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LEGAL PROTECTION OF INTERNALLY DISPLACED PERSONS IN NIGERIA: GAPS, CHALLENGES, AND PATHWAYS TO REFORM

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ABSTRACT

Nigeria is currently grappling with one of the most severe internal displacement crises in Africa, driven by insurgency, communal clashes, banditry, and environmental degradation. Internally Displaced Persons (IDPs) face grave challenges, including poor living conditions, limited access to basic services, and weak legal protection frameworks. This paper examines the existing legal mechanisms for protecting IDPs in Nigeria and identifies critical gaps in both domestic and international law implementation. Using a doctrinal legal research approach, the paper analyses Nigeria's constitutional guarantees, national emergency policies, and regional instruments such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). The findings reveal that although Nigeria ratified the Kampala Convention, it has yet to domesticate it through comprehensive national legislation, leaving IDPs vulnerable to systemic neglect. Furthermore, the absence of institutional coordination, inadequate data management, and insufficient budgetary allocation exacerbate the plight of displaced populations. The paper advocates for the urgent enactment of an IDP Protection Act, which would establish clear responsibilities for government agencies, guarantee the rights of IDPs, and provide mechanisms for durable solutions, including return, resettlement, and reintegration. It also emphasizes the need for a rights-based approach grounded in human dignity, equality, and access to justice.

Keywords: *Internally Displaced Persons, Legal Protection, Human Rights, Displacement Law, Nigeria.*

1. Introduction

The occurrence of internal displacement has become one of the most pressing humanitarian and developmental challenges in Nigeria. According to the Internal Displacement Monitoring Centre (IDMC), as of the end of 2023, Nigeria had over 3.5 million IDPs, making it one of the countries with the highest internally displaced populations in the world (IDMC, 2023). These displacements are largely caused by armed conflict, terrorism, communal clashes, and climate-induced disasters such as flooding and desertification. Internally Displaced Persons (IDPs) face unique vulnerabilities and are often deprived of basic human rights such as access to shelter, education, healthcare, and legal protection (UNHCR, 2011).

Unlike refugees, IDPs remain within the borders of their country and thus fall under the responsibility of their national governments. In Nigeria, despite various policy attempts and international commitments, the legal and institutional framework for addressing the needs of IDPs remains inadequate. This paper evaluates the existing legal protections available to IDPs in Nigeria, the challenges in enforcement, and suggests actionable reforms to bridge the identified gaps.

2. Conceptual Clarification

2.1 Internally Displaced Persons

The term “Internally Displaced Persons” is defined in the United Nations Guiding Principles on Internal Displacement (1998) 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 human-made disasters, and who have not crossed an internationally recognized State border." This definition encompasses displacements due to conflict, generalized violence, violations of human rights, and natural or man-made disasters.

This definition is significant because it situates IDP protection firmly within the responsibility of the State, distinguishing IDPs from refugees who benefit from an established international protection regime.

The paper is anchored on a rights-based approach, which views displacement not merely as a humanitarian issue but as a legal and human rights concern. Under this approach, IDPs are treated as

rights-holders, while the State assumes the role of duty-bearer with corresponding obligations to respect, protect

2.2 Legal Protection

Legal protection involves the implementation of legal norms and institutional mechanisms designed to ensure that individuals enjoy basic human rights and freedoms. For IDPs, this means safeguarding access to civil, political, economic, social, and cultural rights, and providing legal remedies where those rights are violated (UNHCR, 2011).

3. Methodology

This paper adopts a doctrinal legal research methodology, which is appropriate for examining normative legal frameworks, identifying gaps, and proposing reforms within existing legal systems. The paper relies primarily on primary legal sources, including the Constitution of the Federal Republic of Nigeria 1999 (as amended), national statutes, relevant policies, and regional and international instruments such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Secondary sources consulted include textbooks, peer-reviewed journal articles, conference papers, reports of international organisations (e.g., United Nations High Commissioner for Refugees {UNHCR}, IOM), and judicial decisions where relevant.

The analysis is qualitative and interpretive. Legal provisions were systematically examined to determine their scope, enforceability, and relevance to the protection of internally displaced persons (IDPs) in Nigeria. A gap-analysis framework was employed to compare Nigeria's existing legal and institutional arrangements with obligations imposed under international and regional standards, particularly the Kampala Convention. This approach enabled the identification of normative, institutional, and enforcement deficits. The study also adopts a rights-based analytical lens, assessing the extent to which the current framework protects core human rights of IDPs, including dignity, security, access to basic services, and effective remedies.

4. Legal Framework for the Protection of IDPs in Nigeria

4.1 National Legal Instruments

The Nigerian Constitution, particularly Chapter IV, enshrines fundamental human rights applicable to all citizens, including the right to life (Section 33), dignity (Section 34), personal liberty (Section 35) and freedom of movement (Section 41). However, these rights are not tailored to the peculiar

circumstances of IDPs, and enforcement is often hindered by bureaucratic inefficiencies and corruption as (Odinkalu, 2017) observed: “The Nigerian legal system remains fragmented and ill-equipped to deliver holistic protection for displaced populations.”

