OUT OF SIGHT
Northeast Nigeria’s Humanitarian Crisis

AUTHOR
Jacob Kurtzer

A Report of the CSIS Humanitarian Agenda
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Nigeria represents one of the United States’ most important relationships in Africa; a critical geostrategic partner for economic, political, and security considerations; and a recipient of substantial bilateral assistance. Despite U.S. security sector and humanitarian assistance programs, ten years of violent insurgency in northeast Nigeria have led to massive humanitarian needs for nearly eight million people, and the crisis shows no signs of abating. Ongoing restrictions by the government of Nigeria on humanitarian action threaten U.S. policy goals of improved humanitarian outcomes and a reduction in the presence of violent terrorist organizations.

Millions of civilians in the northeastern Nigerian states of Borno, Adamawa, and Yobe live in extreme vulnerability, with credible fears of violence along with high levels of malnutrition, water shortages, limited access to health care, and food insecurity. Although the humanitarian response has scaled up dramatically since 2014, massive needs persist. In addition to the substantial human cost of the conflict, Nigerian officials estimate economic losses to be upwards of $9 billion, while the World Bank estimates infrastructure damage alone at over $9 billion and the economic loss of productivity at over $8 billion. The northern states represent a significant percentage of the electorate, which begs the question as to why the Nigerian government response has been so poor.

The humanitarian response suffers from an extreme denial of access to the region, imposed both by non-state armed groups and by the Nigerian government itself. This denial of access results from a breakdown in relations between the government and international non-governmental organizations (NGOs) and United Nations (UN) agencies. At the root of this is Nigeria’s strategy for the northeast: the denial of resources to civilians outside of garrison towns, the decision to cede full control of Borno state to the military, and the unwillingness or inability of the Nigerian government to engage appropriately with humanitarian actors. Lack of trust and competing agendas between the government and humanitarian agencies has also impeded humanitarian action.

There is a lack of domestic and international political pressure on the government of Nigeria to develop a more comprehensive response for the humanitarian needs. The government of Nigeria has effectively siloed the situation in the northeast, particularly through inhibiting the Nigerian media from reporting accurately on humanitarian issues. Internationally, competing interests by states and by agencies within the UN system have subsumed humanitarian imperatives to development and economic considerations.

This report is based on interviews conducted with humanitarian organizations, civil society represen-
tatives, donors, and members of the media in Lagos and Abuja in December of 2019.

In order to improve the humanitarian response, this report recommends that:

1 The United States should encourage the Government of Nigeria to allow humanitarian actors to provide needs-based assistance to vulnerable persons in inaccessible areas and to ease restrictions within garrison towns.

2 The United States and other donors should tailor security sector assistance and cooperation to emphasize a priority focus on civilian protection, humanitarian access, international humanitarian law, and civil-military coordination.

3 The Humanitarian Country Team should lay out a clear framework for humanitarian action, including desired outcomes, red lines, and guiding principles regarding dialogue and operations with both the Nigerian military and insurgent groups.
SECTION 1

INTRODUCTION & BACKGROUND
Ongoing violent hostilities between the government of Nigeria, Boko Haram (also known as Jamā’at Ahl as-Sunnah lid-Da’wah wa’l-Jihād or JAS), and the Islamic State – West Africa Province (ISWAP) have led to devastating consequences for the civilian population in the northeast Nigerian states of Borno, Yobe, and Adamawa. Over a decade of armed violence has decimated the lives and livelihoods of civilians, with massive displacements fundamentally altering life in the region. This violence has spread throughout the Lake Chad Basin. Today there are over 2 million Internally Displaced Persons (IDP) in Nigeria; Borno state alone hosts approximately 1.5 million IDPs, of whom 90 percent are originally from Borno itself. Additionally, nearly a quarter of a million Nigerian refugees have fled to neighboring Cameroon (109,000), Chad (12,000), and Niger (120,000). 80 percent of the internally displaced are women and children.

Humanitarian actors continue to report that needs in Nigeria are forgotten, reflecting a widely-held belief that improvement to the humanitarian situation is not a priority for the government of Nigeria, and that humanitarian partners are unable to improve their response. In 2017, the humanitarian situation in Lake Chad was considered an “overlooked crisis.” Despite extensive reporting and appeals by humanitarian organizations, severe humanitarian needs persist, and the response remains severely constricted.
INSURGENCY IN THE LAKE CHAD REGION

Boko Haram traces its formation to 2003, when the group coalesced along the border with Niger. Some analysts point to religious and ethnic drivers for group formation, while others argue that the group emerged as a result of underdevelopment and perceptions of Nigerian government corruption.

Though Boko Haram had been active from 2002, the Nigerian military’s crackdown on the group and subsequent extrajudicial killing of Boko Haram’s first spiritual leader, Muhammad Yusuf, led to the onset of a violent insurgency. Following Yusuf’s death, Boko Haram expanded operations to include a prison break, targeted assassinations, and violence against political leaders, culminating in attacks on police general headquarters and the United Nations compound in Abuja.

The Boko Haram insurgency reached a peak in 2014, at which time they controlled large areas of northern Nigeria. The kidnapping of 276 girls from a school in Chibok brought international media attention, leading to a substantial increase in humanitarian and security sector assistance.

Despite initial success in combatting the insurgency and responding to humanitarian needs, policy and strategy failures have allowed insurgents to regain control of the vast majority of Borno state, while massive humanitarian needs persist for millions.
After the violence began in 2009, humanitarian organizations were slow to respond due to a lack of dedicated humanitarian actors present in Nigeria at the time, denial of need by the government of Nigeria, and governmental insistence that instability in the northeast was a domestic security matter. The delayed onset of the international humanitarian response laid the foundation for many of the challenges faced by the humanitarian sector today. A deep disconnect remains between the assessment of need from the humanitarian community and that of the government of Nigeria.

The delayed onset of the international humanitarian response laid the foundation for many of the challenges faced by the humanitarian sector today.

COMPETING NARRATIVES, COMPETING STRATEGIES

Competing narratives regarding the nature of the insurgency and the role of the international community are a foundational challenge. Nigerian authorities have requested international security and humanitarian assistance, albeit without fully accepting the scope and depth of the problem. On the other hand, Nigerian officials downplay the threat; in October 2019, President Buhari announced that the insurgency was “substantially defeated.” Nigerian authorities insist that they have the capacity to manage a large international response and that international programming should prioritize development while massive needs persist.

