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**FORMULATING LEGAL AND POLICY FRAMEWORKS FOR  
THE PROTECTION OF INTERNALLY DISPLACED PERSONS  
IN NIGERIA: A CASE STUDY OF INTERNAL CONFLICTS IN  
JOS, PLATEAU STATE**



**DOCTOR OF PHILOSOPHY  
UNIVERSITI UTARA MALAYSIA  
2016**

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IN NIGERIA: A CASE STUDY OF INTERNAL CONFLICTS IN  
JOS, PLATEAU STATE**



**SHEDRACK EKPA (900372)**

**A Thesis submitted to the Ghazali Shafie Graduate School of Government  
in fulfilment of the requirements for the Doctor of Philosophy**

**Universiti Utara Malaysia**

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## Abstrak

Penyesaran (*displacement*) yang dicetuskan oleh konflik dalaman telah menjadi suatu fenomena biasa di Nigeria. Fenomena ini berleluasa dan tidak mengenal sempadan sehingga memberikan impak yang besar ke seluruh Nigeria. Kajian ini menyelidik konflik dalaman yang berlaku di Jos, Plateau State, Nigeria yang melibatkan konflik etnik-agama dan politik seperti yang diketengahkan dalam kajian kes 1 dan kemusnahan yang disebabkan oleh letupan bom seperti yang dikupas dalam kajian kes II. Terdapat tiga tahap dalam struktur penyesaran, iaitu peringkat prapenesaran, peringkat semasa penyesaran, dan peringkat pascapenesaran. Kajian ini bertujuan menyelidik cara dan sebab penyesaran dalaman berlaku di kawasan yang dikaji dan meneliti undang-undang antarabangsa seperti undang-undang kemanusiaan, undang-undang hak asasi manusia dan undang-undang jenayah serta undang-undang domestik Nigeria, iaitu undang-undang perlembagaan, undang-undang tanah dan undang-undang jenayah yang mengawal isu penyesaran. Kajian turut membandingkan undang-undang dan amalan di dua buah kuasa asing, iaitu Sri Lanka dan Uganda yang berhadapan dengan cabaran yang sama seperti yang berlaku di Nigeria bagi tujuan memperoleh pengajaran. Dengan berpandukan objektif kajian serta persoalan kajian, kajian kualitatif ini yang juga berbentuk kajian sosio-perundangan telah mengupayakan strategi kajian kes untuk menyelidik isu dan masalah penyesaran di Nigeria. Kajian ini dilakukan berlandaskan sumber data primer, iaitu temu bual mendalam dengan mangsa penyesaran, penjawat awam dan pakar undang-undang, pemerhatian, dokumen rasmi serta disokong oleh sumber sekunder seperti artikel jurnal, surat khabar dan sumber internet. Kajian ini, antara lain, mendapati bahawa penyesaran dalaman di Nigeria berpunca daripada kelemahan perlembagaan Nigeria itu sendiri serta penafsiran berat sebelah dan salah tanggapan yang secara sewenang-wenangnya digunakan untuk menyemarakkan api pertelagahan antara penduduk asal dengan pendatang di kawasan kajian kes. Selain itu, kelemahan dalam kerangka perundangan turut menimbulkan konflik yang serius dan berpanjangan di Nigeria. Kajian ini mencadangkan agar penilaian semula dilakukan terhadap peruntukan perlembagaan Nigeria yang melibatkan isu hak-hak kerakyatan dan kelayakan, dan undang-undang antarabangsa dan domestik sedia ada bagi menangani isu penyesaran dalaman Nigeria. Penilaian semula ini perlu sebagai suatu pendekatan praktikal yang boleh menyelesaikan masalah yang dihadapi. Pertimbangan yang sewajarnya yang diberikan oleh kerajaan dan pemegang taruh yang lain terhadap cadangan yang melibatkan kerangka perundangan dan dasar boleh membantu menangani isu dan masalah penyesaran dalaman di Nigeria.

