

ECC EMERGENCY Coordination Center

Crisis within a Crisis: Refoulements, Returns & Secondary Displacement.



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Background

Over the past few months, news of mass refugee returns became a major concern to the Nigerian Government and the humanitarian community when in March 2017, it was reported that over 2,600 Nigerians have been forced to return to Nigeria from Cameroon since the beginning of the year¹. This raised concerns of refoulements thus the matter was flagged by the Chief Humanitarian Coordinator with the Nigerian Ministry of Foreign Affairs in a bid to ensure the human rights and dignity of the refugees are being upheld. The return trend became particularly worrisome given that a tripartite agreement had been signed on the 2nd of March 2017 by Nigeria, Cameroon and UNCHR to facilitate the return of Nigerians when return areas were favourable². Despite the tripartite agreement, the Nigerian humanitarian community continued to witness an increasing trend of refugee returns from Cameroon into Borno State in Nigeria. In particular, thousands of returnees are returning from Minawao camp in Cameroon through Banki, where humanitarian actors are already providing life-saving response to affected populations in IDP camps. Many of these returnees are then continuing their journey to their various areas of origin in particular to Bama, Mubi, Gwoza and Pulka, where humanitarian response efforts are ongoing as well³. As a result, numerous conversations were held within the Nigerian Government, with the Cameroonian Government, as well as with IOM and UNHCR.

NIGERIANS RETURNING Since 2015

270,000

Nigerian refugees returned to Adamawa, Borno and Yobe States from Cameroon, Chad and Niger.

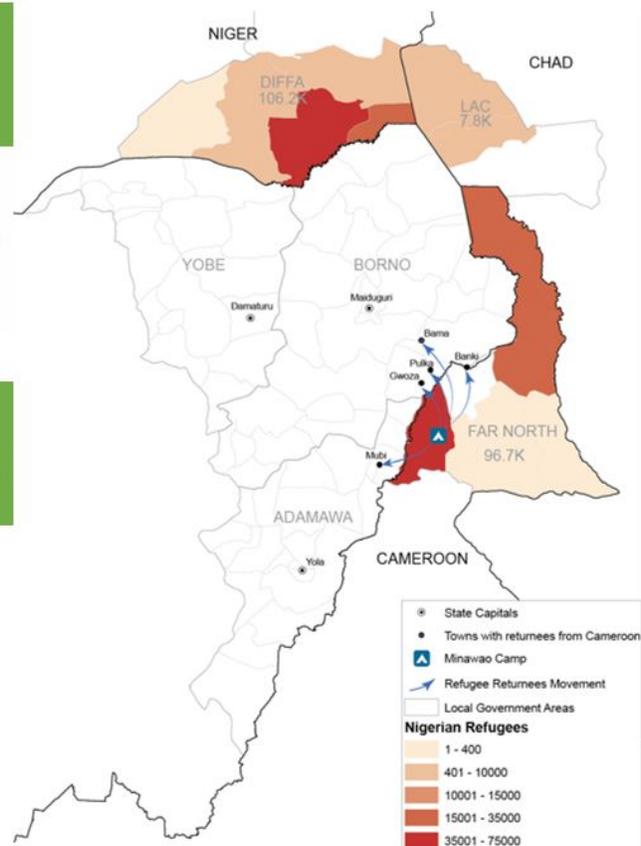
SPONTANEOUS RETURNS FROM MINAWOA CAMP – CAMEROON

9 April 2017 – 22 May 2017

12,202

Nigerian refugees returned from Minawoa Refugee Camp in Cameroon to Bama, Banki, Mubi, Gwoza and Pulka.

Source: UNHCR



¹ <http://www.unhcr.org/news/briefing/2017/3/58d0ece64/unhcr-concerned-return-nigerian-refugees-cameroon.html>

² <http://reliefweb.int/report/cameroon/tripartite-agreement-voluntary-repatriation-nigerian-refugees-living-cameroon>

³ Displacement Tracking Matrix - Round XVI Report <http://reliefweb.int/report/nigeria/displacement-tracking-matrix-dtm-round-xvi-report-may-2017>

As this trend has intensified in the last weeks, response efforts have become saturated leading to acute distress amongst both the existing IDPs and the returnees at a time when food insecurity is alarming and other needs are increasing, in particular ahead of the rainy season⁴. This situation has significantly increased the needs for emergency assistance in the affected areas⁵. Humanitarian partners have therefore taken immediate action to understand the reasons for and anticipate on the returns and to coordinate with the Borno State authorities in view of the magnitude of the needs. The result was the development of a Tripartite Commission (TC) with representatives of Nigeria, Cameroon and UNHCR.

