



European dominance of migration policy in Niger

“On a fait les filles avant la mère”

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- Despite not traditionally being a priority, the issue of migration continues to carry ever more political weight in Niger, mainly due to European interests in curbing transit migrants moving northwards, but also because of increased forced displacement in the country.
- European migration interests are overriding national interests, to the detriment of local ownership and with adverse effects on local economies, security, and free movement within the boundaries of the Economic Community of West African States.
- In stark contrast to the attention given to anti-smuggling measures is the worsening displacement situation in the country, stemming from conflict in the Sahelian neighborhood in the south and from Libya. The consequence is the world's poorest country hosting a growing population of displaced persons in dire conditions.
- Fairer responsibility and burden sharing between the EU and Niger, a sustainable regional policy, and more safe and legal pathways are key to changing this situation.
- The Nigerien state must balance the need for state building, development aid, and stability with domestic legitimacy, which can be dominated by European concerns about migration. It has thus far claimed ownership of the irregular migration agenda while simultaneously using it to strengthen its regime.

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The Political Economy of West African Migration Governance

This policy brief draws upon a series of expert meetings and interviews carried out within the framework of the WAMiG project. The project explores how migration governance instruments and institutions are made and implemented, the stakes and stake holders involved or excluded and the societal discourse that surrounds these interests. The qualitative study focuses on four case studies – the Gambia, Niger, Nigeria and Senegal.

WAMiG is an independent research project conducted by the Arnold-Bergstraesser-Institute as part of the Mercator Dialogue on Asylum and Migration (MEDAM). The WAMiG project focuses on the African perspective and its implications for European policy making. WAMiG and MEDAM policy recommendations may therefore differ slightly.

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By Leonie Jegen and Franzisca Zanker^{1,2}

Introduction

Migration and mobility have always been features of Niger, with a common understanding noted by a Nigerien development worker: “La migration, c’est une tradition, c’est une mode de vie.”³ Yet few Nigeriens move beyond the continent, with migration largely circular and within the region (Boyer and Mounkaila 2010).

In the face of a tense humanitarian, developmental, and security situation, Nigerien policy makers do not count migration as a key issue per se. Nonetheless, external pressures to foster governance of irregular migration have heightened the importance of the issue as well as the growing displacement of people in the country. This policy brief is based on a forthcoming report, which undertakes a qualitative assessment through expert interviews. Fieldwork took place in March 2019 in Niamey. The information and opinions in this brief, unless otherwise stated, are based on 41 interviews with policy makers, politicians, civil society activists, and academic experts in Niamey, Brussels, Bamako, and Florida (see the appendix).⁴

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³ Translation: “Migration is a tradition, it is a way of life,” according to a Nigerien working for an EU member state initiative on development cooperation (Interview, Niamey, March 2019).

⁴ Some of the interviewees agreed to be quoted as part of this research in exchange for being granted anonymity. Therefore, interviewees are listed on the appendix partly by name and partly anonymously.

Migration governance in Niger: From a policy on hold to a 'crisis'-induced focus on irregular migration

In Niger, the cabinet of the prime minister oversees the political direction on migration, in close collaboration with the Ministry of Interior (MOI). The three ministries that are the key actors in the field of migration governance are the MOI, Ministry of Justice, and Ministry of Foreign Affairs. The MOI heads the General Directorate for Civil Registries, Migration and Refugees—the government's core migration body. The General Directorate for the National Police also falls under the MOI. It oversees the Directorate for Border Surveillance, a police unit responsible for border control. The Ministry of Justice hosts a national commission and a national agency to combat human trafficking and smuggling of migrants. The commission is tasked with the adoption of policies and programs on human trafficking and migrant smuggling, while the agency implements them. In 2007, Niger launched its **Commission Interministerielle de Migration** (Interministerial Commission on Migration; CIM) to develop a national migration policy. For a number of reasons, mainly financial but also a lack of strong leadership, this process was put on hold in 2014.

