



INTERNAL DISPLACEMENT IN NORTH EAST NIGERIA:

**OPERATIONALISING THE KAMPALA CONVENTION IN BORNO,
ADAMAWA AND YOBE STATES**



ICRC



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ABOUT THE ICRC

The International Committee of the Red Cross (ICRC) is a neutral, independent and impartial humanitarian organisation, whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence.

The ICRC has had a permanent presence in Nigeria since 1988 and is currently present in Maiduguri, Yola, Damaturu, Biu, Kano, Mubi, Jos and Port Harcourt. Throughout 2015 and 2016, the ICRC significantly expanded its operations in the North East of Nigeria to respond to the growing humanitarian needs. In particular, the ICRC is providing assistance to internally displaced persons (IDPs) in the form of food, essential household items, shelter, water, sanitation and health care, including nutritional as well as mental health and psychosocial programs. The ICRC has also supported IDPs returning to their places of habitual residence through food, agricultural inputs, cash grants, support in rebuilding houses, and improving access to water, sanitation and hygiene conditions.

The ICRC is engaged in activities aimed at ensuring respect for international humanitarian law (IHL) and addressing the protection concerns of IDPs, by developing a confidential dialogue with both civilian and military authorities, and by carrying out activities aimed at restoring family links between IDPs who have been separated from their loved ones.

ABOUT THE REPORT

This report is the product of a multidisciplinary collaboration between all ICRC departments and sub-structures working in the North East of Nigeria. The report has been coordinated and drafted by the Legal Adviser to the ICRC's Operations in Nigeria. A special note of gratitude is offered to all ICRC colleagues, both in Nigeria and Geneva, who provided invaluable inputs for the report.

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TABLE OF CONTENTS

ABBREVIATIONS	6
INTRODUCTION	14
OVERVIEW OF THE KAMPALA CONVENTION	16
METHODOLOGY	18
1. SCOPE OF THE RESEARCH	18
2. METHODOLOGY AND SAMPLING	18
3. LIMITATIONS AND CHALLENGES	19
FINDINGS AND RECOMMENDATIONS	21
1. PREVENTION	22
(a) Incorporate obligations under the Convention into domestic law	22
(b) Criminalise and ensure individual responsibility for acts of arbitrary displacement	23
(c) Adopt other measures, including strategies or policies on internal displacement	24
RECOMMENDATIONS ON PREVENTION	24
2. COORDINATION, FINANCING, MONITORING AND CONSULTING WITH IDPS	25
(a) Designate a coordinating authority or body, where needed, and assign responsibilities to appropriate organs for protection and assistance	26
(b) Provide necessary funds for protection and assistance of IDPs	27
(c) Monitor and evaluate the effectiveness of humanitarian assistance	28
(d) Assess the needs and vulnerabilities of IDPs	29
(e) Consult with IDPs and allow them to participate in decisions about assistance and protection	30
RECOMMENDATIONS ON COORDINATION, FINANCING, MONITORING & CONSULTATION WITH IDPs	30
3. PROTECTION OF IDPS	32
(a) Ensure that IDPs are received without discrimination and live in satisfactory conditions of safety, dignity and security	32
(b) Respect and maintain the civilian and humanitarian character of the places where IDPs are sheltered	34
(c) Guarantee the freedom of movement and choice of residence of IDPs	35
(d) Take necessary measures to trace and reunify families separated during displacement	36
(e) Create and maintain an updated register of all IDPs	36
RECOMMENDATIONS ON PROTECTION OF IDPs	37
4. PROVIDING ADEQUATE HUMANITARIAN ASSISTANCE FOR IDPS	39
(a) Provide IDPs with adequate food, without discrimination and with the least possible delay	39
(b) Provide IDPs with adequate shelter and non-food items, without discrimination and with the least possible delay	41
(c) Provide IDPs with adequate water and sanitation, without discrimination and with the least possible delay	42
(d) Provide IDPs with adequate medical care and health services, without discrimination and with the least possible delay	43
(e) Promote self-reliance and sustainable livelihoods amongst IDPs	44
(f) Provide assistance to host communities, where appropriate	45
(g) Allow rapid and unimpeded passage of all relief consignments, equipment and personnel, and facilitate the role of non-state actors to provide assistance to IDPs	45
RECOMMENDATIONS ON PROVIDING ADEQUATE ASSISTANCE TO IDPs	46
5. DURABLE SOLUTIONS FOR IDPS	48
(a) Promote and create satisfactory conditions for voluntary, safe and dignified return, integration or relocation and allow IDPs to make a free and informed choice on durable solutions	48
(b) Protect IDPs against forcible return or relocation	50
RECOMMENDATIONS ON DURABLE SOLUTIONS	50
CONCLUSION	52
ANNEX I: SURVEY LOCATIONS	53
ANNEX II: LIST OF KEY INFORMANT INTERVIEWEES	54

ABBREVIATIONS

ACF	Action Contre la Faim
ADSEMA	Adamawa State Emergency Management Agency
API	Adamawa Peace Initiative
BOSEMA	Borno State Emergency Management Agency
CAN	Christian Association of Nigeria
CISCOPE	Civil Society Coalition for Eradication of Poverty
CISCLAC	Civil Society Legislative Advocacy Centre
CJTF	Civilian Joint Task Force
CVSF	Presidential Committee on Victim Support Fund
DSS	Department of State Security Services
DTM	Displacement Tracking Matrix
DRC	Danish Refugee Council
FAO	Food and Agricultural Organisation of the United Nations
HCT	Humanitarian Country Team
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IOM	International Organization for Migration
IRC	International Rescue Committee
JASD	Jama'atu Ahlu s-Sunnati lil-Da'wa wal'Jihad
LGAs	Local Government Areas
MCA	Muslim Council of Adamawa State
MDAs	Ministries, Departments and Agencies
NCRMI	National Commission for Refugees Migrants and Internally Displaced Persons
NEMA	National Emergency Management Agency
NHRC	National Human Rights Commission
NIAC	Non-International Armed Conflict
NPF	Nigerian Police Force
NSDC	Nigerian Security Defence Corp
NRCS	Nigerian Red Cross Society
NRC	Norwegian Refugee Council
PCNI	Presidential Committee for North East Initiatives
PINE	Presidential Initiative for the North East
PSWG	Protection Sector Working Group
RPBA	Recovery and Peacebuilding Assessment
RUWASA	Rural Water Supply and Sanitation Agency
SEMA	State Emergency Management Agency
SWOT Foundation	Foundation for the Support of Widows, Orphans and Tsangaya
UNICEF	United Nations Children's Education Fund
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNFPA	United Nations Fund for Population Activities
WFP	United Nations World Food Program
YOSEMA	Yobe State Emergency Management Agency
VSF	Victims Support Fund

EXECUTIVE SUMMARY

As a result of the non-international armed conflict between the Nigerian Government and the armed opposition (*Jama'atu Ahlu s-Sunnati lil-Da'wa wal-Jihad / Islamic State West Africa Province group*), more than 1.76 million people are internally displaced in the North Eastern region of Nigeria.¹ The total number of internally displaced persons (IDPs) in North East and North Central Nigeria is estimated at over 2 million people,² making Nigeria host to the six largest IDP population in the world.³

Borno, Adamawa and Yobe States currently have the largest number of IDPs, with approximately 1.68 million⁴ persons who have been displaced as a result of the conflict, including approximately 528,000 IDPs in Maiduguri Metropolis, Borno State.⁵ Given the large scale of the displacement, and the ongoing instability in many Local Government Areas (LGAs) in the North East of Nigeria, the Federal and State Governments have been facing, and continue to face, a critical humanitarian situation that is not expected to end anytime soon.

As a State Party to the *African Union Convention for the Assistance and Protection of Internally Displaced Persons in Africa* (the "Kampala Convention"),⁶ the Nigerian Government has the primary duty and responsibility to assist and protect IDPs in its territory,⁷ with support from humanitarian organisations where needed. It is also obliged to incorporate the Convention into the domestic legal framework and promote conditions for voluntary, dignified and safe durable solutions to displacement.

In line with its obligations under the Kampala Convention, Federal and State Government Ministries, Departments and Agencies have been responding to the needs of IDPs through various protection and assistance interventions, with the support of international and local humanitarian actors, including the International Committee of the Red Cross (ICRC). However, given the scale and complexity of the displacement, the ICRC has observed throughout 2015 and 2016 that the humanitarian response is far from meeting the assistance and protection needs of IDPs.

In light of the critical humanitarian situation in the North East, the aim of this report is to assess the situation of IDPs in Borno, Adamawa and Yobe, through the framework of the Kampala Convention. In doing so, the report seeks to highlight the current gaps and challenges in meeting the needs of IDPs and provide concrete recommendations to improve protection, assistance and durable solutions for IDPs. The report is based on findings from research carried out in Borno, Adamawa and Yobe States, as well as the Federal Capital Territory, between September 2015 and September 2016. The research included interviews with 550 IDPs in 31 locations, 7 focus group discussions, and 72 interviews at Federal, State and Local Government levels with stakeholders involved in assisting and protecting IDPs, including 41 interviews with civilian authorities and 15 with military and security forces.

The ICRC hopes that the findings and recommendations contained in this report can serve as a policy tool for the Nigerian Government in their response to conflict-induced internal displacement in the North East of Nigeria. Ultimately, the goal is to achieve better protection and assistance for IDPs through more effective "operationalisation" of the Kampala Convention, particularly in Borno, Adamawa and Yobe States.

1 International Organisation for Migration (IOM), *Displacement Tracking Matrix (DTM) Round XII Report ("DTM Round XII Report")*, October 2016, p. 2. This figure reflects the estimated number of IDPs in Borno, Adamawa, Yobe, Gombe, Taraba and Bauchi States.

2 IOM, *DTM Round XI Report*, August 2016, p. 1. This figure reflects the estimated number of IDPs in Adamawa, Bauchi, Benue, Borno, Gombe, Taraba, Nasawara, Plateau, Kaduna, Kano, Zamfara and Yobe States, as well as Abuja, Federal Capital Territory.

3 Internal Displacement Monitoring Centre (IDMC), *GRID 2016 - Global Report on Internal Displacement*, May 2016, p. 27.

4 IOM, *DTM Round XII Report*, *supra* note 1, p. 3. Between August and October 2016, the estimated number of IDPs in Borno, Adamawa and Yobe States has decreased from 1,745,830 to 1,687,703.

5 *Ibid.*, p. 2.

6 *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, adopted on 22 October 2009 and entered into force on 6 December 2012. Nigeria signed the Convention on 22 October 2009 and ratified it on 17 April 2012.

7 *Ibid.*, article 5(1).

KEY FINDINGS

LEGAL AND POLICY FRAMEWORK

- There is no specific domestic legal framework for protection and assistance of IDPs, however, there is a bill pending before the National Assembly that seeks to domesticate the Convention.
- Significant efforts have been invested by national authorities in developing a National IDP Policy. Although the policy was finalised in 2012, it has never been adopted.

COORDINATION, FINANCING, MONITORING AND CONSULTATION WITH IDPS

- Challenges exist in terms of coordination between the many actors involved in the humanitarian response, including both national authorities and humanitarian actors.
- At the Federal level, the coordination architecture was reinforced in September 2016 through the establishment of an Inter-Ministerial Task Force, was under the leadership of the Federal Ministry for Budget and National Planning. However, challenges remain at Federal, State and Local levels in making sure that coordination is substantive and results in concrete protection and assistance for IDPs.
- Monitoring and evaluation of the effectiveness of humanitarian assistance is weak and requires significant improvement. Many actors do not appear to have internal mechanisms for monitoring assistance and protection interventions and there is no independent body that can provide effective oversight of the humanitarian response and ensure accountability to IDPs.
- The majority of actors involved in the humanitarian response are aware of the critical need to consult with IDPs and allow them to participate in decisions regarding assistance and protection. However, in practice, the level of consultation varies.
- 53% of respondents interviewed in September 2016 indicated that they had been consulted on their needs. Only 23% had been able to participate in decisions about how to address their protection and assistance need.
- IDP Committees are the primary mechanism through which camp authorities consult with IDPs. Additionally, in some IDP camps in Maiduguri, Local Government Chairmen are part of the Camp Management Teams established by the camp authorities.

PROTECTION OF IDPS

- 81% of respondents indicated that security was either adequate or fairly adequate.
- Security measures have been put in place in all IDP camps, including restrictions on freedom of movement, restrictions on family visits and screening procedures.
- While restrictions on freedom of movement and family visits have been eased in IDP camps throughout 2016, movement in and out of camps continues to be regulated through pass systems. Daily limits on the number of IDPs who can exit IDP camps range from 30 to 200 IDPs.
- 40% of respondents interviewed in IDP camps in September 2016 indicated that restrictions on movement impact on income generating activities.
- 29% of respondents indicated that they have lost contact with family members as a result of the displacement. Many IDPs have been separated from family members as a result of state-facilitated displacements, as well as arrest and detention of relatives.
- Federal authorities have established a National Technical Committee, charged with the responsibility of establishing and managing a database of missing persons, including missing relatives of IDPs.

PROVIDING ADEQUATE ASSISTANCE TO IDPS

- 47% of respondents indicated that food and water were their highest priority.
- Most IDPs residing outside of official IDP camps seldom receive any food (or cash) assistance from State or Federal authorities. Many of these IDPs have resorted to negative coping mechanisms, including borrowing and begging.
- 20% of respondents indicated that shelter was inadequate and 28% identified shelter as their second priority, after food and water.

- In many of the official IDP camps, families are forced to live apart because the accommodation arrangements prevent couples from residing together.
- 89% of respondents indicated that they have adequate or fairly adequate access to water.
- 27% of respondents indicated that sanitation facilities are inadequate or non-existent.
- 80% of respondents indicated that immunisation for children under 5 is adequately addressed.
- Many national authorities see health care for IDPs as a priority need that is not being adequately addressed.
- Aside from very basic psychosocial support, there is a significant gap in providing services for IDPs with more complex psychosocial needs.
- 61% of respondents indicated that they are not employed and do not have a means of generating an income.
- Many national authorities see livelihoods support as a priority need for IDPs.

DURABLE SOLUTIONS

- 86% of respondents indicated that they would like to return home, however safety and security was identified as a critical condition for return.
- In some cases, including in parts of Adamawa, IDPs returning to their places of habitual residence (“returnees”) have received support from national authorities, such as building supplies and food.
- In Borno State, State and LGA authorities have facilitated the return of many IDPs from Maiduguri back to their LGAs. However, many of these IDPs continue to be displaced in IDP camps in their LGAs, meaning that they have not yet establishing a durable solution to their displacement.

LIST OF RECOMMENDATIONS

LEGAL AND POLICY FRAMEWORK

Recommendation 1: The National Assembly and the President of the Federal Republic of Nigeria, should ensure speedy passage and signature of the Bill to domesticate the Kampala Convention, which is currently before the House of Representatives.

Recommendation 2: The Federal Ministry of Justice and the Law Reform Commission should take steps to ensure that acts of arbitrary displacement, as defined under the Convention, are criminalised under Nigerian law.

Recommendation 3: The National Commission for Refugees, Migrants and IDPs should initiate a review of the National IDP Policy, to ensure that it takes into account the current coordination architecture for the humanitarian response in the North East, and includes concrete means of implementation and review of implementation efforts.

Recommendation 4: Relevant State and Federal authorities should take steps to promote awareness on the rights of IDPs and the obligation of national authorities to protect and assist IDPs, including through sensitisation sessions with actors directly involved in assistance and protection (e.g. camp authorities, Armed and security forces), as well as IDPs themselves.

COORDINATION

Recommendation 5: The Federal Minister for Budget and National Planning should ensure that the Inter-Ministerial Task Force (IMTF) achieves substantive coordination, including between State and Federal authorities, and that the roles and responsibilities of national authorities are further clarified, particularly for those involved in protection of IDPs. In order to bridge the gap between State and Federal authorities, the Minister should consider creating a decentralised operational branch of the IMTF in the North East.

Recommendation 6: The Office of the Vice President should ensure that the role and responsibility of the Presidential Committee on North East Initiatives (PCNI) vis-a-vis the Federal and State Ministries,

is clearly defined and communicated. Relevant national authorities must ensure that PCNI has an institutional structure, adequate resources and an operational plan that will enable it to effectively coordinate the short, mid and long-term response in the North East.

Recommendation 7: State authorities should take steps to strengthen state level coordination mechanisms, including to involve State Ministers in coordination structures.

Recommendation 8: Federal and State authorities should take steps to improve coordination with international partners and humanitarian actors, including by being proactive in sharing information that will allow for more accurate analysis of the gaps in the Government's response.

Recommendation 9: National authorities should take steps to ensure better coordination between civilian and military authorities at State and LGA levels, particularly concerning movements of IDPs, including IDPs arriving from conflict areas and those being relocated back to their LGAs.

FINANCING AND MONITORING

Recommendation 10: Federal and State Governments must ensure adequate funding to line Ministries and other authorities involved in protection and assistance of IDPs, in order to ensure that they can fulfil their responsibilities. Line Ministries must be allocated a specific budget to respond to the humanitarian crisis, in addition to fulfilling their regular responsibilities.

Recommendation 11: Federal and State Ministries, as well as other authorities involved in protection and assistance of IDPs should establish procedures for monitoring the impact of their interventions to IDPs.

Recommendation 12: Federal authorities should establish an independent monitoring mechanism to oversee the assistance and protection provided by national authorities and ensure accountability to IDPs. The mechanism should include a system that will allow beneficiaries to provide feedback regarding assistance and protection interventions, for example, a hotline or radio platform.

CONSULTATION WITH IDPS AND PARTICIPATION IN DECISION-MAKING

Recommendation 13: Authorities at all levels must ensure that IDPs are systematically consulted in a meaningful way on decisions that affect them, including in relation to protection concerns and durable solutions to displacement. State and local authorities should ensure that they consult with both IDP Chairmen, Chairwomen and IDP leaders, as well as the most vulnerable IDPs, such as women, elderly persons, persons with disabilities and children.

Recommendation 14: Bearing in mind that IDP Committees may not always represent the views of all IDPs, camp authorities should ensure that they consult with IDPs who are not part of IDP Committees, particularly women and youth.

Recommendation 15: Camp authorities should ensure that IDPs are more involved in the management of all IDP camps and that IDP representatives (including, but not limited to IDP Committee members) participate regularly in camp coordination meetings.

PROTECTION OF IDPS

Recommendation 16: State and Federal authorities should ensure that all relevant public authorities – including Armed and security forces – are informed about their IHL obligations and are instructed to fully respect and ensure respect for IHL.

Recommendation 17: State and Federal authorities should ensure that civilians living in areas where military operations take place are not forcibly displaced, unless this is absolutely required for the security of civilians or for imperative military reasons. If civilians are displaced for either of these reasons, the authorities responsible for initiating the displacement must take all possible measures to ensure

that they are provided with sufficient assistance, (including food, water and shelter), both during the movement and at the place of displacement.

Recommendation 18: In order to avoid separation of family members during displacement, and to prevent disruption of services being provided to IDPs (including tracing services), civilian and military authorities should communicate in advance to IDPs regarding all movements (including when the movement will take place and to where), inform concerned organisations about planned movements, and ensure that family unity is protected throughout the entire process.

