

BRIEFING NOTE No. 168

What does the regime change in Niger mean for migration cooperation with the EU?¹

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Summary

In the last decade, Niger became a key ally for Western countries, especially in cooperation on counter-terrorism, migration and development. The coup that took place in Niger on 26 July - but also responses from Western partners with the suspension of aid and security cooperation - will have significant implications for this cooperation with Niger and the Sahel more widely. Given the importance of migration cooperation with Niger as a key interest of the EU, this brief examines the implications of the coup on migration cooperation between the European Union (EU) and its member states and Niger. It analyses what the change in government may mean for EU policymakers, especially for the externalisation of EU migration policies in Niger.

Building on an analysis of the cooperation between Niger and the EU and its member states before the coup, the brief highlights some unintended consequences of the focus on migration cooperation. It examines the potential impacts of the coup on migration cooperation in West Africa, especially as it relates to border closures, regional migration dynamics, increasing instability and displacement and how decolonial narratives are fuelling the discourse on the change in government. The brief identifies crucial considerations for the EU regarding its migration cooperation with African countries, particularly in light of recent unconstitutional changes in government across West Africa and the Sahel occurring on the backdrop of longstanding authoritarian trends among pre-existing regimes.

1. Introduction

Following what has been deemed a so-called 'migration crisis' in 2015, Niger became a central cooperation partner for the EU, which considered it a "key transit country on the Central Mediterranean route for migrants from Western Africa" (EC 2016). This translated into significant funding for migration-related initiatives targeting unwanted mobility to the EU to reduce irregular migration. Niger's geography within West Africa also meant that it was considered the last 'defence line' in terms of pushing back West-African migrants and ensuring their containment within the region (Ayouba Tinni et al. 2022). Niger, especially regions bordering Mali, Burkina Faso, and Nigeria, have been attacked by non-state armed groups, including Islamist terrorists and bandits, intending to take control and establish their rule in the area. Both counter-terrorism and the fight against irregular migration made Niger a partner for Western actors, particularly the EU and its member states and the United States. The successful transition from one civilian government to another boosted the confidence of Western actors that saw Niger as a critical partner in the region, especially with all other states in the region being overtaken by coups. The coup of 26 July and responses with the suspension of aid and security cooperation will have significant implications for this cooperation with Niger and the Sahel. Now that one of the key partners of the EU in the struggle against irregular migration has an unconstitutional change in government, what does this mean for the EU and its externalisation policies in West Africa? (Bisong 2019).

This brief examines the implications of the coup on migration cooperation between the EU and Niger and what the changing dynamics would mean for EU policymakers. It provides an overview of the state of migration cooperation prior to the coup and explains what is at stake and likely to be abandoned as a result of the change in government. The brief concludes by identifying crucial

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considerations for the EU regarding its migration cooperation with African countries, particularly in the light of recent unconstitutional changes in government across West Africa and the Sahel.

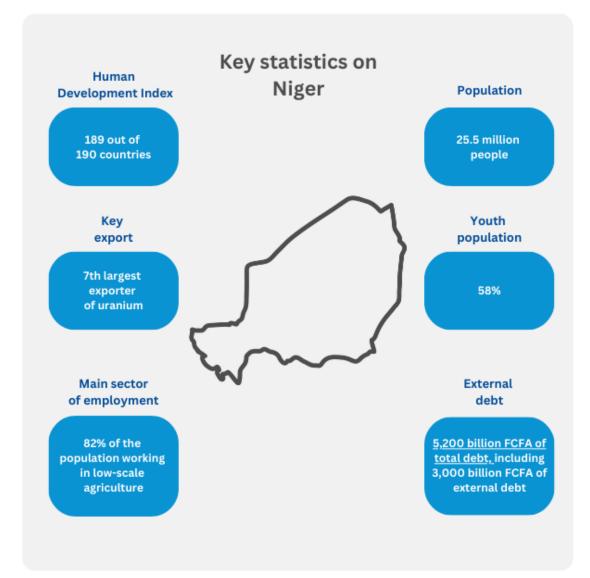


Figure 1: Overview of some statistics in Niger²

Overview of the coup and how it has progressed

The country's close cooperation with its international and regional partners changed on 26 July this year following the unconstitutional change of government by the military. On 10 August, the coup's leaders <u>declared a new</u> <u>government</u> (DW 2023), with economist Ali Mahaman Lamine Zeine as the new prime minister and naming 21 ministers. The National Council for the Safeguard of the Homeland (CNSP), the current governing authority, has declared a three-year <u>transition period</u> before returning to democracy (Euronews 2023). The transitional military government has been recognised by the governments in Algeria, Burkina Faso, Chad, Guinea and Mali, while other countries regard the ousted government as more legitimate.

