

## Human Rights Law Centre

# FMU Policy Brief No. 02/2018 (10 January 2018) Why Securitising the Sahel Will Not Stop Migration

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The geopolitical interests of EU Member States in the Sahel have long lead to interventions aimed at the securitisation of the region that can be dated back to the early postcolonial period. In the wake of recent instability, however, the recourse to such interventions has intensified (Harmon, 2015: 233). Since the launch of the European Agenda on Migration in May 2015, however, we have also seen a convergence of these pre-existing geopolitical interests with an ever-expanding EU preoccupation with the so-called refugee 'crisis'. This convergence has often taken the form of an increased humanitarian posturing (Davitti, 2017) vis-à-vis the refugee debate, irreversibly conflated with a securitisation framing of both the refugee themselves and of any response devised to reverse migratory flows. The same refugees that recent EU debates depict as a 'security threat approaching the external EU border' (Andersson 2014: 68) are also presented as in need of 'saving' and 'protecting' (Vaughan-Williams, 2015: 20). It is crucial to understand the escalation of the EU's rhetoric—of 'saving migrants' lives at sea' and 'preventing migrants from embarking in perilous journeys'— as a tool which fundamentally attempts to justify an increased militarisation of key 'partner' countries of origin and transit, not least in the Sahel. This policy brief wishes to problematise this approach by examining the way in which EU policies have crystallised the securitisation of migration and intensified military intervention in the Sahel. The brief analyses the implications of such policies on the ground, paying particular attention to Niger which has become, once again, a strategic country for the EU and its Member States.

#### Securitising the Sahel: Old Wine in New Bottles?

The Sahel is emblematic of a region suffering from multiple drivers of conflict. Here, threats to stability have diverse origins and take on many different forms. Radical armed and separatist groups, cross border smuggling and trafficking networks add to the challenges posed by extreme poverty and underdevelopment, rampant climate change and weak governance. The unfolding of instability takes place against the background of a troubling postcolonial legacy. Sahelian territorial boundaries were drawn, as in many other African regions, to benefit the interests of colonising countries rather than taking into account social and ethnic cohesion or the needs of the peoples concerned. Postcolonial borders in countries such as Mali, Niger, Libya, Chad and Sudan cut directly through clans and ethnic groups. These ethnic and kinship ties across the region, however, contributed to the development of networks that now provide important economic opportunities, including the cross border smuggling of migrants (Molenaar et al., 2017: 11). It is in this context that the Sahel becomes increasingly fathomed 'through the prisms of violence, cross-border illicit flows, and limited statehood' (Frowd and Sandor, 2018, 1).

The EU's interests in the Sahel are historically shaped by economic and security questions alike. Whereas most of the countries in the region are too small, or too poor to become important markets for the EU, they do hold wealth in terms of natural resources. For instance, about 70% of Libya's oil production used to flow to Europe, while three-quarters of France's energy comes from the uranium mines in northern Niger. France is indeed one of the most active EU countries in the Sahel by virtue of its historic, colonial ties to the region. Between 1956-62 when these countries were granted independence, France crafted defence agreements and continued to maintain a reduced military presence charged with training the armies of former colonies. Moreover, the French military conducted multiple interventions in Chad, Mauritania and most recently in Mali to protect friendly regimes or to protect its own citizens. Since the 2011 Arab uprisings, the fall of Libya's Gaddafi regime and the beginning of the Malian conflict in 2012, the Sahel is increasingly perceived by the international community as a focal area for activities of jihadist groups, such as Al-Qaida in the Islamic Maghreb (AQIM), Ansar Dine and Boko Haram. Thus, from a security point of view, the Sahel has become a 'laboratory for experiments in "light-touch" counter-terrorism' for Western powers.

The presence of EU Member States in North Africa and in the Sahel therefore is, by no means, a new phenomenon: for nearly two decades bilateral and multilateral interventions sought to govern insecurity in the region by means of capacity-building projects, intelligence coordination, law enforcement and policing actions and training (Frowd and Sandor, 2018: 2). Yet, the adoption of stronger securitisation measures in these key regions, often linked with the openly declared aim of stemming migration flows towards the EU, is a more recent development. In 2011 the European Union External Action Service (EEAS) adopted the <u>Strategy for Security and Development in the Sahel</u>, a comprehensive and integrated approach to address the intertwined challenges faced by the region. Emphasising the development and security nexus, the strategy takes the view that economic development and state capacity building cannot be separated. Bearing in mind the interests of its own citizens, the EU claimed to have drawn up the strategy 'in partnership with the countries concerned', with the aim of 'tackling the root causes of extreme poverty' and 'creating the grass-root conditions for economic opportunity and human development to flourish'.

