

Protection Fallout

How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali

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When donor governments react to mixed migration movements by stepping up assistance to countries of origin and transit, they face a thorny quandary. In the first instance, donors seek to limit irregular border crossings and reduce onward movement. However, this same step may undermine local and regional development, which are often facilitated and underpinned by open borders. Furthermore, donors are bound by legal obligations from human rights and refugee law, and their responses to mixed migration movements must be in line with those obligations. Donor-funded capacity building for border management tries to square this circle. It has been used as a tool attempting to make border management more predictable and accountable, while also remaining sensitive to protection concerns. However, given the allocation of power between donors, transit countries, countries of origin, and migrants, as well as tension between security and protection concerns, there is a risk that protection could lose out, thus increasing the vulnerabilities of people on the move. This study looks into the potential benefits and risks associated with increasing capacity for border management in Niger and Mali, and proposes ways to address protection more effectively.



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Executive Summary

When donor governments react to mixed migration movements by stepping up assistance to countries of origin and transit, they face a thorny quandary. In the first instance, donors seek to limit irregular border crossings and reduce onward movement. However, this same step may undermine local and regional development, which are often facilitated and underpinned by open borders. Furthermore, donors are bound by legal obligations from human rights and refugee law, and their responses to mixed migration movements must be in line with those obligations.

Donor-funded capacity building for border management tries to square this circle. It has been used as a tool attempting to make border management more predictable and accountable, while nonetheless remaining sensitive to protection concerns. Capacity building for border management is also high on the international agenda. The New York Declaration, which lays the foundation for the Global Compact for Migration, emphasizes that it is a central instrument for border management cooperation.

The current donor interest in capacity building for border management presents a window of opportunity to re-examine how effectively these measures respond to migrants' vulnerabilities in the context of mixed movements, and the caveats to be considered. Enhanced protection is by no means a guaranteed outcome. The literature provides four hypotheses on how migrants' vulnerabilities may be aggravated through enhanced border management: (1) by creating risks for stability and livelihoods, (2) by limiting protection and the right to seek asylum, (3) by creating conditions that facilitate repression and abuse of migrants, and (4) by pushing migrants onto precarious routes. Given the allocation of power between donors, transit countries, countries of origin, and migrants, as well as tension between security and protection concerns, there is a risk that protection could lose out. Increasing the vulnerabilities of people on the move may become the unfortunate fallout of capacity building for border management.

This study looks into the potential benefits and risks associated with increasing capacity for border management in Niger and Mali, and proposes ways to address protection more effectively. Between Niger, Mali and other countries that make up the Economic Community of West African States (ECOWAS), free movement has long been a norm, driving economic and social dynamics within countries and the larger region. Effective border control is largely absent, and the northbound flow of mixed migration has recently turned capacity building for border management into a growth industry. Since 2007, at least 69 such projects with a combined financial volume of at least €1.2 billion have been implemented or approved for Niger and Mali, as demonstrated by a mapping exercise conducted for this study. Many of these projects aim at improving security-oriented border management and control. Others are geared more explicitly towards addressing the protection needs of those on the move, sometimes in parallel with activities that bolster border control. The most frequently-used way of building protection capacity is through training. Trainings might have indirect uses for purposes such as facilitating dialogue and cooperation more broadly.

However, evidence suggests that donors cannot expect to improve protection only by funding and requiring training. It is important to note that capacity building takes different forms, and that it occurs in a complex political environment alongside various political pressures and other incentives at play, including budget support. Against this background, it is difficult to single out particular capacity building activities and to gauge their specific effects on migrants' vulnerabilities. Meanwhile, this study concludes that the growing capacity and will to control borders in Niger and Mali has exacerbated vulnerabilities of people on the move in Niger and Mali along at least three of the four hypotheses examined in this report. Stability has been placed at risk, inter alia by interventions influencing political dynamics in ECOWAS, by curtailing important livelihood strategies in the "migration industry" without providing adequate alternatives, by putting strains on circular migration, and by leading to more negative perceptions of migration and therefore feeding discrimination. According to interviews with actors present in the two countries, the most pressing risk concerns the more dangerous migration routes, and, to a lesser extent, the expanding space for abuse and exploitation of migrants.

In the short run, the current crackdown on migration appears to have reduced the number of people moving along established routes. Nonetheless, the real number of people still on the move, especially on more precarious routes, remains unclear. In addition, attempts to reduce irregular migration have likely made all migrants more vulnerable; thus, strategies deployed to manage irregular migration could exacerbate instability and other root causes of migration and displacement in the medium term.

To reduce the potential risks that capacity building for border management can have on the vulnerabilities of people on the move, and to increase the positive potential of such programs, donor governments should take the following steps:

1. Safeguard stability and the security of livelihoods.

Donors should carry out risk analyses and ex-ante impact assessments; monitor unintended negative effects on livelihoods and on regional stability and integration; facilitate the inclusive design of capacity building programs, and allow for the adjustment of activities throughout the project cycle.

2. Support protection and ensure access to asylum.

Donors should ensure that their support does not aggravate migrants' vulnerabilities, that vulnerable migrants have access to protection, and that the right to seek asylum is upheld. Donors should develop a synchronized protection strategy where all protection activities are coordinated among donors and implementing agencies. Training border guards and other government personnel should be complemented with other protection efforts, such as support of search and rescue operations and helping to strengthen referral and support systems for vulnerable migrants. Donors should support status determination of asylum seekers, provide humanitarian support, and help find durable solutions, including resettlement.

3. Prevent maltreatment and repression.

When stepping up support for border controls, donors should simultaneously increase support for human rights monitoring and oversight capacities. Donors should also instruct implementing agencies to set up complaints mechanisms. When complaints are filed, donors must be prepared to investigate. Where warranted, donors should denounce human rights abuses and cut funding to those responsible for abuses. Lastly, donors should invest in justice and anti-corruption infrastructure in recipient countries in order to limit potentially expanding opportunities for exploitation of migrants subject to more controls by state authorities.

Introduction

Capacity Building for Border Management: Squaring the Circle?

Mixed migration, the parallel movement of forced and voluntary migrants on the same routes,¹ has recently been high on the agenda of northern destination countries. To “manage” migration, policy-makers seek to both enhance development in regions of origin and to limit irregular border crossings along international migration routes, while meeting their legal obligations. Capacity building for border management² is a response which intends to combine some of these goals. It is an umbrella term for interventions that include trainings or provision of equipment, and which seek to increase the knowledge, abilities, skills, resources, structures, and processes of relevant government authorities or non-governmental actors.³ Capacity building for border management features in policy packages that combine pressure, incentives, funding, and technical support to change and enforce domestic legislation to limit irregular migration,⁴ and complements direct forms of collaboration, such as joint patrols and surveillance.⁵ Capacity building also remains high on the international agenda: in the New York Declaration of 2016, which was unanimously adopted by all 193 Member States of the United Nations, signatory states pledge to “strengthen international border management cooperation, including in relation to training” as well as to “intensify support in this area and help to build capacity as appropriate.”⁶

Capacity building for border management illustrates the tension that often exists between the priorities of the security agenda and the need to facilitate migration, development, and the protection of people on the move. Policy makers find themselves under considerable domestic pressure to square this circle. Capacity

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- 1 We define mixed migration settings as areas in which the same routes and means of transportation are used by irregular and regular migrants (people moving for a variety of reasons, both with and without the sanction of states), including refugees and asylum-seekers, victims of trafficking, stateless persons, unaccompanied minors and separated children and other vulnerable persons on the move. If not specified otherwise, this report uses the terms “migrants” or “people on the move” as an umbrella category for all people in mixed migration settings.
 - 2 Border management seeks to facilitate the flow of authorized persons, and detect and prevent others from crossing borders. See <https://www.iom.int/key-migration-terms>.
 - 3 This definition draws on IOM, ed. *The Future of Migrations: Building Capacities for Change* (Geneva: International Organization for Migration, 2010), 101. The term “capacity building” is used to reflect common usage among donors and implementing agencies. The study acknowledges the lack of an agreed-upon definition and the term’s considerable overlap with other concepts, such as capacity development and technical cooperation.
 - 4 Ruben Zaiotti, ed. *Externalizing Migration Management: Europe, North America and the Spread of ‘Remote Control’ Practices* (Routledge, 2016).
 - 5 An example for such kind of cooperation is direct collaboration with Frontex (such as the Joint Operation HERA 2006 and Operation Sophia 2015) or more indirect forms.
 - 6 United Nations General Assembly, “New York Declaration for Refugees and Migrants,” (New York City: United Nations General Assembly, UNGA, 2016), para 24.

building for border management sits between the security and development agendas and can, in theory, serve as a tool both reinforcing protection and leading to greater protection risks for migrants. However, given that cooperation on border management is often based on asymmetric power relations between states with competing priorities concerning migration,⁷ as well as with migrants themselves, there is a real risk that the protection concerns of people on the move lose out. As such, capacity building for border management may increase the vulnerabilities of people on the move. Yet, this risk remains understudied. This report analyzes the effects of ongoing efforts to increase capacity for border management on the vulnerabilities of people on the move using a case study on Niger and Mali, and proposes ways to make capacity building more conducive to addressing such vulnerabilities.

Box 1: Capacity Building and Capacity Development

Capacity is a very broad concept, encompassing “the ability of people, organizations and society as a whole to manage their affairs successfully.”⁸ Capacity building or development, in turn, is the “process whereby people, organizations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time.”⁹ The concept is a core part of development cooperation and encompasses a wide range of potential measures, including “access to international instruments, political dialogue, technical cooperation (including joint research and innovation), training (knowledge transfer and skills development) and the provision of essential equipment and material.”¹⁰ Originally, the concept of capacity development emerged in the 1990s in response to criticism leveled against development aid and technical assistance,¹¹ and

7 Colleen Thouez and Sara Rosengaertner, “Who Owns and Drives Capacity-Building?,” *Forced Migration Review* 28(2007); Martin Geiger and Antoine Pécoud, “The Politics of International Migration Management,” in *The Politics of International Migration Management*, ed. Martin Geiger and Antoine Pécoud (London: Palgrave Macmillan UK, 2010); Fabian Georgi, “For the Benefit of Some: The International Organization for Migration and Its Global Migration Management,” in *The Politics of International Migration Management*, ed. Martin Geiger and Antoine Pécoud (London: Palgrave Macmillan UK, 2010); Martin Geiger and Antoine Pécoud, “International Organisations and the Politics of Migration,” *Journal of Ethnic and Migration Studies* 40, no. 6 (2014).

8 OECD, “The Challenge of Capacity Development: Working Towards Good Practice,” *OECD Journal on Development* 8, no. 3 (2008).

9 Ibid.

10 European Commission, “Joint Communication to the European Parliament and the Council: Capacity Building in Support of Security and Development –Enabling Partners to Prevent and Manage Crisis,” (Brussels: European Commission, 2015).

11 Such criticism concerned the lack of local ownership and sustainability of many interventions - Samuel Otoo, Natalia Agapitova, and Joy Behrens, “The Capacity Development Results Framework: A Strategic and Results-Oriented Approach to Learning for Capacity Development,” (World Bank Institute, 2009). This was seen as resulting from a mostly donor driven agenda, as well as the one-size-fits-all model reflecting donor experiences of development. See Ionel Zamfir, “Understanding Capacity-Building/Capacity Development: A Core Concept of Development Policy,” (European Parliamentary Research Service, 2017).

was part of a wider shift towards a more collaborative approach to development.¹² Since the early 2000s, virtually all major multilateral and bilateral aid agencies and NGOs have adopted capacity development in their policies.¹³

Interventions to strengthen the capacity of partner states and institutions have also come to be applied outside “traditional” development policy, including in border management, where actors commonly use the term capacity building.¹⁴ In cooperation on border management, capacity building features in policy packages that combine pressure, incentives, funding, and technical support to change and enforce domestic legislation to limit irregular migration,¹⁵ and complements direct forms of collaboration, such as joint patrols and surveillance.¹⁶ Examples of such policy packages and frameworks include the European Neighborhood Policy, the Global Approach to Migration and Mobility, and the more recent Migration Partnerships with Third Countries under the EU Agenda on Migration, as well as a series of regional processes including the Rabat Process (2006), the EU-Horn of Africa Khartoum Process (2014), and the Valletta Summit on Migration (2015).

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- 12 Zamfir, “Understanding Capacity-Building/Capacity Development: A Core Concept of Development Policy.”; OECD, “Shaping the 21st Century: The Contribution of Development Co-Operation,” (1996); OECD, “Oecd 2008 – the Challenge of Capacity Development.”; Otoo, Agapitova, and Behrens, “The Capacity Development Results Framework: A Strategic and Results-Oriented Approach to Learning for Capacity Development.”; Anthony Land et al., “Reflecting on 25 Years of Capacity Development and Emerging Trends,” in *Capacity Development Beyond Aid*, ed. Anthony Land, et al. (The Hague and Maastricht: SNV Netherlands Development Organisation and the European Centre for Development Policy Management (ECDOM), 2015).
 - 13 Zamfir, “Understanding Capacity-Building/Capacity Development: A Core Concept of Development Policy,” 2. For instance, the 2005 Paris Declaration of Aid Effectiveness highlights the importance of capacity development and the mostly supporting role that donors should play, see OECD, “Paris Declaration of Aid Effectiveness,” (Paris: Organisation for Economic Co-operation and Development, OECD, 2005), 22.. The 2030 Agenda for Sustainable Development (Sustainable Development Goal Target 17.9) features a target for international support on effective capacity building for all sustainable development goals. Donors have repeatedly pledged to strengthen partner country’s capacities at all levels in order to move towards sustainable development, including in the reference documents on development cooperation partnerships, the Accra Agenda for Action, and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development.
 - 14 Drawing on an IOM definition, capacity building is used to describe efforts to increase the knowledge, abilities, skills, resources, structures, and processes of relevant government authorities or non-governmental actors
 - 15 Zaiotti, ed. *Externalizing Migration Management: Europe, North America and the Spread of ‘Remote Control’ Practices*.
 - 16 An example for such kind of cooperation is direct collaboration with Frontex (such as the Joint Operation HERA 2006 and Operation Sophia 2015) or more indirect forms.

Research Approach, Methods, and Case Selection

Niger and Mali are the most important transit countries on the Central Mediterranean Route from West Africa towards the Maghreb and onwards to Europe. The routes through both countries represent a hub for mixed migration flows in West Africa, and both countries are also key locations for capacity building for border management.

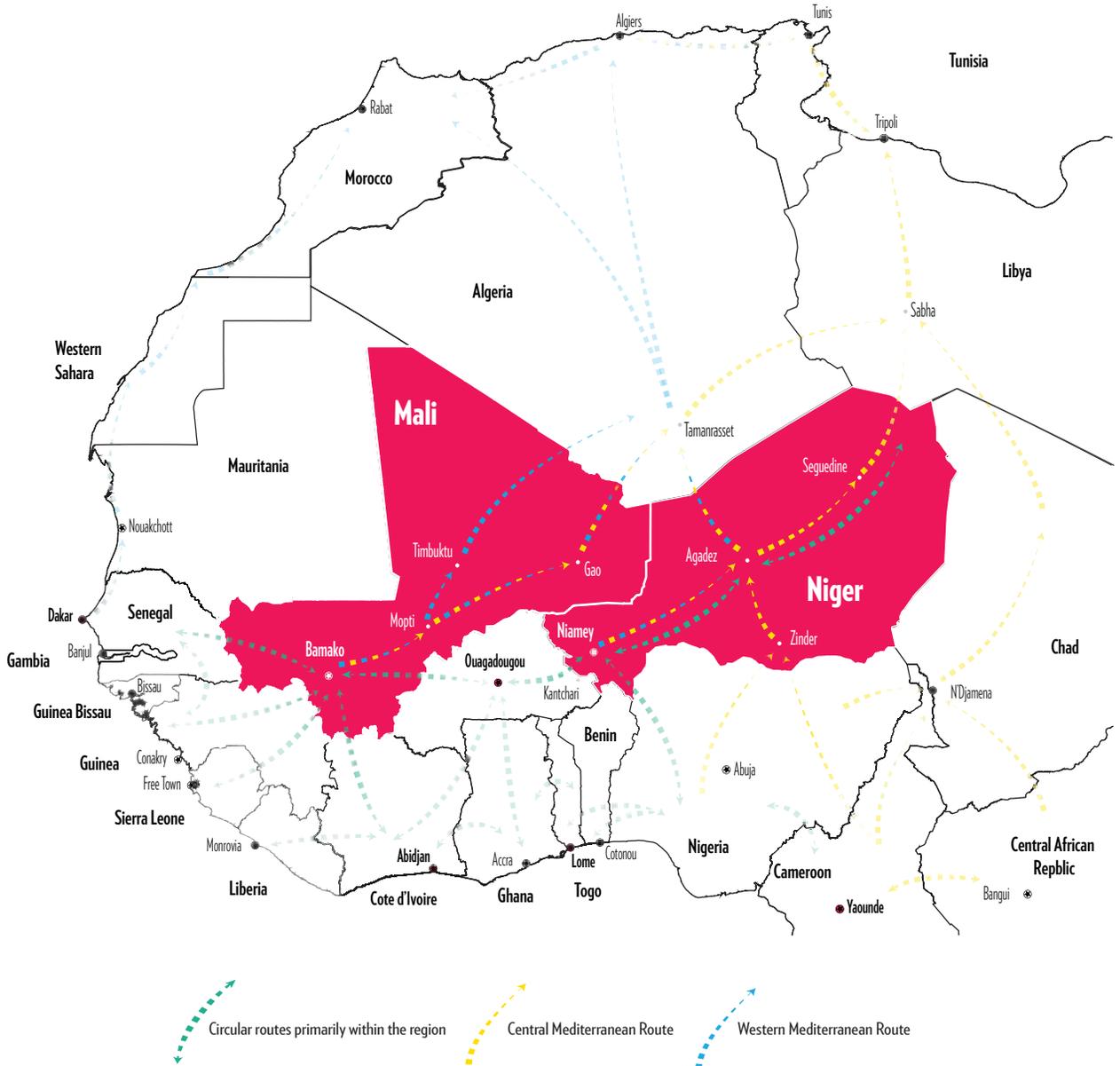


Figure 2: Mixed Migration Routes in West Africa, including circular routes within the region and routes towards the Mediterranean

Movements in West Africa are driven by a variety of factors, including environmental change, trade, labor, urbanization, population growth and demographic changes, poverty, and conflict. Intra-regional, regular migration dominates in a region where ECOWAS protocols guarantee the free movement of persons, free residence, and establishment with adequate documentation. This is also the case for Niger and Mali. To a lesser extent, both are also countries of origin for migrant and displaced populations. Both also see flows of returning migrants, and serve as transit countries for circular and permanent out-migrants, as well as asylum seekers on the move towards the Maghreb and Europe. For northbound movements out of the ECOWAS space, people regularly rely on smuggling networks. Furthermore, children constitute an important share of people on the move in these countries, and victims of trafficking are also found.¹⁷

Libya, the main point of departure for migrants who cross the Mediterranean towards the EU, remains characterized by insecurity and limited statehood. Given the increase in the number of migrants arriving in the EU by sea, the EU has turned its attention to Libya's southern neighbors. There are three corridors to enter southern Libya: the eastern route from Sudan; the western route from Mali or Niger via Algeria; and the central one from Niger, with recent evidence of some diffusion of this route through Chad.¹⁸ The route through Niger is the most significant, leading through Agadez in the north, and then directly onwards to Libya or Algeria. While the route through northern Mali, stretching mostly from Gao to Algeria but also to Niger, has become more difficult since the conflict in Mali erupted in 2012, it is still an important avenue for Malians and migrants from the Atlantic coast. For migrants from West and, to some extent, from Central Africa, Niger and Mali are the most important ECOWAS transit countries on the way towards the north.

Given the importance of Niger and Mali as transit countries, and concerns about regional security issues such as armed conflict and terrorism, donors have expressed a strong interest and invested heavily in capacity building for border management in both countries. For instance, in September 2017, the European Commission suggested member states should build the capacity of border guards in third countries along the Central Mediterranean Migration Route to control borders,¹⁹ and support border controls in southern Libya, Niger, and Chad.²⁰ This study recorded 69 capacity building

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17 UNICEF, "Mixed Migration in West and Central Africa: Key Trends Affecting Children, Challenges and Opportunities for Advocacy and Programming," in *Working Paper Series. Perspectives on Migration and Children* (Dakar: UNICEF WCARO - West and Central Africa Regional Office, 2016); Loïs Bastide, "Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move," (Regional Mixed Migration Secretariat (RMMS) West Africa, 2017); Thomas Munsch, William Powell, and Sonia Joly, "Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger," (Regional Mixed Migration Secretariat (RMMS) West Africa, 2017).

