Response to Humanitarian Challenges in a Long-Term Perspective in the Central Sahel

Track 2: Strengthening protection services, including the various humanitarian, legal and social approaches, human rights, protection of civilians, by ensuring holistic and effective coverage of needs.

Reminder
Bearing in mind the purpose of the roundtable, namely the high-level commitments (donors, States, Regional Institutions and the UN System), the discussions should enable the following elements to emerge consensually:

- Key elements of diagnosis (needs, challenges, opportunities...).
- Framework for achieving the roundtable objectives within the three tracks.
- Key demands of the humanitarian community within the three tracks.
- Key recommendations from the humanitarian community to achieve the objectives.
- Stakeholders' proposals and exchange modalities (panels, group work, etc.) for the September high-level meeting.

The expectations shared in view of the high-level meeting should target:
- Various humanitarian, development and peace actors
- Donors
- United Nations
- The State and its services
- Regional Institutions
Regional Context and Brief Analysis of Key Issues

The Sahel crisis, marked by spiraling violence in the Liptako-Gourma region (known as 'the three borders' of Mali, Burkina and Niger), the presence of Non-State Armed Groups (NSAGs) conducting attacks against armed forces, state officials and civilians, the use of Improvised Explosive Devices (IEDs), frequent human rights violations, and a significant restriction of access to basic services in a context of worsening inter-community tensions, resulting in massive population displacements (1,824,718 internally displaced persons, asylum seekers and refugees in the three countries¹), is considered a protection crisis. The crisis is rooted in feelings of rights violations, denial and injustice. The protagonists of the crisis, with diverse interests, are creating the conditions for this situation, targeting public services (schools, health centers, civil administration, courts, police stations...), and urging the DSF into a defensive logic with consequences for civilians. Conflicts resulting from rights violations are generating increased risks, exacerbating vulnerabilities (related to age, gender, diversity and marginal groups), and reducing the capacities and services available locally. This crisis exposes populations to humanitarian, security and development challenges. The conflict erodes local power and the legitimacy of state authority. Local and state protection systems change.

The region is significantly affected by climatic and environmental constraints, accelerated by climate change. Tensions around natural resources and some policies seen as discriminatory, unjust or in contradiction with the values of local populations, have intensified a sense of frustration channeled around identity and religious values, questioning the State's competence to provide equitable and fair services. The geography of the conflict mirrors areas of food crises, high climate variance, and environmental stress. The conflict reinforces these crises, which in turn complicate and exacerbate the conflict, hence its multidimensional nature. In this sense, the situation has become primarily a protection crisis, and must be approached as such by addressing the access and respect for the fundamental rights of the population, basic services, justice, economic opportunities, security and respect for lifestyles and values.

In 2020, measures related to COVID-19 have increased feelings of frustration against the State. In addition to the deterioration of the health situation, in countries where health services are already insufficient and disrupted by the current crisis (2,573 confirmed cases in Mali, 1,204 in Burkina Faso, 1,158 in Niger according to the WHO, as of 10 August 2020), people depending the most on public services were the first to be affected, particularly by the closure of schools and restricted access to basic social services. Restrictions on movement contribute to the reduction of access and the ability to provide humanitarian services that complement public services.

¹ July 2020, UNHCR, IOM, Governments statistics, https://r4sahel.info/en/situations/sahelcrisis
Power Systems Are Directly Affected by the Conflict

State leaders and representatives (teachers, mayors, etc.) are targeted by NSAGs. Attacks against community and opinion leaders have caused their flight to safer localities, weakening the authority of the State and local governance. Those who stay are suspected of collaborating with NSAGs and put under pressure by security forces. The absence of leaders and the reduction of public services and authority weaken access to basic services. In addition to the direct impact, their absence allows other influencers to fill the vacant space. These new leaders are interested in being more affable to NSAGs and sometimes are forced to support their agendas. The pressure on leaders can be seen in direct attacks against them or public buildings, extortion (with or without kidnapping), forced recruitment and taxation systems.

The first half of 2020 was marked by an increase of kidnappings in the Sahel countries. Some kidnappings are intended to collect ransoms or put pressure on local populations. In Mali, during the first half of 2020, the number of recorded kidnappings, hostage-taking, and forced disappearances increased threefold compared to the same period in 2019. This trend is the same in Burkina Faso and Niger (Tillabery and Diffa).

The Monitoring and Reporting Mechanism of the UN Resolution 1612 noted a sharp increase in the recruitment and use of children by non-state armed forces and groups in the first half of 2020.

