

**ASSESSING THE ADEQUACY AND EFFECTIVENESS OF EXTANT LAWS IN
ADDRESSING THE PLIGHTS OF INTERNALLY DISPLACED PERSONS IN
NIGERIA**

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BENIN CITY**

NOVEMBER, 2025

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,
UNIVERSITY OF BENIN IN PARTIAL FULFILLMENT TO THE REQUIREMENT
FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS (LL.B HONS) OF
THE UNIVERSITY OF BENIN, BENIN CITY.**

NOVEMBER, 2025

Declaration

I, **Osaretin Stephanie OSAWE** with Matriculation Number **LAW2002946**, do hereby declare that apart from references made to other people’s works which have been duly acknowledged, this entire project work is the product of my personal research and has neither in part or whole been presented elsewhere for another degree.

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Certification

We certify that this project work was completed and written by **Osaretin Stephanie OSAWE** with Matriculation Number **LAW2002946** in partial fulfillment of the requirements for the award of a Bachelor of Laws (LL.B) degree.

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Dedication

This work is dedicated to God Almighty and to my parents, Engr. Osadebamwen Osawe and Mrs Ime Osad Osawe.

Acknowledgements

I must express special thanks to God Almighty without whom I would not have been able to make it this far.

I would like to express gratitude to my parents from the bottom of my heart for always supporting me throughout the tumultuous journey to this stage of my life and for ensuring I understood the importance of education and perseverance in life. Without your support and your teachings, I would not be who I am today.

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Bello & Ors v. Attorney General of Kebbi State & Ors (2019)

Registered Trustees of IDP Camps vs. The Federal Government (2019)

Social and Economic Rights Action Center (SERAC) & Anor v. Nigeria (2002)

Socio-Economic Rights and Accountability Project (SERAP) v. Federal Republic of Nigeria
(2010)

Socio-Economic Rights and Accountability Project (SERAP) v. Federal Republic of Nigeria
(2018)

United States of America v Iran (United States Diplomatic and Consular Staff in Tehran)
(1980)

List of Statutes

African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN 2004

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009

Benue State IDPs (Protection, Assistance and Return) Law, 2019

Benue State Open Grazing Prohibition and Ranches Establishment Law, 2017

Charter of the United Nations, 1945

Child Rights Act, 2003

Commission for the Protection of the Rights of Displaced Persons and Affected Persons (CORDPAP) Act, 2009 (Sudan)

Constitution of the Federal Republic of Nigeria, 1999 (as amended)

Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), 1969

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

Convention on the Rights of the Child (CRC), 1989

Criminal Code Act, Cap C38, LFN 2004

Democratic Republic of Congo, Law No. 23/2022 of 17 June 2022

Discrimination Against Persons with Disabilities (Prohibition) Act

Fundamental Rights (Enforcement Procedure) Rules, 2009

Geneva Conventions, 1949

International Covenant on Civil and Political Rights (ICCPR), 1966

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

International Criminal Court Act, 2021

Iraqi Law on Internally Displaced Persons No. 57 of 2014

Land Use Act

National Commission for Refugees Decree No. 52 of 1989

National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022

National Disaster Management Framework (NDMF), 2010

National Emergency Management Agency (NEMA) Act, 1999

National Emergency Relief Act, 1976

National Food Security Act, 2023

National Human Rights Commission Act, 2010

National Human Rights Commission Decree No. 22 of 1995

National Policy on Internally Displaced Persons (NPIDPs), 2012 (Revised 2021)

National Security Act (NSA) of 2010 (Sudan)

Niger, Law No. 2015-36 of 5 August 2015

Nigerian Red Cross Society Act, Cap. N99, LFN 2004

Pact on Security, Stability and Development in the Great Lakes Region, 2006

Penal Code (Northern States) Federal Provisions Act, Cap P3, LFN 2004

Plateau State Cross-Displacement and Fire Disaster Management Agency Law, 2012

Proclamation No. 1187/2019 (Ethiopia)

Protocol II Additional to the Geneva Conventions, 1977

Protocol on the Protection and Assistance to Internally Displaced Persons (ICGLR), 2006

Protocol relating to the Status of Refugees, 1967

Rome Statute of the International Criminal Court, 1998

Terrorism (Prevention and Prohibition) Act, 2022

United Nations Guiding Principles on Internal Displacement (UNGPID), 1998

Victims of Violence and Internally Displaced Persons (VVIP) Bill

Violence Against Persons (Prohibition) Act, 2015

Yobe State Policy on Internally Displaced Persons, 2024

List of Abbreviations

African Charter on Human and Peoples' Rights (ACHPR)

African Charter on the Rights and Welfare of the Child (ACRWC)

Adamawa State Emergency Management Agency (ADSEMA)

African Union (AU)

Borno, Adamawa, and Yobe States (BAY States)

Borno State Emergency Management Agency (BSEMA)

Benue State Emergency Management and Rehabilitation Agency (B-SEMRA)

Basic Needs Approach (BNA)

Camp Coordination and Camp Management (CCCM)

Central Emergency Response Fund (CERF)

Commission for the Protection of the Rights of Displaced Persons and Affected Persons
(CORDPAP)

Constitution of the Federal Republic of Nigeria (CFRN)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Convention on the Rights of the Child (CRC)

Country-Based Pooled Funds (CBPFs)

Child Rights Act (CRA)

Democratic Republic of Congo (DRC)

Displacement Tracking Matrix (DTM)

Economic Community of West African States (ECOWAS)

Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development
(FMHADMSD)

Free, Prior, and Informed Consent (FPIC)

Geneva Conventions (GC)

Housing, Land, and Property (HLP)

Human Needs Theory (HNT)

Internally Displaced Persons (IDPs)

Internally Displaced Persons Camp (IDP Camp)

Independent National Electoral Commission (INEC)

International Committee of the Red Cross (ICRC)

International Conference on the Great Lakes Region (ICGLR)

International Court of Justice (ICJ)

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

International Criminal Court (ICC)

International Humanitarian Law (IHL)

International Organization for Migration (IOM)

Islamic State West Africa Province (ISWAP)

Kampala Convention (KC)

Local Emergency Management Committees (LEMCs)

Memorandum of Understanding (MoU)

Ministries, Departments, and Agencies (MDAs)

Ministry of Migration and Displacement (MOMD)

National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI)

National Disaster Management Framework (NDMF)

National Emergency Management Agency (NEMA)

National Emergency Relief Agency (NERA)

National Human Rights Commission (NHRC)

National Policy on Internally Displaced Persons (NPIDPs)

National Security Act (NSA)

National Social Investment Programme (NSIP)

Nigerian Red Cross Society (NRCS)

Non-international armed conflicts (NIACs)

Norwegian Refugee Council (NRC)

Organization of African Unity (OAU)

Persons of Concern (PoCs)

Rome Statute (RS)

Sexual and gender-based violence (SGBV)

Socio-Economic Rights and Accountability Project (SERAP)

State Emergency Management Agencies (SEMA)

UN Office for the Coordination of Humanitarian Affairs (OCHA)

United Nations (UN)

United Nations Development Programme (UNDP)

United Nations Guiding Principles on Internal Displacement (UNGPID)

United Nations High Commissioner for Refugees (UNHCR)

Unit for Comprehensive Care and Reparation for Victims (Victims' Unit)

Violence Against Persons (Prohibition) Act (VAPP Act)

Victims of Violence and Internally Displaced Persons (VVIP) Bill

Yobe State Emergency Management Agency (YSEMA)

Abstract

This research takes a look at the issue of internal displacement in Nigeria, where millions of people have been forced from their homes by conflict and disaster. It assesses the extant laws and addresses why the country's laws and policies, fail to protect these vulnerable citizens in reality. The study explores the challenges of implementation within the system, where different agencies struggle to work together and the promises the law makes are not fulfilled. By uncovering the real reasons for this failure, this work points to what must be done to fix the broken system and finally provide the safety and support that displaced people need urgently.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

The issue of internal displacement remains a challenge that the global community continues to face even in the twenty-first century. They remain within the boundaries of their own country but are often denied the basic amenities they ought to receive as citizens due to the circumstances of their displacement.¹ The causes of internal displacement fall into four main categories: conflict (war) and violence (civil unrest), natural disasters (driven by environmental factors), man-made disasters (caused by human action), and infrastructure development (development projects). These situations leave IDPs bereft and stranded in unfamiliar surroundings, without access to bare necessities, and dependent almost entirely on the government for protection, shelter, income, and dignity.²

Nigeria has frequently been identified as having one of the most serious internal displacement crises in the world. This has been documented by several organizations, including the Internal Displacement Monitoring Centre (IDMC), the Norwegian Refugee Council (NRC), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the UN Office for the Coordination of Humanitarian Affairs (OCHA).³ While these bodies base their assessments on yearly data and reports, one need only examine the country's ongoing non-international armed conflicts (NIACs) to understand that civilians caught in these situations have a higher chance of being displaced. For example, the continued Boko Haram insurgency in the North-East, especially in the BAY states, Borno, Adamawa, and Yobe, is a major driver of conflict-related displacement.⁴ Other conflict-

¹ United Nations, 'Guiding Principles on Internal Displacement' E/CN.4/1998/53/Add.2 (1998).

² Internal Displacement Monitoring Centre (IDMC), 'Global Report on Internal Displacement 2024' IDMC (Geneva 2024) 8-10 <<https://www.internal-displacement.org/global-report/grid2024/>> accessed 26 July 2025.

³ Ibid. 22.

⁴ Marc-Antoine Pérouse de Montclos, 'Nigeria's Interminable Insurgency? Addressing the Boko Haram Crisis' (2014) *Chatham House Research Paper* 1

related causes include clashes between Fulani herdsmen and farmers in states like Benue, Plateau, Taraba, and Nasarawa,⁵ and the many incidents of kidnapping and banditry in Northern states including Zamfara, Kaduna, and Katsina.⁶ Environmental degradation and natural disasters in Nigeria's coastal and agricultural regions are also causes of displacement.⁷

Although statistics on the number of IDPs in Nigeria exist, they are just estimates. Accurately determining the full scale of displacement remains extremely difficult due to inconsistent tracking systems, frequent relocations, and limited access to some regions.⁸ What is clear, however, is that millions of people have been displaced through no fault of their own and as such, they deserve adequate protection and support.⁹ IDPs in Nigeria experience numerous hardships. These include insufficient access to shelter, food, healthcare, clean water, and proper sanitation.¹⁰ Beyond these basic needs, they face various dangers which include sexual and gender-based violence (SGBV), exploitation, wrongful arrests, forced and premature relocations, separation from family, and loss of essential documents.¹¹ This antithesis of their previous lifestyle combined with limited access to education serves to make an already vulnerable population, more so.

<https://www.chathamhouse.org/sites/default/files/field/field_document/20140901BokoHaramPerousedMontelos_0.pdf> accessed 2 August 2025.

⁵ International Crisis Group, 'Stopping Nigeria's Spiralling Farmer-Herder Violence' (2018) *ICG Africa Report No 262* i <<https://www.crisisgroup.org/africa/west-africa/nigeria/262-stopping-nigerias-spiralling-farmer-herder-violence>> accessed 2 August 2025.

⁶ Freedom C. Onuoha, 'The Evolving Threat of Kidnapping for Ransom in Nigeria' *Internal Security Management in Nigeria (Centre for Strategic Research and Studies, National Defence College 2019)*.

⁷ International Crisis Group (n5).

⁸ United Nations Human Rights Commission, 'Annual Results Report 2024 Nigeria' (29 May 2025) <https://www.unhcr.org/sites/default/files/2025-06/Nigeria%20ARR%202024.pdf>> accessed 1 August 2025.

⁹ Ibid.

¹⁰ Amnesty International, 'Our Job is to Shoot, Slaughter and Kill: Boko Haram's Reign of Terror in North-East Nigeria' (14 April 2025) 56-72 <<https://www.amnesty.org/fr/wp-content/uploads/2021/05/AFR4413602015ENGLISH.pdf>> accessed 20 July 2025.

¹¹ Human Rights Watch, 'They Didn't Know if I Was Alive or Dead: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria' (10 September 2019) 45-50 <<https://www.hrw.org/report/2019/09/10/they-didnt-know-if-i-was-alive-or-dead/military-detention-children-suspected-boko>> accessed 1 August 2025; UN OCHA, 'Nigeria: Humanitarian Needs Overview 2024' (26 March 2024) 4 <<https://www.unocha.org/publications/report/nigeria/nigeria-humanitarian-needs-overview-2024>> accessed 27 July 2025.

In response to these issues, Nigeria has ratified several international legal frameworks aimed at protecting IDPs. The African Union’s Kampala Convention is one of such frameworks and it places obligations on member states to prevent displacement, protect IDPs during crises, and provide long-term reintegration solutions. This is evident in Article 3(1)(k) of the Convention which states, “State Parties shall... Establish a legal framework for providing protection and assistance to internally displaced persons...”¹² Nigeria is also subject to various principles of International Humanitarian Law (IHL) and other human rights laws, including the African Charter on Human and Peoples’ Rights (ACHPR), which guarantees individuals’ rights to life, dignity, property, movement, adequate living conditions, and freedom from discrimination.¹³

Domestically, however, Nigeria is still attempting to fully address the needs of IDPs. Its 1999 Constitution (as amended) contains provisions in Sections 33-35, 37, and 41-44 that guarantee the fundamental rights of all, including displaced persons.¹⁴ Section 17(2)(c) also outlines the government’s duty in ensuring that every citizen has access to “suitable and adequate shelter.”¹⁵ The National Emergency Management Agency (Establishment) Act, 1999 (NEMA Act), under Section 8(i), assigns NEMA the role of coordinating relief efforts and emergency responses including those caused by human actions.¹⁶ Other relevant laws include the Child Rights Act (2003),¹⁷ the Terrorism (Prevention and Prohibition) Act (2022), and various regional statutes. Commendably, Nigeria introduced a revised National Policy on IDPs in 2021 to replace the earlier 2012 framework. This revised version aligns with the Kampala Convention (2009). However, while it was ratified, it was never domesticated. As a

¹² Kampala Convention 2009 Art 3(1)(k).

¹³ ACHPR (Ratification and Enforcement) Act, Cap A9, LFN 2004 Arts 2, 4, 5, 12, 14, 16, 19 & 22.

¹⁴ CFRN 1999 Chapter IV.

¹⁵ Ibid

¹⁶ NEMA (Establishment) Act 1999 Cap. N34, LFN 2004.

¹⁷ Child Right Act 2003 ss 1, 2, 3, 7, 23, 27 & 277.

result, the Convention's primary commitment to preventing displacement and ensuring accountability lacks enforceability.¹¹ As an attempt to foster better living conditions for IDPs, a proposed law, the Internally Displaced Persons (Protection and Assistance) Bill, is currently under review in the National Assembly.

Despite the effort, there is a lacuna in the legal framework for protecting IDPs in Nigeria. That is to say, laws do exist, however they are not specifically tailored to the unique needs of IDPs and are instead a cacophony of international, regional, and national laws. The National Policy on IDPs 2021 can be said to be such a law tailored and made specifically for IDPs but the problem is that it is a policy and not a law. It has been ratified but not domesticated and this hinders its enforceability. Thus, it is apt to say that the legal framework for protecting IDPs in Nigeria are either inadequate or poorly enforced. There are not very many cases in which the judiciary has acknowledged the government's responsibility toward IDPs. In the unreported case of *Bello & Ors v. Attorney General of Kebbi State & Ors*,¹⁸ the High Court emphasized how the absence of legislation that aligns with the Kampala Convention forces IDPs to depend solely on constitutional protections which are not always easy to claim in their unique situations. In the landmark case, *Socio-Economic Rights and Accountability Project (SERAP) v. Federal Republic of Nigeria*,¹⁹ the court held that socio-economic rights are justifiable and enforceable. Still, there are many barriers that make it difficult for IDPs to access justice. They include: limited funding for support programs; poor coordination among federal agencies (NEMA), state governments, and the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI)²⁰; ineffective implementation of IDP

¹⁸ *Bello & Ors v. Attorney General of Kebbi State & Ors Ltd* (Kebbi State High Court 2019).

¹⁹ (2010) 2 NWLR (1179) 638.

²⁰ Chaloka Beyani, 'Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons: Mission to Nigeria' (2017) A/HRC/29/34/Add.2 *UN Doc* paras. 67-72
<<https://digitallibrary.un.org/record/1298870?ln=en&v=pdf#files>> accessed 28 July 2025.

policies; weak systems for compensating those who've lost property²¹ and too much focus on temporary aid instead of long-term solutions.²² Another obstacle is the lack of reliable data from agencies such as NEMA and NCFRMI regarding the total number of IDPs and the actual conditions they're living in. Without accurate data, allocation of resources, quick response and protection of IDPs can be an extremely difficult task.

Therefore, this research arises from an urgent need to carefully evaluate the adequacy and effectiveness of Nigeria's current legal and policy framework for the protection and support of IDPs. It seeks to examine whether the country's international commitments, constitutional mandates, existing laws, policies, and judicial decisions adequately address the various challenges and vulnerabilities IDPs face especially with data gaps and limited effectiveness of current laws.

1.2 Statement of the Problem

This research is geared towards tackling several problems and these include: the inadequacy and ineffectiveness of Nigeria's legal and institutional framework for the protection of IDPs; problems faced by Internally Displaced Persons such as disenfranchisement, that is, IDPs not being allowed to vote like in the case of *Abraham Aporugha v. INEC*²³ were IDPs in Benue State challenged INEC over attempts to disenfranchise them; sexual and gender-based violence (SGBV) faced by IDPs, especially its vulnerable groups like women, children, the elderly, and those with disabilities, as well as other legal challenges like refoulement (being forced to return to unsafe areas), unjust arrests, separation from loved ones, and loss of vital

²¹ Romola Adeola, 'The Internally Displaced Person in International Law' (Edward Elgar Publishing 2020) 145-15.

²² IDMC, 'From Response to Recovery: Durable Solutions for Internally Displaced People in North-East Nigeria' *IDMC* Geneva 2022 <<https://www.internal-displacement.org/focus-areas/durable-solutions/>> accessed 2 August 2025.

²³ (2014) 1 NWLR (Pt 1389) 560.

documents²⁴; and finally, unreliable data due to registration systems, constant movement, and access issues leads to inability to track and number IDPs accurately.²⁵

1.3 **Research Questions**

This study seeks to address the following research questions:

1. Why is Nigeria's legal framework on IDPs inadequate and ineffective?
2. Why is there still a continuous failure in enforcing the rights of IDPs such as their right to vote how does this contribute to the plight of IDPs?
3. In what ways does the legal framework fail in protecting the vulnerable population of IDP Camps from sexual and gender-based violence and its general population from other legal challenges and how does this leave them exposed to violence?
4. What are the reasons for ineffective implementation of the existing policies that ought to protect IDPs?
5. How does unreliable data and statistical systems affect Nigeria's ability to address the plight of internally displaced persons (IDPs)?

1.4 **Aim and Objectives**

1. To analyze the reason why Nigeria's legal framework on IDPs inadequate and ineffective.
2. To examine why there still a continuous failure in enforcing the rights of IDPs such as their right to vote how does this contribute to the plight of IDPs.

²⁴ International Organization for Migration (IOM), 'Displacement Tracking Matrix (DTM) Nigeria - North Central and North West Zones: Displacement Report 40' (15 February 2024)

<<https://dtm.iom.int/fr/node/10815>> accessed 21 July 2025.

²⁵ (n28)

3. To understand the ways in which the legal framework fails in protecting the vulnerable population of IDP Camps from sexual and gender-based violence and its general population from other legal challenges.
6. To investigate the reasons for ineffective implementation of the existing policies that ought to protect IDPs.
4. To evaluate how unreliable data and statistical systems affect Nigeria's ability to address the plight of internally displaced persons (IDPs).

1.5 **Scope and Limitation**

This research has been structured to carry out an assessment of the adequacy and effectiveness of the extant laws on IDPs in Nigeria. This study focuses on highlighting the significant scale of internal displacement in Nigeria, which is largely driven by the Boko Haram insurgency in the Northern parts of the country, ongoing conflicts between farmers and herders, communal violence, and environmental disasters, among others..

In the process of writing this research, I encountered some limitations. One of these limitations is the doctrinal nature of this research which limited the research materials I could use. As such this work mainly uses secondary sources to assess the legal framework on IDPs rather than the field work employed in empirical research. Additionally, I found that there were limited localized, detailed legal texts and hard copy articles available in my environs which specifically addresses my research topic. This led to a heavy reliance on online journal articles, credible online publications and web pages. Due to this dependence on secondary sources, the findings presented here are based on an analysis of existing literature, rather than real-life, first-hand experience.

1.6 **Significance of the Study**

The research topic, “Assessing the Adequacy and Effectiveness of Extant Laws in Addressing the Plights of Internally Displaced Persons (IDPs) in Nigeria,” takes a close look at how Nigeria’s laws addresses internal displacement. It is significant because it clamours for an improvement of legal response to the needs of displaced persons. It is also important because it urges the Government to recognize the status of the IDPs so that they can make protections and provisions available for these class of persons even before displacement occurs. Thus bureaucratic red tape, political indifference, and funding shortages would no longer be a reason for the legal framework failing IDPs.

