

# ACHIEVING THE RIGHT TO DURABLE SOLUTIONS FOR INTERNALLY DISPLACED PERSONS (IDPs) IN NIGERIA: AN APPRAISAL

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## Abstract

Internally Displaced Persons (IDPs) comprise the largest group of displaced persons around the world today. The United Nations High Commissioner for Refugees has stated that the number of IDPs in Nigeria has risen to 8.18 million, making the country the highest in West Africa. Using the doctrinal method, this article analysed the right to durable solutions for IDPs which is a crucial aspect of protecting their human rights. It examined the right to durable solutions as contained in the Guiding Principles on Internal Displacement, the African Union Convention on the Protection and Assistance of Internally Displaced Persons, the IASC Framework on Durable Solutions and the Nigeria National Policy on Internally Displaced Persons and found that the right was firmly established under the law. The paper identified some challenges to achieving the right to durable solutions as insecurity; loss of landed property and houses; disruption of livelihoods; inadequate delivery of services and lack of political will. It recommended that the problem of insecurity in Nigeria should be dealt with decisively to enable IDPs attain durable solutions; and that an IDP specific law should be enacted which will enable IDPs to reclaim lost land, houses and property amongst others.

*Key Words: Internally Displaced Persons (IDPS), Right to Durable Solutions, Insecurity, Law and Framework*

## 1.0 Introduction

Internally displaced persons (IDPs) comprise the largest group of displaced persons around the world today. Of an estimated 123.2 million forcibly displaced persons worldwide some two-thirds are IDPs.<sup>1</sup> The internally displaced are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, and violations of human rights. The defining characteristic of internally displaced persons is that they have not crossed an internationally recognised border.<sup>2</sup> The overwhelming majority of IDPs are members of minority groups. They are also predominantly women, children, and the poor.

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<sup>1</sup> United Nations High Commissioner for Refugees (UNHCR) 'Number of People Uprooted by War at Shocking, Decade High Levels' retrieved from <Number of people uprooted by war at shocking, decade-high levels – UNHCR | UNHCR> accessed 23 September, 2025, p2.

<sup>2</sup> UN Guiding Principles on Internal Displacement. Addendum to: Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, UN Doc. E/CN.4/1998/53/Add.2, 11 February 1998.

Over the past three decades, the total IDP population has increased five-fold.<sup>3</sup> The majority of internally displaced persons are located in Africa, which has a total IDP population of some 38.8 Million – that is, over 50 per cent of the global IDP population. There are an estimated 4.6 Million IDPs in Asia and the Pacific, 3.3 Million in Europe, 2.2 Million in Latin America, and some 1.5 Million IDPs in the Middle East.<sup>4</sup> Arab states with large IDP populations include Syria which has 7,409,000, Yemen with 4,796,000, Palestine 2,032,000, Iraq 1,031,000 and Lebanon 985,000.<sup>5</sup> The countries with the largest IDP populations as at the end of 2024 include the Democratic Republic of Congo (5,333,000), Sudan (3,778,000), Palestine (3,216,000) and Myanmar (1,232,000) and Lebanon (1,056,000).<sup>6</sup>

In Nigeria, disasters resulting from Boko Haram insurgency, farmer-herder conflict, floods, unrest, armed banditry, militancy, communal conflicts and agitations among others have caused the displacement of millions.<sup>7</sup> The United Nations High Commissioner for Refugees (UNHCR) has stated that the number of Internally Displaced Persons (IDPs) in Nigeria has risen to 8.18 Million, making the country the highest in West Africa.<sup>8</sup> In its June 2025 situation report released on Sunday 6<sup>th</sup> July 2025, the UNHCR stated that Nigeria's IDP count alone has surpassed that of Burkina Faso which has 3.58 million, Niger with 2.06 Million, Mali at 931,000 and Cameroon which accounts for 1.42 Million IDPs, with about 44 per cent of all persons displaced within their own borders. The report states further that "Nigeria's eight million IDPs excludes nomads in transit and unregistered city migrants, both considered large but un-quantified shadows in the country's humanitarian profile".<sup>9</sup>

Most internal displacement in Benue State is caused by the herdsmen-farmers conflict which has been going on for decades.<sup>10</sup> In the most recent attack on 14 June 2025, gunmen raided the town of Yelewata, killing more than 100 people and forcing over 3,941 more to flee their homes.<sup>11</sup> The Nigerian government and international humanitarian agencies disagree over the size of the IDP population in Benue State. While international agencies report a displacement 2 figure of 404,622 (IOM 2022), the state government argues that this population exceeds 1.5 million (SEMA 2022).

More than 3.5 Million Nigerians remain displaced due to conflict, insecurity, and climate shocks. In the North East alone, 2.25 Million women, men, and children are internally displaced; in the

<sup>3</sup> Internal Displacement Monitoring Centre (IDMC) and the Norwegian Refugee Council (NRC) *Global Report on Internal Displacement* <idmc-grid-2025-global-report-on-internal-displacement.pdf> accessed 23 September, 2025.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Omoraka Janet Eloho and Augustine Ogbaji Ogoh and Yusufu Ahmed Audu 'An Appraisal of the Management of Internally Displaced Persons (IDPS) in Benue State, North Central Nigeria, 2015-2022' *Zamfara Journal of Politics and Development* (2022) Vol. 3 (3).

<sup>8</sup> Ripples 'Nigeria's IDPs now Over 8 million, Highest in West Africa' retrieved from <Nigeria's IDPs now over 8 million, highest in West Africa —UN report - Ripples Nigeria> accessed 23 September 2025.

<sup>9</sup> Ibid.

<sup>10</sup> Rita Iorbo 'Lessons on Protracted Internal Displacement from the Herdsmen-Farmers Conflict in Benue State, Nigeria' retrieved from <iorbo\_lessons\_nigeria.pdf> accessed 24 September 2025.

