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.

Protection

Strengthening protection services, including the various humanitarian, legal and social, human rights and civilian protection approaches, ensuring holistic and effective coverage of needs.
Preamble

This document was drafted for 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 protection situation in Niger and to define concrete actions to be implemented in order to enable actors to respond to the needs of the Nigerien population. 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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<tr>
<td>CNDH :</td>
<td>National Human Rights Commission</td>
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<td>IHL :</td>
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<td>NSAG :</td>
<td>Non-State Armed Groups</td>
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<td>HACP :</td>
<td>High Authority for Peacebuilding</td>
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<td>IASC :</td>
<td>Inter Agency Standing Committee</td>
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<td>IO :</td>
<td>International Organisations</td>
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<td>INGO :</td>
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<td>NNGOS :</td>
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<td>IDP :</td>
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PART 01 - BACKGROUND

Niger is one of the poorest countries in the world, with a population growth rate of 3.8% and an overall population of around 23 million in 2019 which puts a lot of pressure on protection services and does not allow equitable access to limited resources.

Climate as well as environmental pressures, including the advancing desert, the reduction of arable land, demographic pressure and structural changes in the economy, are some of the key issues that affect Niger and predate current humanitarian emergencies.

Niger has been affected for more than a decade by recurrent crises and shocks, including drought, epidemics, floods and armed conflicts that can occur simultaneously in some regions. This ongoing security and humanitarian crisis situation continues to further weaken the population's protection mechanisms. The underlying causes of the conflict and protest movements are rooted in the context of pressure over resources and injustices as well as inequalities perceived by some groups. A response to the security crisis will therefore require a strengthening of basic protection services and systems. Conflict zones and areas most affected by environmental change and food insecurity are one and the same. The risks experienced by the population are cumulative, increasing the vulnerability of the following groups: internally displaced population, refugees, people living with disabilities, women heads of household, the elderly and children. This situation also contributes to reinforcing existing institutional vulnerabilities and inter-community tensions.

Since the early 2010s, when the crisis and conflict zone was limited to the Diffa Region following the spillover of Boko Haram activism from Nigeria, regional instability has taken on a new dimension with the amplification of the Libyan and Malian crises and the deterioration of the situation in Burkina Faso. These conflicts have led to significant forced population displacements and a rapid deterioration of the social and economic situation in almost all of Niger’s border regions.

The protracted conflict in Libya has spread to the Agadez region: the desert on the border with Libya has become the main centre for arms, drugs as well as human trafficking by criminal groups. Armed conflict, like drought, impacts on economic activities. They are push factors for internal or external migration. Northern Niger remains a hub for economic migration to Algeria, Libya and European countries. There has been a significant drop in this activity due to the strengthening of controls. Migration flows have become less visible and migration routes more dangerous as smugglers are pushed to bypass the city of Agadez by other, more dangerous and isolated routes along the borders, with the result that the vulnerability of the population in transit increases. Furthermore, there is migration towards Algeria of populations mainly of women and children who practice begging, exposing themselves to several protection risks.

Currently, Niger is under pressure from violence by Non-State Armed Groups (NSAGs) on three main fronts: the border areas with north-eastern Nigeria, Mali and Burkina Faso.

- In the region of Diffa, where the state of emergency in the region is in force since 11 February 2015, following the simultaneous attacks by Boko Haram on the towns of Diffa and Bosso (06 February 2015), the security situation remains affected by repeated attacks by NSAG’s and an increase in abductions, including children who are at risk of getting recruited by NSAG’s.
  
  At the beginning of 2019, the state of emergency was eased with the lifting of the ban on growing and selling peppers and on fishing and selling fish. The region still hosts more than 260,000 people (IDPs, refugees from Nigeria and returnees) in temporary settlements and forced to flee repeatedly.
During 2019, the crisis worsened following an increase in NSAG’s activism and the October floods that affected 45,000 people.

