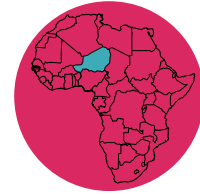


Externalisation has become a prominent pillar of EU migration policy. How is externalisation put into practice? What impact does it have on migrants, refugees and partner countries? What lessons can we learn for future cooperation? **Brot für die Welt** and **misereor** explore these questions in

## COUNTRY BRIEFS ON EU-MIGRATION PARTNERSHIPS WITH THIRD COUNTRIES

# NIGER The Gate to the Sahel



## 01 Migration in Niger



**Migration is a way of living in Niger and has always played a pivotal role in the local economy.**

Based in one of the poorest countries in the world, many Nigeriens rely on circular labour migration to neighbouring countries, especially during the dry season. Such inner-African migration by far outweighs migration towards Europe. At the same time, Niger is an important transit country that connects West, Central, and North Africa. Many Nigeriens used to make their living through providing services to migrants (accommodation, transportation etc.).

Since 2012, Niger has also become an important host country for Malian and Nigerian refugees and Internally Displaced People (IDPs) who mostly flee armed conflicts. In the same period, Niger has also registered a spike in mass deportations and return movements from Algeria and Libya.

*Migration has long taken a backseat in public discourse dominated by issues like poverty, democratisation and limited state capacity.*

Like many West Africans, Nigeriens generally see migration as a lived reality that secures income and personal growth. After the fall of the Gaddafi regime in Libya and the Mali crisis in 2011, Niger drew the attention of European states as the central thoroughfare to the Maghreb.

The situation peaked in 2016 when 330.000 migrants transited Niger.

Motivated largely by important funding and political pressure by the European Union (EU), the Nigerien government took the controversial step in 2015 to adapt Law 2015-36 against fierce domestic opposition. The law has illegalised most forms of migratory movements towards the north and businesses associated to it.

Niger has also signed some bilateral agreements for combating trafficking and smuggling and for readmission with EU states, Algeria and Libya. These agreements have been criticised for their lack of transparency and accountability. Overall, these policies pursue a repressive and security-focused stance on migration.

### Migratory Trends Niger

- 21.130.810 total population\*\*
- 400.000 Migrants living abroad (1,65% of population/only 3% in the EU)\*
- 350.000 Migrants in the country (1,44% of population)\*
- 350.000 IDPs\*\*\*
- 250.000 Refugees, 42.000 Asylum Seekers in Niger\*\*\*
- received remittances: 3,8% of GDP\*

\*2020 \*\*2021 \*\*\*08/2022

This slightly changed in 2020 when Niger adopted its first National Migration Policy (NMP). Apart from a continuing focus on managing migration flows, it also formulates policies for development, assistance, and protection. However, it is far from clear whether the NMP will become a game changer in Niger's migra-

tion policy. The high costs of the first five-year plan (400 million Euros) makes its full implementation unlikely. The GIZ has supported the development and first implementation phase of the NMP but is phasing out the corresponding programme by mid 2023.

## 02 EU's and Germany's approach to migration in Niger

**Following Niger's importance as a transit state along the Central Mediterranean Route, the EU defined Niger as a central partner at the 2015 EU-Africa Valetta Summit.** Niger received important political and financial support to combat irregular migration. In 2016, Niger became one of the five African priority countries under the EU's New Partnership Framework on migration cooperation with third countries. The following policies were mostly centred on repressive aspects, notably supporting the implementation of law 2015-36, increasing border control capacities, and dismantling smuggling and trafficking networks. Furthermore, the EU funded so-called voluntary return from Niger, the expansion of

income alternatives for people that had previously worked in the migration sector.

Germany has historically been active in development assistance, but had little political interest in Niger before the state became a central partner for migration and security policies around 2015. Angela Merkel was the first German chancellor to visit the country in 2016. Germany's development cooperation GIZ has run projects to build border infrastructures, train border guards, establish alternative income sources and implement local strategies on migration. Germany has also deployed migration liaison officers to its embassy and police officers to EUCAP Sahel Niger (see below).

Main routes through Niger



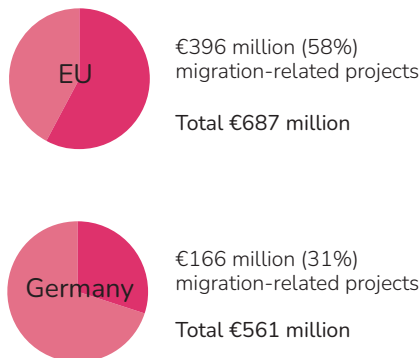
## 03 Migration Partnership with Niger

The EU-Niger Migration Partnership (MP) is not set out in a single document. It is rather the result of diverse forms of cooperation consisting of newly funded projects, high-level dialogues, liaison and mission offices, capacity-building, direct and indirect interventions.

