



The Political Economy of Migration Governance in Niger

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This work is a product of the research project 'The Political Economy of West African Migration Governance (WAMiG)' which is based at the Arnold-Bergstraesser Institute (ABI), and undertaken within the framework of the Mercator Dialogue on Asylum and Migration (MEDAM). The WAMiG project focuses on the African perspective and its implications for European policy making. WAMiG and MEDAM policy recommendations may therefore differ slightly.

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By Leonie Jegen¹

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About the project

The Political Economy of West African Migration Governance project endeavours to highlight the *political dimension of migration governance* (i.e. what are the real [sometimes hidden] interests and power asymmetries) and the *multiple stakeholders* (including civil society and sub-national ones). To do this, the project considers how migration governance instruments and institutions are made and implemented, the stakes and stakeholders involved or excluded and the societal discourse that surrounds these interests. The qualitative study focuses on four case studies – the Gambia, Niger, Nigeria and Senegal – and is based on fieldwork, including semi-structured interviews in the respective countries.

The project is based at the Arnold-Bergstraesser Institute (ABI) in Freiburg, Germany and coordinated by Franzisca Zanker. It is funded by the Stiftung Mercator and undertaken within the framework of the Mercator Dialogue on Asylum and Migration (MEDAM). MEDAM is a research and consultation project that identifies and closes gaps in existing research and develops specific recommendations for policy makers.

Fieldwork in Niger took place in March 2019 in Niamey. A total of 41 expert interviews conducted in Niamey and Brussels have informed this research.

About the author

Leonie Jegen was a researcher at the ABI since February 2019. Prior to this she worked at the African Migration Root Causes and Regulatory Dynamics (AMIREG) research project based at the United Nations University Institute for Comparative Regional Integration Studies (UNU-Cris) and the Vrije Universiteit Brussels (VUB). She has also held the posts of communication assistant and officer for the European Council on Refugees and Exiles (ECRE). Leonie concluded an MA in Migration Studies from the University of Sussex and a BA in International Relations and Organisations from the University of Groningen.

Acknowledgements

This report was presented at a dissemination event in Niamey on the 18 September 2019. We would like to thank LASDEL for hosting the event and supporting its organisation.

Sincere gratitude to all the respondents in Niger, Senegal, Mali, Belgium, Germany, the Netherlands and the US that shared their invaluable knowledge and insights, which informed the findings of this report.

Special thanks to the thorough reviewer Oriol Puig whose comments were crucial to further develop the findings of this report and continuous invaluable support of Franzisca Zanker throughout this research project. Thanks to Nermin Abbassi and Leon Lewin for their research assistance.

The completion of this research would not have been possible without the generous funding of the Stiftung Mercator's MEDAM project which made the WAMiG project possible. Further thanks to the Kiel Institute for the World Economy (IfW) for supporting the project throughout the research process.

Executive summary

This report analyses the political economy of migration governance in Niger. The research follows a holistic understanding of migration governance considering irregular migration governance, forced migration governance, as well as governance of emigration (diaspora) and immigration. Each governance type is analysed on three levels – governance, political stakes and societal discourse.

The report finds that migration as such is not a key priority issue for Nigerien policy makers. There are however two factors that have contributed to its increased salience in recent years: firstly, external pressures to foster irregular migration governance and secondly, increasing numbers of displaced people present in Niger. Following the so-called migration crisis proclaimed by the EU in 2015, Niger became one of five priority countries of the EU's 2015 New Partnership Framework with third countries (NPF) under the European Agenda for Migration (EAM). In line with EU interests, migration cooperation focused mainly on irregular migration governance – and led, among others, to the implementation of the 2015-036 law which criminalises smuggling. A second factor that increased the salience of migration governance in Niger is the increasing presence of forcibly displaced people, including IDPs and refugees in the country. Two groups of displaced people can be broadly distinguished. Firstly, displacement relating to the humanitarian migration crisis mainly affecting the displacement context in Niamey and Agadez and secondly, displacement related to conflicts in Sahel countries, at Niger's South-Western borders. While political and social antagonism has met the arrival of the first group, the presence of the second seems widely accepted.

Regional migration – including the destinations Algeria and Libya - is the most common form of emigration of Nigeriens, though official numbers are low. While circular migration from rural areas constitutes a crucial factor for maintaining livelihoods, diaspora engagement policies remain only marginally developed.

Overall, Niger is not considered an important country of destination for international migration. Immigration policies are strict on paper, but remain poorly implemented. Regional immigration in Niger is governed by the Treaty establishing the Economic Community of West African States (ECOWAS) and its protocols Treaty and the Treaty establishing the West African Economic and Monetary Union (WAEMU) that both establish free movement zones among its member states. Overall, regional mobility seems so normalized that it is not necessarily understood as migration.

In terms of the governance, stakes, societal discourse on migration several conclusions can be drawn, discussed below.

We find that:

Migration governance: Is, especially since 2015, heavily influenced by European interests. A strong focus on irregular migration marginalizes other important migratory interests.

However, the NMP which is set to be concluded in 2020 is seen as a chance to reach a more holistic way of governing migration.

Political stakes of migration governance: Generally, the lack of consideration of the national and regional context in the implementation of a donor-driven policy agenda poses numerous challenges, including national and human security questions, regional cohesion and inter-community movement in border zones. These challenges have been carefully balanced by the Nigerien government who sees advantages in cooperation resulting in state-building, development aid and political advantages linked to partnership with external actors. Further, the proliferation of external actors in the field and the unequal distribution of project funding among international and national actors sparked debate. Additionally, underfunding of humanitarian actors, catering for both the needs of host and displaced populations poses a continuous challenge.

Societal discourse: Overall, the migration vocabulary employed by international and European actors, is not necessarily in line with social realities. On a societal level, a migrant seems to be understood as a person transiting Niger to Europe while Nigerien emigrants have been referred to as “exodants”. The “belonging” of cross-border communities, for example in Diffa, seems to extend to areas on both sides of the national frontiers. This leads to a partial mismatch of migration governance on paper and in reality. Furthermore, Nigerien society is generally open to host migrants, though some contestation persists regarding the presence of refugees that are not from neighbouring countries.

1 Introducing the socio-political context

1.1 The context

Niger faces several challenges, most notably regarding its humanitarian and socio-economic situation, and growing insecurity in its border region. The country's political system has been marked by numerous regime changes and military coups as well as two rebellions since its independence. The military has remained an influential player in Nigerien politics. In power since 2016 incumbent President Issoufou, of the PNDS Tarraya party, has responded increasingly repressively towards widely raised criticisms against foreign military presence and political decisions regarding the country's finance law.

Niger ranked as the least developed country in the world on the 2018 UNDP Human Development Index. 42.2 percent of Niger's population lives in poverty (African Development Bank 2018). The discrepancy between economic and population growth gives rise to numerous challenges including infrastructural needs, such as the health and education sector (International Federation of Red Cross and Red Crescent Societies, 2018). In 2018, around 2.3 million people in Niger were in need of humanitarian assistance, related to conflict and disaster challenges (OCHA 2019a). Niger's economy is heavily reliant on uranium exports (World Bank 2017).

Since its independence in 1960 Niger has not yet experienced the peaceful transfer of power from one regime to the next. President Diori headed the Niger's first post-independence government for 14 years and was ousted by a military coup in 1974. The ensuing military government held on to power until popular demands for democratic reforms lead to the country's first multi-party elections in 1993. The following period included six different regimes, including three military juntas and three elected governments. The current government, headed by President Mahamadou Issoufou was elected in 2011 and then re-elected in 2016 (see also Berthelsmann Stiftung 2018; Elischer and Mueller 2019).

Since its alleged prevention of a military coup in 2015, freedom of expression has become increasingly curtailed in Niger (Berthelsmann Stiftung 2018; Koch, Weber, and Werenfels 2018). The run-up to the last elections included the arrest of several members of the opposition and journalists. The main opposition leader had to run his campaign from prison, facing pre-trial detention on charges of trafficking (see also Elischer and Mueller, 2019; van Walraven, 2018). The tense political environment persists, as indicated by the arrest of 26 civil society activists in 2018. These arrests occurred against the backdrop of recurrent protests denouncing the foreign military presence in the country and a new finance law (Amnesty International 2018b; Hamann, Lacher, and Muller 2019).² Niger's rank in the Annual Reporters without Borders World Press Freedom Index has dropped from 43 in 2013 to 66

² Unless otherwise stated, the information and opinions in this report is based on 41 interviews with policy makers, politicians, civil society activists, diaspora leaders and academic experts (see Appendix). Due to the political nature of the questions many of the interviews are anonymous. We asked interviewees to state their opinions in their private capacity and thus they will not necessarily be representative of their organisation.

(out of 180) in 2019 (Reporter Without Borders 2019) and the country has been rated as 'partly-free' by international observers (Freedom House 2019).

While ethno-regional cleavages play a role in Nigerien politics, relations between communities have remained generally stable compared to Niger's neighbouring countries. One exception is the Tuareg armed rebellions, that took place in two phases between 1991 – 1997 and 2007 – 2009 and left a few hundred dead. The core demands of the Tuareg, a heterogeneous group, were the improvement of access to state services, greater political autonomy, political representation in Niamey and a fairer share of the country's Uranium resources. These demands mirror the observation that the central divide in Nigerien politics is not between different (ethno-regional) groups but the "wealthy few and the impoverished masses" (21: Berthelsmann Stiftung 2018).

Following the Tuareg armed rebellions, Niger followed a strategy of integrating former Tuareg rebels into state structures as security and governmental mediators and advisors (see also Ajala 2018). This process has been termed "peacebuilding" and is seen as relatively successful, albeit based on a fragile balance (Guichaoua and Pellerin 2018). With the military playing a decisive role in Nigerien politics, a similar strategy of co-optation of the military has been pursued by the government. The military's loyalty is maintained through raising salaries and providing better equipment (van Walraven 2018).

Increasing military funding must also be understood in light of Niger's growing security challenges. In the period from November 2018 to March 2019 the country witnessed a 600 percent increase in attacks by armed non-state actors targeting civilians and a comparative increase of 1,574 percent in overall fatalities, and an increase of 600 percent in civilian fatalities when comparing it to the same period last year (ACLED 2019).³ These challenges are connected to the multiple conflicts at Niger's borders: the Libyan conflict in the North, conflict in Mali and Burkina Faso at the country's Western border and the spreading insurgencies of Boko Haram at its North-Eastern Nigerien and Chadian border (see also Prestianni 2018). Generally, its Sahel neighbours (Burkina Faso, Chad and Mali) face a complex set of challenges relating to poverty, drug trafficking, terrorism, interethnic tensions, land conflicts, access to resources and climate change resulting in internal and cross-border conflicts – often referred to as the "Sahel crisis" (see also Cooke 2017).

Considered a strategic geopolitical location and mostly under the premise to fight terror in the region, numerous international military actors are present in Niger. They both, support the Nigerien military, and also operate independently.

³ In the period from November 2018 to March 2019 the total number of attacks targeting civilians was 63, the total number of fatalities 452 and the total number of civilian fatalities 78.

Figure 1:

Overview of conflicts in Niger

Tahoua and Tillabéri (Mali border): Conflict broke out in Northern Mali in 2012. The region is increasingly affected by violence from non-state armed groups and a state of emergency has been in place since 2017 (UNHCR, 2019a). Inter-ethnic conflict is another driver of internal displacement in the region (UNHCR, 2019b), in the first quarter of 2019 over 70,305 IDPs were displaced in the region. As a response to the deteriorating security situation military operations have increased their presence and started airborne operations this year. Humanitarian workers have been urged to reduce travel through the area while operations continue (UNHCR, 2019a).

Diffa (Nigeria border): In 2013 the first refugees arrived in Diffa due to spreading Boko Haram activity in Nigeria, leading to a 25% population increase in the region. A regional state of emergency was declared in 2015 in Diffa, when Boko Haram carried out its first attacks on Nigerien territory. As part of the state of emergency the government banned livelihood activities such as agriculture and fishery and also prohibited the use of motorbikes. While the security situation deteriorated further in 2019, the ban on fish and pepper commerce was lifted earlier in the year (IFRC, 2018; UNHCR, 2018a, 2019b, 2019a). But increasing violence resulted to secondary movements of about 20,000 people within the region in March 2018 (UNHCR, 2019a).



Tillabéri (Burkina Faso border): Due to a deteriorating security situation a regional state of emergency was evoked at the Tillabéri-Burkina Faso border since the end of 2018 (UNHCR, 2019a). Instability in Burkina Faso has resulted in the arrival of over 2,000 displaced people and more than 1,000 IDPs by the end of May 2019 (UNHCR, 2019a).

Maradi (Nigeria border): Displacement linked to clashes between farmers and herders of different ethnic groups, banditry and vigilantism in the Nigerian state of Sokoto and Zamfara have led to the displacement of at least 35,055 Nigerians to Maradi as of July 2019 (UNHCR 2019c).

Source: Own compilation and elaboration based on United Nations and International Federation of Red Cross and Red Crescent Societies (UNHCR 2018a, UNHCR2019 a c, IFRC 2018); basic map derived from United Nations Office for the Coordination of Humanitarian Affairs.

Unilateral military actors in Niger include France, which has a military presence in Niger through its Operation Barkhane, launched in 2014, which is active in four countries: Mali, Chad, Niger and, since 2018, Burkina Faso, and aims to fight terrorism in the region (The Africa Center for Strategic Studies 2019). President Issoufou granted Germany permission to open a military airbase in 2016 (Dalatou 2016) which was opened in 2018 (*Deutsche Welle* 2018). The same year Italy deployed its military mission Bilateral Support Mission in Niger (MISIN) to the country, its first in the region and the first mission deployed with the aim to counter irregular migration (Tiekstra and Schmauder 2018). In 2017, the US was granted

permission to fly armed drones out of Niamey and since 2014 the US's largest drone base is under construction in Agadez (see also Cooper and Schmitt 2017). At the time of writing, the latest country to establish a military airbase in Niger, will be the United Arab Emirates, who have been granted permission to open a base at the Libyan border (Kamailoudini 2019).

