EU’s Migration Partnership with Africa: Friends or Foes?

The EUTF – an externalization instrument of migration policies

Consolidation Partners:

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Executive summary

By looking at the specific case of Mali and Niger, two of the most notable countries of origin/transit for irregular migration towards the European Union (EU) in the G5 Sahel, the research explores the externalization of EU’s migration management model and the outsourcing of border management capacities.

More precisely, the research investigates the setting up of the Migration Partnership Framework and the practical implementation of its objectives via the Emergency Trust Fund (EUTF) for Africa, in Mali and Niger. In order to reach its goal, the research incorporates inputs from a variety of stakeholders involved in the EUTF implementation, ranging from EU officials to humanitarian agencies. The analysis is also supported by a thorough desk research, including a review of relevant literary sources and strategic policy developments at EU’ level. Throughout this detailed design, the research explores the path from the initial, stabilization-oriented goals of the EUTF towards the migration/border management projects implemented on the ground in Mali and Niger. By analyzing this specific case and extrapolating the conclusions to the wider G5 Sahel area, the research concludes on the need for EUTF projects in the G5 Sahel to better integrate fundamental rights in their design. These conclusions are ever more relevant given the implementation area of these projects, frequently transited by persons in need of international protection. The research thus further informs the debate regarding the externalization of EU’s migration management model, and a likely subordination of EU’s development aid to migration control.
Acknowledgments

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List of acronyms

DG DEVCO Directorate General for Development and Cooperation (European Commission)
ECOWAS Economic Community of West African States
EEAS European Union External Action Service
EP European Parliament
EUTF European Union Emergency Trust Fund for Africa
FRONTEX European Border and Coast Guard
GAR-SI Groupes d’Action Rapide et Surveillance (Rapid Surveillance and Intervention Teams)
IOM International Organization for Migration
JIT Joint Investigation Teams in Niger
PARSEC Programme d’Appui au Renforcement de la Sécurité dans les regions de Mopti et Gao (Programme for Strengthening Security in the regions of Mopti and Gao)
Key concepts

**Externalization of migration control** – set of measures undertaken by EU Member States in order to control migratory flows in third countries of origin and transit

**Border management** – measures aiming to better secure national borders, including border checks and surveillance

**Forced migration** - the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects¹

**EU Emergency Trust Fund for Africa** – emergency funding instrument of the European Union

**Trafficking in human beings** - The recruitment, transportation, transfer, harbouring or receipt of persons, including exchange or transfer of control over that person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation²

**Smuggling of migrants** - Smuggling of Migrants is a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident³

**G5 Sahel** – regional cooperation mechanism regrouping Mali, Burkina Faso, Chad, Niger and Mauritania

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¹ According to the International Association for the Study of Forced Migration
² As per the definition provided by the Directive 2011/36/EU
³ According to the United Nations Office on Drugs and Crime
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Chapter 1: Introduction

1.1 General considerations

The externalization of the European Union (EU)’s border management practices to third countries of origin / transit for irregular migration remains highly placed on EU’s political agenda, in an attempt to provide an operational answer to irregular migratory flows at EU’s external borders\(^4\). Analyzed by a plethora of researchers, externalization seems to be an operational solution for policymakers, potentially allowing the EU to curb migratory flows even before reaching its territory by means of operational partnerships with selected third countries – acting as ‘gate-keepers’ on behalf of the EU and preventing migratory flows from reaching the European soil\(^5\). However, and as demonstrated by this research, side effects of boosting border management capacities in Third Countries remain widely unexplored, especially in the context of fundamental rights and international protection obligations towards migrants and asylum seekers attempting to reach Europe.

Policymakers in Brussels were quick to praise the operational effects of externalization, especially in terms of decreased arrivals at EU’s external borders\(^6\). A thorough impact analysis should, however, bring more elements to the general context. Generally, third countries ‘benefitting’ from the externalization of EU’s border management practices are characterized by an extremely volatile security situation. State authorities lack control over large parts of the national territory, and are unable to have a factual situational awareness on migratory flows. Going beyond unilateral datasets on migratory flows arriving in Europe provided by entities such as FRONTEX or the IOM, fieldwork remains the only tool able to provide reliable (albeit qualitative) proof on the operational added value of externalization instruments – and this is precisely the scope of the current research.


The global aim of the research is thus to analyze the externalization of EU’s migration and border management strategy in the G5 Sahel\(^7\), from the perspective of streamlining fundamental rights into concrete EU-financed projects. In order to reach this goal, the research investigates the implementation of the EU’s external policy on migration management in two member states of the G5 Sahel - Mali and Niger. More specifically, the research focuses on EU-funded projects aimed at improving border and migration management capacities of the Malian and Nigerien border authorities. Amongst a multitude of financial types of support available to the Malian and Nigerien authorities, the research specifically analyzes projects funded by the EU Trust Fund for Africa, one of the funding channels supporting the Migration Partnership Framework. By analyzing the potential externalization of EU’s model of border and migration management in Mali and Niger via the financing of the EUTF, the research thus concludes on the links between controlling migration in third countries of origin and transit and EU’s declared goals on sustainable development aid via the EUTF. Thereafter, the research formulates a series of recommendations, which could improve the design of specific EUTF projects on migration management in third countries, especially from the perspective of integrating fundamental rights and international protection obligations.

The choice of these particular member states of the G5 Sahel is justified by the fact that Mali and Niger are the main countries of origin/transit for irregular migration towards Europe in the G5, hence the particular focus placed by the EU on improving national migration and border management capacities. More details on the country specifics, for both Mali and Niger, are included in the following sub-chapter, allowing the reader to better understand the political and operational context which motivates EU’s decisions to allocate funding to these countries and to seek to manage the outgoing migratory flows.

The research is particularly relevant in today’s political context, much focused on the dangers posed by irregular migration to the internal security of the EU\(^8\). Whilst Chapter 2 (“Literature review”) analyzes the main theories on externalization and their applicability to the EUTF, it also focuses on EU policy developments supporting externalization of border control toward the selected third countries of origin and transit. Taking into account issues of data reliability and trustworthiness as regards migratory flows in Mali and Niger, the research further on attempts to conclude on the viability of this approach and its actual impact on migratory flows.

\(^7\) Mali, Chad, Mauritania, Burkina Faso, Niger

**Chapter 3** is dedicated to the research methodology undertaken for this research. It provides the reader with a thorough understanding of the specific research methods (desk research, direct observation and conduct of interviews) and details the main confidentiality and ethical aspects encountered by the researcher, as well the a series of mitigation measures.

A detailed overview of the main EUTF projects on border / migration management in Mali and Niger is provided in **Chapter 4**. It includes an extensive desk research using publicly-available EUTF project documents, as well as the findings derived from interviews carried out with the main stakeholders involved in the implementation of the EUTF projects in Mali and Niger.

Generic conclusions and policy recommendations are formulated in **Chapter 5**, regarding the externalization of EU’s migration management strategies to African countries via the EUTF, positioned in the global context of EU’s international protection obligations. They build up on the findings in the previous chapters and provide the reader with a realistic view on the intended and unintended effects of the EUTF projects in countries of origin / transit for irregular migration.

### 1.2 A migration-related country profile: Mali and Niger

As previously mentioned, the following sub-chapter provides the reader with an in-depth presentation of the migratory push factors applicable to the chosen case study, namely the two countries of Mali and Niger. In order to achieve this goal, the researcher used a variety of open-source information (including statistical data from IOM, FRONTEX and UNHCR) and scholar articles. This sub-chapter sets the context in order for the reader to better understand why it is important to research the implementation of the EUTF in these two countries and why they are illustrative for the research and for the wider G5 Sahel context. It should also help the reader to better understand the views expressed by some of the interviewees, key stakeholders having an excellent knowledge of the situation in the field.
1.2.1 Mali

Mali is a landlocked country in West Africa, with a surface of more than 1,240,000 km² and 7,420 km of land borders. Its neighboring countries are Algeria (1,300 km of border), Burkina Faso (1,280 km), Ivory Coast (532 km), Guinea-Conakry (906 km), Mauritania (2,140 km), Niger (900 km) and Senegal (360 km).

Mali is a member state of the ECOWAS⁹, and thus all citizens holding a passport of an ECOWAS member state are entitled to transit Mali without a visa in order to reach neighboring countries (such as Burkina Faso or Niger). The Malians can also travel visa-free to Algeria, Morocco or Mauritania, based on bilateral agreements. According to information collected by the researcher via daily interactions with Malian security forces, migrants from the sub-Saharan region wishing to reach Europe try to buy or forge the Malian passport in order to benefit from its advantages and travel facilitation within the region.

The current situation at the Malian borders is profoundly impacted by the governance and insecurity crisis affecting the country. Border control is extremely difficult because of multiple terrorist attacks and organized crime networks. Many border control posts were abandoned by State services, especially in the Northern and central part of the country. If however Security services (National Police) actually manage a given Border Control Post, there are frequent complaints in the media as regards harassments of the local population and corruption in exchange of travel facilitation services¹⁰ (eg. through direct observation, it was communicated to the researcher that a person not in possession of all the required travel documents would however travel freely, in exchange for the average amount of 10,000 XOF, or approx. 20 EUR). Moreover, at the border with Algeria, Border Control Posts are often held by the Touareg armed groups, knowing that Touareg facilitators are those currently supporting smuggling and trafficking networks. Clingendael also reports¹¹ on Malian security forces taking advantage of the migrants’ lack of awareness regarding their rights as ECOWAS citizens, and disembarking them from buses in Gao – with smugglers coming to pick them up from the local

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⁹ Economic Community of West African States
¹¹ Idem
police station a couple of hours afterwards, and offering their services in facilitating free passage across the border.

Mali is traditionally a transit country for migrants from West Africa. The modi operandi is that migrants from West Africa arrive to Bamako by bus, and then continue onwards towards the city of Gao by means of Malian bus companies (sometimes acting as facilitators and providing useful contacts for the journey towards the Mediterranean)\(^{12}\). Migrants then turn to facilitators in order to reach Mauritania and Algeria or (less and less frequently) Niger and Libya. Crossing Mali in order to reach Niger by migrants from the ECOWAS region is swift and legally covered by the ECOWAS travel regime\(^ {13}\). Migrants having reached the final stages of their journey and having exceeded their financial means are the ones most exposed to the threat posed by trafficking in human beings, insecurity, labor and sexual exploitation. Although Mali was plagued by armed conflict since 2012, it is reported that the migratory route via Northern Mali remains stable and that migrants manage to successfully negotiate their passage with the armed groups controlling this area\(^ {14}\).

Mali is also a country of origin for irregular migration at EU’s external borders. The Malian Government kept a firm stance as regards return and readmission from the European Union\(^ {15}\) and President Keïta highlighted his refusal to sign any such agreement with the EU. Quoting Cassarino\(^ {16}\) and his ‘informalization of readmission policies’, the EU’s efforts were not deterred by this strong political position. Instead, return and readmission in Mali is dealt by various bilateral diplomatic cooperation tools, whereas voluntary return is financed by the EUTF via a project implemented by the International Organization for Migration (IOM)\(^ {17}\).

\(^{12}\) Idem

\(^{13}\) On condition that entry in Mali was done via an official BCP and that stay does not exceed 90 days, as per the entry stamp affixed to the travel document (Traité de la CEDEAO (ECOWAS) pour la libre circulation des personnes et des marchandises, https://en.unesco.org/creativity/policy-monitoring-platform/traite-de-la-cedeao-pour-la-libre (accessed on 09 April 2019))


\(^{15}\) Mali Actu Journal, *Le Mali ne signera jamais d’accord de readmission de migrants*, https://maliactu.net/le-mali-ne-signera-ja jamais-d’accord-de-readmission-de-migrants-president-keïta/ (accessed on 09 April 2019)


1.2.2 Niger

Ranked by the United Nations in 2017 as the second poorest country in the world\textsuperscript{18}, Niger is a landlocked country sharing borders with Mali, Chad, Burkina Faso, Algeria, Libya and Benin. Largely unknown to the European policymakers and media before 2015, the city of Agadez positioned itself as the primary migration hub in Niger in the aftermath of the collapse of the Libyan regime\textsuperscript{19}. According to World Bank reports\textsuperscript{20} and to data collected by the researcher during the interviews stage, although initially stable the security situation in Niger continues to deteriorate, especially due to threats from Boko Haram and the spillover of violence from neighboring Mali.

The EU’s action in Niger has definitely been reported as a success, with migratory flows reduced in 2017 by 85% of the values recorded in 2015, as reported during interviews carried out with stakeholders in Niger\textsuperscript{21} and by various researchers\textsuperscript{22}. However, some of the interviewees rightly pointed out that migratory flows were not actually reduced, but rather displaced – and became impossible to monitor given the vastity of the Nigerien territory and the progressive degradation of the security situation. As the Clingendael report on human trafficking in Mali state,

*Conventional wisdom tells us that the closing down of one human smuggling route generally leads to other routes opening up. The Malian state’s absence in the north, where human smuggling is salient, has already laid the foundation for an alternative road northwards should the Nigerien route shut down*

The European Union also funded, via the EUTF, a review of the Nigerien Border Management Strategy\textsuperscript{24}. This was done in correlation with the legislative review and the drafting of a Law against illicit smuggling of migrants in 2015\textsuperscript{25}. Although migrants per se are

\textsuperscript{18} The World Bank, \url{http://www.worldbank.org/en/country/niger/overview} (accessed on 10 April 2019)
\textsuperscript{20} Ibidem
\textsuperscript{21} Interview with respondents E, F and G
\textsuperscript{24} Interview with respondent H
\textsuperscript{25} A. Hoffmann, J. Meester, H. Nabara, *Migration and Markets in Agadez: Economic alternatives to the migration industry*, Clingendael Netherlands Institute of International Relations, CRU Report, October
not criminalized by this particular Law, all persons taking part in the migration process (including persons housing migrants or aiding them) are liable for legal pursuit under the charges of smuggling. The Law has to be read in conjunction with the border regime in Niger, which – similarly to Mali – is a country member of the free travel regime of the ECOWAS, which is more often than not failing to provide travelers (should they be legal or irregular migrants) with a safe and controlled way of crossing the state’s borders. In addition, the Law foresees the setting up of an “emergency control” area outside the traditional migration hub of Agadez, and the automated conversion of all individuals crossing this line into irregular migrants (their intention to reach Libya being implicitly presumed as a direct result of their presence North of Agadez).

Previously quoted studies refer to the impact on local populations and migratory flows of the measures taken by the Nigerien authorities in regards to management of migration. More precisely, the European Centre for Development Policy Management states that

human rights abuses have become more frequent in the Agadez ghettos where migrants stay and where they have now gone underground. More are abandoned in the desert too, as smugglers have resorted to routes less travelled.

1.2.3 Mali and Niger: different contexts, yet a common EU approach

The previous sub-chapters provided the reader with a succinct overview of the Malian and Nigerien main challenges in the migratory context. Without anticipating the detailed context analysis in the following chapters, it was already demonstrated that the two countries are quite different, despite their geographical proximity.

More precisely, the security situation in Niger is relatively more stable than in Mali, thus allowing a better accessibility of internationally-funded projects throughout the territory. Moreover, Niger is rather a country of transit for irregular migration than one of origin (the case of Mali). This allowed the Nigerien Government to engage in a repressive policy against migratory flows, under EU funding, unlike the Malian case where the Government is facing the pressure of diaspora and Malian civil society and thus refuses to engage in similar measures (as


27 As confirmed by the all the conducted interviews
demonstrated in the following chapters). Both Mali and Niger are ECOWAS member states, and thus in full application of the ECOWAS free travel regime which was previously described.

In this particularly challenging context, and similar to the Malian case study, the European Union remains the main donor funding border and migration management projects via the EUTF\textsuperscript{28}. As demonstrated in the following chapters, EUTF projects are strikingly similar in both countries, and henceforth illustrative for EU’s engagement in the wider G5 Sahel.

All these factors contributed to the validity of integrating both countries into the case study of the present research. The particular reasons for which Mali and Niger were chosen as a focus for the multiple case study are outlined below:

- The researcher’s solid knowledge of the context in the two countries (including, but not limited to, social factors, politics, drivers for irregular migration, structure of the security forces, liaison and coordination between national institutions and the various EU bodies);
- Ability to reach out to key persons on the ground for the conduct of the interviews;
- The choice of two (neighboring) countries very much facilitates the analysis, because of the availability of data on migratory flows. Based on such quantitative data, the researcher was able to assess also the cross-border impact of the EUTF projects on migration figures in the two countries (while bearing in mind a series of data reliability issues further detailed in the methodological design part of the research);
- Allow for a better understanding of whether mechanisms for protecting fundamental rights are embedded in the design of projects pertaining to externalization.

All of these arguments, as well as the similarities and differences which remain indicative of the migratory flows and their management in the two countries, justifies their choice for a highly relevant case study, allowing to draw informed conclusions on the externalization of EU’s migration management policies.

\textsuperscript{28} Idem
Chapter 2: Literature review

The present chapter aims to provide the reader with a thorough literature review pertaining to the topics of relevance to the research – externalization, irregular migratory flows from the African continent and the specific case of the EU Trust Fund for Africa. The chapter incorporates the following primary and secondary literary sources:

- **Primary literature**: EU policy documents (e.g. EU Agenda on Migration, Valletta Action Plan, the European External Action Service’s Strategy for Security and Development in the Sahel), legal documents (the Constitutive Agreement for EU Emergency Trust Fund for Africa, European Union Charter for Fundamental Rights, etc.);

- **Secondary literature**: academic articles and publications on border and migration management in the G5 Sahel, and studies on technical assistance related to migration management.

Further to the brief outline of the policy context, the existing academic debates on the concept of externalization, border management and the EU Trust Fund for Africa were summed up in the following sub-chapters.

### 2.1 EU policy developments

The externalization of EU’s migration management model to third countries began with the Treaty of Amsterdam, providing the EU competences in the field of managing migration. Going through a series of policy instruments from this date onwards (e.g. the adoption of EU’s Global Approach to Migration), this trend continues with the adoption of increasingly

29 M. Saunders, P. Lewis, A. Thornhill, Research methods for business students, seventh edition, Pearson, 2016 (Primary literature is defined as ‘The first occurrence of a piece of work, including published sources such as government white papers and planning documents and unpublished manuscript sources such as letters, memos and committee minutes’. Secondary literature is defined as ‘subsequent publication of primary literature such as books and journals’)


complex instruments, such as the Global Approach to Migration and Mobility (GAMM)\textsuperscript{32} in 2012. To the externalization trend described by a variety of sources, authors such as Santos Vara add the ‘informalization of EU migration relations with third countries’\textsuperscript{33}, which only reinforces the complexity and lack of transparency of the cooperation mechanisms.

The present chapter attempts to demonstrate that, from the early onset, a number of EU initiatives only reinforced the trend of externalization (such as the Migration Partnership Framework) - which led to international protection concerns expressed by a variety of NGOs and UN bodies\textsuperscript{34}. Available academic literature, to be further on reviewed in detail, shows that externalization is profoundly impacted not only by diverging positions of EU institutions, but also by contrasting interests from EU Member States\textsuperscript{35}. All these varying perspectives have left their marks on EU’s international relations with third countries of origin / transit for irregular migration, leaving third country nationals with limited options for legally accessing Europe.

Focusing on the EU-Africa relations, the European Union and a selected number of African countries have launched in 2016 the Migration Partnership Framework\textsuperscript{36}, with the declared aim of fighting irregular migration and smuggling of migrants / trafficking in human beings, and thus to \textbf{ultimately decrease the number of irregular arrivals in Europe}.

The Migration Partnership Framework (MPF) was put forward as part of EU’s comprehensive approach to irregular migration and its root causes, in complementarity with regional initiatives such as the Rabat and Khartoum Processes, as well as the Valletta Action

\textsuperscript{32} Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, \textit{The Global Approach to Migration and Mobility} (COM 2011/0743 final), \url{https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0743} (accessed on 05 April 2019)


\textsuperscript{35} D. Kipp, \textit{From Exception to Rule – the EU Trust Fund for Africa}, SWP Research Paper 13, German Institute for International and Security Affairs, December 2018, p. 9

Plan\textsuperscript{37}. Part of EU’s Global Strategy for Foreign and Security Policy\textsuperscript{38}, the MPF intends not only to address “illegal” (exact wording of the MFP) migration towards the EU but also to encourage return and readmission in the third countries of origin\textsuperscript{39}. The MPF is implemented with priority countries of origin and transit, amongst them Mali and Niger – the subject of this research and its case study. Describing the MPF, Santos Vara states that ‘it seems as though the MPF would be replacing previous instruments governing external relations of the EU and its Member States in the area of migration\textsuperscript{40}, and the applicability of this statement to the particular case study of Mali and Niger is analyzed onwards.

The participation of the African countries in the MPF is financially backed up via the setting of the EU Trust Fund for Africa (EUTF), an aid instrument designed to encourage the creation of jobs, development of local communities and to foster local border management initiatives (Chapter 4.1 provides the reader with a detailed overview of the EUTF and the adoption mechanisms which led to the creation of this fund). The EU Trust Fund, as per its Constitutive Agreement\textsuperscript{41}, has as main objective to:

\begin{quote}
address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa and the North of Africa. It will support all aspects of stability and contribute to better migration management as well as addressing the root causes of destabilization, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development and addressing human rights abuses.
\end{quote}

The descriptive Annex to the Constitutive Agreement\textsuperscript{42} outlines that financing of actions aiming to contain irregular migration shall bear in mind the mixed character of migratory flows, the importance of assessing on a case by case basis the plight of migrants, as well as the respect of the non-refoulement principle. The application of this clause to the design


\textsuperscript{39} So far, the EU has signed Migration Partnership Frameworks with five countries of origin for migratory flows: Mali, Nigeria, Niger, Senegal and Ethiopia (source: European Union External Action Service, Partnership Framework on Migration, One year on: Lessons learned, challenges and way forward, https://eeas.europa.eu/sites/eeas/files/factsheet_partnership_framework_on_migration.pdf (accessed on 09 April 2019))

\textsuperscript{40} J. Santos Vara, Soft international agreements on migration cooperation with third countries: a challenge to democratic and judicial controls in the EU, in Carrera, Santos Vara and Strik (eds.), Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis: Legality, Rule of Law and Fundamental Rights Reconsidered, Edward Elgar Publishing (forthcoming), p. 7


\textsuperscript{42} Idem
and implementation of EUTF projects in Mali and Niger is further analyzed in the following chapters of this research.

The EU’s Strategy on the Sahel\textsuperscript{43} from 2011 further strengthens the link between security and development, in the global framework for EU’s actions in the Sahel. On 20 April 2015 the Council adopted a Regional Action Plan for the Sahel\textsuperscript{44}, planning actions between 2015-2020. The Action Plan recalls the fact that strengthening regional security in the Sahel remains the EU’s main objective. The main development entailed by the Plan refers to centering EU’s actions on four priority topics for the development of the region:

1) Preventing radicalization and fighting religious extremism;
2) Creating an appropriate framework for youth (employment, social mobility, etc.);
3) Migration and mobility;
4) Border management, fight against trafficking in human beings and organized cross-border crime.

Two of these four priority topics refer to migration and border management, and illustrate EU’s priority engagement in these areas, ultimately aiming to curb migration via the Mediterranean routes.

Indeed, instruments such as the GAMM, the Migration Partnership or the EU Strategy on the Sahel have demonstrated a long-awaited political inclusiveness by bringing African states of origin / transit to the table of negotiations. However, and as highlighted by Santos Vara\textsuperscript{45}, ‘the content of the MPs is clearly determined by the interests of the former (note: the EU), giving priority to the fight against irregular migration over legal migration’. These instruments have thus legitimized the interdependence between development aid and curbing irregular migration, by including both fields in EU’s planning and programming of financial aid to African countries. The GAMM (and other instruments) certifies the positioning of irregular migration as a center piece for the EU’s external relations with countries of origin and transit – and as pointed out by Zapato-Barrera\textsuperscript{46}, it links ‘migration and development, and implementing state policy outside the jurisdiction of the nation, in the territory of the countries of origin, with the latter countries’ agreement’.

\textsuperscript{45} J. Santos Vara, \textit{The Externalization of EU Migration Policies : outsourcing migration management without human rights ?}, draft paper presented at the 10th Anniversary CLEER Conference - EU external relations: Tackling global challenges?, T.M.C. Asser Institute - 6-7 December 2018
\textsuperscript{46} R. Zapata-Barrero, \textit{The External Dimension of Migration Policy in the Mediterranean Region : Premises for Normative Debate}, Revista del Instituto Español de Estudios Estrategicos, no. 2/2013, p. 4
2.2 Externalization

The externalization of EU’s border control towards third countries of origin and transit was – and still is – a highly debatable concept. The main flaw resides in the fact that the EU, whilst building up border capacities in third countries, remains unable to provide legal access pathways for beneficiaries of international protection to enter Europe. Another unwanted side effect relates to the deterrence effect entailed by the externalization of border surveillance, which prevents migrants from crossing the border without giving due individual consideration to each case – and to the protection needs it might entail.

Externalization of border checks is thus not aligned with political statements from the Council (declaring that the ‘strengthening of European border controls should not prevent access to protection systems by those people entitled to benefit under them’). Many authors have analyzed the externalization of EU’s border and migration control policies, and concluded on the need for further fine tuning the mechanism in order to properly respond to the international protection commitments undertaken by the EU Member States.

Quoting Rijpma and Cremona, Balzacq defines externalization as the inclusion of JHA provisions in EU’s external policies, deriving from the European Council’s note to COREPER on the ‘European Union priorities and policy objectives for external relations in the field of justice and home affairs’. The note of the European Council states that ‘external JHA action is not fundamentally different from other aspects of the Union’s external policy, it should be consistent with the latter’ – hence, external policies and actions can be inserted into the JHA domain in order to safeguard EU’s internal security. In this context, the external actions of the EU fulfill specific JHA-related goals, aiming to, inter alia, strengthen the border management capacities in Third Countries in order to prevent irregular migration/organized crime/smuggling etc. to reach EU’s external borders. Balzacq concludes by stating that, in this specific context, ‘the results of cooperation rarely coincide with the planned objectives and might, on different
occasions, yield considerable indirect effects’. In the following chapters, this statement will be further framed into the analysis of externalization practices in the context of the EUTF.

