



NIGERIA

Protection Analysis Update

The Need for Protection Sensitive Solutions to Displacement in North-East Nigeria

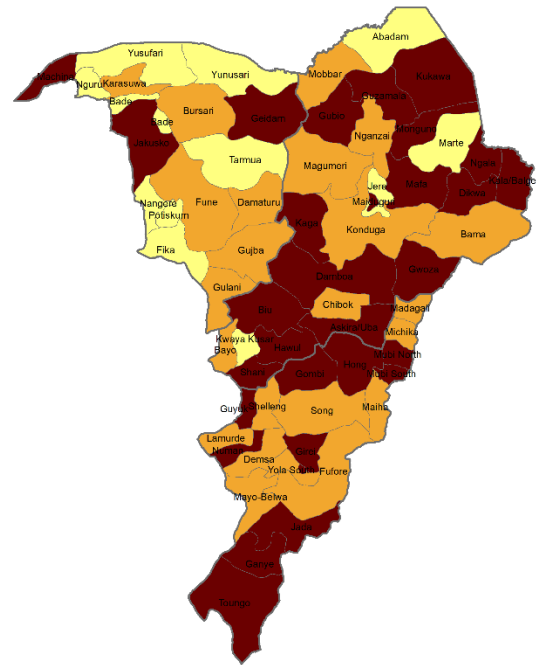
OCTOBER 2023

EXECUTIVE SUMMARY

Displacement remains persistently high in North-East Nigeria, as the conflict between the Government of Nigeria (GoN) and Non-State Armed Groups (NSAGs) continues in its 13th year with a total of about 2.2 million displaced people in the States of Borno, Adamawa, and Yobe ('BAY states'). Significant challenges remain in finding solutions to displacement for the affected population across the BAY states on all internationally recognized benchmarks.

This is especially relevant with the closure of all IDP camps in Maiduguri by the Borno State Government (BSG) and their prioritization of the population's relocation into Local Government Areas (LGAs), some that remain insecure, without taking the affected population's informed and voluntary decisions into consideration, as required with international standards. This has led to the affected displaced population continuing to experience specific humanitarian assistance and protection needs and facing serious protection risks, undermining their ability to enjoy their human rights without discrimination.

This Protection Analysis Update (PAU) focuses on some of the key protection risks identified in the first half of 2023, each of which require immediate attention.



1. **Presence of mines and other explosive ordnance**
2. **Theft, extortion, eviction or destruction of personal property**
3. **Attacks on civilians**
4. **Denial of resources, opportunities and assistance**

URGENT ACTIONS NEEDED

Urgent actions are needed to prevent and mitigate the protection risks, which are driven by ongoing conflict and insecurity as well as efforts to relocate displaced people without regard for the conditions and principles needed to ensure sustainable solutions to their displacement:

- The provision of meaningful solutions to displacement in North-East Nigeria needs to follow a principled, rights-based approach, grounded on the voluntary and informed decisions of those affected.
- All discussions on solutions need to engage and empower the affected population and be responsive to ongoing protection risks and potential harm on the ground.
- The clearance of mines and other explosive ordnance from areas of relocation or return prior to any population movement and allow for related core mine action services.
- The allocation of housing and land for the integration of the displaced population must be part of any durable solutions agenda, specifically for displaced population in host communities and informal camps who are not intending to return to their areas or origin and who do not wish to be secondarily displaced in LGA capitals.
- A comprehensive Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process needs to be ensured, whereby a sufficient socio-economic reintegration package is provided to ex-fighters and their family members.

CONTEXT

IDPs in camps

915,977

IDPs in host communities

1,156,772

Explosive Ordnance
INCIDENTS

266

HLP RELATED INCIDENTS

123

Today, 2.072 million people in Borno, Adamawa, and Yobe states are displaced across camp and host community settings with an almost equal number of 2.075 million returnees. While most of the displaced population resides in Borno state (82% of those displaced in the BAY states) with Adamawa and Yobe representing 11% and 8% of those displaced respectively, the returnee population is almost equal in size in Adamawa and Borno (41% and 42% respectively), whereas Yobe has a significantly smaller number of returnees (17%).

Importantly, protection monitoring data from 2023 indicates that 63% of the displaced population across the BAY states have experienced protracted displacement of 5 or more years, while another 28% have been displaced between 1 and 4 years. Only about 10% of those displaced have been displaced within the last 12 months.ⁱ Across the BAY states, displaced populations represent a highly heterogeneous group, living in different circumstances and settlement types, including in official camps – even inside overcrowded reception centers within these camps – , within the host community, in informal sites, resettlement communities, and rehabilitated villages. This diversity must also be reflected in the tailored solutions that need to be brought forward to end displacement for these populations, rather than applying a uniform approach to the different contexts.

State	IDPs	%	Returnees	%
Adamawa	218,555	11%	857,378	41%
Borno	1,697,437	82%	861,756	42%
Yobe	156,757	8%	356,123	17%
Total	2,072,749	100%	2,075,257	100%

Figure 2: International Organization for Migration (IOM), Displacement Tracking Matrix (DTM)

North-East Nigeria’s protracted displacement has not only impacted the IDPs’ prospects to safe and dignified lives but has also impacted host communities, state and federal level governments and the humanitarian community in Nigeria, creating immense humanitarian needs while further straining existing limited resources and available services. The Humanitarian Response Plan (HRP) for North-East Nigeria reached a record high of 1.3 billion USD in 2023, a 16% increase against the previous year. The 2022 HRP with a 1.1 billion USD appeal, however, was only funded at 67.7% by end of the year.ⁱⁱ Finding meaningful, tailored solutions to displacement can therefore also offer a chance to close the humanitarian needs gap by reducing the drivers of humanitarian needs and protection risks. **However, particularly in Borno State, given its widespread insecurity, lack of freedom of movement and thereby limited access to farmlands for livelihood opportunities, the focus needs to be on intentionally and incrementally creating an enabling environment for solutions to gradually take root, while space and funding for principled humanitarian action needs to be retained to serve population groups that continue to require assistance and protection in the meantime.**

Instead, driven by a post-conflict narrative of economic growth and self-reliance of the affected populations, the BSG has been closing all official camps in Maiduguri since May 2021.ⁱⁱⁱ Although a significant number of people have been returned/relocated, 2.5 million remain uprooted from their homes, with 1.8 million of them in Borno and yet to be resettled.^{iv} This closure of camps has ultimately resulted in the involuntarily relocation of an estimated 160,000 IDPs, including to areas within LGAs where humanitarian access to the affected populations is either limited or non-existent due to the presence of armed groups, physical barriers, or administrative impediments. Especially the closure of the first informal settlement in Maiduguri in May 2023 and the movement of the population to a resettlement location in Konduga LGA, has highlighted the lack of a commitment of the BSG to comply with international standards and to consider the entire spectrum of solutions – return, integration, resettlement –, tailored to different populations and reflecting their particular risks and priorities.