Recommendation 19: Camp authorities and Armed and security forces should allow IDPs residing in camps to move in and out of camps, including for the purposes of visiting family members and carrying out sustainable economic activities. Allowing IDPs to access livelihood opportunities can help them to move towards finding a durable solution to their displacement and reduce the burden on the authorities.

Recommendation 20: Restrictions on freedom of movement, including the existing pass systems in IDP camps, must be temporary and must only be implemented when absolutely necessary. They should be implemented in a non-discriminatory manner, and should strike a balance between the rights and needs of IDPs (particularly livelihoods) and security considerations. The daily number of passes in each IDP camp should be increased to better reflect the size of the camp population.

Recommendation 21: Authorities involved in screening IDPs should take concrete steps to ensure that screening processes are respectful and professional in all circumstances. In particular, authorities should ensure that the practice of female IDPs being screened by female security personnel is implemented as widely as possible.

Recommendation 22: National authorities, supported by humanitarian actors, should ensure that protection concerns and vulnerabilities of IDPs in both camps and host communities are systemically addressed as part of the humanitarian response. Protection concerns should be identified and responded to through a community-based approach, involving IDPs and host communities. Exposure to risk can be reduced through assistance activities, such as micro-economic initiatives, self-protection mechanisms and risk education/awareness.

Recommendation 23: Management of IDP camps outside of capital cities in Borno State, should be transferred to civilian authorities as soon as possible.

Recommendation 24: In order to respect and maintain the civilian and humanitarian character of IDP camps, Federal authorities should take steps to ensure that military personnel do not reside inside IDP camps. Security and law enforcement inside IDP camps should be carried out by the Nigerian Police Force and other law enforcement agencies. Military personnel should limit their movements inside IDP camps to those that are absolutely necessary.

Recommendation 25: Authorities responsible for managing IDP camps should do everything possible to facilitate tracing activities in IDP camps, including – when in the best interests of the beneficiaries – to help facilitate reunification of family members residing in different camps.

Recommendation 26: Federal and State authorities should take concrete steps to ensure that IDPs who have lost contact with family members as a result of arrest and detention can re-establish and maintain contact with their detained relatives.

Recommendation 27: Federal and State authorities should continue to support ongoing efforts to establish a national mechanism to clarify the fate and whereabouts of missing persons, including missing relatives of IDPs.

Recommendation 28: National authorities and humanitarian actors must ensure that collection and use of personal data of IDPs is in compliance with Nigerian and regional laws, including the Nigerian

Constitution and the *Supplementary Act on Personal Data Protection within the ECOWAS* (2010), as well as international law and standards. In particular, personal data should be treated in accordance with the principles of consent, confidentiality, legality, fairness and security. It should only be obtained for specific, explicit and lawful purposes and should not be further processed in any manner incompatible with such purposes.

PROVIDING ADEQUATE HUMANITARIAN ASSISTANCE TO IDPS

Recommendation 29: Federal and State authorities must ensure that IDPs, including those generously hosted by communities, receive adequate food and basic household items. The specific nutrition needs of expecting mothers, lactating mothers and young children must be taken into account.

Recommendation 30: Camp authorities should create the necessary conditions in IDP camps to allow households (husbands, wives and children) to live together in order to protect family unity and privacy. IDPs residing in IDP camps who wish to join or visit their relatives in host communities (or vice-versa) should continue to be allowed to do so.

Recommendation 31: Camp authorities should establish hygiene teams in all IDP camps, in order to promote hygiene, cleaning of sanitation facilities and collection/removal of solid waste

Recommendation 32: State and Federal authorities, with support from humanitarian actors, should ensure that IDPs have access to basic primary health care services, by restoring the health services and facilities that have been affected by the conflict and re-establishing health programs, including immunisation, in areas that have been affected by the conflict. Special attention should be paid to reproductive health care, nutrition and measures to prevent and respond to the outbreak of disease.

Recommendation 33: In order to reduce stigmatisation of victims of sexual violence, and to increase the chances of victims seeking medical assistance, camp authorities in IDP camps – with support from humanitarian actors – should intensify efforts to sensitise IDPs to this issue and raise awareness regarding the available services for victims of sexual violence.

Recommendation 34: State and Federal authorities should work with humanitarian actors with expertise in mental health and psychosocial support, to develop meaningful programs that address the gap in services for IDPs and host communities with more complex psychological needs (i.e. those requiring more than basic psychosocial support).

FACILITATING THE ROLE OF HUMANITARIAN ACTORS

Recommendation 35: In fulfilling the obligation to facilitate the work of humanitarian actors, national authorities – including the Armed Forces – should recognise that security constraints continue to dictate access to areas by humanitarian organisations and that such organisations should only use armed escorts in exceptional circumstances, as a last resort. Before resorting to armed escorts, alternative options – such as remote controlled interventions with effective monitoring mechanisms – should be fully explored.

Recommendation 36: Federal authorities should take steps to ensure that timely and simplified procedures exist for importing humanitarian relief items and obtaining visas for international staff of humanitarian organisations; and that such procedures are internally communicated and implemented at all levels within Nigeria and Nigerian embassies abroad.

DURABLE SOLUTIONS

Recommendation 37: Federal, State and LGA authorities must ensure that IDPs are consulted about durable solutions to their displacement (including return to areas of habitual residence), and are provided with accurate and up to date information to inform their decisions, including in relation to security risks. IDPs should be involved in all stages of planning and implementing their return, relocation or local integration.

Recommendation 38: IDPs who are not willing to return to their places of habitual residence should not be forced, intimidated or coerced to do so (including by closing IDP camps without providing an alternative option). They should be supported in pursuing alternative durable solutions, such as local integration or relocation.

Recommendation 39: In order to ensure that return is sustainable, IDPs should not be encouraged to return to their LGAs, including through incentives, until security is guaranteed and the requisite basic services (i.e. food, shelter, access to healthcare, clean and safe water) are in place. Federal and State authorities must ensure that returnees have access to livelihood inputs that will allow them to resume their original or alternative income generation activities in the shortest period of time.

Recommendation 40: Federal, State and LGA authorities should plan and coordinate with humanitarian actors who can support them in ensuring that returnees have access to basic services and that the return is sustainable.

Recommendation 41: Existing protection mechanisms, such as the National Human Rights Commission Protection Monitoring Project, should be strengthened and should prioritise efforts to monitor the voluntariness of return.

SELECTED RECOMMENDATIONS TO HUMANITARIAN ACTORS

Recommendation 42: Humanitarian actors should consult with and inform IDPs (in both IDP camps and host communities) in a systemic manner, regarding their interventions and activities.

Recommendation 43: Humanitarian actors should ensure that assistance and protection interventions which seek to support the national authorities in fulfilling their obligations, meet internationally recognised humanitarian standards.

Recommendation 44: When planning interventions in IDP camps and host communities, humanitarian actors should ensure that all interventions take into account both protection concerns and assistance needs.

Recommendation 45: Humanitarian actors should consider transitioning from emergency relief assistance to interventions that encourage resilience and self-reliance at the earliest opportunity, in order to discourage long-term dependency on humanitarian relief.

Recommendation 46: Humanitarian actors should coordinate in order to avoid duplication and ensure that the needs of IDPs are met in a timely manner.

Recommendation 47: In order not to undermine neutrality, humanitarian actors should only use armed escorts provided by the Nigerian Armed Forces in exceptional situations, as a last resort.

INTRODUCTION

As a result of the non-international armed conflict between the Nigerian Government and the armed opposition (*Jama'atu Ahlu s-Sunnati lil-Da'wa wal-Jihad / Islamic State West Africa Province group*), more than 1.76 million people are internally displaced in the North Eastern region of Nigeria.⁸ The total number of IDPs in North East and North Central Nigeria is estimated at over 2 million people,⁹ making Nigeria host to the six largest IDP population in the world.¹⁰

In particular, Borno, Adamawa and Yobe States experienced a critical increase in IDPs throughout 2015 and 2016: in February 2015, the number of IDPs displaced as a result of the armed conflict was estimated at 946,000;¹¹ by October 2016, this figure had risen to an estimated 1.68 million.¹² Of these, the majority are located in Borno State, including approximately 528,000 IDPs in Maiduguri Metropolis, Borno State,¹³ and 864,000 IDPs in areas outside of Maiduguri Metropolis, often beyond the reach of humanitarian actors.¹⁴ While 22% of these IDPs are residing in official IDP camps and camp-like settings, the majority are residing within the host community.¹⁵

In some LGAs, particularly in Northern Adamawa, Southern Borno and Southern Yobe, approximately 958,000 IDPs have been able to return to their areas of origin and begin rebuilding their lives.¹⁶ In recent months, additional returns have taken place in Borno State to areas including Dikwa, Monguno, Konduga, Gubio, Ngala and Mafa. Many IDPs in Borno and Yobe States have also indicated a desire to return to their areas of origin, however, due to insecurity and lack of essential infrastructure, return is still not possible in many areas.

As a result of the conflict, approximately 220,000 Nigerians have also been displaced into neighbouring countries.¹⁷ Of these, many thousands have been repatriated back to the North East of Nigeria¹⁸ and are now either internally displaced, or have been able to return to their areas of habitual residence.

Although the situation of IDPs is diverse and varies depending on a number of factors, the vast majority of IDPs in the North East are in need of assistance, including food, water, shelter, sanitation, medical services and support in rebuilding livelihoods. Many IDPs have been forced to flee for their lives, leaving behind land, property and livelihoods, and often witnessing and experiencing traumatic and violent events in the process. Additionally, many IDPs have been separated from family members as a result of the displacement and do not know the fate or whereabouts of their loved ones. For those returning to their areas of habitual residence, the needs are also significant, particularly in areas where it is not yet possible to fully re-establish sustainable livelihoods.

Given the large scale of the displacement, and the ongoing instability in many LGAs in the North East of Nigeria, the Federal and State Governments have been facing, and continue to face, a critical humanitarian situation that is not expected to end anytime soon.

As a State Party to the Kampala Convention,¹⁹ the Nigerian Government has the primary duty and responsibility to assist and protect IDPs in its territory.²⁰ The Kampala Convention is the only legally binding treaty that deals specifically with IDPs, by preventing arbitrary displacement and by providing a comprehensive framework for assistance and protection of IDPs, as well as durable solutions to

8 IOM, *DTM Round XII Report*, *supra* note 1, p. 2. This figure reflects the estimated number of IDPs in Borno, Adamawa, Yobe, Gombe, Taraba and Bauchi.

9 IOM, *DTM Round XI Report*, *supra* note 2, p. 1. This figure reflects the estimated number of IDPs in Adamawa, Bauchi, Benue, Borno, Gombe, Taraba, Nasawara, Plateau, Kaduna, Kano, Zamfara and Yobe States, as well as Abuja, Federal Capital Territory.

10 IDMC, *supra* note 3, p. 27.

11 According to the *DTM Round II Report*, in February 2015 there were an estimated 672,714 IDPs in Borno State, 220,159 IDPs in Adamawa State and 135,810 IDPs in Yobe State, making a total estimate of 1,028,683 IDPs in these three States. Of these, 91.98% were displaced as a result of the conflict. See IOM, *DTM Round II Report*, February 2015, pp. 3 and 4.

12 IOM, *DTM Round XII Report*, *supra* note 1, p. 3. Between August and October 2016, the estimated number of IDPs in Borno, Adamawa and Yobe States decreased from 1,745,830 to 1,687,703.

13 *Ibid.*, p. 2.

14 *Ibid.*, pp. 2 and 3. According to the *DTM Round XII Report*, 528,765 of the 1,392,927 IDPs in Borno State are residing in Maiduguri Metropolis, meaning that approximately 864,162 IDPs are residing outside of Maiduguri.

15 *Ibid.*, p. 6.

16 *Ibid.*, p. 8.

17 United Nations High Commissioner for Refugees (UNHCR), *Nigeria Situation UNHCR Regional Update N°19*, December 2015, p. 1.

18 As at September 2016, 136,715 Nigerians had returned from Cameroon and Niger to Borno, Adamawa and Yobe States. See UNHCR, *Nigeria: Monthly Update*, September 2016, p. 2.

19 *Kampala Convention*, *supra* note 6.

20 *Ibid.*, article 5(1).

displacement. Nigeria was one of the first countries to sign the treaty in October 2009 and ratified the Convention in April 2012. Although the Kampala Convention has not yet been incorporated into domestic law, ratification of the treaty imposes legally binding obligations on the Nigerian Government.²¹

In line with its obligations under the Kampala Convention, Federal, State and LGA authorities have been responding to the needs of IDPs through various interventions, with support from international, regional and local humanitarian actors, including the ICRC. However, given the scale of the displacement, the ICRC has observed throughout 2015 and 2016 that the humanitarian response is far from meeting the assistance and protection needs of IDPs. The ongoing instability in many areas in the North East means that the number of IDPs continues to increase, and the gap between the needs of IDPs and the humanitarian response, continues to grow. In May 2016, at the 2nd Regional Security Summit in Abuja, the Federal Government renewed its commitment to take immediate action to address the humanitarian crisis resulting from the conflict.²² Further action is required to translate political commitment into concrete results for IDPs.

In light of the critical humanitarian situation, the aim of this report is to assess the situation of IDPs in Borno, Adamawa and Yobe States, through the framework of the Kampala Convention. In doing so, the report seeks to highlight the current gaps and challenges in meeting the needs of IDPs, and provide concrete recommendations to improve protection, assistance and durable solutions for IDPs. The ICRC hopes that the findings and recommendations can serve as a policy tool for the Nigerian Government in its response to conflict-induced internal displacement in the North East of Nigeria. Ultimately, the goal is to achieve better protection and assistance for IDPs through more effective “operationalisation” of the Convention, particularly in Borno, Adamawa and Yobe States.



Borno State, Maiduguri. The armed conflict in the North East Nigeria has resulted in thousands of casualties and has forced more than 2 million IDPs to flee their homes.

21 *Vienna Convention on the Law of Treaties*, adopted on 22 May 1969 and entered into force on 27 January 1980, articles 14 and 27. Nigeria ratified the Convention in 1969.

22 Nigeria Ministry of Foreign Affairs (MFA), *Communiqué 2nd Regional Security Summit*, May 2016, Abuja, para 3(h), p.2, http://eeas.europa.eu/delegations/nigeria/documents/press_corner/news/20160517-2nd-security-summit-communiqué_en.pdf (last consulted 21 November 2016).

OVERVIEW OF THE KAMPALA CONVENTION

The Kampala Convention is the first binding multilateral legal instrument specifically governing protection and assistance for IDPs. It was adopted by African Heads of States on 22 October 2009 at a Special Summit of the African Union in Kampala, Uganda. The Convention came into force on 6 December 2012, upon ratification by 15 States Parties, including Nigeria. Since the entry into force, a total of 43 African States have signed the Convention, 25 of which have also ratified or acceded to the Convention and are legally bound by its provisions.²³ The First Conference of States Parties for the Convention is scheduled to hold in December 2016.

As defined in the Convention, IDPs are:

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”²⁴

Accordingly, the Convention applies to IDPs who are displaced for many reasons, including as a result of armed conflict. While the Convention does not apply to asylum seekers or refugees who have fled across an international border, it does apply to asylum seekers and refugees who have returned – either voluntarily or forcibly – to their country of origin and are displaced internally.

Although the Convention is the only legally binding document dedicated to assistance and protection of IDPs, many of the rules derive from existing legal obligations under both international humanitarian law (IHL) and international human rights law (IHRL). In particular, the Convention draws upon the rules and standards set out in the United Nations *Guiding Principles on Internal Displacement*, adopted by the United Nations General Assembly in 1998,²⁵ as well as the *African Charter on Human and Peoples’ Rights* of 1985,²⁶ the *Four Geneva Conventions of 1949*²⁷ and their *Additional Protocols of 1977*.²⁸ In this way, the Kampala Convention reinforces existing legal obligations and rights in one single treaty that addresses the needs of IDPs in Africa.

The core foundation of the Convention is that States bear the primary duty and responsibility for providing IDPs with protection and adequate assistance during internal displacement.²⁹

This includes many obligations which seek to ensure the safety and dignity of IDPs, as well as the obligation to provide adequate assistance to IDPs, without discrimination and with the least possible delay.³⁰ Additionally, States Parties have obligations relating to the phases prior to and after internal displacement. For example, the Convention reinforces the prohibition of forced displacement by parties to an armed conflict,³¹ as well as the obligation for States Parties to strengthen the domestic legal and policy frameworks regulating protection and assistance for IDPs.³² Recognising that internal

23 The States Parties are: Angola, Benin, Burkina Faso, Central African Republic, Chad, Côte d’Ivoire, Congo, Djibouti, Gabon, The Gambia, Guinea-Bissau, Lesotho, Malawi, Mali, Mauritania, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Sierra Leone, Swaziland, Togo, Uganda, Zambia and Zimbabwe. See African Union, *List of Countries which have Signed/Ratified/Acceded to the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, April 2016.

24 *Kampala Convention*, supra note 6, article 1(k).

25 United Nations, *Guiding Principles on Internal Displacement* E/CN.4/1998/53/Add.2, United Nations, New York, 1998.

26 *African Charter on Human and Peoples’ Rights*, adopted 27 June 1981 and entered into force on 21 October 1986.

27 *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 (GCI)*; *Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 12 August 1949 (GCII)*; *Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (GCIII)*; *Geneva Convention Relative to the Protection of Civilian Persons in Times of War of 12 August 1949 (GCIV)*, adopted 12 August 1949, entered into force 21 October 1950.

28 *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflict of 8 June 1977 (Additional Protocol I)*; *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflict (Additional Protocol II)*, adopted on 8 June 1977 and entered into force on 7 December 1978.

29 *Kampala Convention*, supra note 6, article 5(1).

30 *Ibid.*, article 9(2)(b).

31 *Ibid.*, article 4(4)(b); *Geneva Convention IV*, supra note 27, article 49; *Additional Protocol II*, supra note 28, article 17(2); J.M Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law Study* (“CIHL Study”), 2005, Rule 129.

32 *Kampala Convention*, supra note 6, articles 3(2)(a) and 3(2)(c).

displacement is a temporary situation, the Convention also obliges States Parties to support IDPs in finding durable solutions to their displacement, including voluntary return, relocation and local integration.³³

Acknowledging that States experiencing crisis may sometimes require support and resources from other actors, the Convention outlines the obligations of other stakeholders, such as the African Union³⁴ and humanitarian organisations, including the obligation to operate in accordance with the principles of humanity, neutrality, impartiality and independence.³⁵ In particular, the Convention recognises the specific mandate of the ICRC to protect and assist persons affected by armed conflict and other situations of violence, as well as the specific roles of international organisations and agencies, including the protection expertise of the United Nations High Commissioner for Refugees (UNHCR).³⁶ In addressing the roles and obligations of other stakeholders, the Convention also imposes obligations on non-state armed groups.³⁷



Adamawa State, Yola.
Children are among the most vulnerable IDPs affected by the conflict.

³³ Ibid., articles 9(2)(e) and 11.

³⁴ Ibid., article 10.

³⁵ Ibid., article 6(3).

³⁶ Ibid., Preambular paragraph 12.

