Ministerial Round Table on the Central Sahel

Addressing humanitarian challenges from a long-term perspective

Burkina Faso, Mali, Niger

Co-organised by Germany, Denmark, the European Union and the United Nations.

Humanitarian access and civil-military coordination

Reaffirming respect for humanitarian principles and humanitarian space and strengthening civil-military coordination.
Preamble

This document was drafted in the framework of the Ministerial Round Table on the Central Sahel co-organised by Germany, Denmark, the European Union and the United Nations. Its objective is to take a critical and honest look at the humanitarian access situation in Niger and to define concrete actions to be implemented in order to enable actors to respond to the humanitarian imperative. It was written by a working group from the humanitarian community in Niger and does not necessarily represent the position of the co-organisers of the event.
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**Acronyms**

ACM : Civil-Military Action  
CENI : National Independent Electoral Commission  
CMCoord : Civil-military Coordination  
CNDH : National Human Rights Commission  
IHL : International Humanitarian Law  
HCT : Humanitarian Country Team  
MSDS : Defence and Security Forces  
NSAG : Non-State Armed Groups  
GDCI : Group of Country Directors of International Non-Governmental Organisations  
HACP : High Authority for Peacebuilding  
IED : Improvised Explosive Devices  
MAH : Ministry of Humanitarian Action  
MSA : Multi-Sectorial Assessment  
OCHA : Office for the Coordination of Humanitarian Affairs  
NGO : Non-Governmental Organisations  
QIPs : Quick Impact Projects  
RRM : Rapid Response Mechanism  
UNDSS : United Nations Department of Safety and Security
PART 01 - CONTEXT AND DIAGNOSIS

Background

Insecurity in Mali and Burkina Faso and repeated incursions by non-state armed groups (NSAGs) into the regions of Tillabéry and Tahoua has been impacting the living conditions of the people of Niger since 2012. The security situation in this geographical border area began to deteriorate in 2017 following regular incursions by NSAGs elements located in localities as far as 50 to 80 km from the three borders. This phenomenon was sharply accentuated in 2019 and 2020, resulting in attacks on Defence and Security Forces (DSF) posts and targeted assassinations, in addition to abuses against the civilian population (kidnappings, forced tithe taking, cattle theft, etc.). The current situation is in constant and rapid evolution. Humanitarian actors are closely monitoring changes in the balance of power between NSAG groups who have different approaches and tolerance towards civilian populations and purely humanitarian interventions. Indeed, according to security analysis experts, communication between the different NSAGs makes it possible or impossible (depending on which group is speaking) to understand which types of intervention they tolerate and which they condemn. This reading is crucial for humanitarian actors because it is particularly important for the security of teams working in the field. The context also requires an analysis which goes beyond the limits of the Liptako Gourma region. While the beginning of 2020 is characterised by population movements towards the cities in the south of the Tillabéry region, information from the field shows a real risk that the current crises in Northern Nigeria (West and East) will merge with that of the Liptako-Gourma. Humanitarian actors must therefore continue to reflect on how to preserve their humanitarian space wherever humanitarian needs exist, but also in so-called fragile and stable areas. It should also be noted that Niger will soon be entering the electoral period with municipal elections currently scheduled for 13 December 2020, to be followed by presidential and legislative elections on 27 December 2020. This period could see an increase in insecurity, particularly in the tri-border region, and some actors are concerned about the influence that Mali's current political context could have.

Current dynamics are undermining the humanitarian response and access is becoming more complex every day. The factors limiting access identified to date are:

- Violence against civilian populations and humanitarian actors;
- The state of emergency;
- Mandatory armed escorts;
- The risk of confusing the mandates of the different actors;
- A lack of trust between military and humanitarian actors;
- Lack of discussion with all parties to the conflict;
- Climatic conditions.

However, it should be remembered that the humanitarian imperative is an absolute priority. This principle enshrines the right of populations to receive humanitarian assistance and of members of the international community to provide it. This principle requires unrestricted access to populations affected by conflicts and climatic disasters. It is of fundamental importance and must be preserved. The humanitarian imperative must be combined with the security imperative.
State of Affairs - CMCoord in Niger

Although it has the merit of existing and underlines the existence of a dialogue with the Nigerien state services, the strategic CMCoord has difficulties in dealing in depth with the factors and risks limiting humanitarian access and in proposing solutions.

Problems of structuring and organisation

Civil-military strategic coordination in Niamey is structured through the CMCoord cell, which brings together representatives of the government of Niger (MAH), the United Nations System (OCHA, UNDSS, Protection Cluster, Food Security Cluster), three representatives of international NGOs and the military (FAN Staff and Support Forces) on a monthly basis. Civil-Military Action Officers (ACMs) from the nearby security forces also participate.

The CMCoord has an operational level in the regions of Tillabéry, Tahoua, Maradi and Diffa, although the organisations participating in it have a varying level of centralisation/decentralisation depending on the humanitarian and military actors. There are three representatives of the United Nations system, two representatives of NGOs, the military and the Ministry of Humanitarian Action.