### Funding

EU interests in Niger have turned the country into a major recipient of EU funding in the region. Between 2015 and 2022, the EU funded 19 projects totalling €687 million. A significant part of it (13 out of 19 projects) is spent on policies focusing almost exclusively on border controls and law enforcement. Within this same period, Germany has funded 43 projects amounting to €561 million. Over €166 million (30%) is directly spent on 14 migration-related projects. Compared to EU-funded projects, German-funded projects cover more non-migration-focused projects like agriculture (8), education (9), and decentralisation (16).

#### EU and German Funding in Niger 2015 - 2022



Source: Alliance Sahel Dashboard

### Political and High-Level Engagements

In 2015, an EU-Niger High-Level Dialogue on migration was established. It focuses on migration management, irregular migration, border control, migrant protection and the hosting of evacuees from Libya. Since then, diplomatic missions between Niger and the EU have multiplied, the visit of Ursula van der Leyen as German minister of defence in 2017 being one example. Part of the visit was the delivery of 100 platform trucks, 115 motorcycles and 55 satellite phones for the police and military.

### Liaisons and Missions

The EU and member states also send liaison and mission officers to Niger to seek less formal cooperation with Nigerien authorities on migration and security issues. Among them are a European Migration Liaison Officer, a Frontex liaison officer, and a liaison officer on border management of German federal police in Niamey.

### Capacity-building

Many interventions have been targeted at strengthening the legal and institutional framework regarding migration control and border security. Much of the EU assistance has been directed at state security actors, who have received material support and training to increase border controls and fight smugglers. For example, European Capacity Building Sahel Niger (EUCAP Sahel Niger) has trained 19.000 security officials between 2012-2019 and provided equipment of € 2,1 million in 2019. The mission's original mandate on counter-terrorism was expanded to migration in 2015. This demonstrates the close association of anti-smuggling with counter-terrorism measures. In 2022, EUCAP Sahel Niger signed a working agreement with Frontex, aimed at increasing coordination on migration and boarder security. A particular outcome is sharing border surveillance and biometric data between Niger and external actors.

### The anti-migration law

The adoption and implementation of **Law 2015-36** has been one of the most significant policy outcomes of the migration cooperation between the EU and Niger. It marked a turning point from a laissez-faire approach to a repressive stance on migration by the Nigerien government. The law criminalises any activity that facilitates the „illegal entry or exit“ of migrants in Niger as well as its support. Therefore, it also targets economic sectors linked to migration like transportation and accommodation with severe consequences for local business (see chapter 4).

European security actors and the United Nations Office on Drugs and Crime (UNODC) were involved in the making of the law. EU funds supported its implementation. The law has been criticised for its lack of compliance with international standards. It is currently under revision. Civil society actors complain that the process is opaque.

Examples of these data-sharing platforms include Migration Information and Data Analysis System (MIDAS) by International Organisation for Migration (IOM) and the Africa Frontex Risk Analysis Cell (AFIC). These so-called entry-exit data systems have become a game-changer in Niger's migration flow surveillance capability.

### Direct Interventions

European police officers are also directly engaged in border controls on Nigerien territory. In "Joint Investigation Teams", Spanish and French police officers directly work with their Nigerien peers in dismantling smuggling and trafficking networks. The joint investigations have resulted in more than 700 arrests between 2017-2022. This cooperation will intensify with the operational partnership that was launched by the EU and Niger in 2022 to tackle migrant smuggling.

### Indirect Interventions

Another element of the MP is funding international organisations to implement migration-related interventions, like IOM and the United Nations Refugee Agency (UNHCR). IOM has supported migrants' so-called voluntary

return from Niger to their countries of origin in the framework of the EU-IOM Joint Initiative for Migrant Protection and Reintegration. Alone in 2022, 15.097 migrants were assisted with voluntary return from Niger. Most of them were deported from Algeria in the middle of the desert, fled from Libya and/or are stuck in Agadez region due to the criminalization of migration. Although Niger is IOM's largest voluntary return operation worldwide, most stranded migrants are left alone without assistance as demand by far exceeds supply.

With support of UNHCR, Niger has become a test case for the partial outsourcing of asylum procedures to third countries. In 2017, UNHCR established the Emergency Transit Mechanism (ETM) to evacuate some of the most vulnerable refugees from detention centers in Libya to Niger before resettling them to Europe and North America. Until December 2022, 4.063 people have been evacuated to Niger. 3.562 of them have so far been resettled. Recently, resettlement numbers have declined, with only 266 refugees resettled in 2022.

At the same time, EU and UNHCR have been trying to implement an effective asylum system in Niger. Success has been very limited so far. In 2022, the competent national authority only took around 300 decisions, while 7.000 cases were still pending.



Stranded migrants in Assamaka, previously deported from Algeria in the desert.