For European policy makers, Niger has continued to gain relevance in the field of migration, not least since the 2015 European Agenda on Migration, the 2016 Valetta Action Plan, and the 2016 new partnership framework on migration with third countries made the “fight against smuggling” a priority.⁵ Even though emigration from Niger toward Europe is negligible, it has still become prominent because of the role of Niger as a *transit* country for refugees and other migrants from elsewhere.

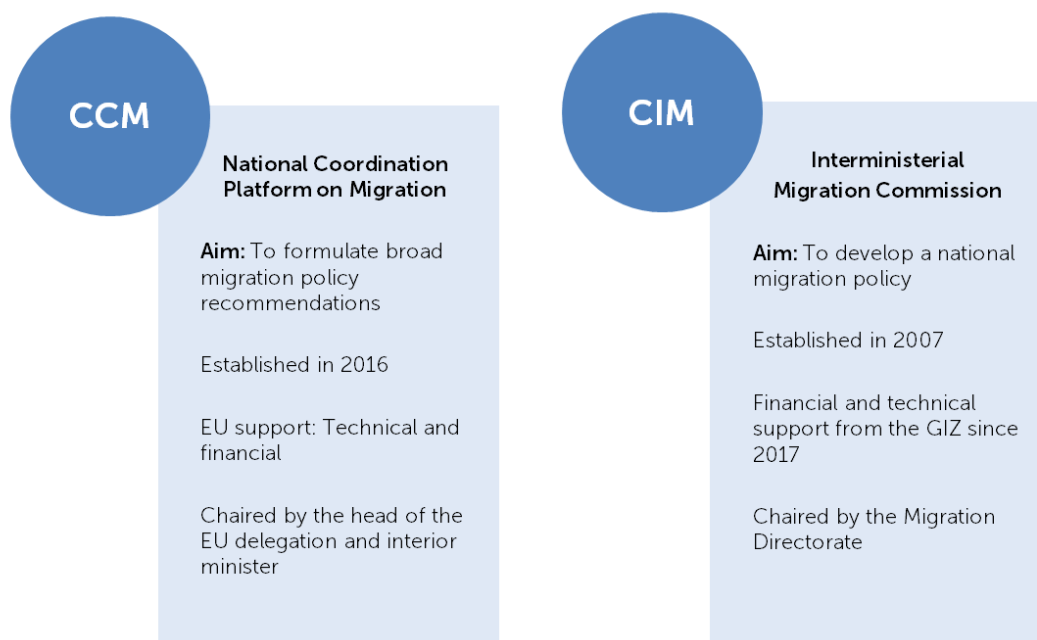
The EU has secured a permanent role in the formulation of Nigerien migration policy recommendations through financing the setup of the **Cadre Concertation de Migration** (National Coordination Platform on Migration; CCM), which is a biannual meeting of national and international stakeholders that work to define such recommendations.⁶ Formed in 2016, the platform is chaired by the head of the EU delegation along with the Nigerien interior minister.⁷ The Migration Directorate, which falls under the MOI, has become responsible for the management of the CCM, and a permanent secretariat has been established to this end (see figure 1).

⁵ See European Commission, “First Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration,” COM(2016) 700 final, Brussels, 2016.

⁶ According to some of our interviewees, the CCM includes diplomatic representatives of Western countries, but not from ECOWAS states. We were not able to confirm this.

⁷ See European Commission, “First Progress Report on the Partnership Framework,” COM(2016) 700 final, 2016.

Figure 1:
Overview of the main migration frameworks and the external influences on them



Source: Arnold-Bergstraesser-Institut (ABI).

Note: GIZ = Deutsche Gesellschaft für Internationale Zusammenarbeit / German Corporation for International Cooperation.

