



## CONCEPT NOTE

# Thematic Session on Protection and Access

Co-facilitated by the Government of Nigeria and UNHCR

24 February 2017. Oslo, Norway

## Background

Approximately 26 million people in the Lake Chad Region have been affected by the conflict, and over 2.6 million have been displaced. The humanitarian crisis has been exacerbated by conflict induced hunger and malnutrition which have escalated to critical levels. 14 million Nigerians in the six most affected states<sup>1</sup> in Nigeria are in need of humanitarian assistance in 2017.<sup>2</sup> The conflict and its spillover into neighboring Cameroon, Chad and Niger has resulted in a regional displacement crisis in the Lake Chad Region with over 1.8 million internally displaced persons (IDPs) in Nigeria, 87% of whom originate from Borno State, and nearly 200,000 refugees in Cameroon, Chad and Niger, along with the already sizeable internal displacement situations in these three main refugee hosting countries (Cameroon: 183,000; Chad: 89,000; and Niger: 121,000).

There are numerous protection issues in areas of displacement and potential return which contribute directly to ongoing violence and create obstacles to durable solutions. These issues include restrictions on freedom of movement and humanitarian access due to insecurity, violations of international humanitarian law, sexual and gender-based violence, forced recruitment (including of children), disappearances, family separation, and violations of housing, land and property rights (particularly when individual civil documentation is missing). Addressing the complex protection needs of refugees, internally displaced persons and returnees as well as restoring their human rights are critical foundations for stability in affected areas and solutions for persons of concern in Nigeria and the Lake Chad Region.

The magnitude of the humanitarian crisis occurring in a conflict characterized by systematic violations of human rights and international humanitarian law, requires the response to be strategic, prioritised and focused if it is to be effective. In the immediate term the focus is on the following critical protection needs:

- improving physical security, freedom of movement and humanitarian access;
- enhancing protection of civilians, in particular with regard to prevention of and response to sexual and gender based violence (SGBV) as well as protection of children from violence, exploitation and abuse;
- providing emergency education prioritising out of school children;
- providing targeted psychosocial support to persons with specific needs;
- availing specific livelihood and empowerment support and;
- resolution of housing, land and property disputes.

The Nigeria situation demands a comprehensive response by humanitarian and development actors, not just on protection, but with regard to addressing the challenges of exclusion, marginalization and abject poverty which, among other factors, are at the core of the root causes fuelling conflict and violence, creating protection risks and impeding realization of durable solutions. To this end, gender equality, inclusion, empowerment, community reconciliation and social cohesion are central to restoring rights, reducing violations and supporting solutions, especially as concerns the sustainability of voluntary returns and identification of viable alternatives.

The ongoing counter-insurgency measures put in place by the Nigerian security forces and regional multi-national security partners have, over the past several months, led to improvements in security and humanitarian access to some areas which were previously insecure and inaccessible. IDPs and refugees have started to return, a fact that has been observed in areas accessible for assessments. It is critical that these returns remain voluntary, occur in safety and in dignity, and that additional opportunities for solutions are identified and seized upon. At the same time, due to the ongoing conflict, new displacement occurs regularly, including to unsafe or inaccessible areas.

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<sup>1</sup> Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe

<sup>2</sup> 17 million people in the Lake Chad region are affected by the conflict and 8.5 million Nigerians in Borno, Adamawa and Yobe States will require humanitarian and humanitarian assistance in 2017 as per the Humanitarian Response Plan for the Lake Chad region emergency.

More needs to be done in terms of providing physical security and restoring rights. This is because the effective protection of civilians leads to opportunities for durable solutions to displacement. There is also an intrinsic linkage between protection and solutions. Protection is at the core of the fundamental requirements for the voluntary returns of refugees to occur in safety and dignity, in particular with regard to making informed decisions on solutions and adherence to the principle of *non-refoulement*. Similarly, the return of IDPs to their places of origin should be voluntary, in that they should be provided with the opportunity to access alternative solutions such as local integration or relocation to another place of residence in order to avoid situations of prolonged displacement.