Furthermore, the conflict between armed groups (JNIM/EIGS) and change of leadership, for example within AQMI (death of the AQMI leader), could lead to more recruitment and the intensification of attacks by radical groups against national armed forces, G5 Sahel and foreign forces. Violence and insecurity remain daily reality for millions of people in the Sahel, among whom a large proportion are children. In the Central Sahel region alone (Burkina Faso, Mali and Niger), more than 2.3 million children in 2020 need assistance, including protection, compared to an estimated 1.2 million children in 2019. Children and young people are particularly affected by the crisis, limiting their educational opportunities and reinforcing negative strategies such as early and forced marriage, recruitment, forced labor, and direct attacks. The protracted nature of the crisis impacts a whole generation of children.

The increased attacks by Non-State Armed Groups (NSAGs), kidnappings, and forced recruitment are followed by counterattacks by defense and security forces, which have been accused of abuses in the three countries of the region. In a report on 5 June 2020, MINUSMA confirmed that the human rights situation continued to worsen, particularly in central Mali. Community-based armed groups continued to carry out exactions, and Malian armed forces have reportedly been involved in cases of human rights violations. Elements of the Malian defense and security forces, some operating under the G5 Sahel, were reportedly responsible for extrajudicial executions, enforced disappearances, and arbitrary arrests. According to the MINUSMA report of 30 March, elements of the Niger armed forces operating on Malian territory were responsible for 34 extrajudicial executions. In Burkina Faso, UNHCR reported abuses by elements of the defense and security forces against Malian refugees. Moreover, Human Rights Watch reported that on 9 April 2020, in Djibo, 32 civilians were executed while in detention, dozens tortured, and around one hundred arbitrarily arrested. In Niger, elements of the national armed forces were reportedly involved in massacres of civilians, including the disappearance of 102 civilians in the Tillabery region.

These violations are reinforcing the already precarious loss of confidence between the civilian population and the defense and security forces, the vulnerability of civilians, family separations, intercommunity tensions, the weakening of local state authority, the fragmentation of the social fabric and cohesion. Although governments of the central Sahel are democratically elected, protest movements questioning their legitimacy are gaining momentum, particularly in Mali. The
political opposition was not able to frame these protests into a constructive and shared political agenda. The movements became polarized in agendas questioning the foundations of cohesion within the State, led by armed groups and populist influencers calling for substantial changes. Their control over part of the territory and the population reinforces the inherent political instability. The protection crisis, linked to the political and institutional crisis, could be exacerbated.

Moreover, the spill-over of the conflict in northern and central Mali to neighboring countries has direct impact on the protection space. The control of some border localities between the three countries by NSAGs, the militarization of these localities, and the introduction of strong security measures, are compromising access to territory, asylum and protection space. Despite the reduction of asylum space, countries of the Central Sahel remain countries of asylum sheltering refugees from other Central Sahel or West African countries. For instance, Mali shelters nearly 43,000 refugees from Niger, Mauritania, and Burkina Faso.2

The situation in the Sahel is also causing large movements of refugees, asylum seekers, and migrants to Libya and Europe in search of protection despite the risk of violence along the road. For example, from January to May 2020, out of 8,600 refugees and migrants arriving in Europe through Libya, 5% were from Guinea, 5% from Cote d'Ivoire, 4% from Mali, 3% from Senegal, and 2% from Nigeria.3 It is important to highlight the violations suffered by people in mixed migration. A recent report published by UNHCR and the Mixed Migration Center showed that Niger, Mali, and Burkina Faso are the three transit countries along the central Mediterranean route with the highest incidents of death, sexual violence, and physical violence. The same report indicates that out of the 27 cities where protection incidents are relatively frequent, 12 are in Mali, 5 in Niger and 4 in Burkina Faso.

Recent reports indicate the increased complexity of the weapons used and the increased use of improvised explosive devices (IEDs) by NSAGs to conduct attacks against national military positions and, in some cases, communities themselves. The context of insecurity and extent of the areas of military operations impact the ability of humanitarian actors in the region to respond directly to the affected populations. In addition, the systematic assimilation of all NSAGs to groups labeled as terrorists limits the possibilities of humanitarian actors to negotiate access with them, to the extent possible. De facto, areas not secured by defense and security forces remain poorly accessible, limiting the possibility of populations to have access to minimum protection and humanitarian assistance services.

There are numerous protection implications of these combined threats in the region. The most obvious are the attacks on physical integrity, either as collateral damage or targets, as well as the violence suffered by the population and the lack of compliance with their rights. Indirect protection risks are serious threats to livelihoods, freedom of movement, humanitarian access, and development. The spread of armed conflict and the deteriorating security context, both in countries of origin and asylum and in areas of internal displacement, weakens the possibility of implementing solutions.