A High-Level Committee on Access, established under the aegis of the Prime Minister, bringing together senior decision-makers from the national forces and humanitarian actors in Niger, has been proposed but has so far met only once and its terms of reference have yet to be finalised. This Committee, which is housed at an even higher level of responsibility, aims to further strengthen the dialogue between actors.

Following the Pau Summit, Niamey will host a coordination structure for the armed forces (Barkhane and FC G5 Sahel). This represents an opportunity to strengthen the consultation platforms for Liptako or to also set up a CMCoord or regional platform bringing together the civil-military actors operating in Liktapo Gourma, in order to allow more exchanges adapted to the crisis and a cross-border response.

At the level of the Strategic CMCoord, the multiplicity of actors makes coordination complex, with the presence of many forces at the table (national forces, Barkhane force, G5 Sahel, bilateral defence missions). These relay a certain level of security information to discussions and debates which are not sufficiently engaged on subjects that are essential for humanitarians, namely lasting solutions to access problems, at least those caused in part by politico-military decisions. At operational level CMCoord, a strengthening of the decision-making power granted to those, particularly military actors, who are actually seated around the table could help to improve the quality of the debates undertaken (e.g. participation of junior officers rather than senior officers, absence of Prefects who are nevertheless key interlocutors in the field). The sometimes very short turn-over within certain structures does not facilitate cohesion and medium-term results.

Its functioning is also hampered by a lack of knowledge and training of participants on civil-military coordination, naturally leading to a loss of sight of the cell’s primary objective, which is to encourage discussion and debate between military and humanitarian actors in order to find common solutions to allow humanitarian access in areas of high insecurity. The CMCoord’s agenda itself leads to this loss of sight, with a succession of contextual briefings by the different military actors, leaving little time for debate, and favouring a dominance of the discussions by the military forces. However, with the arrival of INSO in country, the capacity of humanitarian actors to demonstrate their understanding and analysis of context is strengthened. Although OCHA asked NGOs to consult each other in advance of these meetings, the lack of a coordinated voice of NGO actors present at the CMCoord is particularly evident, further contributing to this imbalance. Apart from the challenges related to the structure of the current agenda, the lack of NGO voice at the CMCoord can also be attributed to a lack of coordination between humanitarian and development actors in order to present a common front on certain issues, such as armed escorts.
Finally, the resources dedicated to CMCoord in the field are not sufficient given the stakes, with substantial training needs limiting the effectiveness of meetings and making progress slow. For example: the COVID-19 pandemic and the necessary precautionary measures taken by the authorities, combined with the lack of logistical resources, have resulted in the suspension of the meetings of CMCoord in Ouallam from 18 March to 24 June 2020. These difficulties have been alleviated by a strengthening of communication by email and the association of the three Tillabéry ACMs to the strategic CMCoord of Niamey.

Problems in understanding mandates and communication

The limits to the proper functioning of the CMCoord in Niger are not only structural limits, but also the result of divergences, misunderstandings and poor communication between political-military and humanitarian actors. A certain amount of mistrust is thus born between the actors:

- **Military forces towards humanitarians**: A product of the structural imbalance between participants, the lack of space for humanitarian actors hinders their efforts to improve the military's understanding of their mandate and modalities of intervention. Although efforts are being made to improve mutual trust and dialogue is ongoing, the lack of understanding of the humanitarian mandate, in addition to security incidents such as the theft of humanitarian vehicles, leads to the perception of humanitarian actors as representing a security risk.

- **Humanitarian towards Military Forces**: The actions of the military in the field are poorly known and misunderstood. The humanitarian community is left with the impression that the military has a 'veto' over the issues discussed at the CMCoord, justified in the name of strategic and security interests. The lack of respect for humanitarian 'red lines' (such as the refusal to use humanitarian escorts, the principle of neutrality, the protection of civilians, etc.) and the perception that humanitarian principles are little applied in practice by the military in the field reinforces this mistrust. In order to limit the risk of humanitarian workers being taken to task by the military in the field by mistake (collateral damage), humanitarian actors keep a certain amount of visibility, such as logos on the doors and roofs of cars. In addition, a movement notification system has been put in place (chronograms), compiled by OCHA in Tillabéry, Tahoua and Diffa. However, humanitarians are sometimes reluctant to use it for fear that the system will not be effective and that information on humanitarian movements will not be confidential. In addition, it is important that there is good coordination between the political-military authorities and the outposts in the field.
State of Affairs - Humanitarian Access in Niger

Brief summary of International Humanitarian Law applicable to humanitarian access:

1. Each party to the armed conflict has the primary obligation to satisfy the needs of the population under its control;
2. Impartial humanitarian organizations can offer their services to carry out humanitarian activities, particularly when the needs of the population affected by armed conflict are not being met;
3. Impartial humanitarian activities undertaken in situations of armed conflict are subject to the consent of the parties to the conflict concerned. Under IHL, parties to the conflict must consent to such activities when the needs of the population under their control are not met;
4. Once impartial relief operations have been accepted, parties to the armed conflict, as well as States not party to the armed conflict, shall permit and facilitate the rapid and unimpeded passage of such relief missions, subject to their right to control.