In 2015 however, with a sharp increase in migrant arrivals on EU shores, migrants and refugees crossing the Sahara began to be associated with imagined and real threats to the EU, of terrorism, criminality and social unrest. This discourse has led to an increased politicisation of migration and to its framing as a security threat, resulting in more security-oriented responses. This increased securitisation reflected policies of externalisation and deterrence (non-entrée policies) already typified by 'Fortress Europe', a concept that on the one hand encourages free mobility and the elimination of internal EU borders and, on the other, places restrictive measures on external borders, focusing on exclusion and border management. While fairly new in the Sahel, the implementation of such policies (e.g. externalisation of borders, offshoring border control and asylum processing) is a continuation and consolidation of previously existing EU practices that have been in widespread use especially from the early 2000s (Zaiotti, 2016: 4).

As part of its response to tackle the 'refugee crisis', the EU decided to reconfigure one of the implementing tools of the Sahel Strategy, the EUCAP Sahel Niger, and to repurpose it for restraining migration flows. EUCAP Sahel Niger was launched in 2012 and branded as a civilian mission under EU Common Security and Defence Policy. Initially the mandate covered four focus-areas: help Niger's security forces achieve interoperability and develop their operating strategies; strengthen the Nigerien security sector's expertise in combating terrorism and organized crime; improve the human resources, training and logistics management policies; support the development of regional and international coordination in the fight against terrorism and organized crime. In view of the migratory developments of 2015, the European Council extended the mandate of the mission with a fifth task: support the security forces' capability to better control migration flows and to combat irregular migration and associated criminal activity more effectively. This decision followed the determination made by Brussels that the northern region of Agadez had become 'a major trafficking hub on the road to Libya' and that an outpost of EUCAP Sahel Niger would be beneficial for curbing the flows of irregular migrants.

Foreign security operations in the Sahel
G5 Sahel
EUCAP Sahel Mali
EUCAP Sahel Niger
Operation Barkhane
European Union multinational military training mission (EUTM Mali)
United Nations Multidimensional
Integrated Stabilization Mission in Mali
US Special Forces Green Berets (Niger and
Burkina Faso)
Force Multinationale Mixte contre Boko
Haram (FMM)

Finally, with the support of the EU, in late 2015 Niger adopted a new 'Law Against the Illicit Smuggling of Migrants' (Loi 2015-36 Relative au Trafic Illicite de Migrants) which criminalises the intention and act of smuggling migrants outside the city of Agadez, the last administrative unit of the Nigerien state before the stretch of desert that connects it to Libya.

#### Drawing a line in the sand: the case of Niger

The implementation of strong repressive measures in the aftermath of the adoption of the law in 2015 by the government of Niger resulted in the arrest of migrant smugglers and the confiscation of their vehicles, leading to a substantial decrease in the monitored migration flows passing through Agadez to Algeria and Libya. Estimates calculated by the International Organization for Migration suggest that the Agadez route has been subject to a <u>75 per cent decrease in the number of monitored migrants</u> traveling northwards. Although these measures were applauded by the policy community for their effective reduction of migrant streams, the current wave of securitisation of migration in Agadez has resulted in three interrelated security paradoxes.

First, the Sahel, and the North of Niger in particular, is characterised by a long history of migration which has been for years a vital component of the intraregional economy and a veritable source of livelihoods. The disruption of this activity was not accompanied by the provision or creation of alternative incomegenerating activities, meaning that those relying on income through migration facilitation and its offshoots are faced with little other income generating opportunities. A general climate of frustration and desperation has been the result, which local authorities fear might also contribute to the destabilisation of the wider region.

Secondly, in response to the migration-mitigating measures, new routes have been created to answer the demand, and new actors have become involved in this profitable industry. For instance, Agadez is currently witnessing an incremental presence of Sudanese smugglers who organise the transit to Libya through Chad and Darfur. These new routes that are longer, more dangerous and less travelled, crossing areas in conflict, expose migrants to a whole new range of further risks. The presence of new, often foreign migration facilitators who have substituted the locals in the aftermath of police actions, and the anger of ethnic groups who have suffered disproportionately from these measures, could further aggravate societal tensions and local grievances.

