following rights:

- a) The right not to be discriminated against on account of the displacement.
- b) The right to participate fully in public affairs, access to public services and to vote and be voted for.

- c) The right to own property wherever durable solution has been achieved for them like other Nigerians under the Constitution of Nigeria and other relevant laws.
- d) The right to any special or general existing empowerment initiatives of the government.

Whether they choose to return or be relocated or re-integrated, IDPs shall be entitled to a comprehensive rehabilitation package with priority given to the elderly. Relevant sector lead agencies shall therefore ensure that internally displaced persons have access to appropriate packages for return, local integration or relocation based on needs assessment including shelter, food packages, provision of household items and transportation for vulnerable persons with special needs.

3.2 OBLIGATIONS OF IDPs

Like all citizens, IDPs have an obligation to be law abiding citizens. IDPs shall take responsibility for the commission of individual and group crimes during the events leading to displacement and thereafter. Specifically, IDPs shall be responsible for the following:

- a. Individual criminal responsibility under national and international law;
- b. Individual criminal responsibility for genocide, war crimes and crimes against humanity;
- c. Individual and group crimes of a very serious nature as defined under national and state laws;
- d. Respect the culture and norms of host communities
- e. abide by rules and regulations in collective settlements

CHAPTER FOUR

RESPONSIBILITIES OF GOVERNMENT, HUMANITARIAN AGENCIES, HOST COMMUNITIES AND ARMED GROUPS TO IDPS

This chapter seeks to outline the various responsibilities of government at all levels to prevent internal displacement, protect and assist IDPs in Nigeria.

4.1 OBLIGATIONS AND RESPONSIBILITIES OF GOVERNMENT:

Government is considered the primary duty bearer with the responsibility for protection of internally displaced persons. Such protection will be **responsive**, i.e. aiming to prevent imminent or stop on-going violations, **remedial**, i.e. aiming to provide redress (e.g. access to justice, reparation or rehabilitation) for past violations, or **environment-building**, i.e. aiming at creating the necessary legal and institutional framework, capacity and awareness that is necessary to promote respect for human rights of internally displaced persons and prevent future violations.¹⁵

In the above context, international human rights law imposes on government three major obligations with regards to ensuring the realisation of the rights of internally displaced persons:

- a) **The obligation to respect** the human rights of internally displaced persons, *i.e. to refrain from actively violating them*;
- b) **The obligation to protect** such rights, *i.e. to intervene and take protective action on behalf of the victims of internal displacement against threats by others or stemming from their displaced situation*;
- c) **The obligation to fulfil** these rights, *i.e. to provide goods and services necessary to allow internally displaced persons to fully enjoy their rights*; and to discharge these obligations **without discrimination**.

In line with the above obligations, this policy therefore amplifies government commitment to take all necessary actions and put in place strategies and mechanisms for addressing the challenges of internal displacement in Nigeria. This commitment places on government and its relevant ministries, departments and agencies the responsibilities to put in place effective measures and strategies for:

- 1) Preventing all causes of displacement in Nigeria and minimise its adverse effects
- 2) Raising national awareness of the problems of displacement

¹⁵ IASC IDP Protection Policy 1999; Global Protection Cluster Working Group, Handbook for the Protection of Internally Displaced Persons, March 2010, p. 7.

- 3) Collecting data on the number and conditions of internally displaced persons in Nigeria
- 4) Supporting training on the rights of internally displaced persons among all relevant government authorities, host communities and the IDPs themselves
- 5) Creating a legal framework for upholding the rights of internally displaced persons including domestication and implementation of the Kampala Convention
- 6) Implementing and continuously reviewing a national policy on internal displacement
- 7) Creating the institutional framework for effectively coordinating all interventions targeting all phases of internal displacement in Nigeria.
- 8) Empowering and ensuring that the National Human Rights Commission, Legal Aid Council, security agencies and other relevant agencies adequately integrate internal displacement into their work
- 9) Ensuring the active participation of internally displaced persons in decision-making
- 10) Supporting durable solutions from prevention of displacement to long term development goals
- 11) Allocating adequate resources to tackling the problem of internal displacement through the various intervening ministries, departments and agencies of government
- 12) Seeking and strengthening cooperation with the international community when national capacity is insufficient to address the challenges of internal displacement.
- 13) Putting in place measures to protect properties left behind by IDPs

4.2 OBLIGATIONS OF HUMANITARIAN AGENCIES

4.2.1 Compliance with the Law and Policy Guidelines:

This policy recognises the important roles that humanitarian agencies play in the protection and assistance of internally displaced persons in Nigeria. In the course of discharging their obligations, local and international NGOs, Inter-governmental agencies, UN agencies and all other humanitarian actors shall carry out their duties in conformity with international law and the laws of the Federal Republic of Nigeria. All humanitarian assistance shall be provided in compliance with the *principles* of humanity and humanitarian imperative, neutrality, impartiality and non-discrimination, independence and protection from harm and abuse underlying this policy (Section 2.4.2). They shall act in the best interest of the internally displaced persons, and shall be guided by the provisions of this policy and Article 6 of the Kampala Convention.