It is therefore apt to say, that the consequences arising from this study will not only be of significance to the IDPs alone, but also to the society at large. This it because it intends to equip key actors, that is, lawmakers, the judiciary, civil society, and international partners, with the data needed to push for the protection and provision of IDPs.

1.7 Research Methodology

This research employs a doctrinal legal analysis in assessing how well Nigeria’s extant legal and policy framework responds to the complex challenges faced by Internally Displaced Persons (IDPs). The doctrinal approach being a library-based methodology, analyzes only materials derived from primary sources and secondary sources. The primary sources used include statutes, judicial decisions, regulations and other official documents such as those of national bodies (NEMA, NCFRMI), UN bodies (OCHA, UNHCR), international NGOs (IDMC, NRC), and civil society organizations. Secondary sources include legal text, scholarly articles, journals, newspaper and online materials. Combining the data from these sources helps to provide a basis for analyzing the adequacy and effectiveness of extant laws in addressing the plights of IDPs.

CHAPTER TWO: CONCEPTUAL THEORETICAL FRAMEWORKS AND LITERATURE REVIEW OF INTERNAL DISPLACEMENT IN NIGERIA

2.1 Historical Overview of Internal Displacement in Nigeria

The global recognition of Internally Displaced Persons (IDPs) is a relatively modern development. The 1951 Refugee Convention and its 1967 Protocol established a framework for refugees, but it excluded those who did not flee across an international border, thus creating a significant protection gap.¹ The gap became obvious in the 1990s with large-scale internal conflicts in the Balkans, the Great Lakes Region of Africa, inter alia, which made it clear that the majority of those forcibly displaced were, in fact, internally displaced persons. This led to the appointment of the United Nations Representative on IDPs, Francis Deng, who championed the development of the Guiding Principles on Internal Displacement in 1998,² a combination of both international human rights and international humanitarian law. These principles became the global standard, and they affirmed that state sovereignty imposed responsibility on the state to protect its citizens from displacement and to assist them when displaced.

The history of internal displacement in Nigeria can be traced to the Nigerian Civil War (1967-1970), which resulted in the mass displacement of millions of Eastern Nigerians, creating a humanitarian crisis of an unprecedented scale.³ However, one of the most important moments in Nigeria's history of internal displacement was the rise of the militant Islamist insurgents in the North-East, Boko Haram, from approximately 2009 onwards. The group's violent campaign resulted in a massive humanitarian emergency and has displaced over 2.5 million people till date.

¹ Convention relating to the Status of Refugees, 1951.

² United Nations Guiding Principles on Internal Displacement, 1998.

The Nigerian government's response historically, has been characterized by weak policy implementation. The adoption of the National Policy on Internally Displaced Persons in 2012 was a commendable step towards recognizing this problem and creating a framework which aligns with global standards.⁴ However, its implementation has been made weak by insufficient funding, a lack of political will, and poor coordination among the agencies involved. This can be seen in the case of Registered Trustees of IDP Camps vs. The Federal Government, where the courts admonished the government for its failure to fulfill its constitutional duty to provide security and welfare.⁵

The history of IDPs in Nigeria, from the civil war to the present day, highlights the urgent need to assess the adequacy and effectiveness of extant laws especially, in light of the international and regional frameworks on IDPs Nigeria committed to but has failed to fully integrate into its domestic legal order.

2.2 Causes and Dynamics of Internal Displacement in Nigeria

The primary drivers of internal displacement can be categorized into four. These are; natural disasters, conflict and violence, man-made disasters, and development-induced displacement.⁶

One of the drivers or causes of internal displacement as seen above is natural disasters and environmental degradation which is made worse by climate change.⁷ This includes flooding,

⁴ National Policy on Internally Displaced Persons (IDPs) in Nigeria, 2012.

⁵ Registered Trustees of IDP Camps vs. The Federal Government (2019) LPELR-XXXXXX(CA).

⁶ Internal Displacement Monitoring Centre (IDMC), 'Global Report on Internal Displacement 2023' *IDMC* (2023) 12-25 <<https://www.internal-displacement.org/global-report/grid2023/>> accessed 27 August 2025.

⁷ (n2) Principle 2.

in states like Kogi, Anambra, and Bayelsa.⁸ In fact the major Anambra-Kogi flood in 2012 when the rivers, Niger and Benue overflowed, displaced over 2.1 million people, according to NEMA and in 2022, an even worse flood in this same regions displaced over 600000 persons in Anambra alone.⁹ Furthermore, prolonged droughts and desertification in the some northern states also contribute to displacement under this category.¹⁰ Environmental degradation, through the loss of viable land and the drying up of Lake Chad, leads to scrambling for scarce resources and this may trigger conflicts that lead to further displacement.¹¹

Conflict and violence, another driver, is the highest cause of displacement in Nigeria.¹² This category has sub-categories. First, armed conflict, such as the insurgency by non-state armed groups like Boko Haram and the Islamic State West Africa Province (ISWAP) in North-Eastern states.¹³ Second, generalized violence, such as the conflicts between herdsmen and farmers across the Middle Belt region¹⁴ as well as the rampant kidnapping, banditry, and cattle rustling in the North-West and North-Central zones.¹⁵ Third, human rights violations,

⁸ National Bureau of Statistics (NBS) & UNICEF, 'Multiple Indicator Cluster Survey 2021' (2022) 45 <<https://www.unicef.org/nigeria/media/6316/file/2021%20MICS%20full%20report%20.pdf>> accessed 10 September 2025.

⁹ Richard Davies, 'Nigeria-Almost 800,000 Displaced, 500 Dead as Floods Worsen' *FloodList* (2022) <<https://floodlist.com/africa/nigeria-floods-update-october-2022#:~:text=Kogi%20and%20Anambra,to%20airlift%20trapped%20flood%20victims./>> accessed 31 October 2025.

¹⁰ United Nations Convention to Combat Desertification (UNCCD), 'Country Parties: Nigeria', *UNCCD Report* (2017). <<https://www.unccd.int/sites/default/files/sessions/documents/2017-09/copL-18.pdf>> accessed 10 September, 2025.

¹¹ International Organization for Migration, 'Within And Beyond Borders: Tracking Displacement In The Lake Chad Basin Regional Displacement and Human Mobility Analysis Displacement Tracking Matrix' March 2019 <https://www.iom.int/sites/g/files/tmzbd1486/files/dtm/lake_chad_basin_dtm_201903.pdf> accessed 10 September 2025.

¹² IDMC, 'Nigeria Country Profile', (2024) <<https://www.internal-displacement.org/countries/nigeria/?utm/>> accessed 28 August 2025.

¹³ United Nations Human Rights Commission, 'Nigeria- North-East: Humanitarian Emergency Situation Report No. 12' (2022).<<https://data.unhcr.org/es/documents/details/57710/>> accessed 10 October 2025.

¹⁴ Amnesty International, 'Harvest of Death: Three Years of Bloody Clashes Between Farmers and Herders' (17 December 2018) 15-30. <<https://www.amnesty.org/en/documents/afr44/9503/2018/en/>> accessed 2 October 2025

¹⁵ Mercy Corps, 'The Economic Costs of Conflict and the Benefits of Peace: Effects of Farmer-Pastoralist Conflict in Nigeria's Middle Belt Region' (2019). <<https://www.mercycorps.org/sites/default/files/2019->

including forced evictions, political harassment, and persecution.¹⁶ The third driver are Man-made disasters which are a result of technological accidents or severe environmental degradation. For example, the Niger Delta region, where decades of oil exploration have led to frequent oil spills and gas flaring, thereby contaminating water sources and farmland, as well as destroying livelihoods and forcing communities to relocate.¹⁷ The case of Social and Economic Rights Action Center (SERAC) & Anor v. Nigeria before the African Commission on Human and Peoples' Rights, is a landmark case in which the government was found liable for human rights violations cause by man-made environmental damage.¹⁸

Finally, development-induced displacement, which includes large-scale development projects of public and private economic interests, is another driver.¹⁹ It occurs when Government projects such as the construction of dams, railways, highways, airports, and urban renewal schemes, together with private ventures such as mining operations, deforestation, and the establishment of special economic zones, frequently make compulsory acquisition of land necessary, leading to eviction of inhabitants of that land or area.²⁰ Thus, development projects as a cause of displacement, frequently involve human rights violations such as forced evictions and a failure to secure the Free, Prior, and Informed Consent (FPIC) of local communities and this violates the spirit of the Guiding Principles on Internal Displacement.

11/Mercy%20Corps%20Nigeria%20State%20Costs%20of%20Conflict%20Policy%20Brief%20July%202015.pdf/> date accessed 20 September, 2025.

¹⁶ (n2) Principle 6.

¹⁷ United Nations Environment Programme (UNEP), 'Environmental Assessment of Ogoniland' (2011). <<https://www.unep.org/resources/report/environmental-assessment-ogoniland/>> accessed 10 September 2025.

¹⁸African Commission on Human and Peoples' Rights Communication No. 155/96 (2002).

¹⁹ (n2).

²⁰ Michael M. Cernea, 'The Risks and Reconstruction Model for Resettling Displaced Populations' *World Development* (1997) 25(10) 1569-1587. <<https://www.sciencedirect.com/science/article/abs/pii/S0305750X97000545/>> accessed 12 September 2025.

However, it has been argued that persons under this category are not internally displaced persons as they are paid for the use of their land. Again this is arguable.

2.3 Classification and Rights of IDPs

Classification of IDPs

IDPs are primarily classified by the cause of their displacement.^{[21][22]} However, they are also classified by other factors, and they are; duration and location. On the matter of duration, displacement may be temporary, lasting for weeks or months, or may be prolonged, lasting for years, as seen in many camps in the North-Eastern part of Nigeria.²³ On the matter of location, IDPs may reside in formal camps, informal settlements, or be integrated into host communities (urban or rural), each location presenting different challenges for the IDPs.²⁴

The purpose of classifying IDPs, is to enable humanitarian bodies and governments give aid effectively, since the needs of someone displaced by fleeing violence differ from those of someone displaced by flood, for example. Furthermore, it allows organizations like the Internal Displacement Monitoring Centre (IDMC) to collect accurate data, track crises, and monitor progress toward durable solutions.²⁵

²¹ (n2)

²² Internal Displacement Monitoring Centre (IDMC), 'Displacement due to Disasters' (2024), <<https://www.internal-displacement.org/internal-displacement/disasters/>> accessed 12 September 2025.

²³ The Brookings Institution, 'Protracted Internal Displacement: The role of governance and civil society' *Brookings Report* (2010) 5 <https://www.brookings.edu/wp-content/uploads/2016/06/10_internal_displacement.pdf> accessed 12 September 2025.

²⁴ IOM, 'IOM Handbook for Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse' (2019) 112. <<https://publications.iom.int/books/iom-handbook-migrants-vulnerable-violence-exploitation-and-abuse/>> accessed 12 September 2025.

²⁵ Ibid

Rights of IDPs under International and National Law

IDPs do not possess new or special rights. Instead, they are entitled to the same fundamental human rights as every other citizen. However, these universal rights must be interpreted and applied to address their specific vulnerabilities and situation of displacement.²⁶

Their rights can be categorized into three. The first is the right to protection from arbitrary displacement, meaning the right not to be forcibly evicted from one's home without legal backing and due process.²⁷ The second includes all rights that grant treatment with dignity during displacement. These include the right to life, security, and physical integrity; the right to basic amenities such as adequate shelter, food, clean water, and healthcare; the right to be protected from discrimination; and the right to essential documentation, which is often lost during flight and is necessary for accessing services and asserting other rights.²⁸ The third phase involves rights to a durable solution. This includes the right to return to one's home voluntarily, safely, and with dignity. If return is not possible, IDPs have the right to integrate locally into the area where they have found refuge or to resettle elsewhere in the country.²⁹

In Nigeria, these rights are enshrined in the 1999 Constitution (as amended) under Chapter IV, which guarantees the rights to life, human dignity, and property.³⁰ In the landmark case of *SERAP v. Federal Republic of Nigeria*, the ECOWAS Court held that the government's failure to protect citizens from Boko Haram attacks, which led to mass displacement, violated

²⁶ Ibid

²⁷ (n2)

²⁸ Ibid, Principles 4, 10, 18, 20.

²⁹ Ibid, Principles 28-30.

³⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23, Laws of the Federation of Nigeria 2004, Sections 33, 34, 44.

its constitutional duty to ensure security and welfare.³¹ This decision highlights the government's obligation to uphold the rights of IDPs as a binding legal duty.

2.4 Conceptual Framework

Definition of Key Terms

To ensure clarity and precision throughout this research essay, it is imperative that the key terms of the study are defined.

Internal Displacement refers to the actual process or situation that causes individuals to become IDPs. It is the experience of being forced from one's home due to extraneous factors, leaving people vulnerable and dependent.³²

Internally Displaced Persons (IDPs) are 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 man-made disasters, and who have not crossed an internationally recognized State border."³³ What makes IDPs distinct from refugees is that their displacement happens within their own country, often under circumstances that leave them with no choice but to flee. This internal displacement entitles them to specific rights and protections from their national government.^[34]

An Internally Displaced Persons Camp (IDP Camp) refers to a designated, often temporary, location that is set up to offer immediate shelter and humanitarian support to individuals who have been displaced from their homes or places of habitual residence. This displacement

³¹SERAP v. Federal Republic of Nigeria (2018) ECW/CCJ/APP/12/15.

³² Walter Kalin, 'The Guiding Principles on Internal Displacement: An Introduction' (1998).

³³ (n2)

³⁴ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), Article 1(k).

may occur due to armed conflict, widespread violence, human rights violations, or natural and man-made disasters, and more importantly, these individuals have not crossed an internationally recognized State border.³⁵ The purpose of the camps is to act as temporary safe havens, and supply essential services such as food, water, shelter, and medical care to the IDPs.³⁶ In Nigeria, the legal framework that governs the creation and operation of these camps includes the National Commission for Refugees, Migrants and Internally Displaced Persons Act which empowers the Commission to coordinate relief efforts and provide support to IDPs.³⁷

The key difference between an IDP and a refugee is the fact that IDPs remain within the borders of their own country.³⁸ Therefore, a refugee is a person who has been forced to flee their country of origin due to a well-founded fear of persecution. This definition is provided in Article 1(A)(2) of the 1951 Convention Relating to the Status of Refugees (the 1951 Convention), as amended by its 1967 Protocol which defines a refugee as any person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”³⁹ In Nigeria, this is codified in Section 24 of the National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022 which states that “A person granted refugee status in Nigeria is entitled to the rights and subject to the duties contained in

³⁵ (n7).

³⁶ International Committee of the Red Cross (ICRC), “Protected Persons: Internally Displaced Persons,” (2022) <<https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet/>> accessed 3 November 2025.

³⁷ National Commission for Refugees, Migrants and Internally Displaced Persons Act, Cap. N21, Laws of the Federation of Nigeria, 2004, Sections 5(1)(a) & 7.

³⁸ The Office of the United Nations High Commissioner for Refugees (UNHCR), “Who We Help: Internally Displaced People,” (2023)

³⁹(n1).

the existing domesticated Conventions and Protocol relating to the status of refugee and such other conventions and protocols that Nigeria is a state party.”⁴⁰

Insurgency has been defined as an uprising or rebellion by an organized group against their government or governing authority and which includes uprising, rebellion, and insurrection as a non-international armed conflict.⁴¹ The United States Department of the Army in its Field Manual 3-24 on Counterinsurgency, stated that insurgency and its tactics are as old as warfare itself and defined insurgency as an organized movement aimed at the overthrow of a constituted government through the use of subversion and armed conflict.⁴² Thus, it is apt to say that insurgency is a protracted political movement carried out by a non-state group that relies on tactics such as subversion, violence, and armed conflict to pursue its political, religious, or ideological goal with a goal to undermine the legitimacy and authority of an established government or to gain control over resources and populations within a state. Under Nigerian law, the Terrorism (Prevention) Act, 2011 (as amended) does not specifically define the term “insurgency,” but it does criminalize actions commonly associated with it. The Act defines “terrorism” to include a wide range of intentional acts committed either within or outside Nigeria. These acts include carrying out, attempting, threatening, planning, or supporting terrorist activities. The law also criminalizes failing to prevent terrorism when reasonably possible, aiding or abetting terrorists, organizing or directing terrorist groups, and inciting others to commit terrorist acts. It also prohibits all acts of terrorism and the financing of terrorism with the punishment, a maximum penalty of death sentence.⁴³

⁴⁰ (n39), Section 24.

⁴¹ Oxford Public International Law, ‘Insurgency,’ (2015).

<<https://opil.oup.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e308?p=emailAYDFdOq2NB3JE&d=/10.1093/law:epil/9780199231690/law-9780199231690-e308/>> accessed 10 November 2025.

⁴² United States Department of the Army, ‘Field Manual 3–24: Counterinsurgency (2006) 1–1

<<https://www.bits.de/NRANEU/others/amd-us-archive/fm3-24fd06.pdf/>> accessed November 5 2025.

⁴³ Terrorism (Prevention) (Amendment) Act, 2013.

Civil unrest is defined as , “the gathering of more than one person, in reaction to an event, with the intention of causing a public disturbance inclusive of violent protests or disorder (excluding peaceful demonstrations), riots, arson, looting, occupation of institutional buildings, border infringements and armed insurrection in violation of the law.”⁴⁴ Civil Unrest includes violent and non-violent group acts such as riots, protests, and isolated and sporadic acts of violence within a nation. It has been defined as a 'form of collective human dynamics, which has led to major transitions of societies in modern history' and as 'public manifestations, where people demonstrate their position for different causes'.⁴⁵ It can take place over short or long timeframes and are often marked by high levels of violence and are sometimes responded to with military force.⁴⁶

Natural Disaster can be defined as a catastrophic event caused by severe weather and do not include events caused by the actions of humans. It can also be defined as “a severe and harmful event that is primarily caused by nature and which results in widespread human, material, economic, or environmental losses that go beyond what the affected community can manage with its own resources.”⁴⁷ United Nations defines it as “a situation or event, which overwhelms local capacity, necessitating a request to national or international level for external assistance... and causes great damage, destruction and human suffering.”⁴⁸ In

⁴⁴ Law Insider, ‘Civil Unrest’ (2025) <<https://www.lawinsider.com/dictionary/civil-unrest#:~:text=Civil%20unrest%20means%20organized%20acts,View%20Source/>> accessed 5 November 2025.

⁴⁵UNDRR, ‘ Understanding Disaster Risk Terminologies’ (2025) <[⁴⁶ Ibid](https://www.undrr.org/understanding-disaster-risk/terminology/hips/so0103#:~:text=Civil%20unrest%20is%20generally%20understood,et%20al.%2C%202018)./> accessed 5 November 2025</p></div><div data-bbox=)

⁴⁷ Madugu, Usman & Ushama, Abdullahi, ‘National Emergency Management Agency (NEMA) and Disaster Management In Nigeria: An Appraisal’ *Global Journal of Applied, Management and Social Sciences* (2015) (9) 57-66.
<https://www.researchgate.net/publication/373438128_NATIONAL_EMERGENCY_MANAGEMENT_AGENCY_NEMA_AND_DISASTER_MANAGEMENT_IN_NIGERIA_AN_APPRAISAL/> accessed 6 November 2025.

⁴⁸ UNSD, ‘Workshop on Environment Statistics’ (2008)
<[https://unstats.un.org/unsd/environment/envpdf/UNSD_UNEP_ECOWAS%20Workshop/Session%2004-1%20Natural%20disasters%20\(UNSD\).pdf#:~:text=%E2%80%A2%20a%20situation%20or%20event%2C%20](https://unstats.un.org/unsd/environment/envpdf/UNSD_UNEP_ECOWAS%20Workshop/Session%2004-1%20Natural%20disasters%20(UNSD).pdf#:~:text=%E2%80%A2%20a%20situation%20or%20event%2C%20)

Nigeria, natural disasters commonly appear in the form of floods, droughts, desertification, erosion, and storm surges. The legal and institutional response to natural disaster in Nigeria is primarily guided by the National Emergency Management Agency (NEMA) Act. The Act defines a “disaster” to include natural disasters, and describes it as “a progressive or sudden, widespread or localized, natural or man-made occurrence which... causes or threatens to cause death, injury or disease, damage to property, infrastructure or the environment, or disruption of the life of a community...”⁴⁹

Legal Protection, in the context of human rights and humanitarian law, refers to the full set of laws, policies, regulations, and judicial systems designed to recognize and uphold people’s rights.⁵⁰ For IDPs, this includes access to basic human rights as guaranteed under Sections 33, 34, and 37 of the 1999 CFRN⁵¹ and international instruments. It also involves having mechanisms to seek redress when those rights are violated. These mechanisms however, are often out of reach for displaced populations.