The government of Nigeria continues to view international assistance with a high degree of skepticism. The legacy of the international response to the Biafra War looms large in the minds of Nigerian officials. Specious claims that international humanitarian organizations are aiding the insurgency contribute to a contentious working environment. These claims, rooted in long-standing suspicions about international interference in Nigerian affairs,
SECTION 2

HUMANITARIAN NEEDS & ACCESS CHALLENGES
Humanitarian actors have gradually increased their presence and operations since 2014, and 2016 is considered the onset of a substantial humanitarian response in the affected area. Nearly five years later, dire humanitarian needs persist; in many cases conditions have worsened. The needs in northeast Nigeria are well known to humanitarian and political actors. NGO and UN reports consistently highlight abysmal conditions. OCHA’s Humanitarian Needs Overview for 2019 describes the entirety of Borno state as in severe need, excluding two regions that are entirely inaccessible. Approximately 1.2 million people remain out of the reach of humanitarian agencies, living in areas controlled by Boko Haram or ISWAP, a splinter cell that has pledged allegiance to the Islamic State.

Notably, the humanitarian response does not suffer from a lack of funding. The United States, European Union, and other donors have contributed substantial amounts of humanitarian funding, yet a lack of intentionality and prioritization in how funds are spent leaves millions at risk.

Of concern is malnutrition and hunger. One million children in northeast Nigeria need nutritional support according to the World Health Organization (WHO), including over one half million who suffer from severe acute malnutrition or moderate acute malnutrition. As of September 2019, over 2.5 million people are considered food-insecure, with a projected increase to 3.5 million by June 2020. The Famine Early Warning Systems Network (FEWS NET) reports large parts of Borno state in “emergency” or “crisis” phases of food insecurity. Compounding the issue is lack of access for data collection. Anecdotal reporting by multiple NGOs indicates that new arrivals in garrison towns are exhibiting visible signs of malnutrition. Nigeria previously experienced famine-like condi-
tions in 2017 and was considered one of the potential “Four Famines”; emergency interventions prevented a massive disaster, with limited access preventing analysis of the real impacts.25

Health care is severely limited. Two thirds of the health facilities in Borno, Adamawa, and Yobe have been damaged by conflict, while the remaining clinics suffer from insufficient supplies and staffing shortages. Conditions of displacement, including crowding, lack of clean water, and insufficient shelter, aggravate disease outbreaks.26

Protection remains an urgent humanitarian need. The targeting of civilian populations by Boko Haram and ISWAP is well documented.27 Civilians remain a primary target for Boko Haram, and the lack of security actors throughout much of the state means civilians remain vulnerable to attack, kidnapping, and recruitment. Women and girls are acutely vulnerable to sexual exploitation and abuse, as sexual violence remains widespread.

Abuses by the Nigerian military are equally well documented, occurring during confrontations with Boko Haram and ISWAP, and within garrison towns. Nigerian forces have detained and exploited civilians seeking refuge in garrison towns and engaged in reckless targeting during military operations. Conditions in detention remain abysmal.

ACCESS CHALLENGES

These humanitarian needs are exacerbated by extreme denial of humanitarian access. Humanitarian access is the ability of aid agencies to access affected populations, and of affected populations to access vital assistance.28 Facilitation of humanitarian access is a requirement for parties to a conflict under international humanitarian law (IHL). Intentional denial of access for assistance or protection activities is a violation of IHL and may be in contravention of international human rights conventions.29

Insecurity and underdevelopment represent major access hurdles for delivery of lifesaving assistance in
government-held areas. The greatest access challenge is outside these areas, where Nigerian official policy completely restricts delivery of humanitarian assistance. The Nigerian military denies access to areas outside their control based on the Terrorism Prevention Act of 2013, which prohibits contact with groups designated as terrorists. This restriction leaves over a million people without access to lifesaving assistance during a period of food insecurity.

Other factors that constrain humanitarian access include widespread insecurity, poor infrastructure, and bureaucratic logistical impediments. All such factors are present in northeast Nigeria, creating an acute confluence of humanitarian access denial. ACAPS reports access challenges as “high”; the denial of access is a key contributor to the persistence of humanitarian need.

Indiscriminate violence has caused loss of life and injury to civilians and aid workers alike. Boko Haram and ISWAP bear primary responsibility for the insecurity and violence in Borno state that limits humanitarian access. Targeted violence against humanitarian aid workers has increasingly challenged the humanitarian response, with thirteen workers killed and nine kidnapped in 2019. Civilians and aid workers have been attacked by insurgent groups and by official and semi-official state actors.

Boko Haram has used terrorist attacks against civilian populations as an essential component of its strategy since the onset of violence. While ISWAP has seemed to shift tactics away from directly targeting civilians, both Boko Haram and ISWAP continue to pose a serious threat to humanitarian workers and civilians alike. Humanitarian workers from the International Committee of the Red Cross, Action Against Hunger (ACF), and other humanitarian agencies have been killed or kidnapped, leading to agencies reducing operational footprints and closing offices.

More troubling are credible allegations the Nigerian military is attacking villages and civilian populations to clear land and find militants. Amnesty International reported Nigerian soldiers burning a village and trucking up to 400 individuals into displaced person camps in Maiduguri. The latest allegations manifest in a time when attacks by Boko Haram, ISWAP, and other as yet unidentified armed groups have increased substantially, despite repeated assertions by Nigerian authorities that they are defeating the insurgency.

Attacks against humanitarian facilities continue. In January 2020, a major attack was carried out by insurgents against the International Organization for Migration’s Humanitarian Hub in Ngala. Facilities were burned and cars looted and stolen, impacting the humanitarian response for over 55,000 people, including 10,000 civilians newly arrived in 2019.

The underdevelopment of essential infrastructure in northeast Nigeria represents a challenge for effec-
tive and efficient aid delivery. Poor infrastructure creates logistical challenges for movement of commodities and other essential items. Violence and sabotage intermittently cut off the northeast from the national electricity grid, causing reliance on generators that require fuel transports for essential medical and warehousing services. Water scarcity in parts of Borno state compel humanitarian actors to use water trucking in areas where violence has led to concentrations of displaced populations in town centers.