4.2.2 Code of Conduct and Standard Operating Procedures:

In providing protection and assistance to Internally Displaced Persons, international organizations and humanitarian agencies shall respect the rights of such IDPs in accordance with the code of conduct and Standard Operating Procedures for workers providing humanitarian protection and assistance as developed.

Furthermore, these codes of conduct and standards should be incorporated into agency codes of conduct and staff rules and regulations. Mechanisms to ensure that these standards and principles are promoted, disseminated and integrated into personnel requirements, administrative standards and agreements with partners and contractors must also be established. In addition, humanitarian agencies would have to evolve mechanisms for reporting complaints, investigative procedures and disciplinary processes for ensuring compliance.

4.2.3 Adherence to Minimum Standards:

In providing protection and assistance to Internally Displaced Persons, international organizations and humanitarian agencies shall adhere to the **Core Sphere “process and people” Minimum Standards** that are relevant to each technical sector. These Sectoral Sphere Minimum Standards include:

- a) Minimum standards in water, sanitation and hygiene promotion
- b) Minimum standards in food security, nutrition and food aid
- c) Minimum standards in shelter, settlement and non-food items
- d) Minimum standards in health services
- e) However, the minimum standards common to all sectors shall include¹⁶:
 - i. **Participation:** The displaced population actively participates in the assessment, design, implementation, monitoring and evaluation of the assistance programmes.
 - ii. **Initial Assessment:** Assessments provide an understanding of the disaster situation and a clear analysis of threats to life, dignity, health and livelihoods to determine, in consultation with the relevant authorities, whether an external response is required and, if so, the nature of the response.
 - iii. **Response:** A humanitarian response is required in situations where the relevant authorities are unable and/or unwilling to respond to the protection and assistance needs of the population on the territory over which they have control, and when assessment and analysis indicate that these needs are unmet.
 - iv. **Targeting:** Humanitarian assistance or services are provided equitably and impartially, based on the vulnerability and needs of individuals or groups affected by disaster

¹⁶ The Sphere Project (2004): The Humanitarian Charter and Minimum Standards in Disaster Response (Geneva) pp

- v. **Monitoring:** The effectiveness of the programme in responding to problems is identified and changes in the broader context are continually monitored, with a view to improving the programme, or to phasing it out as required.
- vi. **Evaluation:** There is a systematic and impartial examination of humanitarian action, intended to draw lessons to improve practice and policy and to enhance accountability.
- vii. **Aid worker competencies & responsibilities:** Aid workers possess appropriate qualifications, attitudes and experience to plan and effectively implement appropriate programmes.
- viii. **Supervision, management and support of personnel:** Aid workers receive adequate supervision and support to ensure effective implementation of the humanitarian assistance programme

4.3 RIGHTS AND OBLIGATIONS OF HOST COMMUNITIES

When displacement occurs, those displaced either relocate on their own to a receiving community that hosts them, or are relocated and resettled by government authorities to an alternative location. A number of reasons determine where people relocate to. Most IDPs displaced by conflicts or disasters will relocate to areas where there is safety, relative stability with little or no violence. Many others relocate to areas where they have a connection to people in the receiving community based on tribal, ethnic, sectarian, or familial affiliations or through existing relationships between people in the community and some of the displaced people. This policy therefore recognises and provides for the rights and obligations of such IDP host communities as part of government measures to achieving durable solutions.

4.3.1 Rights of Host Communities

While internal displacement exposes those displaced to peculiar risks, the communities receiving and accommodating displaced persons either on temporary or long-term (integration) basis also bear the brunt of displacement. Most often, interventions have targeted displaced populations and neglected the needs of the host communities. Some interventions even become the cause of conflict and hostility between displaced persons and host communities. It is therefore the policy of government to encourage community-based approaches to internal displacement response that take into consideration the responsibilities of government and humanitarian agencies towards protection and assistance of IDP host communities and the full realisation of their human rights based on adequate needs assessment.

The Government of Nigeria and humanitarian agencies have key responsibilities towards respecting, protecting and fulfilling the rights of host communities of internally

displaced persons in line with the principles of impartiality and non-discrimination, including the following:

a) **Socio-economic Rights:**

- o As part of Conflict prevention and Peace building efforts, relevant sector lead agencies under the sectoral approach established by this policy shall collaborate with other intervening agencies to ensure expanded capacity of the host communities' infrastructure and services to accommodate extra IDP population, including recruitment of more personnel and construction of social infrastructure including water supply, health care facilities, schools, etc that will reduce pressure on existing infrastructure caused by influx of internally displaced persons
- o Host communities are entitled to enjoy adult literacy and Health promotion initiatives targeting IDPs.
- o Relevant sector lead agencies shall ensure the expansion of economic opportunities for host communities including employing them as casual staff in resettlement camps, provision of slots to benefit from skill acquisition training programmes for IDPs, etc They should as much as possible, also be included in income-generating activities and livelihood support programmes targeting IDPs

b) **Host communities have the right to security of life and property.**

- o Relevant sector lead agencies shall ensure Support for local community security structures such as vigilantes to augment efforts of security agencies in host communities, IDP camps and settlements

c) **Host communities have the right to adequate and appropriate compensation:**

- o Relevant Sector lead agencies shall ensure adequate and appropriate compensation of host communities by relevant authorities for land used as camp sites for formal settlement of IDPs;

d) **Right to food security:**

- o Local farmers in the host communities shall be entitled to adequate agricultural support by the Agriculture sub-Sector of the Food Aid and Agriculture sector established under the sectoral approach in this policy. This will boost local food production and mitigate the impact of influx of IDP population on food security;

e) **Right to Safe Environment:**

- o Support use of improved fuel stoves, establish tree nurseries and promote environmental education and preservation programmes that will curtail deforestation and cutting down of trees for fire wood in IDP Camps

f) **Right to Quality Health:**

- o Promote environmental sanitation activities including construction of Ventilated Improved Pit (VIP) toilets in host communities