Following up on the 2021 report of the High-Level Panel on Internal Displacement, commissioned by the United Nations Secretary-General (UNSG) call for solutions to internal displacement as a development priority, the UNSG launched the Action Agenda on Internal Displacement^v in June 2022, which outlined 31 commitments for the UN system. This was supported through the appointment of a time-bound UNSG’s Special Adviser on Solutions to Internal Displacement^{vi} and through the formation of a UN Steering Group on Solutions to Internal Displacement. During the Special Advisor’s mission to Nigeria in

May 2023, the PSNE engaged with his team to bring forward the protection risks impacting displaced communities under the rubric of the government-led efforts to close camps and involuntarily resettle IDPs. The Special Advisor highlighted that Nigeria had key elements in place to scale up solution pathways for displaced populations in the North-East, however requiring government leadership with a broader engagement for the promotion of pathways to move people out of displacement.

Physical safety and security are a key benchmark for durable solutions and pivotal to end displacement. The GoN acceded to the Anti-Personnel Mine Ban Convention (APMBC) and recently ratified the Convention on Cluster Munitions and is therefore responsible for all relevant obligations under the conventions, including the release of hazardous areas. This is an important legal precondition to ensure that risks related to EOs can be addressed by the GoN to create a safe environment for displaced people to return to or settle in. When authorities closed formal camps in 2022, the returning/relocated IDPs found other IDPs living on their land in Dikwa and Monguni LGAs in Borno State, forcing them to leave and causing them to be displaced again. Damasak has witnessed ongoing attacks over the past two years, resulting in widespread destruction and damage to properties, with limited access to houses and farmland. Attacks target the road access to nearby Baga, Kukawa, Cross Kauwa, Gubio, Kirawa, Marte, Mala Fotori, and Nguro Soye. Limited access means there is insufficient information on the extent of impact of attacks on these communities.

On the 14th of February 2021, the Borno State Government declared Banki town a host community, directing the closure of all camps within the town. At the same time, they instructed all IDPs (mostly from nearby inaccessible villages) to move from the camps and occupy vacant Houses, some of which were partially rehabilitated by the Government. In Kukawa, a town close to Lake Chad, the resettled civilians are left alone to largely govern themselves. The military make their presence felt only through infrequent patrols. There are no state services in Kukawa, and civilians must go to Cross Kauwa or Monguno for medical care and to procure seeds and other necessities. Kukawa residents must go deep into the insecure bush area around them to find food and sources of energy. The towns within MMC, Jere and Konduga LGAs continue to host IDPs who live within host communities and settle on separate plots of land owned by different landowners. For most of these sites the lack of tenure agreements with the landowners means there is a significant risk of eviction for the IDPs, creating a sense of imminent fear among the affected population. Some people have chosen to rent houses in the host community as they have access to casual work opportunities. However, the prevailing high inflation rate has made it increasingly difficult for most of the IDPs to afford the rising rental costs. Adamawa State has been influenced by the spillover of violence from Borno, communal violence and clashes between farmers and herders. There are no formal camps in these locations and IDPs live within the host community where there is limited shelter support, and very high rent due to inadequate supply of available houses. Yobe has been prone to intermittent outbreaks of violence and displacement, In response, IDPs have typically sought refuge in villages or relocated to safer areas. The state capital, Damaturu, has been a primary destination for IDPs seeking safety and access to services. Additionally, peace and stability remain a precondition to achieve solutions to internal displacement that also require material and legal safety for displaced people as well as a level of social cohesion. In 2021, mass exits of people associated with NSAGs were first recorded in Borno state, driven by the alleged death of NSAG leaders with resulting NSAG infighting between the two factions of *Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad* (JAS) and the *Islamic State of West Africa Province* (ISWAP), and changes in the approach of the Nigerian military.

In this context and with the proclaimed aim to build long term peace and stability in Borno State, North-East Nigeria and the Lake Chad Basin region overall, the BSG developed the "Borno Model for the Management of the Mass Surrender Situation" (hereafter referred to as "Borno Model"), understood as a complex process of Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR). In 2022, the BSG shared an operationalization plan detailing five phases from reception to release of people formerly associated with NSAGs and reported that more than 93,000 individuals had exited areas under the control of NSAGs with an estimate that around 120,000 people would surrender to the BSG within 2023. In May 2023, the United Nations, through the agencies of UNDP, UNICEF, IOM, and UNODC, known as the "UN Offer", officially launched its support to the BSG's "Borno Model" for mass exits, aiming to provide support for strengthened reconciliation and reintegration for the restoration of sustainable peace in North-East Nigeria. Due to the cited political sensitivity of the DDRR process, the BSG and UN Offer agencies have not regularly shared information or systematically coordinated with the humanitarian community that provides protection and assistance in the locations that people formerly associated with NSAGs get released into. Therefore, the humanitarian community has a limited understanding of the DDRR process and its implementation through the Borno Model. At the same time, humanitarian actors present in these locations are directly observing and responding to the protection risks that are produced as a result of how the DDRR process is undertaken. Ultimately, the safety and wellbeing of affected communities are being negatively impacted by the DDRR process in various locations in Borno, thereby risking secondary displacement and a perpetuation of the conflict and related violence. This is driving continued and, in some cases, worsening protection risks while undermining efforts to find durable solutions to internal displacement supported through peace and security dimensions.