## 04 Effects of the Migration Partnership in Niger

**The EU celebrated the MP with Niger as “emblematic of what can be achieved with a transit country” in 2017.** For instance, it claimed a 95% decrease in transit migrants. Overall, the MP has resulted in a securitisation of migration, which fits Niger’s current agenda in a volatile security context affected by non-state armed groups.

Furthermore, the Nigerien government is using cooperation in the field as a leverage to get international funding and to gain international reputation. On the other hand, the MP has had severe effects on refugees and migrants, the economy as well as on civil society. In the process, legitimate local interests are side-lined by the agenda of the central government and its European cooperation partners. Due to political tensions between the EU and the governments of Mali, Chad and Burkina Faso, Niger has become an even more important partner for the EU in recent times.

### Effects on refugees and migrants

While the number of migrants crossing Niger dropped significantly after the implementation of Law 2015-36, it has now reached the level of 2016 again. At the same time migrants have been placed in a more precarious situation. Mobility has become more expensive and dangerous, as smugglers had to go under the radar and resort to secondary routes. This has increased the risk of exploitation, accidents, protection concerns especially for women and children, and migrant deaths. Human trafficking networks have gained a foothold in Agadez region.

Increased police and border controls have led to more pushbacks, arbitrary detention and racketeering, while anti-corruption policies are strikingly absent despite the scope of the phenomenon. Combined with the rise in deportations from Algeria and Libya, these controls that also take place within the country have transformed Niger from a transit country into a holding coun-

try where migrants become stranded. International support for stranded migrants is not keeping pace with increasing demand, leaving more and more people in need without assistance.

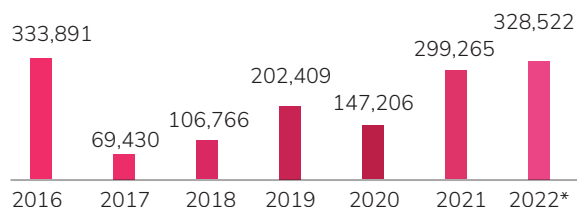
While the access to asylum and durable solutions has certainly improved through UNHCR activities funded by the EU, the quality of refugee recognition and protection remains low. Asylum seekers have repeatedly protested against their poor living conditions and lack of perspectives in Niger.

Furthermore, Law 2015-36 has infringed upon the Free Movement Protocol of the Economic Community of Western African States (ECOWAS). It grants ECOWAS citizens the right to enter and travel freely through Niger until the direct border with non-ECOWAS countries (Algeria and Libya). The restriction of mobility within Niger weakens ECOWAS as a regional institution. Additionally, the law has been criticised for its non-respect for the human rights of people on the move and their protection.

### Economic consequences

Following the earlier economic crisis induced by the collapse of the tourism and mining industry, Law 2015-36 led to an economic meltdown in the northern region of Agadez. Before 2015, more than half of households benefited from the migration economy, which also contributed significantly to local tax revenues in a politically marginalised region. With the law’s implementation, many of these profitable transportation, accommodation and catering businesses had to close. Security forces confiscated vehicles and arrested many drivers. Promised economic compensation measures by the EU have largely remained without impact. This economic crisis has also negatively affected political stability. Rising unemployment resulting from the MP and inadequate livelihood alternatives exacerbate the precariousness and fragility in Niger’s North.

Total number of migrants outgoing of Niger



IOM Info Sheet Niger September 2022, \*counted until September 2022

*Implementation of Law 2015-36 has reduced migration through Niger only temporarily, but has placed migrants into a more precarious situation.*

Furthermore, the plethora of border controls, coupled with racketeering, distorts circular migration and trade patterns in the ECOWAS region and to the Maghreb. A recent report by the World Bank suggests that Niger should diversify its economy. A successful diversification programme by Niger relies on the free movement of goods and people in the ECOWAS region. Yet, Niger's anti-smuggling law undermines these guarantees and could challenge its economic diversification agenda.

### Effects on participation and civil society

Independent support for migrants remains limited to a few civil society, religious and humanitarian organisations. Following the international attention to migration in Niger, a few more projects that provide limited assistance and search and rescue missions have been established. These actors have to make sure to present themselves as humanitarian and comply with official regulations to avoid being conceived as smugglers. Space for civil society in Niger has been shrinking, as more vocal critics of the government have faced imprisonment.

Most European funds have benefited international organisations and European development and security actors rather than local NGOs. This limits local ownership and leads to European dominance

over national actors. More so, local NGOs and civil society groups criticise that European funds earmarked for development are redirected to migration control.

Since 2018, refugees and migrants have increasingly engaged in public protests for their rights and assistance. In 2020, the state violently cracked down on a sit-in of Sudanese asylum seekers and refugees in front of UNHCR Agadez and arrested over 300 of them.

