AN OVERVIEW OF THE MANAGEMENT OF INTERNALLY DISPLACED PERSONS IN THE UNITED STATES OF AMERICA AND NIGERIA

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1. Introduction

The displacement of persons within the borders of their own countries has become a pervasive feature of this century. In fact, the number of displaced persons is on the increase.\(^1\) For

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example, by 2007, it was estimated that approximately 26 million people were found displaced from their homes in the world. While the causes of displacement vary from one country to another, the primary causes in the United States of America (USA) and Nigeria (the countries under review) can be traced to two kinds of events: - natural disasters, which are the primary causes in the USA and social categories contending for power and privileges in an emergent democratic society as is the case in Nigeria, resulting into violent conflicts.

Research has shown that there is no difference between the handling of emergency situations and Internally Displaced Persons (IDPs) in these countries. Although some emergency situations generate IDPs, this category of persons has unique needs that emergency management agencies do not provide. For instance, disaster management agencies do not have the mechanisms for protecting the rights of IDPs. This research takes the hurricane Katrina as a typical case of natural disaster resulting in massive displacement to assess the Federal Emergency Management Agency’s (FEMA) mode of handling humanitarian challenges within the context of the United States. Similarly, the Jos crisis in Nigeria is used to evaluate the National Emergency Management Agency’s (NEMA) handling of the humanitarian challenges posed by such violent conflict.

The choices of these events to assess both countries’ handling of IDPs is predicated on the fact that these are typical of the IDP generating phenomena in both countries. This paper therefore examines how both countries have responded and managed displaced persons without the application of the United Nations Guiding Principles on Internal Displacement. These principles were developed to cover up the normative gaps of management of such persons by ensuring that IDPs are sufficiently protected and their unique needs acknowledged and addressed.

Further, the paper analyzes how these principles would apply if adopted, in the management of IDPs for purposes of (a) protecting two different categories of displaced persons, and (b) creating the enabling conditions for the return of displaced persons to their habitual places of residence if the displaced people so desire. The research concludes that the adoption of the Guiding Principles by Nigeria and the development of an enhanced and appropriate normative framework by America to respond to and assist American IDPs will go a long way to ameliorate the plight of IDPs in both countries. However, the Guiding Principles remain the undisputed standard, consistent with the guarantees on fundamental human rights as provided in the constitutions of the USA and Nigeria. Adoption and/or implementation of the Guiding Principles can reduce material and non-material discomforts arising from displacement for both countries.

2. Geographical overview of both countries

The United States of America is a continent in the western Hemisphere, consisting of 48 contiguous States on the North American continent: Alaska, and Hawaii. The USA also
holds several territories in the Pacific and Caribbean and shares land borders with Canada and Mexico and territorial water borders with Russia, the United Kingdom and the Bahamas. Nigeria, on the other hand, is a Federal Republic located in sub-Saharan West Africa and is the most populous black nation situated on the gulf of Guinea in West Africa.

3. Similarities

One important similarity between the USA and Nigeria is the fact that both operate federal constitutions and presidential forms of government. Moreover, both countries have been confronted at one time or the other with the problems of internal displacement of persons even though the causes of displacement vary.

4. Factors that generate internal displacement in the United States and Nigeria

Several interrelated reasons explain internal displacement in both countries as enumerated below.

a. The United States

The United States is affected by a large variety of natural disasters such as:

- Frequent and powerful tornadoes;\(^5\)
- Widespread drought from 1999-2004;\(^6\)
- Hurricanes – for instance, hurricane Andrew in 1992 and hurricane Katrina in 2005;\(^7\)

\(^4\) United States Department of State. Accessed 20-10-2009
large stretches of desert shrub that metamorphosis into wildfires and forest fires;⁸

Tsunamis, earthquakes and mud slides.⁹

b. In Nigeria

The causes of violent conflicts in Nigeria are rooted in the contention for state power and patronage by various social categories that utilize social identities especially ethnicity and religion to mobilize for support and ascendance¹⁰ since the 19th century.¹¹ These configurations have equally affected political affiliations and expressions.¹² Furthermore, religious pluralism has largely become a political issue in the country and religious differences continue to be manipulated for sectional interests.

