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The right to development as a protective framework for internally displaced children: Challenges and prospects in Africa

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Abstract: *The increasing incidence of internal displacement across Africa, fuelled by armed conflict, violent extremism, climate change and development-induced displacement, has created one of the continent's most pressing human rights and development challenges. Children make up a disproportionate share of internally displaced persons (IDPs), facing a high risk of violence and human rights abuses. This chapter argues that the right to development provides a protective framework that bridges gaps among humanitarian assistance, human rights protection and sustainable development for internally displaced children in Africa. Drawing from the doctrinal analysis of international and regional instruments, including Agenda 2063, the*

United Nations Declaration on the Right to Development (1986), the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the Kampala Convention and the United Nations Guiding Principles on Internal Displacement, the chapter contends that the continued marginalisation of internally displaced children reflects a broader failure to integrate development justice into displacement governance. The chapter advances a child-centred, rights-based framework founded in the principles of equality, participation, accountability, human dignity and the best interests of the child. The chapter concludes that inserting the right to development within Africa's displacement governance architecture has significant implications for strengthening child protection, promoting inclusive development and enhancing state accountability. It is recommended that the enforcement of the rights of internally displaced children be the hallmark of a protective regime, rather than a form of humanitarian assistance.

Résumé : *La recrudescence des déplacements internes à travers l'Afrique, alimentée par les conflits armés, l'extrémisme violent, le changement climatique et les déplacements induits par le développement, a créé l'un des défis les plus urgents du continent en matière de droits de l'homme et de développement. Les enfants représentent une part disproportionnée des personnes déplacées à l'intérieur de leur propre pays (PDI) et sont exposés à un risque élevé de violence et de violations des droits de l'homme. Cet article soutient que le droit au développement offre un cadre protecteur qui comble les lacunes entre l'aide humanitaire, la protection des droits de l'homme et le développement durable pour les enfants déplacés à l'intérieur de leur propre pays en Afrique. S'appuyant sur l'analyse doctrinale d'instruments internationaux et régionaux, notamment l'Agenda 2063, la Déclaration des Nations Unies sur le droit au développement (1986), la Charte africaine des droits de l'homme et des peuples, la Charte africaine des droits et du bien-être de l'enfant, la Convention de Kampala et les Principes directeurs des Nations unies relatifs au déplacement interne, l'article soutient que la marginalisation persistante des enfants déplacés à l'intérieur de leur propre pays reflète un échec plus général à intégrer la justice en matière de développement dans la gouvernance des déplacements. Cet article propose un cadre centré sur l'enfant et fondé sur les droits, qui repose sur les principes*

d'égalité, de participation, de responsabilité, de dignité humaine et de l'intérêt supérieur de l'enfant. Il conclut que l'intégration du droit au développement dans l'architecture africaine de gouvernance des déplacements a des implications importantes pour le renforcement de la protection de l'enfance, la promotion d'un développement inclusif et l'amélioration de la responsabilité de l'État. Il est recommandé que le respect des droits des enfants déplacés à l'intérieur de leur propre pays soit la marque distinctive d'un régime de protection, plutôt qu'une forme d'aide humanitaire.

Key words: *right to development; internally displaced children; Kampala Convention; child rights; internal displacement; human rights and sustainable development*

1 Introduction

Internal displacement is one of the most pressing humanitarian, legal and developmental challenges confronting Africa, with approximately 19,1 million internally displaced children.[1] Unlike refugees who cross internationally recognised borders, internally displaced persons (IDPs) remain within the territorial jurisdiction of their own states while experiencing conditions of extreme vulnerability arising from armed conflict, generalised violence, terrorism, human rights violations, climate-induced disasters, environmental degradation and development projects.[2] One of the largest populations of internally displaced persons globally, with children constituting a disproportionate share of those affected, is found in Africa. Their displacement not only deprives them of physical security, but also disrupts access to education, health care, family life, identity documentation, nutrition and opportunities essential for their holistic development.[3]

The protection of internally displaced children has traditionally been approached through humanitarian assistance, emergency relief and child

1 UNICEF Child Displacement and Refugees/Data Snapshots of Migrant and Displaced Children in Africa (2024/2025).
2 United Nations Guiding Principles on Internal Displacement (1998) (Guiding Principles).
3 United Nations Children's Fund *Humanitarian action for children 2024* (2024).

protection interventions.[4] While these responses remain indispensable during crises, they are often reactive, short-term and insufficient to address the structural conditions that perpetuate displacement and undermine children's long-term well-being.[5] Humanitarian responses frequently prioritise survival over sustainable development, thereby leaving displaced children trapped in cycles of poverty, exclusion, dependency and multidimensional deprivation.[6] Consequently, there is growing recognition in international human rights discourse that the protection of internally displaced children must extend beyond emergency assistance and embrace development-oriented strategies that promote resilience, empowerment, and durable solutions.

The right to development (RtD), proclaimed in the United Nations (UN) Declaration on the Right to Development (1986) (DRtD), offers a transformative framework for reconceptualising the protection of internally displaced children. The Declaration recognises development as an inalienable human right, through which every person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development.[7] The RtD therefore shifts attention from charity-based humanitarian interventions towards rights-based development that prioritises equality, participation, accountability, inclusion and human dignity.[8] In the African context, the RtD assumes particular significance because displacement is closely intertwined with underdevelopment, weak governance, poverty, armed conflict, environmental insecurity and institutional fragility. Internally displaced children frequently experience prolonged exclusion from national development programmes, resulting in persistent educational deficits, chronic malnutrition, child labour, trafficking, recruitment by armed groups, early marriage and psychosocial trauma. These realities demonstrate that effective child protection cannot be achieved solely

4 R Adeola & BD Mezmur 'The protection of internally displaced children in Africa: A doctrinal analysis of article 23(4) of the African Children's Charter' (2021) 65 *Journal of African Law* 115.

5 As above.

6 RC Williams '*Protecting internally displaced persons: A manual for law and policymakers*' (2008) Brookings-Bern Project on Internal Displacement 1.

