

# WAQF and Social Finance as Avenue for Alleviating the Plight of Internally Displaced Persons (IDPs) in Borno State, Nigeria

Mohammad Aliyu Babakano<sup>1</sup>, Abubakar Hamman Diram<sup>2</sup>, Aisha Kyari Sandabe<sup>3</sup>

<sup>1</sup>LLB, LLM, Ph.D, BL, Reader, Department of Shari'ah, Faculty of Law, Modibbo Adama University, Nigeria

<sup>2</sup>LLB, LLM, Ph.D, BL, Department of Public and Private Law, Faculty of Law, Modibbo Adama University Yola, Nigeria.

<sup>3</sup>Reader, Department of Shari'ah, Faculty of Law, University of Maiduguri, Nigeria

DOI: <https://dx.doi.org/10.47772/IJRISS.2024.8100109>

Received: 28 September 2024; Accepted: 04 October 2024; Published: 07 November 2024

## ABSTRACT

The violent acts of Boko Haram in Borno state of North-eastern Nigeria have triggered humanitarian crises with extensive social consequences such as displacement, hunger, malnutrition and poverty amongst others. Since in 2009, more than two million people have been internally displaced persons (IDPs) whom sought refuge in camps set up and run by state governments across the state. The effort of government and donor agencies aimed at alleviating crisis prove to be inadequate. Hence, humanitarian deficit exist in these camps and surrounding communities affected by the conflict. Therefore, resort to Waqaf as an Islamic social finance instrument may help in alleviating the plight and suffering of the IDPs by examining the potentials of Waqaf in filling the Humanitarian deficit caused by Boko Haram conflict. The paper adopted doctrinal and qualitative methods in achieving its aim. It concludes that *Waqf* is a mode of Islamic social finance and economic development and therefore recommends for the adoption or implementation of Waqaf in reducing the suffering of the IDP's, incidence of widespread poverty, inequality and humanitarian deficits in the communities affected by Boko Haram conflict.

**Keywords:** *Waqf*, Social Finance, Boko Haram, Displaced Persons, poverty.

## INTRODUCTION

The North Eastern states of Borno, Yobe and Adamawa has been suffering overwhelmingly from the effect of Boko Haram insurgency which triggered humanitarian challenges and infrastructure destruction, resulting to internal displacement of many citizens.<sup>1</sup> Governments at all levels including international Non-governmental organizations (NGO'S) have been supporting the IDPs with livelihood support, but seems to be insufficient because of the large number of the IDP's. Even though, with all the assistance of rendered by the NGO's, they are being accused of sabotaging the effort of the government in curtailing the crisis considering the number of the NGO's presently in Borno state. Nigerian government at both federal and states levels have established agencies such as National Emergency Management Agency (NEMA),<sup>2</sup> National Commission for Refugees,<sup>3</sup> National Human Rights Commission<sup>4</sup> and State Emergency Management Agencies, among others for the protection and welfare of internally displaced persons. However, despite all these effort by the Governments as well as support by local and International NGOs towards supporting IDPs, accessing adequate food, shelter, safe drinking water, good health services and sound education is becoming increasingly difficult for the majority of the dispersed population.

<sup>1</sup> Those Who Returned Are Suffering" Impact of Camp Shutdowns on People Displaced by Boko Haram Conflict in Nigeria <[www.hrw.org/report](http://www.hrw.org/report)> accessed on 10<sup>th</sup> Feb,2024

<sup>2</sup> National Emergency Management Agency was established via Act 12 as amended by Act 50 of 1999

<sup>3</sup> Decree 52 of 1989 now Cap. N21, Laws of the Federation of Nigeria, 2004 (NCFRMI Act).