Weather factors contribute to impeding humanitarian response, as heavy rainy seasons prevent movement of goods. In 2019, heavy rains and floods damaged makeshift shelters, causing repeated displacements and contributing to the spread of cholera and other water-borne diseases.

**NAVIGATING THE BUREAUCRACY**

The Nigerian government has imposed substantial bureaucratic impediments through onerous permitting and regulatory frameworks. Agencies operating in Nigeria must register with the National Security Agency, the Economic and Financial Crimes Commission (EFCC), and the Ministry of Budget and Planning, along with line ministries related to the sectoral nature of their projects.

Existing disaster management agencies are described as “not fit for purpose,” as they are designed to deal with natural disasters and disease, not massive needs arising from armed violence. In 2019, Nigerian authorities created the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development (FMHDS). The FMHDS has been met with both cautious optimism and high levels of skepticism. There exists a need for consolidation of bureaucratic chokepoints and a centralized humanitarian response agency within the Nigerian government. Yet, the FMHDS could itself become a chokepoint for humanitarian activities, duplicating the bureaucratic and regulatory steps needed to operate. Critics fear it could create new challenges for transparency in humanitarian financing and prove powerless against Nigerian military efforts to control humanitarian operations.

Nigerian citizens themselves are also divided on the FMHDS. Some see it as a necessary acknowledgement of the challenges of a large-scale and complicated humanitarian response. Others argue that the ministry represents another opportunity to consolidate power and control funds, with the Minister already running afoul of the Presidency in decision-making on apportionment of funds. In February, President Buhari announced the formation of yet another structure, the Humanitarian Coordination Committee (HCC), comprised of (amongst others) the FMHDS Minister, the National Security Advisor, and the Chief of Army Staff.

The 2019 Humanitarian Response Plan appeal for Nigeria was nearly $850 million. There is need for coherent oversight, particularly to reconcile civilian responsibilities with security concerns. Absent clear guidance, it is unclear who will retain decisionmaking responsibility within the HCC. Furthermore, while the UN has been given a seat on the HCC, concerns abound regarding the UN’s ability to advocate on behalf of operational NGOs. The absence of international humanitarian organizations in the HCC perpetuates concerns about the efficacy and utility of adding another management structure.
The administration of Borno State Governor Zulum has been aggressive in seeking to increase oversight and control over humanitarian operations, reflecting a complicated relationship between federal and state authorities. This attempt to control humanitarian action manifested in the passage of the Borno NGO Bill.49 In addition to creating duplicative registration and administrative functions, NGOs are concerned about the imposition of criminal penalties for being in violation of basic provisions.50 Provisions include unconstitutional hiring practices, diversion of funds to state authorities, and pre-approval for locations and beneficiaries of humanitarian action.51 Humanitarian organizations, already facing security risk from insurgents and state actors, increasingly feel at legal and reputational risk as well.

NGOs working in the northeast operate in a state of fear shaped by government actions. NGOs and UN agencies have had operations shut down, sometimes at gunpoint. In 2018, the UN Children’s Fund (UNICEF) was temporarily banned and was accused of “Spying for Boko Haram.”52 Despite a lifting of the ban, targeted staff had to leave Nigeria due to repeated threats of violence. In September 2019, Mercy Corps and Action Against Hunger (ACF) had operations suspended. Their suspensions were ultimately lifted after a major advocacy campaign. Subsequently, on December 21, 13 more organizations had activities suspended by the Theater Commander.

NGOs must comply with byzantine government regulations; frustration abounds at perceived violations of Nigeria’s own legal and administrative frameworks, including continuous violation of rules and procedures in the complaints against ACF and Mercy Corps, and the constantly changing process for visas. Nigerian officials have suggested suspending basic human rights in Borno due to a legal state of emergency. A federal “Hate Speech” bill threatens NGOs for comments “against the national interest,” posing legitimate questions as to how NGOs can engage in public advocacy around humanitarian issues.53

**DONOR BUREAUCRATIC STRUCTURES**

In addition to navigating Nigerian bureaucracy, humanitarian organizations continue to register concerns about donor restrictions due to counterterrorism-related clauses in grants. NGOs and UN agencies have pointed to a clause in U.S. Agency for International Development’s (USAID) grants requiring prior approval before assistance can be given to persons “affirmatively known to have been formally affiliated with Boko Haram or ISWAP.”54 USAID argues the language is consistent with U.S. law, impact on programming is very limited, and is an effort to mitigate the risks that partners incur.55 However, the clause is a “special provision” included on top of existing contract language prohibiting material support to terrorism, creating an additional legal hurdle for actions fundamental to humanitarian operations.

The inclusion of the special provision substantiates a narrative of the operational environment in northeast Nigeria as one in which humanitarian action potentially contributes to insurgents. USAID and other donors have extensive engagement with humanitarian organizations that they fund, and they understand the complexities of operating in environments with the presence of terrorist organizations. However, the narrative that humanitarian assistance can benefit terrorist organizations has been exploited by the government of Nigeria to restrict humanitarian action in areas outside government control, as well as to threaten humanitarian organizations with expulsion, arrest, and—at times—violence.
SECTION 3

NIGERIAN GOVERNMENT RESPONSE IN THE NORTHEAST
Over 1.2 million Nigerian civilians live in areas inaccessible by humanitarian organizations, in an area covering nearly 85 percent of Borno State. Precise humanitarian needs are unknown, but REACH assessments of new arrivals into garrison towns indicate that conditions are incredibly dire. REACH reports on “hard to reach areas” found high rates of malaria, continued prevalence of food insecurity, and limited access to basic health facilities. These assessments also indicate that violence and protection concerns remain the key driver of population movements. The challenges of humanitarian response in the northeast stem from the Nigerian government’s strategy of forcibly moving civilians into garrison towns and denying humanitarian access to areas outside of government control. These challenges are exacerbated by a breakdown of civil-military relations.