7 United Nations Declaration on the Right to Development UN General Assembly Resolution 41/128 (4 December 1986).

8 As above.

through emergency humanitarian responses without integrating development policies into national displacement governance.[9]

Africa possesses one of the most progressive regional legal frameworks for the protection of internally displaced persons. The African Charter on the Rights and Welfare of the Child (African Children's Charter) specifically recognises the rights of internally displaced children under article 23. At the same time, the Kampala Convention (2009) remains the world's first legally binding regional treaty devoted exclusively to internal displacement. Together with the African Charter on Human and Peoples' Rights (African Charter), Agenda 2063 and the 2030 Sustainable Development Goals (SDGs), these instruments establish an important foundation for integrating development into child protection. Nevertheless, implementation gaps continue to undermine their effectiveness owing to inadequate political commitment, limited institutional capacity, insecurity, weak governance and insufficient investment in child-centred development programmes.[10]

Nigeria's north-east insurgency,[11] Sudan's protracted conflict,[12] The Democratic Republic of the Congo (DRC)'s recurrent violence and Somalia's climate-conflict nexus illustrate how protracted displacement systematically deprives children of opportunities necessary for sustainable development.[13] These case studies demonstrate that humanitarian protection alone cannot adequately safeguard children's rights unless accompanied by comprehensive development policies that strengthen resilience, promote inclusion and facilitate durable solutions.[14] Against this background, this chapter argues that the RtD provides a comprehensive protective framework that complements existing humanitarian and human rights mechanisms for internally displaced children in Africa. By integrating child protection with sustainable development, social justice and human rights, the RtD offers

9 African Union (AU) African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009) (Kampala Convention).
10 Williams (n 6) 28.
11 UN Human Rights Council 'Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on his mission to Nigeria' UN Doc A/HRC/47/37/Add.1 (2021).
12 World Bank' Survival and resilience at the Chad-Sudan border' (20 November 2023).
13 IDMC 'Internal displacement in Africa: An overview of trends and developments (2009-2023)' Internal Displacement Monitoring Centre (2024).
14 Adeola & Mezmur (n 4) 122.

an innovative legal and policy paradigm for advancing children's dignity, capabilities and long-term welfare.

2 Research objectives

This chapter critically examines the RtD as a legal and policy framework for protecting internally displaced children in Africa. The specific objectives are:

1. to examine the conceptual foundation of RtD and the relationship between RtD and children's right to protection;
2. to analyse the legal framework governing the protection of internally displaced children at the international and regional levels;
3. to undertake a case analysis of selected African countries, particularly Nigeria, Sudan, DRC and Somalia, regarding the implementation of development-based protection strategies for internally displaced children; effective realisation of the RtD for internally displaced children in Africa; and
4. to propose legal and policy recommendations to strengthen development-centred protection mechanisms, consistent with international human rights standards and the African Union (AU)'s Agenda 2063.

3 Research questions

This chapter seeks to answer the following research questions:

1. What constitutes the RtD under international and African human rights law?
2. How does the RtD complement existing legal frameworks protecting internally displaced children?
3. How have African states implemented development-oriented approaches in protecting internally displaced children?
4. What legal and institutional challenges impede the realisation of the RtD for internally displaced children in Africa?
5. What policy and legal reforms are necessary to strengthen development-centred protection for internally displaced children across Africa?

4 Methodology

This chapter adopts a qualitative doctrinal legal research methodology, which is particularly suitable for analysing legal principles, statutory provisions, judicial decisions, international treaties and scholarly literature governing the protection of internally displaced children. Doctrinal legal research, sometimes referred to as 'black-letter law' research, seeks to identify, interpret and critically evaluate legal rules and principles through systematic analysis of primary and secondary legal sources.[15] The study relies primarily on primary legal sources, including the UN Declaration on the Right to Development (DRtD); the Convention on the Rights of the Child (CRC); the African Charter on Human and Peoples' Rights (African Charter), the African Charter on the Rights and Welfare of the Child (African Children's Charter); the Guiding Principles on Internal Displacement (1998); the African Union Kampala Convention (2009)' and relevant UN General Assembly Resolutions and African Union (AU) policy instruments.

Secondary sources comprise peer-reviewed journal articles, academic books, reports of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the Internal Displacement Monitoring Centre (IDMC), AU publications and relevant jurisprudence from international and regional human rights bodies. The methodology further employs a case-based legal analysis to examine the implementation of development-based child protection measures in Nigeria, Sudan, the DRC and Somalia. The justification for selecting these countries is their distinctive geographical spread across West Africa, North-East Africa, Central Africa and the Horn of Africa. This will determine whether the right to development can function as a coherent protective framework across differing African socio-political and legal environments. The doctrinal approach is complemented by critical legal analysis, enabling the chapter to evaluate the effectiveness of existing legal norms and identify normative gaps that hinder the realisation of the RtD for internally displaced children. The methodological choice is justified because the study principally addresses questions concerning

15 T Hutchinson & N Duncan 'Defining and describing what we do: Doctrinal legal research' (2012) 17 *Deakin Law Review* 83.

legal obligations, normative interpretation, institutional responsibilities and human rights protection rather than empirical measurement.

5 Conceptual frameworks

The conceptual framework explains the relationship between the RtD and the protection of internally displaced children (IDCs) within the African human rights system. It is premised on the argument that the RtD is not merely a socio-economic aspiration, but a legally recognised human right that can provide a comprehensive framework for safeguarding the rights and welfare of internally displaced children. Unlike humanitarian approaches that focus primarily on emergency assistance, the RtD adopts a human rights-based approach, emphasising participation, equality, non-discrimination, accountability and sustainable development. This makes it an appropriate standard framework for addressing the vulnerabilities experienced by internally displaced children across Africa. [16]

5.1 Right to development

The RtD was formally recognised in the DRtD, which defines development as an inalienable human right, entitling every human person and all peoples to participate in, contribute to and enjoy economic, social, cultural and political development. Article 22 of the African Charter further guarantees that '[a]ll peoples shall have the right to their economic, social and cultural development'.[17] The African regional human rights system treats the RtD as both an individual right and a collective (peoples') right, and as an obligation on states to formulate development-oriented policies that promote human dignity. The African Commission on Human and Peoples' Rights (African Commission) and the African Court on Human and Peoples' Rights (African Court) have interpreted this right as requiring states to ensure participation, equality, equitable resource distribution, and the protection of vulnerable groups.

16 OL Wabukuna 'The responsibility to protect internally displaced persons in Africa' (2021) 65 *Journal of African Law* 73.
17 African Charter on Human and Peoples' Rights (1981) (African Charter).

