BRIEFING NOTE
March 2018


# Staying in Harmony

## Promoting secure shelter for IDPs and resolving disputes

Protracted displacement in northeast Nigeria is leading to an increase in disputes over housing, land and property. The traditional mechanisms for resolving disputes need to adjust to cope with the changes in volume and nature of disputes in order to benefit both IDPs and host communities.

### Protracted displacement and increasing disputes

The armed conflict in the Lake Chad region has caused mass displacement in northeast Nigeria, forcing people to flee the violence and abandon their homes. The majority of these internally displaced people (IDPs) found shelter in communities in safer locations. These "host" communities have demonstrated an extraordinary level of hospitality, as some of the poorest places in Nigeria are hosting 1.7 million displaced people. However, many people's displacement is now stretching into three years or more, and the situation is exhausting their resources and those of the communities hosting them. This is leading to a number of challenges, among them an increase in disputes over housing, land and property.

NRC carried out an assessment across Borno and Adamawa states on the structures communities use to resolve disputes and how these are working with the arrival of many IDPs. The results indicate that disputes over housing, land and property are undermining the self-reliance of IDPs, making it harder for them to find shelter and gain or continue a livelihood, and exposing them to forced eviction and further displacement.

### Disputes over housing, land and property

In urban areas, most IDPs pay to rent quarters in a private house, or live in a temporary shelter built by a humanitarian NGO on land donated by the landowner. Most disputes that arise concern IDP efforts to secure housing where costs are high and their economic situation is weak.

Displaced people face a number of challenges related to finding secure shelter, including:

- **Shortages of available housing** that leave people to occupy structures not suitable for habitation.
- **Informal or temporary arrangements** with landlords, lack of any agreement at all, and non-compliance by landlords with agreements where they exist.
- **Increasing inability to pay rent** as IDPs exhaust their resources or struggle to find work. IDPs can find it particularly difficult to secure shelter when renters are expected to pay six months or a year of rent in advance.
- **Threat of forced eviction**. As one woman said, "I have been living in a rented house for three years now. From last year, I started having issues with the

landlord as I was not able to pay my rent on the promised date. He threatened to throw my things out of the house; I pleaded with him but to no avail. That was when I rushed to the Lawan. He came and intervened on my behalf and resolved the issue."

- **Refusal by landlords to repair rented houses**. One IDP reported, "When we complain to the landlords to fix the house…they tell us that if we are not satisfied we should pack and leave."
- **Discrimination against households headed by women**. One woman explained, "They don't rent houses to females here. I was able to secure accommodation through someone, after that, the landlord then sent us out, and with my children we were crying. When the Mai Anguwa heard he intervened."

An additional source of conflict is the expectation of landowners that they should benefit from a share of what IDPs living on their land receive in humanitarian assistance. According to a focus group discussion, "Landowners from the host community will agree to give land for shelter to NRC. When relief started to come…they say that the IDPs have to give them a share. If they refuse, they have to leave the land."

## Resolving disputes

NRC's findings confirmed what previous studies have shown: people trust primarily in their traditional leaders to resolve their disputes, and housing, land and property management functions almost entirely through customary mechanisms. Unfortunately, the conflict and situation of mass displacement has weakened the system of dispute resolution in northeast Nigeria in four fundamental ways.

***Creation of disputes that are particular to the displacement situation***. All of the issues described above have led to disputes between IDPs and hosts over housing and land use, and mean that traditional leaders may be faced with cases they are not used to addressing. General tensions between IDPs and host communities may also increase the frequency of specific disputes. For example, host communities may be intolerant of the behaviour of the children of IDPs, who for many reasons may not be in school. In one case, an IDP woman said that after a dispute between her children and the neighbours, her family was evicted from their rented home. IDPs also noted that they feel stigmatised or stereotyped; one IDP said that people in the host community call them "Boko Haram."

***Disruption of the existing mechanisms for dispute resolution for those who are displaced.*** Even though many communities have been displaced together with their traditional leaders, the authority of Bulamas and Lawans is linked to the land on which their community lives, and is therefore deeply undermined by displacement. IDP Bulamas and their communities feel that as guests, they are not entitled to challenge the decisions of landowners. Many Bulamas mentioned their frustration, and one was reduced to tears as he talked about being unable to help his community.

In places affected by fighting, some communities have turned to the civilian joint task force (CJTF) to resolve disputes; but this leaves people reliant on the goodwill and judgement of individuals who have no training, without the institutional safeguards and experience that traditional structures provide.

***Overburdening the system of host communities.*** The arrival of many IDPs and the corresponding increase in disputes has created more work than traditional structures are used to. Some host community leaders have struggled to cope with this increase, but others have taken the opportunity to create new structures in order to manage the increase effectively. For example, in Galtimari, Maiduguri, the Lawan divided his area into five zones, each with a five-person committee. The committees are charged with monitoring use of land for temporary shelters, combatting forced eviction and managing infrastructure like latrines.

***Exacerbation of the vulnerability of women.*** The conflict has had a profound effect on families; with many men killed or missing, many IDP households are headed by women and are particularly vulnerable. As one focus group explained, "We are all single mothers with a lot of responsibility and insecurity. Because we don't have the security of our men the moment our rent expires – in fact before it expires – the landlords without any notice start to harass us that we must either renew our tenancy or leave their house." Another woman said, "We try to stay in peace, however, we are being treated as nobody, even worse, as we are widows we don't have any man in our houses to protect us we are being maltreated by these landlords." Many women indicated that they feel they cannot approach leaders responsible for dispute

resolution due to community expectations that only the man of the household should do so.

