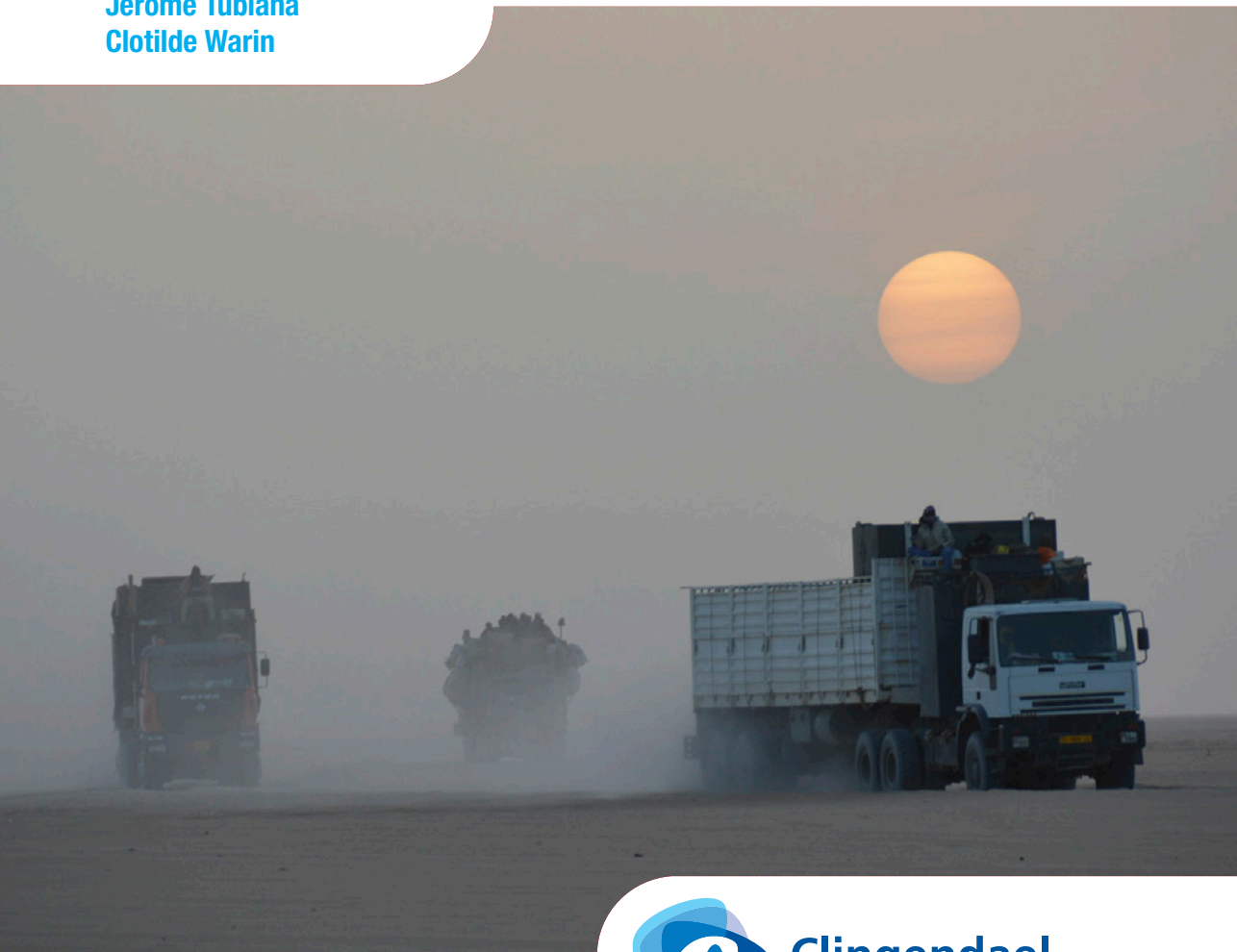


# Caught in the middle

A human rights and peace-building approach to migration governance in the Sahel

Fransje Molenaar  
Jérôme Tubiana  
Clotilde Warin

CRU Report



**Clingendael**

Netherlands Institute of International Relations



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# Executive summary

In recent years, the Sahel region has attracted the attention of European policy makers aiming to prevent Europe-bound irregular migrants from reaching the Libyan coastline. Policies implemented under this approach propose to address the root causes of irregular migration from non-EU countries, such as through support for socio-economic development of countries of origin, the dismantling of smuggling and trafficking networks, and the definition of actions for the better application of return policies. One question that could be posed to the design of this approach to mixed migration governance is whether it takes sufficient stock of the larger development and stability contexts within which irregular migration and human smuggling takes place. Does migration governance sufficiently address the human rights consequences and destabilising effects that migratory movements and the policies that address them may have?<sup>1</sup> And how could human rights and peace-building principles – that is, processes and measures that contribute to a society’s capacity to address conflict in a constructive manner<sup>2</sup> – be incorporated to achieve more holistic and conflict-sensitive migration governance?

The study finds that the implementation of migration policies in the Sahel has contributed to an increase in human rights abuses and risks for migrants and refugees, as well as rises in human trafficking and forced labour. Mixed migration movement has been pushed underground and migratory routes have diversified – leading migrants and refugees through more inhospitable terrains. Migrants face abuse perpetrated by smugglers in both Niger and Chad (and in northern Mali, Algeria and Libya), as well as by armed groups operating the gold mines on migration routes through Chad (and Libya). The clear commodification and dehumanisation of migrants and refugees that underlies this treatment is unfortunately not limited to non-state actors. The increase in inhumane migrant deportations to remote desert areas currently taking place at the southern borders of Algeria and Morocco – as well as the *refoulement* of Darfurian asylum seekers to Libya – is similarly indicative of a hardened stance towards migrants, not unlike the one currently seen in Europe.

- 
- 1 To answer these questions, this study focuses on Niger, one of the prime partners in migration governance in the Sahel. The study also includes Chad, as, through the displacement of routes to its territory, it is one of the countries currently experiencing the regional effects of migration governance. Lessons from Niger should be taken into account for the future development of migration policies in Chad.
  - 2 This definition of peace building is in line with the one used by Swisspeace. Hörler Perrinet, T. et al. 2018, *op. cit.*, 8. Peace building may include strategies aimed at peacefully transforming violent conflicts, for example conflict prevention and conflict transformation.

To date, the response to mixed migrants' protection needs has mainly fallen on the shoulders of international humanitarian organisations. This study recommends that national and sub-national institutions and capacities be supported to take the lead in the design and implementation of comprehensive and sustainable migration management and migrant protection. This would entail a structural change in international migration governance in the Sahel region: from externalising borders to focusing on building migrant protection structures and capacity at national level in regions of migration transit. Additional advantages of such an approach would be that it could address some of the tensions between central state and regionally elected authorities regarding their role in the design of migration governance, and could form an additional building block for ongoing decentralisation processes:

*Recommendation 1: Contribute to the development of (sub)national migrant protection frameworks and structures*

In Agadez (northern Niger), where migration policies have been implemented most substantially, the study found that the relationships between local communities, their authorities, and the international community have changed. Local communities and their locally and regionally elected authorities voice complaints that their expectations that the international community would offset some of the most direct negative economic effects of migration governance in Agadez have not been met. At the same time, Agadez is confronted by an increase in southbound mixed migration, which puts additional pressure on the community. These challenges present themselves in a context marked by an incomplete decentralisation process and ongoing power struggles between national and regional/local authorities. This underlines the need for conflict-sensitive migration policies that take account of local realities:

*Recommendation 2: Ensure that migration governance benefits local communities and addresses the (perceived) negative effects of migration on host communities*

Lastly, the report does not identify imminent threats to stability as a consequence of current migration governance. However, the implementation of migration governance does take place in a region that portrays signs of increases in conflict dynamics. A process of militia-sation is underway – both driven by attempts of militias to position themselves as credible partners to the international community for migration management and by young, unemployed men driven to join militias due to the absence of alternative economic opportunities. At the micro-level, an increasing number of conflicts between various armed groups, traffickers and bandits is evident in the Kowar region of north-eastern Niger. In northern Chad, the state actively seeks to undermine rebel groups by (violently) evicting gold miners and confiscating their pickup trucks. An increase in ethnic tensions between the Goran and Tubu is visible in this region as well – fuelled partly by state actions that pit one ethnic group against another. The implementation of migration policies takes place within these dynamic contexts.

Any attempt to strengthen borders and/or work with state armed forces runs the risk of getting caught up in these conflict dynamics and of becoming a pawn in larger (ethnic) conflicts fought out between central and peripheral regions. Care should therefore be taken to:

*Recommendation 3: Strengthen community security and ensure that securitised migration policies do not harm local communities*

The conclusion of the report offers concrete pointers to implement these recommendations (summarised in Figure 1). Achieving a comprehensive approach to migration governance that incorporates human rights and peace building principles would require concrete and targeted investments in institution building, civil society building, and humanitarian/development responses.

**Figure 1 An integrated approach to migration governance – incorporating human rights and peace-building principles**





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*The opinions expressed in this publication are those of the authors and do not necessarily reflect the views or policies of the government of Switzerland.*

# Abbreviations and acronyms

4Mi	Mixed Migration Monitoring Mechanism Initiative
DDG	Danish Demining Group
EU	European Union
EUCAP	European Union Capacity Building Mission
EUTF	Emergency Trust Fund for Africa
FDFA	Swiss Federal Department of Foreign Affairs
FDS	Defence and security forces
IOM	International Organisation for Migration
MMC	Mixed Migration Centre
MSF	Médecins Sans Frontières
NGO	Non-governmental organisation
OHCHR	United Nations Human Rights Office of the High Commissioner
PARCA	Niger Refugees and Host Communities Support Project
RSF	Rapid Support Forces (Sudan)
UNHCR	United Nations Refugee Agency

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# Introduction

The Sahel region – located at the heart of ancient caravan trails and modern transnational trading routes – forms a central point of transit for mixed migration movements. The term ‘mixed migration’ refers to the complex flow of migrants, that is circular migrants travelling repeatedly or temporarily across a region in search of employment and/or escaping climate shocks, long-term economic and environmental migrants attempting to cross to Europe in search of a better future, victims of human trafficking networks who are transported and sold as commodities along the way, and refugees and asylum seekers who have escaped their homelands in search of international protection.<sup>3</sup> Along the migration routes, transit communities perceive the presence of mixed migration flows in the Sahel region both as a blessing, because of the profits they derive from facilitating migration, but also as a threat to their norms and values, health and security.

In recent years, the Sahel region has attracted the attention of European policy makers aiming to prevent Europe-bound irregular migrants from reaching the ungovernable Libyan coastline.<sup>4</sup> This approach is driven by the European Union (EU)’s May 2015 European Agenda on Migration. EU interactions with African transit countries are guided by the Agenda’s first objective: reducing the incentives for irregular migration.<sup>5</sup> The policies implemented under this objective aim to address the root causes behind irregular migration from non-EU countries, such as through support for socio-economic development of countries of origin, the dismantling of smuggling and trafficking

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3 Clear distinctions between these various groups are often hard to make in reality. Often lumped together into the category of irregular migrants, these groups tend to use the same routes and itineraries, they rely on the same logistical structures to facilitate their travels, and they are consequently hard to distinguish from one another. Migrants may also shift from one group to another throughout their journeys, such as when they fall in the hands of human traffickers.

4 Given that it is often difficult to distinguish between the various groups of irregular migrants, an unfortunate consequence of this approach is that it blocks the movement of migrants who do not necessarily intend to go to Europe. Irregular migration is defined here as migration undertaken by persons ‘who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country.’ Malakooti, A. 2015. *Migration Trends Across the Mediterranean*, Paris, Altai Consulting and IOM, 3.

5 European Commission 2015. A European Agenda on Migration. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Brussels, 13.5.2015, COM (2015) 240 final, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf) (accessed 24-10-2018).

networks, and defining actions for the better application of return policies.<sup>6</sup> The EU Council Conclusions of October 2017 and June 2018 have similarly emphasised the need for investment in the management of external borders and return policies as a way of reducing incentives for illegal migration, together with investment in development-oriented activities in Africa.<sup>7</sup>

One question that can be posed to the design of this approach to migration governance is whether it takes sufficient account of the larger development and stability contexts within which irregular migration and human smuggling takes place. A recent study by Swisspeace has shown that – generally speaking – migration policies and measures ‘tend to focus on short-term results, or “fixing the problem”’, and that this has problematic implications for local, regional and international peace and stability.<sup>8</sup> Migration governance therefore often overlooks the fact that both migratory movements and the policies that address them can have destabilising effects on the wider context.<sup>9</sup> This study investigates the extent to which this premise holds true for the implementation of migration policies in the Sahel.<sup>10</sup> In particular, it asks:

1. how current migration governance in the Sahel, including hard security interventions, has affected irregular migrants’ journeys across the region and whether it has led to human rights violations
2. how current migration governance in the Sahel has affected relationships between local communities and (international) authorities and organisations, as well as relationships between local, national and international authorities/policy makers, and grievances that may have arisen in the process
3. how current migration governance in the Sahel has affected peace and stability in the region.

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6 Its other pillars seek to save lives and secure external borders, strengthen the common asylum policy, and develop a new policy on legal migration.

7 European Council conclusions, 19 October 2017 (<https://www.consilium.europa.eu/media/21620/19-euco-final-conclusions-en.pdf>). European Council conclusions, 28 June 2018 (<http://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/pdf>).

8 Hörler Perrinet, T et al. 2018. Desk Study: Peace-Migration Nexus. Geneva, Swisspeace. 3. For similar conclusions, also see International Rescue Committee 2018. *Pushing the boundaries: Insights into the EU’s response to mixed migration on the Central Mediterranean Route*, July, <https://www.rescue.org/sites/default/files/document/2933/ircpushingtheboundariesfinaljuly2018.pdf>.

9 Hörler Perrinet, T et al. 2018, *op. cit.*, 12.

10 It builds upon a 2017 Clingendael Conflict Research Unit study, which emphasised that the implementation of these policies could exacerbate local conflict lines and might strengthen armed groups involved in human rights violations. Molenaar, F. et al. 2017. *A Line in the Sand. Roadmap for sustainable migration management in Agadez*. CRU report, the Hague, Clingendael Institute. [https://www.clingendael.org/sustainable\\_migration\\_management\\_Agadez/](https://www.clingendael.org/sustainable_migration_management_Agadez/). Also see: Tubiana, J. et al. 2018. *Multilateral Damages: Impact of EU migration policies on central Saharan routes*. CRU report, the Hague, The Clingendael Institute.

The study focuses on Niger and Chad. Niger has been at the heart of European efforts to manage migration in the Sahel and is therefore the most useful area in which to study these questions. Chad has not been a major transit country for migrants and has not been engaged as a main partner in migration governance as much as Niger has. Recently, however, there has been a displacement of routes to Chad, which has led Chadian authorities to become more actively involved in migration governance. Looking at Chad therefore provides insights into the ways in which migration governance could have regional effects.

### **Box 1 Contemporary European migration governance in Niger and Chad**

Niger is one of the EU's five principal African partners under the European Agenda on Migration.<sup>11</sup> Since 2016, in particular, the EU and European states have collaborated closely with Nigerien authorities to counter irregular migration and human smuggling through support for national migration policies, including the implementation of Law No. 2015-036, which targets human smuggling, and support for building the capacity of state security forces.<sup>12</sup> As part of this approach, the EU (and non-EU states such as Switzerland) have allocated EUR 230 million under the Emergency Trust Fund for Africa (EUTF) to fund 11 projects in Niger.<sup>13</sup> A substantial part of this funding is destined for development projects aimed at addressing the root causes of migration, but it also funds more securitised migration management projects such as funding for anti-smuggling efforts and border management.

Next to the support allocated to Niger under the EUTF, the EU also included an additional objective to its civilian European Union Capacity Building Mission (EUCAP) to Niger: to improve the capacity of local security forces to control irregular migration movements and to combat irregular migration and associated criminal activity more effectively. EUCAP Niger's experts have so far trained around 12,000 members of the country's internal security forces, armed forces

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11 The other partners are Ethiopia, Mali, Nigeria, and Senegal.

12 Examples are the organisation of police training in Agadez and – more recently – Italy's deployment of a military contingent to Niger to target smuggling networks. See, for example, Ursu, A. 2017. *The Italian Military Deployment. Nothing new under the Sahelian sun*. CRU Commentary, The Hague, Clingendael Institute. <https://www.clingendael.org/publication/italian-military-deployment>.

13 These projects aim to improve migration management, improve governance and conflict prevention, strengthen resilience, and create greater economic and employment opportunities. See : European Commission, EU Emergency Trust Fund for Africa. Niger. [https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger\\_en](https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger_en) (accessed October 2018).



and judiciary.<sup>14</sup> The coming years will likely see a continuation of this approach. The new EU Multiannual Financial Framework, for example, allocates further development funding to migration governance projects.<sup>15</sup>

Chad has not been included prominently as a partner under the Agenda on Migration, given its marginal role as a transit country for mixed migration movements. As a consequence, the EU has not designed any specific migration governance interventions for Chad.<sup>16</sup> However, Chad is included in two regional EUTF migration-focused programmes. The first one, ‘Strengthening the management and governance of migration and the sustainable reintegration of returning migrants in Côte d’Ivoire, Ghana and Guinea, Guinea Bissau and Chad’, mainly focuses on support for return and reintegration of migrants to these countries.<sup>17</sup> The second programme, ‘Support for the most vulnerable migrants in West Africa’, focuses mainly on the protection of migrants.<sup>18</sup>

This report is structured as follows. The first section analyses if and how migration governance in the Sahel has contributed to a rise in human rights abuses and risks for migrants and refugees as well as an increase in human trafficking in Niger and Chad. The second section looks at if and how migration governance has affected relationships between the local community and (international) policy makers, as well as relationships between local, national and international policy makers in the Agadez region – the main Sahel region targeted by EU migration governance. The third section

14 European External Action Service 2018. *Common Security and Defense Policy. Civilian Mission EUCAP Sahel Niger*, [https://eeas.europa.eu/sites/eeas/files/factsheet\\_eucap\\_august\\_2018\\_eng.pdf](https://eeas.europa.eu/sites/eeas/files/factsheet_eucap_august_2018_eng.pdf).

15 For a comprehensive overview of the funding of EU migration policies, see Rachel Westerby. 2018. *The Way Forward. A Comprehensive Study of the new Proposals for EU funds on Asylum, Migration and Integration*, ECRE and UNHCR.

16 Personal interview with EU official. 2018. Location withheld, May. The EU funds a security and border management programme in Chad (SECGEF), but it focuses on the Lake Chad region only. European Commission 2017. *Annexe IV à l’Accord Instituant le Fonds Fiduciaire ‘European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa’, et ses règles internes.*, [https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/20171206\\_t05-eutf-sah-td-08\\_ff\\_appui\\_budgetaire\\_rev\\_cdcmc82.pdf](https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/20171206_t05-eutf-sah-td-08_ff_appui_budgetaire_rev_cdcmc82.pdf) (accessed 24 October 2018).