18 IOM, "Rapport De Mission Sur L'évaluation Des Routes Migratoires Du 19-25 Juillet," (International Organization for Migration, 2017).

19 For a characterization of migration routes, see the case study chapter.

20 Council of the European Union, "Migration: State of Play and Next Steps – Exchange of Views," (Brussels: Council of the European Union, 2017).

activities in Niger and Mali, funded by various donors between 2007 and 2017,²¹ with a combined financial volume of least €1.2 billion (see Annex 2). Within the larger funding context, including capacity building and border management activities, the EU is the major donor in the region: available resources and pledges to the five G5 Sahel countries amount to a total of €8 billion.²²

The report builds on three research phases, in which we used a mix of qualitative research methods.

First, we contextualized the research question in the existing evidence and debate on border management and migrant vulnerabilities through a review of the general literature and scoping interviews at the headquarters of various international organizations. On the basis of this scoping work, we derived hypotheses on potential protection risks and benefits associated with increasing capacity for border management that could be tested in the case study. They are summarized in chapter 2 of this report.

Second, we mapped relevant capacity building projects over the past decade for Niger and Mali through desk research and validation with key stakeholders. The results are presented in Annex 2. To refine the research agenda, we then typologized projects according to their goals and the type of activities used. Since a large part of the capacity building measures in the countries of focus are trainings, parts of the subsequent research examined the effectiveness of trainings.

Third, the authors conducted a total of 49 personal semi-structured interviews with a total of 72 interviewees such as donors, implementing actors, governments, local researchers, and civil society organizations in Niger, Mali, and Senegal between May and September 2017. Senegal was chosen to complement insights from the case study countries with a regional perspective. Due to the difficult security situations in the case study countries, the interviews were mostly conducted in Niamey and Bamako. As this made access to migrants difficult, the interviews were complemented with data from the Mixed Migration Monitoring Mechanism Initiative (4Mi), implemented by the Danish Refugee Council (DRC) and the Regional Mixed Migration Secretariat (RMMS) West Africa. 4Mi draws data from a network of locally recruited monitors in strategic migration hubs who conduct in-depth interviews with migrants on the conditions of their movement and protection needs.²³ Additionally, the authors conducted phone interviews with five of these monitors in transit locations outside the capitals. The results of the case study are discussed in chapter 3 of this report, followed by recommendations on how to implement capacity building for border management in a way that shifts the vulnerabilities of migrants from the sidelines to the center.

21 We assume a temporal bias in the publicly available data as well as in recall information received from agencies. This bias probably leads to an overemphasis on more recent projects as opposed to older projects. Therefore, the mapping does not provide sufficient grounds for an analysis of the development of number and scope of capacity building projects over time.

22 The G5 countries include Mali, Mauritania, Burkina Faso, Niger and Chad. European External Action Service, “The European Union and the Sahel, Fact Sheet “ (Brussels: European Union, 2017).

23 For more information, see <http://westafrica.regionalmms.org/index.php/4mi-page/about-4mi>.

State of Evidence

In this section, we review literature on the effects of capacity building for border management and how it can contribute to making border control more sensitive to protection concerns. We also synthesize hypotheses on how increasing capacity for border management can (un)intentionally exacerbate the vulnerabilities of people on the move. Vulnerabilities in mixed migration settings are multifaceted. Vulnerability to physical or mental harm results from a dynamic interplay between *individual or collective circumstances* (social networks, access to resources, age, gender, etc.) and *factors in the surrounding environment* (exposure to specific risks in the country of origin, transit, or destination).²⁴ When migrants move irregularly, as is often the case in mixed migration, they face a particularly high level of risk, including threats of extortion, detention, trafficking, and other forms of violence.²⁵ Generally, more literature tends to scrutinize the *effects of established capacity* of border control on vulnerabilities, rather than analyzing the *effect of capacity building* activities themselves. Therefore, evidence on the effects of capacity building activities on the vulnerability of people moving across borders is relatively limited.

“Protection Sensitivity” of Border Management

While control of non-citizens’ entry and residence remains a core feature of state sovereignty, the exercise of jurisdiction has to respect international human rights and refugee law, such as the obligation of non-return (*non-refoulement*) for individuals facing serious violations of their human rights upon return.²⁶ The implementation of *non-refoulement* obligations in border control has been a concern for major protection actors. The United Nations High Commissioner for Refugees (UNHCR) has coined the notion of “protection-sensitive entry systems” in its 10-Point Plan of Action around Refugee Protection and Mixed Migration and the 10 Point-Plan *in Action*.²⁷

The International Organization for Migration (IOM) speaks of “Humanitarian Border Management” in situations of high inflows,²⁸ and aims to build capacity for such situations including through “contingency plans, early warning systems, search and rescue operations and mobile registration units, [...] developing an enhanced awareness of vulnerabilities among mixed-migration flows during crisis and referral systems for

24 Bastide, “Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move.”

25 Bastide, “Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move.”

26 Debate also concerns the right to leave of every person to leave any country, including their own.

27 UNHCR, “Refugee Protection and Mixed Migration: A 10-Point Plan of Action” (Geneva: UNHCR, 2007); UNHCR, “10 Point Plan in Action 2016 Update,” (2016).

28 E.g., Zoran Anđelković and Zoran Dženovljanović, “Humanitarian Border Management - Standard Operating Procedures for Border Police,” (Belgrade, Serbia: International Organization for Migration (IOM), 2016).

the protection of vulnerable individuals and groups.”²⁹ Both agencies offer capacity building support for protection sensitivity. UNHCR has also developed guidance for mixed migration settings that emphasizes the role of capacity building around border management, for instance in efforts to improve border and law enforcement officials’ knowledge of protection-sensitive entry systems.³⁰ More UN guidance highlights the role of capacity building in making border management more protection-sensitive.³¹

In order to help states respect international obligations in managing their borders, OHCHR has for instance developed guidance on human rights provisions at international borders to accompany a report by the UN Secretary-General on the Protection of Migrants.³² Principles include, among others, non-discrimination as well as the provision of assistance and protection from harm for all migrants at borders. In terms of building capacity, the guidelines recommend that border authorities of states be adequately trained, equipped, and remunerated, while binding codes of conduct be developed and adopted for them. In response to the call of the New York Declarations to elaborate non-binding guidance on the treatment of migrants “in vulnerable situations,”³³ OHCHR is currently also developing “Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations within Large and/or Mixed Movements,” which include a call to adequately train border authorities.³⁴

29 Maximilian Pottler, “Humanitarian Border Management,” *Forced Migration Review*, no. 45 (2014).

30 UNHCR, “Refugee Protection and Mixed Migration: A 10-Point Plan of Action”; UNHCR, “10 Point Plan in Action 2016 Update.”

31 E.g. UNHRC, “Resolution on the Protection of the Human Rights of Migrants: Migrants in Transit,” (Human Rights Council, HRC, 2015); OHCHR, “Migration and Human Rights: Improving Human Rights-Based Governance of International Migration,” (Geneva: Office of the UN High Commissioner for Human Rights on Migration and Human Rights, 2013); IOM, “Migration Governance Framework: The Essential Elements for Facilitating Orderly, Safe, Regular and Responsible Migration and Mobility of People through Planned and Well-Managed Migration Policies,” in *Council: 106th Session* (International Organization for Migration, 2015); OHCHR, “Report to the Human Rights Council on the Compendium of Principles, Good Practices and Policies on Safe, Orderly and Regular Migration in Line with International Human Rights Law,” (United Nations High Commissioner for Human Rights, 2017).

32 OHCHR, “Recommended Principles and Guidelines on Human Rights at International Borders,” (Geneva: Office of the High Commissioner for Human Rights, OHCHR, 2014).

33 United Nations General Assembly, “Recommendations of the Report of the UN Special Representative of the Secretary-General on Migration (Sutherland Report),” (New York City: United Nations General Assembly, UNGA, 2017).

34 OHCHR, “Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations - Draft Examples February 2017,” (Geneva: OHCHR, 2017); OHCHR and GMG, “Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations - Draft February 2017,” (Global Migration Group, OHCHR, 2017).

These examples show that capacity building for border management can by design cut multiple ways: it can be used to bolster border control, but is also seen as a tool to improve respect for the rights of migrants and to address vulnerabilities.³⁵ However, there is little knowledge on the effects in concrete cases. For example, there are only sporadic

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public evaluations of capacity building in counter-trafficking, and these evaluations are inconclusive as to the impacts of such activities.³⁶ Trainings tend to be taken as proxies for capacity building³⁷ even though they best illustrate the very limitations of capacity building activities. A vast strand of literature notes that the impacts of trainings are difficult to evaluate, casting general doubt on their effectiveness.³⁸ There is a consensus that, while well-designed trainings can be useful as a means of transferring technical skills, they cannot induce the larger-scale transformations that are urgently needed in states with limited capacities in critical protection tasks such as referral and support systems, especially in conflict and fragile contexts.³⁹ Trainings cannot address the larger environments conducive to human rights abuses. Moreover, besides potential benefits to protection, the literature posits various hypotheses how increased capacity for border management can exacerbate the vulnerabilities of migrants, as discussed below.

35 As Frelick and Kysel (2016) observe, “while it may be questionable whether such capacity-building actions seek to improve rights protections in countries of origin as a humanitarian end in itself, or rather to address the “root causes” of international migration as a means of containing irregular migration flows, the building of capacity for developing rule of law, respect for human rights, conflict resolution, good governance, and humane quality of life all represent positive aspects of externalization” Bill Frelick, Ian M. Kysel, and Jennifer Podkul, “The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants,” *Journal on Migration and Human Security* 4, no. 4 (2016). See also IDCoalition, “There Are Alternatives: Handbook for Preventing Unnecessary Immigration Detention,” idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf. and Phil Marshall and Dr. Jacqueline Berman, “Independent Project Evaluation: Promoting the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, Both Supplementing the United Nations Convention against Transnational Organized Crime,” ed. Independent Evaluation Unit (IEU) (Vienna: United Nations Office on Drugs and Crime, UNODC, 2013).

36 Deanna Davy, “Anti-Human Trafficking Interventions,” *American Journal of Evaluation* 37, no. 4 (2016). The authors point to success in supporting the development of draft legislation and capacity, to identify victims of trafficking and refer them to national response systems. However, one global program evaluation found no demonstrative contributions toward implementation or operationalization of new laws against trafficking in persons or smuggling of migrants. Besides, the Inter-Agency Coordination Group Against Trafficking in Persons notes that despite “extensive efforts to set up identification and referral systems of cases of trafficking” and estimates of large numbers of people trafficked, the actual number of caseload globally remains low.” See ICAT, “Pivoting toward the Evidence: Building Effective Counter-Trafficking Responses Using Accumulated Knowledge and a Shared Approach to Monitoring, Evaluation and Learning,” in *Issue Paper* (Vienna: Inter-Agency Coordination Group Against Trafficking in Persons 2016).

37 ICAT, “Pivoting toward the Evidence: Building Effective Counter-Trafficking Responses Using Accumulated Knowledge and a Shared Approach to Monitoring, Evaluation and Learning.”; Marshall and Berman, “Independent Project Evaluation: Promoting the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, Both Supplementing the United Nations Convention against Transnational Organized Crime.”

38 E.g. Paula Haddock, “Monitoring and Evaluating Training: Challenges, Opportunities and Recommendations: Praxis Paper 30,” (Intrac, 2015); Jenny Pearson, “Training and Beyond: Seeking Better Practices for Capacity Development,” in *OECD Development Co-operation Working Papers* (2011).

39 UNDP, “Supporting Capacity Development in Conflict and Fragile Contexts,” (New York: UNDP’s Bureau for Crisis Prevention and Recovery (BCPR) and the Bureau for Development Policy (BDP), 2012); Pearson, “Pearson 2011 – Training and Beyond.”

(Un)intended Effects: Exacerbating Vulnerabilities

There is relatively little evidence on the link between cooperation in border management and vulnerabilities of people on the move, despite extensive scholarly and practitioner debate.⁴⁰ As Francesco Bosso notes, “the existing literature ... has primarily focused on policy discourses and policies on paper” rather than “concrete implementation dynamics and their actual human rights impact.”⁴¹ There are several potential explanations for this. First, the effects of such interventions are difficult to disentangle, given the relatively long chain of causality between border management cooperation and manifest effects on vulnerabilities. Second, impact and outcome evaluations of capacity building measures are scarce, and where they exist, the results are often inaccessible or tend not to measure risks for people on the move. Third, informal arrangements between states to establish operational cooperation on border management are common but difficult to trace down, due to a lack of publicity and monitoring of related activities.⁴²

From the literature, we derived four hypotheses on the risks posed through enhanced border management for people on the move. These are introduced below, and later reviewed for Niger and Mali. They are: (1) risks for stability and livelihoods, (2) limits on protection and the right to seek asylum, (3) promotion of repression and abuse against migrants, and (4) pushing migrants onto precarious routes.

Stability and Livelihoods Placed at Risk?

Hypothesis: Enhancing border control by supporting certain actors or activities, including through capacity building, can influence delicate political and economic balances. More border control can also harm perceptions of migrants or block circular and seasonal migration, leaving people on the move stranded.

Although not uniquely an issue in capacity building, there is concern in the literature that supporting certain regions, actors, or activities within recipient countries can hamper domestic balances that are often fragile, and ultimately endanger stability for

40 Martin Geiger, “Policy Outsourcing and Remote Management,” in *Externalizing Migration Management: Europe, North America and the Spread of ‘Remote Control’ Practices*, ed. Ruben Zaiotti (Routledge, 2016).

41 Francesco Bosso, “Cooperation-Based Non-Entrée: What Prospects for Legal Accountability?,” *IFHV Working Paper* 6, no. 1 (2016).

42 Paula García Andrade and Iván Martín, “EU Cooperation with Third Countries in the Field of Migration,” (Brussels: European Parliament, Directorate General for Internal Policies Policy Department C: Citizens’ Rights and Constitutional Affairs 2015).

the sake of bolstering border control.⁴³ This can include empowering certain ethnic or religious groups opposed to others, thereby influencing precarious power balances. Support for non-state actors in areas with little state presence to “improve” control can thus come at the expense of creating new tensions.⁴⁴ There is also the risk of putting pressure on fragile regions or groups within countries that depend on the “migration industry.”⁴⁵ Finally, there is concern that bolstering certain states can pitch them against neighbors or other states, thereby impeding regional cooperation or feeding into bilateral diplomatic frictions.⁴⁶ Such rising instability or friction can have a detrimental impact on people on the move, especially when instability devolves into violent conflict – which is ultimately the factor that contributes most acutely to the root causes of displacement.

Furthermore, more border control can harm perceptions of migration in recipient countries, when migrants who previously formed part of normal societal interactions are increasingly criminalized or made illegal by a combination of law and practice. This can go hand-in-hand with creating restricted border spaces in areas that were previously characterized by trans-border communities and activities.⁴⁷ Fostering perceptions of migration as wrongdoing may open up space for discrimination against or the exploitation of people on the move. Interventions that seek to control movements of people can also disturb flows of circular and seasonal migration, which are often important livelihood strategies.⁴⁸ Such interventions can lead to situations where migrants’ movement to their intended destination becomes impossible, leaving them stranded and turning former transit zones into “waiting areas” that are often ill-

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- 43 Global Initiative Against Organized Transnational Crime, “Integrated Responses to Human Smuggling from the Horn of Africa to Europe,” (Geneva: Global Initiative Against Organized Transnational Crime, 2017); Tuesday Reitano, “Further Criminalizing People Smuggling Will Not Work,” in *News Deeply* (2017); Peter Tinti, “In Niger, Anti-Smuggling Efforts Risk Trading One Crisis for Another,” in *African Arguments* (2017); Hans Lucht, “European Anti-Migration Agenda Could Challenge Stability in Niger,” (DIIS, 2017); Fransje Molenaar and Floor El Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya,” (The Hague: Clingendael - Netherlands Institute of International Relations, 2017); Peter Tinti, “The E.U.’S Hollow Success over Migrant Smuggling in Niger,” in *News Deeply* (2017).
- 44 One example for how such external support can influence fragile domestic balances is Italy’s alleged aid for militias in Libya to stop migration, see for instance Maggie Michael, “Backed by Italy, Libya Enlists Militias to Stop Migrants,” 29/08/2017 2017.
- 45 Lucht, “European Anti-Migration Agenda Could Challenge Stability in Niger.”; Tinti, “In Niger, Anti-Smuggling Efforts Risk Trading One Crisis for Another.”
- 46 Stephan Dünwald, “Bamako, Outpost of the European Border Regime?,” in *Eurafrican Borders and Migration Management - Political Cultures, Contested Spaces, and Ordinary Lives*, ed. Paolo Gaibazzi, Alice Bellagamba, and Stephan Dünwald (Palgrave Macmillan, 2017).
- 47 Stephan Dünwald, “Remote Control? Europäisches Migrationsmanagement in Mauretanien Und Mali,” in *movements. Journal für kritische Migrations- und Grenzregimeforschung* 1, no. 1 (2015); Geiger and Pécoud, “Geiger, Pécoud 2010 – the Politics of International Migration.”; Philippe Poutignat and Jocelyne Streiff-Fénart, “Migration Policy Development in Mauritania: Process, Issues and Actors,” in *The Politics of International Migration Management*, ed. Martin Geiger and Antoine Pécoud (Palgrave Macmillan, 2010); Didier Bigo, “Criminalisation of Immigrants: The Side Effect of the Will to Control the Frontiers and the Sovereign Illusion,” in *Irregular Migration and Human Rights, Theoretical, European and International Perspectives*, ed. Barbara Bogusz, Ryszard Cholewinski, and Erika Szyszczak (Leiden: Martinus Nijhof, 2004); Florian Trauner and Stephanie Deimel, “The Impact of EU Migration Policies on African Countries: The Case of Mali,” *International Migration* 51, no. 4 (2013); Dünwald, “Bamako, Outpost of the European Border Regime?”
- 48 E.g. Douglas S Massey, Jorge Durand, and Karen A Pren, “Border Enforcement and Return Migration by Documented and Undocumented Mexicans,” *Journal of Ethnic and Migration Studies* 41, no. 7 (2015); Bryan Roberts, Cecilia Menjivar, and Nestor P Rodríguez, eds., *Deportation and Return in a Border-Restricted World: Experiences in Mexico, El Salvador, Guatemala, and Honduras* (Springer, 2017).

prepared for this kind of challenge.⁴⁹ A similar dynamic for asylum seekers deprived of the opportunity to seek protection is hypothesized below.

Access to Asylum Limited, Protection Sidelined?

Hypothesis: More border controls may restrict the possibility of refugees accessing asylum. A stricter security agenda can sustain or widen funding gaps between different priorities and sideline protection concerns.

Much of the literature criticizes the effects of “externalizing” migration control, that is, extraterritorial state actions trying to prevent migrants from entering jurisdictions of destination countries without considering the individual merits of their protection claims.⁵⁰ In the legal debate, discussion primarily focuses on the scope and applicability of obligations of non-return (*non-refoulement*) for individuals facing a serious risk of human rights harm upon return. The debate has particularly revolved around direct practices to deny entry (“non-entré”), such as carrier sanctions or interceptions and pushbacks of people on the move.⁵¹ To a lesser extent, debates also concern the right of every person to leave any country, including their own, as established in the Universal Declaration of Human Rights.⁵² Moving border control closer to countries of origin can jeopardize people’s ability to seek asylum⁵³ as this often traps asylum seekers in places without effective protection or in which rights are violated, for example

49 E.g. Dünnwald, “Bamako, Outpost of the European Border Regime?”; Ali Bensaâd, “L’irrégularité De L’immigration En Mauritanie: Une Appréhension Nouvelle, Conséquence D’enjeux Migratoires Externs,” *CARIM Analytic and Synthetic Notes* 2008/76 (2008).

50 Frelick, Kysel, and Podkul, “The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants.”

51 James C. Hathaway and Thomas Gammeltoft-Hansen, “Non-Refoulement in a World of Cooperative Deterrence,” *Law & Economics Working Papers*, no. Art. 106 (2014).