<sup>11</sup> Amnesty International 'Nigeria: Violence and Widespread Displacement Leave Benue Facing a Humanitarian Disaster' retrieved from <Nigeria: Violence and widespread displacement leave benue facing a humanitarian disaster - Amnesty International Nigeria>accessed 26 September, 2025.

North Central and North West, another 1.32 million have yet to return home. These are not just statistics. They are farmers, traders, teachers, and students who deserve safety, livelihoods, and a place to belong.<sup>12</sup>

Displacement is a life-changing event. While the often traumatic experience of displacement cannot be undone, internally displaced persons (IDPs) need to be able to resume a normal life by achieving a durable solution.<sup>13</sup> As seen in several situations, a significant number of IDPs settle elsewhere or self-relocate in regional and State capitals following displacement, and in many instances do not seek assistance nor formally register their displacement, and are unable to find livelihoods and rebuild their lives.<sup>14</sup> While they may find temporary resolutions to their socio-economic challenges, long-term safety, security, documentation and freedom of movement are paramount for the exercise of political rights and to prevent secondary, repeated or cyclical (depending on the causes) displacement. This underlines the importance of ensuring the rights of IDPs to access basic services, and inclusion into national systems, such as education, health care, and housing, to enjoy freedom of movement, and not to be subject to arbitrary arrest and detention.<sup>15</sup> According to the Global Report on Internal Displacement,<sup>16</sup> the ever-increasing number of IDPs results in part from the insufficient support they receive to put an end to their displacement by returning home or making a new home elsewhere and addressing their related needs.

The right to durable solutions for Internally Displaced Persons (IDPs) is a crucial aspect of protecting their human rights. Durable solutions are achieved when IDPs no longer require protection and assistance related to their displacement and have access to their rights without discrimination. Finding durable solutions encompasses significant human rights, humanitarian, development and peace-building challenges and therefore concerted efforts involving multiple actors -governments, international and non-governmental organisations and, most importantly, IDPs themselves - are required to gradually make progress towards their attainment.<sup>17</sup> It is in the light of this that this paper undertakes an assessment of the right of IDPs to durable solutions as contained in various instruments and examines the extent of its realisation in Nigeria.

## 2.0 Conceptual Clarifications and Causes of Internal Displacement

### 2.1 Internally Displaced Persons

Internally displaced persons are defined in the Guiding Principles on Internal Displacement as;

<sup>12</sup> Ugochi Daniels 'Nigeria's Path to Durable Solutions: From Displacement to Dignity' <Nigeria's path to durable solutions: From displacement to dignity – Daily Trust> accessed 26 September, 2025.

<sup>13</sup> Laura Kievla and Martina Caterina, Khadra Elmi and Margharita Lundkvist-Houdoumadi *Durable Solutions Analysis Guide: A Tool to Measure Progress towards Durable Solutions for IDPs* retrieved from Interagency-Durable-Solutions-Analysis-Guide-March2020.pdf accessed 25 August 2025.

<sup>14</sup> UNHCR 'Unlocking Solutions for Internally Displaced Persons' retrieved from <unlocking\_solutions\_for\_idps\_additional\_submission\_to\_the\_high\_level\_panel\_final\_30.09.20.pdf> accessed 30 August 2025

<sup>15</sup> Ibid.

<sup>16</sup> Internal Displacement Monitoring Centre (IDMC) and the Norwegian Refugee Council (NRC) *Global Report on Internal Displacement* retrieved from <250506\_IDMC\_Global\_Report\_Internal\_Displacement\_2025\_Summary\_ENG.pdf> accessed 23 September, 2025.

<sup>17</sup> Laura Kievla and Martisna Caterina, Khadra Elmi and Margharita Lundkvist-Houdoumadi *Durable Solutions Analysis Guide: A Tool to Measure Progress towards Durable Solutions for IDPs* retrieved from Interagency-Durable-Solutions-Analysis-Guide-March2020.pdf accessed 25 August 2025.

‘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 generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border’.<sup>18</sup>

Unlike refugees, IDPs have not crossed an internationally recognised border. While refugees can claim refugee status based on persecution or a well-founded fear of persecution for five reasons - race, religion, nationality, membership of a particular social group, or political opinion - IDPs may be displaced because of generalised violence, violations of human rights and natural or human-made disasters. Thus, the IDP category is much broader than that of refugees, particularly as causes such as development-induced and environmental displacement are included. Moreover, the definition in the Guiding Principles is a descriptive, not a legal definition.<sup>19</sup>

## 2.2 Durable Solutions

Durable solutions can be defined as lasting and sustainable ways to address displacement or refugee situations, allowing individuals to rebuild their lives with dignity and safety. There are three main durable solutions:

1. Voluntary Return: Safe and dignified return to their home country or area of origin.
2. Local Integration: Integrating into the host country or community.
3. Resettlement: Relocating to a third country.

These solutions aim to provide a permanent and sustainable fix, rather than temporary fixes.

The Inter-Agency Standing Committee<sup>20</sup> has stated that a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through:

- a. Sustainable reintegration at the place of origin which is also referred to as voluntary return;
- b. Sustainable local integration in areas where internally displaced persons take refuge (local integration);
- c. Sustainable integration in another part of the country (settlement elsewhere in the country).

According to the IASC Framework for Durable Solutions, the following constitutes the elements of durable solutions:

1. Safety, security and freedom of movement;
2. Adequate standard of living;
3. Employment and livelihoods;
4. Housing, land and property;
5. Personal and other documentation;

<sup>18</sup> UN Guiding Principles on Internal Displacement, 1998; Introduction, point 2.

<sup>19</sup> Alex Mundt and Elizabeth Ferris ‘Durable Solutions for IDPs in Protracted Situations: Three Case studies’ retrieved from <Microsoft Word - 2008\_1028\_AM-BF\_Protracted IDP Situations.doc> accessed 24 August 2025.