Savino refers to externalization as a compensatory measure for the inability of MS to properly manage return of irregular migrants and sans-papiers on their territory. Thus, by externalizing border and migration management measures to third countries in exchange for financial incentives, the EU hopes to ‘curb’ migration before reaching its own territory – without however being able to efficiently monitor the compliance of externalization measures with the Charter of Fundamental Rights of the EU or any other legal instruments in the area of international protection. It is thus rightfully concluded that the EU Member States’ obligations under international refugee law become symbolic and Member States ‘de facto regain sovereign control over admission at the expenses of asylum seekers without formally withdrawing from refugee law’. The same derogation from international obligations applies to the principle of non-refoulement – although EU Member States are bound to respect this principle in the context of the Geneva Convention on Refugees, though externalization the protection obligations and the respect of the non-refoulement principles now rely on the third country of origin/transit in which the migrant is contained.

As an illustrative example of the statements above, Papagianni describes EU’s external migration policy as characterized by

‘the irrefutable close interconnection between the internal and the external dimension, not only in terms of competence but also in terms of objectives. It has been rightly argued that it is an internally-driven external policy’.

Migration and border management are probably the most illustrative topics for this subordination between EU’s external policy and the internal agendas, with the CFSP framework describing migration as ‘a primary security challenge’. Papagianni also concludes on the limited impact (and inexistent follow up) on strategic concepts advanced by the EU, such as the ‘migration-development nexus’ or the ‘circular migration concept’ – and the

50 Ibidem, p. 6
53 Ibidem, p. 85
56 Idem, p. 294
chapters to follow will attempt to better understand whether this limited impact is also applicable to the EUTF projects in Mali and Niger.

2.3 Irregular migration from the African continent towards the EU: a literary perspective

Discussing the link between development aid and migration management in an article published by the European Centre for Development Policy Making\textsuperscript{57}, Knoll and de Weijer state that ‘increase in income levels in fact lead to increases in migration’, a conclusion also backed up by statements made by some of those interviewed during the research (key international stakeholders in registration and status determination of migration originating from/transiting Mali, having thus interviewed a considerable amount of migrants and being well positioned to draw informed conclusions). The choice to embark on the journey of irregular migration towards Europe is also a costly one\textsuperscript{58}, and it is a logical assumption that an increase in living standards also provides more financial opportunities for those planning to migrate. Moreover, Knoll and de Weijer refer out to the historical willingness and ability of authoritarian regimes in third countries to control migration. This point is also very much relevant in the context of the research, given the debatable democratic nature of some African political regimes benefitting from development aid via the EUTF in order to, indirectly, curb migration towards the EU.

Quoting various other authors, Bauloz defines the so-called migration crisis as ‘a policy crisis rather than one of numbers’\textsuperscript{59}. The relevance of this statement will be further demonstrated, for the case of Mali and Niger, in Chapter 5 – by looking at the migratory flows in the two countries and the actual percentage reaching Europe. In this context, Bauloz reflects on the MPF, as a structural framework designed to structure EU’s interventions in Third Countries, with the overall aim of decreasing irregular arrivals in Europe. Bauloz refers to the EU-Niger Compact, put forward under the MPF, as a concrete example of ‘\textbf{the trade-off policy at the heart of the MFP}’, reflecting on the number of aid initiatives benefiting Niger in exchange for the Nigerian authorities’ crack-down on migration transiting Agadez. Although

\textsuperscript{57} A. Knoll, F. de Weijer, Understanding African and European Perspectives on Migration – towards a better partnership for regional migration governance?, European Centre for Development Policy Making, Discussion Paper no. 203 / November 2016, p. 15

\textsuperscript{58} Interviewee A, referring to migratory journeys from Agadez onwards to Europe

some operational results were registered (arrests of smugglers, etc), the migratory flows are supposed to have shifted towards Mali instead of actually decreasing\(^60\), leaving the ultimate success of this policy under a big question mark.

The author extrapolates her considerations on the EU-Niger trade-off and defines EU compacts (and henceforth the financing under EUTF) as a ‘carrot-and-stick’ policy, offering development assistance as an incentive to those third countries most willing to readmit their nationals found in irregularity in EU, or to actively deter migration towards the EU. In the case of Mali and Niger, it is worth mentioning that no consideration is actually paid to the highly volatile security context of the two countries, leading to large waves of internal displacements, deadly intra-community conflicts and other causes of forced migration and displacement. In Bauloz’s own words,

\textit{The MPF is inherently at odds with the sustainable development goals which have been adopted by all EU Member States. Rather than pursuing sustainable development through, inter alia, the facilitation of orderly, safe, regular and responsible migration and mobility of people, the MPF uses sustainable development as a leverage for stemming migration}\(^61\)

The implicit obligation placed by EU’s external policy on third countries as regards readmission of own nationals found in irregular stay is debated by a series of scholars. In the wider context of the European Agenda on Migration\(^62\) and its EU Partnership Framework with third countries, a series of third countries were identified as priorities for the adoption of Readmission Agreements – amongst them, Mali and Niger. The formal signature of these agreements was delayed, was defined as ineffectual or never took place in many of the priority countries, and was replaced by less formal ‘readmission arrangements’ – or ‘policy ghosts’\(^63\), as Carrera previously defined them. Carrera further engages in a critical reflection on the efficiency and effectiveness of the aforementioned arrangements. As regards Mali, a political dialogue is still ongoing in order to define ‘Standard Operational Procedures’, which should facilitate return and readmission. Niger neither signed nor is engaged in the signature of a readmission arrangement with the EU. After having critically assessed the negotiation process and its outcomes with each of the priority countries, Carrera concludes on the lack of willingness of African countries to engage in such a dialogue:

\(^{60}\) Interview with respondent G

\(^{61}\) Idem


The latter viewed the process of evidence of a lack of real dialogue between the EU and African counterparts, with the EU yet again seeking to impose its ‘more-for-more’ conditionality (penalty-driven) approach and accelerate expulsions at all costs. The political pressure, active and pro-migration civil society organizations, the key role played by remittances in the national economy are all factors influencing the reluctance of African leaders to formalize and facilitate return and readmission operations. Hence, the need for the EU to have a leverage (should it be financial or political) allowing it to better negotiate its demands. The following chapters of the research will further investigate the role of the EUTF as a vector allowing the externalization of EU’s migration management policies, in this particularly challenging process.

Den Heijer, Rijpma and Spijkerboer also discuss the measures taken beyond the external borders of the EU and conclude on their negative effect:

‘the series of prohibitive measures taken to prevent asylum seekers from arriving at the EU border has not stymied migration but incentivized migrant smuggling, potentially leading to more instead of less migration’.

Although not backed-up by factual numbers or migratory trends analysis, this statement remains very relevant in the context of externalization and measures taken by the EU in countries of origin and transit in order to limit migration.

Castillejo invites us to reconsider the externalization of EU’s actions on migration, and specifically assesses the impact of the MPF in the five priority countries, amongst them Mali and Niger. She concludes by stating the obvious planning flaws of the programmes implemented under the MPF and their limited operational added-value. In the context of the intrinsic links between development aid and migration, Castillejo also interestingly points out to the EU’s reluctance to withdraw aid to particularly fragile Third Countries, even if they do not comply with the expected approach to migration, because of obvious fears that this might further jeopardize the security context. Although well-considered from a conflict perspective, this approach reinforces the obvious push for externalization of EU’s migration management policies and the overall aid conditionality it implies.

The externalization of EU’s border and migration control policies mainly lead to a diversification of routes and modi operandi used by irregular migrants in order to achieve their journey towards Europe, and this statement is reflected in a wide array of academic works

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64 Idem
67 Mali, Niger, Nigeria, Senegal, Ethiopia
(such as the articles authored by Dunnwald\(^\text{68}\), Tubiana, Warin and Saeneen\(^\text{69}\)). Most importantly, reports from the Clingendael Institute\(^\text{70}\) also show that under pressure of the European Union, third countries subject to externalization have unilaterally increased their security measures at the borders, without actually taking into account the historical heritage of cross-border mobility, the nomadic nature of populations in the border area. The nature of migratory flows transiting these areas (most frequently described by the UNHCR as ‘mixed migratory flows’, hence including persons in need of international protection) was also disregarded, and was not paralleled by referral mechanisms or specific protection measures benefitting those in need. Moreover, traffickers and smugglers are also highly adaptive and have at their disposal important financial and logistics means, which make the circumvention of security measures a rather easy task. However, and as the study concludes, the EU continues to invest important financial amount in developing complex security responses in the border areas, instead of focusing on durable development measures or the identification of safe alternatives to irregular migration. In conclusion, the local security stability, regular movements of bordering communities and the safety and security of migrants are often disrupted in the process.

Trauner and Deimel\(^\text{71}\) acknowledge the limited research dealing with the actual impact of EU migration policies on African countries – such as Mali. The authors refer to Mali’s longstanding tradition of migration towards Europe, and build on interviews carried out with Malian Government representatives, and also migrants directly affected by such policies. From a policy perspective, the authors refer to a bi-dimensional nature of migratory policies of the EU (which can be easily identified in a series of programming documents such as the European Agenda on Migration or the Valletta Action Plan):

- **The repressive and control-oriented approach**, which falls under the remit of externalization in the sense that EU Member States ‘export’ their border control practices in specific Third Countries of origin and transit for irregular migration (‘an actor capitalizes on its superior bargaining power to induce rule compliance in another country’\(^\text{72}\));

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\(^{70}\) Idem

\(^{71}\) F. Trauner, S. Deimel, *The Impact of EU Migration Policies on African Countries: the Case of Mali*, International Migration, vol. 51 (4) 2013

\(^{72}\) Idem, p.2
- The ‘soft’ approach, focused on ‘eliminating the root causes of migration’, and thus aiming to stabilize populations before they embark on their migratory journey.

The African longstanding tradition of migration does not necessarily coincide with EU’s externalization practices in border management. Raineri claims that this clash of interests led to a ‘regularisation of human smuggling’\(^{73}\), and that international projects upscaling border management capacities actually enforced corrupted Nigerien security forces in their racketeering operations. Although Raineri’s extensive research mainly focuses on Niger, Chapter 4 of the research examines the applicability of these conclusions on both the Malian and the Nigerien EUTF projects.

### 2.4 EU Emergency Trust Fund for Africa

The following sub-chapter briefly reviews some of the main primary and secondary sources pertaining to the EUTF and its perception in the available literature. Detailed information on the functioning of the EUTF, the Fund’s conception and its implementation on the ground will be provided in Chapter 4 of the research.

The EUTF was adopted via the Valletta Action Plan aiming to, inter alia, decrease the fragmentation of the funding instruments for the externalization of EU’s migration policy, previously divided amongst several DGs – HOME, DEVCO, NEAR\(^{74}\) – and thus allowing the EC to act as a unified actor and to assert its domination in this field. Although the objectives of the EUTF remain primarily development-oriented, authors\(^{75}\) conclude on the primordial role of initiatives aiming to decrease irregular arrivals to Europe, as also acknowledged by the Progress Report on the Implementation of EU’s Agenda on Migration\(^{76}\) - which clearly links the decrease in irregular arrivals to the success of EUTF projects.


\(^{74}\) D. Kipp, From Exception to Rule – the EU Trust Fund for Africa, SWP Research Paper 13, German Institute for International and Security Affairs, December 2018, p. 5

\(^{75}\) Idem

In an article quoted under the previous point, Knoll and de Weijer refer to the “short-term” focus of the EUTF, in contradiction with the long-term engagement required by successful programmes designed to properly address the root causes of conflict, displacement, forced migration, etc. To this extent and quoting interviewees with whom they exchanged when documenting their research, Knoll and de Weijer posit in relation to the EUTF that “initial projects were developed with little involvement from local partners” and that EUTF projects were designed with the aim of conditioning development aid with an increased rate of returns.

Despite a negative report from the LIBE Committee of the EP, contracting of implementing entities for projects funded by the EUTF lacks in transparency and eludes the rules of public procurement under the umbrella. Further to the previously mentioned LIBE report, the EP is now associated as an observer to steering committees approving EUTF projects, however serious concerns remain over the exploitation of the EUTF by some Member States, which channel funding towards their own national implementing agencies (Kipp quotes 40% of the total EUTF funding being directed towards such national agencies, despite the considerable implementation delays acknowledged by the EC when comparing national interventions with projects implemented by international entities such as the IOM). The same serious concerns prevail over the lack of measurable criteria determining the allocation of funding to the development-oriented, humanitarian or security projects, which very much leaves the choice to the political willingness of MS in the steering committees. Kipp concludes his analysis on the allocation of funding under the EUTF by stating that:

“This demonstrates that classification by strategic objective is to some extent arbitrary, and therefore reveals only part of the picture. The figures do nevertheless demonstrate that – alongside regional differences – the migration profiles of the partner countries also influences the shape of the EUTF projects.”

Going further with the analysis of the EUTF projects, OXFAM (quoted by Kipp) refers to the migration management projects actually being containment projects, using migrant smuggling and trafficking in human beings as valid excuses in order to actually decrease migratory flows towards Europe – without however taking into consideration national and regional legal regimes such as the ECOWAS free travel area.

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78 D. Kipp, From Exception to Rule – the EU Trust Fund for Africa, SWP Research Paper 13, German Institute for International and Security Affairs, December 2018, p. 16

80 Idem

81 Idem, p.19

82 Idem
A decision of the European Ombudsman from 2016 on the EU-Turkey deal\(^3\) refers to the need to integrate a human rights impact assessment into the development of any initiative of the European Commission (EC) in third countries, should it have a political nature or not. In the Ombudsman’s own words,

*The Ombudsman notes her Office’s longstanding view that good administration means, in the first place, observance of and respect for fundamental rights; where fundamental rights are not respected, there cannot be good administration. Accordingly, for all policies and actions of EU institutions and bodies which impact on human beings, any evaluation should contain an explicit consideration of the human rights impact of those policies and actions.*\(^4\)

Extrapolating from the Turkish case, **conducting a human rights assessment prior to the formulation and implementation of EUTF projects would be a sine qua non factor deriving from EC’s obligation to comply with EU’s commitments on fundamental rights.**

In the following chapters, the research further explores the design of the EUTF projects applicable to the selected case study (Mali and Niger), in order to better understand the integration of the Ombudsman’s recommendation. More specifically, it attempts to investigate (by means of desk research and interviews) whether such an impact assessment was indeed conducted prior to the design of EUTF projects in conflict-sensitive environments such as those in Mali and Niger, and formulates specific recommendations based on this finding.

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\(^4\) Idem.
Chapter 3: Research methodology

3.1 Research focus

As previously shown, the EU Trust Fund for Africa, an essentially development-oriented financing tool, is used to finance a variety of projects on border and migration management through the G5 Sahel countries – including Mali and Niger.

Although having declared in its Constitutive Agreement a series of generous intervention principles, focused inter alia on stabilization and addressing root causes of migration and displacement, the practical implementation of the Trust Fund should be further analyzed. This is largely due to the fact that the EUTF foresees, via its projects, to strengthen capacities on border and migration management in third countries – and thus to decrease migratory flows before their arrival in Europe. But what does this mean in practical terms, and does the EU heed by the same high standards it sets for border control on its own territory when implementing projects in remote countries such as Mali and Niger? These are but a few generic questions the research attempts to answer – and by doing so, it aims to provide specific recommendations which might be integrated into the further development of EUTF projects.

This chapter informs the reader on the research focus, the research design, methodology and aspects of ethics and confidentiality. The research questions and sub-questions are detailed below.

**Overall Research question**
To what extent does the EU Trust Fund for Africa contribute to the externalization of EU’s migration and border management policies?

**Research sub-questions**
- What is the legal status of the EUTF and how does it fit into the EU’s development aid policy?
- What is the scope of the specific projects implemented by the EUTF in Mali and Niger and how does it fit into the externalization of EU’s migration control policies?
- What are the fundamental rights implications of EUTF-funded projects in Mali and Niger (intended and unintended effects)?
3.2 Research strategy

As previously stated, the goal of the research is to analyze the EU Trust from the perspective of the externalization of EU’s border control model. Further to the conduct of the research, a series of policy recommendations are drawn aiming to optimize the implementation of the EUTF projects, especially as regards the integration of the fundamental rights and the protection of forced migrants / asylum seekers.

In order to reach this goal, a series of research steps were undertaken, which are further detailed below.

Through a deductive approach, the research analyzed whether the EUTF is facilitating the externalization of EU’s border/migration management model towards African Third Countries of origin/transit for irregular migration. The research attempted to respond to the research questions by focusing on a multiple case study (Mali and Niger) – and this choice is justified, inter alia, by the fact that findings derived from a multiple case study are more compelling than those from a single case study\(^85\). The researcher was placed in the privileged position of observing EUTF implementation in two countries, and also engaging with seasoned practitioners from both sides of the borders. This allowed for many similarities to be identified between Mali and Niger (or “replication logic”, as explained by Yin)\(^86\), and thus the research could better conclude on the EUTF and the areas in which it still needs to improve.

Whilst detailed reasons for focusing on these precise case studies are outlined further on, it can already be stated that the two countries are particularly illustrative for EU’s efforts to curb irregular migration towards Europe given the high number of migrants having crossed the Malian / Nigerian borders\(^87\). Moreover, by including two countries in the case study, the research analyzes EU’s approach in both a transit country (Niger) and a country of origin (Mali).

The chosen research period spans between 2015-2018. It is deemed as a relevant period for demonstrating the shifting dynamics of EU migration and border management projects in Mali and Niger – during and after the migratory crisis of 2015.

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\(^{86}\) Idem
\(^{87}\) See Chapter 5 for a more detailed overview of the migratory flows in Mali and Niger within the reference period
3.3 Research design

The research integrates two exploratory case studies, aiming to analyze a variety of insights regarding EU migration policies and their application in the G5 Sahel context. This serves to answer the research questions and to demonstrate whether the EU attempts an externalization of its border checks in Mali and Niger via the EUTF, and whether this is in line with basic fundamental rights principles.

The research also benefitted from direct observations drawn by the researcher, embedded in Malian security forces from 2016 to the present day. Although the same degree of proximity was not achieved for the Nigerien security forces, this was mitigated by direct observations made during a number of workshops/meetings the researcher attended whilst performing official duties. As regards direct observation of the EUTF implementation, it can be safely stated that the researcher has been very much involved in EUTF projects in Mali, and possesses a sufficient working knowledge of EUTF projects in Niger which allowed her to engage in meaningful interactions with a wide array of interviewees.

Further to the completion of the field research, a series of recommendations were drawn in Chapter 6, in order to improve the implementation of EUTF projects and to mainstream the fundamental rights of migrants throughout the externalization of EU’s border management model via the EUTF.

3.4 Cases studies design

The choice of two case studies for the research responds to the design of the research questions ("How" and "Why")\textsuperscript{88} and also to the contemporary focus of the research.

The case studies set within a specific research period (2015-2018) allow the researcher to draw an informed conclusion ‘in a real-world context, especially when boundaries between phenomenon and context may not be clearly defined’\textsuperscript{89}. In this case, given the relative novelty of the EUTF and its implementation in Mali and Niger, with some projects not having reached their closure stage, the choice of a case study is very pertinent – the researcher thus better understood the scope, applicability and predictable outcome of the EUTF projects by

\textsuperscript{88} R. Yin, Case Study Research. Design and Methods, 5th edition, SAGE Education, 2004, p.44
\textsuperscript{89} Idem
integrating (through **interviews**) opinions and views expressed by seasoned practitioners, checked against the specific context analysis conducted for each of the two countries (**desk research** and **direct observation**). The researcher's belief is that this mixed method approach is particularly relevant to the stated goals, allowing the analysis of the practical application of EU development aid on migration and border management in Mali and Niger.

More precisely, the two countries are chosen because of their representative character in the context of externalization – both Mali and Niger are countries of origin and transit for irregular migration towards the EU, and thus prime beneficiaries of EUTF projects aiming to control irregular migration / enhance border management capacities. Given the choice of this **multiple-case study**, allowing for a replication of the conclusions in both cases, the researcher is in a better position to conclude on the intended externalization effect of EUTF projects implemented in Mali and Niger. To this extent, the extrapolation of the study’s conclusions to other African states participating in the Migration Compacts becomes particularly relevant and may provide the ground for a **significant generalization**. In a nutshell, the choice of this particular case study granted the researcher with an excellent understanding of externalization policies, throughout an in-depth focus on a specific situation which was analyzed from various angles.

Further to conducting the case study research, a series of cross-case conclusions were developed, and generic conclusions were drawn up - applicable to the externalization of EU migration/border management policies in both countries, and at a wider regional level in the G5 Sahel. This responds to the **pattern matching** principle put forward by Saunders and to the need to demonstrate the **external validity** of the research.

In the context of Yin’s definition of a case study, the research attempted to integrate multiple sources of evidence using both qualitative and quantitative data: interviews, direct observation, analysis of primary and secondary literature sources and quantitative data related to funding of EUTF projects in Mali and Niger, correlated with data on irregular migration originating from / transiting the two countries.

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90 In the previously quoted work, Yin refers to “significant generalization” as a distinctive feature of a case study when referring to Graham Allison’s study of the US Cuban missile crisis
3.5 Data collection and analysis

3.5.1 Desk research

A thorough literature review allowed the case study to be guided by previous research in the area. By means of conducting a desk research, correlations were also sought between financial commitments to the EUTF and migratory pressure at EU’s external borders, originating from Mali and Niger.

The analysis of quantitative data regarding financial pledges made by MS to the EUTF graphically compares the evolution of pledges since the creation of the EUTF both globally (to the whole EUTF) and individually (Mali and Niger). It is based on open-source documents and migratory trend reports published by IOM and FRONTEX.

Further to the conduct of the desk research, a qualitative content analysis\(^3\) was carried out. A series of cross-cutting themes were identified (namely “Migration”, “Externalization” and “The EU Trust Fund”) – these themes were not only encountered in the primary and secondary sources analyzed, but they were also illustrative for answering the research questions.

3.5.2. Conducting interviews

For the purpose of conducting the planned mixed-method research and for collecting data from multiple sources of evidence, a series of ten semi-structured interviews were conducted, involving officials of the G5 Regional Coordination Cell, United Nations Stabilization Mission in Mali, FRONTEX, European Union External Action Service, EUCAP Sahel Mali/Niger, as well as representatives of IOM\(^4\). Throughout these interviews, the researcher gathered useful insights on practitioners’ experiences with the implementation of the EUTF projects in the two countries and their intended / unintended effects on migrants and potential beneficiaries of international protection.

All ten interviews were conducted between January – March 2019, which ensures that they reflect up-to-date views of practitioners on the EUTF and its implementation. The table below summarizes the participation of the interviewees in this specific part of the research:

<table>
<thead>
<tr>
<th>Respondent code</th>
<th>Country covered</th>
<th>Relevance of the respondent to the research</th>
<th>Interview duration</th>
<th>Language of the interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Mali and Niger</td>
<td>8 years of experience working for the EU in both countries, first-hand involvement in the EUTF Mali</td>
<td>98 min, 52 secs</td>
<td>EN</td>
</tr>
<tr>
<td>B</td>
<td>Mali</td>
<td>4 years of experience working for the EU, first-hand</td>
<td>47 min, 22 secs</td>
<td>EN</td>
</tr>
</tbody>
</table>

\(^4\) Although it would have been particularly interesting and relevant to also conduct interviews with representatives of the Malian and Nigerian Ministries of Foreign Affairs, access to the Nigerian MFA was not possible due to time constraints and impossibility to organize a study trip to Niger. Aiming for an equal representativeness of interviewees from the two studied countries, the researcher decided to not include national representatives from either of the two countries. A study on national (African) perceptions regarding the externalization of EU’s migration management might be considered for future research.
<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Experience</th>
<th>Duration</th>
<th>Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Mali and Niger</td>
<td>8 years of experience for CSDP missions in Mali and Niger</td>
<td>26 min, 58 secs</td>
<td>EN</td>
</tr>
<tr>
<td>D</td>
<td>Mali</td>
<td>4 years of first-hand experience in EUTF and fundamental rights in Mali</td>
<td>22 min, 43 secs</td>
<td>EN</td>
</tr>
<tr>
<td>E</td>
<td>Niger</td>
<td>3 years of experience on migration management in Niger, including working with EUTF projects</td>
<td>Answers provided in writing (see annex 3)</td>
<td>EN</td>
</tr>
<tr>
<td>F</td>
<td>Mali</td>
<td>5 years’ experience with the United Nations in Mali, working on border management and security sector reform</td>
<td>29 mins 38 secs</td>
<td>EN</td>
</tr>
<tr>
<td>G</td>
<td>Niger</td>
<td>5 years first-hand experience in border management projects in Niger, including EUTF</td>
<td>42 min 14 secs</td>
<td>EN</td>
</tr>
</tbody>
</table>
The selection of interview participants was based on the participants’ knowledge and understanding of the research topic, thus including in the research only persons having a very good understanding of the EUTF projects. Bearing in mind the relative novelty of the topic, its political sensitivity and the rather small number of experts actually involved in EUTF projects, sampling was not possible. The researcher was fully aware of this risk and has explained it thoroughly to the respondents before conducting the interviews. All research participants were associated to the research under conditions of full anonymity (both institutional and personal anonymity), and this fact was clearly outlined in the “Participation consent form” signed by the participants before proceeding with the interview (see Annex 5).

In order to better secure the anonymity of the respondents and to mitigate the previously mentioned risk, respondents were not broken down in categories as per the European or international entity they represent (CSDP Missions, EU delegations, United Nations organization, etc). By merging all EU entities into one category, the pool of respondents was ultimately enlarged and anonymity thus became feasible. It was made clear to all interviewees from the early onset that they may decide to withdraw from the project at any stage of the research. Should they have decided to do so, it was outlined that any contribution already committed to the project shall not be published. This point was also clearly specified in the “Participation consent form” that respondents signed before engaging in the interview.