52 Article 13 (2), Nora Markard, “The Right to Leave by Sea: Legal Limits on EU Migration Control by Third Countries,” *European Journal of International Law* 27, no. 3 (2016).

53 Céline Bauloz, “The EU Migration Partnership Framework: An External Solution to the Crisis?,” in *EU Immigration and Asylum Law and Policy* (2017); Steve Peers and Emanuela Roman, “The EU, Turkey and the Refugee Crisis: What Could Possibly Go Wrong?,” in *EU Law Analysis - Expert insight into EU law developments* (2016); Jean-Baptiste Farcy, “EU-Turkey Agreement: Solving the EU Asylum Crisis or Creating a New Calais in Bodrum?,” in *EU Immigration and Asylum Law and Policy* (2015); Henri Labayle and Philippe de Bruycker, “The EU-Turkey Agreement on Migration and Asylum: False Pretences or a Fool’s Bargain?,” in *EU Immigration and Asylum Law and Policy* (2016); Xavier Ferrer-Gallardo and Henk van Houtum, “The Deadly EU Border Control,” *ACME: An International Journal for Critical Geographies* 13, no. 2 (2014); Jens Vedsted-Hansen, “Europe’s Response to the Arrival of Asylum Seekers: Refugee Protection and Immigration Control,” in *New Issues in Refugee Research*, Working Paper No. 6 (Copenhagen: Centre for Documentation and Research, 1999).

through detention or unlawful return.⁵⁴ Supporting capacities to curb out-migration and preventing people from seeking protection in other countries implies a shift of logistical, social, and financial responsibility towards source and transit countries.⁵⁵ On the one hand, donors' increasing interest in funding measures related to border management in these countries could provide protection and humanitarian actors with additional funding opportunities. On the other hand, a dedicated control agenda risks sidelining funding for humanitarian and protection concerns. In some cases, there is also concern that existing development or humanitarian funding is redirected and relabeled for migration control.⁵⁶

Repression and Abuse of Migrants Fueled?

Hypothesis: Border cooperation can reduce leverage on recipient countries with poor human rights records and increase their bargaining power, while donors potentially turn a blind eye on recipient countries' abuses. More controls can bolster the repressive capacities of certain states, and open space for abuse such as physical maltreatment or extortion.

Many scholars have expressed concerns about unprincipled border cooperation with states that have a poor human rights record, especially considering that states have a duty not to aid or assist others in breaching international human rights obligations.⁵⁷

54 E.g. currently in Mexico, see The Economist, "Mexico Becomes a Destination for Migrants," 27/07/2017. See also Ferrer-Gallardo and Houtum, "The Deadly EU Border Control.," FIDH, "60th Session Achpr: Externalization of European Borders in Africa: From Cooperation to Blackmail," (International Federation for Human Rights - 60th Ordinary session of the African Commission on Human and Peoples' Rights, 2017); Dünnwald, "Remote Control? Europäisches Migrationsmanagement in Mauretanien Und Mali.," Georgi, "Georgi 2010 – for the Benefit of Some.," Poutignat and Streiff-Fénart, "Migration Policy Development in Mauritania: Process, Issues and Actors.," Rutvica Andrijasevic, "Deported: The Right to Asylum at Eu's External Border of Italy and Libya," *International Migration* 48, no. 1 (2010); Jørgen Carling and María Hernández-Carretero, "Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa," *The British Journal of Politics & International Relations* 13, no. 1 (2011); Amnesty International, "The Human Cost of Fortress Europe: Human Rights Violations against Migrants and Refugees at Europe's Borders," (2014); Lucht, "European Anti-Migration Agenda Could Challenge Stability in Niger.," Amnesty International, "Americas: Facing Walls: USA and Mexico's Violations of the Rights of Asylum-Seekers," (Amnesty International, 2017); Oxfam International, "Closed Borders: The Impact of the Borders Closures on People on the Move in Serbia and Macedonia," (Oxfam International, 2016); Randall Hansen and Demetrios G. Papademetriou, "Securing Borders – the Intended, Unintended, and Perverse Consequences," ed. Migration Policy Institute (2014), 9; OHCHR, "Situation of Migrants in Transit," (Geneva: OHCHR, 2016).

55 Human Rights Watch, "European Union: Managing Migration Means Potential EU Complicity in Neighboring States' Abuse of Migrants and Refugees," (Human Rights Watch, 2006); Red Cross EU Office, "Shifting Borders: Externalising Migrant Vulnerabilities and Rights?," (Brussels: Red Cross EU Office, 2013); Jennifer Podkul and Ian Kysel, "Interdiction, Border Externalization, and the Protection of the Human Rights of Migrants," (Human Rights Institute (Georgetown Law), Women's Refugee Commission, 2015).

56 Aderanti Adepaju, Femke Van Noorloos, and Annelies Zoomers, "Europe's Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review," *International Migration* 48(2010); Frelick, Kysel, and Podkul, "The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants.," Katarzyna Lemanska, Gian Marco Grindatto, and Fanny Voitzwinkler, "Misplaced Trust: Diverting EU Aid to Stop Migration - the EU Emergency Trust Fund for Africa," (Global Health Advocates France (GHA), 2017).

57 Vedsted-Hansen, "Europe's Response to the Arrival of Asylum Seekers: Refugee Protection and Immigration Control."

As a general concern, the implementation of capacity building projects for border management can be less effective when carried out in a context of weak institutions. Some scholars argue that there is also a higher risk that the human rights of migrants will be disregarded when these states are used as gatekeepers, especially when cooperation reinforces repressive state capacities or agencies with poor human rights records.⁵⁸ In the worst case, bolstering the capacities of countries that contribute to the causes of migration and flight can limit opportunities to seek protection, and fuel a self-reinforcing cycle.⁵⁹ Other authors warn that the control agenda of donors can lead to situations where recipient states “emulate” repressive measures such as detention and unlawful expulsion “in pursuit of good relations.”⁶⁰ Moreover, there is concern that such unprincipled cooperation increases the bargaining power of recipients in other fields,⁶¹ and undermines the leverage of donors to advocate for human rights. Finally, such cooperation could also sideline civil society organizations and institutions working to improve human rights and accountability in recipient countries.⁶²

Migrants Pushed onto Precarious Routes?

Hypothesis: More border control can drive migrants onto more dangerous routes and into the hands of smugglers and traffickers, who take more risks to reap profit from the increasing costs of border crossings.

There is doubt over whether capacity building for border management can stop unauthorized border-crossings if movements are driven by structural forces that are beyond authorities’ influence such as the demand for labor⁶³ or in situations where migration becomes self-perpetuating through the impact of related “migration industries,” social networks, and advocates.⁶⁴ Furthermore, existing political or

58 Carling and Hernández-Carretero, “Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa.”; FIDH, “60th Session Achpr : Externalization of European Borders in Africa: From Cooperation to Blackmail.”; Amnesty International, “The Human Cost of Fortress Europe: Human Rights Violations against Migrants and Refugees at Europe’s Borders.”; Thomas Demmelhuber, “The European Union and Illegal Migration in the Southern Mediterranean: The Trap of Competing Policy Concepts,” *The International Journal of Human Rights* 15, no. 6 (2011); T. Abderrahim and A Knoll, “The EU’s Migration Cooperation with North Africa: Will the Carrot and Stick Approach Work?,” (European Centre for Development Policy Management, 2017); Frelick, Kysel, and Podkul, “The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants.”

59 Vedsted-Hansen, “Europe’s Response to the Arrival of Asylum Seekers: Refugee Protection and Immigration Control.”

60 Human Rights Watch, “European Union: Managing Migration Means Potential EU Complicity in Neighboring States’ Abuse of Migrants and Refugees,” 11.

61 Declan Walsh and Jason Horowitz, “Italy, Going It Alone, Stalls the Flow of Migrants. But at What Cost?,” *NYTimes online*, 17 September 2017 2017.

62 Theodore Baird, “Viewpoint: Migration, EU Cooperation and Authoritarianism,” (Statewatch, 2016).

63 Jagdish Bhagwati, “Borders Beyond Control,” *Foreign Affairs*, no. January/February (2003); Stephen Castles, “Why Migration Policies Fail,” *Ethnic and Racial Studies* 27(2004); Wayne A. Cornelius et al., *Controlling Immigration: A Global Perspective* (Stanford, CA: Stanford University Press, 2004); Frank Düvell, ed. *Illegal Immigration in Europe: Beyond Control* (Palgrave Macmillan UK, 2006).

64 Hein De Haas, “The Internal Dynamics of Migration Processes: A Theoretical Inquiry,” *Journal of Ethnic & Migration Studies* 36(2010); Douglas S. Massey, “Social Structure, Household Strategies, and the Cumulative Causation of Migration,” *Population Index* 56(1990).

economic interests in maintaining a particular status quo at the borders makes capacity building for border management difficult. State agents often collude with smugglers or local patronage networks to protect the profits generated from the smuggling “industry.”⁶⁵ However, there is consensus that drops in migration numbers are often localized, with migrants shifting their points of departure, routes of transit, and border crossings.⁶⁶ More effective direct control measures can produce a vicious cycle, inducing new smuggling strategies rather than a reduction in migration. New smuggling strategies, in turn, produce new control measures. This cycle can take the form of geographical relocation, organizational changes, or technological innovation on the part of smugglers.⁶⁷ Shifting routes are usually associated with greater risk.⁶⁸ Both civil society and international organizations have therefore pointed to a link between cooperation in border management, shifting routes, and greater vulnerabilities.⁶⁹

Gaps in Literature and Added Value of This Study

Donor-funded capacity building has been employed as a tool for multiple policy goals, including in attempts to support “protection sensitive” border control and to address the vulnerabilities of people on the move. However, the literature posits a range of risks associated with increasing capacity for border control, which we have summarized in four main hypotheses: (1) risks for stability and livelihoods, (2) limits on protection and the right to seek asylum, (3) promotion of repression and abuse against migrants, and (4) pushing migrants onto precarious routes. So far, there is little evidence for the specific contribution of capacity building activities to these risks. This study tests the hypotheses on the potential risks and benefits for protection associated with increasing capacity for border management in the cases of Niger and Mali.

65 Bastide, “Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move.”

66 García Andrade and Martín, “EU Cooperation with Third Countries in the Field of Migration.”; Mathias Czaika and Hein De Haas, “The Effectiveness of Immigration Policies,” *Population and Development Review* 39, no. 3 (2013).

67 Carling and Hernández-Carretero, “Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa.”; Jørgen Carling, “Migration Control and Migrant Fatalities at the Spanish–African Borders,” *International Migration Review* 41, no. 2 (2007); Wayne A. Cornelius and Idean Salehyan, “Does Border Enforcement Deter Unauthorized Immigration? The Case of Mexican Migration to the United States of America,” *Regulation & Governance* 1, no. 2 (2007); Thomas Spijkerboer, “The Human Costs of Border Control,” *European Journal of Migration and Law* 9(2009).

68 David K. Androff and Kyoko Y. Tavassoli, “Deaths in the Desert: The Human Rights Crisis on the U.S.–Mexico Border,” *Social Work* 57, no. 2 (2012): 171.

69 E.g. Human Rights Council, “Human Rights Council, Report of the Special Rapporteur on the Human Rights of Migrants, François Crépeau,” (Human Rights Council, United Nations General Assembly, 2015); UNODC, “Smuggling of Migrants into, through and from North Africa: A Thematic Review and Annotated Bibliography of Recent Publications,” (Vienna: UNODC, 2010), 24; UNHCR, “Refugee Protection and International Migration,” (Geneva: United Nations High Commissioner for Refugees, UNHCR, 2014); *ibid*; Oxfam International, “Closed Borders: The Impact of the Borders Closures on People on the Move in Serbia and Macedonia.”; Amnesty International, “The Human Cost of Fortress Europe: Human Rights Violations against Migrants and Refugees at Europe’s Borders.”; ProAsyl, “Wenn Menschenrechte Nicht Mehr Zählen - Europas Kooperationen Mit Despoten,” (2016), www.proasyl.de/hintergrund/wenn-menschenrechte-nicht-mehr-zaehlen-europas-kooperationen-mit-despoten/.

The Case of Niger and Mali

Mixed Migration Flows and Vulnerabilities

Migration routes within West Africa are vibrant and diverse. Significant migration corridors connect economic hubs in the coastal regions with the hinterlands and the Sahel.⁷⁰ Nigeria, Ghana, Cote d'Ivoire, and Senegal are major countries of destination, tied to the development of the oil, mining, and agriculture industries in these countries.⁷¹ Countries in the Sahelian belt, including Niger, Mali, and Burkina Faso, are to a large extent countries of origin and transit for migrants travelling between countries in West Africa as well as those travelling towards North Africa. Migration movements have also experienced shifts over time in response to economic crises and reoccurring conflicts, particularly in Cote d'Ivoire and Libya.⁷² The importance of intra-regional migration is significant in West and Central Africa, where an estimated 75 percent of people on the move remain within the larger region.⁷³ There is a significant history of migration and trade between countries on both sides of the Sahara desert, with migrants providing their labor in the expanding economies of North African countries. This labor migration often aims to ameliorate shocks to livelihoods in desert regions, or comes in response to insecurity or conflict.⁷⁴ The transit routes through Niger, for example, are most important for seasonal and circular migrants towards North Africa and ECOWAS neighbors, often responding to food shortages and recurrent drought.⁷⁵ Towards the Maghreb, seasonal migrants often hail from the Nigerien regions Zinder and Agadez.⁷⁶

70 Bastide, "Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move." See also Nelly Robin, "Migrations, Observatoire Et Droit. Complexité Du Système Migratoire Ouest- Africain. Migrants Et Normes Juridiques," (Poitiers Cedex - France: Université de Poitiers, 2014).

71 Sahel and West Africa Club/OECD, "The Socio-Economic and Regional Context of West African Migrations," in *Working Document 1* (Issy-Les-Moulineaux: Sahel and West Africa Club/Organisation for Economic Co-operation and Development (OECD), 2006); Mandiougou Ndiaye and Nelly Robin, "Les Migrations Internationales En Afrique De L'ouest: Une Dynamique De Régionalisation Articulée À La Mondialisation," (University of Oxford: International Migration Institute, 2010).

72 Bastide, "Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move."

73 UNICEF, "Mixed Migration in West and Central Africa: Key Trends Affecting Children, Challenges and Opportunities for Advocacy and Programming."

74 Molenaar and Kamouni-Janssen, "Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya." See also: Julien Brachet, "Movements of People and Goods: Local Impacts and Dynamics of Migration to the through the Central Sahara," in *Saharan Frontiers: Space and Mobility in Northwest Africa*, ed. J Scheele and J McDougall (Bloomington: Indiana University Press, 2012).

75 Altai Consulting, "Irregular Migration between West Africa, North Africa and the Mediterranean," (Abuja: Altai Consulting, IOM Nigeria, 2015).

76 Tamer Afifi, "Economic or Environmental Migration? The Push Factors in Niger," *International Migration* 49, no. S1 (2011); Hein de Haas, "Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends" (International Organization for Migration Geneva, 2008); Altai Consulting, "Mixed Migration: Libya at the Crossroads," (Altai Consulting, UNHCR, 2013).

Both Niger and Mali maintain bilateral agreements with provisions on entry and stay or residence with various countries.⁷⁷ Currently, there are two main mixed migration routes linking West and North Africa, which connect the coastal countries to the borders of Algeria and Libya via the Sahara desert. On the one hand, the central route through Niger passes through Niamey or Zinder to the desert town of Agadez before continuing through the desert to the borders of either Libya or Algeria.⁷⁸ The western route through Mali, on the other hand, leads through Bamako and Mopti towards either Gao or Timbuktu before continuing through the desert to the border with Algeria.⁷⁹

The limited evidence that exists suggests that the route through Agadez towards the border with Libya has consistently accounted for the largest number of people on the move northwards, with the number of outgoing migrants far outnumbering the number of incoming migrants⁸⁰ - although the number of people recorded on monitored routes has recently dropped, as is discussed further below. In comparison, the number of incoming and outgoing migrants moving towards Algeria is fairly consistent, highlighting the circular nature of this flow.⁸¹ While the conflict in Mali has not stopped transit migration, and data on the number of people travelling through Mali is limited,⁸² it is possible that the increasing conflict in Mali has displaced people towards the Niger routes. Evidence from the Mixed Migration Monitoring Mechanism Initiative (4Mi) suggests that those traveling through Mali indicate an intention to travel to North Africa more so than Europe; however this is not representative of all of those on the move, and people may hide or change their intentions.

Some cross-border tribes, clans, and ethnic groups have a long history of social ties, mobility, and trade across borders in the Sahara region.⁸³ In the Liptako-Gourma region between Burkina-Faso, Mali, and Niger, there is also serious intercommunity conflict. In addition, both Niger and Mali have long borders that are often in remote areas, and both states lack the capacity to effectively control them in their entirety.⁸⁴ The recent conflict in northern Mali, which began with a separatist rebellion and a military coup in 2012, has resulted in the displacement of a large number of people

77 For Niger, these are: Algeria, Burkina Faso, France, Ghana, Libya, Mali, Morocco and Tunisia. For Mali: Burkina Faso, Ghana, Guinea, Mauritania, Niger, Cameroon, and France. See ICMPD, "A Survey on Migration Policies in West Africa," (ICMPD, IOM, Swiss Agency for Development and Cooperation SDC, 2015).

78 Bastide, "Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move," 8; Molenaar and Kamouni-Janssen, "Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya."

79 Bastide, "Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move.," Molenaar and Kamouni-Janssen, "Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya," 16.

80 IOM, "Niger Flow Monitoring Points: Statistical Report for January," in *Displacement Tracking Matrix* (IOM, 2016).

81 *ibid.*

82 Molenaar and Kamouni-Janssen, "Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya."

83 Brachet, "Movements of People and Goods: Local Impacts and Dynamics of Migration to the through the Central Sahara.," Molenaar and Kamouni-Janssen, "Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya."

84 See e.g. Brachet, "Movements of People and Goods: Local Impacts and Dynamics of Migration to the through the Central Sahara.," Mariama Awumbila et al., "Across Artificial Borders: An Assessment of Labour Migration in the Ecowas Region," (Brussels: IOM, ACP Observatory on Migration, 2014).

across borders in the region.⁸⁵ Armed groups or local actors have established de facto control over territory or specific routes, particularly in northern Mali.⁸⁶ This conflict has also led to the incursion of armed actors into neighboring states.⁸⁷ As a result, countries such as Niger, Burkina Faso, and Senegal have increasingly attempted to secure their borders with Mali.⁸⁸ For instance, in March 2017, Niger called a three month long state of emergency along its western border with Mali following a spate of attacks, which resulted in limited vehicle traffic in the area after dark.⁸⁹ The recently endorsed G5 Sahel force demonstrates the regional approach to combating insecurity, which includes an increased military presence in the border regions.⁹⁰

Within West Africa, in line with ECOWAS free-movement polices, migrants can circulate freely between ECOWAS countries without a visa for a period of 90 days,⁹¹ provided they possess valid travel documents.⁹² While effective implementation of the free movement protocols remains uneven,⁹³ national authorities in both Niger and Mali have traditionally taken a tolerant approach towards irregular migration.⁹⁴ As discussed below, this is changing due to cooperation with donors interested in limiting migration. Migrants paying bribes to officials while on the move, including across borders, is a relatively widespread practice, regardless of the travel documents they possess.⁹⁵

Routes through the desert between West and North Africa see regular, irregular, and circular migrants travelling to North Africa, as well as some intending to travel to the EU to work or claim asylum, those being trafficked to North Africa and Europe for the purpose of exploitation, and unaccompanied and separated children moving for a variety of reasons. Data collected through 4Mi shows that travel by bus is the most common way to move towards Niger or Mali, both with and without the assistance of smugglers.⁹⁶ To then cross these countries, people on the move use a mix of regular and irregular means, travelling most commonly by bus to key transit towns (Agadez

85 For the latest figures see: <https://data2.unhcr.org/en/situations/malisituation>.

86 See e.g. ACAPS, “Mali Crisis Analysis,” ACAPS, www.acaps.org/country/mali/crisis-analysis.

87 UN Security Council, “Report of the Secretary-General on the Situation in Mali’ from the 28 September 2017,” (2017).

88 Awumbila et al., “Across Artificial Borders: An Assessment of Labour Migration in the Ecowas Region.”

89 See OCHA, “Niger: Aperçu Sur La Situation Humanitaire Et Sécuritaire Dans Les Régions De Tahoua Et Tillabéry (Mai 2017),” (United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), 2017).