Garrison towns are problematic for three primary reasons. The strategy leaves out over a million people in dire need and creates a narrative that anyone outside the towns are supporters of Boko Haram and ISWAP. Due to overcrowding and restrictions on humanitarian actors, services in garrison towns have proven incapable of meeting the basic needs of the affected population. The strategy is also ripe for corruption and exploitation by military and civilian authorities.

Restricting Access

The garrison town strategy denies assistance to persons in areas held by Boko Haram and ISWAP, which is a clear violation of humanitarian principles. Boko Haram and ISWAP bear responsibility for insecurity and humanitarian needs in areas under their control. However, the Nigerian strategy denies humanitarian actors the opportunity to assist over a million civilians in desperate need. The denial of emergency assistance is a violation of international humanitarian law, which requires the facilitation of assistance.
and “rapid and unimpeded passage of humanitarian relief for civilians in need.” The strategy was described as one of resource deprivation: even in counterterrorism contexts, principles of IHL apply, and the Nigerian strategy contravenes basic elements of law and core humanitarian principles.

**GARRISON TOWNS AND SUPER CAMPS**

The Nigerian authorities have moved large segments of the civilian population into “garrison towns” circled with farmland to protect the population. The strategy was predicated on being able to secure and protect the towns and provide essential services. Yet, prior to implementation of the strategy, Nigerian forces had been unable to secure these towns. While much of the violence occurred in smaller, less protected villages, repeated attacks on larger towns demonstrated insurgent capacity to effectively strike urban centers. The Nigerian government had also been unable to deliver essential services to towns in the northeast, considered to be among the root causes and grievances that led to the rise of Boko Haram in the first place.

More troubling was the use of the military to forcibly move people into the garrison towns. Forced displacement contributes to distrust of government security forces, exacerbating challenges for humanitarian actors who, by virtue of the prevailing security and regulatory environment, are required to work closely with the military. Furthermore, the Nigerian government used the establishment of the garrison towns as enticement to encourage displaced people to return, predicated on the ability to provide safety and security. In Gwoza, for example, the government urged displaced populations to return, despite unsafe conditions and limited essential services provided solely by NGOs.

Garrison towns physically divide the population. Nigerian officials suggest civilians outside the towns are considered support-
rison towns reduces agricultural livelihood opportunities and creates a dependence on international aid providers. Many civilians want to continue to farm but cannot because of serious protection concerns in areas outside of government control. In the current environment, the military lacks the personnel to realistically provide protection for increased agricultural production, creating an environment leading to increased needs.

Many garrison towns have conditions that fail to meet basic Sphere standards, with extremely poor water and sanitation facilities, a lack of health facilities, and other basic needs unmet. Some towns are severely overcrowded, and protection remains uncertain as insurgents continue to attack garrison towns with regularity, while civilians remain at risk of predation by Nigerian and affiliated forces. Consequently, some civilians are choosing to leave to live under ISWAP control, undermining the political and security objectives of the military strategy.

Civilians also leave towns because they fear labor conscription for men and detention in wretched facilities. Some individuals, however, are simply leaving the garrison towns because the towns are highly congested and lack sufficient access to water, food, and other supplies. Some Nigerians prefer to take their chances under ISWAP’s rule, where the insurgency has committed to provide health service provisions, access to trading routes, and limited freedom of movement, including for economic activities. For some, life under ISWAP has become the lesser of two bad options.
Super Camps

Nigerian authorities have complemented the garrison town strategy with retrenching security forces into “super camps,” a strategy recommended by Nigeria’s security partners. While protection of the civilian population was implicit in the establishment of the garrison towns, it was only in 2019 that the military began relocating personnel into better fortified encampments, abandoning rural outposts.65
MONGUNO
January 2, 2017 - January 1, 2020
MONGUNO
January 2, 2017 - January 1, 2020

Bermed or fenced security perimeter

Security perimeters and entrance

Settlement #5

Expanded security perimeters

Bermed or fenced security perimeter
Livestock facility and watering hole being maintained

Village is occupied as indicated by the presence of structures with roofs, small walled compounds, gardens and trees being maintained and adjacent livestock facility with livestock

Livestock facility and watering hole no longer being actively being maintained, however, it is still being used for livestock

Village is razed and unoccupied as indicated by the removal of all roofs on structures with only the walls remaining, removal of small walled compounds, gardens are no longer being tended, the trees have been either cut down or left unattended and died

Expanded military compound with three defensive barriers and checkpoints on the road
The super camp strategy was announced by the Chief of Army Staff in September 2019 in order to concentrate manpower and equipment to better fight insurgents. On its surface, the super camp strategy reflects battlefield realities. It could ostensibly help reduce conflict by decreasing points of friction. However, it also ceded territory to the insurgents, undermining Nigerian authorities’ assertion of control and battlefield success. The establishment of the super camp strategy suggests that the military priority is solely focused toward offensive operations against Boko Haram and ISWAP and not on the protection of the civilian population.

Despite the presence of northeasterners in senior positions—including the president’s former Chief of Staff, his National Security Adviser, and Chief of Army Staff—government focus is elsewhere, including at banditry in the northwest and farmer-herder violence in the middle belt region. Having made gains against Boko Haram in the past, the government appears content with a security posture of containment.

The governor of Borno has argued that super camps encourage attacks, with others suggesting that the strategy is primarily rooted in force protection and is an attempt to stem casualties and the resulting political pressures. The retreat into super camps leaves primary transit roads unguarded and hundreds of thousands of people without state security, and it contributes to the insecurity hampering humanitarian operations.

POTENTIAL FOR CORRUPTION

The garrison town strategy, where all goods and services are controlled by the military loosely overseen by a conglomerate of federal agencies, lends itself to concerns over corruption in the humanitarian response. Nigeria historically ranks very poorly for public corruption. In 2017, President Buhari fired the Director General of the National Intelligence Agency for misappropriating funds as part of the president’s Initiative for the North-East. Also in 2017, two officials were found guilty of selling food aid procured by the Danish Refugee Council.

In the security sector, corruption abounds. Premium Times reported an exposé that showed nearly $8 billion was stolen between 2008 and 2017. Total control over the humanitarian operation by the military lends itself to even greater corruption by security forces. The Nigerian military has opportunities for revenue generation through exploitation of the vendor contracting system for transport of goods, and through control over fishing and agricultural production in the northeast. Some analysts have suggested that the military has a vested interest in maintaining a low-level insurgency.