<sup>4</sup> The NHRC (Amendment) Act, 2010

The Islamic social finance sector broadly comprises traditional Islamic institutions based on philanthropy such as Zakat, Sadaqah, Waqf, and Islamic microfinance institutions that aim at making a dent in poverty.<sup>5</sup> Islamic social finance instruments such as Waqf (endowment), Sadaqah (voluntary donations and zakat (mandatory alms-giving) are by design geared to help ameliorate inequalities and uplift the most vulnerable populations. Therefore, to supplement the efforts of government and non-governmental organizations in providing a long term and sustainable welfare model for the IDP's

Waqf is a sustainable and ongoing charitable fund and is a form of Sadaqah Jariyah, the act of voluntarily making a long-term charitable contribution that will continue to benefit others, Waqf as a financial instrument has the potential of reducing poverty and inequality. Nigeria, been a country with a sizeable proportion of its population being Muslim, well-to-do Muslims can make bequests that will benefit the less-privileged members of the society through Waqf.<sup>6</sup> Waqaf can also help in reducing Humanitarian deficit cause by Boko Haram conflict being a continued charitable fund specifically for helping the needy by providing the most needed financial support and assistance in catering for the welfare and needs of the IDPs.<sup>7</sup>

The institution of waqf from Islamic jurisprudence perspective is established to provide the framework for helping the needy, the orphan, and the weak as encouraged by the Qur'an and hadith of the Prophet (s.a.w).<sup>8</sup> It is an Islamic financial remedy to less privilege which played a vital role in reducing extreme poverty in the Muslim society, thus many studies have proven the potentials of Waqf in fostering socio-economic development across the Muslim countries.<sup>9</sup> Waqf endowment has been established and created in Nigeria in order to cater for the less privileged people across the nation.<sup>10</sup> The unprecedented increase and rise of IDPs across the north east states of Borno, Adamawa and Yobe is caused by the increased of Boko Haram attacks that forced many victims out of their houses in search of safety. The endowed properties can be channeled to reduce IDPs financial challenges and ease the plight of IDPs in north east caused by Boko Haram conflict in particular.

It is against this backdrop that this paper discusses the Ijtihad held by a number of Muslim jurists and their opinions on the application of waqf, to overcome financial anxiety and strengthen the financial resilience of lower income individuals and groups to survive and become financially independent. The study also discusses the potentials of waqf financing model in catering for the welfare of IDPs in the Northeast and how it can complement the efforts of governmental and non-governmental organizations in the realization of this laudable objective. The paper also identify the IDPs challenges and how waqf financing model can provide remedies considering the peculiarities of the IDPs.

## THE CONCEPT OF WAQAF

A waqf is an inalienable charitable endowment under Islamic law. It typically involves donating assets for Muslim religious or charitable purposes with no intention of reclaiming those assets.<sup>11</sup> A waqf is an endowment made by a Muslim under Islamic Law to a fund manager who is responsible for generating profits that are subsequently used to support socioeconomic development.<sup>12</sup> The term waqf (or awqaf) which means stopping, containing, or preserving something, is derived from an Arabic root verb. Waqf in Arabic is literally referred as al-Habsu 'an at-Tasarruf which means to hold, keep, or detain.<sup>13</sup> The word waqf is usually used

<sup>5</sup> Amuda, Y. J. (2013). Empowerment of Nigerian Muslim households through Waqf, Zakat, sadaqat and public funding. *International Journal of Trade, Economics and Finance*, 4(6), 419-424.

<sup>6</sup> Ibid

<sup>7</sup> Amuda, Y. J. (2019). Application of Waqf property as a financial instrument for the Internally Displaced Persons (IDP's) in Nigeria. *Journal of Legal, Ethical and Regulatory Issues*, 22 (Special Issue 1), 1–11

<sup>8</sup> Haruna T H, Abdulrazaq S. I., *The Contribution Of Waqf Institution As A Financial Tool In Addressing Poverty Reduction: Evidence From The Literature* (2021) *AZKA International Journal of Zakat & Social Finance*, p. 153

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Lawal, I.M. & Imam, U.B. (2017). Waqf: A Fiscal Tool in Ensuring a Sustainable Debt in Nigeria, *Asian Journal of Islamic Finance*, Vol. 2, Issue 1