³⁷ Ibid., article 7(5)(b)(i).

METHODOLOGY

1. SCOPE OF THE RESEARCH

The aim of this research is to assess the operationalisation of the Kampala Convention vis-à-vis IDPs displaced as a result of the armed conflict in Borno, Adamawa and Yobe States. Although IDPs are present in many other States in Nigeria, the research has been limited to these three States as they host the highest number of IDPs who have been displaced as a result of the conflict. Within those three states, the geographical scope of the research has also been limited to Maiduguri, Yola, Mubi and Damaturu. Although the ICRC is now able to access areas in Borno State outside of Maiduguri, these areas have been excluded from the scope of the research for operational reasons.

The research does not attempt to be exhaustive, and does not assess every aspect of the Convention. Priority has been given to State obligations, particularly given that States Parties have the primary duty and responsibility to protect and assist IDPs in their territory. Where relevant, reference is also made to the work of humanitarian actors and NGOs in supporting the Government to fulfil its obligations.

Of the numerous State obligations under the Convention, the research examines obligations relating to: prevention; coordination; monitoring; financing; consultation with IDPs; assistance; protection; and durable solutions to displacement.

In parallel to this exercise, the ICRC has been carrying out a regional stocktaking exercise, examining best practices and challenges faced by African States in translating the Kampala Convention into practice.³⁸

2. METHODOLOGY AND SAMPLING

The research is primarily empirical and has been conducted through field surveys in Borno, Adamawa and Yobe States, consisting of a questionnaire, key informant interviews, focus group discussions and observations. The field survey was supported by additional key informant interviews in Abuja as well as a literature review. It was conducted over a 12 month period, with two survey periods (September 2015 and September 2016) to allow for comparative analysis of the evolving situation on the ground. The research was carried out jointly by ICRC staff and three external consultants, with support from volunteers from the Nigerian Red Cross Society (NRCS).

The field survey consisted of two components: on the one hand, a questionnaire and focus group discussions targeting IDPs and host communities; on the other hand, interviews with national authorities regarding their role, interventions, challenges, achievements and recommendations.

A total of 550 IDPs were surveyed – including 200 in Borno and Adamawa States, and 150 in Yobe State – using a questionnaire that was administered individually. The questionnaire was administered in 33 different locations across the three States, including in official IDP camps and host communities (targeting both IDPs residing with host families and those in informal settlements). For a full list of sites, see Annex I. The sampling methodology used was non-probability sampling, however the size of the sample was not proportional to the total population of interest.

The questionnaire was complemented by seven focus groups discussions across the three States, including two with IDP leaders, one with IDPs, three with members of the host communities and one with returnees in Adamawa State.

Both the questionnaire and the focus group discussions were framed around the provisions of the Kampala Convention, to assess the extent to which the needs of IDPs were being fulfilled, as well as the feelings of host communities towards the presence of IDPs in their community.

³⁸ ICRC, *Translating the Kampala Convention into Practice: A Stocktaking Exercise*, October 2016.

In addition to the questionnaire and focus group discussions, key informant interviews took place in each of the States and in Abuja. In total, 72 interviews were carried out with Federal, State and LGA authorities, including 41 interviews with civilian authorities and 15 with Armed and security forces. Interviews were also carried out with civil society organisations and selected United Nations agencies. For a full list of interviewees, see Annex II. Some authorities were interviewed twice and some were interviewed at both Federal and State levels. For the purposes of the report, information was shared on an anonymous basis, thus, particular sources are not identified.

3. LIMITATIONS AND CHALLENGES

The primary limitation in carrying out the research was the difficulty in addressing protection related concerns, primarily because of the composition of the data collection teams which included external consultants and NRCS volunteers. Given the sensitive nature of collecting protection related data, as well as the ICRC's specific working modalities, the research only addressed a number of the protection related obligations under the Convention. Protection concerns that are more appropriately addressed through confidential and bilateral dialogue with the authorities have not been included.

An additional challenge was that the sample size was restricted to 550 IDPs due to financial and operational reasons. Although this sample is not proportional to the total target population, the data has been supplemented by information from the seven focus group discussions and 72 key informant interviews. Additionally, the survey results have been complemented by findings from the following internal sector-specific assessments:

- ICRC assessment of assistance needs and protection concerns for IDPs in 14 IDP camps in Maiduguri (October/November 2015);³⁹
- ICRC livelihoods assessment for IDPs in Borno, Adamawa and Plateau States (November and December 2015);⁴⁰
- ICRC/NRCS assessment on returnees in Mubi (May 2015);⁴¹
- ICRC assessment on Mental Health and Psychosocial Support (MHPSS) in Girei and Vinikilan communities in Yola (September 2015);⁴²
- ICRC Assessment on the Needs of Returnee farmers in Maiha and Michika LGA of Adamawa State (February 2016);⁴³
- ICRC rapid assessment on MHPSS in the Daloram community, Maiduguri (May 2016);⁴⁴
- ICRC Baseline Study for Emergency Cash Relief Program for IDPs residing in the host community in Maiduguri metropolis (May 2016);⁴⁵
- ICRC protection assessment in 5 IDP camps in Maiduguri and Yola (September and October 2016).⁴⁶

39 ICRC, *IDP Camps Survey – Maiduguri Metropolis*, (internal report) November 2015. The assessment included 787 household interviews and 70 focus group discussions (FGDs) in 14 IDP camps in Maiduguri metropolis.

40 The assessment included 20 interviews, 52 FGDs, direct observation for 13 days, survey of 184 households and 28 case studies.

41 ICRC, *Assessment Report on Places of Return around Mubi Area* (internal report), May 2015. The assessment included interviews, 14 FGDs and interviews with 21 IDP households.

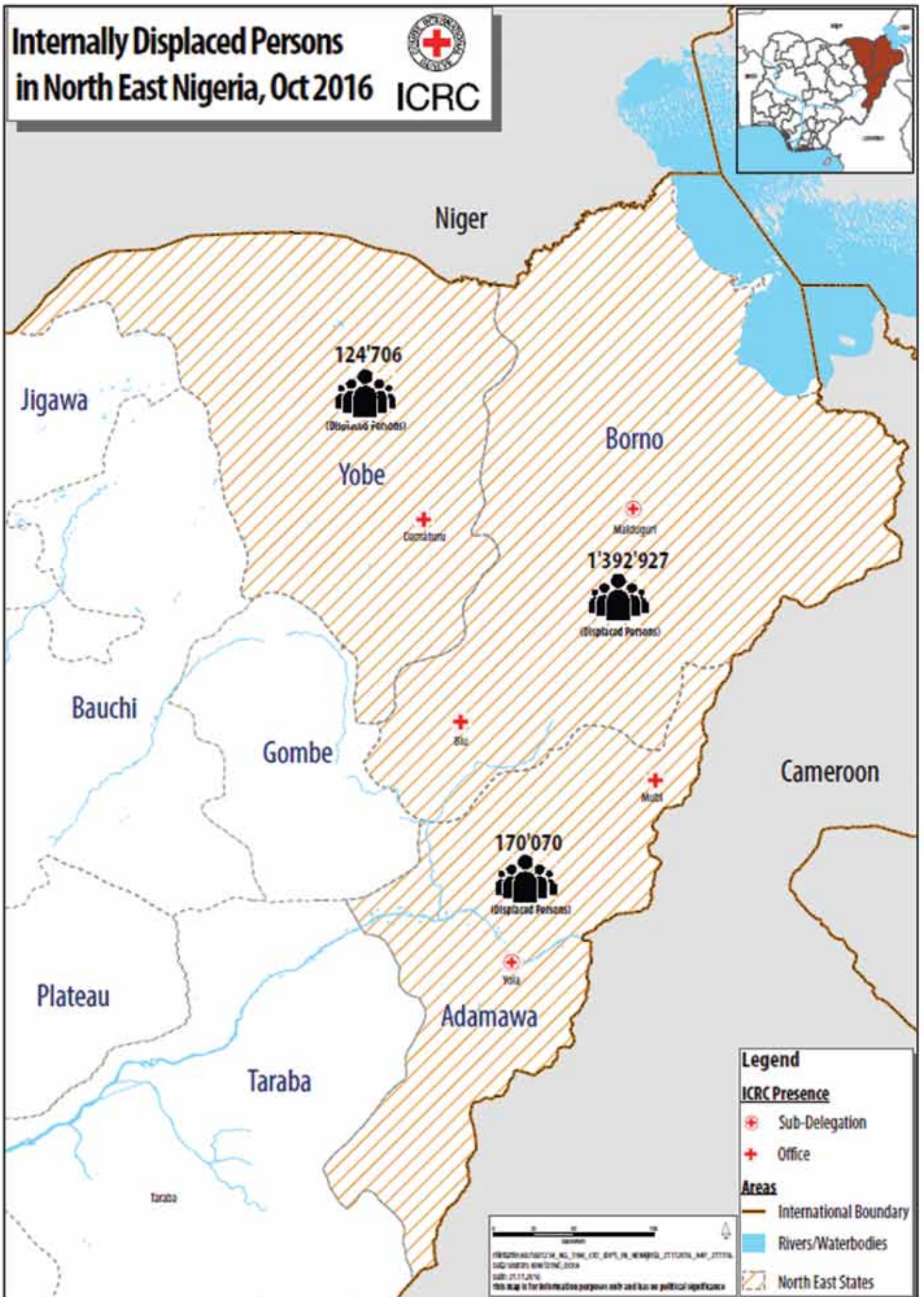
42 ICRC, *Assessment on Mental Health and Psychosocial Needs: IDPs Displaced into Host Communities of Girei and Vinikilan Local Government Areas, Yola, Adamawa State*, (internal report) September 2015. The assessment included interviews, meetings with community leaders, semi-structured interviews and FGDs with 304 IDPs.

43 ICRC, *Nigeria – Returnee Farmers in Maiha and Michika LGA of Adamawa State*, (internal report) February 2016. The assessment included interviews with authorities, traditional leaders and security agencies, as well as 21 FGDs and 123 individual interviews with returnee households.

44 The assessment involved 15 interviews in 2 IDP camps, 1 informal settlement and 1 Primary Health Care Centre in the Daloram community in Maiduguri.

45 The Study included interviews with 378 IDP households residing in the host community in Maiduguri metropolis.

46 The assessment involved interviews with camp authorities, security agencies, IDP Chairmen and Chairwomen, IDP leaders & IDPs.



FINDINGS AND RECOMMENDATIONS





Jesus Serrano Redondo/CRC

Borno State, Maiduguri. The elderly have been affected by the conflict. Most of them had to walk over mountains for days without food, medicines and water, leaving everything behind to reach safety.

1. PREVENTION

The obligations of States Parties under the Kampala Convention include obligations which must be implemented even before internal displacement occurs.

CORE OBLIGATIONS:

- (a) Incorporate obligations under the Convention into domestic law - **art 3(2)(a)**
- (b) Criminalise and ensure individual responsibility for acts of arbitrary displacement that amount to international crimes - **arts 4(6) and 3(1)(g)**
- (c) Adopt measures, including strategies and policies, on internal displacement at national and local levels, taking into account the needs of host communities - **art 3(2)(c)**

(a) Incorporate obligations under the Convention into domestic law

Currently, there is no specific legal framework for protection and assistance for IDPs in Nigeria. However, there are several general laws that provide protection for IDPs, and a draft bill currently before the National Assembly which seeks to domesticate the Kampala Convention.

Regarding the existing domestic legal framework, many provisions of the Kampala Convention are reflected in the *Nigerian Constitution 1999*, as well as the *African Charter on Human and People's Rights (Ratification and Enforcement) Act 1983*, both of which apply to all persons in the territory of Nigeria, including IDPs. In particular, both the Constitution and the *African Charter Act* protect the rights to

life,⁴⁷ dignity,⁴⁸ property,⁴⁹ privacy and family life,⁵⁰ personal liberty,⁵¹ freedom of movement⁵² and non-discrimination.⁵³ In addition, the *African Charter Act* protects the right to participate freely in government,⁵⁴ the right to health⁵⁵ (including the implied right to shelter),⁵⁶ as well as the right to education⁵⁷ and freedom of religion.⁵⁸ In ensuring protection of these fundamental rights, both laws provide a legal framework for victims, including IDPs, to seek redress for violations of their rights.⁵⁹

In 2016, significant efforts have been made to domesticate the Kampala Convention through a Bill sponsored by the Chairman of the House of Representatives Committee on IDPs, Refugees and North East Initiatives.⁶⁰ The Bill was submitted to the House of Representatives in April 2016 and passed the second reading in July 2016. The Bill is a positive step as it seeks to domesticate the Convention wholesale, meaning that the entire text of the Convention is contained in the Bill. That said, further work is required to ensure that all obligations under the Convention are incorporated into domestic law, including the obligation to criminalise acts of arbitrary displacement that amount to war crimes and crimes against humanity, as contained in article 4(6) of the Convention. In line with Nigeria's commitment to domesticate the Convention, as indicated at the Lake Chad Basin Regional Protection Dialogue in June 2016,⁶¹ additional legislative provisions will be required in the future to fully domesticate the Convention, including provisions regulating offences, penalties and jurisdiction for the above-mentioned crimes. In this regard, the African Union Model Law for Implementation of the Convention provides an important reference.⁶²

Additionally, the *North East Development Commission Bill* regulates some aspects of durable solutions for IDPs in the North East, including resettlement of IDPs.⁶³ This Bill has passed through two readings in both the House of Representatives and the Senate, and has recently been harmonised into a consolidated Act of the National Assembly, to be sent to the President for signature.

With a view to strengthening the legal framework, significant advocacy effects have been undertaken by the National Commission for Refugees, Migrants and IDPs (NCRMI), the Civil Society Legislative Advocacy Centre (CISLAC) and UNHCR, including through the National IDP Summit in June 2015, as well as a UNHCR sensitisation workshop at the National Assembly in November 2015. Additional efforts are required by all actors to increase awareness amongst national authorities of the rights of IDPs and the Government's obligations under the Kampala Convention.

(b) Criminalise and ensure individual responsibility for acts of arbitrary displacement

In addition to criminalising acts of arbitrary displacement that amount to international crimes, States Parties to the Convention must ensure individual responsibility for acts of arbitrary displacement, in accordance with applicable domestic and international criminal law. Accordingly, States must ensure that individuals alleged to have committed such crimes are investigated and prosecuted.

47 *Constitution of the Federal Republic of Nigeria 1999 ("Nigerian Constitution")*, section 33; *African Charter [Ratification and Enforcement] Act* 1983, CAP 10 LFN 2004 ("African Charter Act"), Schedule 1, article 4.

48 *Nigerian Constitution*, section 34(1)(a); *African Charter Act*, Schedule 1, article 5.

49 *Nigerian Constitution*, section 43; *African Charter Act*, Schedule 1, article 14.

50 *Nigerian Constitution*, section 37; *African Charter Act*, Schedule 1, article 18.

51 *Nigerian Constitution*, section 35; *African Charter Act*, Schedule 1, article 6.

52 *Nigerian Constitution*, section 41; *African Charter Act*, Schedule 1, article 12.

53 *Nigerian Constitution*, sections 15(2) and 42; *African Charter Act*, Schedule 1, article 2.

54 *African Charter Act*, Schedule 1, article 13(1).

55 *Ibid.*, Schedule 1, article 16.

56 *Social and Economic Rights Action Centre & Another v. Nigeria* (2001) AHRLR, para 62.

57 *African Charter Act*, Schedule 1, article 17.

58 *Ibid.*, Schedule 1, article 8.

59 *Nigerian Constitution*, section 46(1); *African Charter Act*, Schedule 1, article 55. See also *Fundamental Rights Enforcement Procedure Rules* 2009.

60 See Bill No. HB. 16.04.501, "Bill for an Act to Enable effect to be given in the Federal Republic of Nigeria to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and for Related Matters," National Assembly Journal, No. 21, Vol. 13, 27 April 2016. Previously, there have been other draft bills including: "A Bill for an Act to Repeal the National Commission for Refugees Act, CAP. N.21 LFN 2004 and Enact The National Commission For Refugees, Migrants And Internally Displaced Persons And Other Related Matters Act," 2012; "An Act to Protect the Rights of Internally Displaced Persons (IDPs) and to Prescribe Punishment for Violations Thereon and for Other Purposes," 2016.

61 At the Regional Protection Dialogue on the Lake Chad Basin, all four Lake Chad Basin countries committed to prioritising ratification, domestication and implementation of international conventions, including the Kampala Convention. See *Regional Protection Dialogue on the Lake Chad Basin: Abuja Action Statement*, 8 June 2016, para 6 <http://reliefweb.int/sites/reliefweb.int/files/resources/AbujaActionStatement-LakeChadBasinENGLISH.pdf> (last consulted 21 November 2016)

62 *African Union Model Law for the Implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, articles 54 – 58.

63 The proposed North East Development Commission would include a Humanitarian Services Department responsible for resettlement, rehabilitation and reconciliation for IDPs, Refugees and Returnees. See Report of the House of Representatives Committee on IDPs, Refugees and North East Initiatives, 2016, p.10.

As defined in article 4(4) of the Convention,⁶⁴ arbitrary displacement includes:

- Displacement based on policies of racial discrimination or other similar practices aimed at/resulting in altering the ethnic, religious or racial composition of the population;
- Individual or mass displacement of civilians in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand, in accordance with IHL;
- Displacement intentionally used as a method of warfare or due to other violations of IHL in situations of armed conflict;
- Displacement caused by generalised violence or violations of human rights;
- Displacement as a result of harmful practices;
- Forced evacuations in cases of natural or human made disasters or other causes if the evacuations are not required by the safety and health of those affected;
- Displacement used as collective punishment;
- Displacement caused by any act, event, factor or phenomenon of comparable gravity to the above, and which is not justified under international law, including IHL and IHRL.

As noted above, arbitrary displacement is not yet criminalised under Nigerian domestic law, and does not form part of the Bill currently before the National Assembly.

(c) Adopt other measures, including strategies or policies on internal displacement

Although not a binding legal obligation, article 3(2)(c) of the Convention encourages States Parties, where appropriate, to develop strategies and policies at both national and local levels, taking into account the needs of host communities. Such documents can provide an essential tool for operationalising the Convention, provided that they entail concrete measures for implementing the obligations and effective mechanisms for review and monitoring of implementation efforts.

In this regard, significant progress has been achieved by multiple actors – including national authorities and civil society organisations – to develop a National IDP Policy for Nigeria.⁶⁵ This Policy was finalised in 2012 after 10 years of extensive consultations, and provides an important framework for implementing the Convention, including to affirm the rights of IDPs during and after displacement, and to underline that national authorities have the primary responsibility to assist and protect IDPs.⁶⁶ Unfortunately this Policy has never been formally adopted by the Federal Executive Council, meaning that it is not operational.

RECOMMENDATIONS ON PREVENTION

Recommendation 1: The National Assembly and the President of the Federal Republic of Nigeria should ensure speedy passage and signature of the Bill to domesticate the Kampala Convention, which is currently before the House of Representatives.

Recommendation 2: The Federal Ministry of Justice and the Law Reform Commission should take steps to ensure that acts of arbitrary displacement, as defined under the Convention, are criminalised under Nigerian law.