- o Ensure immunisation of children in both host communities and IDP camps to ensure that they are protected from communicable diseases
- o Expand HIV/AIDS prevention and treatment programmes targeting IDPs to benefit host communities

4.3.2 Responsibilities of Host Communities

Host communities are important stakeholders in the protection and assistance of internally displaced persons, and therefore have the obligation to cooperate and collaborate with government efforts in:

- a) The provision of adequate security and safety for internally displaced persons settled or resident in their communities
- b) The promotion of harmony and integration of internally displaced persons, and shall not prevent them from accessing social services available within their communities including education, health care, water and sanitation and other social amenities.
- c) The ensuring that internally displaced persons resident in their communities are not discriminated against on the basis of ethnicity, religion or culture, and shall not exploit their displacement or vulnerability including differential charges for services or commodities (e.g. house rents, school fees, etc)
- d) The provision of safe space for IDPs in the community, and where land is required for construction of resettlement or temporary shelter, shall provide same to government through negotiations with relevant government and humanitarian agencies
- e) Ensuring access by humanitarian agencies, non-governmental organisations or government officials providing assistance and support to IDPs in their communities
- f) Restoring the environment during the emergency and recovery phases of the displacement
- g) Allowing IDPs the freedom to express their cultural, religious and political beliefs without undue discrimination, molestation or inhibition.
- h) Not limiting the lawful movement of IDPs within, into or out of their community, or prevent their access to any part of their community

4.4 OBLIGATIONS OF ARMED GROUPS:

While recognising the critical role played by armed conflicts and armed groups in causing internal displacement in Nigeria, the provisions of this policy shall not, in any way whatsoever, be construed as affording legal status or legitimizing or recognizing armed groups. These policy provisions on the obligations of armed groups are without prejudice to the individual criminal responsibility of the members of such groups under domestic or international criminal law. In the event of armed conflicts, members of armed groups

shall abide by the provisions of Article 7 of the Kampala Convention of 2009. By this provision, **they are under obligation not to:**

- a) Carry out arbitrary displacement;
- b) Hamper the provision of protection and assistance to internally displaced persons under any circumstances;
- c) Deny internally displaced persons the right to live in satisfactory conditions of dignity, security, sanitation, food, water, health and shelter; and separating members of the same family;
- d) Restrict the freedom of movement of internally displaced persons within and outside their areas of residence;
- e) Recruit children or requiring or permitting them to take part in hostilities under any circumstances;
- f) Forcibly recruit persons, kidnapping, abduction or hostage taking, engaging in sexual slavery and trafficking in persons especially women and children;
- g) Impede humanitarian assistance and passage of all relief consignments, equipment and personnel to internally displaced persons
- h) Attack or otherwise harm humanitarian personnel and resources or other materials deployed for the assistance or benefit of internally displaced persons and shall not destroy, confiscate or divert such materials; and
- i) Violate the civilian and humanitarian character of the places where internally displaced persons are sheltered and shall not infiltrate such places.

CHAPTER FIVE

POLICY IMPLEMENTATION FRAMEWORK AND STRATEGIES

This chapter aims at outlining the broad implementation strategies, institutional mechanism for coordination and collaboration and necessary legal framework to back up the policy

5.1 BROAD STRATEGIES

In order to execute the provisions of this policy, there shall be developed in consultation with all stakeholders including IDPs, international humanitarian agencies and civil society organisations a comprehensive displacement management and implementation framework – CDMIF (which incorporates provisions of the national disaster management framework) from which the various sectors and institutions shall derive their annual costed plans. There shall also be developed comprehensive monitoring and evaluation framework with clear indicators to assess the progress in the implementation of the CDMIF.

In implementing this Policy, a number of broad strategies shall be adopted including the following.