90 ISS, “Challenges and Opportunities for the G5 Sahel Force,”(2017), www.reliefweb.int/report/mali/challenges-and-opportunities-g5-sahel-force.

91 Economic Community of West African States (ECOWAS), Revised Treaty of the Economic Community of West African States (ECOWAS), 1993, art. 59.

92 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct of the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment, 1985; Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence), 1986; Supplementary Protocol A/SP.1/6/89 amending and complementing the provision of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment, 1989; Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment), 1990.

93 Alexandre Devillard, Alessia Bacchi, and Marion Noack, “A Survey on Migration Policies in West Africa: Second Edition,” (Vienna and Dakar: ICMPD, IOM, 2016).

94 *ibid.*

95 <http://www.westafrica.regionalmms.org/index.php/4mi-page>.

96 Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger.”

in Niger, Gao in Mali), before continuing their journey in private vehicles or trucks, almost always with the assistance of smugglers.⁹⁷ 20 percent of migrants interviewed by 4Mi between June and September 2017 indicated that a smuggler had helped facilitate their journey from their country of origin, while for 44 percent smugglers had helped facilitate another onward part of their journey. Of those that used a smuggler to facilitate their journey, the majority had used several to make the trip (56 percent).

This situation facilitates the movement of people, but also weakens their protection while crossing borders. Migrants are highly dependent on their smugglers for the passage through the desert, which increases the risks of kidnapping, ransom, and forced labor at the hands of smugglers, or abandonment in the desert.⁹⁸ As justice systems in Niger and Mali are also poorly funded and managed, and the rule of law is inadequately enforced, there is widespread impunity for crimes.⁹⁹ While the involvement of state officials in incidents with migrants is very difficult to assess due to a lack of data, evidence from 4Mi suggests a significant number of cases, including physical assault and arbitrary detention. Expert interviews confirmed that border guards in certain locations in both countries work in cooperation with smugglers to extort migrants who are crossing borders.

The Scope and Nature of Capacity Building for Border Management

Extent of Donor Funding on Migration

As the bottleneck on the most important migration route towards Europe, Niger has become a central focus for donor efforts to curb irregular migration, while Mali also continues to play an important role. Several interviewees confirmed that issues related to migration have become a top priority among donors since 2015. The EU best illustrates this development, as it has become the most important donor for migration-related projects in Niger and Mali, ahead of major bilateral donors like Germany, Italy, and Spain. Other non-European donors such as the US and Japan have also largely concentrated on capacity building for border management and security.

Funding is channeled through a variety of instruments. At the Valetta Summit on Migration in November 2015, the EU decided on the Valetta Action Plan and established the “EU Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa” (EUTF). The EUTF provides funding for a range of measures in the areas of development, humanitarian aid, and security, linking these sectors directly to migration management. Since its creation, the ‘Sahel and Lake Chad Window’ of the EUTF (which includes Niger and Mali as well as Burkina Faso, Cameroon, Chad, Mauritania, Nigeria, Senegal, and the Gambia) has funded projects worth a total of €918.5 million. In Mali, nine projects with a volume of €151.5 million

97 *ibid.*

98 Bastide, “Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move.”; Molenaar and Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.”

99 Human Rights Watch, “Mali - Events of 2016,” (2017).

have been approved, alongside another nine projects amounting to €139.9 million approved in Niger. This makes them the second- and third-most important recipient countries after Senegal. This country-specific funding complements the €114.9 million spent on regional programs by the EUTF. After the launch of the EUTF, the EU Migration Partnership Framework under the European Agenda on Migration was initiated in June 2016, and it made both Niger and Mali priority countries (alongside a few other countries in West Africa). The emphasis of the framework is on curbing irregular migration and addressing the root causes of migration.

LOCATION	NIGER	MALI	REGIONAL PROGRAMS
Number of Projects	9	9	7
Funding in mio. €	139.9	151.5	114.993

LOCATION	BURKINA FASO	CAMEROON	CHAD	MAURITANIA	NIGERIA	SENEGAL	THE GAMBIA
Funding in mio. €	80.5	40.3	88.3	38.2	58.5	161.8	14.9

Table 1: Funding in the Sahel and Lake Chad window of the EUTF in million Euros, from 2015 to 2020.
Source: EU Commission¹⁰⁰

Border and migration management is also supported through other funding beyond the EU Trust Fund. Under the EU’s Common Security and Defence Policy (CSDP), Nigerien and Malian security forces and institutions receive support through the EUCAP Sahel Niger and Mali programs for taking action against terrorism and organized crime. The goal is also to “support the security forces’ capability to better control migration flows and to combat irregular migration.”¹⁰¹ There is considerable humanitarian and development funding invested in both countries, an unspecified part of which is used for border management.¹⁰² Moreover, at the end of 2016, the European Commission announced an increase of €609.9 million in financial support for Niger, principally for the government’s “reform and state-building efforts.”¹⁰³ In 2017, Italy added another €50 million to its budget for addressing migration.¹⁰⁴

The EU’s efforts to stem northbound mixed migration through Niger - and, to a lesser extent, Mali - seem to be intensifying. In May 2017, the interior ministers of Germany and Italy petitioned the European Commission to reinforce the border

100 European Commission, “Factsheet EU Emergency Trust Fund for Africa,” European Commission, https://ec.europa.eu/europeaid/sites/devco/files/factsheet-eu-emergency-trust-fund-africa-2017-update-0606_en.pdf.

101 European External Action Service, “The European Union and the Sahel, Fact Sheet “; Council of the European Union, “Council Conclusions on the Sahel Regional Action Plan 2015-2020,” (Brussels: European Union, 2015).

102 European Commission, “Factsheet on EU Development Cooperation with Niger,” (Brussels: European Commission, 2015).

103 European Commission, “European Union Steps up Its Support for Niger to the Tune of Eur 609.9 Million. Press Release,” (Brussels: European Commission, 2016).

104 Lucht, “European Anti-Migration Agenda Could Challenge Stability in Niger.”

between Niger and Libya even further and “to build up an EU mission on the border ... which could include mobile patrols ... as well as vetting of asylum-seekers.”¹⁰⁵ In June, the Nigerien government, the EU, and various implementing partners agreed on a series of steps to bolster their footing and accelerate project delivery.¹⁰⁶ In July, the Commission announced that the EU and member states will further intensify efforts to prevent movements to Libya from Niger and Mali, pledging €50 million in financial support to the establishment of a Joint Force of G5 Sahel countries to reinstate border control in transit areas, among other things.¹⁰⁷ At the Paris Summit in late August 2017, several major European leaders met with Nigerien, Chadian, and Libyan leaders to decide on a short-term plan of action to address smuggling and curb migration.¹⁰⁸

Capacity Building as a Tool for Border Management

Capacity building activities for border management play an important role as instruments to implement the political agenda funded by the EU and other donors. As part of this study, these activities were mapped for the period between 2007 and 2017,¹⁰⁹ recording 69 projects that mention Niger and/or Mali as focus countries, with a combined financial volume of least €1.2 billion.¹¹⁰

For the most part, these projects were implemented by IOM, (26 projects), Spain and the German implementing agency GIZ (3 projects each), the UN Office on Drugs and Crime (UNODC) (2 projects), and Interpol, the EU, the International Centre for Migration Policy Development (ICMPD), and the US Department of State (2 projects each). All projects can be roughly separated into three categories: projects aimed at improving security-oriented border management and control (such as combating organized crime); projects addressing the protection needs of people on the move; and projects combining both components. Out of the 52 recorded capacity building measures that include Niger as a recipient (18 of which implemented were focused exclusively there), 34 projects clearly emphasize capacity building for security-oriented border management and control. From the remaining projects, nine can be seen as mainly building capacity to address the protection needs of people on the move, while eight projects include both protection and security aspects.¹¹¹ Of the 48 projects

105 Jamie Dettmer, “Germany, Italy Push for EU Mission on Libya-Niger Border to Deter Migrants,” *VoA*, 15.05.2017 2017.

106 European Commission, “Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration,” (Strasbourg: European Union, 2017), 4.

107 European Commission, “Central Mediterranean Route: Commission Proposes Action Plan to Support Italy, Reduce Pressure and Increase Solidarity,” Press Release, 2017.

108 Patrick Wintour and Kim Willsher, “African and European Leaders Agree Action Plan on Migration Crisis” *The Guardian*, 28/08/2017 2017.

109 There is probably a temporal bias in the publicly available data as well as in recall information received from agencies. This bias probably leads to an overemphasis on more recent projects as opposed to older projects. Therefore, the mapping does not provide sufficient grounds for an analysis of the development of number and scope of capacity building projects over time.

110 The data does not allow for a disaggregation of the financial volume to particular countries, given most projects focus on more than one. For 28 projects, financial data was not accessible. Calculated on the basis of all concrete information, conversion rate as of 13 September 2017.

111 The remaining one could not be classified due to a lack of information.

implemented in Mali (eight of which were exclusively implemented there), 35 emphasize activities on control and security-oriented aspects in border management, six are rather protection-oriented, and five projects include both components. Two projects could not be classified due to a lack of data. Examples for the project objectives are enhancing systematic information and data gathering in order to counter smuggling, trans-border cooperation for border management, and the use of methods or devices to detect migrant smuggling or document fraud.

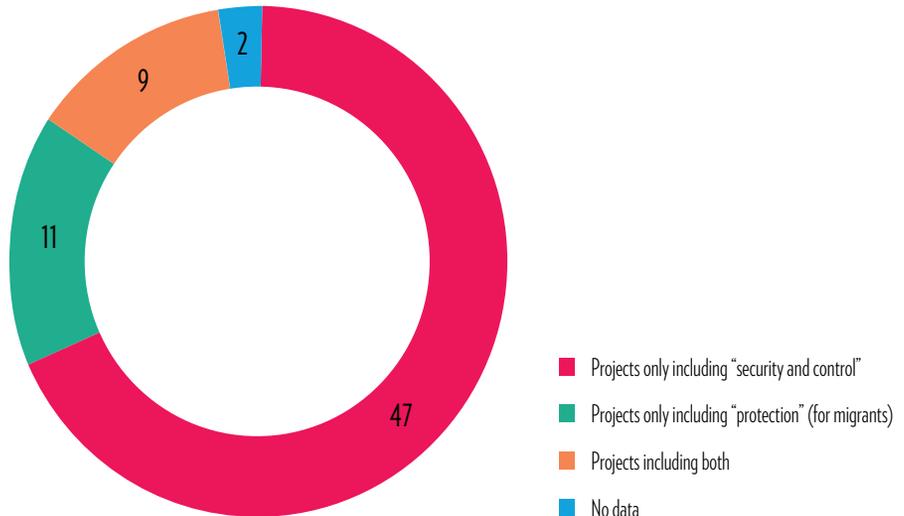


Figure 3: Emphasis of capacity building projects recorded in Niger and/or Mali (see Annex 2)

In terms of activities within capacity building projects, trainings constitute the most frequent activity, alongside political and policy support (47 projects each). This is followed by financial and material support (26 projects). Financial and material support was provided to both respective security and administrative apparatuses. Technical policy support mostly took the form of fostering stakeholder cooperation on border management (mainly cooperation between different security actors and government agencies and, to a lesser extent, cooperation between civil society and governmental actors). It also included the drafting of policy papers, or running the formal political and administrative processes to implement policies and frameworks. Finally, trainings mostly focus on administrative matters, data collection, and combating transnational organized crime, followed by protection issues (the latter are discussed in more detail below). They often aim to optimize cooperation by offering collaborative trainings for members of agencies from different countries or by introducing data sharing platforms and data analysis tools. Trainings with a security focus are typically aimed at combating transnational organized crime by improving passport verification skills, risk analysis, and investigative techniques, as well as by better equipping relevant institutions, for example forensic offices.

“Protection Sensitivity”: Benefits and Limitations of Trainings

As discussed above, many agencies offer capacity building to foster protection sensitivity in border management and respect for human rights standards. Since trainings constitute one of the most frequently applied instruments within these, we will focus our analysis on them. Projects with trainings focused on protection in Mali and/or Niger were mostly implemented by IOM (three projects), UNODC (two), or OHCHR (two). These projects simultaneously include other components such as political and policy support, and cooperation with other stakeholders on border management.

Box 2: Illustrative examples of capacity building projects in Niger and Mali addressing protection needs of people on the move

- In the “*Border Management & Border Communities in the Sahel*” project implemented by the United Nations Development Programme (UNDP), trainings for law enforcement personnel in order to support human rights, refugee and asylum law, and gender issues feature prominently. The project was implemented between 2015 and 2016, and funded by Japan for about €3.2 million.
- The project “*FMM West Africa (Support for Free Movement of Persons and migration in West Africa)*” is implemented by IOM, ICMPD, and ILO, and funded with €24.45 million from the EU and ECOWAS for an implementation period running from 2013 to 2018. It seeks to increase free movement and migration in the ECOWAS region and Mauritania, as well as intra-regional dialogue to improve the rights of migrants and cross-border populations. More specifically, the project seeks to reinforce the capacities of national institutions within the region, in order to improve border management as well as the ECOWAS Commission’s capabilities to foster and enhance intra-regional dialogue. Other goals include increasing the security of migrants as well as information available to them and cross-border populations by involving non-state actors and local authorities, and strengthening their rights through prevention, advocacy, and assistance activities. Migrants and cross-border populations are explicitly indicated as beneficiaries. The project included a regional training workshop to achieve better comprehension of migration policy.
- Another project proposal focuses on “*Strengthening the capacities of West African states to develop a human rights-based response to smuggling of migrants, and to effectively respond to human rights violations related to irregular migration.*” The project is jointly developed by UNODC and OHCHR with a proposed project implementation period of two years in several West African countries. The project aims to enhance national capacities to detect, investigate, and prosecute migrant smuggling and related crimes, while ensuring effective protection of the rights of migrants (by enhancing frameworks and policies as well as said capacities).

Moreover, it seeks to strengthen regional as well as international cooperation and the exchange of operational information on smuggling of migrants and on the rights of migrants. A third goal is to improve the protection and promotion of the human rights of migrants during their journey (by enhancing national norms and capacities for protection and access to justice). The project comprises several trainings for national human rights institutions, law enforcement officials, criminal justice actors, and others in both Niger and Mali. Topics include the investigation and prosecution of cases related to the smuggling of migrants as well as the identification and referral of persons in mixed migration settings.

While the literature hypothesizes that such interventions may have positive effects for protection, there is little empirical evidence of that so far in Niger and Mali. Evaluations are not systematically conducted and those that exist are not publicly available. At the same time, there is some literature on the effectiveness of such trainings in the region, and insights can also be drawn by analogy from other fields. Interviews with key stakeholders on the ground helped triangulate these findings.

In interviews with NGOs, donors, and staff from UN agencies working on the issue of mixed migration in West Africa, most rejected “trainings for the sake of trainings,” and nobody viewed training as a goal in itself. Nonetheless, as one UN employee stated, “everybody does trainings here all of the time.” As some interviewees argued, one explanation is that there is demand for trainings from partner governments and local social services partners because they are easy to organize and absorb. Others argued that trainings provide a back channel for communication with partners, and are a means of pleasing counterparts and sustaining dialogues. It was also observed that donors like trainings because they provide for comparably quick output for reporting. This has been described as relevant in the context of the current push for quick output-oriented funding instruments such as the EU Trust Fund. Another interviewee working for an implementing agency stated that trainings are “frankly the easiest way to spend the money.” Some recipient governments reportedly take advantage of the lack of coordination among donors and implementing agencies in order to shop around for trainings. Many critical voices argued that trainings are sometimes requested only to generate attractive *per diems* and transportation fees for participants. Trainings also offer participants an opportunity to temporarily get out of what can often be frustrating work environments.

Interviews with protection actors on the ground confirmed that trainings, in their current form, have many weaknesses and are hampered by their circumstances. Financial incentives, resource and time constraints, as well as favoritism often interfere with the effective selection of participants. While some interviewees found that they could influence participant lists, others do not receive lists until the very last moment. Many found it difficult to make a strict selection and complained that participants are only sent to gain *per diems*. Several agency representatives also claimed they spend considerable time “training the same people on the same topics.” They reported that trainings can be too generic, and are often not aligned with constantly changing needs on the ground. Needs assessments are seldom conducted in an adequate fashion prior

to trainings. In addition, past experience has shown that trainers are often perceived as outsiders with little practical experience or local knowledge, thus hurting their credibility and authority and undermining the training as a whole. Furthermore, as job fluctuation among staff tends to be very high in West African institutions, many trainees spend less than one year in their posts. Border guards in Mali are sometimes ordered to their posts for only a few weeks. A police officer seconded to an international organization and regularly doing trainings stated that for trainings to show some effect, “we would have to train everybody.” In Mali, for example, trainings would need to extend to the army, which often does border control work given the context of insecurity and a lack of dedicated border police. However, implementing agencies typically work with civilian institutions and often lack the experience to access the relevant people in these security forces, while donors may have constraints regarding their cooperation with the military. Turnover impedes the iterative development of a curriculum and trainings can stagnate or become a dead end. In addition, trainings often reinforce a dynamic wherein trainees with better skills transfer to more prestigious posts, join the ranks of donor organizations, or even move abroad.

In terms of impact, most experts interviewed argued that trainings could be useful for addressing certain protection concerns under specific circumstances. For example, stakeholders said they considered trainings as an important measure for advancing child protection in West Africa because they can help participants connect

and work together on their topic areas. Trainings can also be valuable in remote areas where access to information is typically restricted, or in cases where training counterparts are genuinely interested in advancing a certain agenda. However, there is also considerable skepticism as to whether trainings have effectively addressed protection needs in the past. A UN agency staff member summarized years of experience in protection trainings in the

A UN agency staff member summarized years of experience in protection trainings in the following way: “Either we are not doing it correctly or just for the sake of it – it is like pushing against a wall, you do not really feel the impact.”

following way: “Either we are not doing it correctly or just for the sake of it – it is like pushing against a wall, you do not really feel the impact.” Several interviewees argued that human rights trainings for border and security forces are “questionable” when the circumstances do not allow for the impact of these trainings to unfold.

At a domestic and institutional level, trainees tend to lack the ability and adequate leverage to steer change from their often underfunded, poorly equipped positions and institutions. If a member of the Malian police force were to identify a victim of trafficking at a remote location, he or she would be unlikely to have the resources to have the person transported to a place where follow-up action is available. In Niger, it was observed that children on the move who were identified as vulnerable were sometimes brought to police stations but could seldom be taken up into a larger support system, and were often simply asked to leave after a few days. Donor preferences and international political circumstances are important factors as well: interviewees across agencies agreed that the protection agenda in West Africa is currently facing considerable pressure due to the largely control-driven agenda of the EU Trust Fund. The (un)intended consequences of capacity building for the vulnerabilities of people on the move are explored in more detail below.

Box 3: Illustrative examples of border security and control-oriented capacity building projects in Niger and Mali

- The “*Police Programme Africa*” (or “*Supporting Police Reform Processes in Africa*”), which comprises eight country-specific projects, was implemented by the GIZ and financed by the German Federal Foreign Office. It started in 2013 and will run until 2018. In Niger, the project aims to bolster border security and control, and address transnational organized crime, including smuggling of arms and drugs. It focuses on improving technical skills and internal management processes of the Nigerien police forces, as well as strengthening capacities in human resource management and new training structures. The project also helped to build new border checkpoints with Nigeria and Burkina Faso, and encourages respect for human rights. According to the GIZ, the results include an increased police presence and more effective management in remote areas.¹¹²
- The project “*Secure Borders in Northern Niger*,” implemented by IOM and financed by Canada for €206,000, seeks to strengthen police forces with an emphasis on capacity building for detecting, deterring and fighting terrorist activities, as well as ensuring safety of migrants and cross border communities.¹¹³
- The project “Coordinated Border Management in Niger, Mali, Mauritania and Burkina Faso and Immigration and Border Management in Niger” is an example of a multilateral project implemented by IOM and financed by Japan with €2.5 million from April 2015 to May 2016. The project aims to enhance operational and strategic capacities in the region by increasing the use of technology for investigation and risk analysis at the borders, as well as through improvements in data collection and use.
- The ongoing project entitled “Rapid Action Groups - Monitoring and Intervention in the Sahel (GAR-SI SAHEL)” aims to strengthen operational capacities and national authorities to enable more effective control of borders and territory in the G5 countries Burkina Faso, Chad, Mali, Mauritania, and Niger. Joint patrol and training are funded with €41.6 million from Spain, France, Italy, and Portugal. Gendarmerie from the donor countries instruct the units from each of the G5 countries, with the aim of making the rapid action groups operational within 20 months.

