



Filling the Land Policy Gap in Reviewing the National Policy on Internally Displaced Persons in Nigeria

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Abstract

The lack of policy guidelines for IDPs resettlement in Nigeria had rendered humanitarian assistance ad hoc and disjointed, thus exacerbating the vulnerability of IDPs. This realization has necessitated the drafting of a National Policy on IDPs in 2012 which aims to coordinate all humanitarian responses for IDPs in Nigeria. However, land which forms the bedrock for IDPs resettlement was mentioned tangentially in the National Policy on IDPs. There was no focused policy guideline on how land should be provided for IDPs resettlement and humanitarian assistance in the country. The aim of this paper is to fill this gap by suggesting an integration of a coherent land policy for humanitarian assistance in the review of the document. This paper is based on the review of the National Policy, other literature and policy documents on IDPs. The review of extant literature on IDPs revealed that land is the entry point of any humanitarian assistance for IDPs. However, the review of the National Policy on IDPs revealed policy gaps in the context of housing, land and property (HLP). The National Policy has no policy guidelines for the provision of land for IDPs' resettlement and humanitarian assistance for shelter and livelihood support. Given the weak land administration system in Nigeria due to the legal pluralism in land administration, land use for humanitarian assistance can be problematic without mainstreaming a land policy in the National Policy on IDPs. Key land policy guidelines were recommended for integration in the National Policy on IDPs.

Key words: Camps, Humanitarian Assistance, Livelihood, Resettlement, Shelter

Introduction

Large-scale violent conflicts, natural disasters and environmental degradation that compel people to flee their homes and take refuge in safer locations are gradually becoming realities of everyday life experience in Nigeria. Violent conflicts in Nigeria are not only widespread but becoming more complex and protracted in nature (Agheyisi, 2019a). Disputes over resource control, use of land, boundary and land ownership are common causes of conflicts in the country. Natural hazards and disaster risk affecting the country include perennial flooding, coastal erosion, desert encroachment, prolonged

drought and desertification. There are problems of environmental degradation such as gully erosion, oil spillage and badland topography associated with unregulated mining activities (Agheyisi, Nwokolo and Okigbo, 2019). Each of these problems is location-specific across the geographic and ecological zones in Nigeria.

Over a decade-long Boko Haram insurgency in the North-East region, the ongoing banditry in the North-West region and farmers-herders clashes in the Middle Belt and other parts of the country have all displaced millions of Nigerians from their ancestral homes, resulting in the formation of countless camps for internally

displaced persons (IDPs) across the country. Global warming is causing unprecedented rise in ocean level which put coastal settlements at risk. Nigeria has 853 kilometres of coastline spanning seven coastal states of the Federation. Desert encroachment in the Sahel belt of Nigeria has resulted in settlement abandonment and southward population drift in the region. Rainfall intensity is increasing annually posing threats to urban population due to weak or absence of drainage infrastructure (Agheyisi & Odjugo, 2019).

Since the 2012 deluge that inundated the banks of rivers Niger and Benue as well as the coastal states of Nigeria, many of the affected areas have continuously witnessed perennial flooding due to the destruction of natural embankments in these areas. Since then, the Nigerian Meteorological Agency (NiMet) has annually forecast and issued warnings about impending flooding across Nigeria, particularly along the banks of rivers Niger and Benue. Following such warnings, the Federal and State Governments have always advised residents in the flood-prone areas to vacate their land and houses to safer upland areas. The questions in the minds of many Nigerians whenever such appeal is given are: Who will provide the land, shelter and sustenance for the affected people? For how long will Nigerians rely on we-feeling of 'being your brother's keeper' in times of disaster?

It is a well-known fact that there are numerous IDPs camps scattered across Nigeria. But what is not known is their exact number, locations and sizes. Oftentimes, more attention is given to persons internally displaced by violent conflicts to the neglect of those displaced by natural disaster and development projects. Whatever the causes of IDPs camps many are perennial while others are temporal and cyclic in nature. The humanitarian assistance for IDPs in such situations is ad-hoc and disjointed due to lack of coordinated support system. Consequently, internally displaced persons are dispersed as they seek refuge in churches and mosques, public schools, houses of relatives and in rented houses. Displacement Tracking Monitor (DTM, 2019) reports that 63.2% of the over two million identified IDPs in Nigeria reside in peri-urban and urban locations. This has created severe data

and knowledge gaps on the situation of IDPs in Nigeria (Ishaku *et al.*, 2020).