Beyond the CCM, Niger’s migration governance has substantially intensified since 2015, with a clear emphasis on irregular migration. Numerous initiatives have been launched that focus on stopping onward migration, including humanitarian assistance. For example, since 2016 an EU-funded project by the International Organization for Migration (IOM) provides food, water, shelter, medical, and psychological support, as well as assistance with travel documents for migrants in six so-called transit centers. There are also search and rescue operations for migrants stranded in the desert; as of June 2019, nearly 20,000 people have been rescued since April 2016, and taken to the transit centers (IOM 2019). However, assistance in the centers is based on individuals’ willingness to ‘voluntarily’ return to their countries of origin, making the humanitarian assistance *conditional* (see also Morales 2019).

Similarly, EU funding is strongly promoting the implementation of the 2015 Nigerien anti-smuggling law (no. 2015-36), which was drafted in close cooperation with the UN Office on Drugs and Crime (UNODC). This involves the widening of the mandate of trafficking institutions to include smuggling and extensive support for the Directorate for Border Surveillance, mainly through the IOM. Support covers the building of border posts and installation of data management systems, as well as capacity building in the form of training. Moreover, development projects have been implemented to offset the negative consequences of the 2015 law on local economies, through initiatives in the transit region Agadez.

On a policy level, the EU, by funding the development of the National Strategy to Counter Irregular Migration, supported implementation of the 2015 law. In record time of under a year, the Vienna-based International Centre for Migration Policy Development helped to write the strategy. This stands in strong contrast to the national migration policy, whose development had been ongoing since 2007, but then was temporarily halted, among other reasons due to a lack of financial resources. A civil society actor commenting on the adoption of the strategy on irregular migration said: “On a fait les filles avant la mere, ce n’est pas logique.”⁸

The national migration policy process was re-launched in 2017 with financial and technical support from the German development agency GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit). The external support is obvious, but here the setup is more prone to being locally owned: two civil society actors are closely involved in the process as well as the national human rights council.⁹ A common criticism is that the success of the policy will depend on the extent to which it is able to curtail the security-focused approach to migration governance taken in the post-2015 context.

Effects of the 2015 law

Since the law and the strategy have been introduced, the EU and its member states have financed numerous measures to foster implementation. Important measures pertain to capacity building of the Nigerien criminal justice system and migration control capacities. Notably, European actors are becoming increasingly operational on the ground, for example through the joint investigative teams made up of Nigerien, French, and Spanish police officers, which have arrested 200 people over the past two years.

The European Commission has deemed its involvement in Niger a success in terms of reducing irregular movement to Europe,¹⁰ but the focus on smuggling has had a number of adverse effects in Niger. This is not least because the movement of migrants from the Economic Community of African States (ECOWAS) is not actually irregular, routes are becoming more dangerous, and there are repercussions for the long-standing transportation business, especially in Agadez. There is a long tradition of transportation—of tourists, local populations, and more recently transit migrants, who, prior to the ousting of Libyan leader Muammar Qaddafi, often went to Libya for labor migration. In fact, following the last Tuareg

⁸ Translation: “We created the daughters before the mother. This is not logic.” Comment by a Nigerien working for an international nongovernmental organization (Interview, Niamey, March 2019).

⁹ The groups are Jeunesse-Enfance-Migration-Développement (JMED) and Groupe de Réflexion et d’Action pour le Soutien au Phénomène de l’Immigration (GRASPI), though there were some complaints that these civil society actors are uncritical of the irregular migration agenda.

¹⁰ See, for example, European Commission, “Progress Report on the Implementation of the European Agenda on Migration,” COM (2019) 126 final, Brussels, 2019, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190306_com-2019-126-report_en.pdf.

rebellion, which lasted from 2007 to 2009, many former Tuareg rebels were encouraged by the government to take up the transportation business, instead of being integrated into the army (see also Tubiana 2017). The adoption of the anti-smuggling legislation and measures to implement it have turned a normal business—of transporting people on buses, trucks, and private cars—into a crime. With development projects aimed at replacing lost businesses thus far insufficiently making up for the economic blow due to the criminalization of the transportation business (see also Tubiana, Warin, and Saeneen 2018), the delicate balance between Tuareg leaders and the central government has become more fragile. Security actors are also dependent on income sources deriving from bribes extracted from the smuggling business. This dependency has led to the law being only partially implemented. If anything, the law has led to a ‘professionalization’ of the smuggling business, where fewer smugglers operate under more pressure of being fined. This has made the route more dangerous, with the risk of arbitrary detention for migrants (Raineri 2018; Stambøl 2019).