The coup was not unforeseen, and the widespread support for the military government is an indication of the <u>frustration of the population</u> with the previous governments that prioritised international visibility over domestic growth and welfare (Idrissa 2023). And the coup also indicates the <u>internal tensions among the military elite</u> in the country (International Crisis Group 2023).

The Economic Community of West African States (ECOWAS), the regional economic community active in the region, <u>issued an ultimatum</u> demanding the return to democracy and the reinstatement of the elected President Bazoum, which the military government ignored (Premium Times 2023). This resulted in ECOWAS and the African Union (AU) suspending Niger from their organisations. Both blocs are engaged in diplomatic talks towards resolving the situation with the government. ECOWAS, in addition to the diplomatic talks, has taken steps towards deploying its Standby Force to reinstate the constitutional government in Niger. This has generated <u>mixed feelings by both the Nigerien population and</u> <u>other ECOWAS citizens</u> about the role of ECOWAS in resolving the situation and the effectiveness of the envisaged measures (Avoulete 2023).

Receiving more than €1,670 billion in development aid spent on various aspects of development cooperation in 2021 alone, Niger received substantial aid financing from international partners (OECD n.d.). Following the coup, the European Union suspended all financial aid and military cooperation with Niger, as did Germany and France (Cooper 2023). Within the EU, some EU member states, like Italy, are still open to exploring the diplomatic options of a relationship with the Nigerien government to ensure cooperation on migration (ANSA 2023) issues and prevent further displacement in the region (Reuters 2023a). Belgium (Willems 2023) and the United States (DeYoung 2023), while condemning the coup, still retain partial aid to Niger. The current government is now grappling with addressing these funding gaps, while donors struggle with how to pull out fast, which is not easy given the high aid flows and established aid bureaucracies (VOA 2023).

The implications of these suspensions on migration cooperation are discussed below.

2. Migration cooperation with the EU and its member states

From 2015 onwards, migration-related initiatives aimed at curbing irregular migration to the EU through the Sahel and North Africa were primarily funded through the European Union Trust Fund for Africa (EUTF), a €5 billion fund to address root causes of irregular migration and displaced persons in Africa. Between 2015 and 2022, Niger received over €294 million in funded projects, in addition to €600 million for regional projects in the Sahel and Lake Chad regional window (Altai Consulting 2023). In 2022 alone, Niger also received about €85 million in budget support aimed at "assisting the government in reinforcing justice, security and migration institutions and infrastructures" (Altai Consulting 2023). More recently, under the 2021 multiannual financial framework, an initial allocation of €503 million (EC n.d.-a) covering projects on migration has been made for the period of 2021-2024 in the multi-annual indicative programme alongside budget support under a state-building resilience contract worth €195 million (EC n.d.-a). Out of this amount, €61 million was committed for 2023 (EC 2023). Although past evaluations revealed concerning trends in development indicators for Nigeriens, including heightened conflicts, predicted food shortages, and decreased human development indicators, substantial funds were still allocated to migration cooperation in Niger (Altai Consulting 2023). This raises questions about the effectiveness of development cooperation with Niger (Frouws 2023).

A significant share of EU funding in migration has focused on implementing Niger's 2015-36 counter-migrant smuggling law. The law has been strongly criticised for its adverse effects on <u>human security</u> (Stambøl 2019) and <u>stability</u> (Tubiana et al. 2018a). The implementation of the law was equally condemned by civil society actors, international organisations, local authorities in the North of Niger and many economic actors for creating obstacles to the principle of free movement in the ECOWAS area. At the time of the coup, the law <u>underwent reform</u> (PROMIS Project 2022), and a civil society initiative <u>lodged</u> a complaint on the law about its infringement of ECOWAS free movement protocols to the bloc's court of justice (Sciabaca&Oruka 2022). European-funded projects focused, among others, on the <u>technical and financial support</u> of security and legal actors (EU 2023a). Further, in <u>2017</u>, so-called joint investigative teams were launched, in which Spanish and French police work alongside Nigerien police to investigate migrant smuggling cases (EU 2023b). The cooperation received its most recent extension <u>this year</u> (CoEU 2023), which keeps it running beyond its <u>2021</u> prolongation (FIIAPP n.d.), which was set to end in October 2023. In <u>2015</u> (CoEU 2015), the mandate of the EU's civilian mission, EUCAP Sahel, was widened to include the fight against irregular migration, and in <u>2022</u>, the mission signed a working arrangement with the European border guard Frontex (Frontex 2022). In the same year, Niger was among the first countries <u>to sign</u> an operational partnership to fight migrant smuggling with the EU (EC 2022).