Access to potential respondents was facilitated by the good working relations the researcher has with most of the listed entities. In some cases, access was facilitated by institutional gatekeepers, who were also thoroughly briefed on the scope of the research, its target audience, etc.
Data obtained from the interviews (audio recordings or notes) is safely stored in a secure environment (password encrypted external hard drive), to which only the researcher has access. Data will be completely erased three months after the research is validated by the Board of Examiners.

Two sample interview transcripts may be consulted in Annex 1, in order to give an indication on how the transcription was carried out. A total number of 5 hours and 21 minutes represent the time allocated to carrying out interviews. Bearing in mind the existing time constraints, the remaining 7 interviews were not fully transcribed (bearing in mind that one interviewee provided the answers in writing). Their detailed summaries can be consulted in Annex 1. A detailed table with the conducted interviews, dates, duration, and language in which they were conducted is available in Annex 4. Further to the closure of this data collection stage, respondents received the detailed transcripts of the interviews/summaries, in order to double check the accuracy of the provided information.

The interviews were analyzed in the framework of grounded theory\textsuperscript{95}, more specifically open coding. From the very early onset of data collection, data from interviews was organized according to a set of pre-defined themes, attempting to answer the research questions. Further on, themes were organized into operational categories, and data obtained from the interviews was then arranged and combined in order to better assess the links and synergies between the various themes.

3.5.3 Direct (participant) observation

The researcher was placed in a privileged position before and throughout the conduct of the field research. Having worked in Mali for the past three years allowed the researcher to gain an intimate knowledge of the functioning of Malian security forces, migration as a social tradition and the actual added-value of projects on migration/border management, such as the EUTF. Having participated in the design and implementation of various EUTF projects in Mali, the researcher had the opportunity to actively observe the intricacies of this segment — and also understood the risks and opportunities entailed by the externalization of EU’s border management policies in the countries hereby analyzed.

\textsuperscript{95} M. Saunders, P. Lewis and A. Thornhill, \textit{Research Methods for Business Students}, 7\textsuperscript{th} edition, Essex, Pearson, 2016, p. 428
Although not having the same degree of proximity with Nigerien authorities and EU authorities operating in Niger, the researcher was however involved in a number of projects / workshops / meetings which greatly increased the first-hand knowledge of Nigerien realities.

It shall be clarified that this participant observation was by no means a covert one – it was widely known at the institutional level that the researcher was involved in a Master’s programme, and the theme was broadly discussed with all those who might be (even indirectly) observed during the data collection stage.

The researcher has been involved herself in the implementation of the EUTF projects in Mali – which was identified by the researcher as a potential risk for research bias. In order to mitigate this risk, the researcher has presented the draft conclusions of the research to a few critical persons, also involved in various stages of the implementation of EUTF projects. The evidence they provided is duly presented and reflected in the conclusions of the present study.

3.6 Research quality indicators

Building up on Lincoln and Guba’s alternative criteria for evaluating qualitative research, the researcher has also looked into the aspect of trustworthiness:

The researcher’s credibility was ensured though submitting the final draft to the respondents for an additional check, as previously outlined (respondent validation), and through triangulation of data (see figure 1).

Transferability of the research is ensured via the thick description it provides, namely the breadth of details on the EUTF’s implementation in Mali and Niger, which can be further extrapolated to the G5 context.

As previously explained, the dependability and replicability of the research was ensured via a thorough documentation of all the undertaken steps, and timely consultations with the supervisors.

Further to the explanations given in the “Ethics” section of the present chapter, the researcher has validated the outcome of the research with key external stakeholders having participated in the research (a draft of the thesis was shared with them in order to double check the drawn conclusions), thus ensuring conformability and avoiding research bias.

Further to conducting the case study research, a series of cross-case conclusions were developed, allowing the researcher to draw up generic conclusions applicable to the

externalization of EU migration/border management policies in both countries, and at a wider regional level in the G5 Sahel. This responds to the pattern matching principle put forward by Saunders\(^97\) and to the need to demonstrate the external validity of the research.

**Reliability** – the selected research design, blending interviews with practitioners and an in-depth analysis of EUTF projects in Mali/Niger, provides for a holistic view on the implementation of EU’s migration/border management model. By analyzing all aspects of a concrete case study (policy perspectives, input from national beneficiaries and EU practitioners, data from FRONTEX and IOM on incoming migration from Mali and Niger) the research ensures that its results are illustrative for the timeframe it covers, and replicable by any other researcher following the same steps (which are clearly outlined in the present methodological chapter, in order to avoid any potential research bias). The data collection techniques and analytical procedures was thoroughly discussed with peers in the study group, in order to ensure external reliability\(^98\) of the research (this is valid not only for coded data derived from interviews, but also for the qualitative analysis carried out during the desk research and data obtained via direct observation). The internal reliability\(^99\) was ensured by periodical discussions with the supervisors in order to ensure consistency of data coding / analyzing / interpretation throughout the research.

**Validity**\(^100\) – for its case study, the research selected two specific cases of African countries of origin / transit for irregular migration. The analysis of two countries (resulting from interviews, desk research and participant observation), focusing on the similarities but also the differences, enhances the likelihood of generalizing the research results to all five countries in the G5 Sahel, and takes into account the many possible nuances in EU’s externalization of migration/border management (external validity). Through the detailed analysis of the specific EUTF projects in both countries, the researcher was able to draw an informed conclusion as regards the correlation between the scope of the EUTF projects and the externalization of EU’s migration control model (internal validity).

**Participant validation** of the research was be achieved by discussing the draft outcome of the research with the respondents. This ensured that the researcher properly understood their answers and correctly framed them in the context set by the research questions and the externalization concept. It will also validate the researcher’s interpretation of the data and

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\(^97\) In the previously quoted work, Saunders defines ‘pattern matching’ as the ‘analysis of qualitative data involving the prediction of a pattern of outcomes based on theoretical propositions to seek to explain a set of findings’


\(^99\) Idem

\(^100\) Ibidem
provide the respondents with an excellent opportunity to better nuance their contributions. The respondents were also briefed on these points prior to the actual conduct of the interviews.
Chapter 4 The EU Trust Fund in Mali and Niger

The following chapter provides the reader with a generic understanding of the EU Trust Fund for Africa, in order to set the ground for a descriptive analysis of the EUTF specific projects in Mali and Niger. The sub-sections thereafter dedicated to the EUTF in the two case studies focus exclusively on the border and migration management projects in Mali and Niger, as an externalization instrument. Although the Trust Fund projects dealing with topics non-related to border management - such as country stabilization - would be a very interesting research topic, the researcher chose not to take them into account because of the very specific scope of this Master’s thesis.

4.1 The EU Trust Fund: origin and evolutions

The Emergency Trust Fund for Africa is one of the three Trust Funds created by the European Union under its Financial Regulation\(^1\) (together with the Bêkou and the Madad Trust Funds). It is an intermediary funding tool (between single and multi-donors funding opportunities), allowing for rapid interventions in emergency situations, without having to go via the heavy commitment and approbation procedures under the regular EU budget. Beyond the declared goal of increasing the visibility of the EU’s external actions, another advantage represented by this particular type of funding is that it allows for pooling of commitments and resources from various donors, and that commitments can be earmarked for specific objectives – such as irregular migration, trafficking in human beings, etc.

An EP study\(^2\) from 2016, which is further analyzed onwards, refers to the main factors contributing to the specific decision of setting up the EUTF for Africa (henceforth referred to as ‘EUTF’):

- Extreme poverty and limited resilience to food and water-related crisis;
- Prevalent insecurity (including armed conflict, terrorist threats, inter-community conflicts);
- Climate change leading to degradation of the environment;


Weakness of democratic structures, absent or limited state authorities, limited prospects of economic growth.

Obviously, these factors lead to migration towards Europe, the countries supported by the EUTF being in their vast majority countries of origin and transit for migration – as exemplified by the cases of Mali and Niger (for further information, sub-chapter 5.1 specifically refers to the migratory profiles of the two countries).

As previously described, the EUTF was adopted in the aftermath of the Valletta Summit on Migration of 2015. Its main aim is to support the stabilization of the African continent (including Mali and Niger), and to support migration management by addressing root causes of irregular migration and displacement. Generically, this goal is to be achieved by ‘promoting resilience, economic opportunities, equal opportunities, security and development’\textsuperscript{103}. As regards the specific mention to promoting ‘security and development’, interesting to note that the two concepts are interlinked, thus referring to the ‘security and development nexus’ – a concept initially developed by the United Nations and then rapidly integrated in policy documents of the EU, such as the Agenda for Change (2011)\textsuperscript{104} or the New European Consensus on Development (2017)\textsuperscript{105}. Specifically, the concept highlights that ‘The EU should ensure that its objectives in the fields of development policy, peace-building, conflict prevention and international security (including cyber security) are mutually reinforcing\textsuperscript{106}, and should henceforth be mainstreamed in all policy, actions and programming tools of the EU in fragile and conflict-prone states – thus including the EUTF.

The EUTF was created by means of a Commission decision of 2015, on the establishment of a European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa\textsuperscript{107}. It declares the aim of addressing insecurity in the area of intervention, having led to forced and irregular migration

\begin{itemize}
\item \textsuperscript{103} Idem
\item \textsuperscript{105} Joint Statement by the Council and the Representatives of the Governments of the Member States meeting with the Council, the European Council and the European Commission, \textit{The European Consensus on Development 'Our World, our Dignity, our Future'}, https://ec.europa.eu/europeaid/new-european-consensus-development-our-world-our-dignity-our-future_en (accessed on 11 April 2019)
\item \textsuperscript{106} Ibidem
\end{itemize}
(an interesting mix of notions). Going beyond the stated framework of humanitarian aid and support to development, the preamble of the European Commission’s Decision specifically refers to the European Agenda on Migration, and thus the need to prevent further loss of lives at sea (implicitly, by deterring irregular migrants from reaching the Mediterranean).

Recital 3 of the Decision’s preamble states a wide array of objectives addressing instability in the intervention area (eg. improving access to education, creating economic and equal opportunities, promotion of work opportunities, etc.). All these objectives are, interestingly, narrowed down in the very same paragraph – to ‘supporting capacity building of third countries in the field of migration and border management, as well as to the stabilization and development of these regions in Africa’108. The Decision further goes on by referring to concrete implementation objectives:

‘including containing and preventing irregular migration and fight against trafficking of human beings, smuggling of migrants and other related crimes, effective return and readmission, international protection and asylum, legal migration and mobility, enhancing synergies between migration and development’.

It is very interesting to take stock of the paradigm shifts in the text of the Decision, ranging from addressing ‘forced migration’ (a category of movement which is generated by an adverse cause (mainly conflict) and thus should benefit from the international protection regime109) and ‘irregular migration’, and ends up by declaring its objective of ‘containing and preventing irregular migration’. The following pages further analyze what does EU’s definition of ‘irregular migration’ actually mean in the specific sub-Saharan ECOWAS context, and the visa-free travel regime between the neighboring countries.

The Decision further goes on by stating that migration is a priority in EU-Africa relations. Specifically,

‘The EUTF will support all aspects of stability and contribute to better migration management as well as addressing the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, and security and development’110.

The Constitutive Agreement for setting up the EUTF111 lays down the concrete principles for the implementation of the EUTF, focusing on financial arrangements, audit, oversight, etc.

108 Idem
109 According to the Forced Migration Review published by the Refugee Studies Centre in the Oxford University, ‘Forced migration’ refers to the movements of refugees and internally displaced people (displaced by conflict) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects’, https://www.fmreview.org/ (accessed on 11 April 2019)
110 Idem
111 Agreement establishing the European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa and its internal rules, hereinafter
The EUTF plans its interventions in five priority areas\textsuperscript{112}, namely:
- Development benefit of migration;
- Legal migration and mobility;
- Protection and asylum;
- Prevention of and fight against irregular migration;
- Return, readmission and reintegration.

As previously mentioned, the qualitative part of the research will focus on the EUTF projects in Mali and Niger, in order to better understand which of the priority areas they actually address and whether there is an even distribution of funding amongst all five areas.

In its Resolution of 13 September 2016 on the EUTF\textsuperscript{113}, the EP reflects on the implications thereafter of the Fund on development and humanitarian aid. The EP also refers to the generic framework in which the Fund was created (the previously-mentioned European Consensus on Development, the European Consensus on Humanitarian Aid\textsuperscript{114}, the 2030 Agenda for Sustainable Development and Sustainable Development Goal\textsuperscript{115}), and the need for the Fund to heed a series of principles of humanitarian intervention:

> ‘the EU and its partners in the humanitarian field must be able to ensure assistance and protection based on needs and on respect for the principles of neutrality, impartiality, humanity and independence of humanitarian action, as enshrined in international law and in particular in international humanitarian law’\textsuperscript{116}.

In its evaluation of the EUTF’s implementation from the creation of the fund to the end of the reporting period (13 September 2016), the European Parliament (EP) concludes on a series of topics, amongst them:
- Member States are slow to commit financial resources to the EUTF, which in September 2016 was still far from reaching the initially foreseen budgetary envelope;

\textsuperscript{112} Idem
The European Commission ‘has diverted appropriations from the objectives and principles of the basic acts to channel them through the EUTF (...) and further on jeopardizes the success of long-term Union policies’;\(^{117}\)

Despite the fact that the EUTF is, in its majority, funded by the European Union, the EP is not present in the Strategic Board overseeing the implementation of the projects. The EP deplores the impact this absence has on the visibility of the projects and the transparency of the funding process;

The European Commission has, as stated previously, diverted funds from other EU instruments in order to finance the EUTF. These funds mainly come from the Development Cooperation Instrument, the Instrument for Humanitarian Aid and the European Neighborhood Instruments. The EP deplores that the use of funds from these tools, created in the spirit of international protection commitments and principles of humanitarian intervention, is now channeled via the EUTF for migration management purposes and without including any development measures;

Calls for an increased involvement of civil society and national authorities in the identification and implementation of EUTF projects;

Highlights the ‘primarily development-oriented focus of the EUTF, applicable to countries of origin and transit for irregular migration, which should primarily invest in community-based projects’;\(^{118}\)

Emphasizes that, as per Article 41(2) of the TEU, the EU budget should not be used to directly finance military or defense operations, a statement of particular relevance to some of the EUTF-funded projects as this research will attempt to demonstrate;

‘Underlines that EU policy regarding cooperation on security, migration management and human trafficking and smuggling should include specific provisions aimed at ensuring respect for human rights and the rule of law, with particular attention to women’s rights, the rights of LGBTI persons, sexual and reproductive health and rights, children’s rights, and the rights of minorities and other particularly vulnerable groups’;\(^{119}\);

Demands that a clear distinction be made between funds committed by the EUTF to migration and border management, namely funds allocated to sustainable development and fighting poverty;

Also highlights the fact that the EUTF should not be a means exclusively directed towards securing borders and forcing people to remain within the national

\(^{117}\) Idem

\(^{118}\) Idem

\(^{119}\) Idem
territories, whilst ignoring root causes for migration and failing to provide legal pathways for accessing Europe;

- Asks for a better integration in EUTF projects of respect towards the rights of migrants and demands that the Fund should not be used for financing governments having a track record of violating human rights.

In the following chapter, the research investigates, inter alia, the implementation of EP’s recommendations into the development of EUTF projects for migration and border management in Mali and Niger. It specifically focuses on the migration control projects of the EUTF in Mali and Niger, by trying to understand whether indeed such projects respond to the need of addressing root causes of irregular migration and the need to integrate fundamental rights into all actions, particularly in response to the mixed features of migratory flows. It also attempts to understand whether the projects researched by the case study represent a deviation of EUTF expenditure, from the initial, stabilization goal towards a militarized control of the Malian and Nigerien borders. The research thus concludes on whether the EUTF is derived from its initial declared goal and subordinated to the externalization of EU’s migration management policies.

4.2 EUTF in the Sahel and Lake Chad

The implementation of the EUTF projects in Mali and Niger is part of one of the three so-called EUTF “windows”, namely the one dedicated to the Sahel and Lake Chad. The Commission, through DG DEVCO, has framed its funding in the context of the regional specific risks and threats, dominated by poverty, climate change (coupled with the almost exclusive reliance of population on agro-pastoral activities) and insecurity. Interestingly and after having listed the previously mentioned areas of concern, one of the priority areas to be addressed in the area is irregular migration – alongside specific illegal activities such as smuggling of migrants and cross-border crime – defined as a ‘security challenge’\(^\text{120}\).

Other identified challenges – such as weak governance structures, limited state presence, food crises – are intrinsically related, in the presentation of the EUTF on its dedicated webpage, to migration and population movement. More precisely, the development issues

affecting the Sahel and Lake Chad areas are framed as ‘root causes of forced displacement’, directly impacting migratory flows (both regional and EU-bound).

According to the information publicly available on DG DEVCO website\textsuperscript{121}, the EUTF has committed, for the Sahel and Lake Chad area alone, a total amount of EUR 1 627 600 066. The funding is broken down per intervention chapters, namely:

- Improved governance and conflict prevention – 416 600 000 EUR;
- Improved migration management – 277 533 200 EUR;
- Strengthening resilience – 456 723 633 EUR;
- Greater economic and employment opportunities – 469 576 233 EUR;
- Cross-thematic programmes – no available funding data.

Although migration management \textit{per se} ranks third in terms of allocated funding, it can be safely concluded that the other funding chapters all have a strong dimension related to migratory flows – if not explicit control of the flows, then rather a stabilization intention aiming to dissuade populations from the intention to migrate.

The EUTF window for the Sahel and Lake Chad, similarly to the other two intervention windows, is subject to a set of monitoring and evaluation indicators, aiming to steer projects and programmes based on results from the ground. The overall management of the EUTF projects is ensured at the level of each country by the respective EU Delegations, whereas the implementation \textit{per se} is delegated to a so-called operator – either bilateral aid Agency belonging to an EU Member State (such as Expertise France) or, as it was demonstrated by the field research, UN Agency (IOM or UNHCR, in the case of Niger). The technical support of other EU actors in the ground (e.g. CSDP missions in Mali and Niger) is enlisted by the respective Delegations in an advisory role. Without intending to pre-empt the Findings chapter, it can already be stated that the implementation, steering and advisory structure of the EUTF in the countries of implementation is organized ad hoc, and very much depends on the EU Delegation in charge.

According to the previously quoted EUTF webpage, DG DEVCO aims to provide a better visibility and transparency of its initiatives – to some extent, also responding to concerns expressed by the European Parliament, as seen previously. A dedicated and publicly-accessible platform, AKVO\textsuperscript{122}, has been set up in order to provide information on the progress of each specific project implemented by the EUTF in given countries of intervention.

\textsuperscript{121} Idem
\textsuperscript{122} European Commission, AKVO webpage, \url{https://eutf.akvoapp.org/en/projects/} (accessed on 11 April 2019)
In addition to the platform, the quoted source mentions a detailed evaluation system in place for each and every project – involving evaluation by the EU Delegation, by external experts, etc. However and from browsing the progress indicators associated to projects in Mali and Niger, it is rather clear that the evaluation system designed is of a programmatic nature and solely focuses on a quantitative implementation of the project (eg. number of surveillance missions accomplished, number of cross-border operations, etc). Success indicators which would be essential for security projects implemented in conflict situations and aiming to impact populations at risk (forced migrants, persons in need of international protection) remain completely absent. A similar statement can be made for indicators demonstrating the degree to which projects were appropriated by local implementing partners – yet another essential indicator which would demonstrate the durability of the proposed solutions and their everlasting impact. In the following chapters, dedicated to the two case studies, the research further dwells on these statements and demonstrate their applicability to the migration management projects in both Mali and Niger.

4. 3 EUTF in Mali

4.3.1 General context

Mali has signed a plethora of international agreements and treaties pertaining to irregular migration, trafficking in human beings and smuggling of migrants. To the international legal agreements (not always transposed in national legislation, as it is the cause for the current reform of the anti-trafficking legislation in Mali) were added a series of political statements and commitments – and some of them are related to the practical implementation of the EUTF.

On 16 May 2018, Ministers of Interior and Foreign Affairs from Germany, Burkina Faso, Ivory Coast, Spain, Guinea, France, Italy, Libya, Mali, Mauritania, Niger, Senegal, Tchad, and representatives of the European Union, United Nations and the African Union convened in Niamey (Niger) and signed a Joint Statement on the fight against trafficking in human beings and smuggling of migrants. This statement follows up on yet another commitment made by France, Germany, Italy, Spain, Chad, Libya, Niger and the EU in Paris in

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2017\textsuperscript{124} to curb migration towards the EU and fight against the degrading treatment of migrants during their journey towards Europe. In this context, EU states and the EU as a whole reaffirm their commitment to operationally support African security forces in their fight against irregular migration.

In its second point, the Statement refers to a very specific and targeted operational measure, which is very much relevant to the present research – the Joint Investigation Teams (\textit{Equipes Conjointes d’Investigation}, in French), for the moment only operational in Niger. The signatory states engage themselves in supporting ‘\textit{national tools of operational fight against smuggling of migrants and trafficking in human beings, and better coordination of these tools at regional level}’\textsuperscript{125}. More concretely, the EU foresees (via the EUTF) to support African states of origin and transit for irregular migration in setting up Joint Investigation Teams. Such teams, coordinated and financed by personnel seconded by European police forces, would ‘work closely together with national Gendarmerie and Police forces, \textbf{armed forces and National Guards, as well as the G5 Force Conjointe} in order to identify and arrest members of smuggling and trafficking networks. In addition, the signatory states commit to support the creation of GAR-SI units (yet another EUTF project), rapid surveillance and intervention units equipped to intervene in isolated areas in order to counter migration and fight against trafficking in human beings / smuggling of migrants. The States also commit to reinforce the mandate of CSDP Missions EUCAP Sahel Mali, EUCAP Sahel Niger and EUBAM Libya in order to actively fight against trafficking in human beings / migration, and also to enhance exchanges of operational intelligence with FRONTEX in the Africa-FRONTEX Intelligence Community framework. In the following chapters, the research analyzes the compliance of the above EUTF projects with the initial principles of the fund, and more precisely the integration of fundamental rights into the externalization (and militarization) of EU-supported border checks in ECOWAS Third Countries such as Mali and Niger.

The Joint Statement thus reinforces, from a political standpoint, the agreement between European Member States and their African counterparts as regards the implementation, under EU financing, of a wide array of migration management projects, most of them funded – as seen in the Statement – by the EU Trust Fund for Africa.

\textsuperscript{124} Joint Statement of the HOSG of France, Germany, Italy, Spain and the High Representative/Vice President of the Union for Foreign Affairs and Security Policy, the HOS of Niger and Chad and the Chairman of the Presidential Council of Libya, \textit{Addressing the Challenge of Migration and Asylum}, \url{https://www.bundesregierung.de/resource/blob/975244/603824/5e1dee9e40e743517ceb883c98c543d9/2017-08-28-statement-refugee-migration-english-data.pdf?download=1} (accessed on 11 April 2019)

\textsuperscript{125} Ibidem
In the following sub-section, the main migration/border management projects funded by the EUTF in Mali will be presented, based on the information publicly available on the EUTF web page. Although the researcher might have access to more detailed project documentation in the context of her work, the decision was to solely focus on publicly available information in order to facilitate external validity and replicability of the research. Additional (and very illustrative) insights on the projects funded by the EUTF in Mali were obtained via the interviewed stakeholders, and are dealt with in the Findings chapter.

4.3.2 The PARSEC Project

The first (and most relevant one, from a budgetary perspective) project funded by the EUTF in Mali is the PARSEC, from the French “Programme d’Appui au Renforcement de la Sécurité dans la zone de Mopti-Gao” original title. The project was launched on the 1st of September 2017 and is scheduled to end in September 2020. The geographical area of intervention focuses on the regions of Mopti and Gao (Central – Northern Mali), and alongside the border between Mali / Niger / Burkina Faso. Although initially designed as a potential response to a likely shift in migratory routes from Niger towards Mali following the targeted interventions in Agadez, the prevalent insecurity in Mali restricted the implementation area to the border between Mali and Burkina Faso (area of Koro).

The choice of the border between Mali and Burkina, from a migration perspective, is also justified by data provided by the International Organization for Migration. Even if migrants originating from Burkina Faso amount to only 10% of the total migratory flows reported for Mali, Burkina Faso remains an important transit destination for migrants attempting to reach Europe via Niger. The porous border between Mali and Burkina also remains an important transit area for migrants incoming to Mali, who further on travel up North towards the strategically placed town of Gao and then continue their journey towards Europe via Algeria or Mauritania. IOM reports that the most frequently encountered countries of origin for this category of migrants are Nigeria, Guinea Conakry, Senegal and Niger.

126 According to the AKVO website, over 28.000.000 EUR are committed to the funding of the PARSEC project - https://eutf.akvoapp.org/en/project/5897/#report (accessed on 11 July 2019)
127 Programme for Strenghtening Security in the Mopti-Gao Regions (approximate translation from French)
Implemented by the French development agency Expertise France, the PARSEC project has the declared global objective of reinforcing state presence in the area of intervention through an enhanced presence of local security forces. It is of extreme relevance to note the Malian beneficiaries of the project: civilian security forces (National Police, Customs, Gendarmerie, National Guard, Civil Protection), aiming to ensure their interoperability and coordination with military forces operating in the area. By streamlining actions between Malian and Burkinabese forces, the project moreover aims to better control migratory flows transiting this particular border segment.

These objectives are to be attained via the building of a border control post between Mali and Burkina and, inter alia and according to the EUTF website, through training of security forces on security, conflict prevention and human rights. The training curriculum developed by Expertise France for security forces operating in the border area has been the object of intensive discussions and workshops, involving a wide array of international partners operating in Mali. Some of these partners, interviewed in the context of the present research, have expressed their concern regarding the absence of a fundamental rights module in the training envisaged for the security forces operating in this particularly sensitive border area. Although conflict prevention and human rights are inspirationally mentioned as a success indicator on the EUTF website, in reality the Malian security forces in the border area have only received a one hour generic presentation on the international law definition of “refugees”, “asylum seekers”, “trafficking in human beings” and “smuggling of migrants”. It is the researcher’s view that this very sketchy training, un-adapted to local realities and provided to otherwise untrained security forces, in a heavily conflict-dominated area, might indeed jeopardize the journey of migrants – and, as demonstrated in the ‘Findings’ Chapter, will have an extremely limited impact on a lawful control of migratory flows.