PROTECTION RISKS

PROTECTION RISKS THAT ARE UNDERMINING THE SAFETY OF THE CRISIS AFFECTED POPULATION AND PROSPECTS FOR DURABLE SOLUTIONS.

RISK 1 Presence of mines and other explosive ordnance

The humanitarian crisis is compounded by the presence of mines and other explosive ordnance, including the widespread use of improvised explosive devices (IEDs), including landmines of improvised nature, which is the weapon of choice for the non-state armed groups. From UNMAS 2022 records, Nigeria ranks the second highest in the number of IED incidents after Somalia.^{vii} The risk from mines and other explosive ordnance is conflict related, especially the widespread use of IEDs by NSAGs along main roads and confrontation between parties to the conflict outside of garrison towns, including the GoN’s shelling of NSAG controlled areas. Following the official government-led closure of the IDP camps in Maiduguri and the forced relocation of the affected population in Borno into different relocation areas across the state between the May 2021 and December 2022 – either into resettlement villages or existing camp or host community structures –, an overall increase in EO incidents is evidenced in the relocation areas as per the data of the United Nations Mine Action Service (UNMAS).^{viii}

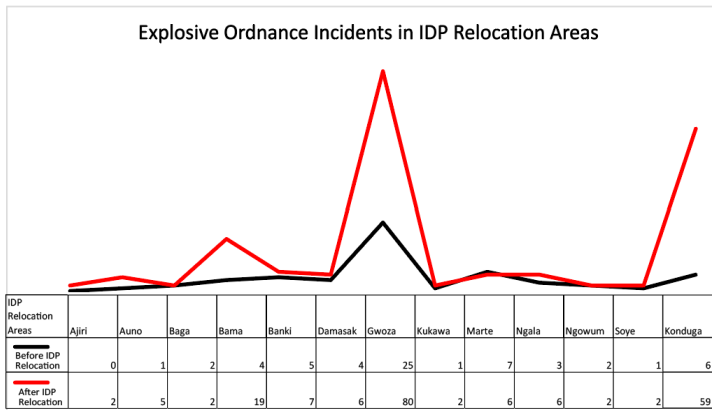


Figure 3: A linear graph showing the increase in EO incidents in locations of IDP relocations from closed IDPs camps within Maiduguri, Jere and Konduga LGAs. Source: UNMAS data (2021-2023).

Explosive Ordnance (EO) Incidents in IDP Relocation Areas					
IDP Relocation LGAs	IDP Relocation Areas	Before IDP Relocation	After IDP Relocation	Difference	% Increase
Konduga	Konduga	6	59	53	883%
Konduga	Auno	1	5	4	400%
Bama	Bama	4	19	15	375%
Gwoza	Gwoza	25	80	55	220%
Ngala	Ngala	3	6	3	100%
Mafa	Ajiri	0	2	2	100%
Kukawa	Kukawa	1	2	1	100%
Mafa	Soye	1	2	1	100%
Mobbar	Damasak	4	6	2	50%
Bama	Banki	5	7	2	40%
Marte	Marte	7	6	-1	0%
Mafa	Ngowum	2	2	0	0%
Kukawa	Baga	2	2	0	0%

Figure 4: A table showing the percentage increase in EO incidents in locations of IDPs relocations from closed IDP camps within Maiduguri, Jere and Konduga LGAs. Source: UNMAS data (2021-2023).

With available UNMAS data, out of 13 IDP relocation sites, there is a sharp increase of over 100% – going as high up as an 883% increase – is recorded for the four locations of Auno, Bama, Gwoza, and Konduga, while six more locations (Ajiri, Banki, Damasak, Kukawa, Ngala, Soye) witnessed an increase of EO incidents of 100% after the IDP relocations (2021 to 2022). The two IDP relocation areas of Baga and Ngowum have seen steady EO incidents, with Marte being the only location with a slight reduction of recorded incidents after the relocation of IDPs.

While the IDPs’ area of displacement of Maiduguri had been free from EO contamination given the government’s exceptional clearing of the state capital, the data evidences the relocation of IDPs into areas with EO contamination and the lack of access by humanitarian mine action operators to conduct survey and clearance.

Importantly, UNMAS analysis of DTM Round 43 data published in February 2023, highlights that all victims of EO incidents, including those in relocation areas, either went about livelihood activities (combined 78%) at the time of the EO incident or were engaged in movement to get to their places of work (22%). In particular, 44% of the recorded incidents involved people working on farms while 30% involved those collecting firewood, drawing a conclusion that survey and clearance is needed for people to become self-reliant in their areas of displacement.

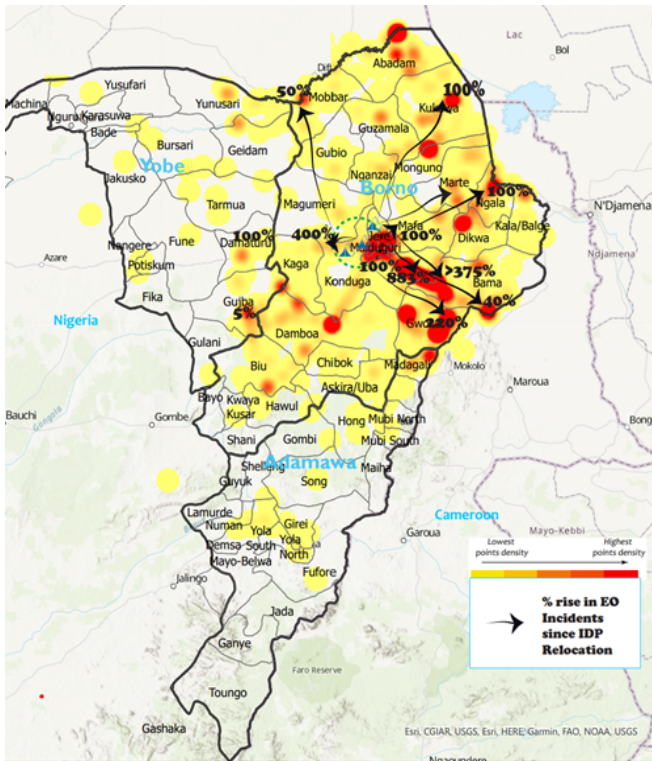


Figure 5 (above): UNMAS EO incidents heat map, UNMAS IMSMA (2021 - 2023)