5.1.1 Strategies for Prevention of Internal Displacement

- a) The relevant agencies and sector leads shall put in place measures to protect the rights of individuals and communities including protection from forced evictions
- b) NEMA shall collaborate with relevant agencies to ensure the adequate and comprehensive implementation of the National Contingency Plan and National Disaster Management Framework including:
 - i. Establishment and activation of early warning systems ,
 - ii. Strengthening of coping mechanism for community resilience against the hazard, and preventing possible escalation.
 - iii. Deployment of Disaster Risk Reduction strategies targeting vulnerable populations and communities-at-risk
 - iv. Building the capacities of communities on Participatory Vulnerability Analysis (PVA) to enable communities develop their local emergency preparedness and response plans
- c) Establishment and enforcement of accountability mechanisms including legal frameworks that will hold individuals, institutions and multi-national concerns accountable for actions or inactions resulting directly or indirectly in displacement of vulnerable populations

- d) Deployment of Conflict Prevention and Mitigation strategies that will minimise or eliminate various types of conflicts that displace people and entire communities
- e) Development and implementation of measures that will prevent ecological and environmental degradation including climate change and desertification which could cause displacement
- f) Promotion of good governance and reduction in poverty so as to reduce people's vulnerability to displacement

5.1.2 Strategies for Protection and Assistance of IDPs During Displacement

- a) Provision of relief materials and assistance in line with the Sphere Minimum Standards for Humanitarian Assistance in all relevant sectors
- b) Adequate deployment of the National Disaster Management Framework (NDMF) by NEMA as part of the Comprehensive Displacement Management and Implementation Framework
- c) Mechanisms for coordinated management and administration of IDP camps
- d) Special protection and assistance provided for women, children, the elderly, persons with disabilities and persons living with HIV/AIDS
- e) Profiling of IDPs and Data collection for planning of humanitarian assistance and protection interventions
- f) Mechanisms for prompt activation of local and international humanitarian assistance coordination sectors to respond to displacements
- g) Other measures and strategies as may be adopted by humanitarian actors towards protection and assistance of internally displaced persons

5.1.3 Strategies for Rehabilitation of IDPs

- a) Provision of Post-Traumatic Disorder Counselling & Support services
- b) Reconstruction of damaged facilities and restoration of social amenities
- c) Restoration of economic livelihoods and food security
- d) Rehabilitation of the environment of host communities
- e) Peace-building and conflict mediation/reconciliation
- f) Re-issuance of lost documentation

5.1.4 Strategies for Return, Relocation and Local Integration of IDPs

- a) Provision of comprehensive return packages for IDPs
- b) Recovery and restoration of lands, houses and other property left behind by IDPs during displacement
- c) Ensuring safety & security prior to, during and after return
- d) Reconstruction of shelters and settlements lost during displacement
- e) Provision of sustainable livelihood opportunities

- f) Restoration of social services, infrastructure & amenities
- g) Activation of social protection measures and safety net mechanisms

5.2 ACHIEVING DURABLE SOLUTIONS TO INTERNAL DISPLACEMENT:

The overriding aspiration of this policy is to achieve durable solutions to the problem of internal displacement. According to the *Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons*, a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.

A number of criteria determine to what extent a durable solution has been achieved. All government agencies with responsibility for protecting and assisting internally displaced persons and other local and international humanitarian actors will therefore put in place measures to ensure that all internally displaced persons achieve a durable solution and can enjoy without discrimination the following:

- a) Long-term safety, security and freedom of movement;
- b) An adequate standard of living, including at a minimum, access to adequate food, water, housing, health care and basic education;
- c) Access to employment and livelihoods;
- d) Access to effective mechanisms that restore their housing, land and property or provide them with adequate compensation.
- e) Access to and replacement of personal and other documentation lost during displacement;
- f) Voluntary reunification with family members separated during displacement;
- g) Participation in public affairs at all levels on an equal basis with the resident population;
- h) Effective remedies for displacement-related violations, including access to justice, reparations and information about the causes of violations.

The search for any of these durable solutions for internally displaced persons should be understood as a gradual, often long-term process of reducing displacement-specific needs and ensuring the enjoyment of human rights without discrimination.

Achieving durable solutions is therefore a complex process that addresses human rights, humanitarian, development, reconstruction and peace-building challenges, requiring the coordinated and timely engagement of different actors.

In seeking durable solutions, intervening agencies must avoid creating **dependence** and facilitate return as soon as conditions permit, by providing aid that is **adequate** but not creating living conditions of a higher standard than those in the IDPs' areas of origin which could become an incentive for not seeking voluntary return or resettlement.

5.3 INSTITUTIONAL MECHANISM FOR COORDINATION AND COLLABORATION

An assessment of internal displacement response gaps in Nigeria shows that there are systematic gaps in assistance, protection and some other sectors of intervention at the various phases of displacement, and most agencies take unilateral and mandate-based decisions on their involvement and usually lack accountability. This is further complicated by the fact that there is no designated focal coordinating agency with clear leadership responsibilities or accountability to assess and coordinate a comprehensive response.

As part of its implementation framework, this policy provides for an institutional mechanism for the coordination and collaboration, including the establishment of a collaborative and coordination framework, designation and strengthening of a lead internal displacement coordination institution within the Presidency, creation of humanitarian coordination sectors and prescription of terms of reference for sector lead agencies.

This framework for inter-agency collaboration and coordination is to ensure more predictable funding, strengthened coordination mechanisms, better preparedness measures and improved common services.