As *refoulements* continued and discussions were taking place with the different stakeholders, the Emergency Coordination Centre organised the workshop “*A Crisis within a Crisis: Refoulements, displacement patterns, secondary displacements and returns*” in order to bring together key actors in the space to cultivate a common understanding and to develop holistic and multifaceted solutions to the crisis. The workshop which was held at the ECC on the 5th of June 2017 was strategically developed with the following objectives and outcomes in mind:

Objectives

1. To ensure that all stakeholders have a clear understanding of the situation with a focus on key issues.
2. To notify the Humanitarian community on Nigeria’s stance on the Tripartite commission
3. To identify challenges and plan a holistic response to the crisis.

Expected outcomes

1. All stake holders will develop an understanding of the situation regarding *refoulements*, returnees and secondary displacement vis-à-vis protection issues.
2. A consolidated action plan to respond to the crisis will developed for implementation.

⁴ MSF Brief – Refugee movements Cameroon to Nigeria – May 2017

⁵ UNHCR - Nigeria Refugee Returnee Situation Update. May 29, 2017

Protection Implications of the Refoulements

During the workshop, UNHCR and ICRC both gave presentations that spoke to the legal and protection implications of forced returns.

Article 33 1951 Convention relating to the status of Refugees states that:

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

However provisions of [the 1951] Convention shall not apply to any person with regard to whom there are serious reasons for considering that;

- a. He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- b. He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- c. He has been guilty of acts contrary to the purposes and principles of the United Nations

The consequence of this provision is that persons that are not refugees and not entitled to international refugee protection and assistance are not covered, although Human rights protection against *refoulement* to risk of death or ill-treatment continues to apply.

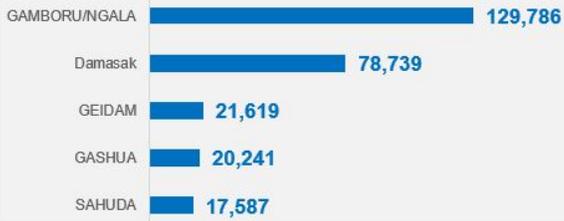
The Nigerian Context

Since July 2015, the Nigerian Government and the humanitarian partners have registered 262,809 returnees from neighboring countries with over than 143,000 individuals returning from Cameroon. Among the returnees from Cameroon, 7% have claimed to be forcibly returned to Nigeria. The Nigerian Immigration Service in collaboration with NEMA, SEMA, Nigerian Red Cross, UNHCR and the Borno State Ministry of Reconstruction, Rehabilitation and Resettlement have conducted registration of Nigerian returnees in Adamawa, Borno and Yobe states. Registration in Adamawa state commenced in August 2015, in Borno state from May 2016 and in Yobe from June 2016. The registration aims to:

- Register Nigerian Returnees according to acceptable standards;
- Obtain a demographic breakdown of the population;
- Assist relocation from Adamawa to Borno state including proper and organized manifest;
- Identify specific needs and most vulnerable individuals;
- Provide humanitarian assistance and better protection intervention.

KEY FIGURES - GEOGRAPHIC

OF RETURNEES REGISTERED PER BORDER POINTS



OF RETURNEES REGISTERED PER COUNTRY OF ASYLUM



No refugees in the camp or outside camps are threatened but the civilian populations are caught in the middle during continuous military offensives along the common Nigeria-Cameroon border. Protests have been expressed by UNHCR, the Nigerian Government and international NGOs, including MSF.

⁶ UNHCR Assessment Figures

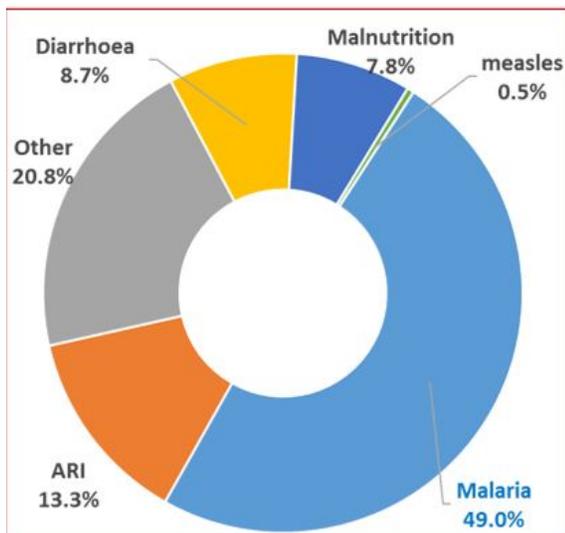
Health Implications of Displacement

Dr Marie Benner made a presentation on the health implications of the refolements on behalf of the World Health Organization. The presentation put forward the following information:

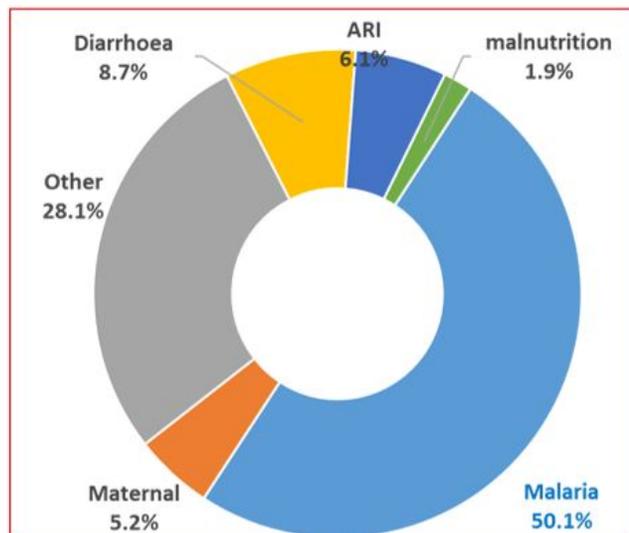
At present, of the 749 health facilities in Borno state, 64% have been destroyed or partially destroyed, while 21% and 5% have no staff or are partially functional respectively. Malaria remains the biggest cause of morbidity & mortality, accounting for approximately 50% of all cases & deaths respectively.

Disease Distribution (cumulative week 34-2016 to week 12-2017)

Morbidity, 641,435 total cases



Mortality, 901 total deaths



- **Malaria remains the biggest cause of morbidity & Mortality, accounting for approximately 50% of all cases & deaths respectively**

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However, as the rainy season approaches there are increasing concerns about cholera, diahorrea and other water borne diseases. From historical data, incidence of malaria increases from April/May and peaks in September/November. Over the next 6 months if there is no/limited intervention, it is expected that there will be a dramatic increase in malaria; high risk of death in severe acute malnourished children; risk of a cholera outbreak (seasonal); and an increase in malnutrition overall.

⁷ WHO Nigeria - Week 34-2016 to Week 12-2017 Cumulative Report

There is also a high likelihood of famine (which comes with its own peculiar health implications) with 5.2 million already people facing severe food insecurity in the upcoming lean season, as their means of livelihoods are still compromised. Markets and trading activities are still limited with high food prices and low purchasing power and there are still challenges of access due to insecurity and confinement of IDPs.

The minimum standards to be achieved in order to avert a further deterioration of the crisis are:

- ✓ Better water supply for drinking, hygiene and cooking: 15 Liter/Pers/day
- ✓ Nutrition: 2100 Kcal/Pers/day = 540g/Pers/day
- ✓ More Shelter: 45 qm /Person (incl. Roads, household plots, sanitation, schools, health facilities)
- ✓ Soap: 250 mg /Pers/mot
- ✓ Sanitation: 1 Latrine / 20 Pers.

Recommendations

After the presentations, it was understood that returns must be “voluntary, safe, dignified and sustainable”, and it has also become apparent that security is the cornerstone of everything as people cannot return to areas that are not secure.

The workshop participants, split up into three technical working groups, brainstormed and put forward new strategies as follows;

Group Breakdown

1. Group 1: To speak to the practicalities of the returnee situation in Nigeria
2. Group 2: Security & Civil Administration – what are the minimum conditions required for people to return.
3. Group 3: How do we deal with refugees outside Nigeria who are currently in Cameroon, Niger & Chad? How do we communicate better with colleagues across borders?

Outcomes

1. Conclusions on Practicalities - what humanitarians need to do to increase reception capacity.

Key Message: As it stands there is not enough capacity to absorb returnees.

- a. There is need to get information on where the refugees are from - which should be available upon registration.
- b. There is a need to be aware of the absorption capacity in return areas
- c. Additional transit sites are required although this will cause temporary secondary displacements
- d. Transit camps need to be set up in areas that are safe with minimal services available – there is no such space in Borno; the group suggested Adamawa or Gombe states.
- e. Where possible (security and availability of basic services), returnees should be assisted back to their places of origin.