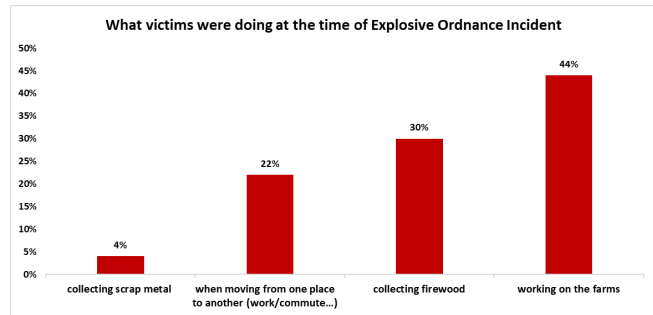


Figure 6 (above): Activity people were going about while experiencing EO incidents, source: UNMAS analysis of DTM Round 43 data (February, 2023)

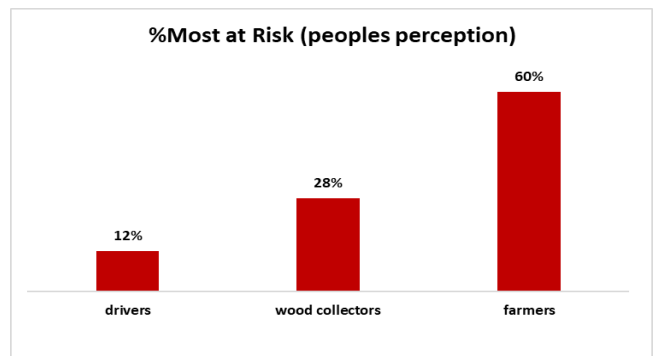


Figure 7 (above): Perception of people of who is most at risk of EO incidents, source: UNMAS analysis of DTM Round 43 data(February, 2023)

Beyond Borno and the EO risks, the population is also facing risks of EOs in the two other states in the North-East, though to a more limited extent: In Yobe, some LGAs hosting IDPs and having received returnees have witnessed an increase in incidents between January and June 2023, i.e. in Damaturu (+100%) and Gujba (+5%). In Adamawa, one EO incident was recorded during the same time frame in Madagali LGA, which hosts a significant number of displaced people. The presence of EOs in the other two states complicates the predominant narrative that conditions there were conducive to end displacement, and calls for coordinated and targeted action to forge tailored solutions that recognize a gradual approach with space for humanitarian action, as needed.

Despite the prevalence of mines and other explosive ordnance, survey and clearance activities are currently only being undertaken by the GoN, while humanitarian actors have no access. Information on survey and clearance activities are not shared by the GoN and the national mine action center (NMAC) is yet to be established, equipped, and operationalized by the GoN to take the lead in comprehensive mine action programming.

In the absence of the NMAC, UNMAS is currently taking responsibility for the coordination of mine action activities in North-East Nigeria. However, given their mandate and resources, UN and NGO partners of the Protection Sector's Mine Action Area of Responsibility (MA AoR) are limited in the interventions that address and mitigate the risk of mines and other explosive ordnance. While survey and clearance needs to be a Government priority in terms of durable solutions for internal displacement, protection partners are yet to be allowed to conduct such activities and who have instead, led crucial interventions to build the population's awareness on the dangers posed by mines and other explosive ordnance, thus enhancing their self-protection abilities for ending displacement.

RISK 2 Theft, extortion, eviction or destruction of personal property

Since the beginning of the conflict, attacks by Armed groups, ongoing Military operations, disasters and climate change have led to significant damage and destruction to HLP assets across the BAY States.^{ix} In Borno states, fires have broken out in many IDP Camps^x and Markets in Maiduguri.^{xi} Strong winds and flooding have also caused damage and destruction to HLP assets in locations across Borno State, Adamawa State and Yobe State.

A recent assessment identified destroyed, damaged and uncertainty of Housing, Land and Property as an important barrier affecting the return of IDPs to their place of origin.^{xii}

Within the Metropolitan towns in Borno and Adamawa States there are increased cases of extortion, illegal land sale and land grabbing. Water ways and land are sold without genuine title to IDPs who wish to integrate into their Host community.

Forced evictions have increased, mainly due to the BSG enforced camp closure, return and relocation. The Borno State Government enforced camp closure and the repatriation of Nigerian Refugees from neighboring countries of Niger, Tchad and Cameroon, has led to disputes as returning people find other displaced people occupying their houses, land and property. The coexisting statutory and customary land tenure systems ('legal pluralism') leads to overlapping systems of land governance, which hinder clarity and access to HLP rights. This causes disputes over boundaries, ownership and multiple claims to the same piece of land. The outcome has been increased forced eviction cases.

Meanwhile, the setting up of new land administrative body i.e BOGIS, YOGIS and ADGIS which are pushing for land allottee (owners) to either comply with the conditions of the allotment (right of grant/certificate of occupancy) of land which include payments of ground rents, payments of initial billings of allocation, perfection of title where current owners are not the original allottees, adherence with the development covenant of grant or face revocation of their title has increased the risk of eviction of displacement persons settling on private individual's land who are trying to ensure they comply with the conditions of their grant to avoid revocation

There has been an increase in theft, looting and vandalization of HLP assets. This could be related to the economic difficulties in the country caused by the rise in inflation, unfavorable exchange rate and the removal of fuel subsidy. The result is that assets constructed for displacement affected population (including WASH facilities) have become a target for theft and vandalization.^{xiii}

