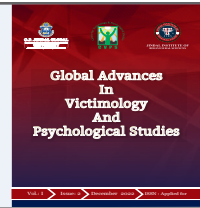


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Victimisation by Policy Exclusion: The Case of Internally Displaced Persons in Nigeria

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Abstract

This paper discusses the victimisation of internally displaced persons (IDPs) in Nigeria by policy exclusion. It asserts that while in policy, Government bears the primary responsibility for the protection and assistance of all IDPs irrespective of the cause of displacement, in practice, humanitarian response plans for the protection and assistance of IDPs exclude victims of armed Fulani herdsmen conflicts from assistance. It also found that several proposed federal bills to address the armed Fulani herdsmen-farmer conflicts have focused on securing land from victimised farming communities to establish settlements for the Fulani herders. However, none of the bills has prohibited arbitrary displacement; return, resettlement or rehabilitation of persons displaced by the armed Fulani herdsmen. The paper concludes that the exclusion of victims of the armed Fulani herdsmen conflict from national humanitarian response plan is a strategy of Government that is unwilling to recognise and address the armed Fulani herdsmen as a national security challenge. It recommends that the Nigerian Government holistically addresses internal displacement and provide equal protection and assistance to all victims of displacement as stipulated by the Nigerian national policy on internal displacement.

Keywords: Armed Fulani Herdsmen-Farmers Conflict, Internal Displacement Nigeria, Victimisation by Exclusion

1. Introduction

The Constitution of the Federal Republic of Nigeria 1999 (as amended) makes provision for the protection and assistance of all citizens, in peacetime, as well as in conflict or emergencies. Chapter 2(13) states that the primary duty of Government shall be the security and welfare of its people. In pursuit of this mandate, the Constitution requires different arms and institutions of Government to work collectively and achieve the primary duty of Government- guarantee the security and welfare of the people. To wit, the legislative arm bears the

responsibility to "...make laws for the peace, order and good government of the Federation....". The Executive Arm, however, is saddled with implementation through its different institutions, including security agencies for guaranteeing the security and safety of the people whilst others implement welfare.

Besides the Constitutional provisions, Nigeria has also made national and international commitments to ensure that it keeps true to its primary duty of guaranteeing the security and welfare of its people. This includes its endorsement of the United Nations Guiding Principles on internal displacement (OCHA, 1998) to

prevent arbitrary displacement, prevent root causes of internal displacement, and rehabilitate victims and affected communities; Nigeria furthermore reiterated this commitment in 2008 and 2012 by adopting and ratifying the African Union Convention for the protection and assistance of IDPs. Nigeria also used these instruments to develop a National Policy on internal displacement to strengthen mechanisms for the prevention, protection and assistance of displacement-affected persons and communities (Farouq, 2021).

In this article, we argue that despite Nigeria's national and international commitments to prevent internal displacement, rehabilitate victims of displacement, and guarantee the security and welfare of its population, Nigeria has failed in this responsibility. We state while internal displacement persists in Nigeria, the Nigerian legislature has failed to come up with laws to prevent arbitrary internal displacement; the executive has failed to rehabilitate IDPs and help them recover livelihoods, facilitate return, integration, or resettlement; while the security agencies have failed to secure the affected communities and protect the lives of Nigerian people. We show that these failures are not a coincidence but a result of the unwillingness of the Government to recognise certain insecurities against the Nigerian people as not being a threat to State Sovereignty.

2. Internal Displacement in Nigeria

In the last decade dating back to 2012, Nigeria continues to witness a prevalent internal displacement crisis despite its commitment to prevent arbitrary displacement, address root causes, and rehabilitate IDPs. From being home to an estimated 65,000 IDPs in 2011, Nigeria's internal displacement population has grown in leaps in the last decade by over 300% to over 3.2 million IDPs by the year ended 2021 (IDMC, 2022). The regions most affected include the northeast, northcentral, and northwest regions. The displacement crisis in Nigeria has not only grown exponentially over the last decade, but Nigeria also ranks amongst the top 10 countries with the most conflict-induced internal displacements worldwide and in Sub-Saharan Africa.