4.2 Policy Instruments

The National Policy on Internally Displaced Persons in Nigeria, adopted in 2012 and revised in 2021, represents a significant step toward developing a structured approach to managing internal displacement. The policy outlines the roles of various stakeholders, including federal, state, and local governments, in providing protection and assistance to IDPs. However, as a policy rather than legislation, it lacks legal enforceability (NCFRMI, 2021).

4.3 Regional and International Instruments

Nigeria is a party to several regional and international frameworks relevant to IDPs. Chief among them is the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), ratified by Nigeria in 2012. Article 3 of the Kampala Convention obliges State Parties to "incorporate obligations under this Convention into domestic law by enacting or amending relevant legislation" (African Union, 2009). Despite ratification, Nigeria has not domesticated the Convention, thus rendering its provisions non-justiciable within Nigerian courts.

Nigeria has also endorsed the United Nations Guiding Principles on Internal Displacement and other human rights instruments such as the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (ICCPR 1966).

Despite ratifying the Kampala Convention, Nigeria has not enacted legislation to implement its obligations, thus limiting access to legal remedies for IDPs (Ogbu, 2020).

5. Gaps in Legal and Institutional Frameworks

5.1 Absence of Enforceable Legislation

The most glaring gap is the absence of a dedicated legal framework for IDP protection. Without domestic legislation incorporating international obligations, the rights of IDPs remain unprotected. As Ogbu (2020) observes, “the failure to enact specific IDP legislation in Nigeria undermines the government’s ability to guarantee protection and durable solutions.”

5.2 Inadequate Institutional Coordination

Coordination among IDP-related agencies is fragmented and inefficient. NEMA, NCFRMI, the Ministry of Humanitarian Affairs, and state emergency agencies often work at cross-purposes. This disjointed approach results in duplication of functions, poor service delivery, and confusion over responsibilities.

5.3 Weak Data and Monitoring Systems

Accurate data collection is critical for effective humanitarian planning. However, Nigeria lacks a reliable and unified data system for tracking IDPs. This has led to under-reporting and misallocation of resources (IDMC, 2023). The National Bureau of Statistics (NBS) must be empowered to collaborate with humanitarian agencies in data management.

5.4 Security Challenges and Human Rights Abuses

The volatile security environment, particularly in the North-East, poses severe challenges to humanitarian operations. IDP camps are often targets of insurgent attacks, while access is restricted for aid workers. Furthermore, reports by Amnesty International (2022) and Human Rights Watch (2022) have documented arbitrary arrests, sexual violence, and extortion in some camps, perpetrated even by security personnel.

5.5 Gender and Vulnerability

Issues Women, children, the elderly, and persons with disabilities face specific vulnerabilities during displacement. Many women and girls have been subjected to sexual exploitation, trafficking, and denial of access to reproductive healthcare. The lack of gender-sensitive programming and legal safeguards exacerbates these risks.

6. Case Studies

6.1 Borno State

Borno is the epicenter of displacement in Nigeria, accounting for more than 40% of all IDPs. The State is home to over 1.6 million IDPs, most of whom fled from Boko Haram attacks. Many reside in overcrowded camps such as Muna Garage and Dalori, where food insecurity, inadequate sanitation, and gender-based violence are prevalent. The camps are also poorly ventilated and lack adequate WASH facilities and abuses by both insurgents and state forces have worsened the plight of displaced

persons. According to Amnesty International (2022), "Nigerian security forces have been implicated in arbitrary detentions and sexual exploitation in some IDP camps in Borno."

While numerous policies and humanitarian interventions exist, the absence of a domesticated Kampala Convention or a dedicated IDP Protection Act has resulted in weak legal accountability. (Ocheje, 2018) For instance, persistent reports of gender-based violence and inadequate living conditions in IDP camps can be linked to the lack of enforceable statutory duties on government authorities to prevent abuse, ensure camp security, and provide minimum standards of shelter and healthcare. The National Emergency Management Agency (NEMA) and state counterparts operate largely on policy discretion, without clear legislative benchmarks or remedies available to affected IDPs, thereby exposing a critical legal vacuum. (NEMA, 2019)

6.2 Benue and Plateau States

In the Middle Belt, farmer-herder clashes have displaced thousands. Unlike Borno, many IDPs here are hosted in informal settlements without state oversight. This makes it difficult for humanitarian actors to deliver services or conduct needs assessments. Legal support, birth registration, and access to land remain key challenges (Internal Displacement Monitoring Centre, 2023).