**Kata kunci:** Golongan yang tersesar dalaman, Konflik etnik-agama dan politik, Isu, Nigeria.

## Abstract

Displacement triggered by internal conflict is a common phenomenon in Nigeria. It is rampant without boundary and has impacted every part of the country. This study examines the occurrence of internal crises in Jos, Plateau State, Nigeria which consist of ethno-religious and political conflicts as case study I and bomb related violence as case study II respectively in the structure of three stages namely, pre-displacement, displacement and post-displacement. This study aims to probe into how and why internal displacement occurred in the research area and examines international law such as refugee law, humanitarian law, human rights law and criminal law as well as Nigerian domestic laws such as constitutional law, land law and criminal law governing internal displacement. This study also involves comparative study of law and practice in two foreign powers, namely Sri Lanka and Uganda which face the same challenges as experienced by Nigeria to acquire some insights. Being a socio-legal research and evidently qualitative in nature and guided by the research objectives and questions, the study adopts case study strategy in probing the issues and the problems. Primary data were gathered through in-depth interview with internally displaced persons, public officials and legal experts, observations, and official documents. Secondary data were collected through journal articles, newspapers and internet sources. This study finds among others, that the contradictions in the Nigerian Constitution, its biasness and erroneous interpretations have been arbitrarily used to provoke ethnic animosity between the natives and the settlers in the research area in addition to a number of loopholes identified in the legal frameworks relating to internally displaced persons in Nigeria. This study proposes a reassessment made to the both of the provisions of the Nigerian Constitution involving the rights of citizenship and entitlement as well as to the existing international and domestic law in addressing the internal displacement in Nigeria as a practical approach in looking for solutions of the problems faced. The government and other relevant stakeholders should consider these suggestions seriously so that the evolving legal and policy frameworks would be effective enough to address the issues and problems associated with the internal displacement in Nigeria.

**Keywords:** Internally displaced persons, Ethno-religious and political conflict, Issues, Nigeria.

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## **Declaration**

I hereby declare that this thesis is based on my original work except for quotations and citations which have been aptly acknowledged. I also declare that it has not been previously or concurrently submitted for any other degrees at Universiti Utara Malaysia or other institutions.



## **Dedication**

In Loving Memory of my Late Father Pa Joseph Amodu Ekpa whose uncommon passion for my education was abruptly severed by the cold hands of death in the early hours of 5th day of May 2010.



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## **List of Abbreviations**

AG	Action Group
AI	Amnesty International
AU	African Union
ACHPR	African Commission for Human and Peoples' Rights
BBC	British Broadcasting Commission
CDPS	City Disaster Policy Committee
CDMC	City Disaster Management Committee
DDMC	District Disaster Management Committee
DDPC	District Disaster Policy Committee
GoSL	Government of Sri Lanka
GoU	Government of Uganda
HRW	Human Rights Watch
FHC	Federal High Court
IAC	International Armed Conflict
IACHR	Inter-American Court of Human Rights
IATC	Inter-Agency Technical Committee
IDPs	Internally Displaced Persons
ICC	International Criminal Court
ICD	International Crimes Division of the High Court of Uganda
ICGLR	International Convention for the Great Lakes Region
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IOM	International Organization for Migration
IRIN	Integrated Regional Information Networks
IRRC	International Review of the Red Cross
JSC	Justice of the Supreme Court
LLRC	Lessons Learned and Reconciliation Commission
LOAC	Law of Armed Conflict
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MPC	Ministerial Policy Committee

NCFRMI	National Commission for Refugees, Migrants and Internally Displaced Persons
NCNC	National Council of Nigeria and Cameroon
NECOC	National Emergency Coordination and Operation Centres
NEMA	National Emergency Management Agency
NFRRR	National Framework for Rehabilitation, Reconstruction and Reintegration
NHRC	National Human Rights Commission
NIAC	Non-International Armed Conflict
NPC	Northern Peoples' Congress
NRC	Norwegian Refugee Council
OAU	Organization of African Unity
UDHR	Universal Declaration of Human Rights
UMBC	United Middle Belt Congress
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UPDF	Ugandan Peoples' Defence Force
WFP	World Food Program
WHO	World Health Organization

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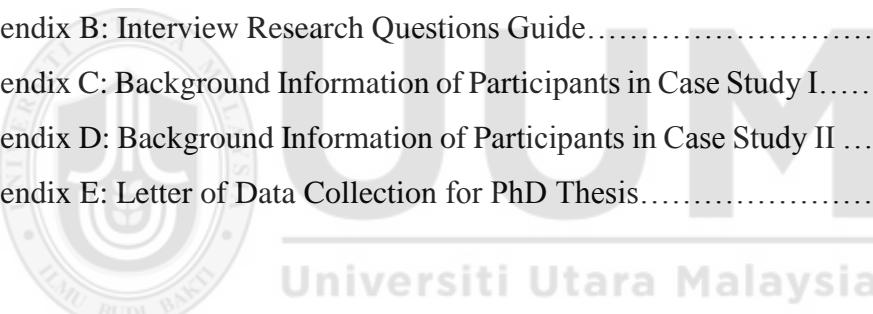
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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

All over the world people are forced to leave their homes due to incessant internal conflicts, generalized violence and gross violation of human rights has gradually become common challenges confronting international community.<sup>1</sup> These vulnerable persons of concern nevertheless lived within the borders of their own country.

With respect to Nigeria in particular, it is one of the countries in Africa severely shattered by recurring internal conflicts due to ethnic, religious and political rivalries. Nigeria is incidentally ranked 148 out of the Global Peace Index,<sup>2</sup> the third largest on list of countries with political armed violence in the Armed Conflicts Location and Event Database<sup>3</sup> and also rated 16<sup>th</sup> in the Fund for Peace and Failed State Index.<sup>4</sup>

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