Recommendation 3: The National Commission for Refugees, Migrants and IDPs should initiate a review of the National IDP Policy, to ensure that it takes into account the current coordination architecture for the humanitarian response in the North East, and includes concrete means of implementation and review of implementation efforts.

Recommendation 4: Relevant State and Federal authorities should take steps to promote awareness on the rights of IDPs and the obligation of national authorities to protect and assist IDPs, including through sensitisation sessions with actors directly involved in assistance and protection (e.g. camp authorities, Armed and security forces), as well as IDPs themselves.

⁶⁴ Kampala Convention, *supra* note 6, article 4(4).

⁶⁵ National Policy on Internally Displaced Persons (IDPs) in Nigeria, August 2012.

⁶⁶ The Policy recalls many of the core provisions of the Kampala Convention, including for example that it is the primary duty and responsibility of the State to assist and protection IDPs. *Ibid.*, p. 38.



Maiduguri, Borno State. IDPs in an IDP camp during a distribution

2. COORDINATION, FINANCING, MONITORING AND CONSULTATION WITH IDPS

Aside from preventing arbitrary displacement, the core objective of the Kampala Convention is to ensure assistance and protection for IDPs during the period of displacement. In this regard, the Convention sets out a number of overarching obligations that relate to the way in which a State's humanitarian response should be developed and implemented.

CORE OBLIGATIONS:

- (a) Designate an authority, where needed, that is responsible for coordinating protection and assistance activities and assign responsibilities to appropriate organs for protection and assistance - **art 3(2)(b)**
- (b) Provide, to the extent possible, necessary funds for protection and assistance - **art 3(2)(d)**
- (c) Monitor and evaluate the effectiveness and impact of humanitarian assistance, in accordance with relevant standards - **art 9(2)(m)**
- (d) Assess the needs and vulnerabilities of IDPs - **art 5(5)**
- (e) Consult with IDPs and allow them to participate in decisions relating to their protection and assistance - **art 9(2)(k)**

(a) Designate a coordinating authority or body, where needed, and assign responsibilities to appropriate organs for protection and assistance

The current humanitarian response to IDPs in Borno, Adamawa and Yobe States involves a diverse number of actors, including Federal and State Ministries, Departments and Agencies (MDAs),⁶⁷ as well as local NGOs and international humanitarian actors.⁶⁸ While each of these MDAs has important experience and expertise in diverse areas, results from the key informant interviews and ICRC observations in the field indicate that the mandate, responsibility and activities of each actor is not always clear and/or understood by others. Identifying who is doing what and where, remains a challenge.

At the Federal level, the National Humanitarian Forum – chaired by the National Emergency Management Agency (NEMA) and co-chaired by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) – was re-established in June 2016 as the primary platform for coordination between the various MDAs and between national authorities and international humanitarian actors.⁶⁹ In September 2016, this coordination architecture was reinforced through the creation of an Inter-Ministerial Task Force (IMTF), led by the Federal Ministry of Budget and National Planning, which has been mandated by the President to coordinate the humanitarian response in the North East. The Task Force is composed of relevant Federal Ministers, who have been assigned responsibility for sector-specific Working Groups.⁷⁰ Each Minister has appointed a Humanitarian Officer to chair the relevant Working Groups; and the Minister for Budget and Planning has appointed a Chief Humanitarian Coordinator to chair the IMTF.

The IMTF will also oversee the work of NEMA⁷¹ and the Presidential Committee on North East Initiatives (PCNI), which was inaugurated in October 2016 with a three year mandate to develop “the strategy and implementation framework for rebuilding the North East Region;”⁷² in essence, to implement “The Buhari Plan for Rebuilding the North East.”⁷³ While this Plan focuses primarily on medium to long-term recovery, it also covers, among others, provision of immediate humanitarian relief, decongestion of formal IDP camps, and provision of psychosocial support for victims of sexual and gender based violence.⁷⁴

At the State level, coordination occurs through the Humanitarian Coordination Forums, chaired by NEMA and/or the relevant State Emergency Management Agency (SEMA), with support from UNOCHA. This Forum exists in all three States and provides a platform for coordination between the State level sector-specific working groups.⁷⁵ Additionally, ad hoc committees have been created to deal with specific challenges, for example, the High Powered Committee for Reopening of Schools (Maiduguri),

67 Major State actors currently involved in assistance and protection include: the State Emergency Management Agency (SEMA) in each of the three States; the National Emergency Management Agency (NEMA); National Human Rights Commission (NHRC); the Victims Trust Fund (VSF); the Presidential Committee for North East Initiatives (PCNI); and State and Federal Ministries for Water Resources, Health, Agriculture, Women and Social Affairs and Education. In addition, Nigerian Red Cross Society (NRCS) is supporting the Government in its role as auxiliary to the public authorities. See *Nigerian Red Cross Society Act 1961*, CAP N.130 LFN 2004, section 5(1).

68 As at January 2016, there were 62 humanitarian organisations operating in the four states in the North East. See United Nations Office for Humanitarian Affairs (UNOCHA), *The Humanitarian Response Plan 2016*, December 2015, p. 10.

69 Prior to this, international humanitarian actors were meeting regularly through the Humanitarian Coordination Team (HCT) chaired by the UN Humanitarian Coordinator; as well as sector-specific Working Groups for the following sectors: Protection, Shelter/NFI/CCCM, WASH, Mental Health and Psycho Social (MHPSS), Nutrition, Food security and Cash, as well as Sub-Working Groups for Child Protection and Sexual and Gender-Based Violence. In November 2016, an Operational Humanitarian Country Team (OHCT) met for the first time in Maiduguri.

70 The Minister of Agriculture is responsible for food security; the Minister of Education is responsible for Education; the Minister of Health is responsible for Health and Nutrition; the Minister of Interior is responsible for Logistics and Protection; the Minister of Power, Works and Housing is responsible for Shelter; the Minister of Water Resources is responsible for Water, Sanitation and Hygiene; the Minister for Budget and National Planning is responsible for Camp Coordination and Early Recovery; and the Minister of Communications Technology is responsible for Telecommunications.

71 NEMA's mandate is to provide emergency relief to victims of natural and man-made disasters. See *National Emergency Management Agency Act (Establishment, Etc.) Act 1999*, CAP N.34 LFN 2004, section 6(1)(j).

72 The Committee was inaugurated by President Muhammadu Buhari on 26 October 2016 and is housed in the Presidency. It has an initial mandate of three years and will “be the apex coordinating body for all interventions in the region including those by the public, private, national and international development partners.” According to the President’s inauguration speech, it will likely be succeeded by a longterm regional development framework. See Punch, “Buhari Inaugurates Presidential Committee on North East Initiatives,” 26 October 2016, available at: <http://punchng.com/buhari-inaugurates-presidential-committee-north-east-initiative-full-speech/> (last consulted 21 November 2016). Activities previously carried out by the Presidential Initiative on the North East (PINE) and Safe Schools Initiative, have been taken over by PCNI.

73 The Buhari Plan is an amalgamation of the North East States Transformation Strategy (developed by the State Governments of the North East); the Emergency Assistance, Social Stabilization and Economic Reconstruction and Redevelopment Plans (developed by PINE); and the Recovery and Rehabilitation Assessment (carried out by the Office of the Vice President in collaboration with the six North Eastern State Governments, the EU, the UN and the World Bank). See PCNI, “Rebuilding the North East: The Buhari Plan, Executive Summary,” June 2016, p. 5.

74 *Ibid.*, pp. 10 and 12.

75 Working Groups exist in all three States for the following sectors: Health and Nutrition, WASH, Shelter/NFI/Camp Coordination and Camp Management (CCCM), Education, Food Security, Protection. In Borno and Adamawa, there is also a Child Protection Sub-Working Group and Sexual and Gender Based Violence Sub-Working Group. Each of the sector working groups is chaired by the relevant line Ministry or Agency, with support from international humanitarian organisations.

the Technical Committee for Returns from Cameroon (Yola), the Recovery and Rehabilitation Steering Committee (Yobe) and most recently, the Return Task Force (Maiduguri).

Although it is too early to assess the concrete impact of the Inter-Ministerial Task Force, it is vital that all possible efforts are made to ensure that this platform addresses the coordination challenges that have existed to date, not only at the Federal level, but between Federal and State authorities. Lack of coordination between different actors was identified as a challenge during the key informant interviews in both September 2015 and September 2016,⁷⁶ and has also been highlighted as a key challenge in forums such as the National Summit on IDPs in July 2015⁷⁷ and the 2nd Regional Security Summit in May 2016.⁷⁸

One important difficulty contributing to coordination challenges has been the lack of clarity regarding the role and responsibilities of the various actors. While some national authorities have a clear mandate in humanitarian assistance and protection – for example, the NHRC is mandated “to deal with all matters relating to the promotion and protection of human rights guaranteed” by international and regional treaties to which Nigeria is a State Party, including the Kampala Convention⁷⁹ – the role of other national authorities, particularly ad hoc bodies, has been less clear. In this regard, it is positive that steps have been taken to consolidate the numerous ad hoc bodies at the Federal level and clarify the role and mandate of PCNI.

In practice, lack of substantive coordination has resulted in lack of planning and preparation on the ground. For example, coordination, planning and preparation for the relocation of IDPs from schools in Maiduguri has not been entirely smooth, particularly at the beginning when decisions were taken without proper consultation with relevant Ministries and humanitarian actors, leading to unrealistic expectations. Although relocation has taken place for some camps, others have not relocated because the new sites are not yet ready, even a year after the relocation was supposed to take place. Coordination has also been poor between the different bodies involved in the return of Nigerians from Cameroon. As a result, large groups of IDPs have arrived in several locations – at the border with Cameroon; in Mubi transit camp; in IDP camps in Yola; and even in some IDP camps in Maiduguri – without adequate preparation. As none of these sites were ready when IDPs arrived, living conditions were very difficult and those responsible for meeting the needs of IDPs were forced to respond with poor quality assistance.

More recently, information sharing and coordination challenges have arisen in relation to return of IDPs from Maiduguri back to their LGAs, including Mafa, Dikwa, Monguno, Konduga and Ngala. These movements have been facilitated by the State and LGA authorities with limited consultation with humanitarian actors. As a result, many humanitarian organisations do not have accurate information regarding the number of IDPs and conditions of return, meaning that it is difficult to provide appropriate assistance and protection interventions, particularly when the humanitarian needs in those areas are already critical due to IDPs arriving from conflict areas. In some cases, lack of proper planning and coordination means that the return process has not been sustainable and IDPs have come back to Maiduguri.

(b) Provide necessary funds for protection and assistance of IDPs

Nigeria’s emergency humanitarian response for IDPs in the North East is funded by both the State and Federal Governments, primarily through NEMA and SEMA. In general, it is difficult to have an accurate picture of the financial resources available to national authorities, as key informant interviewees were generally not able to give an indication of the budget of their Department or Agency.

At the Federal level, the 2016 budget included 126.8 billion Naira for the North East.⁸⁰ NEMA reportedly received an overall budget of 1.4 billion Naira, although it is unclear how much was dedicated to the assistance and protection of IDPs in the North East. Assistance for IDPs is also being funded through

⁷⁶ In particular, respondents identified challenges arising from lack of coordination between State and Federal authorities, as well as challenges in coordinating between all relevant actors within IDP camps.

⁷⁷ See Communiqué: National Summit on IDPs, 19 and 20 July 2015.

⁷⁸ MFA, *Consolidated Report of the 2nd Regional Security Summit Meeting of Experts Between the 12th to the 13th of May 2016*, Abuja, p.7.

⁷⁹ See *National Human Rights Commission Act 1995*, CAP N.46 LFN 2004, and *National Human Rights Commission (Amendment) Act 2010*, section 5(a). See also, the *Nigerian Red Cross Society Act*, setting out the mandate of the NRCS “to assist in work for the improvement of health, prevention of disease and mitigation of suffering...” See *Nigerian Red Cross Act*, *supra* note 67, section 4(1)(c).

⁸⁰ PCNI, *supra* note 73, p. 21.

ad hoc federal structures such as PCNI, which has a proposed budget of over 223 million Naira for emergency humanitarian assistance during the first year of implementation of the Buhari Plan.⁸¹ Additionally, the Victim Support Fund (VSF) – which is a not-for-profit foundation overseen by the Presidential Committee on Victim Support Fund (CVSF) – has raised approximately 20 billion Naira in private donations,⁸² part of which is dedicated to assistance programs for IDPs.⁸³ VSF has also provided initial funding for PCNI.

In terms of durable solutions, funds are being directed through the Borno Ministry for Reconstruction, Rehabilitation and Resettlement, which has a 2016 budget of 10 billion Naira (including funds from VSF) for rebuilding affected towns and villages in Borno State and resettlement of IDPs.⁸⁴ According to the Buhari Plan, a budget of 333 billion Naira is proposed over the first 2 years for rehabilitation, relocation and resettlement of IDPs.⁸⁵

Despite the important financial commitments from both Federal and State Governments, results from both the individual questionnaire and key informant interviews indicate that many MDAs do not have enough financial resources to fulfil their mandate. For example, most State Ministries do not have additional budget to support IDPs, meaning that their financial capacity – already limited prior to the conflict – is unable to cope with the additional needs. In some cases, the recession has meant that some State Ministries and SEMAs have not even received their regular budget. For example, as at September 2016, ADSEMA had not been funded for the previous 6 months. From the key informant interviews, the only notable exception to this trend was military and security forces, who indicated that they generally have adequate financial resources to fulfil their mandate vis-à-vis IDPs.

Even when funds are allocated, there have been numerous challenges in ensuring that food and relief materials reach the beneficiaries. For example, in August 2016 it was reported in the media that 60 trucks carrying grains intended for IDPs in Borno State, were allegedly diverted by a Government contractor.⁸⁶ In response to allegations such as this, the authorities have launched several processes to investigate alleged diversion of relief materials and monitor distribution of assistance.⁸⁷

During the key informant interviews, many respondents also emphasised that international partners must support the Nigerian Government in responding to the humanitarian needs in the North East. In this regard, it should be noted that as at October 2016, the revised budget for the 2016 Humanitarian Response Plan for the six North Eastern States (USD \$484 million) was only 36% funded.⁸⁸ It should also be noted that many international partners struggle to accurately identify the gaps in the humanitarian response, due to difficulties in accessing relevant information from the authorities such as plans, budgets and achievements.

(c) Monitor and evaluate the effectiveness of humanitarian assistance

Currently, there is no coordinated or harmonised system at the Federal, State or LGA levels for monitoring or evaluating assistance to IDPs. However, the ICRC has observed that monitoring of assistance interventions takes place at varying levels within some of the Ministries and Agencies. For example,

81 Ibid., p. 27. PCNI has initially been funded by VSF; however, according to the inauguration speech by President Muhammadu Buhari, it will now be funded through Federal, State and Local Government appropriation. See Punch, *supra* note 72.

82 PCNI, *supra* note 73, p. 19.

83 The Terms of Reference for VSF focus on providing support to victims terror activities in Nigeria, however, beneficiaries of some of the programs have included IDPs. See <http://victimssupportfundng.org/what-we-do/> (last consulted 21 November 2016).

84 The Guardian, "Borno Creates Ministry to Rebuild, Rehabilitate Communities Destroyed by Insurgents," 19 September 2015 available at: <http://guardian.ng/news/orno-creates-ministry-to-rebuild-rehabilitate-communities-destroyed-by-insurgents/> (last consulted 21 November 2016); The Daily Post, "Shettima allocates 70 per cent of Borno's N155bn budget to capital projects," 30 December 2015, available at: <http://dailypost.ng/2015/12/30/shettima-allocates-70-per-cent-of-bornos-n155bn-budget-to-capital-projects/> (last consulted 21 November 2016).

85 PCNI, *supra* note 73, p. 20.

86 Vanguard, "Contractor diverts 60 trucks of grains meant for Borno IDPs," 9 August 2016, available at: <http://www.vanguardngr.com/2016/08/contractor-diverts-60-trucks-grains-meant-borno-idps/> (last consulted 21 November 2016).

87 For example, President Muhammadu Buhari has requested the Inspector General of Police to investigate allegations of Government officials stealing food. See Vanguard, "Buhari orders arrest of officials diverting IDPs relief materials," 2 September 2016, available at: <http://www.vanguardngr.com/2016/09/buhari-orders-arrest-officials-diverting-idps-relief-materials/> (last consulted 21 November 2016). The Borno State Governor has established an Independent Task Force to monitor food supply and distribution of food in IDP camps. See The Guardian, "Gov. Shettima Sets up Task Force on IDPs Feeding," 1 February 2016, available at: <http://guardian.ng/news/gov-shettima-sets-up-task-force-on-idps-feeding/> (last consulted 21 November 2016). The Senate President has established an Ad Hoc Committee to look into alleged diversion of relief materials by Government contractors. See This Day, "Senate probes Presidential Committee, Agric Ministry over Diversion of N5bn IDP funds," 5 October 2016, available at: <http://www.thisdaylive.com/index.php/2016/10/05/senate-probes-presidential-committee-agric-ministry-over-diversion-of-n5bn-idp-funds/> (last consulted 21 November 2016).

88 UNOCHA, *Humanitarian Bulletin Nigeria, Issue 17*, October 2016, p.1.

at the camp level, interlocutors indicated that monitoring mechanisms range from oversight during distributions, cooking, teaching and cleaning; to consultation with IDPs and coordination meetings to review what each actor is doing. Other monitoring mechanisms include Local Emergency Management Committees, established by ADSEMA to oversee distributions.

Additionally, several ad hoc monitoring and oversight structures have been established at the State and Federal levels, including the Independent Task Force on Feeding, Food Supply and Monitoring of Distribution in IDP Camps, which was established in February 2016 with a mandate to ascertain the number of IDPs in IDP camps and ensure proper records of supply, distribution and use of food items for IDPs. More recently, the Senate President has established an Ad Hoc Committee to look into alleged diversion of relief materials by Government contractors.⁸⁹ Finally, it should be noted that the Inspector General of Police has recently established a Special Investigation Committee to investigate alleged cases of sexual violence, including sexual exploitation by authorities, in IDP camps in Maiduguri, Borno State.⁹⁰

Despite these existing mechanisms, monitoring and evaluation of assistance and protection interventions is one area where significant improvement is required. As acknowledged during the key informant interviews, the capacity of national authorities in this area remains weak. Yet the scale and complexity of the humanitarian crisis requires both coordination and accountability mechanisms which will allow for a comprehensive and holistic response. Given the important efforts being made by the national authorities, particularly in the area of assistance, it is vital to put in place mechanisms that can help to ensure that Government funds translate into concrete results for IDPs. In this regard, it is positive to note that the Buhari Plan – although not yet implemented – proposes a standardised results-based monitoring and evaluation framework for *all* projects, programs and policies in the North East.⁹¹ Accountability requires that activities respond to people's real needs and priority concerns, and make use of available resources most effectively.

(d) Assess the needs and vulnerabilities of IDPs

The majority of State and Federal authorities involved in protection and assistance of IDPs are aware of the importance of assessing the needs and vulnerabilities of IDPs, as a first and vital step in developing meaningful interventions that respond to these needs.