5.3.1 Designation of an IDP Focal Coordinating Institution

In order to address the coordination gaps in responding to internal displacement in Nigeria, the president shall designate ***a focal coordinating institution*** under the Presidency to provide overall leadership and coordination on IDP issues and the implementation of the provisions of this policy framework, with the following responsibilities:

- a) Advising the president, government and inter-governmental agencies and donor partners on IDP policy issues;
- b) Promotion of Donor commitment to IDP response by organizing missions, liaising on an ongoing basis on developments, achievements and funding requirements for humanitarian interventions
- c) Organizing and maintaining the relationship with relevant national authorities (MDAs) and if required, the provision of appropriate advice and capacity support. National authorities are the primary actors in programming for the displaced and must have the capacity to do so. Where they lack the capacity, the designated IDP coordinating institution must liaise with the relevant UN agencies to provide assistance as required to relevant MDAs
- d) Ensure that the integration of approaches for protecting and assisting displaced persons and host communities are mainstreamed into the policies and practices of relevant agencies, line ministries and local authorities.

- e) Undertaking comprehensive multi-agency situational analyses using participatory assessment methodologies to identify threats to the rights of the displaced (and host) populations and assess protection risks, assistance gaps, resources and opportunities available within the displaced and host communities as well as those offered by the national and international players;
- f) Identifying, mobilizing and coordinating camp management agencies and other sectoral partners, ensuring that there is co-ordination among other sectors;
- g) Ensuring that assessment, protection activities, programme delivery and camp governance are all conducted through community-based approaches and with an age, gender and diversity perspective
- h) Evaluating the performance of camp managing agencies and addressing issues related to under-performing agencies, misuse of assets and strong religious agendas, in an objective and transparent manner;
- i) Monitoring and regularly reviewing on an ongoing basis the development, implementation and evaluation of protection mechanisms and assistance programmes;
- j) Identifying and promoting best practices in camp management, including harmonizing protection/assistance standards between camps taking into consideration the host community.
- k) Developing and ensuring compliance (by all government, CSO and humanitarian agency workers) to clear guidelines, Standard Operating Procedures (SOPs) and codes of conduct for working with various groups of IDPs including women, children, the elderly, and persons with disabilities
- l) Creating internal displacement coordination sectors (herein referred to as sectors), prescribing the composition and responsibility of each technical sector in addition to or in modification of the sectors recommended in this National Policy;
- m) Designating a lead agency for each of the sectors in this National Policy and such other sectors that may be created or modified in furtherance of this National Policy. In designating a lead sector agency, the *IDP Focal Coordinating Institution* shall have regard to the mandate, capacity and capability of other relevant agencies;

The *IDP Focal Coordinating Institution* shall constitute an IDP Inter-Agency Coordinating Committee (IACC) comprising heads of the various Ministries, Departments and Agencies identified in the broad Institutional framework (see Section 5.4) that shall meet from time to time to plan and oversee operations related to assistance and protection of IDPs during and after displacement. Decisions relating to designation of sector leads and functions shall be made by the *IDP Focal Coordinating Institution* in consultation with the IACC.

5.3.2 Establishment of Internal Displacement Coordination Sectors:

- (a) This policy has adopted a sectoral approach to Nigeria’s internal displacement response to improve the predictability, speed, effectiveness, leadership, coordination, collaboration and accountability of the national humanitarian response in the various sectors.
- (b) It is envisaged that each sector will have a lead agency, and all sector leads will need to co-ordinate their efforts under the lead of the designated *IDP Focal Coordinating Institution* to ensure the system’s overall delivery within its sector.
- (c) In each functional sector where the combined response of the sector members and agencies cannot meet the needs, a lead agency (sector lead) will coordinate the efforts of all organizations active in any sector, to assess needs and improve national response capacity.
- (d) “Sector” leads are to provide a “first port of call” in each sector for any Humanitarian Coordination in planning and implementing responses to an emergency or displacement. Similarly, in the event of a lack of actors and capacity on the ground, the lead agency for each sector would seek to mobilize the necessary resources and additional players while remaining, in effect, “a provider of last resort”. Though the aim of the sector-lead approach is to provide predictability and accountability in response to humanitarian emergencies, responsibilities and accountability accrue not only to the sector lead agency, but also to each member of a “sector”.
- (e) Other sector members would accept the lead agency(ies) as equal partners in performing sectoral functions, with the sector lead agencies being ***primus inter pares*** under the overall auspices of the *IDP Focal Coordinating Institution*.
- (f) Sectors and their leads will have among their priority tasks to ensure capacity-building (national and local) and the setting and monitoring of standards and best practices, in addition to improving the speed, quality and coverage of emergency response in specific situations.
- (g) The following sectors are hereby established and recommended for coordination of humanitarian assistance and protection of internally displaced persons, and as may be modified and added by the *IDP Focal Coordinating Institution*:
 - i. *Food Aid and Agriculture Sector*
 - ii. *Camp Coordination, Management & Administration Sector*
 - iii. *Human Rights and Protection Sector*
 - iv. *Health and Nutrition Sector*
 - v. *Education Sector*
 - vi. *Water, Sanitation and Hygiene (WASH) Sector*
 - vii. *Logistics & Communications Sector*
 - viii. *Emergency Shelter and Non-Food Items Sector*
 - ix. *Rehabilitation, Return, Relocation and Reintegration Sector*

5.3.3 **Terms of Reference for Sector Coordination Leads**

In its efforts to strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies, and to ensure that there is predictable leadership and accountability in all the main sectors or areas of humanitarian activity targeting internally displaced persons, sector leads will have the primary responsibility of ensuring a more coherent and effective response by mobilizing groups of agencies, organizations and CSOs to respond in a strategic manner across all key sectors or areas of activity.