2.5 Theoretical Framework

This research is built on four interconnected theoretical frameworks: the Human Needs Theory (HNT), Human Security Framework, Vulnerability Theory, and Securitization Theory. Together, these frameworks provide a way to examine how well Nigeria’s legal and policy system addresses internal displacement.

This study applies Human Needs Theory (HNT) to assess the lived experiences of Internally Displaced Persons (IDPs). It builds on Johan Galtung’s Basic Needs Approach (BNA), which

which%20overwhelms,causes%20great%20damage%2C%20destruction%20and%20human%20suffering./>
date accessed 7 November 2025.

⁴⁹ Nkemdilim Maureen Ekpeni, ‘Global Natural Hazard and Disaster Vulnerability Management’ (2019) 1491-1512 <<https://api-ir.unilag.edu.ng/server/api/core/bitstreams/3fa15e21-2e0c-4458-ac59-dc464b3ba1e6/content/>> accessed 7 November 2025.

⁵⁰ Rosalyn Higgins, *Problems and Process: International Law and How We Use It* (Oxford Clarendon Press 1994) 96.

⁵¹ (n30)

categorizes needs into material (like food, shelter, security) and non-material (like freedom, identity). To make up for the BNA's limitation in addressing complex societal and developmental needs, this study incorporates broader HNT models developed by Maslow, Burton, Rosenberg, and Max-Neef which expand the scope of human needs to include self-esteem, autonomy, participation, distributive justice, cultural security, and personal fulfillment.⁵²

Secondly, the Human Security framework or paradigm unlike the traditional view of national security which focuses on protecting borders and preserving state sovereignty, is concerned with safeguarding individuals from threats to their rights, safety, and well-being.⁵³ Introduced in the 1994 UNDP Human Development Report, this framework defines security as both "freedom from fear" and "freedom from want."⁵⁴ When applied to Nigeria's internal displacement crisis, this theory provides that the adequacy of laws must be judged just by the presence of laws alone, but by how effectively those laws protect IDPs. The harsh realities in many IDP camps, marked by deprivation and insecurity⁵⁵ inter alia, reflect a deep failure of human security. This failure stems from weak policy implementation, inter alia, where the gap between what laws promise and what actually happens in reality becomes painfully clear.

Finally, the Vulnerability Theory, developed by scholars like Martha Albertson Fineman, argues that vulnerability is a universal part of the human experience, and that individuals rely

⁵² Adenitan Mirth, 'Experiences of Internally Displaced Persons: A case study of Barma and Gwola Durumi Abuja, Nigeria,' *Social Policy for Development (SPD)* (2015) <<http://hdl.handle.net/2105/32965/>> accessed 20 September 2025.

⁵³ United Nations Development Programme (UNDP), *Human Development Report 1994: New Dimensions of Human Security* (Oxford University Press 1994) 22.

⁵⁴ *Ibid.*, 24.

⁵⁵ Amnesty International, *They Betrayed Us: Women Who Survived Boko Haram Raped, Starved and Detained in Nigeria* (Amnesty International Ltd 2018) 15.

on institutions especially the state for protection and strength.⁵⁶ This theory places a responsibility on governments to respond to vulnerability with strong legal and institutional safeguards. For years, the lack of a specific domestic law meant that IDPs in Nigeria were left without clear legal protection, and under this theory, it meant that the state was falling short of its duty. The passage of the National Commission for Refugees, Migrants, and Internally Displaced Persons Act, 2022, marks a step toward fulfilling this obligation as seen in Sections 28 and 29⁵⁷ which provide for the right to protection and assistance respectively.

2.6 Literature Review

As stated continuously in this study, the problem of internal displacement in Nigeria presents a serious challenge to its legal and institutional framework. Scholars argue that Nigeria's current legal and institutional framework for Internally Displaced Persons (IDPs) is both inadequate and ineffective. They believe that this is due to the lack of a dedicated domestic law, reliance on institutions that lack the capacity to implement, and failure to respond to the specific needs of vulnerable persons, especially women and children which results in human rights violations and increases the vulnerability of these persons. This deplorable state of unconcern as regards the IDPs in Nigeria, is made worse by the government's failure to turn its international commitments into domestic action and when they are domesticated, some adopted conventions do not align with the actual situation of Nigerian IDPs. This results in what the Global Protection Cluster calls a "protection crisis that is both a cause and consequence of the larger humanitarian emergency."⁵⁸

⁵⁶ Martha Albertson Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition,' *Yale Journal of Law and Feminism* (2008) 20(1) 8-40
<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1131407> accessed 5 November 2025.

⁵⁷ (n30)

⁵⁸ ICRC Global Protection Cluster, 'Internal Displacement in North East Nigeria: Operationalising the Kampala Convention in Borno,

A major problem raised several times in this study, is the lack of a specific and rights-based law for IDPs. The current legal framework includes general laws like the NEMA Act, the non-binding 2012 National Policy on IDPs, and its 2022 amendment.⁵⁹ Experts widely agree that these are inadequate, insufficient and ineffective to a large extent. Romola Adeola in her ‘The impact of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa,’ notes that even though Nigeria ratified the African Union Kampala Convention, its impact has been minimal due to the lack of a domestic law to enforce it. She explains that although the Convention provides a “robust continental framework,” it cannot be implemented or enforced without an enabling legislation.⁶⁰ Her broader work on IDPs in ‘The Internally Displaced Person in International Law,’ also highlights the legal gaps in Nigeria’s system.⁶¹ As a result, IDPs are left without clear and indisputable legal rights. The UN Guiding Principles on Internal Displacement while important to the cause, remain “soft law” in Nigeria. According to Adetokunboh Adesuyi in his article, ‘The Rights of Internally Displaced Persons in Nigeria: A Critical Appraisal,’ this means that they are not legally binding and depend on political will.⁶² I.A Kanu in ‘Review of National Policy on Internally Displaced Persons in Nigeria,’ further states that the lack of an

Adamawa and YOBe States’ (2016) <https://globalprotectioncluster.org/sites/default/files/2022-08/internal-displacement-in-north-east-nigeria_0.pdf> accessed 7 November 2025.

⁵⁹ National Emergency Management Agency (NEMA) Act, Cap. N34, Laws of the Federation of Nigeria (LFN) 2004.

⁶⁰ Romola Adeola, ‘The impact of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa’ *African Human Rights Law Journal* (2019) 19(2) 591-607 <<https://doi.org/10.17159/1996-2096/2019/v19n2a2/>> accessed 20 September 2025.

⁶¹ Romola Adeola, ‘*The Internally Displaced Person in International Law*’ (Edward Elgar Publishing 2020).

⁶² Adetokunboh Adesuyi, ‘The Rights of Internally Displaced Persons in Nigeria: A Critical Appraisal’ *SSRN Electric Journal* (2024) 54 <<https://doi.org/10.2139/ssrn.4709295/>> accessed 20 September 2025.

enforceable law for the protection of IDPs, is a major barrier to coordination among the different national institutional frameworks.⁶³

The scholarly work on this area of law also examines the constitutional and human rights protections that should apply to all Nigerians, including IDPs. One of these is the 1999 Constitution which guarantees rights to dignity, life, and freedom from discrimination. However, these rights are often not upheld in reality.⁶⁴ According to E. Alogo and S. Obaji in their 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons', this is because displacement creates unique challenges that general human rights laws were not made to handle.⁶⁵ For example, the right to dignity is continually violated in IDP camps by overcrowding and poor sanitation, as seen in Abuja's Durumi camp and other camps in Northern Nigeria.⁶⁶ The UN Special Rapporteur has also highlighted the contrast between what the law promises and the reality of IDP camps which are overcrowded with limited access to food, water, shelter, health care and education.⁶⁷ Women and girls especially are affected, as they face increased risks of gender-based violence, as well as lack of access to sexual and reproductive healthcare.⁶⁸ The institutional response has also been criticized. MN Umenweke in 'Examining the Institutional Framework for the Legal

⁶³ I. A. Kanu, 'Review of National Policy on Internally Displaced Persons in Nigeria' *Nnadiabube Journal of Social Sciences* (2018) 2(1) << https://acjoi.org/index.php/NJSS/article/view/njss_v2_n1_1/72/>> accessed 21 September 2025.

⁶⁴ (n30), SS. 33, 34, 42.

⁶⁵ E Alogo & S Obaji, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons' *Journal of Law, Policy and Globalisation* (2016) 51 <<https://core.ac.uk/download/pdf/234650690.pdf>> accessed 21 September 2025.

⁶⁶(n54); Winifred Ekezie, 'Resilience Actions of Internally Displaced Persons (IDPs) Living in Camp-like Settings: a Northern Nigeria Case Study' *J Migr Health* (2022) <<https://pubmed.ncbi.nlm.nih.gov/35668733/>> accessed 8 November 2025.

⁶⁷ Human Rights Council, 'Report Of The Special Rapporteur on the Human Rights Of Internally Displaced Persons on his Mission to Nigeria,' (2017) <<https://www.refworld.org/reference/mission/unhrc/2017/en/116977/>> accessed 19 September 2025.

⁶⁸ Kwala Adline Okorafor, 'Exploring sexual and reproductive health needs, barriers, and coping strategies of internally displaced women of reproductive ages in north-central Nigeria: A qualitative analysis' *PLoS One* (2024) 19(12) <<https://doi.org/10.1371/journal.pone.0309317/>> accessed 19 September 2025.

Protection and Assistance of Internally Displaced Persons in Nigeria,' describes Nigeria's institutional framework as weak, uncoordinated, and extremely ineffective in providing legal protection.^{[69] [70]} The government's handling of the plight of IDPs has also been described as inadequate and ineffective.⁷¹

Legal protection for IDPs in Nigeria is yet to reach its zenith and is indeed still limited as evidenced by the very few court cases and judicial decisions that deal with their rights. Many scholars argue that the government has failed in its constitutional duty to provide "security and welfare" to displaced citizens.⁷² U.S. Ayegba in the article, 'Unemployment and Poverty as Sources and Consequences of Insecurity in Nigeria: The Boko Haram Insurgency Revisited,' links this failure to deeper problems like poverty and unemployment, which also contribute to conflict and displacement.⁷³ As at yet, the courts have not been used effectively to hold the government accountable. Legal experts like Glory Peterside now advocate for strategic impact litigation, that is, targeted legal actions designed to compel courts to interpret constitutional provisions in ways that impose clear and indisputable positive obligations on the government as seen in her work, 'A Critical Analysis of the Rights of Internally Displaced

⁶⁹ MN Umenweke, 'Examining the Institutional Framework for the Legal Protection and Assistance of Internally Displaced Persons in Nigeria' *African Journal of Law and Human Rights* (2023) 7(2) 61-67 <<https://journals.ezenwaohaetorc.org/>> accessed 20 September 2025.

⁷⁰ Chi. Johnny Okongwu & S.E Imoisi, 'Legal and Institutional Frameworks for Protection of Internally Displaced Persons in Nigeria' *De juriscope Law Journal* (2023) 3(1) <<https://www.nigerianjournalonline.com/index.php/DJLJ/article/view/4180/4050/>> accessed 20 September 2025.

⁷¹ Ferguson Onuegbu, 'The State and the Management of Internally Displaced Persons in Nigeria' *International Journal of Social Sciences and Management Review* (2022) 05(01) <<https://doi.org/10.37602/IJSSMR.2021.5101/>> accessed 21 September 2025.

⁷² (n30), S. 14(2) (b).

⁷³ U S Ayegba, 'Unemployment and Poverty as Sources and Consequences of Insecurity in Nigeria: The Boko Haram Insurgency Revisited' *African Journal of Political Science and International Relations* (2015) 9(3)90-99 <<https://doi.org/10.5897/AJPSIR2014.0719>> accessed 9 November 2025.

Persons in Nigeria'.⁷⁴Also, scholars like Oluwayemi Oluwadunsin Ogunkorode in 'Rethinking the Legal Regime on Displacement of Persons Due to Terrorism and Communal Conflict in Nigeria,' argue for a full "rethinking of the legal regime" which includes better prevention, property restitution, and long-term solutions for IDPs.⁷⁵ These ideas are supported by other legal scholars working to strengthen IDP rights.

Beyond the lack of legislation, there are other hindrances to addressing the plights of IDPs in Nigeria. Coordination between institutional frameworks such as NEMA and SEMAs are often disorganized, as a result of overlapping roles and poor communication. F. Folabi in 'Nigeria: Coping with challenges of internally displaced persons' raised the issues of inter-agency rivalry and insufficient funding as some of the reasons for institutional inefficiency⁷⁶and these problems are consistent across many studies on IDPs as seen in studies like those of Simon Imoisi in his, 'Legal and Institutional Frameworks for Protection of Internally Displaced Persons in Nigeria,' where he stated that the "legal and institutional frameworks for the protection of IDPs in Nigeria are not only inadequate but are also poorly implemented."⁷⁷ ^[78] As stated earlier, displaced women suffer high levels of sexual and

⁷⁴ Glory Peterside, 'A Critical Analysis of the Rights of Internally Displaced Persons in Nigeria' *African Human Rights Yearbook* (2024) 10(4) 52-62 <<https://www.seahipublications.org/wp-content/uploads/2024/07/IJILPS-D-5-2022.pdf>> accessed 9 November 2025.

⁷⁴ O.O. Ibeanu, 'Exiles in their own home: Conflicts and Internal Population Displacement in in Nigeria' *African Journal of Political Science* (1998) 3(2) 80-97 <<https://www.semanticscholar.org/paper/Exiles-in-their-own-home%3A-internal-population-in-Ibeanu/c65fd9156599ffd47c6c020d411bf18e0011a047/>> accessed 9 November 2025.

⁷⁵ Oluwayemi Oluwadunsin Ogunkorode, 'Rethinking the Legal Regime on Displacement of Persons Due to Terrorism and Communal Conflict in Nigeria' *RUNJJIL* (2021) 1 <https://www.researchgate.net/publication/391428946_Rethinking_the_Legal_Regime_on_Displacement_of_Persons_Due_to_Terrorism_and_Communal_Conflict_in_Nigeria/> accessed 30 October 2025.

⁷⁶ F Falobi, 'Nigeria: Coping with challenges of internally displaced persons' *AllAfrica* (2014) <<https://allafrica.com/stories/201407010433.html>> accessed 30 October 2025

⁷⁷ (n74)

⁷⁸ Akawu Mbekita Eunice, 'Challenges Hindering the Management of Internally Displaced Persons in North-Eastern Nigeria' *Journal of Political Discourse* (2023) 1(3) 81-93 <<https://jopd.com.ng/index.php/jopdz/article/view/26/>> accessed 8 November 2025

gender-based violence in camps because laws like the Violence Against Persons Prohibition Act 2015 which ought to protect them, are rarely enforced in these settings.⁷⁹ This once again shows a clear gap between what the law says and reality. The impact of this neglect is not just physical but also psychological.⁸⁰

Flowing from the above, it can be asserted that Nigeria's extant legal framework for IDPs is deeply flawed as it relies on non-binding policies, general laws, and broad constitutional provisions that do not provide for the unique circumstances of displaced persons. Scholars push strongly for a specific, rights-based law that incorporates the UN Guiding Principles and the Kampala Convention, clarifies institutional responsibilities, and creates pathways for legal redress. It has also been stated the the resilience displayed by IDPs despite systemic failures, should be supported by a legal system that protects rather than neglects them.⁸¹ However, these scholars have only recommended what the government can do for these persons without looking at ways in which the IDPs can be proactive in coping with their situation and the restrictions that may prevent them from doing so.

⁷⁹ B S Chimni, *'International Refugee Law: A Reader'* (SAGE publications 2000)

⁸⁰ Victoria Oluwayomi Faluyi, 'A Critical Examination of the Psychosocial Implications of Internal Displacement on Internally Displaced Persons in Nigeria' *International Journal of Research and Innovation in Social Science* (2024) VIII(X) 867-881 <<https://doi.org/10.47772/IJRISS.2024.8100071/>> accessed 10 September 2025.

⁸¹ Winifred Ekezie, 'Resilience actions of Internally Displaced Persons (IDPs) living in camp-like settings: a Northern Nigeria case study' *Journal of Migration and Health* (2022) 6(2) <<https://doi.org/10.1016/j.jmh.2022.100115/>> accessed 10 September 2025.

Chapter Three: Legal and Institutional Framework For the Protection of IDPs in Nigeria

3.1 International Legal Frameworks for the Protection of IDPs

The international legal framework for the protection of Internally Displaced Persons (IDPs) is composed of several international conventions and treaties which include the ICCPR,¹ ICESCR,² CRC,³ CEDAW,⁴ international humanitarian law like the Geneva Convention and soft law instruments like the UN Guiding Principles on Internal Displacement,⁵ *inter alia*. This framework establishes a foundation upon which a state may base its response to internal displacement and as such, may be used to assess whether a state's response to internal displacement is in line with international standards.

3.1.1 1998 United Nations Guiding Principles on Internal Displacement (UNGPID)

The United Nations Guiding Principles on Internal Displacement (UNGPID) was introduced in 1998 as an attempt to fill in the legal protection gap in international law on the matter of internally displaced persons. Protection had previously only been accorded to refugees who flew across international border even though internally displaced persons (IDPs) face equally serious risks. To address this, the UN Commission on Human Rights now the Human Rights Council, requested a framework that could guide governments and humanitarian actors in addressing internal displacement. This led to, the UN via Mr. Francis M. Deng and Walter Kälin compiling the Guiding Principles, which was not a new treaty but a summary of existing international laws. Thus these Principles brought together rules from human rights law, humanitarian law, and refugee law into one document.⁶

¹ The International Covenant on Civil and Political Rights 1966.

² The International Covenant on Economic, Social and Cultural Rights 1966.

³ The Convention on the Rights of the Child 1989.

⁴ The Convention on the Elimination of All Forms of Discrimination Against Women 1979.

⁵ United Nations Guiding Principles on Internal Displacement 1998 .

⁶ *ibid*.

The UNGPID gave the first widely accepted definition of IDPs as, “persons or groups of persons who have been forced or obliged to flee or to leave their homes... and who have not crossed an internationally recognized State border.”⁷ This definition is both broad and inclusive as it covers not only people displaced by war and violence, but also those affected by natural disasters and development projects. The major objectives of the Guiding Principles are: preventing forced displacement, protecting and assisting displaced persons, and supporting safe return, resettlement, and integration. They emphasize the obligation and responsibility of the state in protecting and assisting IDPs.⁸ They also provide for the basic rights that IDPs should enjoy without discrimination such as access to shelter, food, clean water, healthcare, education, security and the right to return home safely and with dignity. ^[9] It is important to note however, that the UNGPID by itself is not a legally binding treaty. ¹⁰

In Nigeria, the UNGPID is a key reference point. In fact, The 2021 National Policy on Internally Displaced Persons uses the Principles as its foundation.¹¹ However, since the Guiding Principles are not legally binding, they cannot be enforced in Nigerian courts. This impedes their effectiveness in Nigeria as their enforceability depends on the political will of the government. Therefore, even though the UNGPID has expectations of the state on matters concerning IDPs, there is a gap between those ideals and the actual legal protection given to displaced persons in Nigeria.

3.1.2 The International Covenant on Civil and Political Rights (ICCPR)

⁷ (n5) Principle 2.

⁸ *ibid* Principle 3(1).

⁹ *ibid* Principles 7-29.

¹⁰ Walter Kälin, ‘The Guiding Principles on Internal Displacement as International Minimum Standard and Protection Tool’, *Refugee Survey Quarterly* (2005) 24(3) 27-36 <<https://doi.org/10.1093/rsq/hdi050/>> accessed 9 November 2025.

¹¹ National Policy on Internally Displaced Persons 2021.

Adopted by the United Nations in 1966 and coming into effect in 1976,¹² the ICCPR is one of the most important international human rights agreements. Together with the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, it forms what is known as the International Bill of Human Rights.¹³ Nigeria ratified the ICCPR in 1993, thereby committing to protect the rights it outlines for everyone within Nigeria's borders.¹⁴

Although the ICCPR doesn't specifically mention the words 'Internally Displaced Persons,' many of its rights directly apply to their situation as displacement often involves serious violations of rights which the ICCPR is designed to protect. For example, Article 9 of the ICCPR guarantees the right to liberty and personal security which is often violated during displacement, especially when people are arrested or detained without cause during conflict.¹⁵ Article 12 of the same provides for the protection of freedom of movement and the right to choose where to live.¹⁶ In Article 17, it provides that no one should face arbitrary interference with their privacy, home or family.¹⁷ Forced displacement falls under this, as it disrupts families and homes. Some other protections provided by the ICCPR include: the right to life in Article 6 and the ban on torture or cruel treatment in Article 7,¹⁸ inter alia, which are all relevant for IDPs.

¹² (n1).

¹³ Marc J. Bossuyt, '*Guide to the "Travaux Préparatoires" of the International Covenant on Civil and Political Rights*' (Martinus Nijhoff Publishers 1987) 1-5.

