



VIOLETION OF THE IDPS' RIGHTS BY THE SECURITY PERSONNEL IN NIGERIA: A SYSTEMATIC LITERATURE REVIEW ^{1*}

Abstract

The insurgencies in Nigeria gave birth to era of Internally Displaced Persons (IDPs) with needed protection by the government. In the bid to ensure adequate protection of the IDPs, the security personnel were called to the national duty. Various allegations and reports have it that those called upon to protect the IDPs were in the fore front of violations of their rights. This thus spurs this research to investigate the accuracy of the reports and allegation against the so-called security personnel. The research adopted doctrinal method of legal research through literature review approach focusing thematically on:(1) IDPs, security challenges and their human rights' violation and (2) the roles of security agencies in handling security and human rights issues vis-a-vis abuse of IDPs by the agencies. The paper revealed that IPDs' rights were variously violated by the security agencies most especially with girls and women being at the receiving end due to the incessant rape by the security personnel, amongst other abuses. The paper revealed further that despite the abuses and violation of the IDPs' rights in the hands of the security personnel, the government have treated the situation with kid's glove by not deeming it fit to bring the perpetrators to book. The paper thus recommends, amongst others, adequate sanction of the perpetrators and special training of the security personnel in the art of protection of the IPDs rights.

Keywords: Violation, IDPs' Rights, Security Personnel, Systematic Review, Nigeria.

1. Introduction

Over the years and all over the world, the population of the Internally Displaced Persons (IDPs) and human rights violations has soared. The cases of internal displacement have crossed the Atlantic Ocean to South America, especially Mexico, Venezuela, Colombia and Peru. Europe is no exception either. In view of the exodus of Syrians running away from their civil war through Turkey and Balkan States to Western Europe.² From Asia, especially India, Myanmar, China, Iraq, Yemen, Iran to Syria, Pakistan, Nepal, Afghanistan, there have been incidences of internal displacement. In Africa, particularly Sudan, South Sudan, Eritrea, Somalia, Central African Republic, Democratic republic of Congo, Nigeria to Niger Republic, not a day passes by without reported cases of internal displacements for one reason or the other resulting in large number of IDPs occurring on daily basis.³

Internal displacement is a global crisis affecting about twenty to twenty-five million people in over forty nations, literally all regions of the globe.⁴ Africa, with half of the world's displaced population in some twenty-one nations, is worst hit. The situation in Africa continues to worsen with every crisis that ensues resulting in a humanitarian rights tragedy.⁵ Nigeria has 3.3 million internally displaced persons, mainly as a result of conflicts and violence, thus having the highest number in Africa.⁶ The report's global overview in 2016 attributed violence, abuses, and false evictions to the conflict mix in many of these situations, while in places such as Nigeria, evidence abound about how

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² International Displacement Centre, *Global Report on Internal Displacement* (Norwegian Refugee Council (NRC), June, 2016). This report is the most authoritative report on internal displacement globally and recognized by the United Nations.

³Ibid.

⁴ C Roberta and D Francis, *Masses in Fight: The Global Crisis of Internal Displacement'* (Washington DC: Brookings Institution Press, 2008) 16.

⁵Ibid.

⁶Ibid.



challenging life becomes for those already displaced by conflict when they are struck down again by severe floods and storms.⁷

Nigeria, like every other developing country is confronted with many challenges with insecurity being one of the most prevalent.⁸ Insecurity has been a bane to national development in Nigeria and has assumed a formidable dimension with several lingering implications for the country's political and economic structure.⁹ It has led the entire nation to rue the loss of their loved ones, investments and absence of safety in most parts of the country.¹⁰ The number of violent crimes such as killings by herdsmen, kidnappings, ritual killings, car-jacking, suicide bombings, religious killings, politically-motivated killings and violence, ethnic clashes, armed banditry and others has increasingly become a consistent attribute of Nigeria's social and political etiquette.¹¹ The thirst for blood and the preference for violence in expressing pent-up frustration and disenchantment with the state, its citizens and national totems account for the escalating rate of insecurity in the country.¹² This is so despite the constitutional provisions that the security and welfare of the people is the primary purpose of government.¹³

The security challenges in Nigeria are numerous. One of the prominent ones in the most recent time is the *Boko Haram* insurgency with several adverse effects on the economic, social and political structure of the country. Most recently, the increasing Fulani Herdsmen attacks on farmers and the Niger Delta crisis have advanced, as some of the major causes and increase of internal displacement in Nigeria.¹⁴ This displacement is a common result of insurgency, communal violence, internal armed conflicts and natural disasters such as flooding or soil erosion.¹⁵

One of the major effects or implications of the security challenges in Nigeria is the persistent violation and abuse of human rights of citizens. This abuse is at varying degrees as some classes or categories of persons tend to be more vulnerable than others.¹⁶ The IDPs are of the vulnerable category and have suffered human rights abuse and violations due to security challenges in the country. The *Boko Haram* insurgency which began in 2009, the Fulani Herdsmen attacks on farmers in several regions of the country and the Niger Delta crisis have been advanced as the causes and increase of internal displacement in Nigeria.¹⁷ This is also aside the natural disaster induced displacements such as flooding, erosion, earthquake and tsunami disaster.

