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.

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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. 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. 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). 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. In response, the EU developed the Action Plan against Migrant Smuggling (2015–2020) to stem migration to Europe. In synthesis with this action plan, the EU has focused mainly on strengthening security cooperation with transit countries in Africa such as Niger.

In 2015, the Nigerien government passed Law 2015-36 to specifically outlaw migrant transportation through Niger (see text box). 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. 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.

Since transporting migrants has become illegal, the route from Agadez to Libya through the desert has
Since 2015, Niger and other West African nations have experienced a rise in penalties for transporting migrants and refugees. The law criminalizes smuggling of migrants and any activity related to the transportation of migrants and refugees. Penalties can range from five to 25 years in prison.

Law 2015-36 Explained

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.

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. 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. 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. 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. 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). 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. Since 2015, Niger and other West African states have benefited from billions of euros from the EU. 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.” 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. For instance, the latter utilize profits from transporting migrants to finance presidential campaigns and engage in politics. Further, security personnel profit from migrants passing through checkpoints by collecting bribes. 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.

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...
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. Due to the horrific conditions within the detention camps and the brutal treatment of migrants and refugees, the United Nations High Commissioner for Refugees (UNHCR) established an Emergency Transit Mechanism (ETM) to evacuate most of the vulnerable groups from these centers to Agadez. Niger agreed to the ETM under the condition of the resettlement of all refugees to Europe. 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.

Apart from these local conflicts, the camp's isolated location and lack of basic facilities have also provoked continued demonstrations by migrants and refugees. 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. 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. 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.

References and further reading:

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