<sup>20</sup> The Brookings Institution and University of Bern Project on Internal Displacement *IASC Framework on Durable Solutions for Internally Displaced Persons* retrieved from <IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010.pdf> accessed 21 August 2025.

6. Family reunification;
7. Participation in public affairs;
8. Effective remedies

### 2.3 Causes of Internal Displacement

The Guiding Principles on Internal Displacement, 1998, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, 200, and the National Policy on Internally Displaced Persons in Nigeria, 2012 have identified three major causes of internal displacement as:

- (1) Violent conflicts (conflict-induced displacement) which include ‘armed conflict, situations of generalised violence and violations of human rights’.
- (2) Disasters both natural and manmade (natural-disaster-induced displacement and manmade disaster induced displacement) and
- (3) Development-induced displacement.

#### 2.3.1 Conflict-induced Displacement

Most countries in Africa have been embroiled in one civil war or another with countries like Sudan being in a perpetual state of unrest. Nigeria is in a similar situation. She experienced a bloody civil war between 1967 and 1970 in which an estimated 2 million people lost their lives and 10 million persons were internally displaced. Since 1970 till 2025, internal strife has continued to plague Nigeria with a spike in conflict occurring at the onset of the fourth Republic in 1999.<sup>21</sup> The middle-belt states in central Nigeria are affected by communal and sectarian violence, particularly Plateau State.<sup>22</sup> The Niger Delta states, particularly Delta and Rivers States are affected by conflicts related to crude oil, Nigeria’s main source of income while the northern states particularly Borno, Kano and Kaduna States are affected by communal or sectoral violence as well as attacks attributed to Boko Haram.

#### 2.3.2 Disaster Induced Displacement

The Global Report on Internal Displacement<sup>23</sup> in its 2025 report stated that there were about 17.2 Million new displacements associated with disasters in 10 countries across the world as a result of floods, earthquakes, volcanic eruptions, wildfires, landslides and extreme temperatures.<sup>24</sup> Disaster displacements were recorded across all states in Nigeria, all the result of floods which sometimes overlapped with conflict. In Borno state, about 121,000 persons were displaced, setting back efforts to support IDPs in achieving durable solution. About half took place in the state capital of Maiduguri after heavy rains and structural damage caused the Alau dam to overflow in September 2024, inundating about 40 per cent of the city. Some displacement camps were cut off for days, while new arrivals surged in others, which led to overcrowding and a rise in food insecurity and water and sanitation issues.<sup>25</sup> People are also displaced by anthropogenic

<sup>21</sup> Jimoh A Bamgbose ‘The Fourth Republic, the Orgy of Violence and the Plight of Internally Displaced Persons in Nigeria 1999-2009’ *Journal of Internal Displacement* (2012)(2)(1) p3.

<sup>22</sup> Office of the Prosecutor, International Criminal Court ‘Situation in Nigeria: Article 5 Report’ available at <Situation in Nigeria: Article 5 Report | International Criminal Court> accessed 19 November 2025.

<sup>23</sup> Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Centre (NRC) *Global Report on Internal Displacement 2024* retrieved from <idmc-grid-2025-global-report-on-internal-displacement.pdf> accessed 20 November, 2025.

<sup>24</sup> Ibid.

<sup>25</sup> Internal Displacement Monitoring Centre (IDMC) ‘Country Profile: Nigeria’ retrieved from <Nigeria | IDMC - Internal Displacement Monitoring Centre> accessed 19 November 2025 p1.

disasters. Oil spills and environmental degradation particularly in the Niger Delta region have forced communities to relocate. Industrial accidents like factory fires or oil tanker explosions have also caused displacement. An example is the 2012 fuel tanker explosion in Okaba, Lagos.

### 2.3.3 Development Induced Displacement

Development-induced displacement (DID) occurs when communities are forced to relocate due to infrastructure projects, urban development, or economic investments aimed at promoting growth. In Nigeria, large-scale projects often lead to the displacement of vulnerable populations, raising concerns about compensation, resettlement, and livelihood restoration.

The key drivers of development-induced displacement in Nigeria are infrastructure projects like road construction and expansion. Major highways, like the Lagos-Ibadan Expressway and rural road projects, often require land acquisition, leading to displacement of communities. Dams and Hydropower Projects like the Kadawa Dam in Kano and the Mambilla Hydroelectric Project in Taraba have displaced communities due to flooding and reservoir creation. Furthermore, urban renewal and transportation projects like the Lagos Metro Line and redevelopment projects in Abuja have led to evictions and displacement of informal settlements. Similarly urban development and real estate projects; Urban gentrification and slum clearance; creation of Special Economic Zones (SEZs) and industrial projects; mining and extractive industries and large-scale agricultural projects (for example, palm oil plantations, rice farms) have led to displacement of smallholder farmers and pastoralists, often with disputes over land rights.

## 3 The Right to Durable Solutions under the Law

Durable solutions for IDPs are most comprehensively and explicitly conceptualised in legal terms in a number of specific ‘soft law’ instruments. Soft law instruments build upon binding legal instruments such as treaties, are often endorsed by states in international fora, and seek to provide interpretive and policy guidance.<sup>26</sup> However, they are not in themselves generally considered to be a source of binding obligations, and may anticipate the progressive development of international law. Concurring, Parr<sup>27</sup> stated that norms and standards related to internal displacement and its resolution are expressed in a variety of ‘hard’ and ‘soft’ international laws, guidelines and initiatives.<sup>28</sup> While these differ in their nature, purpose and scope, Parr grouped these approaches into three categories based on how they conceive durable solutions for IDPs: as a ‘place to stay’, a ‘place to live’, or a place to call home’. There are, of course, many consistencies between these categories. All contain provisions on participation of IDPs, non-discrimination, property rights and compensation, and the primary responsibility of national authorities in resolving displacement.<sup>29</sup> However, their approach to solutions reflects an

<sup>26</sup> Deborah Casalin ‘Durable Solutions for IDPS: Normative Anchors in International Human Rights Law’ retrieved from <[Casalin\\_DS\\_230623.pdf](#)> accessed 21 August 2025.