- Deteriorating security on the border with Nigeria has also led to new cross-border movements of Nigerians who have settled in the border areas of the Maradi region: more than 35,000 Nigerians from the states of Sokoto, Zamfara and Katsina have found refuge with local Nigerian communities since May 2019 (UNHCR).
- Insecurity in Mali and Burkina Faso and NSAG’s repeated incursions into the regions of Tillabéri and Tahoua have had an impact on the living conditions of the people of Niger since 2012. This situation has been exacerbated since 2018 by the actions of various NSAG (armed attacks, looting, threats, kidnappings, extortion, etc.), which have contributed to the intensification of violence, the polarisation of conflicts, and the internal displacement of some 269,399 Nigeriens in addition to the 239,947 refugees already hosted by the country (HRP July 2020).

The NSAG, and the mainly security and military management of the crisis, have fostered a climate conducive to the escalation of conflicts, including inter-ethnic and inter-community conflicts accompanied by reprisals.

If forced population movements, as a result of armed and inter-community conflicts, are the visible impact of insecurity, the deconfiguration of the social and community fabric is an important impact that will have longer-term implications.

The problem of displacement in the regions of Tahoua, Tillaberi, Maradi and Diffa has continued to increase since the beginning of 2020 due to the intensification of NSAG activities and military operations. The Maradi region has seen an increase of more than 88% in the number of displaced persons since the beginning of 2020. The search for durable solutions for returnees and long-term displaced persons also remains a major challenge for the country.

In response to incursions, attacks and threats from NSAG and extremists, the regions of Tillaberi, Tahoua and Diffa have seen an intensification of military operations and the gradual application of the state of emergency which now covers the entire departments of Tillaberi and which has resulted in a number of measures restricting the movement of vehicles, motorbikes and people and imposing the closure of certain public spaces, markets and services.

Niger’s armed forces remain the main target of large-scale attacks by NSAG (two major attacks against the military bases of Inatès and Chinégodar took place between late 2019 and early 2020, causing hundreds of deaths among the defence and security forces), but attacks against civilians are increasing, including those against public officials and community and religious leaders, as well as displaced persons, refugees and members of host communities. Kidnappings, robberies and deadly attacks by NSAG are reported almost daily. The number of civilian casualties in 2019 is the highest recorded since the onset of the security crisis in 2015 (244 civilian casualties in more than 235 attacks in 2019, HNO 2020).

In addition, markets, health centres and schools are frequently attacked or burned, and teachers and local authorities are routinely threatened if not directly abducted and killed.
Recurrent and overlapping crises have led to an increasing reduction, year after year, of protection spaces, humanitarian access and development opportunities in Niger. The protection environment is increasingly threatened by escalating insecurity and the primacy of military and armed responses. There is an increase in violations by non-state and state armed forces and groups, improvised explosive devices, abductions, sexual and gender-based violence, and an increase in state absence in some localities as well as inter- and intra-community conflict. The relative inaccessibility of localities where the civilian populations most in need of protection are located makes it difficult to collect data to inform needs, mobilise the response and provide care. As the geographical area of the crisis covers several countries, it is important that the analysis of the protection environment is carried out in the Central Sahel (Burkina Faso, Mali, Niger) and the Lake Chad Basin, and that the regional dimension of the crisis is included in national strategies and humanitarian programming.

At all levels, the issue of population movement raises the question of the use of resources, land and property. Niger is faced with a problem that challenges all actors to seek approaches to solutions to the issue of land and resources. In addition, there is the question of civil documentation for all populations on the move.

Finally, given the multidimensional nature of the crisis, which affects all aspects of protection, it is essential that the response is holistic and integrated, but also adapted to the particular needs of the people affected, according to their age, gender and vulnerability and with particular attention to the inclusion of communities in the identification of their priorities.

While strengthening the legal, normative and administrative framework in the area of protection, it will be imperative to operationalize protection with additional resources covering humanitarian, development and peacebuilding needs. It is essential that the centrality of protection is reaffirmed and that all actors rely on the concepts of accountability and "do no harm" as well as humanitarian principles, International Humanitarian Law (IHL) and International Human Rights Law (IHRL) for any intervention.