The lack of IDPs infrastructure in Nigeria has given rise to varied resettlement patterns. Dispersed IDPs are often concealed from humanitarian assistants (Kamungi, *et al.*, 2005). Humanitarian interventions by the government and other agencies often target IDPs in formal camps because they are identifiable and classified as such. IDPs within host communities are hidden groups of the same vulnerable displaced population (Olanrewaju *et al.*, 2019). Vacant land occupied by IDPs at the outskirts of cities and towns are commonly referred to as IDPs camps. Such spontaneously developed IDPs camps are problematic because the land so occupied most often was not negotiated or allocated. This explains why many IDPs camps often shift from one location to another and sometimes occupied marginal sites which further exacerbate their vulnerability to natural hazards.

The sad reality of internal displacement described above led to the formulation of the National Policy on IDPs for the coordination of humanitarian assistance in Nigeria. However, the provision of land for IDPs resettlement and humanitarian assistance was not given the expected attention it deserved. This gap in the National Policy on IDPs is problematic not only for the internally displaced persons but also for humanitarian efforts and the host communities. The land question thus arises because land is the entry point for any humanitarian assistance and for IDPs' livelihood. It has been observed that if issues bordering on housing, land and property (HLP) as well as their associated regulatory barriers are not addressed from the outset of an emergency, they can undermine the entire humanitarian response and exclude the most vulnerable (NRC, IFRC Report, 2016). The National Policy on IDPs, as presently conceived, assumed that land is free for IDP camps anywhere in Nigeria. Land is owned by communities, individuals, organizations, or governments and no one has the right to encroach into another's land even in an emergency situation. Therefore, land use for any purpose is usually negotiated and appropriated in order to avoid conflict. Land for IDPs' resettlement and humanitarian assistance should not be an exception.

Since its inception in 2012, the National Policy on IDPs has come under scrutiny by different professional groups. Ekpa and Dahlan (2016) identified the gaps and inconsistencies in the National Policy on IDPs to include absence of clearly delineated area of responsibilities for each of the relevant institutions such as the National Emergency Management Agency (NEMA) and National Commission for Refugees sharing concerns on IDPs issues. They also pointed out the lack of requisite synergy regarding humanitarian intervention in Nigeria resulting in wasteful duplication of responsibilities in the provisions of material needs for victims. Akanmu *et al.* (2016) lament the exclusion of core environmentalists such as urban planners, architects, geographers, land surveyors, building and estate managers in the scheme of planning and management of IDPs camps in Nigeria. The National Policy on IDPs has also been criticized for its undue emphasis on the legal connotations, definitions and interpretations of IDPs while spatial dimension and implications of IDPs camps are either grossly excluded or silent (Zubair *et al.*, 2016).

The aim of this paper is to problematize land-related issues in the National Policy on IDPs with a view to suggesting integration and mainstreaming of a coherent land policy in the National Policy on IDPs resettlement in Nigeria. This is to raise awareness of the operational challenges that land can cause for IDPs resettlement and humanitarian actors. Restitution of land and property rights to IDPs wherever they are given humanitarian assistance or upon their return is an important consideration for resettlement (ECA, 2003). There is growing consensus among researchers and policy makers in Nigeria that the success of any programme implementation rests on effective utilization of research outputs. Humanitarian programmes in Nigeria have not been effective because they are not grounded on empirical research findings. Academic researches on internal displacement, on the other hand, are not tailor-made for policy formulation. This calls for a bridge of the gap between policy and research in the context of IDPs resettlement in Nigeria. The main thrust of this paper therefore is to fill this gap by suggesting an integration of a coherent land policy for humanitarian assistance in the review

of the National Policy on IDPs. This paper continues in the next five sections. Section two presents a brief review of related literature and the conceptual definitions of IDPs and other related concepts. The third section briefly explains the methods. The fourth section analyzes the 2012 National Policy on IDPs. The fifth section explains the need for land policy for humanitarian assistance and the sixth section concludes the paper.

Literature Review

Conceptualizing and Defining IDPs

Involuntary movement of people has been conceptualized as internal displacement. Such displacement could be temporal or permanent in nature resulting from social, economic, or physical factors. Whatever the cause(s) of the displacement, the resettled people within their own national borders are referred to as internally displaced persons (IDPs). The United Nations Guiding Principles on Internal Displacement defined internally displaced persons (IDPs) 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 recognised State border” (UNCHR, 1998). This definition has been adopted by the African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons in Africa to which Nigeria is a signatory (FGN, 2012). Two key elements stand out in this definition of IDPs: (1) *involuntary departure* and (2) *the affected people remain in their country*. These two elements distinguished IDPs from people who left their homes voluntary and from refugees respectively.