<sup>27</sup> Abigayil Parr ‘A Place to Call Home: Securing Durable Solutions for Internally Displaced People in South Sudan and Somalia’ retrieved from <[Parr\\_WP46\\_121124.pdf](#)> accessed 21 August 2025.

<sup>28</sup> Shelton defines ‘soft law’ as ‘normative statements [contained] in non-binding political instruments’. See: Dinah L Shelton, ‘Soft Law’ GWU Legal Studies Research Paper No 322 (GWU Law School 2008) accessed 21 December 2023 1, 1

<sup>29</sup> UN Commission on Human Rights, ‘Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39

evolution over time in how the international community, including regional organisations, conceptualise internal displacement and approach its resolution in practice.

The most relevant instruments for this discussion - which relate to a wide range of IDPs regardless of the cause or context of their displacement – are the Guiding Principles on Internal Displacement, 1998;<sup>30</sup> The African Union Convention for the Protection and Assistance of Internally Displaced in Africa and the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons, 2010.<sup>31</sup> The scope of durable solutions in these instruments, as well as the associated rights and obligations they articulate, and an overview of the relevant duty-bearers, are examined in this section.<sup>32</sup>

### 3.2 The UN Guiding Principles on Internal Displacement

With the adoption of the Guiding Principles on Internal Displacement in 1998, the delineations of the legal position of IDPs under international law were drawn. Although IDPs have had no special status guaranteed by international law, their specific needs were mapped and linked to the corresponding human rights norms derived from the international humanitarian and human rights instruments. Through an analogy with the international refugee law, return, integration in the place of displacement, and resettlement to a third place were identified as logical solutions to displacement.<sup>33</sup> However, return, integration and resettlement are processes that do not end in one specific moment of time, and the question of how to determine when displacement is over remained unanswered.

The Guiding Principles on Internal Displacement set forth the specific framework for durable solutions for internally displaced persons.<sup>34</sup> The Guiding Principles restate already recognised rights under international human rights and humanitarian law and their applicability to internally displaced persons. The international community opted for a set of ‘guiding principles’ rather than an international convention in order to circumvent state concerns about sovereignty and ensure greater international acceptance.<sup>35</sup>

<sup>30</sup> UN Commission on Human Rights, ‘Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39’ (11 February 1998) UN Doc. E/CN.4/1998/53/Add.2, Addendum (Guiding Principles on Internal Displacement).

<sup>31</sup> Inter-Agency Standing Committee (IASC), Framework on Durable Solutions for Internally Displaced Persons (Brookings-Bern Project on Internal Displacement 2010) (IASC Framework

<sup>32</sup> Deborah Casalin ‘Durable Solutions for IDPS: Normative Anchors in International Human Rights Law’ retrieved from <Casalin\_DS\_230623.pdf> accessed 21 August 2025.

<sup>33</sup> Principles 28-30 of the Guiding Principles.

<sup>34</sup> Guiding Principles on Internal Displacement, 1998. Also see, Commission on Human Rights, Sub-Commission Resolution 1998/26, 26 August 1998. Operative paragraph 1 “Reaffirms the right of all refugees, as defined in relevant international legal instruments, and internally displaced persons to return to their homes and places of habitual residence in their country and/or place of origin, should they so wish.” Operative paragraph 2 “Reaffirms also the universal applicability of the right to adequate housing, the right to freedom of movement and the right to privacy and respect for the home, and the particular importance of these rights for returning refugees and internally displaced persons wishing to return to their homes and places of habitual residence.”

<sup>35</sup> Terry Rempel ‘International Law and Durable Solutions for IDPs’ retrieved from Microsoft Word - Land Day 2003.doc accessed 24 August 2025 citing David A Korn *Exodus within Borders, An Introduction to the Crisis of Internal Displacement* (Brookings Institution Press, 1999).

The Guiding Principles do not explicitly mention (durable) solutions, but Principles 28 to 30 outline the rights of IDPs to return or resettle and the responsibility of authorities to ‘establish conditions, as well as provide the means’ for this.<sup>36</sup> The Guiding Principles elaborate on the right of IDPs and obligations of national and international authorities to facilitate durable solutions. According to Principle 28(1),

Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, to allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the re-integration of returned or resettled internally displaced persons.

The right of IDPs to voluntarily return to their homes of origin in safety and dignity has its bases in several bodies of international law. The right of return is a customary norm of international human rights law. It is anchored in numerous international conventions, including the Universal Declaration of Human Rights,<sup>37</sup> the International Covenant on Civil and Political Rights,<sup>38</sup> and the International Covenant on the Elimination of All Forms of Racial Discrimination.<sup>39</sup> It is also found in an array of regional human rights treaties, including the American Convention on Human Rights,<sup>40</sup> the African Charter on Human and People’s Rights,<sup>41</sup> and the Fourth Protocol of the European Convention on Human Rights.

The Guiding Principles’ approach to solutions centres around the basic principles of safety, voluntariness and dignity.<sup>42</sup> The Principles are based on the premise that to achieve a ‘solution’, an IDP must physically move from the place of displacement to a new location where they can stay; removed from whatever conditions caused their flight but without any expectations of how long this stay might last. Finding such a ‘place to stay’ only has to fulfil certain basic conditions: the location must be safe and the former IDP ‘protected against forcible return... or resettlement’ to an unsafe place; the IDP must move there ‘voluntarily’ and be able to participate in the ‘management and planning’ of this process; and they must be able to do so ‘with dignity’.<sup>43</sup> Dignity can be interpreted as the fulfilment of a basic set of rights, all of which are linked to the ability to physically stay in a place without discrimination.<sup>44</sup> These comprise freedom of movement and choice of residence,<sup>45</sup> access to legal and personal documentation,<sup>46</sup> assistance to recover lost property or obtain compensation or reparation,<sup>47</sup> and participation in public affairs.<sup>48</sup>

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<sup>36</sup> Parr (n).