⁷ National Emergency Management (NEMA), Abuja 2015 Records of Internally Displaced Persons 2015; See further National Commission for Refugees in Nigeria (NCFR), Abuja 2015 Report, Table 2. In May, the commission revealed the existence of about 3.2million internally displaced persons in Nigeria due to complex causes.

⁸ G S Moronfolu, 'Insecurity Challenges in Nigeria: Way Out of Seeming Despondency' (2022) <https://www.thisdaylive.com/index.php/2022/> accessed on 27th December, 2022.

⁹ O Comfort, 'Addressing the Insecurity Challenges in Nigeria: The Imperatives of Moral Values and Virtue Ethics', *Global Journal of Human Social Science and Political Science*, (2013) 13, 1.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid.

¹³ Constitution of the Federal Republic of Nigeria, 1999 (As Amended), S. 14.

¹⁴M T Ladan, 'Overview of International and Regional Frameworks on International Displacement: A Case Study of Nigeria' (Paper Presented at a Two-Day Multi-Stakeholders Conference on International Displacement in Nigeria, Organized by the Civil Society Legislative Advocacy Centre, Abuja, in Collaboration with IDMC, and the Norwegian Refugee Council, Geneva, on 21st – 23rd November, 2011, at Bolton White Hotels, Abuja, Nigeria).

¹⁵Rodriguez-Orggia, et al, 'The Impact of Natural Disasters on Human Development and Poverty at the Municipal Level in Mexico', Research for Public Policy, RPP LAC-MDGs and Poverty-09/2008, (2008), 2-3.

¹⁶Such as Women, Children, Stateless Persons, and Refugees.

¹⁷ M T Ladan, 'Diagnostic Review of Insurgency in Nigeria: The Legal Dimension' *Bayero University Journal of Public Law (BUJPL)* (2010) 2 (2) 1-4 cited in AF Yakubu, 'Benchmarking the Rights of Internally Displaced Persons in The Fight Against *Boko Haram* Insurgency In Nigeria' *Nigerian National Human Rights Commission Journal (NNHRCJ)*, (2016) 6, 5.



The recognition of human rights has however led almost all nations across the world, Nigeria inclusive, to recognize it in their basic laws. In Nigeria, Chapter 4 of the Constitution of Federal Republic of Nigeria 1999 (as amended) provides for human rights. Also, special protection is usually accorded to the more vulnerable class of persons (such as children, people with disabilities, refugees, IDPs, *inter alia*) owing to their peculiar circumstances.¹⁸ This research focuses on IDPs as victims of human rights abuse, not only by insurgents or terrorists, but also from security agencies who are responsible for ensuring security of lives.

As citizens or habitual residents¹⁹ of their country, IDPs remain entitled to guaranteed rights under the state's obligations under international, regional and national laws.²⁰ They are entitled to rights and protections not only by the human rights treaties in effect for the country where they reside,²¹ but also by basic provisions of international law that binds all states.²² This research would subsequently examine all relevant laws in this wise with the purpose of bringing to the fore the various issues therein and proffering practical solutions.

Despite the fact that Nigeria is a signatory to the Kampala Convention and other international treaties,²³ the provisions of the treaties have not been adequately reflected in the national policy, though policy frame work has been drafted in Nigerian National Policy on Internally Displaced Persons 2012 and strategies but these policies and strategies have not been adopted into national legislation and/or suffer from poor implementation.²⁴ In Nigeria national policy framework on internal displacement in Nigeria which is not adequate and effective with respect to IDPs' rights, 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 ineffective.²⁵

Despite the inherent legal inadequacy and conundrum, the involvement of the security personnel in the abuse of the rights of the IDPs leaves one to wonder. This thus prompted this current research by way of literature review to investigate and make recommendations.

2. Review of Existing Literature

Several authors have been engaged in robust discussions and debates on militancy and other security challenges in Nigeria as well as the various forms of human rights violation of IDPs. The debates on the culpability of Nigerian security agencies in respect of the violation of the human rights of IDPs

¹⁸ICRC, 'Women in War: A Particularly Vulnerable Group?' (2007) <https://www.icrc.org/en/doc/resources/documents/feature/2007/women-vulnerability-010307.htm> accessed on 27th December, 2022.

¹⁹ IDPs are often but are not necessarily citizens of their country in which they are displaced. They can also be habitual residents which, for instance, can include Stateless Persons.

²⁰ F David, 'Guide to International Human Rights Mechanisms for Internally Displaced Persons and their Advocates', (the Brookings Institution, University of Bern Project on Internal Displacement) 9.

²¹Ibid.

²² Such as standard of prohibition of torture of slavery and of racial discrimination.