Thirdly, the police actions over the past year targeted relatively minor actors in what is a multi-billion dollar migration facilitation industry. Those affected consist mainly of drivers, guides and those offering accommodation and provisions to migrants along the route (Molenaar, 2018, forthcoming). Those holding the reins of smuggling networks have suffered comparatively insignificant losses and no law enforcement actions were aimed at dismantling their power bases. Their connections to the political establishment and their potential to destabilise transnational armed trafficking rings prevented authorities from arresting those heading up the smuggling rings. The implementation of securitised migration policies has thus transformed the facilitation business from a low-barrier industry to an enterprise controlled by criminal entrepreneurs that often maintain ties with foreign armed groups – thereby increasing the incidence of instability and insecurity in the region (Molenaar, 2018, forthcoming).

The recent <u>emergency transfers</u> to Niger of people held in migration-related detention in Libya also add an additional dimension to the already complex contextualisation outlined so far. Whilst the decision to release people from situations of torture, inhuman and degrading treatment is certainly to be welcomed, their transferral to Niger for the processing of their asylum claims raises a number of legal concerns. These emergency transfers—apart from not being sustainable in the longer-term to support all those who are held in official and unofficial detention locations in Libya—rely on the assumption that people transferred to Niger will be effectively resettled in a safe country of refuge, in line with international provisions for the implementation of durable solutions. However, given the reluctance of EU Member States in living up to both resettlement and relocation expectations, it is hard to imagine that people will not remain stranded in Niger or in the broader Sahel region. This, in turn, will further exacerbate the fragile security context of the region, as well as raise significant concerns both in terms of increasing the risk of human rights abuse for people who will not be promptly resettled, and in terms of non-compliance with international obligations vested upon EU Member States (Davitti and Fries, 2017).

These negative consequences of the securitised migration measures indeed contradict many of the main goals of the EU's <u>Sahel Regional Action Plan 2015-2020</u>. Beyond aiming to prevent and tackle migration, smuggling and trafficking in human beings, the EU's Action Plan calls for a focus on the development-migration nexus. This approach is aimed at maximising the development impact of migration and mobility, as well as the promotion of international protection and the organisation of mobility and legal migration. Yet, rampant deployment of EU Member States' troops in areas of the Sahel that function as migration hubs shows the persistence of the EU's prioritisation of security over development. The recent decision to <u>deploy Italian troops</u> to Niger suggests that hardly any changes are to be expected in EU-sponsored migration management in Niger in the near future.

#### The Perils of Securitising Migration

Since early 2015, economic interests have been supplemented by a collective EU interest in preventing migration in the region as the city of Agadez is seen as the main transit-hub for those on their way to Europe. European and African Heads of State and Government convened in Malta for the Valletta Summit on Migration in November 2015 and launched the EU Emergency Trust Fund for Africa (EUTF) with the aim of engendering stability and addressing the so-called root causes of irregular migration and displacement in Africa. While appropriately designed and unconditional development aid could contribute in mitigating some of the factors that are at the origins of migratory patterns, the policies underpinning the EUTF create unnecessary risks and have the potential of widening existing socioeconomic tensions. 25% of the budget is dedicated to border management and security, which, as multiple studies have shown, will not meet the EU's expectations of stemming irregular migration and should not be expected to achieve this goal at all (Oxfam, 2017; Molenaar et al., 2017). Instead, the positive dimension of the EUTF lies in its potential to contribute to the gradual transition from humanitarian to development actions and to the promotion of 'resilience, economic and equal opportunities, security and development and better migration management,' as per its preset objective (Oxfam, 2017). A potential which is however profoundly undermined by the quid-pro-quo approach attached to the funds to be disbursed and to the 'compacts' underpinning these allocations of funds. Even when development cooperation projects are implemented under the EUTF, the EU prioritises countries of origin, while migration management and security measures are destined to countries of transit. Development aid, when not directly spent on security projects, targets solely operations seeking the short-term curbing of migration, irrespective of their long-term consequences. Despite the declared primary focus on stabilising the region, prioritising the clamping down of migration may in fact result in further destabilisation of the area.

The implementation of security policies targeting migration facilitators in the region has had manifold adverse effects. To begin, they <u>pitted the local population of Agadez against local state authorities</u> since people see that these authorities are unable to provide alternative economic opportunities. In addition, migration-mitigating measures contributed to larger feelings of economic hardship in the region and with only 6% of the EUTF dedicated to short-term economic alternatives, it should come as little surprise then that people who formerly worked in the migration industry are growing increasingly frustrated.