17 European Commission 2016. Strengthening the management and governance of migration and the sustainable reintegration of returning migrants in Côte d’Ivoire, Ghana and Guinea, Guinea Bissau and Chad, [https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/regional/strengthening-management-and-governance-migration-and\\_en](https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/regional/strengthening-management-and-governance-migration-and_en)

18 European Commission (no date). Annexe IV à l’Accord Instituant le Fonds Fiduciaire ‘European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa’, et ses règles internes, [https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/fiche\\_daction\\_protection\\_ong\\_0.pdf](https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/fiche_daction_protection_ong_0.pdf) (accessed 24 October 2018).

analyses if and how the implementation of migration policies has affected stability in the region. The report ends with recommendations that incorporate human rights and peace-building principles, that is, processes and measures that contribute to a society's capacity to address conflict in a constructive manner,<sup>19</sup> and which would allow policy makers to add a more holistic and conflict-sensitive dimension to migration governance.



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19 This definition of peace building is in line with the one used by Swisspeace. Hörler Perrinet, T. et al. 2018, *op. cit.*, 8. Peace building may include strategies aimed at peacefully transforming violent conflicts, for example conflict prevention and conflict transformation.

# 1 Migrants' journeys – increased hardship and incremental human rights abuses

EU-sponsored interventions targeting irregular migration in Agadez have been very effective in putting human smugglers out of business. EU police training missions and support for the Nigerien development of migration action plans contributed to the arrests of at least 282 facilitators of migration and the confiscation of at least 300-350 pickup trucks used to transport migrants through the desert.<sup>20</sup> This resulted in an estimated 75 percent reduction, at the least, of mixed migration movement passing through and north of Agadez in 2017.<sup>21</sup> Yet migration continues – albeit in a less visible way. This raises the question of how contemporary migration governance in the Sahel, such as the hard security interventions outlined above, has affected the journeys of irregular migrants through the region – particularly with regard to human rights violations. What impact has current migration governance had on migrants' vulnerability?

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- 20 In addition, at least nine gendarmes were arrested for migration-linked corruption. Data are available for the period from July to mid-October 2016 and for January to August 2017. Actual numbers may therefore be higher because no data are available for mid-October to end-December 2016. See: European Commission. Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration. 2016, December, Brussels. [https://eeas.europa.eu/sites/eeas/files/secondprogressreport-1\\_en\\_act\\_part1\\_v11.pdf](https://eeas.europa.eu/sites/eeas/files/secondprogressreport-1_en_act_part1_v11.pdf) (accessed September 2017); European Commission. Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration. 2017, September, Brussels. [https://eeas.europa.eu/headquarters/headquartershomepage\\_en/31673/Fifth%20Progress%20Report%20on%20the%20Partnership%20Framework%20with%20third%20countries%20under%20the%20European%20Agenda%20on%20Migration](https://eeas.europa.eu/headquarters/headquartershomepage_en/31673/Fifth%20Progress%20Report%20on%20the%20Partnership%20Framework%20with%20third%20countries%20under%20the%20European%20Agenda%20on%20Migration) (accessed 24 October 2018).
- 21 The number of (non-Nigerien) migrants entering Agadez reportedly declined from 350 per day in 2016 to 60-120 a week in 2018, a decline of 95-97.5%. At the Seguedine (also known as Segedim or Sow) checkpoint mid-way between Dirkou and the Libyan border, the number of registered people travelling north dropped from 290,000 in 2016 to 33,000 in 2017, a decline of 91%. IOM estimated that all in all migration north of Agadez had gone down by 75% during this period. Personal interview with Nigerien official. 2018. Niamey, Niger, April. See RFI. 2018. 'A Agadez, on est passé de 350 migrants par jour à 100 par semaine', 23 May. <http://www.rfi.fr/emission/20180523-agadez-on-est-passe-350-migrants-jour-100-semaine>; Zandonini, G. 2018. 'The new European border between Niger and Libya', *OpenMigration*, 11 May. <http://openmigration.org/en/analyses/the-new-european-border-between-niger-and-libya/>; Tubiana, J. et al., *op. cit.*, 24.

## Box 2 The difference between human smuggling and human trafficking

This study distinguishes between human smuggling and human trafficking as related but distinct phenomena. International conventions define human smuggling as ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident’.<sup>22</sup> In more colloquial terms, this means that a voluntary transaction takes place between the migrant/refugee and the smuggler, where the latter facilitates the former’s irregular movement (i.e. without the necessary papers).

Human trafficking is defined as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation’.<sup>23</sup> As is the case for human smuggling, human trafficking often involves the facilitation of (irregular) movement of people. Yet where migrant smuggling entails the facilitation of irregular migration across international borders, trafficking does not necessarily involve transborder movement. Trafficked persons may be migrants and/or refugees, but people are also trafficked within their own country of origin.

## Increase in human rights abuses

The northern part of Niger has always been a difficult zone to control, and a dangerous zone to navigate. Smugglers of goods and people, traffickers of various illegal commodities, road bandits and non-state armed groups use remote Saharan routes across and along the borders with Mali, Algeria, Libya and Chad to transport their wares and/or to attack the convoys of others. Before mid-2016, when Law No. 2015-036 against human smuggling began to be enforced, migrant transporters protected themselves against the dangers associated with traversing the desert by joining the weekly official transport convoy between Agadez and Dirkou – midway between Agadez and the Libyan

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22 Issue Paper on the definition in the Palermo Protocol [https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/UNODC\\_Issue\\_Paper\\_The\\_Profit\\_Element\\_in\\_the\\_Smuggling\\_of\\_Migrants\\_Protocol.pdf](https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/UNODC_Issue_Paper_The_Profit_Element_in_the_Smuggling_of_Migrants_Protocol.pdf) (accessed 24-10-2018).

23 United Nations Office on Drugs and Crime 2004. United Nations Convention against transnational organized crime and the protocols thereto, [https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOLS\\_THERETO.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf), (accessed 24-10-2018).

border post of Toumo. Nigerien armed forces provided protection to this convoy, thereby ensuring relatively safe passage for migrants and transporters alike.<sup>24</sup>

Since mid-2016, however, vehicles transporting migrants are no longer able to follow the convoy, as the Nigerien authorities are arresting migrant drivers and guides.<sup>25</sup> This has resulted in a shift from the official route to many unofficial ones.<sup>26</sup> Indeed, as many officials acknowledge, mobility did not end, and many smugglers now drive on little-used roads, avoiding entering Agadez and other towns altogether.<sup>27</sup> One consequence of this development was that from 2016 onwards the trip became increasingly risky – or even deadly – for migrants. Figures from the International Organisation for Migration (IOM) show that the number of deaths in the Nigerien desert has risen since Law No. 2015-036 began being enforced. According to the organisation's Global Migration Data Analysis Centre, the number of migrant deaths in the desert on the roads between Agadez and southern Libya or southern Algeria rose from 71 in 2015, to 95 in 2016, and to 427 in 2017.<sup>28</sup> The Mixed Migration Monitoring Mechanism Initiative (4Mi) data collected by the Mixed Migration Centre (MMC) shows that the overwhelming majority of reported migrant deaths in Niger occur in Agadez

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24 Tubiana, J. 2017. 'Europe's "Migrant Hunters"', *Foreign Affairs*, 31 August.

25 According to several sources, cars transporting predominantly Nigerien migrants started to join the convoy again in 2018. Two reasons are given for this. First, Nigerien migrants do not intend to travel to Europe but mainly go to Algeria and Libya in search of employment. Second, and relatedly, the Agadez authorities feel that insufficient economic alternatives have been created for human smugglers and therefore allow them to engage in this economic opportunity. It should be noted that these migrants do not travel necessarily to Libya and Algeria. Internal migration also takes place to the gold mines (e.g. around Tabelot) and to the oases in the Kawar region that depend highly on unskilled labour.

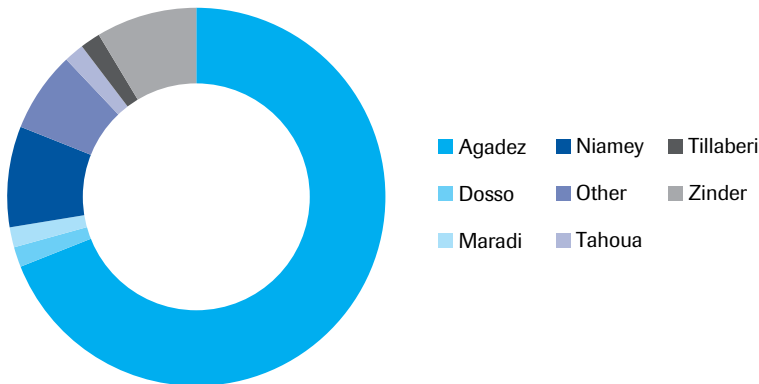
26 It should be noted that not all smugglers necessarily joined the convoy before the implementation of Law No. 2015-036. Some chose to take alternative routes to avoid checkpoints, municipality taxes and bribery. F. Molenaar et al. (2017). *Turning the Tide. The politics of irregular migration in the Sahel and Libya*. CRU Report, The Hague, The Clingendael Institute.

27 Even Nigerien officials such as Interior Minister Mohamed Bazoum, while defending the 2015 law and claiming the decrease of migration as a success, recently declared to the *New York Times* that 'the fight against clandestine migration is not winnable.' Penney, J. 2018. 'Europe Benefits by Bankrolling an Anti-Migrant Effort. Niger Pays a Price', *The New York Times*, 25 August. Those smugglers who still enter Agadez and carry on with business as usual tend to be well connected to local political elites and therefore operate without restrictions.

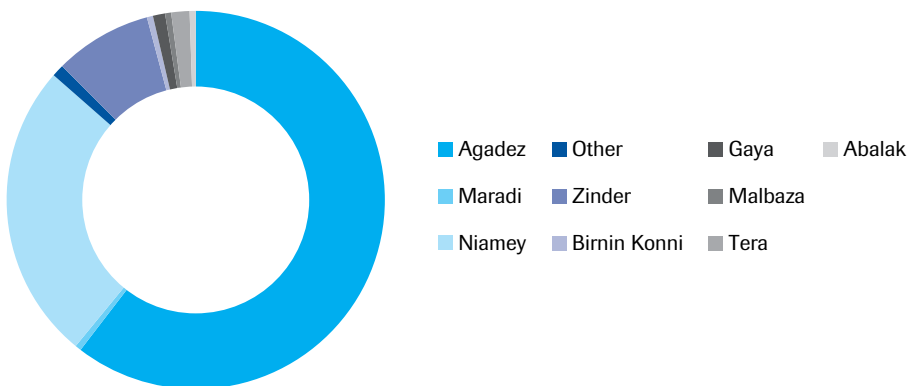
28 See <http://missingmigrants.iom.int/region/africa>. The Missing Migrants Project data primarily depends on secondary sources of information. Information is gathered from diverse sources such as official records – including from coast guards and medical examiners – and other sources such as media reports, non-governmental organisations (NGOs), and surveys and interviews of migrants.

and ‘Other’ (which, for the surveys conducted in Libya, covers the desert region beyond Agadez city) (see Figures 1 and 2).<sup>29</sup>

**Figure 2 Location of migrant and refugee deaths witnessed in Niger (4Mi West Africa data)**



**Figure 3 Location of migrant and refugee deaths witnessed in Niger (4Mi Libya data)**

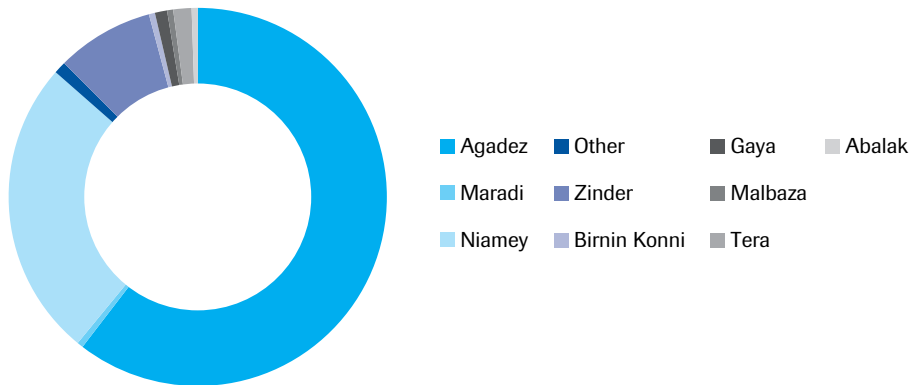


In addition, drivers increasingly abandon migrants in the desert, particularly if they are being chased, or fear they are being chased, by security forces and want to lighten their load in order to escape. Drivers also force their passengers to walk, sometimes for long

<sup>29</sup> 12% (West Africa dataset) and 14% (Libya dataset) of respondents travelling through Niger reported having witnessed migrant deaths. The actual number may be higher, as the response rate to protection incidents questions is generally very low. For example, only 4.2% of respondents in the total West Africa dataset answered the question about whether they had witnessed any migrant deaths on their journey.

distances, in particular in the Niger-Algeria borderlands, to avoid towns, checkpoints on main roads, and patrols.<sup>30</sup> In the first nine months of 2018, IOM rescued 412 migrants in the desert around Agadez and 938 migrants in the area surrounding Dirkou and Bilma.<sup>31</sup> On new desert routes, migrant cars also increasingly face attacks by road bandits aiming to steal migrants' or drivers' possessions, or the vehicles themselves.<sup>32</sup> 4Mi data reflect the prevalence of robberies of migrants in the Agadez region: 60 percent of robberies reported to have taken place in Niger occurred in Agadez (West Africa dataset). In the Libya dataset, which accounts for protection incidents that took place after the last 4Mi monitoring point in Agadez city, this increases to 87 percent.<sup>33</sup>

**Figure 4 Location of migrant and refugee robberies witnessed in Niger (4Mi West Africa data)**

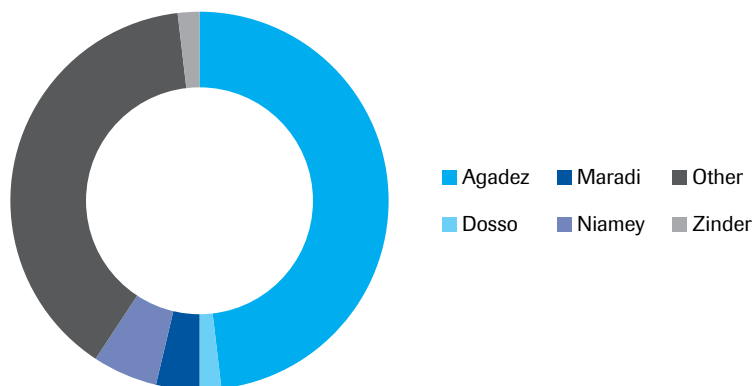


30 J., a young Cameroonian who crossed Niger during the spring of 2017, testifies: 'Suddenly they dropped us in the middle of the desert with a jerry can of water and pointed in a direction. The seven pickups left us. The sun started burning. After one hour, we ran out of water. On the way, we saw skeletons. Some of us started vomiting blood.' Personal interview with J., Cameroonian migrant. 2018. Location withheld, August.

31 IOM Niger: Search & Rescue Operations Factsheet. September 2018. In practice, many migrants are also rescued by the Nigerien armed forces, who present migrants with the option to return home via IOM.

32 In 2017, E., another Cameroonian migrant, travelled in a convoy of five pickup trucks, which was attacked by road bandits. 'Seven or 8 migrants were killed, including my little sister, who was 14. I only had the time to take a sheet I had in my bag to cover her body and bury her. The drivers asked us to hurry up: "*haya, haya!*". We had no time to bury all the bodies'. Personal interview with E., Cameroonian asylum seeker. 2018. Location withheld, August. At the same period and in the same area, A., another Cameroonian migrant, recalls an attack during which 'about ten migrants were hit by stray bullets and died'. Personal interview with A., Cameroonian asylum seeker. 2018. Location withheld, August.

33 48% for Agadez and 39% for other, which, when compared with the distribution of scores in the West Africa dataset, can only mean the desert region beyond Agadez city.

**Figure 5** Location of migrant and refugee robberies witnessed in Niger (4Mi Libya data)

Furthermore, the situation in the walled compounds in Agadez city where migrants and refugees are lodged during their stay in the town has changed for the worse. Respondents with access to these 'ghettos' reveal that these compounds – controlled by operators involved in the irregular migration industry – have become smaller and are relocated more frequently to avoid detection. Previously, the compounds would generally house some 200-300 people at a time in one or two big rooms or courtyards. Today, ghettos are usually small houses, often located in the city centre, and housing no more than 10 migrants on average. Other ghettos are located outside of the city entirely – catering to new migration routes that circumvent Agadez altogether. Both developments have made it more difficult for humanitarian agencies to locate migrants and provide services. It has also become more difficult for these agencies to gain access to the ghettos, as ghetto managers fear detection by the authorities.<sup>34</sup>

This is highly problematic, as migrants rely on humanitarian aid while they are in the Agadez ghettos.<sup>35</sup> Conditions in the ghettos are increasingly precarious, with high levels of food insecurity. The ghettos outside the city tend not to have access to water and sanitation facilities. Resultant health problems often remain untreated – as do

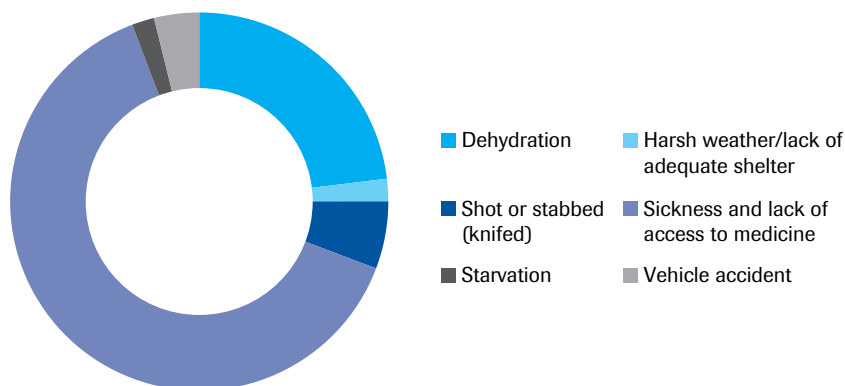
34 International Rescue Committee 2018. *Pushing the boundaries: Insights into the EU's response to mixed migration on the Central Mediterranean Route*, July. Interviews with two humanitarian organisations active in Agadez. 2018. Agadez. 29 and 31 August 2018.

35 See: OHCHR (United Nations Human Rights Office of the High Commissioner) 2018. *End of mission statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, on his visit to Niger (1-8 October 2018)*, 8 October, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23698&LangID=E> (accessed October 2018).



psychosocial conditions.<sup>36</sup> It should therefore come as little surprise that sickness and lack of access to medical assistance are the main causes of witnessed migrant and refugee deaths in Niger in the 4Mi West Africa dataset, which, due to the design of the migrant surveys, focuses more on the city of Agadez than on the desert region beyond.