2 https://data2.unhcr.org/fr/situations/sahelcrisis
3 UNHCR / protection rate in the EU by Eurostat
The deteriorating situation in the Liptako-Gourma region limits options for voluntary return for 1.8 million forcibly displaced persons (IDPs, refugees and asylum seekers). Poor basic services, intercommunity tensions, discrimination, and very limited economic opportunities and natural resources impact the integration of IDPs and refugees. The lack of access to land, property and safe shelter remains a challenge in the cohabitation between displaced and host populations, and an obstacle to the achievement of sustainable solutions for these populations.

The populations are experiencing a situation of great stress. This is linked to their fear for security, reduced access to resources and opportunities, and the breakdown of solidarity, social and community security systems. The impact of COVID-19 adds to this context. The stressful conditions and traumatic events have significant impact on mental health, generating important needs in mental health and psychosocial support. Tense behavior provides a breeding ground for domestic gender-based violence, or child abuse. Negative strategies such as survival sex and early and forced marriages are adopted as survival mechanisms by poor families. Access to specialized medical, psychosocial, legal and security services for victims of violence has decreased, inter alia due to reduced mobility and reduced opening hours of service delivery points, or the distance to be covered.

This context of increasing power inequalities and deteriorating resources makes the affected people, particularly women and girls more vulnerable to sexual abuse and exploitation. Factors such as dependency on aid for survival, protection/security conditionalities and lack of accountability contribute to the prevalence of Sexual Abuse and Exploitation and are obstacles to reporting such acts.

The situation in the Central Sahel deeply affects the effective enjoyment of physical protection, legal protection and material protection. Thus, the continuity of civil registration services was compromised by insecurity which led to the closure of a large number of civil registration offices, leaving a considerable number of births, marriages and deaths unregistered and undocumented. In Mali, only 56% of children under 5 years of age have a birth certificate. This national average is even lower in rural areas that are most affected by the crisis. A recent UNHCR survey on the risk of statelessness in Mali noted the difference between registration and actual possession of a birth certificate due to the fact that a relatively large number of parents do not collect the birth certificate after registration, generally because of the actual cost - either because the officially free of charge registration is not respected by the civil registry center, or because of indirect costs (transportation and accommodation for parents who live far from the CRC or because of the non-permanence of staff at the registry centers or CRCs).

The same survey illustrates that among nomadic populations, 79% of the population does not have a birth certificate. They live mainly in the northern regions, with very low population density and immense spaces (2/3 of the country's surface area with 10% of the population).

The situation is no less worrying in the other countries of the Central Sahel. The lack of civil registration makes access to identity documents impossible, significantly restricting access to services and freedom of movement, and increasing the already high risk of statelessness in a region where civil registration and vital statistics systems were already weak before the crisis. These specific protection risks bring a serious challenge to the achievement of SDG 16.9, on access to legal identity for all by 2030. More generally, access to legal services and justice has been reduced by the crisis, preventing people from resorting to courts to enforce their rights, while access to legal or para-legal services related to housing, land and property for populations affected or displaced by the crisis remains insufficient.

**Key Messages**
The messages are related to physical protection (all violations against civilians affecting their physical integrity, the right to life), legal protection (enjoying rights related to nationality and identity, strengthening civil status to prevent statelessness) and material protection (access to protection services, property rights, creating conditions to search for solutions for internally displaced persons, refugees, and the humanitarian, peace and development nexus needed to meet humanitarian and development challenges).

In order to strengthen the protection of civilians affected by the conflict, it is important that Sahelian states commit to:

- Take steps to implement the Ministerial Declaration resulting from the Regional Dialogue on Protection and Solutions in Bamako, in September 2019, through the operationalization of the Bamako Process, a formal framework to follow up on the Dialogue's recommendations.
- Place civilian protection at the core of military operations by developing an integrated strategy for the protection of civilians in the G5 Sahel space as concluded at the third conference on strengthening relations of trust between defense and security forces (DSF) and populations in the G5 Sahel space, held on January 20, 2020 in Ouagadougou, Burkina Faso.
- Maintain cooperation with protection actors in implementing the Compliance Framework and ensure the establishment of specific responses (training, inclusion of child protection actors in the framework of civil-military dialogue), facilitating the integration of protection issues as a cross-cutting issue in all G5S components and actions.
- Adopt permanent actions to investigate the criminal acts committed by defense and security forces and elements of armed groups, to strengthen the judicial system to ensure access to justice for civilians and the judicialization of military operations.
- Ensure the re-establishment of the presence of State authorities, basic social services, and the rule of law, thereby preventing and combating violations and repeated attacks on the security, dignity, and rights of civilians, particularly the threat of kidnapping and forced recruitment, which could increase further due to the intensification of clashes between the defense and security forces and armed groups.
- Promote the demobilization and reintegration of persons associated with armed groups.
- Train actors playing a role in restorative justice processes, such as judges, policemen, mediators, social workers, etc. in social mediation, peaceful conflict management mechanisms, accountability towards people.
- In accordance with the Bamako Declaration of 2019, prescribe that the required actions be taken by States to ensure the continuity of civil registry and identification services in crisis-affected areas, while understanding that civil registry services are part of the minimum basic services, including in emergency situations.
- Ensure that self-defense groups and volunteers for the Defense of the Homeland in Burkina Faso, act in accordance with the established Code of Conduct, international humanitarian law, international human rights law, and domestic law, and precisely define measures and guidelines necessary for their demobilization and reintegration.
- Promote respect by domestic, multinational and international defense and security forces and comply with the provisions included in the various transfer protocols concerning children allegedly associated with armed groups or children rescued during military operations and ensure that the laws oblige administrative bodies to
collect and report disaggregated data on all children. In countries where such protocols do not yet exist, the G5 Sahel forces should ensure compliance with and implementation of guiding principles regarding children allegedly associated with armed forces and armed groups, such as those included in the Convention on the Rights of the Child and the Paris Principles.