But cooperation on migration went far beyond initiatives on migrant smuggling. European funding also financed the drafting of the country's migration policies. This culminated in the adoption of a <u>Strategy against Irregular Migration</u>, as well as its National Migration Policy, which was adopted in <u>2020</u> – <u>after</u> the strategy (Jegen and Zanker 2019a). The EU-IOM Joint Initiative launched in <u>2016</u> (EEAS 2017) has turned Niger into what observers <u>called</u> a 'return corridor' (Lambert 2019) – assisting migrants in so-called transit centres on the <u>condition</u> of return (UN 2018). Numerous 'development-oriented' <u>initiatives</u> aimed to balance out the adverse effects on livelihoods that went hand in hand with the criminalisation of smuggling activities (EU n.d.). Niger was also the first country to accept to be part of the <u>Emergency Transit Mechanism</u> (ETM) (Jegen and Zanker 2019b) under which vulnerable refugees from Libya are evacuated to the Sahelian state, where they await <u>resettlement</u> (UNHCR 2021).

Some unintended consequences of the intensive focus on migration

The focus on external measures often ignores regional and internal mobility dynamics. Except for transit migration, the responses to the interlinked displacement and humanitarian crisis within Niger have been marked by underfunding. Observers have <u>highlighted</u> the inadequacy of responses to the overlapping humanitarian and security crisis faced by internally displaced populations in Niger and the Sahel more widely (Golovko and Fakhry 2023). OCHA equally <u>noted</u> that underfunding constitutes a significant constraint for humanitarian operations, including those providing relief to forcibly displaced people (OCHA n.d.).

Besides these national policy developments that impact the onward movements of predominantly African populations in Niger, the mobility of Nigeriens within the ECOWAS has been increasingly curtailed. Migration cooperation between the EU and Niger ignored the regional mobility dynamics, which negatively impacted the mobility of Nigeriens within the region. Nigeriens mostly travel within the region in West and North African countries – for seasonal work (Mounkaila et al. 2009). There exists an infamous deportation <u>agreement</u> between Niger and Algeria (Amnesty International 2018), under which human rights abuses in the context of deportations are frequently documented (APS 2023a). These deportations of migrants from Algeria to Niger still continue, despite the coup (APS 2023b). More recently, deportations of Nigeriens have also occurred within ECOWAS member states. A striking example constituted the deportation of more than one thousand Nigeriens from the Senegalese capital, Dakar, at the beginning of 2022 (TV5 Monde 2022).³ While deportations within ECOWAS are <u>not a novelty</u> in itself, it is notable that the more recent deportations occur against the backdrop of external actors financing restrictive migration policies (Arhin-Sam et al. 2022).

Since 2015, the EU overlooked the existence of <u>corruption</u> (IRI 2020) and <u>human</u> rights abuses (UN 2018) within the previous governments (<u>imprisoning activists</u>, prosecuting journalists and repressing protests) (US Department of State 2022) and ignored the rising poverty rate, though the migration and development programmes were, in addition to stemming migration towards North Africa, aimed at increasing and improving the welfare of individuals and the society. Observers noted that the increased <u>securitisation and militarisation of migration</u> initiatives in Niger resulted in human rights abuses of migrants (Molenaar et al. 2018). As a result of the cooperation from the government, Niger was a <u>laboratory</u> for test-running migration interventions (on border management, technology and collecting data) (Howden and Zandonini 2023). Budget support is usually reserved for countries which "perform better in controlling corruption than other developing and emerging countries" (EC n.d.-b). However, in the case of Niger, funding from the EU, including direct budget support, continued, despite <u>reports of</u> systemic corruption in Niger (Aljazeera 2022).