²³This is the African Union Convention for the Protection and Assistance to Internally Displaced Persons, 2009 otherwise known as Kampala Convention. The Convention contains comprehensive legislation on the protection and assistance of internally displaced persons. See Yakubu A.F., 'Benchmarking the Rights of Internally Displaced Persons in the Fight Against *Boko Haram* Insurgency in Nigeria' in Prof. Bem A. (*et al*), *Nigerian National Human Rights Commission Journal*, Vol. 6, (National Human Rights Commission: FCT, Abuja) 2016, pp.15-16.

²⁴ K M Fatima, 'The Causes and Consequences of Internal Displacement in Nigeria and Related Governance Challenges' (Working Paper, Division Global Issues, German Institute for International and Security Affairs) 5.

²⁵ M T Ladan, 'Overview of International and Regional Frameworks on International Displacement: A Case Study of Nigeria' (Paper Presented at a Two-Day Multi-Stakeholders Conference on International Displacement in Nigeria, Organized by the Civil Society Legislative Advocacy Centre, Abuja, in Collaboration with IDMC, and the Norwegian Refugee Council, Geneva, on 21st – 23rd November, 2011, at Bolton White Hotels, Abuja, Nigeria.)



in Northeast Nigeria are equally not left out. The methodology of this research vide literature review approach seeks to investigate the continued issues of human right violation in the northeast Nigeria.

2.1. The IDPs, Security Challenges and their Human Rights' Violation

Goodwin-Gill²⁶ extensively dwelled on the definition and description of refugees as distinct from internally displaced persons through the instrumentality of explanation offered for the term in the Convention of 1951. He also considered the subject from the perspective of the Office of the United Nations High Commissioner for Refugees (UNHCR)'s statute and finally in the Status of Refugees' Protocol of 1961. In view of this, a refugee is someone who has crossed the national boundary while an IDP is a resident in a country. Thus, as it relates to the Nigerian situation, IDPs are citizens or residents in Nigeria who have been forced to leave their primary place of residence for another place within Nigeria for whatever reason necessary.

Boyle and Simonsen discussed the concept of human security, human rights, and disarmament.²⁷ Those researchers attempted to explore how conceptual links might be advanced to a practical stage through the international human rights mechanism. Burke-White²⁸ considered the present structure of United States human rights policy and its perceived tension with national security. The research analyzed the instances of the aggressive use of force in the post-cold war era and suggested a correlation between domestic human rights repression and interstate aggression. It further stated that for America to be safe and secure, it is important for government policy to be geared towards better protection of human rights around the world.²⁹

Ramcharan³⁰ in human rights and human security tried to highlight the linkages between individual, national and international security with the conclusion that all protection of human rights cannot be achieved without respect for human rights. Hence, this research tends to enlighten the stakeholders on the sanctity and sacrosanct nature of human rights which must be respected at all times in order to guaranty its protection. The research focused on the illustration of the various security crisis that have bedevilled the country Nigeria, examined some of the dominant social movements in Nigerian politics since independence, the causes and character of the struggles waged by those movement, which later culminated into a major security challenge such as the Abu Rice Revolt of 1981 and the Ife Massacre of 1981.³¹

International Crisis Group Report in their report analysed some of the violent conflicts in the far North of Nigeria. The areas considered were the 12 states that expanded the scope of Sharia between 1999 and 2002. The report concluded among other things that risk of violent flare-ups is a function of clumsy security response and recommends that communal polarisation needs to be tackled at every level to avoid a state of total unrest within the country.³² The work is relevant to this research because it provides a background insight on the build-up to security challenges leading to internal displacement and human rights violation of displaced persons in Northeast Nigeria. Kirk-

²⁶ G S Goodwin-Gill, 'The Refugee in International Law' (Clarendon Press Oxford, 1985) 1.

²⁷ K Boyle and S Simonsen, 'Human Security, Human Rights and Disarmament' *Strengthening Disarmament and Security Disarmament Forum Publication*, (SDP, 2004) p.25.

²⁸ W Burke-White, 'Human Rights and National Security: The Strategic Correlation' *Harvard Human Rights Journal*, (2004) 17, 5.

²⁹ Ibid, 6

³⁰ B Ramcharan, 'Human Rights and Human Security' *International Studies in Human Rights*, (2004) 1st ed. ISBN-13: 978-9041118189

³¹ M Abubakar, 'Popular Struggles in Nigeria' *Afr. Journal*, (1960-1982) (1996) 1(2), 154-175.

³² ICG, 'Northern Nigeria: Background to Conflict' (2010) African Report No.168



Greene³³ contended that the Nigerian Civil War is one of the major security challenges that occurred in Nigeria.

The Joint British-Danish's Mission to Lagos and Abuja on Human Right produced a Report which revealed human rights³⁴ and security challenges such as child trafficking and the inhuman treatment by vigilante groups.

From the above, one thing has become exceedingly clear and that is previous pieces on the definition and situation of internally displaced persons have only been doctrinal in their approach.³⁵ This research makes up for this lacuna by engaging in qualitative work to access most importantly the core of human rights violations and IDP situations in Nigeria which will therefore present the unique Nigerian situation and not generally what is obtainable from reports drafted by International organizations.