To address the complex protection dimension of the regional humanitarian crisis, the Governments of the Lake Chad Region – Nigeria, Cameroon, Chad and Niger – adopted the Abuja Action Statement on 8 June 2016 to galvanize a protection-focused approach to solutions for displaced persons.

## Challenges

The counter-insurgency measures carried out by national security forces and regional multi-national security partnership have resulted in the opening of humanitarian access to new areas in North East Nigeria. However, precarious and significant challenges to humanitarian access remain, including in the border areas of Cameroon, Niger and Chad's Lake Region. Counter-insurgency measures and the risk of Boko Haram attacks continue to cause displacement notwithstanding the relocation of some communities to safer locations. Persistent insecurity and Boko Haram attacks on civilian sites- including the targeting of camps - remain serious security and humanitarian protection challenges. The context of ongoing insecurity has also led to restrictive measures by security actors around border areas and refugee and IDPs locations, such as limitations on freedom of movement.

Access to food and basic services is constrained resulting in some negative coping mechanisms. Livelihoods, including from cross-border trade, continue to be severely limited and the social cohesion among communities has been severely undermined. The situation is further compounded by the fragile socio-economic context of the Sahel, which includes chronic poverty, harsh climatic conditions, poor infrastructure and limited access to basic services.

The crisis has adversely affected the most vulnerable civilian population, particularly women and children, older persons and persons with disabilities or serious medical conditions. The majority (around 60 per cent) of those displaced have children, and the number of child- and female-headed households is on the increase because male heads of household have either been disappeared, killed or fear to return to join their families. These phenomena underline the specific protection risks faced by men especially young adults and the burden and vulnerability experienced by women without them. Sexual and gender based violence (SGBV) is widespread, and many people have suffered the trauma of violent experiences. Women, girls and boys remain the most vulnerable to sexual and gender based violence and the most targeted by the insurgents; with abductions, forced marriage, sale of girls, sexual slavery, use as suicide bombers, and forceful conscription being prominent human rights abuses.

While the conflict continues to cause new displacement, spontaneous returns of internally displaced persons (IDPs) and refugees have also been observed in North East Nigeria, including in some newly recovered areas. As of January 2017, over 1 million displaced people, including refugees, have returned to their areas of origin or to the country, sometimes under conditions which have not been voluntary, safe and dignified. In addition, some of the returns of refugees and IDPs have involved serious risks resulting in some of the displaced population going into secondary displacement. Housing, land and property rights disputes are now proving to be a significant protection issue where returns are happening. This secondary movement requires new approaches in understanding trends in displacement; humanitarian response in new sites and engagement with communities to ensure that return to areas of origin or habitual residence are achieved. Alternative solutions also need to be present. The security and safety of civilians returning to secondary locations can be undermined as a result of "negative perception of association with Boko Haram", giving rise to potential tension and conflict.

## Opportunities

The Abuja Action Statement on Protection in the Lake Chad Region pledges to accelerate humanitarian and development interventions in affected areas, ensure protection of civilians and support achievement of durable solutions for displaced persons (local integration, voluntary return, reintegration for returning refugees and relocation for IDPs). The Nigeria Regional Refugee Response Plan 2017 and Humanitarian Response Plans 2017 for the Lake Chad Region countries anchor the centrality of protection, improvement of access and support to solutions. This protection focused process is now fully reflected in the Protection, Return and Early Recovery Strategy elaborated by all stakeholders in Nigeria. Governments in the region have also developed recovery and reconstruction plans which offer opportunities to

align the recovery plans of humanitarian and development actors with that of the concerned governments. The European Union (EU), United Nations (UN) and World Bank are currently supporting early recovery efforts in the region.

## Next Steps

It is expected that the session will help garner broader support from the international community to promote protection and respect of human rights and humanitarian access to civilians with life-saving and short-term to long-term solution oriented responses and recovery programs. By bringing together donors, humanitarian and development actors as well as governments from the Lake Chad Region, the session will establish consensus on how to improve partnerships and linkages between States and humanitarian and development actors in support of a comprehensive protection, return and recovery strategy, within the framework of the joint EU, UN and World Bank recovery support package.