Since July 2014, the International Organisation of Migration (IOM) has been working with national authorities, including NEMA, the respective SEMAs and the NRCS, to collect and disseminate data on the location and number of IDPs in the North East.⁹² While not providing an in-depth needs assessment, the DTM has played a key role in providing national authorities and humanitarian actors with more accurate estimates on the scale of the humanitarian crisis.

Concerning protection concerns and vulnerabilities, UNHCR has supported the NHRC and other national authorities, to implement an IDP Protection Monitoring Project in the North East.⁹³ Although the Project began with 310 Monitors in 10 States in the North East and North Central, this was scaled back in 2016 to 100 monitors in five States in the North East (Borno State is not included as protection monitoring in Borno is carried out jointly by UNHCR and the International Rescue Committee). The primary aim of the Project is to profile the protection risks and needs of the most vulnerable IDP households, including IDPs residing in camps as well as those residing in host communities.⁹⁴

In late 2015 and early 2016, the Office of the Vice President, in collaboration with the State Governments in Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe, as well as the European Union, the UN and the World Bank, carried out a Recovery and Peacebuilding Assessment (RPBA) in the six aforementioned States.⁹⁵ Although the assessment was much broader in scope, it included the short and mid-term

89 *The Vanguard*, "Senate probes diversion of N5bn IDPs funds," 5 October 2016, available at: <http://www.vanguardngr.com/2016/10/senate-probes-diversion-n5bn-idps-funds/> (last consulted 15 November 2016).

90 The establishment of the Committee was announced on 3 November 2016 in response to a report by Human Rights Watch, alleging 43 cases of sexual abuse in 7 IDP camps in Maiduguri, Borno State. See PRNigeria News Release 161103, "IGP Set up Special Investigation to Investigate Alleged Abuses at Internally Displaced Persons (IDP) Camps reported by Human Rights Watch."

91 PCNI, *supra* note 73, p. 17.

92 See IOM, DTM, available at: <https://nigeria.iom.int/dtm> (last consulted 21 November 2016)

93 MFA, *Consolidated Report of the 2nd Regional Security Summit*, *supra* note 78, p. 9.

94 See for example, UNHCR, *Nigeria: Monthly Update*, August 2016, p.3; UNHCR, *Nigerian: Monthly Update*, September 2016, p. 3.

95 The Federal Republic of Nigeria, *North East Nigeria Recovery and Peace Building Assessment: Synthesis Report, Volume I*, 2015 ("RPBA") pp. 2, 7, 13.

protection and assistance needs of the affected population, including IDPs in both camps and host communities.⁹⁶

(e) Consult with IDPs and allow them to participate in decisions about assistance and protection

While many actors indicate that they consult with IDPs as part of the assessment process, results from the key informant interviews, the individual questionnaire and focus group discussions, indicate that the quality and quantity of consultation is not consistent. From the results of the second round of the questionnaire in September 2016, only 53% of respondents had been consulted on their needs, primarily in relation to food and water. Moreover, only 29% of respondents had been able to participate in decisions regarding their protection and assistance needs. Several IDP Chairmen also expressed concerns over the lack of (or limited) interaction that they have with humanitarian actors, who do not consult with the relevant IDP Chairmen, or inform them about their activities in the camps.

The results of the ICRC's assessment of 14 IDP camps in Maiduguri in October/November 2015 indicated an even lower level of consultation with IDPs. For instance, out of 15 IDP community leaders, only 5 had been consulted by the camp authorities about the needs of IDPs. Moreover, IDP leaders indicated that they were only consulted regarding the quantity and quality of the food distributed in the camps but not involved in discussions regarding the overall management of the camps or other issues. Since this time, efforts have been made in some camps to ensure that IDP leaders play a more active role in camp management. For example, in some IDP camps in Maiduguri, representatives from the IDP population (usually the LGA Chairmen) are incorporated into Camp Management Teams, which meet on a regular basis to ensure effective coordination within the camps.

In many of the IDP camps, consultation with IDPs and participation of IDPs in decisions regarding assistance and protection is facilitated through IDP Committees, composed of IDP leaders and headed by an IDP Camp Chairman. In some camps, there are also IDP Camp Chairwomen, and in Yola, the Committees regularly include youth and kitchen leaders as well as elderly IDPs. The role of the Committee is to report the needs of IDPs to the camp authorities, and likewise, make sure that IDPs are consulted on matters relating to protection and assistance. While this mechanism appears to function adequately in some camps, this is not always the case. From the results of the second round of the questionnaire in September 2016, 63% of respondents rated the performance of the IDP Committee as average or less than average. Thus, although IDP Committees can provide an important mechanism for consultation, it is vital that authorities develop additional ways of consulting with IDPs, in order to ensure that the needs and concerns of all IDPs, including vulnerable IDPs, are taken into account.

As discussed further below, consultation with IDPs is vital not only in relation to assistance and protection but also regarding durable solutions, including return to areas of habitual residence.

RECOMMENDATIONS ON COORDINATION, FINANCING, MONITORING & CONSULTATION

Coordination

Recommendation 5: The Federal Minister for Budget and National Planning should ensure that the Inter-Ministerial Task Force achieves substantive coordination, including between State and Federal authorities, and that the roles and responsibilities of national authorities are further clarified, particularly for those involved in protection of IDPs. In order to ensure coordination between State and Federal authorities, the Minister should consider establishing a decentralised operational branch of the Task-Force in the North East.

Recommendation 6: The Office of the Vice President should ensure that the role and responsibility of PCNI vis-a-vis the Federal and State Ministries, is clearly defined and communicated. Relevant national authorities must ensure that PCNI has an institutional structure, adequate resources and operational plan that will enable it to effectively coordinate the short, mid and long-term response in the North East.

⁹⁶ Ibid., pp. 7 and 13.

Recommendation 7: State authorities should take steps to strengthen state level coordination mechanisms, including to involve State Ministers in coordination structures.

Recommendation 8: Federal and State authorities improve coordination with international partners and humanitarian actors, including by being proactive in sharing information that will allow for more accurate analysis of the gaps in the Government's response.

Recommendation 9: National authorities should take steps to ensure better coordination between civilian and military authorities at State and LGA levels, particularly concerning movements of IDPs, including IDPs arriving from conflict areas and those being relocated back to their LGAs.

Financing and monitoring

Recommendation 10: Federal and State Governments must ensure adequate funding to line Ministries and other authorities involved in protection and assistance of IDPs, in order to ensure that they can fulfil their responsibilities. Line Ministries must be allocated a specific budget to respond to the humanitarian crisis, in addition to fulfilling their regular responsibilities.

Recommendation 11: Federal and State Ministries, as well as other authorities involved in protection and assistance of IDPs, should establish procedures for monitoring the impact of their interventions to IDPs.

Recommendation 12: Federal authorities should establish an independent monitoring mechanism to oversee the assistance and protection provided by national authorities and ensure accountability to IDPs. The mechanism should include a system that will allow beneficiaries to provide feedback regarding assistance and protection interventions, for example, a hotline or radio platform.

Consultation with IDPs and participation in decision-making

Recommendation 13: Authorities at all levels must ensure that IDPs are systematically consulted in a meaningful way on decisions that affect them, including in relation to protection concerns and durable solutions to displacement. State and local authorities should ensure that they consult with both IDP Chairmen, Chairwomen and IDP leaders, as well as the most vulnerable IDPs, such as women, elderly persons, persons with disabilities and children.

Recommendation 14: Bearing in mind that IDP Committees may not represent the views of all IDPs, camp authorities should ensure that they consult with IDPs who are not part of IDP Committees, particularly women and youth.

Recommendation 15: Camp authorities should ensure that IDPs are more involved in the management of all IDP camps and that IDP representatives (including, but not limited to IDP Committee members) participate regularly in camp coordination meetings.



Brothers Yusuf and Ahmed, aged 11 and 12 years, were reunited with their elder brothers and grandmother in Maiduguri, after spending four months in an IDP camps in Yola.

3. PROTECTION OF IDPS

States Parties to the Kampala Convention have the primary duty and responsibility to protect IDPs in their territory or jurisdiction.⁹⁷ As noted above, this report does not address all of the protection obligations included in the Kampala Convention. Information from the survey that is of a more sensitive nature will be shared directly with relevant authorities through a confidential bilateral dialogue.

CORE OBLIGATIONS:

- (a) Ensure that IDPs are received without discrimination and live in satisfactory conditions of safety, dignity and security - **art 9(2)(a)**
- (b) Respect and maintain the civilian and humanitarian character of the places where IDPs are sheltered, and safeguard such locations against infiltration by armed groups or elements and disarm and separate such groups or elements from IDPs - **art 9(2)(g)**
- (c) Guarantee the freedom of movement and choice of residence of IDPs - **art 9(2)(f)**
- (d) Take necessary measures to trace and reunify families - **art 9(2)(h)**
- (e) Create and maintain an updated register of IDPs - **art 13(1)**

(a) Ensure that IDPs are received without discrimination and live in satisfactory conditions of safety, dignity and security

Through its activities in Borno, Adamawa and Yobe States, the ICRC has observed that IDPs have sometimes faced discrimination based on where they are coming from. For example, IDPs that were repatriated from Cameroon in 2015 indicated that they were sometimes treated with suspicion by the

⁹⁷ *Kampala Convention, supra note, 6, article 5(1).*

security forces and other IDPs. Likewise, IDPs who have lived in areas previously controlled by the armed opposition have faced discrimination from other IDPs. Additionally, it has been observed that IDPs may face discrimination in accessing employment opportunities, including denial of work opportunities or lower wages if compared to residents.

Concerning security arrangements, 81% of the IDPs surveyed indicated that security was either adequate or fairly adequate; while only 15% felt that security was either inadequate or non-existent. IDPs living in camps felt more secure than those living in host communities or informal settlements. In addition, the majority of respondents indicated that they felt respected and that their living conditions in the camps were dignified. In several of the IDP camps, IDPs indicated that they have a good relationship with the security personnel stationed at the camp and generally feel secure.

Security at official IDP camps and some informal settlements is provided by joint security forces, composed of personnel from the Nigerian Army or Airforce, the Nigerian Police Force (NPF), National Security Defence Corp (NSDC), the Nigerian Immigration Service, Civilian Joint Task Force (CJTF) and the Department of State Security Services (DSS). The core functions of the military and security forces are: to provide security at the gate, including screening persons who enter and exit the camp and facilitating the pass systems that regulate movement of IDPs in and out of the majority of IDP camps; to secure the external perimeter of the camps; and to carry out patrols within the camps. Law enforcement within the camps is managed by the NPF, who have transferred their police structures from the LGAs into the camps. CJTF are present inside the camp – often residing in the camp – and reporting directly to the Camp Commander, including to share information and identify members of the armed opposition if required.⁹⁸

Throughout 2015 and 2016, the joint security forces have implemented a number of security measures in IDP camps in all three States, including screening of all new arrivals⁹⁹ and restrictions on movement of IDPs in and out of the camps¹⁰⁰ (discussed below), as well as restrictions on family visits. The measures have evolved – and continue to evolve – in response to the fluctuating security situation.¹⁰¹ For this reason, it is difficult to have an accurate picture of the security measures in place in a particular IDP camp at any given time. The analysis below is based on information collected up until early October 2016, prior to security incidents near Muna Garage IDP Camp and at Bakassi IDP Camp in Maiduguri, Borno in mid-October 2016; as well as multiple security incidents in mid-November 2016, including near Muna Garage IDP camp and at Mafa-Maiduguri check-point.

Between 2015 and 2016, significant changes can be observed with respect to restrictions on family visits for IDPs in both Yola and Maiduguri. Compared to the situation in September 2015 – when family visits were not allowed or were only taking place at the gate for a limited amount of time¹⁰² – information collected at the end of September 2016 indicates that family visits were taking place in the majority of IDP camps. For instance, in Federal Training Centre (FTC) Camp, Maiduguri, family visits were taking place from Monday to Friday; relatives could stay in the camp from 9am to 2pm and the number of relatives allowed to enter the camp was not restricted. In Fufore IDP Camp, family visits could take place every day and visitors were allowed to stay for the whole day and could bring food.¹⁰³

Regarding other protection concerns, it is difficult to have an accurate picture of the extent to which IDPs are affected by sexual violence (including sexual exploitation), primarily due to the fact that stigmatisation of victims is extremely high and silence appears to be the primary coping mechanism for victims of sexual violence. However, in several of the camps, camp authorities indicated in September 2016 that sexual relations outside of marriage is a problem, that challenges exist with young girls

⁹⁸ According to the key informant interviews, security in the camps has improved, but there are still challenges. For instance, in May 2016, five persons suspected of belonging to the armed opposition were reportedly arrested in Federal Training Centre (FTC) Camp and two in Dalori 2 Camp in Maiduguri, Borno State.

⁹⁹ Screening procedures are addressed in section (c).

¹⁰⁰ Restrictions on movement are addressed in section (d).

¹⁰¹ Previously, security measures have been put in place in response to security incidents in or near IDP camps, for example, the attack in Malkhoi IDP camp, Yola, Adamawa State in September 2015; and the attack in Dalori village, Maiduguri Borno State (approximately 6km from FTC Camp and Dalori II Camp) in January 2016.

¹⁰² For example, the ICRC's assessment of 14 IDP camps in Maiduguri in October/November 2015 revealed that family members were able to visit their relatives in some IDPs camps (although the number of visits was sometimes limited); while in other camps, visits were only allowed at the gate for security reasons. ICRC, *IDP Camps Survey Maiduguri* (internal report), *supra* note 39.

¹⁰³ According to the information provided during key informant interviews in September 2016, it was unclear if family members could stay in the camp overnight.

engaging in transactional sex in exchange for food, money or clothes, and that marriage amongst IDPs is used as a mechanism to protect against harassment. Health care providers also indicated that many victims of sexual violence do not access emergency health care. This is partly due to the risk of stigmatisation, but may also be linked to a lack of awareness amongst IDPs regarding available services and how to best respond to sexual violence.

To address these issues, camp authorities indicated in September 2016 that they have discussed the issue with IDP leaders, and in some camps the security personnel have also been changed. More recently, as noted above, the Inspector General of Police established a Special Investigation Committee to investigate alleged cases of sexual violence, including sexual exploitation by authorities, in IDP camps in Maiduguri, Borno State.¹⁰⁴ Additionally, the Nigerian Police Force have deployed additional female police officers in IDP camps in Maiduguri.¹⁰⁵

While the NPF, the Armed Forces and other security agencies have the primary responsibility for ensuring safety and security of IDPs, the NHRC also plays a role in monitoring protection concerns in both IDP camps and host communities. As noted above, the Protection Monitoring Project, implemented by NHRC, with support from UNHCR, is currently operating in 5 States in the North East, including Adamawa and Yobe States, in order to monitor protection needs and vulnerabilities, including IDPs who have been a victim, or who are at risk of sexual violence.

(b) Respect and maintain the civilian and humanitarian character of the places where IDPs are sheltered

During armed conflict, IDP camps and other places where IDPs are sheltered are civilian objects and are therefore protected against attack.¹⁰⁶ This means that parties to the conflict must take all feasible precautions to protect the places where IDPs are sheltered, including by avoiding locating military targets¹⁰⁷ inside or near the vicinity of IDP camps.¹⁰⁸ States Parties should also take measures to safeguard IDP sites against infiltration by armed groups or elements and disarm and separate such groups or elements from IDPs.¹⁰⁹

In Maiduguri and Yola, official IDP camps are managed jointly by NEMA and the respective SEMAs, which are both civilian authorities with a specific mandate “to distribute relief materials to victims or other disasters and assist in the rehabilitation of the victims where necessary.”¹¹⁰ As noted above, security arrangements in IDP camps in Yola, Maiduguri and Damaturu are provided by joint security forces, which secure the external perimeters of the camps and sometimes patrol inside the camps, particularly during the night. In almost all camps (excluding two),¹¹¹ the Camp Commander and other members of the joint security force reside within the camp, usually in a building located just inside the entry to the camp. This is concerning, as locating military personnel inside IDP camps can create an increased security risk for IDPs residing in the camp.

In order to safeguard IDP camps against infiltration by members of the armed opposition, the joint security forces have implemented a three stage screening process. IDPs are first screened when they arrive at the outskirts of main cities, and again when they are taken to one of the IDP camps. Screening processes often involve the assistance of the LGA leaders to identify people from their communities. The CJTF is also involved in identifying members of the armed opposition, as well as sharing information with the Camp Commander concerning security at the camps.¹¹² For instance, in Damare IDP Camp,

¹⁰⁴ See PRNigeria News Release 161103, *supra* note 90.

¹⁰⁵ Punch, “Sexual abuse: 100 female police officers for Borno IDP camps,” 6 November 2016, available at: <http://punchng.com/sexual-abuse-100-female-police-officers-borno-idp-camps/> (last consulted 21 November 2016); BBC, “Nigeria sends female police to Protect Boko Haram victims,” 7 November 2016, available at: <http://www.bbc.com/news/world-africa-37895348> (last consulted 21 November 2016).

¹⁰⁶ *Additional Protocol I*, *supra* note 28, article 52; *CHIL Study*, *supra* note 31, Rules 1, 6 and 146.

¹⁰⁷ Military objectives are defined as “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.” See *Additional Protocol I*, *supra* note 28, article 52(2); *CHIL Study*, *supra* note 31, Rule 8.

¹⁰⁸ See *Additional Protocol I*, *supra* note 28, article 58(b); *CHIL Study*, *supra* note 31, Rules 23 and 24. Feasible precautions means those precautions that are “practicable or practically possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations.” See *CHIL Study*, *supra* note 31, Rule 15.

¹⁰⁹ *Kampala Convention*, *supra* note 6, articles 9(2)(g), 3(1)(f) and 7(5)(i).

¹¹⁰ See *NEMA Act*, *supra* note 71, section 6(1)(j).

¹¹¹ As at September 2016, FTC Camp in Maiduguri, Borno State and Fufore IDP Camp in Yola, Adamawa State, were the only camps where the security forces - except for the Civilian Joint Task Force (CJTF) - live outside the camps.

¹¹² For example, in Teachers Village IDP Camp in Maiduguri, Borno State, the CJTF are IDPs themselves and live in the camp.

Yola, the CJTF at the camp are involved in screening new arrivals at the camp, after they have first been screened by the NPF anti-bomb squad.

Daily screening processes also exist at each of the IDP camps for all persons entering or exiting the camps. This process is carried out jointly by the Armed Forces, NPF, Nigeria Immigration Service and CJTF, and usually involves a body/property search using a metal detector. In the majority of official IDP camps in Yola and Maiduguri, screening of female IDPs is conducted by both female police officers and CJTF members. This practice appears to be in line with the commitment made by Nigeria at the Lake Chad Regional Protection Dialogue in June 2016, to ensure that screening is conducted in a dignified manner and is gender and age sensitive.¹¹³

(c) Guarantee the freedom of movement and choice of residence of IDPs

States Parties to the Convention are obliged to guarantee the freedom of movement and choice of residence of IDPs, except where restrictions on such movement and residence are necessary, justified and proportionate to the requirements of ensuring security for IDPs or maintaining public security, public order and public health.