Several multilateral task forces are active in Niger as well. Most notably the G5 Sahel, the EU Common Security and Defense Policy (CSDP) Mission as well as the Multi-National Joint Task force (MNJTF). Firstly, the G5 Sahel mission is an intergovernmental cooperation framework among Burkina Faso, Mali, Mauritania, Niger and Chad to fight security threats in the Sahel. Launched in 2017, the joint force has three principal missions: counter terrorism, organized cross-border crime and human trafficking. Key financial supporters of the mission are the EU, its Member States, Norway, Turkey, Saudi Arabia, UAE and the US. (Cooke 2017; France Diplomatie 2019; Africa EU Partnership 2019). Secondly, the EU's CSDP Mission, European Union Capacity Building Mission (EUCAP) Sahel, has been present in Niger since 2012. Its mandate was widened to include migration in the EAM (European Commission 2015). The mission provides advice and training to the different Nigerien security actors in the fields of anti- terrorism action and organized crime (EEAS 2016). The mission was extended in 2018 for another two years until 2020 (MMC West Africa 2018). Lastly, the MNJTF comprises troops from Cameroon, Chad, Niger, Nigeria and Benin. It is headquartered in Chad and one of its four sectoral headquarters is based in Diffa. Financial supporters of the mission include EU, France, UK and the US. Its core objective is to fight Boko Haram and the Islamic State in the Lake Chad Basin (Africa EU Partnership 2016).

While the security crisis in the Sahel countries has been linked by intervening stakeholders to the “global war on terror” (Elischer and Mueller 2019), migration is increasingly intertwined with security considerations of Western partners (Lebovic 2018; Prestianni 2018). This link has not only been fostered by external powers, but has also been evoked by the Nigerien government to gain military support, state capacity building and development support (see also Tubiana et al. 2018). Fostering military cooperation with third states strengthens the Nigerien government both internally and externally (Hamann et al. 2019). However, the government has to strike a delicate balance: while the international military support might strengthen its stance vis-à-vis its military internally, it remains a strong source of societal contestation and can affect its own legitimacy.

Migration in Niger

A common understanding of Nigerien migration is illustrated by a Nigerien development worker stating: “*La migration, c’est une tradition, c’est une mode de vie.*”⁴ and in fact many different ‘types’ of mobility make up a part of Nigerien reality, most notably, circular migration from rural areas, daily cross-border mobility in its border zones, forced displacement and transit migration through the country. It is mainly the latter type of migration which has gained attention from European policy makers.

⁴ “*Migration is a tradition, it is a way of living*”, EU MS Development Agency, Interview, Niamey, March 2019.

Emigration is important for sustaining the livelihoods of rural communities and often takes the form of seasonal labour migration towards bordering countries or further away in the region (see also Boyer and Mounkaila 2010).⁵ A migrant involved in this type of movement is generally referred to as “exodant” (see also Boyer 2007). Regional labour migration has been a fundamental practice in Nigerien rural environment for decades (Boyer and Mounkaila 2010). It takes place for several reasons including as a (cultural and age-related) rite of passage and as a resilience strategy, especially in light of increasing droughts (see also Mounkaila et al. 2009).⁶ Regarding immigration, most immigrants are from neighbouring countries yet scarce and incomplete data indicates that numbers are relatively low (Maga 2009).

Generally, cross-border movement within border zones often takes place within the same communities (see also Miles 2015). Respondents stated that the border between Burkina Faso and Niger “means nothing”⁷, and even respondents working on the “governance” of irregular migration stressed that the populations living in the Nigerien/ Nigerian border zone, mainly Hausa, are effectively “the same”. The fluidity of this border zone is also highlighted by the fact that in some Nigerien areas the Nigerian currency is used.

Forced immigration and internal displacement had not constituted an important group in Niger until a few years ago (Di Bartolomeo et al. 2011). It gained salience with the deteriorating security situation in Niger’s bordering states. As of April 2019 Niger hosts a total of 380,135 persons of concern to the UNHCR (UNHCR 2019a). Increasing outbreaks of violence within Nigerien border regions also led to the mounting prevalence of internal displacement and secondary movement. As of December 31, 2018 a total of 156,000 people were internally displaced in Niger (IDMC 2018). Additionally, displacement broadly linked to the Libya crisis has become a salient more recently. In 2018 a group of about 2,000 (mainly Sudanese refugees and asylum seekers) “self-evacuated” to Agadez. Furthermore, refugees and asylum seekers have been evacuated to Niamey from Libya under the Emergency Transit Mechanism since 2017.

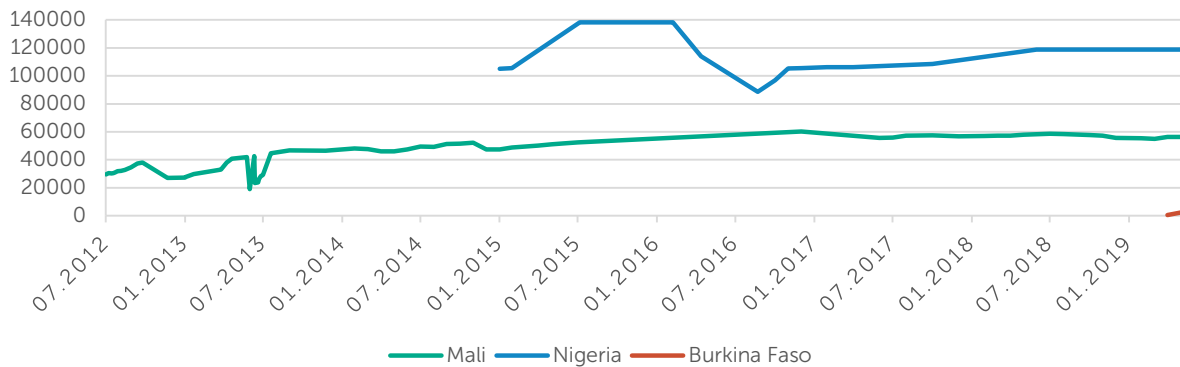
⁵ When referring to regional migration we mean towards Niger’s bordering states and within the ECOWAS region.

⁶ Generally, migration of Nigeriens towards Europe is not a prominent phenomenon. According to the OECD 2015 the most popular country for Nigerien migrants was Germany with only 272 Nigeriens entering, followed by Belgium (139), Italy (130); and France (106).

⁷ Nigerian Civil Servant, Interview, Niamey, 2019.

Figure 2:

Forced migration to Niger by country of origin

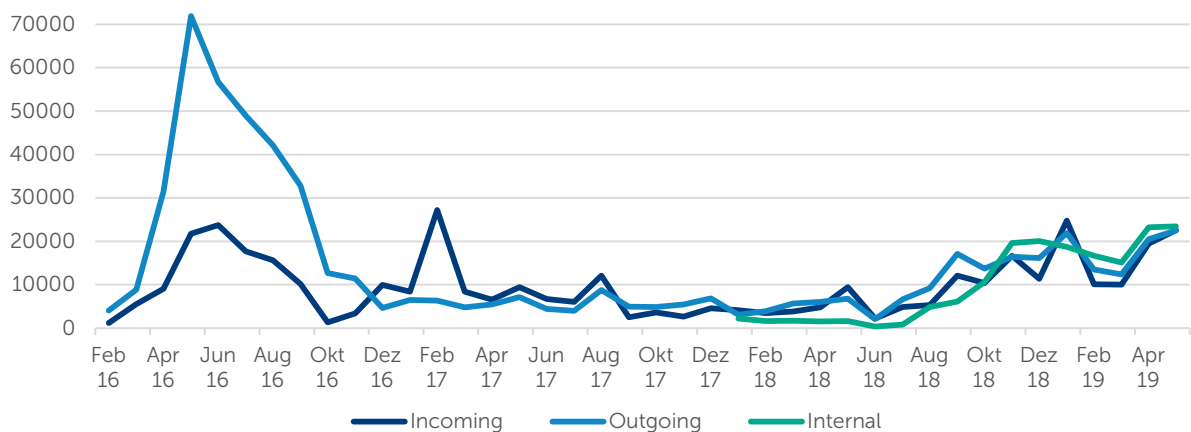


Source: Own elaboration. Data retrieved from: On Burkina Faso: UNHCR Niger Country Operation Updates. On Mali and Nigeria: UNHCR Country Situations Niger <https://data2.unhcr.org/en/country/ner>.
Note: Number of refugees in Niger by country of origin, starting from respective crisis outbreak (Mali 2012; Nigeria 2015; Burkina Faso 2019).

Niger has gained relevance for European policy makers as a so-called transit country following the so-called migration crisis in 2015 (see also Frowd 2019). Core policy measures to respond to the crisis was to step up the fight against people “smuggling” which became a priority for the EU in 2015 as stated in the European Agenda of Migration, where it features both under the key set of immediate action as well as long term measures to be pursued (European Commission 2015).

Figure 3:

Transit migration flow through Niger since 2016



Source: International Organization for Migration (IOM) (Displacement Tracking Matrix (DTM)).
Note: Addition of new Flow Monitoring Points (FMPs) since August 18 (Magria, Dan Barto, Tahoua) and September 18 (Dan Issa). The actual number of outgoing population flows in November 16 was 11457, in contrast to wrongly published 1525.

In its ensuing New Partnership Framework (NPF) on migration cooperation with third states Niger is named one out of five African priority countries with which migration cooperation should be increased.

While all other four countries are important departure countries, Niger is the only one which has been selected solely due to its role as a transit country.⁸ Measures resulting from this cooperation include supporting the implementation of the 2015 adopted anti-smuggling law, through capacity building of the criminal justice system and border as well as the erection of a (voluntary) return “infrastructure” in the North of the country. Cooperation with Niger on this matter has been generally deemed “successful” by the European Commission, as it is seen to have led to the reduction of “irregular arrivals” (European Commission 2019b). A growing body of literature highlights that these processes have led to the externalisation of the EU border to the Nigerien territory (Boyer and Chappart 2018; Tubiana, Warin, and Saeneen 2018).⁹

2 Migration governance in Niger

While migration is not a key issue for Niger, certain events gave prominence to the migration agenda, including the conflict-related returns of Nigeriens from Libya and Ivory Coast. Both countries are important immigration destinations for Nigeriens and the destabilizing political situation between 2010-2011 prompted the return of Nigeriens living there (see also Puig 2017). While European involvement in Niger’s migration governance has grown since 2011, the 2015 Valletta Summit constituted a turning point marking the increased importance of the topic (see also Boyer and Chappart 2018).

On a regional level Niger is party to the Treaty of the Economic Community of West African States (ECOWAS) and its protocols and the Treaty on the West African Economic and Monetary Union (WAEMU). Both establish the freedom of movement of persons, goods, services and capital of the citizen of its member states, as well as the right of residence and establishment (Idrissa 2019).

⁸ The five priority countries are Ethiopia, Niger, Nigeria, Mali, Senegal.

⁹ Note: “externalization” is an academic concept which denotes the shifting of responsibility of EU border control to third states. Scholars have referred to it among others as “Policing at distance” (Guild and Bigo 2005) or “Shifting out of EU migration policy” (Lavenex 2006).

Box 1:**Valletta Summit**

The Valletta Process was established in 2015 and the first Valletta Summit held from the 11 – 12 November 2015. The Valletta Conference was attended by African and European Heads of State whose countries partake in interregional African-EU policy dialogues (Rabat and Khartoum Process), observers to the Rabat process, representatives of the African Union Commission, ECOWAS, UN Agencies, IOM and the President of the European Parliament.¹⁰

The Valletta Summit saw the launch of the EU Emergency Trust Fund for Africa (EUTF), mostly funded through the EU development budget, as well as an Action Plan (JVAP) laying down the EUTF's guiding principles:

- Addressing the root causes of irregular migration and forced displacement
- Enhancing the cooperation on legal migration and mobility
- Reinforcing the protection of migrants and asylum seekers
- Preventing and fighting irregular migration, migrant smuggling and trafficking in human beings
- Working more closely to improve cooperation on return, readmission and reintegration

EUTF projects have gained considerable criticism for reverting development funding from a needs-based perspective to political interests of donor countries, lacking transparency in funding allocation and prioritizing control-oriented approaches to migration over creating legal pathways.

At the same time, funding for EUTF projects has been an important incentive for third states to enter into cooperation with European countries. Niger has been the first beneficiary of the EUTF with a funding volume of more than 1.8 million euros. Funding under the EUTF has also taken the form of direct budget support, often conditional upon progress in fighting irregular migration (Concord 2018).

Source: Own compilation.

2.1 Governance

On the national level there are two important frameworks for migration policy. The first framework is tasked to formulate broad migration policy recommendations. This takes place in the national coordination platform on migration (*Cadre de Concertation sur la Migration*, CCM) in the framework of a bi-annual meeting of national and international stakeholders. It was established following the visit of EU Commissioner Styliandis in July 2016 and met for the first time in October 2016 (European Commission 2016b).

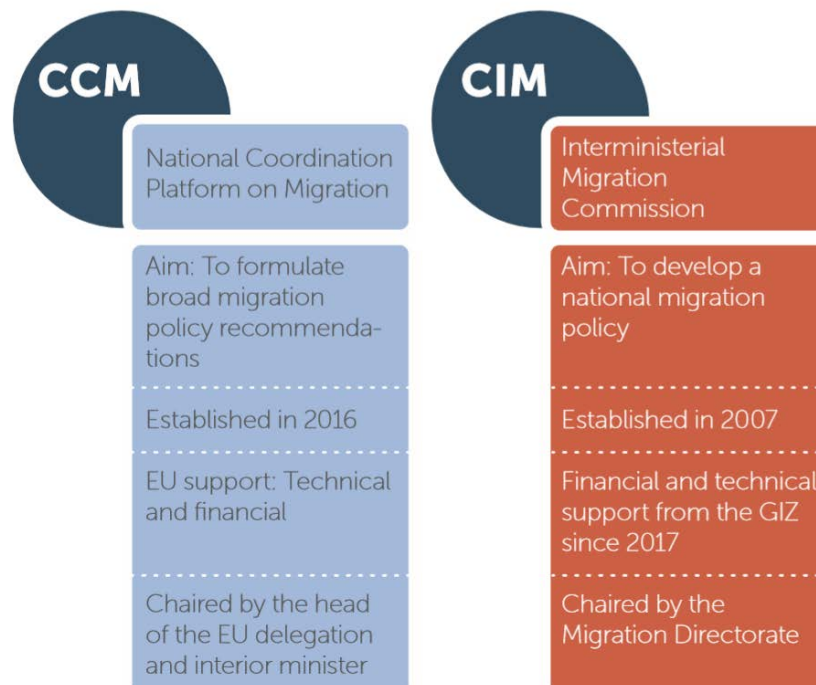
¹⁰ Find the full list of invited delegations here: <https://www.consilium.europa.eu/media/23728/valletta-summit-list-of-invited-delegations.pdf>.

The CCM is a permanent structure which has received financial and technical support from the EU since its launch. According to official EU documents (European Commission 2016b) it is presided by the Head of the EU Delegation and the Minister of the Interior. However, respondents gave diverging answers regarding who presides the framework. The CCM has sub-committees that meet more regularly and prepare sectorial policy recommendations. A Permanent Secretariat under the Ministry of Interior's (MoI) Migration Unit is managing the CCM.