With increasing border controls and reinforcement of preexisting ones, the anti-smuggling agenda is also proving to be detrimental to free movement in the ECOWAS region. The spirit of ECOWAS free movement depends on *not implementing border control in practice*, so that local populations can continue the daily movements that are vital for local economies, even without possessing the necessary identity documents. Border patrols aiming to stop onward movement from Agadez also stand in direct contravention of the protocols. Moreover, organizing the transportation of ECOWAS citizens within the ECOWAS region is well within the rights of the protocols and criminalizing this on an anti-smuggling agenda at the very least goes against the spirit of free movement in the region (see also Idrissa 2019).

Displacement: In dire need of a sustainable regional solution

Forced displacement has become ever more politically salient with an increase in numbers. While only a decade ago Niger had fewer than 200 refugees, by May 2019 this had risen to 398,176 refugees (UNHCR 2019) as well as 254,000 who had been internally displaced by June 2019 (OCHA 2019).

Broadly, two different displacement situations can be distinguished. First is displacement from the south east, linked to increasing instability in Niger’s neighboring countries Burkina Faso, Mali, and Nigeria, which especially affects the border regions Diffa, Maradi, Tillabéry, and Tahoua.¹¹ A sustainable response to this situation, which largely depends on the local integration of displaced persons, is curtailed by deteriorating security conditions and the lack of humanitarian funding. UN bodies reported massive funding gaps up to June 2019, with a

¹¹ The displacement situations in the different regions vary extremely. For example, while displacement has been a reality in Diffa since 2013, linked to Boko Haram, it only became an important issue in Tillabéry at the end of 2018, following growing insecurity in Burkina Faso.

77 percent funding gap for the Humanitarian Response Plan (OCHA 2019) and 56 percent for dealing with refugees (UNHCR 2019).

Second, a new displacement situation has been unfolding in Agadez and Niamey linked to the deteriorating circumstances **in Libya**. On the one hand, refugees and asylum seekers have been evacuated by the United Nations High Commissioner for Refugees (UNHCR) under the EU-funded Emergency Transit Mechanism (ETM) to Niamey. As of May 2019, a total of 2,782 people had been evacuated to Niger, with 1,378 subsequently resettled (UNHCR 2019).¹² On the other hand, there has been an increase of refugees in Agadez returning there by themselves mainly from Libya, with UNHCR recording 1,559 (mainly Sudanese) refugees in April 2019. Beyond ‘self-evacuation’¹³ from Libya, these refugees also come to Agadez from Sudan and Chad. Along with seeking relative security, these refugees are also influenced by misinformation, according to which an asylum application in Niger would quickly lead to resettlement in Europe (see also Molenaar and Ezzedinne 2018).¹⁴

While ETM evacuees have arrived in Niger through a formalized framework and the Sudanese have done so informally, long-term solutions for both are absent. Niger agreed to the ETM under the condition that all refugees would be resettled in Europe. As this is increasingly unlikely to happen, evacuees are now hosted in a refugee camp—called a transit center—outside the capital. Hosting people in a camp instead of an urban setting comes with smaller chances of integration and the ability to generate income while simultaneously being more cost effective and thus increasing capacities. People living in the camps have protested about poor living conditions (Alarmphone 2019). Sudanese arrivals are hosted in a refugee camp—called a humanitarian center—outside Agadez. While they have been permitted to apply for asylum in Niger, the procedures are lengthy and conditions in the desert camp have been described as dire by inhabitants, leading to some people leaving the camp and even facing the alternative of returning to Libya (see Alarme Phone Sahara 2019; Reidy 2019).