<sup>12</sup> Ibid

<sup>13</sup> Nor Asiah Mohamad, "A Study on the Socio-Economic Roles of Waqf Ahli (Family Waqf) in Promoting Family Security and a Sustainable Family Economy," *IUM Law Journal* 26, no. 1 (2018) pp.141-160,

synonymously with ḥabs (to detain). Ibn Rushd says: The word al-ḥabs and al-waqf are synonymous and there is no difference between the two at all.<sup>14</sup> In other words, waqf means a unique form of endowment by a waqif (donor or endower) who gives up some of his personal assets (for example, in the form of cash) to be used forever or for a certain period of time in accordance with his interests.<sup>15</sup> While in legal terms, waqf is defined as a perpetual dedication of a certain property to Allah SWT by devoting the property's benefits to religious and charitable causes.<sup>16</sup> In Islam, all charitable activities are viewed devotional actions provided it is in-line with Islamic principles. Waqf can be seen as a situation whereby 'mal' (property) is appropriated from private while its usufruct is dedicated to charitable purposes.<sup>17</sup> It belongs to Allah, and the waqf remains intact at all times. Waqf from a Shariah perspective is 'holding an asset and preventing its use to repeatedly extract its usufruct for the benefit of a noble or philanthropic objective'.<sup>18</sup> In the context of socio-economics, waqf can be used as a mechanism to increase the standard of living within the ummah (society), reduce poverty and difficulties among the poor, and maintain a good living. This is done through a fair wealth distribution among the society members.<sup>19</sup>

These acts of charity reinforce the relations between the believer and God and perpetuate the bond between the founder and the beneficiaries which may include members of a particular family or members of the community at large.<sup>20</sup> The institution of waqf is developed to provide the framework for helping the needy, of the Prophet (s.a.w).<sup>21</sup> Various Qur'anic verses and hadiths strongly enjoin Muslims to practice individual and collective charity which include among others the following:

“By no means shall ye attain righteousness unless ye give (freely) of that which ye love; and whatever ye give, of a truth God knoweth it well.”<sup>22</sup>

Another related verse provides,

“It is not righteousness that ye turn your faces towards East or West, but it is righteousness to believe in Allah, and the Last Day, and the Angels, and the Book, and the Messengers, to spend of your substance out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves, to be steadfast in prayer and practice regular charity.”<sup>23</sup>

In the same vein, the Sunnah of the Prophet encourage the practice of Waqaf in the following, Abu Hurairah (Allah be pleased with him) reported Allah's Messenger (s.a.w) as saying:

“When a man dies, his acts comes to an end, except three things, recurring charity, or knowledge (by which people benefit), or pious offspring, who prays for him.”<sup>24</sup>

The four eminent Islamic scholars of al-Hanafi, al-Maliki, al-Syafi'e and Hanbali have different definitions of waqf, or endowment, as follows;

---

<sup>14</sup> Zuki, M.S.M. (2012). Waqf and its Role in Socio-Economic Development. ISRA International Journal of Islamic Finance, 4(2), pp.173-178

<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> Mohsin, M. I. A. (2013). Financing through cash-waqf: A revitalization to finance different needs. International Journal of Islamic and Middle Eastern Finance and Management, vol. 6, no. 4, pp. 304-321.

<sup>18</sup> Ibid

<sup>19</sup> Salarzehi, H., Armesh, H., & Nikbin, D. (2010). Waqf as a Social Entrepreneurship Model in Islam. International Journal of Business and Management, 5(7), 179-186

<sup>20</sup> Ibid

<sup>21</sup> Adam M. A Sustainable Welfare Model for the Internally Displaced Persons (IDPs) in the North-Eastern Nigeria: The Role of Waqf Financing (2021) IKONOMIKA: Jurnal Ekonomi dan Bisnis Islam Volume 6, No 2 Pp. 123 - 150

<sup>22</sup> Qur'an-3:92

<sup>23</sup> Qur'an-2:177

<sup>24</sup> Sahih Muslim

- i. Al-Hanafi: Waqf is intended to preserve and upkeep the original wealth that belongs to someone else and grants its profits to the needy. By this, we can learn that waqf's purpose is to preserve the wealth or something that can give benefits or profit, without it being consumed by the original owner and the benefits or profit from it are to be bequeathed to the needy. According to Hanafi, through waqf, kindness is manifested, and it is offered to those in need in the spirit of camaraderie and it this gesture that will be rewarded by God as a good deed on the day of resurrection.<sup>25</sup>
- ii. Al-Maliki: Ownership of the profit originated from the wealth given as an endowment is granted to whoever the endowment was meant for or the needy. By this it can be understood that waqf is to give the right to consume the profit of wealth that was given for endowment to whoever the endowment was meant for or the needy. According to Maliki, waqf is an engagement that is recommended (sunnah) in Islam.<sup>26</sup>
- iii. Al-Syafi'e: Waqf is intended to keep the wealth that can give benefits, maintaining it in the same form, and the original owner is not allowed to consume it. It can be learnt that waqf is to keep the wealth that can give benefits to the needy, and that wealth remains in the same condition while the original owner cannot consume it. According to Syafi'e, it is recommended (sunnah) in Islam to keep the benefits of certain wealth and grant its benefit to the needy or people who deserve it.<sup>27</sup>
- iv. Hanbali: Waqf is keeping the original owner from consuming wealth that he had endowed to supply benefits to the needy, and the wealth is maintained in the same form. According to Hanbali, waqf is an engagement that is recommended by Islam and can make us nearer to God.<sup>28</sup>