### Discourse

The MP has deepened the bifurcation of political discourses on migration. The official discourse propagated by politicians criminalises migration, highlights its dangers, and often collapses migration with crime and terrorism. According measures are mostly security-focused.

The alternative narrative is propagated by NGOs and human rights activists. It highlights the normality and legality of migration as well as the problems that the so-called fight against irregular migration is causing by pointing to an increase in human smuggling, deaths in the desert, and loss of livelihoods. Civil society also suggests that the MP is not in the interest of Nigeriens, but rather benefits their government in financial and political terms.



A motorbike of Alarm Phone Sahara (APS) on its way from Assamaka to the Algerien border where people are deported in the middle of the desert.

## INTERVIEW

### with Dr. Azizou Chehou

coordinator of Alarm Phone Sahara (APS) in Agadez. APS supports stranded migrants in Niger, provides humanitarian and emergency aid and documents human rights violations against people on the move. APS has been a partner organization of **Brot für die Welt** since 2018.



### »Life has become worse«

How is life in Agadez today, seven years after Law 2015-36 was implemented?

Life has become worse. The local economy used to be very much based on services for migrants. The law illegalised and destroyed this source of income. As a result, criminal offences like raids, kidnapping and blackmailing have become a major problem. People's safety is increasingly affected, especially the safety of women and of people in rural areas.

In recent years, the population of Agadez has doubled. More and more migrants are stuck in Agadez because they cannot move forward, are brutally pushed back by Algeria or Libya or participate in evacuation or resettlement programmes that do not work properly. We receive a lot of phone calls from migrants who do not know how to make a living, who ask for food, shelter or economic support. Tensions between local communities and migrants have risen due to the general lack of resources.

What about EU-funded projects that promote alternative economic opportunities?

We do not see any of these projects in Agadez. It may be that schools were built in rural areas, but it is too dangerous for us to check. The projects of EU aimed at changing the mindset of people away from business linked to migration, but that has not worked out at all.

Law 2015-36 is currently under revision. What do you expect from the revision?

Until now, it has been impossible for civil society in Agadez to participate in the process. Agadez is far away from the capital Niamey. Decisions are taken there without our consent, but

we have to bear the consequences. What we witness is fake participation, as the government creates its own civil society actors.

If we had the chance to speak up, we would demand a reduction in the number of check-points. And we need policemen that respect human rights and nurture our security instead of blackmailing people. We also call on our government to organise safe trips to the north instead of contributing to making the journey more and more dangerous.

In our opinion, Law 2015-36 violates the ECOWAS free movement protocol. Therefore, we have filed a complaint against Niger at the ECOWAS Court of Justice. The court should revoke all articles of the law that impede the movement of people in the region.

What are the main problems that Niger faces today?

Insecurity, unemployment, lack of good governance and education. Unfortunately, the EU does not really support us in tackling these problems, but is instead playing its own power game. For many people in Niger, the EU's interventions and its military presence are a kind of recolonization.

So better no cooperation anymore?

There should be cooperation. But real cooperation must be on an equal footing. The EU should not set up its agenda in Niger. It should better listen to us as civil society. We demand democratic participation, freedom of movement for our citizens and safe passage for people in need. Niger must not be left alone with the huge burden that IDPs, refugees from other countries and stranded migrants in the country represent.

## 05 Lessons learned - Recommendations

### The current migration partnership with Niger

- 01 *has not stopped people from trying to cross the Sahara – but has made the journey far more dangerous. It especially puts female migrants in vulnerable situations.*
- 02 *has not stopped human traffickers. Human trafficking, sexual exploitation and forced prostitution of female migrants are continuing sources of concern.*
- 03 *has not established an effective asylum system in Niger, nor has it turned Niger into an efficient transit hub for evacuated refugees from Libya.*
- 04 *has led to an economic crisis in some regions and hampered circular migration patterns that are an important survival-strategy for many Nigeriens.*
- 05 *has failed to create alternative sources of income through new development projects.*

### The future migration partnership with Niger

- 01 *should understand the importance of migration for the local and national economy and not focus primarily on security threats. Therefore, migration issues must be left out of the mandate of EUCAP Sahel Niger. Frontex should not be deployed in the country.*
- 02 *should respect the implementation of the ECOWAS Free Movement Protocols, as Niger's development and anti-poverty programmes stand a better chance as part of an integrated sub-region. The EU should therefore support a fundamental revision of Law 2015-36.*
- 03 *must not leave Niger alone with the huge burden of refugees, IDPs and migrants in the country. MP must include ambitious resettlement pledges and legal pathways from Niger both for refugees and local citizens.*
- 04 *should encourage, welcome and strengthen the participation of civil society and non-governmental actors in developing and implementing migration-relevant strategies and projects.*
- 05 *must tackle the issue of illegal deportations from Algeria and Libya in the middle of the desert.*

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