RISK 3 Attacks on civilians

During the reporting period, from January to August 2023, the BSG continued to release people who laid down their arms and went through the transition centres of Hajj, Bulumkutu, and Shokari (hereafter referred to as "released people") in Maiduguri into Local Government Areas (LGAs) without any consultation with or preparation of these communities to receive the released persons and the involvement of the humanitarian community. The BSG's release of former associates of NSAGs has created conditions – under which some of those released from the transit centres have increasingly become a threat to the communities. During the first half of 2023, a significant increase in tensions between released persons and communities across LGAs in Borno was recorded, along with related attacks on civilians that resulted in their injury and death. Given the **competition over access to commodities and services**, regular fights at water points across LGAs are for instance reported, having led to harm of the civilian population. In an incident in Dikwa in July 2023, a fight broke out at a waterpoint inside an IDP camp, with released persons attacking a group of IDP youth with knives (resulting in the hospitalization of a severely injured male IDP) despite a military intervention to calm down initial tensions. A similar incident at a waterpoint was reported in Monguno in April 2023, when a released person attacked for two consecutive days and IDP woman and her family, which the IDPs managed to escape from. Multiple instances of released persons having the capacity to mobilize a group of released persons against civilians to beat them up or stage retaliatory attacks against them for perceived offensive behaviour have been reported across other locations, **having led to the displacement of the victims** who were not sighted in the locations anymore. This does not only mean that released persons are a source of threats that are further exacerbating already rampant assistance and protection needs among the population in Borno but it also directly undermines stated efforts of the BSG for peace and security in North-East Nigeria.

Attacks on civilians also bear **power and gendered dimensions** with released persons regularly demonstrating a feeling of being above the law and having shown excessive force towards the local population. In Bama in June 2023, a released person wielded a knife and engaged an IDP woman in a fight, ordering her to stand up from her tent. An IDP man trying to resolve the issue was stabbed by the released person and required hospitalization. In another instance in Gwoza in April 2023, an IDP was attacked by a released person through knife stabs in the head and chest, reportedly over a dispute that the released person should not engage with female community members, and died as a result of the injuries. Released persons have also involved themselves in community dispute resolution, including matrimonial matters, and have inflicted violence on male and female community members as a form of administering justice. This included a released person flogging a woman as a punishment during such dispute settlement in January 2023. Incidents of varying degrees of violent confrontations and attacks on civilians, including of sexual nature, instigated by released persons have been regularly reported across different LGAs in Borno, which has led receiving communities to physically and socially separate from released persons.

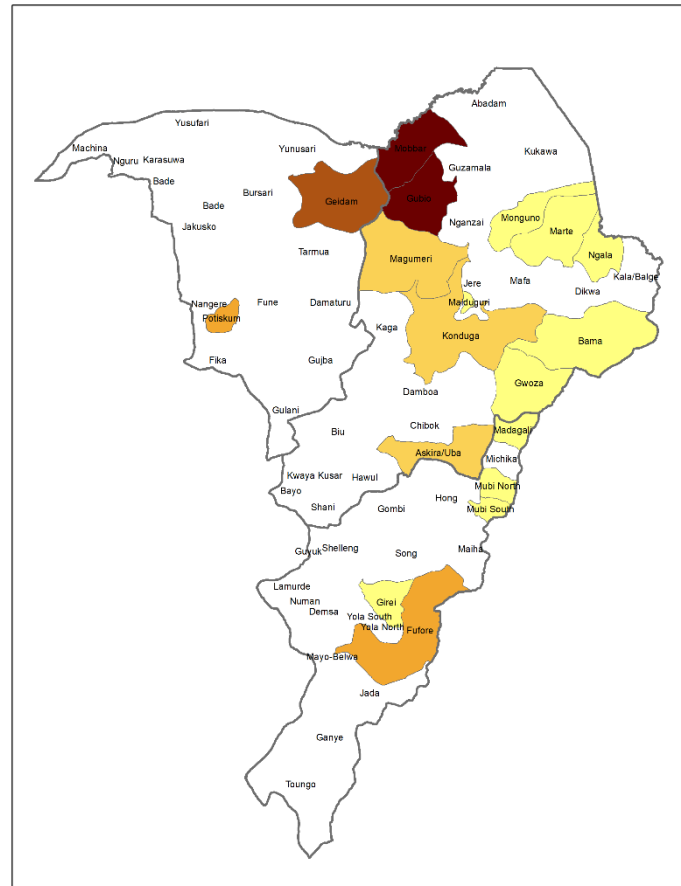


Figure 1 - Protection Incidents

Root causes of attacks on civilians are identified by receiving communities as high levels of tensions due to the absence of a culturally sensitive and consultative reintegration process under the leadership of the BSG. This includes the lacking **material and financial compensation ('diya')**, which is paid according to religion and local tradition by perpetrators of violence to the families of victims as reparation for the loss of life and resulting hardship. It aims at alleviating the economic and emotional impact and is traditionally considered the precondition for forgiveness by survivor families and the basis for reconciliation between community members, fostering a sense of closure and peace. Affected communities who have received released persons reported their grievances over the disregard for this local tradition, requesting the BSG to **engage their communities in meetings to achieve forgiveness and pay diya**, on behalf of released persons, to communities which the BSG plans to release persons formerly associated with NSAGs into.

The lack of information sharing on the release of individuals formerly associated with NSAGs into receiving communities has been one of the key challenges for affected communities and humanitarian partners. At the programmatic level, humanitarian and protection partners are responding to the risk of attacks on civilians in a re-active manner rather than working on preventative measures, while communities themselves are unprepared for the changing dynamics and increasing violence. Greater levels of sensitization and consultation could help ensure higher acceptance levels of released persons in receiving communities and released persons' understanding of ground rules in communities, whereby displacement would not only be prevented but partners could also contribute to ending it. The lack of community involvement in the Borno Model has limited the impact of protection partners' community-based protection programs to assist with the integration of the released individuals. Despite these adverse conditions, protection partners, with the support of the Protection Sector, have provided protection to the affected population through different interventions including ongoing monitoring of the changing protection environment, delivery of and referral to life-saving services for survivors of attacks, including psycho-social support, material or in-kind individual protection assistance, or legal counselling.