In their endeavour to codify waqf, Majority of Muslim jurists understood that recurring charity serves as the basis of waqf and required four elements in the agreement (document) for the establishment of the institution of waqaf:<sup>29</sup>

- i. written declaration recorded as an official document;
- ii. the wealth or property endowed had to be designated for a particular purpose;
- iii. beneficiary or beneficiaries had to be named, whether a person or persons, a category of people (orphans, the poor) or the public; and
- iv. Living benefactor/founder of the waqf had to be named.<sup>30</sup>

The same legal requirement applies to creating waqaf fund be it movable or immovable and there are additional conditions such as irrevocability, perpetuity and inalienability that are necessary regardless of the nature of the waqf. The profits from immovable waqf are derived from the assets while in the case of movable such as cash waqf, the capital needs to be invested through various modes so that it yields some benefits. Henceforth, the benefits are thereafter distributed to the beneficiaries. Considering the sizeable proportion of its population being Muslim in Nigeria, through Waqf, the well-to-do Muslims can make bequests that will benefit the less-privileged members of the society.<sup>31</sup>

In establishing a legal basis for waqf, the Nigerian Constitution specifically recognises Islamic law as an independent source or part of the Nigerian law by putting in place separate machineries for administration of its justice system.<sup>32</sup> More strongly, recognising that Islamic law is very wide and its subjects which the court may be invited to adjudicate upon are also inestimable, the Constitution has given special recognition to some aspects of Islamic law which the court is empowered to exercise jurisdiction upon and termed them as Islamic

<sup>25</sup> Hassan, A., & Shahid, M. M. A. (2010). Management and Development of the Awqaf assets. In Seventh International Conference: The Tawhidi Epistemology: Zakat and Waqf Economy, Bangi(pp. 309-328).

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> Habeebah S.Y, Saheed A.B, Bilkis L. S. Waqf Effectiveness in Nigeria: Problems and Solutions Journal of Islamic Finance Vol. 10 No. 2 (2021) 79-89 IIUM Institute of Islamic Banking and Finance ISSN 2289-2117 (O) / 2289-2109 (P) Journal of Islamic Finance Vol. 10 No. 2 (2021) 79-89

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Chiroma, Magaji, Mahamad Arifin & Hunud Abia Kadouf (2013). "Application of Islamic Law in Modern Muslim States: A Comparative Analysis of the Nigerian and Malaysian Systems," *Journal of Islamic State Practices in International Law*, vol. 9, 61.

Personal Law matters.<sup>33</sup> As Waqf is expressly listed as an Islamic personal law matter in the Constitution,<sup>34</sup> it confers constitutional legality on Waqf in the country.

As long as Islamic law holds sway in Nigeria as a legal system to be reckoned with, Waqf would continue to enjoy legal basis in the country. Notably, the permissibility of Waqf by the Maliki School, giving it all the necessary legal backings, also strengthens the legal basis for the scheme in the nation.<sup>35</sup> This cannot be otherwise because if the School had rejected the legality of Waqf, it would have had the consequential negative impact of subjecting the scheme to legality debates within the Nigerian Islamic law context.<sup>36</sup> In other words, since the Maliki School is the official madhhab in Nigeria and the School approves Waqf as a legal scheme, this also makes Waqf to be legally well founded in the country. Even the provisions of the Constitution on Islamic personal law are to be interpreted according to the views of the Maliki School.<sup>37</sup>