The second framework is the Inter-ministerial migration committee (*Comité interministériel chargé de l'élaboration du Document de la politique nationale de migration*, CIM), which has met since 2007. It is tasked to elaborate a national migration policy (NMP) and will be dissolved thereafter. The Migration Directorate (*Direction des Migrants*), which is a directorate under the General Directorate for civil registries, migration and refugees (*Direction Générale de l'Etat Civil, des Réfugiés et des Migrants*, DGECRM) at the Ministry of the Interior takes the lead over the CIM. The CIM is composed of officials working in the main ministries involved in migration governance. Beyond ministries, its members include UN Agencies, the national human rights council (*Commission Nationale de Droits Humains*, CNDH) as well as two civil society organizations – one that is officially involved in the process and the other that has been invited since 2017. The CIM has been supported by the German Development Agency (*Gesellschaft für Internationale Zusammenarbeit*, GIZ) since 2017.

Figure 4:

National frameworks for migration governance



Source: Own compilation.

With external support, a preparatory document for the elaboration of the NMP was concluded in 2014. However, for a number of reasons including scarce financial resources, a lack of strong leadership on the matter, and the fact that in 2015/2016 with European financial support, the elaboration of a national strategy for the fight against irregular migration took precedence over the conclusion of the NMP, the policy formulation process has so far not been concluded.

To reach a holistic approach to migration governance, the CIM has been divided into six sub-committees that consider different aspects of migration governance. The overall policy is developed based on a report written by each sub-committee, while each respective aspect is said to be of equal importance. The process is envisaged to be finalized by 2020. Furthermore, a new network of about twenty civil society organisations working in the field of human rights and migration and contributing to the development of the NMP was funded by the GIZ as part of the renewed development process.¹¹

From the side of the Nigerien government, the cabinet of the Prime Minister is in charge of the political direction on migration, cooperating closely with the Ministry of the Interior. The three most important Ministries dealing with migration are the Ministry of the Interior (MoI), the Ministry of Foreign Affairs (MoF) and the Ministry of Justice (MoJ).

Table 1:

| Key migration actors | | |
|--|--|--|
| Cabinet of the Prime Minister and Ministry of the Interior | Overall Guidance | |
| Ministry of the Interior | General Directorate for Civil Registries, Migration and Refugees (DRECMR) | Directorate for Civil Registries (DEC) |
| | | Directorate for Refugees (DR) <ul style="list-style-type: none"> National Status Determination Commission (CNE) |
| | | Directorate for Migration (DM) <ul style="list-style-type: none"> Permanent Secretariat of the CCM |
| | General Directorate of the Police (DGNP) | Border Police (DST) |
| Ministry of Justice | National Commission for the Fight against Trafficking in Persons and Illicit Smuggling of Migrants (CNLTP) | National Agency for the Fight against Trafficking in Persons and Illicit Smuggling of Migrants (ANLTP) |
| Ministry of Foreign Affairs | Directorate General of Legal and Consular Affairs (DGAJ/C) | Directorate for Legal Affairs (DAJ) |
| | | Directorate for Consular Affairs (DAC) |
| | | Directorate for Nigeriens Abroad (DNE) |
| | High Council for Nigeriens Living Abroad (HCNE) | |

Source: Own compilation.

¹¹ Réseaux Migration Développement et Droits Humains (REMIDDH).

The Cabinet of the Prime Minister is in charge on migration issues, in close collaboration with the Ministry of the Interior. The Ministry of oversees the work of the General Directorate for Civil Registries, Migration and Refugees (DGECRM) which is the government's core migration body. The Directorate for Migration hosts the Permanent Secretariat of the CCM. At the time of research its move to the Cabinet of the Prime Minister was under discussion. Furthermore, the Directorate for Refugees hosts the Permanent Secretariat of the National Eligibility Commission – the institution that carries out the refugee status determination procedure. The UNHCR holds the role of an observer in the deliberations of the commission. The General Directorate for the National Police (DGPN) falls also under the MOI. It oversees the Directorate for Border Surveillance (DST), Niger's border police.

The Ministry of Justice is another key actor on migration. It hosts the national Commission and the National Agency for the Fight against Trafficking in Persons and the Illicit Smuggling of Migrants established in 2010. The former is tasked with the adoption of policies and programmes in the field of trafficking in persons, while the latter implements them. Following the adoption of the 2015-36 smuggling law, smuggling in persons was added to their mandates.

The Ministry of Foreign Affairs hosts the Directorate General of Legal and Consular Affairs, responsible for travel documentation. It also hosts the Directorate for Nigeriens living Abroad and the High Council for Nigeriens Abroad which are responsible for policies and programmes concerning diaspora relations. Relevant national ministries are also represented on the regional level through their regional antennas.

Furthermore, external actors have aimed to strengthen migration governance on the regional level. Two projects are exemplifying these efforts. Firstly, the GIZ-EUTF funded project Programme for the improvement of deficiencies in migration management (*Programme pour Améliorer la gestion des défis migratoires*, ProGEM) addresses migration management capacities in Agadez, Tahoua and Zinder. By building strengthening regional capacities to accommodate migrants, the project aims to contribute to fostering a homogenous understanding of what constitutes as a migrant. This, according to stakeholders active on the project, will also enable local authorities to better partake on national-level debates on migration.

Secondly, projects to strengthen Nigerien civil registries have been carried out by the EU and UNICEF since 2012 in cooperation with the Directorate for Civil Registries (DEC). They resulted in an increase of birth registrations from 39 percent in 2011 to 65 percent in 2014 (Minault 2016). Since 2017, UNICEF is working on a new three-year project financed by the EU which aims to further modernise the Nigerien birth registration system and led to the adaption of a revised civil status policy, civil status law and its implementation decrees at the beginning of 2019 (European Commission (DG DEVCO) 2019). A precondition to considering someone “a migrant” is the distinction for host and home populations. Given this project builds administrative capacities to register citizens, it might have an impact on societal conceptions of who is Nigerien and who is foreign.

2.2 Actors and agency migration governance

The low salience of migration within the Nigerien context is linked to the high relevance of other issues, such as the security situation, climate change and the fact that the Nigerien population are only marginally implicated in migration – and especially irregular migration. However, the raise of European interest funding in the field of migration governance has led to the proliferation of actors working on the issue.

Core actors that saw their presence drastically increase from 2015 onwards are the IOM and UNHCR and their implementing partners. Stakeholders criticized the asymmetric distribution of funding between international and national actors working on the issue and highlighted the importance of capacity building of Nigerien actors. Even international actors highlighted that limited knowledge amongst international actors on national legislation and institutions might result in misinformed policies (see also Boyer and Chappart 2018; Trauner et al. 2019).

Nigerien civil society organisations (CSOs) are implicated in migration governance to varying degrees. Several civil society actors have highlighted that the choice of organisations invited to policy formulation workshops is often politically motivated. An external observer noted that both inclusion to the elaboration process of the NMP depends on alignment with donor interests. Some CSOs even highlighted that organisations such as the IOM have either shunned or aimed to influence their work (see also Idrissa 2019). Furthermore, a general lack of clarity persists regarding the membership of the CSO network financed by the GIZ.

The membership to the national coordination platform on migration also mirrors political interests. While civil society leaders have demanded their inclusion, other stakeholders regretted the absence of West African diplomatic representatives in view of EU diplomatic presence. Interestingly however, some participating members stated that the CCM was open for anyone. The lacking clarity regarding its leadership (see above) and membership, might either be an indicator for the high politicisation of EU influence, or a general lack of transparency of who has the lead in governance processes.

Regarding the Nigerien ministerial side, some actors stated that there is no competition for leadership (and hence funding) on migration. A stakeholder from the Ministry of the Interior however stated that guarding their leadership “*c’est un combat toujours*”¹² (NGOVN9). The Ministry’s General Directorate for Civil Status, Refugees and Migration (DGECRM) previously only held the portfolio for internal migration and refugees, but their role in the field has expanded gradually. The reason why the MoI took the lead on general migration policy is attributed to their lead on the police and gendarmerie. This is an indicator for the extent to which migration policy is intertwined with security issues (see also Prestianni 2018).

Finally, projects have an impact on how migration is conceptualized by national stakeholders. Regarding the ProGEM project, a key objective is to reach a common migration vocabulary. This suggests that there might be a mismatch in the understanding of migration

¹² “It is always a struggle” (Translation from author), Nigerien Civil Servant, Interview, Niamey, 2019

between international and national actors. On the national level, actors working on the elaboration of the migration policy stated that the elaboration went in hand with so-called sensitization work, promoting a more holistic understanding of migration - that goes beyond irregular migration - has taken place. According to stakeholders involved in the process, this has been successful for the members of the CIM but not necessarily administrative stakeholders beyond.

2.3 Methods

This report is a qualitative study based on expert interviews. Fieldwork took place in March 2019 in Niamey, Niger. Primary data is derived from 41 interviews with policy makers (national and international), civil society leaders (national and international), and academic experts based in Niamey, Bamako, Brussels, Dakar, Leiden and Miami (see Appendix 1). We analysed the interview transcripts using Max QDA Software. Due to the political nature of the questions, most of the direct references have been removed and interviews have been anonymized. We asked interviewees to state their opinions in their private capacity and thus they will not necessarily be representative of their organisation.

Given the sensitive security context in which migration policies are closely tied to foreign policy interests of third states, it is not presumptive to conclude that information was partially withheld in interviews and some key stakeholders did not agree to interviews. In order to reduce potential bias, we undertook a triangulation between interviews using policy documents and secondary literature. The information derived from the interviews in Niamey is only indicative of dynamics beyond the capital as respondents themselves are often not directly informed. Further, Niger's migratory context is fast changing. This report represents migration dynamics until September 2019.

In a participatory process of evaluating our findings, the report was reviewed by a scholar with long-standing research experience on migration in Niger, Oriol Puig, and a dissemination event took place in Niamey in September 2019 to further verify our conclusions.

2.4 Structure of the report

The research follows a holistic understanding of migration encompassing emigration (both irregular migration and diaspora migration), immigration (primarily from neighbouring ECOWAS countries) as well as displaced people residing in Niger (with different groups of displaced people present in the South, North (primarily Agadaz) and the capital, Niamey. To start with, an overview section, see above, looks at efforts and trends in migration governance more generally, that crosscut the different types of migration.

The four sub-sections, 1) irregular migration, 2) displacement in Niger, 3) diaspora migration¹³ and 4) immigration to Niger, respectively deal with one dimension of Nigerien migration on three levels: governance, political stakes and societal relevance. The section on governance covers policy and legislative changes and new institutions in a given field. Under political stakes, political implications of the changes and their impact on wider inter-actor constellations will be discussed. Finally, we discuss the societal embedding of each of the different types of mobility.

Categorising people on the move is highly politicised and often analytically blurry. We acknowledge the overlapping nature between refugees and other migrants, the fact that categories are ultimately.. In this sense the categories used in this report correspond to governance structures rather than the individual trajectories of people on the move.

3 Irregular migration

Even though irregular migration has not been a priority for the Nigerien government, it became a primary focus of migration governance in the country from 2015 onwards. This stems primarily from the increased focus of European partners in this field of migration governance due to the country's position at the migratory routes from Western and Central Africa to Southern Europe (European Commission 2016b). Hence, irregular migration governance has primarily focused on transit migration towards Libya and Europe.

The fight against smuggling became a priority action in the EU's "migratory crisis" response and is enshrined in the EAM, the JVAP and the NPF. Cooperation with Niger on this matter has been generally deemed "successful" for the European Commission, as it led to the reduction of "irregular arrivals" (European Commission 2019b). The Agadez region bordering Libya is especially affected by policies targeting irregular migration governance – as also highlighted by the numbers: an estimated 340 migrants transiting Agadez daily in 2016 decreased to an estimated 40-50 transits per day a year later.¹⁴

Projects aimed to curb irregular migration make out a sub-set of the numerous and at times overlapping initiatives taken to foster the capacities of Niger's security forces. This interaction of different external and national security actors in West Africa and Niger has been captured in the concept of *security assemblages* (e.g. Raineri 2018; Sandor 2016). This

¹³ Diaspora is a term which is not usually used in the literature on Niger. It is used in uniformity with the other WAMIG reports and captures emigration from Niger which is often regional, circular and mobility that is both formal and more informal.

¹⁴ While the European Commission has praised decreasing numbers of migrants transiting Niger (European Commission 2016a). Others warn of the flawed nature of these numbers. They are retrieved from the Flow Monitoring Points (FMP). Funded by the EU, the US, the Netherlands and the UK, FMPs have been erected at strategic transit points from 2016 onwards. Through the FMPs the IOM is monitoring intra- and inter-regional mobility trends (IOM 2018). However, most of the routes have shifted because of the implementation of the 2015 law, and commentators and a Nigerien academic interviewed highlighted that this curtails the representativeness of the data (see also Siegfried 2017).

concept describes the complex actor-constellation in the field, stating that security assemblages are “constitutive of multi-sited institutional orders that link the governance, spaces and practices of both governmental and non-governmental actors across disparate political jurisdictions, balking neat sovereign delineations” (424: Sandor 2016). The overlapping nature of actors and orders is also important when considering securitized approaches to irregular migration governance in Niger. It has led to a partially fragmented response in which diverging rationales between different actors compete.

3.1 Governance

Niger’s legal framework on irregular migration was already strict prior to the adaption of the 2015 anti-smuggling law (*Loi* N° 2015 - 36). As laid down in its 1981 legal framework (Ordonnance N° 81 - 40) both irregular stay, entry and its facilitation have been punishable with a two month to two-year prison sentence and fines amounting to FCFA 250,000 (Article 11 - 13). However, these rules have hardly been implemented (Mounkaila and Maga 2010). The adoption of Niger’s anti-smuggling law in 2015 increased these fines drastically and defined criminal defences in more detail.¹⁵

The EU strongly supports the implementation of the anti-smuggling law, through capacity building of Nigerien actors as well as financing the formulation of the National Strategy for the Fight against Irregular Migration. The International Centre for Migration Policy Development’s (ICMPD) Migration EU expertise Initiative (MIEUX) was tasked to formulate this strategy with Nigerien stakeholders in the framework of the CIM in 2016 with financial support from the EU (ICMPD 2016).¹⁶ Because the smuggling law directly threatened the income generated by the mobility industry the European Commission also developed projects for the creation of alternative incomes to compensate the losses caused (European Commission 2016c).