The *IDP Focal Coordinating Institution* – with the support of OCHA and UNHCR – shall retain responsibility for ensuring the adequacy, coherence and effectiveness of the overall national internal displacement response.

Sector leads shall have the following core responsibilities:

a) Inclusion of key agencies and relevant humanitarian partners:

- *Ensure inclusion of key agencies and humanitarian partners for the sector, respecting their respective mandates and programme priorities*

b) Establishment and maintenance of appropriate humanitarian coordination mechanisms

- *Ensure appropriate coordination with all humanitarian partners (including national and international organisations, humanitarian agencies and CSOs), through establishment and maintenance of appropriate sectoral coordination mechanisms, including working groups at the national and, if necessary, local levels;*
- *Secure commitments from humanitarian partners in responding to needs and filling gaps, ensuring an appropriate distribution of responsibilities within the sectoral group, with clearly defined focal points for specific issues where necessary;*
- *Ensure the complementarity of different humanitarian actions targeting IDPs;*
- *Promote emergency response actions while at the same time considering the need for early recovery planning as well as prevention and risk reduction concerns;*
- *Ensure effective links with other sectoral groups;*
- *Ensure that sectoral coordination mechanisms are adapted over time to reflect the capacities of local actors and the engagement of development partners;*
- *Represent the interests of the sectoral group in discussions with the Humanitarian Coordinator and other stakeholders on prioritization, resource mobilization and advocacy;*

c) Coordination with national/local authorities, State institutions, local civil society and other relevant actors

- *Ensure that humanitarian responses build on local capacities;*
- *Ensure appropriate links with national and local authorities, State institutions, local civil society and other relevant actors (e.g. security agencies) and ensure appropriate coordination and information exchange with them.*

d) Participatory and community-based approaches

- *Ensure utilization of participatory and community based approaches in sectoral needs assessment, analysis, planning, monitoring and response.*

e) Attention to priority cross-cutting issues

- *Ensure the integration of agreed priority cross-cutting issues in sectoral needs assessment, analysis, planning, monitoring and response (e.g. age, diversity, environment, gender, HIV/AIDS and human rights);*
- *Contribute to the development of appropriate strategies to address these issues;*
- *Ensure gender-sensitive programming and promote gender equality;*
- *Ensure that the needs, contributions and capacities of women and girls as well as men and boys are addressed;*

f) Needs assessment and analysis

- *Ensure effective and coherent sectoral needs assessment and analysis, involving all relevant partners*

g) Emergency preparedness

- *Ensure adequate contingency planning and preparedness for new emergencies and displacements;*

h) Planning and strategy development

- *Ensure predictable action within the sectoral group for identification of gaps;*
- *Developing and updating agreed response strategies and action plans for the sector and ensuring that these are adequately reflected in overall country strategies, such as the Comprehensive Displacement Management and Implementation Framework (CDMIF) Drawing lessons learned from past activities and revising strategies accordingly;*
- *Developing an exit, or transition, strategy for the sectoral group.*

i) Application of standards

- *Ensure that sectoral group participants are aware of relevant policy guidelines, technical standards and relevant commitments that the Government has undertaken under international human rights law;*

- *Ensure that responses are in line with existing policy guidance, technical standards, and relevant Government human rights legal obligations.*

j) Monitoring and reporting

- *Ensure adequate monitoring mechanisms are in place to review impact of the sectoral working group and progress against implementation plans;*
- *Ensure adequate reporting and effective information sharing with due regard for age and sex disaggregation.*

k) Advocacy and resource mobilization

- *Identify core advocacy concerns, including resource requirements, and contribute key messages to broader advocacy initiatives of the IDP Focal Coordinating Institution and other actors;*
- *Advocate for donors to fund humanitarian actors to carry out priority activities in the sector concerned, while at the same time encouraging sectoral group participants to mobilize resources for their activities through their usual channels.*

l) Training and capacity building

- *Promote and support training of staff and capacity building of humanitarian partners;*
- *Support efforts to strengthen the capacity of the national authorities and civil society.*

m) Provision of assistance or services as a last resort

- *Sector leads are responsible for acting as the provider of last resort (subject to access, security and availability of funding) to meet agreed priority needs and will be supported by the IDP Focal Coordinating Institution in their resource mobilization efforts in this regard.*
- *This concept is to be applied in an appropriate and realistic manner for cross-cutting issues such as protection, early recovery and camp coordination.*

Humanitarian actors who participate in the development of common humanitarian action plans are expected to be proactive partners in assessing needs, developing strategies and plans for the sector, and implementing agreed priority activities. Provisions should also be made in sectoral groups for those humanitarian actors who may wish to participate as observers, mainly for information-sharing purposes.

5.4 BROAD INSTITUTIONAL FRAMEWORK AND IMPLEMENTING AGENCIES

The following institutions shall integrate the responsibilities for protection and assistance of internally displaced persons into their core mandates, and shall perform such roles as required by the sector arrangements to which they shall be assigned under the sectoral approach established by this policy.