6.3 Cross River State

In Cross River, IDPs from neighboring Cameroon and internal crises coexist. There is confusion over their classification—whether refugees or IDPs—which affects assistance. Local government responses are often ad hoc and not guided by any national legal framework.

7. Comparative Legal Analysis

Uganda has operationalised the Kampala Convention through its National Policy for Internally Displaced Persons, which clearly allocates institutional responsibilities and recognises enforceable rights of IDPs (Republic of Uganda, 2004). Similarly, Kenya enacted the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, providing statutory protection, coordination mechanisms, and legal remedies for displaced persons (Republic of Kenya, 2012). Empirical assessments confirm that Kenya’s framework has enhanced accountability and institutional coordination (Kenya National Commission on Human Rights [KNCHR], 2015). These models demonstrate that domestication strengthens protection and offer valuable lessons for Nigeria.

8. Recommendations

8.1 Enactment of an IDP Protection Act

A comprehensive IDP Protection Act should be passed to domesticate the Kampala Convention. This law should define the rights of IDPs, clarify institutional mandates, and include provisions for monitoring, funding, and legal redress. It should also establish penalties for state or non-state actors who violate IDP rights.

8.2 Strengthening Institutional Coordination

The roles of NEMA, NCFRMI, and related agencies should be clearly defined and harmonized. A centralized national authority, perhaps under the Office of the Vice President, should be tasked with IDP coordination, equipped with legal authority, budgetary allocation, and technical expertise.

8.3 Legal Aid and Access to Justice

The Legal Aid Council of Nigeria should partner with civil society to provide free legal services in IDP communities. Legal clinics, mobile courts, and paralegal training programs should be institutionalized to promote access to justice.

8.4 Investment in Data Systems

Robust data systems are essential for effective IDP governance. Government agencies should adopt digital registration systems and work with international partners such as the UNHCR and IOM to build capacity in data collection and analysis.

8.5 Durable Solutions and Community Participation

Durable solutions must include voluntary return, local integration, and resettlement. These must be informed by participatory assessments involving IDPs and host communities. The government must also support livelihood programs, infrastructure rehabilitation, and education access to support reintegration.

8.6 Ensuring Gender and Child Protection

Include gender-responsive provisions in all IDP policies, train law enforcement and camp managers on gender-sensitive protection, establish safe spaces for women and children in camps.

9. Conclusion

Internally Displaced Persons in Nigeria represent a vulnerable and marginalized population whose rights and welfare remain inadequately protected. Despite commendable efforts such as the National IDP Policy and the ratification of the Kampala Convention, significant legal and institutional gaps persist. A dedicated legal framework, strengthened institutions, improved data systems, and access to justice are critical for addressing Nigeria's displacement crisis. As Nigeria strives toward sustainable development, ensuring the legal protection of IDPs must be a top priority.

References

African Union. (2009). African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa Accessed on 4/6/2025

Amnesty International. (2022). Nigeria: Authorities Must End Sexual Violence Against Displaced Women And Girls. https://www.amnesty.org/en/latest/news/2022/05/nigeria-authorities-must-end-sexual-violence-displaced-women-girls/ Accessed on 24/4/2025

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

Human Rights Watch. (2022). Nigeria: Military Abuses Fuel Boko Haram Recruitment. https://www.hrw.org Accessed on 20/5/2025

Internal Displacement Monitoring Centre. (2023). Nigeria IDP Figures Analysis. https://www.internal-displacement.org/countries/nigeria Accessed on 7/3/2025

National Commission for Refugees, Migrants and Internally Displaced Persons. (2021). Revised National Policy on Internally Displaced Persons. https://faolex.fao.org Accessed on 12/3/2025

National Emergency Management Agency (2019) National Risk Management Framework. Federal Government of Nigeria. https://nema.gov.ng Accessed on 1/5/2025

Ocheje, P. D., (2018) The Domestication of International Law in Nigeria: Problems and Prospects. *Journal of African Law*, 62(3), 413–432. https://doi.org/10.1017/S0021855318000192 Accessed on 15/5/2025

Odinkalu, C. A. (2017). Fragmentation and Pluralism in Legal Orders and the Protection of Internally Displaced Persons in Nigeria. *Journal of African Law*, 61(3), 407–432. https://doi.org/10.1017/S0021855317000171 Accessed on 14/2/2025

Ogbu, O. N. (2020). Legal Protection of Internally Displaced Persons in Nigeria: A Call for Legislative Action. *African Human Rights Law Journal*, 20(1), 133–152.

United Nations High Commissioner for Refugees. (1998). Guiding Principles on Internal Displacement. https://www.unhcr.org Accessed on 18/5/2025

United Nations. (1948). Universal Declaration of Human Rights. https://www.un.org Accessed on 19/4/2025

United Nations High Commissioner for Refugees. (2011). Handbook for the Protection of Internally Displaced Persons. https://www.unhcr.org Accessed on 4/6/2025