The Deng’s report on the *Compilation and Analysis of Legal Norms*, set the grounds for addressing the specific needs of the IDPs in a comprehensive manner and increased international awareness about IDPs’ problem (Ianova, 2016). The drafting of the Guiding Principles on Internal Displacement started in 1996 based on the Deng’s report – *Compilation*

and Analysis of Legal Norms – and involved contribution from the different UN organisations, NGOs and jurists (Ianova, 2016). Internal displacement triggers various human rights problems including the right to land and access to livelihoods. IDPs are a category of vulnerable people with humanitarian concerns because internal displacement is linked with the violation of certain human rights (Olanrewaju *et al.*, 2019). They are vulnerable because they are exposed to many vagaries of life such as illness, loneliness, emotional distress, dependency on others for life support system and loss of livelihood.

Legally, states have the primary responsibility for protecting IDPs as citizens. The development of system of IDPs protection is thus an outcome of the conceptualisation of sovereignty as state responsibility (Ianova, 2016). Dealing with the problems of IDPs meant confronting state sovereignty (Weiss & Korn, 2006). After many years of intensive lobbying from NGOs, the UN Resolution 1991/25 ‘Internally Displaced Persons’ was approved in March 1991 (UNCHR, 1991). Consequently, internal displacement is no longer considered as exclusively a humanitarian issue but as a part of human rights agenda (Weiss & Korn, 2006). Lack of shelter and removal from sources of income and livelihood are some of the factors that necessitate the need for humanitarian assistance for IDPs.

The ‘push-pull’ model from migration studies suggests that the ‘pushed’ people will always move to places with better conditions than their place of residence. But a hasty decision to flee would not necessarily take one to a place with better conditions of life. Steele (2019) argues that the primary factor shaping individuals’ decisions is the scale of displacement and resettlement. Moore and Stephen (2006), on the other hand, consider the state-level factors that influence the displaced to cross an international border or remain within their home state. If a state agents or ally targeted the displaced group, then they are less likely to find safety in areas that the state controls but if targeted by a rebel group, then the targeted group is more likely to remain within their home state’s borders in order to receive state protection (Steele, 2019).

Steele (2019) argues that resettlement patterns are explained by two factors namely; the form of displacement that affected people experienced,

and the crisis or disaster agents that caused the displacement. It is the interaction of these two factors that shape displaced people’s decisions and leads to resettlement patterns. Based on these factors, Steele identified four types of resettlement patterns namely; expulsion, segregation, dispersion, and integration. This typology serves as a descriptive tool to analyze whether or not the displaced will likely resettle as IDPs within the state border or as refugees outside the state border. Expulsion and segregation occur when the displaced cluster, either within the home state (segregation) or beyond it (expulsion). Integration and dispersion occur when the displaced do not cluster but seek to blend in with other communities, either outside the home state (dispersion) or in cities and towns within the home state (integration). By clustering, Steele means the displaced resettle with other displaced people.

This typology helps to characterize a key aspect of this work namely; that the resettlement of the displaced people frequently takes the forms of segregation and integration because it lacks proper coordination. For example, the UNHCR (1999) estimated that nearly half of all refugees in sub-Saharan Africa are ‘self-settled’. This is the closest indicator of dispersed refugees. The same can be said of IDPs. While empirical application of this typology is beyond the scope of this paper, it is safe to say that the conceptual framework is a useful tool for future research to advance our understanding of IDPs resettlement in Nigeria.

The humanitarian community acknowledged the fact that housing, land and property (HLP) still remains a barrier to humanitarian operations due to an overall lack of accessible guidance for humanitarian operations (NRC & IFRC Report, 2016). Since the early 1990s, humanitarians have called attention to the importance of HLP rights in providing durable solutions for both IDPs and refugees (Norwegian Refugee Council (2011). Accessibility to HLP for IDPs and refugees has been elevated to the status of human rights. The HLP as humanitarian and human rights concept is about having a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure a livelihood (IASC, 2011).

The Special Rapporteur on adequate housing (2015) reports that displaced people face

particular obstacles in accessing adequate housing during displacement and are subject to forced evictions and also struggle to assert their rights to restitution or compensation for their housing, land and property upon return. Another report by the Special Rapporteur on adequate housing (2010) says that disputes over land and natural resources are often at the centre of conflict even after conflict ends. In countries where land administration systems are lacking or ineffective, the impact of land disputes is felt acutely in a humanitarian response (NRC & IFRC Report, 2016). These concerns especially demand land policy guidelines to take care of the HLP rights of IDPs in Nigeria.

Flowing from the literature review are concepts closely associated with IDPs. In the context of this paper, the following concepts are briefly defined. It must be stated that these concepts associated with IDPs are by no means exhaustive. The National Policy on IDPs also contains definitions of key terms, many of which are not replicated here.

Integrated IDPs: These are IDPs who have melted into the general population either by renting houses in different communities including urban and peri-urban areas or working in these areas. It also includes displaced people who returned to 'ancestral' homes to live with relatives.