**Framework for strengthening security in Niger**

In the context of strengthening security, the government has implemented several major actions, including a 20% increase in the defence and security budget, the adoption of a law defining the framework for the legal and institutional repression of terrorism and related activities, the creation of a national centre for strategic and security studies (CNESS) and the strengthening of sub-regional and international cooperation through the G5 Sahel, the European Union civilian mission in the framework of the Common Security and Defence Policy (EUCAP Sahel) and joint command posts. It is within this framework that in June 2017 France, Germany, the European Union, the World Bank, the African Development Bank and the United Nations Development Programme launched the Sahel Alliance in order to respond to the challenges facing the G5 Sahel member countries. Since then, Italy, Spain, the United Kingdom, Luxembourg, Denmark and the Netherlands have joined the Alliance. Other frameworks for bilateral military cooperation, either in the fight against terrorism or in the field of migration exist, notably with Belgium, Italy and the United States.
PART 02 - DIAGNOSIS

The diagnosis of Niger’s protection situation will focus on needs, obstacles and opportunities in order to inform the recommendations in Chapter III, aimed at improving the protective environment in Niger.

Needs

The first priority of the need to *strengthen the centrality of protection, and the integration of protection objectives that differentiate security from protection*, among all stakeholders and sectors, state services and the different forces present on the territory. The concepts of protection and security, although clearly defined by law and the international community, are often confused in Niger and consequently dealt with in inappropriate fora or in a superficial manner, reducing protection to the physical security of the population.

In this sense, administrative restrictions limiting access and freedom of movement (such as a ban on motorbikes) have an extremely negative impact on the protective environment of conflict-affected populations, including humanitarian actors who find it difficult to reach populations in need to provide assistance and the constraints they face in moving around to access basic services. There is a need to re-evaluate the pros and cons of these measures and propose alternative forms that can guarantee access and improved services for the benefit of the populations.

Although the efforts made to ensure an improvement in the security context are remarkable, major attention should be paid to the protection needs of the populations so that they can benefit from a significant improvement in living conditions and not become involved as a stakeholder in the conflict.

The second priority is the need to *improve the identification of violations and the analysis of protection risks* based on a community-based and inclusive approach. These analyses benefit from taking into account the gender, age, capacities and vulnerabilities of affected people, as well as including marginalised groups (people from social, ethnic and religious minority groups, and people with disabilities). These conflict-sensitive analyses help to improve the organisation of responses.

The production of quality analyses of protection trends and needs (social cohesion, access to services, protection risks to which populations are exposed) remains very weak. The weakness is linked to the resource limitations of the agencies predisposed to this role and the sensitivity of some information.

Finally, the *effectiveness of the coordination of humanitarian action and dialogue between humanitarian, security and development actors* remains very limited. Enhanced collaboration between actors could lead to integrated responses that are better adapted to the multidimensional needs of the population and would be more effective in terms of resource allocation.

Strengthening coordination to ensure a continuum of protection between emergency response and development actors would make it possible to take better account of the temporal dimension of protection. This dimension includes behavioural change and the approach to the root causes of the crisis which are often addressed in a limited way by humanitarian actors. For such a new approach, a flexible, multi-annual funding system, accompanied by an increased focus on protection needs by donors, both humanitarian and development, remains necessary.
Given the aggravation of conflicts in addition to structural crises, Niger has an acute need for support in the direct provision of specialised protection services. The needs are growing: for the care of GBV survivors, children at risk, people with specific needs (including victims of human rights violations), for the reinforcement of psychosocial services, for the resumption of campaigns to provide legal documentation, for land conflict management mechanism... While continuing to strengthen existing state services and the community approach, it seems imperative that humanitarian and development organisations support the state in the provision of these services in order to reduce pressure and respond adequately to the needs of the population.

In addition, and in line with international recommendations, it is strongly recommended that protection is also integrated into all other assistance interventions (at emergency and development level), and cross-cutting across all sectors of intervention. Particular attention should also be paid to the issue of Housing, Land and Property, as population movements have destabilised pre-existing dynamics of access to land and contribute to increasing pressure on already limited natural resources.