- **Ensure continuity of basic services for victims of sexual abuse** in the Sahel, strengthen available supplies to better cope with the COVID-19 context. To this end, it is essential to include them in the planning and implementation of the Covid-19 response;
- **Promote the integration of services for GBV survivors into sexual and reproductive health services and menstrual hygiene.**
- **Ensure the involvement of more women in the programs of the G5 Sahel member countries**, particularly in troops and as Community Liaison Officers, in order to mitigate sexual exploitation and abuse in the general context of aid and in the specific context of the current pandemic and intense military presence.
- **Protect civilians from explosive weapons** (mainly IEDs, but also remnants of war) by supporting the work of actors in the three countries with a focus on the 5 pillars of mine action (mine clearance, education, victim assistance, advocacy and stockpile destruction).
- **Ensure the strengthening of specific protection systems for children and young people**, support local initiatives that aim at ensuring the continued enjoyment by children of their rights recognized to them by regional and international regulations, the continuity of specific services such as public school and vocational training.

**In order to strengthen the implementation of the peace process and assist and protect populations, it is important that countries and donors commit to:**

- **Ensure the continued support of donor States to programs and projects dedicated to protection**, particularly of children, to psychosocial support, to the fight against GBV, as well as to the United Nations Multi-Partner Trust Fund for conflict-related sexual violence which is crucial to mitigate the impact of sexual and other gender-based violence in the Sahel conflict.
- **Invest in a proportionate and sustainable manner in emergency protection response interventions and strengthening basic systems and services**, and in an unconditional manner on the stability agenda and its military implementation. Support mediation processes between conflict stakeholders at local, national and regional levels. Base the investment on conflict-sensitive analyses and reinforce conflict de-escalation.
- **Encourage the participation of children in conflict analysis**, with the necessary existing safeguards and protection measures, is an effective way to mitigate the structural tensions of intergenerational conflict. Involve them also in peace processes and the search for social cohesion, as well as in advocacy to make States and regional (including ECOWAS) and international institutions responsible and accountable for the compliance with their rights, including their right to protection.
- **Institutionalize a regional conference on the effectiveness of justice** in West Africa and the Sahel to assess justice systems and consult and share good practices for peace and security as concluded at a regional conference on impunity, access to justice and human rights in the context of new threats to peace, organized in September 2018 under the initiative of the United Nations Office for West Africa and the Sahel. This initiative should also examine the strengthening of actions or their application to criminalize human trafficking.
• Recognize the crisis as a protection crisis and ensure that humanitarian and development responses incorporate minimum protection standards to reduce the possibility of negative impacts.

In order to create the right conditions to search for and implement context-specific sustainable solutions, it is important that countries and donors commit to support the following initiatives:

• Work towards the search for and implementation of sustainable solutions for displaced persons, and in particular explore and transform displacement to urban and peri-urban areas into opportunities for sustainable solutions through the integrated development of protection projects focused on Housing, Land and Assets, social cohesion and urbanization.

• Support protection data collection projects/initiatives to enable a protection analysis at the regional level for programming, including displacement data due to the negative effects of climate change.

• Support projects with a regional, transboundary and multi-sectoral dimension in response to protection issues related to mixed movements along the roads.

• Work under the leadership of the Regional Economic Communities (ECOWAS, ECCAS) to create and promote a regional refugee protection framework enabling to support the common asylum space, prevent protection problems related to mixed movements, and seek local sustainable solutions.

• Ensure that their partners have integrated the rights-based approach to ensure the Centrality of Protection, in line with their commitments to the Core Humanitarian Standard (CHS).