¹⁴ United Nations Treaty Collection, 'Status of Ratification' (2025) <https://treaties.un.org/pages/viewdetails.aspx?chapter=4&clang=_en&mtdsg_no=iv-4&src=ind/> accessed 8 November 2025.

¹⁵ (n1) Art 9.

¹⁶ *ibid* Art 12.

¹⁷ *ibid* Art 17.

¹⁸ (n1) Arts 6 & 7.

In order for the ICCPR to be fully effective in Nigeria, it must be domesticated and passed into national law. This is because Nigeria uses a dualist legal system, where international treaties must be passed into local law before they can be enforced in Nigerian courts. However while this has yet to be done, the key principles of the ICCPR are reflected in Chapter IV of the 1999 Constitution¹⁹ in sections 33 to 41 which provide for the fundamental human rights. In summary, the ICCPR provides legal protection which may be applicable to IDPs. However, the impact of the ICCPR depends on how well the courts enforce its similar provisions in the Constitution of the Federal Republic of Nigeria.

3.1.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR was adopted by the United Nations in 1966 and came into effect in 1976.²⁰ According to the UN committee overseeing the ICESCR, rights like access to food, clean water, shelter, and medicine must be provided immediately and without discrimination, even during a crisis.^{[21] [22]} They believe that other rights like the right to housing, is not just about having a roof over one's head but also feeling safe, having access to basic services, affordability and having respect for their cultural needs.²³ Thus, IDP camps or host communities ought to offer more than temporary shelter. They should provide IDPs a

¹⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

²⁰ Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (Random House 2001) 169-170.

²¹ UN Economic and Social Council, 'General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)' *UN Committee on Economic, Social and Cultural Rights* (1990) <<https://www.refworld.org/legal/general/cescr/1990/en/129827/>> accessed 30 October 2025.

²² Economic and Social Council, 'General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)' *UN Committee on Economic, Social and Cultural Rights* (1999) <<https://www.refworld.org/legal/general/cescr/1999/en/87491/>> accessed 30 October 2025; Economic and Social Council, 'General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)' *UN Committee on Economic, Social and Cultural Rights* (2003) <<https://www.refworld.org/legal/general/cescr/2003/en/39347/>> accessed 30 October 2025.

²³ Economic and Social Council, 'General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)' *UN Committee on Economic, Social and Cultural Rights* (1991) <<https://www.refworld.org/legal/general/cescr/1991/en/53157/>> accessed 30 October 2025.

dignified living as is their right. The Covenant also guarantees the right to health²⁴ and education as basic rights. The ICESCR requires governments to make primary education free and compulsory for all children, and to make secondary and higher education more accessible.²⁵

Although Nigeria ratified the ICESCR in 1993,²⁶ in Nigeria, it is not directly enforceable in court because it hasn't been passed into national law. However, its provisions are reflected in Chapter II of the 1999 Constitution,²⁷ same as the ICCPR.

3.1.4 Charter of the United Nations

The Charter of the United Nations,²⁸ signed in 1945 after World War II, is the foundation upon which international law and cooperation is built. Although it does not mention 'internally displaced persons' explicitly, its core principles which include promoting peace, protecting human rights, and encouraging global cooperation are the reason for its creation and have proved to be the basis for all later efforts to support and protect IDPs.^{[29][30]} Thus, it is not farfetched to say that the Charter pushes the international community to respond to displacement. This can be seen in Article 1(3) of the Charter, which calls on countries to work together to promote human rights and freedoms for all persons, without

²⁴ (n2) Art 12.

²⁵ *ibid* Arts 13 & 14; n(5) Principle 23.

²⁶ United Nations Treaty Collection, 'Status of Ratification' (2025) <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4/> accessed 9 November 2025.

²⁷ (n19) Section 13.

²⁸ Charter of the United Nations 1945.

²⁹ Walter Kälin, '*Guiding Principles on Internal Displacement: Annotations*' (The American Society of International Law 2008) 5.

³⁰ (n28), Preamble.

discrimination.^[31] In the case of *United States of America v Iran*, a case concerning the United States Diplomatic and Consular Staff in Tehran, the International Court of Justice (ICJ) affirmed that it was wrong to deprive human beings of their fundamental rights as doing so is contrary to the principles of the UN Charter.^[32] In Article 2(7) however, the Charter stated that the UN should not interfere in a country's internal affairs, thereby upholding state sovereignty³³ but where there is a threat to international peace, the UN Security Council can step in via Chapter VII of the Charter.³⁴ Displacement falls under this purview and this was the case in Northern Iraq in 1991 and South Sudan in more recent years, where displacement was treated as a threat to regional stability and led to international action.³⁵ Also, Articles 55 and 56 of the Charter provide that the UN and its member states will promote and protect human rights and will work together to make those rights a reality.³⁶

Flowing from the above, it can be seen that although the UN Charter doesn't directly enforce IDP protections, it is the grundnorm or basic norm that plays a vital role in shaping the international response to the plight of IDPs. It also gives legal authority to create humanitarian bodies such as the United Nations High Commissioner for Refugees, and allows the Security Council to act when there is threat to peace.³⁷

3.1.5 International and Regional Instrument for Refugees, 1951 Protocol

³¹ *ibid* Article 1(3).

³² *United States Diplomatic and Consular Staff in Tehran (United States v Iran)* (1980) ICJ Rep 3.

³³ UN Charter 1945, Article 2(7).

³⁴ *ibid*; Security Council Res 1674 (2006) on the Protection of Civilians in Armed Conflict, which reaffirms the provisions of the Responsibility to Protect.

³⁵ Security Council Resolution 688 (1991) (on Iraq) and Security Council Resolution 2155 (2014) (establishing the UN Mission in South Sudan (UNMISS) with a robust mandate to protect civilians under Chapter VII).

³⁶ (n33) Articles 55 & 56.

³⁷ *ibid* Articles 39 and 41.

The 1951 Refugee Convention and its 1967 Protocol are the foundation of international law for protecting refugees.³⁸ The Protocol, officially called the Protocol relating to the Status of Refugees, was created to fix the limits of the original Convention, which only applied to people displaced before 1 January 1951 and mostly within Europe.^[39] The 1967 Protocol removed those restrictions, making the Convention global and relevant to refugees everywhere, regardless of when or where they were displaced.⁴⁰ It is important to note that the Convention and Protocol defined refugees strictly as limited to people who have crossed an international border.⁴¹ Therefore this means that Internally Displaced Persons (IDPs), who remain within their own country, are not directly covered by this. Still, the Convention's principles, especially on non-refoulement, are also applicable in the case of IDPs. This can be seen in Article 33 of the Convention which states that refugees must not be returned to places where their "life or freedom would be threatened."⁴²

Refugee protection has shaped how humanitarian agencies respond to internal displacement and are often used to help IDPs. In Africa, the refugee framework expanded through the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.⁴³ This treaty includes people fleeing "external aggression, occupation, foreign domination, or events seriously disturbing public order,"⁴⁴ causes closely matching the realities of internal displacement in Nigeria like the Boko Haram insurgency and farmer-herder clashes. This spirit of protecting the displaced, was later extended to IDPs through the African Union's

³⁸ Convention relating to the Status of Refugees 1951.

³⁹ Protocol relating to the Status of Refugees 1967.

⁴⁰ *ibid* Art I(2)-(3).

⁴¹ (n38) Art 1(A)(2).

⁴² *ibid* Art 33(1).

⁴³ Convention Governing the Specific Aspects of Refugee Problems in Africa 1969.

⁴⁴ *ibid* Art I(2).

Kampala Convention.⁴⁵ Nigeria's National Commission for Refugees, Migrants and Internally Displaced Persons Act⁴⁶ also reflects this spirit as it created one body to oversee both refugees and IDPs.

3.1.6 Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) is the most widely ratified human rights treaty in history. It sets out the full rights for every child, defined as anyone under 18 years old.⁴⁷ It was adopted by the UN in 1989 and came into force in 1990. It was built on earlier efforts to protect child rights such as the 1959 Declaration of the Rights of the Child.⁴⁸ Nigeria ratified the CRC in 1991, which thereby agreeing to take all necessary steps to uphold the rights listed in the treaty.⁴⁹

For children who have been internally displaced, the CRC is invaluable. Article 6⁵⁰ of the CRC guarantees the right to life, survival, and development of every child. This places a duty on Nigeria to ensure that IDP camps are safe and that children are well provided for. Article 22⁵¹ of the same focuses on refugee children, but its principles also apply to IDP children. It requires governments to provide protection, humanitarian aid, and assistance in reunite families. Article 9⁵² states that children should not be separated from their parents against their will and Articles 19, 34, and 35 require that they are protected from violence, sexual abuse, and abduction.⁵³ Article 24 guarantees the right to health care, clean water, and proper

⁴⁵ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009.

⁴⁶ National Commission for Refugees, Migrants and Internally Displaced Persons Act Cap. N21, Laws of the Federation of Nigeria 2004 (2022), s 1(1).

⁴⁷ (n3) Art. 1.

⁴⁸ *ibid.*

⁴⁹ Office of the United Nations High Commissioner for Human Rights, 'Ratification Status for Nigeria' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=127&Lang=en/> accessed 9 November 2025.

⁵⁰ (n3) Art. 6.

⁵¹ *ibid* Art. 22.

⁵² *ibid* Art 9.

⁵³ *ibid* Art.19, 34 & 35.

nutrition,⁵⁴ and Articles 28 and 29⁵⁵ affirm the right to education, which is often disrupted by displacement but is essential for a child's future. Article 39⁵⁶ calls on governments to support the recovery and reintegration of children affected by conflict, neglect, or abuse.

The CRC was made enforceable in Nigeria by the passing the Child Rights Act (CRA) in 2003.⁵⁷ However, not all states have adopted the CRA, which means that protections for displaced children vary across the country. Nigeria has also ratified the African Charter on the Rights and Welfare of the Child (ACRWC), whose primary goal is to establish a comprehensive legal framework for protecting and promoting the rights of every child on the African continent, thereby adapting international standards like the UN CRC to specific African cultural contexts. Therefore challenges remain in this regards, especially in making sure all states adopt the CRA.

3.1.7 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW is one of the most important international treaties for protecting women's rights. It was adopted by the United Nations in 1979 and came into force in 1981.⁵⁸ Often called the "international bill of rights for women," its main goal is to end all forms of discrimination against women and ensure that they enjoy human rights and freedoms equally with men.⁵⁹ Although CEDAW doesn't specifically focus on Internally Displaced Persons (IDPs), it is relevant to all women and girls. Nigeria ratified CEDAW on June 13, 1985, and while it must be domesticated to be enforceable in Nigerian courts, it still provides a strong legal framework for evaluating how well Nigeria protects female IDPs.

⁵⁴ *Ibid* Art 24.

⁵⁵ (n3) Art 28 & 29.

⁵⁶ *ibid* Art 39.

⁵⁷ Child Rights Act 2003.

⁵⁸ (n4).

⁵⁹ *ibid* Art 3.

CEDAW was the result of years of advocacy by the UN Commission on the Status of Women, which pushed for global recognition of women’s rights as human rights.⁶⁰ Unlike earlier declarations, CEDAW creates binding legal duties. It requires governments to “take all appropriate measures” to eliminate discrimination by individuals, organizations, or institutions, and to change any laws, customs, or practices that treat women unfairly. This is especially important for displaced women, who often face deep-rooted cultural and legal barriers that worsen during crises. Several parts of CEDAW apply directly to displaced women in Nigeria. Article 1 defines discrimination as any action or rule that limits women’s ability to enjoy their rights in any area of life whether political, economic, social, or cultural.⁶¹ This includes things like being denied access to food or being excluded from decision-making in IDP camps. Article 2 goes further, requiring governments to create laws that protect women’s rights and ensure that public institutions follow them.⁶² In Nigeria, this means laws like the Violence Against Persons (Prohibition) Act, 2015 should be fully enforced in IDP settings. Article 16 is especially important for displaced women. It guarantees equal rights in marriage and family matters, including the right to choose a spouse and to own property.⁶³ CEDAW also addresses gender-based violence.

3.1.8 Geneva Conventions

The Geneva Conventions of 1949, along with their 1977 Additional Protocols, are the foundation of international humanitarian law. Their main purpose is to reduce the harm caused by war, especially to people who are not fighting,’ that is, non-combatants which

⁶⁰ United Nations, ‘The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for Youth’ *UN Women* (2020) <<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2016/CEDAW-for-Youth.pdf>> accessed 10 November 2025.

⁶¹ *ibid* Art 1

⁶² *ibid* Art 2

⁶³ *ibid* Art 16(1)(a) & (h).

include civilians, medical workers, and prisoners of war. Although the term “Internally Displaced Person” (IDP) doesn’t appear in the Conventions, many of their rules still protect IDPs because they are civilians caught in conflict. This is especially important in Nigeria, where displacement is driven by armed violence, such as the Boko Haram insurgency and farmer-herder clash which are both non-international armed conflicts (NIACs) under international law.

The Geneva Conventions were created after World War II to prevent future atrocities.⁶⁴ Originally, they focused on wars between countries. But one key provision, the Common Article 3 was made to apply to conflicts “not of an international character,” meaning civil wars or internal conflicts within a single country.⁶⁵ In 1977, the Additional Protocols were added to strengthen protections. Additional Protocol II (AP II) is especially relevant for IDPs because it sets rules for protecting civilians in internal conflicts.⁶⁶ Nigeria ratified the Geneva Conventions in 1961 and AP II in 1988, making these rules legally binding. Under this framework, IDPs are protected as civilians. Common Article 3 bans violence against civilians, including murder, torture, and degrading treatment.⁶⁷ AP II adds more protections, such as banning terrorism against civilians,⁶⁸ starvation as a weapon,⁶⁹ and forced displacement unless absolutely necessary for safety or military reasons. Article 17 of AP II clearly states: “The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand.”⁷⁰

⁶⁴ ICRC, ‘History of the Geneva Conventions’ <<https://www.icrc.org/en/document/geneva-conventions-history/>> accessed 8 November 2025.

⁶⁵ First Geneva Convention (Common Article 3) 1949.

⁶⁶ Protocol II Additional to the Geneva Conventions 1977.

⁶⁷ (n65)

⁶⁸ *ibid* Art 13(2).

⁶⁹ *ibid* Art 14.

⁷⁰ *ibid* Art 17.

Nigeria's membership in the International Criminal Court (ICC) means that serious violations can be prosecuted under the Rome Statute.⁷¹ On the other hand, there are limits. The Conventions mainly apply to governments and organized armed groups, so it's hard to enforce them against scattered militias or criminal gangs. Also, the Conventions focuses on the rules of war and not on the aftermath of displacement.

3.1.9 Rome Statute of the International Criminal Court (ICC)

The Rome Statute is the legal foundation of the International Criminal Court (ICC) which is the first permanent global court created to hold individuals accountable for the most serious crimes, like genocide, war crimes, and crimes against humanity.⁷² While it doesn't directly provide humanitarian aid, it plays a powerful role in protecting Internally Displaced Persons (IDPs) by punishing the kinds of crimes that often force people to flee their homes. The idea for the ICC came after World War II and was shaped by temporary courts set up for atrocities in places like Rwanda and the former Yugoslavia.⁷³ The Rome Statute was adopted in 1998 and became active in 2002. It acts as a "court of last resort," only stepping in when national systems fail to deliver justice.⁷⁴ Nigeria signed the Statute in 2000, ratified it in 2001, and made it part of its national law through the International Criminal Court Act in 2021.⁷⁵

Article 7(1)(d) of the Statute defines "Deportation or forcible transfer of population" as a crime against humanity when it's part of a widespread or systematic attack on civilians.⁷⁶

This directly applies to internal displacement caused by violence or persecution. Article 8(2)

⁷¹ Rome Statute of the International Criminal Court 1998, Art 8(2).

⁷² *ibid.*

⁷³ William A. Schabas, 'An Introduction to the International Criminal Court' 5th ed (Cambridge University Press 2017) 1-15.

⁷⁴ (71) Art 1.

⁷⁵ International Criminal Court Act 2021 Act No. 30 Laws of the Federation of Nigeria, Section 2.

⁷⁶ (n71) Art 7(1)(d).

also makes it a war crime to “order the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.”⁷⁷ The ICC has used these laws to prosecute individuals responsible for mass displacement. In Nigeria, the ICC’s role is especially important. Between 2010 and 2020, the ICC’s Office of the Prosecutor investigated alleged crimes committed by both Boko Haram and Nigerian security forces.⁷⁸ The final report found a reasonable basis to believe that both groups committed war crimes and crimes against humanity including murder, torture, rape, and forcible transfer of population which displaced over two million people.⁷⁹ Since Nigeria has domesticated the Rome Statute through the ICC Act 2021, it now has a strong legal tool to prosecute those responsible for the IDP crisis, especially when national systems fall short.

3.2 Regional Legal Frameworks for the Protection of IDPs

The regional framework for protecting Internally Displaced Persons (IDPs) in Africa is anchored by the Kampala Convention. However some others include the Great Lakes Protocol and the African Charter on Human and Peoples' Rights.

3.2.1 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

The Kampala Convention is the first legally binding treaty in Africa that focuses entirely on protecting and assisting Internally Displaced Persons (IDPs).⁸⁰ It was created because the earlier 1998 UN Guiding Principles, while important, were not legally enforceable. Africa,

⁷⁷ *ibid.*

⁷⁸ Office of the Prosecutor, ‘Report on Preliminary Examination Activities 2020’ (2020) para 199.

⁷⁹ Office of the Prosecutor, ‘Situation in Nigeria: Final Report’ (2020) paras 297 & 387.

⁸⁰ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009, Preamble.

being one of the regions most affected by displacement due to conflict, disasters, and development projects, needed a stronger, specific law.⁸¹ The Convention was championed by Dr. Francis Deng and adopted by the African Union in Kampala, Uganda, on 23 October 2009. It became law on 6 December 2012 after fifteen countries ratified it, including Nigeria. The Convention lays out both the rights of IDPs and the responsibilities of governments. Its core message, found in Article 3(1), is that states have the “primary responsibility and duty” to protect and assist IDPs within their borders.⁸² This includes preventing arbitrary displacement by tackling its root causes,⁸³ protecting and assisting people during displacement,⁸⁴ and supporting long-term solutions like safe return, resettlement, or integration.⁸⁵ Nigeria ratified the Convention on 17 April 2012, making it part of its legal obligations. Thus the treaty directly influences how Nigeria should respond to displacement. For example, Article 4(4)⁸⁶ broadly defines what constitutes arbitrary or unlawful displacement or include displacement due to racial discrimination, armed conflict (unless for security reasons), generalized violence, or as a form of collective punishment. Article 9(2)(b)⁸⁷ of the Kampala Convention requires States Parties to provide adequate humanitarian assistance to internally displaced persons (IDPs) to the fullest extent practicable and with the least possible delay. This assistance specifically includes: Food, Water, Shelter, Medical care and other health services Sanitation Education and Any other necessary social services .⁸⁸

⁸¹ Walter Kälin, ‘The Guiding Principles on Internal Displacement as International Minimum Standard and Protection Tool’ *Refugee Survey Quarterly* (2005) 24.

⁸² (n80) Art 3(1).

⁸³ *ibid* Art 4.

⁸⁴ *ibid* Art 5.

⁸⁵ *ibid* Art 11.

⁸⁶ *ibid* Art 4(4)

⁸⁷ *ibid* Art 9(2)(b).

⁸⁸ (n11).

However, for the Convention to truly work in Nigeria, it must be fully implemented through national laws. Nigeria made progress by adopting the National IDP Policy in 2021, which reflects many of the Convention's ideas. The Convention is also being used by civil society and legal advocates to push for better protection of IDPs. In the North-East, for example, activists have cited Articles 5 and 9 to highlight poor camp conditions and the lack of support for communities displaced by flooding.

3.2.2 Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons (ICGLR)

The Great Lakes Protocol is a landmark regional treaty created to address the serious problem of internal displacement in Africa.⁸⁹ It was developed by the International Conference on the Great Lakes Region (ICGLR), a group formed to promote peace and development in countries affected by conflict and mass displacement. Adopted in 2006, the Protocol is part of a broader pact and is the first legally binding regional agreement focused entirely on the rights and protection of Internally Displaced Persons (IDPs).⁹⁰ While the UN Guiding Principles laid the groundwork, this Protocol turned those ideas into enforceable obligations for governments. The Protocol was created in response to the displacement crises in African countries and its member states are Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Kenya, Uganda, Rwanda, Sudan, South Sudan, Tanzania, and Zambia.⁹¹ It gives legal force to the UN Guiding Principles and covers all stages of displacement from prevention, to protection during displacement, to long-term

⁸⁹ Protocol on the Protection and Assistance to Internally Displaced Persons, International Conference on the Great Lakes Region (ICGLR) 2006.

⁹⁰ Pact on Security, Stability and Development in the Great Lakes Region 2006, Preamble.