The political interests in the two situations vary significantly. Our research shows that political and social hostility toward the displaced populations in the south (Diffa, Maradi, Tillabéry, and Tahoua) is not significant and there is generally a welcoming attitude. Meanwhile, people displaced under the ETM as well as the Sudanese face more antipathy. On a social level, it seems that evacuees and the Sudanese are considered to be foreign by the local population compared with those from bordering regions. The aversion toward hosting the displaced populations coming back from Libya is also mirrored in the Nigerien government’s initial reluctance to register the Sudanese as refugees, which culminated in the deportation of 135 Sudanese asylum seekers back to Libya in May 2018. This amounted to a breach of the non-refoulement principle (Reidy 2019; Tubiana, Warin, and Saeneen 2018). The international community intervened and an EU member state official interviewed in Niamey

¹² They have been resettled in Belgium, Canada, Finland, France, Germany, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, and the United States.

¹³ As described by a migration adviser, European Parliament (Interview, Brussels, January 2019).

¹⁴ However, a small number have been resettled in Italy.

stressed: “This cannot happen again.”¹⁵ UNHCR had to lobby the Nigerien government to allow for the registration of the Sudanese who were not welcomed in the city of Agadez, and to accept the opening of the humanitarian center outside the city borders.

With regard to the ETM, this mechanism is failing to keep up with the numbers waiting to be resettled and the question of what happens to those who are not deemed eligible after all remains unresolved. This has led to repeated refugee protests and even dissent from the Nigerien state, which halted further evacuations from March to May 2018 (UNHCR 2018), and according to an interviewee, even threatened to close the entire program in 2018.

Two quite distinct population displacements can be found—coming from Libya and from the Sahelian neighborhood in the south. Though they are all refugees, depending on their locations they have different access to housing and refugee status determination, as well as future possibilities. For example, all Malian refugees are given *prima facie* refugee recognition and ETM evacuees are prioritized for resettlement. This categorization according to location, international interest, and funds leads to different treatment of certain refugee groups. The presence of evacuees and Sudanese refugees must be understood as a direct consequence of the increased crackdown on mobility along the Central Mediterranean route and the deteriorating situation in Libya, in line with the EU’s externalization agenda, which aims to move EU border policies further south. This might also explain why comparatively more funding is available for these groups than for the humanitarian emergencies in Niger’s south. However, on the whole, Niger has seen a decrease in humanitarian funding during the past five years, while the number of displaced persons has increased—leading to funding gaps for humanitarian actors and UNHCR specifically (OCHA 2019). Effectively, in addition to hosting a growing population of refugees displaced by conflict in its neighboring countries, Niger now hosts people in need of protection, evacuated from Libya with the financial support of Europe. At the same time, safe and legal passage through resettlement options, humanitarian visas, and fair access to job visas for Nigeriens and other West African transit migrants remains blocked.

What is in it for Niger?

The political stakes are high in terms of both implementing the anti-smuggling agenda and dealing with the growing refugee population in the country. The EU’s agenda of externalizing its border policies is exemplified through initiatives like the anti-smuggling law and the political context in which the ETM has become necessary. The question is why the country has agreed to cooperate on these matters.

Niger was the least developed country in the world in the 2018 UN Development Programme’s Human Development Index. According to the most recent data from the World Bank, in 2014, 44.5 percent of the population lived below the national poverty line (World

¹⁵ Quotation from an interview with an EU member state diplomat (Niamey, February 2019).

Bank n.d.). The discrepancy between economic and population growth is a persistent challenge in view of infrastructure, and the country's health and education sectors (African Development Bank 2019). An estimated 2.3 million people in Niger are in need of humanitarian assistance, owing to conflict or disaster, in 2019 (OCHA 2019). In one sense, the state is therefore incredibly dependent on external development funds and thus has little choice but to comply. Yet, the Nigerien government has claimed ownership of the irregular migration agenda while simultaneously using it to strengthen its regime.