112 GIZ, “Police Programme Africa – Niger Project Description,” www.giz.de/en/worldwide/20718.html.

113 Canadian Government, “On the Relations Canada-Niger,” www.canadainternational.gc.ca/mali/bilateral_relations_bilaterales/bilateral_canada_niger.aspx?lang=eng.

Capacity Building and (Un)intended Consequences for Vulnerabilities

The journey towards the north through Niger and Mali has always been a difficult one, and the harsh conditions imply significant risks for the dignity, health, and safety of many migrants.¹¹⁴ The environmental conditions of this journey, such as extreme temperatures and difficult terrain, are particularly hostile. Moreover, exploitation by smugglers is common and migration routes often unfold in parallel to illicit cross-border trade, while dangers emanating from non-state actors are imminent.¹¹⁵

After crossing into Libya, the threats and risks for migrants multiply.¹¹⁶ In other regions of Niger and Mali, such as Diffa in Niger, central and northern Mali, and the Liptako-Gourma region between Mali, Burkina Faso and Niger, the presence of a variety of armed actors poses security threats.¹¹⁷ While migration routes through Niger and Mali have always been a challenging issue, interview partners are unanimous that the situation for irregular migrants has become more difficult under the current push to build more border control capacity. All interview partners shared the assessment that risks have increased as a result of international collaboration for tighter border management, along the lines of some of the hypotheses outlined in the review of literature on the subject in Chapter 2 of this report. First, stability has been placed at risk, inter alia by curtailing important livelihood strategies in the “migration industry” without providing alternatives, and harming perceptions of migrants, while also putting potential strains on circular migration. Funding gaps for protection remain significant, and reinforced border controls are probably trapping people fleeing from conflict or persecution. There is also a lack of attention to human rights issues in border cooperation in both countries, which risks fueling corruption and the maltreatment of migrants. Especially in Niger, civil society organizations are at risk of becoming sidelined. Moreover, people on the move are increasingly pushed onto precarious routes as border controls increase.

114 Altai Consulting, “Irregular Migration between West Africa, North Africa and the Mediterranean.”

115 Molenaar and Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.”; Fransje Molenaar, “Irregular Migration and Human Smuggling Networks in Niger.” (The Hague: Clingendael - Netherlands Institute of International Relations, 2017); GMDAC, “Dangerous Journeys – International Migration Increasingly Unsafe in 2016,” in *Data Briefing Series* (Berlin: Global Migration Data Analysis Centre (GMDAC), 2016); UNODC, “Smuggling of Migrants into, through and from North Africa: A Thematic Review and Annotated Bibliography of Recent Publications.”

116 Altai Consulting, “Mixed Migration: Libya at the Crossroads.”; Human Rights Watch, “World Report 2017 - Events of 2016,” (New York City: Human Rights Watch, 2017); IOM, “IOM Niger - 2016 Migrant Profiling Report,” (Geneva: International Organization for Migration (IOM), 2017); Mixed Migration Hub, “Detained Youth: The Fate of Young Migrants, Asylum Seekers and Refugees in Libya Today,” in *Study 1, July 2015* (The North Africa Mixed Migration Task Force (MHUB), 2015); Marie-Cecile Darne and Tahar Benattia, “Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges,” (Altai Consulting, IMPACT Initiatives, UNHCR, 2017).

117 RMMS, “Monthly Mixed Migration Summary July 2017,” (Regional Mixed Migration Secretariat West Africa, 2017); Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger.”

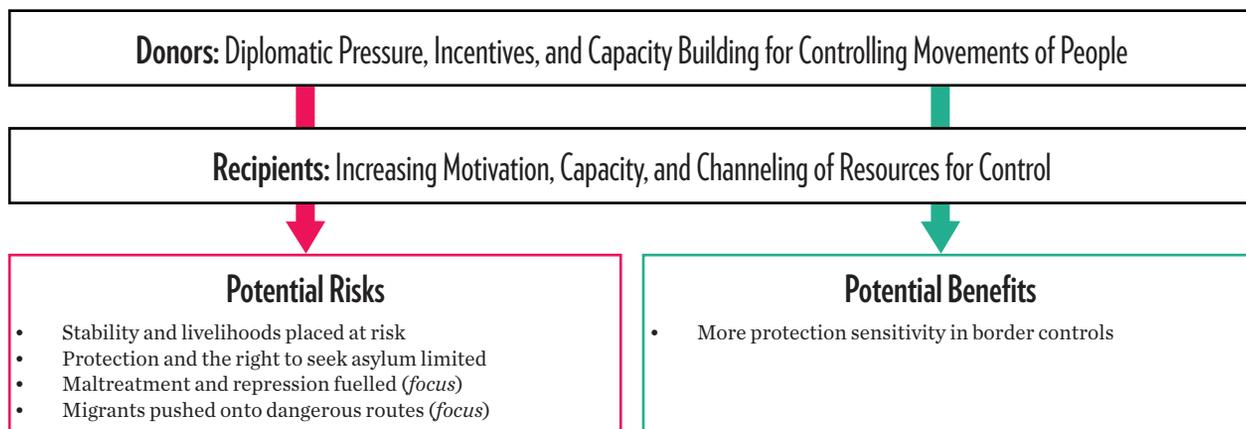


Figure 4: Schematic causal chain on the contribution of border control capacity building to vulnerabilities of migrants in case study

Stability and Livelihoods Placed at Risk?

Although Niger is considered one of the more stable states in the conflict-afflicted Sahel region, the current push for migration control places the fragile internal power dynamics between the migration-dependent north and the south of the country at risk.¹¹⁸ After Gaddafi’s fall, Niger successfully disarmed and incorporated northern rebels as well as returning fighters from Libya. In addition, Agadez was given a considerable degree of autonomy to safeguard stability and integrity.¹¹⁹ Since then, the migrant industry has been one of the few sources of income in the north of the country, and the increasing push for control has put pressure on livelihoods and fueled discontent among politicians, citizens, and smugglers, some of whom are former combatants.

There is significant concern that the economic strain produced by the control agenda could push people into rebels’ or extremists’ arms if they remain unaddressed.¹²⁰ The sequencing of the anti-smuggling push in Niger has been criticized as misguided by interviewees, as the migration business is already under significant pressure while job projects around Agadez have yet to make an impact. Furthermore, at a regional level, interviews with various stakeholders have also indicated that the push for greater control, and the increasingly broad definition of irregular migration coming even from ECOWAS partners (which also affects migrants who are in theory free to move within the region with proper documentation) has led to resentment against Niger. This is also

118 Global Initiative Against Organized Transnational Crime, “Integrated Responses to Human Smuggling from the Horn of Africa to Europe.”; Lucht, “European Anti-Migration Agenda Could Challenge Stability in Niger.”; Tinti, “In Niger, Anti-Smuggling Efforts Risk Trading One Crisis for Another.”; Molenaar and Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.”; Reitano, “Further Criminalizing People Smuggling Will Not Work.”; Tinti, “The E.U.’S Hollow Success over Migrant Smuggling in Niger.”

119 Lucht, “European Anti-Migration Agenda Could Challenge Stability in Niger.”

120 Peter Tinti and Tom Westcott, “The Niger-Libya Corridor - Smugglers’ Perspectives,” (Institute for Security Studies - ISS Paper 299, 2016).

fueled by the perception that Niger is “taking all the money,” as one expert observed. An interview partner with knowledge about the inner workings of the Malian government stated that some perceived Niger as damaging the ECOWAS free movement regime for one-sided gains. The potential long-term effects of such grievances on intra-regional cooperation are an important concern in a region that faces many challenges which can only be addressed by a regional approach, and which has generally profited from greater regional integration.

Several local interviewees from academia and civil society feel that the current push for tighter control in Niger has done damage to perceptions of migration among local populations, especially since migrants (even those who move legally on paper) are increasingly subject to control and faced with the suspicion that they might be traveling northwards.¹²¹ A local researcher in Niger indicated that before a border post was established by IOM in an area of Diffa, people never perceived borders as a line, but rather as an open, easily passable space. In both Niger and Mali, the changing perception of borders, and of migration more generally, has consequences for those who are travelling on a regular basis. For instance, ECOWAS migrants are increasingly going into hiding within Niger despite the fact that they are theoretically allowed to move freely within the region with proper documentation.¹²²

The current push for tighter control in Niger has done damage to perceptions of migration among local populations, especially since migrants are increasingly subject to control and faced with the suspicion that they might be traveling northwards.

There is scarce data on changes in circular migration, yet a number of interviewees have raised the concern that greater control in Niger may have started to prevent some from accessing vital livelihood strategies, and non-governmental observers have also warned of this consequence.¹²³ Critical observers in Niamey stated that even circular migrants are now branded as “victims of smugglers.” Mali partially depends on skilled labor from neighboring countries, and many Malian emigrants reside in these countries as well.¹²⁴ Temporary migration is also used as a response to increasing climate challenges.¹²⁵ On the other hand, data shows that transit migration especially by Nigeriens and Malians within and to Algeria has not changed much between this year and last year,¹²⁶ maybe owing to existing networks and tacit agreements between migrants and local tribes that are de-facto controlling the borders in many zones.¹²⁷ However, the risk that central livelihood and resilience strategies in the Sahel region may be curtailed is real and should be taken seriously.

Moreover, several interviews with implementers in Niamey have pointed to the risk that people on the move may become stranded as a result of greater control. In addition to those stranded, between February and August 2016, 91,500 voluntary returnees and deportees arrived in Niger from Libya (77 percent) and Algeria (23

121 e.g. Reitano, “Further Criminalizing People Smuggling Will Not Work.”

122 Molenaar and Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.”

123 E.g. e.g. Tuesday Reitano, “What Incentives Does Niger Have for Cracking Down on Migrant Smuggling? Not Many,” in *Firoz Lalji*, ed. LSE Centre for Africa (London 2016).

124 Dünwald, “Bamako, Outpost of the European Border Regime?”

125 Molenaar and Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.”

126 RMMS, “Monthly Mixed Migration Summary July 2017.”

127 Altai Consulting, “Irregular Migration between West Africa, North Africa and the Mediterranean,” 20.

percent), many of whom are now traumatized.¹²⁸ Interviews have shown that returning and stranded migrants are a challenge in a region that is already economically stretched and provides few alternative livelihood options. The region of Agadez, which is already economically stretched, now accommodates a population that has grown from 100,000 to over 500,000 people over the last couple of years.¹²⁹ Since this comes at a time when income related to the migration industry is under significant pressure and other sources of income are yet to be established, this has the potential to become a liability.

Originally, migrants were not perceived to form a significant part of the local labor market in Agadez, and the often temporary duration of their stays limited their impact on the local economy.¹³⁰ It is unclear how these perceptions will change as the number of stranded people and the length of stay increases. Furthermore, many migrants are driven to the peripheries of cities and to more secluded housing, making it hard to reach them with assistance. Interviews with major protection actors have also shown that returning migrants often do not receive adequate support in Agadez, especially those who are not willing to return to their countries of origin. Some are also afraid to accept help from IOM, which is seen as collecting data on migrants and collaborating with the government. NGOs have started to step in to provide assistance to those migrants who fall through the cracks of the system, and have identified a considerable need to ramp up such efforts, for instance in the area of psycho-social care. The situation is somewhat different for Mali, given that there is currently no region in the country that is as economically dependent on facilitating migration, and because migrants usually do not get stuck in Mali.

Access to Asylum Limited, Protection Sidelined?

For people on the move in Niger, there is a significant risk that reinforced border controls could trap people fleeing from conflict or persecution. Without ramping up the protection infrastructure in parallel, this could prevent them from obtaining effective international protection or even accessing basic services.¹³¹ Although data is scarce, UNHCR analysis shows that about 30 percent of those who cross the desert to Libya could qualify for some form of protection in Europe.¹³² UNHCR conducts status determination in Niger and is currently setting up determination capacities in Agadez to facilitate such applications for asylum in Niger. This aims to address the current problem that individuals intercepted in the Agadez region are sent back to Niamey to lodge an application for asylum. In Mali, the lack of state presence in large areas of the

128 Samuel Hall, "Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger," (Geneva: IOM, 2016).

129 Molenaar and Kamouni-Janssen, "Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.," Hall, "Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger."

130 Hall, "Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger."

131 A recent report by the Regional Mixed Migration Secretariat (RMMS) also warned of this risk Bastide, "Mixed Migration in West Africa: Data, Routes and Vulnerabilities of People on the Move."

132 Michelle Hoffman, "Deadly Trade through Niger Snares Refugees and Migrants," 04/08/2017 2017; UNHCR, "Niger Factsheet May 2017," (Geneva: UNHCR, 2017).

country means that there is generally less control of movements of people. Based on what is known to aid agencies and researchers interviewed for this study, displaced people usually seem to have access to Mali's neighboring countries. The risk of "sidelined protection" funding cannot be corroborated. Various implementing actors have confirmed that the increasing focus on migration has provided them with additional funding opportunities for protection programs and humanitarian action, especially when using topics that are perceived to be in fashion as "hooks" for their activities, such as trafficking or children on the move. Funding gaps on humanitarian issues remain high, but it is unclear whether they are a direct tradeoff to security-focused border management. Niger's funding gap for humanitarian needs was among the highest in all of West Africa in absolute terms in 2016 and 2017. UNHCR reported a funding gap in Niger that currently amounts to 69 percent or \$58.5 million in 2017¹³³ (compared to gaps of 55 percent or \$28.1 million in 2016 and 58 percent or \$29.75 million in 2015¹³⁴). At the same time, the number of people in need of humanitarian assistance has more than doubled from 2014 to 2016 to a total number of about 302,000 in Niger alone.¹³⁵ For Mali, the gaps in both absolute and relative terms were also among the largest in the region.¹³⁶ In the whole of West Africa, this funding gap increases to 74 percent or \$231.8 million (compared to a gap of 70 percent or \$191.9 million in 2016¹³⁷).

Repression and Abuse of Migrants Fueled?

Various recent reports found that certain officials within the security apparatus in Niger are complicit or actively engaged in corruption, and are among the perpetrators of physical and psychological maltreatment against migrants.¹³⁸ The potential risk that capacity building for border management could open up space for corruption and maltreatment will be discussed in more detail in the second focus section below. Various interviewees from civil society in both Niger and Mali have criticized parts of the cooperation of EU governments with Niger as they relate to other concerns around repression. These interviewees claim there is disregard for human right obligations and international law, a view that is echoed by journalists and NGOs.¹³⁹ According to one line of criticism, the EU Partnership Framework does not attempt to improve

133 UNHCR, "West Africa 2017 Funding Update as of 5 September 2017," (Geneva: UNHCR, 2017).

134 UNHCR, "West Africa Funding Update 2015 Contributions as of 20 October 2015," (Geneva: UNHCR, 2015).

135 UNHCR, "Niger Information Web Page," UNHCR, reporting.unhcr.org/node/4637.

136 UNHCR, "West Africa 2016 Funding Update as of 8 November 2016," (Geneva: UNHCR, 2016); UNHCR, "West Africa 2017 Funding Update as of 5 September 2017."

137 UNHCR, "West Africa 2016 Funding Update as of 8 November 2016."

138 Munsch, Powell, and Joly, "Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger."; Alternative Espaces Citoyens, "Rapport De Monitoring De La Situation Des Droits Des Migrants Dans Le Nord Niger," (Niamey: Alternative Espaces Citoyens (AEC), 2017); UNHCR and IOM, "Migrants En Détresse: Analyse De Situation Et Cadre De Protection - Cas Du Niger Et Du Togo," (Geneva: UNHCR, IOM, 2013); IOM, "IOM Niger - 2016 Migrant Profiling Report."

139 Reitano, "Further Criminalizing People Smuggling Will Not Work."; Charlotte Alfred, "Year in Review: The Refugee Crisis in 2016," in *News Deeply* (2016); Bauloz, "The EU Migration Partnership Framework: An External Solution to the Crisis?"; Baird, "Viewpoint: Migration, EU Cooperation and Authoritarianism."

human rights conditions in recipient countries despite clear evidence of human rights violations, and the progress reports issued by the EU do not report on human rights dimensions.¹⁴⁰ It is unclear how the increasing security capacities of the recipient states may have contributed to human rights abuses, yet the track record of the Nigerien security forces is poor, with reports of arbitrary detention and torture in Diffa.¹⁴¹ Although Niger's ranking in the Democracy Index has been low over the past decade, and it is currently described as "authoritarian," it has generally proven to be a fairly consistent host of refugees from other countries, as confirmed by interviews with major protection actors.

On a different note, interviews with various affected stakeholders also indicated that the space for civil society organizations (CSOs) who are critical towards the government is very narrow and contested in Niger, and that there is a risk that the control agenda might lead to a sidelining of human rights concerns and CSOs with a critical accountability function. There seem to be instances in which the government refuses to participate in migration-related working groups or approve projects that include these critical CSOs, and it has a history of prosecuting people with critical viewpoints on other topics.¹⁴² Local interviewees perceive the European Union as engaging with critical CSOs, while they also note that the EU does not use its leverage to advance human rights, the rule of law, civil society participation, and accountability issues (including through security sector reform). In Mali, interview partners from civil society neither complained about a limited or shrinking space for their activities, nor about a bolstering of repressive state capacities through a donor push for border control. Here, it is rather the absence of the state that is seen as the biggest problem for the vulnerabilities of migrants. A potential exception is the conduct of the armed forces of Mali and of the G5 Sahel countries. The G5 force is currently being established, yet the troops already contributed have an extremely poor human rights record.¹⁴³ Some experts expressed their fear in interviews that G5 forces will seek to stop irregular migration. However, given the scope of the mission as well as the size and location of the area in which it operates, interview partners from the government and humanitarian sectors found this to be improbable.

Migrants Pushed Onto Precarious Routes?

Expert interviews in Niger confirmed that the push for control has contributed to increasing political will, capacity, and channeling of national resources towards migration control. This has shifted migration routes and thereby made them even riskier.¹⁴⁴ Such a policy shift towards control is less visible in Mali, given that most political resources are currently invested in the peace process. State presence is

140 Baird, "Viewpoint: Migration, EU Cooperation and Authoritarianism," 2.

141 Lucht, "European Anti-Migration Agenda Could Challenge Stability in Niger."

142 Amnesty International, "Niger 2016/2017," (2017). See section on freedom of expression.

143 Human Rights Watch, "Mali: Unchecked Abuses in Military Operations. Mali, Burkina Faso Troops Commit Killings, "Disappearances," Torture," (2017).

144 See also focus section below.

generally lacking, and there is little capacity to counter smuggling.¹⁴⁵ The subsequent analysis will focus on shifting routes, as well as the expanding opportunities for abuse against people on the move, which constitute the main protection concerns that interviewees working on mixed migration in the case study countries identified.

Focus: Ever More Precarious Routes

There are clear indications that migration routes are changing and becoming more precarious. However, it is difficult to evaluate the precise extent to which current movements through Niger and Mali have dropped or shifted to other routes as a result of tighter border controls resulting from capacity building, but also from other influencing factors such as donor pressure. The EU itself stated that the EUTF has successfully “improve[d] migration management, security, and border management,”¹⁴⁶

There are clear indications that migration routes are changing and becoming more precarious. However, it is difficult to evaluate the precise extent to which current movements through Niger and Mali have dropped or shifted to other routes as a result of tighter border controls resulting from capacity building.

while various interview sources indicated that donors have tied their support for capacity building to sticks and carrots, such as offers of development aid, to induce a significant change in modalities at borders.¹⁴⁷ One specific example of the impact that capacity building for control can have on shifting routes is the 2015 anti-smuggling law in Niger. Through interviews conducted in Niger, it has become apparent that the passage of the law was a watershed moment that greatly impacted existing routes. The law was elaborated and implemented with support from the Migration EU Expertise (MIEUX) project, which is funded by the EU.¹⁴⁸ IOM is currently working with the government to operationalize the law, including through an action plan and the provision of trainings to law enforcement and judiciary actors.¹⁴⁹ The law was the first of its kind in West African countries. It imposes the requirement for migrants to carry documentation, increases sentences from one to 30 years of prison for smugglers, introduces significant financial penalties, and allows for the seizure of smugglers’ vehicles.¹⁵⁰ While the law framed smuggled persons as victims of human rights abuses, allegedly to prevent detrimental effects on migrants,¹⁵¹ various interviewees have indicated that the law was applied too loosely from August

145 Fransje Molenaar and Thibault van Damme, “Irregular Migration and Human Smuggling Networks in Mali,” (The Hague: Clingendael - Netherlands Institute of International Relations, 2017).