Findings from the survey as well as additional assessments and observations in the field indicate that IDPs residing outside of official IDP camps enjoy greater freedom of movement than IDPs residing in camps. Aside from the curfew in Maiduguri city, IDPs accommodated in host communities are not subjected to additional restrictions on movement. In contrast, IDPs residing in camps have faced varying restrictions throughout 2015 and 2016 in moving in and out of the camps. As noted above, restrictions on movement have evolved – and continue to evolve – over time, in response to the changing security situation. The analysis below is based on information collected up until early October 2016, prior to several security incidents in October and November 2016.

Concerning official IDP camps in Maiduguri, Borno State, at the time of the ICRC's assessment in October/November 2015, pass systems implemented by the camp authorities existed in six out of 14 IDP camps.¹¹⁴ At that time, the systems differed from camp to camp, including the number of passes issued per day and the number and identity of IDPs who were not required to have a pass. For example, in Teachers Village IDP camp, only 20 out of 8,000 IDPs were able to leave the camp each day. In other camps, such as Gubio IDP camp, only 4 or 5 traders (out of 11,000 IDPs) were allowed to leave the camp per day (excluding IDPs in need of medical treatment who were able to leave the camp to access health care facilities).¹¹⁵ In some camps, restrictions did not apply to community leaders and/or traders, who were able to move freely in and out of the camp. According to respondents at that time, restrictions on movement limited the possibility for IDPs to find employment in the city.

As at early October 2016, restrictions on movement appear to have been softened in the majority of IDP camps in Maiduguri and Yola. However, movements continue to be regulated through a pass system implemented by the camp authorities in the majority of the camps. Thus, 49% of respondents residing in camps indicated that restrictions on movement still existed.

The main difference between September 2015 and early October 2016 is that the daily limit of IDPs who can leave the camps has increased in almost all camps. For instance, as at September 2016, the daily number of IDPs who could leave Gubio IDP Camp had increased to 200 per day. In contrast, the daily limit in other camps, including Damare and Fufore IDP Camps in Yola, was 30-50 IDPs per day. In general, IDPs are allowed to leave the camp from morning until 5 or 6pm; usually men leave the camp for business related reasons while women go out to farm or search for firewood. In some camps, permanent passes are given to IDPs who are well known traders, allowing them to exit the camp on a daily basis. In some camps, movement is completely restricted on particular days, including on Fridays and Saturdays.

All of these changes indicate an improvement in ensuring respect for the freedom of movement of IDPs, however, according to at least one Camp Commander, restrictions on movement continue to

¹¹³ *Regional Protection Dialogue on the Lake Chad Basin: Abuja Action Statement*, *supra* note 61, para 9.

¹¹⁴ ICRC, *IDP Camps Survey Maiduguri* (internal report), *supra* note 39.

¹¹⁵ In FTC camp, Maiduguri, Borno State, IDPs also reported that out of 18,000 IDPs, only community leaders and some traders were allowed to leave the camp. *Ibid.*

create challenges since many more people would like to go out of the camp on a daily basis. In this regard, 40% of IDPs surveyed in September 2016 indicated that restrictions on movement impact on income generating activities. It should also be noted that conflicting information regarding the daily limits in some IDP camps, indicates that the limit may still remain quite low in some camps.¹¹⁶

Decisions relating to movement of IDPs in and out of camps are the responsibility of the Armed Forces; for example, in Maiduguri, all decisions concerning access in and out of IDP camps lie with the Garrison Commander. NEMA authorities and LGA Chairmen are usually involved in allocating passes at the camps, but the military retains control over the daily limit and any additional restrictions on movement.

Although it is positive that the military has been able to ease the restrictions on movement in response to the changing security situation in and around each IDP camp; it is important to recall that restrictions on freedom of movement of IDPs, including the pass systems, must be temporary and exceptional in nature.¹¹⁷ Respecting the freedom of movement of IDPs can facilitate access to sustainable livelihoods and allow IDPs to decrease their dependency on humanitarian assistance, thus progressing toward normalisation of their circumstances.

(d) Take necessary measures to trace and reunify families separated during displacement

Many IDPs have lost contact with family members as a result of the armed conflict, either because they do not know the fate or whereabouts of their loved ones, or because they have not been able to establish and/or maintain a means of communication. From the survey, 29% of respondents indicated that they have lost contact with family members. As one IDP recounted: "My 13 year old son and my nephew got lost when our village was attacked. Until now, we still do not know their whereabouts." ICRC observations in the field confirm that many IDPs have been separated during displacement, including displacement facilitated by the authorities; and that many others have lost contact with family members as a result of arrest and detention of relatives.

As the lead agency in tracing and family reunification, ICRC has worked with the NRCS since 2014 to develop capacities in this area. Since 2014, over 3,500 tracing requests have been opened in Borno, Adamawa and Yobe States.¹¹⁸ Until recently, the tracing program has been limited to unaccompanied and separated children due to limited human resources. However, given the significant needs among the IDP population, the criteria for submitting a tracing request is being progressively expanded to include all persons who have been separated from first degree family members as a result of the conflict. Through the Restoring Family Links program, the ICRC and NRCS have restored and helped to maintain family links by locating family members, facilitating phone calls, and when feasible, reunifying family members both within Nigeria and across the border in neighbouring countries.

Concerning the response by national authorities, it should be noted that in May 2016, Government authorities from the four countries in the Lake Chad Basin committed to work together with international organisations, to build capacity in identification and tracing processes, and to support ongoing efforts to trace and reunify unaccompanied and separated children with their families.¹¹⁹

Additionally, efforts have commenced at the Federal level to establish a national mechanism for missing persons, including through the establishment, in June 2016, of the National Technical Committee for the Establishment and Management of a Database of Missing Persons.¹²⁰ Although the scope of this initiative is broader than tracing and reunifying IDPs separated as a result of displacement; it is hoped that the initiative can help to support IDPs in clarifying the fate of missing relatives.

(e) Create and maintain an updated register of all IDPs

In addition to the DTM, IOM is collaborating with NEMA and SEMA to implement a pilot biometric

¹¹⁶ For example, in one IDP camp in Yola, Adamawa State, camp authorities indicated that up to 350 people could leave the camp each day; whereas the Camp Commander indicated that the limit is between 20 and 30.

¹¹⁷ In this regard, Nigeria and other countries in the Lake Chad Basin committed in June 2016 "to take concrete steps to ensure that security measures such as restrictions on movement comply with international standards, and are temporary and exceptional in nature." See, *Regional Protection Dialogue on the Lake Chad Basin: Abuja Action Statement*, supra note 61, para 1.

¹¹⁸ ICRC and NRCS tracing activities have also commenced in Gombe State and will start in Abuja, FCT, before the end of 2016.

¹¹⁹ *Communiqué 2nd Regional Security Summit*, May 2016, Abuja, supra note 22, p.3, para 3(i).

¹²⁰ The National Technical Committee is chaired by the Office of the Vice President, with a Secretariat at the NHRC. It is composed of relevant Ministries, National Agencies and Commissions, as well as civil society representatives.

registration of IDPs in Borno, Adamawa and Yobe States.¹²¹ As at October 2016, over 362,990 IDPs had been biometrically registered in those States.¹²² Additionally, the Ministry of Women Affairs and Social Development, with support from the United Nations Children's Education Fund (UNICEF), is implementing a harmonised system for registration and case management of unaccompanied and separated children. While the creation and maintenance of an updated register of IDPs can help to improve the assistance and protection response, it is important to underline that registration and use of data must be carried out in full compliance with personal data protection laws, including the right to privacy under the Nigerian Constitution¹²³ as well as relevant international and regional standards.¹²⁴

RECOMMENDATIONS ON PROTECTION OF IDPS

Recommendation 16: State and Federal authorities should ensure that all relevant public authorities – including Armed and security forces – are informed about their IHL obligations and are instructed to fully respect and ensure respect for IHL.

Recommendation 17: State and Federal authorities should ensure that civilians living in areas where military operations take place are not forcibly displaced, unless this is absolutely required for the security of civilians or for imperative military reasons. If civilians are displaced for either of these reasons, the authorities responsible for initiating the displacement must take all possible measures to ensure that they are provided with sufficient assistance (including food, water and shelter), both during the movement and at the place of displacement.

Recommendation 18: In order to avoid separation of family members during displacement, and to prevent disruption of services being provided to IDPs (including tracing services), civilian and military authorities should communicate in advance to IDPs regarding all movements (including when the movement will take place and to where), inform concerned organisations about planned movements, and ensure that family unity is protected throughout the entire process.

Recommendation 19: Camp authorities and security services should allow IDPs residing in camps to move in and out of camps, including for the purposes of visiting family members and carrying out sustainable economic activities. Allowing IDPs to access livelihood opportunities can help them to move towards finding a durable solution to their displacement and reduce the burden on the authorities.

Recommendation 20: Restrictions on freedom of movement, including the existing pass systems in IDP camps, must be temporary and must only be implemented when absolutely necessary. They should be implemented in a non-discriminatory manner, and should strike a balance between the rights and needs of IDPs (particularly livelihoods) and security considerations. The daily number of passes in each IDP camp should be increased to better reflect the size of the camp population.

Recommendation 21: Authorities involved in screening IDPs should take concrete steps to ensure that screening processes are respectful and professional in all circumstances. In particular, authorities should ensure that the practice of female IDPs being screened by female security personnel is implemented as widely as possible.

Recommendation 22: National authorities, supported by humanitarian actors, should ensure that protection concerns and vulnerabilities of IDPs in both camps and host communities are systemically addressed as part of the humanitarian response. Protection concerns should be identified and responded to through a community-based approach, involving IDPs and host communities. Exposure to risk can be reduced through assistance activities, such as micro-economic initiatives, self-protection mechanisms and risk education/awareness.

¹²¹ IOM, *Nigeria Emergency Operations: Situation Report*, October 2016, p. 2.

¹²² *Ibid.*

¹²³ Nigerian Constitution, section 37. See also: *International Covenant on Civil and Political Rights*, adopted on 16 December 1966 and entered into force on 23 March 1976, article 17; Human Rights Committee, General Comment 16, U.N. Doc. HRI/GEN/1/Rev.1 (1994) p. 21.

¹²⁴ *Supplementary Act A/SA.1/01/010 on Personal Data Protection within the ECOWAS*, adopted at the 37th Session of the Authority of Heads of State and Government, 16 February 2010, sections 23 -30.

Recommendation 23: Management of IDP camps outside of capital cities in Borno State, should be transferred to civilian authorities as soon as possible.

Recommendation 24: In order to respect and maintain the civilian and humanitarian character of IDP camps, Federal authorities should take steps to ensure that military personnel do not reside inside IDP camps. Security and law enforcement inside IDP camps should be carried out by the Nigerian Police Force and other law enforcement agencies. Military personnel should limit their movements inside IDP camps to those that are absolutely necessary.

Recommendation 25: Authorities responsible for managing IDP camps should do everything possible to facilitate tracing activities in IDP camps, including - when in the best interests of the beneficiaries - to help facilitate reunification of family members residing in different camps.

Recommendation 26: Federal and State authorities should take concrete steps to ensure that IDPs who have lost contact with family members as a result of arrest and detention, can re-establish and maintain contact with their detained relatives.

Recommendation 27: Federal and State authorities should continue to support ongoing efforts to establish a national mechanism to clarify the fate and whereabouts of missing persons, including missing relatives of IDPs.

Recommendation 28: National authorities and humanitarian actors must ensure that collection and use of personal data of IDPs is in compliance with Nigerian and regional laws, including the Nigerian Constitution and the *Supplementary Act on Personal Data Protection within the ECOWAS* (2010), as well as international law and standards. In particular, personal data should be treated in accordance with the principles of consent, confidentiality, legality, fairness and security. It should only be obtained for specific, explicit and lawful purposes and should not be further processed in any manner incompatible with such purposes.



Borno State, Maiduguri. Widows who have lost their husbands as a result of the armed conflict are registered with the Christian and Muslim Widows Association in Maiduguri, Borno State.



Borno State, Maiduguri. IDPs at an ICRC food distribution in Maiduguri.

4. PROVIDING ADEQUATE HUMANITARIAN ASSISTANCE FOR IDPS

States have the primary duty and responsibility to provide humanitarian assistance to all IDPs (including those outside of camps), without delay and on a non-discriminatory basis.¹²⁵ Acknowledging that internal displacement has an important impact on host communities, State Parties are also obliged to extend assistance to local and host communities, where appropriate.

CORE OBLIGATIONS:

- (a) Provide IDPs with adequate food - **art 9(2)(b)**
- (b) Provide IDPs with adequate shelter and non-food items - **art 9(2)(b)**
- (c) Provide IDPs with adequate water and sanitation - **art 9(2)(b)**
- (d) Provide IDPs with adequate medical care and health services - **art 9(2)(b), (d) and (c)**
- (e) Promote self-reliance and sustainable livelihoods amongst IDPs - **art 3(1)(k)**
- (f) Provide assistance to host communities, where appropriate - **art 9(2)(b)**
- (g) Allow rapid and unimpeded passage of all relief consignments, equipment and personnel, and facilitate the role of non-state actors¹²⁶ to provide assistance to IDPs - **art 3(1)(j)**

(a) Provide IDPs with adequate food, without discrimination and with the least possible delay

With over 1.76 million IDPs displaced as a result of the conflict in the North East, the obligation to provide adequate food in terms of quantity (2,100 kilo calories per person per day) and quality

¹²⁵ *Kampala Convention, supra note 6*, article 5(1).

¹²⁶ Non-state actors includes "local and international organisations and humanitarian agencies, civil society organisations and other relevant actors." *Ibid.*, article 5(7).

(sufficient variety in food to provide the required nutritional value) is extremely onerous, requiring both significant financial resources and expertise in emergency humanitarian response. While important efforts have been made by national authorities and humanitarian actors, an estimated 4.4 million people in Borno, Adamawa and Yobe States are experiencing food security challenges and are in urgent need of humanitarian assistance,¹²⁷ including 1.68 million IDPs.

In all three focus States, food assistance by the Federal and State Governments is being delivered primarily through SEMA and NEMA. However, aside from some small-scale interventions, authorities have mainly focused on IDPs located in formal IDP camps. The majority of IDPs residing outside of official camps do not receive food (or cash) assistance from national authorities.¹²⁸

In official IDP camps, 48% of IDPs surveyed indicated that they received adequate food; however, 47% also indicated that food and water were their highest priority. In contrast, 78% of respondents interviewed during an ICRC assessment in Maiduguri IDP Camps in October 2015 reported that they received an insufficient amount of food.¹²⁹ While food assistance is primarily being provided through raw food distributed per household, in the camps where food is still being cooked in communal kitchens, camp authorities interviewed in September 2016 indicated that there is often insufficient firewood for cooking, meaning that meals are not provided (sometimes for several days). Additionally, key informant interviews in September 2016 revealed that insufficient food – as well as differing food quantities between camps – was one of the key factors triggering protests in Bakassi and Teachers Village IDP camps in Maiduguri in September 2016.

For IDPs residing outside of official IDP camps, many have challenges in accessing adequate food in terms of both quantity and quality. While 26% of respondents residing in the host community indicated that their food needs are adequately fulfilled; 38% indicated that their needs are fairly adequately fulfilled; and 35% indicated that their food needs are either inadequately fulfilled or not fulfilled at all.¹³⁰ The majority of IDPs residing in the host community have resorted to negative coping strategies in order to ensure access to food. For example, an ICRC assessment of 372 IDP households in host communities in Maiduguri in May 2016 found that 37% of households have resorted to borrowing, 78% have engaged in casual labour, and 11% have resorted to begging. 27% of respondent households also indicated that friends and relatives are the main source of food.

Although several food markets have stopped functioning as a result of the conflict, including some that have been burnt, many have started functioning again and have reasonable supplies.¹³¹ Nevertheless, insecurity and increasing prices of staple foods (particularly cereals) remain the main impediments in accessing food for most returnees and IDPs in host communities.¹³² Insufficient food (or cash) assistance for IDPs in host communities also creates strain for host families who are sharing their food (or cash) and other resources. These findings are corroborated by the results of an analysis by Cadre Harmonisé in March 2016 (updated in August 2016), indicating that IDPs and other vulnerable people in Borno, Adamawa and Yobe States face serious food availability and consumption challenges,¹³³ leading to very high acute malnutrition rates among the IDP population.¹³⁴

Although IDPs residing in the host community are generally not receiving food assistance from national authorities, several humanitarian actors, including the ICRC and NRCS, provide humanitarian assistance to IDPs in host communities. For example, in 2015 and 2016, approximately 400,000 IDPs living in host communities in Adamawa, Borno and Yobe States benefited from ICRC/NRCS food assistance (vouchers

127 *Cadre Harmonisé Update Analysis to Identify Risk Areas and Populations in Acute Food and Nutrition Insecurity in Adamawa, Borno and Yobe States of Nigeria*, August 2016, p. 2. See also, UNOCHA, *Nigeria Humanitarian Dashboard*, August 2016, p. 1.

128 This was confirmed by the United Nations Special Rapporteur on IDPs when he visited Nigeria in August 2016. See End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani, on his visit to Nigeria, 23 to 26 August 2016, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20427&LangID=E> (last consulted 21 November 2016).

129 ICRC, *IDP Camps Survey Maiduguri* (internal report), *supra* note 39

130 1% of respondents did not answer the question.

131 United Nations Food and Agricultural Organisation (FAO), *Food Security & Livelihood Assessment in North East Nigeria*, August 2015, p.14.

132 ICRC, *Nigeria – Returnee Farmers in Maiha and Michika* (internal report), *supra* note 43.

133 *Cadre Harmonisé for Identifying Risk Areas and Populations in Acute Food and Nutrition Insecurity in North West and North East of Nigeria*, March 2016, p.2; *Cadre Harmonisé Update*, *supra* note 127, p. 2. According to the report in March 2016, 2,532,376 people in Borno, Adamawa and Yobe States were estimated to be in Phases 3 – 5 (crisis, emergency and famine) of food and nutrition insecurity. According to the August update, this number had increased to 4,447,961 people, with approximately 65,000 people in Phase 5 (famine).

134 See *Cadre Harmonisé*, *supra* note 133, p. 3; *Cadre Harmonisé Update*, *supra* note 127, p. 3.

and in-kind support) and 160,000 IDPs benefited from cash transfers. Between March and September 2016, the United Nations World Food Programme (WFP) has supported 95,000 IDPs with cash based transfers; 153,000 IDPs with in-kind food assistance and 99,130 IDP children with specialised nutritional support.¹³⁵ The majority of these beneficiaries are IDPs residing in the host community.

(b) Provide IDPs with adequate shelter and non-food items, without discrimination and with the least possible delay

Shelter needs in Borno, Adamawa and Yobe States remain high, with a significant number of IDPs living in makeshift shelters, either in overcrowded and poorly equipped camps, or in host communities where space and resources are overstretched and insufficient owing to protracted displacement. 20% of IDPs surveyed were of the view that their shelter conditions were inadequate and 28% indicated that shelter was their second priority, after food and water.

For IDPs in official camps, accommodation ranges from large groups of IDPs hosted in large rooms inside buildings, to makeshift shelters, tents or reinforced shelters. Shelter challenges vary from one camp to another. For example, some camps reported not having any issue in providing shelter; while others experienced overcrowding resulting in IDPs being forced to live outside the camps. In the FTC camp in Maiduguri, congestion in the camp has meant that an average of 12 to 16 persons are hosted within a 24m² building, originally built by the ICRC to accommodate 7 to 8 persons. Similar trends can be observed in the other IDP camps in Maiduguri.