The Protection Sector has also supported partners' protection response on the ground through analysis, advocacy and engagement with relevant stakeholders to jointly find ways to prevent and respond to the attacks on civilians and other related protection concerns identified, including through collaboration with the Civil-Military Coordination Mechanism both to directly report protection risks to the Military on theatre level in Maiduguri and to mitigate the impact together with affected communities and sector level Military interlocutors across LGAs. Other engagements include coordination with the Humanitarian Country Team (HCT), UN Offer agencies, and key donors on the protection risks resulting from the design and implementation challenges of the Borno Model.

RISK 4 Denial of resources, opportunities and assistance

The BSG bears the primary responsibility to ensure that the individuals who have been released from the transit centers enjoy their right to an adequate standard of living through access to basic services and commodities, and have access to livelihoods – two key benchmarks of durable solutions – when relocated to communities across LGAs in Borno State. The usual support package released persons would receive when going into communities is reported to be 90,000 NN for themselves and 30,000 NN for their spouses along with a food kit that is supposed to last for 3 months. Released persons have complained that the amount would not last for one month and was insufficient to sustainably support them, assessing the package of cash and material items overall not to be commensurate with their and their families' persistent needs.

Protection partners reported the **denial of humanitarian assistance to released persons across LGAs in Borno**, especially their lack of access to food assistance and shelter. Newly Internally Displaced Persons from extremely-hard-to-reach areas under NSAG control who are screened by the military in the field locations and assessed not to have been engaged in combat receive a one-off food ration from food partners for one month and hot meals on the first 3-5 days upon their arrival, as they are being registered for General Food Distribution. People coming out of inaccessible areas and who are assessed to have been engaged in combat and moved to transit centers are not eligible for food assistance once released into communities as they are considered to be provided with assistance through their reintegration packages received from transit camps.

Since February 2023, released persons have applied **new tactics to communicate their grievances over their socio-economic hardships and to request services**, especially from NGOs operating in their vicinity, with a total of five protests recorded: In March and again in August 2023, there were three instances of released persons staging protest in Hajj transit camp in Maiduguri LGA and Shokari transit camp in Jere LGA, complaining about the delay and modality of their monthly payments, infrequent food distribution, and over-congestion. In two other instances of civil unrest in August 2023, released persons protested their poor living conditions and lacking support inside an IDP camp in Konduga LGA and in an IDP camp in Monguno LGA. In Konduga, the military intervened and promised to discuss their complaints with the LGA chairman and NGOs, potentially putting additional pressure on NGOs to respond to the request of the released persons without recognition of the foundational humanitarian principles on which basis humanitarian NGOs operate.

In May 2023, released persons in Banki issued a letter addressed to "all humanitarian partners" in the area with the formal request to receive assistance, especially asking for food, in the context of their unmet basic needs and lack of livelihood opportunities. Their self-identification as "the surrendered Boko Haram" testifies to the development of a cemented status-based subjectivity around their former affiliation with NSAGs in contravention of the objective of the "Borno Model" to reintegrate released people and overcome conflict-related distinctions among community members. In the letter, the released people appreciated the BSG's efforts in their reintegration, however, addressed assistance requests to humanitarian partners rather than the state as the primary duty bearer. This has contributed to increased pressure on NGOs and UN agencies to provide assistance to released persons, while these may not meet their selection criteria, their needs cannot be sufficiently covered, or no services are available at all.

In the absence of access to assistance and livelihood opportunities, released persons have resorted to drug abuse and engagement in violent confrontations with community members, breaking into people's shops to steal household items and food for consumption or onward selling as a source of revenue, theft and vandalization of community facilities, and collaboration with and supply of items to NSAGs as a source of income, and return to the NSAG controlled areas in search of means of livelihood.

Donor counter-terrorism regulations in contractual agreements with humanitarian partners, have prevented these from providing assistance to released people that were formerly associated with NSAGs. This has resulted in a previous suspension of an intervention of a humanitarian partner with released persons being among the beneficiaries. It has also created an atmosphere of fear among humanitarian partners to be non-compliant, pre-emptively focusing on other population groups to minimize the risk of non-compliance. The de facto exclusion of released persons from implementers' activity planning risks

principled humanitarian programming according to which **protection and assistance is provided based on vulnerability and humanitarian needs rather than status**. Donor endorsement of the Borno Model and donors' financial support to the UN Offer agencies assisting the BSG in its implementation is in stark contrast to the regulations that humanitarian actors are subject to when engaging with released persons in the field, creating a lack of coherence in programming across humanitarian and stabilization funding.

The denial of resources, opportunities, and assistance to released persons has also caused **risks to humanitarian personnel and their principled programming** as disgruntled released people have continued trying to exert influence on humanitarian programming and disrupting humanitarian activities in an attempt to secure assistance for themselves to meet their basic needs. This includes frequently causing the (temporary) suspension of food and nutrition registrations and distributions, with reported incidents of attacking IDPs with knives when release people understood that they were not selected to receive food. Across LGAs in Borno State, **humanitarian personnel have experienced harassment, threats, and violence by released persons** at humanitarian spaces, during field interventions, or in private settings. This has included warning humanitarian staff they would be killed if they would not provide tokens for distributions, having beaten staff with sticks during food distributions as an expression of anger of not having been included in distribution lists, or going to NGO staff's private homes to demand assistance. The actions of the released persons continue to put principle-based and safe humanitarian interventions in jeopardy.

Similar to the risk of attacks on civilians, there have been challenges in protection partners' response to the denial of resources, opportunities and assistance to released persons with them partially contributing to this risk given donor regulations and an atmosphere of fear of non-compliance. The PSNE has been working with partners and stakeholders to discuss the reported protection risk, especially for food and shelter assistance, highlighting that people released from the transit facilities should be considered civilians as per International Humanitarian Law (IHL) as soon as they have laid down arms and as long as they continue not to be engaged in military related activities.