146 European Commission, “First Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration,” (2016).

147 The literature also gives indications of this UNICEF, “Mixed Migration in West and Central Africa: Key Trends Affecting Children, Challenges and Opportunities for Advocacy and Programming.”; Molenaar and Kamouni-Janssen, “Turning the Tide - the Politics of Irregular Migration in the Sahel and Libya.”; RMMS, “Monthly Mixed Migration Summary July 2017.”

148 See Loi n°2015-36 du 26 mai 2015 relative au trafic illicite de migrants, which complements existing laws such as the Ordonnance n°2010-86 du 16 décembre 2010 relative à la lutte contre la traite des personnes. At the moment, MIEUX also helps Niger develop its National Strategy to Counter Irregular Migration. See MIEUX, “Where We Work: Niger - Irregular Migration,” www.mieux-initiative.eu/en/actions/95-niger-irregular-migration.

149 RMMS, “Mixed Migration in West Africa August 2017,” (2017).

150 Frontex, “Africa-Frontex - Intelligence Community - Joint Report 2015,” in *AFIC Joint Report* (Warsaw: Frontex, 2016).

151 Darne and Benattia, “Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges.”

2016 onwards, which contributed to a general criminalization of migrants and people working in the legal part of the migration industry such as in the bus enterprises servicing the domestic routes in Niger. The President of the Agadez Youth Council said the law had incited a “witch hunt.”¹⁵² The NGO Alternative Espaces Citoyens argued the law has led to the creation of new and more dangerous routes, resulting in loss of life, the hunting of migrants by security forces, and increasing abandonment of migrants in the desert by drivers.¹⁵³ Other interview partners voiced criticism that neither donors nor implementers provided for a careful crafting and application of the law in ways that respect the differences between legal migration, smuggling, and trafficking.

Capacity building has helped bring about this ambiguous law and plays a key role in implementing it. While interviewees and some authors expressed doubt about how genuine the government’s interest in seriously tackling the smuggling business is,¹⁵⁴ various interview partners and observers emphasized the role that external support has played in the increasing penalization of smugglers, the enforcement of the law, and associated control of borders.¹⁵⁵ The EU itself has claimed that its direct provision of support to Niger has been ‘critical’ for the growing number of arrests of smugglers, the seizure of their equipment, as well as the arrests of police officers on grounds of corruption. According to the EU, this also includes “hands-on support on the ground to support the design and implementation of the short term actions to tackle smuggling and trafficking in human beings” and “a series of trainings, including 20 training sessions on migration, intelligence and arrest techniques for 360 members of the internal security forces.”¹⁵⁶

While data from IOM suggests that onward movement to North Africa may have slowed down, this data may obscure how many people still move on shifting routes as a consequence of tighter controls that lead migrants to move around data collection points. While at least 310,000 migrants had passed through Niger to Libya in 2016, and an additional 30,000 to Algeria, movement numbers dropped from 29,000 per month in 2016 to 5,500 in the first 7 months of 2017.¹⁵⁷ The EU framed this as a success, pointing to “a steady decrease of the number of migrants leaving these border points towards

152 Cited in Ibrahim Manzo Diallo, “EU Strategy Stems Migrant Flow from Niger, but at What Cost?,” *IRIN-News*, 02.02.2017 2017.

153 Citoyens, “Rapport De Monitoring De La Situation Des Droits Des Migrants Dans Le Nord Niger.” - translated from French by the authors: “Cette loi ... s’est révélée, dans la pratique, un véritable obstacle à la jouissance de leurs droits [=des migrants]. Depuis août 2016, début de l’application de cette loi, l’on a assisté à une détérioration progressive des conditions de parcours migratoire résultant de la création des nouvelles routes plus dangereuses entraînant de pertes en vies humaines, la chasse aux migrants par les FDS, ... [et] l’abandon des migrants dans le désert par les chauffeurs ...”

154 Reitano, “Further Criminalizing People Smuggling Will Not Work.”; Reitano, “What Incentives Does Niger Have for Cracking Down on Migrant Smuggling? Not Many.”

155 e.g. Darne and Benattia, “Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges.”

156 European Commission, “Second Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration,” (Strasbourg: European Union, 2017); European Commission, “Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration.”

157 IOM, “Population Flow Monitoring Dashboard Niger - Displacement Tracking Matrix, June July 2017,” (IOM, 2017); IOM, “Niger Flow Monitoring Points (Fmp),” in *Statistical Report - Overview* (Geneva: International Organization for Migration (IOM), 2016).

Libya since May 2016.”¹⁵⁸ Although volume on the established and monitored parts has decreased, the routes are probably far from being completely closed. Interviewees, local monitors, analysts, and the EU all assume that a large shifting and multiplication of routes is probably taking place in the Agadez region, which is as large as the entirety of France. The arrows in the map of Niger below reflect an IOM analysis of where unmonitored routes may have developed from the end of 2016.

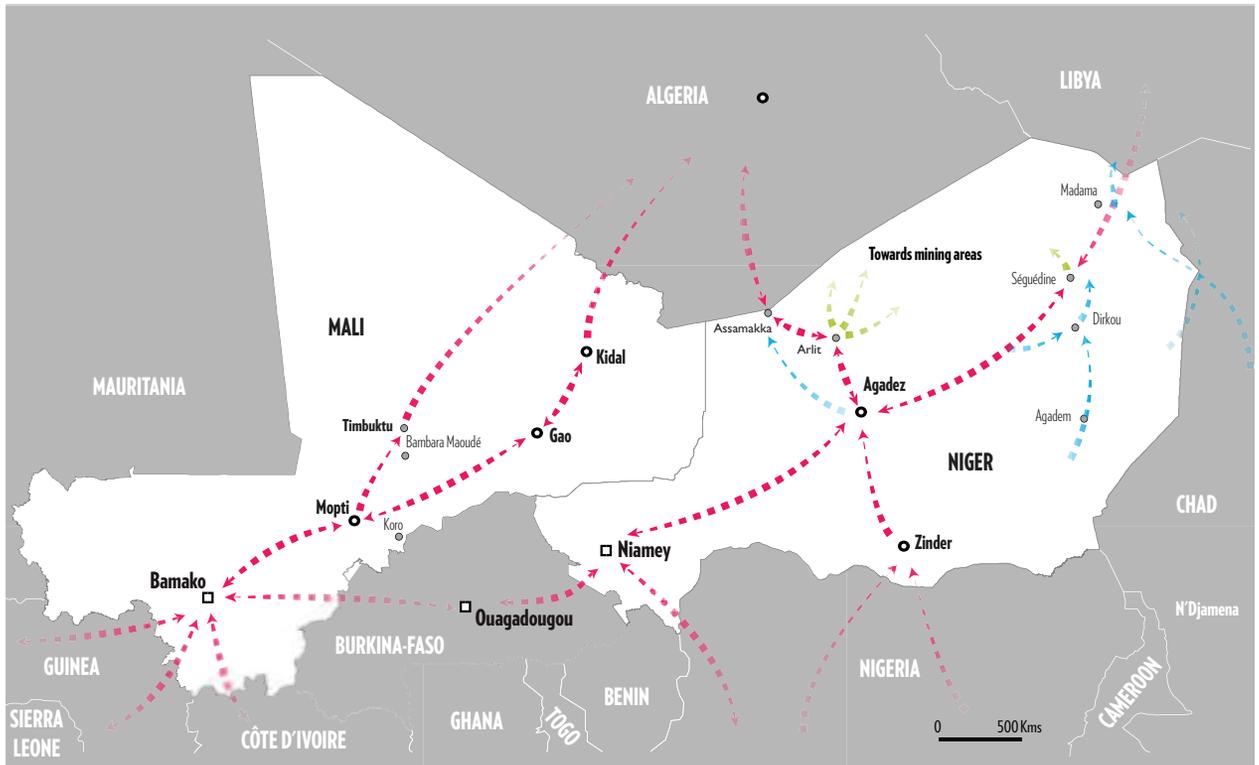


Figure 5: Potential re-routing to less monitored routes in Niger, according to IOM¹⁵⁹

158 European Commission, “Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration.”

159 IOM, “Niger Flow Monitoring Points (Fmp).” The map is indicative of current information but not necessarily exact.

The shifting of routes due to the closure of legal pathways and increasing control is a well-known phenomenon. As explained in Chapter 2, there is an important body of literature that explores this vicious circle: more control leading to a shift of movements to routes that are more difficult to monitor and measure.¹⁶⁰ In West Africa, the adaptive capacities of smugglers and migrants can render restrictive policies ineffective, as past analyses have found.¹⁶¹ The EU has reacted to this re-routing by promising to better “support Niger to put in place adequate responses to new migratory routes.”¹⁶²

Actors working with mixed migration have identified these shifting and multiplying routes as the most important protection challenge in Niger today. As discussed above, the north of Niger is a desert area with little infrastructure, difficult terrain, and hostile environmental conditions, including extreme temperatures and a lack of water. Local residents observed that people on the move in Agadez now walk several kilometers through the desert to get to new departure points, of which the authorities are aware. Local observers and protection actors stated that people moving outside of established pathways have to rely on even less infrastructure, potentially increasing the risk of getting lost. People enter trajectories that are more difficult to navigate, more prone to accidents, and they more often end up exposed to natural hazards and adverse weather conditions. They may also find themselves in areas where insecurity and violence by rebels, criminals, and terrorists is rampant.

All of these circumstances contribute to direct and indirect protection risks to those on the move, and lead to more irregular movements as well as higher potential pay-offs for smugglers.¹⁶³ Accidents in difficult terrain have been increasing, according to the local organization Alternative Espaces Citoyens, which also found that due to higher barriers to movement and new restrictions, risk-taking behavior and deaths are on the rise.¹⁶⁴ In the worst cases, migrants are abandoned in the desert by their smugglers, who, due to more controls, face a higher risk of running out of fuel, getting lost, or getting caught.¹⁶⁵ Recent survey data suggests that most migrant deaths are connected

160 E.g. cf. for instance Hansen and Papademetriou, “Securing Borders – the Intended, Unintended, and Perverse Consequences.”; Zaiotti, ed. *Externalizing Migration Management: Europe, North America and the Spread of ‘Remote Control’ Practices*.

161 Florianne Charrière and Marion Frésia, “West Africa as a Migration and Protection Area,” (UNHCR, 2008); Hein De Haas, “The Myth of Invasion: Irregular Migration from West Africa to the Maghreb and the European Union,” in *IMI Research Report* (Oxford: International Migration Institute, 2007).

162 European Commission, “Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration.”

163 Liska Wittenberg, “Managing Mixed Migration: The Central Mediterranean Route to Europe,” (New York: International Peace Institute (IPI), 2017); Lucht, “European Anti-Migration Agenda Could Challenge Stability in Niger.”; Tuesday Reitano, “A Perilous but Profitable Crossing: The Changing Nature of Migrant Smuggling through Sub-Saharan Africa to Europe and EU Migration Policy (2012-2015),” *The European Review of Organised Crime* 2, no. 1 (2015); Tinti and Westcott, “The Niger-Libya Corridor - Smugglers’ Perspectives.”; Citoyens, “Rapport De Monitoring De La Situation Des Droits Des Migrants Dans Le Nord Niger.”

164 Citoyens, “Rapport De Monitoring De La Situation Des Droits Des Migrants Dans Le Nord Niger.”; cited in Diallo, “EU Strategy Stems Migrant Flow from Niger, but at What Cost?.”; Boureima Balima, “Dreams That Wither and Die in the African Desert,” 15/07/2015 2015.

165 As the recent tragedy of 44 migrants passing away north of Agadez showed in June 2017 Deutsche Welle, “44 Flüchtlinge Verdursteten in Der Wüste,” 2017. A similar incident happened in 2016, when 34 Africans died from starvation and dehydration on the border of Niger and Algeria, after abandonment by smugglers IOM, “Niger Deaths Add to Growing Toll of Migrant Fatalities within Africa “ IOM, www.iom.int/news/niger-deaths-add-growing-toll-migrant-fatalities-within-africa.

to sickness, lack of medicine, starvation, and dehydration, as well as to physical abuse.¹⁶⁶ Another survey confirmed this pattern, with one third of all witnessed deaths caused by starvation or dehydration, while another 25 percent occurred when drivers refused to stop when someone fell from the vehicle, 21 percent were caused by adverse weather conditions, and 10 percent came about through violence from smugglers and bandits.¹⁶⁷

As a reaction to such events, IOM launched a new operation to search and rescue migrants in the Sahara, and has reportedly saved more than 1,000 migrants north of Agadez in 2017, while also finding a total of 52 bodies.¹⁶⁸ Valid data on these tragedies is hard to come by, and estimates on the number of unreported cases of deadly incidents and missing people are generally high.¹⁶⁹ While IOM's Missing Migrants project tracks migrant fatalities, the numbers for the northbound routes from Niger are unclear and incomplete. In total, IOM recorded 265 deaths in North Africa in 2017 so far, compared to 1,382 in 2016 and 800 in 2015.¹⁷⁰ These numbers are not disaggregated by country and include more than just Niger. Because of the fragmented nature of available data, it is almost impossible to discern any meaningful trends from them.

The Mixed Migration Hub for North Africa surveyed migrants who indicated that 38 percent of all witnessed migrant deaths in the region occurred in the Sahara Desert (compared to 44 percent in Libya, and 15 percent at sea), pointing to the probability that the number of unreported cases might be high.¹⁷¹ Insights from 4Mi, which at the time of writing includes first-hand accounts of 622 interviews with migrants between June and September 2017, suggest that 53 people had witnessed one or more deaths while on the move during this time, including in 38 incidents in Niger and 11 in Mali, with the majority of incidents occurring in Agadez.¹⁷² It is also difficult to establish to what extent the shifting of routes has contributed to more deaths in the desert, and to what extent an increase in surveillance has led to a statistical increase of the number of recorded cases, as various stakeholders indicated in interviews and as reported by RMMS.¹⁷³ However, the vast majority of experts and practitioners in Niger and Mali suggest that the new routes carry substantial risks for everybody on the move, and the literature supports this. Despite being a major donor driving this agenda, the EU acknowledges that the increased effort to secure borders in Northern Niger “has displaced the migratory routes and forced smugglers and their clients onto more difficult and dangerous routes through the desert, increasing both the price and the risk for migrants.”¹⁷⁴

166 Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali & Niger.”

167 Mixed Migration Hub, “Mhub Survey Snapshot Italy,” (2017).

168 UN News Centre, “Niger: L'oim Est Venu Au Secours De 1.000 Migrants Dans Le Désert Du Sahara Depuis Avril,” 08/08/2017 2017; UN News Centre, “Au Niger, L'oim Sauve 600 Migrants Dans Le Désert Du Sahara, Mais 52 Autres Sont Morts,” 27/06/2017 2017.

169 GMDAC, “Dangerous Journeys – International Migration Increasingly Unsafe in 2016.”; IOM, “Niger Deaths Add to Growing Toll of Migrant Fatalities within Africa”.

170 IOM, “Latest Global Figures: Migrant Fatalities Worldwide,” in *Missing Migrants: Tracking Deaths Along Migratory Routes* (2017).

171 Mixed Migration Hub, “Mhub Survey Snapshot Italy.”

172 For more information, see <http://4mi.regionalmms.org/>.

173 RMMS, “West Africa - Monthly Mixed Migration Summary: Covering Mixed Migration Events, Incidents, Trends and Data from the West Africa Region. June 2017,” (RMMS West Africa, June 2017).

174 European Commission, “Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration.”

Focus: Fueling Abuse

Most actors interviewed consider the increasingly dangerous routes to be the key protection risk facing migrants. UNODC observed that longer and more clandestine routes often place people in “unfamiliar and distressing situations.”¹⁷⁵ In addition, as indicated by interviews, the second major challenge with increasing the political will and capacity to control migration in Niger and Mali is associated with expanding opportunities for abuse, such as corruption and physical or psychological maltreatment. There are several factors that imply opportunities for coercive behavior by authorities. Corruption is endemic in both Niger and Mali; in addition, the now better-equipped security forces are often badly paid and trained, and the number of domestic and border checkpoints has increased. For instance, a major protection actor voiced concerns that the growing number of “rackets” by security actors against migrants can easily

In both Niger and Mali, migrants have experienced extortion for a long time, and bribes are a common reality in transiting through the two countries. The difficult trajectory and insecurity in the borderlands provide for an environment in which corruption and extortion by non-state groups can thrive.

create more space for exploitation. This section discusses the risks of corruption and then physical or psychological maltreatment, showing that both are often linked and cannot be completely separated analytically. Of course, theoretically, when done well improved capacity could also lead to less corruption and abuse. It is not the issue of increasing capacity as such, but the way the increasing capacity is being used (or the failure of capacity building).

In both Niger and Mali, migrants have experienced extortion for a long time, and bribes are a common reality in transiting through the two countries.¹⁷⁶ The difficult trajectory and insecurity in the borderlands provide for an environment in which corruption and extortion by non-state groups can thrive, and migration-related inflows of money through smuggling networks can induce the collusion of officials.¹⁷⁷ Interviews with UN agencies in Niger confirmed that a lack of adequate training, education, and supervision of security forces, but also migrants’ lack of awareness about their rights, are further catalysts. Another factor benefiting corruption is the systematic lack of finances and insufficient salaries for government officials, making bribes “essential to keep the security forces functioning.”¹⁷⁸ Indeed according to a recent report, taking bribes from a bus full of migrants can “easily allow a policemen or guard to equal their monthly salary in one day.”¹⁷⁹ The irregularity of onward movement to Libya also leads to situations in which it is particularly easy to take advantage of migrants. As the EU’s border

175 UNODC, “Smuggling of Migrants into, through and from North Africa: A Thematic Review and Annotated Bibliography of Recent Publications.”

176 ICMPTD, “A Survey on Migration Policies in West Africa.”; Daniel Flynn, “Corruption Stymies Niger’s Attempts to Stem Flow of Migrants to Europe” *The Guardian*, 22/06/2015 2015; Hall, “Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger.”; Frontex, “Africa-Frontex - Intelligence Community - Joint Report 2015.”; UNHCR and IOM, “Migrants En Détresse: Analyse De Situation Et Cadre De Protection - Cas Du Niger Et Du Togo.”

177 Molenaar, “Irregular Migration and Human Smuggling Networks in Niger.”; Tinti and Westcott, “The Niger-Libya Corridor - Smugglers’ Perspectives.”

178 Daniel Flynn, “Graft Stalls Niger’s Bid to End Migrant Route to Europe,” 19/06/2015 2015.

179 Hall, “Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger,” 19.

management agency Frontex found, guards are sometimes highly unmotivated because they are being sent to remote regions as “a form of professional punishment.”¹⁸⁰ Beyond state officials, perpetrators may also be criminals or others who exploit migrants in vulnerable situations on an ad-hoc basis.¹⁸¹ Finally, corruption in the transportation sector also plays an important role, especially concerning the control of roads.¹⁸²

Against this background, the impact of corruption on migrants is not surprising. The Nigerien Anti-Corruption Agency HALCIA (Haute Autorité de lutte contre la Corruption et les Infractions Assimilées) describes migration-related corruption as a key concern.¹⁸³ In 2015, a confidential government report apparently concluded that “corruption was so entrenched [in Agadez] that to tackle migrant smuggling would require replacing almost all military and police officials.”¹⁸⁴ One report found that migrants were systematically asked for bribes - 92 percent upon entry into Niger, and 89 percent when entering Agadez.¹⁸⁵ Surveys through monitors on the ground found that ECOWAS migrants had to pay bribes to officials in order to pass through the proliferating domestic checkpoints.¹⁸⁶ More than half of the people surveyed in the recent 4Mi study had to pay a bribe at least once along their journey, most of them even three times. Those who have been detained by security forces or police reported disproportionately high sums. People on the move to Agadez are frequently subject to harassment at checkpoints and a number indicated that they had to bribe police officers while on the move, even those who indicated they were citizens of ECOWAS countries.¹⁸⁷

Between June and September 2017, an unrepresentative sample of 622 interviews with migrants showed that the average bribe was around 10,000 CFA (about €15), and took place in Mali (38 percent), followed by Niger (42 percent). Those who cannot pay choose to avoid these posts by using smugglers. Extortion methods include holding people in rooms, denying passage at checkpoints, confiscating ID cards, and other tactics.¹⁸⁸ A RMMS study concluded that “illicit roadblocks and the corruption of state security officers are key issues in this context and continue to represent threats to the protection of migrants.”¹⁸⁹ Local researchers have claimed that the push for more

One report found that migrants were systematically asked for bribes – 92 percent upon entry into Niger, and 89 percent when entering Agadez.