An integrated approach, sensitive to conflict, is one of the key declared principles of the EUTF. To this extent, the practical translation of this approach into projects implemented on the ground would be paramount – even more so given the multi-dimensional crisis faced by Mali (including inter-ethnic conflicts, lack of governance and the presence of extremist armed movements) and its effects on forced migrants attempting to reach Europe.

The brief analysis of migratory flows attempting to cross the Malian / Burkinabe border in Chapter 5 shows the precarious condition of the migrants, attempting to cross dangerous border areas controlled by armed groups and security forces with a dubious humanitarian track
record\textsuperscript{129}. Notwithstanding the documented presence of relatively large numbers of women and unaccompanied children transiting the border\textsuperscript{130}, it is quite obvious that EU-funded reinforcement of security forces without providing a thorough training on how to deal with beneficiaries of international protection might actually have a very negative impact.

Continuing the analysis of the AKVO indicators available on the EUTF webpage, another progress indicator is the ‘number of returning migrants benefitting from reintegration assistance’. However, the listed beneficiaries of the project remain security forces, with the overall aim of increasing interoperability between security and defense forces in order to better secure the borders. One can only wonder how precisely security and defense forces, in an area classified under emergency military status, can actually deal with ‘collective or community-based’\textsuperscript{131} reintegration assistance to migrants\textsuperscript{132}. The researcher holds the view that such unfeasible and unrealistic indicators are in fact developed with the hidden goal of justifying the use of EUTF funding for securitization of a border area known to be transited by migrants attempting to reach the EU, without the least concern for the individual plight of those crossing the border.

The same trend of analysis can be continued for the remaining indicators, most of them focusing on training on migration management of local beneficiaries (previously discussed) and improvement of cross-border cooperation between security forces on migration management. A special note, however, for a specific indicator, dedicated to ‘number of early warning systems on migratory flows created’. The description of the indicator refers to ‘number of early warning systems developed to anticipate massive flows of refugees and IDPs, their potential itinerary and destination, numbers, profiles and specific protection needs, for local governments and development actors to better plan for protection, services and infrastructure’ – and its protection-oriented nature is quite obvious. The indicator specifically refers to individual protection needs of a category falling under the remit of the 1951 Geneva Convention on Refugees and its subsequent Protocols. The need to consider the individuality of each and every case is obvious, and so is the obligation of Mali (a signatory of the Geneva Convention) to respond to the specific protection needs. It became however apparent, from the conducted


\textsuperscript{130} Ibidem

\textsuperscript{131} AKVO webpage, https://eutf.akvoapp.org/fr/project/5897/#report (accessed on 11 April 2019)

\textsuperscript{132} As explained in detail by the AKVO indicator – “Individual reintegration assistance can be used for the development of income-generating activities, training, medical support, housing support or other support based on the migrant’s profile. Collective reintegration finds several returnees coming together to pool their individual reintegration assistance. Community reintegration assistance associates returnees and community members around a community project”. 
interviews, that the ‘early warning mechanism’ foreseen by the PARSEC project is, actually, a military airplane equipped with opto-electronic surveillance equipment. Piloted by army members, the aircraft would survey the border area and would rapidly notify intervention forces in case refugee / migrant flows would be noticed transiting the border. It is implicit that such a border surveillance concept has not much to do with the ambitious (and humanitarian-oriented) indicator stated on the EUTF website. It is, in effect, a hybrid construct involving both military and security forces and aiming to repress migratory and refugee flows, in stark contrast with international protection obligations of both Mali and the European Union.

The researcher holds the view that the international protection obligations which should be the guiding principle of the EUTF are far from being attained via the implementation of repressive projects such as the PARSEC. This security construct fits into the externalization of EU’s migration control in third countries of origin for migratory flows, and demonstrates that the EUTF funds projects directed towards not only civilian, but also civilian security forces. These are but a couple of points the research further elaborates upon in its Findings chapter, by correlating the above results of the desk research with the outcomes of the conducted interviews.

4.3.3 The GAR-SI project

The following paragraphs will attempt to analyze yet another EUTF funded project aiming to contain migration in Mali – the GAR-SI, from the French original project title “Groupes d’Action Rapides – Surveillance et Intervention au Sahel”. Launched on the 1st of March 2017, the GAR-SI in Mali is part of a wider EUTF effort in the Sahel, having also created GAR-SI teams in Mauritania, Burkina Faso, Niger, Senegal and Chad. The overall objective is to improve security at both local and regional levels, with a focus on remote border areas. The improvement of security (including the fight against irregular migration) is framed as a pre-condition for durable economic development. The specific objective is to improve the efficiency of the preventive and deterring action of local security forces, and to improve cross-border cooperation by fighting against organized crime and terrorism.

With a total budget (for all countries of intervention) of 41 600 000 EUR, the project has a series of AKVO success indicators, available on the EUTF website. Amongst them, the number of surveillance operations conducted in the targeted areas and the numbers of request

\[133\text{ Translated as “Rapid Action Groups – Surveillance and Intervention in the Sahel”}\]
for intervention received by the GAR-SI teams. The choice of indicators allows the researcher to conclude on the strictly operational nature of the GARSI border interventions, with no associated indicator reflecting on the successful transposition of a fundamental rights dimension in the operational action.

The project document, also available on the EUTF website, frames the GAR-SI under two intervention areas of the Valletta Action Plan, namely Area 1: ‘Advantages of migration in terms of development and fight against the root causes of irregular migration and internal displacement’ and Area 4: ‘Preventing irregular migration, smuggling of migrants and trafficking in human beings and fight against this phenomenon’\textsuperscript{134}. Although the project documentation refers to the setting up of the GAR-SI as a civilian ‘police body’, in Mali the beneficiary of the project is the National Gendarmerie, a security force having no formal or legal attributions in the area of border surveillance\textsuperscript{135}. Interesting to note, the Malian Gendarmerie GAR-SI units are expected to contribute to the implementation of the Valletta Action Plan through targeted actions in the border areas against irregular migration – their actions are, however, not backed up by setting up a referral mechanism for any migrants or refugees encountered in the remote border areas where the GAR-SI operates. Nor are the intervention groups equipped, as per the project fiche, with means to provide basic medical assistance to these particularly sensitive categories of persons transiting one of the most dangerous African border sections. Quite the opposite, the EUTF funds a military force (the Malian Gendarmerie being subordinated to the Ministry of Defense and Former Combatants) in order to actively intervene in remote border areas and to control migration, acting in synergy with the similar GAR-SI intervention groups in Burkina Faso.

The project template does not mention the mirroring of the GAR-SI by a civilian support team aiming to provide assistance to the identified migrants or refugees, nor does it mention any coordination with the Malian ministries dealing with refugees and solidarity mechanisms. The respect of fundamental rights, aside from the generic references to the Valletta Action Plan and ‘international agreements on human rights’, very much lacks a thorough declination into concrete actions. This might lead to EUTF-funded operational actions in the field with limited legal coverage from an international human rights perspective, breaches of the principle of non-refoulement and a limited compliance with the principles of


the Geneva Convention or the EU Charter of Fundamental Rights. In a nutshell, once again the externalization of EU’s migration control in the field risks to fall short of basic fundamental rights principles, all with the goal of decreasing migratory flows towards Europe. If, in the European Union, security actions in the area of migration control are closely scrutinized, in countries of origin and transit it seems to be “safer” to finance operational actions which would not suffer the same degree of scrutiny migration control receives in Europe.

4.3.4. Project on ‘Strengthening the management and governance of migration, return and durable reintegration in Mali’

Another EUTF-funded project in Mali deemed as relevant for the scope of the research is the IOM-implemented project dedicated to ‘Strengthening the management and governance of migration, return and durable reintegration in Mali’. Aside from being one of the three border management projects in Mali (together with the previously presented projects PARSEC and GAR-SI), the project was included in the present research in order to better analyze whether the EUTF solely finances repressive projects or also deals with softer, humanitarian initiatives.

The project aims to improve protection for migrants and beneficiaries of international protection alongside the route towards the Western Mediterranean – knowing that this particular route remains the preferred option for migrants from the Sub-Saharan region. Mali is one of the beneficiary countries, alongside Burkina Faso, Ivory Coast, The Gambia, Senegal, Mauritania, Chad, Nigeria, Guinea, Ghana and Cameroon. The total budget of the project is 79 800 000 MEUR, out of which UNHCR contribute with 9 800 000 EUR. The budget is spread evenly between the countries, leaving Mali with a total amount of 7.254.545 MEUR. The implementing entities are IOM and UNHCR, under the control of the respective EU Delegations in each of the specific countries. The project aims to set in place a coherent mechanism providing protection to migrants travelling towards Europe and supporting the voluntary return of those wishing to regain their countries of origin – coupled with financial support for reintegration in their communities. Within the UNHCR-IOM partnership, UNHCR deals with providing emergency assistance to migrants during their perilous journey (especially

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relevant in the North of Mali, given the deteriorated security context and the absence of basic social services), whereas IOM supports the voluntary return (including stranded migrants) through organization of joint flights and support to repatriation. To date, IOM Mali has organized an important number of repatriation flights and has ensured the voluntary repatriation of over 10,000 migrants under the financing of this particular EUTF initiative\textsuperscript{137}. The project has a wide array of beneficiaries, amongst them not only irregular migrants but also legal migrants, and has identified specific solutions in accordance with the protection categories it wishes to target (unaccompanied minors, women, elderly migrants, victims of trafficking in human beings, etc.).

Although it can be argued that the European Union is offering financial incentives for the migrants to leave its territory and return to their countries of origin, the project has nevertheless an inclusive and wide array of beneficiaries, and very much places the accent on the voluntary nature of the return. As previously indicated in the review of the available literary sources (Trauner\textsuperscript{138} and Dűnnwald\textsuperscript{139}), stranded migrants are often reduced to various forms of economic modern slavery in order to be able to pay the fees to the smugglers and continue their journey. This can be also a result of targeted reinforcement of security capacities in selected border areas, which forces migrants to choose alternate (and more dangerous routes), and thus turn to smugglers in order to be able to continue their journey.

The result of the externalization of the EU’s border checks can thus be, as previously shown, an increased degree of difficulty added to the journey of migrants (notwithstanding the various categories they belong to eg. forced migrants, refugees, economic migrants) – which leads to the search for alternative routes and possibly turn to smuggling. Thanks to the same funding instrument - the EUTF, the migrants (or at least some of them) receive emergency assistance alongside the migratory routes – thus being said, it is quite obvious that the provisioning of emergency assistance to migrants is conditioned to the accessibility of the sites to the aid providers. In a country such as Mali, plagued by extremely violent armed conflicts and with routes mined with improvised explosive devices (IEDs), security limitations imposed by the United Nations to UN Agencies such as IOM and UNHCR are very strict and cover a very large part of the Malian territory. To this extent, and as highlighted by one of the interviewees (see Annex no 3, interview with E) it is quite often that migrants pass in-between

\textsuperscript{137} Bamada, 10,000 migrants assistés au retour volontaire par OIM Mali, http://bamada.net/10-000-migrants-assistes-au-retour-volontaire-par-loim-mali (accessed on 11 April 2019)
\textsuperscript{138} F. Trauner, S. Deimel, The Impact of EU Migration Policies on African Countries: the Case of Mali, International Migration, vol. 51 (4) 2013
\textsuperscript{139} S. Dűnnwald, On Migration and Security: Europe managing migration from Sub-Saharan Africa, Cadernos de Estudos Africanos, 22/2011, Centro de Estudos Internacionais, 2011, pp.103-128
fighting zones where humanitarian agencies have no access, since migrants are smuggled by the very same combatants engaged in the exchange.

Without questioning the operational added-value of the emergency aid provided by the IOM and UNHCR and financed by the EUTF, physical limitations (such as insecurity limiting access to migrants) have to be acknowledged and weighed against the implications of the same EUTF-funded projects securing borders without fully integrating either a fundamental rights dimension, or the historical traditions of the countries arbitrarily separated by post-colonial border areas - which are still not fully delineated and accepted by the concerned states. The same EUTF thereafter funds voluntary return of migrants stranded in countries of transit towards the Western Mediterranean route, although no legal access pathways towards Europe are in place and migrants have no choice BUT to migrate and become stranded.

4.4 The EUTF in Niger

4.4.1 General considerations

According to the EUTF website\(^{140}\), Niger benefits from a total amount of 247 500 000 MEUR financed by the Trust Fund. Split between 12 projects, the funding covers four categories of aid:

a) Improved governance and conflict prevention – 96 000 000 MEUR;
b) Greater economic and employment opportunities – 82 500 000 MEUR;
c) Improved migration management – 47 000 000 MEUR,
d) Strengthening resilience – 22 000 000 MEUR.

To this funding, and in order to give the reader an overall view regarding the political interests of the EU in Niger regarding migration, we'd have to add at least a similar amount of funding available to the Nigerian authorities via bilateral aid (also delivered by EU MS) and other forms of capacity building support, including the CSDP Mission in Niger, also with a mandate on migration (and with a total budget of 67.000.000 EUR\(^{141}\)).

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A series of targets are set for measuring the impact of EUTF funding, including assistance provided to over 31,000 transiting migrants or IDPs, 198,000 persons benefiting from the delivery of basic social services and assistance for the development of income-generating activities to more than 9,000 persons. Amongst the migration indicators, there is clearly no difference being made between the various categories of migrants, or the specific protection needs they might benefit from via the EUTF funding. In terms of sustainability, it is also worth considering the possible aid dependence which might be created as a direct result of the EUTF substituting itself to the Nigerien state and providing basic social services – instead of reinforcing state capacities in a durable manner in order to develop local ownership and appropriation. These are but a couple of generic observations which will be further on analyzed in this sub-chapter, dedicated to the implementation of migration and border control projects funded by the EUTF in Niger.

4.4.1 The Joint Investigation Teams

The first EUTF-funded project in Niger this research will look into is the Joint Investigations Teams (JIT), implemented by French and Spanish national development agencies. According to the project fiche\textsuperscript{142}, the project was developed under two specific areas of intervention of the Valletta Action Plan, namely Area 1: ‘Advantages of migration in terms of development and fight against root causes of irregular migration and displacement’ and Area 4: ‘Preventing irregular migration, smuggling of migrants and trafficking in human beings and fight against this phenomenon’. The project builds on the previous JIT model created in Mauritania (fighting against irregular migration towards the Canary Islands transiting Nouadhibou, also implemented by the Spanish development agency FIIAPP). As regards local appropriation of the migration control model financed by the EUTF, interestingly the project fiche refers to consultations with the Nigerian authorities which are still to be conducted – shedding an interesting light on the pre-validation of EUTF projects by the national authorities not being carried out before a formal decision on financing is actually taken in Brussels. Not only does the project fiche anticipate the approval of the Nigerian authorities of the JITs, but is also clarifies the fact that the mandate of the teams is yet to be developed – which leads to the EUTF financing a 6,000,000 MEUR project aiming to counter irregular migration in a country

whose legislation on migration was deeply criticized, via a police team lacking a concrete mandate and the buy-in of the sovereign Nigerian authorities.

As previously mentioned, the JITs are implemented by the Spanish consortium FIIAPP, also in charge with the development of the GAR-SI teams throughout Northern and Western Africa. The project involves the presence of 3 Spanish and 3 French policemen, working alongside 12 Nigerian policemen in investigating smuggling and trafficking cases. Although international and Nigerian policemen are supposed to carry out the investigations together as per the project documentation, for obvious security and anonymity concerns the actual investigations are carried out by the Nigerian policemen whereas the European policemen are mostly dealing with coordination and project management. The transmission of operational information concerning the investigated cases by the European policemen to their national authorities (including personal data) are not formally regulated (or forbidden) in the available project documentation, and the researcher is not aware of any restrictions impending the transmission of such data by the European policemen to their national authorities.

The perverse effect of a project such as the Joint Investigation Teams is that, in the event of a successful investigation (notwithstanding the dubious legal validity of criminal charges against persons supporting migrants alongside their journey) migrants do not face criminal charges, but they are however left to provide for themselves in a foreign country, often without any subsistence means at their disposal. Since the Joint Investigation Teams project does not provide for such migrants nor are they oriented towards any Nigerian support system, migrants – including refugees, forced migrants, asylum seekers as no individual case assessment is included – are left with no alternative but to seek support for voluntary return and repatriation, also funded by the EUTF via IOM. Boyer and Chappart\(^\text{143}\) also refer to the very few cases in which migrants are heard by the Nigerian justice sector, as witnesses in the cases put forward by the Joint Investigation Teams. This statement can only raise serious doubts as regards the validity of legal proceedings in the cases of THB/smuggling put forward by the JITs, knowing that the Nigerian policemen which are part of the teams are paid by the EUTF on the form of financial bonuses for each dismantled network.

In the project fiche of the JITs a clear reference is made to the need to integrate the project in the overall context of EU’s development policies – but also in the defense context. It is not clear, when reading the project fiche, how exactly a security crack-down on migration, in the context of the externalization of EU’s border checks, would fit into the security-development nexus and what are the synergies which are being sought with the defense policies

It is also very clearly indicated that the JITs are to benefit from the support of the local CSDP Mission EUCAP Sahel Niger, which will facilitate the liaising with local security forces and will introduce to them the purpose and members of the JIT.

The global objective of the project is thus to

‘contribute to the fight against criminal networks involved in irregular migration, trafficking in human beings and smuggling of migrants in Niger, also promoting the creation of an international protection area’

Although the global objective seems to be fully compliant with the generous principles stated by the Valletta Action Plan, it should be nevertheless considered that the Nigerien legislation has criminalized any forms of support given to irregular migrants, including housing and delivery of food – persons not complying with this rule facing the likely charges of organization into criminal networks and thus may become ‘clients’ of the JITs. Indeed, the law has been certainly devised in order to fight against the flourishing illegal economy of transit areas such as Agadez, where facilitators were (are) running ghettos and charging hefty amounts of money for sheltering migrants. However, in an uncontrolled environment and in the context of security actions undertaken by the Nigerien policemen receiving financial incentives for each successful case delivered to the JITs, one can only wonder about the likely negative effects associated to the project’s global objective – quoting Raineri, ‘many sources emphasized that, when it comes to migration, the most systematic and best organized racket is the one performed by Nigerien security forces’.

The risk related to building THB criminal investigation capacities in conflict settings was also highlighted by the UNODC, pointing out to the fragility, lack of transparency and trustworthiness of the criminal justice system. The limited legal capacities available in countries affected by conflict are not able to provide an adequate level of protection to victims of trafficking in human beings, and it is for this particular reason that the UNODC highlights the need to separate the investigative mechanism from the protection of victims of trafficking – a ‘rights-based approach’ which is not adequately met by the JIT project, as per the documentation available on EUTF’s website.


146 Idem

From a liability perspective, and in the wider context of the legality of border externalization analyzed by Savino\textsuperscript{148} - based on ECtHR Al-Skeini decision in 2011 and ECtHR N.D.&N.T. decision of 2017 – States are responsible and liable for their actions ‘when their agents exercise authority, physical power or direct control over an individual’. This is perfectly applicable to the JITs, where European policemen coordinate the operational anti-trafficking activities of the Nigerien authorities in an overall mechanism funded by the EU via the EUTF. Henceforth, the EU should assume responsibility for any breach of fundamental rights in the context of this project, and also for the protection of victims involved in the trafficking cases.

Notwithstanding such fundamental rights considerations, the operational added value of the JIT is praised at the highest levels in Brussels, including by Commissioner Avramopoulos who salutes the dismantling of 7 national and 12 international criminal networks\textsuperscript{149}. It is not this research’s purpose to question the operational impact that the JIT might actually have on the smuggling and trafficking activities in Niger. It is, however, our concern to note that an EU development tool such as the EUTF is diverged from its initially stated purpose in order to fund projects designed without sufficient controls as regards the respect of fundamental rights and international protection standards.

This context is also to be conjugated with a history of police violence and unchecked behavior of state security forces against civilians in West Africa – with a focus on Niger. Jan Beek and Mirco Göpfert\textsuperscript{150}, after being embedded for 15 month in the Ghanaian and Nigerien police and Gendarmerie structures, conclude by stating that ‘whether perceived as legitimate or illegitimate in specific discourses, the overall use of violence was hardly perceived as scandalous’. As a result of direct observation conducted during extensive fieldwork in Niger, Raineri\textsuperscript{151} concludes that further to the adoption of the Nigerien legislation on migration, local police became involved in operations more connected to ethnic retaliations than to law enforcement.

\textsuperscript{148} M. Savino, Refashioning Resettlement: From Border Externalization to Legal Pathways for Asylum, in E. Guild and V. Mitsilegas (eds.) Immigration and Asylum Law and Policy in Europe, volume 44, Brill Nijhof (forthcoming), p. 85
\textsuperscript{150} J. Beek and M. Göpfert, Police in Africa: The street level view, Oxford University Press, 2017
\textsuperscript{151} Quoting Raineri, ‘People arrested in Agadez were often convicted without due process, and on grounds that had to do less with law enforcement than with ethnic discrimination, and the perpetuation of a state-sponsored protection racket. It should be stressed, in fact, that while the administration of Agadez is led by Tuareg elites with close connections to Niamey, all the vehicles seized belonged to Tebu smugglers’
4.4.2 ‘Strengthening the management and governance of migration and durable return in Niger (Sustainable return from Niger – SURENI) IOM project

The next EUTF-funded project in Niger to be analyzed in the context of this research aims to create a response mechanism and to provide resources for migrants. With a budget of 7,000,000 MEUR and implemented by the IOM, the project’s global objective focuses on supporting Niger’s management of the migratory flows transiting its territory. The implementing partners are local authorities dealing with migratory flows and the protection of migrants and refugees, and the project is to be conducted with the involvement of local communities. The project aims to upscale the national Nigerien capacities for protection of migrants and to minimize the impact of circular migration in the areas of transit and return. The project also has an awareness component, and intends to inform local populations of the dangers of irregular migration and its legal alternatives.

Basically, throughout this project the EUTF reinforces the “Migrant Resources and Response Mechanism” developed by the IOM, as part of a regional IOM-led approach wishing not only to respond to the needs of the migrants engaged in the migration act, but also to reinforce the legal and protection frameworks in the countries of origin/transit towards the Mediterranean route. By reading the action fiche and also engaging in exchanges with stakeholders having an excellent knowledge of this initiative, the researcher concludes on the primary socio-economic development component of this project – which by means of a holistic action fully responds to the principles of the Valletta Action Plan.

4.4.3 Contract related to the reconstruction of the Nigerien State / Support to Justice, Security, and Border Management in Niger

The last project to be analyzed in the context of EUTF’s financing to Niger focuses on better border management and migration controls in the areas of Niamey, Zinder, Tahoua and Agadez. With a total budget of 30,000,000 MEUR, its global aim is to strengthen democracy and governance, in line with EU’s Strategy for the Sahel. It foresees to do so via a vast set of

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areas of intervention, including, inter alia, strengthening financial capacities of the Nigerien government, promoting fight against corruption and gender equality, reinforcing judicial capacities for fighting against smuggling of migrants and THB, encouraging cross-border cooperation between Niger – Mali – Burkina Faso and reinforcing capacities of local security forces (Gendarmerie, National Guard, Police).

More specifically, and in close synergy with actions undertaken by EUCAP Sahel Niger and bilateral donors such as the French Embassy, the project intents to fund, inter alia, the increase of staff of the National Agency against Trafficking in Human Beings and the creation of 3 regional antennas of the Agency, the construction of five new additional Border Crossing Points and the adoption of a National Strategy against irregular migration. The Strategy, under the funding of the same project, will be declined into coercive measures against irregular migration, translated at the level of the legal chain. In addition, a fund for financing trafficking victims has been created on behalf of the National Agency against Trafficking in Human Beings. Trainings benefitting the security forces are also foreseen in cooperation with EUCAP Sahel Niger, focusing on collection and processing of intelligence, and also together with EUCAP a Center for Mixed Operational Command is to be created in the regions, coordinating its interventions with the Border Crossing Points.

As a generic observation, this EU-steered crack-down on migration was possible given the fact that Niger is, traditionally, a country of transit and not so much a country of origin for irregular migration – although this trend might change in the future given the country’s explosive demographics and overall dire economic situation. For this reason, couple with the vast amount of financial incentives poured into the country, the Nigerien authorities were particularly open in drawing up a particularly repressive legal framework against irregular migration\(^{154}\) - and in accepting projects such as the previously mentioned EUTF initiatives.

### 4.5 Considerations on the EUTF projects in Mali and Niger

The previous sub-chapters provided the reader with an evidence-based overview of EUTF-funded projects in Mali and Niger, dealing with migration and border management. Without pre-empting the Findings Chapter, one can only question the coherence of the mechanisms set in the place with the national legislation such as the ECOWAS framework, and

its real added value for the migrants engaged in the dangerous travel towards the Western Mediterranean. Studies have shown that the death toll of crossing the Sahara desert is actually much higher than the number of deaths registered in the Mediterranean\textsuperscript{155}. In this context, it is of paramount importance for the EUTF to fund viable, coherent projects and to seek synergies amongst the various initiatives it finances under the externalization dimension.

In a very volatile security context such as the Malian and Nigerien cases, the EUTF funds \textit{military forces to control the borders} (without considering the legal basis and tasks of the aforementioned military forces, such as in the case of the GAR-SI project\textsuperscript{156}), with the clear intention to stop migrants before reaching EU’s external borders. The EUTF funds the purchase of \textit{military surveillance airplanes} (such as in the PARSEC case in Mali) in order to better survey the borders, and deliberately associates this expenditure to a progress indicator referring to the creation of a migration early warning mechanism for humanitarian purposes. The EUTF funds \textit{emergency assistance to migrants} (IOM-implemented projects in both Mali and Niger), although security-wise the actual access to the most dangerous segments of the migratory route (the very segments where migrants need the most of assistance, because of armed conflicts, dehydration, diseases, etc.) is limited. The EUTF thereafter funds \textit{voluntary return} of the migrants in Mali, encouraging the “voluntary” engagement on the return flights with a good financial incentive.