## BACKGROUND OF THE BOKO HARAM CONFLICT

The conflict in Northern Nigeria started in July 2009 by a group called *Jamā 'atu Ahlus-Sunnah Lidda'wati wal Jihād*" which literally means "people committed to the propagation of the Prophet's teachings and Jihad". The group is popularly known as Boko Haram, the phrase 'Boko Haram' in Hausa means "western education is forbidden".<sup>38</sup> The group was founded in 2002 in Maiduguri, Borno State's capital, by Muslim cleric Mohammed Yusuf, with the purported aim of supporting Islamic education and creating an Islamic state in the country.<sup>39</sup> Following a series of attacks by the group on police stations and other government buildings in Maiduguri, Nigeria's security forces in 2009 raided their headquarters, killing Yusuf. After his death, Boko Haram was led by Abubakar Mohammed Shekau, who masterminded some of the group's deadliest operations.<sup>40</sup> In 2015, the Nigerian military, joined by troops from Cameroon, Chad, and Niger, launched a major military campaign to retake territory occupied by Boko Haram. At the time, territory under Boko Haram control extended across most parts of Borno, northern Adamawa, and into eastern Yobe States.<sup>41</sup>

By 2018, Boko Haram's areas of control were limited to remote communities and camps including their main base in Sambisa Forest, but the group continued to carry out abductions, suicide bombings, and attacks on both military forces and civilians.<sup>42</sup> The International Crisis Group reported that ISWAP split from JAS because of differences in ideology and approach to the conflict. While JAS carried out unlawful attacks against civilians as well as the military, ISWAP apparently sought to win over the population by claiming to treat them better than JAS and by attempting to fill key gaps in governance and service delivery in certain communities.<sup>43</sup> The reported death of JAS leader Abubakar Shekau after an attack by ISWAP in June 2021 further changed the dynamics of the conflict, significantly reducing the operations of JAS in the region and bringing greater prominence to ISWAP.<sup>44</sup>

Thereafter, the group has adopted guerilla warfare and population-centric method of attack as well as using acts of terrorism.<sup>45</sup> The aftermath of employing these unconventional methods of warfare and the avoidance of

<sup>33</sup> Oseni, Umar A. (2017). "The Need for an Effective Legal and Regulatory Framework for Waqf in Nigeria." in *Issues in Waqf Laws & Management (with focus on Malaysia)*, ed. Syed Khalid Rashid. Malaysia: IIUM Press, pp. 254-280

<sup>34</sup> Sections 262(2)(c) and 277(2)(c) of the Constitution of the Federal Republic of Nigeria 1999 as amended

<sup>35</sup> Oseni, Umar A. (2017). "The Need for an Effective Legal and Regulatory Framework for Waqf in Nigeria. Op.cit

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Ahmed S. Hashim, et al., "Western Ways Are Evil': The Emergence and Evolution of Boko Haram" vol. 4, Issue 7, (July 2012) *Counter Terrorist Trends and Analysis*, at 5

<sup>39</sup> Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, USA: Human Rights Watch, 2012, at 33 (hereinafter 'Human Rights Watch')

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Alao David Oladimeji, et al., "Boko-Haram Insurgence in Nigeria: The Challenges and Lessons" vol. 1, No.4 (2012) *Singaporean Journal of Business Economics, and Management Studies*, at 7

<sup>43</sup> The International Crisis Group <[www.internationalcrisisgroup.org](http://www.internationalcrisisgroup.org)> accessed on 24<sup>th</sup> April 2023 P.21

<sup>44</sup> Ibid

<sup>45</sup> Adetoro R. A., "Boko Haram Insurgency in Nigeria as a Symptom of Poverty and Political Alienation" (2012) *IOSR Journal of Humanities and Social Science*, Vol. 3, Issue 5 P. 21

direct confrontation has caused the death of thousands innocent civilians and destruction of properties beyond estimation.<sup>46</sup> In addition, the methods of warfare adopted by the sect have serious negative impact on the laws and customs applicable during armed conflict.