Dispersed IDPs: These are displaced people of all backgrounds who live with friends, relatives, or rented rooms outside their home communities. They are essentially 'invisible' to aid agencies and are at risk of being factored out of their humanitarian assistance.

Transit sites: These are temporary sites where those displaced settled/have settled awaiting resettlement or return to areas of habitual settlement from where they were displaced. Transit sites include IDP camps (wherever located on public land or private land) and other areas of temporary residence including temporary rental abode for Integrated IDPs.

Informal site/camp: This consists of five or more IDP households living in a group of self-erected makeshift shelters.

Collective centre: This is a pre-existing building including schools, government facilities, religious buildings, and uncompleted buildings hosting displaced persons.

Host communities: This refers to communities in which individuals who were affected by crisis or hazards seek refuge following displacement. It also refers to communities that host transit sites or camps, including areas where IDPs have become integrated.

Humanitarian assistance: This is the provision of emergency relief materials and logistics to people who need help in a crisis situation, usually on a short-term basis by government and/or donor agencies.

Resettlement: Lichtenheld (2018, cited in Steele, 2019) defined resettlement as relocation by displaced people to a new community for a relatively long period of time. IDPs resettlement is distinct from the resettlement of refugees in the humanitarian community, which involves relocation to third-party countries who agreed to accept asylum seekers.

Returnees: Returnees are IDPs who have returned to their ancestral homes following displacement from places of habitual abode or those who have returned to places from where they were displaced. The term 'returnees', indicates that IDPs continue to have special needs and vulnerabilities. That is why national authorities have responsibility to facilitate and assist IDPs.

Methods

This paper is based majorly on the review of the 2012 National Policy on IDPs in Nigeria. Other literature on IDPs and policy documents on internal displacement of other countries were also reviewed to fill the gaps that were identified. Textual analysis of the themes and issues in the National Policy on IDPs informed the discussions and the recommendations that followed. The meanings of the concepts associated with IDPs were derived from the United Nations Guiding Principles on Internal Displacement (UNCHR, 1998; 2005), National Policy on IDPs in Nigeria (FGN, 2012) and other referenced literature on IDPs. No attempt was made to problematize the

National Policy on IDPs but to identify policy gaps where recommendations can be made to address the key variable of IDPs resettlement namely; land.

A Review of the Nigerian National Policy on IDPs

This section presents a chapter-by-chapter review of the 2012 National Policy on IDPs. The National Policy on IDPs provides the legal framework for the protection of IDPs in Nigeria. A national legislation plays an important role in safeguarding the protection of IDPs. This makes its compliance with international standards such as the UNCHR Guiding Principles on Internal Displacement and the AU Convention for the Protection and Assistance of IDPs in Africa of great importance.

The preamble of the National Policy on IDPs (2012), states that *“the idea of developing a National Policy on Internally Displaced Persons was first mooted by the National Commission for Refugees in 2003”*. A Presidential Committee was set up with the mandate to draft a national policy on IDPs as a means of addressing the gaps in the protection of IDPs in line with existing norms and to restates all the rights and freedoms recognized under the UN Guiding Principles, Kampala Convention, and the Nigerian Constitution (Ekpa & Dahlan, 2016). The committee, working in concert with the National Commission for Refugees and the office of the Attorney General of the Federation (AGF), came up with a draft policy in October 2010. A Technical Working Group (TWG), comprising of different stakeholders, was constituted to revise the policy and align the Policy draft with the provisions of the African Union Convention for the Protection and Assistance of IDPs in Africa to which Nigeria has signed and ratified. The draft Policy which was presented to the government in 2011 suffered delay in its adoption and eventual implementation by the government. The Policy outlines roles and responsibilities for the Federal, State and Local Governments, non-governmental organizations, community-based organizations, IDPs host communities, civil society groups, humanitarian actors, the general public as well as displaced persons about their rights and obligations before, during and after displacement.

The National Policy on IDPs is a 65-page document consisting of six chapters. Chapter one provides the contextual background and situation analysis on internal displacement in Nigeria as well as definition of key terms. Chapter two is the policy thrust which aims at providing policy framework and scope, rationale/justification, goals, objectives, guiding principles, and declaration (vision and mission). Chapter three covers the rights and obligations of IDPs consistent with Nigeria’s constitutional and treaty obligations. Chapter four outlines the various responsibilities of government at all levels, humanitarian agencies, the host communities and armed groups to prevent internal displacement, protect and assist IDPs in Nigeria. Chapter five outlines the broad implementation strategies, institutional mechanism for coordination and collaboration and necessary legal framework to back up the policy. Lastly, chapter six covers the financial resource mobilization strategies, monitoring and evaluation frameworks of the policy.