The EU justifies its engagement in Niger, and in the region more generally, by directly linking stability in the Sahel to the security of the EU. 'The stability of the entire Sahel region is threatened - and thus the stability of Europe', explained the former French prime-minister Jean-Marc Ayrault. Policymakers consider that the EU is endangered by two perils originating in the Sahel, namely the spread of radical armed groups and the potential increase in EU-bound migration flows. The conflating of these two distinct dynamics (i.e. terrorism and migration) in the current political discourse highlights the direct link that EU governments make between these separate issues, and explains partially why securitisation is seen as an accessible solution. But observers have noticed and warned against an excessive stress on security and capacity-building, as such inappropriate measures are often the result of superficial analyses of the local political dynamics that underpin the phenomena of migration and smuggling.

Migration policies cannot be implemented sustainably and in compliance with international and EU law unless policy makers understand and take into account how proposed measures affect the protection of individuals and the potential dynamics of instability and economic development. In the long run, the lack of consultation processes and of conflict-sensitivity will not only fail to stem migratory flows, but will also exacerbate existing instability and bring undesirable consequences.

Furthermore, the securitisation of migration might turn mutually disadvantageous for both the Sahel and the EU. To begin, simply by being present on the territory, international actors change political calculations, incentives, and structures (Branch, 2011). Interventions aimed at curbing migration risk creating ruptures in the fragile balances that certain regions have and might even subvert the priorities and political agendas that states have, thus increasing insecurity. The region of Agadez is an obvious case in point where the implementation of migration-mitigating policies has already resulted in more insecurity in the region. Migrants are the first and most obvious victims of this insecurity. Their stay in Agadez and their journeys through the desert have become more clandestine, more expensive, and more prone to human rights violations and hardship. Insecurity also extends to the Agadez population on account that many armed young men have taken to banditry to answer their immediate economic needs. Looking into radicalisation and conflict dynamics more generally, recent research shows that Agadez remains a relatively stable region, yet this stability depends more on a 'mix of accumulated experiences through various preceding rebellions, informal safety nets and safeguards implemented at

the elite level than on effective development policies addressing the local population's grievances' (Molenaar et al. 2017).

On a different note, Sahelian countries that experienced a European military presence have grown increasingly dependent on their deployment to face transnational and national threats. This has deepened the EU's stake in the stability of these countries, which leads to the inevitable protraction of these missions in order to guarantee the stability of the region. International military presence will perhaps prevent the territory from being captured by radical armed groups and will deter some of the violence at the regional level. However, this type of foreign military engagement (apart from being highly controversial and undesirable) tends to prolong the status quo, 'since an acceptable security situation makes solving political conflicts less urgent, and unresolved political conflicts increase the long-term risk of new violent uprisings' (Sour, 2015: 16).

#### Conclusion

A risk logic dominates the current EU debate on migration, which has become a meta-issue for more security demands, fuelled, not least, by the lobbying of the EU defence and security industry (Lemberg-Pedersen, 2012). The tendency to address migratory flows as a security concern is pervasive and it grants legitimacy 'to use extraordinary means outside the repertoire of everyday political practices and if necessary, breaking with established norms' (Nieman and Schmidthaussler, 2012: 8). This policy brief has argued that while the securitisation of the Sahel is not new, the refugee 'crisis' represented the perfect opportunity to escalate it. Furthermore, the example of north Niger shows that in the nexus development- migration-security, the latter trumps the other two variables. The focus on securitising the borders of transit countries concentrates on short-term achievements without considering local contingencies and without examining the possible implications or side-effects of these interventions. While EU policy appears to recognise, at least on paper, that interlinked risks require integrated responses, the reality on the ground tends to differ substantially. The disproportionate allocation of funds and resources to border management and the lack of economic alternatives for the communities affected by migration-mitigating actions have destabilising effects on the region and risk to prevent any of these measures from having tangible effects in improving the situation on the ground.

As this policy brief showed, the EU migration agenda is 'struggling to overcome an inherent contradiction' (Barana, 2017). Policies appear to account for the complexity and long-term nature of migration, depicting it as a structural phenomenon. Yet, the EU's responses and instruments focus on immediate goals, and tackle the migration question with somewhat short-sighted measures. Thus, to date, EU reactions to migration largely ignore 'the links that have been forged between migration and local economies, governance dynamics and security – with major implications for regional (in)stability and development'. To address large-scale migratory flows, the EU will have to reconsider its overall approach to the question and adopt a more balanced plan of action that prioritises the internationally sanctioned right to protection, development, and significantly reduces the stress on externalisation. To achieve this, the EU would be required to engage in a paradigm shift in which migration is analysed in terms of its positive and negative consequences for countries of origin, transit and arrival.

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