Legend: In Niger, various constraints limit access for humanitarian actors. The above mapping produced in August 2020 represents the areas of the country where access is limited due to different factors. Source: WFP/WFP Niger
Various factors limiting access for humanitarian actors were identified by the working group:

**Violence against civilians and humanitarian actors**

NSAGs maintain their hostilities towards any state representation in the border departments. This takes the form of targeted actions against the symbols and representations of the central state through the assassination of village chiefs, threats against teaching staff, and actions against health structures. According to the CNDH, 90 traditional chiefs have been assassinated since the beginning of 2020 in the region of Tillabéry. However, these actors are working closely with humanitarian actors, particularly as part of the RRM response. They act as interlocutors with the population and manage the population’s questions about the distribution of emergency aid. Humanitarian access has also become more complex due to an increase in allegations of DSF abuses against civilians in Niger since the beginning of 2020, as highlighted by Human Rights Watch and Amnesty International and confirmed by the CNDH in its report presented to the authorities, civil society and the international community on 4 September 2020. The abuses are a “fertilizer” for NSAG and facilitate the recruitment of young people, leading to an entrenching of the situation with significant humanitarian consequences.

Humanitarian actors are also victims of this violence. On 24 June 2020, 11 humanitarian actors belonging to Nigerien civil society were kidnapped in Bossey Bangou. The final seven of those who were kidnapped were finally released by NSAGs on 26 September 2020. This incident once again underlines the importance of supporting approaches, particularly by donors, which move towards risk sharing with local actors rather than risk transfer, especially when it comes to security and ethical risks. Preliminary steps require clarification of the meaning and implications of these approaches in order to develop a common understanding within the humanitarian community, including its donors, of what risk sharing is and who bears what responsibility. Debate should also be encouraged to define the level of acceptable risk and to understand the extent to which the level of risk tolerance would impact on the ability of humanitarian actors to respond up to the last kilometre. There is regular monopolisation of humanitarian aid assets, with the phenomenon of car-jackings observed in the regions of Tillabéry and Tahoua since March 2019, thefts of ambulances, medicines, etc. Between 2016 and 2020, 18 vehicles were high jacked in the context of humanitarian activities and one vehicle was set on fire. The areas where these vehicles were stolen are Kouré/Kollo, Ouallam, Banibangou, Baléyara, Torodi and Ayorou (Tillabéri region) and Tahoua city, Intikane and Tébrame (Tahoua region). As some of these vehicles were subsequently used in NSAGs attacks against the DSF in 2019, these vehicle thefts have impacted the confidence of civilian and military Nigerien authorities in humanitarian actors. In return, the national authorities reacted by imposing an armed escort on humanitarian actors. Finally, there is a real risk of collateral damage to civilians, including humanitarians, through the use of means of warfare targeting actors in conflict (crossfire, IED/mines, shellfire).

**The impact of the declaration of a state of emergency**

As the security situation on Niger's borders deteriorated and in order to respond to the security imperative, the country's political and military authorities opted for strong responses with a non-negligible impact on humanitarian activities in the border intervention zones. With the exception of a State of Emergency declared since 2015 in the region of Diffa, accompanied in particular by a curfew throughout the region and a ban on motorbike traffic, the authorities have declared a State of Emergency in the region of Tillabéry in 2017 - regularly renewed and now extended to all departments. Since 1 January 2020, this state of emergency in the Tillabéry region has also included a ban on motorbike traffic in all the departments of the region. This has had a considerable impact on the access of the most remote populations to basic services (healthcare, markets, etc.) by prohibiting the main means of transport - thereby increasing their vulnerability.
Imposition of military escorts by the Nigerien authorities on humanitarian actors

Moreover, under the aegis of the State of Emergency, the country’s political and military authorities have on four occasions attempted to impose the obligation of military escorts on humanitarian missions, in the Tillabéry region but also, in October 2019, in the Diffa region. This obligation has led to an almost total suspension of humanitarian operations in both regions, preventing an entire section of the population at the borders from accessing humanitarian assistance.

Despite a de facto total lifting of this obligation in the Diffa region in November 2019, and a gradual lifting in Tillabéry in January 2020, access in the Tillabéry region remains fragile and the reinstatement of this obligation was rightly perceived as a ‘Sword of Damocles’ on humanitarian organisations. The fragility of the status quo was further reinforced by the continuing deterioration of the security situation in North Tillabéry and the security constraints encountered regularly led to discussions with the political-military authorities about the use of military escorts. This has been the case again since 2nd September 2020. Following the attack in Kouréon seven humanitarian actors, the Nigerien authorities issued a verbal notification requiring consular actors and international organisations to use armed escorts outside the cities. On 14 September 2020, the Governor of Tillabery issued a message announcing that the main roads no longer require armed escort but that escorts are required for areas outside these main roads.