In the contextual background in Section 1.1.1 of the National Policy on IDPs, it was acknowledged that there is no reliable database on IDPs in Nigeria because a large number of IDPs are scattered across the various states of the country. It rightfully noted that *“in the absence of a policy framework on internal displacement in Nigeria, the response to the plight of IDPs has remained largely fragmented and uncoordinated; adding that the response to the plight of the IDPs has been very poor and ineffective”*. This admissible fact points not only to the non-existence national policy but to lack of IDPs infrastructure and preparedness. Section 1.1.3b highlights the impacts of displacement of IDPs on host communities which border on issues of land such as informal settlements, encroachment on private land, and environmental degradation leading to tension between the two disparate populations.

The National Policy on IDPs has adopted the human rights-based approach and its principles. This is clearly seen in Chapter Two of the Policy. The intention, according to the Policy, was to accommodate as much as possible the provisions of existing international conventions, treaties and protocols on internal displacement and be guided by the dictates of international humanitarian and

human rights laws. The international conventions referred to include the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the UN Guiding Principles on internal displacement and the Sphere Minimum Standards for Humanitarian Assistance. While guaranteeing the rights and protection of IDPs, there was no provision for land use policy for the provision of housing, property and livelihood.

Chapter three outlines the rights and obligations of IDPs which entails all rights contained in the Constitution of Nigeria and domesticated sub-regional, regional and international human rights and humanitarian instruments which all citizens of Nigeria are entitled. The rights are divided into (1) General and Specific Rights (Section 3.1.1) which covers all the rights in the Nigeria Constitution, (2) Rights to Protection from Displacement (Section 3.1.2) which protect persons against forceful eviction or displacement, (3) Rights to Protection and Assistance During and after Displacement (Section 3.1.3) which, as indicated, specifically protect IDPs during and after displacement. Specifically, during displacement, IDPs are entitled to the rights to choose where to reside as well as freedom of movement in and out of camps; safe access to essential food and water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation; and upon return, IDPs have right to restoration of their property including lands.

The Policy document recognized the predicaments of the most vulnerable group of the IDPs, the elderly population. Section 3.1.8 specifically provides that all relevant agencies established by this National Policy to ensure that the rights to land and housing for the elderly as well as their livelihood support system are protected during and after displacement. The Policy also provides that preferences are given to the elderly in camps, collective shelters and host communities.

The primary responsibility of the government, as enshrined in the Nigeria constitution, is the protection of lives and property. Thus, the National Policy on IDPs clearly outlines the obligations and responsibilities of the government in line with international human rights law in Section 4.1. This commitment places

on government and its relevant ministries, departments and agencies the responsibilities of preventing all causes of internal displacement and supporting IDPs. Some of the strategies to achieve these include the collection of data on the number and conditions of internally displaced persons in Nigeria, coordination of all humanitarian interventions in Nigeria, and ensuring the active participation of internally displaced persons in decision making in order to achieve durable solutions to displacement.

The National Policy also outlines the obligations of humanitarian agencies (Section 4.2) and the host communities (Section 4.3). Humanitarian agencies, both local and international, are to be guided by the provisions of this policy and Article 6 of the Kampala Convention which stipulated the code of conduct and standard operating procedures, minimum standards for humanitarian efforts as enshrined in the Sphere Project (2004). Recognizing the roles played by the host communities, the National Policy provides for their rights and obligations. While carrying the burden of IDPs, they also have the rights to benefit from government support.

In order to execute the provisions of the National Policy, a number of broad strategies to be adopted were outlined in addition to a comprehensive displacement management and implementation framework (CDMIF) to be developed. These include the strategies for prevention of internal displacement (Section 5.1.1), protection and assistance of IDPs during displacement (Section 5.1.2), rehabilitation of IDPs and the environment of host communities (Section 5.1.3), and return, relocation and local integration of IDPs (Section 5.1.4). A number of criteria to determine the extent to which a durable solution has been achieved were outlined which include, among others, access to employment and livelihoods (Section 5.2c) and effective mechanisms for the restoration of housing, land and property (HLP) to the displaced persons (Section 5.2d).

The National Policy also provides for an institutional mechanism for humanitarian coordination and collaboration within the Presidency (Section 5.3) including the implementing agencies to integrate the responsibilities for protection and assistance of internally displaced persons into their core

mandates (Section 5.4). This is to ensure consistent funding, strengthened coordination mechanisms, better preparedness measures and improved humanitarian services. This will involve designation of an IDPs focal coordinating institution (Section 5.3.1) in order to address the coordination gaps in responding to internal displacement, and establishment of internal displacement coordination sectors (Section 5.3.2) in order to improve the predictability, speed, effectiveness, leadership, coordination, collaboration and accountability of the national humanitarian response in the various sectors. There is also a framework for cooperation between the government of Nigeria and international humanitarian agencies, donor partners, international non-governmental organisations, and human rights institutions committed to the protection and assistance of internally displaced persons.