The Office of the Prosecutor of the International Criminal Court (ICC), considers and declared Boko Haram conflict as a non-international armed conflict since at 2013.<sup>47</sup> In the three years from that period, Boko Haram attacked across the Northeast and elsewhere, and, at its peak, controlled significant territory, including parts of Borno, Adamawa and Yobe states.<sup>48</sup> It committed war crimes and crimes against humanity, including the murder of thousands of civilians, through bombings and other unlawful killings; widespread abductions, especially of girls, boys, and younger women; rape and other sexual violence; widespread attacks on schools; and recruitment and use of child soldiers.<sup>49</sup>

## INTERNALLY DISPLACED PERSONS (IDP'S) IN BORNO STATE THEIR CHALLENGES

The armed conflict between Nigerian government and Boko Haram since 2009, have cause displacement to many people of the affected states, Internal displacement across Borno, Adamawa and Yobe States in Northeast Nigeria continues, reflecting years of conflict and ongoing insecurity.<sup>50</sup> This indeed contributed to the significant increase in the number of the Internally Displaced Persons (IDPs). By the end of the year 2013 alone, about 300,000 civilians were displaced by the conflict in Northern Nigeria. The conflict has become more devastating than it was with more than 600, 000 Internally Displaced Persons (IDPs) and more than 85, 000 refugees according the United Nations High Commissioner for Refugees (UNHCR) and National Commission for Refugees, Migrants and IDPs, (NCFRMI).<sup>51</sup> As of July 2022, the Boko Haram conflict had displaced about 2.2 million people in the Northeast, the vast majority over 1.8 million in Borno State.<sup>52</sup> The conflict also displaced over 280,000 refugees from the Northeast into three neighboring countries Cameroon, Chad, and Niger.<sup>53</sup> The suddenness of the violence in most instances has resulted in the displacement of entire communities and has split many families fleeing in different directions in search of safety.<sup>54</sup> The fighting and mass displacement has also disrupted people's access to farmland, markets, and other sources of livelihood that they have left behind. Many internally displaced persons (IDPs) have sought refuge in camps set up and run by state governments across the northeast region.<sup>55</sup>

In Borno State, most displaced people have left isolated ancestral communities to seek refuge in towns and cities with a stronger military and humanitarian presence. Many people have ended up in Maiduguri, the capital city, which was never under the control of Boko Haram or other Islamist armed groups and is the main operational base for most humanitarian groups providing support. In response, the Borno State government worked with humanitarian organizations to establish camps in Maiduguri and other areas where the need arose to provide displaced people shelter and food, health care, and education.<sup>56</sup>

<sup>46</sup> Jacob Zenn, "Boko Haram's Dangerous Expansion into Northwest Nigeria" <<http://www.ctc.usma.edu/posts/boko-harams-dangerous-expansion-into-northwest-nigeria>> accessed on 24<sup>th</sup> April 2023 P.21

<sup>47</sup> International Criminal Court (ICC) Office of the Prosecutor, *Report on Preliminary Examination Activities—2013*, November 2013, paras 214-218.

<sup>48</sup> Barna J 'Insecurity in context: The Rise of Boko Haram in Nigeria' op.cit

<sup>49</sup> Ibid

<sup>50</sup> Issac Anumihe, "Boko Haram: 1,000 Die in Borno, Adamawa, Yobe in 3 Months", *Sunnews*, 26 March, 2014, at 1 <<http://sunnewsonline.com/new/?p=57533>> accessed on 2<sup>nd</sup> December, 2023

<sup>51</sup> Laide Akinboade, "Insurgency: 6m Displaced in N/E of Nigeria — NCFRMI" *Vanguard*, 19 August 2014 <<http://www.vanguardngr.com/2014/08/insurgency-6m-displaced-ne-nigeria-ncfrm/>> accessed on 19 August 2023.

<sup>52</sup> Jonathan Nda-Isaiah Commemorating the National Day for Internally Displaced Persons <[www.leadership.ng/commemorating-the-national-day-for-internally-displaced-persons/](http://www.leadership.ng/commemorating-the-national-day-for-internally-displaced-persons/)> accessed on

<sup>53</sup> "Those Who Returned Are Suffering" Impact of Camp Shutdowns on People Displaced by Boko Haram Conflict in Nigeria op.cit

<sup>54</sup> Ibid

<sup>55</sup> Ibid

<sup>56</sup> *Sahara Reporters*, Endemic Internal Displacement Occurring In Nigeria-UNHCR, 2 September 2014 <<http://saharareporters.com/2014/09/02/endemic-internal-displacement-occurring-nigeria-unhcr>> accessed on 2 September 2023

