



THE EXTERNALIZATION OF EU BORDERS

The Case of Agadez

While the externalization of border enforcement to African states may have contributed to a decline in arrivals to Europe via the Mediterranean Sea, Nigerien and European Union (EU) authorities have neglected the immense negative impacts of these migration policies on local communities, refugees, and migrants. This spotlight provides an overview of the local implications of the EU's strategy of externalizing its borders towards transit states in Africa. It focuses on the case of Agadez in Niger, which has been the primary transit city within the Sahel region for migrants and refugees in transit to Europe.¹



Agadez, Niger: As the Sahel region's major transit hub, its local community, migrants, and refugees have been negatively affected by new policies outlawing the transportation of migrants (Photo: © picture alliance / dpa | Kristin Palitza).

by Sarah Horváth and Regine Schwab

The Sahel, a semi-arid region in North Africa, often referred to as the shore of the Sahara, bears decades old stories of seasonal migration. This form of mobility, which is an integral part of the cultural and economic life within the Sahel region, has been increasingly disrupted since 2010. As a result of a confluence of conflicts in Africa the same year, particularly the insurgency in Nigeria, the unstable situation in Libya, and persistent human rights violations in Eritrea, an increased number of refugees have made their way towards Europe.²

With the arrival of around 1.2 million migrants and refugees in Europe in 2015, the European Union increased its efforts to externalize its borders outside of the continent. Externalization means the EU is outsourcing the responsibility for preventing irregular migration to third countries – so-called transit states, specifically in the Sahel – in exchange for large sums of money.^{3,4} Niger is one of Europe's most important transit states and has been stemming major refugee and migrant flows within the *Economic Community of West African States* (ECOWAS).⁵ Despite the fact that most refugees and migrants reaching Europe are from countries other than Niger, in 2014 more than half of all migrants who arrived in Lampedusa, Italy passed through Niger's transit hub, a city called Agadez.⁶ In response, the EU developed the *Action Plan against Migrant Smuggling* (2015–2020) to stem migration to Europe.⁷ In synthesis with this action plan, the EU has focused mainly on strengthening security cooperation with transit countries in Africa such as Niger.⁸

In 2015, the Nigerien government passed Law 2015-36 to specifically outlaw migrant transportation through Niger (see text box).⁹ As a result, the estimated number of 153,842 people arriving in Europe over the Mediterranean route in 2015 dropped to just 23,400 arriving in Italy in 2018.¹⁰ While these numbers might indicate the effectiveness of Law 2015-36 in terms of reducing migration flows to Europe, the negative consequences for migrants, refugees, and local communities are consistently neglected. What is more, 92,311 people arrived in Europe through the Mediterranean route in 2022; this drastic increase in migration flows suggests that Law 2015-36 has fallen short of fulfilling its original intention.¹¹

Since transporting migrants has become illegal, the route from Agadez to Libya through the desert has

Law 2015-36 Explained^{12, 13}

Law 2015-36 is based on the Protocol Against the Smuggling of Migrants by Land, Sea and Air of 2000. The law links irregular migration and the transportation of migrants and refugees to other trafficking activities, such as drug and arms trafficking. In addition, it criminalizes the smuggling of migrants and any activity related to the transportation of migrants and refugees. Penalties can range from five to 25 years in prison.

become increasingly dangerous for refugees. The risk of being abandoned in the desert by smugglers fearing potential detection has increased tremendously, and the prices for taking this dangerous trip have risen accordingly.^{14, 15} Costs have also risen for the community of Agadez, since most of the locals were dependent on legal migration flows through their city.¹⁶ High penalties and prison sentences for transporting migrants increased poverty in Agadez and left refugees and migrants in limbo.¹⁷ While Law 2015-36 seems to be beneficial for the European Union and Nigerien authorities, it comes at a high cost for local communities, refugees, and migrants.

This spotlight provides an overview of the local implications of the EU's migration strategy of externalizing its borders towards transit states in Africa and shifts the focus towards the underreported situation of people on the move and the local community in Agadez. By contrasting the gains of Law 2015-36 for the EU and Nigerien authorities with the negative consequences for local actors, the spotlight puts forward lessons learned from the case of Agadez to plead for a more holistic migration policy.