In order to bolster the legal framework for the protection and assistance of IDPs in Nigeria, the National Policy mandated the Nigerian Government to domesticate the Kampala Convention on the Protection and Assistance of IDPs and comply with its international obligations and other relevant human rights and humanitarian law instruments (Section 5.6a), and amend the existing laws of relevant national institutions to accommodate IDPs or enact a separate domestic law on the protection and assistance of IDPs (Section 5.6d).

Finally, a number of mechanisms were put in place in the National Policy for funding and resource mobilisation for humanitarian purposes. These include the Joint Humanitarian Funding Mechanisms (Section 6.1a), Flash Appeal Funding Mechanisms (Section 6.1b), Grants and Loans Funding Mechanisms (Section 6.1c) and Individual Institutional and Agency Funding Mechanisms (Section 6.1d). Going by the provision in Section 6.3 that the National Policy on IDPs shall be reviewed every five years, the Policy is due for revision in 2022.

The Gaps in the National Policy on IDPs

The gaps in the National Policy on IDPs were identified in the context of housing, land and property (HLP). It is the constitutional right of every citizen in Nigeria to have access to adequate housing, land and property. But the

government is not obligated to provide these for everyone in the country. However, it is the duty of government to ensure that every Nigerian can access these basic assets in accordance with the Nigerian constitution. Most of the IDPs are squatting on individuals or community owned land without security of tenure as there are no official written tenancy agreements between them and land owners. Without formal written agreements, IDPs are not protected against high rent or rent increases, which in turn make them susceptible to eviction. The possession of security of tenure guarantees legal protection against forced eviction, harassment and other threats. A national policy should consider the special needs for land and housing of disadvantaged groups, i.e., IDPs.

According to principle 18 of the UN Guiding Principles, *'all internally displaced persons have the right to an adequate standard of living. At a minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide IDPs with and ensure safe access to, inter alia, basic shelter and housing'*. The Pinheiro Principles on housing and property restitution for refugees and displaced persons emphasized that everyone has the right to adequate housing and states (i.e., governments) should adopt measures aimed at alleviating the situation of displaced persons living in inadequate housing (UNHCR, 2007). This entails the states taking measures to ensure security of land tenure in order to prevent discrimination in land use, to guarantee housing affordability, to regulate landlord-tenant relations and secure access to housing suitable for the needs of displaced persons.

Conflict and natural disaster-induced displacements are usually accompanied by the destruction and damage of property. The Principle 21 of the Guiding Principles states that property left behind by IDPs should be protected against destruction, arbitrary and illegal appropriation, occupation or use as well as pillage; being used to shield military equipment; and being appropriated as a form of collective punishment. This principle has been mainstreamed in Section 3.1.3l of the National Policy on IDPs. When such protection is not possible, it is the duty of government to provide appropriate compensation or another form of just

reparation in form of monetary compensation or construction of affordable housing. The right to property restitution, which is the confirmation of the legal rights of displaced persons to their property and restoration of their safe access to, and possession of such property, is one of the essential elements of restorative justice (Ianova, 2016).

The Special Rapporteur on adequate housing (2015) reports that displaced people face particular obstacles in accessing adequate housing during displacement and are subject to forced evictions and also struggle to assert their rights to restitution or compensation for their housing, land and property upon return. Another report by the Special Rapporteur on adequate housing (2010) says that disputes over land and natural resources are often at the centre of conflict even after conflict ends. While the National Policy on IDPs recognizes the rights of IDPs to shelter, it is silent on the right to property restitution for IDPs except in situations of planned government eviction (Section 3.1.2x). Even while this provision exists in theory, its implementation meets a lot of obstacles of financial, legal and practical nature. There is also no policy framework for its implementation. The National Policy on IDPs should envisage the enforcement of IDPs' rights to land, housing and property through the creation of a registry of structures that can be put under temporary use such as structures under construction, abandoned and uncompleted buildings, vacant land, undeveloped government layouts, etc.; development of patterns of their lease to IDPs on a preferential basis; establishment of permanent social housing for lease to IDPs on preferable terms; construction of cottage villages composed of modular homes for IDPs; and transformation of collective centres into social settlements.

Confiscation, occupation and use of IDPs' housing, land and property (HLP) assets are recognized human right violation all over the world. There are no policy guidelines to support the claims of displaced persons upon return against the claims of secondary occupants and users of their property. One of the ways to do this is assessment of rights to abandoned property during displacement. There should be standard records of basic information from displaced households regarding abandoned assets and

available evidence to prove their claim upon return. This is very necessary because HLP assets of IDPs often are outside the formal records system. Many are in informal and customary holdings.