**Figure 6 Cause of witnessed deaths in Niger (4Mi West Africa data)**



The ghetto operators often stop migrants from leaving the ghetto, for fear that they will be detected and arrested.<sup>37</sup> Several sources also report that migrants may be held hostage for ransom when they are smuggled into the city.<sup>38</sup> At the same time, migrants are staying in ghettos for longer periods of time, as desert journeys have become riskier and more expensive. Prices for transport to Libya and Algeria have gone up due to increased risks for smugglers. Police officials have also become more active in bribery and the confiscation of migrants' possessions on the route between Niamey and Agadez

36 International Rescue Committee, *op. cit.* Interviews with three humanitarian organisations active in Agadez. 2018. Agadez. 29, 30 and 31 August 2018.

37 The UN Special Rapporteur for the human rights of migrants noted that 'During my visit to Agadez and Niamey, most migrants, among them minors, stated having been victims of arbitrary arrests and/or corruption by the official authorities. While being in detention, which lasted often up to several days, none of them including children, received access to legal aid and/or legal representation.' See: OHCHR, *op. cit.* Humanitarian organisations similarly report that migrants are frequently the victims of arbitrary arrests and/or corruption by the official authorities. Interviews with two humanitarian organisations active in Agadez. 2018. Agadez. 29 and 31 August 2018. The 4Mi dataset shows that these are not mere examples: 12.7% of migrants and refugees who travelled through Niger reported having experienced detention incidents there (West Africa dataset).

38 Interview with member of a humanitarian organisation. 2018. Agadez, 27 August. Interview with a Darfuri refugee. 2018. Agadez, 6 July. In the 4Mi West Africa dataset, 1.4% of respondents who travelled through Niger report having witnessed kidnappings.

as well as in Agadez itself (see Box 3). These developments have contributed to a situation in which migrants are stuck for longer periods of time in Agadez because they do not have enough money to deal with these unforeseen and higher costs.

### Box 3 Increases in armed forces' bribery

Longer routes and riskier journeys have resulted in an rise in the fares that smugglers request from migrants. In addition, the criminalisation of migrant smuggling has also increased the bribes that various security forces request from both migrants and smugglers to not enforce the law. Many migrants testify that they encountered numerous checkpoints and patrols on their route, notably in Niger and at the Burkina-Faso-Nigerien border, and that bribes were often demanded.<sup>39</sup> According to J., a Cameroonian migrant who entered Agadez in 2017, 'All the passengers had to get out of the bus. But the soldiers did not care about the passports, they only asked for money: XOF 5,000 (EUR 7.50) each. As I had no money, they searched me and cuffed my hands, threatening me with prison. I was scared, many people spoke of torture in prison. But [my friend] paid for me and we entered town.'<sup>40</sup> According to testimonies collected by a humanitarian organisation in early 2018, this amount has since risen to XOF 10,000-15,000 (EUR 15-22).<sup>41</sup>

In Chad, controls at checkpoints on routes to Libya have also reportedly been tightened, and foreigners targeted. As in Niger, the newly opened migrant routes in Chad (discussed in more detail below) appear to have had the effect of increasing the amount of the bribes demanded by security forces on the roads. Until 2018, amounts demanded at Chadian checkpoints, were, according to various travellers, of XAF 500-1,000 (EUR 0,75-1,50) (at least 10 times less than in Niger or Sudan). A.O., a Darfurian asylum seeker reports, however, that as soon as he left Tina towards Kalaït, 'at the checkpoint, all non-Chadians had to pay XAF 20,000' (EUR 30).<sup>42</sup> Another Darfurian asylum seeker, A.A., had to pay a bribe to Chadian security forces 'eight or nine times' on his way to Libya. 'At the end, I had no more money. Then the soldiers asked me to get down, accused me of being a rebel, searched me and took my belongings.' When he complained, the soldiers answered, 'We are the government but we need to eat.'<sup>43</sup>

39 Personal interviews with various migrants. 2018. Locations withheld. Their statements are corroborated by the testimonies of migrants collected by a humanitarian organisation in Agadez.

40 Personal interview with J., Cameroonian migrant. 2018. Location withheld. August.

41 Telephone interview staff member humanitarian organisation. 2018. 11 October.

42 Personal interview with A.O., Darfurian asylum seeker. 2018. Location withheld. August.

43 Personal interview with A.A., Darfurian asylum seeker. 2018. Location withheld. August.

## Diversification of routes towards Chad

The implementation of Law No. 2015-036 has affected not only routes and ghettos in Niger itself, but as demand for migration remains high, routes have shifted to neighbouring countries to satisfy this demand. Chad has felt the consequences of these changes, with smugglers opening up new routes through its territory – routes that are often longer, more dangerous and more expensive.

A 2018 study by the Clingendael Conflict Research Unit has shown that this is also a consequence of developments in migration governance in Sudan. There, in 2016, the government responded to European pressure to stop irregular migration by deploying the Rapid Support Forces (RSF) – a paramilitary group of re-hatted Darfur Arab militias (*janjawid*) that have been under direct presidential control since 2016 – on the routes leading to Libya. In practice, this has meant that the RSF has taken over the migration smuggling industry in the border region and arrests migrants using the services of their civilian competitors. Established civilian smugglers who are unwilling to associate with the RSF have changed their routes towards Chad in response.<sup>44</sup> A main, new route towards Libya for migrants coming from the Horn of Africa, including the Sudanese themselves, now passes through the town of Tina at the border of Chad and Sudan.<sup>45</sup> The RSF also transports migrants to the Sudan-Chad border, where they hand over the migrants to Chadian civilian smugglers.

As a result of these developments in Niger and Sudan, Chad has increasingly become a major transit country to Libya for migrants from both West Africa and the Horn of Africa.<sup>46</sup> Migrants interviewed in Chad reported various abuses they suffered at the hands of Chadian smugglers. Smugglers asked for more money and sometimes beat

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44 Since 2017, the RSF has been increasingly monopolising migrant smuggling on the routes from Dongola in northern Sudan and Malha in northern Darfur to Kufra in south-eastern Libya. Tubiana, Warin and Saeneen, *op. cit.*, 42-48.

45 Jaspars S., and Buchanan-Smith M. 2018. *Darfuri Migration from Sudan to Europe. From displacement to despair*. Joint Study by REF and HPG, August, 37. <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12385.pdf>.

46 Nigerien law No. 2015-036 encouraged smugglers who continued transporting migrants to avoid the Agadez-Dirkou axis for less travelled routes. One of those goes from the Dirkou area to Libya along the Niger-Chad borderland, and can be reached directly from Nigeria and the Lake Chad area. But West African migrants also travelled directly from Niger and Nigeria to Chad and then Libya. Although no reliable figures are available, the numbers of West Africans, in particular Malians and Senegalese, crossing Chad into Libya appear to have increased in 2017-18. Altai Consulting. 2018. *Migrations mixtes au Tchad*, report for UNHCR, January, 39 and 43; REACH and UNHCR. 2018. 'Mixed migration routes and dynamics in Libya: The impact of EU migration measures on mixed migration in Libya', April, 2; MMC (Mixed Migration Center). 2018. *Fraught with Risk: Protection concerns of people on the move across West Africa and Libya*, May, 13.

up migrants. Others were abandoned in the desert after having paid for the whole trip to Libya.<sup>47</sup> Unlike in Libya, kidnapping migrants for ransom is uncommon in Chad. Nevertheless, some Chadian smugglers sold migrants to Libyans, who then kidnapped them for ransom or coerced them into forced labour. Forced labour has also been reported in gold mines on Chadian soil (see Box 4).<sup>48</sup>

In the borderland between Chad and Libya, in particular on the Libyan side, various armed groups, including Chadian bandits, regularly set up roadblocks and patrols, with migrants being particular targets. Some groups specifically attack migrant convoys in order to kidnap and resell migrants, in particular Eritreans, to Libyan traffickers. Others ask for immediate payments. A.O., a Darfurian migrant mentioned above, witnessed the assassination of his driver, who had run out of money and could not pay the militia operating a checkpoint: 'At night, the militiamen came, drunk, and started beating up the driver, then they shot at him and killed him. They looked like bandits even if they kept telling us they were the authority.'<sup>49</sup>

#### **Box 4 The overlap between human smuggling and the gold mining industry**

Since 2012, major gold discoveries in the Tibesti mountains of north-western Chad have led to the opening of new routes from western and eastern Chad to Tibesti, as well as from south-western Libya to Tibesti. In particular, the Kouri Bougoudi gold mine, straddling the border between Chad and Libya, has become a main hub for migrants travelling to Libya. Further east, the Kilinje gold mine, mostly on Libyan territory, is also, to a lesser extent, a stage post for migrants coming from both north-eastern Chad and Sudan, and heading towards both Kufra and the Fezzan region of Libya. Within Chad, the new migration routes largely coincide with the gold routes, in particular to Kouri Bougoudi. Vehicles

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47 Personal interviews with various migrants. 2018. Chad, January-March.

48 Due to the recent discovery of the gold mines, combined with their remote location, these mines are not controlled by a single owner or company.

49 A.O. managed to continue his journey with another driver and reached another checkpoint known as Bawaba Azrael or Israel, near the Kilinje goldmine, and considered as one of the most dangerous place in southern Libya. 'This checkpoint is known as a place of torture. The guards began to abuse us. They ordered us to cook for them. Then, just for fun, they asked us to run to the top of the dune, to run down, and then up again. It was a game for them. On the way, parts of human bodies – an arm, a head – were hanging on poles, and they kept telling us that this would happen to us if we stopped running. They told us they could do what they wanted with us and that if we disagreed they would send us to the slave market of Kilinje. It was like being in hell. We told them to call our lorry's owner who paid them money so that we could leave.' Personal interview with A.O., Darfurian asylum seeker. 2018. Location withheld. August.

travelling on those routes have begun to transport migrants together with gold miners. In addition, migrants can stop over in the goldmines in the hope of finding enough gold to either continue their journey within Libya or return home with the same money they were hoping to get from migration. On the contrary, unlucky gold miners can change their plans and become migrants heading towards Libya and Europe.<sup>50</sup>

The merging of migration and gold mining on the routes to Kouri Bougoudi is well established, so that according to various migrants, at departure points (most notably Tina but even more remote points such as El-Fasher and Malha in North Darfur), 'smugglers just ask you whether you want to go to the gold or to Libya'.<sup>51</sup> Passengers can even travel for free and pay their debt to the vehicle's owner – who can be both a transporter and a 'boss' of a gold miners' crew – by looking for gold, which is a risk, as not all miners find gold and mining bosses can be exploitative and abusive. Finding gold is a hazardous search and gold miners who arrive with debts not only have to repay their transporter, but can also see their debt increase as their boss asks them to pay for their food and water. According to M.D., a Chadian migrant who went through Kouri Bougoudi, 'It's a dangerous place – gold miners die in Kouri falling down in mining wells, others are killed by their bosses who do not intend to pay them, and there are also criminals such as drug traffickers.'<sup>52</sup>

Beyond exploitation and abuse, Kouri Bougoudi was also the theatre of direct armed violence. First, there were incidents between gold miners and the local Tubu community, including armed 'self-defence' militiamen, which culminated in a raid by the latter, in August 2015, when 67 gold miners were killed. After this incident, the Chadian army intervened and repeatedly ordered the evacuation of the mines, which has sometimes been brutally carried out. In 2017, some gold miners, and possibly migrants, were not able to get a place on vehicles and left Kouri Bougoudi on foot, some of them reportedly dying in the desert. Gold miners managed to return to Kouri Bougoudi after each evacuation, until August 2018, when Chadian rebels based in Libya attacked Chadian army units present in the gold mines, sparing the miners. The Chad government, suspecting rebels could hide among the gold miners, ordered a new evacuation of the mine, which was followed by aerial strikes that killed at least two civilian traders.

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50 Tubiana, Warin and Saeneen, *op. cit.*, 62-67.

51 Personal interviews with A.I., Darfuriian asylum seeker. 2018. Location withheld, March, and A.O., Darfuriian asylum seeker. 2018. Location withheld. August.

52 Personal interview with M.D., Chadian migrant. 2018. Location withheld. July.

Increased controls, in particular on the road between Niger and Libya, have not only pushed West African migrants towards Chad but have also resulted in a re-opening or an increased circulation on routes west of the Agadez-Libya axis, notably routes between Niger and Algeria. To avoid the route through Agadez, some West African migrants have taken to routes through Mali to Algeria. These routes, which run through the regions of Gao, Kidal and Tessalit (to join Tinzawatène, Timiaouine or Bordi Mokhtar across the Algerian border), and to a lesser extent through the Timbuktu region (Ber) to the Algerian border, had lost their popularity during the insecurity in northern Mali that began in 2012.<sup>53</sup> Today, radical armed groups in northern Mali benefit from migrant smuggling or from attacking migrant convoys.

In 2016, for example, N.D., a Guinean migrant, travelled from Gao to Algeria alongside 70 passengers on the top of a lorry. North of Gao, they came upon a roadblock, where turbaned gunmen asked for XOF 5,000 per migrant. 'When we were authorised to continue, the driver told us there were five to seven more roadblocks on our way but that he would bypass them. We crossed the border without any control. We arrived in Timiaouine [in Algeria] in a courtyard with armed men. We learned we were now in the hands of Mohamed Talhandak.'<sup>54</sup> N.D. and fellow migrants were then sold by Talhandak's gunmen to sub-Saharan (Guinean, Senegalese and Gambian) traffickers associated with the armed group. This is not an isolated incident, as, according to the UN Security Council Panel of Experts on Mali, 'the case of Mahamadou Ag Rhissa, also known as Mohamed Talhandak, best illustrates the connection between migrant smuggling and armed group activity [more generally].'<sup>55</sup>

Because routes from Niger to Algeria are also watched, and because Algerian security forces exert a much tighter control on their borders than, possibly, any other government in the region, migration to Algeria through Mali and Niger generally involves long and

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53 The Malian route was never totally closed, however, and in 2012-13 was reportedly used by migrants who pretended to be radical armed militants in order to benefit from radical armed groups' facilitations to reach Libya from Mali. At the time, migrants also reportedly joined radical armed groups in the hope of receiving salaries, which could allow them to continue their travel. Personal interview with M., a migrant who went through Mali in 2012-13. 2018. Location withheld. January.

54 Personal interview with N.D. 2018. Location withheld. October.

55 UNSC (United Nations Security Council). 2018. 'Final report of the Panel of Experts established pursuant to Security Council resolution 2374 (2017) on Mali', S/2018/581, 9 August, 35-36. <https://undocs.org/S/2018/581>. According to the UNSC Panel of Experts, 'Ag Rhissa controls migrant passages in Talhandak and has held women captive and facilitated their sexual exploitation, releasing them only after payments of 150,000 to 175,000 CFA francs (\$300 to \$350). Ag Rhissa is member of the HCUA [Haut Conseil pour l'unité de l'Azawad - High Council for Azawad's Unity], and on 1 October 2017 Operation Barkhane forces raided two of his houses in the Kidal area on suspicion of having relations with terrorist networks. Ag Rhissa was briefly arrested. However, in November, Ag Rhissa allegedly participated in a terrorist armed group meeting in the Mali-Algeria border area.'

dangerous walks in the desert.<sup>56</sup> Once in Algeria, migrants who are not planning to work in the country but rather to travel further, including crossing the Mediterranean, may head to Libya. Migrants have become aware, however, that the Mediterranean crossing between Libya and Europe has been increasingly closed by interceptions from the Libyan Coast Guard, backed by the EU and Italy, and that sub-Saharan migrants face high costs and horrific abuses in Libya. Many therefore now head to Morocco. Interviews with migrants who arrived in 2018 in Europe confirm that European policies along the central Mediterranean route (including in Libya and Niger) provoked a resumption of migration across both Algeria and Mauritania to Morocco, then to Spain.<sup>57</sup> This would explain why Spain has seen an increased number of arrivals in 2018 (see Table 1).

**Table 1 Total arrivals in Spain<sup>58</sup>**

Year	Land arrivals	Sea arrivals
<b>2018 (October)</b>	5,288	43,519
<b>2017</b>	6,246	22,103
<b>2016</b>	5,932	8,162
<b>2015</b>	10,980	5,283
<b>2014</b>	7,084	4,632

In return, Algeria and Morocco have begun to deport migrants to remote desert areas along their southern borders. The 2008 Law on Conditions of Entry, Stay and Movement of Foreigners in Algeria (No. 08-11) allows for the expulsion of irregular migrants from

56 B.I., a Guinean migrant, had to walk during three days in the Mali-Algeria borderland - 'day and night. If you are tired, people just leave you. If you run out of water, nobody will give you water. You will see corpses next to you. We throw some sand on them and carry on...'. Personal interview with B.I., Guinean asylum seeker. 2018. Location withheld. July. Personal interview with J., Cameroonian migrant. 2018. Location withheld, August; and with other migrants. 2018. Locations withheld.

57 Many migrants wait for a room on a boat near the Moroccan town of Nador, in particular in a forested area known as Bolingo. They sleep in shelters made of branches and plastic tarpaulin known as 'tranquillos', often destroyed during raids by Moroccan security forces, which oblige the migrants to hide in the mountains in order to avoid deportation to southern Morocco. Smuggling in this hub appears to be in the hand of both Moroccans and West African intermediaries, the latter known as the 'chairman', or the 'Prési' (for 'President'). Personal interview with B.I., Guinean asylum seeker. 2018. Location withheld. July. Personal interview with I., Guinean migrant. 2018. Location withheld. July. Personal interview with A.S., Ivorian migrant. 2018. Location withheld. July.

58 Source: UNHCR. Mediterranean Situation. <https://data2.unhcr.org/en/situations/mediterranean/location/5226> (accessed September 2018).

the country.<sup>59</sup> Algeria also signed an expulsion agreement with Niger in December 2014.<sup>60</sup> As a consequence of this agreement, expelled Nigeriens are treated differently from other irregular migrants – meaning that they are transported directly to Agadez. The Agadez authorities subsequently organise the return of these migrants to their regions of origin, mainly Diffa and Zinder. In 2018, the number of expelled Nigeriens has soared, with the numbers for the period January-June 2018 (26,645 expelled Nigeriens) already more than doubling those for 2017 (11,188 expelled Nigeriens).<sup>61</sup> According to the UN Special Rapporteur on the human rights of migrants, these expulsions do not allow for individual risk assessments and due process guarantees, and therefore do not respect the fundamental principle of *non-refoulement*.<sup>62</sup>

West African migrants cannot be expelled to Niger under the agreement between Niger and Algeria. Instead, the Algerian authorities round up these migrants and drop them off in the desert – some 25 kilometres away from the Niger border town of Assamakka. The migrants are forced to walk through an inhospitable terrain without adequate provisions. Several human rights organisations have sounded the alarm on the grave human rights violations and deaths that are the result.<sup>63</sup> In the words of William Lacy Swing, then Director General of IOM, 'Irregular migrants, including many pregnant women and minors, should not be left without food or water or expected to walk for miles in blistering 30-degree temperatures to seek safety in the desert.'