Recommendations on Practicalities:

Recommendations from this session centred on maintaining the dignity of those in Cameroon, while preparing return areas for arrivals back into Nigeria. They include the following:

1. As Nigerian refugees are present in Cameroon, Niger and Chad, it was recommended that we take proactive measure to encourage host countries to retain refugees within their borders where they are safe, assisted, and protected while Nigeria prepares the return/transit areas.
2. In areas where people who are returning to find IDPs in their homes, there is a need for humanitarians to provide mediation services for the best solutions for all parties.
3. Where there is insufficient space and resources, the Government and humanitarian actors should consider relocating families in congested areas to equally safe areas.
4. Returnees be well informed on the conditions of the areas they are returning to in order to guarantee that they are making informed decisions about returning.
5. The Tripartite Commission ensures and facilitates communication between host country and Nigeria, as well as within Nigeria for planned returns. There should be minimal room for surprises in this regards, so as to ensure humanitarian actors are prepared and returnees are not brought back into areas that are unsafe for returns.

2. Conclusions on Security and Civil Administration – Conditions for Returns

Group 2 which assessed the conditions that should be in place before returns highlighted the following challenges and made recommendations based on them.

- a. Returns must be willful and voluntary – with informed choices made by the returnees
- b. There must be minimal access to safety, security and protection
- c. Food security and access to essential services (Shelter, WASH, Health and Education)
- d. There should be a common agreed position between military and civil administration on movement and relocation
- e. Coordination between the Task-Force on Returns and movement that will liaise with the Tripartite Commission, the Military, and Humanitarian actors.

Recommendations on Security and Civil Administration

1. Increased synergy and coordination between civilian and military authorities for better management of minimum conditions of security in returnee areas in order to arrest secondary displacement

2. Early warning and minimum period of notification should be agreed upon to ensure basic services and prepositioning of essential supplies.
3. The Tripartite Commission, the State Security Council and the Task-Force on Return should clarify how they relate to each other and the limits of their mandates.

3. Conclusions on Coordinating Returns and Refugee Welfare

The third group which focused on information sharing and how to communicate better with colleagues across borders, came up with the following findings and recommendations.

Essential information is needed from host countries such as:

- the number of people or refugees voluntarily returning,
- their place of origin and occupation;
- Reasons for coming back voluntarily;
- Number of people that do not want to come back and why this is the case.

In a similar vein, there must be constant communication from Nigeria updating the host country on the security situation in the areas of return, information on access to livelihood in return areas, as well as the availability of basic services such as Shelter, WASH, and Education.

3a. Recommendation on Coordinating Returns

The group recommended the following strategies to overcome challenges associated with coordinating returns.

1. A “go and see” visit by refugees in host country to proposed area of return in Nigeria is needed
2. Awareness and education should be provided to refugees on their personal rights to allow them to make informed choices about returns.
3. Collaboration, communication and information sharing between host country and country of return as well as humanitarian agencies in both countries
4. The development of joint protection, return, and integration strategies by agencies across borders. The example of UNICEF’s sub-regional strategy was cited as best practice that can be employed. The strategy considers seven (7) priorities for protection with shared responsibilities and commitments between UNICEF agencies in the region. They share information on a large scale every two (2) months to review implementation, progress, etc. A similar multiagency strategy was proposed for the return crisis across the region.

Other Recommendations

As the groups presented, other issues and recommendations also came to light:

1. Donors should support Nigerian Government and other humanitarian partners in providing and increased advocacy for resource mobilization
2. Careful screening and transportation of refugees to avoid families being separated
3. The mainstreaming of protection when tackling facets of the crisis
4. The need to confer specific attention to people with specific needs or vulnerabilities such as unaccompanied children, pregnant women and the elderly.
5. The need to arrange alternative care for unaccompanied children to minimize abuse and sexual exploitation.
6. Access to basic amenities and security to the areas of return

Conclusion

Reports of the mass returns of Nigerian Refugees from Cameroon poses many challenges that must be addressed holistically and with a multi-faceted approach. This is because it comes as a crisis within a crisis with challenges ranging from inadequate shelter, lack of food, limited WASH and health facilities as well as concerns of the status of refugees living in poor conditions in camps across the border of Nigeria and Cameroon among many other concerns. The workshop however, has offered up a unique opportunity for key stakeholders to proffer solutions to the crisis through collaboration and open innovation. Some of the key findings from the discussions highlighted the centrality of security as a major thread that will sew all humanitarian activities together. There is also a need for consistent communication across borders, civil and military lines and with humanitarian actors. This will ensure that all parties are prepared for the arrival of new returnees in terms of logistics. Information must also be afforded to the refugees to ensure that they are aware of what they are returning to and can as a result make informed decisions about their return back into Nigeria.

Finally, an important outcome is the reiteration that, on one hand, the Nigerian Government, through the Tripartite Commission and its various other agencies must work effectively to prepare return areas for displaced persons in a sustainable manner. While on the other hand, must take proactive measures and work across borders to cater for the Nigerian refugees in Niger and Chad to ensure the well-being of the displaced persons and prevent another possible return crisis.