RESPONSE

PROGRESS MADE BY PROTECTION ACTORS TO CREATE A MORE CONDUCTIVE ENVIRONMENT FOR SOLUTIONS TO END DISPLACEMENT IN NORTH-EAST NIGERIA

Protection partners and the PSNE has carried forward specific advocacy for vulnerability and needs based assistance against counter-terrorism regulations through regular donor engagements. As additional effort to working on mitigating the impact of the risk of denial of resources, opportunities and assistance and attacks, they have been closely coordinating with the Access Working Group to support partners in assessing risks to operations and staff, and regaining humanitarian access for interventions following suspensions, and collaboration with the Civil-Military Coordination Mechanism, HC and other actors on the protection risks resulting from the design and implementation challenges of the Borno Model.

Between January and September 2023, humanitarian Mine Action partners delivered **Explosive Ordnance Risk Education (EORE)** for 275,533 at-risk persons in IDPs camps and host communities in the BAY states, including those who were relocated by the BSG from Maiduguri to different LGAs in Borno state. This has included innovative approaches such as the usage of electronic talking devices or the training of children as EORE peer educators, in combination with the training of community members on first aid. This work has proven key in ensuring the safety of the population.

CRITICAL GAPS IN FUNDING AND POPULATION REACHED

EORE activities between January and September 2023 have so far only reached 275,533 people (69 per cent of the 2023 HRP target) in a total of 24 LGAs across the BAY states: 212,679 in 16 LGAs in Borno, and less in the other two states with 29,287 people in 3 LGAs in Adamawa and 33,567 people in 6 LGAs in Yobe, despite high levels of explosive ordnance contamination, especially in relocation areas. Due to lack of funding, out of the 2,590 people injured from mines and explosive ordnance between 2016 and 2023, MA partners could only provide services and support for 132 victims (5 per cent of the total people injured).

Notwithstanding the overwhelming challenges faced by the AoR in early 2023, the HLP AoR partners were able to reach 45,096 persons out of the 84,822 target population identified through the 2023 Humanitarian Needs Overview signifying a 50% reached of the targeted population. Those reached includes about 25,000 people supported with Legal assistance on HLP (which include processing of certificate of occupancies, tenure security agreements, rent subsidy and other HLP documentations), about 6,000 persons provided with support in situation of eviction, about 12,000 people provided with information and awareness services on HLP rights including counseling and legal advice and 131 persons whom were supported with training services on HLP rights and dispute resolution. However 50% of the target number remain unreached due to the impact of limited funding and HLP partners. The people are still in dire need of HLP assistance and are in very deplorable conditions while some have resorted to some negative coping mechanism in finding solutions to their needs.

RECOMMENDATIONS

To help address the outlined protection risks and reduce the harms being experienced by crisis-affected communities, a range of actions are needed by government stakeholders, as the primary duty bearers, along with complementary efforts by donors, organizations involved in the DRR process and other development and humanitarian partners. **The team of the UN Special Adviser on Solutions must strengthen the existing coordination mechanism(s) by going beyond providing the framework for implementation level discussions through the participatory development of an inclusive solutions strategy and action plan, taking into consideration the solutions stakeholder landscape, laying out the collective approach to advance Solutions.**

RISK 1 Presence of mines and other explosive ordnance

GOVERNMENT and PARTIES TO THE CONFLICT

- The Government to survey and clear areas of return.
- The GoN and NSAGs to refrain from utilizing explosive weapons in areas inhabited by civilians or used by them for movement and livelihood activities.
- The GoN to provide or improve victim assistance services (emergency and continuing medical care; psychological and psycho-social support; rehabilitation; and economic inclusion).

DONORS

- Engage with the Government on the survey and clearance of land in areas of return prior to the return of displaced persons.
- Include mine action as a cross-cutting issue in all humanitarian-development-peace nexus projects/programmes.
- Provide funding to increase the number of Nigerian Police and Nigerian Security and Civil Defense Corps qualified in accordance with international EOD/IED disposal standards the Nigeria Security and Civil Defense Corps (NSCDC), securing prior commitment to deploy such internationally qualified personnel to LGAs of planned relocation.

UN RESIDENT AND HUMANITARIAN COORDINATOR

- Provide political support to UNMAS in advocating with the GoN for access by humanitarian mine action organizations to conduct survey and clearance as well as in the establishment, equipping, and operationalization of NMAC.
- Ensure that the solutions discussion and planning in North-East Nigeria, as facilitated by the UNSG's Special Advisor on Solutions to Displacement, puts the safety and voluntariness of decisions of IDPs first and is inclusive through the development of a One-Community-Strategy, which entails recommendations by the Protection Sector's MA AoR, its INGO and NNGO partners, and UNMAS as its lead UN entity.

RISK 2 Theft, extortion, eviction or destruction of personal property

BORNO STATE GOVERNMENT

- The BSG to lift its ban on the construction of temporary/emergency so that such shelters can be constructed for still internally displaced, newly displaced and those relocated to place other than their places of origin.
- The BSG to ensure that HLP concerns are well addressed first before any return or relocation of the population to minimized further HLP right issues, and that mechanisms are in place to address disputes
- The BSG prioritizes allocation of land for emergency response, and rehabilitate, reconstruct and provide compensation for destroyed and damaged land and properties to enable voluntary returns.
- The BSG should provide livelihood support to address the high poverty rate situation as this will reduce cases on minor theft and vandalism of HLP assets.

HUMANITARIAN LEADERSHIP/HCT:

- The HCT to engage with the BSG on allocation of land for humanitarian assistance and durable solution and on the latter's ban on construction of temporary/emergency shelter.

HUMANITARIAN PARTNERS:

- Implement measures to prevent/mitigate protection risks relating to informal and insecure tenancy arrangements in the absence of shelter provision and proper settlement options.
- Support in strengthening the capacity of the existing dispute resolution structures and provide information and awareness.

DONORS:

- Donor to provide funding for pre and post eviction cash response to mitigate against the risk of eviction, for strengthening of tenure security and to BSG for livelihood activities for displaced population
- Donor to advocate to the Government for allocation of land for humanitarian and durable solutions, and in providing restitution and compensation for destroyed and damaged lands and properties.