According to Sengupta, the RtD integrates all categories of human rights into a single framework to improve human well-being.[18]

5.2 Internally displaced children

Internally displaced children are children below 18 years of age who have been compelled to flee their homes but remain within the borders of their country.[19] Article 23(4) of the African Charter on the Rights and Welfare of the Child (African Children's Charter) specifically extends protection to internally displaced children, requiring states to afford them the same protection available to refugee children. Adeola and Mezmur argue that article 23(4) should be interpreted in conjunction with the Kampala Convention to provide comprehensive protection for internally displaced children.[20]

5.3 Child protection

Child protection refers to the prevention and response to the abuse, neglect, violence, and exploitation of children.[21] It is a comprehensive legal, institutional and policy framework designed to prevent, respond to and remedy all forms of violence, abuse, neglect, exploitation and harmful practices affecting children.[22] According to the United Nations Children's Fund (UNICEF), child protection comprises 'preventing and responding to violence, exploitation and abuse against children', including children affected by armed conflict, migration, disasters and displacement.[23] UNICEF further emphasises that effective child protection systems integrate legal frameworks, social services,

18 A Sengupta 'The theory and practice of the right to development' (2002) 24 *Human Rights Quarterly* 837.
19 United Nations Convention on the Rights of the Child (1989) (CRC) art 1; Guiding Principles (n 2) para 2.
20 Adeola & Mezmur (n 4) 121.
21 AA Anyogu 'Legal protection of children in Nigeria: Examining the extant laws and policies' (2024) 1 *Nnamdi Azikiwe University Journal of Private and Property Law* 62.
22 F Wulcyn and others *Adapting a systems approach to child protection: Key concepts and considerations UNICEF* (2010).
23 United Nations Children's Fund 'Child protection strategy (2021-2030)' (2021) (UNICEF).

justice mechanisms and community-based interventions to ensure comprehensive protection throughout childhood.[24]

6 Theoretical frameworks

A theoretical framework provides the intellectual foundation for legal research by identifying the theories that explain and justify the legal principles under investigation. This study adopts three complementary theories: the human rights-based theory, the children's rights theory, and the capability approach theory. These theories collectively explain why internally displaced children are entitled to development as a legally protected human right and why African states bear primary responsibility for creating conditions that enable displaced children to survive, participate and flourish.

6.1 Human rights-based theory

The human rights-based theory, emerging from international human rights law and endorsed by the UN, asserts that development is not an act of charity but a legal entitlement grounded in internationally recognised human rights. It integrates the principles of universality, equality, participation, accountability, transparency, non-discrimination and the rule of law into development processes.[25] Within this framework, internally displaced children are recognised as rights holders, while states are duty bearers with legal obligations to respect, protect and fulfil those rights. The theory rejects welfare-based approaches that portray displaced children as passive recipients of humanitarian aid. Instead, it insists that governments must ensure access to education, health care, adequate housing, food, clean water, social security, legal identity and participation in decisions affecting children's lives. The human rights-based theory demonstrates that the RtD provides a comprehensive legal framework capable of addressing both the immediate humanitarian needs and the long-term developmental interests of internally displaced children. It therefore supports the argument that development policies must be rights-based, inclusive and child-centred rather than purely

24 As above.
25 United Nations 'The human rights-based approach to development cooperation: Towards a common understanding among UN agencies' (2003).

economic or humanitarian.[26] Despite criticism that the human rights-based theory is often constrained by weak enforcement mechanisms, inadequate political commitment, and limited institutional capacity, particularly in conflict-affected African states, the theory remains the most appropriate framework because it transforms development into an enforceable legal entitlement rather than a discretionary policy objective.

6.2 Children's rights theory

The theory of children's rights constitutes the second theoretical foundation of this study. The theory evolved from international recognition that children are independent holders of rights, not merely the property or dependents of adults. It challenges traditional welfare approaches by recognising children as autonomous legal persons entitled to dignity, participation, protection and development.[27] The intellectual foundation of the theory was significantly strengthened by the adoption of the Convention on the Rights of the Child (CRC) (1989), which establishes four guiding principles:

- the principle of non-discrimination (article 2);
- the best interests of the child (article 3),
- the right to life, survival and development (article 6); and
- the right of the child to express views in matters affecting them (article 12).

These principles are reinforced regionally through the African Children's Charter, which specifically recognises the protection of internally displaced children under article 23. The children's rights theory is particularly relevant because internally displaced children experience multiple and intersecting violations of their rights. Displacement frequently exposes children to armed conflict, trafficking, forced recruitment, child labour, sexual exploitation, family separation, educational disruption and psychosocial trauma.[28] From this theory's perspective, such conditions constitute violations of legally protected rights rather than unfortunate humanitarian circumstances. Applied to the RtD, this theory argues that children's development encompasses far

26 Union African Charter on the Rights and Welfare of the Child (1990) (African Children's Charter).
27 CRC (n 19) arts 23 & 30.
28 AU (n 9) art 9 (1).

more than economic growth. It includes physical, mental, emotional, educational, cultural, moral and social development.[29]

6.3 Capability approach theory

The capability approach, principally developed by Sen and further expanded by Nussbaum, provides the third theoretical framework for this study. Unlike traditional development theories that measure progress primarily through economic growth or income, the capability approach conceptualises development as the expansion of individuals' substantive freedoms and capabilities to live lives they have reason to value.[30] Applied to internally displaced children, the capability approach highlights that displacement deprives children of essential capabilities, including access to quality education, adequate nutrition, health care, family life, physical security, psychological well-being, social participation and future employment opportunities.[31] These capabilities closely correspond to the rights guaranteed under the CRC, the African Children's Charter, and the RtD.

The capability approach, therefore, complements the human rights-based theory by explaining why development itself should be regarded as an essential component of child protection. It demonstrates that protecting internally displaced children requires more than preventing physical harm; it requires enabling children to develop the capabilities necessary to participate fully in society.[32] Although some scholars criticise the capability approach for offering limited guidance regarding legal enforcement, its normative emphasis on human flourishing provides a valuable analytical framework for assessing whether national displacement policies genuinely promote children's long-term development. The three theories are complementary and collectively provide a robust doctrinal framework for analysing the RtD as a protective framework for internally displaced children in Africa.

29 A Sen *Development as freedom* (1999) The globalization and development reader: Perspectives on development and global change. 2014;525.
30 MC Nussbaum *Creating capabilities: The human development approach* (2011).
31 As above.
32 MC Nussbaum *Women and human development: The capabilities approach* (2000).

7 International legal frameworks

The international legal framework governing the protection of internally displaced children and the realisation of the RtD comprises a body of binding and non-binding international instruments that, collectively, establish the obligations of states and the international community. Although there is no single comprehensive international treaty dedicated exclusively to internally displaced children, their protection derives from the intersection of international human rights law, international humanitarian law, international refugee law and international development law. These legal instruments are systematically interpreted to determine the scope of state obligations, the normative content of children's rights, and the extent to which the RtD can serve as a protective framework for internally displaced children.[33] International law has progressively evolved from treating internal displacement primarily as a humanitarian concern towards recognising it as a multidimensional human rights and development issue. Consequently, the RtD provides an overarching normative framework that integrates protection, participation, equality, social justice and sustainable development into the governance of internal displacement.[34] This part evaluates the principal international legal instruments and their contributions to the protection of internally displaced children.