## Getting ready for return

Many IDPs look forward to returning home as soon as conditions allow. When they do, it is very likely that uncertainty and disputes over housing, land and property will arise. IDPs reported that, in their absence, other people -- often themselves displaced -- had occupied their farmland and housing. According to one focus group discussion, "We see those that travelled to our hometowns returning with vandalised properties". In one case, a farmer displaced from Bama LGA in Borno had rented his house, but the tenant had assumed ownership: he understood that such a dispute would have to be settled by the customary leaders on his return. There was confidence that traditional dispute resolution structures could resolve such issues.

## Recommendations

### To state and local authorities and traditional leaders

1. **Take steps to learn best practice, including across state borders**. The traditional dispute resolution system is dealing with unprecedented challenges. Meeting them requires innovation to strengthen the system and avoid having it undermined. A lot can be learned from the successful adjustments individual leaders are making, and these should be replicated across the system.
2. **Find roles for displaced local leaders that allow them to consult on and refer matters for dispute resolution.** Such an approach should be taken consistently, particularly in disputes between IDPs and host communities.
3. **Create committees, including women's committees, to support local leaders.** Considering the increased volume of disputes and of female-headed households, local leaders should consider creating structures that help to advise them and allow delegation of some responsibilities. Special attention should be given to the situation of women. According to a women's focus group, "we prefer a woman to help resolve our disputes…because there are certain things we are not comfortable discussing with men. We prefer the elderly women amongst us to be our mediators."
4. **Promote rental agreements with payment in instalments.** Where appropriate, traditional leaders should encourage landowners and renters to agree shorter contracts or contracts that allow for payment in instalments rather than a full year upfront. This will allow IDPs better access to housing and reduce disputes.
5. **Be aware of the increased potential for exploitation of women and girls.** Traditional leaders should be especially vigilant regarding the protection of displaced female-headed households. IDP women may find themselves in a situation where their options are between conceding to any demand a landlord makes of them or being evicted with their children from their shelter.
6. **Take special action to protect IDP children.** Displaced children may have experienced great trauma, and their family may not have the resources to put them in school. This leaves them highly vulnerable and in need of protection. Community leaders should actively discourage negative stereotyping that leads to tensions between IDPs and host communities.
7. **Ensure that leaders are proactively communicating that IDPs are not Boko Haram, they are people who have fled the violence.** Traditional leaders at all levels should remind their communities that they have welcomed IDPs because they have had to flee from their homes to escape the fighting. They are the victims of the insurgency, not its creators.
8. **Communicate proactively to landowners about the contribution they make to the humanitarian response.** It is crucial to recognise that the first and most important humanitarians are those in the community already helping IDPs. The international humanitarian community uses limited resources to help the most vulnerable, *in addition* to the assistance from the community. Landowners who have allowed IDPs on their land are making a contribution that is equal to, and enables, further aid; it does not entitle them to a share of it.

### To national and state government

1. **Endorse the draft national IDP policy and domesticate the Kampala Convention.** Nigeria is a signatory to the Kampala Convention, but its domestication is long overdue.
2. **Provide capacity building to dispute resolution mechanisms on housing, land and property issues.** With support of humanitarian and development

actors, government authorities should identify relevant dispute resolution structures and provide training on rights and legal frameworks that govern housing, land and property, as well as skills development for dispute resolution.

3. **Strengthen dispute resolution pathways for women.** The increased vulnerability of women requires special attention within the traditional structures as well as through alternatives such at the Borno Amicable Settlement Corridor.
4. **Prepare for housing, land and property related disputes in areas of return.** An essential condition for return is available dispute resolution mechanisms, which must mean in the first instance return of traditional leaders. Other alternatives must also be available, and may include simplified judicial or administrative proceedings or support to community-based mechanisms.

### To humanitarian and development actors

1. **Step up capacity building on housing, land and property issues.** This should include training on rights and provision of technical assistance, and skills development for dispute resolution.
2. **Train local leaders on applicable laws and norms** including international humanitarian and human rights law, Nigerian law, sharia and the formal justice system.
3. **Provide legal assistance to increase access to dispute resolution mechanisms** in order to enable people to claim their rights with respect to housing, land and property.
4. **Work to raise awareness of the rights of women** with respect to housing, land and property, and promote their equal access to justice and dispute resolution.
5. **Donors must fund activities that promote access to justice and dispute resolution** in both humanitarian and development efforts.

## Sources

The findings in the note are from a study conducted by NRC in Galtimari and Bulabulin, MMC, Borno, and Saminaka and Yolde-Pate Yola South, Adamawa. Researchers conducted interviews and focus group discussions with over 150 people including married men and married, widowed or divorced women from IDP and host communities; village and ward heads, religious leaders, and community leaders. Legal Aid Council, Nigerian Bar Association, and other relevant groups including women's associations also gave key informant interviews. The full report with all data can be found at: www.nrc.no/dispute-resolution-structures-and-hlp-issues-in-north-east-nigeria

## About NRC

The Norwegian Refugee Council (NRC) is an independent humanitarian organisation working in crises across 31 countries helping to save lives and rebuild futures. NRC has worked for over ten years with conflict-affected communities to resolve land disputes through our Collaborative Dispute Resolution (CDR) approach. In northeast Nigeria, NRC is implementing programmes in the areas of water, sanitation and hygiene; food security and livelihoods; education; shelter; and information, counselling and legal assistance (ICLA) in Yobe, Borno and Adamawa states.

Links to other relevant information:
An assessment of dispute resolution structures and HLP issues in Borno and Adamawa states:
www.nrc.no/dispute-resolution-structures-and-hlp-issues-in-north-east-nigeria

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