The military escort is not, however, more secure because of an unwanted proximity to the DSF, which remains the primary target of NSAGs actions, as evidenced by an attack by NSAGs against CENI actors on 18 May 2020 in Sanam commune which led to the abduction of vehicles by NSAGs despite the fact that the field mission was accompanied by armed forces. In the case of humanitarian actors, this implies the additional risk of being associated with one of the parties to the conflict and undermining the essential principle of neutrality. In a context where the CNDH has, following a long investigation, identified the DSF as responsible for abuse against civilians in the region of Inates, this is all the more dangerous for the acceptance of humanitarian actors by the populations they serve1.

At the Senior Official Meeting, the HACP Chairman, a member of the National Security Council, supported securing the areas as the approach to be followed to maintain humanitarian access and in his speech supported the use of military escorts only as a last resort and in cases of force majeure. The current situation in the Tillabéry region should be the subject of an objective analysis by the State and its services and partners in order to take into account the current security dynamics and adapt the measures to be taken according to the nuances in the zones. Furthermore, the security of the zones is a sovereign function of the State as

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1 https://www.cndh-niger.org/images/pdf/Prsentations_Crmonie_de_Publication_Rsultats_Missions_dEnqute_CNDH-REPPAD_AYOROU.pdf
stipulated in Article 12 of the Nigerien Constitution\(^2\). It should therefore not, in absolute terms, be associated primarily with the need for humanitarian movements. At the very least, and to the extent and within the constraints of State resources, the country's main roads and populated areas must be permanently secured, making the need for an escort or area security for humanitarian intervention unnecessary.

It should be noted that the imposition of escorts has serious consequences on the humanitarian response to the needs of populations, and since the verbal note on 2\(^{nd}\) September 2020 the impact is even greater, since it has been felt throughout the country and therefore on the humanitarian response as well as on resilience and development programmes. Between November and December 2019, 1,498 households whose needs could not be assessed following their forced displacement were affected. In August 2020, a humanitarian organization was forced to close its fieldbase in Bankilarié because it had not been able to access it since October 2019. Between February and July 2020, six assessments (MSA/ERP) had to be cancelled\(^3\). As a result, 975 households have been forced to relocate and their basic needs have not yet been met.

This situation therefore leads de facto to the loss of links with vulnerable populations and impacts on the acceptance of humanitarian actors by those they are mandated to support. Such loss of access is a vicious circle: the less access that humanitarians have to populations in need, the more contact with these populations becomes distorted, posing a real threat to the acceptance of humanitarians in the locality - a fundamental element for successful humanitarian interventions in complex security contexts. This point needs to be worked on by the actors concerned in order to identify ways of getting around these obstacles and maintain the link with vulnerable populations.

**Access dialogue with all parties to the conflict**

The issue of dialogue on humanitarian access with all parties to the conflict remains sensitive in Niger. At the end of 2020, there are signs of NSAGs' willingness to exert influence on Nigerien territory. Beyond the regular attacks on any representation of the State in the 50km strip along the Malian border, actions of influence continue with several incidents of forced levying of the Zarkat, an action carried out to impose a form of authority in northern Tillabery, but also in the regions of Tahoua and Diffa. With the rise in insecurity, these tax levies have developed and spread in the communes of Inates, Tessa, Ayorou, Anzourou\(^4\) but also more recently in Tilia and Tassara according to the ACM of Tahoua. It is therefore essential that humanitarian actors reinforce the acceptance of their presence and put forward their principles of intervention, but also that, from now on, there is a recognition of the role and importance of dialogue between humanitarian actors and all parties to the conflict. Although the humanitarian principle of neutrality is essential to ensuring access, it seems that today it is still misunderstood by the parties to the conflict and perceived as a security threat, particularly when it comes to the issue of discussing access with all parties to the conflict. It is up to the humanitarian community as a whole to strengthen its efforts to raise awareness among the political and military actors present in Niger.

The space for dialogue on humanitarian access with all parties to the conflict, although clarified by IHL, lacks clarity within national law. A balance needs to be struck between the legitimate need for the state to take measures to combat terrorism and the need to guarantee access for organisations to vulnerable populations. The right to humanitarian assistance is recognised by both international humanitarian law and national law, in particular Law 2018-74 on the protection and assistance of internally displaced persons on 10\(^{th}\) December 2018. Article 17 of this law stresses in particular that "the State has an obligation to provide assistance to IDPs in accordance with the principles of humanity, neutrality, impartiality and independence of

\(^2\) Article 12: "Everyone has the right to life, health, physical and moral integrity, healthy and sufficient food, drinking water, education and instruction under conditions defined by law. The State shall ensure the satisfaction of essential needs and services and the full development of everyone. Everyone has the right to liberty and security under conditions defined by law".