7.1 United Nations Declaration on the Right to Development

The DRtD constitutes the principal international legal instrument for analysing this study and its connection to the protection of internally displaced children in Africa. This instrument is a significant development in international human rights law, whereby development extends beyond economic processes to encompass human rights entitlements, guaranteeing participation in, contribution to, and benefit from economic, social, cultural and political development.[35] This Declaration transforms development from a policy aspiration into a normative

33 UN Committee on Economic, Social and Cultural Rights (ESCR Committee) General Comment 3: The nature of states parties' obligations (E/1991/23) (1990).

34 United Nations General Assembly Declaration on the Right to Development, GA Res 41/128, UN Doc A/Res/41/128 (4 December 1986).

35 As above.

human rights entitlement. Although adopted as a General Assembly Declaration rather than a treaty, it has profoundly influenced subsequent international human rights jurisprudence and development policy. The Declaration requires states to move beyond humanitarian relief by integrating long-term development into displacement responses. The significance of this legal instrument is contained in the provisions of articles 1, 2, 3 and 8, which proclaim development as an inalienable human right, human person as the central subject of development and the responsibility of the state to ensure equality of opportunity to access education, health care, housing, employment, income distribution and social justice.[36] Although the instrument has influenced the development of human rights-based approaches to development and contemporary debate on global economic governance, the non-binding nature and limited universal enforcement mechanisms render it a mere recognition of rights towards institutional justice, subject to effective oversight.

7.2 Convention on the Rights of the Child

CRC is the most comprehensive international treaty protecting children. Its four guiding principles are non-discrimination (article 2); best interests of the child (article 3); right to life, survival and development (article 6); and child participation (article 12).[37]

Several additional provisions are particularly relevant to the protection of children. These are articles 22, 24, 27, 28, 32, 34, 35, 38 and 39. The provisions cover issues of children affected by displacement and refugee situations, health, adequate standard of living, education, protection against child labour, sexual exploitation, trafficking, armed conflict and physical and psychological recovery.[38] CRC adopts a holistic conception of development encompassing physical, mental, spiritual, moral and social development.[39] Consequently, displacement is a serious threat to the realisation of children's developmental rights. Although the Convention does not contain a provision specifically dedicated to internally displaced children, its rights-based architecture applies to children affected by internal displacement.

36 UN (n 34) arts 1, 2, 3 and 8.
37 CRC (n 19) arts 2, 3, 6 and 12.
38 CRC (n 19) arts 22, 24, 27, 28, 32, 34, 35, 38 and 39.
39 As above.

7.3 Guiding Principles on Internal Displacement (1998)

The UN Guiding Principles on Internal Displacement represent the most authoritative international legal framework concerning internal displacement. The principles define internally displaced persons as persons who have been forced or obliged to flee their homes but have not crossed internationally recognised borders.[40] Several principles specifically protect children, which include protection from discrimination, arbitrary displacement, recruitment into armed forces, trafficking, sexual violence and family separation.[41] The Guiding Principles also guarantee access to education, health care, humanitarian assistance, identity documentation, voluntary return and local integration or resettlement.[42] The existence of these rights does not automatically render them enforceable by the state in the context of displacement. Although legally non-binding, they are widely regarded as reflecting and consolidating existing international human rights and humanitarian law.

7.4 Sustainable Development Goals (2015)

The 2030 Agenda for Sustainable Development integrates development and human rights through the commitment to 'leave no one behind'.[43]

The SDGs 1-5, 10 & 16 identify issues such as no poverty, zero hunger, good health, quality education, gender equality, reduced inequality, peace, justice and strong institutions to reinforce the normative content of the RtD by requiring states to adopt inclusive development policies benefiting vulnerable populations, including internally displaced children.[44]

These international instruments demonstrate that the protection of internally displaced children has evolved from a narrow humanitarian concern into a comprehensive human rights and development obligation. While no single treaty expressly codifies a stand-alone legal regime for internally displaced children, the combined effect of the UN Declaration on the Right to Development, CRC, the Guiding Principles on Internal

40 Guiding Principles (n 2) para 2.
41 As above.
42 As above.
43 United Nations Transforming our world: The 2030 Agenda for Sustainable Development (A/RES/70/1) (2015).
44 As above.

Displacement and the Sustainable Development Goals creates a coherent regulative frameworks imposing duties on states to prevent displacement, protect children during displacement and promote durable solutions through inclusive development. The effectiveness of the international legal framework depends on stronger domestic implementation, judicial enforcement, regional cooperation and integration with binding African instruments such as the Kampala Convention.

8 African regional legal frameworks

The African regional human rights system has developed one of the most progressive normative frameworks for the protection of internally displaced persons (IDPs), particularly internally displaced children. Unlike the broader international legal regime, which relies heavily on soft law instruments such as the UN Guiding Principles on Internal Displacement, the AU has adopted legally binding treaties that specifically address internal displacement and children's rights. The African regional framework reflects a distinctive rights-based and development-oriented approach that links humanitarian protection with sustainable development, peace, security and social justice. These regional instruments must be interpreted harmoniously to establish the scope of state obligations toward internally displaced children. The frameworks consists principally of the African Charter, the African Children's Charter, the Kampala Convention and Agenda 2063.

8.1 African Charter on Human and Peoples' Rights

The African Charter is the constitutional foundation of the African regional human rights system. Although it does not expressly refer to internally displaced children, it guarantees a broad range of civil, political, economic, social, cultural and collective rights that apply equally to all persons, including internally displaced children.[45]

Articles 4 to 5 & 16 to 18 guarantee the right to life and the integrity of the person, protect human dignity and prohibit cruel, inhuman and degrading treatment, recognise the right to the highest attainable standard of physical and mental health, guarantee the right to education,

45 African Children's Charter (n 26) arts xvi and xxi.

and oblige states to protect the family, women and children. Article 22 expressly recognises the RtD, providing that all peoples shall have the right to their economic, social and cultural development. Article 22 is particularly significant because it elevates development to a legally recognised human right within the African regional system. Unlike many international instruments, the African Charter expressly integrates development with human dignity, equality and participation. Consequently, internally displaced children are entitled not only to humanitarian protection but also to meaningful participation in development processes that promote their physical, intellectual, emotional and social well-being.[46] The African Commission has consistently interpreted the Charter purposively, holding that states bear positive obligations to protect vulnerable populations against violations committed by both state and non-state actors.[47]