We can thus conclude on the EUTF engagement in Mali and Niger as a clear indication of the EU externalizing its border control model, a model which still needs to improve in order to fully meet the very fundamental rights standards\textsuperscript{157} the EU imposes for controlling its own external borders. Although the EUTF has been devised as a development aid tool, preaching a generous engagement towards stabilization and addressing root causes of migration (via development projects, economic aid and so on), its actual financing on the ground in Mali and Niger translates into mostly repressive border control projects. Having as beneficiary military actors with a debatable track record as regards the respect of human rights and engagement with civilian populations, the EUTF-funded projects – and especially those devised for border control – do not foresee any mechanism for individual evaluation of the pledges of the various

\textsuperscript{155} IOM reports that thousands of migrants die each year by crossing the Sahara desert, although actual numbers are impossible to obtain, \url{https://www.iom.int/news/6000-migrant-deaths-recorded-2017-only-fraction-real-number-worldwide-gmdac} (accessed on 11 April 2019)

\textsuperscript{156} As previously seen, in Mali the GAR-SI finances border surveillance units of the Malian Gendarmerie, although it is the National Guard who is officially entrusted with border surveillance tasks as per the Malian legislation

\textsuperscript{157} Charter of Fundamental Rights of the European Union (article 1 on human dignity, article 4 on the prohibition of torture and inhuman or degrading treatment or punishment, article 6 on the right to liberty and security, articles 18 and 19 on the right to asylum and protection in the event of removal, expulsion or extradition)
categories of migrants, should they be beneficiaries of international protection, refugees, etc. Engagement of local protection actors is not sought, and the extremely security-oriented projects do not foresee to integrate the established local protection actors for further referral of refugees, etc.

These are all reasons for concern as regards the use of the EUTF as an externalization tool for EU’s border and migration management policies. Although security projects in conflict areas, such as Mali, do have a clear merit since they prevent escalation and spillover of conflicts, the angle of human rights has to be embedded in all external actions undertaken by the EU158.

Externalization as described by authors such as Zapato-Barrera159 is a bi-dimensional instrument, merging a restrictive policy aiming to control migratory flows with a softer, development-oriented policy seeking to stabilize migrants before they embark on their journeys. After having analyzed the main border and migration management projects in Mali and Niger, the table below summarizes whether the EUTF projects in Mali and Niger respond to the bi-dimensional nature of externalization described by Zapato-Barrera and can be indeed defined as externalization tools:

<table>
<thead>
<tr>
<th>Security dimension</th>
<th>EUTF in Mali/Niger</th>
<th>Development dimension</th>
<th>EUTF in Mali/Niger</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remote control approach</td>
<td>Yes</td>
<td>Root cause approach</td>
<td>No</td>
</tr>
<tr>
<td>Security-based</td>
<td>Yes</td>
<td>Development-based</td>
<td>No</td>
</tr>
<tr>
<td>Reactive (control of flows)</td>
<td>Yes</td>
<td>Proactive (preventive)</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy as restriction</td>
<td>Yes</td>
<td>Policy as innovation</td>
<td>No</td>
</tr>
</tbody>
</table>

Based on the table below and the analyzed projects in Mali and Niger, it can be concluded that the EUTF is used as an externalization tool for EU’s migration policies, and has a primarily security-oriented focus, not fully compliant with the overall development and humanitarian generic goal of the EUTF.

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Chapter 5 Findings

The following chapter is detailed in two sub-chapters and presents the reader with detailed findings, further supported by the desk research conducted in Chapter 4.

Extrapolating on data provided by IOM and FRONTEX (whilst pointing out a series of trustworthiness issues related to this data), Chapter 5.1 attempts a quantitative analysis of migratory flows in Mali and Niger during the research period. Although the quality of recorded data by both IOM and FRONTEX does not allow for a fully scientific and factual impact analysis of the EUTF on migratory flows, the researcher believes that the conducted analysis is nevertheless illustrative for the existing trends.

The second sub-chapter builds on the ten interviews conducted with a variety of stakeholders involved in the implementation of EUTF projects in Mali and Niger. The researcher benefitted from exchanges with seasoned practitioners, who expressed candid insights on the functioning of the EUTF. These very valuable opinions are further on integrated into the policy recommendations for the development of the EUTF, presented in Chapter 6 of the research.

5.1 The EUTF’s impact on migratory flows from Mali and Niger: a quantitative analysis

As previously mentioned, the timespan of the research ranges from 2015 to 2018. The quantitative analysis of evolutions in the migratory flows transiting Mali and Niger within this specific timeframe allowed the researcher to draw a set of conclusions, focused on the impact EUTF projects on border and migration management actually had, as regards the likely increases or decreases in the migratory flows.

In order to conduct this analysis, a series of open source information were used, originating from IOM Mali and Niger (Displacement Tracking Matrixes\textsuperscript{160} for both countries), as well as statistics on irregular migration arrivals at EU’s external borders published by FRONTEX\textsuperscript{161}. Data on migration from the Malian and Nigerien police structures was not used by the research. The reasons for doing so are twofold:

a) Neither Malian nor Nigerien police forces record entry/exit data of ECOWAS citizens, benefitting from the free travel regime in the area. A large part of the

\textsuperscript{160} International Organization for Migration, Global Displacement Matrix, \url{http://www.globaldtm.info/fr/#countries} (accessed on 11 April 2019)

\textsuperscript{161} FRONTEX, Migratory Map, \url{https://frontex.europa.eu/along-eu-borders/migratory-map/} (accessed on 11 April 2019)
irregular migratory flows in Europe are actually made up of ECOWAS citizens, and for this reason statistics on migration originating from the local security forces are not illustrative for the migratory flows in the region.

b) As a result of direct observation conducted during this study, the researcher concluded that neither Malian nor Nigerien border police structures are fully deployed on the respective national territory. To this extent, the broadest territorial coverage in both countries is actually ensured by IOM Mali and Niger, recording migratory flows via a Flow Monitoring Points system deployed on the main (known) migratory routes. In order to ensure reliability of the results, it was decided thus by the researcher to rather use IOM data instead of statistics from the local police forces.

In the spirit of the previously mentioned principle of reliability, a caveat should also be formulated as regards IOM data on migratory flows – applicable to both IOM Mali and Niger. Both organizations only record data on voluntary basis, by interviewing migrants in major bus stations, known for transporting migrants towards migration hubs such as Gao (Mali) or Agadez (Niger). There are, of course, no means for checking the validity of the declarations made by migrants – and this is not intended by IOM either, as the organization mainly focuses on providing support to migrants in distress alongside the main migratory routes, and does not interfere with their journey, even if deemed irregular.

Data on irregular migration from IOM Mali and Niger is not validated by either of the two organizations as regards reliability, trustworthiness, accuracy or any other research indicators. However, it remains the only data available and usable for both countries, given the extremely volatile security context and the limited presence of state authorities throughout the territory.

In order to increase data reliability further to the previously described caveats, the research cross-checks IOM data against data obtained by FRONTEX via screenings / interviews of irregular migrants at EU’s external borders (with a focus on the Central Mediterranean route, the main migratory route for Sub-Saharan migrants). The research thus draws an informed conclusion on the evolution of migratory flows in the chosen period – from 2015 to 2018 – and the likely impact the EUTF might have had at an operational level.

Data collection via the Flow Monitoring Points by IOM in Niger only began in 2016, whereas data collection via the same mechanism in Mali began in 2016. For this reasons, full comparisons between the two countries can only be performed for the period 2016. However,
for the sake of building up a strong analytical case for the evolution of migratory flows in Mali, data for Mali was considered for the 2015-2018 period, and in the case of Niger data from the EBCG was also considered for 2015 (by focusing on the main top nationalities of origin reported by IOM starting with 2016 onwards, and assuming that the same nationalities also made up the main migratory trends in 2015).

In order to give an accurate indication of the border permeability in both Mali and Niger, as an indicator of the practical impact of EUTF projects over the border capacities, the migratory statistics (compilation of IOM data) reflect both incoming and outgoing migratory flows. However, when data was cross-checked with data on migration provided by the EBCG, only IOM data on outgoing migratory flows was considered.

As a final observation, all drawn conclusions regarding the impact of the EUTF projects on migratory flows must be treated with caution, in the sense that the EUTF is not the only mechanism funding border management projects in Mali and Niger. Interviews conducted during the quantitative research revealed a multitude of other donors involved in this area, however all interviewees concluded that the EUTF is indeed the main financing scheme regarding border and migration management.

a. Migratory flows from Mali

According to data made available by the European Union\textsuperscript{162}, irregular migration of declared Malian nationals almost doubled since 2015\textsuperscript{163}, and has moved from the Central towards the Western Mediterranean route\textsuperscript{164}. However, the increased numbers of irregular arrivals in Europe are counter-balanced by the voluntary returns carried out by IOM\textsuperscript{165} (under EUTF funding) and forced expulsions from Algeria.

\textsuperscript{162} Council of the European Union, Working Paper : EU-Mali cooperation on migration and mobility, WK 12642/2018 INIT of 18 October 2018

\textsuperscript{163} The source of the data is not specified in the document, and is most likely obtained by the Presidency from Member States statistics

\textsuperscript{164} Idem

\textsuperscript{165} I. Dia, 10,000 migrants assistés au retour volontaire par l’OIM Mali, Malinet, http://www.malinet.net/flash-info/10-000-migrants-assistes-au-retour-volontaire-par-loim-mali/ (accessed on 11 April 2019)
The data presented above is obtained from an EU Presidency non-paper\footnote{Ibidem}, which was submitted by the Presidency to EU MS Delegations in the JAI/RELEX Working Party of the Council. The migratory trends presented by the PRES to MS delegations, as a basis for endorsing the EU-Mali Cooperation on Migration and Mobility, do not coincide with migration data provided by either FRONTEX or IOM, as presented below – and it is safe to state that data is hugely extrapolated, ranging from the 92 Malian irregular migrants reported by FRONTEX in 2016 to 10,010 Malian migrants reported in the Presidency document.

IOM reports that 160,669 migrants were monitored via their Flow Monitoring Points between 30 June 2016 – 31 December 2018\footnote{International Organization for Migration, Global Displacement Matrix, \url{http://www.globaldtm.info/fr/#countries} (accessed on 11 April 2019)}. Out of this, 109,206 migrants were outgoing (namely leaving Mali and trying to reach Algeria, Italy, Mauritania, Spain and Libya). With a proportion of 61\% of the flows made up by Malian nationals, it can be concluded that approximately 66,615 Malians left the Malian territory between the period of reference according to IOM data. By comparing this data with the registered arrivals in the EU, it appears that approximately 27,000 declared Malian nationals were recorded as irregular migrants, whereas the remaining 40,000 migrants chose to stay in the sub-region (either on a long-term basis or simply engaging in gainful employment in order to finance the rest of the journey towards Europe). This assessment is also confirmed by statements gathered via the conducted interviews, with respondents clearly stating that the vast majority of migrants (a percentage of approximately 80\% was mentioned) choose to remain in the sub-region and do not continue
their journey towards Europe. IOM reports that only 33% of the recorded migrants reported the intention of reaching Europe\textsuperscript{168}.

FRONTEX, via screenings and debriefings conducted upon arrivals at EU’s external data, also collects data on irregular migrants declaring themselves of Malian origins. A brief aggregation of data\textsuperscript{169} is presented below:

\begin{center}
\begin{tabular}{|c|c|c|c|}
\hline

\end{center}

Based on the presented data, it can be concluded that a massive increase in migratory flows of declared Malian nationals can be noticed in September 2017. Although a significant drop can be noticed in December 2018, this can be most likely associated to a seasonal impact on the crossing of the Western Mediterranean route.

By comparing FRONTEX data with IOM data, a significant discrepancy can be noted. Whilst more than 60,000 migrants reported their intention to reach Europe within the reporting period, only a total number of 4,578 declared Malian nationals were actually recorded as irregular migrants attempting to reach Europe. Of course, and as previously highlighted, data should be treated with due caution and it does not represent an absolutely trustworthy indication of migratory flows. However, it remains very conclusive for the purpose of the present research.

Now, a brief analysis as regards migrants with other nationalities having transited Mali. IOM reports the following break-down per nationalities for outgoing migratory flows:

\textsuperscript{168} Idem
\textsuperscript{169} FRONTEX, Migratory Map, https://frontex.europa.eu/along-eu-borders/migratory-map/ (accessed on 11 April 2019)
By looking at the FRONTEX aggregation of data for the reference period, between 2016-2018 the following figures were registered for these nationals, whilst the table below summarizes the main migratory evolutions:

- Senegal – 13 in 2016, 85 in 2017, 664 in 2018
- Ivory Coast – 1.547 in 2016, 3.373 in 2017, 1.578 in 2018;
Although not all the migrants originating from Guinea, Senegal, Ivory Coast and Gambia registered by FRONTEX upon their arrival at EU’s external borders have necessarily transited Mali on their way to the EU, the tendency remains however illustrative and can be safely extrapolated in order to illustrate the positioning of Mali as an increasingly important regional migration hub. As the tendency curve inserted in the graph demonstrates, the migratory flows from these states are steadily increasing, and were not effectively reduced by the current initiatives (should they be national, international or EU-funded).

Controlling migration by means of development aid and externalization of border control is by no means an innovative approach of the EU. It has been enforced by bilateral cooperation since the beginning of 2000, and for Mali the most illustrative case is maybe the French-funded support to border management capacities of the Malian police amounting to 426 MEUR for 2008-2013. Describing the effect on migrants of such bilateral and European projects supporting local security forces, Trauner and Deimel conclude that ‘The EU’s policies have thus had the paradoxical effect of ‘illegalizing movements of migrants in northern Africa and making these people revert to smuggling networks’.

As previously mentioned when discussing data reliability and trustworthiness, clear-cut conclusions are difficult to be drawn regarding the efficiency and effectiveness of the EUTF funding in the case of Mali. This is the result of the absence of accurate data, the multitude of

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171 Idem
donors dealing with border management projects and also the widely-reported frequency of border crossings in an irregular manner. The available statistics indicate a significant increase of irregular arrivals in Europe of both Malian nationals and other nationalities reported as frequently transiting Mali. It could be argued that without initiatives such as the EUTF, the increases in migratory flows would actually be much higher. However, the researcher holds the view that EUTF projects in Mali have a limited operational impact, which is largely due to the inefficient security responses they devised. This conclusion is also backed up by the majority of the conducted interviews – and in correlation with the previously described statistics, the researcher was able to conclude on the limited impact the migratory control projects of the EUTF actually had on migratory flows.

b. Migratory flows in Niger

The same data collection method as the one previously used for Mali is used in the case of Niger - and the same caveats remain perfectly valid, as regards collection of data by both IOM Niger and the EBCG. A series of supplementary caveats were expressed by IOM Niger during the interview phase, and are further detailed below:

- Flow Monitoring Points are installed on main routes which are known as being particularly transited by migrants – it might easily be the case that migrants choose other routes for continuing their journey, in order to avoid interactions with security forces;
- IOM Niger believes that a large part of the migratory flows initially transiting Agadez are actually now diverted towards Northern Mali (Gao). However, for security reasons, this assumption cannot be fully validated – despite voluntary interviews carried out with migrants and the existence of a Flow Monitoring Point operated by IOM Mali in Gao;
- In 2018, under EUTF funding, 4 more FMPs (in Magaria, Dan Barto, Dan Issa and Tahoua) were created by IOM Niger. Thus, additional data was collected by IOM Niger – this means that migratory flows did not necessarily increase, but that more data was collected throughout the new FMPs.
IOM reports\textsuperscript{172} that 21,924 migrants (of various nationalities) left Niger in 2018, a dramatic drop (of precisely 85\%) if compared to the 333,891 migrants leaving Niger in 2016. A more graphic overview of migratory trends to/from Niger, based on IOM data, can be found below:

\begin{center}
\begin{tikzpicture}
\begin{axis}[
    title={Evolution of migratory flows from Niger (IOM data)},
    xlabel={Year},
    ylabel={Outgoing flows},
    xmin=2016, xmax=2018,
    ymin=0, ymax=400000,
    xtick={2016, 2017, 2018},
    ytick={0, 50000, 100000, 150000, 200000, 250000, 300000, 350000, 400000},
    every x tick label/.style={font={\small}},
    every y tick label/.style={font={\small}},
    legend style={font={\small}},
    legend pos=north east,
]
\addplot+[mark=none, blue, ultra thick] coordinates {
};
\end{axis}
\end{tikzpicture}
\end{center}

According to IOM Niger, the main nationalities declared by migrants exiting Niger are Nigerien (77\%), Nigerian (16\%), and Chadian (2\%).

Interviewees reported that Nigeriens are not migrating towards the European Union, and that they tend to remain in the sub-region. This tendency is confirmed by FRONTEX, who reports a total arrival of 8 declared Nigerien nationals, attempting to irregularly enter Europe within the reference period. As regards Nigerian nationals, 4 declared Nigerian nationals are reported to have irregularly attempted to enter the EU in 2018.

During the conducted interviews, several sources were identified for this significant drop in migratory flows transiting Agadez.

First and foremost, the progressive insecurity in Libya severely impacts the positioning of Agadez as a migratory hub for West Africa. If, in 2016, the AFIC reported\textsuperscript{173} that the Libyan

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{172} International Organization for Migration, Global Displacement Matrix, \url{http://www.globaldtm.info/fr/#countries} (accessed on 11 April 2019)
\item\textsuperscript{173} FRONTEX, Africa-FRONTEX Joint Intelligence Report for 2016, \url{https://data.europa.eu/euodp/data/storage/lf/2017-08-03T130749/AIFIC_2016.pdf} (accessed on 11 April 2019)
\end{itemize}
\end{footnotesize}
smuggling model thrived, the 2017 report\textsuperscript{174} noted the significant decrease of routes transiting Libya, and henceforth a decrease of transits in Agadez.

The second reason related to the forced returns to Niger operated by the Algerian Government, reported to have accelerated massive expulsions of sub-Saharan migrants across the borders with Niger\textsuperscript{175}. This tendency is also confirmed by interviews carried out with stakeholders in Niger, who reported the fact that Algeria does not limit itself to returns of Nigerien nationals, but also other nationals, in a complete lack of compliance with international treaties in this field.

The third reason for the decrease of migratory flows through Agadez, confirmed by the interviews, relate to the interventions of the European Union via EUTF funding (such as the previously presented Joint Investigation Teams). The massive actions against smugglers and traffickers have led to a widely reported reduction of flows – however, interviewed stakeholders have clearly outlined that this statement is only valid for the city of Agadez, and that they have limited to no visibility for the rest of the Nigerien territory.

To conclude on the two case studies, it can be stated that indeed the EUTF projects have had an impact on migratory flows transiting Agadez – however, this impact is to be read in conjunction with other external factors, namely the progressive insecurity in Libya and the massive expulsions organized by the Algerian Government. As effective as the EUTF projects might have been in Niger, it is reported by the interviewed stakeholders that migratory flows have actually shifted from Agadez, and are now transiting Central and Northern Mali. The impact of the EUTF projects in Mali was assessed as being very marginal, and insecurity throughout the national territory render policing actions extremely complicated.

The researcher holds the view that the push factors of migratory flows in the G5 Sahel are far too complex to be addressed by a strictly security-oriented solution. Henceforth, the externalization of EU’s migration policies leads to a displacement of migratory flows towards areas which are more difficult to control, instead of actually reducing them.


5.2 Findings from interviews

The following sub-chapter elaborates on the general findings, resulting from the ten interviews carried out between January – March 2019. A more detailed overview of the used methodology is available in the section dedicated to the Research design (Chapter 3), including some specific observations about ethics and confidentiality.

The participants were chosen based on their knowledge of the subject matter – both in terms of the migratory flows in Mali and Niger, and the implementation of EUTF projects. Interviews were conducted both in French and in English. The support of a native French speaker was enlisted in order to double check the researcher’s understanding of the answers received in French, as well as the accuracy of the translation into English (see Annex 4, outlining the summaries of the interviews). No interpreters were needed for the conduct of the interviews in French, given the researcher’s fluency in this language.

Two general observations can be drawn, further to the successful completion of this stage. The first one relates to the essential role of the gatekeepers. In a couple of cases, access to interviewees had to be negotiated via gatekeepers, who were very cautious when discussing either the Trust Fund or their view on migratory flows towards Europe. It is very clear that EUTF projects are a very sensitive and political topic, and in some cases the interviewees chose to maintain a very neutral stance when answering the questions. This observation is particularly valid for some of the interviews carried out with stakeholders in Niger – with the most likely cause being the fact that the researcher did not have the same degree of close, professional relations as with stakeholders in Mali.

This brings us to the second general observation. Although the EUTF is funded by the European Union and should be governed by the principles of openness and transparency applicable to all EU instruments (notwithstanding their area of intervention), the researcher felt that many of the very open, genuine and honest opinions were freely expressed by the interviewees because of a) excellent professional relations, allowing for a climate of trust and b) guarantees for full anonymity of the received answers. This should not be the case for EU-funded projects, and although the European Commission did make some information available on its public website (eg. budgets, project fiches, and performance indicators) we are still far away from a fully transparent environment. Migration and external relations remain very controversial topics, and the EUTF is a very relevant tool demonstrating how EU policies in this area are actually implemented on the ground. For these reasons, the general public – as well as EU bodies such as the European Parliament or the Ombudsman – should receive
accurate, updated and trustworthy information concerning the implementation of the EUTF projects in countries of origin / transit and their actual impact on migratory flows towards Europe.

The following chapter will thus look into the aggregated findings further to the conduct of interviews. Some generic themes were identified during the coding process and in response to the research questions, and replies were structured in order to better elaborate on these themes.

a. The EUTF as an externalization tool for migration / border management policies

In line with the generic objectives listed in the EUTF Constitutive Agreement, respondents agreed that the European Union devised the EUTF as an instrument aiming to better control migratory flows originating from / transiting African Third Countries, such as Mali and Niger. Although all respondents were adamant in their understanding of the EUTF as an externalization tool, some respondents (referring both to Mali and Niger case studies) made it clear that the EUTF projects on border / migration management as such were not designed in a consultative manner and did not incorporate inputs from practitioners on the ground, best placed in order to understand realities on migration in both countries. The same observation can be made as regards the involvement of Malian and Nigerien security forces in the implementation of the projects, some respondents noting with concern that the disproportionate empowerment of local security forces might lead to negative side effects as regards fundamental rights of the migrants (this statement will be further elaborated upon in the final chapter). As stated by respondent A, ‘my very subjective views on the European Union’s involvement in further insecurity in this area. Sometimes I wonder what the agendas are for some of the actions that we’re performing. We know very well, from the European Union, that the only way that we can get projects and programmes to work is by including local ownership. But we still do not include local partners and especially governments and civil societies and the populations in the decisions of the projects that we make for security’.

The sudden shift in EU policies as regards management of migratory flows outside EU’s external borders is linked by many respondents to the migratory crisis in 2015. As a specific example given by a respondent, EU rapidly changed its mind and authorized the opening of a EUCAP antenna in Agadez in 2015, despite initial concerns regarding the security of the mission members. It is in the same context focused on curbing migratory flows that the
EU decides to take action and fund projects dedicated to migration / border management in Mali and Niger, via the EUTF. Respondents highlight the fact that the scope of the EUTF projects for migration and border management is designed exclusively in Brussels, and based on European-generated data on migratory flows (e.g. FRONTEX data obtained upon arrival via the Mediterranean routes, data from Member States of origin) which does not always coincide with data collected on the ground by entities such as IOM (observation valid for both countries). As a result, EUTF projects lack flexibility and remain focused on specific geographical areas although the migratory flows have shifted elsewhere. This observation is valid also for EUTF projects designed to support mobile capacities of the Malian / Nigerien forces, such as the GAR-SI or the Joint Investigation Teams – given the rapidly deteriorating security environment, such mobile solutions cannot meet their full deployment capabilities and cannot project themselves throughout the territory. This leads to disproportionate enforcement of specific border segments, in ‘safe’ areas of the two countries, thus forcing migrants to choose alternative – and more dangerous routes – in their attempt to cross the borders.

One respondent also expressed the opinion that EU’s migration management projects under the EUTF in fact lack the humanitarian dimension and are focused almost exclusively on building up capacities of security forces (‘all of the projects who were designed initially to empower internal security forces to tackle the migrant issue the right way according to the right principles and the international standards ended up actually trying to build capacities and securing borders and having an effect on instability’). This statement can be corroborated with an analysis of the EUTF migration management project in Niger implemented by IOM – although having a humanitarian dimension, it was reported to have a segment dedicated to cooperation with security forces, especially as regards smuggling and THB issues.

Based on the aggregated replies, it can be safely concluded that the totality of respondents agreed on the EUTF being used by the EU as part of the externalization of its migration control policies towards Third Countries of origin/transit. Two respondents highlighted the ‘circular’ nature of EU’s funding via the EUTF (‘most of the money is going back to the consortium’, says respondent C), with projects being implemented by European national development organizations and EUTF funds returned to Europe by means of expertise fees or purchases of European equipment. These statements could open the way for future new directions of study as regards funding and expenditures via the EUTF.
b. The legal status of the EUTF and its development function

The intrinsic link between development and security is mostly visible in the Agadez region in Niger. Before the security situation deteriorated, population in Agadez mostly lived off tourism and touring guide services offered to foreigners. Further to the dramatic decrease of tourists visiting Agadez, former tourist guides became migrant smugglers and gained their existence by transporting migrants off to Libya, providing them with food, shelter, etc. According to three of the respondents, the EU Delegation promised the local population a series of development projects, in exchange for reconversion of the traffickers and smugglers ("passeurs") towards more ‘licit’ activities. The respondents notes with concern the failure of this promise, and the reconversion of the funding towards more and more security and capacity building projects. This has deeply affected the economy of the Agadez area, with inhabitants now having no sustainable alternative for gaining their everyday life.