MILITARY CONTROL ON HUMANITARIAN OPERATIONS

Civilian authorities in Nigeria have effectively ceded control of Borno state and the areas of humanitarian operations to the military. Borno and the neighboring
states of Yobe and Adamawa have been intermittently in declared States of Emergency. The prevailing view is that President Buhari, himself a former military commander, has yielded responsibility for the north-east to the armed forces; this deferral of authority regarding the totality of challenges in Borno state intensifies the lack of civilian government presence in northeast Nigeria and decreases civilian oversight of the military. Ceding responsibility for oversight functions to the military has created further challenges in an environment where the military itself is not seen as a reliable and credible representative of the state due to its own history of abuse and corruption.

The military controls movements on main highways through intermittent bans on travel, which limits movement of essential commodities by humanitarian actors—including fuel, food, fertilizer, and cash. The military argues that restrictions prevent predation by insurgents and has launched baseless claims of misappropriation or diversion against NGOs. In July 2019, the military restricted the amount of fuel humanitarian organizations could transport, ostensibly to prevent diversion to insurgents. This restriction is devastating for humanitarian organizations that rely on generators to store and maintain supplies. The amount of fuel allowed for each location was reduced from 5,000 liters to 1,000 liters per week, a measure imposed with no consultation or specific rationale on the amount. Procedures for transporting fuel remain opaque; the announcement of the restrictions was not coordinated with NGOs, putting organizations at risk of inadvertently violating restrictions of which they were not aware.

The military has reduced the number of vendors allowed for transport and logistics, from upwards of 80 to only eight approved companies. This reduction directs all humanitarian operations to vendors who have been pre-approved by the military. Humanitarian cargo must be given clearance when leaving Maiduguri, creating a backlog as clearance for in-kind goods remains slow. Agencies must use military escorts, increasing the perception that humanitarian organizations are operating in conjunction with the military as part of the campaign against Boko Haram and ISWAP. Humanitarian organizations are thus unwittingly perceived as part of a counterinsurgency campaign.

The military has limited the amount of cash humanitarian organizations can carry. Cash is a core humanitarian intervention designed to support local markets, reducing the need for transport of commodities. Access to cash reserves is essential to other humanitarian activities. Operating banks are scarce in major cities and non-existent in rural areas; cash is the only way to transfer funds and purchase locally. This requires additional engagement with the Economic and Financial Crimes Commission. The EFCC has made statements questioning the use of cash by NGOs, raising unfounded concerns about corruption and support to insurgents, and urging the Theater Commander to ensure aid organizations receive clearance from the EFCC.

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The prevailing Nigerian military strategy compels humanitarian actors to liaise directly with the military, placing humanitarian action at the whims of military decisionmakers, with disregard for core humanitarian principles. In addition to physical and legal restrictions, organizations are prohibited from engaging in any sort of humanitarian action, dialogue, or negotiation with armed groups, which undermines their ability to generate safety assurances or to negotiate access.

The restrictions have created an untenable environment for humanitarian organizations, with action strictly controlled and limited to areas under Nigerian government control. This process runs in contravention to fundamental humanitarian principles, which require humanitarian activity to be provided in a neutral and impartial manner. Médecins Sans Frontières (MSF) has argued that the operational modalities in northeast Nigeria threaten the very notion of principled humanitarian action.

CIVIL MILITARY COORDINATION

In 2017, the United Nations Security Council (UNSC) recognized the importance of civil-military relations in managing humanitarian responses. UNSC resolution 2349 calls on all actors to facilitate humanitarian-
ian action, including through the facilitation of registration and bureaucratic procedures, and to create effective civil-military coordination mechanisms. In Nigeria, civil-military relations are challenged by the absence of effective civilian oversight over military action, as well as the breakdown in trust, cooperation, and communication between the military and civilian and humanitarian actors.

The garrison town and super camp strategy generates persistent stress between the military and their civilian counterparts. A 2018 internal NGO report highlighted that civil-military coordination mechanisms are inadequate, and that humanitarian access issues fail to account for areas held by insurgent groups. The report notes that meetings were disjointed and lacking in leadership from UN representatives. Further, a lack of formalized structures for accessing hard-to-reach areas and for deconfliction mechanisms reduced the scope of humanitarian presence. Despite the 2018 report, little progress has been made in implementation. A 2019 joint mission by the European Union and OCHA found civil-military problems persisting due to overlapping coordination mechanisms, diffusion of responsibilities within the military and the humanitarian community, lack of long-term dedicated staff, and confusion over which civil-military issues to prioritize.

The absence of effective civil-military coordination mechanisms is a view shared by both humanitarian and military actors alike; multiple parties report a need for improved coordination, communication, and coherence. NGOs report that mechanisms for basic operations can work, but that issues of a larger scope are highly contentious, rooted in a distrust between the military and humanitarian organizations. This distrust reflects differing analysis of the prevailing legal framework and of the role and responsibility of humanitarian organizations. More importantly, while improvements can be made to civil-military relations, the underlying challenge is political, and requires political will on the part of Nigerian authorities to improve the response and allow humanitarian actors to work outside of garrison towns.

The lack of effective civil-military communication has led to serious missteps. In 2019, with little notice, the military suspended large operational organizations ACF and Mercy Corps, impacting urgent services for nearly 400,000 people. These suspensions were made without warning or consultation and were based on unproven allegations. The suspensions of ACF and Mercy Corps generated substantial outcry from the international community, compelling the Nigerian authorities to reverse course. Yet, shortly thereafter, on December 21, a communiqué again announced the suspension of activities for humanitarian organizations and sectors, rooted in the Theater Commander’s statement of authority coming from the Office of the National Security Advisor. Significantly, 13 organizations that were restricted by the communiqué included titles that represented sectoral activities (such as Water and Sanitation and Psycho-Social Support), creating the impression of a lack of meaningful understanding of humanitarian operations.
MULTIPLE STATE ARMED ACTORS

Nigeria’s military expenditures remain substantial, with estimates of over $2.04 billion allocated in 2018.89 Between 2010 and 2017, Nigeria’s government allocated over $17 billion to the security sector to strengthen its capacity for counterterrorism operations.90 Accountability and analysis of military expenditures are limited, however, impacting the ability to draw meaningful analyses of spending and strategy.91 Analysts and journalists regularly report that the units fighting in the northeast are underfunded and underequipped, and that they often have salary payments delayed. The military has not deployed the number of troops necessary, and there are known instances of Nigerian soldiers defecting to insurgents.

