



International Protection Considerations with regard to people fleeing northeastern Nigeria (the states of Borno, Yobe and Adamawa)

Introduction

1. Since July 2009, the northeastern part of Nigeria has been affected by unrest and violence with clashes between insurgents and government security forces. More than 3,000 people are reported to have been killed in the affected states since 2009, with violence said to have spiraled out of control.¹ President Goodluck Jonathan declared a state of emergency in three northeastern states (Adamawa, Borno and Yobe) in May 2013 and sent additional troops to fight what he has described as “an open rebellion”.² Reports indicate that violence in these three states continues to escalate and that humanitarian access has been considerably hampered. UNHCR is not present in the parts of the northeast that remain under a state of emergency. Due to the prevailing insecurity,³ the office has also not been able to visit that part of the country. Civilians are heavily affected by security operations implemented by government forces and many **have been killed or wounded, including in direct clashes, bombings and indiscriminate shootings**.⁴ According to news reports, insurgents have been targeting government institutions, in particular schools, allegedly because the insurgents consider education that is not based on the Koran as un-Islamic. Hundreds of civilians, including many students and teachers, are reported to have been killed or wounded in such attacks.⁵ Tens of thousands of students are reportedly unable to go to school.⁶ Hundreds of persons accused of having links with the insurgents have reportedly been arbitrarily detained in northern Nigeria by government forces. Many are allegedly detained incommunicado for lengthy periods without charge or trial and without access to lawyers and families.⁷

¹ Human Rights Watch, *Nigeria: UPR Submission March 2013*, 17 October 2013, <http://www.hrw.org/news/2013/10/17/nigeria-upr-submission-march-2013>

² The New York Times, *Nigeria: State of Emergency Declared*, 14 May 2013, http://www.nytimes.com/2013/05/15/world/africa/nigeria-state-of-emergency-declared.html?_r=0

³ UN High Commissioner for Refugees (UNHCR), *Nigeria's crisis sees more than 6000 people displaced into neighbouring countries*, 11 June 2013, <http://www.refworld.org/docid/51b829e44.html>.

⁴ The New York Times, *In Nigeria, 'Killing People Without Asking Who They Are'*, 5 June 2013, <http://www.nytimes.com/2013/06/06/world/africa/nigerian-refugees-accuse-army-of-excess-force.html>

⁵ The New York Times, *Militants Blamed After Dozens Killed at Nigerian College*, 29 September 2013, <http://www.nytimes.com/2013/09/30/world/africa/students-killed-at-nigerian-school.html?adxnml=1&adxnmlx=1382086501-U6nthz7AXLGc7DN06HZoBA>

⁶ Reportedly, some 15,000 students were out of school in Yobe alone, see: Integrated Regional Information Networks (IRIN), *Boko Haram violence takes toll on education*, 4 October 2013, <http://www.refworld.org/docid/525515a74.html>.

⁷ Amnesty International, *Nigeria: Authorities must investigate deaths of Boko Haram suspects in military custody*, 15 October 2013, AFR 44/025/2013, <http://www.refworld.org/docid/5260ee6f4.html>.

Internal and external displacement

2. It is estimated that as of September 2013, over 5,400 persons were internally displaced within the northeastern part of the country or to other parts of Nigeria.⁸ Observers note that the numbers of persons internally displaced continue to rise, as the violence continues.
3. Nigerians have also crossed into neighbouring countries in search of safety; in total some 10,000 Nigerians are reported as having fled to Cameroon, Chad and Niger.⁹ Most Nigerians have fled to Cameroon, where over 8,100 Nigerian arrivals have been recorded by the local authorities. These authorities have confirmed to UNHCR that Nigerians continue to arrive in Cameroon. Considering the volatile security situation at the border, the Cameroonian regional authorities have decided that Nigerians who seek protection as refugees must relocate to Minawao camp, located some 130 km away from the border. Over 1,700 Nigerian refugees reside in that camp at present. Nigerians unwilling to relocate there have been advised by the authorities to regularize their stay as immigrants. UNHCR is concerned over recent incidents in which more than a hundred Nigerians residing in the border town of Amchide in Cameroon were rounded up and arrested in an apparent attempt to forcibly return them.¹⁰ The incident has resulted in the deaths of 15 persons and UNHCR is following up on these incidents with the Cameroonian authorities. Nearly 2,700 Nigerians have been recorded as having fled to Niger in recent months, and some 150 Nigerians reportedly left to Chad. In addition, several thousands of nationals of Niger, Cameroon and Chad are reported to have returned to their countries of nationality as a result of the unrest and violence in northeastern Nigeria.