8.2 African Charter on the Rights and Welfare of the Child

The African Children's Charter represents Africa's most comprehensive legal instrument on children's rights. CRC largely inspires the African Children's Charter. It incorporates provisions that specifically reflect African realities, including armed conflict, displacement and communal responsibilities.[48] The Charter establishes four fundamental principles: non-discrimination (article 3); the best interests of the child (article 4); survival and development (article 5); and protection against abuse, exploitation and armed conflict. Article 23(4) specifically protects internally displaced children. Although the Charter does not comprehensively define the scope of such protection, article 23 requires state parties to ensure that internally displaced children receive appropriate protection and humanitarian assistance comparable to that afforded refugee children.[49] Recent doctrinal scholarship argues that article 23(4) should be interpreted together with the Kampala Convention, thereby creating a two-pronged regional protection regime

46 Adeola & Mezmur (n 4) 126.
47 CE Fawole 'A critical analysis of the Kampala Convention from a children's rights perspective' (2021) 40 *Refugee Survey Quarterly* 144.
48 African Children's Charter (n 26) art xxxi.
49 Adeola & Mezmur (n 4) 119.

for internally displaced children.[50] The Children's Charter recognises internally displaced children as independent rights holders entitled to education, health care, identity, family unity, participation and development.[51] The protection guaranteed under article 23(4), therefore, extends beyond emergency relief to encompass long-term developmental rights.

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

The Kampala Convention constitutes the centrepiece of Africa's legal framework on internal displacement. It is the first legally binding regional treaty in the world devoted exclusively to the prevention of internal displacement, the protection of internally displaced persons and the provision of durable solutions. It entered into force on 6 December 2012.[52] The Convention adopts a comprehensive approach by addressing the prevention of arbitrary displacement, protection during displacement, humanitarian assistance, durable solutions, the accountability of states and non-state actors, and displacement caused by armed conflict, natural disasters and development projects. Provisions directly beneficial to internally displaced children are articles 3 to 5, 9 and 11. Article 3 obliges states to prevent arbitrary displacement; article 4 prohibits displacement resulting from violations of international humanitarian law; article 5 protects persons displaced by natural disasters and climate-related events; article 9 requires states to provide education, health care, shelter, food, sanitation, and special protection for vulnerable groups, including children; and article 11 promotes durable solutions through voluntary return, local integration and resettlement. The Convention also requires states to eliminate the root causes of displacement, linking humanitarian protection with development, governance and peace building.[53] From a doctrinal perspective, this transforms the Convention into both a humanitarian and development instrument, making it highly relevant to

50 Fawole (n 47) 150.
51 African Children's Charter (n 26) art xxiii.
52 M Asplet,& M Bradley 'The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). *International Legal Materials*. 2013;52(1):397
53 Fawole (note 47)151.

the RtD. Despite these lofty provisions, the rights of internally displaced children to development can only become a reality when an enforcement mechanism is certain.

8.4 African Union Agenda 2063

Agenda 2063 is the AU's long-term strategic development framework. Although not legally binding, it provides an important regional policy instrument that complements legally binding treaties.[54] Several aspirations are particularly relevant to inclusive economic growth, quality education, universal health care, gender equality, protection of vulnerable populations, peaceful and secure societies and children's welfare.[55] Agenda 2063 recognises that sustainable development cannot be achieved while millions of African children remain displaced by conflict, disasters and insecurity. Accordingly, it promotes development policies that reduce inequality and strengthen resilience.

The African regional legal framework is more progressive than the general international framework because it converts many principles governing internal displacement into binding legal obligations. The African Charter expressly recognises the RtD; the African Children's Charter specifically protects internally displaced children through article 23(4); and the Kampala Convention establishes detailed obligations in the areas of prevention, protection, humanitarian assistance and durable solutions. Collectively, these instruments create a coherent regional legal architecture that links child protection with sustainable development. Nevertheless, implementation remains inconsistent. Many African states are yet to domesticate or fully implement the Kampala Convention. At the same time, limited financial resources, protracted armed conflicts, weak institutions, climate change and political instability continue to undermine effective protection.[56] Accordingly, the realisation of the RtD for internally displaced children requires stronger domestication of regional instruments, harmonisation of national laws with AU standards, child-sensitive budgeting, strengthened accountability mechanisms, and

54 African Union Commission *Agenda 2063: The Africa we want* (2015).
55 Kampala Convention (n 9) art 9 (2).
56 Fawole (n 47)169.

closer collaboration between governments, regional institutions and international partners.

9 Doctrinal analysis of the right to development as a protection framework

The RtD is not merely an aspirational principle of international law but a regulatory framework under which states are legally and morally obligated to create conditions that enable every individual, particularly vulnerable groups such as internally displaced children, to enjoy the full spectrum of human rights. The doctrinal inquiry focuses on interpreting treaties, declarations, customary international law, regional instruments, judicial decisions and scholarly writings to determine the content, scope and enforceability of the RtD in situations of internal displacement and to ensure that internally displaced children enjoy protection in all spheres of life. The main focus is to understand that protection and development are not competing objectives but mutually reinforcing. The recognition of legal and practical limitations determines the extent to which the right to development can be considered fully operational in the context of internal displacement.

The content of the RtD is based on the UN Declaration on the Right to Development. Article 1 proclaims development as an inalienable human right, while article 2 identifies the human person as the central subject of development. Article 3 places the primary responsibility on states to create favourable national and international conditions for the realisation of development, and article 8 requires states to ensure equality of opportunity in accessing education, healthcare services, housing and employment, and to ensure the equitable distribution of income. A purposive interpretation of these provisions demonstrates that development is not confined to economic growth, but it encompasses the realisation of all human rights and fundamental freedoms.[57] This interpretation aligns with article 22 of the African Charter, which recognises the right of peoples to economic, social and cultural development, and with article 6 of CRC, which guarantees every child's right to survival and development.[58] These provisions impose positive

57 Adeola & Mezmur (n 4) 116.
58 As above.

obligations upon states to ensure that displacement does not deprive children of opportunities necessary for their physical, intellectual, emotional and social development.

The RtD functions as an integral principle rather than an isolated right. It synthesises civil and political rights with economic, social and cultural rights into a single normative framework. For internally displaced children, this integration means that protection cannot be reduced to providing temporary shelter or humanitarian assistance. Rather, effective protection requires simultaneous realisation of multiple rights, including the right to life and personal security, the right to education, the right to health care, the right to adequate housing, the right to food and nutrition, the right to family unity, the right to identity and birth registration, the right to participation and protection from exploitation, trafficking and recruitment into armed groups.[59] The indivisibility of these rights reflects the doctrinal principle that human rights are universal, interdependent and mutually reinforcing. Consequently, failure to protect one dimension of development often undermines the enjoyment of other rights.