- a) National Commission for Refugees
- b) National/State Emergency Management Agency
- c) National Human Rights Commission
- d) National Security Agencies
- e) Nigeria Security and Civil Defence Corps
- f) National Agency for the Prohibition of Trafficking in Persons
- g) National Directorate of Employment
- h) Institute for Peace and Conflict Resolution
- i) International Institute for Tropical Agriculture
- j) National Oil Spill Detection and Response Agency
- k) National Environmental Standards and Regulations Enforcement Agency
- l) UN Agencies
- m) The Nigerian Red Cross Society
- n) Red Crescent
- o) National Population Commission
- p) National Planning Commission
- q) Small and Medium Enterprise Development Agency
- r) National Poverty Eradication Programme
- s) Civil Society Organisations
- t) Private Sector Institutions
- u) International Humanitarian Organizations
- v) Mass Media
- w) Ministry of Interior
- x) Ministry of Special Duties
- y) Ministry of Justice
- z) Social Sector Ministries, Departments and Agencies

5.5 FRAMEWORK FOR INTERNATIONAL COOPERATION

This policy provides for a framework for cooperation between the government of Nigeria and international humanitarian agencies, donor partners, international non-governmental organisations and human rights institutions committed to the protection and assistance of internally displaced persons. To this regard, the policy provides for the clear roles and responsibilities on the part of government and international humanitarian actors.

5.5.1 The Roles of the Government.

The government of Nigeria, through the *IDP Focal Coordinating Institution*, shall:

- a) Liaise directly with the Humanitarian Country Team (HCT) established by the United Nations System in Nigeria through the office of the Resident Commissioner, to develop integrated plans of action in the event of displacement.
- b) Seek for technical assistance and support from the international humanitarian community including humanitarian agencies, development partners, international non-governmental organisations and human rights agencies, especially where national capacity for providing adequate protection and assistance to affected persons and communities in any of the phases of internal displacement is insufficient.
- c) Cooperate, where appropriate, with IDP focal points of ECOWAS, the African Union and international organizations or humanitarian agencies and civil society organizations, in providing protection and assistance as well as finding and implementing durable solutions for sustainable return, local integration, relocation, resettlement and long-term reconstruction.
- d) Request for activation of global humanitarian clusters of the international humanitarian community when the situations exceeds local capacity to respond.
- e) Designate sectoral focal persons who shall liaise directly with corresponding national sector leads and global cluster leads of the international humanitarian agencies and donors to ensure coordinated response to all phases of internal displacement from pre-emergency to durable solutions
- f) Cooperate with humanitarian agencies, civil society organizations and other relevant actors to devise early warning systems, in areas of potential displacement, establish and implement disaster risk reduction strategies, emergency and disaster preparedness and management measures and, where necessary,

provide immediate protection and assistance to internally displaced persons;

- g) Recognize the right of international humanitarian organizations and other appropriate actors to offer their services in support of the internally displaced. To this regard, the government shall not regard such offers of assistance as unfriendly acts or interference in internal affairs and shall consider them in good faith to the extent to which they do not undermine the country's sovereignty.
- h) Provide unrestricted access and not withhold consent thereto without serious and objective reasons, and accept external assistance, particularly when local agencies and relevant authorities concerned are unable or unwilling to provide the required humanitarian assistance or protection.
- i) Liaise with all national authorities concerned to grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their rehabilitation, return or resettlement and reintegration.
- j) Respect the independence and operational autonomy of international humanitarian actors, and shall not unduly interfere with their internal affairs and modus operandi, as long as they operate within the ambits of local and international laws.

5.5.2 The Roles of Regional, International Humanitarian and Development Actors.

Where international humanitarian agencies, development partners and International Non-governmental Organisations (INGOs) are involved in providing assistance and protection in the event of internal displacement, they shall:

- (a) Collaborate directly with the corresponding national sectoral leads established under the sectoral approach in this policy to execute actions in a way that strengthens local capacity and maximises use of available human, financial and material resources.
- (b) Give due regard to the protection needs and human rights of IDPs and commit to the principles underlying this policy including the principles of humanity and humanitarian imperative, neutrality, impartiality & non-discrimination, independence and respect for national sovereignty.
- (c) Commit to the obligations of humanitarian actors prescribed by the Kampala Convention (Article 6) and responsibilities defined this

policy (Section 4.2). Fundamental to this is compliance with the national and international laws and guidelines for protection and assistance of IDPs, adoption of international best practices, adherence to internationally acceptable codes of conduct and standard operating procedures for protection and delivery of humanitarian assistance services, and compliance with the ***Sphere Core Minimum Standards*** for humanitarian assistance across all sectors.

5.6 LEGAL FRAMEWORK

This National Policy is predicated on and inspired by Nigeria's human rights and humanitarian law obligations pursuant to the Nigerian Constitution, statutes and relevant sub-regional, regional and international treaties which Nigeria has either ratified or domesticated. These include the Kampala Convention (which Nigeria has ratified) and the UN Guiding Principles on IDPs (which incorporate the rights of individuals and groups in both peace and armed conflict situations). Accordingly, and in light of the imperative need to bolster the legal framework for the protection and assistance of IDPs in Nigeria, the Nigerian government shall take the following policy actions:

- a) Domesticate the Kampala Convention on the Protection and Assistance of IDPs ;
- b) Comply with its international obligations under the Kampala Convention and other relevant human rights and humanitarian law instruments;
- c) Ensure, monitor and evaluate the progressive implementation of the Kampala Convention (as domesticated);
- d) Amend the existing laws of relevant national institutions to accommodate IDPs or enact a separate domestic law on the protection and assistance of IDPs; and
- e) Liaise with local and state governments to enact relevant laws on the protection and assistance of IDPs having regard to respective legislative competences under the Nigerian Constitution.