International protection needs and non-return advisory

4. As the situation in the three northeastern States of Nigeria is fluid and remains uncertain, UNHCR calls on neighbouring countries to keep their borders open. UNHCR appreciates any measure taken by States to suspend forcible returns of nationals or habitual residents of this part of Nigeria, including those who have had their asylum claim rejected. UNHCR urges States to suspend forcible return to the three northeastern States of Nigeria for the time being.
5. UNHCR considers that it is likely that persons fleeing northeastern Nigeria and those who were already in countries of asylum before the further escalation of violence in northeastern Nigeria are in need of international protection in accordance with Article 1(2) of the 1969 OAU Convention.¹¹ In addition, many persons fleeing northeastern Nigeria may meet the 1951 Convention¹² criteria for refugee status. Any proposed returns in the context of the application of an internal flight or relocation alternative would need to be assessed carefully, taking into account the individual circumstances of the case.¹³

⁸ This estimate followed a multi-agency (government, UN, NGO) rapid assessment mission to the three affected states and in northeastern Nigeria and regions in neighbouring countries where Nigerians have sought refuge in July 2013. It should be noted that the absence of a permanent presence renders it difficult to obtain a more definitive overview of the scale and impact of internal displacement.

⁹ Updates on the Nigeria situation can be found on the Nigeria country page of the UNHCR Operational Data Portal on the Sahel Situation, at <http://data.unhcr.org/SahelSituation/country.php?id=502>. For information on refugee movements earlier this year, see e.g.: UN High Commissioner for Refugees (UNHCR), *Nigeria's crisis sees more than 6000 people displaced into neighbouring countries*, 11 June 2013, <http://www.refworld.org/docid/51b829e44.html>.

¹⁰ Information on this incident has been gathered in the context of a UNHCR fact-finding mission.

¹¹ Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa, 10 September 1969, 1001 U.N.T.S. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html>.

¹² UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <http://www.unhcr.org/refworld/docid/3be01b964.html>, UN General Assembly, Protocol Relating to the Status of Refugees, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, <http://www.unhcr.org/refworld/docid/3ae6b3ae4.html>.

¹³ In order for an IFA/IRA to be relevant, the proposed area of relocation must be practically, safely and legally accessible to the individual. If the individual fears persecution at the hand of the State, an IFA/IRA is presumed not to be available. In

6. Depending on the profile of the individual case, exclusion considerations may need to be looked into.¹⁴ In addition, to preserve the civilian character of asylum, States would need to assess the situation of arrivals carefully so as to identify armed elements and separate them from the civilian refugee population.¹⁵
7. Suspension of forcible return to the affected areas in Nigeria serves as a minimum standard which should not replace international protection for persons found to meet the criteria for refugee status under the 1969 OAU Convention or the 1951 Convention. This advice is valid until such time as the security and human rights situation in northeastern Nigeria has improved sufficiently to permit a safe and dignified return.

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case of feared persecution at the hands of a non-State agent, the capability to pursue the individual in the proposed area of relocation would need to be considered. Furthermore, if persons from the affected states would not be able to lead “a relatively normal life” in the proposed area of internal relocation, for example if they were to find themselves in a situation of internal displacement, the proposed alternative flight or relocation alternative would not be reasonable. Other elements to take into account when considering reasonableness of a proposed IFA/IRA include the impact of past persecution, safety and security and the respect for human rights in the proposed relocation area, and the possibility for the individual to make a living there. For details on IFA/IRA and the reasonableness test, see UN High Commissioner for Refugees (UNHCR), *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html>.

¹⁴ UN High Commissioner for Refugees, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

¹⁵ UN High Commissioner for Refugees, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.refworld.org/docid/452b9bca2.html>.