⁹¹ M. Beyani, 'The Role of the African Union in the Protection of Internally Displaced Persons' *African Journal of Legal Studies* (2014) 4(1) 183.

solutions like return or resettlement.^{[92] [93]} For example, Article 3(1) requires governments to “prevent political, social, cultural and economic exclusion and marginalization that are likely to cause displacement” by promoting development and reducing poverty.⁹⁴ Article 4 lists key rights for IDPs, including freedom of movement, protection from arbitrary detention, the right to seek safety elsewhere in the country, and the right to have their property protected.⁹⁵

Although Nigeria is not a member of the ICGLR and hasn’t signed the Protocol, it still serves as a strong model for how countries can protect IDPs. The African Union promotes the Protocol as a guide for all member states, and Nigeria has reflected its principles in documents like the Victims of Violence and Internally Displaced Persons (VVIP) Bill⁹⁶ and the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) Act. However, when comparing Nigeria’s laws to the Protocol, it becomes clear that while progress has been made, gaps remain. The Protocol’s strong focus on long-term solutions—like helping IDPs return home or settle elsewhere highlights areas where Nigeria still struggles. This is because although the NCFRMI Act (Amendment) 2023 includes a provision in Section 6(1)(d)⁹⁷ that tasks the Commission with “formulating and implementing policies for the rehabilitation of internally displaced persons”, actual implementation remains limited.

3.2.3 African Charter on Human and Peoples' Rights (African Charter)

⁹² (n5)

⁹³ (n90) Articles 7, 8 & 9.

⁹⁴ *ibid* Art 3(1).

⁹⁵ *ibid* Art 4.

⁹⁶ The Victims of Violence and Internally Displaced Persons (VVIP) Bill (SB. 120) 2019.

⁹⁷ NCFRMI Act (Amendment) 2023, Section 6(1)(d).

The African Charter on Human and Peoples' Rights is one of the most important regional legal tools for protecting Internally Displaced Persons (IDPs) in Nigeria.⁹⁸ Nigeria ratified the Charter on 22 June 1983 and made it part of its national law through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act. This means the Charter is legally enforceable in Nigerian courts. For IDPs and their advocates, this gives them a strong legal foundation to demand protection and justice. The Charter was adopted by the Organization of African Unity (OAU) in 1981 and came into effect in 1986.⁹⁹ It was created to reflect African values and legal traditions, including the idea of 'people's rights' and the importance of community and family.¹⁰⁰

The Charter includes several rights that directly apply to IDPs. These include; the right to life and integrity of person,¹⁰¹ the right to property,¹⁰² the right to health,¹⁰³ as well as the right to freedom of movement and residence.¹⁰⁴ Since IDPs remain within their country's borders, this right protects them from being displaced without cause and supports their return or resettlement. The Charter also recognizes the family as the "natural unit and basis of society,"¹⁰⁵ thus the state has a role in fostering family well-being. The Charter also affirms the right of peoples to self-determination and control over their natural resources,¹⁰⁶ which is central to many of the land and resource disputes that lead to displacement in places like the Niger Delta and Middle Belt. The African Commission on Human and Peoples' Rights is responsible for interpreting and enforcing the Charter. In the case of Social and Economic

⁹⁸ African Charter on Human and Peoples' Rights 1981.

⁹⁹ Fatsah Ouguergouz, 'The African Charter on Human and Peoples' Rights: A Comprehensive Agenda for Human Dignity and Sustainable Democracy in Africa' (Martinus Nijhoff Publishers 2003) 35.

¹⁰⁰ (n99) Arts 27-29.

¹⁰¹ *ibid* Art 4.

¹⁰² *ibid* Art 14.

¹⁰³ *ibid* Art 16.

¹⁰⁴ *ibid* Art 12(1).

¹⁰⁵ *ibid* Art 18(1).

¹⁰⁶ *ibid* Art 21.

Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria,¹⁰⁷ the Commission ruled that Nigeria's failure to hold oil companies accountable for environmental damage in the Niger Delta violated the right to a healthy environment¹⁰⁸ and the right to health. These violations led to the displacement of thousands. Although the Commission's decisions aren't legally binding, they carry strong moral and political influence and are often used by activists to push for change.¹⁰⁹

3.2.4 The OAU Convention, 1969

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa is one of Africa's most important legal tools for protecting refugees.¹¹⁰ Although it was created mainly to deal with refugee issues, its broad principles and expanded definition of who qualifies as a refugee have helped shape how we think about protecting Internally Displaced Persons (IDPs) too.¹¹¹ The Convention came out of a spirit of pan-African unity during the post-independence era, when many countries were dealing with liberation wars and cross-border conflicts that displaced large numbers of people. It was designed to improve on the 1951 UN Refugee Convention by removing its limits on time and geography, making it more relevant to Africa's realities. What makes the OAU Convention stand out is its context-specific approach. It was written during a time of major upheaval across the continent, and its expanded definition of a refugee in Article I(2) reflects that. It defines a refugee as anyone forced to flee due to "external aggression, occupation, foreign domination or events seriously

¹⁰⁷ Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria (2001).

¹⁰⁸ Art 24.

¹⁰⁹ Rachel Murray, 'The African Commission on Human and Peoples' Rights and International Law' (Hart Publishing 2000) 115-120.

¹¹⁰ Organization of African Unity (OAU) 1969.

¹¹¹ Chaloka Beyani, 'Protection of the Right to Seek and Obtain Asylum under the African Human Rights System' (Martinus Nijhoff Publishers 2013) 58.

disturbing public order in either part or the whole of his country of origin or nationality.”¹¹² This is relevant to IDPs because it acknowledges that the same causes of displacement even if IDPs don’t cross a border.¹¹³ The Convention also includes the principle of non-refoulement in Article II(3), which means refugees cannot be sent back to places where their life or freedom would be in danger.¹¹⁴

In Nigeria, the OAU Convention provides useful guidance for how the country should respond to internal displacement. Even though it’s about refugees, Nigerian courts and policymakers can use its principles to shape laws and policies for IDPs. Although no Nigerian court case has directly applied the OAU Convention to IDPs, the African Commission on Human and Peoples’ Rights has increasingly treated refugee and IDP protection as part of the same human rights obligation. This shows that the Convention, even if not written for IDPs, still plays a key role in shaping how we protect them.

3.3 National Legal Frameworks for the Protection of IDPs

Nigeria's national legal framework for protecting Internally Displaced Persons (IDPs) is not a single law but a fragmented combination of instruments.

3.3.1 Constitution of the Federal Republic of Nigeria, 1999 (as amended)

The 1999 Constitution of the Federal Republic of Nigeria (as amended) is the highest legal authority in the country. It serves as the foundation for all laws and government powers, and every other law must align with it to be valid.¹¹⁵ It is the grundnorm. When it comes to protecting Internally Displaced Persons (IDPs), the Constitution plays a key role through its

¹¹² (n110) Art I(2).

¹¹³ Marina Sharpe, ‘The Regional Law of Refugee Protection in Africa’ (Oxford University Press 2018) 112.

¹¹⁴ (n110) Art II(3).

¹¹⁵ (n19) s 1(1) & (3).

provisions on human rights, and the mechanisms for enforcing those rights. The most relevant protections for IDPs are found in Chapter Four of the Constitution, which guarantees fundamental human rights. These include Section 33 on the right to life, Section 34 on dignity, Section 35 on personal liberty, Section 41 on freedom of movement, and Section 43 on the right to own property anywhere in Nigeria. These rights are especially important for IDPs, who often face threats to their lives, lose their homes, and are restricted in their movements.¹¹⁶ Section 42¹¹⁷ also prohibits discrimination based on ethnicity, origin, or religion, an essential safeguard given that many displacement crises in Nigeria are tied to these factors.

Section 46(1)¹¹⁸ allows any person who believes their rights have been violated to seek redress in a High Court. This gives IDPs a legal pathway to pursue justice. However, many displaced persons face practical challenges such as poverty, lack of legal awareness, and slow judicial processes, which limit their ability to access this remedy. The Constitution also has limitations. Chapter Two (Sections 13–24) outlines socio-economic rights such as access to shelter and food, but Section 6(6)(c)¹¹⁹ states that these goals are not enforceable in court. This weakens the Constitution’s ability to fully support IDPs, who need both civil rights and socio-economic assistance.¹²⁰ To make the Constitution truly effective for IDPs, Nigeria needs legal reforms, clearer institutional responsibilities, and stronger enforcement mechanisms.

3.3.2 National Policy on Internally Displaced Persons (NPIDPs)

¹¹⁶ (n19) ss 33, 34, 35, 41, 43.

¹¹⁷ *ibid* s 42.

¹¹⁸ *ibid* s 46(1).

¹¹⁹ *ibid* s 6(6)(c).

¹²⁰ B. Okeke, ‘Access to Justice for IDPs in Nigeria: A Critical Analysis’ *Journal of African Law* (2021) 64(1) 112.

The National Policy on Internally Displaced Persons (NPIDPs) is Nigeria's most comprehensive and dedicated national framework for addressing the challenges faced by IDPs.¹²¹ It was created in response to the realization that Nigeria's previous approach to situations of this nature were often reactive and improvised and therefore there was need for a change.¹²² Thus in 2001 the Federal Government set up a committee on internal displacement and together with the National Human Rights Commission (NHRC) and support from international partners like the UNHCR, a draft policy was produced during a national workshop in 2004.¹²³ However, political interest faded, and the draft was shelved for years. It wasn't until the Boko Haram crisis escalated after 2009 that the urgency to act returned. This led to the formal approval and launch of the NPIDPs by the Federal Executive Council on 9 November 2021, a major step forward in Nigeria's legal response to displacement.

The NPIDPs is built on the United Nations Guiding Principles on Internal Displacement.¹²⁴ It sets up the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) as the lead agency responsible for coordinating matters concerning it.¹²⁵ The policy provides that the primary duty to protect and assist IDPs lies with the national authorities.¹²⁶ It also encourages collaboration between ministries and stakeholders through a National Technical Working Group on IDPs. The policy covers every stage of displacement from prevention and emergency response to long-term solutions like voluntary return, local integration, or resettlement in safety and dignity.¹²⁷ However, the NPIDPs is not a law passed

¹²¹ (n11).

¹²² M. O. Okeke, 'The Nigerian National Policy on Internally Displaced Persons: A Critical Appraisal' *Journal of Internal Displacement* (2022) 12(1) 45.

¹²³ NHRC, 'Report of the National Workshop on a Draft National Policy on Internally Displaced Persons' (2004) 5.

¹²⁴ (n11) Section 1(3).

¹²⁵ *ibid* Section 5.

¹²⁶(n19) Section 14(2)(b).

¹²⁷ (n11) S 3 & 4.

by the National Assembly.¹²⁸ As a policy document, it lacks the legal force needed to make its provisions enforceable in court.¹²⁹ For example, while it promises rights like shelter, food, and protection from discrimination, an IDP cannot go to court based solely on the policy. They would need to rely on broader laws like the Constitution, the Child Rights Act, or the Discrimination Against Persons with Disabilities (Prohibition) Act none of which are specifically designed for IDPs. Therefore, while the NPIDPs offers a strong and thoughtful framework for protecting IDPs and guiding government action, because it is not a formal law, its impact depends heavily on political will and administrative commitment.

3.3.3 National Disaster Management Framework (NDMF)

The National Disaster Management Framework (NDMF) serves as Nigeria's principal strategic document for coordinating disaster response.¹³⁰ Although it has not been enacted as legislation, it functions as a de facto legal framework for managing emergencies that frequently result in internal displacement. The Framework was established in 2010 by the National Emergency Management Agency (NEMA) pursuant to its statutory authority under the NEMA Act.¹³¹ It was developed to operationalize the Act's provisions to address the historical deficiencies of Nigeria's ad-hoc and fragmented disaster response system.¹³² The NDMF is structured around eleven pillars. Some of which are the Disaster Risk Reduction, Preparedness, Response, and Recovery. The Framework also emphasizes proactive measures such as climate adaptation and conflict prevention. It mandates the establishment of early

¹²⁸ O. N. Ojukwu, 'From Policy to Law: The Urgent Need for an Internally Displaced Persons Act in Nigeria' *Nigerian Bar Journal* (2021) 10(4) 112.

¹²⁹ T. P. Shettima, 'Assessing the Legal Status of the National Policy on Internally Displaced Persons in Nigeria' *African Journal of International and Comparative Law* (2022) 30(2) 278.

¹³⁰ National Disaster Management Framework 2010.

¹³¹ National Emergency Management Agency 1999.

¹³² National Emergency Management Agency (NEMA) Act, Cap. N34, Laws of the Federation of Nigeria 2004, Section 5-8.

warning systems and contingency planning to anticipate displacement. More importantly, it outlines procedures for the provision of emergency shelter, food distribution, healthcare, and livelihood restoration for displaced populations.¹³³ The Framework also establishes hierarchy for coordination efforts, designating NEMA as the lead agency nationally and it pushes for the creation of State Emergency Management Agencies (SEMAs) and Local Emergency Management Committees (LEMCs) to ensure implementation at subnational levels.

The NDMF aligns with international standards but its efficiency is constrained by its status as a policy instrument rather than an Act of the National Assembly. As such, it lacks binding force and cannot confer enforceable rights or obligations.

3.3.4 National Emergency Relief Act of 1976

The National Emergency Relief Act of 1976 was Nigeria's first major law aimed at organizing how the country responds to disasters and emergencies.¹³⁴ It was passed shortly after the Nigerian Civil War and was meant to create a legal foundation for delivering emergency aid across the country. However, the law did not specifically mention Internally Displaced Persons (IDPs), as the concept had not yet gained prominence in global humanitarian law. The Act was introduced under the military government of General Olusegun Obasanjo as part of efforts to promote national unity and resilience after the war.¹³⁵ It established the National Emergency Relief Agency (NERA), which was responsible for providing quick assistance to victims of natural disasters and communal conflicts.¹³⁶ NERA was given the power to coordinate relief materials, manage emergency shelters, and work

¹³³ J. C. Ezeilo, 'The National Disaster Management Framework: A Critical Overview' *Nigerian Journal of Legal Studies* (2013) 45.

¹³⁴ National Emergency Relief Act, Cap. 49, Laws of the Federation of Nigeria 1990.

¹³⁵ J. O. Irukwi, 'Nigeria at the Crossroads: A Nation in Transition' (Wordsworth Publishing 1993) 112.

¹³⁶ (n134) Section 2(1).

with state governments and NGOs.¹³⁷ Still, its focus was on short-term relief rather than long-term protection, and it did not include international human rights principles that later became essential in protecting IDPs.¹³⁸

The law's key provisions are found in Sections 3 and 4. Section 3 empowered NERA to "provide immediate relief and assistance to persons affected by disasters"¹³⁹ while Section 4 allowed it to "cooperate with such other bodies or organizations as it deems fit for the purpose of discharging its functions."¹⁴⁰ However, the Act did not clearly define what counted as a "disaster" or "emergency," leaving it up to the government to decide when to act.¹⁴¹ This lack of clarity often led to slow or insufficient responses, especially in cases of displacement caused by conflict or development projects. Eventually, the Act was repealed and replaced by the NEMA Act of 1999, which created a stronger and more organized agency with broader responsibilities. Still, the 1976 Act remains an important part of Nigeria's legal history.

3.3.5 Violence Against Persons (Prohibition) Act, 2015

The Violence Against Persons (Prohibition) Act, 2015 (VAPP Act)¹⁴² was not created specifically for Internally Displaced Persons (IDPs). However, many of its provisions offer important protections for IDPs especially women and children who are often more vulnerable during displacement. Before the VAPP Act, Nigeria's legal response to violence was

¹³⁷ *ibid* Section 3(2)(c).

¹³⁸ M. Adeola, 'The Legal Protection of Internally Displaced Persons in Nigeria: A Critical Analysis' (2018) *African Journal of International and Comparative Law* 12(1) 45-48

¹³⁹ (n134) Section 3(1)(a).

¹⁴⁰ *ibid* 4(1).

¹⁴¹ F. O. Okereke, 'Disaster Management in Nigeria: A Legal Perspective' (2005) *Nigerian Journal of Legal Studies* 3(1) 78- 82.

¹⁴² Violence Against Persons (Prohibition) Act 2015.

scattered across different laws, such as the Criminal Code in the South,¹⁴³ the Penal Code in the North,¹⁴⁴ and the various state laws.

Several sections of the Act are directly relevant to IDPs. Section 4 criminalizes actions that cause psychological harm or mental distress.¹⁴⁵ Section 19 targets violence intended to disrupt government functions, stating that causing physical injury or disfigurement for such purposes is a crime.¹⁴⁶ Section 19(3) also prohibits compulsion by force or threat to engage in any conduct or act. The Act also allows courts to issue protection orders under Sections 9–15, offering immediate legal safety to victims.¹⁴⁷ Section 20 makes it a crime to deliberately deprive someone of basic necessities like food, water, shelter and health if doing so causes foreseeable physical, psychological or other harm.¹⁴⁸ However, because it focuses mainly on criminal punishment and is not fully adopted nationwide, it can not stand alone as a complete solution for IDP protection. Its impact is strongest when used alongside broader frameworks like the Kampala Convention and Nigeria’s National Policy on IDPs.

3.4 International Institutional Frameworks for the Protection of IDPs

The international framework for protecting Internally Displaced Persons (IDPs) is built on collaboration between major international institutions such as the United Nations High Commissioner for Refugees (UNHCR), the UN Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM).

¹⁴³ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria (LFN) 2004.

¹⁴⁴ Penal Code (Northern States) Federal Provisions Act, Cap P3, LFN 2004.

¹⁴⁵ (n142) Section 4.

¹⁴⁶ *ibid* Section 19.

¹⁴⁷ *ibid* Section 9-15.

¹⁴⁸ *ibid* Section 20.

3.4.1 The United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) was created on December 14, 1950, by the UN General Assembly to protect refugees and help them find lasting solutions.¹⁴⁹ With the adoption of the Guiding Principles on Internal Displacement in 1998, the UN Secretary-General formally assigned the UNHCR a leadership role in IDP protection, camp management, and shelter coordination. This role was formalized under the Cluster Approach which was introduced in 2005 to improve coordination during humanitarian emergencies. The Cluster Approach is a system where different UN and non-UN agencies take the lead in specific sectors such as health, shelter, or food so that no single organization is responsible for the entire response. Under this system: the protection Cluster, led by UNHCR, focuses on ensuring the safety, dignity, and rights of displaced people. It coordinates efforts to prevent violence, abuse, and exploitation, and promotes access to justice and legal documentation; the Camp Coordination and Camp Management (CCCM) Cluster, co-led by UNHCR and the International Organization for Migration (IOM), ensures that displacement sites and camps are well-managed, safe, and inclusive.

In Nigeria, UNHCR brings international attention to the IDP crisis. However, it faces issues like underfunding, difficulty in reaching remote or unsafe areas, as well as the overwhelming scale of displacement. Therefore its success in aiding displacement coordination effort depends a lot on government cooperation, and available resources.

3.4.2 International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross (ICRC) is an international organization founded in 1863 by Henry Dunant that helps people affected by war and violence. As in the

¹⁴⁹ UN General Assembly Statute of the Office of the United Nations High Commissioner for Refugees (1950) A/RES/428(V).

case of International Armed Conflicts (IACs) and Non-international Armed Conflicts (NIACs). In Nigeria, where the Boko Haram insurgency falls under the latter,, the ICRC also plays a role in responding to the crisis. Its authority is rooted in international humanitarian law, especially the Geneva Conventions of 1949 and their Additional Protocols of 1977 and these laws give the ICRC the right to offer humanitarian help during armed conflicts. It also has a permanent mandate under the Statutes of the International Red Cross and Red Crescent Movement to promote humanitarian law and provide protection and assistance wherever needed.¹⁵⁰

The ICRC operates in Nigeria under a Memorandum of Understanding (MoU) with the government, which outlines its role and grants it the independence and protections needed to work effectively.¹⁵¹ Its role includes the provision of emergency food, shelter, and household items to newly displaced families. It supports healthcare facilities and surgical units treating people wounded in conflict. It also attempts to provide access to clean water and sanitation in displacement sites.¹⁵² However, the ICRC's focuses on the effect of displacement and not the causes. So while, it is highly effective in delivering aid and protection, it does not enforce laws that tackle the causes of displacement.

3.4.3 UN Office for the Coordination of Humanitarian Affairs (OCHA)

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) plays a vital role in organizing and guiding the international response to emergencies and disasters. OCHA was established in 1991 through General Assembly Resolution 46/182. Originally called the Department of Humanitarian Affairs (DHA), it was restructured into OCHA in

¹⁵⁰ Statutes of the International Red Cross and Red Crescent Movement, Article 5(3).

¹⁵¹ Memorandum of Understanding between the Government of the Federal Republic of Nigeria and the International Committee of the Red Cross 2004.

¹⁵² International Committee of the Red Cross, 'Annual Report 2022: Nigeria' (2023) <<https://www.icrc.org/en/document/nigeria-annual-report-2022/>> 19 November 2025.