Over the years, conditions in the camps have deteriorated, in part due to the volatile security situation that continues to fuel more displacements and movement into the camps, which have been stretched beyond capacity.<sup>57</sup> Displaced people in some camps live in poor conditions and grapple with issues such as insufficient food, overcrowding, lack of privacy, and inadequate health care and education services. There are also protection concerns in many camps where cases of rape and sexual exploitation of women and girls have been documented.<sup>58</sup>

The Borno State government in 2021 decided to close down all the IDP'S camps located within Maiduguri Metropolis, which is regarded as the most secure location in the state notwithstanding having the highest population of about 1.8 million displaced persons.<sup>59</sup> The shutdowns have compelled displaced people to leave the camps without consultation, adequate information, or sustainable alternatives to ensure their safety and livelihoods in violation of Nigeria's obligations under African regional law and international law on the rights of internally displaced persons as well as Nigerian domestic policy standards.<sup>60</sup>

The Borno State government's move to shut down the camps in Maiduguri has affected over 200,000 displaced people without providing a viable alternative.<sup>61</sup> As of August 2022, Borno State authorities had relocated over 140,000 people from eight camps shut down in Maiduguri since May 2021.<sup>62</sup> Various sources including internal reports, records and documents from government and humanitarian agencies working in Borno State, as well as interviews with aid workers and nearly (30) thirty displaced people, reveals the impact of the completed and impending shutdowns on the displaced population in Borno State.<sup>63</sup> The sources further reveals that shutting down the camps has pushed many displaced people who were already suffering from the conflict deeper into destitution, leaving them struggling to eat, meet basic needs, or obtain adequate shelter.

## THE ROLE OF WAQAF IN ALLEVIATING THE PLIGHT OF THE (IDP'S)

Since the eighth century, most Muslim-dominated states have provided a large scale of public goods to their respective countries. These wide-spread resources flow to the waqf and result in many services being financed through waqf, including mosques, schools, hospitals, fountains, roads, parks, accommodations, bathhouses, orphanages, and soup kitchens. For instance, waqf's services to big cities in the Middle East have been established for a long time. Waqf is a fundamental economic institution that generates economic activities while simultaneously ensuring benefits to a particular part of society.<sup>64</sup>

Waqf has played a particular function in the economic aspect and always has potential. Waqf could be regarded as a fundamental economic institution to generate economic activities while at the same time ensuring that the benefits will accrue to a certain part of society.<sup>65</sup> In an economic sense, waqf could be defined as diverting funds and other resources from current consumption and investing them into productive and prospective assets that generate revenues for future consumption by individuals or society at large. Waqf is, therefore, a peculiar combination between the act of saving and the act of investing. It operates by taking specific resources off consumption and simultaneously putting them in the form of productive assets that increase capital accumulation in the economy. The waqf implies sacrificing a current consumption opportunity for the benevolent purpose of providing income and services for society and the following generations.<sup>66</sup>

In line with the principle of perpetuity in waqf, a waqf asset may not be sold or disposed of. It should remain in the waqf domain perpetually. Should there be a new waqf, it will be added to that domain. Therefore, waqf

---

<sup>57</sup> Ibid

<sup>58</sup> Ibid

<sup>59</sup> Jonathan Nda-Isaiah Commemorating the National Day for Internally Displaced Persons op.cit

<sup>60</sup> Ibid

<sup>61</sup> Ibid

<sup>62</sup> Those Who Returned Are Suffering" Impact of Camp Shutdowns on People Displaced by Boko Haram Conflict in Nigeria op.cit

<sup>63</sup> Ibid

<sup>64</sup> Saduman, S., & Aysun, E. E. (2009). The Socio-Economic Role of Waqf System in the Muslim Ottoman Cities' Formation and Evolution. TRAKIA Journal of Sciences, Vol. 7(2), pp.272-275.

<sup>65</sup> Ibid

<sup>66</sup> Ibid

assets will continually increase. At the same time, they are not permitted to decline due to the prohibition on consuming the assets of waqf or leaving them idle by any action or neglect or transgression. Hence, waqf is not only an investment, but it is a cumulative and increasing investment. This is supported by the historical development of Muslim lands. The extent of waqf properties was estimated to be over one-third of the agricultural land in several countries, including Turkey, Morocco, Egypt, and Syria. The dynamism of the waqf institution and its mechanism could bring about essential contributions to economic development at the present time.