There are three categories of state obligations under the RtD. These obligations span the obligation to respect, the obligation to protect, and the obligation to fulfil.[60] The obligation to respect requires states to refrain from actions that directly or indirectly undermine children's development, such as arbitrary displacement, the destruction of schools, unlawful eviction, discriminatory exclusion from public services, and the denial of humanitarian access. Such practices violate the aspirations of the RtD and the protective expectations of CRC.[61] The obligation to protect, on the other hand, prevents third parties from violating the developmental rights of internally displaced children, such as child trafficking, forced recruitment, child labour, sexual exploitation, attacks on schools, and unlawful occupation of humanitarian facilities. However, fulfilling these expectations requires affirmative governmental action through legislation, budgetary allocation, public policy, institutional reforms, and child-sensitive development programmes. Fulfilment extends beyond humanitarian relief to include durable solutions such

59 African Children's Charter (n 26) arts 3-30.
60 UN (n 7) arts 2 & 6.
61 As above.

as reconstruction, education, health care, livelihood support and social protection.[62]

The relationship between the RtD and the best interests of the child constitutes one of the most significant doctrinal intersections, particularly in relation to articles 3 and 4 of CRC and the African Children's Charter. The best interests principle requires that every legislative, judicial and administrative decision affecting children should prioritise their welfare.[63] When interpreted alongside the RtD, the principle requires states to adopt development policies specifically designed to restore interrupted education, strengthen child health care, facilitate family reunification, provide psychosocial rehabilitation, ensure social inclusion and promote long-term resilience. Thus, development itself becomes an essential component of child protection rather than a separate policy objective.[64]

Participation, as a component of development under article 2 of the DRtD, is recognised as a fundamental element. Similarly, article 12 of the CRC guarantees children's right to express their views on matters affecting them. Internally displaced children should not merely receive humanitarian assistance. Still, according to their age and maturity, they should participate in decisions concerning education, resettlement, camp governance, community integration and child protection mechanisms.[65] Participation strengthens accountability and promotes child-centred governance.

Equality and non-discrimination are inseparable from the RtD. Internally displaced children frequently experience discrimination based on displacement status, ethnicity, disability, gender, poverty and geographic location. Articles 2 and 26 of the CRC, article 2 of the African Children's Charter, and article 8 of the DRtD require states to eliminate structural inequalities that prevent displaced children from enjoying equal access to development opportunities.[66] Accordingly, affirmative measures that prioritise displaced children in national education, health care, nutrition and social welfare programmes must be supported to achieve the SDGs.

62 Fawole (n 47)145.
63 African Children's Charter (n 26) art 4.
64 UN (n 7) arts 1 & 2.
65 CRC (n 19) art 31.
66 UN (n 7) art 8(1).

The right to development and durable solutions, as identified in the Kampala Convention, include voluntary return, local integration and resettlement elsewhere.[67] From the RtD perspective, none of these solutions is sufficient unless accompanied by sustainable development. Returning to destroyed communities without schools, healthcare facilities, or livelihoods cannot satisfy the RtD.[68] Similarly, local integration requires housing, education, employment opportunities, social inclusion, legal documentation and infrastructure. The RtD, therefore, expands the concept of durable solutions beyond physical relocation to encompass sustainable human development. Despite its transformative potential, the DRtD is a General Assembly declaration rather than a legally binding treaty, leading some scholars to question its direct enforceability.[69]

10 Comparative African case studies

Comparative legal analysis is an important component of doctrinal legal research because it enables researchers to examine how different jurisdictions interpret and implement legal norms in practice.[70] In the context of internally displaced children, a comparative analysis demonstrates the extent to which African states have incorporated the RtD into their domestic laws, policies and institutional responses to displacement. It also identifies best practices, implementation gaps and legal lessons that can strengthen child protection across the continent.

This part undertakes a comparative doctrinal analysis of Nigeria, Sudan, the DRC and Somalia. These jurisdictions have been selected because they have experienced protracted internal displacement caused by armed conflict, terrorism, communal violence and climate-related crises. They also represent diverse legal and institutional responses to the protection of internally displaced children under international and African regional legal frameworks.

67 Kampala Convention (n 9) art 11 (1 &2).
68 Adeola & Mezmur (n 4) 125.
69 As above.
70 Hutchinson & Duncan (n 15) 108.

10.1 Nigeria: Internal displacement and the right to development

Nigeria has experienced one of Africa's largest internal displacement crises, largely due to the Boko Haram insurgency, banditry, communal violence and farmer-herder conflicts. The north-east region has witnessed widespread destruction of schools, healthcare facilities and public infrastructure, resulting in millions of internally displaced persons, many of whom are children.[71] According to the Internal Displacement Monitoring Centre (IDMC), Nigeria continues to record one of the highest numbers of conflict-related internal displacements in sub-Saharan Africa. UNICEF has consistently reported that children in the north-east face heightened risks of interrupted education, malnutrition, recruitment by armed groups, family separation and psychosocial trauma. These conditions significantly undermine children's rights to survival and development.[72]

Nigeria has ratified CRC, the African Children's Charter and the Kampala Convention. It has also enacted the Child Rights Act 2003, although implementation varies across states. The National Policy on Internally Displaced Persons (2021) seeks to align national responses with the Kampala Convention by addressing prevention, protection, assistance and durable solutions. However, implementation challenges remain significant. Nigeria demonstrates a substantial gap between normative commitments and practical implementation.[73] The Nigerian experience illustrates that, while humanitarian assistance is indispensable, it has not sufficiently addressed the structural drivers of displacement, including poverty, underdevelopment and weak governance. Consequently, internally displaced children remain vulnerable to long-term developmental deprivation.

10.2 Sudan: Armed conflict and the collapse of developmental protection

Sudan has experienced decades of armed conflict, culminating in renewed nationwide violence since April 2023, which has generated one of the world's largest displacement crises. Millions of children have

71 Adeola & Mezmur (n 4) 125.
72 As above.
73 As above.

been displaced internally, with widespread disruption of education, health care and child protection services. Reports from the UN indicate severe food insecurity, attacks on civilian infrastructure and heightened risks of exploitation, trafficking and family separation among displaced children.[74] Sudan is a state party to CRC, the African Children's Charter and the Kampala Convention. Nevertheless, the ongoing conflict has significantly weakened the state's capacity to implement these obligations. The Sudanese case demonstrates that legal recognition alone is insufficient where governance structures have collapsed. The RtD requires not only formal legal obligations, but also functioning institutions capable of delivering education, health care, nutrition and social protection.[75] Sudan, therefore, illustrates the indivisibility of peace, governance and development. Without effective institutions and security, the developmental rights of internally displaced children remain largely unrealised.