Increased <u>securitisation of migration</u> (Penney 2018), especially along the travel routes, led to an increase in the number of checkpoints along certain routes and increased corruption among border officials. Some West Africans reportedly pay bribes to travel within Niger, including those travelling for 'legitimate' business purposes like cross-border traders (Frouws and Brenner 2019).

It was observed that the previous democratic government leveraged migration cooperation with the EU as a basis for <u>legitimising its government on the</u> <u>international scene</u> while ignoring the domestic turmoil (Bisong 2020).

"At the heart of the cooperation with the EU is the need for political legitimacy of the present government and the need for funds to run the government, both of which are offered by the EU as the international visibility and cooperation with the international community has increased the political legitimacy of the government." (Bisong 2020)

Funds received through the EUTF were used to assist the government in <u>legitimising their positions</u> and contributing towards development (Kipp 2018). Consequently, the government focused less on areas such as poverty eradication and good governance and instead engaged more in combating irregular migration. This, however, did not translate into improved welfare or living conditions for most Nigeriens.

3. Potential impacts of the coup on migration cooperation

Given the daily changes in Niger, the future of its migration and mobility governance and the role the EU may take in it remains unknown at the time of writing. Yet, some early observations can be made.

First, to apply pressure to return to the constitutional order and what it deems democratic rule, the EU <u>suspended budget support and security cooperation</u> with Niger (EEAS 2023). While not outlining the effects on migration per se, this indicates that many migration-related initiatives towards security actors have momentarily come to a halt. However, given that some of these measures are implemented by local non-governmental organisations (NGOs) and international organisations, there is still the likelihood of some projects continuing – except for those in a <u>difficult security situation</u> (WHH 2023). The direct effect of freezing the direct budget support and other related projects is being <u>felt by the current</u>

government, which is considering alternative funding sources to keep its operations functioning (Ministère des Finances du Niger 2023). The military government has highlighted salaries, security and health as its priority.

Second, partial border closures with neighbouring countries and closure of the air space as a result of the sanctions imposed by ECOWAS and the West African Economic and Monetary Union (UEMOA) have constrained regional mobility. These border closures particularly affected the mobility of cross-border traders, with trucks being stuck at unstaffed border posts (Tord 2023). These border closures are also resulting in higher food prices for neighbouring countries. In addition, migrants are stuck within Niger without the possibility of returning to their countries due to the <u>border closure</u> (Santos 2023). There is still movement between <u>Niger and Burkina Faso</u>, one of the open borders with the country, with trucks with food and medical supplies to Niger (Agence France-Presse 2023). But the border closures mean that seasonal workers from Niger cannot move to other countries (including traditional destinations like Nigeria and Ghana) within the region for work.

The border and airspace closure impacted the so-called voluntary return of migrants trapped in the IOM transit centres. While migrants from Senegal have protested the slow 'voluntary' return process through the EU-IOM initiative and the adherent conditions in the transit centres already in 2022, these closures were likely to prolong the entrapment and desperation of these populations (APS 2022). Transit centres were reportedly overcrowded as a result of the border closures (Santos 2023). To defuse the deteriorating situation in the transit centres, IOM requested for a humanitarian corridor to allow the return of vulnerable migrants to return to their home countries (RFI 2023). During the border closures, informal cross-mobility continued despite sanctions with neighbouring countries. It was observed that people still move between the Benin and Niger borders. Similar to the border closures during the COVID-19 pandemic, where people could still cross the border by canoe, foot or on motorbikes. Now, with the lifting of the airspace restrictions, the situation of migrants in these centres is likely to improve as evacuation flights may once again commence (Africanews 2023).

Third, the threat of war, while not the most likely, would result in the deepening of the already severe humanitarian displacement crisis faced by large parts of the populations present in Niger. A tense geopolitical context may bring new actors offering relief to the foreground but most likely play into the existing trend of underfunding humanitarian relief in Niger. Furthermore, Niger is already facing a lot of hardship with poverty and hunger due to the border closures in response to the coup. Therefore, the threat of war will worsen these humanitarian challenges and exacerbate the already precarious situation in the country. More so, Niger is hosting asylum seekers as part of the emergency transit mechanism; nothing much has been said about how these people will be resettled in the event of a potential conflict. However, the Emergency Transit Mechanism (ETM) was already <u>contested</u> before the coup, and in the wake of a deepening humanitarian and security crisis, its feasibility remains questioned (Jegen 2020).