First, the Nigerien government has used a humanitarian-ethical approach to stand behind the law. Although the role of UNODC in supporting the drafting of the law is relatively uncontested, government actors stress that it was not “decided for them.”¹⁶ By this, they highlight that the content and origin of the law was in their hands. Particular lines of discourse and imagery are used to legitimize the unpopular legislation. This includes discourse of migrants posing a security threat on the one hand, and the need to protect migrants from the dangers of irregular migration on the other. Especially the latter is pronounced and based on a tragedy in 2013 when a group of over 90 abandoned migrants died in the desert. Government officials have claimed this was the reason for the new law. Their domestic legitimacy is less threatened than in other contexts because in contrast to their West African neighbors, they do not face the unpopular question of forced returns (from Europe).¹⁷

Second, the promise of development aid and stability in the region is needed, as the state is too weak to provide much. The link between migration and security considerations has not only been fostered by external powers, but has also been evoked by the Nigerien government to gain much needed military support, state capacity building, and development assistance. Thus, financial incentives are a clear inducement or become a form of ‘migratory rent’ (see also De Sardan 2005). Niger, for example, has 12 national projects under the European Union Emergency Trust Fund at the moment, worth €253 million. Respondents pointed out that the Nigerien state's acceptance of the ETM was also linked to financial incentives. One civil society actor we talked to confirmed that for the government, “cette affaire est aussi devenu un business pour eux.”¹⁸

More broadly, such general involvement strengthens the regime. The external support that the president has received from European actors will have strengthened his position within the country—and decrease the risk of another coup attempt. But such cooperation can only work to a certain degree, as law enforcement forces in the country are closely tied to the smuggling business. If the law is too rigidly implemented, the loss of profit for parts of the security sector may well have to be compensated in order to prevent a future coup (see also Tinti and Westcott 2016). This is why implementation continues to falter and the

¹⁶ Quotation from an interview with a Nigerien civil servant (Niamey, March 2019).

¹⁷ With the exception of returns from Libya (see Puig 2017) and Algeria (Jegen forthcoming).

¹⁸ Translation: “This issue has become a business for them,” (Interview, Nigerien civil society actor, March 2019).

governmental approach of “pretending to care” about irregular migration persists (see also Molenaar 2017a, 13).

Conclusions and recommendations

The Nigerien state must balance the need for state building, development aid, and stability with domestic legitimacy, which can be dominated by European migration concerns. It has thus far claimed ownership of the irregular migration agenda while simultaneously using it to strengthen its regime. European migration interests are overriding national interests, to the detriment of local ownership and with adverse effects on local economies, the country’s security situation, human security on migratory routes, and free movement within ECOWAS. At the same time, displacement continues to grow, with most of the country’s displaced persons living in dire conditions.

Recommendations for Niger

1. In order to support local ownership, Nigerien policy makers must use the current process for elaborating the national migration policy to define their migration priorities, and include actors adversely affected by the post-2015 policy changes.
2. To ensure accountability for policy elaboration and procedures, the process must be
 - made transparent;
 - discussed in truly inclusive multi-stakeholder frameworks; and
 - Nigerien-owned, reflecting the country’s own interests.
3. The Nigerien government should help to promote an inclusive discourse toward displaced populations that are not from neighboring countries.

Recommendations for the EU and member state governments

4. Capacity building for government actors is needed to redress the power asymmetries between Niger and external actors, but not at the cost of undermining local ownership in developing the national migration policy. Hence, capacity building should come without conditionalities that risk running against Nigerien interests.
5. The underfunding of humanitarian actors addressing diverse displacement crises in Niger’s south and the increasingly protracted situation of evacuees and refugees do not come close to the ideals of burden sharing. Funding gaps for dealing with displaced persons on the southern borders need to be closed, assistance and resettlement options for the Sudanese refugees in Agadez enhanced, and resettlement of ETM refugees ensured.
6. Only through promoting and opening safe and legal pathways, along with alternatives to detention in Libya, can a sustainable solution be found to the forced displacement

challenges in the region. Evacuating displaced populations to the world's poorest countries without significant resettlement prospects will not be a sustainable long-term solution. Burden sharing must be taken seriously, and should also consider the possibility of humanitarian visas.