<sup>37</sup> UDHR, Article 13(2).

<sup>38</sup> ICCPR, Article 12(4).

<sup>39</sup> ICRED, Article 5(d)(ii).

<sup>40</sup> American Convention on Human Rights, Article 22(5).

<sup>41</sup> African Charter on Human and People’s Rights, Article 12(2)

<sup>42</sup> Parr (n22).

<sup>43</sup> African Charter on Human and Peoples’ Rights, Articles 10 & 14.

<sup>44</sup> Ibid, Article 14.

<sup>45</sup> Ibid, Article 19.

<sup>46</sup> Ibid, Article 11.

<sup>47</sup> Ibid, Article 14.

<sup>48</sup> Ibid.

‘Reintegration’ is mentioned but not defined, though given the other conditions specified can be understood to mean the achievement of the basic rights outlined above.<sup>49</sup>

### 3.3 The African Union Convention for the Protection and Assistance of Internally Displaced in Africa

The African Union Convention for the Protection and Assistance of Internally Displaced in Africa<sup>50</sup> is a regional instrument on the rights and obligations of IDPs. It was adopted by the African Union heads of State and Government on 23 October 2009 and entered into force on 6 December 2012. The majority of African states are parties to the Kampala Convention. Yet, 21 African states are still not parties to this Convention. Some of these states have significant numbers of internally displaced populations.<sup>51</sup> The aim of the Convention is to prevent internal displacement, to protect IDPs, and to provide for durable solutions to internal displacement in the African region. To achieve these aims, it sets out the rights of IDPs and lays obligations on states, armed groups, non-state actors and other relevant actors. The rights of IDPs enshrined in the Convention include the right not to be displaced, the right to non-discrimination, the right to seek safety, the right to education, the right to food, and the right to shelter. The obligations of states include, but are not limited to, the obligation not to arbitrarily displace individuals and groups, and to prohibit and prevent the same; the obligation to respect and guarantee the human rights of IDPs; the obligation to provide or facilitate the provision of humanitarian assistance to IDPs; and the obligation to put in place legal, policy and institutional frameworks for the protection of IDPs, and to allocate resources for these purposes.

Like the Guiding Principles, the Kampala Convention is fairly brief in its discussion of durable solutions. Unlike the Principles, however, the Convention explicitly employs the term ‘durable solutions’, a testament to the increased traction of the concept in the eleven years between the release of the two standards.<sup>52</sup> Indeed, the first objective of the Convention is to ‘Promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide for durable solutions’.<sup>53</sup> While the Guiding Principles simply state that ‘Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration’.<sup>54</sup> The Convention insists that ‘States Parties *shall* enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions’.<sup>55</sup> The Convention also importantly advances the normative framework by explicitly recognising local integration as a legitimate durable solution to displacement.

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<sup>49</sup> Ibid, Articles 5 & 14.

<sup>50</sup> Also referred to as the Kampala Convention.

<sup>51</sup> Centre for Human Rights, University of Pretoria ‘Roadmap for the Ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa’ retrieved from <Updated\_Roadmap\_Kampala\_Convention\_2022.pdf> accessed 27 August 2025.

<sup>52</sup> ELibrary.net ‘From Soft Law to Hard Law, Durable Solutions in the Kampala Convention’ retrieved from <From soft to hard law: durable solutions in the Kampala Convention> accessed 30 August 2025.

<sup>53</sup> Kampala Convention, Article 2(a)

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

The Kampala Convention additionally strengthens protections relating to redress for IDPs, an issue that may directly affect the pursuit of durable solutions. Whereas the Guiding Principles address only the loss of ‘property and possessions’, the Kampala Convention tacitly recognises that displacement may be associated with a much wider range of losses affecting not only IDPs but also other stakeholders such as host community members. The Kampala Convention thus indicates that ‘States Parties shall provide persons affected by displacement with effective remedies’, and shall ‘establish an effective legal framework to provide just and fair compensation and other forms of reparations, where appropriate, to internally displaced persons for damage incurred as a result of displacement, in accordance with international standards’.<sup>56</sup>

Despite these important advances, the Convention (unsurprisingly, given the political sensitivity of the issue) leaves open a range of key questions concerning, for example, the particular conditions that authorities are obliged to establish in order to enable solutions. These issues are addressed in greater detail in a subsequent tool, the IASC Framework on Durable Solutions for Internally Displaced Persons.

### 3.4 The IASC Framework on Durable Solutions

The IASC Framework on Durable Solutions underscores the necessity of greater involvement of international actors and, according to some researchers, its “primary audience is the diverse array of international actors involved in efforts to resolve displacement”.<sup>57</sup> The Framework’s purpose, as stated in its text, is “to provide clarity on the concept of a durable solution and provide general guidance on how to achieve it”.<sup>58</sup> In order to do so, the Framework has a threefold aim: “(a) to foster a better understanding of the concept of durable solutions for the internally displaced; (b) provide general guidance on the process and conditions necessary for achieving a durable solution; and (c) assist in determining to what extent a durable solution has been achieved”.<sup>59</sup> The same as the Guiding Principles, the Framework has a broad scope and applies to all major types of internal displacement, that is, internal displacement in the context of armed conflict, situations of generalised violence, violations of human rights, and natural or human-made disasters.<sup>60</sup>

### 3.5 The Nigerian National Policy on Internally Displaced Persons in Nigeria

The Nigerian National Policy on Internal Displacement outlines several key provisions for achieving durable solutions for internally displaced persons (IDPs). The policy aims to strengthen institutional mechanisms and frameworks to realise the rights, dignity, and well-being of IDPs. Section 5.2 of the National Policy on Internal Displacement in Nigeria is titled ‘Achieving Durable Solutions to Internal displacement’. The policy provides strategies for achieving durable solutions for displaced populations, allowing them to make informed decisions about whether to voluntarily return to their places of origin, integrate into host communities, or

<sup>56</sup> Kampala Convention, Articles. 12.1 & 12.2

<sup>57</sup> M Bradley ‘Durable Solutions and the Right of Return for IDPs: Evolving Interpretations’ *International Journal of Refugee Law*, (2018) 30(2), pp. 218-242.