Key Ministries that have received support to ensure the implementation of the law were the Ministry of Justice – where programmes have focused on capacity building of the criminal justice system and the Ministry of the Interior, where numerous projects aimed to foster border control. Additionally, European actors have become increasingly directly involved on the ground. A crucial issue related to irregular migration governance which is not directly related to EU support is the forced returns from Algeria. To provide assistance to transit migrants that were either deported from Algeria or stuck as a result of the implementation of the 2015 law, so-called IOM run transit centres have been erected with EU support.

¹⁵ Sentences of 5 to 10 years’ imprisonment and a fine from one to five million FCFA for facilitating the irregular entry of a third country national (Article 10), three to seven years’ imprisonment and fines from one to three million FCFA for the possession or distribution of fraudulent documents and finally (Article 11), fines from 500.000 – 2 million FCFA and imprisonment from two to five years for facilitating the irregular stay of third country nationals (Article 12).

¹⁶ The strategy has four axes: border management, prevention, investigation, prosecution and protection and return and reintegration.

The Ministry of Justice's National Commission for the Fight against Trafficking in Persons (*Commission Nationale de coordination de Lutte contre la Traite des Personnes*, CNLTP), is the main institution elaborating smuggling (and trafficking) policies and action plans. The National Agency for the Fight against Trafficking in Persons and the Illicit Transport of Migrants (*Agence Nationale de Lutte contre la Traite des Personnes et le Trafic Illicite des Migrants*, ANLTP) serves as a permanent implementing body. Both were founded in 2013, initially focusing on trafficking in persons, with smuggling added to their mandate in 2015. Both received direct financial support under the EUTF funded AJUSEN (Appui à la Justice, la Sécurité et la Gestion des Frontières) project. The general aim of the AJUSEN project is to build the capacities of Niger's criminal justice system allowing for the full implementation of the national strategy to counter irregular migration. Key objectives are to improve the functioning of the courts, to streamline pre-trial detention, to improve information management within and between jurisdiction and to offer support in regard to human resources (Commission 2017).

The border police, which falls under the MoI is another key actor that has received substantial financial and technical support from 2015 onwards. Projects supported include initiatives to foster data management, border control infrastructure, institutional reform and policy elaboration, as well as numerous training sessions offered by different actors. Capacity building in the field of border management had already seen prevalent intervention prior to the 2015 – "crisis" and is not linked to migration alone. A mapping identified a total of 34 border capacity building projects covering the period from 2007 - 2017 funded by the EU and other donors (Bergmann et al. 2017).

Improving biometric data collection at border crossing points has been a central element to foster surveillance as well as data exchange between Nigerien and external stakeholders. A representative from the security services, who spoke off the record, stressed that prior to 2016 no data was collected at border crossing points. This makes the launch of several initiatives to install so-called entry-exit data systems a critical change in Niger's migration flow monitoring capacity. Among the newly installed systems is the IOM's Migration Information and Data Analysis System (MIDAS), installed at border posts and the central office of the border police since 2016 (IOM 2018).¹⁷ Another entry-exit data management system is the US Personal Identification Secure Comparison and Evaluation System (PISCES) which has been interoperable with MIDAS since March 2019 (Zandonini 2019b; 2019a). Data derived from both entry – exit systems is analysed within the EU funded and equipped Africa Frontex Risk Analysis Cell (AFIC), which is run by national border agents based at the national border police in Niamey and operational since November 2018 (Frontex 2018).

According to one respondent, a framework agreement on collaboration and information sharing was elaborated between Frontex and the Nigerien police at the time of research.

¹⁷ In 2016 the MIDAS system has been installed at the DST, at the Kongokiré Police Border Post (Tillabéri), 2018 at Makalondou (Zandonini 2019b). The planned further installation of the MIDAS system at Niger's Southern border to Nigeria is reportedly impaired by security considerations, small numbers of people using the posts for border crossings and the need to renovate structures (Zandonini 2019a).

Meanwhile, an internal Frontex document reportedly revealed that data from MIDAS and PISCES will be accessible to the Agency through AFIC (Zandonini 2019a). While Frontex has insisted that personal data will not be collected through the AFIC, an IOM programme coordinator has been quoted as saying: “If a European country has a migrant suspected to be Ivorian, they can ask the local government to match in their system the biometric data they have. In this way, they should be able to identify people” (Zandonini 2019b).¹⁸ Notably, CIVILPOL, a core implementing partner for EU border capacity projects already stated in 2003, in a feasibility study on maritime borders, that the physical border should be reinforced with a “virtual border” further south (Akkerman 2018). Furthermore, respondents stated that the integration of the Nigerien and Nigerian MIDAS systems is planned in the future in order to enhance cross-border persecution of trafficking networks.¹⁹

Initiatives have also focused on the erection of border posts as such. The IOM Immigration and Border Management Unit constructed its first border post in 2016 at Kongokiré (Tillabéri region) followed by a second construction at Gaidam (Diffa) in 2017 (IOM 2018). Prior to that the GIZ built three additional border posts funded by the German government and six others co-founded by the EU.²⁰ At the time of research the IOM was in the process of building six further border posts at the border with Nigeria and one at the border with Algeria.²¹ Additionally, the EU military mission EUCAP Sahel Niger has equipped a total of 31 border posts (EEAS 2019b).

Additionally, communication between border posts is being improved by the establishment of a so-called mixed operational centre (Commission 2017). The IOM is further building the headquarter for the mobile border police unit – a EUCAP Sahel project financed by Germany, Belgium and the Netherlands, which aims for more than 250 police officers patrolling Niger’s border (EEAS 2019a). Additionally, two mobile border posts –MIDAS equipped trucks – financed by Canada will be deployed along the desert trails to Libya and Algeria. Mobile border policing has also been supported by the EUCAP mission (EEAS 2019b). Furthermore, under the regional EUTF-funded project GAR-SI Sahel (Groupes d’Action Rapides – Surveillance et Intervention au Sahel) mobile gendarmerie units are being built, among others to foster border controls and combat human, drug and weapon trafficking and human smuggling (European Commission 2019a).

Institutional reform and policy formulation have been central in border capacity building. Regarding the former, at the time of research the IOM worked to replace the police officer rotation scheme with a permanent deployment of police officers at border posts in order to prevent the loss of knowledge in moments of rotation. Furthermore, the formulation of Niger’s national border policy takes place in close cooperation with the National Border Commission and is supported by the GIZ and the AFD (GIZ 2017; Ministère des Affaires

¹⁸ New Frontex Regulation: Frontex will be able to restrict certain data protection provisions enshrined in EU law, specifically related to the protection and access to personal data in order to better identify those to be deported. This will allow the transfer of personal data of returnees to third countries.

¹⁹ This process has to be preceded by national data protection law changes.

²⁰ Further clarified via e-mail with Mdaihl, Marina, GIZ.

²¹ Further clarified via e-mail with Amieux, Babtiste, IOM.

Etrangères et du développement international 2017).²² The aim of the strategy is to create an institutional and legal framework for the movement of goods and people and to stabilize cooperation between Niger and its neighbouring states (GIZ 2017). It was approved in 2019 (ANP 2019). Illustrative of Niger's security assemblage, another Draft National Border Security Strategy supported by the US has been concluded (United States Department of State 2018). Moreover, the IOM envisages the development of a desert border strategy, which will take account of border management in desert border zones.

Besides, building the capacities of Nigerien security forces, the scope of European actors' direct involvement on the ground is growing. In the framework of the EUTF funded Joint Investigation Team (JTI), three French, three Spanish and twelve Nigerien policemen have been carrying out common operational activities linked to irregular migration, documentary fraud and dismantling smuggling since 2017. Additionally, the JTI conduct capacity building of Niger's national police service – including in the field of border management. The JTIs are considered successful, for dismantling 33 criminal networks and the conviction of 210 so-called smugglers. As a result, funding was increased by 5.5 million euros from the EUTF in 2019 (European Commission 2019c). Additionally, Italy was the first country to send a military mission to Niger with the official main focus to combat smuggling and trafficking in 2018 (Tiekstra and Schmauder 2018). Upon her visit to the mission in February 2019, Italian Defence Minister, Elisabetta Trenta, stressed the importance of the mission “to slow down and mitigate uncontrolled migrant flows towards our country” (Ministry of Defense 2019).

A salient issue related to the governance of irregular migration which is not linked to European involvement is the forced returns from Algeria to Niger that take place following a 2014 agreement between both countries. The agreement was reached as a response to the growing numbers of Nigerien women and children begging in Algeria's coastal cities (see also diaspora migration). While the agreement does not account for the return of third country nationals, these took place from 2016 onwards (see also Amnesty International 2018b). In 2018 alone, 25,000 migrants were expelled from Algeria to Niger, going up from 17,800 in 2017. While most people returned were from Sub-Saharan Africa, in 2018 Syrians, Yemenis and Palestinians were also among those returned (ECRE 2019). In view of lacking individual risk assessments and due process guarantees, human rights defenders have warned that forced returns from Algeria amount to breaches of non-refoulement (Amnesty International 2018a; Morales 2018). Returns of Nigeriens and non-Nigeriens are governed differently. Nigerien nationals are brought to the Nigerien city of Assamaka from where they are brought by Nigerien security forces together with IOM to Agadez. From there, they return to their regions of origin. Non-Nigerien migrants are expelled, Nigerien military is not given notice, and returnees are brought to Tamanrasset, (still in Algeria) where they are loaded on trucks and brought to “point zero.” From where they have to walk 26 km to reach Assamaka. The

²² Note: while one project description states policy and the other strategy it has been verified via mail that it is the same project as well as the current state of adaption (personal communication with GIZ via e-mail, 24.05.2019).

first point where deportees can get assistance is the IOM transit centre in Arlit, which they are left to reach on their own.

Both, migrants returned from Algeria and those that remain stranded on the routes following the criminalisation of the transportation business, can access support in six so-called transit centres. These are financially supported by the EU and run by the IOM and provide food, water, shelter, medical and psychological support, as well as assistance with travel documents. However, according to the UN Human Rights Rapporteur, assistance in the centres is conditional upon signing up for assisted voluntary return and reintegration (AVRR), illustrative of the link between humanitarian discourse and a migration control agenda emblematic of actors such as the IOM (Brachet 2016). As of October 2018, a total of 11,936 migrants have been returned as part of the IOM's AVRR programme since 2015 (Morales 2018) and Niger counts the second highest number of AVRR from its territory in 2018, after Germany (IOM 2019c). To account for those stranded in the desert the IOM has launched search and rescue operations in cooperation with the General Directorate for Civil Protection (*Direction Générale de la Protection Civile*, DGPC) since 2016. As of June 15, 2019 nearly 20,000 people have been rescued in the desert by the IOM since April 2016 (IOM 2019a). According to IOM numbers, 98 percent of all migrants rescued decide to join the AVRR programme illustrating the strong return bias in the organisations humanitarian assistance (IOM 2019a). As laid down in the IOM-UNHCR Standard Operating Procedure concluded in 2016, referral procedures between both Agencies have been established aiming to ensure access to the refugee status determination procedure of potential refugees in the IOM transit centres (IOM and UNHCR 2016; see also Bellucio et al. 2019).

3.2 Political stakes

A core criticism raised by Nigerien civil society actors and academics on the country's irregular migration policy has been the agenda setting of European stakeholders. Especially strong discontent exists with regard to the order of national migration policies development. While the more encompassing NMP has been put on hold, the sectorial national strategy for the fight against irregular migration could be adopted rapidly. A civil society actor stated: "*On a fait les filles avant la mère, c'est pas logique.*"²³ Stakeholders indicated that the order of the policies mirrors the European interest and pre-occupation with transit migration, "*ça montre l'intérêt de l'autre.*"²⁴ Considering this widely shared criticism towards European agenda setting, the pressing question to why the Nigerien government follow suit remains.

This research found that, the Nigerien government on the one hand has been sure to claim ownership in order to limit any damage to their own legitimacy. On the other hand, they are dependent on external funds and can use the law (and funds) to strengthen their regime.

²³ "We created the daughters before creating the mother, this is not logical," Nigerien Civil Servant, Interview, Niamey, March 2019.

²⁴ "This shows the interest of the other", Nigerien Academic, Interview, Niamey, March 2019.

Firstly, in terms of the origin of the law, critical Nigerien activists – much like researchers on the topic (for example Molenaar 2017; Raineri 2018) argue that the creation of the law is down to pressure from the EU, and is thus dominated by external interests. Nigerien government actors are quick to deny this in order to reinstate their own legitimacy. Political elites in Niamey even go as far as to claim that the CSOs now criticising the law, were involved in the adoption phase themselves. This allegation has been heartedly denied by the organisation in question. Another strategy from government actors in explaining their role is to stress their authority in developing the law. Although the role of the UNODC in supporting the draft of the law is relatively uncontested, government actors stress that they have not “decided for them”.²⁵ By this, they stress that the content and origin of the law was in their hands. Moreover, particular discourses and imagery are used to legitimise the unpopular legislation. This includes the discourse of migrants posing a security threat on the one hand as well as the need to protect migrants from the dangers of irregular migration on the other, hence evoking a discourse of simultaneously “criminalizing” and “vulnerabilizing” ‘irregular’ migrants.²⁶ This underlines a more general approach by the Nigerien government to justify their cooperation with the EU based on humanitarian / ethical arguments (see also Idrissa 2019). In regard to the latter, reference is made to a 2013 incident in which a group of over 90 abandoned migrants died in the desert. This incident is widely portrayed as a trigger for legislative measures aiming to enhance protection for migrants by increasing the persecution of smugglers.²⁷

Secondly, our research showed that financial incentives as well as strategic calculations linked to internal political power struggles are important incentives for the government to adopt the law and the ensuing projects that followed to foster its implementation (see also Raineri 2018). A respondent stressed : *“cette affaire est aussi devenu un business pour eux.”*²⁸ Others stressed that the external support that the president received from European actors would strengthen his position within the country – as being a crucial partner for the EU would decrease the risk of another coup attempt. For this tactic to work a delicate balance needs to be struck to accommodate the interest groups divergently affected by the legal changes, the law enforcement agencies and the former rebel leaders and smugglers in the Agadez region. One strategy to do so is “pretending to care” about irregular migration (see also 13: Molenaar 2017). However, with ever evolving capacity building and increasingly direct action to support its enforcement, this strategy might not work in the long run.

Numerous concerns have been raised on the effects of the 2015 law most notably on national security, regional cohesion and human security on migratory routes (see also Stambøl 2019b). A pressing issue is its potential long-term destabilizing effect. Being the

²⁵ “ils ont pas décider pour nous” Nigerien Ministry of Justice, Interview, Niamey, March 2019.