\(^3\) Presentation of the strategic RRM group on 17 September 2020.

humanitarian actors and appropriate standards of conduct. Through Article 22 of the same law, it is clear that the State is committed to ensuring free and rapid access for humanitarian personnel to IDPs. However, to date, there is a need for clarification on the legal framework in Niger regarding the practice of dialogue between humanitarian actors and all parties to the conflict in order to obtain humanitarian access, regardless of whether or not they are present on Nigerien territory. This clarification is essential in the interests of dialogue to ensure humanitarian access. For example, in Chad, a law has just been adopted (Law n°003/PR/2020 on the suppression of acts of terrorism in the Republic of Chad, promulgated on 20 May 2020). This law recognises that "no provision of this law may be interpreted as derogating from international humanitarian law and international human rights law" and that "activities of an exclusively humanitarian and impartial nature carried out by neutral and impartial humanitarian organisations are excluded from the scope of this law".

Finally, for the most part, NGOs also do not have sufficient tools to carry out such access negotiations, raising a pressing need for training for both international and national NGOs or the creation of a common negotiation framework/space for the entire humanitarian community.

Ongoing discussions on the humanitarian community's strategy for strengthening access to Niger and the next step in defining its action plan will provide an opportunity to take action to address the above-mentioned points of the diagnosis.

Risk of confusion between the interventions of the different actors by the populations

During the first half of the year 2020, a video recounting the implementation of civil interventions by Niger's political-military actors aimed at regaining the confidence of the population was widely circulated on social networks. It reports that the Prime Minister has made food, medicines and other goods available to the Niger army through the HACP. The distribution was carried out by the DSF at the beginning of June 2020 to people in North Ayerou, an area inaccessible to humanitarian actors. The video also indicates that these activities are taking place on the Ouallam and Banibangou axis and shows an interview with the Prefect of Ayerou, exposing him to a high risk of protection. The G5 Sahel, in a communication made in September 2020 to the CMCoord, informed the humanitarian community that they have carried out humanitarian needs assessments of the populations and indicated that they will proceed with the distribution of school kits, medicines, and some small infrastructures. They then invited the humanitarian community to respond to the remaining needs, although this type of activity is being implemented in the region by humanitarian NGOs. For the remaining needs, they appealed to humanitarian actors. The U.S. Department of Defence also plays a role in civil assistance activities implemented by DSF. On 19th September 2020, the American Embassy in Niamey published a tweet about their support to the SDF, to which they have donated medical and humanitarian products. These donations were then distributed to Karki, Abala, Sanam, Soumat and Garbey among others. According to the tweet, these activities were implemented during the first two weeks of September 2020 in the Tillabéry region. However, they were not the subject of any communication during the CMCoord of 16 September 2020. During this meeting, the NGOs nevertheless expressed their need to be informed in order to carry out awareness-raising activities among the population to avoid any confusion of mandates.

On the basis of these recent examples, the humanitarian community has noted that, to date, this type of intervention is not sufficiently communicated with humanitarian actors, who then run the risk of being in the same place at the same time. The civil assistance activities carried out by DSF reinforce the fear that NSAGs may confuse the mandates of different actors, especially as one category particularly targeted by NSAGs, community leaders, are an essential contact for humanitarian activities and their acceptance by the populations. For the latter, a confusion of mandates could have particularly harmful consequences. Therefore, humanitarian actors must ensure that civilian assistance activities carried out by the military do not duplicate their own. In the case of duplication, the quality of quick impact projects (QIPs) would inevitably
be reflected in the overall perception of the quality of projects carried out by humanitarian actors. However, it is this quality which is the first factor in the acceptance of humanitarian interventions by the population. Close coordination between military and humanitarian actors is necessary, as well as a clear distinction which is reflected in the visibility of implementing actors when carrying out these activities. These activities must be complementary to the activities of humanitarian actors. The principle of “do no harm” must be paramount in the design of these activities as much as in their implementation.

CMCoord is currently working to avoid any confusion of mandates. As part of this effort, it invited strengthened communications with humanitarian actors prior to the implementation of this type of activity by the armed forces. This communication is all the more important as awareness-raising work by humanitarian actors in the beneficiary communities is essential in order to inform them of the difference in the mandates of the actors and to preserve the acceptance, and therefore the access, of humanitarian actors. Also, actors within the CMCoord should encourage the limitation of civil assistance interventions by DSFs to infrastructure activities. Actors implementing these quick-impact projects will also need to ensure that the protection of populations is at the heart of these initiatives.