In many of the camps, families have been forced to live apart because the accommodation arrangements prevent couples from residing together. Such restrictions can have a significant impact on the ability of IDPs to lead normal lives and has been identified by IDPs as a major source of stress.¹³⁶

A number of challenges also exist in terms of the quality of shelters. First, most shelters do not provide adequate protection from the extreme weather conditions as traditional houses would. Second, the lack of power supply in camps and shelters creates challenges for specific populations, including lactating mothers (who need to feed their babies at night) and young people (who need to study after sunset). Third, many of the communal kitchens in the camps are not properly built or organised, which has a negative impact on food preparation and the quality of food.

Although NEMA and SEMA are the primary government agencies involved in providing shelter, their interventions are limited to providing shelters within public buildings.¹³⁷ Humanitarian actors have complemented NEMA's efforts by providing plastic sheeting shelters, tents or other shelter assistance. For example, since January 2016, several humanitarian organisations (including IOM, UNHCR, IRC and the Norwegian Refugee Council) have facilitated the resettlement of thousands of IDPs previously hosted in schools, through the construction of more than 1,800 reinforced emergency shelters in Bakassi IDP camp, Maiduguri.¹³⁸ Additionally, between January 2015 and September 2016, the ICRC provided temporary shelters or tents for 44,196 IDPs living in IDP camps in Adamawa, Borno and Yobe States.

For IDPs residing outside of official IDP camps, shelter needs vary. 32% of IDPs surveyed indicated that shelter was adequate; 35% indicated that it was fairly adequate and 30% indicated that their shelter was either inadequate or that they did not have shelter.¹³⁹ The main challenges for IDPs residing outside of official IDP camps are overcrowding and lack of privacy, as well as difficulties in paying the rent for those who are not staying with relatives.

In terms of non-food items (NFI), the needs of IDPs in camps also remain high. From the ICRC's survey of IDP camps in Maiduguri in October 2015, respondents indicated that NFI such as clothing, housing materials and cooking sets are not regularly given and that these items remain the most important unmet needs.¹⁴⁰ Likewise, during the second round of the survey in September 2016, many IDPs indicated the need for cash, in order buy items that are not provided in the camps.

¹³⁵ World Food Programme (WFP) Nigeria, *Situation Report #02*, September 2016, p. 2.

¹³⁶ ICRC, *IDP Camps Survey Maiduguri* (internal report), *supra note 39*

¹³⁷ NEMA/SEMA distribute a limited number of temporary shelters, for example, tents, in some IDP camps.

¹³⁸ WASH Sector Nigeria, *WASH Sector Dashboard 1 January – 30 September 2016*.

¹³⁹ 3% of respondents did not respond to the question.

¹⁴⁰ ICRC, *IDP Camp Survey - Maiduguri Metropolis*, (internal report), *supra note 39*.

Regarding IDPs outside of camps, there is still a need to further assess the NFI needs. However, an assessment by Première Urgence Internationale in February 2016 indicated that cooking and hygienic items (including items for water storage and water collection) constituted the most critical needs for the 700 IDP households included in the assessment.¹⁴¹ Many humanitarian actors are providing NFI to IDPs outside camps, including for example, Action Contre la Faim (ACF), which provided NFIs to 2,500 families in Monguno in 2016.

(c) Provide IDPs with adequate water and sanitation, without discrimination and with the least possible delay

From the survey results, water was identified by respondents as the most adequately fulfilled of all sanitation needs. 69% of respondents indicated that they have adequate access to water; 18% indicated that access was fairly adequate; 10% indicated that access was inadequate; while 1% indicated that they did not have access to water.

In official IDP camps, the ICRC has observed that the quantity of water supply varies between camps. While some camps receive more than the Nigeria daily minimum standard of 15 litres per person, other camps receive less than 15 litres per person, creating an increased exposure to health risks.

Water supply for IDPs falls under the responsibility of NEMA, SEMA and the State Ministries of Water Resources. However, to date, coordination between these authorities has been poor, creating challenges such as difficulty in improving water supply for IDPs outside of camps. Coordination needs to be improved, especially given that the respective State Ministries of Water Resources have the technical expertise in this area.

Although water supply is often a complex issue to manage, solutions have been found in some IDP camps through simple and proactive measures. For example, in FTC camp in Maiduguri, ICRC supported the Borno State Ministry of Water Resources to connect the camp to a highly productive borehole and the Maiduguri water treatment plant, and to install a distribution network, reservoirs and tap stands inside the camp.¹⁴² In order to ensure that infrastructure such as this remains fully operational, it is vital that the authorities provide adequate fuel for operating boreholes and ensure that skilled technicians are available to do immediate repairs in case of problems.

In contrast to water supply, the survey results indicate that sanitation needs are not being adequately met. While 38% of respondents indicated that sanitation facilities are adequate; 31% indicated that they are fairly adequate; 22% indicated that they are inadequate; and 5% indicated that sanitation facilities did not exist. The large number of IDPs that identified inadequate or no sanitation facilities is alarming, considering that lack of hygiene can pose serious public health issues, particularly in IDP camps.

ICRC observations confirm that sanitation is one of the major challenges in many of the IDP camps, as there are often not enough latrines to meet the needs of IDPs. The few latrines available are often not well built (resulting in overflowing, unhygienic conditions) and other sanitation facilities such as showers and washing areas are not available. In addition, solid waste management is either non-existent or poorly managed. In many IDP camps, sanitation facilities are poorly maintained and there is a low level of awareness about proper hygiene and sanitary conditions among the IDPs. In response to these challenges, ICRC and NRCS have established joint teams of NRCS volunteers and IDPs in more than 25 IDP camps in Borno, Adamawa and Yobe States, who promote hygiene, cleaning of sanitation facilities and collection/removal of solid waste.

Additionally, significant efforts have been carried out in 2016 by a number of State and humanitarian actors, including RUWASSAs, UNICEF, ACF, Christian Aid, IRC, NRC, Save the Children, Danish Refugee Council (DRC), and Oxfam, resulting in the construction of 4,516 emergency latrines in Borno, Adamawa, Yobe States.¹⁴³

¹⁴¹ Première Urgence Internationale, *Exploratory Mission Nigeria*, February 2016, p. 18.

¹⁴² Other actors involved in water supply include UNICEF, ACF, International Medical Corp (IMC), IRC, OXFAM, Christian Aid, MSF, NRC, Save the Children, Mercy Corp and Caritas. Further details are available through the WASH Sector Working Group at the Federal level.

¹⁴³ WASH Sector Nigeria, *supra* note 138.

(d) Provide IDPs with adequate medical care and health services, without discrimination and with the least possible delay

There is a stark contrast between the adequacy of health care for IDPs residing in official IDP camps versus those residing outside of camps. While 61% of respondents in IDP camps indicated that access to health care was adequate; only 27% of respondents residing outside of camps indicated the same. The difference was not so accentuated for immunisation of children under five, with 80% of all respondents confirming that immunisation needs for the children under five is adequately fulfilled.

That said, comparison of results between the first and second round of the survey indicate that access to health care may have deteriorated over the last 12 months: while 58% of respondents indicated in September 2015 that access to health care was adequate; in September 2016, only 21% of respondents indicated the same. Key informant interviews confirm that many government authorities see health care as a priority need which is currently not being adequately addressed.

In official IDP camps, health care is primarily provided by the State Ministries of Health, with support from humanitarian organisations. The Nigerian Airforce also runs a health clinic in FTC camp in Maiduguri. The clinics provide basic health services such as immunisation, out-patient consultation, anti-natal care, and in some case, nutritional treatment. In some of the camps, key informant interviews indicated that the clinics experience numerous challenges, such as not having enough medication and inability to cover referral fees for IDPs who require secondary health care at a hospital. There is also concern that the quality of health care available in some of the IDP camps is deteriorating due to increasing attention focused on IDPs located in more remote areas in Borno State.

Outside of IDP camps, the State Ministries of Health and State Primary Health Care Development Agencies are the primary authorities involved in provision of health care and immunisation for IDPs. In many cases, health facilities receive support from humanitarian actors to provide free health care services in host communities. For example, in Borno, Adamawa and Yobe States, ICRC is supporting 16 Primary Health Care Centres and 9 mobile clinics to provide basic primary health care services for the communities in those areas, including IDPs as well as members of the host communities.¹⁴⁴ Additionally, the ICRC surgical team in Maiduguri State Specialist Hospital provides surgical care for weapon wounded and IDPs in need of emergency surgery. VSF has also supported hospitals in the North East to increase their capacity to treat victims of bomb blasts.¹⁴⁵

As at October 2016, 18 actors are involved in providing health and nutrition services to IDPs in the North East, including national authorities, the United Nations and humanitarian actors such as MSF, which runs two Primary Health Care Centres in Maiduguri. Although support from humanitarian organisations has helped to improve existing health structures, the increase in population, particularly in areas such as Maiduguri, means that healthcare facilities continue to be overstretched.

In terms of psychosocial support, ICRC assessments in Yola in September 2015 and Maiduguri in May 2016 indicate that IDPs have diverse needs requiring psychosocial intervention. In particular, a high number of respondents in Maiduguri described complaints relating to the effects of the conflict (e.g. intrusive memories, nightmares, fear, dizziness and headaches).¹⁴⁶ Respondents also indicated that conditions during displacement, including lack of income to cover basic needs and lack of privacy in IDP camps, causes a high degree of stress, worry, somatic complaints, low mood and hopelessness about the future; all of which impact on family relationships.¹⁴⁷ Moreover, an assessment by IOM in Yola in June 2015 indicated that many IDPs residing in camps also reported anxiety and negative feelings, linked to inability to return to places of habitual residence and uncertainty about the future.¹⁴⁸

State capacity to respond to the psychosocial needs of IDPs is limited, due to lack of capacity in this area and overstretched resources. This was confirmed in the key informant interviews, with several Government authorities indicating that psychosocial support is a priority need for IDPs that is currently

¹⁴⁴ From January to September 2016, the ICRC-supported PHCs were attended by 356, 594 persons, including IDPs, returnees and residents.

¹⁴⁵ VSF provides financial support to 14 hospitals and 2 clinics. See <http://victimssupportfundng.org/causes/programs/> and <http://victimssupportfundng.org/gabasawa-initiative-partners-with-victims-support-fund-to-equip-primary-health-care-centres-in-the-northeast/> (last consulted on 21 November 2016).

¹⁴⁶ ICRC, *Assessment on Mental Health and Psychosocial Needs in Girei and Vinikilan LGAs* (internal report), *supra* note 42.

¹⁴⁷ *Ibid.*

¹⁴⁸ IOM, *An Assessment of Psychosocial Needs and Resources in Yola IDP Camps Arising from Conflict Induced Displacement in North East Nigeria* June 2015, p. 9.

not being addressed in a satisfactory manner. Although neuropsychiatric services are available at Maiduguri State Specialist Hospital, this is not appropriate for the majority of IDPs in need of psychosocial support, and in any case, IDPs usually cannot afford such services.¹⁴⁹

While many national authorities and humanitarian actors report that they provide mental health and psychosocial support to IDPs, most programs only include basic psychosocial support, consisting of psychological first aid (1 to 3 sessions) in groups or on an individual basis. In Yola and Maiduguri, ICRC has trained NRCS volunteers to provide group-based psychosocial support for IDPs in informal settlement and host communities in catchment areas of the Primary Health Care Centres supported by ICRC.¹⁵⁰

Aside from very basic psychosocial support and psychiatric in/outpatient treatment, there is a significant gap in providing psychosocial support for IDPs with more complex needs. Therefore the majority of IDPs whose mental health and daily functioning have been affected by the conflict and their displacement, are not able to access adequate psychosocial services.

(e) Promote self-reliance and sustainable livelihoods amongst IDPs

Most IDPs who have been displaced as a result of the conflict have been unable to continue their occupation due to lack of opportunities and support. While 61% of IDPs surveyed indicated that they were not employed; 33% of respondents had been able to engage in income generation activities during displacement, including for example, farming, casual labour, petty trading and handcrafts.

The primary reason why the majority of respondents are unable to engage in economic activities during displacement is that the unskilled labour market has become very competitive due to the influx of IDPs and consequent availability of cheap labour. Prior to displacement, 45% of respondents relied on farming as their primary source of livelihood, while 18% relied on trading and 10% on handcraft. Thus, although skilled employment is available, IDPs are generally unable to access these jobs because they lack the requisite skills.

Challenges in re-establishing a livelihood are further exacerbated due to loss of property and livestock. From the survey, 56% of respondents indicated that the property they left behind had been destroyed; while 25% did not know the status of their property. Vulnerable IDPs, such as single female-headed households,¹⁵¹ are in a more disadvantaged position in securing a livelihood.

Loss of assets combined with limited opportunities for generating income has meant that most IDPs are experiencing economic insecurity. According to an assessment by the Food and Agriculture Organisation of the United Nations (FAO) in August 2015, the majority of households in Borno, Adamawa and Yobe States (including residents, displaced and returnees) were living below the poverty line with an average income of 7,478 Naira (equivalent of USD \$37) per month at that time.¹⁵² Given the large size of the respondent households (average of 12 persons), this translated to USD \$3.1 per person per month.¹⁵³ Findings from the assessment also indicated that households had relatively high debt levels ranging from 15,000 to 25,000 Naira (equivalent of USD \$75 to \$125).¹

During the key informant interviews, many national authorities identified livelihoods support and skills acquisition as a priority need for IDPs. Indeed, supporting IDPs to establish a sustainable livelihood enables them to reduce their dependency on emergency assistance and gradually progress toward a durable solution to their situation. However, to date, the Government response in this area remains limited. Several small scale initiatives have begun, including skills acquisition programs at some of the IDP camps in Maiduguri and Yola, implemented by the State Ministries for Women's Affairs and Social Development, with support from the United Nations Population Fund (UNFPA).¹⁵⁴

¹⁴⁹ It should be noted that UNFPA and IOM cover the treatment costs for IDPs that are referred to the hospital by these two organisations.

¹⁵⁰ ICRC/NRCS is currently preparing to implement the same program in Biu and Sabon Gari.

¹⁵¹ According to DTM Round XII, single female headed households constitute an estimated 2% of the total number of IDPs i.e. approximately 33,753 IDPs. See *DTM Round XII, supra note 1*, p. 4.

¹⁵² FAO, *supra note 131*, p. 16.

¹⁵³ *Ibid.*, pp. 9 and 16.

¹⁵⁴ For example, skills acquisition programs are being implemented in Damare IDP Camp, Yola and Bakassi IDP Camp, Maiduguri.

Additionally, a number of humanitarian actors are providing livelihoods assistance on a small scale. For example, Mercy Corp has recently started implementing a cash for livelihoods programme targeting 7,000 families in Southern Borno. In addition to its agricultural support to returnees (see further below) ICRC is assisting approximately 6,000 widows with young children in Maiduguri through a cash-based livelihoods programme.

(f) Provide assistance to host communities, where appropriate

The vast majority of IDPs in the North East are residing outside of camps, either with relatives and friends, in informal settlements or in independently rented accommodation. In Maiduguri city alone, approximately 412,000 IDPs are residing outside of official IDP camps or camp-like sites.¹⁵⁵ There are varying reasons why IDPs prefer to reside outside of official IDP camps, including for example because they are able to stay with relatives or because living conditions are better, including less congestion, access to livelihood opportunities and freedom of movement.

Host families and communities have shown remarkable generosity in receiving and hosting IDPs. In the focus group discussions, respondents indicated the decision to host is sometimes based on the notion of brotherhood or support (*zumunchi*), and sometimes because of sympathy for IDPs or social pressure. However, while host families can usually cope for a short period of time, the protracted nature of the displacement (up to 3 years)¹⁵⁶ means that many hosting communities have been relying on negative coping mechanisms in order to accommodate IDPs, such as selling livelihood assets. Many host families have also lost their main source of livelihood as a direct result of the conflict.¹⁵⁷ For instance, an FAO assessment in Borno, Adamawa and Yobe States in August 2015 found that the percentage of households that relied on crop production as their main source of livelihood reduced from 67% prior to the conflict, to 39% at the time of the assessment.¹⁵⁸

At the community level, the large influx of IDPs in areas such as Maiduguri city also has a significant impact on access to resources, increase in rental prices, access to employment and the cost of unskilled labour. This was confirmed during focus group discussions, with respondents indicating that rental houses and rooms were no longer available for rent, and that the price of rooms skyrocketed in 2015 and 2016 because of the rise in demand.

Although national authorities and most humanitarian organisations have been focusing primarily on assisting IDPs, it is becoming increasingly clear that host communities are often in a comparable situation to IDPs and are also in need of assistance. In this regard, it is positive to note that both the Recovery and Peacebuilding Assessment and the Buhari Plan recognise the need to respond to IDPs and hosting communities alike, proposing various interventions to strengthen the resilience of host communities, including livelihood initiatives and construction of water facilities.¹⁵⁹ Significant efforts will be required to implement these recommendations, in order to reconstruct and rehabilitate infrastructure in areas affected by the conflict, and provide returnees and host communities with adequate support to replenish their productive livelihood assets.

(g) Allow rapid and unimpeded passage of all relief consignments, equipment and personnel, and facilitate the role of non-state actors¹⁶⁰ to provide assistance to IDPs

In ICRC's experience, state authorities have facilitated access to IDPs in Maiduguri, Yola and Damaturu, as well as other stable areas outside of the capital cities, for example, in Mubi, Adamawa State. In many of its interventions in these areas, ICRC and NRCS have been able to work with national authorities to address IDP needs, including for example, the State Ministries of Health, National Ministries of Water Resources, NEMA and SEMA.

With the evolution of the conflict throughout 2016, State authorities have encouraged humanitarian organisations to provide assistance to IDPs in more remote areas in Borno State, where the humanitarian

¹⁵⁵ DTM Round XII Report, *supra* note 1, p. 2. This figure represents 78% of the total number of IDPs in Maiduguri (528,765).

¹⁵⁶ According to Round XI of the DTM, 42.4% of IDPs were displaced in 2014, 35.8% in 2015 and 19% in 2016. See DTM Round XI Report, *supra* note 2, p. 6.

¹⁵⁷ FAO, *supra* note 131, p. 1.

¹⁵⁸ *Ibid.*, p. 11.

¹⁵⁹ RPBA, *supra* note 95, pp. 25, 26, 31, 34, 71; PCNI, *supra* note 73, p. 30

¹⁶⁰ Non-state actors includes "local and international organisations and humanitarian agencies, civil society organisations and other relevant actors." See *Kampala Convention*, *supra* note 6, article 5(7).

needs are critical. In this regard, many security challenges remain. While the Armed Forces are providing armed escorts to facilitate access to IDPs in less secure areas, it is important to recall that armed escorts should only be used by humanitarian organisations as a last resort, as this may undermine their independence, impartiality and neutrality, and may also affect the perception of other humanitarian actors.¹⁶¹ In order to limit the use of armed escorts to an absolute minimum, humanitarian actors should explore other means of accessing beneficiaries, including through remote-controlled interventions based on partnerships with third parties.