Complicating civil military relations is the overlap between security forces. In addition to the military, Civilian Joint Task Forces (CJTF) are an essential part of the security response.92 CJTF, drawn from local population, are considered an essential auxiliary to the military and UN Development Programme (UNDP) has provided training programs.93 With stronger ties to local communities, CJTF are perceived more positively by civilian populations. However, CJTF are implicated in human rights violations, and they exist outside the framework of a command and control and accountability structures, portending a complicated future security environment.94 One interviewee suggested that the relationship between the government and CJTF blurs the line between civilians and combatants, contributing to an increase in attacks on civilians by Boko Haram, which is exacerbated by narratives of state abuses perpetrated by the military.95

Rhetoric from Nigerian officials and the UN indicates robust cooperation between these entities, but persistent security losses to ISWAP demonstrate the shortcomings of the forces. As Nigeria has been unable to quell the insurgency, they have turned to various international security forces, including South African mercenaries and the Multinational Joint Task Force (MNJTF), which brings in forces from Chad to conduct operations. The additional presence of third-party combatants further complicates the security environment, restricting humanitarian access and impeding an effective response.

LACK OF PRESSURE, WEAK RESPONSE

Two factors contribute to the weak response by the civilian authorities: a lack of targeted donor pressure and a lack of domestic political pressure, stemming from a sidelining of the mainstream Nigerian media from effectively reporting on the humanitarian response.

U.S. ASSISTANCE AND BILATERAL RELATIONS

For the United States, the northeast competes for attention with myriad other priorities, including bilateral economic ties, security crises elsewhere in the country, and a substantial development portfolio.96 The United States has a robust economic and diplomatic relationship with Nigeria. The United States is its largest foreign investor, with substantial interests in energy and trade; two-way trade totaled over $9 billion in 2017.97
The United States also remains the single largest donor to humanitarian needs in the northeast. Total foreign assistance funding appropriated to Nigeria in 2019 was nearly $700 million. In Fiscal Year 2019, the United States provided nearly $300 million to support the humanitarian response in Nigeria, bringing funding to a total of over $1 billion since the humanitarian response began in earnest in 2016.

The northeast remains a priority for U.S. humanitarian officials working in Nigeria, who regularly raise issues around humanitarian access, albeit with limited success. Yet, with robust economic and security ties, including an ongoing nearly $600 million sale of “Super Tucano” aircraft, humanitarian issues struggle for prioritization. The humanitarian response is also impacted by U.S. legal requirements regarding humanitarian action in areas with known presence of foreign terrorist organizations and by prioritizing counterterrorism concerns over humanitarian needs.

U.S. SECURITY SECTOR RESPONSE

The military impediments to humanitarian action, along with the documented history of abuses, raise critical questions regarding the role of U.S. security sector assistance. While much of the U.S. efforts to counter Boko Haram and ISWAP have been channeled through the MNJTF and Nigeria’s neighbors, the United States does maintain a bilateral security sector partnership with Nigeria. Between 2009 and 2017, the U.S. provided $103 million in security assistance, including training and participation in joint exercises, and also delivered $136 million in arms sales. Engagement with the Nigerian military is limited by human rights-related provisions in U.S. law, including the Leahy Act, which reduces the effective footprint needed to effectively engage Nigerian forces.

Humanitarians regularly point to the U.S. military and other donor armed forces as the best vector through which to pass humanitarian messages. Nigeria is known to be sensitive to interference with its internal affairs and training efforts have been cancelled or otherwise described as “fraught with tension,” and not particularly successful. The limited presence of U.S. forces and high deficits in Nigerian capacity suggest that current structures and engagements are incapable of meeting ambitions to engage and influence on humanitarian and human rights concerns.

A rethink of the role of security sector assistance in this case would be important. Military-to-military engagement with the Nigerian forces remains a priority for the United States for its own counterterrorism interests, as indicated in both the National Security and National Defense strategies. As the United States relies on African partners to engage Boko Haram and ISWAP in the Lake Chad Basin, rethinking the security sector approach to a shift on civilian protection, accountability, training across the spectrum of military actors, and emphasis on humanitarian challenges would represent an important opportunity to shift the civil-military dynamic in the northeast.
UN appeals for the northeast in 2019 are nearly $850 million, with over $500 million pledged. While the UN appeal acknowledged over 7 million in need, it is targeting only 6 million people for activities: the UN appeal targets areas under government control, inadvertently affirming the denial of access imposed by the Nigerian authorities on areas outside government control. NGOs working in northeast Nigeria report deep frustration with the UN structures in Abuja and in New York. Despite multiple high-level visits and multiple strategies around access, civil-military coordination, and protection, they report little progress towards implementation. Humanitarian agencies report a lack of communication and coordination between actors working in garrison towns and Maiduguri, and between Maiduguri and Abuja, leading to lack of coherence between operational needs and political communication and advocacy. Interviewees describe an often-contentious relationship, with fault lines between donors and NGOs and with the UN manifesting in different methodologies for data collection and analysis.

Within the NGO community, common positions are challenging to generate, leading to incoherence, duplication, and a loss of the value of common advocacy. There is a prevailing sense that basic programmatic work is being prioritized over a policy and political agenda emphasizing protection and compliance with IHL. This is driven in part by the insecurity felt by NGOs regarding their operational footprint in Nigeria, particularly in light of the temporary ban placed on ACF and Mercy Corps.

Multiple agencies report staffing challenges across the board, leading to weak capacity for implementation and advocacy with state partners. Nigeria is considered a difficult post, causing many qualified people to avoid positions in Abuja and Maiduguri. Basic training on IHL and humanitarian operations are being carried out for staff, despite the magnitude of the crisis.