According to Nwagboso,³⁶ security as an essential concept is commonly associated with the alleviation of threats to cherished values; especially the survival of individuals, groups or objects in the near future and there is a correlation between security and survival. He stated that Nigeria has long been facing several security challenges since the enthronement of democracy in 1999. He stated that addressing the security challenges in Nigeria and the consequential abuse of human rights, ultimately requires not only the cause of threat but also a critical evaluation of the performance and roles of security agencies in handling the situation in Nigeria. To him, although the achievement of total or absolute security in Nigeria would be an exercise in futility, the contemporary security challenges in the country have not only raised critical questions bordering on formulation and implementation of Nigeria's internal security policies, but also the recruitment and effectiveness of the security agencies in Nigeria to perform their statutory responsibilities.

On why it is important to devote attention to security challenges of IDP rights, the work of McCoubrey³⁷ observed that 'since armed conflicts of various kinds are a recurrent phenomenon in recent times, this area of law should be of public importance'. His contention is founded upon the legitimate scope that military action is not unlimited and that those who have been or are rendered combatant are entitled to impartial humanitarian treatments and those charged with their care and welfare in the rendering of humanitarian aids are not legitimate targets in hostilities.

³³ A Kirk-Greene, 'The Genesis of Nigerian Civil War and the Theory of Fear', *Scandinavian Institute of African Studies*, Uppsala Offset Center, ABUppsala, 1975, 27, 7.

³⁴ 'The Danish Immigration Service Report on Human Rights Issues in Nigeria' (No 1/2005 ENG, Copenhagen, Denmark, January 2005).

³⁵ Authors such as G A Akuto, 'Challenges of Internally Displaced Persons in Nigeria: Implications for Counseling and the Role of Key Stakeholders' *International Journal of Innovative Psychology and Social Development*, (2017) 5(2), 21; See also the definition by CE Onuoha, and NA Chukwu, 'Challenges of Internally Displaced Persons (IDPs) in Bakassi IDP Camps in Cross-river State: The Roles of Social Workers and Non-Governmental Agencies' *International Journal of Sociology and Anthropology Research*, (2022) 8(1), 10

³⁶ N Chris, 'Security Challenges and Economy of the Nigerian State' *American International Journal of Contemporary Research*, (2007-2011) 2(6), 224.

³⁷ M C Coubrey, *International Humanitarian Law: The Regulation of Armed Conflicts* (Gower Publishing Company, USA, 1990) 17.



2.2. The Roles of Security Agencies in Handling Security and Human Rights Issues vis-a-vis Abuse of IDPs by the Agencies

Alemika³⁸ in *History, Context and Crisis of the Police in Nigeria*, examined the activities of the Police by linking the problem of Police to the pre-colonial era. Omede³⁹ expatiated the complex task of keeping Nigeria one, and the role played by the military in protecting the nation from external and internal aggression. She highlighted the imperatives of social control over the armed forces and recommends that security agents while performing their duties and exercising their powers should do so by subjugating themselves to the supremacy of the constitution and the norms and ethics of democracy.

Ibeanu and Momoh⁴⁰ in *State Responsiveness to Public Security Needs: The Politics of Security Decision-Making* traced the origin of security challenges from pre-colonial period to post-colonial period.

Michael⁴¹ also stated that the security situation in Nigeria especially in the Northern states is getting more critical. Although governments at various levels have become conscious of this fact and are taking steps⁴² to ameliorate same, it is doubtful if their combined efforts have actually allayed the fear of common Nigerians and restored their confidence in the capacity of government to provide the required security of lives and properties. This is evident from the act of some Nigerians relocating from some parts of the northeast to other states in the country as a result of fear of attack.⁴³

Domestic terrorism and social unrest do not only breed uncertainty in the investment and financial climate but also increase security cost, reduce output and productive capacity, discourage tourism, damage infrastructure and displace foreign direct investment which has severe implication for economic growth and development of emerging economies. The plight of IDPs is rather pathetic and there is urgent need to assist this set of people. According to Michael, the support for local integration of IDPs can mean offering land and housing solutions through social housing programme, construction grants in the affected place of displacement, new housing and cash assistance, and legal assistance in Nigeria.

Ashiru,⁴⁴ examines the raising awareness of the problems faced by IDPs in general and the situation of IDPs in Nigeria in particular. The learned author observed that the population of the IDPs geometrically increased at the end of the second Cold war, thereby resulting in a growing concern within the international community as most IDPs live in destitute conditions, not receiving adequate humanitarian assistance and are vulnerable to the most serious human rights violations such as arbitrary killing, rape, torture, and kidnapping. The author identified the causes of internal displacement such as armed conflict, religious and ethnic conflict, development projects as well as natural disasters like earthquakes, fires and floods. She contended that about 26 million people in the

³⁸E Alemika, 'Repositioning the Nigerian Police to Meet the Challenges of the Policing a Democratic Society in the Twenty-First Century and Beyond' (2010) Presentation at the Biennial Retreat of the Police Service Commission at the Le Meridian Hotel, Uyo, Akwalbom State, Nigeria.