²⁶ Mounkaila depicted the framing of irregular migration as one of “criminalisation” and “vulnerabilisation” at the WAMIG Dissemination Event in Niamey, September 2019.

²⁷ Though recent research argues that the immediate response to the tragedy which led to the ad hoc arrest of smugglers and the closure of ghettos was induced by the EU (Raineri 2018).

²⁸ This issue has become a business for them”, Nigerien Civil Society Organisation, Interview, Niamey, March 2019.

major transit hub, the transportation business was an important income source for the region's Touareg and Tubu communities (Tinti 2017). Observers warned that decreasing revenues resulting from the criminalisation, might threaten the delicate balance between Tuareg and Tubu leaders as well as between former Tuareg rebels and the central government (Tubiana, Warin, and Saeneen 2018). On the backdrop of two Tuareg rebellions, this balance has been upheld by the integration of former Tuareg rebel leaders into the political system. Furthermore, most former Tuareg rebels were, after signing the peace agreements, not integrated into armed forces but instead encouraged by the government to take up the transportation business. To not threaten the fragile peace agreement (Tubiana 2017), a lot of 'smugglers' arrested have been from the Tubu communities – straining inter-community relations (Molenaar et al. 2017).

Another crucial factor that may affect the stability is the failure of aid funds to offset the losses caused by the law. They have not only been limited in number and quantity (see also Prestianni 2018). This may, as one respondent suggested, lead to the whole economy becoming criminal with profits from transporting irregular migrants exceeding possible compensation amounts. Indeed, since early 2017, reports of smugglers turning to road banditry, drug and alcohol trafficking have become more frequent (Tubiana, Warin, and Saeneen 2018). Research further found that the law has led to a "professionalization" of the smuggling business, where fewer smugglers operate under more pressure of being arrested (see also Stambøl 2019). With some missing out, respondents suggested that recruitment of insurgency groups in the Agadez region may increase consequently. At the same time, a European diplomat stressed the strategic use of the "compensation aid" discourse employed by representatives from Agadez. According to the respondent, negative repercussions of the law are allegedly overestimated in order to obtain more funding for their region. Additionally, European policy makers stress that the effect of development aid will only evolve slowly, while the implementation of the law had an immediate consequence.

Interestingly, it is more likely that the negative financial effects of the law will, in the short term, be "compensated" by corruption, rather than the "compensation funds" offered by the EU. Observers have pointed to the strong connections between the smuggling sector and law enforcement authorities, who mutually profit from each other (see also Molenaar 2017; Raineri 2018). Some even suggested that national security forces would not be functional without the bribes derived from smugglers and highlighted the need for compensation of elements of the armed forces in order to prevent another coup (Tinti and Westcott 2016). The attempt to balance out these diverging negative effects of the law has, according to research, led to its "biased and distorted" implementation (82: Raineri 2018). On the regional level, an important issue has been the effects of the 2015 law and ensuing border capacity measures on the ECOWAS Free Movement Protocol. While most actors interviewed raised concern over de-facto border controls already starting after Agadez. Given that Agadez is not close to the border, this infringes the ECOWAS Free Movement Protocol. Different interlocutors -

especially from the EU and ECOWAS - gave different locations for border controls (including Arlit and Dirkou), which points to the contested nature of border controls in Agadez.²⁹

An important point of contestation of the 2015 law is its effects on the human security of migrants themselves and the return bias of humanitarian assistance offered to migrants. The criminalisation of smuggling has also led to the police's increased ability to extract higher bribes for onward movement, which results in routes becoming more dangerous as well as travelling services more expansive. This process has been referred to "clandestinisation of routes" (Brachet 2018). Thus, migrants have become more vulnerable at the hand of security forces and "travel agents" and risk (unlawful) detention. In the absence of other services for migrants, IOM's transit centres are often the only option left for those stranded in Agadez as a result of increased controls and raising prices. With services only available to migrants on the condition of "voluntary" return, this builds in a strong return bias of provision of humanitarian aid. In its implementation of "voluntary" return, long waiting times have resulted in frustration. Human rights bodies have further warned of "voluntary" return to be carried out without human-rights based effective individual assessments leading to very low-numbers of referrals for asylum/refugee status determination (Morales 2018).

The deportations from Algeria are another issue that puts the human security of returnees, Nigerien and non-Nigerien, at stake. Unsurprisingly they are very unpopular among Nigerien civil society organizations and politicians. According to the official discourse, the humanitarian narrative is evoked, namely where the same 2013 protection incident which led to the adoption of the anti-smuggling law was also a factor leading to the return agreement. Notwithstanding, that forced returns are not in the interests of the Nigerien government, respondents stated that the governmental response on the matter remained timid. Mohamed Bazoum, Nigerien Minister of the Interior responded to waves of third country deportees in 2018 publicly that Niger was willing to accept irregular staying Nigerien nationals but not third-country nationals (Amnesty International 2018a).

In a context of a growing contestation of international military presence on Nigerien territory (Jeune Afrique 2019), specific migration related security interventions – such as the JTIs or the Italian military mission receive little societal attention. When looking at the JTIs, it is interesting that "discretion" to avoid public attention is stated to be a key objective of the initiative (European Commission (DG DEVCO 2017). While not widely debated in public, internal concerns have been raised the country's security forces seem to have accompanied the establishment of the joint police units. An interviewee indicated that questions linked to sovereignty were a reason for discontent over the mission. While official contestation existed in view of the establishment of the Italian mission, it was more linked to foreign powers competition over influence in the wider region, than Nigerian contestation of the mission as such. A reason for the first refusal of the Nigerien government to Italian proposals to launch the mission, was France's discontent over the mission due to their and Italy's diverging foreign policy interest in Libya (Tubiana, Warin, and Saeneen 2018). More generally, several

²⁹ For a more detailed analysis of the effects of post-2015 EU policies on the ECOWAS free movement regime see Uzelac (2019).

interviewees and observers suggested that this might be an indicator that migration related interests serve as a pretext to legitimize militarized interventions following less pronounced objectives (see also Prestianni 2018). Vice-versa, also military operations without a pronounced migration component threaten to alter migratory movements in the future: in the field of migration, the US drone airbase, under construction at the time of research in Agadez, could also have an impact on migratory movements, as research warns over migrant caravans being easily mistakable with combatants (Ajala 2018).

3.3 Societal relevance

Irregular migration has traditionally not been a problem for Niger, but an important income source, which is said to have even been promoted by the government in the 2000s. Especially, in cities such as Agadez where many former Tuareg rebel leaders had reintegrated into the city's booming tourism industry (Kohl and Gaulier 2013). This industry disintegrated after the outbreaks of the civil wars in Mali and Libya in 2011 and was replaced by transport businesses. The migration economy was and is of importance to Agadez and also includes businesses not directly involved in the transportation, such as shops, restaurants, landlords etc. The implementation of the 2015 law resulted in a decline of their profit margin and made the city's population and authorities especially averse to the legislative change.

A measure to directly impact Nigerien societal perception on irregular migration and (potential) migrants' decision to continue their journey are an abundance of so-called sensitization campaigns carried out in Niger. The general aim of these campaigns is to dissuade "potential" migrants from taking irregular migration paths by informing addressees on potential risks (Nieuwenhuys and Péroud 2007). Usually funded by the EU or its member states, these campaigns might take the form of movie screenings, distribution of leaflets, establishment of hotlines or concerts – often through cooperation with wide-ranging actors: including international and national civil society organisations, artists and returnees.³⁰ Respondents highlighted that often financial incentives are given to individuals that take part in sensitization activities, as an additional motivation to attend. Furthermore, often national CSOs running the sensitization exercise are paid to do so.

This allegedly often led to a strategic adaption of beneficiaries of funding to a more anti-migration discourse. A representative of a critical civil society commented: *"ils achètent des gens pour dire qu'il faut arrêter la migration irrégulière. C'est une politique de corruption. Ils mettent d'argent sur la table pour les acheter"*³¹ More critical actors of Nigerien civil society organizations generally perceived these campaigns as a deterrence strategy. Interestingly research on information campaigns highlighted the role of sensitization campaigns in

³⁰ An example is the sensitization campaigns organized under the EUTF funded Response Mechanism and Resources for Migrants (MRRM) project by IOM informing migrants. Under the initiative 53 000 migrants have been targeted between April – November 2017 alone (EEAS 2017).

³¹ "They buy the people to make them say: we need to stop irregular migration. This is corruption. They put money on the table to buy them" Nigerien Civil Society Organisation, Interview, Niamey, March 2018.

diffusing the boundary of dissuasion and interdiction, laying ground for more restrictive policy measures to follow suit (Nieuwenhuys and Pécoud 2007).

Notwithstanding criminalisation of parts of the transport business and information campaigns, respondents stressed that the attitude towards migrants itself has not changed in Niger, noting that the Nigerien population is not at unease hosting migrants. An exception are groups perceived security threats (see also Displacement in Niger). It is interesting to note here that government actors stressed the obligation of returnees - usually returnees from Algeria but also from Libya and Mali - to go back to their country. This highlights the temporal acceptance of their stay in official discourse. Others pointed out that while there is no hostility towards migrants, there is an increasing hostility towards international aid supporting migrants without taking account of the needs of the host population.

An open question persists regarding the gap between border policies in practice and on paper. While a range of measures have been implemented to foster border control, their actual visibility in many regions seems to remain limited. A respondent from Diffa stressed that, rather than border posts a more important factor restricting free movement in his region was the Emergency State. Other actors stressed that it was not the fostering of border control that negatively impacts intra-ECOWAS mobility, but the corruption at the border posts (see also Wangara 2019).

Regarding the actual governance of border posts, respondents working for the government and international organisations highlighted the importance of valid documents as a condition to enter the country, a practice that seems detached from reality. An underlying reason for this is the additional income source of bribes. Respondents also highlighted that what determines a border crossing is not the papers, but the payment issued. Following from this, no distinction is made on protection needs. This might also be related to the fact that most people crossing do not possess identity documents, something not uncommon in the Nigerien context.

While the building of checkpoints is not likely to curb the mobility of local populations in zones where ethnic affiliation is cutting across nation states, they still risk separating families that may live on both sides of a newly established border post and might negatively affect economic systems in the border zones, which rely on cross-border exchange. In this sense, border policies aimed at regulating mobility stand conflict with local realities.

3.4 Conclusion

The facilitation of irregular border crossings was already criminalized prior to the 2015 law. However, with the new legislation fines were increased drastically. The EU supported its implementation through funding measures such as capacity building of the Nigerien criminal justice system and reinforcing border control. With the implementation of the law remaining

“biased and distorted” European actors increased their direct operational capacity on the ground.

The government has claimed ownership over the anti-smuggling agenda, which, through increased state capacity building also contributes to strengthen their regime. However, this is based on a fine balancing act, as security forces and former rebel leaders are interwoven in the criminalized transportation business. A strategy of the Nigerien side has been to pretend to care, also mirrored in the fact that smuggling has not stopped but merely become more professionalized and travel more expansive and dangerous for migrants. Meanwhile, the adoption of the strategy on irregular migration prior to the conclusion of the NMP has received wide criticism from Nigerien civil society and transit migration constituted an important income source in the Northern region of Agadez.

Forced returns from Algeria have been another crucial issue regarding the governance of irregular migration in Niger and received both criticism by civil society actors and government officials. Both, migrants stranded due to the increased prices of smuggling and non-Nigeriens returned have access to humanitarian assistance through IOM’s transit centres. This assistance however, has a strong return bias.

4 Displacement in Niger

Displacement has become an increasingly important issue in Niger. In 2008 Niger hosted 198 refugees (Di Bartolomeo, Jaulin, and Perrin 2011). This number has risen to 398, 176 persons of concern to UNHCR as of May 2019 (UNHCR 2019a). Additionally, as of December 31, 2018 a total of 156,000 people were internally displaced in Niger (IDMC 2018).

The six regions, Agadez, Diffa, Maradi, Niamey, Tillabéri, and Tahoua, are the main regions hosting displaced populations with different types of governance and respective challenges. Accordingly, two different sets of displaced populations can be noted, **firstly refugees from the Sahelien neighbours (Mali, Nigeria and Burkina Faso)** and **secondly, refugees from Libya**.

With regard to the former, Niger’s South-Western regions mainly host forcefully displaced populations related to the Sahel crisis in a quickly evolving displacement context, including both refugees and internally displaced persons (IDPs). The displacement situation in **Diffa**, a region located at the border to Nigeria, is affected by the Lake Chad Crisis and Boko Haram’s activities in Northern Nigeria. As of April 2019 there are a total of 118 868 refugees in the region, mainly from bordering Nigeria as well as 104 288 IDPs (UNHCR 2019a). In 2018, refugees made up an estimated 13 percent of the region’s total population. The situation has drastically worsened, and because of the lack of livelihood opportunities and deteriorating security, repeated displacement takes place. Unrest and criminality in neighbouring Nigeria also led to an influx of displaced populations in **Maradi and Tahoua**. As of July 2019 alone, UNHCR registered 35,055 newly displaced Nigerians in the Maradi region (UNHCR 2019c)..

In April 2019 this year at least 70 305 people have been internally displaced in **Tahoua and Tillabéri** due to attacks and insecurity. Additionally to displacement from Mali, Tillabéri has been hosting an increasing number of displaced populations from Burkina Faso. As of April 2019 a total of 446 Burkinabe households have arrived in the region (UNHCR 2019a). By the end of May another 2,190 people have crossed the border from Burkina Faso while an additional 1,1013 Nigeriens have been displaced in the region (UNHCR 2019b).

Secondly, a new displacement situation has been unfolding in Agadez and Niamey linked to the deteriorating situation **in Libya**. On the one hand, refugees and asylum seekers have been evacuated by the UNHCR under the EU funded Emergency Transit Mechanism (ETM) to Niamey. As of May 2019, a total of 2,782 people have been evacuated to Niger of which 1,378 have been resettled (UNHCR 2019b).³² On the other hand, there has been an increase of refugees in Agadez returning on their own terms from Libya, with UNHCR recording 1,559 (mainly Sudanese) refugees in April 2019. Beyond ‘self-evacuation’ from Libya³³, these refugees also come to Agadez from Sudan and Chad (see also Molenaar and Ezzedine 2019). In addition to seeking out relative security, these refugees are also influenced by misinformation according to which an asylum application in Niger would quickly lead to resettlement in Europe (Molenaar and Ezzedine 2019).