3. Displacement Causes and most Affected Regions

A report by the United Nations High Commissioner for Refugees [UNHCR] (2022), indicates that of Nigeria's estimated 3.2 IDPs, 2.2 are victims of the Boko Haram insurgency in the northeast, over 474,744 are victims of banditry, Fulani-Hausa ethnic conflicts in the northwest. Furthermore, over 495,013 of Nigeria's displacement figures are victims of the armed Fulani herdsman conflicts, communal conflicts, and banditry in the northcentral region, of which Benue State alone is home to over 404,000 and the most affected state in the northcentral region. The majority of the IDPs have been displaced for over ten years, whilst millions of them have suffered multiple displacements in their places of refuge (IDP camps) thus making it increasingly difficult to recover from displacement-induced impoverishment and disadvantage. Additionally, in the displacement camps where the majority of the IDPs reside, there is hardly any provision of social amenities like healthcare services, educational access, and decent shelters (Olanrewaju *et al.*, 2019). This has further escalated humanitarian and livelihood challenges as well as heightened the vulnerability of the displaced population and the rendered majority of them susceptible to increased disadvantage, exploitation and abuse.

4. Internal Displacement in Nigeria and the Governmental Factor

The prevalent displacement crisis in Nigeria thus points to an imminent factor of Nigeria's unwillingness to fulfil its primary responsibility to prevent arbitrary displacement, address root causes and rehabilitate IDPs for livelihoods recovery, and access to social services. The unwillingness to assist victims of internal displacement was established in a study by Olanrewaju *et al.*, (2019) who observed that Nigeria's humanitarian agencies decline to provide humanitarian assistance to IDPs who are residents in unofficial resettlement camps. Additionally, Mirth (2014) found that IDPs who are residents in areas not recognised

by Government policies are deprived of protection and assistance. Despite these deprivations, there is abounding evidence that the IDPs' residency in unofficial camps is due to the failure of the Government to provide official camps and meet IDPs' shelter and safety needs (Titilope *et al.*, 2021; Shehu & Abba, 2020).

Nigeria's protection and assistance of IDPs based on where they are located or on policy parameters are inconsistent with Nigeria's commitment under the African Union Convention on Internally Displaced Persons (also known as the Kampala Convention). According to Article 5(1) of the Kampala Convention, Governments bear primary responsibility for protecting IDPs and providing them humanitarian assistance without any bias, or discrimination, and ensuring the safety and dignity of IDPs wherever they are found within the affected country. Furthermore, affected Governments shall provide lasting solutions by addressing the root causes of displacement, and creating necessary conditions for voluntary, dignified, and safe return, integration, or resettlement of IDPs. Nigeria reiterated its position in its national policy on internal displacement and commits to the equal protection and assistance of IDPs irrespective of the root cause of the displacement and wherever IDPs may be located (Farouq, 2021).

But besides the protection of IDPs based on where they are located (official or unofficial IDP settlement), the Nigerian Government has also prioritised protection and rehabilitation assistance of IDPs in the country based on the cause of displacement rather than the fact of displacement. Whilst Nigeria's national policy recognises that Government owes its citizens the right to not be displaced by preventing internal displacement and rehabilitating displacement-affected persons and communities, this commitment is far from implementation.

In practice, Nigeria's frameworks that guide the socio-economic rehabilitation of IDPs and displacement-affected communities are limited in coverage to the displacement crisis in northeast Nigeria which is induced by the Boko Haram insurgency and excludes victims of all other displacements triggered by other causes. For instance, the Buhari Plan for the social rehabilitation, reconstruction and humanitarian intervention in the North-East (Presidential Committee on North-East Initiative [PCNI],