The government of Niger gave IOM responsibility for addressing the situation of non-Nigerien migrants expelled to Niger.<sup>64</sup> In that capacity, IOM has counted the number of migrants crossing the border between Algeria and Niger on foot since May 2017. Numbers have increased from 135 in May 2017 to more than 8,000 in July 2018

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59 Algérie: Loi n° 08-11 du 21 Joumada Ethania 1429 correspondant au 25 juin 2008 relative aux conditions d'entrée, de séjour et de circulation des étrangers en Algérie [Algeria], 2 July 2008, <http://www.refworld.org/docid/594131d74.html> (accessed 24 October 2018).

60 RFI 2015. 'Nigériens d'Algérie: expulsions ou départs volontaires?', 16 October. <http://www.rfi.fr/hebdo/20151016-niger-algerie-reprise-expulsions-departs-volontaires-agadez-tamanrasset-mendicite>.

61 According to data from the Agadez Regional Council, Algeria expelled 1,347 Nigeriens in 2014, 5,966 in 2015, 11,167 in 2016, 11,188 in 2017, and 26,645 in January-June 2018. Agadez Regional Council, 2018. 'Situation de la migration mixte et ses conséquences dans la région d'Agadez'. Presentation at the 'Forum régional sur l'espace d'asile dans le contexte de la migration mixte', Agadez, 4 July. According to IOM estimates, Niger expelled 12,177 Nigerien migrants in the first nine months of 2018. See OHCHR, *op. cit.*

62 Personal interview with A.O., Darfuriyan asylum seeker. 2018. Location withheld. August.

63 See, for example, Human Rights Watch 2018. Algeria: Inhumane Treatment of Migrants, 28 June. <https://www.hrw.org/news/2018/06/28/algeria-inhumane-treatment-migrants> (accessed 24 October 2018) and Amnesty International 2017. Algeria: Mass racial profiling used to deport more than 2,000 sub-Saharan migrants, 23 October. <https://www.amnesty.org/en/latest/news/2017/10/algeria-mass-racial-profiling-used-to-deport-more-than-2000-sub-saharan-migrants> (accessed 24-10-2018).

64 See: OHCHR, *op. cit.*



(with 4,666 expulsions taking place between January and July 2018).<sup>65</sup> According to IOM, a total of 11,276 expelled irregular migrants have arrived on foot in Niger since they began their count. This figure does not take into account the number of migrants who died in the desert or who were dropped at the border with Mali.<sup>66</sup> Amnesty International has similarly reported that Morocco has swept up an estimated 5,000 people since July and left them in desert areas close to the Algerian border or in the south of the country.<sup>67</sup> With regard to the collective expulsions from Algeria to Niger, the UN Special Rapporteur on the human rights of migrants has stated that these are ‘in utter violation of international law, including the fundamental principle of *non-refoulement* and due process guarantees’.<sup>68</sup>

## Gender-based violence and human trafficking

While the majority of migrants travelling through Chad and Niger are young men, some are women, notably from Nigeria and Eritrea, and they are often the victims of violence. Rape and forced prostitution are widespread in Libya,<sup>69</sup> but female migrants and refugees also experience such abuses, though to a lesser extent, on sections of their journeys before they reach Libya, including in Niger.<sup>70</sup> There are also reports that female migrants unable to pay bribes at checkpoints in Niger were forced to have sex with members of the Nigerien security forces manning those checkpoints.<sup>71</sup> The 4Mi

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65 OHCHR, *op. cit.*

66 AP (Associated Press) 2018. ‘Walk or die: migrants expelled from Algeria forced on deadly march through Sahara’, 25 June. <https://www.france24.com/en/20180625-algeria-migrants-expelled-niger-mali-sahara-desert>.

67 Amnesty International. 2018. *Morocco: Relentless crackdown on thousands of sub-Saharan migrants and refugees is unlawful*. The figure of 5,000 quoted by Amnesty is an estimation of the Moroccan Association for Human Rights (AMDH), who monitored the number of buses leaving from Tangiers, Tetuan and Nador and calculated an estimate for the number of people deported on these busses. According to the AMDH webpage, their estimation is even higher, namely 6,500 people. <http://www.amdh.ma/contents/display/255>

68 OHCHR, *op. cit.*

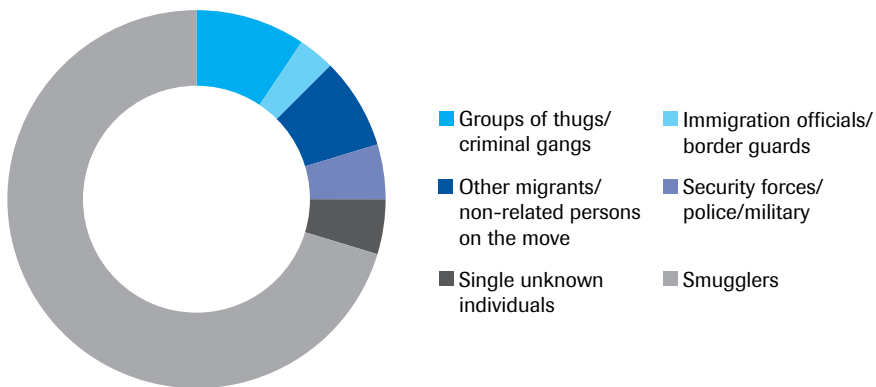
69 Personal interviews with migrants, locations withheld, 2018, July-August. Also see Humanitarian NGO confidential report, 2017. The ICC is currently preparing an investigation on the situation in Libya, which would cover rape among other crimes against humanity. See: ICC 2017. Statement to the United Nations Security Council on the Situation in Libya, pursuant to UN Security Council Resolution 1970 (2011). [https://www.icc-cpi.int/Pages/item.aspx?name=otp\\_lib\\_unsc](https://www.icc-cpi.int/Pages/item.aspx?name=otp_lib_unsc), (accessed October 2018).

70 In the 4Mi dataset, 8% of respondents travelling through Niger reported having witnessed sexual assault there (West Africa dataset). The actual number may be higher, as the response rate to protection incidents questions is generally very low. For example, only 4.5% of respondents in the total West Africa dataset have answered the question whether they witnessed any sexual assault throughout their journey. It should be noted that victims of sexual assault are not always women.

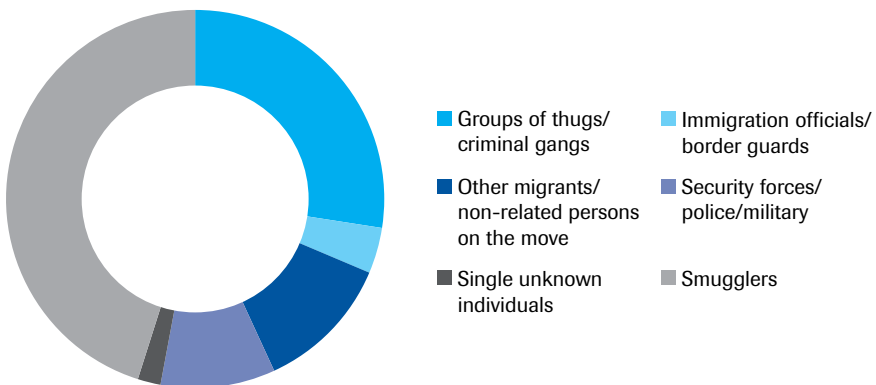
71 Westcott T., IRIN. ‘Special Report. Destination Europe: Overlooked. At Libya’s unchecked southern borders, a key to easing the migration crisis’. 2018, 6 Sept. <http://www.irinnews.org/special-report/2018/09/06/libya-s-unchecked-southern-borders-key-easing-migration-crisis> (accessed October 2018).

data reflect this: between 8 percent (West Africa dataset) and 14 percent (Libya dataset) of reported incidents of sexual assault in Niger are ascribed to immigration officials and security forces (see Figures 6 and 7). There are also reports of rapes and forced prostitution of sub-Saharan migrants in Algeria and Morocco. In Morocco, women are reportedly abused sexually by members of security forces in order to avoid arrest or deportation, as well as by Moroccan or sub-Saharan smugglers and intermediaries in exchange for accommodation or the crossing to Spain.<sup>72</sup>

**Figure 7 Alleged perpetrators of witnessed sexual assault in Niger (4Mi West Africa data)**



**Figure 8 Alleged perpetrators of witnessed sexual assault in Niger (4Mi Libya data)**



72 Personal interviews with migrants, locations withheld, 2018, July-August.

Some migrant women, notably from Nigeria and Côte d'Ivoire, appear to have been, knowingly or not, in the hands of traffickers since the beginning of their journey.<sup>73</sup> They may be victims of rape or forced prostitution at different stages along their journey, including in Nigerien transit hubs such as Agadez and Dirkou.<sup>74</sup> In the ghettos in Agadez, there are many accounts of women who end up in local prostitution networks. They are mostly Nigerian and work to repay a debt. The networks seem fairly well established and there is often a system in place where older Nigerian women 'manage' a number of younger girls (often minors).<sup>75</sup>

More generally, the main danger faced by sub-Saharan migrants heading to Europe in recent years has been that of being kidnapped by – or sold to – traffickers, who then torture the migrants while or before phoning their relatives in order to extract a ransom. This practice can be traced back to the Sinai desert in Egypt, where Bedouin tribes kidnapped and held mainly Eritrean refugees between 2009 and 2014. These refugees were reputed to be able to pay high ransoms due to their diaspora networks.<sup>76</sup> The practice has since spread to Libya, where it is currently implemented in a systematic manner to migrants from any country – with Eritreans and other people from the Horn of Africa being considered particularly valuable. Migrants who do not manage to contact relatives or pay a ransom are often forced to work for free on farms, in construction or in gold mines – if they do not die from torture or detention conditions first.<sup>77</sup>

Migrants who were victims of human trafficking networks in Libya often say that those who detained and abused them included non-Libyans, including sub-Saharans, some from the same country as themselves. Traffickers were sometimes former migrants, including from West Africa, who, after being abused themselves, were selected to be intermediaries, notably for their language skills. The traffickers also included more powerful non-Libyan players, such as Sudanese, Eritreans and Ethiopians, who move back and forth by plane between Libya and their own countries, and most likely play crucial roles in recruiting migrants and transferring money.<sup>78</sup>

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73 Taub B., 'The desperate journey of a trafficked girl', 2017. *The New Yorker*. 10 April. <https://www.newyorker.com/magazine/2017/04/10/the-desperate-journey-of-a-trafficked-girl> (accessed October 2018)

74 Personal interviews in Agadez and Dirkou, 2017, March.

75 Correspondence with a staff member of a humanitarian organisation. 2018. 11 October. Also see: OHCHR, *op. cit.*

76 Amnesty International. 2013. *Egypt/Sudan: refugees and asylum-seekers face brutal treatment, kidnapping for ransom and human trafficking*, 8.

77 Personal interviews with migrants, various locations. 2018. Also see El Kamouni-Janssen, F. 2018. *'Only God can stop the smugglers': Understanding human trafficking networks in Libya*. CRU report, The Hague, the Clingendael Institute, 13-20.

78 Personal interviews with migrants, various locations. 2018. Also see El Kamouni-Janssen, F., *op. cit.*, 25.

Until recently, Nigeriens and Chadians were rarely mentioned as traffickers – despite the fact that they make up significant diaspora communities in Libya. On the contrary, the diaspora from neighbouring countries such as Niger, Chad and Sudan appear to have shown solidarity towards their respective countrymen trafficked in Libya, including by providing them with accommodation, finding them paid labour, and paying their ransoms as well their fares for the Mediterranean crossing. However, since at least 2017, Nigerien migrant smugglers mentioned that traffickers operating notably in Sebha were offering them money, or even vehicles, in exchange for handing over their passengers to the traffickers, even if those passengers had paid in full for their journey.<sup>79</sup> It is impossible to estimate how common this practice is, yet migrants themselves report that Nigerien and Chadian smugglers increasingly sell their passengers for kidnapping for ransom, bonded labour or slave labour, in Libya as well as in Algeria.<sup>80</sup>

There are, to a lesser extent, reports that such abuses may also be spreading to Niger and Chad. As early as 2013–14, a Syrian migrant kidnapped in Libya was detained in Niger by bandits before being released by the Nigerien authorities.<sup>81</sup> In Chad, M.A., a Chadian migrant, reported that, while travelling between Kalaït and Libya, he and fellow travellers were repeatedly beaten on the road, and threatened with being abandoned in the desert by their own smugglers, who were asking for more money.<sup>82</sup> Chadian smugglers also reportedly held their passengers in debt bondage in goldmines in the Chad-Libya borderlands and sold them for slave labour in Libyan goldmines. A Darfuri refugee in Chad told Radio France Internationale how, as early as 2014–15, after he had agreed to look for gold to refund the Chadian smuggler who had driven him to Kouri Bougoudi, this smuggler sold him in Kilinje gold mine: ‘The boss [...] took us to the mines of Kalinga [Kilinje], Libya. The Chadians sold us to the Libyans.’<sup>83</sup> The 4Mi dataset shows that these are not isolated examples: 1.5 percent of migrants and

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79 Personal interviews with migrant smugglers, Agadez and Dirkou, March 2017.

80 A., a Cameroonian migrant mentioned above, says his Nigerien smuggler sold him to Libyan traffickers in Sebha. As his family was not able to pay the ransom, and after he survived torture and a mass execution of those unable to pay, A. was forced to take part in armed robbery in Sebha: ‘Twice, people came at night to pick me. They gave us guns and asked us to be on watch and to shoot at anyone who would surprise them robbing. They were taking cashboxes and goods from shops and putting all in their cars.’ Other migrants were forced to beat their fellow companions. Personal interview with A., Cameroonian migrant. 2018. Location withheld, August.

81 Personal interview with Nigerien Tubu politician. 2017. Niamey. February. Personal interview with Nigerien Tubu smuggler. 2017. Dirkou. March.

82 Personal interview with M.A., Chadian migrant. 2018. Location withheld. March.

83 Bagnetto L. A.. RFI. 8 August. ‘Tales of Slavery and torture for Darfuri refugees in Chad who have nowhere to go’. 2018. <http://en.rfi.fr/africa/20180721-Tales-slavery-torture-Darfuri-refugees-Chad-who-have-nowhere-go>.

refugees who travelled through Niger reported having witnessed kidnapping incidents (West Africa dataset).<sup>84</sup>

Kidnapping for ransom and for forced or slave labour also appear to be spreading to Algeria and Morocco, in spite of the fact that, unlike Libya, these are not weak states but countries with a strong government forces. B.I., a Guinean migrant, believes he and his fellow Guinean companion were sold to Algerian traffickers by their Guinean coxer (intermediary) operating in Mali. 'We were driven to a house outside Algiers. The guard of the house asked us for money, so I understood we had been sold by [our Guinean coxer]. We were 15 customers of the same coxers, guarded by [sub-Saharan] Africans armed with AK rifles. There were more than 100 other prisoners, from Mali, Niger, Guinea, Sierra Leone, Cameroon. We were fed only once a day and beaten each day. They gave us a phone to call our family. If you don't succeed in calling your family, they set you apart and whip you. My friend was burnt with a red-hot screwdriver. Some died from torture or sickness. After a while, those who still could not get their family to pay a ransom, were driven to Algiers to work in construction.' B.I. had to do so several times until he managed to escape alongside some 10 captive migrants.<sup>85</sup>

This very concerning development suggests that the criminalisation of human smuggling has pushed people on to routes and into spheres of influence where they are increasingly susceptible to becoming victims of human trafficking. Migrants and refugees are increasingly commoditised and dehumanised now that this practice has begun to spread across the region.

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84 The actual number may be higher, as the response rate to protection incidents questions is generally very low. For example, only 3.2% of respondents in the total West Africa dataset answered the question of whether they witnessed any kidnapping incidents throughout their journey.

85 Personal interview with B.I., Guinean migrant. 2018. Location withheld, July. In a similar vein, N.D., the Guinean migrant mentioned above, trafficked by an armed group based at the Mali-Algeria border, was bought from the armed group, alongside 11 other migrants, by a Senegalese trafficker who detained them in a house not far from the armed group's base, on the Algerian side of the border. Migrants who could not 'pay back their debt' were tortured until their relatives could transfer money. According to N.D., Algerian authorities were aware of this trafficking, as security forces personnel had visited the house once during the month N.D. spent there. 'They asked us if we were well treated, if we were eating well, but we could don't say the opposite.' Personal interview with N.D. 2018. Location withheld. October.

## 2 Unfulfilled promises? Expectations and deliverance of migration governance

As discussed in the previous chapter, EU-sponsored interventions targeting irregular migration in Agadez have been very effective at putting human smugglers out of business. However, these measures have also had significant negative economic consequences for the Agadez region, as migration provided direct jobs for more than 6,565 people<sup>86</sup> and indirect incomes to, reportedly, more than half of all Agadez households.<sup>87</sup> Previous survey research conducted by the Clingendael Conflict Research Unit has shown that nearly two-thirds (65%) of Agadez survey respondents believed that the Agadez community benefitted considerably from the economic dividends of migration, and that a similar proportion (71%) felt that anti-smuggling measures were harmful to the Agadez community.<sup>88</sup> This leads to the question of how current migration governance in the Sahel has been able to address these grievances and how it has affected relationships between local communities and (international) authorities and organisations, as well as those between local, national and international authorities/policy makers?

### International development programmes and local expectations

The prevalent political (and public) perception in Agadez is that all funding goes to support for West African migrants and refugees and that no investment has been made into the host community, which has suffered the consequences of EU migration policies.<sup>89</sup> Yet, under the European Union Trust Fund for Africa (EUTF), a substantial amount of

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86 The average size of Nigerien households is 7.1. This suggests that 33,000 people were affected by the loss of income related to the disappearance of direct jobs in migration. A 2012 census put the total population of the Agadez region at 536,256 people. See: Nigerinfo, <http://www.devinfo.org/nigerinfo/libraries.aspx/Home.aspx> (accessed September 2018). Regional authorities suggest that the population has undergone a rapid increase since – both due to Niger’s high birth rate and the influx of migrants into the city of Agadez.