4.1 Governance

Niger is both signatory of the 1951 Geneva Convention (and its 1967 Protocol) and the 1969 Convention from the Organisation of African Union (OAU) and transposed both into national law.³⁴ The latter offers a legal framework for a *prima facie* acceptance of refugee status on the basis of conflict in their country, rather than dealing with asylum cases individually.³⁵ The National Refugee Status Determination Commission (Commission Nationale d’Eligibilité au Statut des Réfugiés, CNE), is responsible for refugee status determination. It is technically and financially supported by UNHCR, who accompany the CNE in the asylum determination procedure.

The CNE falls under the MoI’s General Directorate for civil registries, migration and refugees (*Direction Générale de l’Etat Civil, des Réfugiés et des Migrants*, DGECRM) which includes the Directorate for Refugees (*Direction des Réfugiés*, DR). The DR is the key state actor in charge of governing refugee issues. IDPs (Internally Displaced Persons) fall under the responsibility of the Ministry of Humanitarian Action. In December 2018 Niger passed a new law on the assistance and protection of IDPs based on the Kampala Declaration³⁶, making Niger the first country in Africa to adopt the declaration into national law. Beyond these

³² To Belgium, Canada, Finland, France, Germany, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the United States.

³³ Advisor European Parliament, Interview, Brussels, January 2019.

³⁴ Loi 1997 – 016 du 20 juin 1997 portant statuts des réfugiés.

³⁵ This expands the definition of refugees of the 1951 Geneva Convention (and the additional 1967 Protocol).

³⁶ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa adopted in 2009.

overarching instruments the governance of displacement is carried out in three major ways: providing housing and humanitarian assistance to those displaced, processing and identifying refugees. Additionally, measures have been taken to improve coordination among development and humanitarian actors.

Overall, the capacity of humanitarian actors to respond to the needs of local and displaced populations is impeded by severe funding gaps. A trend of simultaneously decreasing funding and increasing presence of displaced populations could be observed during the past five years. As of June 2019 only 23 percent of the amount needed to implement the Humanitarian Response Plan was covered (OCHA 2019b) and at the same time UNHCR faced a funding gap of 56 percent to cover its operational capacity in Niger in 2019 (UNHCR 2019b).

Provision of housing and humanitarian assistance

While the security situation at Niger's Southern borders is deteriorating the UNHCR plans to improve access to shelter and local integration of Nigerian refugees in Diffa, and foster local integration of Malian refugees and urbanisation of camps in Tahoua and Tillabéri.

Most refugees and IDPs in Diffa are hosted by local communities. According to a 2017 needs assessment, 75 percent of refugees in the region needed shelter and 55 percent required non-food-items (UNHCR 2018a). This situation is likely to worsen through the recent spike in displacement. In addition to providing community-based interventions like water and sanitation infrastructures, more shelters are being built in the region's biggest refugee camp, the Sayam Forage camp, which hosts about 15,000 displaced. Displaced populations in Diffa face significant shelter needs. Local integration and self-reliance is a key objective of UNHCR in this region with projects also responding to the needs of the host population. Initiatives developed to foster local integration and self-reliance include the facilitation of microcredits and funding for new businesses. These measures will be coupled with advocacy for land access through the permanent urbanisation programme, which will also be beneficial to the host population. In Tahoua and Tillabéri, UNHCR also aims to integrate Malian refugees, seeking to foster self-reliance and close camps by the end of 2020 (UNHCR 2018c, UNHCR 2019a).

In Agadez refugees are housed in a variety of different types of accommodation, depending on their status. Most informal are the '*cases de passage*', the informal ghettos for transit migrants or so-called *site de refoules* a temporary housing facility for returnees from Algeria.³⁷ As of April 2019, about 200 refugees, mostly Sudanese, in vulnerable situations have been hosted in guest houses in Agadez (UNHCR 2019a). The humanitarian centre, 13 km outside of Agadez, hosts the bigger proportion of "self-evacuated" Sudanese nationals. As of April 2019, 1300 asylum seekers were living there. There is no sustainable long-term solution in sight for the people staying in the humanitarian centre – while they undergo the lengthy asylum procedure local integration prospects are limited and they are not in view of realistic resettlement prospects. There are also a decreasing number of refugees in Niamey, who have been evacuated from Libya under the ETM. Initially these evacuees stayed in the capital itself

³⁷ And a small number of refugees, mostly from Cameroon.

but at the time of research, a new transit centre was built outside Niamey in Hamdallaye. The first group of refugees have been transferred to the centre in the beginning of March 2019 and by the end of April more than 900 refugees have been transferred to Hamdallaye (UNHCR 2019b).

Processing and identifying refugees

There are two different identification procedures for refugees, prima facie recognition and the individual status determination procedure through the CNE. At the time of research Malian refugees, mainly in Tahoua and Tillabéri, were the only group which is recognized prima facie. Nigerian refugees mainly based in Diffa can, since 2014, apply for temporary protection through the individual status determination procedure. In an effort to issue biometric identity documents to refugees in Diffa a registration exercise using the Biometric Identify Management System (BIMS) took place for several months in 2017 – 2018. Measures to build recognition for the new documents among security forces have been carried out in parallel (UNHCR 2018a).³⁸

In Agadez, the Nigerien government has started to accept asylum requests from Sudanese self-evacuees since 2018. According to media reports, the slow pace of processing is linked to lengthy security screening and high levels of displacement in the other regions of the country (Reidy 2019).

Evacuees under the ETM are either already processed by the UNHCR in Libya and await interviews with resettlement states in Niamey or will be fully processed by the UNHCR in Niger. According to the initial agreement between UNHCR and the Nigerien government, a maximum of 600 evacuees are permitted to reside on Nigerien territory at the same time, with exceptions authorised in cases of humanitarian emergency situations (UNHCR and Ministry of the Interior Niger 2017). The initial agreement also limits the stay of evacuees to a maximum of six months, extendable in exceptional circumstances and on an individual basis. While the 2011 UNHCR Guidance Notes on Emergency Transit Facilities (ETF) – which also apply to ETMs – stresses the need of offering a resettlement spots to evacuees, the Nigerien government does not oppose the principle of granting asylum to evacuees that do not match resettlement requirements of third states. However, as highlighted in the initial agreement, they can only receive the right of residence for transit purposes.

³⁸ With the exception of those who have committed crimes against humanity, war crimes or crimes against peace, or have acted against the interested of the AU or the UN or committed a serious crime prior to their arrival. They have to undergo an individual refugee status determination procedure (Decree No. 142/MI/SP/S/AR/DEC-R 2012).

Box 2:

Emergency Transit Mechanism (ETM) Niger - UNHCR

Since November 2017 the UNHCR has been evacuating vulnerable refugees and asylum seekers detained in Libya to Niamey under the EU funded Emergency Transit Mechanism (ETM). The ETM is founded on the understanding that refugees will be resettled from Niger in the long run. In view of the slow resettlement pace which has not kept up with the number of arrivals, the ETM was suspended from March to May 2018 by Niger (European Commission May 2018). As of May 2019, a total of 2,782 people have been evacuated to Niger of which 1,378 have been resettled (UNHCR 2019b). The first agreement establishing the ETM between the government of Niger and the UNHCR is valid for a period of two years. No official communication exists on whether the ETM will be prolonged after 2019.

Source: Own compilation.

Efforts to improve multi-stakeholder's cooperation

In order to improve provision of humanitarian relief to displaced and host populations in Niger's challenging security context, efforts are ongoing to strengthen cooperation between humanitarian, development and military actors.

Firstly, the Nigerien government has taken steps to address the often-missing cooperation between humanitarian and developmental actors, by establishing a joint committee that aims to foster the synergies of both. To this end a *Comité Tripartite de Haute Niveau sur le nexus humanitaire – development – paix*³⁹ was created by the Prime Minister in 2018; bringing together high official government stakeholders and key representatives of the development and humanitarian sectors.⁴⁰ A technical committee was launched in the same year, tasked with drafting an action plan – whose adaptation by the *Comité* was still pending at the time of research. Future tasks will involve a mapping of actors and a sub-division of the nexus by working clusters. The tasks of the *Comité* mirror the New Way of Working – an approach to humanitarian assistance which strengthens the humanitarian-development nexus adopted at the World Humanitarian Summit in 2016 (United Nations 2018). The reality of such cooperation remains complex, with humanitarian and development actors stressing the differences in how they operate and the lack of communication.

Secondly, there is an increased cooperation between military and humanitarian actors. This evolved on the backdrop of the deteriorating security situation especially in Diffa, Tahoua and Tillabéri, which has put a strain on the accessibility of vulnerable populations, and increased security challenges to humanitarian workers. An aid worker was killed in Diffa in June 2019 and several humanitarian vehicles were hijacked in the Tillabéri region earlier that year. In view of these challenges a civil-military cooperation mechanism has been crucial

³⁹ National High Level Tripartite Committee on the peace, humanitarian and development nexus.

⁴⁰ The Committee is presided by the Prime Minister, with the Interior Minister and Minister of Humanitarian Action as joint vice presidents. UNDP represents the humanitarian actors and developmental actors are represented through, among others the World Bank, EU and EU Member States.

for ensuring the access of humanitarian workers in the three regions. This has happened through armed convoys for example, with the OCHA stressing that this form of cooperation will not affect humanitarian neutrality (OCHA 2019b). Between September 2018 and February 2019 four “humanitarian corridors” took place, whereby 2,000 Nigerien soldiers guaranteed the secure passage of a convey of NGOs and UN staff (Zandonini and Bellina 2019).

4.2 Political stakes

As displacement in Niger has increased in recent years – both related to the Sahel conflict and the geographic position of Niger as a transit location - a number of issues have become increasingly politicised, most notably related to the presence of “self-evacuated” Sudanese refugees and the ETM.

Hosting non-ECOWAS refugees

The recent arrival of more Sudanese refugees has sparked strong contestation. The government and regional authorities view the arrival of Sudanese with suspicion, characterizing them as ‘criminals’, ‘fighters’ and ‘possible members of armed groups in Libya.’ (Prestianni 2018; Tubiana, Warin, and Saeneen 2018). This resentment is shared by parts of the population. Interestingly, in Agadez the strong resentment towards (mainly) Sudanese arriving from Libya stands in contrast to transit migrants, who seem to be well accepted. This diverging perception of different groups is explained by a Nigerien aid worker:

*“Ceux qui viennent du sud et qui veulent aller en Europe, eux, ils ne sont pas une menace sécuritaire, ils prennent leurs risques, ce qu’ils veulent, c’est que le Niger leur ouvre ses portes pour continuer, ils ne viennent pas au Niger pour chercher de l’argent, ils veulent aller chercher l’argent ailleurs.”*⁴¹

Hostility towards displaced populations migrating southward from Libya is also mirrored in the Nigerien government’s initial reluctance to register Sudanese as refugees, which cumulated in the deportation of 135 Sudanese asylum seekers back to Libya in May 2018 amounting to a breach of the non-refoulement principle (Tubiana, Warin, and Saeneen 2018; Lambert 2019). The international community intervened and an EU member state actor interviewed in Niamey stressed: “This cannot happen again”. UNHCR had to lobby the Nigerien government to allow for the registration of Sudanese and accept the opening of the humanitarian centre outside the city of Agadez, which also included the intervention of the Sultan – a traditional leader (see also Reidy 2019; Lambert 2019). Yet, Niger has been portrayed by European and international stakeholders as a pioneering country in the field of refugee protection. This European narrative can be linked to the political interest in outsourcing responsibility over displaced populations as part of the European externalisation

⁴¹ “Those that come from the south, that want to go to Europe, those are not a security threat. They take their risks; all they want is that Niger is opening its doors and lets them continue. Those, they do not come to Niger to look for money, they go and look for money somewhere else.” Nigerien Civil Servant, Interview, Niamey, March 2019.

agenda. Refugees now placed in the humanitarian centre have protested over the slow registration procedures. The Nigerien government has demanded the resettlement of Sudanese refugees and more aid to deal with the situation, and some respondents highlighted that a few resettlements took place. Living conditions in the humanitarian centre are dire with a lack of education and healthcare facilities as well as security (REACH Network and Start Initiative 2019, Reidy 2019).

Implementation of the ETM

The key contestation of the ETM is related to the slow resettlement pace which has led to refugee protests and dissent from the Nigerien state, as well as the open question of what will happen to evacuees who may not be resettled under the mechanism.

Throughout the implementation of the ETM evacuations have occurred at a faster pace than resettlement. This has led to a resettlement backlog. The salience of the issue became visible when the Nigerien government halted further evacuations from March to May 2018 (UNHCR 2018c) and reportedly even threatened to close the entire programme in 2018. The European Commission has continuously called upon EU Member States to increase resettlement spots from Niger and on the UNHCR to give resettlement priority to refugees transferred under the ETM (European Commission May 2018). As a result of slow resettlement, there have been refugee protests outside the UNHCR headquarters in Niamey.

A major question is what happens to the refugees who are not resettled after all. An attempt to find solutions to this issue is a UNHCR founded project to advocate and research complementary legal pathways for refugees beyond resettlement.

The relocation of ETM refugees to the so-called transit centre outside the city, at the beginning of the year may be understood as another trial to ease tensions on this issue, along with other points of contestation such as the visibility of recurring refugee-led protests and raising political and social antagonism towards evacuees. However, the official reason for the opening of the transit centre is its financial sustainability compared to housing in the urban setting. In any case, evacuees are unlikely to be content about the move from houses in the capital to a camp-setting in a more rural area. In fact, protests in the new transit centre have erupted, with refugees denouncing poor housing, food and water shortages and insufficient medical care (Dan Yaye 2019).

Respondents highlighted different reasons on why Niger entered into the ETM agreement. Some respondents stressed that Niger had no choice, others highlighted Niger being a pioneer on refugee issues, and again others highlighted the financial incentives for entering the agreement. Cooperation on migration – and most importantly hosting and impeding “irregular” departure of refugee and migrant populations – may be used as bargaining chips to gain political and financial concessions from European actors (see also Paoletti 2010).

4.3 Societal relevance

Niger is generally portrayed as a welcoming country that is open to hosting refugees. While the security situation in the country's major refugee hosting regions remains strained, discourse on hosting displaced persons due to the Sahel crisis generally reflects a welcoming attitude.⁴² Discourse on the arrival of mainly Sudanese mirrored more political and societal adverse attitudes.

Firstly, when considering displacement induced due to the Sahel crisis, and more specifically Diffa, respondents highlighted the importance of community-led responses (i.e. local integration). However, these are increasingly strained by the rising number of displaced persons. In turn, the arrival of humanitarian actors also created tensions: Host populations have felt left out, as support was offered to the most “vulnerable populations” often excluding locals. Overall, this has not yet affected the societal and political acceptance related to hosting refugees. In the words of a civil servant: *“Le Niger est obligé de les accueillir: on ne peut pas chasser nos frères qui demandent refuge chez nous...”*.⁴³ Community-led responses have also been prominent towards displaced populations in Maradies where ten-thousands displaced people from Nigeria arrived in the first half of 2019 (*ActuNiger* 2019).