CHAPTER SIX

FUNDING, MONITORING, EVALUATION AND POLICY REVIEW

This chapter seeks to outline the financial resource mobilization strategies, monitoring and evaluation frameworks of the policy.

6.1 FUNDING MECHANISMS & RESOURCE MOBILISATION

Funding and resource mobilisation for humanitarian purposes including support for prevention and all phases of displacement shall include a number of mechanisms including:

a) **Joint Humanitarian Funding Mechanisms**

There shall be established a joint humanitarian fund under the *IDP Focal Coordinating Institution*. During complex emergencies, disasters and displacements irrespective of the cause, *IDP Focal Coordinating Institution* shall oversee an annual **joint appeals process** (JAP). This entails formulating a Joint Humanitarian Action Plan (JHAP) based on the CDMIF. This JHAP shall be a joint strategy analysing the political, social and security situation of the particular situation or crisis; projecting short-term and long-term humanitarian needs; assessing the capacities of the agencies involved in addressing these needs; and proposing a common set of objectives, actions and indicators for success. A JAP, then, sets out the specific projects and resources required to meet these objectives. Together, these documents serve as the primary tool to mobilize resources at the field level. The joint humanitarian fund shall serve as a joint donor basket for humanitarian agencies to furnish in preparation for interventions. All intervening donor agencies shall be required to contribute a minimum of 5% of their resources for intervention into the joint humanitarian funding basket that shall be deployed on need basis by the *IDP Focal Coordinating Institution*, in consultation with the Inter-Agency Coordination Committee (IACC).

The President shall provide seed funds into the Joint Humanitarian Funding Basket to jump-start critical operations, and fund life-saving programmes that are not yet funded.

b) **Flash Appeal Funding Mechanisms**

A shorter Flash Appeal can also be prepared to enable more rapid resource mobilization and response, although agencies and organizations can also apply for bilateral funding.

c) **Grants & Loans Funding Mechanisms**

In addition, the Office of the Humanitarian Affairs Coordination of the Presidency could access grants and/or loans available from the UN **Central Emergency Response Fund (CERF)** and other AU emergency and IDP contingency funding mechanisms to support activities to respond to rapid onset or under-funded emergencies and displacement.

d) **Individual Institutional and Agency Funding Mechanisms**

Various government and humanitarian agencies shall use their internal funding mechanisms including budgetary allocations to ensure that there are adequate resources for responding to their various sectoral responsibilities in the respective sectors.

6.2 MONITORING & EVALUATION

A policy implementation strategic framework and plan of action will be developed, with a clear monitoring and evaluation framework. There will be established clear benchmarks for assessing the level of implementation of this policy, and a special monitoring and evaluation unit will be established in the *IDP Focal Coordinating Institution* that shall serve as an IDP databank and clearing house.

Monitoring shall be directed at ensuring compliance with the policy guidelines, frameworks and scope, whilst evaluation will aim at determining the extent of achievement of policy goals and objectives benchmarks and targets. These processes help in determining the progress and effectiveness of policy implementation efforts related to key outcomes for the Nigerian IDPs.

In keeping with the policy thrust of the National Policy on IDPs, there shall be established under the *IDP Focal Coordinating Institution*: -

- a) A National IDP Data Collection and Information System for the collection, analysis and dissemination of data to relevant stakeholders on the plight, needs, volume, trend and impact of internal displacement on IDPs, democracy, national security and host communities.
- b) The Data Collection and Information System shall be coordinated by the *IDP Focal Coordinating Institution* in constant consultation with other federal, state and local government agencies as well as CSOs and inter-governmental bodies.

Government responsibilities in this regard would include: -

- i) The practical implementation of all treaty and constitutional obligations towards the IDPs, particularly, the AU Kampala Convention to which Nigeria is a party;
- ii) The preparation of periodic and national reports on the state of internal displacement and its impact on IDPs in Nigeria;
- iii) The development of a 5-year strategic implementation framework of this policy;
- iv) The conduct of periodic evaluation of the attainment of policy targets and strategies for durable solutions;

6.3 POLICY REVIEW PROCESS:

The National IDP Policy will be reviewed every five years with a view to making necessary improvements. The review process will be democratic and inclusive, and involve wide-range consultations and discussions with all the stakeholders, especially the implementing government agencies, international humanitarian agencies, donor partners, international NGOs, civil society organisations, IDPs and host communities.

APPENDICES

- UN Guiding Principles on Internal Displacement
- AU Convention on the Protection and Assistance of IDPS in Africa.
- Communiqué of the 1st ECOWAS Ministerial Conference on Humanitarian Assistance and Protection of IDPs In West Africa (July 2011), Abuja.

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