The mid-term review of the Humanitarian Response Plan 2020 following the emergence of Covid 19 shows an increase in the number of people in need and the emergence of new protection needs as a direct consequence of the pandemic or the measures adopted to contain it. This increase is related to a sector that is already largely underfunded in 2019. The under-funding is partly due to insufficient data and analysis of protection, resulting in a lack of visibility of protection in sector strategies. An increase in funding and a new framework for its provision is needed.

Finally, the support of the State to ensure its commitment and responsibility in terms of protection must continue with specific and dedicated resources to guarantee the prioritisation of the sector at the national level, including child protection and GBV. There is a need for a reorganisation of the bodies in charge of supervising sectoral policies and services in order to better guarantee the provision of services and the finalisation and effective adoption of the legislative framework (GBV, child protection, access to identity documents, land issues). The vulnerability of the population is also accentuated by the weak presence of the state in certain regions (particularly in remote rural areas) and by the closure of a number of basic services, leaving people in a degraded protective environment.

**Obstacles**

Some social and traditional norms that have negative protection consequences find wide social acceptance in Niger, such as child marriage, denial of resources and access to education in favour of child labour and employment in begging, gender inequalities, and the living and learning conditions of talibé children. While it is true that they were already present long before the conflicts erupted, it is clear that the conflicts have reinforced them. The persistence of certain taboos regarding domestic and gender-based violence, including the fear of stigmatisation, contributes to the concealment of the phenomenon and the weakness of the statements made against the violence.

Furthermore, the limited access of humanitarian and development actors to nomadic populations or people living in remote areas and their poor access to basic services prevent the circulation of information and
knowledge of the legal frameworks adopted by the state on various protection issues, limiting the effectiveness of interventions and the appropriate responses.

At present, in addition to what could be defined as "structural" obstacles to protection, there is also the extremely deteriorated and volatile security context, the active presence of various armed groups (state or non-state), the flourishing of banditry along the routes of displacement and the increasing restriction of humanitarian access.

In some areas, the continued presence of NSAG is perceived by the population as a protective and stabilising factor, as they reduce crime and strengthen the systems for responding to problems in the areas under their control. The discontinuity of their presence leads to armed movements between parties and increases the space for non-organised crime. These armed movements constitute a major security threat: they limit humanitarian access to populations and do not offer continuity of all basic services. Areas of movement also have important limitations on humanitarian access imposed by the state administration in a preventive manner.

The prioritisation of the security approach, and especially the military approach, to the detriment of the protection approach is one of the major obstacles to the resolution of the crisis identified by civil society in Niger. The application of state of emergency measures, the restriction of freedom of movement, reinforces the gap between the populations living in remote or nomadic areas and the residents of urban areas. They result in a deterioration of their living conditions and reinforce suspicion and inter-community tensions, especially in the border regions.

The absence of predefined reference sites with the involvement of IDP and refugee groups where displaced populations can find security and assistance, the lack of consistent investment in durable solutions and the increase in unsafe migration routes negatively impact the protection of already vulnerable people, who are fleeing insecurity in search of a better future.

The weak consideration of protection in national plans and strategies and the partial implementation of state protection policies lead to a mismatch between political discourse and reality on the ground, to which are added threats against community leaders, health actors and teachers, which have contributed to creating a vacuum in the presence of the state that greatly benefits NSAG and criminals and risks weakening people's confidence in the central administration, creating a governance problem.

At the same time, the limited human and financial resources available to the basic technical and social services, the frequent turnover of trained staff, the politicisation of the administration, which prefers to assign positions to political members rather than technicians, the lack of opportunities for volunteers, including civic service conscripts, the dysfunctional pension system with the renewal of pensioners and the poor coverage at national level of the services providing protection, as well as the basic services offered by the authorities, severely limit the possibilities of referring or caring for people in need of protection.

This non-uniform coverage in terms of services also has an impact on the efficiency of the judicial system. The impunity enjoyed by the perpetrators of human rights violations finds its place in an inadequate, weak or non-existent legal framework (some international texts signed by Niger have not yet been adopted in the national legal framework) and in a limited application of legal texts. Decentralised services, which should
strengthen the presence of the state and improve governance, are often deprived of the expected funding, which remains at the level of the central government. As a result, the accountability of the state and non-state actors is difficult to ensure.