³⁹A J Omede, 'The Nigerian Military: Analyzing Fifty Years of Defence and Internal Military and Fifty Years of Internal Security Operations in Nigeria *Journal of Social Science* (1960-2010)' (2012) 33(3), 293-303

⁴⁰I Okechukwu and M Aubakar, 'State Responsiveness to Public Security Needs: The Politics of Security Decision-Making', Nigeria Country Study, (2008) Conflict Security and Development Group Papers. Number 14, Russell Press Limited, King's College London.

⁴¹A O Michael, 'Crisis Induced Internal Displacement: The Implication on Real Estate Investment in Nigeria' *Journal of Economics and Sustainable Development*, (2014) 5(4), 7.

⁴²Such as purchase of more and sophisticated ammunitions for the security agents, as well as the continued conversation on community policing in Nigeria.

⁴³G Dunn, 'The Impact of the Boko-haram Insurgency in Northeast Nigeria on Childhood Wasting: A Double-difference Study' *Dunn Conflict and Health* (2018) 12(6), 1

⁴⁴M A O Ashiru, 'Caught Within their Borders: The Global Crisis Faced by the International Community of Internally Displaced Persons' *Nigerian Current Law Review*, (2010) 30.



world are displaced with Africa being the continent worst affected by internal displacement, with 11.6 million IDPs in 19 countries. The author also examines the legal frame for protection of IDPs from global perspectives and the principles guiding Internal Displacement as well as the effectiveness of the National Emergency Management Agency (NEMA). She concluded that even though there is a plethora of international instruments guaranteeing the rights of IDPs, the international community still has a long way in solving how to get States and private actors in adhering to them. However, in respect of the international legal framework, this research work places primacy on the UN Guiding Principles on Internal Displacement. This instrument has the default of lacking binding force on the states; hence it is merely persuasive. This constitutes an inhibition to the protection of IDPs.

According to Amnesty Annual Report,⁴⁵ humanitarian crisis had ensued from the activities of the *Boko Haram* and the security forces which had affected more than fourteen million people inclusive of IDPs. The Report did not spare odious activities of the police in the violation of IDPs' rights. The report stated that *Boko Haram* is not the sole perpetrator of crimes against humanity and gruesome human right abuse of IDPs, but that besides the problem of overcrowding and other distresses suffered by the IDPs in terms of movement, feeding, environmental sanitation, medical care were occasioned by the security personnel. The report concluded by stating that lack of pragmatic response from the government has continued to pave way for the persistent IDPs' human right abuses.

In the same manner, Office for the Coordination of Humanitarian Affairs (OCHA) of the United Nations⁴⁶ reported that the conflict in Nigeria's Northeast provoked by *Boko Haram* has resulted in widespread displacement, violations of international humanitarian and human rights law, protection risks and a deepening humanitarian crisis. According to the report, since the start of the conflict, more than 20,000 people have been killed, thousands of women and girls abducted and children drafted as suicide bombers, up to 2.1 million people fled their homes at the height of the conflict, 1.9 million who are currently internally displaced.⁴⁷ The report identified Borno State alongside Adamawa and Yobe States as one of the core areas in need of humanitarian assistance.

According to the Human Right Watch,⁴⁸ the personnel of the Nigerian Police Force, the Nigerian Army do rape young girls and women in various IDPs camps. The report also criticized the government for not doing enough to sanction those involved in the act. It alleges that some of the victims were drugged and raped while others were forced into sex through false marriage promises, materials and financial assistance. These victims are subsequently abandoned when they became pregnant. According to the report,⁴⁹ it is bad enough that displaced women and girls are not getting the much-needed support for the horrible trauma they suffered at the hands of the *Boko Haram*. It is disgraceful and outrageous that people who should protect those women and girls are attacking and abusing them. The irregular supply of foods, clothing, medicine and other essentials, along with restricted movement in the IDPs camps in Maiduguri compounds the vulnerability of victims to rape and sexual exploitation by camps officials, soldiers, police, members of civilian vigilante groups and

⁴⁵Amnesty Annual Report www.amnesty.org/en/countries/africa/nigeria/report-nigeria/NIGERIA2016/2017 accessed on 20th December, 2021.

⁴⁶ OCHA, 'About the Crisis' available at www.unocha.org/nigeria/about-ocha-nigeria/about-crisis accessed on 20th November, 2021

⁴⁷ As at June, 2017

⁴⁸ S Opejobi, 'Human Rights Watch Accuses Security Officials of Raping Girls and Women at IDPs Camps' *Daily Post* (Nigeria 31 October 2016) available at Dailypost.ng/2016/10/31/human-rights-watch-accuses-security-officials-raping-girls-women-idps-camps/ accessed on 20 October, 2017.