<sup>58</sup> IASC Framework on Durable Solutions para. 3, p. 5.

<sup>59</sup> Ibid para. 5, p. 5.

<sup>60</sup> Milica Matejevic and Vesna Coric and Knezevic Bojovic ‘The Framework on Durable Solutions For Internally Displaced Persons in The Scholarly Literature: A Preliminary Analysis’ retrieved from <11-Matijevic-Coric-Knezevic-Bojovic.pdf>.

relocate to other parts of the country. The policy adopts a human rights-based approach, emphasising the protection of IDPs' fundamental human rights and mitigating their suffering. The policy encourages collaboration among government agencies, humanitarian organisations, and development actors to ensure a comprehensive response to internal displacement. The policy acknowledges the primary responsibility of state governments in providing for the welfare of their citizens, while the federal government intervenes as necessary. The policy ensures protection and assistance for IDPs, including emergency relief, shelter, healthcare, and education.

#### 4 Challenges in Achieving the Right to Durable Solutions

The disappearance of its immediate causes for example, end of hostilities, or return from displacement does not in itself ensure durable economic and social reintegration. The question “when displacement ends” has to do with the barriers to and the conditions and processes that underpin durable solutions, and by implication, the development activities that are necessary to achieve such solutions.<sup>61</sup> The key barriers to durable solutions for refugees and IDPs, which at the same time constitute the critical development challenges, are:

##### 4.2 Insecurity

A major challenge to achieving the right to durable solutions for IDPs in Nigeria is the absence of security. A survey by the Nigeria Bureau of Statistics revealed that 83.4 per cent of IDPs have spent over four years in shelters or camps, while 12.4 per cent have been displaced for two to three years.<sup>62</sup> Only 0.2 per cent has experienced displacement for a few days.<sup>63</sup> Insecurity is a major reason why IDPs have remained in situations of protracted displacement in the country. Recent reports reveal that more than 2 million people remain internally displaced, unable to return to their homes due to ongoing insecurity.<sup>64</sup> On 30 July 2025, protesting IDPs in Benue State blocked the Makurdi-Abuja highway saying that they have stayed in displacement for too long and desire to return to their ancestral homes.<sup>65</sup> IDPs allege that they are unable to return home because of insecurity. According to them, the few IDPs that returned to home to check on their property and farmlands were killed thereby putting a stop to further return.<sup>66</sup> One of the protesters, Agnes Terwase, stated that “From Yelewata down to Ortese, Igbam, Ukohol, Daudu and our IDPs Camp at Mbayongo, nowhere is safe despite the presence of police and the military. We can't go outside our camp for fear of being attacked”.<sup>67</sup> In Borno State, there were reports of increased attacks on civilians and unlawful killing of IDPs, returnees, and host community members and 195 abductions, kidnappings, and forced disappearance of men and

<sup>61</sup> Neils Harild and Asger Christensen ‘The Development Challenge of Finding Durable Solutions for Refugees and Internally Displaced People’ retrieved from <[World Bank Document](#)> accessed 24 August 2025.

<sup>62</sup> Kehinde Olatunji ‘1.1million Displaced as 77% of IDPs Seek to Return Home’ retrieved from <1.1m displaced as 77% of IDPs seek to return home, says NBS> accessed 29 September, 2025.

<sup>63</sup> Ibid.

<sup>64</sup> International Organisation for Migration (IOM) and Displacement Tracking Matrix (DTM) *DTM Insight July 2025* retrieved from <Durable Solutions: 2022 / 23 Assessing the prospects for durable solutions in the BAY states | OCHA> accessed 26 September 2025.

<sup>65</sup> News Desk ‘Benue Killings: Yelewata Christian Displaced Persons Block Makurdi-Lafia Highway’ <Benue Killings: Yelewata Christian Displaced Persons Block Makurdi-Lafia Highway - Truth Nigeria> accessed 29 September, 2025.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

girls and boys particularly aged 12 to 17 years.<sup>68</sup> This clearly contravenes the right to life of IDPs and makes the realisation of the right to durable solutions a mirage.

Babajide and others<sup>69</sup> have stated that the physical security of the displaced has in some cases been undermined by government authorities. They asserted that, there are reports that indicate that IDPs have experienced restricted freedom of movement during their flight by roadblocks set up by the police, or due to proximity of military attacks to civilian communities. Moreover, affiliation between officials and certain ethnic groups has sometimes led to reprisal attacks against other ethnicities. In some instances, authorities have in some cases used force to make IDPs leave camps and return to their home areas. For example, in July 2001 the police in Nassarawa State deployed force to make people leave an IDP camp of 3,000.<sup>70</sup>