Secondly, this contrasts to the Sudanese arrivals in Agadez who were met with political and societal resentment. Only after the intervention of the international community did the authorities allow for the opening of the humanitarian centre outside Agadez and the processing of their asylum claims. A humanitarian actor who also works in Agadez explained that the contentions could not be put to an end by local political authorities. Instead, the traditional leader (sultan) had to intervene to build acceptance for the establishment of an official camp.

4.4 Conclusion

Issues related to displacement have gained increasing salience as numbers continue to rise. Persisting funding gaps for humanitarian actors and UNHCR constitute a problem, with funding increasingly dropped over the past five years, whilst displacement figures increased.

Broadly, two quite distinct sets of displacement can be found – those related to the humanitarian crisis in Libya and those related to the Sahel conflict neighbours in the South-West of the country. Though they are all refugees, depending on their locations they have different access to housing and refugee status determination procedure, as well as future possibilities. For example, all Malian refugees are given prima facie refugee recognition. These categorisations according to location, international interest and funds leads to differential treatment of certain refugee groups.

⁴² See Lambert for refugee status determination procedures that are embedded in a balancing act between local moral economies and legal norms (2019).

⁴³ “Niger is obliged to host: we cannot chase our brothers our that ask for refuge with us...” Nigerien Civil Servant, Niamey, March 2019.

In addition, Sudanese refugees in Agadez have faced strong political and societal contestation, culminating in the forced return of 135 Sudanese to Libya in 2018, a violation of the non-refoulement principles. Moreover, the slow processing of resettlement cases has led to refugee protests and dissent from the Nigerien state. Whilst Niger is seen as welcoming country for refugees, the increased numbers of people forcibly displaced, underfunding of humanitarian actors and tensions from evolving the stay of (self-)evacuees from Libya may jeopardise this in the future.

5 Diaspora Migration

There have been different phases of outgoing diaspora migration in Niger. In the first half of the 20th century, main destination countries were Ghana, Ivory Coast and Nigeria (see also de Sardan 1984; Gado 2000). In the 1970s oil-producing countries were in need of work force and Niger's neighbouring countries Libya and Algeria became more attractive for Nigerien migrants (see also Grégoire 2004).

Worldbank data shows that Niger's neighbouring countries remained top destination countries in 2017 – 96 percent of all emigrants stayed in neighbouring or other West African countries (World Bank 2017). In 2017 top destination countries were Nigeria (30.24 percent), Benin (20.37 percent), Togo (17.5 percent) and Ivory Coast (14.58 percent). This regional concentration is also mirrored in remittance flows. In 2017, 87.37 percent of the total remittances of Niger come from West African countries and bordering countries (World Bank 2019).⁴⁴ While circular migration is important for securing the livelihoods of Niger's rural communities (Boyer and Mounkaila 2010, Boyer 2007), official remittances are rather insignificant. In 2018 remittances made up 3 percent of the country's GDP (World Bank 2019). This insignificant contribution of remittances makes the political stakes of diaspora migration quite low – especially in contrast to other cases like Nigeria, Senegal or The Gambia (see also Arhin-Sam 2019; Altrogge and Zanker 2019; Jegen forthcoming).

It is important to note that data on Nigerien emigration is rather imprecise – as also indicated by the fact that World Bank (2017) migration matrix does not account for Nigerien migration to Algeria, while it is still important country of destination for Nigeriens (see also Hamadou 2018).

⁴⁴ Including Cameroon.

5.1 Governance

The Ministry of Foreign Affairs (MoF) is the main governmental actor in diaspora matters, mainly through its Directorate for Diaspora Engagement, falling under the General Directorate for Juridical and Consular Affairs (*Direction Générale des Affaires Juridiques et Consulaires*) and the High Council for Diaspora (*Haut Conseil des Nigériens de l'Extérieur*, HCNE) which is also based at the Ministry. The High Council for Diaspora, was established by a presidential decree in 2003 and was inaugurated in 2004.⁴⁵

The Council has a consultative role on diaspora questions and is responsible for the exchange between diaspora and the MoF. It is connected to national diaspora organisations, mainly in other West African countries, but also in Europe. National diaspora organisations arose first on the local level and then grew into state level associations in the 2000s. In Europe diaspora organisations in Belgium and France are strongest and currently efforts are being undertaken to form a pan- European diaspora representation (Puig 2018).

In 2012 a Diaspora Forum took place in Niamey. It issued several recommendations of which a few have been implemented. Most notably the prolongation of the Nigerien passport from three to five years, the abolition of the prerequisite of serving the national civil service as a condition to apply for a post as a civil servant and the introduction of dual nationality. An inter-ministerial committee has been organized to follow up on the Forum in 2013 in which representatives of ministries, UNDP, the private sector and CSOs were present. However, the Committee is said not to have met since the year of its inauguration. Another Diaspora Forum is planned for this year. Important measures taken to foster the role of the Nigerien diaspora have been their participation in elections since 2016 and their representation through diaspora MPs.

While Niger has taken steps to foster diaspora participation, policies towards rural populations mainly focused to improve livelihoods and hence indirectly reduce migration – aiming to prevent rapid urbanisation and safeguard food security, which is reliant on agriculture (Mounkaila and Maga 2010). Yet, diaspora is important for the sustainability of rural communities. This has been acknowledged in the rural development strategy which outlines the role that financial resources and remittances of Nigerien migrants can play for rural development. It highlights the need to engage emigrants stronger for development through informing them of investment opportunities in rural areas, securing financial flows by putting financial establishments into place and putting emigrants in touch with local development actors (Mounkaila and Maga 2010; Mendoza and Newland 2012).

Besides the ECOWAS Free Movement Protocol, a number of bilateral agreements are in place that open legal migration channels to third countries. These are, among others, the agreement on the circulation of persons with Tunisia (1965), Morocco (1967), Algeria (1981); and the convention on the circulation and establishment of persons with Libya (1988) (Di Bartolomeo, Jaulin, and Perrin 2011).

⁴⁵ There was already a High Council of Nigériens abroad created in 1991 (Act n°33-CN of 31 October 1991).

5.2 Political stakes

In line with the growing political participation, the importance of the diaspora in national politics is increasing. Observers find that since the military coup in 2010 high-level politicians aimed to improve their relations to diaspora communities e.g. through meeting diaspora organisations during visits abroad (Di Bartolomeo, Jaulin, and Perrin 2011).

Even if remittances are comparatively low, their role for development is receiving growing political attention, mirrored by the statement of a civil servant who stressed the necessity of *“bien organiser la diaspora pour que ça soit profitable pour le pays.”*⁴⁶ Moreover, in the currently formulated NMP diaspora issues will be covered. Two main aspects, according to a civil servant, must be established to strengthen the diaspora contribution for development through the NMP. Firstly, establishing the exact number of Nigeriens abroad and secondly, the amount of remittances sent back and channels used. Civil servants expressed concern over Nigeriens abroad currently not using official channels for remittances making it difficult to develop the sectors in which they intervene.⁴⁷

Concerns related to Nigeriens abroad play into decision-making in other political fields. An example is the exclusion of ECOWAS nationals from the ETM. Given the ETM is only accessible for refugees, allowing ECOWAS citizen to access the mechanism may be understood as a political statement on the situation in countries hosting Nigerien emigrants, which may strain on the reception of the Nigerien diaspora.

Two demands connected to diaspora issues have been raised by Nigerien stakeholders towards third country governments. Firstly, the demand towards European states to create more flexibility in visa procedures. Respondents highlighted that European visas are currently extremely difficult to obtain, constituting a factor forcing people into irregular migration (see also Mounkaila and Maga 2010). Secondly, the demand to stop the forced returns of Nigeriens (and third country nationals) living in Algeria.

5.3 Societal relevance

Though emigration is not necessarily an issue bearing strong political stakes, our respondents highlighted its importance –especially for rural communities. One respondent commented: “When Niger is called a transit country, it is actually not true. Niger must also be considered a country of departure.”⁴⁸ Emigrants are generally referred to as “exodants.”

The important role emigrants play in rural communities has been well documented and has undergone changes from the 1980s onwards. High population growths and the decline of

⁴⁶ “The need to organize the diaspora well in order to make her profitable for the country,” Nigerien Civil Servant, Niamey, March 2019.

⁴⁷ Formalizing remittance flows is seen as advantageous for poverty alleviation (Gupta, Pattillo, and Wagh 2009), while generally remittances have been found to boost growth in countries with less developed financial institutions (Giuliano and Ruiz-Arranz 2009).

⁴⁸ Nigerien Civil Society Actor, Interview, Niamey, March 2019.

rainfalls leading to a decrease of harvest, have led to both, firstly, the release of workforce resulting in circular migration losing its seasonal character and secondly, the diversification of destination countries. Research has pointed to the importance of circular migration for the continued existence of rural communities – highlighting that the mobility of some enables the immobility of the village (Boyer and Mounkaila 2010). In view of the socio-economic integration of exodants, Boyer (2007) highlighted their *pluriresidentiality* – living both in their destination and origin countries. Meanwhile, research finds that Nigeriens living in Europe are returning less frequently and are often referred to as "*boro bi- annassara*" - black who wants to look white (Maga 2011).

While the rural development strategy highlights the importance of improving the role of emigrants for local development several examples show that they already contribute. In regions of departure, remittances are said to make up 25 percent to 50 percent of household income, used mostly for alimentary purposes (Devillard et al. 2015). Furthermore, in the commune of Allakaye in the region of Tahoua migrants that live in Ivory Coast formed an association that finances public renovations of schools, health services, mosques etc. (G. Oumarou 2009). However, these bigger initiatives remain exception (see also Boyer and Mounkaila 2010).

Generally, emigration in Niger is a gendered phenomenon, with mainly men migrating (see also Boyer and Mounkaila 2010; Maastricht Graduate School of Governance 2017). However, the war in Ivory Coast and the ensuing returns have created new avenues for female migration, who now often migrate from the countryside to cities (also internal migration) and to find employment as domestic workers. Meanwhile, the widely mediatized Kantché phenomena casted a rather negative image on female migration (see also Puig 2018). Kantché is a department in the region Zinder with 70 percent of the population being under 25 years old and marked by food insecurity and droughts (Espace Alternative Citoyenne 2015). Migration of women of Kantché started in 1975 when they joined their husbands that worked in the mines of Arlit to work as domestic workers (Puig 2019). In the early 2000s migration routes extended to Algeria and caught public attention in 2013 following the death of 93 women (from Kantché, Matamaye and Maradie) that were abandoned in the desert. This event triggered strong political responses (see irregular migration). While male migrants are generally considered as "brave", the migration of women (and children) bears a more negative image (H. Oumarou 2016).

5.4 Conclusion

While political stakes in regard to diaspora migration are not high, emigration plays a more important role on the social level. Politically, steps have been taken to foster the political participation of emigrants but hold little salience. Reasons might be the relatively low (official) number of emigrants, the nature of circular migration and the low (official) contribution of remittances to the GDP.

Especially livelihoods of rural populations however often depend on circular migration. Researchers found that this form of mobility in fact assures the immobility of rural communities. In view of the prevalence of rural migration it is likely that the unofficial number of remittances is by far higher than the official. A crucial policy challenge is how to enable these remittances to contribute to the development of communities beyond sustaining their livelihoods.

6 Immigration to Niger

Overall, Niger is not considered a major country of destination for international migrants (Bureau d'étude Niger Horizons 2014; Hamadou 2018). The rate of international migrants in percentage of the population rose from 1.1 percent in 2000 to 1.4 percent in 2017 (UN Nations Department of Economic and Social Affairs Population Division 2017). Maga (2014) highlights that this number is even lower because it included foreign born Nigeriens. Generally, data on immigration to Niger is scarce and outdated (Maastricht Graduate School of Governance 2017).

Most immigrants to Niger are nationals from other ECOWAS Member States either coming to Niger directly or being returned from Algeria and Libya (Maga 2009). The rise of uranium prices in 2003 has also attracted a number of foreign companies – mainly French, Chinese, Canadian and Australian – to the country who mainly employ foreign workers (Di Bartolomeo, Jaulin, and Perrin 2011).

6.1 Governance

Niger is a member state of the ECOWAS as well as the West African Economic and Monetary Union (WAEMU) that both establish a free movement zone of persons, goods, services and capital and the right of residence and establishment among its members. Their citizens hence do not need a visa to enter the country, but merely valid travel documents. The Ministry of Interior, and most notably its border police (*Direction de la Surveillance du Territoire*, DST) are responsible for governing the entry of foreigners (Mounkaila and Maga 2010).

Nigerien law distinguishes between two categories of foreigners: non-migrants and migrants. Non-migrants are defined as members of consular or diplomatic missions, officers and functionaries and other foreign agents and their families on mission in the country, and transit migrants. All others, including refugees and asylum seekers are considered migrants (Maga 2009). Any foreigner aged 15 or older is required to acquire the resident permit after three months of residence on Nigerien territory, this permit is valid for a period of two years.⁴⁹

⁴⁹ Ordonnance n°81-40 du 29 October 1981.

Notwithstanding, Niger not being a country of immigration, it has strict immigration laws. Already prior to the 2015 anti-smuggling law, Nigerien immigration law foresaw strict regulations, amounting to prison sentences for those irregularly entering and residing and individuals facilitating irregular entry and stay. Those regulations were hardly implemented prior to 2015 (Mounkaila and Maga 2010). Further, access to the labour market is officially restricted by a labour market test. According to these tests, a migrant may only be hired if no Nigerien is available to fill the vacant post (Maga 2009). However, this test is in practice rarely applied and the responsible agency – the National Agency for the Promotion of Employment – fulfils the function of registering foreign workers rather than carrying out national labour market tests (Devillard, Bacchi, and Noack 2015).

6.2 Political stakes

Generally, regional immigration (excluding transit migration) is not politicised in Niger. This is also mirrored by the general acceptance of immigrants not taking the legally prescribed steps to regularize their situation (Maga 2009). A large percent of all immigrants were “irregularly” present in the country (Maga 2009) – as they did not register after 90 days. Not registering after the set period of seems to be de facto accepted as security forces refrain to act on the matter. Apparently this recognition is linked to the perception that (labour) migrants’ presence is generally profitable for Nigeriens (Bureau d’étude Niger Horizons 2014). Immigration from non-regional African immigrants – for example Sudanese in Agadez and also the individuals that have been evacuated under the ETM, is far more politicised – socially as well as politically (see section on refugees).