The United Nations High Commissioner for Refugees (UNHCR) is committed to support the Government of Nigeria, the Humanitarian Country Team and development actors in developing a **Comprehensive Protection and Solutions Strategy**, building on the Abuja Action Statement and other Strategies that have already been elaborated in consultative and inclusive processes which involve affected communities.

## The objectives of the session

The session aims to:

1. Highlight the centrality of protection in humanitarian and development responses, the need to improve access and advocate for an integrated and comprehensive protection, return and recovery strategy. It also calls for robust donor engagement, partnership between development and humanitarian actors and support to national authorities;
2. Advocate for a strong and effective humanitarian response to address identified protection needs in the affected population, whilst taking bold action to seize on opportunities for solutions, to avoid a protracted situation of displacement, in a manner that respects and restores rights.
3. Solicit active engagement by donors and development partners to align targeted activities which not only support the establishment and strengthening of a protective environment but also contribute to the development and implementation of a protection, solutions, return and recovery strategy developed by the government and partners.

## Format

The session will be co-led by the Government of Nigeria and the United Nations High Commissioner for Refugees (UNHCR). Officials of the co-leads will deliver 5 minute statements each to be followed by an interactive dialogue, with a moderator, involving representatives of the governments in the Lake Chad Region, donors, the World Bank, humanitarian, development partners, regional actors and other participants. The duration of the session is 45 minutes.

The presentations and the interactive dialogue will focus on the following thematic areas:

- ★ Addressing the complex protection needs of internally displaced persons and returning refugees as well as restoring their human rights as a critical foundation for stability and solutions in affected areas in Nigeria and the Lake Chad Region. To this end, provision of support and solidarity to the affected States in order for them to address protection challenges, including adherence to key protection standards;
- ★ Enhancing access to affected populations by strengthening civil-military coordination; improving the clearance of mines and explosive remnants of war, strengthening the capacity of security forces and humanitarian actors on international humanitarian law standards, international protection and human rights; deploying a sufficient security apparatus by government and enhancing support to humanitarian and development actors to adapt and work in volatile areas including through establishment of new humanitarian hubs;
- ★ Supporting the capacity of national and regional military actors to improve humanitarian access to affected populations in full respect of their human rights; ensure an appropriate balance between security measures and human rights protection; maintain the civilian and humanitarian character of IDP and refugee hosting sites;

guarantee access to services by the most vulnerable, and prevent and mitigate infringements of international humanitarian law and human rights law;

- ✦ Implementing a coordinated *comprehensive protection and solutions strategy*, which supports processes aimed at providing effective protection; involve the affected communities themselves in provision of protection and identification of solutions; ensure that return is voluntary, safe and dignified; seek to enhance the protection and resilience of displaced and host communities to facilitate sustainable reintegration; improve access to services such as health, education, trauma counseling, livelihood, legal assistance and civil documentation, including in areas of return.
- ✦ Supporting the establishment of an appropriate protection, return and recovery environment by addressing the *underlying root causes* through enhanced public order and security, access to justice, peaceful co-existence, peace-building, de-radicalization, inter-faith dialogue and promotion of livelihood opportunities.

## Background documents

- ✦ Regional Protection Dialogue on the Lake Chad Basin - Abuja Action Statement, 8 June 2016  
<http://reliefweb.int/report/nigeria/regional-protection-dialogue-lake-chad-basin-abuja-action-statement-8-june><http://reliefweb.int/report/nigeria/regional-protection-dialogue-lake-chad-basin-abuja-action-statement-8-june-20162016>
- ✦ Forced Displacement by the Boko Haram Conflict in the Lake Chad Region, The World Bank and UNHCR, June 2016 <https://data.unhcr.org/SahelSituation/download.php?id=2408>
- ✦ Protection Strategy for the Humanitarian Crisis in the North East Nigeria November 2016
- ✦ North East Nigeria Recovery and Peacebuilding Assessment, June 2016,  
<http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/recovery-peacebuilding-assessments-faqs>
- ✦ Protection, Return and Recovery Strategy for the North East Nigeria, UNDP and UNHCR, 2017 (under elaboration)