Recommendations for the implementation process (for international actors and their Nigerien counterparts)

7. Donors' tendencies to only finance aspects aligned with their interests coupled with a general lack of funds on the Nigerien side might curtail the ability of the national migration policy to foster a more holistic approach to migration governance. To create sustainable policies that can have a positive impact, explicit and implicit conditionalities must be reduced.
8. Local lived realities must be considered when implementing migration control measures. In zones of hypermobility, borders will remain artificial; international stakeholders, such as the IOM, must consult closely with local populations prior to enhancing border control capacities to avoid disrupting local livelihoods and family ties.

Appendix

Appendix:

List of interviews on Niger's migration policy

| Date | Interviewee | Organisation |
|------------|---|--|
| 28/01/2019 | anonymous | European Parliament |
| 05/02/2019 | Flor Didden | CNCD - 11.11.11 |
| 05/02/2019 | Davide Gnes | Caritas Europe |
| 13/02/2019 | Josephine Liebl | European Council on Refugees and Exiles |
| 13/03/2019 | Fanni Bihari | Action Aid |
| 22/02/2019 | Klaas van Walraven | University of Leiden |
| 25/02/2019 | anonymous | anonymous |
| 26/02/2019 | Sebastian Elischer | University of Florida |
| 28/02/2019 | Johannes Cleas | Mixed Migration Centre West Africa |
| 03/03/2019 | anonymous | Belgian Embassy |
| 03/03/2019 | anonymous | anonymous |
| 04/03/2019 | anonymous | International NGO |
| 05/03/2019 | anonymous | anonymous |
| 06/03/2019 | Moussa Tchangari | Espace Alternative |
| 06/03/2019 | Marie Faou | REACH Initiative |
| 08/03/2019 | Soly Amadou | Niger Civil Servant, Ministry of the Interior |
| 08/03/2019 | Mahamane Garba Brimaka | National expert on GIZ Project "Nigerien Migration Policy Advice" |
| 08/03/2019 | anonymous | International organization |
| 12/03/2019 | Benoit Moreno | UNHCR |
| 12/03/2019 | anonymous | Nigerien civil servant |
| 13/03/2019 | anonymous | Nigerien civil servant |
| 13/03/2019 | anonymous | International NGO |
| 13/03/2019 | anonymous | EU member state |
| 14/03/2019 | anonymous | Nigerien civil servant |
| 14/03/2019 | anonymous | Nigerien civil servant |
| 14/03/2019 | anonymous | International NGO |
| 15/03/2019 | anonymous | EU member state |
| 16/03/2019 | Manou Nabara Hamidou | Jeunesse-Enfance-Migration-Développement (JMED) |
| 19/03/2019 | Baptiste Amieux | IOM |
| 19/03/2019 | anonymous | Nigerien civil servant |
| 21/03/2019 | Bizou Rahim | ECOWAS National Focal Point |
| 21/03/2019 | anonymous | International NGO |
| 22/03/2019 | Aboubacar Lamine | Groupe de Réflexion et d'Action pour la Solution au Phénomène d'Immigration (GRASPI) |
| 22/03/2019 | Hamadou Tchernou Boulama | Alternative Espace Citoyen (EAC) |
| 25/03/2019 | anonymous | anonymous |
| 25/03/2019 | Haruna Moukaila | Niamey University |
| 26/03/2019 | anonymous | Nigerien civil servant |
| 27/03/2019 | Soumalia Issaka Mariama and Zina Issoufa Omar | Swiss Cooperation |
| 27/03/2019 | Hamidou Issaka Maga | Niamey University |
| 29/03/2019 | anonymous | Nigerien civil servant |
| 29/03/2019 | anonymous | Nigerien civil servant |

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