1998 to better handle large-scale crises like internal displacement. OCHA's work with IDPs is based on the Guiding Principles on Internal Displacement. It does not run aid programs itself. Instead, it coordinates efforts across agencies and organizations. Its main tasks include leading the Inter-Agency Standing Committee (IASC) managing the Cluster System, advocating for humanitarian principles, shaping policy, and overseeing funding tools like the Central Emergency Response Fund (CERF) which is a fast-acting fund run by OCHA that helps pay for urgent, life-saving aid when emergencies strike unexpectedly, and Country-Based Pooled Funds (CBPFs) which helps get money straight to the people doing the work on the frontlines.¹⁵³

In Nigeria, OCHA activates and manages the Cluster System. This system ensures that UN agencies and NGOs work together efficiently and avoid duplication. However, OCHA's success in Nigeria depends heavily on the cooperation of the government. Its ability to operate is often limited by the same challenges it aims to solve like poor access to conflict zones and security risks.

3.4.4 International Organization for Migration (IOM)

The International Organization for Migration (IOM)¹⁵⁴ has evolved to include both humanitarian assistance and support for durable solutions for Internally Displaced Persons (IDPs) even though it was not originally established as a protection agency. IOM's expertise in migration management and its role as co-lead of the Camp Coordination and Camp Management (CCCM) Cluster, positions makes it important to displacement response, especially where national capacity is limited. In Nigeria, IOM's engagement intensified following the escalation of the Boko Haram insurgency which triggered widespread

¹⁵³ OCHA, 'OCHA in 2022 & 2023: Plan and Budget' (2022) 12-18.

¹⁵⁴ IOM Constitution 1951 (as amended), Article 1(1).

displacement and necessitated coordinated international intervention. IOM's legal authority in Nigeria is also derived from a Memorandum of Understanding (MoU) with the Federal Government, which grants it legal personality and operational privileges and ¹⁵⁵ its activities are guided by the Guiding Principles on Internal Displacement and the Kampala Convention.

IOM's most prominent tool is the Displacement Tracking Matrix (DTM), which provides real-time data on displacement trends, population figures, and site conditions.¹⁵⁶ This data supports planning and coordination among humanitarian actors. However, the DTM has limitations, which may result in data gaps or inaccuracies. Beyond data collection, IOM also provides emergency shelter, non-food item distribution, and psychosocial support. It also facilitates voluntary returns in safe and dignified conditions.

3.5 National Institutional Frameworks for the Protection of IDPs

Nigeria's institutional framework for protecting Internally Displaced Persons (IDPs) is a multi-agency structure with each operating within its statutory mandate to respond to the aftermath of disaster in Nigeria which can lead to displacement.

3.5.1 National Commission for Refugees, Migrants, and Internally Displaced Persons (NCRFMI)

The NCRFMI is Nigeria's official agency in charge of coordinating support for Internally Displaced Persons (IDPs). It was first set up as the National Commission for Refugees by Decree No. 52 of 1989.¹⁵⁷ Its initial focus was centered on Nigeria's obligations to refugees under international law, particularly the 1951 UN Refugee Convention and its 1967 Protocol but as internal displacement increased, the government saw the need to expand its role. In

¹⁵⁵ Memorandum of Understanding between the Government of the Federal Republic of Nigeria and the International Organization for Migration 2002.

¹⁵⁶ IOM Nigeria, 'Displacement Tracking Matrix (DTM) Reports' <<https://dtm.iom.int/nigeria/>>

¹⁵⁷ National Commission for Refugees Decree No. 52 of 1989.

2017, the Commission's mandate was formally broadened through the NCFRMI Act, which replaced the old law. The Act gave NCFRMI the power to formulate and implement policies for the protection and assistance of internally displaced persons and to coordinate the activities of all agencies, whether governmental or non-governmental.¹⁵⁸

Under Section 13(1) of the Act, NCFRMI is responsible for creating national policies, providing emergency relief, managing IDP camps, and helping Persons of Concern (PoCs) find long-term solutions like return, integration, or resettlement.¹⁵⁹ The law also requires the Commission to protect the rights and dignity of IDPs in line with international standards like the UN Guiding Principles and the Kampala Convention. However, NCFRMI faces issues such as the government's failure to fund and support the Commission, and lack of political will. Therefore, it often depends on international organizations to carry out its work.¹⁶⁰ The overlap with other agencies like NEMA and SEMAs, poses a challenge.

3.5.2 Federal Ministry of Humanitarian Affairs Disaster Management and Social Development (FMHADMSD)

The Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development (FMHADMSD) is Nigeria's main government body for handling humanitarian crises, including the challenges faced by Internally Displaced Persons (IDPs). It was created in August 2019 by President Muhammadu Buhari to respond to growing problems like insurgency, climate-related disasters, and communal conflicts. Although legally, the Ministry was established through presidential powers, its work is supported by laws that govern the agencies it oversees. One of its key programs is the National Social Investment Programme

¹⁵⁸ National Commission for Refugees, Migrants and Internally Displaced Persons Act Cap. N21 Laws of the Federation of Nigeria 2004 (2017), Section 1 & 3(1).

¹⁵⁹ *ibid* Section 13(1).

¹⁶⁰ M. S. Abdul, 'Coordination Challenges in Nigeria's Response to Internal Displacement: NCFRMI, NEMA and the Dilemma of Duplication' *Humanitarian Practice Review* (2021) 8(4) 78.

(NSIP), which includes conditional cash transfers and other welfare schemes to help persons move beyond emergency aid and rebuild their lives.¹⁶¹ The Ministry also leads the implementation of the National Policy on Internally Displaced Persons. According to the Policy, the Ministry must coordinate all relevant MDAs, that is, Ministries, Departments, and Agencies to ensure that the plan is carried out effectively.

To do this, FMHADMSD supervises major agencies like NEMA, which handles disaster response and emergency relief, and the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), which is legally responsible for IDP protection. While this setup is meant to create synergy, in practice, overlapping roles between these agencies have led to confusion and delays.

3.5.3 National Emergency Management Agency (NEMA)

The National Emergency Management Agency (NEMA) was created in 1999 through the NEMA Act, replacing the older National Emergency Relief Agency (NERA).¹⁶² NEMA marked a shift from simply reacting to emergencies to building a more complete system that includes prevention, preparedness, mitigation, and response. Today, it operates under the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, and plays a key role in Nigeria's efforts to support Internally Displaced Persons (IDPs). NEMA's legal duties are outlined in the NEMA Act.¹⁶³ According to Section 5(1), the agency must coordinate and facilitate the provision of necessary resources for search and rescue and other disaster-related activities. Section 6(i) also gives NEMA the power to coordinate the activities of all voluntary organizations engaged in emergency relief operations across

¹⁶¹ J. C. Eze, 'Institutional and Legal Frameworks for Internal Displacement in Nigeria: A Critical Analysis' *Journal of African Law* (2021) 45(1) 120-125.

¹⁶² National Emergency Management Agency Act Cap. N34 Laws of the Federation of Nigeria 2004.

¹⁶³ *ibid* Section 5(1).

Nigeria. This coordination is especially important when responding to internal displacement, which often involves many different actors. NEMA also works with State Emergency Management Agencies (SEMAs) and international partners to develop carry out disaster management programs.

When it comes to IDPs in Nigeria, NEMA is responsible for managing camps, distributing relief items, and providing emergency support. This role was especially visible during the 2012 floods which displaced over 2 million people. The NEMA Act does not specifically mention internally displaced persons and its approach is often reactive, stepping in after displacement has occurred, rather than working to prevent or reduce displacement. This creates a gap, as IDPs need more than just emergency aid, they also need rights-based support. NEMA also struggles with limited funding, logistics, and coordination issues with SEMAs, which can lead to duplicated efforts or missed opportunities to help those in need.

3.5.4 State Emergency Management Agencies (SEMA)

State Emergency Management Agencies (SEMAs) are the state-level bodies responsible for handling disasters and emergency in Nigeria. They work alongside the national agency, NEMA, but focus on local emergencies within their own states. SEMA is created by virtue of Section 8(1) of the NEMA Act.¹⁶⁴ Their duties include creating disaster plans, coordinating rescue efforts, distributing relief materials, managing IDP camps, and educating the public on disaster preparedness.¹⁶⁵ However, how well a SEMA performs depends on how much support it gets from its state government. This means some SEMAs are strong and active, while others struggle due to poor funding and lack of staff. In many cases especially in states

¹⁶⁴ (n162) 8(1).

¹⁶⁵ *ibid* Section 6.

affected by conflict, SEMAs have not been able to meet the needs of displaced persons, often relying on NEMA and international organizations to help.

3.5.5 National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) is a statutory body established to promote and protect human rights in Nigeria.¹⁶⁶ Initially created by decree in 1995, it was reconstituted under the National Human Rights Commission Act, 2010. The Commission was formed during a period of military rule to provide accountability for widespread human rights violations.¹⁶⁷ Under the 2010 Act, the NHRC was granted quasi-judicial powers, enabling it to investigate human rights violations on its own initiative, mediate disputes, and issue binding decisions and recommendations.¹⁶⁸ The NHRC's mandate is derived from the 1999 Constitution (as amended), the African Charter on Human and Peoples' Rights, and the Kampala Convention.

The Commission addresses violations such as infringements on the rights to life, dignity, shelter, health, and education. Hence its relevancy to IDPs. However, it relies on cooperation from other government agencies, which may not always be forthcoming. Also, inadequate funding remains a problem.

3.5.6 The Nigerian Red Cross Society (NRCS)

The Nigerian Red Cross Society (NRCS) established by virtue of the Nigerian Red Cross Society Act,¹⁶⁹ is officially recognized as an 'auxiliary to public authorities in the humanitarian field,' meaning it works alongside government agencies while maintaining its

¹⁶⁶ National Human Rights Commission Act 2010 Cap. N46 Laws of the Federation of Nigeria, Section 5(1).

¹⁶⁷ Nigerian National Human Rights Commission Decree No. 22 of 1995.

¹⁶⁸ National Human Rights Commission Act 2010, Section 5.

¹⁶⁹ Nigerian Red Cross Society Act Cap. N99 Laws of the Federation of Nigeria 2004.

independence. It operates under the core principles of the International Red Cross and Red Crescent Movement which are humanity, impartiality, neutrality, and independence. Its legal mandate allows it to provide emergency aid during armed conflict, natural disasters, and other crises in Nigeria. The NRCS was formally created in 1960, the same year Nigeria gained independence.¹⁷⁰ Its functions are outlined in the Nigerian Red Cross Society Act, which authorizes it to provide volunteer assistance during war and peace, including during pandemics and disasters.¹⁷¹

The Nigerian Red Cross Society Act gives the Society authority within Nigeria and it works closely with agencies like NEMA to provide a wide range of support to IDPs. This includes emergency relief like food, water, shelter, and non-food items, mobile health services in camps, clean water and sanitation programs, and help reconnecting families separated by conflict.¹⁷² Its large network of community-based volunteers allows it to respond quickly, often reaching areas that are difficult for other organizations to access. However, it has challenges too. Its struggles with limited funding and heavy dependence on donor support are some of them.

3.6 Chapter Analysis

This Chapter shows that Nigeria has made progress in creating laws and policies to protect Internally Displaced Persons (IDPs), but major challenges still prevent these efforts from working effectively. The legal framework is now more adequate, but its effectiveness is weakened by poor implementation, lack of reliable data, and gaps in legal protection.

¹⁷⁰ Nigerian Red Cross Society, 'Who We Are: Our History' (2023) <<https://www.redcrossnigeria.org/who-we-are/history/>> accessed 19 November 2025.

¹⁷¹ (n169) Section 1.

¹⁷² Nigerian Red Cross Society, 'Disaster Management' (2023) <<https://www.redcrossnigeria.org/what-we-do/disaster-management/>> accessed 19 November 2025.

Chapter Four: Comparative Analysis

4.1 Case Studies on the Ineffectiveness in Legal Protection in Nigeria

Case studies from the BAY States; Borno, Adamawa, and Yobe, as well as Benue and Plateau States, highlight a serious gap between existing laws and the lived experiences of displaced persons in Nigeria.

4.1.1 The BAY States

This refers to Borno, Adamawa and Yobe states, as provided for below.

4.1.1.1 Borno

The experience in Borno State offers a clear example of the gap between having a legal framework and actually protecting Internally Displaced Persons (IDPs) in reality. Although Borno is one of the centres of Nigeria's displacement crisis caused by the Boko Haram insurgency, the laws and policies meant to help IDPs have not been effectively applied. Borno State faces a complex emergency that has stretched government institutions beyond their capacity, including the Borno State Emergency Management Agency (BSEMA), the primary body mandated to coordinate response. This has led to serious failures in protecting IDPs, ensuring accountability, and providing long-term solutions, making the legal protections that exist feel abstract and ineffective for many displaced persons.¹⁷³ One major example of this problem is the weak implementation of the National Policy on Internally Displaced Persons (2021) in Borno. The policy sets out strong standards for protecting IDPs and helping them rebuild their lives, but its application has been uneven and poorly funded, with Borno SEMA often lacking the logistical capacity and funding to translate the policy into effective action. For instance, while the policy supports voluntary, safe, and dignified return, this is often contradicted by government decisions to close camps, which sometimes

¹⁷³ IDMC, 'Nigeria: Internal displacement figures analysis' (2023) <<https://www.internal-displacement.org/countries/nigeria/>> accessed 9 November 2025.

pressure IDPs to return to unsafe areas without proper services.¹⁷⁴ This creates a difficult choice for IDPs as they have to decide to stay in camps with declining support or return to uncertain conditions. This situation goes against the Kampala Convention, especially Article 11, which guarantees voluntary return.¹⁷⁵

The lack of legal accountability for violations against IDPs further shows the protection gap. The Violence Against Persons (Prohibition) Act 2015 (VAPP), which is in force in Borno, makes sexual and gender-based violence a crime.¹⁷⁶ Yet, reports of abuse, exploitation, and forced marriages in IDP camps continue, with very few prosecutions.¹⁷⁷ This lack of justice is due to weak courts in many areas, fear among survivors, and limited access to legal aid making the VAPP Act's protections hard to enforce. The Child Rights Act, also adopted in Borno, faces similar problems in protecting displaced children from abuse, separation, and recruitment.¹⁷⁸ This shows that having laws on paper does not guarantee real protection. The mental health impact of these experiences such as depression and trauma is well documented among young IDPs, but mental health services are underfunded and not a priority in legal protection efforts.¹⁷⁹ The failure to provide basic needs also reflects the limits of the legal system. Section 34 of the 1999 Constitution guarantees the right to dignity, but many camps

¹⁷⁴IOM, 'DTM Return Index Report: Borno State' (2020) <https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/DTM%20Nigeria%20-%20Household%20Intention%20Survey%20report%20April%202024%20-%20Borno%20State.pdf>> accessed 10 November 2025.

¹⁷⁵ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009, Article 11.

¹⁷⁶ Violence Against Persons (Prohibition) Act 2015, Section 3.

¹⁷⁷ Amnesty International, 'Nigeria: Women And Girls Abused By Security Forces Must Get Justice' (2022), <<https://www.amnesty.org/en/latest/news/2022/06/nigeria-women-and-girls-abused-by-security-forces-must-get-justice/>>accessed 10 November 2025.

¹⁷⁸ Child Rights Act, Laws of the Federation of Nigeria 2003

¹⁷⁹ Isaac Iyinoluwa Oluufadewa, 'Watching My Family Being Killed By Terrorists Made Me Really Depressed' *Journal of Migration and Health* (2022) 5 <<https://doi.org/10.1016/j.jmh.2022.100121>](<<https://doi.org/10.1016/j.jmh.2022.100121>> accessed 11 November 2025.

in Borno suffer from overcrowding, hunger, and poor sanitation, which violate this right.¹⁸⁰ The coordination of camp management, a key responsibility of Borno SEMA, has been frequently criticized as inadequate, leading to these dire conditions. These conditions lead to poor health and make it harder for IDPs to recover and rebuild.¹⁸¹ Although Section 17(3)(d) of the Constitution calls on the government to provide shelter and food, this part of the law cannot be enforced in court, showing the limits of legal protection when political will and funding are lacking. Laws like the National Food Security Act 2023 have not yet reached the most vulnerable IDPs in Borno. Health services are also hard to access, and many IDPs lack the resources to seek care, showing a wider failure across sectors. In some cases, these conditions lead to increased substance abuse as a way to cope, which adds more challenges to protection and recovery.

While non-governmental organizations play an important role, their efforts are limited. Groups like the International Organization for Migration (IOM) have helped with emergency aid and some returns. However, ongoing problems like lack of jobs and poor social integration show that these efforts cannot fully replace the government's duty to provide a safe and supportive environment under the law. The reliance on NGOs often highlights the operational weaknesses of Borno SEMA, which struggles to provide a coherent and sustainable response. Community hosting in Maiduguri has helped, but it is stretched thin, showing that informal support cannot succeed without formal legal and government

¹⁸⁰ Constitution of the Federal Republic of Nigeria 1999, Section 34.

¹⁸¹ Olayinka Akinrolie, 'Physical Inactivity Among Internally Displaced Persons In Nigeria' *Journal of Migration and Health* (2022) 5 <<https://doi.org/10.1016/j.jmh.2022.100140/>> accessed 11 November 2025

backing.¹⁸² Media reports have drawn attention to the suffering of IDPs, but this has not led to consistent government action to fix the gaps in legal enforcement.¹⁸³

In conclusion, the Borno case shows that Nigeria's legal framework for IDPs is weakened by poor implementation. Long-term insecurity, weak institutions including an under-resourced SEMA and limited funding create conditions where laws and policies fail to protect displaced persons. Unless enforcement improves, accountability is strengthened, and IDPs are prioritized in practice, even the best legal instruments will fall short. A combined approach that includes community development and reinforcing agencies like SEMA is needed to support legal efforts and address the deep marginalization faced by IDPs.¹⁸⁴

4.3.1.2 Adamawa

A careful assessment of Nigeria's legal framework for Internally Displaced Persons (IDPs) reveals a serious gap between what the law says and what happens in reality. This disconnect is clearly seen in the ongoing situation in Adamawa State.¹⁸⁵ Although Adamawa has long suffered from Boko Haram attacks and inter-communal violence, the laws meant to protect IDPs have done little to ease their suffering. The state relies heavily on the National Policy on Internally Displaced Persons (2012), a document that lacks legal force and does not create enforceable rights for displaced people. This weakness is made worse by the absence of a specific national law that clearly outlines and funds the protection of IDPs, leaving their welfare to inconsistent and often inadequate government efforts. The main state agency, the

¹⁸² C. Erong, 'Community Hosting of Internally Displaced Persons in Maiduguri' (Erasmus University Rotterdam 2017).

¹⁸³ Maryam Ibrahim, 'An Analysis of News Reports of Internally Displaced Persons (IDPs) in Nigeria by Daily Trust and the Nation Newspapers in the Year 2016' *New Media and Mass Communication* (2017) 59.

¹⁸⁴ S. Sadat, 'Role of Community Development on Marginalized Internally Displaced Persons (IDPs) in Borno State, Northeast Nigeria' *International Journal of Academic Research in Business and Social Sciences* (2021) 11(12).

¹⁸⁵ IOM, 'Displacement Tracking Matrix (DTM) Round 42 Report – Nigeria' (2023) 17
<https://dtm.iom.int/sites/g/files/tmzbd11461/files/maps/Page%2017_MT_R42_IDPs_RET%20locations%20Statewise%20Atlas_ADAMAWA./> accessed 10 November 2025.

Adamawa State Emergency Management Agency (ADSEMA), has struggled to meet its responsibilities. Many IDPs have expressed dissatisfaction with its efforts to support rehabilitation and reintegration, showing that even when a mandate exists, implementation remains weak.¹⁸⁶

The lack of effective legal protection is especially clear in the poor conditions of both official and unofficial IDP camps in Adamawa.¹⁸⁷ Overcrowding, poor sanitation, and food shortages are common. These conditions violate the constitutional right to dignity, guaranteed under Section 34 of the 1999 Constitution. Studies from camps around Greater Yola report serious problems such as no privacy, inadequate toilets, and widespread hunger all of which go against the African Union Kampala Convention, which Nigeria has signed. The issue is not that the Constitution fails to recognize these rights, but that there are no strong systems to enforce them. The legal framework also fails to address key challenges like secondary displacement, property disputes, and long-term integration. Many IDPs who try to return home find their land and houses occupied, leading to long legal battles that the current system cannot resolve quickly or fairly.¹⁸⁸ The Land Use Act gives control of all land to the state governor, but it does not offer special help for IDPs trying to reclaim their property. This forces them into expensive and often corrupt legal processes they cannot afford. Without a law like the Draft National IDP Bill which proposes clear steps for returning housing, land, and property IDPs in Adamawa remain stuck in legal uncertainty, unable to rebuild their lives. Poor water systems and housing in host communities make things worse, violating the

¹⁸⁶ Abdulrazak Aide, 'Internally Displaced Person's Perception of the Roles of Adamawa State Emergency Management Agency (ADSEMA) in the Rehabilitation and Reintegration of Internally Displaced Persons' (2024), <<https://doi:10.5281/zenodo.12751855/>> accessed 12 November, 2025.