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⁸ ibid
5. Response and Management of Displaced Persons

a. In the United States of America

In the U.S, the Federal Emergency Management Agency (FEMA) is the agency mandated by the Federal Government to manage internal displacement. FEMA does not itself provide disaster assistance but rather, manages “the operational response, relief and recovery efforts” of the federal government by assigning tasks to agencies and departments and coordinating their work. The mission of FEMA is to lead the nation in mitigating, responding to, and recovering from major domestic disaster, both natural and manmade, including terrorist incidents.

Within the United States the major responsibility for disaster response lies with local authorities. When Local Government exhausts its resources, it can then request specific additional resources from the State and from there to the Federal Government as additional resource needs are identified. This is the procedure as stated in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) which outlines the process for disaster response and management in the United States.

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17 The Stafford Act, as amended, is codified at 42 U.S.C. 5121-5206
States to request a presidential disaster declaration and assistance. The Stafford Act requires the Governor of the affected State to request a declaration by the President.\textsuperscript{18}

This bottom-up system of emergency management, which is the accepted model of disaster response, is deemed proper because of the proximity of local governments to disaster sites and because local authorities have knowledge of local conditions and, in many cases, have agreements for mutual aid to secure additional help from nearby jurisdictions.\textsuperscript{19}

The assumed goal of adapting the current (Stafford Act) system would be to develop in advance, an understanding between the federal and state government, so that all agree on the extreme conditions under which the federal government might need to directly employ federal resources within a state(s) in order to execute its responsibility to save lives and protect property.

The barriers to making such adaptations to emergency management system are largely cultural and psychological rather than legal. Despite the substantial legal authority to act during a catastrophe already given to the federal government by the Stafford Act\textsuperscript{20}, the notion of its taking a more prominent role is extremely politically sensitive. This should not be because, given that the United States faces threats of major natural disasters, it is only prudent to ensure that the country’s preparedness system includes the ability of the federal government to exercise its authority under the law in order to save lives and protect property during a


\textsuperscript{19} FEMA considers both qualitative and quantitative factors when evaluating a governor’s request for a major disaster declaration. See 44 C.F.R 206.48.

\textsuperscript{20} The law governing how the federal government provides assistance and describing how state government can request such assistance is the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) June 2007
major disaster. Moreover, hurricanes, earthquakes and pandemic outbreaks do not respect political timelines – they can strike at almost any time.

b. In Nigeria

The institution that has some dealings with displaced persons in Nigeria is the National Emergency Management Agency (NEMA) which provides direct material assistance to displaced persons. NEMA was established to perform the function of organizing, providing and coordinating emergency relief to victims of national disasters throughout the Federation and matters incidental thereto. Inferring from its statutes NEMA has little to do with prevention, protection and return or resettlement of IDPs.

NEMA responds to the occurrence of disasters in the country by sending relief materials and supplies to affected communities and facilitates the ability of the displaced to survive the immediate problems of displacement and dispossession. Unfortunately, these efforts are not sustained and the victims are soon left on their own.

Critics have opined that NEMA’s *modus operandi* can be said to be ‘vulture concept’ whereby NEMA waits for disasters to happen in order to supply relief materials thereafter, rather than being proactive (the eagle concept) through appropriate forecasting and early warning to mitigate large scale displacement with corresponding humanitarian challenges.

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22 NEMA was brought into being by the National Emergency Relief Act Cap [257, Laws of the Federation of Nigeria 1990.


24 ibid
6. Impact and Effects of Displacement

a. In the United States of America

Hurricane Katrina left in its wake scores of death, destruction and homeless people.\(^{25}\) As a result of the disaster, over one million people were redistributed from the central Gulf coast elsewhere across the United States, which became the largest Diaspora in the history of the United States.\(^{26}\) The aftermath of this calamity raised questions and issues about the management of the displaced and how prompt the response was to the disaster. Other thoughts questioned the nation’s readiness and preparedness or otherwise and the ability to respond to challenges resulting from catastrophic disaster.\(^{27}\)

The economic effects of hurricane Katrina were far-reaching.\(^{28}\) Katrina destroyed 30 oil platforms and caused the closure of nine refineries. The total loss to the forestry industry was calculated to rise to about $5 billion.\(^{29}\) Katrina also had a profound impact on the