Climatic conditions
Access limits are also physical. The rainy season leads to physical inaccessibility of certain areas of the Tillabéry region due to the degradation of roads. With climate change, the rains are increasingly violent and further limit physical access. But the consequences are also security related. Physical access constraints also make it difficult or even impossible for security forces to secure certain areas. Conflicts linked to natural resources are also caused by inheritance, damage linked to the presence of herds in cultivated areas, the quantities of wood collected, access to water, demographic pressure, population movements, etc. Climate change reinforces these conflicting dynamics not only between pastoralists and farmers but also between different groups of pastoralists. Thus, different groups tend to arm themselves to preserve their access to natural resources and protect their interests. This provides fertile ground for NSAGs to use these dynamics to their advantage; the lines between bandits, NSAGs and groups seeking to preserve their access to resources becomes increasingly difficult to navigate. This point is an important component to bear in mind. The current dynamics are complex and require careful analysis in order to enable humanitarian actors to engage in dialogue with all parties to the conflict.

PART 02 - FRAMEWORK AND PRECONDITIONS

This framework is made up of the elements considered by the workshop participants as the areas for improvement necessary to achieve the objectives of Theme Three.

1. Humanitarian principles and mandates of the different institutions

Firstly, more work and communication on the understanding of humanitarian principles by political-military actors in Niger, but also by development actors, could improve the climate of mistrust mentioned in the initial diagnosis. This would lead to greater trust and transparency on the part of the military regarding the sharing of information and the justification of certain refusals of access. It would also lead to greater coherence and raise awareness among development actors about humanitarian access and the issues at stake. These awareness-raising sessions should be approached from the angle of pragmatism and the operationalisation of humanitarian principles. In addition, there is a need to raise awareness among political-military actors about the nuances of mandates and between the modalities of intervention of humanitarian and development NGOs and UN system agencies, in order to strengthen their understanding of the mosaic of actors intervening in the field and, ultimately, help to reduce the climate of mistrust. This process can be supported by donors.

2. Strengthening communication between humanitarian and development NGOs

At present, there is a significant gap between the approaches of development and humanitarian NGOs. Wrongly, they are too often considered as forming a uniform whole. However, they have distinct experiences, understanding and operationalisation of humanitarian principles. Strengthening communication between these two actors would allow for more dialogue and common positioning in terms of security and access. This enhanced effort will also necessarily involve greater inclusion of national NGOs in the process, facilitating the strengthening of their capacities in the field of security management and a better understanding on their role in the civil-military coordination system. Finally, it will contribute to a more ethical approach to humanitarian response which, as the kidnappings of 24 June 2020 demonstrated, entails significant risks for local civil society organisations. An organisation such as INSO, which recently arrived in Niger and enjoys the confidence of donors as well as a presence within the HCT and CMCoord, has a fundamental role to play in bringing NGOs closer together, but also in strengthening their capacity to analyse the security context and improve their ability to assess risks, as well as in humanitarian negotiation issues. The strengthening of communication between NGOs also involves the question of the accountability of the organisations towards the population. A strengthened and perhaps even, in the long term, common mechanism for reporting the contributions and complaints of populations could help to strengthen the quality of interventions and, consequently, the acceptance of local populations.

This effort also involves strengthening coordination between NGOs within and outside CMCoord to ensure that the voice of all NGOs is heard, rather than just a few. This precondition will also allow for a better common front of NGOs at CMCoord meetings, rebalancing speaking time at meetings and strengthening the position of humanitarians in the face of the demands and impositions of the country’s politico-military authorities. A starting point could be to strengthen the OIREN platform and the coordination between the NGOs sitting on CMCoord and participating in the platform.

3. Dialogue with all parties to the conflict

Before entering into dialogue with all parties to the conflict, preliminary steps are required and can already be discussed with national authorities and donors. These preliminary steps can also be integrated into the
action plan of the humanitarian access strategy which is currently being finalised. Members of the international community need a better understanding of what Nigerien law stipulates regarding dialogue between humanitarian actors and all parties to the conflict in order to strengthen access to populations. It is crucial that the authorities and Nigerien law recognise the right to dialogue as provided for in International Humanitarian Law. The recognition by a State that international law applies to a conflict involving a NSAG does not constitute de jure recognition by the government that this party to the conflict has any status or authority. Recognizing the right of humanitarians to engage with parties to conflict in accordance with humanitarian principles does not limit the right of the government to combat these actors through any legal channels⁶.

Beyond this first step, it is essential to strengthen the capacity of humanitarian actors to carry out a detailed analysis of conflict contexts and dynamics. The arrival of INSO in the country already marks a key turning point for NGOs. Finally, humanitarian and development actors, both local and international, need to strengthen their skills in terms of dialogue with different actors/groups. Donors would be first-rate allies because of their investment in resilience and because of their position in contact with state actors, enabling them to place humanitarian principles at the heart of the debate as an argument justifying the need for such exchanges. On the State side, putting the protection of civilians back at the centre of decision-makers' priorities will make it possible to consider the dimension of dialogue for civilian populations and for humanitarian actors with NSAGs in particular, given the current consequences that civilian populations face in the event of dialogue with NSAGs.