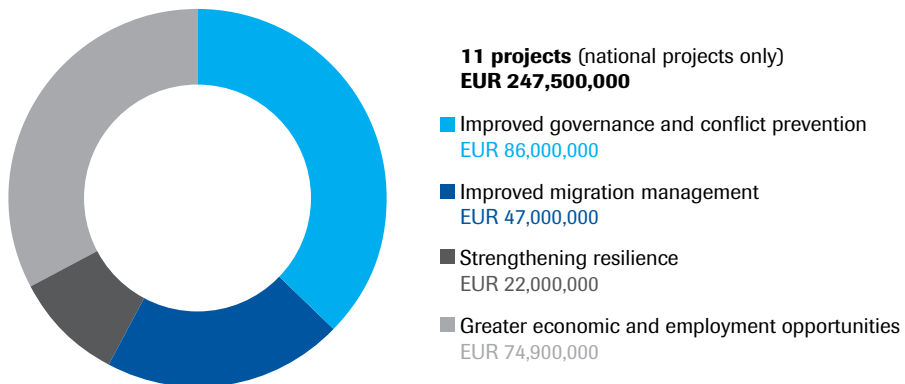
87 Molenaar, F., et al. 2017. *A Line in the Sand. Roadmap for sustainable migration management in Agadez*. The Clingendael Institute and EPGA. [https://www.clingendael.org/sustainable\\_migration\\_management\\_Agadez](https://www.clingendael.org/sustainable_migration_management_Agadez).

88 Ibid.

89 Interview Mohamed Anacko, President of the Agadez Regional Council. Agadez. 2018. 30 August. Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview Bachir Amma, President Comité des prestataires. Agadez. 2018. 29 August.

money has been made available for (economic) development in Niger (see Figure 8). This raises the question of why there is such a large gap between perceptions of EU support for Agadez and EUTF investment in the (economic) development of the Agadez region (at least on paper).

**Figure 9 EUTF funding for Niger<sup>90</sup>**



A review of EUTF funding shows that the abovementioned perceptions are not accurate, and not all EUTF funding goes to support for West African migrants and refugees and a lot of development money does go to the Agadez community. As Table 2 shows, out of EUR 214.9 million, only EUR 29 million is specifically destined for migrants and refugees. The HACP’s PAIERA (EUR 8 million) targets the Agadez community specifically, and other projects, such as GIZ’s ProGEM (EUR 25 million), AFD’s Rural Poles Project (EUR 30 million), LuxDev’s Nig/801 (EUR 6.9 million) and SNV’s job creation programme (EUR 30 million) include at least one Agadez regional sub-divisions among their locations of interventions.

90 European Commission, EU Emergency Trust Fund for Africa. Niger. [https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger\\_en](https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger_en) (accessed October 2018).

**Table 2** Distribution of EUTF funding in Niger<sup>91</sup>

Implementer	Amount of funding	Location of intervention	Main target population
HACP – Action Plan for Rapid Economic Impact in Agadez (PAIERA)	8 mil EUR	Agadez	Agadez communities
GIZ – Supporting communities and regions in managing the challenges of migration (ProGEM)	25 mil EUR	Agadez Tahoua Zinder	Niger communities
AFD – Support project for the agricultural sector in the regions of Tahoua and Agadez (Rural Poles Project)	30 mil EUR	Tahoua (18 communities) Agadez (6 communities: Timia, Iférouane, Agadez, Tabelot, Dabaga, Tchirozérine)	Niger communities
LuxDev – Support the vocational training and insertion of young girls and boys in the regions of Agadez and Zinder to contribute to the economic development of the two regions (Nig/801)	6.9 mil EUR	Zinder (11 communities) Agadez (6 communities: Aberbissinat, Arlit, Bilma, Iférouane, Ingal, Tchirozérine)	Niger communities
SNV, etc – Creation of employment and economic opportunities through sustainable management of the environment in zones of transit and departure in Niger	30 mil EUR	Agadez (1 department: Tchirozérine) Tahoua (10 departments) Zinder (5 departments)	Niger communities
IOM – Mecanisme de Réponse et de Ressources pour les Migrants	7 mil EUR	Agadez	Migrants
UNHCR – Renforcement de la résilience institutionnelle et communautaire dans la région Diffa, Bassin du Lac Tchad, Niger	12 mil EUR	Diffa	Refugees

91 Information obtained from the project factsheets. European Commission, EU Emergency Trust Fund for Africa. Niger. [https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger\\_en](https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger_en) (accessed October 2018).



Implementer	Amount of funding	Location of intervention	Main target population
IMPACT, etc – Projet intégré d'appui à la résilience des populations vulnérables réfugiées, déplacées, retournées et hôtes de la région de Diffa, Niger	10 mil EUR	Diffa	Refugees
FIAPP – Création d'une Equipe Conjointe d'Investigation (ECI) pour la lutte contre les réseaux criminels liés à l'immigration irrégulière, la traite des êtres humains et le trafic des migrants	6 mil EUR	Niger	Security forces
AFD, CiviPol - Contrat relatif à la Reconstruction de l'Etat au Niger en complément du SBC II en préparation / Appui à la Justice, Sécurité et à la Gestion des Frontières au Niger	80 mil EUR	Niamey, Zinder, Tahoua, Agadez	National institutions

Beyond EUTF funding, IOM has developed community stabilisation programmes in the Agadez region which implement activities related to reintegration, prevention of radicalisation, cash for work and job creation, as well as agricultural training and land restoration activities.<sup>92</sup> GIZ has similarly developed a range of other development programmes targeting the Agadez region.<sup>93</sup> In September 2018, the World Bank approved the USD 80 million 'Niger Refugees and Host Communities Support Project (PARCA). This project will improve access to basic services and economic opportunities for both refugees and host communities in Diffa, Tahoua, Tillabéri and Agadez.<sup>94</sup> As a final example, AFD and the EU's Africa Investment Facility are currently funding the construction of a hybrid power plant in Agadez.<sup>95</sup> This suggests that more development aid reaches Agadez than is accounted for in public and political discourse in the region.

92 IOMs Community Stabilization Initiatives in Northern Niger (COSINN) – funded by the German Federal Foreign Office – comprise activities related to reintegration, prevention of radicalization, cash for work and job creation, as well as agricultural trainings and land restoration activities – funded by the UN Convention to Combat Desertification (UNCCD).

93 Next to ProGEM, GIZ has developed and/or extended ProEmploi, ProMAP, ProDec, l'Appui au Dispositif National Sécurité Alimentaire (Cantines Scolaires) with funding from the German government. The German government also funds the KfW for its Projet de Promotion de l'Education et de l'Emploi (PP2E).

94 World Bank press release. 2018. Niger: World Bank Approves \$80 Million to Support Refugees and host Communities, 13 September. <https://www.worldbank.org/en/news/press-release/2018/09/13/niger-world-bank-approves-80-million-to-support-refugees-and-host-communities> (accessed 28 October 2018).

95 EU Technical Assistance Facility (TAF) for Sustainable Energy. 2018. Newsletter #9, March 2018. <https://europa.eu/capacity4dev/file/73226/download?token=NfnJR4RC> (accessed 28 October 2018).

A simple explanation for this could be that Agadez authorities seek to maintain the frame that ‘the effects that migration governance have had on the Agadez region have not been alleviated’ in a bid to capture more international development aid. Moreover, the discourse of failed former-smuggler reconversion and reintegration largely resembles the older narrative that rebel reconversion was not completely successful (see Chapter 3 for a more detailed discussion of this narrative) and may therefore constitute a repackaging of longstanding and ongoing grievances.<sup>96</sup> Yet there are also reasons to suspect that the effects of the international development projects mentioned above have truly not yet been felt by those who suffered a loss of income due to migration policies.

First, whereas the arrests of migrant smugglers started in mid-2016, it took the EUTF and other development projects another one to two years to become operational in the Agadez region.<sup>97</sup> Second, the Reconversion Plan, the one EUTF-funded project that truly addresses the negative economic consequences that the implementation of Law No. 2015-036 has had for the Agadez community, has remained structurally underfunded (see Box 5).<sup>98</sup> Third, the majority of development projects implemented in the Agadez region focus on the (more Tuareg-controlled) Air zone. As a consequence, the communities of the (more Tubu-controlled) Kawar zone – the main axis on the Agadez-Libya route – are compensated less for the effects that migration governance has had on their economy.<sup>99</sup> Finally, most of the development projects mentioned above are implemented beyond the Agadez region as well – with Agadez communities often constituting a minority group among the communities where interventions take place.

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96 Examples of these discourses are statements such as: the promised money did not arrive, not all former rebels/smugglers were reconverted as promised, livelihoods got destroyed, the Tuareg comply but the other side breaks promises, etc.

97 The AFD’s Rural Poles Project is still in the process of setting up its operations. It organised a first regional information and awareness-raising workshop on its proposed activities in Agadez in May 2018. Air Info. 2018. ‘Atelier regional des acteurs sur le Projet Pôles Ruraux. Informer et sensibiliser les acteurs impliqués’. 1-15 June.

98 The Reconversion Plan is funded through the HACP (AGAPAIR/ PASSERAZ/KARKARA, EPA/CISP).

99 The HACP and GIZ EUTF projects target this area, as does IOM’s community stabilization programme. Other than that, only LuxDev’s vocational training focuses on a community in the Kawar region (Bilma).

## Box 5 Implementation of the Reconversion Plan

Recognising the need to address local grievances caused by the negative economic consequences of migration management, the Agadez authorities put forward this plan to create short-term economic alternatives for former smugglers. The 'Reconversion Plan' was designed to provide seed funding to former smugglers so they could set up new economic projects.

The implementation of this plan has, however, been quite problematic. During the pilot phase (mid-2017 to mid-2018), funding was made available for only 281 projects.<sup>100</sup> This created frustration among the applicants of 687 projects that were deemed eligible for funding but not included in the pilot, among the applicants of 1,364 projects deemed ineligible for funding, among 1,447 ghetto and vehicle owners who had been categorically excluded from the Reconversion Plan, among the remainder of the 5,118 migration actors who had not been able to put forward an application,<sup>101</sup> and among the migration actors who had not made it on to the Reconversion Plan list and were therefore not able to apply for support. This latter group of (Tubu) actors claims that the list did not cover 'the real actors' but rather relatives and friends of the local and regional authorities which compiled these lists.<sup>102</sup>

The Reconversion Plan also suffered from structural design flaws. The provision of (a limited amount of) seed funding was not accompanied by more structural investments in vocational training or management skills – nor was it designed to help people develop skills and businesses that could lay the foundation for new economic growth sectors in the Agadez region. In practice, most projects consisted of applications for livestock or inventories for people to open up small shops.<sup>103</sup> This has created a situation in which individual applicants benefit from the help they have received and the resulting individual economic

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100 Applicants could put forward individual projects or group projects. As a consequence, these projects cover a total of 371 individuals.

101 The total of 5,118 listed actors submitted 2,345 applications. Given that applications could also take the form of group projects, it is impossible to say exactly how many actors did not send in an application. A rough estimate would be around 2,500.

102 Personal interview Oumarou Ibrahim Oumarou, Sultan of Aïr. Agadez. 2018. 28 August. Interview Bachir Amma, President Comité des prestataires. Agadez. 2018. 29 August. Interview journalist. Agadez. 2018. 29 August. Interview Mohamed Awal Alkasoum, Secretary General of the Association de Formateur d'Animation et d'Appui à l'Auto-promotion Communautaire (AFAAC). Agadez. 2018. 30 August. Interview member of the Comité Regional de paix d'Agadez. Agadez. 2018. 3 September.

103 A full list of sponsored projects is available from the Regional Council and the HACP.

opportunities.<sup>104</sup> But it is unlikely that the Reconversion Plan will contribute to durable economic development of the Agadez region, and the limited and contested implementation of the plan has created a severe legitimacy deficit – with regional political and civil society actors complaining about the plan’s deficiencies.<sup>105</sup>

## The politics of migration governance

Suggesting that all international development projects should shift their focus to the Agadez region would be too simplistic a solution, and would ignore the fact that the distribution of development aid is a contentious issue in Niger. Provinces compete over development resources, and other regions in Niger complain that ‘Agadez is the pet region of international organisations to the detriment of the development of other regions.’<sup>106</sup> Implementers need to carefully balance the needs of other provinces, which are generally less wealthy than Agadez, with the needs of the Agadez province, whose population has experienced a sudden and rapid decline in income. The same goes for the distribution of development aid within provinces, as some communities in need of support might be less visible or less represented around the negotiation table.

Migration governance also affects the relationships between national and regional/local authorities in Niger. Discussions on migration take place at national level within the National Dialogue Framework on Migration (*Cadre de Concertation*) that brings together national government actors, regional representatives, international development partners and other relevant parties. Despite the inclusion of regional representatives on this Committee, regional authorities complain that interventions in the region are mainly developed at national level – despite the fact that regional government has taken important steps to manage migration in the Agadez region (see Box 6). This has created much frustration, with authorities claiming that regional issues and proposals are not

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104 Interview Issaka Dan Barto Abdoul Aziz, Support Technician, NGO Karkara. Agadez. 2018. 30 August. Interview Bernard Friedling, Chief of Section Politics, Press, Information, European External Action Service (EEAS). Niamey. 2018. 6 September.

105 Interview Oumarou Ibrahim Oumarou, Sultan of Aïr. Agadez. 2018. 28 August. Interview Bachir Amma, President Comité des prestataires. Agadez. 2018. 29 August. Interview journalist. Agadez. 2018. 29 August. Interview Mohamed Awal Alkasoum, Secretary General of the Association de Formateur d’Animation et d’Appui à l’Auto-promotion Communautaire (AFAAC). Agadez. 2018. 30 August. Interview member of the Comité Regional de paix d’Agadez. Agadez. 2018. 3 September. Interview Mohamed Anacko, President of the Agadez Regional Council. Agadez. 2018. 30 August. Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July.

106 Email correspondence with a staff member of an international development organisation – permanently based in Niamey. 2018. 8 October.

being taken into account.<sup>107</sup> More importantly, it raises the question of whether, and to what extent, the current approach to migration governance is compatible with wider international efforts to support the decentralisation of governance in Niger.

### Box 6 The Agadez authorities' efforts at managing migration

Migration is one of the focal points of the Agadez Regional Development Plan for 2016–2020. The Regional Council has also developed and looked for funding for a 'Project for Prevention and Management of Irregular Migration in the Agadez Region' (PPGMI/AZ). A Regional Dialogue Framework on Migration has been set up to coordinate the implementation of migration policies in the region. The Regional Consultative Committee for the Government of the Territory (COCORAT) has overseen the creation of a list of all direct local beneficiaries of the migration economy so that they could be compensated. A Regional Conversion Plan has been designed and adopted to seek funding for economic alternatives for these local beneficiaries. Lastly, Communal and Regional Observatories on migration have been created and a regional migration observation network (*Dispositif Régional pour la Maîtrise et Gestion des Flux Migratoires avec la mise en place de Postes Communaux d'Observation de la Migration Mixte*) has been put in place.<sup>108</sup>

Indeed, it should be noted that, in 2011, decentralisation was established in Niger through the organisation of parliamentary, presidential, regional and local elections.<sup>109</sup> The state was also meant to transfer a wide range of functions – such as development, education, transportation, healthcare, management of land and the public domain – to local governments (*collectivités territoriales*).<sup>110</sup> The international community lauded this development as a step towards promoting good governance and stability and has invested heavily in its implementation.<sup>111</sup> To date, authority and responsibility have

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107 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez. 2018. 7 July. Interview Mohamed Anacko, President of the Agadez Regional Council. Agadez. 2018. 30 August.

108 Agadez Regional Council, 2018. 'Situation de la migration mixte et ses consequences dans la region d'Agadez'. Presentation at the 'Forum regional sur l'espace d'asile dans le contexte de la migration mixte', Agadez, 4 July.

109 République du Niger. 2010. 'Ordonnance No. 2010-4 portant Code Général des Collectivités Territoriales de la République du Niger.'

110 République du Niger, 2015. Brochure d'information sur la décentralisation au Niger.

111 See, for example, <https://www.giz.de/en/worldwide/23276.html> and <https://ne.ambafrance.org/DECENTRALISATION-AU-NIGER-3986>

been transferred to regions and local authorities in four pilot areas.<sup>112</sup> In addition, the National Agency for the Financing of Local Government (ANFICT) became operational on 21 August 2017.<sup>113</sup> Yet progress is slow and financial resources have not yet been made available to locally elected authorities to meet their constituents' expectations for service delivery.<sup>114</sup>

Competition over migration management replicates these larger tensions between a state that is decentralised on paper but which continues to function as a centralised state. Regional authorities lament the fact that migration projects are designed in collaboration with national ministries rather than by strengthening their own migration initiatives.<sup>115</sup> Indeed, it should be recognised that municipalities and regions are probably the public entities most directly affected by migration and by the need to manage its (short- and long-term) consequences for development and the population's well-being (basic service delivery, social and economic integration, housing, social cohesion, etc). It is mainly at the implementation stage that more direct partnerships are formed between the international community and partner municipalities.<sup>116</sup> As one staff member from a humanitarian organisation active in Agadez describes rather pointedly:

'The regional authorities want international organisations to connect their intervention to the [Agadez] Regional Development Plan. They oppose any project that has been drafted in Niamey. It has become like a game for them. If you come with your own project, the regional authorities will criticise it. They will say that "this type of project will not change anything structurally but will just keep people in the same situation".'

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112 See the Presidential Decree of 26 January 2016 : Republique du Niger. 2016. 'Décret 2016-075 portant transfert des compétences et des ressources de l'étataux communes dans les domaines de l'éducation, de la santé, de l'hydraulique et de l'environnement.' <http://extwprlegs1.fao.org/docs/pdf/Ner168865.pdf> (accessed 24 October 2018).

113 Agence nationale de financement des collectives territoriales. <http://www.anfict-niger.ne/anfict/index.php> (accessed 24 October 2018).

114 GIZ has provided trainings in decentralized governance skills to regional authorities. See <https://www.giz.de/en/worldwide/23276.html>

115 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez, 2018. 7 July. Interview Mohamed Anacko, President of the Agadez Regional Council. Agadez. 2018. 30 August.

116 GIZ's ProGEM and IOM's community stabilization programmes are examples of such bottom-up programme implementation. It should be recognised that decentralisation requires a huge learning effort by both local authorities and the central state. In addition, it is far from likely that local authorities would instantly be capable of handling all the responsibilities, as well as the financial and human resources, suddenly put under their control.

From the above, it follows that migration (development) money only partially reaches Agadez: it has taken large implementers several years to set up their programmes, the pilot Reconversion Plan targeted only a small set of migration actors, and development implementers need to balance the needs of the Agadez population with those of other regions and communities. At the same time, efforts to support the ongoing decentralisation process are largely divorced from strategic discussions on future development interventions, which mainly take place at national level. It is only at the programming and implementing stages that more bottom-up input is taken into account. This may explain the persistent perception that the international community does not deliver on its promises and that the Agadez region has not been compensated for its efforts to stem migration. Addressing this issue will require a careful balancing act, however, of the needs of the Agadez region and city with those of other regions and Agadez communities. The distribution of development aid is a political issue as much as it is a technical intervention.