Much of the challenge has been attributed to a lack of leadership in country willing to stand up to the authorities. UN country leadership struggles to balance a substantial development portfolio—which requires
deep cooperation with the government—with its humanitarian responsibility. Nigeria remains a development priority for the United Nations, with the Resident Coordinator overseeing significant development funding in a context seen as a test case for the “triple nexus” between humanitarian, development, and peace building stakeholders.

Further complicating matters is the presence of senior Nigerians within the UN system in New York. Nigeria chairs the UN General Assembly in 2020, and a former Nigerian minister, Amina Mohammed, is deputy secretary general. For Nigeria, and the UN system, 2020 is an important year. Consequently, there is immense pressure to see Nigeria succeed and avoid implications that could cause bad headlines and embarrassing moments. This has led to allegations of NGOs being asked to reduce the breadth of their humanitarian advocacy and of internal reports being watered down, raising concerns about the UN again being silent in the face of a severe humanitarian emergency.105

**CHALLENGES AND OPPORTUNITIES FOR NIGERIAN MEDIA**

Nigeria retains a vibrant domestic media landscape, yet multiple interviews with domestic and international correspondents suggest that reporting on the humanitarian impacts of the violence in northeast Nigeria has been lacking.106 Multiple journalists cited security concerns and a lack of access to Borno state as a major reason for minimal coverage. One of the challenges described by journalists is a lack of trusted personnel in the northeast; Lagos-based journalists are unwilling to travel or be based in Maiduguri.

Journalists report pressure from the Nigerian government regarding coverage of the insurgency. The government of Nigeria has routinely targeted and threatened journalists with arrest or other punishments for reporting on counterinsurgency efforts in the northeast.107 These actions are inconsistent with Nigeria’s own legislative protections for journalists and generate fear and ambivalence for journalists seeking to accurately cover the conflict, leading to a paucity of reliable information for Nigerians to understand the actions taken by their government. One report identified 256 violations against journalists between 2015 and 2019, including arrests, intimidations, denials of access, and confiscation of equipment—a fourfold increase from 2011 to 2015.108 The same report showed humanitarian issues represent a very small percentage of the coverage, due in a large part to source selection. Military representatives are overwhelmingly the primary sources in stories regarding violence in the northeast.

Many local journalists interviewed believe that international media outlets can play a meaningful role in covering and reporting on the conflict. The perception is that international media is better resourced and protected against pressure campaigns by the government. In the view of journalists interviewed, international media can open up space for domestic reporting. However, attacks on journalists are not limited to domestic reporters. Reuters and Agence France Presse have been attacked in Nigerian media for their reporting on the conflict, raising security and reputational concerns.109

A challenge for domestic journalists is a lack of engagement on the part of humanitarian organizations with local media, ostensibly due to a divide between Lagos and Abuja. Journalists in Lagos report minimal contact with international NGOs, impeding their ability to report accurately on humanitarian needs and to have a nuanced understanding of modes and modalities of humanitarian operations. Consequently, regular engagement with Lagos-based media houses can be an essential part of building a narrative within Nigerian media civil society regarding the urgency in the northeast, generating domestic pressure to act urgently and in a manner more consistent with international principles.
CONCLUSION
A COMPLEX CRISIS

Displaced families stand at the main gate of a camp for internally displaced people at Monguno district of Borno State on February 14, 2017.

Northeast Nigeria’s humanitarian response suffers from a vexing intersection of domestic political and security constraints, exacerbated by an ineffective United Nations humanitarian structure hamstrung at the Nigerian and international level.

Nigeria is at a crossroads. Ten years of armed violence in the northeast undermine Nigerian ambitions for safety and security, threatening gains in economic development and aspirations of continental leadership. Nigeria has sought international sector assistance, demonstrating a willingness to cooperate on internal security matters. Nigeria belatedly allowed humanitarian agencies to operate in the northeast in response to the devastating impacts of the violence. However, in both the security and humanitarian response, Nigeria’s heavy-handed efforts at control have undermined the desired outcomes, with violence escalating and humanitarian conditions worsening.110

For humanitarian agencies, Nigeria represents a deeply uncomfortable dynamic. The humanitarian response is deeply compromised. Humanitarian principles of neutrality, impartiality, and independence are challenged by Nigerian policies limiting activities to garrison towns controlled by the military, with movements of goods and services strictly controlled by the army. Humanitarian organizations are unwittingly compelled into a response strategy predicated on resource deprivation for a significant percentage of the civilian population.

For donors and state partners, a similar intersection is at play. Bilateral and multilateral relations with Ni-
geria reflect the importance of the economic, political, and security partnerships. However, as humanitarian conditions worsen, states face a choice on how important the Nigerian response to the humanitarian crisis is for bilateral relations. For the United States, major economic and security sector ties exist alongside substantial humanitarian funding. Despite this, the United States has been limited in its ability to influence the Nigerian government’s heavy-handed approach to humanitarian operations. This is further complicated by limitations in U.S. security sector engagement with Nigeria’s military.

For the UN, Nigeria is a vital partner for development and political ambitions in Africa. However, the intersection between the UN’s development ambitions and its humanitarian responsibilities has negatively impacted its ability to effectively advocate on behalf of humanitarian issues, raising echoes of UN failures and complicity in other humanitarian emergencies.

**KEY RECOMMENDATIONS**

In order to more effectively respond to the urgent humanitarian crisis in northeast Nigeria, the Nigerian government, humanitarian actors, and donor partners must come together to increase humanitarian access to all parts of northeast Nigeria, reinforce core humanitarian principles, and improve civil-military relations.

**The United States**

The United States should prioritize the humanitarian crisis in the northeast as part of its bilateral relationship with Nigeria, with an emphasis on allowing humanitarian actors to work outside government-held garrison towns. Messages regarding humanitarian access should be delivered at the highest levels at the Department of State, Department and Defense, and USAID, and be consistent across agencies.

The United States should provide clear and explicit expectations to the Nigerian authorities regarding operational modalities for U.S.-funded humanitarian organizations, including with respect to freedom of movement and working in areas controlled by insurgent groups. USAID and the State Department should convey clear messages regarding bureaucratic attempts to divert and delay humanitarian funding, specifically the provisions within the Borno Bill regarding the diversion of humanitarian funds to state authorities.