Efforts to strengthen civil-military cooperation, including between military and humanitarian actors, have included the development of a Multi Service CIMIC Doctrine (2015) by the Office of the National Security Adviser, with support from the European Union Technical Assistance to Nigeria's Evolving Security Challenges (EUTANS). A series of theoretical and practical CIMIC trainings for the military and other security services were provided throughout 2015 and 2016.

It should also be noted that challenges have arisen in relation to importation of relief items and immigration requirements for international staff of humanitarian organisations. While steps have been taken by Federal authorities to address these challenges, further efforts are required to ensure that top level decisions are internally communicated and implemented at all levels within Nigeria and to Nigerian Embassies abroad.

RECOMMENDATIONS ON PROVIDING ADEQUATE ASSISTANCE TO IDPS

Recommendation 29: The Federal and State authorities must ensure that IDPs, including those generously hosted by communities, receive adequate food and basic household items. The specific nutrition needs of expecting mothers, lactating mothers and young children must be taken into account.

Recommendation 30: Camp authorities should create the necessary conditions in IDP camps to allow households (husbands, wives and children) to live together in order to protect family unity and privacy. IDPs residing in IDP camps who wish to join or visit their relatives in host communities (or vice-versa) should continue to be allowed to do so.

Recommendation 31: Camp authorities should establish hygiene teams in all IDP camps, in order to promote hygiene, cleaning of sanitation facilities and collection/removal of solid waste

Recommendation 32: State and Federal authorities, with support from humanitarian actors, should ensure that IDPs have access to basic primary health care services, by restoring the health services and facilities that have been affected by the conflict and re-establishing health programs, including immunisation, in areas that have been affected by the conflict. Special attention should be paid to reproductive health care, nutrition and measures to prevent and respond to the outbreak of disease.

Recommendation 33: In order to reduce stigmatisation of victims of sexual violence, and to increase the chances of victims seeking medical assistance, camp authorities in IDP camps - with support from humanitarian actors - should intensify efforts to sensitise IDPs to this issue and raise awareness regarding the available services for victims of sexual violence.

Recommendation 34: State and Federal authorities should work with humanitarian actors with expertise in mental health and psychosocial support, to develop meaningful programs that address the gap in services for IDPs and host communities with more complex psychological needs (i.e. those requiring more than basic psychosocial support).

Facilitating the role of humanitarian actors

Recommendation 35: In fulfilling the obligation to facilitate the work of humanitarian actors, national authorities - including the Armed Forces - should recognise that security constraints continue to dictate access to areas by humanitarian organisations and that such organisations should only use armed

¹⁶¹ As a general rule the ICRC refrains from using armed protection as this may undermine the neutrality and independence of the organisation and of the International Red Cross and Red Crescent Movement as a whole. Armed escorts may only be used to protect ICRC staff and property as a last resort.

escorts in exceptional circumstances, as a last resort. Before resorting to armed escorts, alternative options - such as remote controlled interventions with effective monitoring mechanisms - should be fully explored.

Recommendation 36: Federal authorities should take steps to ensure that timely and simplified procedures exist for importing humanitarian relief items and obtaining visas for international staff of humanitarian organisations; and that such procedures are internally communicated and implemented at all levels within Nigeria and Nigerian embassies abroad.



Borno State, Maiduguri. Patients at the Maiduguri State Specialist Hospital, including a 33 year patient from Baga recovering after the amputation of his left leg.



Adamawa State, Mubi. More than 40,000 people, most of them farmers, fled the Mubi area for Cameroon because of the conflict. Many were able to return to their areas of habitual residence in 2015 to recommence farming.

5. DURABLE SOLUTIONS FOR IDPS

A durable solution to internal displacement is achieved when IDPs no longer have any specific assistance and protection needs that are linked to their displacement and enjoy their human rights without discrimination on account of their displacement.¹⁶² Durable solutions can be achieved through voluntary and sustainable return to the place of habitual residence, sustainable local integration into the host community, or sustainable settlement in another part of the country.¹⁶³

CORE OBLIGATIONS:

- (a) Promote and create satisfactory conditions for durable solutions to displacement, in circumstances of safety and dignity, and allow IDPs to make a free and informed choice on durable solutions, including through consultation with IDPs on the available solutions - **art 11(1) and art 11(2)**
- (b) Protect IDPs against forcible return or relocation to any place where their lives, safety, liberty and/or health would be at risk - **art 9(2)(e)**

- (a) **Promote and create satisfactory conditions for voluntary, safe and dignified return, integration or relocation and allow IDPs to make a free and informed choice on durable solutions**

Voluntary, safe and dignified solutions means that IDPs have access to accurate information to inform

¹⁶² The Brookings Institution-Bern University Internal Displacement Project, *Inter-Agency Standing Committee (IASC) Framework for Durable Solutions*, April 2010, p. 5.

¹⁶³ *Ibid.*

their decisions,¹⁶⁴ and that decisions regarding durable solutions are made in the absence of coercion or intimidation. IDPs should be given the opportunity to meaningfully participate in decisions, and should have access to essential services to ensure an adequate standard of living, without discrimination. In some cases, it may be necessary to facilitate “pre-visits” to proposed new destinations, to enable IDPs to assess the conditions themselves. The physical safety of IDPs must be ensured during the movement and return to areas of habitual residence should not be prompted unless the areas are safe.

In Borno, Adamawa and Yobe States, it appears that the vast majority of IDPs would like to return home. While 86% of IDPs surveyed indicated that they would like to return home; only 8% of respondents indicated that they would like to stay at the place of displacement; and 4% indicated that they would prefer to relocate to another place or community.¹⁶⁵ When asked under what conditions they would return home, respondents indicated that safety and security were vital, and that the buildings at home should be rebuilt before they would return. Respondents also indicated that they would wait until the Government announces that it is safe to return home. Similar results are reflected in a recent IOM survey of IDP households in Maiduguri: out of 391 IDP households, 98% indicated they would like to return home, with 76% indicating that better security is the principal condition for return.¹⁶⁶

Between August 2015 and September 2016, a large number of IDPs have already returned to their areas of habitual residence, including approximately 958,500 IDPs who have returned to Northern Adamawa, Southern Borno and Southern Yobe.¹⁶⁷ For many IDPs whose livelihoods were previously based on farming, the decision to return coincided with the planting seasons in 2015 and 2016.¹⁶⁸

Concerning the returns that have taken place to date, the role of the Federal, State and LGA authorities has varied. In some cases, IDPs have returned spontaneously without support from the authorities, for example, in Northern Adamawa in 2015. In other cases, the return process has been facilitated by LGA and State authorities, and returnees have received support in rebuilding their lives. For example, in Vimtim, Mubi, Adamawa State, returnees indicated in September 2015 that they had received building materials and food supplies from NEMA upon their return.

As the majority of IDPs are farmers, many returnees require support in order to recommence their farming activities. Although the State Ministries of Agriculture have not been able to provide subsidised fertilisers and seeds to farmers since 2014, humanitarian actors have been able to address some of the gaps. For example, throughout 2016, ICRC and NRCS have assisted over 222,900 returnees in Northern Adamawa, Southern Borno and Southern Yobe, with a generous package of agricultural inputs (including 4 varieties of seeds and two types of fertilisers) or cash/voucher for them to purchase suitable livelihood inputs.

For those IDPs who do wish to return, many have lost everything and will have to rebuild their lives from scratch. While 56% of respondents indicated that their houses had been destroyed; 25% did not know the condition of their house; and only 8% of respondents were able to confirm that their houses are still habitable. Similarly, the RPBA in the North East¹⁶⁹ found that over 400,000 housing units have been damaged or destroyed, 95% of which are located in Borno State.¹⁷⁰ The RPBA also found that public buildings (schools, hospitals, Local Government facilities) have also been severely affected with an estimated USD \$5.9 billion damages in Borno State, USD \$1.6 billion damages in Adamawa State and USD \$1.2 billion in Yobe State.¹⁷¹ In this regard, it should be noted that the Borno State Ministry for Reconstruction, Rehabilitation and Resettlement and VSF have been working on rehabilitation and reconstruction of public buildings in at least seven LGAs in Borno State (Konduga, Mafa, Bama, Gwoza, Dikwa, Damboa and Kaga).

¹⁶⁴ In order to make a free and informed decision, IDPs must be able to access adequate and accurate information concerning the conditions in places of return, integration or settlement, including: access to land, housing and essential services, employment opportunities, landmine risk, security risks, level of damage/destruction, means of communication, provision for IDPs with special needs, and availability of return, resettlement or integration packages.

¹⁶⁵ 2% of respondents did not answer the question.

¹⁶⁶ IOM, *Return Intention Survey*, October 2016, p. 1.

¹⁶⁷ *DTM Round XII Report*, *supra* note 1, p. 6.

¹⁶⁸ For example, the ICRC's assessment of the needs of returnees in Mubi indicated that agriculture is the major means of survival for 95% of the returnees. See ICRC, *Assessment Report on Places of Return in Mubi* (internal report), *supra* note 41.

¹⁶⁹ The RPBA was carried out from late 2015 to early 2016 by the Federal and State Governments, with support from the UN, World Bank and the EU. See above at note 95.

¹⁷⁰ *Ibid.*, p. 37.

¹⁷¹ *Ibid.*, p. 36.

Since August 2016, State and LGA authorities in Borno State have been facilitating the return of IDPs in Maiduguri to their LGAs, including to Konduga, Mafa, Dikwa and Ngala. Returning IDPs have been provided with a “return package” (25kg of rice and 20kg of beans) and some have received support from humanitarian actors. However, in many cases, it appears that IDPs in these LGAs continue to be displaced: although they have returned to their LGAs, they are residing in IDP camps and have not been able to return to their places of habitual residence. In this regard, IDPs have not yet been able to find a sustainable solution to their displacement and the ICRC has observed that some IDPs have come back to Maiduguri.

Although the return process in Borno State initially commenced with limited planning and coordination, in September 2016, the State authorities established a Return Task Force, which is responsible for coordinating the return of IDPs back to their LGAs. The Task Force has helped to improve the planning and coordination for these returns, however, in many LGAs, the basic services (food, shelter, water, health care) are inadequate to cater for the returning population.

In order to provide a framework for returns and other durable solutions to internal displacement, in April 2015, the Protection Sector Working Group (PSWG) developed a National Framework for Durable Solutions.¹⁷² This document has since been complemented by additional guiding documents, including Operational Standards for relocation of IDPs from Maiduguri to areas now controlled by the military¹⁷³ and a draft Return Policy for Borno State.¹⁷⁴ These documents provide an important framework for ensuring that ongoing and future solutions to internal displacement are voluntary, safe and dignified, in line with the commitment made by Nigeria and other Lake Chad Basin countries in June 2016.¹⁷⁵ In this regard, IDPs must be provided with accurate information regarding the conditions in their places of habitual residence and should not be induced or encouraged to return on the basis of inaccurate information. Likewise, IDPs should not be encouraged to return to their LGAs if security risks remain.

Finally, it should be noted that knowledge and understanding of durable solutions amongst national authorities remains low, particularly at the camp level. Although significant efforts have been made by the PSWG to help develop a framework and sensitise actors to their obligations, further efforts are required to ensure that national authorities at all levels are aware of their obligation to ensure voluntary, safe and dignified solutions to internal displacement.

(b) Protect IDPs against forcible return or relocation

Currently, the primary mechanisms for monitoring the voluntariness of returns and ensuring that IDPs are not forcibly returned or relocated are the PSWGs at both State and Federal levels. As noted above, the Federal PSWG has also developed a National Framework for Durable Solutions as well as Operational Standards for return of IDPs in Borno State. Other state actors such as the National Commission for Refugees, Migrants and IDPs (NCRMI) also have an important role to play in terms of protecting IDPs against forcible return or relocation.

Concerning the return of refugees from Cameroon, the ICRC has followed internal movements of IDPs from Mubi Transit Camp, in Mubi, to the IDP camps in Yola, Adamawa State, and further to those in Maiduguri, Borno State. However, systematic collection of information from a variety of sources is still needed to ascertain the ongoing situation, including more interviews with returnees.

RECOMMENDATIONS ON DURABLE SOLUTIONS

Recommendation 37: Federal, State and LGA authorities must ensure that IDPs are consulted about durable solutions to their displacement (including return to areas of habitual residence), and are provided with accurate and up to date information to inform their decisions, including in relation to security risks. IDPs should be involved in all stages of planning and implementing their return, relocation or local integration.

¹⁷² PSWG, *HCT Framework on Durable Solutions for Displaced Persons and Returnees*, April 2015.

¹⁷³ PSWG, *Operational Standards for Relocation of IDPs in Newly Accessible Areas in Borno State*, August 2016.

¹⁷⁴ PSWG, *Draft Return Policy Framework for Internally Displaced Persons (IDPs) Borno State*, September 2016.

¹⁷⁵ *Regional Protection Dialogue on the Lake Chad Basin: Abuja Action Statement*, supra note 61, para 17.

Recommendation 38: IDPs who are not willing to return to their places of habitual residence should not be forced, intimidated or coerced to do so (including by closing IDP camps without providing an alternative option). They should be supported in pursuing alternative durable solutions, such as local integration or relocation.

Recommendation 39: In order to ensure that return is sustainable, IDPs should not be encouraged to return to their LGAs, including through incentives, until security is guaranteed and the requisite basic services (i.e. food, shelter, access to healthcare, clean and safe water) are in place. Federal and State authorities must ensure that returnees have access to livelihood inputs that will allow them to resume their original or alternative income generation activities in the shortest period of time.

Recommendation 40: Federal, State and LGA authorities should plan and coordinate with humanitarian actors who can support them in ensuring that returnees have access to basic services and that the return is sustainable.

Recommendation 41: Existing protection mechanisms, such as the National Human Rights Commission Protection Monitoring Project, should be strengthened and should prioritise efforts to monitor the voluntariness of return.



Adamawa State, Mubi. When the conflict reached Mubi at the end of 2014, children were among the more than 40,000 people who fled on foot over 200 km to neighbouring Cameroon, before returning to Mubi in 2015.

CONCLUSION

The scale and complexity of internal displacement in the North East of Nigeria means that significant efforts are required to provide an effective, large-scale and well-coordinated humanitarian response. Although this report has focused on the three States with the highest number of IDPs, the humanitarian needs resulting from the conflict extend far beyond these three States. Many organisations, including the ICRC, are supporting the Government to fulfil its responsibility to assist and protect IDPs displaced as a result of the conflict. However, key challenges remain in meeting the humanitarian needs.

The recommendations set out in this report are based on the ICRC's observations and experiences in supporting IDPs in Borno, Adamawa and Yobe States. In light of this evidence base, it is hoped that the recommendations can provide concrete and constructive guidance to the authorities on how to improve the humanitarian response, in order to better meet the needs of the displaced population and work towards sustainable solutions to their displacement. As the Federal Government takes steps to consolidate the institutional structure for the humanitarian and longer term response in the North East, considerable efforts will be required to ensure adequate and qualitative multidisciplinary interventions that respond to the needs of the population in a timely manner. This is not an easy task and will require a substantial financial commitment, as well as technical expertise in planning and coordinating a large scale humanitarian response. The ICRC stands ready to support the authorities in this process, and to share its technical expertise in emergency humanitarian response.



Borno State, Maiduguri. Thanks to an ICRC business grant, Amina, who was widowed three years ago, has established a tailoring centre and is training two apprentices to become skilled tailors.

ANNEX I:

SURVEY LOCATIONS

	LOCATION OF RESEARCH	STATE	TYPE OF LOCATION
1	Goni Kachallari	Borno	IDP camp
2	Gubio	Borno	IDP camp
3	Bocolis	Borno	IDP camp
4	FTC/Dalori I	Borno	IDP camp
5	Bakassi	Borno	IDP camp
6	Teachers Village	Borno	IDP camp
7	C.A.N. Centre	Borno	IDP camp
8	Suleimanti	Borno	Informal settlement
9	Madinatu	Borno	Informal settlement
10	Customs Quarters	Borno	Informal settlement
11	Dubai	Borno	Host community
12	Mairi	Borno	Host community
13	Bolori	Borno	Host community
14	Senator A. Zannah's House	Borno	Host family
15	N.Y.S.C.	Adamawa	IDP camp
16	Fufore	Adamawa	IDP camp
17	Damare	Adamawa	IDP camp
18	Mubi Transit	Adamawa	IDP camp
19	Labour House	Adamawa	Informal settlement
20	Malkohi	Adamawa	Informal settlement
21	St. Theresa Church	Adamawa	Informal settlement
22	Hayin-Gada	Adamawa	Host community
23	Fufore Town	Adamawa	Host community
24	Yolde Pate	Adamawa	Host community
25	Daware	Adamawa	Host community
26	Gerei	Adamawa	Host community
27	Maiturare	Adamawa	Host community
28	Pompomari	Yobe	IDP camp
29	Bukar Ali	Yobe	IDP camp
30	KASAISA	Yobe	Informal settlement
31	Radio House	Yobe	Informal settlement
32	Gwange	Yobe	Host community
33	Maisandari	Yobe	Host community

ANNEX II: LIST OF KEY INFORMANT INTERVIEWEES

Office of the Vice President
 Presidential Committee for North East Initiatives (PCNI)
 Presidential Initiative for the North East (PINE)
 National Emergency Management Agency (NEMA)*
 National Human Rights Commission (NHRC)
 National Commission for Refugees, Migrants and IDPs (NCRMI)
 National Population Commission (NPC)
 Nigerian Red Cross Society (NRCS)
 Victims Support Fund (VSF)
 Federal Ministry of Women's Affairs and Social Development
 Nigerian Police Force (NPF)*
 Nigerian Armed Forces (including Army and Airforce)*
 Borno State Emergency Management Agency (BOSEMA)*
 Adamawa State Emergency Management Agency (ADSEMA)*
 Yobe State Emergency Management Agency (YOSEMA)*
 Borno State Ministry of Women's Affairs
 Borno State Ministry for Reconstruction, Rehabilitation and Resettlement
 Borno State Rural Water Supply and Sanitation Agency (RUWASA)
 Borno State Primary Health Care Development Agencies (SPHCDA)
 Independent Task Force on Feeding, Food Supply and Monitoring of Distribution in IDP Camps
 Adamawa State Ministry of Health
 Adamawa State Primary Health Care Development Agencies (SPHCDA)
 Yobe State Ministry of Women's Affairs
 Nur Akali Foundation (NADI)
 Civil Society Coalition for Eradication of Poverty (CISCOPE)
 Civil Society Legislative Advocacy Centre (CISLAC)
 Adamawa Peace Initiative (API)
 Christian Association of Nigeria (CAN)
 Muslim Council of Adamawa State (MCA)
 Foundation for the Support of Widows, Orphans and Tsangaya (SWOT Foundation)
 University of Maiduguri Muslim Women's Association
 Coalition of NGOs on Internally Displaced People Intervention Project
 United Nations Office for Coordination of Humanitarian Affairs (UNOCHA)
 United Nations High Commissioner for Human Rights (UNHRC)
 United Nations Children's Fund (UNICEF)

* Authorities interviewed at various levels, including Federal, State and camp level.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



ICRC