### 4.3 Loss of Land, Property and Houses

Most IDPs suffer a loss of their rights to land, property and houses. Displacement separates people from their property as they are forced to abandon their homes and also often their lands, livestock and other possessions, to seek safety from conflict, violence and other violations of their rights in other parts of their country.<sup>71</sup> In some cases, the systematic destruction of property is employed as a method of warfare aimed at punishing, terrorising or forcing the flight of particular communities and permanently altering the demographic (ethnic or religious) character of a community or even country. Property left behind by displaced persons may be taken over by combatants for personal gain or be systematically distributed to them in lieu of payment for taking up arms. Arbitrary deprivation of property can also take place by more organised means, including: discriminatory laws and practices, unjustified confiscation of land and property, and unlawful evictions conducted under the ambit of urban or agricultural reform or restructuring.<sup>72</sup>

The land, property and houses that belonged to the displaced are in many return situations contested, or the assets of the returnees have been taken over by others. This is a major obstacle in achieving the right to durable solutions. Where the insecurity has abated and IDPs return home, they are faced with the harsh reality of their destroyed houses and other property. In most cases, the houses, where they still exist, are no longer habitable. In the recent Yelewata attacks in Benue State, the houses were torched thereby destroying them. In a study conducted in Borno, Adamawa and Yobe States (the BAY States) of Northeast Nigeria between February and March 2025 it was discovered that more than half of the returnees (approximately 55%) stated that their

<sup>68</sup> Relief Web 'Protection Sector North East Nigeria- Killing and Abduction of Civilians in Borno State, Nigeria' retrieved from <Protection Sector North East Nigeria - Killing and Abduction of Civilians in Borno State, Nigeria - Nigeria | ReliefWeb>

<sup>69</sup> Femi M Babajide and Olaogun M Sunkanmi and Oluwadele L Bolutife and Ijeoma Joy Iwuoha and Idoko, Silas Oduh 'The State of Internally Displaced Persons (IDPS) In Nigeria and Implications To National Security: Northwest And North Central In Focus' *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* (2024) 29 (11).

<sup>70</sup> Ibid.

<sup>71</sup> ICVANetwork 'Action Sheet 12: Loss or Arbitrary Deprivation of Land and Property' retrieved from <Action-Sheet-Handbook-for-the-Protection-of-Internally-Displaced-Persons-12-Loss-or-Arbitrary-Deprivation-of-Land-and-Property.pdf> accessed 30 September 2025.

<sup>72</sup> Ibid.

land had been occupied by secondary occupants claiming adverse possession upon their return.<sup>73</sup> The absence of title documents prior to displacement, coupled with the loss or destruction of documents during displacement for those who did have them, has made it increasingly difficult to prove ownership, further complicating efforts to reclaim property.<sup>74</sup> Geidam and Gujba LGAs are among the areas severely affected by the activities of Non State Armed Groups (NSAGs). The insurgency displaced hundreds of thousands of people, forcing them to flee to safer locations. Although the situation has relatively stabilised, many returnees have come back only to face significant challenges. Many found their homes either destroyed by NSAG activities, vandalised by secondary occupants, or further damaged due to neglect and other community-related factors. Financial constraints have made rehabilitation efforts particularly difficult.<sup>75</sup>

Even though, the right to seek remedy for compulsory acquisition of landed property is well conceptualised,<sup>76</sup> the same cannot be the case with IDPs in Nigeria as government except in development induced displacement and evictions are not responsible for such violations for the purposes of granting affected person any form of reparation.<sup>77</sup>

#### 4.4 Disruption of Livelihoods

Livelihoods are disrupted or dependent on humanitarian aid, and livelihood rehabilitation is critical if solutions to displacement are to become sustainable, both if the displaced return home or if they have to integrate elsewhere. Removal from source of income and livelihood adds to the physical and psychosocial vulnerability for displaced persons.<sup>78</sup> Many IDPs, who were once engaged in farming, trade, or other forms of work, are now displaced and unable to neither fend for themselves nor contribute meaningfully to the nation's productivity. The displacement of families means the loss of livelihoods, which leads directly to a sharp decline in income levels. For many, the inability to work or access stable income sources exacerbates the problem, turning economic hardship into a vicious cycle.<sup>79</sup> Instead of driving innovation or supporting small-scale businesses, they are left without resources or the means to build their own livelihoods, which has severely dampened efforts at achieving durable solutions. Without a stable income, IDPs are forced to rely heavily on humanitarian assistance which undermines their ability to achieve self-sufficiency and sustainable reintegration. Loss of livelihood can also erode IDPs' resilience, making it harder for them to cope with future shocks and stresses, and increasing their vulnerability to exploitation and abuse. Furthermore, without a stable income, IDPs struggle to access basic services such as healthcare, education, and sanitation, exacerbating their vulnerability. Loss of livelihood can hinder IDPs' ability to recover and rebuild their lives,

<sup>73</sup> Jabani J Mamza *Lost Land, Broken Homes: The Struggle of Returnees and Relocated Persons in Northeast Nigeria* retrieved from [lost-land-broken-homes-the-struggles-of-returnees-and-relocated-persons-in-northeast-nigeria\\_final.pdf](#) accessed 30 September 2025.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> See Section 44 (1) (a) and (b) of the Nigerian Constitution 1999 as amended and Section 39 (a) and (b) of the Land Use Act Cap L1 Laws of the Federation of Nigeria 2004 in respect of improvements on the land.

<sup>77</sup> Shedrack Ekpa and Nuarrual HM Dahlan 'Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria' retrieved from <Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria | Ekpa | Journal of Law, Policy and Globalization>.

<sup>78</sup> Leonard C Opara and Deon Erasmus and Leah Ndimouwuri 'Enhancing Protection of Internally Displaced Persons Through Domestic Law and Policy' *NAUJILJ* (2019) 10 (2)

<sup>79</sup> Faith Donatus 'IDPs Put Strain on Nigeria's Economic Growth-World Bank' retrieved from <IDPs put strain on Nigeria's economic growth - World Bank - Businessday NG> accessed 30 September 2025.

delaying their transition from displacement to durable solutions. IDPs without a stable livelihood are more vulnerable to protection risks, including exploitation, abuse, and violence.