Fourth, <u>decolonial narratives are important for coup leaders</u> (Mbulle-Nziege and Cheeseman 2023). With the Ambassador of France and French troops stationed in Niger being requested to leave the country and the <u>responses from France and</u> <u>the EU</u>, it is likely that in the medium term, some aspects of EU – Nigerien migration cooperation remain discontinued (France 24 2023). This may amount to suspending operational cooperation, for instance, through the joint investigative teams, but also the reversals of strategy documents and their related action plans. Looking at the Malian situation, there has been a <u>mutual</u> <u>suspension</u> of visas between the country and France (Jeune Afrique 2023). The proximity between the Malian and Nigerien regimes may also result in mobility restrictions towards citizens of the former colonial power and potentially European citizens altogether moving towards an albeit more restrictive mobility regime.

Notably, the smuggling of migrants remains an issue the transitional government is bent on addressing, as expressed in a <u>recent speech</u> by the Governor of the Agadez region (ONEP 2023). This may be a common ground for the EU and the government to continue migration cooperation. While cooperation on smuggling may constitute a strategy to build its legitimacy via European partners, the EU's medium-term responses are likely to rely on short-term developments. The EU's migration control ambitions in the Sahel remain dependent on Niger's cooperation, yet it is unlikely that the Union is ready to subordinate its geopolitical agenda and legitimise normative power to its migration agenda in the short term.

Fifth, the responses to the change in government could impact counter-terrorism measures in the Sahel, which may worsen regional stability and displacement. Niger is currently a prominent partner in the Multinational Joint Task Force (MNJTF),⁴ with Sector 4 of the MNJTF located in Diffa town in Southern Niger. The MNJTF is established within a regional cooperation framework involving the AU and ECOWAS. Thus, suspending Niger from both the AU and ECOWAS may have implications for the effective operations of the MNJTF. Currently, it remains unclear what the suspensions mean for Niger's participation in the MNJTF. Further, the suspension of security cooperation and the existence of other regional military leaders in the Sahel creates the conditions for the emergence of new alliances against insurgent groups in the region. These new alliances, most of which are under sanctions from AU and ECOWAS, may seek partnerships with other actors such as Russia and China.

Meanwhile, neighbouring countries like <u>Algeria</u> (Gjevori 2023) and <u>Chad</u> (Al Ahmad 2023) are taking measures to prevent further regional instability. Algeria has warned about the possibility of further destabilising the region through international military action and sanctions. Algerian authorities are exploring <u>a</u> <u>middle ground in resolving the situation</u> in Niger while rejecting foreign participation in any proposed solution (Reuters 2023b). While expressing support for the ousted President Bazoum, they are looking towards negotiating a shorter transition period with the military government.

Further, to reach the most vulnerable populations, including those hosted in the country, a pragmatic form of cooperation with the current government will be needed. Within the sub-region, Niger hosts a significant number of <u>displaced</u> <u>persons</u> due to the multiple security crises in Nigeria and from Mali and Burkina Faso (UNHCR 2023). Already, the UN has <u>highlighted</u> the need for continuous access to humanitarian intervention (UN 2023a).

4. Conclusion

As migration remains a politically salient issue within the EU and its member states, the EU and EU member states must establish an overarching Union strategy and a political course of action to engage with the ongoing changes in Niger. While it is yet too early to comment on what the impacts may be, the following points need to be considered by the EU and EU member state policymakers in crafting a way forward on migration cooperation. Firstly, if the EU is serious about the return to constitutional rule and democratic accountability in partner countries, then it must take its self-proclaimed core values more seriously when it comes to its external cooperation on migration with partner countries. Cooperating with a variety of countries, from undemocratic ones to more democratic authoritarian ones, with a history of violating political freedoms and human rights, sends contradictory messages to governments of third countries. Through these actions, for example, cooperation with the governments of Tunisia (Amnesty International 2023) and Libya (UN 2023b), other governments may infer that the EU prioritises migratory cooperation over other fundamental ideals like the defence of human rights, democracy, and good governance. Current actions by the EU in the Sahel reveal that the EU tends to prioritise migration cooperation, security and stability over democratic change. This therefore makes it duplicitous for the EU to push for a return to democratic governance and constitutional rule in Niger. Given the importance of stemming irregular migration to the EU and its member states, EU officials have alluded to the possibility of working with the government in Niger to address migration issues:

"Diplomats suggested Brussels will need to remain engaged in the country, particularly given its role in migration. "There's too much at stake for the EU," said an EU diplomat who has been closely following the region and migration. "It will need to engage also with who will be in charge, we don't have the luxury of ignoring them." (Hanke Vela 2023).