180 Frontex, “Africa-Frontex - Intelligence Community - Joint Report 2015.”

181 UNODC, “Smuggling of Migrants into, through and from North Africa: A Thematic Review and Annotated Bibliography of Recent Publications.”; Tinti and Westcott, “The Niger-Libya Corridor - Smugglers’ Perspectives.”; Molenaar, “Irregular Migration and Human Smuggling Networks in Niger.”

182 Frontex, “Africa-Frontex - Intelligence Community - Joint Report 2015.”

183 Flynn, “Graft Stalls Niger’s Bid to End Migrant Route to Europe.”

184 *ibid.*

185 Hall, “Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger.”

186 RMMS, “Monthly Mixed Migration Summary July 2017.”

187 Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger.”

188 Darme and Benattia, “Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges,” 99.

189 Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger.”

control has also increased corruption at border posts in Niger and Mali. Protection actors on the ground have also voiced concerns that this could make migrants easy prey for exploitation, as they have to collect larger amounts of money to facilitate their journey. This is in line with the assessment that bribes have decreased migrants' ability to finance their travel towards the Maghreb "dramatically," requiring stops to earn money or receive remittances.¹⁹⁰ Once in Niger, observers said migrants will often be reluctant to return as a result of social pressure and for cultural reasons.

In addition to bribes, various sources have pointed to physical and psychological abuse by authorities as a concern. While it does not seem to be the most salient protection issue in Niger according to interviewees, a UN employee stated that authorities play an important role in harassment. For instance, one UN agency official observed that some migrants are robbed and then brought back to Agadez, a relatively new phenomenon that emerged after the anti-smuggling law was passed in 2015. Various recent reports found that individuals within the security apparatus in Niger are complicit or engaged in a significant number of abuses against migrants, in addition to their corruption.¹⁹¹ Between June and September 2017, an unrepresentative sample of 622 interviews with migrants showed that 41 people witnessed 61 incidents of sexual assault including 37 in Niger (37 incidents involving 80 people with 20 taking place in Agadez and of which 7 cases reportedly involved authorities), and 12 in Mali (5 reportedly involving authorities). 90 people reported 145 incidents of physical assault, 17 of which took place in Mali mostly involving state officials, and 79 incidents in Niger, with state officials involved in 30 of these cases. Overall, state officials in the region were reportedly involved in 79 incidents of physical assault, while smugglers were involved in 56 incidents. A total of 131 incidents of detention were reported by 100 people, including 73 in Mali (often for entering or exiting the country illegally), and 37 in Niger (mostly in Agadez), where people were often not told why they were being detained.¹⁹²

Another (non-representative) survey in 2016 found that 80 percent of migrants who answered related questions suffered from abuse, violence, and exploitation by various actors at each leg of their journeys, with a significant number of violence and abuse happening in Niger, sometimes related to the journey, sometimes during temporary stay. More than one in three migrants in Niger faced threats and psychological violence, every fifth migrant physical violence, and every tenth migrant was detained or deprived of money.¹⁹³

190 Darne and Benattia, "Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges."

191 Munsch, Powell, and Joly, "Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger."; Citoyens, "Rapport De Monitoring De La Situation Des Droits Des Migrants Dans Le Nord Niger."; UNHCR and IOM, "Migrants En Détresse: Analyse De Situation Et Cadre De Protection - Cas Du Niger Et Du Togo."; IOM, "IOM Niger - 2016 Migrant Profiling Report."

192 For more information, see <http://4mi.regionalmms.org/>.

193 IOM, "IOM Niger - 2016 Migrant Profiling Report."

Detention	10%
Restrictions of movement	8%
Confiscation of money	11%
Confiscation of salary	2%
Food deprivation	8%
Threats and psychological violence	35%
Physical violence	19%
Other	8%

Table 2 : Violence and abuse against migrants residing in Niger (% of migrants who reported incident), adapted from IOM¹⁹⁴

In terms of the locations and perpetrators of abuses, data collected by 4Mi shows that many of the incidents occurred in Agadez. In addition, border crossings from Burkina Faso to Niger and even the capital Niamey were also locations of risk, as well as domestic crossing points.¹⁹⁵ RMMS concluded that since “control and monitoring at the northern Nigerien border intensify under a general push to hinder the movement of people, attempts to stop movement might begin earlier along the route, shifting protection risks downstream as well.”¹⁹⁶

The primary instigators of violence were found to be government forces, those working in the migration chain, and criminal groups. Incidents with authorities are often linked to corruption.¹⁹⁷ This is confirmed by a recent survey, which found that more than one in ten migrants had been detained while on the move in West Africa, two thirds of which were detained by immigration officials or border guards allegedly for illegal entry or exit. Most in detention were held for payments, and local monitors have observed that detention is often used as a threat in Agadez. The same report also found many incidences of abuse against migrants, including deprivation of basic needs, confinement, as well as verbal, mild physical, and extreme physical abuse. It indicated that security forces or police were the perpetrators in 38 percent of cases, as opposed to smugglers in 20 percent of cases (note again that the recorded sample is relatively small and thus not representative).¹⁹⁸

Similar to the shift in routes, the exact role that capacity building has played in these developments cannot be determined, but it can be expected to be important. Corruption is pervasive in the case study countries. More control, that is increasingly extended to domestic routes as well and also applied to forms of movements that are

194 Adapted from *ibid.*

195 Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger.”

196 *ibid.*, 17.

197 Hall, “Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger.”

198 Munsch, Powell, and Joly, “Before the Desert - Conditions and Risks on Mixed Migration Routes through West Africa. Insights from the Mixed Migration Monitoring Mechanism Initiative (4mi) in Mali and Niger.”

often legal,¹⁹⁹ means more contact between migrants and officials. In this context, and given the incentives for corruption to continue, one can assume that the space for corruption is extending. Increased control capacities (combined with greater political will and determination to stop migration) also raise the stakes for smugglers, who invest more in collusion and corruption, and raise their prices as a result of facing a higher risk of interception. Corruption has been described as one of the key drivers in the behavior of smugglers and the fees they charge.²⁰⁰

For instance, local observers have reported that smugglers work closely with border officials and call them before sending a bus of migrants towards their border point. The guards then take a payment from the migrants on the bus and give part of it back to the smugglers, thereby ensuring a win-win situation. Similarly, it is likely that the space for abuse also increases as more resources are invested in building the capacities to control movements of people while more and more migrants are perceived as “illegal” or “criminal,” even those travelling legally. In Niger, the track record of the security apparatus is worrying. It has been observed in other cases that increasing control like this jeopardizes migrants’ situations, for instance by forcing them to stay underground and refrain from denouncing abuses.²⁰¹

Embedding the Effects of Capacity Building Activities within Larger Donor Strategies

The previous sections argued that the impact of capacity building measures for border management cannot be understood without considering the larger context in which donors and recipient countries work together. Staff of several donors and implementing actors in Niger and Mali stated that the reduction of migrant flows is a recurrent and significant policy demand made by donors. The EUTF, for instance, voiced clear expectations and pressed for specific commitments from recipient countries to stop migration, according to the interviews.

To implement their strategy of curbing irregular migration, donors in Niger and Mali have used a strategy of sticks and carrots, taking the form of a mix between diplomatic pressure and incentives, including capacity building projects. Past analyses in Mali²⁰² and other African countries have shown that “co-operation on migration is linked with pressure or concessions in other policy fields.”²⁰³ The EU Partnership

199 RMMS, “Monthly Mixed Migration Summary July 2017.”

200 Paola Monzini, “Migration: Human Rights of Irregular Migrants in Italy,” in *Review Meeting: Migration - Human Rights Protection of Smuggled Persons* (Geneva: The International Council on Human Rights Policy, 2005); De Haas, “The Myth of Invasion: Irregular Migration from West Africa to the Maghreb and the European Union.”

201 Dünwald, “Remote Control? Europäisches Migrationsmanagement in Mauretanien Und Mali.”; Geiger and Pécoud, “Geiger, Pécoud 2010 – the Politics of International Migration.”; Poutignat and Streiff-Fénart, “Migration Policy Development in Mauritania: Process, Issues and Actors.”

202 Dünwald, “Remote Control? Europäisches Migrationsmanagement in Mauretanien Und Mali.”; Dünwald, “Bamako, Outpost of the European Border Regime?”

203 Carling and Hernández-Carretero, “Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa,” 45.

Niger has so far been open to taking on a central role in the EU's strategy to control irregular migration. Several interviews conducted in the region confirmed that Niger has proved a "bon élève" (good student) of the EU's agenda.

Framework introduced "negative incentives" for non-compliance.²⁰⁴ Two interviewees stated that the Ministry of Interior in Niger is under immense pressure to show a decreasing number of departures. However, besides putting pressure on recipient countries, donors also provide incentives. In Niger, the "money to be made from migration" through donors is mostly geared towards control of migration.²⁰⁵ During a summit with Niger in August 2017, European leaders demanded more migration control "in return for aid."²⁰⁶ The Global Initiative Against Organized Transnational Crime (GITOC) found that authorities only began addressing smuggling in Agadez "when the Nigerien government was finally offered the right combination of incentives."²⁰⁷ As will be discussed below, Niger has also been rather open to accepting such funding and tried to negotiate further rewards in other areas. This is less the case for Mali, given that the priorities of the government seem to be on implementing the peace agreement.

Niger has so far been open to taking on this central role in the EU's strategy to control irregular migration. Several interviews conducted in the region confirmed that Niger has proved a "bon élève" (good student) of the EU's agenda. In its first progress report on the partnership framework with third countries under the European Agenda on Migration, the EU Commission judged that "Niger has shown a major commitment to develop closer cooperation on migration with the EU."²⁰⁸ During a visit by German Chancellor Merkel in the summer of 2017, Nigerien President Mahamadou Issoufou stated that Niger has "to curb irregular migration, especially people trying to migrate through the desert and dying by the hundreds."²⁰⁹ In addition, Issoufou recently claimed that the EU Trust Fund did not provide nearly enough money to stop irregular migration, and voiced the demand for an additional €1 billion for this purpose alone,²¹⁰ which would amount to more than a third of the current volume of the entire EUTF.²¹¹

Interviews with donors in Niamey emphasized that the country was also eager to receive capacity building funding. For instance, Niger was part of a group of African states that proposed that "the provision of training and technical equipment" should be an integral part of efforts to counter irregular migration and other transnational concerns.²¹² The former French Foreign Minister Jean-Marc Ayrault stated during a visit in 2016 that he was "particularly struck by the energy that Niger has deployed in the fight against terrorism and migration,"²¹³ and a political observer called

204 Diallo, "EU Strategy Stems Migrant Flow from Niger, but at What Cost?"

205 Hall, "Selling Sand in the Desert - the Economic Impact of Migration in Agadez, a Study Commissioned by IOM Niger," 19.

206 Wintour and Willsher, "African and European Leaders Agree Action Plan on Migration Crisis".

207 Global Initiative Against Organized Transnational Crime, "Integrated Responses to Human Smuggling from the Horn of Africa to Europe," 42, emphasis added.

208 European Commission, "First Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration."

209 Deutsche Welle, "Merkel Talks Irregular Migration in Niger," *Deutsche Welle*, 10.10.2016 2016.

210 *ibid.*

211 European Commission, "Factsheet EU Emergency Trust Fund for Africa."

212 Frontex, "Africa-Frontex - Intelligence Community - Joint Report 2015."

213 Reuters, "Niger Tells Europe It Needs 1 Bln Euros to Fight Illegal Migration," 2016.

President Issoufou “everything the West wants in an African leader.”²¹⁴ The EU has judged its investments in Niger positively. In 2016, an EU official called Agadez “a very important laboratory, a test case for possible replication in other areas,” and the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini told journalists that first results could be seen on the ground.²¹⁵

In June 2017, the Commission released the Fourth Progress Report on the Migration Partnership Framework.²¹⁶ The assessment found the case of Niger to be “emblematic of what can be achieved with a transit country,” naming the development of a national “coherent migration policy with a clear strategic framework” and praising the implementation of the short-term action plan to counter migrant smugglers’ networks in the region of Agadez.²¹⁷ While on the surface, cooperation has intensified, there is also serious doubt about whether Niger is genuinely interested in curbing its migration-related domestic economy.²¹⁸ As Peter Tinti comments, “aside from the promise of money from Europe, the reality is that the Nigerien government has few incentives to crack down on migrant smuggling, in part because doing so is fraught with political and security risks.”²¹⁹

214 Alex Thurston, “Niger’s Issoufou Is Everything the West Wants in an African Leader,” *World Politics Review* 2017.

215 Eric Maurice, “EU Hails First Result in Africa Migration Deals,” in *EU Observer* (Brussels 2016).

216 European Commission, “Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration.”

217 *ibid.*, 4.

218 Remittances from migrants also account to about 2% of Niger’s GDP each year (about 6% in Mali). Reitano, “Further Criminalizing People Smuggling Will Not Work.”; Reitano, “What Incentives Does Niger Have for Cracking Down on Migrant Smuggling? Not Many.”; World Bank Group, “Migration and Remittances Factbook 2016,” in *Third Edition* (Washington, DC: World Bank Group, 2016).

219 Tinti, “The E.U.’S Hollow Success over Migrant Smuggling in Niger.”

Recommendations: Moving Protection from the Sidelines to the Center

While addressing irregular migration is a legitimate concern, the decision to do so and the means to get there – including international cooperation on building capacity for border management in transit countries – may have implications for political and economic stability in target regions and for the vulnerabilities of people on the move. To reduce the potential risks associated with capacity building efforts for enhanced border management, and to increase the positive potential of such programs, donor governments should take a number of steps:

1. Safeguard stability and the security of livelihoods.

Donor governments should systematically carry out risk analyses and ex-ante impact assessments that cover political and economic dynamics at the relevant levels – local, provincial, national, or regional. A focus on quick outputs rather than on producing a sustainable impact runs the risk of jeopardizing the do-no-harm principle by inducing negative effects such as instability and livelihood insecurity. Donors should tailor their support towards making mobility as safe, dignified, and orderly as possible rather than fight migration. When offering capacity building for border management, donors should resist pushing for too much too quickly, and instead consult with relevant regional organizations, partner governments, local organizations, and communities, as well as migrants themselves, on realistic and desirable goals.

Ex-ante impact analyses **should cover the possible unintended negative effects that increased border control may have on the livelihoods of people in partner countries.** Stable patterns of circular migration, especially in the context of seasonal labor fluctuations, should always be allowed to continue. This kind of labor migration can be regulated where formal regulation is lacking, but labor markets should not be disrupted by enhanced border controls. Where local economies are tied up with or dependent on irregular migration, including through corruption or organized crime, tighter control of borders should be accompanied by development programs that help generate alternative livelihoods for those who make a living in the migration industry. In this context, donors should pay attention to the sequencing and timing of their interventions. When allocating financial support, they should remain mindful

of competition between recipient governments. This means **donors should avoid undermining regional stability and integration** by incentivizing governments to unilaterally offer enhanced border control in return for increases in development assistance. In cases where regional governance mechanisms facilitating intra-regional mobility for livelihoods and development exist, this freedom of movement should be maintained and not undermined.

Capacity building efforts for improved protection should be designed inclusively. Relevant host communities should be consulted during the conception phase, and projects should include trust- and confidence-building components between the authorities and the populace.

Throughout the project cycle of capacity building programs, donors can do more to safeguard stability and livelihoods. They should request and fund regular monitoring and evaluations beyond outputs, require implementing agencies to develop mitigation strategies for potential unintended consequences, and allow for the swift and non-bureaucratic adaptation of activities to prevent negative consequences. Findings of impact evaluations should be made publicly available to ensure accountability and institutional learning across implementing agencies.

2. Support protection of all migrants and ensure access to asylum.

In cases where currently unpatrolled or scarcely enforced borders become strengthened in response to external demand and with external financial support, **donor governments have a duty of care and should ensure that such capacity building does not exacerbate vulnerabilities.** Accordingly, donors should support search and rescue operations and medical responses, the identification and referral of people in vulnerable situations and with specific needs, and also ensure that people who are forcibly displaced have access to protection.

Reform of migration management laws as well as related policies and practices should **incorporate systematic and non-discriminatory rights protection from harm and the provision of assistance for all migrants.** These reforms should also build on extensive guidance developed by international protection actors on how to increase protection-sensitivity of border management, concerning cooperation, data, entry systems, reception arrangements, screening and referral, differentiated processes and procedures, and others.²²⁰ In countries where existing governance capacity and the rule of law are limited, it is unrealistic to expect quick results and successful protection activities, even if newly formulated laws meet international human rights standards de

220 E.g. UNHCR, “Refugee Protection and Mixed Migration: A 10-Point Plan of Action”; UNHCR, “10 Point Plan in Action 2016 Update.”; OHCHR, “Recommended Principles and Guidelines on Human Rights at International Borders.”; and OHCHR, “Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations - Draft Examples February 2017.”; OHCHR and GMG, “Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations - Draft February 2017.”

jure. This is especially true if responsibilities for protection are shifted towards transit countries without ensuring adequate funding.

Donors should also step up direct support for protection. They should support governments in transit regions (as well as UNHCR where necessary) in conducting status determination procedures for asylum seekers, in safeguarding the rights of refugees who have undergone status determination, and in finding durable solutions for refugees, including through resettlement.

In the long run, tailored capacity building can bolster the ability of states to protect people on the move in vulnerable situations, notably if both donor and recipient governments have the political will to promote such an outcome. However, while training – currently the most frequent approach used to further protection – can support the transfer of technical skills, it does not constitute an adequate protection response in and of itself. **Donors should develop a synchronized protection strategy** wherein all protection activities are coordinated among donors and implementing agencies, and training is complemented with other efforts like the strengthening of referral and support systems.

Donors should invest in making trainings for border guards and other government personnel more effective in terms of modalities and approaches. Training should be integrated with the curricula of established training institutions, and should seek to build on so-called “train the trainer” modules. They should respond to the skill level of participants, incorporate practical application drills and exercises, train in situ and on the job, provide mentors or advisors, facilitate work experience exchanges, and allow for contact between personnel from both sides of a border. The impact and effectiveness of training methods should be monitored and evaluated adequately. Where training fails to produce the desired effect, donors should adjust their approach and also consider cutting off funding for training programs.

3. Prevent maltreatment and repression.

When stepping up their support for border control in countries with a documented track record of maltreatment and repression, **donors should simultaneously increase their support for rule of law, human rights monitoring and oversight capacities, even beyond the immediate realms of irregular migration.** Support for oversight capacities, such as in parliaments, national human rights or ombudsman institutions, as well as in civil society groups and media can help manage the risks of government abuse. Financial, technical, and also diplomatic support is particularly important where human rights defenders operate in a tightly restricted or shrinking space. Donor governments should systematically protest against the harassment of specific actors and against legislation or policies that impede human rights monitoring. Regular monitoring is, however, not enough.

Donors should also instruct implementing agencies to carefully select the counterparts in the security apparatus and set up complaint mechanisms where concerns about specific programs, activities, or persons involved with the program

can be registered and assessed. Such complaint mechanisms should be turned into an accessible and safe mechanism for complainants. Donors are responsible for verifying that the arrangements put in place by the implementing agencies are satisfactory in this regard. Donors should be prepared to react to complaints by investigating and, where warranted, denouncing human rights abuses. When they possess information about particular units that have a negative track record on maltreatment, they should share this information with other donors. To create leverage, they should also make the support provided to particular security actors contingent on improvements in those actors' human rights compliance.