4. The electoral process

According to the decrees published in September 2020, municipal elections should be held on 13 December 2020 and the first round of presidential and legislative elections on 27 December 2020. This period will need to be closely monitored by humanitarian actors as it could have consequences for humanitarian access in both its most optimistic and most pessimistic scenarios. In a context characterised by growing insecurity, allegations of fraud within the Ministry of Defence and the opposition's dissatisfaction with the electoral calendar, many questions arise: will it be possible to hold elections throughout the country, are they likely to be postponed for security reasons, will the armed forces be supported to ensure they are held in high-risk areas, will they cause instability, etc. Several security incidents against the CENI electoral census teams (notably vehicle robberies, but also, on at least one occasion in early May, the destruction of electoral material) in North Tillabéry suggest that NSAGs are not necessarily in favour of holding the elections and could therefore lead to an increase in targeted attacks and displacement of the population. In a best-case scenario, actors should expect a slowdown in humanitarian dialogue and a turnover in the dialogue. However, a certain stability of context is an important prerequisite for maintaining communication with DSFs and political actors. This work of raising awareness among new interlocutors in order to guarantee the continuity of the dialogue will need to be carried out with the support of donors.

5. Multi-annual and flexible funding

The acceptance of humanitarian actors depends on the quality of the programmes implemented for the benefit of the population. Multi-year funding plays a fundamental role in improving programme design, launching projects in new areas and increasing staff retention. It also builds trust with local partners and communities, providing a deeper community base for frontline actors. This is particularly important in a context where community leaders- key actors in the distribution of primary emergency humanitarian aid, are increasingly targeted by NSAGs. Ideally, this trust should therefore also be channelled through public officials in sectors such as health or education; but could also be achieved through wider consultations with the

⁶ https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt3#_Toc465169955
population. To do this, organisations need a longer-term commitment. In addition, this type of funding allows for better integration of cross-cutting issues such as climate change, an important factor in the dynamics of the ongoing conflict and indirectly in the restriction of humanitarian space. Multi-year and flexible funding allows for a faster and more appropriate response to the changing needs of populations in emergency and fragile contexts. They also offer new actors the opportunity to develop programmes in a new area while benefiting from the time needed to map actors, build trust with security actors, and strengthen the capacity of staff members to conduct humanitarian negotiations, thus improving their chances of maintaining/obtaining humanitarian access. Finally, when well implemented, this funding helps to build the capacity of the state and its institutions, thus limiting its fragility.

In a fragile security context and where donors known to be traditionally development donors are engaged in fragile areas, the question of flexibility is essential and must be understood and applied by all. Flexibility can take the form of integrating a "crisis modification" mechanism into development funding in order to adapt to changing contexts. It should mean less bureaucracy in the use of flexible funds within grants and project extension requests, flexibility between budget lines, and an adapted accountability mechanism so that beneficiaries can use a single reporting system for contributions and complaints.

6. Stabilisation and peace discussions that respect humanitarian principles

It is fundamental that the peace and stabilisation discussions underway for the Liptako-Gourma region respect humanitarian principles, in particular the neutrality of humanitarian actors. Drawing lessons from the discussions on the stabilisation of the Lake Chad basin, it is essential that humanitarian organisations with a large presence in the region and who benefit from an understanding and analysis of the context be involved in the discussions so that they can play their role as guarantors of respect for humanitarian principles. Humanitarian action must remain neutral, impartial and independent. It must be free of any political and/or military agenda. The stabilisation strategies that are developed must not in any way interfere with the implementation of the humanitarian response, which must continue to be provided on the basis of identified needs and vulnerabilities. Funding to meet the humanitarian imperative must be free from these political/military agendas and be targeted at frontline actors independent of stabilization interests.
PART 03 - RECOMMENDATIONS

To respond effectively to these complex issues and their repercussions, a consensus on accountability in humanitarian action must exist between the highest level of the Government of Niger, the humanitarian community and development actors. These three parties must unanimously agree that the effectiveness of humanitarian action depends on respect for its principles. This will enable the deep chronic and acute vulnerabilities affecting Niger to be addressed through concerted and simultaneous action by all actors. This will ensure the provision of life-saving humanitarian assistance and support recovery and resilience-building in affected communities.

To the State and its services:

▷ Put the humanitarian imperative back at the heart of priorities while combining it with the security imperative. As far as escorts are concerned, they should only be used as a last resort and only exceptionally following an objective and dynamic analysis of the security situation and humanitarian needs.

▷ Recognise the importance and role of humanitarian dialogue as stipulated by International Humanitarian Law. This law is essential for humanitarian actors who need to have limited communication with all actors in conflict in order to allow the humanitarian response to be implemented in accordance with the principles of independence, neutrality and impartiality.

▷ Mandate representatives of State services with adequate decision-making power within the CMCoord, including at the decentralised level, in order to enable debates to lead to concrete solutions in favour of humanitarian access which meet the humanitarian imperative. This is reflected in an invitation to Prefects to participate in operational CMCoords and an assurance from the State Authorities to make senior officers available.