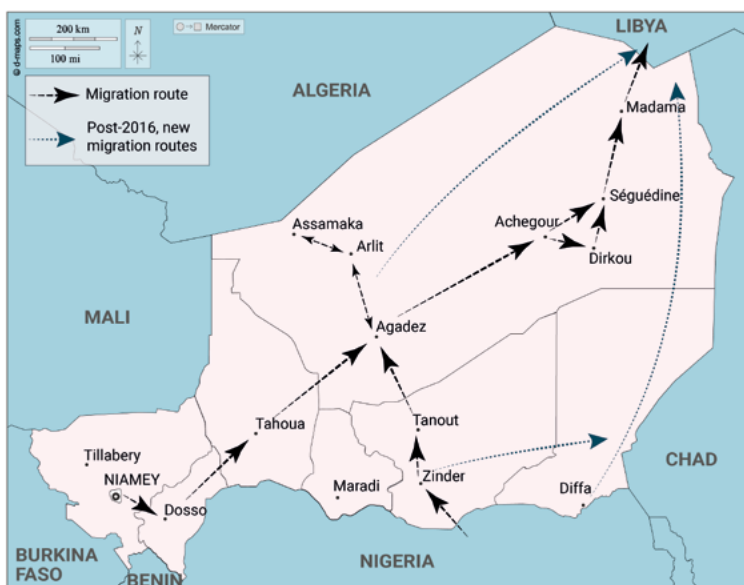
Who Profits from Law 2015-36? The European Union and Nigerien Authorities

When the number of refugees arriving on the Italian shore began to increase, the EU initially responded with security and capacity building missions in the Sahel to reduce migration flows.¹⁸ However, after more than 150,000 refugees arrived in Italy in 2015 alone, the EU changed its migration strategy by shifting border enforcement to transit countries.¹⁹ Due to its important geographical position connecting West Africa and Libya, Niger has been prioritized by the EU as a key partner (see map).

Prior to the criminalization of migration in Niger, departures from Agadez to Libya were publicly organized and often accompanied by the military. However, since the implementation of Law 2015-36, the transportation of migrants towards Libya can be sentenced with up to 25 years of imprisonment.^{20, 21} The EU has claimed that the implementation of these migration policies and the cooperation with Nigerien authorities has led to a sharp decline in the arrivals of migrants in Italy.²² Although arrivals in Italy did in fact decrease, the number of refugees within the ECOWAS countries has not. An estimated 84 percent of the West African migrant population moves within the ECOWAS area (see text box).²³ Consequently, it seems that the EU, rather than solving the migration crisis, has simply moved it abroad.

While the EU claims that the law is effective in damping migration, Nigerien authorities stand to profit from the EU's willingness to offer funds in exchange for increased support and cooperation in migration governance.^{24, 25} Since 2015, Niger and other West African states have benefited from billions of euros from the EU.²⁶ These external funding streams amplify structural problems of state and government in Niger, such as the uneven distribution of state services, which is "highly concentrated in the capital and major towns, and more present in central than in peripheral regions."²⁷ Due to Law 2015-36, corruption and illicit exchanges between the Nigerien government and other actors, such as organized trafficking gangs and bus business owners have further increased.²⁸ For instance, the latter utilize profits from transporting migrants to finance presidential campaigns and engage in politics.²⁹ Further, security personnel profit from migrants passing through checkpoints by collecting bribes.³⁰ Consequently, the implementation of taxes on illicit trade and smuggling routes is now a major component of the Nigerien economy, with high-level officials among those benefitting most from the continued smuggling.^{31, 32}

By agreeing to the European system of migration management, Nigerien authorities have neglected local interests and have been particularly insensitive to the dynamics of local conflicts. For example, the water supply, the electricity system, and waste collection services are all under strain due to the fact that many migrants



Migration routes through Niger towards Libya and Algeria (map source: <https://d-maps.com/m/africa/niger/niger39.svg>, personal editing; data source: <https://publications.iom.int/system/files/pdf/iom-niger-four-year-report.pdf>).

are stranded, overburdening the already limited infrastructure.³³ However, as state authorities are not necessarily monolithic actors, diverging interests in the implementation of these migration policies must be considered. While national authorities focus on receiving funds and implementing border enforcement, several local communities such as Agadez are being negatively affected by these new policies and have no other choice than to continue to engage in smuggling activities.

The Negative Impact of EU Migration Policies on Local Communities

A comprehensive organization of migrant transportation between Libya and Agadez has existed since 1990 and has furthered the economy within the local community.³⁴ Since the tourism industry in Agadez has suffered due to the Tuareg rebellions in 2007 and 2012, affected companies have used the constant migration flow through their city to build new business models.³⁵ The economy in Agadez has thus profited from several kinds of migration-related activities. Specifically, transportation companies, hotels, shops, restaurants, and the accessibility of cheap migrant labor have furthered the local economy.³⁶

Since over a third of Agadez' residents were dependent on the migration industry for making ends meet, outlawing smuggling led to a loss of income and economic decline in the city.³⁷ Ever since, conflict and insecurity have been rising within the community due to grievances related to Law 2015-36.³⁸ Local authorities have perceived the migration policy as brutal and asked national and European authorities for help.³⁹ In response, the *European Union Trust Fund* (EUTF) has financed programs to secure long-term socioeconomic development. Yet so far hardly any of these have been implemented.⁴⁰ In addition to the economic hardship the community of Agadez is currently facing, the trust in Niger's capital has weakened. Residents and community elders feel neglected by the Nigerien government, whose support for EU migration policies leads to economic consequences which the local community must bear.⁴¹ In addition, corruption by security forces is increasing, as bribes are extorted from smugglers and refugees alike. As a result, the legitimacy of the national government suffers and, thereby, cooperation between Nigerien national and local authorities is undermined.⁴²