## The management of southbound movement

At the same time, and as partly touched upon in the previous chapter, the Agadez community currently experiences a reversed mixed migration dynamic whereby the majority of people no longer travel northwards, but southwards instead. In the first half of 2018, the expulsion of irregular migrants from Algeria accelerated, while a stream of largely Sudanese asylum seekers simultaneously made its way down from Libya and Chad to Agadez. Indeed, from December 2017 onwards, Agadez experienced a large influx of asylum seekers. Whereas in 2016, Niger received 46 asylum seekers (compared to a total of 47 before 2016), this figure rose to 309 asylum seekers in 2017 and 1,712 between January–August 2018. Of the total of 2,114 people, 1,848 (86%) of these asylum seekers are Darfurians (see Box 7 for an overview of potential push and pull factors).<sup>117</sup>

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117 UNHCR Niger 2018. *Enregistrement et enrôlement biométrique à Agadez*, 25 August.

### Box 7 Potential push and pull factors for Darfurian asylum seekers

According to several Darfurian asylum seekers, their main reasons for leaving Libya were the abuse they suffered in detention centres and forced labour situations in Libya, as well as the increasingly hostile climate towards sub-Saharan Africans in Libya more generally.<sup>118</sup> Also, a substantial number of 202 Darfurians had already been registered as refugees in Chad.<sup>119</sup> The main push factors that asylum seekers mention for leaving these camps to go either to Libya or Niger are lack of education and the deterioration of the security situation in the Chadian refugee camps, the risk of *refoulement* to Sudan, as well as the start of UN Refugee Agency-led resettlement programmes from Chad to Darfur – a region many feared was still very insecure.<sup>120</sup>

Several pull factors may also have been at work. First, in November 2017, the UN Refugee Agency (UNHCR) set up the Emergency Transit Mechanism (ETM) to temporarily evacuate vulnerable refugees trapped in detention in Libya to Niamey, the capital of Niger. The aim of the ETM was 'to deliver protection and identify durable solutions, including resettlement for these refugees.'<sup>121</sup> Up to August 2018, 1,536 vulnerable refugees had been evacuated from Libya to Niger and 399 individuals moved from Niger and resettled in France, the Netherlands, Sweden, Finland and Switzerland.<sup>122</sup> Second, also starting in November 2017, the French government set up monthly missions for the *Office français de protection des réfugiés et apatrides* (Ofpra) – the French refugee agency – to identify potential asylum seekers in Niamey and N'Djaména who could be resettled to France.<sup>123</sup> Up to September 2018, at least 692 people had been resettled in France through this mechanism.<sup>124</sup>

118 Personal interviews with Darfurian refugees. 2018. Agadez, 6 July and 30 August.

119 Agadez Regional Council, 2018. 'Situation de la migration mixte et ses conséquences dans la région d'Agadez'. Presentation at the 'Forum régional sur l'espace d'asile dans le contexte de la migration mixte', Agadez, 4 July.

120 Interviews with Darfurian refugees. Agadez. 2018. 6 July. See also: UNHCR 2018. First Darfur refugee returns from Chad, 20 April. <http://www.unhcr.org/news/briefing/2018/4/5ad9a4604/first-darfur-refugee-returns-from-chad.html> (accessed 24-10-2018).

121 UNHCR 2018. Country Operation Update Niger, August. <https://data2.unhcr.org/en/documents/download/65686> (accessed 24-10-2018).

122 Ibid.

123 Interview Christophe Reilhac and Delphine Laurore, Conseiller adjoint de coopération et d'action culturelle and Chargée de mission gouvernance et coordination de l'aide, French Embassy in Niamey. Niamey. 2018. 4 September. We could find evidence for nine missions in the period December 2017-September 2018 through information obtained from various posts on the Ofpra official twitter account. <https://twitter.com/Ofpra>

124 Figure obtained from various posts on the Ofpra official twitter account. See, for example: <https://twitter.com/Ofpra/status/1011172204040605696>



Although the ETM aimed to identify vulnerable refugees in Libya, who were then temporarily evacuated to Niamey before being resettled in Europe, interviews with Darfurian asylum seekers in Agadez reveal that an illusion had been created that a safe passage to Europe for refugees had now come into existence through Agadez. 'As Darfurians, we are refugees and we thought it would be better to come to Europe legally. We heard UNHCR offered good services in Agadez and could take us somewhere else, in Europe. Some of us also heard the French government gave asylum in Niger.'<sup>125</sup>

The prevalence of Sudanese asylum seekers over other nationalities coming to Agadez may also be connected to the presence of Sudanese mining and trafficking groups in southern Libya and the Agadez region. Experienced Chadian and Sudanese miners exploited the prosperous Djado gold mines in the north-eastern Agadez region, which were largely closed down by the Niger government in March 2017. Sudanese involvement in gold mining also resulted in the creation of Sudanese ghettos in Agadez. The resultant information and logistical networks that followed from the Sudanese presence in the Agadez region may have contributed to mainly Darfurian asylum seekers coming to Agadez.<sup>126</sup> One Sudanese ghetto allegedly hosted several hundred Sudanese asylum seekers before they moved to the UNHCR facilities.<sup>127</sup>

The sudden arrival of this group of asylum seekers in the city of Agadez created tensions with Agadez residents and the Agadez authorities. Apart from general issues of 'fear of the other', fears of labour competition, and communication problems (due to linguistic differences), the population complained about the behaviour of the mainly young male asylum seekers.<sup>128</sup> In light of the absence of proper facilities, asylum seekers slept on the street and urinated and defecated in public. Residents also complained about petty theft, sexual harassment and the risk of asylum seekers bringing contagious and

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125 Personal telephone interview with B., Darfurian asylum seeker. 2018. Agadez, Niger, May. Cited in Tubiana, Warin and Saeneen, *op. cit.*, 19.

126 Several Darfurian asylum seekers reveal that they were smuggled from Libya to Agadez ghetto's, where they were held for a ransom before they were allowed to leave the ghetto and present themselves at the UNCHR offices. Interviews with Darfurian refugees. Agadez. 2018. 6 July. Interview staff member of a humanitarian organisation. Agadez. 2018. 27 August.

127 Interview staff member of a humanitarian organization. Agadez. 2018. 27 August.

128 84.2% of the asylum seekers are male and 10.6% are unaccompanied minors. UNHCR Niger 2018, 25 August 2018, *op. cit.*

venereal diseases into the community.<sup>129</sup> These fears were compounded by a greater (baseless) suspicion that these young men were part of Sudanese armed groups present in southern Libya and reportedly operating occasionally in north-east Niger.<sup>130</sup>

These tensions had serious consequences for the protection space available to the Darfurian asylum seekers in Agadez. On a structural level, the Niger government decided to exclude Sudan from the list of countries whose residents are eligible to apply for asylum in Niger and to subsequently qualify for resettlement since March 2018.<sup>131</sup> Yet even when UNHCR staff explained to the Darfurian refugees that resettlement was not an option for them, the majority stayed in Agadez.<sup>132</sup> At city level, international refugee law was violated in May 2018 when the authorities arrested a group of around 160 asylum seekers (including women and children) and deported 135 of them to the Madama border crossing with Libya.<sup>133</sup>

In response to these tensions and the shrinking protection space, UNHCR and the regional authorities undertook several activities to deflate potential conflict dynamics. They organised meetings with traditional authorities, civil society actors and religious leaders to raise awareness among the Sudanese about the need to respect Nigerien

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129 Interview Salou Baka and Maître Mamane Adam Elhadji, President and Secretary General of the Agadez office, Association Nigérienne pour la Défense des Droits de l'Homme (ANDDH), Agadez, 2018. 28 August. Interview Issa hadjia Habsou and Hadjia Hadizatou François, Secretary General and Project Leader of the Agadez office, Association des Femmes Nigériennes Contre la Guerre (AFNCG), Agadez, 2018. 29 August. Interview staff member of a humanitarian organisation, Niamey, 2018. 5 July. Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview staff member of a humanitarian organisation, Agadez, 2018. 27 August. Agadez Regional Council, 2018. 'Situation de la migration mixte et ses consequences dans la region d'Agadez'. Presentation at the 'Forum regional sur l'espace d'asile dans le contexte de la migration mixte', Agadez, 4 July.

130 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez, 2018. 7 July. Interview Issa hadjia Habsou and Hadjia Hadizatou François, Secretary General and Project Leader of the Agadez office, Association des Femmes Nigériennes Contre la Guerre (AFNCG), Agadez, 2018. 29 August. Interview Attaher Adam, Secretary General, Agadez Governorate, Agadez, 2018. 30 August. Interview member of the Comité Regional de paix d'Agadez. Agadez. 2018. 3 September.

131 REACH Situation Brief. 2018. Situation of displaced persons registered by UNHCR and hosted in Agadez. Agadez, August.

132 UNHCR moved 138 asylum seekers with refugee status in Chad to Niamey in February 2018. It is estimated that several 100 asylum seekers travelled back to Libya over the first half of 2018. Agadez Regional Council, 2018. 'Situation de la migration mixte et ses consequences dans la region d'Agadez'. Presentation at the 'Forum regional sur l'espace d'asile dans le contexte de la migration mixte', Agadez, 4 July. Interview staff member of a humanitarian organisation, Agadez, 2018. 27 August. Interview with a Darfurian refugee, Agadez, 2018. 6 July.

133 Reidy, E., 2018. 'Niger sends Sudanese refugees back to Libya', IRIN, 10 May. <https://www.irinnews.org/news/2018/05/10/niger-sends-sudanese-refugees-back-libya>.

laws and customs and among Agadez residents about the plight of refugees and the need to show solidarity with asylum seekers. The Sultan of Aïr talked about these issues on the radio as well. UNHCR organised community activities with the Sudanese, such as cleaning up the hospital and sweeping the streets. It also organised soccer matches between residents and asylum seekers to build rapport between the two groups.<sup>134</sup>

But perhaps the most important measure to deflate tensions was taken on 4 July 2018, during a regional forum on the place of asylum seekers within the context of mixed migration. The authorities agreed that UNHCR would build a reception centre for asylum seekers 15 kilometres outside of the city. UNHCR rerouted 250 prefab houses that had been destined for the Diffa province to Agadez, and over the course of August 2018 326 asylum seekers were moved from the city to the new centre.<sup>135</sup> In the short term, these measures helped stabilise the situation in Agadez. The fact that Sudanese arrivals had dropped to 99 in May 2018 and to 13 and 17 in July and August 2018 respectively also contributed to relieving the immediate pressure on Agadez.<sup>136</sup> New arrivals of asylum seekers to Agadez have virtually stopped. Facilities at the centre – although better than those at the old site in the city centre – are very basic and mostly still under construction<sup>137</sup> – leaving the asylum seekers with nothing to do and without any shade in the sweltering heat.<sup>138</sup>

In the longer term, the question remains, what should be done with the Darfuriian asylum seekers now hosted in the centre outside the city and in the old site in the city centre. As part of the 4 July deal, Sudanese asylum seekers will be allowed to request asylum in Niger again. Requests will be processed on a case-by-case basis, however, and informal conversations suggest it will take over a year to register the current Darfuriian population as asylum seekers.<sup>139</sup> As long as this population is not formally registered as asylum seekers with UNHCR, they cannot be offered anything other than basic humanitarian

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134 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez, 2018. 7 July. Interview staff member of a humanitarian organisation, Agadez, 2018. 27 August. Interview Oumarou Ibrahim Oumarou, Sultan of Aïr. Agadez. 2018. 28 August. Interview Issa hadjia Habsou and Hadjia Hadizatou François, Secretary General and Project Leader of the Agadez office, Association des Femmes Nigériennes Contre la Guerre (AFNCG), Agadez, 2018. 29 August.

135 COOPI manages six guesthouses, under the supervision of UNHCR, for vulnerable persons in the Agadez city centre. Other Sudanese asylum seekers remain at the old UNHCR centre in the city centre. REACH Situation Brief: Situation of displaced persons registered by UNHCR and hosted in Agadez. Agadez, Niger, - August 2018.

136 UNHCR 2018. Enregistrement et enrôlement biométrique à Agadez, 28 September.

137 There are new housing units, latrines, solar powered lighting, a recently drills borehole that provides water.

138 There is no education for the many children present among these asylum seekers. Among them are also many traumatised people that deal with severe psychological disorders. No assistance is available for them.

139 Email correspondence with a staff member of a humanitarian organisation active in Agadez. 2018. 10 October.

assistance, nor is there any funding available to ensure that Agadez residents also benefit from the presence of UNHCR and asylum seekers in their community or to ensure that Agadez authorities gain greater capacity to provide basic social services to residents, migrants and asylum seekers.<sup>140</sup>

All of this suggests that more durable solutions are needed – for both asylum seekers and the host community. The influx of southbound migrants in the Agadez region has further aggravated tensions between the Agadez community, Agadez officials and the two UN agencies (IOM and UNHCR) mainly in charge of managing these populations of concern.<sup>141</sup> Leading regional authorities and former smugglers say, with a sigh, that ‘when Agadez residents are paid to facilitate migration, it is seen as a criminal activity, but when UN organisations are paid to facilitate migration in the other direction, it is ok all of a sudden.’<sup>142</sup> Furthermore, there is widespread frustration that international humanitarian aid money is being made available to support the well-being of migrants and refugees, ‘while nothing is done for us, the population that suffers from the effects of these migration policies’.<sup>143</sup> With regard to irregular migrants expelled from Algeria, regional authorities are frustrated that only West African migrants fall under IOM mandate – leaving the Agadez authorities in charge of managing the Nigerien majority of the expelled migrants.<sup>144</sup>

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140 Interview Davies Kamau, Head Agadez Office, UNHCR. Agadez. 2018. 27 August. Another staff member of a humanitarian organisation active in Agadez notes that it should become the priority of future interventions to ‘include development for the local population in everything that we do’. Telephone interview staff member humanitarian organisation. 2018. 11 October.

141 The one exception are the Nigerien irregular migrants who are expelled from Niger and who do not come under IOM Niger’s mandate. The Nigerien authorities facilitate the return of these migrants to their provinces of origin.

142 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez, 2018. 7 July.

143 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez, 2018. 7 July.

144 Interview Rhissa Feltou, Agadez Mayor. Agadez. 2018. 7 July. Interview member Agadez Regional Council, Agadez, 2018. 7 July. Interview Maurice Miango-Niwa, Head Agadez Office, IOM, Agadez, 2018. 30 August.

## 3 Sahel stability – between collaboration and conflict

The Sahel has known a turbulent history of rebellions against the central state. In Niger, the Tuareg ethnic community, which forms a minority in Niger as a whole but a majority in the Agadez region, mainly led these rebellions. At times, the Tuareg also joined forces with the Tubu, who form an even smaller minority within the Agadez region and the central state. Northern Chad has had an even more tumultuous past – marked by persistent rebellions against a distant central state.<sup>145</sup> In both regions, the ethnic groups behind these rebellions now dominate the facilitation of irregular migration – not in the least because of their intimate knowledge of the desert. Yet in both countries, the central state has also become more active in controlling economic activities, such as human smuggling and gold mining, in their peripheral regions. This raises the question of how contemporary migration governance in the Sahel has affected stability in the region – in particular, with regard to changes in cross-border trade relations and the appearance of anti-migration forces. How has migration governance changed the relationship between the various actors involved in the facilitation of irregular migration, how have these actors responded to the measures taken against them, and what consequences does this have for stability in the region more generally?

### Migration actors

In Niger, the main actors involved in developing and facilitating migration routes are smugglers belonging to the Tuareg and Tubu ethnic groups. ‘Smugglers’ include the  *passeurs*  who head the smuggling networks, the drivers and vehicle owners, the ghetto owners and managers, and the intermediaries or ‘coaxers’.

The Tuareg live in the north-west of Niger and the Tubu in the north-east. The Ténéré desert between Agadez and Bilma constitutes a natural and historical border between both communities. Importantly, many of the Nigerien Tuareg smugglers between Niger and Libya are former rebels, or relatives thereof. On the Tubu side, many smugglers are young men with less military experience, except for some who fought with Libyan Tubu militias and who managed to acquire vehicles in Libya after the 2011 revolution. Some of those smugglers have been, or even still are, members of Libyan ethnic Tuareg and Tubu

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<sup>145</sup> Both regions are located in volatile regions, surrounded by (radical) armed groups and instability in neighbouring countries such as Mali, Algeria, Libya and Sudan.

militias, or have connections with them, which facilitates their movement along roads and across border posts and checkpoints controlled by these forces. It can also facilitate their access to weapons in Libya.

Because of the geographic distribution of both ethnic groups, and of cross-border connections with the same communities in Algeria and Libya, Tuareg smugglers operate mostly on routes between Niger and Algeria as well as on routes to the Salvador Pass area at the tri-border between Niger, Algeria and Libya, from where they can drive to the Tuareg-dominated towns of Ghat and Ubari in Libya's south-western corner. The Tubu control most of the routes between Niger and Libya, including the key axis between Dirkou and Sebha. This control has strengthened since the 2011 fall of Muammar Qaddafi, when Tubu militias took control of most of Libya's southern borders. The conflict that then erupted between Tubu and Tuareg over Ubari and neighbouring oilfields made Tuareg presence on this Tubu axis more problematic. The active conflict resolution efforts of traditional and political elites in the Agadez region has largely prevented this conflict from spilling over into Niger.<sup>146</sup>

Since 2011, Tubu empowerment in Libya has allowed the Tubu to dominate migrant smuggling between Niger and Libya to the detriment of the Tuareg. As a result, the Tubu have benefitted relatively more from the post-Qaddafi migration industry than the Tuareg have. This has created new tensions between the two communities in Niger, and aggravated tensions between them over control of Ubari town (itself a smuggling hub) in south-western Libya.<sup>147</sup> One unexpected positive consequence of migration governance has been, however, that it has forced the two communities to work together to circumvent security controls in the Nigerien desert. The industry has moved to a model in which the Tuareg generally facilitate the travel of irregular migrants up to the Dirkou area, where migrants are handed over to Tubu smugglers for the remainder of the journey.<sup>148</sup>

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146 Interview Mardami Moursal, Tubu Representative in Agadez, Agadez, 2018. 31 August. Interview member of the Comité Regional de paix d'Agadez. Agadez. 2018. 3 September.

147 Murray, R. 2017. *Southern Libya Destabilized: The Case of Ubari*. SANA Briefing Paper. Geneva: Small Arms Survey. April. <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-SANA-BP-Ubari.pdf>.

148 Interview member of the Comité Regional de paix d'Agadez. Agadez. 2018. 3 September. Interview Tuareg trafficker, Niamey, 2018. 14 July. Interview Tubu smuggler, Agadez, 2018. 2 September. Email correspondence with a staff member of a humanitarian organisation active in Agadez. 2018. 10 October.