#### **4.5 Inadequate Delivery of Services**

Delivery of services such as education and health along with basic infrastructure are frequently inadequate or absent both in places of exile and upon return. The absence of education, healthcare services, and basic infrastructure significantly hinders achieving durable solutions for IDPs. IDP children often miss out on education due to displacement, leading to long-term consequences on their future prospects and increasing the likelihood of child labour, early marriage, and exploitation. Without access to healthcare services, IDPs are more vulnerable to illnesses, malnutrition, and mental health issues, making it challenging for them to recover and rebuild their lives. Inadequate infrastructure, such as dilapidated shelters, poor sanitation facilities, and lack of clean water, poses significant health risks and makes living conditions unbearable for IDPs. Infrastructure refers to the structures, facilities and systems that contribute to the function of a country. These include buildings, roads, bridges, airports, airways, power supplies, water and sanitation supplies, telecommunication systems and more. When these infrastructures are not operating properly, the chain of production is disrupted. This disruption hinders development, which causes economic deficit and, in turn, brings low standards of living which makes displacement to linger.<sup>80</sup> Infrastructure is directly linked to the economic development and growth of a country. It acts as a catalyst for the development of poverty alleviating solutions, providing access to basic needs such as health care, education, food resources, transportation, job opportunities and more. It also increases productivity and improves the quality of life for many communities.<sup>81</sup>

#### **4.6 Lack of Political Will**

Accountable and responsive governance and rule of law are often weak particularly at the local level, government capacity is limited, its legitimacy damaged, and social capital at the community level is impaired. Increased international attention for the welfare of internally displaced persons is also driven by the absence of national protection.<sup>82</sup> National authorities, which have the primary responsibility to protect and seek durable solutions for IDPs within their borders, often lack the resources and/or political will to do so, particularly when internal displacement is a result of competition over control of land and resources or ethno-national conflict. International protection is required when national authorities fail to provide adequate protection of IDPs within their borders.

### **5.0 Recommendations**

The following recommendations are hereby made:

- 1 The insecurity bedevilling the country and which is a major obstacle to achieving the right to durable solutions for IDPs must be brought to a halt. The Nigerian government must exercise the necessary political will in stopping all acts in insurgency and conflict ravaging the country.

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<sup>80</sup> DBSA 'The Effects of Poor Infrastructure in Education, Transport and Communities' retrieved from <Effects of poor infrastructure in education & transport | DBSA> accessed 30 September 2025.

<sup>81</sup> Ibid.

<sup>82</sup> Terry Rempel 'International Law and Durable Solutions for IDPs' retrieved from <Microsoft Word - Land Day 2003.doc> accessed 24 August 2025.

- 2 It is imperative that an IDP specific law should contain provisions on housing, land and property rights, as well as restitution and/or compensation, to be included as a part of a human rights/rule of law component of peace agreements; voluntary return agreements, policies and programmes; and other documents. Such provision should include a non-discrimination clause, guaranteeing the equal rights of women and girls with men and boys to land, housing and property.<sup>83</sup> There is a need to harmonise land tenure law in Nigeria. The coexistence of customary, religious, and statutory land laws creates uncertainty, particularly for returnees trying to reclaim property.<sup>84</sup> The Nigerian government should ensure that where people have been deprived of their property, whether as a result of actions by the State, non-state actors or private individuals, adequate avenues for redress are put in place. This can be done through existing judicial or administrative mechanisms or through the establishment of specialised restitution and/or compensation mechanisms.<sup>85</sup>
- 3 It is essential to prioritise livelihood support and economic empowerment for IDPs, enabling them to achieve sustainable reintegration and durable solutions.
- 4 Relevant authorities should improve on providing access to education and healthcare. Ensuring access to education and healthcare services is crucial for IDPs' well-being and ability to rebuild their lives. Governments and organisations should invest in developing infrastructure, such as schools, healthcare facilities, and sanitation systems, to support IDPs' needs.
- 5 Government must take the bull by the horn and ensure that all obstacles to achieving the right to durable solution for IDPs in Nigeria should be removed.

## 6.0 Conclusion

IDPs cannot be left hanging perpetually in camps, be they official and unofficial camps. It is not an ideal situation for displacement to continue unabated and the IDPs are left in limbo, completely disconnected from their ancestral homes and unable to put down roots anywhere. It is the best interest of the country at large that durable solutions are found for IDPs so that they live fully functional lives and enjoy the rights that are due them just like other citizens of the country.

To achieve durable solutions, the law should be strengthened and the relevant authorities must exercise the necessary political will in providing durable solutions for IDPs. To this end, humanitarian, development, and peace-building actors must work together under the leadership of national authorities. This collaborative approach ensures that the right of IDPs' to durable solution is addressed comprehensively without any gaps.

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<sup>83</sup> ICVANetwork 'Action Sheet 12: Loss or Arbitrary Deprivation of Land and Property' retrieved from <Action-Sheet-Handbook-for-the-Protection-of-Internally-Displaced-Persons-12-Loss-or-Arbitrary-Deprivation-of-Land-and-Property.pdf> accessed 30 September 2025.

<sup>84</sup> Jabani J Mamza *Lost Land, Broken Homes: The Struggle of Returnees and Relocated Persons in Northeast Nigeria* retrieved from *lost-land-broken-homes-the-struggles-of-returnees-and-relocated-persons-in-northeast-nigeria\_final.pdf* accessed 30 September 2025.

<sup>85</sup> ICVANetwork 'Action Sheet 12: Loss or Arbitrary Deprivation of Land and Property' retrieved from <Action-Sheet-Handbook-for-the-Protection-of-Internally-Displaced-Persons-12-Loss-or-Arbitrary-Deprivation-of-Land-and-Property.pdf> accessed 30 September 2025.