

The Problem of Refugees, Internally Displaced Persons and Protection of Victims of Internal Strife

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Abstract

Forced displacement of persons caused by internal strife has become one of the prevalent humanitarian crises of the 21st Century. This work examines the problem of refugees, internally displaced persons and victims of internal strife, using especially Africa and Nigeria as focal points. It argues that protecting victims of internal strife requires closing the legal gap between refugees and IDPs, also strengthening state responsibility and adopting integrated approaches that combine humanitarian aid, human rights and development.

Keywords: Refugees, IDPs, Internal Strife, Protection, Humanitarian Law, Africa, Nigeria.

1.0 Introduction

The world is at its highest levels of displacement of persons through wars and internal strife. 120 million people were forcibly displaced globally by the end of 2024¹. The majority of the displacement was caused by internal strife rather than international wars. The internal strife accrues from civil wars, insurgencies, communal violence, political persecution, and state collapse.

Africa bears a disproportionate share of the burden and accounts for over 40% of the world's IDPs.² This is quite alarming from Lake Chad Basin, the Sahel, the Horn of Africa, and the Great Lakes region. It was estimated that over 3.2 million IDPs and 300,000 refugees affected African countries³. This shift has created two class of displaced persons viz Refugees and Internally Displaced Persons. Whereas Refugees are those who cross an international border, internally displaced persons are those who flee within their own country'. While both groups flee similar threats, their legal protection differs dramatically. Refugees are covered by binding international law while IDPs are not.

2.0 Conceptual Framework

1. **Refugee:** A refugee under Article 1(2) of the 1951 Convention⁴ as a person outside their country with a well-founded fear of persecution.⁵ The 1969 OAU Convention expands this to include persons fleeing external aggression, occupation, foreign domination or events seriously disturbing public order.⁶

¹ UNHCR, Global Trends Report 2024. Geneva: UNHCR, 2025.

² IDMC, Global Report on Internal Displacement 2025. Geneva: IDMC, 2025.

³ African Union Kampala Convention on IDPs in Africa, 2009.

⁴ OAU Refugee Convention, 1969.

⁵ United Nations, 1998, p. 1.

⁶ International committee of the Red Cross (ICRC), 2004)

2. Internally Displaced Persons (IDPs): An IDP is defined under Principle 2 of the UN Guiding Principles⁷ as persons forced to flee within their country due to armed conflict, violence, human rights violations or disasters.

3. Victims of Internal Strife: include civilians who suffer direct harm or deprivation as a result of armed conflict.⁸

4. Protection: Protection refers to all activities aimed at obtaining full respect for the rights of the individual in accordance with international human rights law, international humanitarian law, and refugee law.⁹ It involves preventing and responding to violations that affect persons in situations of armed conflict, displacement, and other crises.¹⁰

5 Humanitarian Law: Also called the law of armed conflicts, is the body of rules which seeks to limit the effects of armed conflict by protecting persons who are not or are no longer participating in hostilities and by restricting the means and methods of warfare.¹¹ Its core principles are distinction, proportionality and necessity.¹²

6. Africa: Africa is the world's second largest and second most populous continent, comprising 54 recognized sovereign states.¹³ In legal and political terms, Africa is also defined by regional institutions such as the African Union, which promotes peace, security, human rights and development on the continent.¹⁴

7. Nigeria: is a sovereign state in West Africa and the most populous country in Africa.¹⁵ It operates a federal system of government with 36 states and the federal capital Territory.¹⁶ legally, Nigeria is governed by its 1999 Constitution¹⁷ and has ratified key international and regional instruments on refugees, and IDPs including the 1969 OAU Refugee convention¹⁸ and the 2009 Kampala Convention¹⁹

3.0 Global Causes of Internal Strife

1. Armed Conflict and Terrorism: Armed conflict and terrorism constitute a major global causes of internal strife. The emergence and deadly attack by ISIS. BOKO Haram, AL-shabab and other non-state actors always target the civilians²⁰

2. Governance Failure: According to World Bank 2022²¹ weak institutions lead to protests that turn violent. There is a mass corruption and exclusion system that targets on the weak.

3. Community Identity-Based Violence: Ethnic, religious, and resource-based conflicts are bane in Sudan, Ethiopia, DRC and Nigeria²².

4. Climate Change and Environmental Stress: Climate changes often result to desertification, drought, flooding, most especially in the Sahel region²³.

5. Transnational crime such as Banditry, arms trafficking, and kidnapping has become a modern trend.²⁴

⁷ UN Commission on Human Rights, Guiding Principles on Internal Displacement, (11, February 1998) UN DOC E/CN.4/1998/53/Add.2, Principle 2.

⁸ Kalin, (n.s) s.

⁹ World Bank, World Development Report 2022. (World Bank, 2022)89

¹⁰ Convention Relating to the Status of Refugees (n.6).

¹¹ OAU Refugee Convention (n. 7).