2016); and the North East Development Commission for strengthening humanitarian interventions, rehabilitation of IDPs and social reconstruction of displacement-affected communities, (NEDC, 2017). These frameworks have focused on the rehabilitation of displacement-affected communities and persons in the northeast to the exclusion of other regions. Similarly, the Nigeria Humanitarian Response Strategies, jointly implemented by the Nigerian Government, and international humanitarian agencies, is limited to humanitarian aid and rehabilitation needs of IDPs and communities affected by the Boko Haram insurgency (United Nations Office for the Coordination of Humanitarian Assistance [OCHA], 2016-2022). Furthermore, despite these strategic frameworks being named "The Nigeria Plan", they are limited to only Borno, Adamawa, and Yobe in northeast Nigeria, which is impacted by the Boko Haram insurgency. Commendable socio-economic rehabilitation of victims, critical infrastructure in communities and restoration of social services have been achieved with a focus on ending humanitarian aid dependency by the year 2026, especially in Borno State (OCHA, 2022). Despite these noble and commendable efforts, the northwest and northcentral regions which are also burdened with mass internal displacement population and attending socio-economic losses, have been excluded from Nigeria's humanitarian response plans and rehabilitation interventions for seven years (OCHA, 2016-2022). These regions jointly have an estimated one million IDPs whose displacement is a direct failure of the Government to have prevented arbitrary displacement, and whose victims are Nigerian citizens, for whom Government bears the primary responsibility for their protection and assistance.

The exclusion of the displacement-affected communities and IDPs from Nigeria's humanitarian and rehabilitation plans points to the making of Nigeria's invisible population by policy exclusion. Despite the global reportage of the IDP population in Nigeria across the northeast, northwest and northcentral regions, in Nigeria's response plans, there is no evidence of internal displacement in other regions except the northeast. This has rendered the victims invisible to a wider humanitarian intervention. Much more than rendering the excluded population invisible, it has further pointed to the ongoing victimisation by mass internal displacement in Nigeria.

According to the International Crisis Group (2017, p.1), the persistent and escalated violent conflicts between the Fulani herdsmen from northern Nigeria and sedentary farming communities in central and southern regions is largely due to the Federal and State Government's poor "response to the crisis". According to Bamidele (2018), owing to the poor response by the Federal and State Governments in tackling the Fulani herdsmen-farmers conflicts, the situation continues to escalate with the armed Fulani herdsmen invading farming communities and leading to their cattle grazing on crops. Additionally, the focus of the Nigerian Government is on the rehabilitation of areas affected by the Boko Haram insurgency, while less attention is paid to the regions affected by the Fulani herdsmen-farmers conflict, communal conflicts, and banditry.

5. Nigeria's Excluded IDPs and the Root Cause of their Displacement

Nigeria's excluded IDPs are predominantly victims of the armed Fulani herdsmen militancy, and other forms of generalised violence in the northwest and northcentral regions. In recent years, the armed Fulani herdsmen militancy has reportedly escalated into acts of terrorism, with intensified offensives on and occupation of farming communities across the northcentral and southern States (Institute for Economics and Peace [IEP] 2019). According to the Institute for Economics and Peace global terrorism index, the armed Fulani herdsmen are not just conventional fighters displacing and occupying farming communities. They are also the 8th deadliest terrorist group in the world and are deadlier than the Boko Haram insurgents. However, whilst the global ranking has recognised them as a threat to national security, the Nigerian authorities have not or are unwilling to recognise the armed Fulani herdsmen activities as acts of terrorism.

The official narrative of the Nigerian Government describes the armed Fulani herdsmen activities as acts of banditry (Ojewale, 2021) and communal conflicts (Premium Times, 2018), which authorities seek to address by establishing grazing settlements and reserves for the herdsmen (Bamidele, 2018). This narrative seeks to accommodate the armed Fulani herdsmen by taking portions of land belonging to the farming communities and providing grazing routes and settlements for Fulani

herdsmen for their business enterprise. However, there are no measures in place by the Nigerian authorities for the rehabilitation of IDPs and communities whose livelihoods have been destroyed by the armed Fulani herdsmen as is the case with victims of the Boko Haram insurgency. Furthermore, despite mass destruction, displacement and occupation of farming communities, the Nigerian Government continued to appeal for the protection of the armed Fulani herdsmen terrorists, requesting the affected communities to "In the name of God, accommodate your countrymen" (Premium Times, 2018) without measures to also return the displaced persons to their communities nor compensate for losses of livelihoods and property.