The Impact on Migrants and Refugees

As Libya has overtaken the Egyptian Sinai as the main transit point to Europe, the incarceration of refugees and migrants in Libya has surged. Since 2017, the situation in Libya has worsened and thousands of refugees and migrants have been detained.⁴³ Due to the horrific conditions within the detention camps and the brutal treatment of migrants and refugees, the *United Nations*

The Historical Importance of Migration in the Sahel and Legal Implications of Law 2015-36^{44, 45, 46}

Historically, like many other Sahelian countries, Nigeriens have traveled seasonally within the region. Specifically, in Niger, approximately 75 percent of the population engages in crop or livestock agriculture; for seasonal reasons (e.g. due to drought), they travel to countries like Libya for alternative sources of income. Since the Tuareg rebellions in the northern regions of Niger and Mali in 2007 and in 2012, seasonal migration has become more dangerous for many Nigeriens, who now have to look for other job opportunities during drought periods. These economic difficulties and the increase in migration flows through Niger from other countries has accelerated the development of important economic opportunities within transit hubs like Agadez. Migration has thereby become essential to economic and political stability within Niger.

The historical patterns of seasonal intra-African migration underline the fact that the majority (80 percent) of migrants traveling through and out of Niger do not intend to make their way to Europe. However, Law 2015-36 does not differentiate between these forms of migration as it criminalizes the general transportation of migrants. Additionally, the anti-smuggling agenda is threatening the ECOWAS region's freedom of mobility. Migration is essential to local economies since many people's livelihoods depend on their free movement. Law 2015-36 and the border controls implemented with European authorities starting in the north of Agadez therefore stand in direct contradiction to the ECOWAS protocol on free movement.

High Commissioner for Refugees (UNHCR) established an *Emergency Transit Mechanism* (ETM) to evacuate most of the vulnerable groups from these centers to Agadez.⁴⁷ Niger agreed to the ETM under the condition of the resettlement of all refugees to Europe.⁴⁸ However, resettlement has not been implemented and seems to be increasingly unlikely. As a result, tensions between the local community and refugees have increased, prompting the construction of a refugee camp outside of Agadez.⁴⁹

Apart from these local conflicts, the camp's isolated location and lack of basic facilities have also provoked continued demonstrations by migrants and refugees.⁵⁰ Their expectations are disappointed by the lack of resources and slow administrative processes, which leave many with the feeling of being left in limbo. Therefore, in October 2022, after another wave of demonstrations, a group of 100 Senegalese migrants set off to march their way from the *International Organization for Migration* (IOM) transit camp in Agadez to Niamey, once again urging national and international authorities to remember their plight.⁵¹ A reminder that has become all the more urgent in the wake of the global upheaval caused by the war in Ukraine.

Many refugees and migrants still see no alternative to attempting to reach Europe via the dangerous Sahara

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and the new migration routes that have emerged since the implementation of Law 2015-36. Yet, many are caught and returned to Agadez, or left alone in the desert to die.⁵² While EU migration policy and the laws subsequently implemented in transit countries have initially led to a decrease in the number of migrants arriving in Europe, it has evoked even more insecurity for local communities, as well as migrants and refugees.

What Can we Learn from Agadez?

The case of Agadez unveils the EU's attempt to use a simple, "one-size-fits-all" solution to address the far more complex and interconnected issue of migration. Although greatly underreported and far away from European consciousness, especially in light of the war in Ukraine, this case underlines the necessity of considering the social and economic impact migration policies have on local actors. Rather than just making agreements with national authorities, the EU should consider the roles of local communities, refugees, and migrants and, especially, the economic and sociocultural contexts within which migration policies are applied in transit states.

Acknowledging the rising difficulties in transit hubs such as Agadez and the actors who either cause or are affected by these problems, a more tailored approach towards the governance of migration has to be developed. Such efforts must be based on a better understanding of the political and economic dynamics within transit states and their communities to mitigate the negative effects of migration policies. These efforts should include the comprehensive financing of development programs to promote opportunities to generate income. These programs have to be monitored and evaluated in order to ensure that funding is received by beneficiaries. At the same time, measures must aim to reduce the harm to vulnerable groups and local communities. Migration policies also necessitate the normalization of migration as well as regulated paths for intra and inter-African migration. Migration policy analyses should clarify how to foster positive consequences and respond to negative consequences of migration. A holistic migration management approach further requires reform of the security sector to tackle police and government corruption.

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