▷ Communicate, prior to their implementation, the civil-military assistance activities implemented by the State services (DSF, HACP). This communication takes place during CMCoord meetings or via OCHA, which is then responsible for sharing information with humanitarian actors working in the area concerned by the activities. It concerns both the places where the activities are being implemented and the activities which will be carried out. Activities delivered by humanitarian actors must not be duplicated by the DSF. It is preferable that they are limited to infrastructure activities. At all times, these activities must respect the principle of “do no harm” to the populations who are the beneficiaries. Visibility enabling the nature of the actor delivering the assistance to be identified must be maintained.

To donors:

▷ Strengthen the capacity of humanitarian actors to engage in dialogue with all parties to the conflict in order to ensure access to populations in accordance with humanitarian principles. This support includes funding training for local and international humanitarian actors on dialogue with all parties to the conflict. Such training on dialogue could also be useful to enhance the quality and effectiveness of discussions within the CMCoord. Donor support also takes the form of assistance in analysing Niger’s legal framework to ensure that the role of International Humanitarian Law as it applies to this issue is recognised.
After the elections scheduled for the end of 2020, raise awareness among (newly) elected officials of humanitarian principles, of the absolute priority of the humanitarian imperative and of the fundamental importance of access free of constraints such as military escorts. This awareness-raising is accompanied by advocacy for the continuity of existing spaces for dialogue such as CMCoord and the High-Level Platform on Humanitarian Access.

Set a minimum target for flexible, multi-annual funding to be allocated directly to actors in the field to enable a response adapted to the needs of the population. Flexibility mechanisms must be accompanied by a lighter administrative burden in order to allow both transparency and communication with the donor and the responsiveness of teams in the field. Such funding will strengthen trust with local populations and the quality and efficiency of programmes by adapting to changes in context. This funding can also be accompanied by support from donors to promote reflection on the role of accountability mechanisms and the adaptations to be made to facilitate the use of these mechanisms by the populations located in the project intervention zones. This would make it possible to strengthen the quality of projects and, in the long term, the acceptance of the populations.

Ensure that discussions and actions taken in relation to peace and stabilisation agendas respect the principles of neutrality, impartiality and independence of humanitarian action. Donors must ensure that dialogue with humanitarian actors is maintained and constant so that humanitarian actors can exercise their role as guarantors of humanitarian principles and values. Maintaining dialogue with humanitarian actors must also enable development donors to deepen their understanding of humanitarian principles and the issues involved in preserving them. Donors working in nexus implementation areas must ensure that the conditions attached to their funding do not impact on humanitarian actors’ access to vulnerable populations.

Humanitarian and development actors (NGOs):

Strengthen dialogue between local and international NGOs with a humanitarian and development mandate, in order to ensure a common position on sensitive issues (military escorts, stabilisation efforts, flexible and multi-annual donor funding). This positioning will then feed into concerted advocacy with the State and its services. These efforts can take the form of a strengthening of the functioning of the GDCI and/or the OIREN, which should benefit from a more pronounced commitment from its members, greater decision-making power and representation within the HCT and the CMCoord, and joint advocacy actions. The objective is to enable these organisations to position themselves to speak with a single voice in order to strengthen their access to red and fragile zones. One of the avenues would be to elect one or two organisations to represent the voice of NGOs in the discussion forums following consultation with the NGOs.

Adopt a more inclusive approach with local organisations in order to guarantee them access to spaces for exchange on issues of access and humanitarian principles. This approach must include capacity building for these actors through training in humanitarian negotiation, security analysis and humanitarian principles. This capacity building could also be done through the permanent training unit included in the country access strategy currently being finalised.

Strengthen the sharing of NGO knowledge on security needs and risk analysis of their operations.
To the United Nations System Agencies:

- Support an inclusive discussion aimed at reorganising the CMCoord agenda to allow more time to address key issues limiting humanitarian access (access, security, acceptance). This reorganisation will contribute to a rebalancing of the participation of the different actors within CMCoord and should allow the creation of a space for dialogue facilitating real exchanges between participants.

- Encourage the circulation of information on the civil assistance activities implemented by the DSFs in order to ensure that there is no duplication of activities, to guarantee good coordination between actors and to minimise the risk of confusion of roles and mandates of actors by local populations and other parties to the conflict. A discussion with members of the humanitarian community should be organised to determine the best way to circulate this information and the possible tools that should be used. The distinction of mandates is also essential to avoid any confusion between humanitarian and military interventions. To this end, respect for the respective mandates, with the interests of the populations at the centre, is key.

- Support the establishment of a regional CMCoord for Liptako-Gourma bringing together actors with a cross-border response, including humanitarian actors. This forum for dialogue will increase the understanding of sub-regional dynamics and humanitarian issues by the different actors. It should enable the humanitarian imperative to be made an absolute priority.