**Barriers to access to justice** that discourage victims of violations from lodging complaints are reinforced by the absence of a legal aid and legal assistance mechanism for the poor and indigent and the lack of support for victims of human rights violations.

All of the above factors limit the capacity to intervene in protection in an inclusive, effective and long-term manner.

**Opportunities**

Despite the multiple obstacles to improving the protective environment in Niger and the availability of holistic services, there are still opportunities that can contribute positively to the work of protection actors. Without being exhaustive, the main opportunities are:

- **The presence of endogenous community protection mechanisms** supported in their establishment and operation by protection actors but anchored to pre-existing mechanisms for sharing information between members of the same community or neighbouring localities, in order to better respond to dangers. The presence of endogenous early warning and community protection mechanisms to be strengthened allows for a more appropriate response that is intended to remain long-term.

- A **dynamic civil society and the presence of several local NGOs** active in different fields (food security, nutrition, protection) but also particularly interested and open to integrating protection into their activities. Their commitment, although sometimes limited by the lack of financial and human resources, helps lay the foundations for a medium and long-term ownership and localisation of the protection response and an effective integration of protection principles into at the core of other sectors.

- A **young population invested in** issues of governance, peace and development: Niger’s youth has demonstrated, alongside civil society actors, its willingness to contribute to the search for solutions to protection issues. Unfortunately, the scope of social programmes aimed at young people in the labour force remains weak. Refocusing resources and responses on young people could help, on the one hand, to reduce the risks of exposure to recruitment by NSAG and, on the other hand, to increase the role and level of involvement of young people in actions aimed at the emergence of a sustainable protective environment.

- **The acceptance of the humanitarian coordination structure**, such as the Cluster and the Protection Working Groups, with the active involvement of the State and the participation of partners, shows a desire to improve coordination and exchange on protection issues. Although there is still a need to strengthen these fora in terms of human resources, skills and funding, humanitarian protection work, and information sharing would be even more difficult without this acceptance of the system.

  The Protection Cluster, once strengthened, could play an important role in the process of supporting stakeholders in strengthening the centrality of protection in all interventions at all levels.

- **The Nigerien State’s commitment to the development and support of the most vulnerable**: the Nigerien State’s openness to the creation of bodies to coordinate prevention and response to humanitarian needs,
with the support of civil society partners such as INGOs, NNGOS and International Organisations (IOs),
gives reason to hope that, as in the case of the nutrition and food security sector, the protection sector
can be the subject of greater legislative, operational and financial attention, if sufficiently motivated.

Experiences of collaboration between the state and civil society on central development issues suggest
that it is possible to prioritise the population's protection needs and rationalise the bodies responsible
for monitoring. The Nigerien state's openness to strengthening the legal protection framework is
obvious: several laws or bills currently underway will strengthen human rights and access to protection
services, such as the law on GBV. Even though the legislative process and its completion may take a long
time, the government's involvement in the development of these projects is an encouraging sign.

For example, the new approach that aims to push the courts to place the responsibility for proving
consent or lack of consent in a rape case on the alleged perpetrator rather than on the survivor could
significantly contribute to the fight against GBV.

Also noteworthy is the commitment of the State of Niger and civil society actors to child protection
through the adoption and monitoring of the Protocol of 17 February 2017 on children presumed to be
associated with NSAG and terrorist groups by the various Ministries (justice, child protection, interior,
defence); the operationalisation of the specific information management system (CPIMS+) for quality
monitoring of responses to protection cases; and the adoption of documents relating to child protection.

PART 03 - RECOMMENDATIONS

The framework for the achievement of protection objectives is made up of the key demands and key
recommendations of the humanitarian community for the achievement of the Roundtable's objectives. The
recurrent and multiple crises in Niger and the scale of their consequences have a negative impact on the
most vulnerable populations, in particular children, young people, women, people living with disabilities, the
elderly, IDPs, refugees, stateless people and other people at risk.