¹⁸⁷ Luka Yahoo, 'Challenges of IDPs in Camp Setting in Greater Yola Area, Adamawa State, Nigeria,' *Jalingo Journal of Social and Management Sciences* (2024) 5(3) 12 <<https://oer.tsuniversity.edu.ng/index.php/jjsms/article/download/448/430/2276/>> accessed 12 November 2025

¹⁸⁸ Luka Yahoo, 'Housing the Displaced a Comprehensive Analysis of Forced Migration's Impact on Land and Housing in Greater Yola, Adamawa State, Nigeria' *IJRIS* (2024) 8(11).

Kampala Convention and creating health risks and deeper poverty. The emotional toll of this legal neglect is severe. Many IDPs in Adamawa suffer from trauma, depression, and stress, all linked to the state's failure to provide proper protection and long-term support.

In conclusion, the situation in Adamawa highlights the serious flaws in Nigeria's legal system for protecting IDPs. The reliance on weak policies, the lack of a strong legal framework, and the limited role of the courts all contribute to laws that are not working. The suffering of IDPs in Adamawa from unsafe camps and poor water access to lost livelihoods and mental health struggles is not just a humanitarian issue. It is the result of a legal system that fails to turn written promises into real protection and justice for those who need it most.

4.3.1.3 Yobe

The IDP situation of Yobe State offers a clear example of the gap between having legal frameworks and actually protecting Internally Displaced Persons (IDPs) on the ground. Although Yobe has been heavily affected by the Boko Haram insurgency, leading to widespread displacement, the laws and policies meant to safeguard IDPs have not delivered meaningful results. This failure is not due to a total lack of policy, but rather to poor implementation, the absence of state-level legal instruments, and pressure on already weak infrastructure and governance systems.¹⁸⁹ For more than a decade, the BAY states, Borno, Adamawa, and Yobe have faced serious protection challenges. IDPs in these regions have often been relocated or had their camps closed without proper consultation or guarantees of safety and dignity.¹⁹⁰

¹⁸⁹ I. A. Umar & M. B. Ya'u, 'Challenges of Internally Displaced Persons (IDPs) in Yobe State, Nigeria: A Review' *Global Journal of Human-Social Science: Political Science* (2021) 21(3).

¹⁹⁰ Global Protection Cluster, 'Advocacy Note on Protection Concerns related to the Closure of Camps in LGAs in Borno State, North-East Nigeria' (2023).

One major issue in Yobe has been the lack of a domesticated legal framework that turns national and international commitments into enforceable state-level obligations. Although the National Policy on IDPs exists, it does not carry the weight of law and depends on state governments to adopt and enforce it.¹⁹¹ For years, Yobe did not pass supporting legislation, creating a legal vacuum where no one could be clearly held accountable. The constitutional right to dignity under Section 34 of the 1999 Constitution was routinely violated in IDP camps due to overcrowding, poor sanitation, and health risks, yet no state law provided a clear path for legal remedy.¹⁹² Research from camps like Pompomari in Damaturu revealed serious health concerns and a lack of basic services, showing how this legal gap directly affects displaced persons.¹⁹³ The issue of camp closures, which began as early as 2017, further highlights the problem. Without a strong legal framework, decisions about IDPs were often made without considering their safety or preferences, leaving them with few options for return or integration.

A major shift came in May 2024, when Yobe State introduced its own Policy on Internally Displaced Persons.¹⁹⁴ This policy, along with a new Action Plan, aims to create a state-level system for protection and long-term solutions.¹⁹⁵ However, its success depends on how well it is implemented and whether it can overcome long-standing challenges. Security, which is a

¹⁹¹ *National Policy on Internally Displaced Persons (IDPs) in Nigeria* (2012). Federal Government of Nigeria. Available at: <https://www.refworld.org/docid/5a3d6f0c4.html>.

¹⁹² *Constitution of the Federal Republic of Nigeria, 1999 (as amended)*, Section 34.

¹⁹³ Umar S.S, ‘Assessment of Health Risks Amongst Vulnerable Groups of Internally Displaced Persons in Pompomari Camp, Damaturu, Yobe State, Nigeria’ *IGWEBUIKE: An African Journal of Arts and Humanities* (2018) 4(1).

¹⁹⁴ *Yobe State Policy on Internally Displaced Persons 2024.

¹⁹⁵ *Yobe State Action Plan on Solutions to Internal Displacement* (2024). See summary at: <https://yobestate.gov.ng/2024/08/21/what-to-know-about-yobe-states-policy-on-internally-displaced-persons-idps-launched-by-gov-mai-mala-buni/>.

key duty of the state under Section 14(2)(b) of the Constitution, remains weak.¹⁹⁶ Many IDPs still live in areas at risk of attacks, and protection from gender-based violence and exploitation is not consistently provided.¹⁹⁷ Coordination problems within the Yobe State Emergency Management Agency (YSEMA) have also made it difficult to respond effectively to humanitarian needs, and the new policy must address these issues urgently. Legal protection also falls short when it comes to livelihoods and long-term solutions. The Land Use Act creates major obstacles for IDPs trying to return to their ancestral lands. Many displaced persons from rural areas have lost their land documents and struggle to prove ownership.¹⁹⁸ This problem is made worse by the destruction of local government records during insurgent attacks, creating a legal and administrative mess that keeps people displaced. Surveys show that IDPs in Yobe still face serious food shortages and lack access to stable income, proving that legal frameworks have not yet led to economic security. The insurgency has devastated traditional jobs in places like Damaturu, and there is an urgent need for training and support programmes to help IDPs rebuild their lives programmes that are still not available at the needed scale.

In conclusion, the Yobe case shows a pattern of legal promises that fail in practice. The 2024 Yobe State IDP Policy is a positive step toward meeting international standards like the Kampala Convention, but its success depends on strong implementation.¹⁹⁹ Without proper funding, better institutional capacity at agencies like YSEMA, and serious efforts to fix legal barriers around housing, land, and property, IDPs will continue to suffer. Yobe's history makes it clear: having a policy is not enough. What is needed is strong political will to put the

¹⁹⁶ *Constitution of the Federal Republic of Nigeria, 1999*, Section 14(2)(b).

¹⁹⁷ OCHA, 'Nigeria: Borno, Adamawa, and Yobe (BAY) states - Situation Report' (2025).

¹⁹⁸ IOM Displacement Tracking Matrix (DTM), "Return Locations Statewise Atlas - Yobe" (Various Rounds, e.g., Round 42, 44), showing the patterns of return and the complexities involved.

¹⁹⁹ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, 2009.

law into action and make the rights guaranteed under the Nigerian Constitution and international law a reality for displaced people in the state.²⁰⁰

4.3.2 Benue

Even though Benue is one of the few states in Nigeria with a specific law on internal displacement, the ongoing humanitarian crisis shows deep problems in how the law is implemented, funded, and coordinated. The main legal tool the Benue State Open Grazing Prohibition and Ranches Establishment Law, 2017 was created to respond to violent farmer-herder conflicts, which are the main cause of displacement in the state.²⁰¹ However, enforcement of this law has been weak, failing to prevent attacks and allowing the cycle of violence and displacement to continue. This is evident in the growing number of IDP camps, now at least fourteen across the state.²⁰² The poor implementation of legal protections is clearly seen in the conditions of these camps. The Benue State IDPs (Protection, Assistance and Return) Law, 2019, was designed to offer comprehensive support and led to the creation of the Benue State Emergency Management and Rehabilitation Agency (B-SEMRA).²⁰³ Yet, the law has not delivered results due to serious funding shortages and limited capacity.²⁰⁴ Studies show that most camps are overcrowded and lack clean water, toilets, and healthcare—conditions that violate the law’s promise to uphold the dignity and welfare of

²⁰⁰ This conclusion is supported by the analysis in Muktari Garba & Muhammad Tasiu Dansabo, "Challenges Associated with Persons Internally Displaced by Boko Haram Insurgency in Yobe State" *African Journal of Social Sciences and Humanities Research* (2024), Vol. 7, Issue 2, and Abdulrahman Adamu & Muhammad Abdullahi, "The Socio-Economic Implications of Displacement in Nigeria" *International Journal of Peace and Conflict Studies* (2019), 6(1).

²⁰¹ Benue State Open Grazing Prohibition and Ranches Establishment Law 2017, Section 1(1).

²⁰² Kajo Martins, 'BSEMA Lists 55 IDPs for School Exchange Programme, Orphanage Homes' *The Will* (2024) <<https://thewillnews.com/bsema-lists-55-idps-for-school-exchange-programme-orphanage-homes/>> accessed 14 November 2025.

²⁰³ Benue State IDPs Law 2019.

²⁰⁴ *ibid* Section 3

displaced persons.²⁰⁵ Many IDPs struggle daily, facing harsh weather and working on nearby farms to make up for the lack of aid.²⁰⁶ This shows that even a well-written law cannot succeed without strong political support and proper funding.²⁰⁷

In 2024, a major biometric registration was carried out in seven Local Government Areas, including Agatu, Guma, and Makurdi, recording hundreds of thousands of displaced persons.²⁰⁸ While this data is important for planning, as outlined in the National Policy on IDPs, it also reveals a gap between knowing and acting.²⁰⁹ Counting IDPs does not automatically lead to better protection or support. What IDPs say they need most is security to return home, followed by help with livelihoods and mental health needs that the current legal system has not met.²¹⁰ Legal remedies through the courts have also been hard to access for IDPs in Benue. Many lack the money, legal knowledge, or safety to pursue justice.²¹¹ Although the Fundamental Rights (Enforcement Procedure) Rules, 2009 offer a way to seek relief, there are no major cases where IDPs have successfully held the state accountable for failing to protect them.²¹² This lack of legal action shows a serious gap in accountability. The challenges of rebuilding and reintegrating into society remain severe, with IDPs facing

²⁰⁵ Benue State IDPs Law, 2019 (n 2), Sections 10-14. Folashade Florence DAODU et al, 'Humanitarian Crises in Internally Displaced Persons (IDPs) Camps in Benue State, Nigeria: A Comprehensive Analysis', (2024) 8(5) *International Journal of Research and Innovation in Social Science* 2282.

²⁰⁶ Johnstone Kpilaakaa, 'It's a struggle: Benue IDPs brave harmattan cold and gruelling farm work to survive', *HumAngle* (November 27, 2023) <<https://humanglemedia.com/its-a-struggle-benue-idps-brave-harmattan-cold-and-gruelling-farm-work-to-survive/>>.

²⁰⁷ Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 14(2)(b).

²⁰⁸ International Organization for Migration (IOM), 'Biometric Registration Progress Report Benue State' (July 1, 2024) Report No. 4 <https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/Biometric%20Registration%20Report%20Benue%20State_01%20July%202024_V3.pdf>.

²⁰⁹ Federal Republic of Nigeria, National Policy on Internally Displaced Persons (IDPs) in Nigeria, (2021).

²¹⁰ IOM, 'Household Intention Survey report August 2024, Benue State' (2024); Ijeoma Onuoha-Ogwe, 'Building a Sense of Normalcy for IDPs in Benue State', *UNICEF Nigeria* (2023) <<https://www.unicef.org/nigeria/stories/building-sense-normalcy-idps-benue-state>>.

²¹¹ National Human Rights Commission, 'Report on the Status of IDPs in Nigeria' (2022).

²¹² Fundamental Rights (Enforcement Procedure) Rules, 2009.

exclusion and limited access to justice further proving that laws alone are not enough.²¹³ There is also a clear conflict between Benue's laws and the federal government's actions. Federal security forces have often been seen as unwilling to enforce the anti-open grazing law or take strong action against armed groups, leaving a gap that allows violence to continue.²¹⁴ This tension reflects a deeper problem in Nigeria's federal system, where state laws can be weakened if federal agencies do not cooperate.²¹⁵ Although the National Policy on IDPs (2021) calls for joint efforts, Benue's experience shows a lack of coordination and support, forcing the state to handle a national crisis with limited resources.²¹⁶

In conclusion, the Benue case shows that having laws is not enough. Without a clear plan for implementation, proper funding, and a justice system that holds officials accountable, legal protections remain ineffective. Benue has a legal framework, but it is not working as it should, leaving IDPs in a prolonged state of hardship and insecurity.

4.3.3 Plateau States

Despite being a hotspot for inter-communal violence for over twenty years, the number of displaced persons remains alarmingly high. As of early 2025, the North-West and North-Central zones of Nigeria, which include Plateau State, hosted an estimated 3,083,461 IDPs, with a significant concentration in Plateau following attacks in Mangu, Bokkos, and Barkin

²¹³ Sheriff Olanrewaju Ajao, 'Internally Displaced Persons in Benue State North-Central Nigeria: The Challenges of Rehabilitation and Reintegration', (2025) 12(1) *International Journal of Governance and Development Studies*; Rita Iorbo et al, 'Social Inclusion and Justice for the Internally Displaced by the Herdsmen-Farmers Conflict in Benue State, Nigeria', (2024) 12(2) *Journal on Migration and Human Security* 96.

²¹⁴ Amnesty International, 'Nigeria: Violence and widespread displacement leave Benue facing a humanitarian disaster' (July 10, 2024) <<https://www.amnesty.org/en/latest/news/2025/07/nigeria-violence-and-widespread-displacement-leave-benue-facing-a-humanitarian-disaster/>>.

²¹⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended), Item 45, Exclusive Legislative List.

²¹⁶ National Policy on IDPs (n 11). UNHCR, 'UNHCR in Nigeria-Middle Belt Operational Update October to December 2023' (2024) detailing the ongoing collaborative efforts and challenges.

Ladi Local Government Areas.²¹⁷ Yet, Plateau State has no specific law of its own to protect and assist IDPs. This legal gap means the state relies on national policies like the National Policy on IDPs, which are not legally binding, and on federal laws like the National Commission for Refugees, Migrants and Internally Displaced Persons Act, which are weakly enforced at the state level. As a result, the legal protections for IDPs in Plateau are mostly theoretical, leaving many in what researchers have called a state of “chronic sorrow.”

One of the most serious consequences of this legal failure is the lack of access to justice for displaced victims. Many IDPs have lost their homes, livelihoods, and important documents, making it nearly impossible to seek legal remedies. After attacks in Barkin Ladi, Riyom, and Bokkos, very few victims were able to pursue justice for destroyed property or loss of life, leaving women and children especially exposed. The Plateau State Emergency Management Agency (SEMA), the main body responsible for IDPs, often lacks funding and resources, relying heavily on federal agencies like NEMA and international partners. While groups like WHO and UNICEF help restore hope, aid is often distributed based on political decisions rather than legal rights. This leads to serious shortages in food, medicine, and sanitation in IDP camps, especially affecting children.²¹⁸ The Cross-Displacement and Fire Disaster Law of Plateau State,²¹⁹ while establishing a management agency, focuses mainly on fire disasters and does not address the complex realities of conflict-related displacement. As a result, SEMA lacks the mandate, funding, and expertise to meet the broader needs of IDPs, including training and support for rebuilding livelihoods. The human impact of these legal shortcomings is severe. Since SEMA focuses mostly on emergency relief, there is little

²¹⁷ International Organization for Migration (IOM), ‘Displacement Tracking Matrix (DTM) Nigeria - IDP Atlas (2025) 5 <https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/Nigeria%20-%20IDP%20ATLAS%20-%20NWNC%20R16%20February%202025_.pdf> accessed 15 November 2025.

²¹⁸ Umennuihe Chidiogo L, ‘Physical and Social Living Conditions of School-Aged Children in Internally Displaced Persons Camps in Plateau State’ *Journal of Home Economics Research (JHER)* 30(1) 72-84.

²¹⁹ Plateau State Cross-Displacement and Fire Disaster Management Agency Law 2012.

attention given to mental health and emotional support.²⁴ Studies in Plateau's IDP camps show high levels of anxiety and emotional distress among children, which affects their ability to learn. Economic hardship and weak family support systems further strain the resilience of displaced families. Children with disabilities are especially neglected, with little access to inclusive education, showing a major failure to uphold basic rights. These gaps prove that without a strong legal framework that guarantees consistent, rights-based support, even the best humanitarian efforts will fall short.

4.4 Comparative Review of Selected Jurisdictions

This section introduces a comparative review of legal frameworks from Niger, Sudan, the Democratic Republic of Congo, Somalia, Ethiopia, Colombia, and Iraq.

4.4.1 Niger

Niger's legal approach to internal displacement stands stronger than Nigeria's. Unlike Nigeria, which depends on a non-binding policy, Niger has enacted a specific law, Law No. 2015-36.²²⁰ This law, developed in line with the Kampala Convention, places a clear legal duty on the government to protect IDPs, prevent displacement, and provide long-term solutions. It guarantees IDPs enforceable rights to assistance, dignity, and security. Still, having a strong law does not automatically guarantee effective protection. Niger faces serious practical challenges, much like Nigeria, especially in areas such as Diffa and Tillabéri where armed violence is widespread.²²¹ This insecurity makes full implementation of the law difficult. Many displaced persons continue to lack access to basic healthcare, food, and safety revealing a wide gap between legal commitments and lived realities

²²⁰ Loi N° 2015-36 du 05 août 2015.

²²¹ IMPACT Initiatives, 'Niger: Displaced Populations In Diffa Face Major Protection Risks And Lack Of Access To Basic Services' 2017.

The core difference between both countries lies in their legal foundation. Nigeria operates under a policy the National Policy on IDPs which is not legally binding and cannot be enforced. This results in a fragmented response, with agencies like NEMA often overstretched. Niger, on the other hand, has a law that imposes a legal obligation on the state to act. The similarity between the two is their shared context: both countries face insurgencies like Boko Haram and climate-related disasters that continue to displace populations. Note also that Niger hosts many Nigerian IDPs who have now fled across the border. In both countries, IDPs living in camps report similar hardships poor healthcare, food shortages, and general dissatisfaction. This shows that even the most well-crafted laws cannot succeed without adequate security and funding. Nigeria can learn from Niger by passing a dedicated law on internal displacement. Such legislation would strengthen accountability and improve coordination of aid. Nigeria should also invest in long-term solutions, such as Niger's market garden projects, which help IDPs earn an income rather than depend solely on relief.

So, is Niger's law both adequate and effective? Legally, the law is excellent and adequate. But in practice, it is only partially effective, limited by insecurity and poverty.⁸ For Nigeria, the message is clear: passing a strong law is the first step in addressing the IDP crisis, but it must be followed by real political commitment and resources to make a meaningful impact on the ground.

4.6.2 **Sudan**

Sudan's main legal framework for Internally Displaced Persons (IDPs) is the National Policy for Internally Displaced Persons of 2009, a document clearly based on the UN Guiding Principles. The responsibility for putting this policy into action lies with the Commission for the Protection of the Rights of Displaced Persons and Affected Persons (CORDPAP), which

was created through a specific law the CORDPAP Act of 2009.²²² This legal foundation is important because it gives both the policy and the Commission a clear mandate and authority under the law. A key reason Sudan's policy carries the force of law, unlike Nigeria's non-binding National Policy on IDPs, lies in this direct statutory backing. The CORDPAP Act of 2009 provides a concrete legal basis for the policy's provisions, effectively codifying its principles. In contrast, Nigeria's policy remains a standalone executive document without a specific act of parliament to enact its provisions into enforceable law, leaving it with more of a guiding than a binding status.

However, Sudan's legal framework faces serious obstacles. The National Security Act (NSA) of 2010 gives wide powers to security forces, allowing them to restrict movement, impose curfews, and block access to certain areas.²²³ These powers often interfere with humanitarian aid and prevent IDPs from reaching safety or returning home. This creates a legal contradiction, one law promises protection, while another enables restriction. The ongoing civil war has made things worse. With governance systems nearly collapsed, the 2009 Policy and CORDPAP have become largely ineffective in practice.²²⁴ The lesson for Nigeria is straightforward: having a law is better than relying on a policy, but without peace and political stability, even the best legal frameworks will fail. Nigeria must take a dual approach: pass a strong IDP law and tackle the root causes of displacement to avoid repeating Sudan's experience.

4.6.3 Democratic Republic of Congo

²²² Commission for the Protection of the Rights of Displaced Persons and Affected Persons Act 2009.

²²³ National Security Act 2010, Section 5.

²²⁴ UNHCR, 'South Sudanese Refugees in Sudan Dashboard' (2025) <<https://reliefweb.int/report/sudan/unhcr-sudan-south-sudanese-refugees-sudan-dashboard-31-august-2025/>> accessed 15 November 2025.