### Box 8 Ties between human smuggling and other illicit activities in Niger

There are connections between migrant smuggling in Niger and other activities considered illicit. It would be simplistic, however, to suggest that all those activities are undertaken by the same people, or even fall under the control of a small number of mafia-style organisations.<sup>149</sup> In fact, Saharan communities appear to make a clear distinction between activities that may be – either traditionally or because of recent evolutions – officially prohibited by law but not seen as illicit, and others which are seen as actually criminal. Among activities widely considered as licit, because they do not necessarily generate violence, are both migrant smuggling and gold mining (which only recently became prohibited – partly due to foreign pressure).<sup>150</sup>

Activities generally considered as truly criminal, such as drug trafficking and arms trafficking, appear to involve a smaller number of young men, with ethics and track records different from migrant smugglers, even if there are some connections between them. Some drivers agree to work in drug trafficking, often for a brief period, in order to obtain enough money to buy their own vehicles for migrant smuggling. It is even said that a driver would be given a vehicle as a reward for successfully driving several drug convoys.<sup>151</sup> The coincidence of the crackdown on migration and the closure of the Djado gold mine in 2017 had the effect of reportedly turning some disgruntled migrant smugglers to drug trafficking and other criminal activities.<sup>152</sup> Ironically, the fact that migrant smuggling is now seen as a criminal activity and gold mines have been closed to individual miners, has made activities such as drug trafficking more acceptable ethically.<sup>153</sup>

149 Tubiana and Gramizzi, forthcoming, *op. cit.*

150 Gold discoveries in northern Niger were made in the years 2012-2014, coinciding with the migrant smuggling boom that followed the Libyan revolution. Both activities require similar skills, in particular drivers with a good knowledge of desert routes. This is the reason why many Tubu and Tuareg young men moved back and forth between migrant smuggling and gold mining. Many abandoned migrant smuggling at times of promising gold rushes, then returned to it at periods when gold mines were shut, or when findings were disappointing, or sometimes when they had found sufficient gold to buy their own vehicle. Tubiana and Gramizzi, forthcoming, *op. cit.*

151 Personal interviews with drug traffickers, Niger, March 2017-April 2018.

152 Former migrant smugglers mainly turn to the trafficking of Tramadol (a morphine-like analgesic), which has seen an upsurge in Niger. See: Tinti, P., 2018. 'New trends in tramadol trafficking in Niger', *The Global Initiative Against Transnational Organized Crime*, 25 June, <http://globalinitiative.net/tramadol-trafficking-in-niger>. The cannabis resin and cocaine trafficking industries require more seasoned operators and are more difficult to penetrate by outsiders. Interview Mohamed Anacko, President of the Agadez Regional Council. Agadez. 2018. 30 August. Interview Tubu smuggler, Agadez, 2018. 2 September.

153 Personal interviews with migrant smugglers and drug traffickers, Niger, March 2017-April 2018.

Three communities occupy Chad's northern region: the Tubu in the north-west (mostly in the Tibesti region), the Goran (in an area stretching between the north of Lake Chad and the Chad-Libya-Sudan tri-border), and the Zaghawa in the north-east. Smugglers from the three communities operate on different stretches of northern Chad, largely based on their ethnic homelands and the trade routes they travelled historically. Thus, the Tubu mostly operate on routes between Tibesti and Libya. The Goran operate in particular on the main road between Faya and Kufra. The Zaghawa operate on routes between eastern Chad and Libya, notably the direct road between Tina, on the Chad-Sudan border, and Kufra. The Zaghawa also operate on routes between eastern Chad and the north-west of the country, up to Tibesti.

The ability of the Zaghawa to operate in Chad, far from their historical homeland, is largely due to the fact that Chadian president Idriss Déby is a Zaghawa.<sup>154</sup> Since Déby took up power in the 1990, the Zaghawa have dominated the Chadian army. Zaghawa smugglers thus have ethnic connections with the Chadian army, facilitating their movement across the country and their ownership of vehicles and arms, and allowing them to avoid regular confiscations of their equipment. It would be a mistake, however, to equate the Zaghawa with the Chadian regime. One of the Chadian rebel groups based in Libya is also Zaghawa, and some of its members or former members are reportedly involved in cross-border smuggling. Even more crucially, the Zaghawa straddling the border between Chad and Sudan make up a significant number of the Darfur rebels based in Libya. Through these connections, Zaghawa smugglers are able to transport Horn of Africa (including Sudanese) migrants from Sudan to Chad and then to Libya.<sup>155</sup>

Goran migrants also have links with Chadian rebels based in Libya, where the Goran, with three distinct rebel groups, make up the majority of Chadian combatants. Some Goran migrant smugglers are former rebels with direct connections to these groups. Yet, of the three northern Chadian communities, the Tubu smugglers are those with the most important connections in Libya, as they have links with Libyan Tubu militias. Some Libyan Tubu militia members also smuggle migrants between Chad and Libya, including in association with members of other Chadian communities.

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154 According to a Sudanese asylum seeker who recently travelled to Libya through Chad, 'in Chad it is illegal to detain a pickup truck. But the Zaghawa face no problem with this interdiction. So 80% of the owners of pickups are Zaghawa. For a Zaghawa, it is very easy to cross the border, there is no procedure.' Personal interview with A.A., Sudanese asylum seeker. 2018. Location withheld, July.

155 An significant number of the migrants travelling from both Chad and Sudan to Libya are Zaghawa themselves. Once in Libya, they can benefit from connections with the Darfur rebels and even join them as combatants, and from links with the Zaghawa diaspora in Libya at large, whose historical presence sometimes offers protection to migrants. Thus, as mentioned above, in 2018, Darfurian (Zaghawa) migrants expelled from Niger to Libya and abandoned at the border, in the desert – were then rescued thanks to an effort of the Darfurian community in Libya. Tubiana, Warin and Saeneen, *op. cit.*, 62-66.



As discussed in the introduction, European migration governance does not target Chad as a country of migrant transit. As a result, no significant efforts have been supported to strengthen the northern border or to address human smuggling and irregular migration. As the next section will show, any effort to do so would need to take into account the particular conflict dynamics and tensions that exist between the central state and these northern actors. Failure to do so could contribute to further instability and human rights abuses in northern Chad.

### **Box 9 Ties between human smuggling and other illicit activities in Chad**

Members of all three Chadian northern communities benefited from gold rushes in Chad, in Niger and in Libya. Rather than just workers, members of those communities are also the ‘bosses’ of those workers, the equipment and vehicle owners and the drivers of the gold miners. Because the gold mines are situated near the Libyan border, with the main gold area of Kouri Bougoudi straddling the Chad-Libya border, vehicles travelling from the south to Kouri Bougoudi have begun to transport migrants along with gold miners, thus opening what became the new, main route between Chad and Libya. In practice, it is often difficult to distinguish between gold miners and migrants, with migrants interrupting their journeys to look for gold and gold miners becoming migrants.<sup>156</sup>

Many Goran and Zaghawa former rebels have turned to migrant smuggling but also, to a larger extent, to gold mining, drug trafficking, and other illegal activities. Looking at individual and group trajectories, it does not seem that the same groups or individuals are involved in all sorts of illegal activities. Rather, it appears clearly that individuals were able to choose in which activity they wanted to work, including depending on their personal ethics and their evaluation of the risks involved.<sup>157</sup>

## **Stability risks**

As discussed in Chapter 2, EU-sponsored interventions targeting irregular migration in Agadez have been effective at putting migrant smugglers out of business but without, however, providing them with viable economic alternatives. Grievances are further aggravated by the fact that the peace talks, which ended northern insurgencies in the 1990s and 2000s successively, largely failed to integrate rebels into national armed

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156 Tubiana, Warin and Saeneen, *op. cit.*

157 Personal interviews with Chadian rebels and former rebels, gold miners, migrant smugglers and drug traffickers. Chad, Niger and other locations. 2017-2018.

forces. As a compromise, ex-combatants were encouraged to transport migrants, openly and legally. As such, former rebels who invested in migrant smuggling regard the implementation of Law No. 2015-036 as a rupture of the peace agreements that had allowed northern Niger to be unusually stable for a decade.<sup>158</sup> It has therefore been suggested that the growing dissatisfaction among northern communities with this situation could possibly lead to a resurgence of Tuareg and Tubu rebellions.

At the same time, however, regional and traditional elites, as well as prominent smugglers and drug traffickers, vehemently oppose the idea of further rebellion. They say that any effort to start a rebellion now would risk attracting radical armed groups to the region. As the Malian and Libyan examples have shown, once such groups become involved in domestic conflicts, the situation (and control over the smuggling and trafficking industries) can become uncontrollable in a very short period of time. National and regional political leaders therefore continually engage in conflict mediation efforts to maintain peace and address any sign of potential conflict.<sup>159</sup> When in early 2017, Adam Tcheke announced the formation of the Movement for Justice and the Rehabilitation of Niger (Mouvement pour la justice et la réhabilitation du Niger, MJRN) in response, notably, to migration policies that were felt to be harming Tubu smugglers disproportionately, authorities quickly responded. The President – together with Interior Minister Mohamed Bazoum and Tubu government minister Barkay Yusuf – sent delegations of Tubu traditional chiefs to placate Tcheke.<sup>160</sup>

Such interventions are crucial because, at a more micro-level there is some degree of instability as a result of the fragmentation of smuggling routes. While some smugglers have abandoned migrant smuggling for other activities, including criminal activities such as joining armed groups, or taking up road banditry or drug trafficking, others have chosen to continue migrant smuggling on more dangerous routes, necessitating better organisation – which has led to a level of professionalisation in the migrant industry. Increasing risks have also made it desirable to carry weapons, which has led to militarisation of the migrant industry. As discussed in Chapter 1, migrant smugglers are now travelling at night on more remote routes, often close to borders (including the Algerian and Chadian borders), and to ungoverned areas used by drug and arms traffickers. One of the main dangers on these new routes is the growing presence of road bandits, from different communities, including reportedly former migrant

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158 See: *Compte-rendu des échanges*. Forum International Pour la Paix et la Stabilité. Agadez, 20-21 July 2018.

For more information on the role that migrant smuggling played in the peace agreement, see Tubiana, J. 2017. "Europe's "Migrants Hunters"", *Foreign Affairs*, 31 August. <https://www.foreignaffairs.com/articles/niger/2017-08-31/europes-migrant-hunters>

159 See, for example, *Compte-rendu des échanges*. Forum International Pour la Paix et la Stabilité. Agadez, 20-21 July 2018.

160 Tubiana and Gramizzi, forthcoming.

smugglers. It seems road bandits tend to avoid attacking members of their own communities, and that Tuareg bandits target Tubu vehicles crossing Tuareg land, and vice versa. Local drivers also suggest that bandits of various ethnic groups associate in the same gangs but divide the labour along ethnic lines in order to avoid provoking intratribal tensions.<sup>161</sup>

In recent years, particularly since 2017, northern Niger has also suffered attacks by foreign road bandits reportedly belonging to the Zaghawa community. These groups, made up of Chadian and Darfurian gunmen, first operated in Libya but have now entered Niger. They are suspected of being Chadian army soldiers or ex-soldiers, as well as Chadian and Darfurian rebels or ex-rebels. This new form of insecurity has aggravated tensions between Tubu and Zaghawa communities, as well as between northern communities and the Nigerien authorities, accused of turning a blind eye.<sup>162</sup> At the same time, since 2011, the lack of economic opportunities in the north-east of Niger has caused young Tubu and Tuareg to go to Libya where they work as mercenaries for ethnic militias or rival authorities in northern Libya, often to earn enough money to set themselves up in cross-border smuggling and trafficking industries.<sup>163</sup> This increased presence of armed groups in this remote region obviously does not contribute to stability in the long term.

In Chad, national migration policies are few, yet some signs are underway that the government seeks to position itself as a reliable partner for migration governance – similar to the Nigerien model. Formally partnering on migration governance might attract funding to support the further deployment of armed forces in the northern part of the country, where – not coincidentally – the government has become increasingly active in the fight against rebel groups. In October 2018, for example, as Chadian forces attacked Tubu self-defence militias in the Tibesti mountains, the Chadian Defence Minister accused the Tubu of being not only rebels and drug traffickers but also ‘human traffickers’, while the Interior Minister described them as ‘wild slave drivers’ and ‘terrorists, mercenaries, highwaymen and anything else’. The Interior Minister

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161 Personal interviews with drivers. 2017, Agadez and Dirkou, February-March. This dynamic may also have affected the negative perception that the Agadez community holds of Darfurian asylum seekers.

162 *Compte-rendu des échanges*. Forum International Pour la Paix et la Stabilité. Agadez, 20-21 July 2018. Interview Tubu public official, Niamey, 2018. 4 September.

163 *Compte-rendu des échanges*. Forum International Pour la Paix et la Stabilité. Agadez, 20-21 July 2018. Interview Tubu public official, Niamey, 2018. 4 September.

further claimed to have liberated 'more than one thousand slaves enslaved by the wild slave drivers in Tibesti'.<sup>164</sup>

These statements can be interpreted as an attempt by the Chadian regime to capitalise on international concerns about migration and human trafficking to request international support for, or leniency towards, its recent belligerence in Tibesti. A recent diplomatic initiative to form a regional border security facility with Libya, Sudan and Niger should also be regarded in this light; the discourse of fighting irregular migration is used by these states to attract international funding for that initiative. Yet previous Clingendael research in Sudan and Chad shows that the main aim of state forces is to control border areas at best and that, at worst, they may themselves become the main human smuggling actors and/or engage in abuses against local populations in the process.<sup>165</sup>

## Anti-migration forces

The armed forces responsible for enforcing anti-migration measures in Niger belong to the various components of the Nigerien defence and security forces (FDS), such as the national armed forces, the gendarmerie and the police. Those forces recruit mostly in communities of south-western Niger, and, despite some attempts in the past, have largely failed to integrate, or have resisted integrating, members of Saharan communities. With the exception of a few units into which Tuareg former rebels have been integrated, the security provisions of successive peace agreements for the integration of members of rebel fronts into the national armed forces have remained largely unimplemented.<sup>166</sup>

As a result, relations have remained tense between the FDS and the Tuareg and Tubu communities. Current high-ranking officers are known for having fought the rebels and for having committed abuses against civilians in the past. Many still view the Saharan communities as enemies and possible rebels.<sup>167</sup> As for Tuareg and Tubu civilians, they very much see the national armed forces as foreign forces or 'occupation' forces; they complain that those forces constantly impose illegal taxes or ask civilians for bribes,

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164 RFI. 2018. 'Tchad: affrontements entre l'armée tchadienne et une rébellion du nord', 25 October. <http://www.rfi.fr/afrique/20181025-tchad-affrontements-armee-tchadienne-rebellion-nord-ccmsr>; Alwihda Info. 2018. 'Tchad : plus d'un millier d'esclaves libérés au Tibesti, annonce le ministère de la Sécurité', 30 October. [https://www.alwihdainfo.com/Tchad-plus-d-un-millier-d-esclaves-liberes-au-Tibesti-annonce-le-ministere-de-la-Securite\\_a67923.html](https://www.alwihdainfo.com/Tchad-plus-d-un-millier-d-esclaves-liberes-au-Tibesti-annonce-le-ministere-de-la-Securite_a67923.html)

165 Tubiana, Warin and Saeneen, *op. cit.*

166 Compte-rendu des échanges. Forum International Pour la Paix et la Stabilité. Agadez, 20-21 July 2018.

167 Interviews with members of the Tuareg and Tubu communities, officials and military officers. Niamey, Agadez and Dirkou, March 2017-April 2018.

particularly in towns hosting military garrisons, for example Dirkou.<sup>168</sup> Corruption is also endemic at the many roadblocks, where ordinary traders and migrant smugglers alike have to pay large bribes. This risks further strengthening the rifts between the central state and these peripheral regions.

Security forces are not the only ones engaged in operations against irregular migration and people smuggling. Another effect of the enforcement of securitised migration policies in the region is that it has encouraged non-state armed groups to put themselves forward as proxy border forces in the hope of obtaining European funding. Although this happened much more in Libya than in the Sahel, in 2017, Barka Sidimi a former Nigerien Tubu rebel and migrant smuggler, as well as adviser to the Nigerien government, formed a new armed group that announced it would close the border and prevent migrant smugglers from entering Libya. There were allegations he received funding from the EU, Italy or France, but this was denied by all three countries.<sup>169</sup> Such dynamics contribute not only to further militarisation and militia-isation of the region, but also risk creating new tensions between pro- and anti-smuggling forces.

Recent tensions in northern Chad revolve around the gold issue more than the migrant issue. But because gold and migrant routes are increasingly the same, government policies affecting the gold routes also affect the migration routes. In particular, the repeated and sometimes violent evacuations of the Kouri Bougoudi gold mines by the Chadian armed forces have harmed both gold miners and migrant smugglers. The routes to Kouri Bougoudi were closed for periods of several months, most recently since August 2018 following a 24-hour ultimatum and aerial strikes. Some gold miners and migrants living in, or transiting through, Kouri Bougoudi, repeatedly fled to the Libyan side of the border, in spite of the greater risks of travelling in Libya. Some gold miners even reportedly migrated towards northern Libya and Europe because of the closures and evacuations of gold mines.<sup>170</sup>

The Chadian government has also repeatedly confiscated, or threatened to confiscate, pickup trucks transporting either gold miners or migrants. N'Djaména equates these pickups to military vehicles that should only be used by the Chadian armed forces, and thus considers the owners of civilian pickups as rebels. This has considerably aggravated tensions between the state and northern communities (Tubu, Goran and Zaghawa), for whom the pickup trucks are a key economic asset. Similar policies were

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168 Tubiana, J. and Gramizzi, C. Forthcoming. *Lost in Trans-nation: Tubu (Teda) and Other Armed Groups and Smugglers on Libya's Southern Borders*, Small Arms Survey and Conflict Armament Research.

169 Tubiana, Warin and Saeneen, *op. cit.*, 32-35; Penney, J. 2018. 'Europe Benefits by Bankrolling an Anti-Migrant Effort. Niger Pays a Price', *New York Times*, 25 August. [https://www.nytimes.com/2018/08/25/world/africa/niger-migration-crisis.html?emc=edit\\_th\\_180826&nl=today'sheadlines&nliid=17609720826](https://www.nytimes.com/2018/08/25/world/africa/niger-migration-crisis.html?emc=edit_th_180826&nl=today'sheadlines&nliid=17609720826)

170 Personal telephone interviews with Kouri Bougoudi gold miners. 2017-2018.

implemented in Sudan at the same time, which left the Chad-Sudan Zaghawa feeling targeted on both sides of the border.