Some respondents referred to an alleged diversion of funding from the initial development-oriented scope of the EUTF towards a ‘militarized’ expenditure, with for instance the PARSEC project being implemented in a military area (“zone de commandement militaire”) where the civilian beneficiaries were de facto under military command. Others referred to the perverse effect of EUTF funding, which in some cases actually limits the free movement of ECOWAS citizens. It was also noted with serious concerns that military forces should not have a role in managing migration, and the EU is sometimes pushing G5 states in doing precisely that (respondent B states that ‘it was very confusing to see that the Europeans, bilaterally and as the EU, were pushing the countries of the region to use their military to tackle irregular migration’).

Referring to the case of Niger, one respondent actually noted the different perspective the EU and Nigerien authorities had over EUTF projects, from the early onset. If European authorities were exclusively focused on curbing migratory flows, the Nigerien authorities were rather interested in the humanitarian angle of the situation, given the high number of deaths recorded in the Sahara desert. The same respondent expressed a lack of faith in the EUTF as an instrument able to provide alternative solutions to migrants before engaging in their journey.

c. The specific scope of EUTF-funded projects in Mali and Niger

All respondents were in agreement as regards the lack of reliable data on migration, not allowing either for an evidence-based policy or for an actual impact assessment of EUTF projects on the ground. Also, all respondents agreed on the fact that the EU (via the EUTF and other projects) is the main donor in border and migration management in Mali and Niger.

Two of the respondents, referring to the situation in both countries, mentioned that border and migration management projects in Mali and Niger seem to be designed in order to demonstrate that results on the ground are achieved – but in reality, this is not always the case (‘We show them that we are doing a lot. But are we doing a lot? I’m not sure about it, but we are spending a hell of a lot of money in trying to show that we are doing a lot’, according to respondent A). The issue of the regional agreements (such as the ECOWAS free movement) was also mentioned, as not always taken into account when designing EU’s action on the ground.

Referring to some specific EUTF projects in Niger, two respondents underlined their perception of the fact that such projects were initially designed as bilateral security cooperation projects, but were afterwards simply ‘recovered’ by EUTF, on what seems to be a political decision rather than an operational one.

As regards the PARSEC project in Mali, two of the respondents (with a first-hand involvement in the project) mentioned the fact that the project was designed with a clear military component – also demonstrated by the involvement of the EU Military Training Mission in Mali in the project design – and questioned the legitimacy of EUTF funding of a project in a militarized area whose status actually give operational control to armed forces over civilian ones. Although the security situation in Mali definitely justifies such a practical approach, one cannot help but question the use of a development tool in order to finance military stabilization projects, even if ‘concealed’ by the fact that beneficiaries are selected amongst the ‘civilian’ security forces such as the Gendarmerie and the National Guard. The issue of limited consultations with civil society was also mentioned, and one respondent deplored the absence of a conflict-sensitive, consultative approach in the PARSEC project – which did not take into account local realities, relations between security forces and civil society or any other fundamental rights dimension (according to the interviewee, ‘yes we had a one and a half hour meeting with civil society groups in Mopti region, very interesting meeting but it lead to absolutely nothing and there was not very much mentioning of it after that point. It even felt that it was just an exercise to fulfil a tick mark’). Another respondent also noted that
the initial, migration-management scope of the project was actually subordinated to the military stabilization of the region of Mopti.

d. Fundamental rights and the EUTF: intended and unintended effects

The EUTF, via its funding programmes in a conflict-sensitive environment, may have serious side effects – only some of which intentional, whilst the other rather as unintended results of capacity-building projects designed with little understanding of local realities.

This is largely due to one-sided design of EUTF projects, without the involvement of either Malian or Nigerian actors. Both Mali and Niger have an outstanding tradition of migration, mostly in West Africa and less towards Europe. This fact is highlighted by most respondents, also connecting the African migratory tradition with the minimal reaction of Malian/Nigerien security forces when asked to take concrete steps in curbing migration towards Europe.

Migration from Mali and Niger is not only economic, and should not be understood as a mere effort to reach Europe and to build a better life for oneself – although such an aspiration remains connected to fundamental values and should be understood as such. Migration originating from these countries should rather be understood as a struggle for survival, given the extreme poverty in Mali and Niger, the longstanding inter-ethnic conflicts, lack of access to education and basic social services and other factors (‘which means migration will go up from these places, people will displace themselves simply because of either insecurity or because of climate change and they will move somewhere else. And I think that we can see that there will be an increase over the years to come when the Sahel becomes Sahara’, quoting respondent A).

It is in this specific context that most respondents place the intervention of the EUTF and the effects border / migration control projects might have on the fundamental rights of the migrants. Of course, this statement should not be read as a universal truth applicable to all EUTF-funded projects, some of them actually alleviating the journey of migrants towards Europe or the sub-region, providing them with useful information, medical care and so on. However, most respondents noted with concern the impact that EUTF projects such as the PARSEC and the GAR-SI (in Mali) or the Joint Investigation Teams in Niger might have on the fundamental rights of migrants – and, by that matter, on the free travel regime of which ECOWAS residents should benefit from.

Most respondents highlighted the prevalent corruption in the ranks of Malian and Nigerien security forces (‘maybe the state is very involved in its own illicit trafficking and...’
criminal activity’, interviewee A), and their lack of interest thereof in actually countering trafficking in human beings or migrant smuggling. They outlined the fact that non-differentiated capacity building, lacking a context analysis and a conflict-sensitive approach, may lead to a disproportionate empowerment of security structures made up of a particular ethnicity which in turn may lead to clashes with the local population, should such structures be deployed in remote areas, inhabited by different tribes. The applicability of this statement is also illustrated by Raineri\textsuperscript{177}, when referring to the so-called crack-down on migration in Niger, in some occasion a simple retaliation against trafficking networks ran by the Tebou.

Chapter 6 Conclusions and Recommendations

Further to the two presented case studies, the research now attempts to conclude on the potential side-effects of the externalization of EU’s border management via the EUTF-funded projects. By building on the two very illustrative cases of Mali and Niger, the research also provides a series of recommendations, which could be incorporated into the future development of EUTF projects on border and migration management in the wider G5 Sahel.

Both the conclusions and the recommendations build on the conducted literature review, the direct observations, the quantitative analysis and the interviews with experienced stakeholders. They thus sum up the answers to the research questions and formulate policy recommendations which better integrate the fundamental rights dimension into EUTF projects on border and migration management.

6.1 Conclusions

As previously demonstrated, the EU engages in externalization of its border control and migration management policies with third countries far from having a pristine record regarding human rights and respect for the rights of refugees / forced migrants. This externalization policy is aligned to the ‘informalization’ trend noted by Carrera as regards relations between the EU and countries of origin/transit for irregular migration. To a progressive informalization in EU external relations, Santos Vara adds the fact that the use of soft mechanisms ‘can lead in practice to disregard the legal framework established by the Treaties in EU external relations’178 – and the research has clearly demonstrated the applicability of this statement to EUTF projects in Mali and Niger, whose implementation should be better aligned with the fundamental rights principles the EU should abide to.

It is of common knowledge that armed groups, operating at the borders between Mali and Niger (and the neighboring Libya, Algeria and Mauritania) are regularly engaged in trafficking and smuggling activities179. Reinforcing patrols on border segments which can be crossed in relative safety actually force migrants and refugees to seek support from smugglers and traffickers, in order to continue their journey towards Europe via those corridors which are

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not controlled by the state. In a nutshell, the business model of human trafficking is actually not discouraged, but might be unintentionally reinforced by initiatives such as the EUTF. Moreover, no caveats or control mechanisms are embedded in the design of EUTF-funded projects in order to prevent the likely abuse of human rights by the security forces dealing with migrants and refugees.

The next point relates to context analysis prior to the identification of specific projects. In a conflict-sensitive environment, such as the two countries studied (Mali and Niger) a wide array of drivers of conflict have to be considered before planning a project. For instance, the drivers of migration have to be taken into account, as well as the nature of migratory flows (ie. mixed movements, statistics on persons in particularly fragile situation such as unaccompanied minors, women, sick or elderly, etc.). Moreover, the specific demographic situation of Mali and Niger\textsuperscript{180} make it so that a variety of ethnic populations are spread over the national territory, more often than not having a longstanding tradition of inter-community conflict. For instance, Peuhls and Dogons are actively engaged in violent outbreaks in Central and Northern Mali, leading to some observers to use the terms “ethnical cleansing” in order to describe their actions. One can only wonder what may happen, in this particularly fragile ethnic context, if a Peuhl-dominated security brigade is deployed to curb irregular migration in a Dogon-dominated area. It is, for sure, not the kind of scenario the EU wishes to witness, and even less to finance / support via the implementation of a dedicated project.

The research has previously alluded to the migratory tradition of West African countries, including Mali and Niger. Indeed, the two countries under the focus of this research have a longstanding history of migration, not only towards Europe but also in the sub-region. However, nowadays migration goes beyond history and tradition – it has become a resilience strategy not only for the migrant but also for his/her family in the country of origin. As previously shown, Mali and Niger are amongst the lowest ranking countries in the Human Development Index. For Malian and Nigerien nationals, migration can no longer be defined as “economic migration”, but rather a form of subsistence facilitating access to basic social services and commodities which are lacking in the country of origin. In this context, one cannot help but notice the unilateral approach of externalization instruments such as the EUTF projects. Local border management capacities are up-scaled, in an attempt to contain migratory

flows as far from the EU as possible. However, what are the viable alternatives – not only for prospective migrants affected by these measures, but also for those turning migration into a gainful revenue, such as smugglers, transporters, hotel owners, etc? The EUTF projects analyzed in this research do not provide a realistic answer to this complex issue, and by exclusively focusing on border management capacities or basic support to migrants during their journey they demonstrate a need for further improving their integrated approach to security and development.

The analyzed projects should also better take into account the ethnic diversity of both Mali and Niger. The research has previously shown that, in some cases, police operations become forms of ethnic discrimination. The issue goes however beyond local disputes between tribes of different ethnic origins. Both Malian and Nigerien state authorities lack control over large portions of the national territories. The northern part of both countries remain controlled by ethnic Touareg (in Mali) or Tebou (in Niger) militias, reputed for being actively involved in smuggling of migrants, in the absence of any other form of gainful employment. A state-sponsored crack-down on migration, in the absence of alternative living solutions, might easily trigger massive political unrest and further divide ethnic communities. This is also applicable to the military and police forces, with research in Niger\textsuperscript{181} demonstrating that bribes exhaled from migrants are actually a major part of the finances allowing the forces to perform their duties.

In very fragile countries such as Mali and Niger, prone to rapid propagation of fundamentalist terrorist ideologies, police and military forces – as corrupted and inefficient as they might be – are quintessential to the stability of the country. Let us not forget that the stability of the Sahel region prevents a spillover of terrorist groups such as AQMI towards neighboring Mauritania and Algeria – at the very gates of the EU. All these factors make up the complexity of security interventions in the border management / migration control area, under financing instruments such as the EUTF. A unilateral approach, exclusively focusing on curbing migration towards Europe, not only jeopardizes the fundamental rights of migrants and asylum seekers – it can actually threaten the geopolitical stability and security of the entire Sahel area, and ultimately Europe.

Last but not least, the ethics of financing border management projects under the EUTF should also consider the post-colonial heritage of the targeted countries, including the (still) disputed border areas or non-delimited zones. One aspect of the issue is related to the artificially drawn (and foreign-imposed) border lines, now dividing villages, fields, even homes.

\textsuperscript{181} Idem
once belonging to the same ethnicity or community. The other aspect relates to the fact that most of these borders are not yet clearly delimited nor demarcated. This basically entails that, should the EU finance a border surveillance project aiming to control migration via an airborne device (airplane, drones, and surveillance balloons), such control mechanisms might easily circumvent border lines and might become the source of conflict between neighboring states.

6.2 Recommendations

The study of the EUTF projects on migration and border management in Mali and Niger allowed the researcher to conclude on the EUTF as a tool for the externalization of EU’s policies in this area. Whilst this represents a deviation from the initial goal of the EUTF, this novel approach might have its merits, some of them related to the concrete support delivered to migrants during their journey, as seen in the various projects implemented by the IOM in both Mali and Niger. Moreover, the EUTF remains one of the few EU tools designed for emergency intervention - and although it did not always succeed in living up to the expectations the researcher believes it still holds an unexplored potential.

The focus of the case study on Mali and Niger allowed the researcher to identify a series of findings which can be easily extrapolated to the G5 Sahel context, given the profound similarities between all countries. The findings serve as grounds for the formulation of a series of policy recommendations, which might be used in order to shape the EUTF to the fullness of its potential – and ensure that the projects it finances do match the ambitious goals set by the EUTF Constitutive Agreement.

First, it is recommended to develop control and reporting mechanisms, embedded in the project design. As previously seen in Chapter 2, authors such as Santos Vara refer to the lack of oversight entailed by an ‘informalized’ external relations policy of the EU in the field of migration. Reslow also specifically mentions the limited role left for the EP in such circumstances, which ‘raises serious questions for democratic scrutiny and accountability’.

Should fully transparent control and reporting mechanisms be inserted into EUTF projects, external entities (such as the European Court of Auditors, the Ombudsman, the European

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Parliament) would have a much better visibility on the progress of the projects. This would allow external stakeholders to better understand the needs and expectations of national beneficiaries in third countries of origin/transit, but also of those who are impacted by the projects (especially migrants and beneficiaries of international protection).

Second, and building up on the recommendation further to the EU-Turkey deal, a through **context analysis** should be conducted before deciding on the scope of EUTF projects. Such context analysis should reflect on the main local drivers for conflict, relations between migrants and security forces, corruption, referral mechanisms for beneficiaries of international protection, etc. The context analysis, as well as recommendations from EU and non-EU (such as UN agencies) on the ground should be instrumental to the development of the project proposals – which should be, in turn, consulted with local partners in an atmosphere of trust and respect for local realities.

Third, EUTF projects should be mindful of the national and regional legislative frameworks, such as the ECOWAS free travel regime or the cross-border travel facilitation schemes. When proposing border surveillance solutions, the EUTF projects should take into account the occasionally disputed (non-delimited) border areas between neighboring countries, still reflecting the colonial heritage.

Fourth, the EU as a whole should mirror initiatives such as the EUTF with the **identification of legal pathways for regular migration.** Promoting legal migration in parallel with fighting irregular migration are both viable angles of a bi-dimensional migration policy of the EU, eventually building up a truly sustainable partnership with African countries.

These are but a few points, which might seem obvious to the external reader – however, as demonstrated in the previous pages of the research, the EUTF should better implement them in its projects. Externalization of border control policies does not exclude a real, inclusive and sustainable fundamental rights angle – it is the researcher’s plight that the EUTF should further develop in this direction, for the sake of those engaged in perilous journeys across the Sahara desert.
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Sample interview – respondent A

A - interviewer
B - interviewee

Total duration: 99mins 39secs

A: So, as discussed previously, this is a research which I am conducting in the context of a Master’s degree organized by FRONTEX. As mentioned to you and as previously submitted in the documents the focus is on Mali and Niger from the perspective of externalization of border control of the EU in countries source and transit of irregular migration with a focus on the EU Trust Fund as a tool for financing this externalization and seeing whether this is compliant to fundamental rights and so on and so forth. So, I will start with the questions – and the first question, of course, takes advantage of the fact that you’ve been in Mali and Niger between, well, precisely between the period of research if I’m not mistaken? From 2014 to 2018?

B: Correct.

A: So I was hoping you could provide me with your own analysis based on your experience in the two countries of the evolution of migratory flows in these four years of reference? Knowing that you spent, I think, 2014-2016 in Niger and 2016-2018 in Mali?

B: Absolutely true. I arrived in Niger as a Human Resources Management trainer in our Sustainability Unit in ESN back in the 1st of March of 2014. And I would initially say upon arrival things like border management and things like anything to do with migration patterns or migratory aspects had absolutely no visibility in the mission, it was not something that we talked about. We talked about a lot of other things, strengthening capacity building, the internal security and the (inaudible) forces and trying to do the capacity building (inaudible). It’s also worthwhile noting that there were only four operational lines at that time, and Sustainability (or Durability) was one of them together with others. It was only around, I would say a couple of months, three or four months later that we realized that we were going to have to shift focus, not a focus that the Mission was prepared to do but it was very much enforced by Brussels.

A: Yeah

A: … That a new OPLAN was needed, that Member States were very much interested in knowing what was happening, what was the European Union doing on the migratory patterns establishing themselves in 2014 actually at that time. And what we didn’t know at that time was that both the European Union but also a lot of Embassies in Niger had come to an agreement with the Nigerian Government on issuing a law against illegal traffickers so those traffickers actually conducting the migratory flows. And this one came out in 2015 in March and it was the first one of the Sahel countries actually to come out with a law against les passeurs as it was at that time. We were not really in the know about this, but then I remember when this…

A: sorry for interrupting, but did I understand correctly that although you were in the CSDP Mission this political negotiation between Niger and the European Union happened a bit without the involvement of the technicians on the ground?

B: Of the CSDP Mission, yeah. We only had one border management person and that person was not there to conduct border management activities or to advice, it was actually to enforce the concept of mutual operations centers, there was an aspect of this. So it was not something that was in our mandate from the start, and I would say that when it did come in in 2015 and this particular law was issued from Niger and the focus shifts in Brussels to actually look on migration in a much bigger scope than before, remember Valletta agreement, we then underwent a strategic review and had a new OPLAN decided which came through on the normal, well rapid normal system of acceptance by Member States. And there we created a fifth operational line which was our migration assistance I think, or capacity. I would say that migration patterns, and I remember very clearly, actually when we started feeling or having an
inkling that something was actually happening, we were monitoring quite a lot the migration patterns coming out of Niamey, simply because the road that was just outside our office was actually the road leading to (inaudible) and Agadez. And we could see these daily trucks leaving full of people, full of water carriers going towards Agadez. So we kind of more of got more visibility of what was actually going on and then it was very clear that the European Union, CPCC, CMPD want us to move fast in changing our scope and well it was difficult to get the mission to change, it was like a super tanker we were so focused on our stuff and suddenly shifted towards creating an antenna in Agadez. I remember in 2014 when we were talking of having an antenna in Agadez, the United Kingdom at that time were very much opposed of any, of the Mission having any permanent structures outside of Niamey, for security reasons and many other reasons.

A: Yeah, yeah, of course
B: But suddenly when the migration issue came up, wow, we should have a permanent presence all over the place, you know (chuckles). It was like suddenly security became a back burner. I could see that the migration flows, in my view, were actually speeding up, simply because I started noticing it and I started counting the vehicles going North and I asked interlocutors in the National Guard especially in the National Guard but also the Gendarmerie about trafficking going towards the North and all the local forces established in Niger made it very clearly that initially when the law was passed there were a lot of arrests and closings of apartments and houses in Agadez that would be used by traffickers to house migrants going North. So these arrests started but I would say they only lasted maybe three or four months and suddenly we didn’t hear that much about them anymore. So I spoke to the National Guard about this, we are talking now December 2015 – January 2016; just before I left, a couple of months before I left – and I was talking to the Head of the National Guard and asked him, you know, what about they were doing in the National Guard against both counter terrorism but also these illegal traffickers that they must’ve seen in the North. And he said to me very bluntly, you and the European Union, why are you so focused on Agadez, why are you focused on establishing yourself in one locality in Niger. The migrants and those who traffic the migrants they have moved to other places and we are basically finding all the time where they have moved to as a staging area in order to go north to Madama. And he just concluded that we were trying to do something in the region of Agadez but only in the capital of the region of Agadez and the flows had moved South.

A: Yeah, absolutely. Already in 2015
B: Yeah, already in 2015. I would say that that the new Head of Mission who was the deputy head of mission in EUCAP Sahel Mali when she took over in Niger one of the first things that she did was to go North, you know, to try and go to Bilma, Dirkou and to very very eastern part of Niger where especially the traffic flow of migrants coming from Chad and the Central African Republic and so on, Nigeria, were going towards Libya on that access. And she also went up to Madama in the North and in the Salvatore pass where migrants are traditionally crossing into Libya. So, I would say that for me establishing this office in Agadez was not necessarily something that was worthwhile, it was much more worthwhile that the Mission could monitor and assist other Trust Fund projects given to the IOM for example in looking at migration patterns across Niger especially because they kept on changing. So one of the big problems I have with the migration in Niger is that we established ourselves in Agadez and at the same time the EU Delegation said that they would provide development projects in order to assist the traffickers in changing jobs, I don’t know (chuckles). Instead of trafficking people and goods, they could instead have other development projects. Two years later, so we are talking, when I looked the last time in 2018 around September, there was still no development project ongoing in Agadez region.

A: Surprise, surprise.
B: Yeah, that could’ve actually mitigated some of the illegal activities. So I think that migratory flows, we must not forget, 85% of migration goes inside the African countries.

A: Of course
B: It’s only 15% who spills over. In that sense going to other continents. And I would say that yes, we have seen a rather large part going towards the Mediterranean either via Tamanrasset in Algeria and being sent back from Tamanrasset or going by Agadez and El Salvatore pass to Libya. I think a lot of it is a bit self-inflicted with Gaddafi’s fall in 2011 – that’s one of the explanations that I can see that there was a possibility of coming outside Africa through Libya since there was a vacuum of power basically. So, let’s also say that in Niger when we look at flows we are talking in 2017 we were talking around 400,000 – 420,000 migrants going through Niger. But around 400,000 went through they didn’t stay in Niger, there’s hardly any migrants coming from Niger, Niger is a trafficking post and Niger has returned around 11,000 of them to their places of origin in 2017. So there’s quite interesting statistics to look at. I think it’s interesting with the European Union’s Trust Fund that one of the countries that they especially look at is the Gambia, and having huge projects. And that is simply because we know that the proportion of migrants coming from the Gambia, coming from the Eastern part of Senegal, coming from the region of Kayes in Mali are a very large faction of people and they traditionally used to go via Mauritania up to NW Sahara and then crossing over to the Tenerife and the Canary islands. But of course Mauritania closed down a lot of the activities back in 2015-16 and which meant that there was no possibility of actually crossing into Mauritania and crossing onto Western Sahara. So you know everybody seems to want to go towards Agadez coming from these areas here. This is why these particular Trust Fund project is also in the Gambia, focused on that as well. So was that question 1?
A: That was question 1, it was so very interesting, thank you very much. So, if I would sum up, you would say that there’s an intrinsic and obvious link between the evolution of EUTF projects and EUTF financing in Mali and Niger and the evolution of migratory flows? But with a certain delay, because yeah, information also travels, in the sense that after a certain time since the escalation of the migratory flows the European Union launches the Trust Fund projects and also tries to… yeah, sell them as having a development component in order to more easily accepted by the local authorities?
B: Yeah, I think we can substantiate like that. When we come back later to some of the Trust Fund questions I can elaborate a little bit more on those.
A: Yeah, that’s perfect. Thank you very much. Now, for a question which, I think, is already partially answered – whether you can give us a brief analysis regarding the security situation in Mali and Niger and the evolution of migratory flows? But with a certain delay, because yeah, information also travels, in the sense that after a certain time since the escalation of the migratory flows the European Union launches the Trust Fund projects and also tries to… yeah, sell them as having a development component in order to more easily accepted by the local authorities?
B: Ok. So I start with just a little synopsis of the security situation as I see it. I would say that one of the reasons why the European Union, why we started going into Niger – was that Niger in 2013 when they thought about opening this European Union capacity building system in the Sahel, Niger was the most stable country. It was a country that had overcome some of its issues in regards to deterioration of security systems by creating a kind of a coalition national government, bringing in the North and the South, something that Mali failed to do and still hasn’t done, and something that at that time Burkina Faso didn’t need to do and was seen as a much more stable state. So Niger actually was the frontrunner that was going to be the epicenter of all European Union activities for CSDP in the Sahel. Then Mali unfortunately went haywire and it was recognized that the system would not work with having a HQ sitting in Niamey that would also look after Mali. And at the same time the Member States and some of the Member States wanted to provide much more support to Mali than actually to Niger. Which meant that this system of creating an epicenter and having antennas was rejected and a new Mission was opened in Mali or proposed to open and Niger would only look after the borders of Niger. Let me just as a little addendum to that say that in 2017 it was very clear that that was the wrong approach to take because suddenly everybody looking at the G5Sahel and wanting to support...
them and that was a regional thing and oh dear. But never mind that. You know that. Security wise it was clear that Niger had troubles that even though very weak as a state very fragile didn’t seem to be having the same problems as Mali in retaining security – maybe because they had made this Government of conciliation back in 2015, maybe not, or maybe the state is very involved in its own illicit trafficking and criminal activity, that’s something else to think about but anyway Mali disintegrated. Mali and the north disintegrated completely and actually we’re now coming to the situation where both the center and the south are threatened with this insecurity growing in the North. Mauritania being a very paternalistic society and very hard society seems to have their own problems to control and maybe also control some of the illegal elements in their country. When I look at the security situation in the Sahel, it is going from bad to worse. We can see it on climate change, we can see it on population density – when I talk density I actually talk about the areas where you can actually live in – which means live off the land and it means that you have an increase of people there moving away from the infertile lands creating all of this normal – or abnormal – issues like pastoralist and cattle herders fighting for water sources and traditional lands, we have land ownership issues that are creating havoc, there’s no sensible records of who owns what and why the Government is selling ACI2000 to their own population and nobody else cares to buy it and stuff like that. So I think we are looking at an activity and climate change in my view also means that regions like Kayes in Mali, eastern Senegal, eastern part of The Gambia will also experience hardship and further hardship – which means migration will go up from these places, people will displace themselves simply because of either insecurity or because of climate change and they will move somewhere else. And I think that we can see that there will be an increase over the years to come when the Sahel becomes Sahara.