Although camps are mentioned and recognized as temporary shelter for IDPs, there are no policy guidelines for land acquisition for their establishment in the National Policy on IDPs. Camps may be planned by the government or humanitarian agencies, or established spontaneously by displaced persons. Land used for IDPs camps should be legally available and appropriate in the context of planned sites. UN Habitat and GLTN (2009) warned that failure to take land issues into account in camp planning and management can undermine the livelihoods of both the displaced persons and the host community, results in land degradation and natural resources and engenders land disputes between IDPs and host communities. The land issues relating to the establishment of IDPs' camps revolve around the life circle of camps; from site selection to camps operations and finally decommissioning (UN Habitat & GLTN, 2009). There should be land policy that clarifies land rights whether the tenure status should be rent, registered leasehold, individual or group user's right, camp size, duration and type of construction.

In countries where land administration systems are lacking or ineffective, the impact is felt acutely in humanitarian responses (NRC, IFRC Report, 2016). Nigeria is still in the process of reforming the Land Use Act of 1978. In 2009, the Federal Government set up an 8-man Presidential Technical Committee to undertake the reform of the Land Use Act of 1978. The Land Use Act conferred on State Governors the custodian right to issue certificates of occupancy for land holders in their states but left out the possessory right of ownership to individuals, families and communities. Consequently, the Federal Government can access land in any state only through the state government. On the other hand, the state government can expropriate land for public interest through the power of eminent domain granted it. The reform is stalled due to the constitutionality of the Land Use Act and the lack of cooperation by some State Governors. However, a draft Bill is before the National

Assembly for the establishment of a National Land Reform Commission. This is an opportunity to revisit the National Policy on IDPs for an integration of land policy for IDPs.

Needs for Land Policy for IDPs Humanitarian Assistance

Land is central to IDPs resettlement, not only for shelter and livelihood support but also for humanitarian assistance. Land for humanitarian assistance is also of immense concern to the host communities because IDPs camps have the propensity to alter existing land use pattern and engendered conflict if not properly negotiated. While providing the IDPs with relief materials, the Government has to develop effective land policy to aid humanitarian assistance as well as address land-related disputes arising from occupation and restitution in the host communities. Studies have shown that land is a major source of conflicts between communities and individuals in Nigeria (Otite & Albert, 1999; Ikurekong *et al.*, 2012; Oji *et al.*, 2014; Agheyisi, 2019a) and land for IDPs resettlement could be another layer of conflict in Nigeria as many IDPs camps are increasingly becoming permanent.

Land issues are often the reasons why humanitarian interventions failed (UN Habitat & GLTN, 2009). The technical complexities and cultural sensitivities surrounding land issues have often hampered humanitarian efforts. Land issues affect humanitarian activities because land is required for shelter, camps, infrastructure and livelihood support for IDPs. Land policy is required to address grievances, disputes and legal uncertainty that may result from land needed for IDPs resettlement. If there are existing IDPs infrastructures, humanitarian agencies can even call on or direct the displaced persons to where they can be catered for. Land policy can stipulate that all public (government-own) land should automatically be used for IDPs resettlement in the event of disaster or crisis. Most host communities would prefer to keep refugees in camps rather than allow them to resettle independently within the communities.

The land administration system in Nigeria is weak as a result of the legal pluralism in land administration (Butler, 2009, 2012; Agboola, Scofield & Amidu, 2017; Agheyisi, 2019a & b). Legal pluralism occurs when different land tenure

regimes (formal and customary), each with their own legitimacies, have legal authority over rights and are legitimized to resolve land conflicts. This poses a particular challenge for humanitarian efforts. One would imagine that the government can easily leverage on the amended 1978 Land Use Act to quickly acquire land for IDPs resettlement. This is usually not the case. The implementation of the Land Use Act has faced a number of challenges over the years just as the constitutionality of the Land Use Act has made its reform difficult amid calls in many quarters for its expulsion from the constitution and/or removing the clauses that gave the Governors the power to expropriate land (Mabogunje, 2010). The attempt to reform the Land Use Act currently faces political, technical and cultural challenges (Mabogunje, 2010).

Land policy for humanitarian assistance should provide guidelines for land allocation, camp planning and management for IDPs resettlement in conformity to international legal standards. It should ameliorate tension and eliminate possible conflicts between IDPs and the host community on the one hand, and among members of the host community, on the other hand. It should safeguard the rights of land owners and protects use-rights of IDPs. It should facilitate livelihood activities of IDPs within and outside the camps and expedites land acquisition and entry point for life-saving humanitarian assistance. No resettlement programme can be regarded as successful without guaranteeing the rights to adequate housing, land and property.