⁴⁹ Human Right Watch, 'Nigerian Official Abusing Displaced Women, Girls Displaced by *Boko Haram* and Victims Twice Over' available at www.hrw.org/news/2016/10/31/nigeria-officials-abusing-displaced-women-girls accessed on 31st October, 2020.



other Maiduguri residents.⁵⁰ Men use their position of authority, gifts and the victims' desperate need for food or other items to have sex with them.

United Nations Global Counter-Terrorism Strategy (General Assembly Resolution 60/288, annex) on Human Rights, Terrorism and Counter-Terrorism pointed out that terrorism clearly has a very real and direct impact on human rights, with devastating consequences for the enjoyment of the right to life, liberty and physical integrity of victims. The Resolution further recognized that effective counter-terrorism measures and the promotion of human rights are not conflicting goals, but complementary and mutually reinforcing. Ikuomola⁵¹ in 'Intelligence Information and Policing in Nigeria: Issues and Way Forward, anchored his study on system theory with emphasis on the survival and efficiency of different sub-units in the maintenance of peace in the society. He revealed that despite modern and community policing trainings, there is need for changes in areas of adhering to human rights principles while containing challenges of security. Oba⁵² examined the use of US Patriotic Act by the American government to violate human rights in the bid to fight terrorism. Kennedy⁵³ analysed efforts of the United States and the United Kingdom in fighting insurgency by pointing out that they have struggled to balance and uphold their liberal norms of due process while simultaneously preserving national security under the threat of terrorism.

A 2007 Manual dealing with terrorism and human right protection⁵⁴ explained that combating and ultimately overcoming terrorism will not succeed if there is no means to secure that society are consistent with human rights standards.

Oduwole and Fadeyi⁵⁵ also examined the state of internally displaced persons in Nigeria. They contended that the magnitude of the neglect on the part of the state apparatus in ensuring better, effective and functional policies is capable of threatening the national cohesion of the country and endangering high rate of internally displaced persons across the country. According to the authors, this has affected the country from achieving Millennium Development Goals number 8 which is geared towards achieving rights of safety of lives and properties as equally enshrined in other international treaties, creative life and to enjoy a decent standard of living, freedom, dignity and self-respect and the respect of others. They both contended that the interplay of prompt intervention, constructive vibrant institutions embedded in the value of good governance, social welfare and functional agencies should be ensued. The government should also address the root causes of displacement and internal conflict by taking appropriate reformatory actions, the promotion of peace, reconciliation, dialogue and the respect for human rights. The researchers agreed that these are needed to surmount these challenges, however, it is sacrosanct to identify the particular areas of weaknesses in the agencies established to take care of IDPs in Nigeria and then determine which areas needs to be invigorated.

⁵⁰ ICIR, 'Government Not Protecting Displaced Persons From Abuses' (2016) *Human Rights Watch* <https://www.icirnigeria.org/government-not-protecting-displaced-persons-abuses-human-rights-watch/> accessed on 29th December, 2022.

⁵¹ A Ikuomola, 'Intelligence Information and Policing in Nigeria: Issues and Way Forward', *Journal of International Social Research*, (2011) 4 (17), 9.

⁵² A Oba, 'The African Charter on Human and Peoples' Rights and Ouster Clauses under the Military Regimes in Nigeria: Before and After September 11' *Africa Human Rights Law Journal*, (2004) 4 (2), 9.

⁵³ A Kennedy, 'Due Process Protections in the War on Terrorism: A Comparative Analysis of Security-Based Preventive Detention in the United States and the United Kingdom' (Paper Presented at the Department of Government in partial fulfillment of the requirement for the degree with honors of Bachelor of Arts Harvard College on March 2012)

⁵⁴ J Cooper, 'Countering Terrorism, Protecting Human Rights' *OSCE Office for Democratic Institutions and Human Rights, Warsaw, Poland*, (2007).

⁵⁵ T A Oduwole and AO Fadeyi 'Issues of Refugees and Displaced Persons in Nigeria' *Journal of Sociological Research*, 2015, 4(1), 11.



According to Alobo and Obaji,⁵⁶ millions all over the world are currently internally displaced as a result of various causes including forcible movements to inhospitable areas, civil wars in which villages have been destroyed, insurgency and ethnic persecution through government policies. According to them, women and children remain the most vulnerable to sexual and gender based violence with reported cases of rape, sexual harassment, forced marriages, infant marriage, sexual diseases, and uncontrolled birth occasioning high infant and maternal mortality in make-shift IDPs camps in Nigeria, and that the problem and plight of IDPs is not directly addressed by any justiciable international instrument or by domestic laws in Nigeria, and thereby contributing to the ad hoc nature of responses to such crisis. On the need for a legal framework, they stated that if there is to be a special legal regime for IDPs, and then its beneficiaries would have to be clearly defined and identified. They asserted that any definition would have to avoid being overly all-encompassing or constricted.

Aduba's work⁵⁷ dealt with the Human Rights Practice in Nigeria since 1999-2004. He strategically divided his paper into two parts by discussing the introduction and the critique of the various rights guaranteed in the Constitution. The work focuses on the right to life during the period between 1999 and 2004. He led credence to the sanctity of human life and condemned the manner in which lives were lost due to ethnicity and religious crisis during the current democratic dispensation.