RISK 3 Attacks on civilians

BORNO STATE GOVERNMENT

- The BSG to **prioritize the protection of IDPs and Host communities** through its Borno Model and ensure that no harm is done to community members due to the release of persons formerly associated with NSAGs into receiving communities, and if so that there will be effective remedies and justice.
- The BSG to **ensure full-fledged reintegration** that includes community engagement and preparation of communities, facilitation of community consultations for forgiveness, and payment of *diya* as material and financial compensation for experienced loss of loved ones

DONORS

- Donors to ensure their **support to the BSG and UN Offer agencies includes and is premised on built-in transparency and accountability mechanisms** to prevent, identify, and address protection risks in real time.

HUMANITARIAN LEADERSHIP/HCT:

- The HCT to engage with the BSG / Nigerian military **to request and action the prioritization of the protection of affected communities who receive release persons** based on a discussion of new and previous protection concerns raised by the PSNE and affected communities.
- The HCT to **push for coordination between stakeholders working with released persons, especially UN Offer agencies, and the humanitarian community through regular information sharing and coordination**, ensuring that humanitarian actors are informed about the arrival of released persons ahead of time with mandatory preparation of communities and insurance of assistance

HUMANITARIAN PARTNERS:

- Humanitarian partners across all Sectors to **continue monitoring and reporting concerns related to the released individuals** within the LGAs with focus on protection concerns affecting communities and the do-no-harm principle
- Humanitarian partners to ensure that a **thorough understanding of the protection risks stemming from the release of persons formerly associated with NSAGs into communities informs their programming** as well as ongoing engagement with relevant stakeholders.

RISK 4 Denial of resources, opportunities and assistance

BORNO STATE GOVERNMENT

- **BSG to provide a holistic reintegration package to released persons** that is guided by community consultations and priorities and ensures sustainability through medium-term food assistance, shelter and livelihood opportunities, reducing both the risk of harmful coping mechanisms among released persons and their exploitation and abuse of receiving communities and humanitarian workers.

DONORS

- **Donors to ensure their support to the BSG is based on a clear commitment and concrete action to provide a holistic reintegration package to released persons** that is guided by community consultations and priorities and ensures sustainability through medium-term food assistance, shelter, and livelihood opportunities last for at least 12 months, reducing both the risk of harmful coping mechanisms among released persons and their exploitation and abuse of receiving communities and humanitarian workers.
- **Donors to provide more guidance to humanitarian actors on counter-terrorism regulations** preventing humanitarian assistance. Donors to grant approval for protection and assistance based on humanitarian needs and vulnerabilities of released persons as civilians rather than their status as persons formerly associated with NSAGs.

HUMANITARIAN PARTNERS

- **Humanitarian partners to provide assistance based on vulnerability and needs** rather than status to avoid exclusion and denial of assistance, while ensuring that risk mitigation measures are in place for their principled and safe delivery of aid.
- Humanitarian partners across all Sectors to **continue monitoring and reporting concerns related to the released individuals** within the LGAs with focus on protection concerns affecting them through exclusion and denial of assistance.

Endnotes

- ⁱ Protection Sector North-East Nigeria, Protection Monitoring Interactive Dashboard [here](#).
- ⁱⁱ OCHA Financial Tracking Services (FTS).
- ⁱⁱⁱ Borno Government to resettle 1.8m IDPs in 23 LGAs | The Guardian Nigeria News - Nigeria and World News — Nigeria — The Guardian Nigeria News – Nigeria and World News
- ^{iv} Borno Government to resettle 1.8m IDPs in 23 LGAs | The Guardian Nigeria News - Nigeria and World News — Nigeria — The Guardian Nigeria News – Nigeria and World News
- ^v <https://www.un.org/en/content/action-agenda-on-internal-displacement/>
- ^{vi} <https://www.un.org/en/solutions-to-internal-displacement>
- ^{vii} UNMAS Global IED Report, February 2023.
- ^{viii} UNMAS Information Management System for Mine Action (IMSMA).
- ^{ix} Analysis of Housing, Land & Property issue in Borno State.
- ^x Government Senior Secondary School camps in Monguno, Kuya Camp in Monguno, Muna El-badawi in Maiduguri, Shuwari, Masarmari, and 1000 in Dikwa LGA etc.
- ^{xi} Early morning fire razes many shops at Maiduguri Monday Market - Daily Trust
- ^{xii} PSNE Adamawa Refugee Influx assessment.
- ^{xiii} Assessment of the root causes of the vandalization and theft of WASH infrastructure at the GSSSS Camp in Bama June 2022 - Nigeria | ReliefWeb

Methodology

The Protection Sector established a Protection Monitoring System (PMS) in 2022 and the PMS became very much functional in 2023. The PMS, which has been one of the main sources of information for this PAU, provides a standardized analysis of the protection environment with protection risks as the focus. It consists of a harmonized tool (quantitative Household Assessment/HHA questionnaire, Protection Incident Report/PIR). The PMS has a holistic coverage within the BAY states and has been the main source of protection data. In order to obtain timely and reliable information for the PAU, several consultations took place with partners in different locations for information gathering and verification of data. Key informant interviews were conducted in the different local government level to ensure expert opinions were obtained and to also validate PMS data. Thematic monitoring tools on ex-fighters were agreed upon with Protection partners to collect and share data on protection risk associated with the presence of ex-fighters in the communities. Working sessions and meetings were held with the Housing Land and Property and Mine Action AoRs to ensure protection data and information on HLP and MA are validated.

Limitation

Protection monitoring data and information obtained in this Protection Analysis Update is predominantly limited to areas that are currently accessible by humanitarian actors in Borno, Adamawa and Yobe States of Northeast Nigeria. Information on areas that are inaccessible or hard to reach are not easily available and at times. Protection Partners obtain protection related information on inaccessible areas from the population displaced from inaccessible areas to areas under the control of the Government and also from community networks. Expert opinions and data analysis and a series of interactive exercises were carried out with key protection actors, MA and HLP AoRs as well and Security focal points from UN and INGOs to ensure accurate and evidence based data.



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