¹² UN Guiding Principles (n 7)

¹³ African Union Convention for the protection and Assistance of Internally Displaced Persons in Africa adopted 23 October 2009, entered into force 6 December 2012) art 2

¹⁴ Federal Republic of Nigeria, National Policy on Internal internally.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ National Emergency Management Agency Act, Cap N34, LFN 2004.

¹⁹ Amnesty International, Nigeria: We Dried out Tears" (Amnesty 2023) 12.

²⁰ UNHCR (n.2).

²¹ Human Rights Watch, World Report 2024: Nigeria, HRW 2024.

²² International Crisis Group, Herders against Farmers: Nigeria's Expanding Deadly Conflict, (ICG 2018).

²³ Amnesty International, Nigeria We dried Our Tears, (Amnesty 2023) 12.

²⁴ Human Rights Watch, World Report 2024. Nigeria (HRW 2024)

4.0 Legal and Institutional Challenges

1. Lack of International Status

Unlike refugees, IDPs do not have a specific international organization vested with a universal mandate to guarantee their protection, though entities like the UNHCR step in adhoc agreements.

2. Deficiency

Protection under international humanitarian law: protection of victims of internal strife fails under international humanitarian law. Specifically common article 3 of the Geneva Convention and its additional protocol II did not cover victims of internal strife.

3. Guiding Principles on Internal Displacement

These non-binding principles serves as the primary international standard for protecting IDPs. They dictate that IDPs have the same right as other citizens, covering protection from forced displacement and safe return or integration.

4. International human rights law:

In addition to international humanitarian law, general human rights frameworks applied to IDPs, ensuring rights to life, liberty and freedom from cruel or degrading treatment are respected regardless of internal strife.

4. Primary state responsibility under international law, the state in which the IDP reside holds the primary duty and responsibility to provide protection and humanitarian assistance.

5.0 IDPS and Refugees: African and Nigerian Perspective

Internal strife in Nigeria since 2009 has produced one of the largest displacement crises in Africa²⁵. Nigeria has ratified key international and regional instruments, the absence of a domestic legal framework and weak implementation has left millions of IDPs without adequate protection. Nigeria has, since 2009, been confronted with multiple internal crises that have led to mass displacement²⁶. The Boko Haram insurgency in the North East, herder-farmer conflicts in the middle belt, banditry in the North West, and separatist agitation in the South East have all contributed to forced displacement. As of 2024, Nigeria hosts over 3.3 million IDPs and more than 300,000 Nigerian refugees in Cameroon, Chad and Niger.

At the African level, Africa has the most progressive framework. The 1969 OAU Convention and the 2009 Kampala Convention are binding on state parties. Article 3 of the Kampala Convention imposes obligations on states to prevent displacement, and provide durable solutions. Nigeria ratified the Kampala Convention on 17 April 2012.

Nigeria's Constitution 1999²⁷ guarantees the right to life, dignity and freedom of movement. However, there is no specific legislation on IDPs. The National Policy on IDPs were and the national policy on IDPs 2012 and the National Emergency Management Agency Act²⁸ provide administrative guidance but are not legally binding. The absence of a specific IDP law has been criticised by courts and scholars.

Boko Haram and ISWAP have caused the displacement of over 2.2 million persons in Borno, Adamawa, and Yobe States since 2009. Attacks on villages, schools, and markets have created a humanitarian emergency²⁹.

Herder/farmer clashes in Benue, Plateau, Kaduna, and Nasarawa States have displaced hundreds of thousands. These conflicts are driven by competition over land, water, and climate change.

6.0 Recommendations

1. Voluntary return, local integration and resettlement. For these to work, the humanitarian-development-peace nexus must be adopted. Relief alone is not enough.

2. Legal reform that all African states should ratify and domesticate the Kampala convention. Nigeria needs a specific IDP protection law.

²⁵ International Crisis Group, Horders against Farmers: Nigeria Expanding Deadly Conflict, (ICG 2028).

²⁶ Kampala Convention (n.15), Art. 3.

²⁷ Constitution of the Federal Republic of Nigeria 1999 (As amended), S.33.

²⁸ National Emergency Management Agency Act, Cap N34, LFN 2004.

²⁹ OCHA, Nigeria humanitarian needs overview 2024 (OCHA 2024) 22

3. Strengthening states capacity and investment on security governance and early warning systems to prevent displacement.
4. Protection of civilians in conflict by enforcing international humanitarian law and hold perpetrators accountable through national and international courts.

7.0 Conclusion

The problem of refugees IDPs and victims as internal strife is fundamentally a problem of protection and governance where refugees have a clear international, legal status, IDPs remain largely invisible in Africa, while internal conflicts continue to uproot millions protecting victims of internal strife is not charity. It is an obligation under human rights and humanitarian law. It requires states to take, responsibility the international community to provide support and development actors to think long-term. The dignity, safety and future of displaced persons depend on closing the gap between law and practice.

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