The Department of Defense and Department of State should ensure that future security sector engagements—including ongoing weapons sales—are calibrated appropriately to the capacities of the Nigerian military and are in compliance with relevant human rights provisions, including the Leahy Law. Continued military-to-military assistance should emphasize trainings to reduce civilian harm, and they should focus on core principles of civilian protection and international humanitarian law, including the responsibility to facilitate humanitarian access.

Congressional oversight committees should directly engage with the Department of State and Department of Defense to ensure that the Government of Nigeria is meeting its responsibilities for civilian protection and humanitarian assistance. Congressional committees should also urge the Administration to provide a comprehensive strategy for engagement with Nigeria as required by the National Defense Authorization Act.

**The United Nations**

The United Nations Secretary-General (UNSG) should make the crisis in northeast Nigeria a priority for high-level engagement, including through appointment of a Special Representative to oversee humanitarian response outside of the existing reporting structures. The UNSG should convene a special session of the United Nations Security Council regarding the situation in northeast Nigeria, with an emphasis on the humanitarian security Council and the access challenges in areas held by insurgent groups.

In Abuja, the UN and the Humanitarian Country Team should lay out a clear framework for humanitarian action, including desired outcomes, red lines, and guiding principles regarding dialogue and operations with both the Nigerian military and insurgent groups. UN leadership in Abuja should commit dedicated and sustained resources to humanitarian
access and civil-military coordination and should prioritize access to areas outside of government control in engagement with Nigerian authorities.

**Humanitarian Organizations**

Humanitarian organizations should establish clear red lines regarding fundamental principles of humanitarian action in their dialogue with Nigerian forces.

NGOs should increase dialogue with Nigerian civil society and Nigerian media in Lagos, including on principles of IHL and humanitarian action. Engagement with Nigerian civil society should emphasize humanitarian principles and basic operational modalities, in order to enable a deeper understanding of humanitarian action within Nigerian media.

**Government of Nigeria**

The Government of Nigeria should work with humanitarian organizations to allow for opening of dialogue and access negotiations with insurgent groups. Civilian authorities should lead humanitarian response coordination with military officials in Maiduguri and open a regular dialogue with the entire humanitarian community, including through the inclusion of non-UN humanitarian representatives in the HCC.

Nigerian authorities should immediately ease restrictions on the movement of essential commodities such as fuel and cash, utilizing appropriate monitoring, evaluation, and accounting safeguards consistent with best practice in humanitarian action. Civilian authorities should establish a clear and consistent methodology for communication with NGOs and ensure consistent policy and practice between Abuja and Maiduguri.
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In addition, he has conducted field missions in South Sudan, and Rakhine State, Myanmar and spent nearly three years as a consultant with the ICRC delegation in Pretoria, South Africa. From 2007-2009, he served as the congressional advocate at Refugees International (RI), a humanitarian advocacy organization based in Washington D.C. Mr. Kurtzer began his career as a legislative assistant to Congressman Robert Wexler of Florida covering domestic and foreign policy issues, including managing the Congressional Indonesia Caucus.

Mr. Kurtzer earned an MA in peace and conflict studies from the University of Queensland in Brisbane, Australia, where he studied as a Rotary Foundation World Peace Fellow. He also holds a BA in philosophy from the University of Maryland, College Park, with a citation in religious studies, and is an alumnus of the College Park Scholars Public Leadership program.


44 As international humanitarian organizations sought to increase their presence, the government of Nigeria began forming additional bureaucratic structures. This included the Inter-ministerial Task Force, based at the Emergency Coordination Center in Abuja, formed in 2016. In 2017, the North East Development Commission was signed into law to manage the reconstruction and rehabilitation of the northeast, replacing previous replacing previous initiatives, including Victims Support Fund (VSF), Presidential Initiative on the North East (PINE), and Presidential Committee on the North East Initiative (PCNI). This is in addition to the existing National Commission on Refugees, Migrants, and Internally Displaced Persons.


51 Ibid.


56 Human Rights Watch, “Nigeria: Army Restrictions Stifling Aid Efforts,” news release, March 4, 2020,


81 Security Council resolution 2349 (2017), On the situation in the Lake Chad Basin region, S/RES/2349 (31 March 2017), available from undocs.org/EN/S/RES/2349. “Urges all parties to the conflict to ensure respect for and protection of humanitarian personnel, facilities, and their means of transport and equipment, and to facilitate safe, timely and unhindered access for humanitarian organisations to deliver life-saving aid to affected people, and in particular in the case of governments, where applicable, through facilitating bureaucratic and administrative procedures such as the expediting of outstanding registrations, and importation of humanitarian supplies, and further calls upon governments in the Region to increase collaboration with United Nations partners including through more effective civilian-military coordination mechanisms;”


83 The Nigerian Military has a Department of Civil Military Affairs (DCMA) primarily carries out non-kinetic activities, including polio vaccination campaigns, and engagements with local NGOs. DCMA’s public output promotes the military’s campaign against insurgent groups; interaction and facilitation of international humanitarian action remains limited; Interviews in Abuja, December 2019.


90 Maurice Ogbonnaya, “Has Counter-Terrorism Become a Profitable Business in Nigeria?” ISS Africa, February 4, 2020, https://issafrica.org/iss-today/has-counterterrorism-become-a-profitable-business-in-nigeria: This amount doesn’t include extra budgetary allocations such as the U.S. $1 billion the government borrowed in 2013 to fund counter-terrorism operations and the U.S. $21 million approved for the Multinational Joint Task Force (MNJTF) in June 2015.


92 While Nigeria has provided federal and state government funding for the CJTF, allegation of corruption in the form of “security votes” undercuts transparency around security spending.


94 Chitra Nagarajan, Civilian Perceptions of the Yan Gora (CJTF) in Borno state, Nigeria (Washington, DC: Center for Civilians in Conflict, 2018), https://civiliansin-
Interviews with author in Abuja, December 2019.


Goni Fannatabe reflects as he stands in a mosque at the Emir of Gujba’s palace in Buni Yadi, Yobe. Having spent 40 years in Buni Yadi, he was displaced after Boko Haram seized control of the town and declared it a caliphate.