The Tubu also increasingly felt targeted by Chadian government policies in the Tibesti region. The Tibesti has long suffered from a very unstable administration, with a constant shift of officials. The government also has to a great extent manipulated Tubu traditional chieftaincies, by increasing the number of chiefs so as to reward allies while disempowering perceived opponents. Those two actions had destabilising effects across the entire country, but the Tubu felt particularly targeted.<sup>171</sup> This perception was greatly aggravated in August 2018, when a large part of eastern Tibesti, including the important Miski gold mines, became part of the Borkou region, dominated by the Goran. Later on, three Tubu traditional chiefs seen as opponents were dismissed, while a new chieftaincy was given to a Goran candidate.<sup>172</sup>

These developments have created tensions between the Tubu and the Goran and, even more, between the Tubu and the state, seen as responsible for fuelling ethnic tensions. Also in August and September 2018, as a reaction to a rebel attack in Kouri Bougoudi, Chadian air forces reportedly struck the Kouri Bougoudi area twice, killing two traders. In the same period, the Miski gold mining area was also bombed and three Tubu wounded, despite Miski being far away from Kouri Bougoudi and the Tubu being neither part of, nor supporters of, the rebel attack.<sup>173</sup> Then, in October 2018, Chadian ground forces attacked self-defence militias in Miski, which had initially formed to protect the area from gold miners and which had cooperated with the army before tensions began to pit them against each other after late 2017.<sup>174</sup>

These attacks have been justified by declarations from Chadian officials describing the Tubu, as mentioned above, as 'human traffickers' and 'wild slave drivers'.<sup>175</sup> The attacks have been perceived as further hostile acts towards the Tubu and have generated

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171 Tubiana, J. and Gramizzi, C. 2017. *Tubu Trouble: State and Statelessness in the Chad-Sudan-Libya Triangle*, HSBA Working Paper No 43, Geneva, Small Arms Survey and Conflict Armament Research, June, 59-69. <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/SAS-CAR-WP43-Chad-Sudan-Libya.pdf>.

172 République du Tchad. 2018. 'Ordonnance No. 0037/PR/2018 portant création des unités administratives et des collectivités autonomes', 7 August.

173 Interviews with Chadian Tubu politicians, locations withheld, August-September 2018. It should be noted that the main international actors in the region did not condemn these bombings.

174 RFI. 2018. 'Tchad: affrontements entre l'armée tchadienne et une rébellion du nord', 25 October. <http://www.rfi.fr/afrique/20181025-tchad-affrontements-armee-tchadienne-rebellion-nord-ccmsr>; Alwihda Info. 2018. 'Tchad : plus d'un millier d'esclaves libérés au Tibesti, annonce le ministère de la Sécurité', 30 October. [https://www.alwihdainfo.com/Tchad-plus-d-un-millier-d-esclaves-liberes-au-Tibesti-annonce-le-ministere-de-la-Securite\\_a67923.html](https://www.alwihdainfo.com/Tchad-plus-d-un-millier-d-esclaves-liberes-au-Tibesti-annonce-le-ministere-de-la-Securite_a67923.html)

175 Ibid.

considerable anger against the state among the Tubu. These developments may push the Tubu, including existing self-defence militias and more recently mobilised youths, to start another insurgency or join existing rebel groups in spite of the fact that the Tubu community has not been part of, or supported, the Chadian armed opposition since 2010.

The situation in northern Chad is thus becoming increasingly volatile – something that future efforts at migration governance in Chad should take into account so as not to become a pawn in the larger power struggle between the central state and rebel forces in the north. To date, the international community has not taken sufficient account of these developments. On the contrary, in August 2018, the same month that the Miski bombings took place, the French military announced the planned redeployment of the eastern headquarters of the EU-supported regional G5-Sahel anti-terrorist force from N'Djaména to Wour, in Tibesti, less than 100km from the area that had just been attacked by the rebels.<sup>176</sup> The northern Chadian communities regarded this as a message that the EU – and France in particular – was ready to militarily support the Déby regime against rebel attacks.<sup>177</sup>

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176 The G5 Sahel is made up of Chad, Niger, Mali, Mauritania and Burkina Faso. Its eastern zone is made up of Chad and Niger, and includes Chadian troops based in Wour and Nigerien troops based in Madama.

177 Interviews and telephone interviews with Chadian Tubu, various locations, August–September 2018.

It should be noted that the EU-funded Security and Border Management programme (SECGEF), which focuses on Chad's western borders with Cameroon and Niger, does take this risk into account. However, the proposed measures that address this risk are vague at best. See: European Commission, 2017.

Document d'action du Fonds fiduciaire de l'UE, 6 December, [https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/20171206\\_t05-eutf-sah-td-08\\_ff\\_appui\\_budgetaire\\_rev\\_cdcmc82.pdf](https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/20171206_t05-eutf-sah-td-08_ff_appui_budgetaire_rev_cdcmc82.pdf).

# Conclusion and recommendations

## Migration and human rights

Recent migration policies in the Sahel have had serious negative consequences for migrants' security. Migrant journeys have been affected in direct and indirect ways. In a direct manner, the actions of security forces in northern Niger have pushed the migration industry underground. This has resulted in a deterioration of conditions in the ghettos, in riskier desert journeys, and in an increase in migrant abandonments and deaths in the desert. More indirectly, the blockade of the Agadez route has pushed some prospective migrants to opt for journeys through more inhospitable terrains, such as northern Chad and Mali.

The lack of state presence in these areas means that migrants are more vulnerable to being kept hostage for ransom – a practice that is spreading throughout the North Africa and Sahel regions. The clear commodification and dehumanisation of migrants and refugees that underlies this treatment is unfortunately not limited to non-state actors. The rising number of inhumane migrant deportations to remote desert areas currently taking place at the southern borders of Algeria and Morocco – as well as the *refoulement* of Darfurian asylum seekers from Agadez to Libya – is similarly indicative of a hardened stance towards migrants – not unlike the one currently seen in Europe.

In a sense, this information should not surprise the international community, as humanitarian and human rights organisations have universally denounced the tensions between current migration policies and respect for migrants' rights. This study shows that not only do elements of current migration policies in the Sahel contribute to migrant abuse and human rights violations, but that this is an incremental process in which normative boundaries are increasingly shifting and in which migrant abuse and detention by state and non-state actors alike are increasingly becoming structural features of the irregular migration process. Urgent action is needed to counter this tide.

*Recommendation 1: Contribute to the development of (sub)national migrant protection frameworks and structures*

There is a need to create and to strengthen existing national and sub-national institutions to take the lead in designing and implementing migration management and migrant protection. As well as more targeted interventions to address the abuse at hand, there is a need for structural changes in international migration governance



in the Sahel region: from externalising borders to focusing on building migration protection structures and capacity at national level in regions of migrant transit, such as the Sahel. To date, the main protection responses have been undertaken by the UN and international humanitarian agencies. As discussed throughout this report, this risks alienating local populations at worst, and at best does not contribute to broader processes of institution building and good governance.

Additional advantages of such an approach would be that it could address some of the tensions between central state and regionally elected authorities regarding their role in the design of migration governance, and could form an additional building block for ongoing decentralisation processes. Such an approach would recognise that decentralisation requires a huge learning effort by both local authorities and the central state, and that it is far from likely that local authorities would immediately be capable of handling all the responsibilities, as well as the financial and human resources put suddenly under their control. A constructive way ahead would involve ensuring that all development interventions contribute to the further strengthening of local governance capacities.

- International level: Efforts to support migration governance in the Sahel should **recognise that migrants who do not fall within the categories of refugees, asylum seekers or assisted voluntary return applicants also have rights**, such as under the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.<sup>178</sup> The OHCHR's Principles and Guidelines, supported by practical guidance on the human rights protection of migrants in vulnerable situations, provide further guidance.<sup>179</sup> International interventions set a normative tone for the region. All programmes, policies and technical assistance aimed at stopping irregular migration into and through Niger and Chad should be designed to uphold the rights of all migrants.
- National level: **Invest in a national and regional migrant protection framework.** This would bring together government officials, donors and non-governmental organisations (NGOs) to identify structural protection needs and design interventions to address these. In Niger, the national government is making ongoing efforts to develop a comprehensive and human rights-based migration policy. The process is being conducted by the *Comité interministeriel chargé de l'élaboration*

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178 OHCHR 1990. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, <https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx> (accessed 24 October 2018).

179 OHCHR and Global Migration Group, 'Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations', <https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf> (accessed 24 October 2018).

*d'une politique nationale de migration* (Joint ministerial committee in charge of the elaboration of a national migration policy – CIM), presided over by the Interior Ministry. Technical accompaniment could be offered to this process.<sup>180</sup> There is a national Dialogue Framework on Migration that could be used to coordinate the international response to address the abovementioned protection needs.

**Accompanying capacity development efforts could be developed to target the regional directions and the municipal civil registry** (*Etat civil, migrations et réfugiés* – DR/EC/M/R), **which are formally in charge of migration and refugees, to raise awareness about their mandates and necessary tasks in this domain.** In the case of Chad, where migration governance is less developed, a starting point would be to conduct a mapping of potential entry points for such a protection framework. On the regional level, these national-level efforts could be connected to ongoing efforts to develop an ECOWAS mixed migration strategy, which develops a common approach to the protection of vulnerable people on the move in the ECOWAS space in the context of mixed migration, particularly refugees, unaccompanied children and victims of trafficking.<sup>181</sup>

- National/community level: **Support independent monitoring mechanisms and civil society organisations that could monitor abuse and provide protection for migrants.** In Niger, the *Association Nigérienne de Défense des Droits de l'Homme* (Nigerien Association for the Defence of Human Rights – ANDDH) and its local branches, as well as civil society organisations such as L'Association Alternative Espace Citoyen (Alternative Citizens' Space Association) could be helped with capacity building and funding to monitor and report abuse of migrants – particularly at the hands of state authorities – and to ensure that migrants have access to legal recourse. In Chad, where migration governance is less developed, a starting point would be to conduct a mapping of potential entry points for such independent monitoring and support.
- Community level: **Work with traditional leaders and regional authorities to set up awareness raising campaigns at community level** to inform host populations about migrant rights and to create social pressure on smugglers and law enforcement agencies to respect migrants' rights. Traditional authorities have an important normative and information function that could be leveraged to counter

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180 Next to the rights framework mentioned under the previous recommendation, the OHCHR Guidelines for human rights at international borders should be taken into account here. OHCHR, 'Recommended Principles and Guidelines on Human Rights at International Borders', [https://www.ohchr.org/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf) (accessed 24 October 2018).

181 The (draft) strategy outlines a number of targeted regional objectives for ECOWAS and Member States to improve the protection response in the context of inward mixed migration movements, and to address the adverse drivers contributing to mixed migration in the context of outward migration.

the dehumanisation and commodification of migrants. In a similar vein, religious authorities could be mobilised to create a community environment in which migrants would not be treated as a mere commodity. Such activities might entail mentioning migrants in Friday and Sunday prayers, describing the moral wrongness (haram) of certain practices such as ID confiscation or extortion, visiting houses where migrants are being held to provide spiritual “services” to them etc. In addition, there is a need to **invest in joint activities between migrants and communities to (re)humanise migrants**. Such efforts could follow the positive examples of IOM and UNHCR, which organise soccer matches that allow migrants, refugees and host communities to become acquainted. These efforts should be further supported and expanded with capacity building or peace education.

More generally speaking, there is a need to improve accountability elements and context sensitivity of migration policies in the Sahel region. These policies should be exemplary in terms of human rights, justice, and context sensitivity and should improve accountability in policies that might contribute to human rights abuses being committed against migrants. Cases of migrants who may have been abused by authorities or forces considered as Europe’s partners on migration should be properly investigated, notably by the UN Security Council’s Panels of experts/Monitoring Groups on Libya, Sudan, Eritrea Somalia, and Mali; and responsible individuals should be listed for sanctions. Cases could also be referred to European judicial authorities the European Court of Human Rights and even to the International Criminal Court, whose prosecutor has expressed a strong commitment to include abuses perpetrated against migrants in the ongoing Libya investigation.

## Migration and peace building

This study has also set out to explore the extent to which migration movements and the policies that address them can have destabilising effects on the larger context and to what extent this peace-migration nexus could be addressed through peace building measures. It has found several potential conflict lines in Niger and Chad that could be either exacerbated or alleviated – depending on the type of migration policies being implemented.

*Recommendation 2: Ensure that migration governance benefits local communities and addresses the (perceived) negative effects of migration on host communities*

The study has found that in Agadez the relationships between local communities and (international) authorities and organisations has been negatively affected by the unmet expectations that the international community would provide support to offset some of the most direct negative economic effects of migration governance in Agadez. At the same time, Agadez sees itself confronted by an increase in southbound mixed migration,

which puts additional pressure on the community. These challenges present themselves in a context marked by an incomplete decentralisation process and ongoing power struggles between national and regional/local authorities. Future efforts to implement migration policies in Chad should take account of these findings.

- **Address the (perceived) negative effects of southbound mixed migration.** The direct needs of migrants and refugees currently arriving in Agadez are high and need to be met. At the same time, however, care should be taken that the Agadez community is not left behind. **Sufficient funding should be made available to ensure that humanitarian organisations are able to address the needs of both populations.** With sufficient funding, programming could follow the Ugandan example where host communities benefit from humanitarian efforts targeting refugees in a 70:30 ratio. In addition, and as an extension of the capacity development efforts recommended above, the international community could **invest in technical support and capacity building activities that would improve service provision by regional and municipal authorities.**
- **Conduct a mapping of the 'losers' of migration policies and invest in their alternative economic development.** As outlined in Chapter 2, many development projects have reached Niger and Agadez over the course of the past year, yet few of them address the main losers of current migration policies. **The Reconversion Plan should be redesigned to transform it from an ad hoc money distribution scheme to a structural economic development programme** that would offer vocational training to, and seed funding for, former participants in the migration industry to ensure that they invest in economic endeavours that make a structural contribution to the Agadez economy. Care should also be taken to **invest outside of Agadez city, such as in the north-east Agadez region.** The communities of the Kawar and Aïr oases, which have also suffered significant losses of income, could be better connected to regional markets through their integration into trade convoys (with military escorts) and the further development of date farming and salt mining.

*Recommendation 3: Strengthen community security and ensure that securitised migration policies do not harm local communities*

To date, the implementation of migration governance has not resulted in outright rebellion in the Agadez region. This should not be seen as a consequence of the conflict-sensitive nature of programming, but rather as consequences of both national and regional state efforts to maintain stability in an otherwise volatile region, and of the northern communities' efforts to contain the dissatisfaction of local young people. This goes to show that, as often, it is too simplistic to say that grievances will necessarily or immediately translate into armed violence and conflict dynamics. Governance plays an important intermediary factor here, and one that could be leveraged in the future design of migration policies to ensure a more comprehensive and conflict-sensitive approach.

However, the implementation of migration governance also takes place in a region that shows signs of increasing conflict dynamics. A process of militia-sation is underway – driven by the attempts of militias to position themselves as credible partners to the international community for migration management as well as by young unemployed men joining militias, notably in Libya, because of a lack of economic opportunities. At the micro-level, there is an increase in conflicts between various armed groups, traffickers and bandits in the Kawar region of north-eastern Niger. In northern Chad, the state actively seeks to undermine rebel groups by (violently) evicting gold miners and confiscating their pickup trucks. An increase in ethnic tensions between the Goran and Tubu is also apparent in this region – partly fuelled by state actions that pit one ethnic group against the other. More recently, the Chadian government's belligerence against the Tubu risks sparking a full-scale rebellion.

The implementation of migration policies takes place within these contexts. Any attempt to strengthen borders and/or work with state armed forces runs the risk of potentially getting caught up in these conflict dynamics and of becoming a pawn in larger (ethnic) conflicts fought out between central and peripheral regions. In a more proactive manner, the following steps could be taken to ensure that micro-level drivers of conflict do not become full-blown conflict lines:

- **Engage with local conflict prevention initiatives.** In Agadez, there are many conflict prevention initiatives that could be harnessed to monitor ongoing conflict dynamics and which could be supported through capacity building to improve their effectiveness. Two examples are the *Comite de la Paix* in Agadez and the Elmecki Forum.<sup>182</sup> The Forum brings together some 500 people from various backgrounds to discuss the consolidation of peace and the culture of citizenship. It was formed after the last Tuareg rebellion when the village of Elmecki was destroyed and residents had to abandon all their property and take refuge in Agadez or elsewhere.
- **Invest in community security programmes.** A common complaint of the Agadez community is that both the international armed presence in the region and technical capacity building programmes, such as EUCAP Sahel, do not improve the security of local communities. A common line of defence on the part of the international community is that these international interventions have other goals, such as fighting terrorism or irregular migration. Yet in the long run, a lack of security for local communities may become a driver of conflict and instability – potentially increasing terrorist and migratory pressures. **Any attempt to invest in defence and security forces in the region should therefore invest in the mapping of community security concerns and in addressing them.**

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182 The Forum is organised by the *Amicale des ressortissants de la zone d'Elmecki* (Residents' organisation in the Elmecki area – ARZEL). The town of Elmecki is 120km north of Agadez city.

- By extension, there is a need to **improve the relationship between northern communities and the defence and security forces**. This relationship is strained and marked by a lack of confidence and communication. In part, this is the result of failed reintegration processes after past rebellions. Measures could be undertaken **to invest in a permanent dialogue between security forces and the communities in which they operate**. The work of the Danish Demining Group (DDG) in the Liptako-Gourma region can form a source of inspiration here. In addition, care should be taken to ensure that security interventions – including anti-smuggling measures – are underpinned by a human rights and accountability framework, and that failure to live up to those standards would lead to loss of funding. More importantly, **any attempt to invest in defence and security forces in the region should invest in local political economy analyses before deployment** to ensure that these efforts do not become instrumentalised in larger (ethnic) conflicts between the government and peripheral regions.

# Appendix: Methodology

This report is based on field research carried out in northern Niger in July and August 2018 and in Chad (N'Djaména and north-eastern Chad) between January and March 2018. Interviews were conducted with more than 100 traditional, local, regional, national and international policy makers and representatives, members of international NGOs and development partners, local NGOs and implementing partners of EU projects, experts, journalists and refugees. This report is also based on interviews conducted with migrants, refugees and asylum seekers in France between May and October 2018. In addition, the report relies on prior research, including other interviews with migrants in Chad, Niger, Tunisia and France in 2017 and 2018. Interviews, in particular with the migrants, were most often conducted in the interviewee's mother tongue, including Chadian and Sudanese Arabic and non-Arab languages from West Africa and Sudan, as well as French.

We have anonymised most respondents, given the sensitive nature of the topic under study.

To further triangulate the qualitative research findings, we have used the Mixed Migration Monitoring Mechanism Initiative (4Mi) data collected in West Africa and Libya by the Mixed Migration Centre (MMC). These datasets contain survey data from 3,500 migrants and refugees in Libya and 5,000 migrants and refugees in West Africa (surveyed in Burkina Faso, Mali and Niger) in the period May 2017 to September 2018. 4Mi monitors in Niger are located in Agadez city and Niamey. The monitors target northbound migrants and refugees, which means that the data in the West Africa dataset generally only cover migrant experiences in Niger up to Agadez city. We therefore use the 4Mi West Africa dataset as a main reference point for the situation of migrants and refugees in Niger up to the city of Agadez (although it is impossible to rule out that some respondents may have unsuccessfully attempted the desert journey to Libya or Algeria once before and may have been surveyed while trying to make a second attempt). We use the Libya dataset, which covers the whole of migrants' journeys up to Libya itself, to gain more information on migrant journeys in the desert beyond Agadez.

It should be noted that the data 4Mi collected offers a snapshot of surveyed refugees and migrants and their experience at the time of data collection in specific locations. The data is not representative: all findings derive from the surveyed sample and should therefore not be used to make any inferences about the total population of any mixed migration flow.

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