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\(^{28}\) “Tax Relief and Hurricane Katrina” in Annual Review of Banking and Financial Law, 2006, p. 166

The storm surge caused substantial beach erosion, in some cases completely devastating coastal areas, and forced the closure of 16 national Wildlife Refuges.\footnote{Festus O. (ed) supra p. 58}

Five years after the event of hurricane Katrina, some of the displaced are yet to return to their places of habitual domicile. This analysis drives home the point that the need for protective measures to be increased beyond what it currently is cannot be over-emphasized. If the nation is going to achieve any sort of unity of effort in responding to future catastrophes, it must be undertaken and in fact are overdue.

b. In Nigeria

In Nigeria, the impact and effect of displacement is monumental. After the Jos crisis for instance, people fled from their homes leaving behind their properties and possessions. They had no certificates or any form of identification document, nothing that can help them get employment and start life all over again. This is typically what occurs after each violent conflict and displacement in Nigeria.

The government does not respond to the plight of this category of persons because it assumes that the relief materials given are adequate to meet their needs, even though these materials do not get to the target end users. These items are sometime diverted by the people expected to distribute them, and sold for profit.\footnote{Festus O. (ed) supra p. 58} Consequently, there are people who benefit

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from the phenomenon of internal displacement from the bureaucracy and local power elite that state institutions depend upon to distribute materials.

7. The need for distinct IDPs Protection

Protecting persons forcibly uprooted within their own countries is one of the most daunting challenges of our time\(^\text{33}\). Whether the victims are forced into camps, choose to move in with families and friends, or merge into communities, they tend to be among the most desperate of populations at risk. Internal displacement nearly always has a devastating impact on families and societies and often affects surrounding countries as well\(^\text{34}\). It denies affected persons access to basic necessities of food, shelter, and medicine and exposes them to all manner of violence and insecurity. The displaced population have needs to be met and protected such as the provision of subsistence needs, accommodation and identification document\(^\text{35}\), all of which are not adequately addressed by disaster management agencies such as FEMA in the USA and NEMA in Nigeria.

From the foregoing, it is obvious that both countries under study have one thing in common: inadequacy in the measures put in place by both governments to assist and protect displaced persons in the event of a natural or social disaster. What stands out clearly is a lacuna in the protection of displaced persons. This lacuna may be due to the fact that both the United States and Nigeria have not developed adequate national laws and policies to address internal displacement.


8. Conclusion

In the preceding discussion, effort was made to compare the handling of IDPs phenomena between a highly industrialized and developed democratic State (the United States of America), on one hand, and an underdeveloped emerging democracy (Nigeria), on the other. The two case studies provide opportunities to examine abstract questions asked in situations confronted by the people who are responsible for implementing or executing security and response plans. The cases also provide opportunities for readers to ask whether the planners’ efforts were sufficient and if not, how they might be improved upon given that IDP phenomenon poses a challenge to both countries.

Furthermore, this writer is of the opinion that the different attitudes towards IDPs generation, response, or management are political. In Nigeria, the lack of protection of IDPs and the difficulty that this category of persons encounter in reintegrating into society has resulted in a situation whereby the Nigerian State feels threatened and undermined by IDP generating phenomena. The American State on the other hand, is not confronted with such fears as its stability and integrity cannot be undermined by IDP generation, lack of protection or their inability to reintegrate into society. This is largely because the United States has a stable social system. However, there is need to improve on its response mechanism to major disasters without upsetting the ideal of the federal structure.

The concept of the “internally displaced” is different in both countries under study because of the reasons that generates this category of persons. Considering that the factors that led to the formulation of the guiding principles on internal displacement – tensions,

disturbances and disasters, non-international armed conflict and inter-state armed conflicts – are situations not found in the United States but are found in Africa and some other parts of the world, it presupposes that while the Nigerian State works towards the adoption of the Guiding Principles to assist and protect its displaced, there is need for the United States to also develop a separate normative framework for the assistance and protection of its displaced. Therefore, the need for thoughtful construction of a displacement-specific humanitarian institution, as opposed to emergency/ disaster management system in the United States, is compelling.