A: oh, yes, that’s a very interesting prediction, unfortunately so very realistic also.
B: I’m sad about it, I know here in UK we have the African Union having a Summit on 10-11 February and they will focus on displacement and migration within the AU continent so it will be interesting to follow that up.
A: Thank you very much for the tip, I will, for sure. Ok, so do you have anything to add to this particular question?
B: Only my very subjective views on the European Union’s involvement in further insecurity in this area. Sometimes I wonder what the agendas are for some of the actions that we’re performing. We know very well, from the European Union, that the only way that we can get projects and programmes to work is by including local ownership. But we still do not include local partners and especially governments and civil societies and the populations in the decisions of the projects that we make for security. And to me, actually next week I’m in Brussels on a security sector reform course I’m hosting together with the Austrians, where we’ll be talking about what is exactly security sector transformation and security sector reform and how do you actually get an inclusion of the local partners, both state and population, into the process so that it becomes a legitimate process. I think that we are, because security situation is bad in many places, whether it’s Niger or Mali, especially Mali, that we are reverting to these “train and equip” programmes without looking long term. Because our nations, the Member States of the European Union, wants to see quick results. And they will not get quick results for these things, they will have, instead, programmes that do not work. So that was just my little comment.
A: Exactly. And I’m sure you’ll have the opportunity to elaborate a bit in the specific EUTF context, which is a very very good example. Thank you very much, so now for question no 3 which relates to your knowledge which are the main international donors funding projects on border management and migration management in Mali and Niger.
B: Yeah, absolutely, we have the European Union which is a very large donor and also subcontracting of course to other international bodies doing the work, whether it is IOM or even the UN Trust Fund has some minor projects on how to look at migration patterns in Mopti. When we look technical, you know, very lower technical areas I know that on governance issues, sorry on technical issues I know that my country has been assisting on technical issues with this but that’s more on contact with local populations living around the
borders to migration. It’s more to…. These borders that we have, artificial borders, they are, do they have any meaning for the local population who lives there, whether they live in Burkina Faso whether they live in Niger doesn’t really matter for them.

A: Exactly, yeah.

B: so I would say that there are efforts to delineate the borders causing people to move or to be displaced, I’m not really sure. I think it’s climate change that means something - I think it’s actually, can you actually sustain your family in the area where you are.

A: of course.

B: When I look at Kayes, how much donor support are there to anybody in Kayes. The only reason there’s an interest in Kayes in Mali is that there is a lot of international mines, Canada especially is very interested in security in the province of Kayes but that’s because they have mining investment close to a billion of CAD in that area. You know, in mining.

A: of course, everything is linked, unfortunately.

B: Yeah, so to my knowledge on especially on migration management not a lot of countries but especially the European Union.

A: Ok. Thank you very much. And this means we’re done with the sub-chapter on migration and border management, so now we can go more in detail into the context of our interview, which relates to your analysis of EU’s policies regarding irregular migration and their implementation in Mali and Niger. So with a focus on operational results in the context of migration but also integration of fundamental rights and international protection obligations in project-development. I mean, the idea was whether we, as European Union, do we focus exclusively on the deterrence angle, in the sense of stopping migrants from reaching the European Union, or do we really from an operational point of view actually are interested into growing the capacities of the security forces, in dealing with local population, in integration the fundamental rights and international protection obligations and so on.

B. I think it’s a very interesting, very complex question.

A: yeah, I know, maybe I should’ve broken down the question into sub-questions….

B: No, I think it’s good that the question is in one question and not in several, for the simple reason that we also have to recognize that the European Union has different levels. And different audiences, you know. So when I’m talking about different levels, we have very much a political, strategic level which has to interact with other international organizations and regional organizations and states, you know, and in that context you would probably argue that good development practices is that you go to the country of origin and you assist where you can in making sure that people don’t leave, you know, as migrants, that they stay where they are, that they will create their future where they are, that they will have an economic solidity where they are. As 2015 was one of those years where everybody was surprised, to be honest, that suddenly you had this influx of migration on the two axes, both on the axis coming from Turkey and the other axis coming from over the Mediterranean. Simply because there were some factors that meant that, you know, both Libya and climate change, instability in the Sahel, sub-Saharan Africa and then the emerging crisis in Syria, that were happening at the time when the influx of the Islamic State and so on, it was more like the perfect storm, you know. Suddenly a lot of people needed to get out of insecurity and economic issues and problems so, and a mixture of migration, and migrants and refugees and so on. This is unprecedented in newer times that we have never seen this kind of flow of migrants. I think when we couple that together with kind of an isolation within this policy of the European Union states, maybe not (inaudible) maybe by the population, that they also had hard times, I don’t think that the European Union’s populations in the states really understood why they should look after the problems of the world. They were seeing all these people coming in, you know, they knew that there was a liberal agenda of human rights and protection and all this, but they would say, listen, I’m not having any food myself, I’m not having any economic, I’m unemployed, and so on. So why are we suddenly, our poor states in the North, why are we suddenly having to look after all these people coming from the South, let their own states look after them. So the perfect storm is very much, you know, a lot of factors happening. And I think that, when we look at what actually happens, that the gearing up of operation Sophia and you know, with three
different steps actually in Sophia, they have only ever managed to do two of them because the third one is so controversial that they will never get anyone to agree on it so you know, the third one and trying to push migrants away from the landing beaches, you know, and the second one getting much closer to Libya and Algeria and whatever, still outside of the territorial waters, to keep migrants away from actually leaving the territorial waters of the states that they origin from or that they have embarked from. And the third stage, the one that hasn’t been done, is to actually send in special operation forces, you know, and combat the migration points of origin. And that should be done with the host nation, so with the Libyan government, or the Algerian government, or the Somali government or whoever, not the Somali government, the Egyptian government. But this is something that has never been approached because it will never happen and those states will never give acceptance to any special operation forces coming in to conduct operations on their territory. So, what we are seeing is Operation Sophia coming into the Mediterranean, getting closer towards the boundaries of the states, and we are also seeing the migrations actually taking some incredibly bad boats and getting closer to the ships of Sophia so that, you know, they can have a distress call and shout we’re sinking. So is Operation Sophia very successful? I’m not sure it is. We have FRONTEX working a lot together with other Agencies, and the Mediterranean national agencies, you know, in trying to make sure that people are not coming into the center and Mediterranean like they used to do. And then we have the capacity building of the Coast Guard of Libya, depending on which is the actual Government of Libya, you know it much better than I do because you wrote a wonderful paper on border management in Libya. So I think that e are showing, the European Union are showing that we are doing a lot in what we are trying to develop in countries of origin, and also that we are trying to stop migration illegal migration into the underbelly of the European Union. But are we doing one or the other more than the other? I think that again we are talking about a very selfish agenda, we have some voters in these democratic states that they have to make sure to retaliate, that we show them that we are doing a lot. Ut are we doing a lot? I’m not sure about it, but we are spending a hell of a lot of money in trying to show that we are doing a lot.

A: Exactly, that’s such a very contentful analysis and describes so so very well what is happening, unfortunately. Yes…Ok, thank you very much, so you’ve describe the status quo, the grim status quo, let’s say, but could you please tell us, according to you, what we should do as the European Union in order to actually have some sort of a sustainable impact on the migratory flows transiting the two countries of Mali and Niger?

B: Yeah, I think that there’s two issues here. There’s one, the issue of the European Union itself, what is the European Union and how should we portray ourselves and what do we need to do in order to get the EU to do something. And then there’s the two states of Mali and Niger and how does the EU interact with these two. I also think that we could say there’s a third angle, and that the more regional angle. Mai and Niger, to me, we cannot look to states in the Sahel independently. We have to look at them in the context of the emerging G5 and of course of the African Union, you know. I really dislike when we go in and we do things with the state of Niger or the state of ali without putting in the regional or sub-regional organizations. So if we are doing an effort as the EU in Mali and Niger we need to look much wider than only the state itself, we have to look holistically. And that is an issue in both Mali and Niger with the EUCAP Sahel mandates is that it is within the territorial borders which means our actions become very intrenched and do not look outside the boundaries. But these states, the ones that we are interlocuting with, they have mechanisms that they are either using or not using on sub-regional and regional levels. The African Union, I mentioned this 10-11 February, that they are meeting to discuss about migration and displacement. Migration doesn’t happen from only Mali to Niger, no, they come in from other places into both Mali and Niger and they will leave towards a third state, you know, or fourth state. And that means that if you want to talk about migration with either of thee countries you have to understand, you have to make your stakeholder analysis of who is interested in whatever we have here. When I look at ECOWAS everybody in the ECWAS is allowed to moved in the other countries and stay for three months before they have to go to the
police station and say, I’m staying a little bit longer. But three months, they are allowed to stay. There are certain exclusions, for instance North of Agadez in Niger, which are military zones of control, just like North of Mopti towards Timbuktu and Menaka and Gao. And these areas, you are not allowed to travel to even with an ECOWAS passport, you have to report that you are moving into that area and then get permissions to get into the areas. But so you can go to Agadez but you cannot go from Agadez to Bilma and Dirkou in the East or up to Salvatore pass just by this. But in order to understand we need to understand where do people go, when do they come in, why do they come in and what can they do. I think from our side that we don’t understand that enough and that our leadership are kind of putting us into boxes and instead of seeing holistically what does this mean. What does Niger and Mali get out of our support, you know. Do they get anything out of it? One feeling I have is that we are actually talking to a state, for example Niger, that really doesn’t exist, because it’s made up of people who have allegiance to many many other things than the state. But they represent the state, but their allegiance goes to their family, their state, their tribe, their religion or whatever it is
A: Not because of a democratic process.
B: No, exactly, so we are playing the game, we are talking to the Governor in Agadez and so on, who has absolutely no legitimacy to the population, you know.
A: Exactly, exactly.
B: I think this is really a big thing we do not understand our partners well enough. And this brings me to the European Union. And we really need to understand Mali and Niger and the regions and so on, but then the European Union, what a mess! You have everybody and then every direction and every directorate-general fighting each other for funding, you have projects, you have programmes, oh Gosh! I just wanted to say, in regards to different projects and all this, you know, we need to have a more uniform way of who does what and support each other, you know. And I’m afraid in Mali it didn’t work very well between the Delegation, EUCAP and EUTM, plus all the actors who receive funding from the European Union, directly from Brussels or whatever. I think we need to streamline that process much more in order to get a proper EU single method and an angle to assist the nations that we want to assist. And if we are going to have a sustainable impact on migratory flows, well, again, transiting Mali and Niger, as I say, we need to look further than that, we need to really see where do people come from, why do they go North, through the Sahara desert, what is it that made them do this, and go back and look at the real places of origin in Nigeria, in Guinea-Bissau, in Guinea, and so on and so forth.
A: Exactly. That’s perfect. Thank you very much. Now for the last question of the policy subchapter of the questions, of the interview structure. Could you please tell us a bit what’s your view on the migration-development nexus in Mali and Niger, so we were discussing before whether development, in your view, is somehow subordinated to migration management.
B: Yeah, I think I’ve alluded already to my view on this. I think that we, as a regional organization, the European Union, of course I don’t work for the European Union, but I think that our agenda seems like an agenda that we are making sure to assist outside for security issues or other issues that could affect the Union, the territory of the Union. And that means that, yes, perhaps want to make sure that migration does not occur towards the European Union in any way (inaudible) I outlined before with Operation Sophia, I think we can look at what I said also, the example about Agadez and development actions in Agadez to try and get the passeurs, the traffickers employed with other means of work. But I have to ask a simple question: what’s in it for the African states, you know? I still have to understand completely what migration, what angle it has towards the state as transiting country, Mali and Niger. I’m afraid to say I think that both Mali and Malian security forces, the Nigerien security forces for definitely I know that for a fact are getting quite a lot of money for people trafficking and stopping at their road blocks all over the country. Why would they want to stop it? They are there to get more, you know. I would say that for the European Union, it was only in 2013 that migration became something important, and the only reason for that was 92 people who died in the desert of Northern Niger towards Tamanrasset in Algeria, because their truck ran out of petrol or broke down and they didn’t have any water and they were walking around endlessly
until they died, unfortunately, and 60 of them were children. And they would try and go to the
North, towards the Mediterranean, and that was why you know this illegal trafficking of
humans became something that the European Union needed to do something about. And then
of course the big influx later on. But initially it was this harm that people were trying to go to
the North, were being, were dying in the desert without anybody knowing about it. But we are
still not there yet, our development projects are still not very good in the Sahel.
A: Yeah, exactly. So just in order to recap a bit, to conclude on your answer, you would say
that actually we do subordinate development aid to these migration control policies of states
such as Mali and Niger, which you mentioned before in one of your answers, are not maybe
fully the result of a democratic process and have not really received a vote of confidence from
the local population.
B: Yeah, yeah. That’s very much like that.
A: And now for the very interesting and practical part of the interview, and thank you very
much for your patience so far – now for the practical questions related to your experience so far
with the EUTF projects in either Mali or Niger – if I’m not mistaken I think it’s mostly Mali, or
just correct me if I’m wrong, and I wanted to ask if you personally were involved in any stage
of the implementation or maybe pre-conceptual stage of a border management or migration
management project funded by the EUTF.
B: Yes, I have been involved quite heavily in parts of the EU Trust Fund projects for the part
that has to do with the Sahel. I’ve been involved in one project called GARSI Sahel, Groupes
d’Action Rapide Surveillance et Intervention au Sahel, so a Spanish-led project, Spanish-Italian
led project, which is 41.6 MEUR in total. I was involved with it in Mali but I was also
following it in Niger, that’s one of them, and that’s a set of regional projects. It didn’t start of as
regional project actually, it didn’t start off as a Trust Fund project at all. It started off as a
Spanish bilateral regional project and then suddenly it became a Trust Fund project, somebody
must have some good contacts in Brussels in order to get projects
funded by the European
Union, for some reason. Otherwise, in Mali I’ve been involved with the PARSEC Mopti-Gao,
so Programme d’Appui au Renforcement de la Securite dans la region de Mopti-Gao et a la
gestion des zones frontalières. It’s very clear that this PARSEC project, the actions I’ve only
been involved in are the actions for internal security, not with the defense, where we had the
EU Military Training Mission in Mali taking the part that has to do with defense. Which of
course creates problems as well when you take one project and you divide the blueprint in two
parts, who deals with what and how do you coordinate these efforts. At the same time I would
also say in regards to the PARSEC that the governance of the project was a bit imposing I
would say, there was not a lot of leeway from either EUTM or EUCAP Sahel Mali to conduct
the project in any other way than the Delegation of the EU in Mali wanted it done. When we
look at – actually one of the first projects of the Trust Fund that we started talking about
already at the time when I was there and before I left, was a project called AJUSEN, Appui a la
justice et a la securite au Niger pour lutter contre la criminalité organisée, le traffic illicite et la
traite des etres humains and it was one fo thee projects that became quite important, where we
had our line of operations on illicit trafficking. They actually took up most of, not the
implementation of the project but of the identification of the project and assisting in
establishing the project. If I can just come with a little note, in regards to Niger I remember
back in July 2015 actually on the 30th of July 2015 I went to a meeting with the chef d’état
majeur à la Presence de la Republique, who was a brigadier general, Ibrahim (inaudible). And
at that time I had a meeting with him on human resources management but he also asked me
whether there was a possibility because he knew that we were opening up this 5th operational
line, if there was a possibility that we could assist the Nigerien government in assisting their
new unit or center against illicit migration. And he wanted to see whether that could be
possible. And actually of course I involved the rest of the mission in all of this and we
internally in EUCAP Sahel Niger we kind of found out what the Nigerien government wanted
to do and how we could support in the establishment of such an entity with countering
trafficking of migrants, that the Nigerien government were doing. So the project is actually that
in that 2015 talk with the Presidency I had was the beginning of this AJUSEN project and how
we were supporting the Nigerien government in their illicit trafficking cells. So that’s my EUTF...
A: experience, vast one I would say. And, if I may just make a clarification…
B: I can also add for the future I’m going to The Gambia on the 9th of February. And I’m probably meeting with the Delegation of the EU in Banjul in The Gambia and one of my questions, one of the issues I want to discuss with them is the Gambian use of the empowerment scheme, which is a project for the repatriation of migrants to The Gambia from the EU countries and how they could back to being Gambians again, so that’s just for your information.
A: Very interesting. Thank you for the information. So, if I may just have a small clarification – you are mentioning your experience with 2 EUTF-funded projects, namely GARIISI and PARSEC, and the way I understand it, the beneficiaries, some of the beneficiaries of these two projects, are in some cases either armed forces, military, or forces which are derived, let’s say, which have a strong military background such as the Gendarmerie or the National Guard. And I am wondering, just as a side idea which just came into my mind, knowing the principles of intervention of the EU Trust Fund, and also knowing that the European Union cannot fund, according to its fundamental treaty, cannot fund armed forces, I’m just thinking how does this… Because we are speaking about people, I mean we are speaking about forced migration, we are speaking about sensitive categories of population, like refugees, some persons in need of international protection and so on and so forth. However, we are funding armed forces or other forces with a strong military background in order to deal with these categories of persons. Was just wondering what are your thoughts on this.
B: Yeah. I would say it like this: if we start with the GARIISI, that the GARIISI project, even though it is technically being handled by the Spanish Guardia Civil, so the Gendarmerie of the Spaniards, so in that sense it’s military status personnel who conducts it, it has always been open to the National Guard and the Gendarmerie of the states that they want to implement. They started in Senegal, went to Mauritania, went to Niger, they’re doing something in Mali you know it better than I do, and they wanted to take it to Burkina and to Tchad. But the thing is that, for example, the National Guard in Niger is (inaudible) in their texts that’s National Guard is a military organization under the Ministry of Interior. They’ve taken out deliberately off the Ministry of Defense and handed over to the Ministry of Interior to create much more, what can we say, equilibriwm, so that in Niger the Ministry of Interior have the National Guard and the Police, and the Ministry of Defense has the Gendarmerie and the armed forces. It created an equilibriwm. In Mali it’s different, we know that. There’s the Defense, there’s the Gendarmerie and the National Guard in that same Ministry. As a nota bene, I really think that Mali is the structure that works better – I think that the National Guard should work better with the Police and maybe the Gendarmerie should not be as powerful as they are. But I really think that it esquires the balance or the equilibriwm that should be created between the two Ministries, Interior Security and Defense. And I think that the GARIISI did a good job in Niger by recognizing this and actually their main effort has actually been towards the National Guard. The National Guard in Niger is the weakest of the forces or the services, so I think they did well. The GARIISI in Senegal they also, yes they also went to the Gendarmerie but they certainly also went to the National Guard and tried and do an effort with that. So there are good things to be said about the GARIISI and this division of power. But let’s not forget that the GARIISI, what they actually do is they are supporting the national frontier plans, you know, by establishing an effective control of the territory and they go where they need to go. I would say that they are very autonomous in their missions but we still have to see how they actually would perform operationally if they are called to perform. So that was what I was saying about the GARIISI. I do think that you can use the European Union military and civilian assets very constructively in this one here, because this one is more for an internal security, for sovereignty against the outside nations coming in, so it is more police task than anything else in my view. I have a problem with PARSEC. PARSEC – sorry, why is the European Union doing a PARSEC project in an area that is controlled by the defense, you know. Which means that you have to include the defense because the defense or the local military commander has the authority over
the police and the civil protection forces in the jurisdiction of the military zone to control. In my view, they should not be in the areas that are militarily controlled if you want to use Trust Fund money that are earmarked to be civilian crisis management money. But some other people see it differently, apparently, you know. But I don’t think that’s what the states really want. There was something interesting though, I would say in 2017, was that the criteria for overseeing development assistance, the DAC actually redefined what was military and what was civilian, and a lot of military or previous military areas were put into the areas that were now DAC-compliant. Which means that everything that was not directly bullets and guns so where is the accent on human resources and many other things. Which basically meant that also the European Union plus its Member States could look differently at DAC and non-DAC overseen development assistance efforts.

A: oh very interesting I didn’t know that, thank you. It’s now a lot clear in my head. Now a quick question about the local coordination mechanism for the EUTF projects. Were you involved in the steering groups for the overseeing of these projects? And then maybe you could tell us if you were involved and if you have any knowledge about this what would be the structure of such steering groups?

B: I’ve been involved in some of the steering groups. On Garsi, so the Spanish-led project on Rapid Intervention groups or action groups I have not been involved per se in the steering group of this one. It has been part of a (inaudible) project that will come, it’s a project of the CSDP Mission in Mali but also in Niger needs to know about and needs to be able to assist to the widest possibility in its implementation and operationalization. We were not consulted to its design but we would have been asked maybe, somebody is advised now to be involved in its operationalization and coordination with the project. So the Delegation kept that one pretty much for themselves and didn’t need intervention so much in Mali except for mutual coordination efforts. In regards to PARSEC Mopti, I was not involved in the steering groups, I might have sat down in one or two of their meetings but mainly it was the leadership of the CSDP mission that were there, and the same with the project in EU CAP Sahel Niger on justice and migration.

A: Ok, thank you very much. The next two questions I think that they are partially answered but if you could elaborate a bit on, to your knowledge and you already mentioned two very interesting EUTF projects, PARSEC and Garsi. To your knowledge, in which way is this fundamental rights and international protection dimension integrated in the border and migration management projects, especially you were dealing if I'm not mistaken also with the pre-identification of some of the projects or at least proposals for the pre-identification of projects, so did you feel that the operators when they developed some of these projects integrated this?

B: let me start by saying that when I initially read the fiche de projet of these EUTF projects in Mali so yes there was the regional project Garsi but at that time when it initially came the project before it started it still had a time horizon of at least one year or one and a half years before it could start in Mali. In regards to PARSEC Mopti and Gao I read the fiche de projet, I thought it looked good, there were some axes that it looked at in order to create a good security together with local actors, together with border populations in Mopti and Gao provinces, regions sorry. I thought that it was really interesting that they had chosen Mopti and Gao and not Timbuktu, because of the reason that the region of Timbuktu actually goes straight between the region of Mopti and the region of Gao. So there’s around not more than 30 kms that belongs to the region of Timbuktu. I asked the Delegation at that time why aren’t we interested in Timbuktu who have the responsibility of this area, and the response is that we’re probably not going to Gao either, looking at these two regions Mopti and Gao. I even tried with a map to you know push my point of view that the project file says Mopti and Gao, you know, Timbuktu and so on, why are we only talking about Mopti. It’s a question of funding and money. And this was even before the funds had been allocated, or any considerations had been taken on possible projects or axes or anything like that. So I was happy with the fiche de projet but I was not happy after my first meeting with the Delegation in how was this project was going to be executed at all. And continuing from there, I don’t think that or views in the CSDP missions for
internal security was taken into consideration. We decided not to provide any individual project proposals to potential operators who were going to execute the project since we could provide some axes that they could look at where projects (inaudible). But we were very much coerced, I would say, together with the EU Military Training Mission in Mali, in having to provide projects proposals directly, projects that had aims, how much, who and what in them. Which we were initially very reluctant to do, but we kind of were told that we had to do this. What amazes me a bit about this particular project, PARSEC Mopti-Gao is that the project as it looks today has no resemblance to the project proposal that was written down. The project today much more looks like an earlier French project in 2011 I believe, which was called the PSPSDN and only had Mopti as an area, and I also know what I read initially in the project proposal was that there was going to be quite a large point being made in having discussions with the civil society and having discussions with population groups that lived along the border with Burkina Faso. If I then can move forward a little bit to some of the initial working visits to the Mopti region with the operators, I can’t even remember how the operators were selected by the European Commission, no idea. But I happened to be that somebody knew that they going to be allocated this project, winning the contract for 29 MEUR and it was so that the operators had no intention of going into the areas of (inaudible) and so on, yes we had a one and a half hour meeting with civil society groups in Mopti region, very interesting meeting but it lead to absolutely nothing and there was not very much mentioning of it after that point. It even felt that it was just an exercise to fulfil a tick mark. So to me PARSEC became much more of an equip project than anything meaningful in the sense of what we normally talk about in security sector transformation and stuff like this. It became something that doesn’t fit with the initial fiche de projet.

A: Thank you very, very much for this very comprehensive answer and this perfectly accurate description of the situation. Now for the last question and again thank you so very much for your time. I think that the policy context, you fully answered this already, just a last part of the question whether you could tell us briefly what specific intervention principles you think should apply to migration and border management project, referring maybe to this fundamental rights and international protection obligations perspective.