Many researchers identified limited resources and lack of sustainable source of funding among the major challenges that hinder the wider coverage of IDPs welfare, since government resources can hardly meet the increasing demand, and Non-governmental organizations usually operate within a particular duration, besides having limited resources. Consequently, there is need for more funding avenues that can supplement the efforts of governmental and non-governmental organizations in providing a long term and sustainable welfare model.

The role of Islamic social finance towards alleviating the humanitarian crisis in North East Nigeria cannot be overstated because zakat potentials in Nigeria alone is estimated to be between USD 8,776.5-USD 21,160.99 million which is alone adequate to fill the humanitarian funding gap.<sup>67</sup> Having in mind the population statistics of citizens (Muslims) in Nigeria, other aspects of Islamic social finance such as waqf and sadaqah if properly managed can be used to bridge certain sectors of humanitarian needs for the IDP's in areas of housing, primary health care centres, water, food, empowerment etc.<sup>68</sup> Waqf played significant roles through its varied and wide contributions to the economic and social life of the people. Its roles were like a network, which penetrated all sectors all sectors of human endeavor most importantly the socio-economic sector.

Concerning short-term financial assistance plans, waqf institutions across Nigeria should render adequate provision for the short-term needs of victims such as food, clothes, drinkable water, sanitation, and medical treatment for pregnant IDPs, immunization for children, accommodation and other short-term needs. Regarding long-term financial assistance plans for IDPs, education, resettlement, empowerment, security, counselling, and long-term needs of IDPs should be provided by waqf management through the endowed properties. This paper examines the use of waqf properties as a financial instrument to empower Nigeria's internally displaced persons. The study is to discuss how waqf properties can be used to provide short-term and long-term assistance for IDPs across Nigeria. The discussion focuses on shelter, immediate and urgent needs, medical, human development and other related challenges.

Since the Government and Non-Governmental Organizations are overstretched due to limited resources, the host government should utilize their existing enabling law and agencies such as the Borno State Zakat and Endowment Board Law, 2001 and Yobe State Religious Affairs Board 2001 to raise the required funds; in order to alleviate the sufferings of 6.1 million people in dire need of life-savings aid in Borno, Adamawa and Yobe states.<sup>69</sup>

However, concluded that waqf management across Nigeria should partition part of its endowments to support IDPs by providing immediate, short- and long-term support to the victims regardless of their gender, status, religion, tribe, and state they came from. This shall translate in to provision of sound education, food, homes, accommodation, medical treatment, security, debt payment, and financial support as human development.<sup>70</sup> Establishment of waqf (endowment) institution is primarily meant to support economic and social development in order to reduce financial plight of needy people including IDPs.

---

<sup>67</sup> I. M. Lawal and J. M. Ajayi, "The role of Islamic social finance towards alleviating the humanitarian crisis in North-East Nigeria", (2019)*JES*, vol. 6, no. 5, pp. 545 - 558

<sup>68</sup> Ibid

<sup>69</sup> Ibid

<sup>70</sup> Amuda, Y.J. (2013). Empowerment of Nigerian Muslim households through waqf, zakat, sadaqat and public funding. *International Journal of Trade, Economics and Finance*, 4(6), 421-433



## **CONCLUSION**

This study has revealed the potentials of Waqf financing in bridging the funding gap of IDPs welfare in the north-east; and how it can supplement the efforts of governmental and non-governmental organizations in providing a long term and sustainable welfare model. The study also found out the critical areas of priority that urgently need to be prioritized. According to the findings, food and clothing are the most critical areas that require immediate attention in the Waqf based IDPs welfare in the Northeast amongst all other listed potential areas to revive. The paper recommends the establishment of Waqf will be the best means of financing the IDPs Welfare programme in the Northeast amongst all other listed sources of funding such as the statutory allocations, loans, grant, aids and donations. The paper further recommends the waqf should prioritize food and clothing as critical areas of intervention and in case of return of IDPs to their respective communities, the paper also recommends the Conversion of IDPs Support Waqf to Less privilege Support Waqf within the hosting community of the initial waqf