Secondly, EU policymakers need to review the focus on securitisation and militarisation in migration cooperation. Although the coup cannot be directly attributed to this, the excessive emphasis on securitisation and militarisation in the region as part of counterterrorism and migration control efforts rather than state-building efforts and ensuring the economic welfare of the communities is a contributing factor. Support to democratic institutions in Niger, such as elections and civil society, was outdone by significant funding for the funding and training as part of their efforts to combat violent extremism and manage irregular migration towards Europe. The disproportionate expenditure on security aimed to serve the interests of Niger's partners (the EU and the US) without considering the broader implications in a country with a "history of military coups, weakened governance institutions and highly politicised security services" (Jones et al. 2022).

One crucial lesson from the coup is that the EU's investments in democracy in Niger have been unable to withstand the outcomes of the EU's investments in curbing irregular migration and counter-terrorism, as the actors involved in the coup themselves are major beneficiaries of these latter investments.

Thirdly, migration cooperation with third countries must be transparent and include stakeholders like civil society to ensure accountability and transparency. Current cooperation measures have been characterised by opaqueness and contribute to <u>undermining democratic accountability</u> (Mbiyozo and Maunganidze 2023). The European Parliament had little control over funding decisions and procurement procedures under the EUTF. As a result, the EUTF initiatives, their execution, and their effects in Niger <u>drew criticism</u> (Tubiana et al. 2018b) from a number of quarters (including the emphasis on migration control (Jegen 2020), the political implications (Tubiana et al. 2018b), the emphasis on securitisation (Fakhry 2023), actions tolerating <u>human rights violations</u> (Tubiana et al. 2018c) and non-democratic principles) (Ayouba Tinni et al. 2022). The NDICI also emphasises migration control objectives. Cooperation is carried out through informal, administrative, or technical processes, continuing the tradition of EUTF initiatives. These happen behind closed doors, away from the public's view, both in the EU and third countries. This tendency towards <u>secrecy and intransparency</u> (Jones et al. 2022) also means that the documents are off limits to the public, and consequently, they are not involved in the discussions or scrutiny of the decisions, including democratically elected officials - like parliamentarians. These 'migration deals (agreements)' with other nations must be made public and ensure a broad spectrum of consultation, scrutiny, and accountability in their implementation to ensure democratic norms are also respected in migration cooperation. Including democratic principles in migration, cooperation will ensure wider consultations and opportunities for negotiating alternative measures in migration cooperation, even while there is no guarantee that they will guarantee the protection of human rights.

Lastly, to prevent humanitarian crises and further deterioration at the local level, it is still important to cooperate pragmatically with many players, including the government, regional and municipal governments, and NGOs. Channels of engagement between actors should remain readily accessible to continue supporting conflict prevention and peacebuilding, as well as to support the most

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vulnerable in tackling humanitarian crises. Recent occurrences in neighbouring countries have shown that humanitarian crises intensify when the international community remains disengaged. Therefore, while the EU seeks to ensure a transition to civilian rule, finding the correct balance between exerting pressure without jeopardising the crisis resolution is a key task. While migration cooperation arguably does not play a central role here, a strong focus on humanitarian support in the context of a further deteriorating displacement crisis will be crucial to easing humanitarian and security concerns threatening to further fuel destabilisation within the region.

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Endnotes

- 1. This brief was written on 6 September 2023 and reflects the situation in Niger at the time of writing.
- 2. See, HDI; key export; main sector of employment; and external debt.
- 3. There were deportations of Nigeriens from Abidjan in July 2023. In July 2022, 1,320 Nigeriens were deported from Ghana with two charter flights.
- 4. The Multinational Joint Task Force (MNJTF) is a multinational force composed primarily of military units from Benin, Cameroon, Chad, Niger, and Nigeria. It is based in N'Djamena and is tasked with stopping the Boko Haram insurgency. The force is one of the military units leading the fight against insurgency in the Lake Chad Basin and surrounding countries. It is also a leading force in counterterrorism measures in the region.