6. Failed Security Protection

The victims of armed Fulani herdsmen are also victims of Nigeria's security failure. The priorities of the Nigerian Government are not to recognise the armed Fulani herdsmen-farmers conflict as acts of terrorism against citizens and national security. According to the International Crisis Group (2019) and Bamidele (2017), communities and states affected by the armed Fulani herdsmen conflicts are not accorded adequate security. This position is corroborated by the armed Fulani herdsmen who attribute their militancy to the Government's failure to hold cattle thieves accountable as well as farmers who maintain that security operatives respond to their distress calls of Fulani terror attacks on farming communities only after the attacks on farming communities have been perpetrated (Bamidele, 2018). Furthermore, Akpor-Robaro & Lanre-Babalola, (2018, p. 51) submit that whilst the armed Fulani herdsmen militancy against farming communities persists, a growing trivialized support by a powerful pan-Fulani for the herdsmen continue to convince "state and security agencies to look the other way" (p. 51). This is reflected in public support speeches and sponsored bills which seek the protection of the armed Fulani herdsmen without consideration of their victims.

7. Failed Legislative Measures

Over the years, several federal bills have failed to pass into law to address the armed Fulani herdsmen-farmers conflict owing to discrepancies that favour the herders over the farming communities. In 2012, 2014, and 2016, Federal sponsored bills sought to establish the "National

Grazing Routes and Reserve; and “National Grazing Reserve (Establishment) Bill 2016” but failed to pass. These bills proposed that each of Nigeria’s 36 States provides land for the establishment of nationwide grazing routes for the Fulani herdsmen (Ducrotoy *et al.*, 2018; Mrabure & Awhefeada, 2020). Additionally, in 2018, the Nigerian Government proposed the establishment of settlements areas called the “Rural Grazing Area (RUGA Settlement) and National Livestock Transformation Plan (NLTP) as a solution. The proposed establishment of RUGA settlement also required States to provide land for the establishment of settlements for herders and their cattle. All these bills failed to pass owing to vested interests by stakeholders, who opposed the idea of taking farmlands across 36 States and donating to herdsmen for grazing (Mrabure & Awhefeada, 2020).

It is noteworthy to state that whilst those federally sponsored bills sought to create settlements for the Fulani herdsmen, none of the proposed bills sought a law that requests the armed Fulani herdsmen who have taken over farming communities to return to where they came from. Additionally, no single bill has proposed the criminalisation of armed attacks on communities nor the rehabilitation of victims and communities of armed Fulani herdsmen. Yet, victims have lost livelihoods, homes, property and infrastructure, and have been in IDP camps for several years without any means of livelihood.

The failure of the Nigerian legislature to formulate laws to address this unfortunate displacement and invasion of farming has left the victims of displacement without any solution. Although, at the State level, State Governments have successfully enacted laws through State legislative processes that prohibit open grazing to prevent farm encroachment and cattle rustling (Chukwuemeka *et al.*, 2018). However, these state measures have not been supported by the Federal Government and its law enforcement institutions (Leke & Olawale, 2019). Consequently, there have been no laws, security protection, and socio-economic rehabilitation to assist communities and victims affected by the armed Fulani herdsmen in recovery of livelihoods, access to farms and social services.

8. Conclusion

The exclusion of IDPs affected by the armed Fulani herdsmen in Nigeria is not a policy omission but a well-designed strategy of Government, which is

unwilling to recognise the armed Fulani herdsmen conflict as a national security challenge. Owing to this unwillingness, the Nigerian State has failed to prioritised security protection, and rehabilitation of victims and communities affected by the armed Fulani herdsmen conflict. Consequently, the exclusion of victims of armed Fulani herdsmen from Nigeria’s National humanitarian response plans for seven consecutive years also points to Government’s unwillingness to accord them any means of assistance for livelihoods recovery, as well as facilitate their return or integration. It is recommended that Nigeria deploys the whole-of-government-approach to address internal displacement holistically across the country and accord victims of all causes of displacement, equal protection in line with Nigeria’s constitutional obligations and the stipulations of the National Policy on internal displacement.

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