Humanitarian actors have often called on states to ensure access to land for basic shelter, and livelihood for displaced people. Government can leverage on the exercise of the power of eminent domain to expropriate land for IDPs resettlement. This is possible only when the right policy is put in place. Land policy for humanitarian assistance should enhance the legal capacity and legitimacy of government and humanitarian actors who are often perceived as agents of land colonization. It should recognize and support customary authority in land allocation and adjudication of disputes. Above all, it should provide guidelines for decommissioning of IDP camps. Land policy for humanitarian assistance is urgently needed to prevent displacement-induced acceleration of

slums in and around cities and towns, and dispersed settlement pattern in rural areas.

Conclusion and Recommendations

The study of internal displacement is an expansive area of enquiry. Research on IDPs humanitarian assistance arguably increases the likelihood of academic recommendations being incorporated into national policies (see Black, 1991). It is important to go beyond analysis of causes of internal displacement and the impacts of IDPs on the environment, and to examine how policy (or lack of it) shapes IDPs resettlement patterns and humanitarian efforts. While the safety, protection and human rights of displaced persons are very important, as stressed in the National Policy on IDPs, housing, land and property (HLP) issues should be considered from the outset of a response.

The review of literature has shown that land and housing are the two major needs of IDPs. The lack of both also remains a barrier to critical humanitarian assistance. While the realization of the importance of coordinated humanitarian assistance formed part of the reasons for the drafting of the National Policy on IDPs, the Policy document failed to provide focused policy guidelines on how land and housing should be provided for IDPs resettlement and humanitarian assistance in the country. It is generally accepted in the humanitarian circle that HLP assets form the bedrock for IDPs resettlement without which durable solutions for IDPs cannot be achieved. The lack of policy guidelines for land acquisition for the establishment of IDPs camps, provision for security of tenure for the IDPs, just reparation and implementation strategies for property restitution for displaced persons were some of the gaps identified in the review of the National Policy on IDPs. This paper raises the awareness of the operational challenges that HLP can cause for humanitarian actors and calls for the integration of land policy for humanitarian assistance in the National Policy on IDPs. Protection of IDPs finally ends when resettlement programmes have achieved durable solution. This is only possible when the IDPs' rights to HLP assets are guaranteed. The National Policy on IDPs should be backed by a national resettlement programme.

The paper recommends the provision of land for IDPs resettlement. However, Nigeria is a country with less formalised land registration systems. Informal land ownership, based on customary law, is usually linked to the right of use which becomes limited in cases of displacement and may favour secondary users upon return. Therefore, it can be hard for displaced persons to prove their ownership rights. It is equally hard for government to expropriate land where resettlement efforts are not fully supported by the host communities. There should be a 'Ministry of Land and Resettlement' to handle all land expropriation issues. This is very necessary because the existing resettlement patterns can deepen ongoing insecurity in the country, exacerbates conflicts, and eventually undermine state-building efforts.

Nigeria ratified all international laws on which the National Policy on IDPs was based. For the National Policy to be in compliance with the international standards, it should be reviewed from time to time. As the National Policy on IDPs is due for review in 2022, it is strongly recommended that land policy for humanitarian assistance for IDPs be incorporated in the National Policy. The review of the National Policy on IDPs should incorporate the gaps identified above. It is hereby recommended that there should be a law which safeguards the right to property restitution for IDPs together with establishment of transparent institutions and effective mechanisms to assess property claims. In this regard, this paper recommends the establishment of a commission on restitution and compensation aims to return of property, guarantee adequate shelter and compensation of property damaged.

In regards to temporary use of urban vacant spaces for IDPs, the paper recommends that government should identify and rehabilitate unused municipal properties and utilize them as housing for IDPs; allocate government acquired land for construction of new apartment blocks as social housing under leasehold, rent, or freehold; provide accommodation (rent) for IDPs in private individual houses both in rural and urban areas. Furthermore, to ensure security of tenure, government should grant incentives and subsidies for land and home owners who rent to IDPs.

Finally, the ultimate aim of the National Policy on IDPs is to achieve durable solutions to the IDPs in the country. A durable solution is achieved when IDPs no longer have any need for specific humanitarian assistance and protection that are linked to their displacement. Only a policy on secured HLP assets can guarantee durable solution for IDPs. These recommendations have implications for institutions and agencies in Nigeria such as the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development; National Commission for Refugees, Migrants and Internally Displaced Persons; and National Emergency Management Agency (NEMA) since they also perform humanitarian works as social institutions. Although the National Policy on IDPs came into effect before the establishment of the Ministry of Humanitarian Affairs in 2019, the Ministry has immense role to play as IDPs Focal Coordinating Institution.

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