The Democratic Republic of Congo (DRC) has taken a stronger legal step than Nigeria in protecting Internally Displaced Persons (IDPs) by passing Law No. 23/2022.²²⁵ This law stands alone as a comprehensive, rights-based framework that directly incorporates the Kampala Convention. It clearly outlines the government's responsibilities and the rights of IDPs throughout all stages of displacement.²²⁶ In contrast, Nigeria still relies on a non-binding policy—the National Policy on Internally Displaced Persons (2012) and agencies like the National Emergency Management Agency (NEMA), which operate under a general mandate.²²⁷ This key difference means that the DRC's law has full legal force because it is a formal act of legislation, that is, it was passed by parliament, creating legally enforceable rights and duties. Nigeria's IDP policy, however, is an executive guideline without statutory backing. It can guide government action but does not give IDPs a legal right to seek remedies in court.

Even with a strong law, the DRC faces serious challenges in putting it into practice similar to Nigeria's own struggles. Both countries deal with a wide gap between what the law or policy promises and what happens on the ground. This is due to ongoing conflict, weak institutions, and limited resources.²²⁸ In the DRC, the law has not stopped violence or improved safety in IDP camps, showing that legal strength alone is not enough without security and proper systems. Nigeria, lacking a specific law, faces even more coordination problems and weak accountability, especially at the community level where NEMA often struggles. In both countries, international organizations carry much of the burden, revealing a lack of state capacity to manage the crisis. The key lesson for Nigeria is the need to follow the DRC's

²²⁵ Democratic Republic of Congo, *Loi N° 23/2022 du 17 Juin 2022, Art. 1.

²²⁶ *ibid* Art 5-12.

²²⁷ National Emergency Management Agency (NEMA) Act, Cap. N34, Laws of the Federation of Nigeria 2004.

²²⁸ IOM, 'Crisis Response Plan 2024 - Democratic Republic of the Congo' (2024) <<https://crisisresponse.iom.int/response/democratic-republic-congo-crisis-response-plan-2024/>> accessed 16 November 2025.

example by passing a dedicated IDP law. This would turn policy goals into enforceable legal rights. But Nigeria must also avoid the DRC's mistakes in implementation. A dual strategy is needed: first, pass a law that aligns with the Kampala Convention to provide a clear legal foundation; second, invest in security, funding, and long-term solutions that support mental health and help IDPs rebuild their livelihoods. So while the DRC's law is adequate but ineffective, it shows the first step Nigeria must take followed by serious efforts to close the gap between law and reality in both countries.

4.4.4 **Somalia**

Somalia shows how weak legal frameworks fail in a fragile state with ongoing conflict. Even though a national IDP Policy exists, its implementation is undermined by weak institutions and insecurity, leaving over four million internally displaced persons in a severe humanitarian crisis.²²⁹ This failure proves that without effective governance, legal provisions remain only on paper, a lesson directly relevant to Nigeria's own struggles with enforcing policy.

Nigeria's link to Somalia is both practical and instructive. As a major troop contributor to the African Union's peacekeeping mission in Somalia, Nigeria has seen firsthand the effects of state collapse and the difficulty of protecting people during insurgency.²³⁰ Somalia's instability, driven by non-state actors, offers Nigeria a clear comparison of how internal

²²⁹Newsroom, 'Hunger, Struggle, Displacement: Over 4 Million Living in IDP Camps in Somalia,' *Türkiye Today* (2024) <[²³⁰Agaba Halidu, 'Nigeria's Contribution to the Africa Union's \(AU\) Peacekeeping Operation in Somalia 2010 - 2019 \(2023\) <\[https://www.researchgate.net/publication/378798048_NIGERIA'S_CONTRIBUTION_TO_THE_AFRICA_UNION'S_AU_PEACEKEEPING_OPERATION_IN_SOMALIA_2010_-_2019#:~:text=the%20intervention%20of%20the%20African%20Union%20\\(AU\\)%20peacekeeping%20operations,1/>\]\(https://www.researchgate.net/publication/378798048_NIGERIA'S_CONTRIBUTION_TO_THE_AFRICA_UNION'S_AU_PEACEKEEPING_OPERATION_IN_SOMALIA_2010_-_2019#:~:text=the%20intervention%20of%20the%20African%20Union%20\(AU\)%20peacekeeping%20operations,1/>\) accessed 18 November 2025.](https://www.turkiyetoday.com/world/hunger-struggle-displacement-over-4-million-living-in-idp-camps-in-somalia-91537#:~:text=Somalia%2C%20a%20country%20in%20the%20Horn%20of,the%20population%20comprise%20internally%20displaced%20people%20(IDPs)./></p></div><div data-bbox=)

conflict can escalate and shows the urgent need for strong institutions to manage displacement. Both countries face large-scale internal displacement, and Somalia's experience highlights that security is the foundation for any effective legal response to IDPs.²³¹

4.4.5 Ethiopia

Ethiopia faces one of the world's most severe internal displacement crises, with a higher number of IDPs than Nigeria, driven largely by conflict and drought.²³² Despite having a progressive national law, Proclamation No. 1187/2019, which incorporates the Kampala Convention's principles, the reality for IDPs remains dire.²³³

The legal framework's adequacy is undermined by ineffective implementation. Ongoing conflicts restrict humanitarian access, preventing the law's protections from reaching those in need.²³⁴ This implementation gap results in significant hardships, with IDPs suffering from high levels of food insecurity, inadequate shelter, and poor physical and mental health.

Thus, while Ethiopia's legal instruments appear adequate on paper, its systemic failures in enforcement and access render the response to the plights of IDPs largely ineffective.

4.4.6 Colombia

²³¹ Boniface Mwilu, 'Instability in Somalia and Its Impact on Regional Security: A Case Study of Kenya and Ethiopia' *University of Nairobi*, (2016), 5 <[²³² IDMC, '10 Internal Displacement Situations to Watch in 2022' \(2022\) <\[²³³ Abdi Mohammed, 'The Protection of IDPs in Ethiopia: The Analysis of Legal and Institutional Frameworks' *SSRN Electronic Journal* \\(2020\\) <<https://doi.org/10.2139/ssrn.3713981/>> accessed 18 November 2025.\]\(https://story.internal-displacement.org/10-internal-displacement-situations-to-watch-in-2022/index.html#:~:text=The%20world's%20most%20acute%20displacement,have%20all%20aggravated%20the%20situation./> accessed 17 November 2025.</p></div><div data-bbox=\)](https://repository.uonbi.ac.ke/bitstream/handle/11295/94873/Mwilu_Instability%20in%20Somalia%20and%20Its%20Impact%20on%20Regional%20Security.pdf?sequence=3&isAllowed=y#:~:text=The%20study%20employed%20Realism%20theory,happen%20throughout%20most%20of%20Somalia./> accessed 18 November 2025.</p></div><div data-bbox=)

²³⁴ Samuel Bekele, 'Internally displaced in Tigray (Northern Ethiopia): Management and sustainability of shelter and settlement' *Progress in Disaster Science* (2025) 28 <<https://doi.org/10.1016/j.pdisas.2025.100459/>> accessed 17 November 2025

Colombia's legal approach to internal displacement is one of the most developed globally. It is centered on Law 1448 of 2011 (the Victims' and Land Restitution Law). This groundbreaking law establishes a comprehensive, victim-centric framework that guarantees humanitarian aid, reparations, and land restitution to IDPs displaced by decades of armed conflict. To implement this, the law created an institution, the Unit for Comprehensive Care and Reparation for Victims (Victims' Unit).²³⁵ The judiciary has also been instrumental in enforcing these rights. The Constitutional Court's Auto 092 of 2008 is a key example, where the Court acknowledged and established special constitutional protection for women displaced by armed conflict.²³⁶

However, the law's effectiveness is challenged by a harsh reality. Despite this robust legal framework, Colombia continues to have one of the highest numbers of conflict-driven IDPs in the world, with forced displacement reaching a ten-year peak due to ongoing violence.²³⁷ This indicates a critical gap between the legal provisions and their practical implementation. The Colombian case demonstrates that even an adequate and sophisticated legal system can be undermined.

4.4.7 Iraq

Iraq's IDP situation demonstrates that even a robust legal framework can be undermined by implementation challenges. This can be seen in the fact that Iraq has over one million

²³⁵ IOM, 'Colombia Crisis Response Plan 2025' (2025) <[²³⁶ Civil Protection Humanitarian Aid, 'Colombia: forced displacement reaches a 10-year peak' \(2025\) <\[²³⁷ *Ibid.*\]\(https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/stories/colombia-forced-displacement-reaches-10-year-peak_en#:~:text=Colombia%20continues%20to%20host%20one%20of%20the,Colombia%20is%20intensifying%2C%20worsening%20the%20humanitarian%20situation./> accessed 17 November 2025.</p></div><div data-bbox=\)](https://crisisresponse.iom.int/response/colombia-crisis-response-plan-2025#:~:text=As%20of%20November%202024%2C%20in%20Colombia%2C%20there,displaced%20persons%20(IDPs)%20(Colombia%20Victims%20Unit%2C%202024)./> accessed 17 November 2025.</p></div><div data-bbox=)

Internally Displaced Persons (IDPs), with many facing protracted displacement.²³⁸ The nation's primary response to this situation is the Iraqi Law on Internally Displaced Persons No. 57 of 2014 which explicitly guarantees rights like voluntary return, humanitarian assistance, and compensation. Institutionally, this law created the Ministry of Migration and Displacement (MOMD) to centralize the response and is underpinned by constitutional social security guarantees. However, the law's effectiveness is limited by the reality of politics and security. Insecurity resulting from political disputes, like that which Iraq has with the Kurdistan Regional Government, hinder safe returns. Also Judicial mechanisms for enforcement, often prove inaccessible due to legal complexity and backlog.²³⁹

In conclusion, Iraq's model shows that a dedicated IDP law is a necessary but insufficient step. For Nigeria, this underscores that beyond drafting a law, success depends on overcoming the root causes of conflict, ensuring stable funding, and building strong judicial and administrative institutions to enforce rights effectively.

²³⁸ UNHCR, 'Internally Displaced People' (2025) <<https://www.unhcr.org/iq/internally-displaced-people#:~:text=Iraq%20has%20over%201%20million,the%20Kurdistan%20Region%20of%20Iraq./>> accessed 19 November 2025

²³⁹ Emmanuel Ikon, 'Internally Displaced Persons in Nigeria: Review of Empirical Studies' *American International Journal of Social Science Research* 2(1) (2018) <https://www.researchgate.net/publication/341012724_Internally_Displaced_Persons_in_Nigeria_Review_of_Empirical_Studies/fulltext/63a0aff9095a6a777441d73f/Internally-Displaced-Persons-in-Nigeria-Review-of-Empirical-Studies.pdf/>

Chapter Five: Summary, Conclusion and Recommendations

5.1 Summary of Findings

The research establishes that both conflict and natural disasters like flood are the key causes of internal displacement in Nigeria. The extant legal framework, principally the National Emergency Management Agency (NEMA) Act and the National Policy on Internally Displaced Persons, *inter alia*, are predominantly response-oriented, and as such focus on immediate relief rather than a comprehensive, rights-based approach to protecting Internally Displaced Persons (IDPs). This creates a significant disconnect between what the law says and the reality of implementation..

5.2 Recommendations

- 1) **Ensure Freedom of Movement and Livelihood Opportunities for IDPs:** Persons living in IDP camps should not be restricted from leaving to seek employment. For example, in Benin, catering services often hire students as servers and ushers, which is a viable source of income especially for the youth among the IDPs. Job fairs and skill seminars by employment initiatives such as Edo Jobs should be done periodically at the camps. States can also support thus way by paying for vocational training of IDPs by professionals.
- 2) **Promote Proactive Self-Reliance and Agency:** IDPs should be encouraged to take initiative, that is be proactive and not just rely solely on external assistance. For instance, they can request seeds and seedlings to cultivate food within their camps, thereby creating farms that support both sustenance and income.
- 3) **Provide Health Seminars on Birth Control and Family Planning:** Health seminars should be organized to educate IDPs on the importance of birth control and family

planning so that families understand the importance of birthing only the number of children they can take care of comfortably with continued external help.

- 4) Contextualize International Standards to Local Conditions: Nigeria must apply international standards in a way that reflects the specific realities or unique situation of its own IDP population, recognizing that not all global norms may fit the local context.
- 5) Gender and Age-Sensitive Data: States should enhance efforts to collect, analyze data on IDPs based on age, sex, and other relevant factors.
- 6) Protection from SGBV: To do this, the previous point has to be done properly. Thus there must be a renewed commitment to preventing and responding to sexual and gender-based violence (SGBV) throughout all phases of displacement. This includes improving security in IDP settings, ensuring access to essential services for survivors, and holding perpetrators accountable through legal action.
- 7) Access to Justice and Accountability: State Governments should invest in strengthening the rule of law and governance in communities affected by displacement.¹
- 8) Housing, Land, and Property (HLP): States should enact and enforce laws and policies that guarantee equal HLP rights for IDPs which is especially relevant when they are displaced but upon return to their homes, find that they no longer own their land or property. The government should relieve the worry of these persons who believe they have lost everything by protecting their properties as much as they can so that they will have a home to return to, if possible.²

¹ Adenitan Olufemi Mirth, *Experiences of Internally Displaced Persons: A Case Study of Bama and Gower Durumi Abuja Nigeria* (M.A. Dissertation Social Development Studies International Institute of Social Studies 2015).

² Chaloka Beyani, 'Report of the Special Rapporteur on the human rights of internally displaced persons' (Human Rights Council Twenty-third Session Agenda Item 3, held at the UN General Assembly on 18 March 2013) 19-23.

9) Displacement Centers or Homes: As the popular saying goes, ‘prevention is better than cure.’ Since it is now common knowledge that due to current political climate of the country, natural disasters and other displacement related causes, displacement may happen at anytime, it only makes sense that the government be proactive in building in as many states as possible, IDP Centers or homes which will be different from camps in that while they are temporary, they can give the displaced persons the feeling of home, security and permanency needed to heal after the trauma they experienced which led to their displacement.

5.3 Suggestions for Further Research

- 1) The Adequacy of Legal Provisions for Gender-Specific Vulnerabilities: This research will critically examine the clauses within Nigeria’s National Policy on Internal Displacement and other relevant laws to determine how clearly they cover issues that affect women and girls in IDP camps. It will explore the ability of these legal frameworks to respond to and provide remedies for gender-based violence, discriminatory property and land rights, and the specific health and protection needs of women in displacement settings.
- 2) A Doctrinal Analysis of Legal Frameworks for Preventing and Redressing the Abuse of the Girl Child and Boy Child in Internally Displaced Persons (IDP) Camps in Nigeria: This research will carry out a systematic, doctrinal analysis of the substantive provisions in key legal instruments, including the Child Rights Act, the Violence Against Persons Prohibition (VAPP) Act, the Kampala Convention, and the National Policy on Internal Displacement. It will carefully review the legal definitions of abuse, the mandates and jurisdictional scope of relevant institutions (NEMA, NCFRMI, NHRC), and the mechanisms provided for reporting, investigating abuse, as well as victim support. The analysis will assess whether these frameworks are legally

sufficient in offering enforceable protections for children against abuse with particular attention to the adequacy of prescribed penalties and procedural safeguards for both girl and boy child victims.

5.4 Conclusion

This study finds that Nigeria's legal frameworks for Internally Displaced Persons (IDPs) is partially adequate but ineffective. Partially because while there are many laws that govern the issue IDPs face in Nigeria, there is as yet not one distinct body of law that strictly caters to this. However the problem is the matter of ineffectiveness, that is ineffective implementation of these laws and policies. Nigerian Government have not done their utmost in tackling the Boko-Haram, and bandit issue in Nigeria and such selective conflict management leaves groups of people unprotected, people who as a result become IDPs. Lack of funds also leads to ineffective implementation. This is however, compounded by the possible hoarding or diversion of funds from NGOs and international organizations, used to consolidate control, especially over those displaced by demands for restructuring.³ Frameworks such as the Guiding Principles, Kampala Convention, the Constitution, and National Policy on Internal Displacement grant IDPs rights. Institutions like the National Commission for Refugees, Migrants and Internally Displaced Persons and the National Emergency Management Agency are mandated to assist. Yet these provisions remain unenforceable and instead various laws such as the VAPP ACT and Child Rights Act are relied on.

The condition of the IDPs and their camps is deplorable. IDPs require support from both the society and the state. Also, recognizing the differences in needs; basic, human, and gender-

³ Okechukwu Ibeanu, 'Exiles In Their Own Home: Internal Population Displacement In Nigeria' *African Journal of Political Science* (1998) 3(2) 80-97 <https://d.lib.msu.edu/ajps/60?__goaway_challenge=header-refresh&__goaway_id=acaa459b418dcd0b6afcb891a9ed7eee&__goaway_referer=https%3A%2F%2Fd.lib.msu.edu%2F/> accessed 18 November 2025.

specific is essential to improving their lives and prospects.⁴ Thus the government must be responsible for them because the current laws only provide only a façade of protection. The activities of NGOs, churches and other organisations that cater to the needs of IDPs and have an impact on the experiences of the internally displaced persons and should, therefore, be encouraged and supported by the government and society as a whole.

⁴Adenitan (n1)

References

Adeola R, 'The impact of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa' *African Human Rights Law Journal* (2019) 19(2).

Adeola R, *The Internally Displaced Person in International Law* (Edward Elgar Publishing 2020).

Adesuyi A, 'The Rights of Internally Displaced Persons in Nigeria: A Critical Appraisal' *SSRN Electric Journal* (2024)

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

Ayegba US, 'Unemployment and Poverty as Sources and Consequences of Insecurity in Nigeria: The Boko Haram Insurgency Revisited' *African Journal of Political Science and International Relations* (2015) 9(3).

Bossuyt MJ, *Guide to the "Travaux Préparatoires" of the International Covenant on Civil and Political Rights* (Martinus Nijhoff Publishers 1987).

Buzan B, Wæver O and de Wilde J, *Security: A New Framework for Analysis* (Lynne Rienner Publishers 1998).

Cernea MM, 'The Risks and Reconstruction Model for Resettling Displaced Populations' *World Development* (1997) 25(10).

Chimni BS, *International Refugee Law: A Reader* (SAGE publications 2000).

Faluyi VO, 'A Critical Examination of the Psychosocial Implications of Internal Displacement on Internally Displaced Persons in Nigeria' *International Journal of Research and Innovation in Social Science* (2024) VIII(X).

Fineman MA, 'The Vulnerable Subject: Anchoring Equality in the Human Condition' *Yale Journal of Law and Feminism* (2008) 20(1).

Glendon MA, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (Random House 2001).

Higgins R, *Problems and Process: International Law and How We Use It* (Oxford Clarendon Press 1994).

Ibeanu OO, 'Exiles in their own home: Conflicts and Internal Population Displacement in Nigeria' *African Journal of Political Science* (1998) 3(2).

Ikon E, 'Internally Displaced Persons in Nigeria: Review of Empirical Studies' *American International Journal of Social Science Research* (2018) 2(1).

Irukwu JO, *Nigeria at the Crossroads: A Nation in Transition* (Wordsworth Publishing 1993)

Kälin W, *Guiding Principles on Internal Displacement: Annotations* (The American Society of International Law 2008)

Kälin W, 'The Guiding Principles on Internal Displacement as International Minimum Standard and Protection Tool' *Refugee Survey Quarterly* (2005) 24(3).

Kanu IA, 'Review of National Policy on Internally Displaced Persons in Nigeria' *Nnadiabube Journal of Social Sciences* (2018) 2(1).

Mirth AO, *Experiences of Internally Displaced Persons: A Case Study of Barma and Gwola Durumi Abuja, Nigeria* (M.A. Dissertation Social Development Studies International Institute of Social Studies 2015).

Murray R, *The African Commission on Human and Peoples' Rights and International Law* (Hart Publishing 2000).

Ogunkorode OO, 'Rethinking the Legal Regime on Displacement of Persons Due to Terrorism and Communal Conflict in Nigeria' *RUNJJIL* (2021) 1.

Okongwu CJ and Imoisi SE, 'Legal and Institutional Frameworks for Protection of Internally Displaced Persons in Nigeria' *De juriscope Law Journal* (2023) 3(1).

Onuegbu F, 'The State and the Management of Internally Displaced Persons in Nigeria' *International Journal of Social Sciences and Management Review* (2022) 05(01).

Ouguerouz F, *The African Charter on Human and Peoples' Rights: A Comprehensive Agenda for Human Dignity and Sustainable Democracy in Africa* (Martinus Nijhoff Publishers 2003).

Peterside G, 'A Critical Analysis of the Rights of Internally Displaced Persons in Nigeria' *African Human Rights Yearbook* (2024) 10(4).

Schabas WA, (5th ed) *An Introduction to the International Criminal Court* (Cambridge University Press 2017).

Sharpe M, *The Regional Law of Refugee Protection in Africa* (Oxford University Press 2018)

Umenweke MN, 'Examining the Institutional Framework for the Legal Protection and Assistance of Internally Displaced Persons in Nigeria' *African Journal of Law and Human Rights* (2023) 7(2).