Finally, dedicated efforts are needed to address corruption and abuse, including through monitoring and support for accountability and redress mechanisms. **Donors should invest in domestic justice and anti-corruption infrastructure** in recipient countries to mitigate potentially expanding opportunities for exploitation of migrants subject to more controls by state authorities, and to make cooperation against irregular migration an opportunity for addressing more structural problems.

Annex 1: Organizations Consulted

A total of 56 interviews with 79 individuals were conducted, 7 scoping interviews in Geneva, Vienna, and Brussels over the phone (with a total of 7 interviewees), 13 personal interviews in Dakar (total of 22 interviewees), 18 personal interviews in Niamey (total of 21 interviewees) and 18 personal interviews in Bamako (total of 29 interviewees). In addition, 5 phone interviews were conducted with local monitors present at various locations in Mali and Niger. Interviewees included: (country and regional) protection, human rights, and humanitarian officers; regional program officers and coordinators; consultants; security authorities; monitoring and evaluation experts; training officers; researchers, advocates; diplomats; donor staff; and national authorities. All interviews were semi-structured and confidential. The list below has been anonymized.

Organizations Consulted	
Scoping: Geneva (personal), Vienna, Brussels, Washington D.C. (phone)	Dakar (personal)
International Centre for Migration Policy Development (ICMPD)	Department for International Development (DFID)
International Organization for Migration (IOM)	EU Trust Fund (EUTF), European Union External Action Service (EEAS)
Konrad-Adenauer-Stiftung	International Labour Organization (ILO)
Office of the United Nations High Commissioner for Human Rights (OHCHR)	International Organization for Migration (IOM)
United Nations High Commissioner for Refugees (UNHCR)	IPAR - Initiative Prospective Agricole et Rurale
Researcher at University of Geneva	IPAR - Initiative Prospective Agricole et Rurale
US Department of State	Institut de recherche pour le développement (IRD)
	Office of the United Nations High Commissioner for Human Rights (OHCHR), Regional Office for West Africa
	Save the Children
	United Nations Development Programme (UNDP)
	United Nations High Commissioner for Refugees (UNHCR)
	United Nations Children's Fund (UNICEF)
	United Nations Office on Drugs and Crime (UNODC)
	US Bureau of Population, Refugees, and Migration (PRM)

Organizations Consulted

Bamako (personal)	Niamey (personal)
Association Malienne des Expulsés	Agencia Española de Cooperación Internacional para el Desarrollo (AECID)
COOPI Cooperazione Internazionale	Agence Française de Développement (AFD)
Danish Regional Sahel Peace And Stabilization Program	Agencia Italiana per la Cooperazione allo Sviluppo (AICS)
Danish Demining Group (DDG)	Danish Demining Group (DDG)
Department for International Development (DFID)	EU Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO)
Dutch Embassy	EUCAP Niger
EU Capacity Building Mission in Mali (EUCAP Mali)	EU Delegation
EU Delegation	Gesellschaft für Internationale Zusammenarbeit (GIZ)
German Embassy	International Committee of the Red Cross (ICRC)
Gesellschaft für Internationale Zusammenarbeit (GIZ)	International Organization for Migration (IOM)
Haut Conseil des Maliens de l'Extérieur	International Rescue Committee (IRC)
International Committee of the Red Cross (ICRC)	Laboratoire d'Etudes et de Recherche sur les Dynamiques Sociales et le Développement (LASDEL)
International Organization for Migration (IOM)	Local Monitors
International Rescue Committee (IRC)	Alternative Espaces Citoyen
Institute for Security Studies (ISS)	Researcher at University of Niamey
Local Monitors	Office of the United Nations High Commissioner for Human Rights (OHCHR)
Ministère des Maliens de l'Extérieur et de l'Intégration Africaine	United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
Swiss Cooperation (DEZA)	United Nations High Commissioner for Refugees (UNHCR)
United Kingdom Foreign and Commonwealth Office	United Nations Children's Fund (UNICEF)
United Nations High Commissioner for Refugees (UNHCR)	United Nations Office on Drugs and Crime (UNODC)
United Nations Office on Drugs and Crime (UNODC)	
US Embassy	

Annex 2: Mapping Results

Note: We assume a temporal bias in the publicly available data as well as in recall information received from agencies. This bias probably leads to an overemphasis on more recent projects as opposed to older projects.

The 69 projects implemented in Mali and/or Niger have been classified as either more border security- and control-oriented or as protection-oriented, addressing needs of people on the move. Following a description of activities, the programs are categorized according to keywords as well as by the emphasis expressed by the implementing actors themselves. Hence, activities mainly depicted as concentrating on the strategy of security forces, optimization of systems and processes, support of reform processes and coordination at the border, enhancing technical knowledge, infrastructure and resources for border security and control, etc. are delineated as “Security & Control.” On the other hand, projects that entail activities emphasizing the protection or involvement of certain groups of people on the move, the protection of the (human) rights of migrants, the sensitization about risks and dangers for migrants, or specifically being inclusive of different interests and enhancing assistance to stranded migrants or naming people on the move as beneficiaries are categorized as “Protection.”²²¹ Out of the 69 projects, the majority (47 projects, 68%) are centered on activities for border security and control. About a sixth of the projects (11 projects, 16%) emphasize protection for people on the move. Occasionally, projects include both security and control as well as protection measures (9 projects, 13%). A few of the projects cannot be categorized unambiguously due to a lack of data (2 projects, 3%, see chart below).

Countries

Niger: NER, Mali: MLI. Furthermore: Algeria: DZA, Benin: BEN, Burkina Faso: BFA, Cameroon: CMR, Cape Verde: CPV, Chad: TCD, Côte d’Ivoire: CIV, Egypt: EGY, Gambia: GMB, Ghana: GHA, Guinea: GIN, Guinea-Bissau: GNB, Liberia: LBR, Libya: LBY, Mauritania: MRT, Morocco: MAR, Nigeria: NGA, Senegal: SEN, Sierra-Leone: SLE, Togo: TGO, Tunisia: TUN, G5: BFA, MLI, MRT, NER, TCD

²²¹ The categorization originates from the interpretation of available information on the project descriptions by the implementing actors or donors themselves. However, this approach might not be methodically controlled and draw inter-subjectively reproducible conclusions. This is also due to the temporal bias of publicly available data mentioned above.

Mapping Results

Projects including both Niger and Mali

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €) ²²¹	Project Emphasis
African Union	Support to the African Union Border Programme	2008-2018	Lead executive agency: African Union Commission (AUC), Peace and Security Department (PSD); Regional Economic Communities; National ministries for border issues; National border commissions GIZ is assisting with the implementation of the Border Programme across the continent, and at regional, national and local levels.	(Commissioned by German Federal Foreign Office)	37,200,000.00	Security & Control
BFA, MAL, NER	Strengthening Democratic Control and Oversight of the Security Sector In the Sahel Region	01/07/14 – 01/12/16	National Democratic Institute (NDI) and Center for Democratic Control of the Armed Forces (DCAF)	Denmark	No data	Security & Control
MAL, MRT, NER,	Contre Terrorisme Sahel Project (CT Sahel)	2011 – 2015	CIVIPOL, FIIAPP, OCAM, AEI; Managed by DG DEVCO	EU (IcSP)	8,700,000.00	Security & Control
BFA, MAL, MRT, NER, TCD	Appui à la coopération régionale des pays du G5 Sahel et au Collège Sahélien de Sécurité (T05-EUTF-SAH-REG-01)	No data (adopted 06/06/2016, 24 months-period of implementation)	G5	EU	7,000,000.00	Security & Control
~ 40 countries	Support to Africa-EU MMD (Migration and Mobility Dialogue). Incl. Setting up of a facility to support African countries, regions and institutions	No data	No data	EU (DCI)	18,500,000.00	Security & Control
EGY, MAL, MAR, NER (plus countries in Asia, Eastern Europe and Latin America)	Global action to prevent and address trafficking in persons and the smuggling of migrants 2015-2019	2015 – 2019	EU, UNODC, IOM, UNICEF	EU and UNODC	10,000,000.00	Security & Control and Protection
~ 40 countries	ACP-EU Migration Action	No data	IOM	EU (EDF)	9,700,000.00	Security & Control
BFA, MAL, MRT, NER, SEN, TCD	Rapid Action Groups - Monitoring and Intervention in the Sahel (GAR-SI SAHEL)	No data (adopted 13/06/2016, total duration 46 months)	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP, Spain); Consortium of Member States (France, Italy, Portugal)	EU (EUTF)	41,600,000.00	Security & Control
MAL, MRT, NER, SEN	Thematic Programme for Migration and Asylum (DCI-MIGR 2010/224-349)	01/03/11 – 03/03/13	Jefatura Fiscal y Fronteras de la Guardia Civil (Spain)	EU (1.952.200€ support); No data on the rest	2,440,000.00	Security & Control
BFA, MAL, NER	Appui à la coopération transfrontalière au Sahel (ACTS)	No data; ongoing	No data	France (Fonds de Solidarité Prioritaire FSP)	752,000,000 (2010-2013)	Security & Control
BFA, MAL, NER	Border Security and Management in the Sahel	Since 01/02/14; ongoing	DRC-DDG	Denmark, UK, Netherlands, USA	No data	Security & Control

221 All budgets indicated in a different currency than EUR were converted using the official exchange rate of September 13, 2017.

Mapping Results

Projects including both Niger and Mali

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €) ²²¹	Project Emphasis
BFA, MAL, MRT, NER	Enhancing Security in the Sahel	April 2015 – March 2016	IOM	Japan	No data	Security & Control
BFA, MAL, MRT, NER	Coordinated Border Management in Niger, Mali, Mauritania and Burkina Faso and Immigration and border Management in Niger	01/04/15 – 01/03/16	IOM	Japan	2,523,270.00	Security & Control
BFA, MAL, MRT, NER, TCD	Border Management & Border Communities in the Sahel	March 2015 – March 2016	UNDP	Japan	3,196,142.00	Security & Control and Protection
BFA, MAL, NER, NGA, SEN	Border Security Management Course	On hold due to funding	Kofi Annan International Peacekeeping Training Center	Japan, UNDP	No data	Security & Control
BEN, BFA, CIV, GHA, MAL, NER, NGA, TGO	Border management focus of INTERPOL training in West Africa	23/05/16 – 03/06/16	INTERPOL	No data	No data	Security & Control
- 15 countries	Training Course on International Migration Law for the Representatives of CEN-SAD Countries	01/12/08 – 28/02/09	IOM	No data	90,566.89	Security & Control
BFA, MAL, NER	Strengthening ECOWAS Capacities on Population Displacement Management	01/08/15 – 31/07/16	IOM	No data	84,109.00	Security & Control
- 10 countries	Migration Profiles in Selected Countries in West and Central Africa: A Tool for Strategic Policy Development	01/10/09 – 31/01/10	MRF Dakar, Research Division in Headquarters, EC, Switzerland and Belgium	No data	126,163.5	Security & Control
- 10 countries	Security sector reform projects and technical assistance through consultancy services and training in preventing and tackling irregular migration, terrorism and organized crime	No data	No data	Spain	330,000.00	Security & Control
West Africa	Protecting and creating prospects for children and young migrants in difficulty	06/01/12 – 30/11/17 (SDC has been a supporter since 2010)	SDC	Switzerland	7,746,823.20	Protection
MAL, NER, SEN + G5 and ECOWAS	Strengthening the capacities of West African states to develop a human rights-based response to smuggling of migrants and to effectively respond to human rights violations related to irregular migration	No data, 2 years proposed project implementation period	UNODC/OHCHR	The Netherlands	2,000,000.00	Security & Control and Protection
BFA, DZA, MAL, MAR, MRT, NER, NGA, SEN, TCD, TUN	Counterterrorism Capacity Building Program (CTCBP): Strengthening Travel Document Security and Identification Management in the Sahel Region	December 2013 – March 2015	International Civil Aviation Organization (ICAO)	Canada	515,775.00	Security & Control

Mapping Results

Projects including both Niger and Mali

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €) ²²¹	Project Emphasis
BFA, MAL, MRT, NER, NGA, SEN	Enhancing the capacity of West African Law Enforcement to Prevent Human Smuggling through training and Connectivity to INTERPOL Systems	25/03/14 – 15/05/15	Canada	Canada	809,422.90	Security & Control
BFA, MAL, NER, NGA, SEN	ECOWAS Cross Border Initiatives Programme	No data	ECOWAS	No data	No data	Protection
ECOWAS, MRT	FMM West Africa (Support for Free Movement of Persons and migration in West Africa)	01/06/13 – 28/02/18	IOM, ECOWAS Commission, ICMPD, ILO	EU	26,000,000.00	Protection
BFA, MAL, MRT, NER, NGA, TCD	Building capacities and reducing vulnerabilities for mobile and host populations	TBD (not yet active)	IOM	No data	No data	Protection
BFA, MAL, NER, NGA, SEN	ECOWAS–Spain Migration Project	Launched in 2014	Spain	No data	No data	No data
MAL, NER	Increase Interdiction on Sahel Borders	05/07/05 - FY2017	UNODC	No data	3,469,496.25	Security & Control
MAL, NER	Regional Cross Border Management Course	04/05/15 – 08/05/15	US Department of State	No data	No data	Security & Control and Protection
~ 20 countries	Support to the African Union Border Programme (AUBP)	2008-2018	African Union Commission (AUC), Peace and Security Department (PSD), assisted by GIZ	German Federal Foreign Office	10,400,000 (2016-2018), 37,200,000 in total	Security & Control

Mapping Results

Projects in Mali

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €)	Project Emphasis
BFA, GAB, MAL, MRT, SEN	Addressing Document Fraud in Burkina Faso, Gabon, Mali, Mauritania and Senegal	15/07/11 – 15/04/12	IOM	Co-financed by ICMPD and France	126,163.50	Security & Control
~ 20 countries	MIEUX III	2016 – 2019	ICMPD	EU	8,000,000.00	Security & Control
MAL, MRT	Trainings for law enforcement officers dealing with border security, support the enhancement of ability to analyze and collect information/ intelligence	No data	IOM	Japan	2,556,913.60	Security & Control
GIN, GMB, GNB, LBR, MAL, SEN, SLE	Training to strengthen border management in West Africa	18/04/16 – 29/04/16	INTERPOL	No data	No data	Security & Control
BFA, CIV, GIN, MAL, SEN	Counter Trafficking Capacity Building, Cooperation and Networking in West Africa	No data, total duration 12 months	IOM	No data	168,218.00	Security & Control

Mapping Results

Projects in Mali

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €)	Project Emphasis
GHA, MAL	Enhancing the Capacity of Migration Management in North Western Africa	31/03/11 – 31/12/11	IOM	No data	28,186.61	Security & Control
MAL, MRT	Renforcer la Gestion Conjointe des Frontières entre le Mali et la Mauritanie	No data, total duration 12 months	IOM	No data	168,218.00	Security & Control
MAL, MRT	Enhancing the collective capacity for managing borders and protecting border communities between Mali and Mauritania	01/03/15 – 01/02/17	IOM	Japan	2,523,270.00	Security & Control
MAL, MRT	Migratory Flow Management	No data	Spain	No data	No data	No data
MAL	Strengthening Labour Migration in Mali	01/03/10 – 31/03/11	IOM	No data	77,380.28	Security & Control
MAL	Support Malian National and Local Institutions in Managing Environmental Migration within the Framework of their Strategy for Reducing Vulnerability to Climatic Changes	01/07/11 – 30/09/16	IOM	No data	126,163.50	Protection
MAL	Workshop on Displacement Management in Emergency Situations in Mali	11/07/16 – 15/07/16	IOM	IOM Development Fund	No data	Security & Control
MAL	Strengthening the Knowledge Base to Better Protect and Assist Migrants in a Situation of Vulnerability in Mali	01/10/16 – 30/09/17	IOM	No data	168,218.00	Security & Control
MAL	Setting Standards on Protection and Assistance to Vulnerable Migrants in Support of the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants	01/10/16 – 30/09/18	IOM	No data	42,054.50	Security & Control
MAL	Renforcement de la gestion et de la gouvernance des migrations et le retour et la réintégration durable au Mali	Date of adoption 12/14/2016, total duration 36 months	IOM/AECID	EU (European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa)	15,000,000.00	Protection
MAL	Border Security in the Sahel: Building a Regional Platform for Dialogue and Action	01/04/15 – 31/03/16	UK	UK Conflict Security and Stability Fund	272,170.50	Security & Control and Protection
MAL	Programme of support for enhanced security in the Mopti and Gao regions and for the management of border areas (PARSEC Mopti-Gao)	01/03/17 – 01/03/20	Expertise France	EU (EUTF)	29,000,000.00	Security & Control

Mapping Results

Projects in Niger

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €)	Project Emphasis
NER, TGO	Enhancing the Protection of Stranded Migrants in West Africa: a Study in Niger and Togo	01/10/12 – 31/07/13	IOM	No data	84,109.00	Protection
NER, TCD	Community engagement on border management mechanism in Niger- Flintlock 2017	23/09/16 – 23/09/17	IOM; partnerships with DS/ATA and SOCAFRICA	USG: DOS	832,679.10	Security & Control
DZA, EGY, LBY, MRT, MAR, NER, TUN	RDPP North Africa Programme	No data	No data	EU (ENI): 3.000.000€; EU (AMIF): 17.500.000€; EU (EUTF): 10.000.000€	30,500,000.00	Security & Control and Protection
NER	EUCAP Sahel Niger	08/08/12 – 15/07/16	EU		17,770,000.00	Security & Control
NER	Migration EU Expertise	Ongoing as of October 2016	EU; implementing partner ICMPD			Security & Control
NER	Support for justice and security in Niger to fight organised crime, smuggling and Human Trafficking (AJUSEN)	Adopted 06/13/2016, total duration 60 months	French Development Agency, Civipol	EU	30,000,000.00	Security & Control
NER	Police programme Africa – supporting police reform processes in Niger	2013 – 2018	GIZ	AA	No data	Security & Control
NER	Programme to support local development and governance for better management of migratory flows	No data	GIZ	EU	25,000,000.00	Security & Control
NER	Support to the Inter-Ministerial Committee on Migration to Develop the National Strategy to Counter Irregular Migration	June 2016; ongoing	ICMPD	EU	131,000.00	Security & Control
NER	Secure borders in Northern Niger	No data	IOM	CTCBP (Canada)	206,310.00	Security & Control
NER	Security Diffa Niger Project (SEDINI)	No data, total duration 18 months	IOM	EU (CPSI)	3,000,000.00 (SEDENI + AGAMI)	Security & Control and Protection
NER	Agadez Migration Project (AGAMI)	No data, total duration 12 months	IOM	EU (CPSI)	see above (SEDENI + AGAMI)	Protection
NER	Response Mechanism and Resources for Migrants (MRRM) Phase II	01/10/16 – 01/10/19	IOM	EU (EUTF)	7,000,000.00	Security & Control
NER	Renforcement de la gestion et de la gouvernance des migrations et le retour durable au Niger (Sustainable Return from Niger – SURENI)	Adopted 14/12/2016, total duration 36 months	IOM	EU (EUTF)	15,000,000.00	Security & Control and Protection

Mapping Results

Projects in Niger

Countries/Organization	Project Title	Period of Time	Implementing Actor	Donor	Budget (in €)	Project Emphasis
NER	Support to the development and to local governance for a better management of migratory flows. Titre français: Renforcement de la gestion durable des conséquences des flux migratoires	No data	No data	EU (EUTF)	25,000,000.00	Protection
NER	Création d'une équipe conjointe d'investigation pour la lutte contre l'immigration irrégulière, le trafic et la traite des êtres humains. English title : Action to set up a Joint Investigation Team	No data	No data	EU (EUTF)	6,000,000.00	Security & Control
NER	MRRM I (AGADEZ MIGRATION -"AGAMI")	No data	No data	EU (IcSP)	1,730,000.00	Protection
NER	Setting up a joint investigation team to combat irregular immigration, human trafficking and people smuggling	Adopted 18/04/2016, total duration 36 months	PAGODA with Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas	EU (European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa)	6,000,000.00	Security & Control
NER	Document fraud and human trafficking training	October 2014; ongoing	Spain			Security & Control and Protection
NER	Access to status determination procedures, reception conditions and assistance to asylum seekers in Niger	No data	UNHCR	Italy	2,093,338.00	Protection
NER	Offered Border Security training	No data	USG: DOS	NADR/ATA	No data	Security & Control

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