Breaches of the ECOWAS protocol in relation to immigration - border control practices and labour market tests - are problematized to some extent. Civil society actors denounce the common practice of security forces to bribe immigrants at border crossing points. However, the labour market tests, which contravene the right of residence and establishment laid down in the ECOWAS Protocol do not attract much attention (Devillard, Bacchi, and Noack 2015). This might also be related to the fact that most immigrants work in the informal sector.

6.3 Societal relevance

While transit migrants are not legally defined as “international” migrants, but foreigners, it is mostly “transit migrants” that are referred to as “migrants” on the societal level. This might be an indicator to the extent to which external focus on this specific type of migration has shaped societal perceptions on the issue.

Overall, migration from neighbouring countries and ECOWAS states seems to be considered positive on a societal level. Often migrants from ECOWAS countries occupy professions based on their nationalities. For example, men from the coastal states such as

Benin, Ivory Coast and Togo pursue professions such as car mechanics, architects, plumbers, or working in the hospitality sector. Female migrants pursue professions which Nigerien women, would not occupy – often in the hospitality sector (Devillard, Bacchi, and Noack 2015). This, as highlighted by respondents, adds a “*richesse*” to the Nigerien society – as it fills necessary employment gaps and a brain gain through knowledge transfer is possible.

It is important to note again, that border zones are generally spaces of high mobility and communities living in border zones are rarely considered foreign (see irregular migration). Informal conversations with aid workers and interviews with Nigeriens working in international organisations revealed that definitions among international actors and Nigerien stakeholders of who is considered as migrant may differ: While the former complained of getting tired to continuously explain to local authorities what a migrant is, the latter proclaimed that members of the communities which extend national borders could not be considered migrants. This may indicate that international definitions do not match the local contexts.

6.4 Conclusions

Overall, immigration is not a very politicised issue in Niger. However, political and social acceptance varies depending on whether immigrants are regional or from places further afield. This includes refugees from places like Sudan or Eritrea, who are seen as migrants and not necessarily welcomed.

Even though Niger is not considered an important country of destination for international migration and even though immigration law is strict on paper, these regulations are hardly enforced. Most migrants present in the country neither regularize their residence nor work formally. Yet, labour immigration is generally considered to be beneficial – bringing services otherwise not available and allowing for knowledge transfer.

Breaches to the ECOWAS protocol such as the common practice of extortion at border crossing points are strongly condemned by civil society actors. Other breaches, such as the labour market test receive less attention, probably also because most immigrants do not work in the formal labour market.

7 Major findings

While regional mobility is a common feature in Niger, migration as such is not a priority issue for Nigerien policy makers. It has however become a more salient issue in the past few years. Firstly, due to the strategic importance of Niger as a transit country for migration towards Europe and the post-2015 initiatives taken by European actors to foster more control-oriented ways of governing migration in the country. Secondly, the growing numbers of forcible

displaced populations, both internally displaced people and refugees, especially in the South of the country.

Irregular migration governance in Niger has developed in strong correlation with European interests. The fight against (migrant) smugglers became a policy priority for the EU in 2015. Measures supported by European actors include the support of the implementation of the anti-smuggling law adopted in 2015, capacity building in the field of border control and direct involvement of European actors on the ground. Control oriented measures have been accompanied by humanitarian measures, most notably IOM's search and rescue missions and AVRRE as well as development aid geared towards offsetting the losses of those previously involved in the so-called smuggling business. Agadez has been the region most affected by attempts to strengthen irregular migration governance. This has put a strain on the region's relation to the central government. Criminalisation of smuggling further disturbed the delicate balance between security forces, the transportation industry and the state. It thereby has led to a professionalization of the smuggling business, increased vulnerability of migrants, as well as the infringement the ECOWAS Free Movement Protocol.

Overall, the ability to fully overcome the control-oriented approach and European dominance in migration governance was perceived as curtailed by CSOs due to donor dependency in implementation. Stakeholders involved in the elaboration of the NMP highlighted that it corresponds to Nigerien interests. They see the elaboration of the NMP as a chance to shift the focus from migration control to development questions and fostering human rights aspects. This however may be curtailed by one-sided funding of its Action Plan by donors. In this regard, donor's ability to only finance aspects aligned to their interests coupled with a general lack of funds on the Nigerien side, might curtail the NMP's ability to foster a more holistic approach to migration governance. At the same time, CSOs highlighted that even if it will only evolve into a funding framework, this would still allow Nigerien actors to channel external migration funding to a unified framework, ensuring its alliance to pre-formulated interests.

Issues related to displacement have gained increasing salience throughout the last decade. Two different displacement movements can be broadly distinguished. Firstly, displacement from the North-West which is linked to the deteriorating security situation in Libya and entails both the arrival of evacuees under the ETM to Niamey as well as the arrival of about 2,000 displaced people, mainly Sudanese, to Agadez in the first half of 2018. Secondly, displacement from the South East, linked to increasing instability in Niger's neighbouring countries Burkina Faso, Mali and Nigeria. While political and social contestation has shaped the response to the arrival of displaced groups from Libya, and they have been settled in camps outside the urban centres in Niamey and Agadez, South-Western arrivals often live together with the host population and responses entailed more community-based integration efforts.

Regional migration – including the destinations Algeria and Libya – is the most common form of emigration of Nigeriens, though on the whole official numbers are low. Measures to govern diaspora relations have not been a key priority for Nigerien nor international policy

makers. Yet, a number of initiatives, generally aiming to foster the contribution of Nigeriens living abroad to development have been launched. Cultural and economic factors have been identified to foster diaspora migration. Cross-border mobility in border zones is generally not perceived as migration, as borders cross communities.

Overall, Niger is not considered an important country of destination for international migration. Most (labour) immigrants in the country are from the region, while the rising uranium price has also attracted several foreign companies. Regional immigration in Niger is governed by the ECOWAS Treaty and WAEMU regulations that establish free movement zones among member states, though these are not fully implemented in practice. Overall, regional mobility seems so normalized that it is not necessarily understood as immigration.

In terms of the governance, stakes, societal discourse on migration, actors/agency in migration several conclusions can be drawn, discussed below.

7.1 Migration governance

Migration governance in Niger is dominated by external actors. Niger gained importance for European actors, following the so-called 2015 migration crisis, where measures against smuggling became short and long-term objectives. Being a transit country, the EU projects focused on the implementation of the 2015 anti-smuggling law through capacity building in the criminal justice system and border control. With implementation of the law remaining “biased and distorted” European actors have also become increasingly active on the ground, through the EUTF funded Joint Investigative Teams (JTIs) as well as an Italian military mission aiming to stop irregular migration.

Meanwhile, international organisations, most notably the UNHCR, play an important role in the governance of forcibly displaced populations. Forcibly displaced populations have different access to shelter, refugee status determination procedure and resettlement opportunities depending on their displacement history: evacuated under the ETM, self-evacuated or conflict driven displacement in the South. The IOM saw an exponential growth of its operational activity in the country from 2015 onwards. Among others, the organisation provides food, water, shelter, medical and psychological support to stranded transit migrants and deportees from Algeria through its six transit centres, located along the transit routes. However, support is based on migrants’ willingness to ‘voluntarily’ return. Both, organisations have become interwoven in the European externalisation agenda.

While often overlooked, diaspora migration is crucial for sustaining livelihoods of Niger’s rural populations. The so called “exodants” move to neighbouring countries and return periodically. Notwithstanding, the importance of this form of migration, it has only received limited political attention, mirroring the extent to which Niger’s migration governance is driven by European interests.

7.2 The political stakes of migration

European actors have secured a strong voice in the formulation of Nigerien migration policy priorities, they hold co-ordination positions in both the CCM – which formulates general migration policy recommendations and the CIM through which the national migration policy is drafted. Nigerien actors have claimed ownership over the anti-smuggling agenda – often by raising humanitarian considerations for the criminalisation. However, their support for irregular migration governance measures relies on a delicate balancing act; while state capacity building is welcomed and external support generally strengthens the regime vis-à-vis a potential military coup, interwovenness of the state security sector with and the inclusion of former rebels in the criminalised transportation business, makes for powerful opponents if the law is applied too stringently. Consequently, the law is only partially implemented, in part also due to capacity issues.

Civil society actors have voiced strong criticisms of the security driven irregular migration governance agenda. Strong concerns persist regarding the negative implications of the law on the regional free movement protocols and the detrimental consequences for human security of migrants on the routes. Further, Nigerien civil society actors raised criticism over the conclusion of the National Strategy for the Fight Against Irregular Migration prior to the National Migration Policy stressing that to change course the NMP must reverse the focus on securitized approaches to migration governance.

A very salient issue at the time of research was the low resettlement rates under the ETM. The move of evacuees from the urban capital to a camp setting outside the city in 2019, points to a potentially protracted situation of those not resettled. Evacuees have protested deplorable conditions in the camp. While, Niger is generally open to host migrants and refugees, hostility against refugees which do not come from the region, many ETM evacuees and self-evacuated Sudanese in Agadez, is prevalent.

Meanwhile, the funding scarcity which characterizes the response to the refugee situation in the Southern regions of the country, highlights the political priorities of donors – which focus more on irregular migration governance.

Overall, the increasing presence of international actors in Nigerien migration governance has been met with two general contestations. Firstly, parts of the host population feel left behind and secondly, there is a concern over the disproportionate use of external actors as implementing partners to the detriment of Nigerien NGOs.

7.3 Societal discourse

The EU's externalisation agenda and its impact on irregular migration governance has received strong criticism from Nigerien civil society actors. Especially in Agadez, where transit migration constituted an important income source, criticism is pronounced. Development

projects aimed to offset losses have not had the anticipated effect, while the potential for more support might also foster criticism.

It is interesting to note that conceptions of what constitutes a migrant between international actors and Nigerien actors might vary. Nigerien respondents highlighted that people living in border zones, are usually not considered migrants, as community ties are often cross-border. Meanwhile, irregular migrants are generally understood as being people moving to Europe and not necessarily ECOWAS citizens immigrating to Niger.

Notably, while societal stakes on irregular migration prior to the 2015 law were relatively low, societal stakes of Nigerien circular emigration are high, as it constitutes an important livelihood opportunity especially for rural communities. However, political attention given to this type of migration remains marginal. This is illustrative of the strong European bias in Nigerien migration governance.

Abbreviations

| | |
|--------|---|
| AFD | French Development Agency (<i>Agence Française de Développement</i>) |
| AJUSEN | Project entitled: Support to the Judicial Sector, Security and Border Management (<i>Appui à la Justice, la Sécurité et la Gestion des Frontières</i>) |
| ANLTP | National Agency for the Fight against Trafficking in Persons and Illicit Smuggling of Migrants (<i>Agence Nationale de Lutte contre la Traite des Personnes et le Trafic Illicite des Migrants</i>) |
| AVRR | Assisted Voluntary Return and Reintegration |
| CCM | National Coordination Platform on Migration (<i>Cadre de Concertation sur la Migration</i>) |
| CIM | Interministerial Migration Committee (<i>Comité interministériel chargé de l'élaboration du Document de la politique nationale de migration</i>) |
| CSDP | EU Common Security and Defense Policy |
| CNE | National Refugee Status Determination Commission (<i>Commission Nationale d'Eligibilité</i>) |
| CNDH | National Human Rights Council (<i>Commission Nationale de Droits Humains</i>) |
| CNLTP | National Commission for the Fight against Trafficking in Persons and Illicit Smuggling of Migrants (<i>Commission Nationale de coordination de Lutte contre la Traite des Personnes</i>) |
| CSO | Civil Society Organisation |
| DGECRM | General Directorate for Civil Status, Refugees and Migration (<i>Direction Générale de l'Etat Civil, des Réfugiés et des Migrants</i>) |
| DGPC | General Directorate for Civil Protection (<i>Direction Générale de la Protection Civile</i>) |
| DGNP | General Directorate of the Police (<i>Direction Générale de la Police Nationale</i>) |
| DEC | Directorate for Civil Registries (<i>Direction de l'Etat Civil</i>) |
| DM | Directorate for Migration (<i>Direction des Migrants</i>) |
| DR | Directorate for Refugees (<i>Direction des Réfugiés</i>) |
| DST | Border Police (<i>Direction de la Surveillance du Territoire</i>) |
| EAM | European Agenda on Migration |
| ECOWAS | Economic Community of West African States |

| | |
|-------------|---|
| EEAS | European External Action Service |
| ETM | Emergency Transit Mechanism |
| EUCAP Sahel | European Union Capacity Building Mission Sahel |
| GDP | Gross Domestic Product |
| GIZ | German Corporation for International Cooperation (<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>) |
| HCNE | High Conseil for Diaspora (<i>Haut Conseil des Nigériens de l'Extérieur</i>) |
| JVAP | Joint Valletta Action Plan |
| ICMPD | The International Centre for Migration Policy Development |
| IDP | Internally Displaced Person |
| IOM | International Organisation for Migration |
| MIEUX | Migration EU expertise Initiative |
| MIDAS | Migration Information and Data Analysis System |
| MNJTF | Multi-National Joint Task Force |
| MOF | Ministry of Foreign Affairs |
| MOI | Ministry of the Interior |
| MOJ | Ministry of Justice |
| NMP | National Migration Policy (<i>Document de la politique nationale de migration</i>) |
| NPF | New Partnership Framework |
| ProGEM | Programme for the improvement of deficiencies in migration management |
| SOP | Standard Operating Procedures |
| UNDP | The United Nations Development Programme |
| UNHCR | United Nations High Commissioner for Refugees |
| WAEMU | West African Economic and Monetary Union |

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Appendix

Appendix:

List of interviews on Niger's migration policy

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

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Publisher:

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DE 142116817

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Cover Picture:

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Responsible Supervisory Authority:

Ministry of Science, Research and Art in
Baden-Württemberg



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The Political Economy of West African Migration Governance (WAMiG)

The WAMiG project highlights the political dimension of migration governance and the multiple stakeholders. To do this, the project considers how migration governance instruments and institutions are made and implemented, the stakes and stakeholders involved or excluded and the societal discourse that surrounds these interests. The qualitative study focuses on four case studies—the Gambia, Niger, Nigeria and Senegal.

The project is based at the Arnold-Bergstraesser Institute (ABI) in Freiburg. It is funded by the Stiftung Mercator and undertaken within the framework of the Mercator Dialogue on Asylum and Migration (MEDAM). MEDAM is a research and consultation project that identifies and closes gaps in existing research and develops specific recommendations for policy makers.

As the WAMiG project focuses on the African perspective and its implications for European policy making. WAMiG and MEDAM policy recommendations may differ slightly.