10.3 Democratic Republic of the Congo: Protracted displacement and structural inequality

The DRC has experienced decades of armed conflict, particularly in the eastern provinces. Armed groups, intercommunal violence and resource-related conflicts have repeatedly displaced millions of civilians, including a large proportion of children. The destruction of schools, healthcare centres and livelihoods has perpetuated cycles of poverty and exclusion.[76] The DRC is a party to the major international and regional instruments relevant to child protection and internal displacement, including the CRC, the African Children's Charter, and the Kampala Convention.

The Congolese experience demonstrates that prolonged conflict creates structural barriers to the realisation of the RtD. Even where humanitarian assistance is available, many displaced children remain excluded from quality education, health care and psychosocial support.[77]

74 United Nations Development Programme 'Development solutions for forced displacement in sub-Saharan Africa' (2024).
75 Adeola & Mezmur (n 4) 118.
76 UNICEF (n 1) December 2025 report of Eastern DRC.
77 World Bank 'Forcibly displaced: Toward development approaches supporting refugees, internally displaced persons, and their hosts' (2023).

A doctrinal interpretation of article 22 of the African Charter, article 23 of the African Children's Charter and the Kampala Convention indicates that states have continuing obligations to restore developmental opportunities through reconstruction, institutional reform and investment in child-centred public services.[78] The DRC, therefore, illustrates the necessity of integrating peacebuilding with development to achieve durable protection for internally displaced children.

10.4 Somalia: Climate change, conflict and developmental vulnerability

Somalia presents a distinctive case where internal displacement is driven by both protracted armed conflict and climate-related disasters, including drought and flooding. These intersecting crises have displaced millions of people, leaving children disproportionately affected by hunger, disease, interrupted schooling and inadequate access to clean water and sanitation.[79] Somalia has strengthened its legal and policy framework by adopting national legislation and policies on internal displacement and child protection while remaining bound by relevant international and African human rights instruments. Somalia demonstrates that the RtD must be interpreted broadly to encompass environmental sustainability, climate resilience and disaster risk reduction. Development-oriented protection, therefore, requires integrating humanitarian assistance with investments in education, health care, climate adaptation and resilient infrastructure.[80] The Somali experience illustrates that sustainable protection cannot be achieved without addressing the environmental and socio-economic drivers of displacement.[81]

The comparative experiences of Nigeria, Sudan, the DRC and Somalia demonstrate that the RtD provides a compelling normative framework for protecting internally displaced children. While all four countries have adopted relevant international and regional legal commitments, implementation remains constrained by conflict, institutional fragility, inadequate financing and socio-economic inequalities. The comparison underscores that durable protection cannot be achieved through

78 Adeola & Mezmur (n 4) 121.
79 Guiding Principles (n 2) Principle 18.
80 CRC (n 19) arts 24 and 27
81 Adeola & Mezmur (n 4) 127.

humanitarian assistance alone. Rather, the realisation of children's rights requires integrating development, peacebuilding, human rights, and governance into comprehensive national displacement policies.[82] Accordingly, the RtD should serve as the guiding principle for legislative reform, institutional strengthening and child-centred development strategies across Africa.[83]

11 Challenges to the realisation of the right to development for internally displaced children in Africa

Despite the progressive evolution of international and African regional legal frameworks, the realisation of the RtD for internally displaced children remains significantly constrained. These challenges reflect structural weaknesses in governance, institutional capacity, legal implementation and socio-economic development. Although CRC, the African Children's Charter, the African Charter and the Kampala Convention impose legal obligations upon states, implementation has been uneven across the continent.[84]

The principal challenges include the following:

11.1 Protracted armed conflicts, insecurity and poverty

Armed conflicts remain the leading cause of internal displacement in Africa. Persistent violence in Nigeria, Sudan, the DRC, Somalia, Burkina Faso and Mozambique has destroyed schools, hospitals and essential infrastructure. Children are disproportionately affected through forced recruitment, family separation, sexual violence, trafficking and denial of education.[85] Protracted conflict undermines the realisation of articles 6, 24, 27, and 28 of CRC; article 23 of the African Children's Charter; and articles 3 and 9 of the Kampala Convention. Laws only become effective when implemented and enforced. However, domestic implementation of these laws remains inadequate due to a lack of political will to protect children from all forms of abuse effectively. Internally placed children

82 Internal Displacement Monitoring Centre 'Global report on internal displacement 2024' (2024) (IDMC).
83 As above
84 As above
85 UNICEF (n 1) 2024-2025 Report.

seldom know their rights and, as such, they fail to report any form of violence perpetrated against them. Internal displacement frequently exacerbates existing poverty and inequality. As such, displaced children often experience chronic malnutrition, unemployment among caregivers, poor sanitation, inadequate housing and interrupted schooling.[86] These conditions directly undermine the RtD and perpetuate intergenerational poverty.

11.2 Weak domestication and implementation of international and regional instruments

Most African states have ratified CRC, the Kampala Convention and the African Children's Charter, but domestic implementation remains inadequate. Laws only become effective when implemented and enforced. However, a lack of political will to effectively protect children from all forms of abuse, a slow judicial process and a lack of awareness of the laws protecting children make it difficult to implement the laws. Internally displaced children seldom know their rights and, as such, they fail to report any form of violence perpetrated against them. Other implementation shortcomings include the absence of implementing legislation, weak institutional coordination, inadequate judicial enforcement, fragmented displacement policies, and limited accountability mechanisms. Ratification without effective implementation significantly weakens the practical realisation of the RtD.[87] Poor governance reduces institutional capacity to implement development policies. Corruption frequently diverts resources intended for humanitarian assistance and child protection programmes. Consequently, many internally displaced children remain excluded from essential public services.[88]

11.3 Inadequate funding, child-sensitive budgeting and inadequate registration of legal identity

Development-centred protection requires sustained investment in education, health care, nutrition, housing, psychosocial support and

86 IDMC (note 82) 2023 Global Reports on Internal Displacement.
87 World Bank (n 77) 2023 Report.
88 Adeola & Mezmur (n 4) 122.

social protection.[89] However, humanitarian interventions continue to receive greater attention than long-term developmental investment. Limited public expenditure on child protection perpetuates multidimensional poverty among internally displaced children.[90] Many displaced children lack birth registration and identity documentation. Without legal identity, children face barriers to education, health care, social protection, inheritance and nationality. [91] Legal identity is fundamental to the realisation of the RtD.