Jauhari⁵⁸ covered colonial human rights violation in Nigeria. His work outlined the reasons behind Nigeria's checker political history due to a broken society which was inherited from the British as at the time of independence.

Chiroma⁵⁹ examined human rights under the military rule in Nigeria with particular emphasis on the impact of military rule on human rights and reactions of courts in Nigeria. In the same vein, Olawale⁶⁰ looked at some of the security problems such as political assassination, communal violence and electoral violence. Ibikunle⁶¹ examined the impact of military intervention in Nigeria with a suggestion that militarism should be the last resort to curbing insecurity. Ogbonna, *et al.*,⁶² explicated the nature and dimension of challenges such as electoral malpractices, inter-intra ethnic cleavages, and weak democratic institutions in Nigeria's fourth republic. Otto and Ukpere⁶³ examined the nexus between National security and development in Nigeria. The Human Rights (2007) Watch Report on Nigeria⁶⁴ focused on the most important human rights dimension of the crisis of systematic violence openly fomented by politicians and other political elites that undermines the rights of Nigerians, IDPs inclusive, to freely choose their leaders and enjoy basic

⁵⁶E Alobo and S Obaji, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons' *Journal of Law, Policy and Globalization*, (2016) 51, 26.

⁵⁷N Aduba, 'The Protection of Human Rights in Nigeria' (Paper delivered at University of Jos, Nigeria, 2007), 5.

⁵⁸A Jauhari, 'Colonial and Post-Colonial Human Rights Violations' *International Journal of Humanities and Social Science*, (2011) 1(5) 5.

⁵⁹I Chiroma, 'Human Rights under the Military Rule in Nigeria' *Journal on Review of the African Commission on Human and People's Rights*, (1995) 5, 1-2.

⁶⁰A Olawale, 'Explaining the Security Challenges in Contemporary Nigeria' *Institute of African Studies, University of Ibadan, Nigeria*, (2012).

⁶¹A Ibikunle, 'Beyond the Militarist State Concept: Understanding the Recent Security Challenges on the Nigerian State' (2012) Paper presented at the University of Waikato, Hamilton New Zealand.

⁶²M Ogbonna, *et al.*, 'Challenges of Democratic Governance in Nigeria's Fourth Republic' *Mediterranean Journal of Social Science*, (2012) 3, 11.

⁶³G Otto and U Wilfred, 'National Security and Development in Nigeria' *African Journal of Business Management*, (2012), 6(23), 6765-6770.

⁶⁴Human Right Watch, 'Spiraling Violence: *Boko Haram* Attacks and Security Force Abuses in Nigeria' (2012), p. 58-71 https://www.hrw.org/sites/default/files/reports/nigeria1012_brochure_LOW.pdf accessed on 29th December, 2022.



security and the impunity enjoyed by those responsible for these abuses that both denies justice to its victims and obstructs reform.

Abiodun⁶⁵ focused on security sector reform and the need for serving military officers to imbibe democratic ideas in discharging their duties. Kukah⁶⁶ analyzed the various incidences of violence in Nigeria from 1987-1989 during the Military period. Effiong⁶⁷ analyzed the aftermath of the Nigerian-Biafra War and the problems within the former eastern states. Abimbola and Adesote⁶⁸ investigated the challenge of domestic terrorism with major emphasis on the activities of the dreaded militant Islamic sect, popularly known as *Boko Haram*.

Zumve⁶⁹ described the limitations of the Nigerian Police Organization vis-à-vis various security challenges such as terrorism and kidnapping. Mohammed⁷⁰ dealt with violation of human rights challenges of security in the Nigerian colonial days. Osaghae and Suberu⁷¹ identified the various types of identity-based conflicts that have ensued over the years in Nigeria which includes ethnic conflicts, religious conflicts, regional conflicts, communal (sub-ethnic) conflicts, and the more complex conflicts involving more than one identity, namely, ethno-regional conflicts, ethno-religious conflicts, and ethno-cultural conflicts. Oyeniyi⁷² traced the history of domestic terrorism to including local and global actors in Nigeria from the colonial period to the year 2000 when the present democratic dispensation took over. Amnesty International (2002) Report⁷³ chronicled the various killings and human rights abuses caused by State endorsed vigilante groups (Bakassi Boys) in Nigeria. Alao and Olusegun⁷⁴ examined the growth of the *Boko Haram* sect, the efforts of government in addressing the challenges and the implications.

Adesoji⁷⁵ analyzed the *Boko Haram* uprising, as well as its links with the promotion of Islamic revivalism and the challenges it poses to the secularity of the Nigerian State. Dode⁷⁶ looked at the use of aerial bombardment in the management of internal crisis by security forces in Nigeria from (1999-2011) and considered a number of options available for the country to adopt in solving

⁶⁵ A Alao and A Olusegun, 'Security Reform in Democratic Nigeria' *Working Papers on the Conflict, Security and Development Group, Centre for Defence Studies, London*, (2000), 20.