The humanitarian response for the resilience of these vulnerable populations requires, among other things,
the strengthening of protection services following various approaches: humanitarian, legal and social, human
rights, the protection of local civilian populations and displaced persons, ensuring a holistic and effective
coverage of needs. The humanitarian community has identified a number of key elements that are essential
to this:

1. The adoption of a commitment to the centrality of protection

The adoption of a commitment on the centrality of protection by the Nigerien authorities, the national and
international military forces, the government's technical and financial partners (TFPs) and civil society
organisations (INGOs, NNGOS, IOs).

TFPs and political actors must support the realisation of the IASC Declaration on the Centrality of Protection
in Humanitarian Action by adopting a commitment on the centrality of protection that will make it possible
to impose its implementation on the ground. To do this, donors and political actors must provide adequate
budget allocations to support this process.
2. Implementation of international commitments

The implementation by the parties concerned of the various regional/international commitments related to protection: it is particularly important that governments and TFPs commit and support each other to domesticate where necessary, popularise and implement international commitments on protection.

This involves supporting and strengthening the capacities of national institutions to design and implement national policies that strengthen the effective inclusion of protection in local, regional and national development plans.

It also includes the requirement by donors to have activities that support this dissemination and implementation reflected in the projects they fund.

This can cover both the Kampala Convention and the conclusions of the Regional Dialogue on Protection and Solutions for the Sahel (the Bamako Declaration of 2019).

3. The establishment of a broad and high-level framework for dialogue

The establishment of a broad and high-level framework for dialogue between the different actors involved in the field of protection in Niger. This dialogue must ensure, in particular, the strengthening of coordination between actors and the distinction of mandates and roles in strict compliance with IHL and IHRD. This dialogue would bring together the government, humanitarian and development actors working on protection services, TFPs and security actors.

This framework for dialogue should also create a strong link of synergy and information sharing with the civil-military coordination forum.

4. Mobilisation of dedicated funds

Firm commitments on significant financing dedicated to protection, both for emergency response and structuring interventions. Funding still remains a challenge for the protection sector due not only to growing needs but also to the need to ensure capacity building of existing structures in order to guarantee the link between humanitarian responses and the interventions of development actors at all levels. Donors are therefore invited to support the mobilisation of funds by making firm commitments of significant funding dedicated to protection in Niger and to request, as required for funding, that structures respect certain minimum standards.

5. Multi-annual and flexible funding

Donors and States are invited to put in place new funding modalities that take into account the multiple facets of the protection response, in a Nexus perspective, to enable the Niger State and emergency and development actors to implement quality and sustainable interventions. Protection issues, and their underlying and contributing causes, are complex, multiple and cross-cutting, and responses to them must be strategic and not just reactive.
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 ongoing conflict and indirectly, protection issues. Multi-annual and flexible funding allows for a faster and more adapted response to the changing needs of populations in emergency and fragile contexts. Finally, when properly implemented, such funding helps to strengthen the capacities of the State and its institutions, thereby 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. **Creation of GBV focal points**

Commit the government to create gender focal units in all ministries and decentralised state structures that will have a specific GBV focal point within them.

7. **Strengthening collaboration between actors**

Strengthened collaboration between specialised state protection services, humanitarian and development actors, including civil society organisations, to contribute effectively to coordination and holistic response to protection issues focusing on the needs of the most vulnerable.

The experiences of these actors combined would optimise the growth of the provision of protection services and the sustainability of emergency, resilience and development actions undertaken in the field to improve the protective environment in Niger.

8. **The establishment of an independent national dialogue**

Establish an independent national dialogue, inclusive of all categories of the population, with the aim of developing a national action plan for protection and sustainable solutions to the repeated crises in Niger.

9. **Strengthening the justice system**

Strengthen the justice system with particular attention to its presence throughout the country, especially in the most fragile areas. Develop an impartial mechanism to deal with abuses and violations of law related to the conflict.

Ensure adequate coverage of the resources needed to detect violations of the law, and to establish a coordinated response mechanism.