11.4 Climate change, environmental degradation and limited child participation

Climate-induced displacement has become increasingly significant across Africa. Drought, desertification, flooding and environmental degradation have displaced millions of children, particularly in Somalia, Ethiopia and the Sahel region.[92] Current legal frameworks remain insufficiently adapted to address the intersection between climate change and children's developmental rights. Poor governance reduces institutional capacity to implement development policies. Corruption frequently diverts resources intended for humanitarian assistance and child protection programmes. Consequently, many internally displaced children remain excluded from essential public services.[93] Despite the provisions of article 12 of the CRC, displaced children rarely participate in decisions concerning camp governance, education, relocation, and community integration. Their exclusion undermines child-centred governance and weakens accountability.[94]

12 Emerging prospects

Despite the above-mentioned challenges, several developments provide optimism for strengthening the RtD as a protective framework. The right to development is shifting the attention of state and non-state actors from emergency survival of internally displaced children to the

89 UN (n 7) art 8.
90 World Bank (n 77).
91 UNICEF (n 1).
92 CRC (n 19) general comment No. 26 (2023)
93 Adeola & Mezmur (n 4) 122.
94 UN (n 7) art 3 (3).

structural realisation of children's rights. The emerging prospects for implementation and enforceability of children's right to development are as follows:

12.1 Increasing ratification and domestication of the Kampala Convention and humanitarian development

Growing ratification of the Kampala Convention has strengthened regional legal protection. Several states have begun incorporating their provisions into national legislation and displacement policies. This creates opportunities for stronger legal accountability.[95] The Humanitarian Development Peace (HDP) Nexus represents a significant policy innovation. Rather than separating humanitarian relief from development, the HDP Nexus integrates emergency response, peacebuilding, sustainable development, and resilience-building. This approach aligns closely with the RtD.[96]

12.2 Agenda 2063, the Sustainable Development Goals and the strengthening of child protection systems

The AU's Agenda 2063 and the 2030 SDGs provide complementary frameworks promoting inclusive development. Goals relating to poverty reduction, quality education, health care, gender equality, peace and justice support the developmental rights of internally displaced children.[97] African governments increasingly recognise the importance of birth registration, child-sensitive justice, social protection programmes, psychosocial support and digital identity systems.[98] These reforms strengthen long-term protection.

12.3 Regional judicial accountability and increased international cooperation

The expanding jurisprudence of the African Commission and the African Court enhances accountability concerning development-

95 Adeola & Mezmur (n 4) 129.
96 UN (n 7) art 7
97 UN (n 7) art 8
98 African Children's Charter (n 16) arts 20,22 & 23

related human rights.[99] Future litigation under article 22 of the African Charter may further strengthen protection for internally displaced children. Partnerships involving the AU, UNHCR, UNICEF, UNDP, the International Organisation for Migration (IOM) and the World Bank have increasingly shifted from emergency assistance to durable development solutions.[100]

13 Recommendations/Conclusion

To effectively protect internally displaced children in Africa while they enjoy their right to development, the following recommendations are proposed:

1. African states should strengthen the domestic implementation of the Kampala Convention, the African Children's Charter, the CRC and the DRtD. Domestic legislation should expressly recognise internally displaced children as beneficiaries of development rights.
2. Governments should adopt child-centred development policies and integrate internally displaced children into national development plans by ensuring free quality education, universal health care, adequate nutrition, housing, vocational training and digital inclusion.
3. National budgets should increase child-sensitive budgeting and allocate dedicated resources for education, health care, child protection, psychosocial rehabilitation and livelihood support. Development financing should complement humanitarian assistance.
4. Governments should strengthen institutional coordination mechanisms by linking ministries of education, ministries of health, child protection agencies, disaster management institutions and humanitarian organisations to improve integrated governance and efficiency.
5. National displacement policies should promote child participation in decisions affecting education, relocation, social protection and camp governance. Participation should reflect age and maturity.

99 Kampala Convention (n 9) arts 9 & 13
100 CRC (n 19) General Comment No. 6 (2005)

6. Universal birth registration and digital identity programmes should prioritise internally displaced children and expand birth registration. Legal identity enhances access to education, health care and social protection.
7. National adaptation strategies should integrate child protection into climate resilience policies. Climate-responsive development investment should focus on resilient schools, healthcare infrastructure, disaster preparedness and early warning systems.
8. The AU should strengthen regional monitoring of Kampala Convention implementation through periodic reporting, peer review, child-sensitive indicators and regional compliance mechanisms.
9. Civil society organisations should utilise the African Commission and African Court to promote judicial interpretation of article 22 of the African Charter and article 23 of the African Children's Charter in favour of development-centred protection and encourage strategic litigation where necessary.

This chapter has examined the RtD as a protective framework for internally displaced children in Africa. Although international and African regional legal instruments provide a regulatory basis for protecting displaced children, existing responses remain heavily oriented towards humanitarian assistance and emergency relief. Such approaches, while indispensable, are insufficient to address the structural inequalities and developmental deficits arising from protracted displacement.[101]

The analysis establishes that the RtD, as articulated in the DRtD.[102] and reinforced by the African Charter,[103] CRC[104] The African Children's Charter[105] and the Kampala Convention,[106] provides a comprehensive legal and policy framework capable of integrating protection, participation, equality and sustainable development. By conceptualising internally displaced children as rights holders rather than passive recipients of humanitarian assistance, the RtD advances a transformative

101 Adeola & Mezmur (n 4)129.
102 UN (n 7) arts 1 & 2.
103 ACHPR (n 17) art 22.
104 CRC (n 19) art 12.
105 African Children's Charter (n 16) arts 5 (2), 11,14 & 22.
106 Kampala Convention (n 9) arts 9 & 11.

understanding of protection that encompasses education, health care, legal identity, psychosocial well-being, social inclusion and opportunities for human flourishing.

The comparative analysis of Nigeria, Sudan, the DRC and Somalia reveals that legal commitments alone do not guarantee effective protection. Persistent armed conflict, institutional fragility, weak domestication of regional instruments, inadequate financing, climate change and governance deficits continue to impede the realisation of children's developmental rights. Nevertheless, emerging developments, including the wider implementation of the Kampala Convention, the Humanitarian Development Peace Nexus, Agenda 2063, and the SDGs, offer significant opportunities to reposition development at the centre of child protection. The SDGs leverage the principle of interdependence, explicitly linking child safety to broader economic goals.[107] For child protection to succeed, national development plans must merge agriculture, social protection, human rights and national interventions. Accordingly, this chapter argues that the future protection of internally displaced children in Africa depends upon a paradigm shift from reactive humanitarian responses to proactive, rights-based and development-oriented governance. African states should strengthen domestic implementation of regional and international obligations, invest in child-sensitive development policies, ensure meaningful participation of displaced children, and establish robust monitoring and accountability mechanisms. Through such measures, the RtD can become an operational legal framework that promotes durable solutions, restores human dignity, and secures the long-term well-being of internally displaced children across Africa.

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