⁶⁶ M Kukah, 'Human Rights in Nigeria: Hopes and Hindrances' *Missio Order No. 600 246, Pontifical Mission Society Human Rights Office*, (2003).

⁶⁷ P Effiong, *40+ Years Later: The War Hasn't Ended* (1sted, Cambria Press New York, 2012), 261-276

⁶⁸ J Abimbola and S Adesote, 'Democratic Terrorism and Boko Haram Insurgency in Nigeria, Issues and Trends: A Historical Discourse' *Journal of Arts and Contemporary Society*, (2012) 4, 3.

⁶⁹ S Zumve, 'Community Policing in Contemporary Nigeria: A Synthesis of Models' *Journal of Educational and Social Research*, (2012) 2 (9), 12.

⁷⁰ A Mohammed 'Chieftaincy and Security in Nigeria: The Role of Traditional Institutions' (Kano 2003) *A Compilation of Essays in Abdalla A, (eds), Chieftaincy and Security in Nigerian Past, Present and Future*, 21.

⁷¹ E Osaghae and R Suberu, 'A History of Identities, Violence and Stability in Nigeria' (2005) *Centre for Research on Inequality, Human Security and Ethnicity, CRISE working paper No. 6, Queen Elizabeth House, University of Oxford, United Kingdom*.

⁷² B Oyeniyi, 'A Historical Overview of Domestic Terrorism in Nigeria' in Okumu W, and Anneli B, (eds) *Threats and Incidents of Domestic Terrorism, Reasons, Experiences, and Lessons, Domestic Terrorism in Africa, Defining, Addressing and Understanding It's Impact on Human Security* (1sted, Institute for Security Studies, Pretoria 2009)

⁷³ Amnesty International 'Vigilante Violence in the South and South-East Executive Summary' (AI Index: AFR 44/021/2002 November 2002, New York)

⁷⁴ O Alao and A Olusegun, 'Boko-Haram Insurgency in Nigeria: The Challenges and Lessons', *Singaporean Journal of Business Economics, and Management Studies*, (2012) 1(4), 10.

⁷⁵ A Adesoji, *The Boko Haram Uprising and Islamic Revivalism in Nigeria*, (1st ed. African Spectrum, GIGA German Institute of Global and Area Studies, Institute of African Affairs in Co-operation with the Dag Hammarskjold Foundation Uppsala and Hamburg University Press, Germany, 2010).

⁷⁶ R Dode, 'Nigerian Security Forces and the Management of Internal Conflicts in the Niger Delta: Challenges of Human Security and Development' *European Journal of Sustainable Development*, (2012) 1(3), 409-418.



crisis situations with minimal collateral damage. Orji⁷⁷ examined the concept of violence and militancy by considering the way out of the quagmire from the perspective of emancipation and disempowerment.

3. Conclusion and Recommendations

This paper by way of literature review lends credence to the fact that insecurity challenges in Nigeria have become a formidable challenge for the Nigerian government and people. Nigeria's security concerns and threat perception emanated from many quarters. Over the years, the inability of the government to address the root causes of dissatisfaction, anger and agitation among various groups in the country resulted to serious security challenges confronting the contemporary Nigerian state thereby giving rise to IDPs and the subsequent abuse of their human rights.

Amazingly, despite the extreme threat of displacement, little or no attention has been given to this issue by the government. This is aggravated by the absence of a national legislation or a justiceable International Treaty or Convention protecting the rights of IDPs and the non-binding status of the Rules of Engagement of the military. The involvement of security operatives who primarily have a duty to protect and enforce rights, in the violation of the rights of IDPs in Northeast Nigeria just like in every other state in Nigeria, is quite ironical and appalling. The existing literature revealed that the security agencies abused IDPs, girls and women especially, with no inquiry by any trite body of inquiry or also without punishment. This accounts for the incessant increase in IDPs' rights violation by the security personnel thereby making it the top most challenges in Nigeria today.

The participation of the military in internal security operations keeps increasing despite the popular criticism that they are trained to protect the country's territorial integrity alone and not to manage internal security operations like other civil authorities. However, the ineptitude of the civil authorities has proven to be incompetent in managing internal security crisis.

It is hereby recommended that:

- i. The military personnel and other security agencies involved in the human right violation of the IDPs be brought to book to serve as deterrent;
- ii. Special training and orientation be organised for the security agencies towards ensuring the change of the narrative of violation of IDPs' rights.
- iii. The government should henceforth investigate and get to the root of any claim of IDPs' right violation by the security agency to forestall further repeat.
- iv. The government should procure a legal framework geared towards protecting, guaranteeing and enforcing the rights of the IDPs in Nigeria.

⁷⁷K Orji, 'National Security and Sustainable Development in Nigeria: Challenges from the Niger Delta' *African Research Review and International Multidisciplinary Journal, Ethiopia*, (2012) 6 (1), (24), 198-221.