B: Yeah. Can I answer the question in a little bit roundabout way. Back in 95-96 I worked for an organization called EUROCONTROL, it is still called EUROCONTROL; it is basically an European organization for the control of airspace. So at that time it was not an European Union institution as it is nowadays, in those days it was like something dealing with migration. The EUROCONTROL experience taught me one valuable lesson – yes, we have an airspace, we have some boundaries to that airspace but we have to talk to people across the Atlantic in the US, we have to talk to former (inaudible) countries, talking to the Russian Federation, we have to talk to North Africa, we have to talk to Middle East in order to transport our aircrafts to the other side and get the aircrafts from there into our airspace. This is also what the European Union needs to do, they need to have a very large container of essentials in talking to our neighbors. I we are talking about migration from Northern Africa, we need to talk to the states where they are coming from, we have to talk to the migrants, we have to talk to the facilitators and these disembarkment states. If we are talking about migration with Turkey and further south, we are not very good at that. We tend to come with projects, we tend to come with solutions that can easily be taken (inaudible). But those who are look at us from the other side have a completely different view. Migration? What interest is there for anybody going through, and as I alluded to with Niger, and to a certain extent Mali, there’s a large project in making migration coming through the countries, illegal trafficking, smuggling of goods as well. We proposed a Schengen agreement internally to the European Union and we have difficulties in accepting that ECOWAS, you know, that they have a similar agreement of free movement of goods and people. What I see is that we are very much into creating boundaries and borders and fences, to a certain extent, or walls. The idea of the integrated border management was created to facilitate the transfers of goods and personnel to the least hinderance so that it can help those who do obey the rules and make sure that they can go people through who have the legitimacy to go. It’s not about creating borders, it’s about creating mechanisms so that we capture the
ones that are illegal, making sure that everyone else goes smoothly. This is the culture and this is the best we can create, we could use a lot of the efforts we have used many years in the European Union together with local partners and establish that instead of trying to stop migration. Migration will always continue, it’s just a question to bring mechanisms and to ensure that illegal migration doesn’t happen and we have good agreements with the states of origin, with the states of transit on how to tackle the issue. And that means much better knowledge and much better contact with the Governments and states without being directive. We are visitors in the places we are, we are not the ones who are going to tell anybody how they should do things, we should implicate people, we should not wait with designing our projects such as PARSEC Mopti-Gao and then, when we have designed what we want, then say, Malians, what do you want, you know. Oh you can’t get it, sorry, we have already decided. This is not a way to do things. These are the principles, local involvement, making sure that both solutions are for both parties, and then making sure that we do things in a coordinated manner.
Interview 2

A - interviewer
B – interviewee

Total duration : 89min31secs

A: So, thank you very much for participating in this research. This is for my Master’s thesis, organized by FRONTEX, an my plan is to focus on the migration partnership of the European Union with two African countries, namely Mali and Niger, and the role of the EUTF in this context, especially in order to see whether there’s a subordination between the externalization of migration management policies of the European Union and development aid. And I thought that, of course, given our wide experience in the area you are the very best placed person to answer. So the interview questions I sent to you were focused on Mali but again, based on your wide experience in the area if you feel like answering for Niger as well, I wouldn’t mind. So, from a methodological perspective, I guarantee of course full anonymity and you’ve received an ethics consent form by which I engage myself not to disclose your identity nor your institutional affiliation. So you going to be most likely quoted like a “G” from European institutions, knowing that everyone I’m interviewing in other entities will also be listed as “EU institutions”, because the respondent base is so narrow that if you give the precise institution it’s likely that…

So I tried to structure the questions a bit into three chapters, namely migration and border management questions and policy then the practical questions on the EUTF. I’ll start with the first question, which is if you could please provide us with a brief analysis of the evolutions of migratory flows in Mali, between 2014-2018.

B: ok, so I think when I arrived in Mali there were anecdotal evidences that there was a flow of migrants going through Bamako, through Gao and then some of them were going through Niger others were going directly through Algeria or there was another route going directly to Burkina Faso and then to Niger going through Agadez. So we had information via mostly open sources so we were told at the EU level that that’s how the flows of migrants had organized themselves. When we arrived with this EU CSDP mission after the migrants’ crisis in 2015 all of the sudden there was a lot of political pressure for us to, for the Mission to have its mandate to be adapted in order to tackle the migrant crisis or to be one of the contributors to this European policy tackling migrants. During this period what we looked at what this EU Mission could do we again had no real information coming through the EU system giving us an accurate picture of where migrants were going and to which point of entry. So from the ground we had to rely on what IOM was giving us, so with no ability to confirm, verify etc.

A: I’m sorry to interrupt, but for me to understand better our point, would you say that basically the entire EU policies on migration in the case of Mali were shaped based on data coming from IOM, which were maybe not the most reliable data?

B: Well yeah, little bit. I mean what I’m saying with that, we had a Mission, CSDP Mission which at the beginning it was planned to have a few advisors on borders, not migration, to secure borders. Then, because of this political signal, we were told that we would need to think and make proposals on how we could intervene in migration. But we were not given any support, any analytical tool to base our decisions. But looking at IOM figures, looking at open sources documents and analysis provided by NGOs and so on, and looking at the legal situation of the ECOWAS visa aspects, we realized and we made the proposal to Brussels that we would not work directly on migration but indirectly through trying to help the Malian Government to control its border more professionally. So that’s what we sold to Brussels, like ok, in the absence of any solid data and real expertise at that time in the Mission what we could suggest was to focus on borders. And it was partly due to the fact that we needed to avoid having the same faith as EUCAP Niger, and be forced to open an antenna, maybe in Gao, that could have
distracted the mission from its initial mandate. So that’s what we did. So during this period 2015 to almost the end of my tenure in Mali in mid-2017 except for the information that you in your position could get we had no real understanding of where the flows of migrants were going. It was very difficult for us at the level of a CSDP mission to raise this issue because while we were supposed to operationalize the EU will to counter migrants, there was a political discussion being led by the EU Delegation with the Malian Government to try to sign a Compact on migration and in Mali particularly it went very badly because of the small episode with the Minister of foreign affairs from the Netherlands which created a scandal and I think that for the EU delegation it was very very difficult to let an organization like us, a CSDP Mission, to actually raise questions and raise the issue of migration at a level that they could not control. So since I’ve left, reading EU documentation and other information, officially the mission in Niger was somehow successful through its strategy and the opening of this antenna in Agadez to the point, according to these EU documents, that the flow of migrants changed direction and apparently did not go through Agadez anymore but were redirected towards Mali. That’s what it has been said, but again there’s no solid data, it was mostly allusions or it was mentioned in a report that now the flow of migrants was not going into Niger but using Mali and maybe Mauritania, Mali to go through Algeria before entering Libya or else. Just to wrap up on this question, just to say that from 2015 to 2017 we were told that migrants were going through Mali, we had information from IOM and from NGOs but that’s pretty much all, we made decisions on the basis of that, then from 2017, mid-2017 to now we were told that the situation had changed in Niger because of the European actions, so not only CSDP Mission but also probably some Emergency Trust Fund projects and at the point we are in now it is still really really difficult to understand what is happening. My feeling now is that beyond IOM and what is being done in terms of interviews of migrants once they reach Europe I haven’t seen any solid initiative to gather data and to have an evidence-based policy.

A: Especially valid as regards the identification of projects to be implemented by the European Union. So what I will highlight from the answer to this particular question is that – and which is also valid for the practical section dedicated to the EUTF projects in Mali – we have evidence from NGOs such as IOM that migratory flows are mostly going via Gao. This is also particularly interesting when we will be discussing later on about the area of implementation of EUTF projects. Ok, thank you very much, next question which you partially answered but if you could please elaborate on the security situation in Mali between 2014-2018 and the way in which this security situation has impacted displacement and migration, maybe also focusing on the differences between Mali and Niger as regards visibility of us, European actors on what is happening in areas such as Gao which we cannot reach because of security…

B: Yeah, I see the point. Well, the evolution of the security in Mali didn’t exactly go the way we wanted it to go. From 2014, with this huge involvement of the EU through the CSDP but also through financial tools and the collaboration with MINUSMA and the collaboration with the French military operation we could have expected that the situation would have gone better, the Malian security forces would have been able to reinvest or to deploy to areas they could not have reached before and that there would be a gradual return of state sovereignty and the rule of law. Well, that’s actually not exactly what happened. While we were all extremely busy trying to stabilize the North of the country through a peace process there was little anticipation of the destabilization of the centre of the country, the Mopti-Sevaré area, and that created some kind of shift in attitude at a certain point, when the French operations had to be redirected towards the centre of the country, that included Ménaka, MINUSMA had to look again at the Tombouctou plus the Mopti region and the EU instruments were directed towards the center of the country. They tried to provide the Malian authorities with the means to tackle the security situation but while we were doing that obviously migration was not part of the equation, even so when we started in 2015 discussing about an approach that will tackle both the stabilization aspect, security and working on borders with an effect on migration it was quickly, quickly
countered by political messages and choices of priorities redirecting everything towards security and stabilization, etc. On the ground, very difficult to know exactly what was the effect of insecurity on migration except looking at OCHA’s data in terms of internal displaced people and so IDPs plus also some refugees going through other countries – so there are some evidences, there are some figures going to the tens of thousands of people who had migrated reacting to internal security troubles. Who happened to cross over towards other countries but it was not necessarily connected to migration problems, like it’s not because of insecurity that some people all of a sudden decided to go settle in Spain or Italy, it’s more at a regional level in the Sahel environment. People had to move to avoid the threat of violence so the only effect I can see from my point of view on migration is just the fact that a lot of resources and energy of the internationals, as well as the states were totally mobilized on the security aspect and way less on trying to do something on the migration aspect. So the effect of insecurity on migration is more the fact that it distracted, or it redirected attention towards something else than the flows of migrants. If it makes sense.

A: yes, perfect. Thank you very much. A very brief question now on, to your knowledge, which are the main international donors funding projects on migration management and border management in Mali.

B: Well, I have obviously followed a lot on what EU has been doing, so I think that considering the comprehensiveness of the EU approach using CSDP missions to support EU Trust Fund projects I would say that the EU is probably one of the main actors in terms of funding migration initiatives, the PARSEC is one example, I think there is another project of the FFU that combines more development aspects and that there should be an articulation between the two projects but I cannot remember what the other project is. What is interesting is that the EU is looking to have a regional approach to it because there is also a border project funded by, I think it’s also the EUTF, in Burkina implemented by the GiZ. It’s actually funded by the EU but also by the Germans so that’s actually quite interesting to see. Ideally, the EU would be able to integrate the national projects on the same thematic into a regional approach. I don’t know if it’s actually what has been said, I don’t know if it’s a coherence between the PARSEC project in Mali and the PASIB, I think it’s the PASIB project in Burkina Faso and the equivalent project probably in Niger. So I can’t remember out of the top of my head but you had a project funded by the EU popping up in the three countries bordering the center of Mali but I have to say that the coherence between all of these projects escapes me a little bit and it gets even a bit more confusing when we think that there are some projects funded by the EU that were supposed to be regional in nature, such as a project initiated by the French in the beginning, ACTS in the Liptako Gourma, that apparently was never really implemented and there is probably a lot of shame on this project which explains why we don’t have any information about the status of this project but the people who were working on it were adamant that it would become some kind of an umbrella project under which all of the nationally-based projects would fit. But it didn’t happen. So yeah, that’s pretty much what I can say.

A: OK, super, thank you very much.

B: Oh, and if I may, there is also this initiatives funded in some cases by the EU in collaboration with the INTERPOL, the WAPIS project for example that we have been told for years now, the idea being to help the different forces of the Sahel region, the internal security forces, to exchange information, including probably on migration. There is a lot of money that has been injected. I understand that in Burkina Faso for example they were not that adamant in using the WAPIS system, because they don’t know the system, in some other countries I think the collaboration between INTERPOL and the EU didn’t go very smoothly because of a lack of communalties and tradition to work together which made it kind of confusing to know how to manage this operational relationship so at the end of the day there are a lot of things that have been funded, a lot of money that has been spent but – and here again I try to wrap it up with a
clear message – my feeling was that initially the EU needed to show, well there was a political will in Brussels that the EU was tackling migration because of what was going on in Europe. The Brexit was analyzed by some in Brussels as a direct effect of the migrant crisis, the rise of populism in Europe was directly due to the migrant issue so in Brussels there was a strong appetite for anything that could underline the involvement of EU institutions and the EU money in trying to do something operationally in West Africa and in the Sahel region in particular on migration. But beyond this political will and well, it went through decisions on spending a lot of money so it’s real, it’s not only political words it’s money being spent but I think that at the operational level there was a lot of difficulties to connect the different projects, to connect the different expertise or to bring the European expertise to the ground and link that professional expertise with some kind of political dialogue that could have convinced the different states of the regions that it was in their interest to also show some political will to do something about the migrations. I think that the relationship between the EU in general and the EU Member States and the states in the regions has been poisoned by this dialogue under which the national states of the region were not analyzing migration under the same parameters and that created difficulties in the implementation of programmes.

A: Very, very interesting. Thank you very much. Now to the policy questions. The next question relates to your analysis of EU’s policies regarding irregular migration and their implementation in Mali. So I would like us to focus on the added value from an operational perspective so is there a link, do these policies actually have an effect on migration as some colleagues have asked us recently, but also very importantly integration of fundamental rights and international protection obligations so, Mali as well as EU MS they are all signatories of pretty much the same international instruments such as Geneva Convention on Refugees and other international instruments regarding the protection of refugees, asylum seekers and so on and so forth. So when designing and when implementing these projects very focused on strengthening capacities of local security forces, which would lead to these forces actually being confronted with people in sensitive situation (women, elderly, migrants, displaced persons, victims of international conflicts), was this ever integrated from EU’s point of view to your knowledge?

B: it’s a difficult question but I would say, and I have this tendency to answer other questions, but I would say that the problem in the European approach is that all of the projects centered on building capacities in internal security forces were the projects that had a migration aspect in fact beyond that had a security aspect. So that’s why at a certain point everybody was now talking about migration but in fact was talking about border security. So all of the projects who were designed initially to empower internal security forces to tackle the migrant issue the right way according to the right principles and the international standards ended up actually trying to build capacities and securing borders and having an effect on instability. That said, there were other types of projects more aiming at local development that were connected to migration and those projects trying to improve life conditions in areas where migrants were leaving towards Europe, those projects might have been implemented in a more straightforward way, difficult for me to know from my point of view which is more of a CSDP and security angle but if we have to think about migration from the point of view of the EU, the EU was coming to this issue from two different directions, one was building security capacities and the other one was trying to create or to recreate conditions for the populations to remain in their areas of origin and maybe those second types of projects achieved better results and were more respectful of international norms. But with regards to the projects that were designed to build capacities of the internal security forces I haven’t seen all of these principles being at the top of the programmatic documents but I’m sure that the experts coming from Europe to implement those projects had at heart to still build capacities in the framework of all these norms. So hopefully that translated into something positive at the end.
A: Ok, thank you very much for the positive outlook. Next question is already partially answered as well. So according to you, what should the EU do in order to have a sustainable impact on migratory flows transiting Mali? You already mentioned stabilization and improving living conditions in the areas of origin of migration but maybe you have other ideas on this topic.
B: Yeah, I think that at the operational level there has been a lot of initiatives taken. What I’m, I mean as a political advisor what seems to be problematic from my point of view is the fact that at the political level there has been a discussion led by Brussels and at the field level led by the EU Delegation with the national states on this Migration Compact but those kind of political dialogue were never translated at the level of, for instance, the internal security forces. All the international partners working with the internal security forces and maybe therefore there were very interesting political messages convincing or trying to convince national authorities that talking irregular migration was in the interest of the country and the region but those arguments were never translated into messages to share with the internal security forces for them to reshape their priorities, for them to share the same analysis – so in terms of improvement of things I would say that as a starting point it would have been really, really good to have been able to convince the leadership of the Ministry of Interior, the leadership of the different Malian ministries that are in fact involved in migration I mean all of these institutions under these ministries that I mean having a dialogue under which we could have shared the same sense of importance. I hope it makes sense at a certain point I’m losing the track of my thought but that’s pretty much what I can say.
A: Now for the practical questions on EUTF. Could you please tell us whether you were involved in any stage of the implementation of a border management / migration management project funded by the EUTF?
B: I think I was, indirectly. Maybe even very directly. So interestingly, mid-2015, we learned, it was in November 2015 that La Vallette was coming. So during the summer of 2015 we were told that there would be a new financial instrument, we were told by the EU Delegation. And the EU Delegation came to see the CSDP Missions and said that, it would be great guys if we could imagine a project that could be funded by this new EU instrument but in terms of methodology it would be fantastic if we could design this idea for projects altogether, CSDP missions and the EU Delegation.
A: But not the Malians.
B: Not the Malians. A push forward that would also reinforce our respective mandates. And at the level of EUCAP we had anticipated a little bit on what we would be asked to do on migration by analyzing the context and coming up with a paper that underlined the fact that maybe the Mission was more proper equipped to work on border security and then therefore have an indirect effect on migration, not even border security but border management. Border management was the term, rather than chasing illegal network of human traffickers. So we had this in mind and when this idea to create a project came up what we said was ok, so what about we suggest for this new Emergency Trust Fund, we suggest them to have a project that would have two objectives, first one would be stabilization of the center of the country, cause it’s not been done but the second one would be helping border management in the areas where we have been told that irregular migration was very, very important and therefore we chose the Gao region. So initially the concept behind the PARSEC was dual, which explains why initially it was called PARSEC Mopti-Gao. So that was the initial idea and the fiche de projet was designed that way. And it was adopted under those parameters: two objectives, two geographic areas covered, and at the center of it building capacities of the internal security forces, it was very much supporting the Malians at the end of the day. Well, the beginning of the project was quite confusing because we had issues with the governance of the project. It was a project that was initiated by the CSDP Missions in collaboration with the Delegation but it happened that the CSDP Missions were being consulted but not involved in the decision making. And
therefore when an implementer, an agency was picked to implement this project it was very easy for this Agency to ignore what the CSDP Mission could suggest, at the same time the two CSDP Missions did not have exactly the same interest, the civilian CSDP Mission had in its mandate the possibility to do something about border management but the military mission had nothing on borders had nothing on migration and therefore was much more interested in the first objective of the project, which was stabilization – I mean first, without order of priority. So it created a little bit of a tension between the two missions as well and I would say that it was also very very difficult to gather the right expertise and the right degree of involvement at the leadership level of the two CSDP Missions on this project. So it really was pretty much left to the specialists of the missions to try to convince the political leadership of the EU Delegation that maybe some of the decisions taken by the EU Delegation were not supporting what was needed in terms of countering irregular migration. And it translated into something very simple, which is the fact that looking at the very rapid degradation of security in the center of the country the PARSEC project was completely redirected towards its stabilization objective and the second objective, which was about border management, was in fact subjugated to the first one and was kind of reshaped in order to support the stabilization of the center. So we were doing border management in order to support stabilization of the Mopti region and therefore the center of gravity of migration in Mali, the way it was identified being Gao was kind of left outside the scope of the project which was actually initially supposed to do something on border management and therefore migration. So it was a sad story.

A: I didn’t notice you mentioning the Malians in any stage of this decisional process. Strangely.
B: Yeah, the idea was very much to – well we were asked by the Delegation what was our idea for a project that would make sense on migration. Once we had done that we were expecting the EU Delegation to engage at a political level with the highest authority to raise the issue of border management – because we had been told by the EU Delegation that migration was too sensitive to be tackled at a political level by the Missions and therefore the EU Delegation was uncomfortable in having a CSDP Mission engaging, even with the Ministry of Security, on border management and migration without being supervised by the EU Delegation. The Mission didn’t have almost the authority to send at its level political messages and then engage in a strategic dialogue with our counterparts at the Ministry of Security. So because we were told that at the level of the CSDP Mission we were expecting that under the leadership of the EU Delegation the implementing Agency would actually work with the Malians on setting up a joint approach, discussing operational priorities and we were ready to help them doing that. But when the implementing Agency arrived it was very clear from the very beginning that they lacked the kind of strategic understanding to be able to have this dialogue with the Malians and therefore the agency came with a shopping list of equipment that they tried to get the Malian authorities and the Malian internal security forces to choose at the level of the leadership of the Ministries by the implementing agency. So here again I think a lot of missed opportunities due to not to miscommunication but to different priorities, different agendas among EU institutions.

A: Thank you very much. One of the last questions. To your knowledge, in which way are fundamental rights / international protection integrated in border management / migration management projects, such as the one you have recently mentioned, the PARSEC. Because again, we are dealing with capacity building of security forces, also the military which is particularly sensitive, in a conflict-sensitive area, we are also speaking about the local population, multi-ethnic local population, also in the context of some interesting reports from the Human Rights Watch speaking about abuses committed by the local security forces. So do you feel that there were any control mechanisms embedded in the design of this project in order to ensure that the right treatment was given to the right persons?
B: Well, what I can say and again, I might not answer directly the question, but as a political advisor my attention at a certain point was redirected towards the G5 Joint Force and its implementation, because it was the new thing that we were asked how to support. And I was
very, very surprised to see that part of the mandate of this Joint Force was to fight terrorism but there were in fact also two aspects that were related to internal security forces which was trafficking as well as irregular migration. So it was very confusing to see that the Europeans, bilaterally and as the EU, were pushing the countries of the region to use their military to tackle irregular migration. I don’t know who came up with that, but that was very surprising and not according to the best principles. And it was kind of an issue for us because the civilian CSDP Mission was very much interested in playing a role in the security sector reform and trying to find the right arguments for the Malian government to launch a real security sector reform. If there were a real security sector reform one of the first things that the Government, in an inclusive manner should have done it would have been, after having determined a vision for the security of the country, it would have been to delineate clearly the different mandates and missions of the different security and defense institutions, and therefore having a message saying that the army would play a role in combatting irregular migration it was actually blurring the lines between internal security and the defense of the territory and making it very detrimental to advising an SSR that follows the right principles. So that’s one point, I mean why the military should be involved in irregular migration, that doesn’t make any sense.

A: If you could also mention whether, to your knowledge, was there any coordination mechanism with the local society, local civil society in the implementation area of, let’s say PARSEC.

B: Yeah, that’s a very interesting point. We had explained in the initial document that encapsulates what the PARSEC should have been, this document that later on became the fiche de projet, we had emphasized the need for coordination mechanisms between the security forces and the population in the border areas. We had emphasized also the fact that any approach to do border management should not be detrimental to the population living in the border areas in the sense that the idea was definitely not to seal the borders knowing that a lot of the populations were living between because of transborder trade, transborder movements as well as even irregular trafficking of licit goods and we told them in the initial idea of the PARSEC that the effect of what we are trying to do should not make the living conditions of the populations more difficult and therefore in order to have a better understanding of what would make those living conditions more difficult it was needed to have coordination mechanisms and dialogues between security forces and the populations through some of the tools that we could finance and establish under the PARSEC frame. So it was initially in the project. Second thing. Before the PARSEC was set up you had already other projects being implemented in border areas by international NGOs under bilateral funding, including the DDG (Danish Demining Group) who explained to us that at the core of their programme was reinforcing the dialogue between the local population and the security forces. And therefore the DDG people were adamant in asking us not to undermine their own approach, being much more powerful, involving much more money so that we should try to learn the lessons of their own projects in order to include that into the PARSEC approach. So at a principal level that has been agreed upon, we all understood what were the risks. Now, because we lost control over this project, and the decisions ended up being taken only by the implementing agency and the EU Delegation, I am not sure at all that in fact anything significate was being done in terms of setting up tools for better dialogue between the populations and the forces between decisions are being made. I am not sure at all that this ‘do not harm’ policy that we underlined at the beginning of the project had any concrete translation at the operational level during the implementation of the project.
Annex 2 Interview summaries

Interview with C (Mali and Niger)

*Total duration: 26mins58secs*

The respondent declared having witnessed the beginning of the migration-oriented approach of the EU in Niger in the aftermath of the migratory crisis in Europe, in 2015. EU’s focus on Niger was very much the result of approximately 70% of the migrants arriving in Europe having declared that they transited Agadez at a certain point. The respondent believes that, before 2015, the international community was more focused on development aid, but afterwards the focus shifted towards migration control. The respondent referred to the role of the CSDP Mission in Niger regarding the fight against irregular migration, and highlighted the fact that the Mission rapidly adapted itself to the addition of this new operational line.

The respondent believes that the externalization of EU’s border control model is not only in the interest of EU MS, but also a way to protect the fundamental rights of those who migrate against possible abuses in transit countries such as Niger. The respondent also believes that all EU projects implemented in Mali and Niger have embedded a fundamental rights and gender dimension (with a focus on CSDP Missions). Regarding Agadez, the respondent highlighted that the local population made a significant revenue based on the migratory flows, and that alternative sources of revenue were not rapidly identified by the international community in conjunction with the crack-down on migration.

The respondent underlined that development should necessarily accompany security projects, in order to provide the local population with a stable source of revenue which would prevent them from engaging in further illegal activities or turning towards extremist groups which proliferate in the area. The respondent is not fully convinced that the solution provided by the EU via the externalization of its migration management practices is fully sustainable, as the situation can again deteriorate. The respondent also highlighted that it is not the poorest countries who migrate, so development projects might not always be the only answer to stabilization of flows and might actually lead, on the short term, to an increase in migration.

Referring to EU’s policies of externalizing its border and migration control model in Niger, the respondent referred to the EU’s High Representative first foreign visit, which was in Niger, as an indication of how important migration is to the EU. The respondent also mentioned the dependency of the Nigerien government on foreign aid, which made it particularly receptive to cooperation with the EU on the topics of migration. Civil society also
puts pressure on Malian and Nigerien governments to tackle migration, given issues such as maltreatment in Algeria or deaths in the Mediterranean.

**Interview with D (Mali)**

*Total duration: 22mins43secs*

The respondent enumerated a list of factors which impacted the migratory flows originating from / transiting Mali, namely lack of political will to address this issue, weak border structures, etc. The respondent believes that addressing migratory flows is not necessarily a priority for the Malian Government, and that EUTF projects and programmes, as well as other EU initiatives, are designed without taking into account local realities – which, in turn, leads to limited appropriation.

The respondent believes that a number of factors impact migratory flows in Mali, such an instability in the North, poverty, climate change, massive degradation of the two central regions, lack of presence of the state. The respondent enumerated a series of international donors involved in border and migration management projects in Mali, amongst them the EU via the EUTF positioning itself as the main donor.

The respondent expressed doubts as regards the integration of fundamental rights into the development of EUTF projects, and believes that such projects rather respond to an EU political agenda than to local realities. Moreover, the respondent believes that such projects were designed without respecting the international conventions and agreements not only undertaken by the EU states, but also of the African states – such as ECOWAS framework. The EUTF lacks in conflict and context analysis, which is primordial when engaging with drivers of irregular migration. Programmes don’t take into account even differences between neighboring countries, which are extremely singular. The respondent believes that the EUTF is yet another EU instrument with limited efficacy of action, which means that the Trust Fund is not fit for purpose, or at least not for the purpose of providing urgent response to very urgent dynamic – and is actually unable to do so, as seen in the PARSEC project. The issue of limited oversight of the Trust Fund was also mentioned by the respondent, especially in comparison to projects implemented by the European Development Fund. The respondent believes that this is due to the high political pressure, which leads to the fact that all programmes are meant to succeed.

The respondent also mentioned the role of the operators, sometimes having their own agendas which is not necessarily connected to the needs of the local beneficiaries. The
respondent also expressed discontent with local coordination mechanisms in both Mali and Niger, which are extremely weak and ineffective and thus provide operators with limited guidance. The respondent believes that the EUTF projects, when submitted for approval, are worded in compliance with EU guidelines on fundamental rights, etc. However, in their implementation stage, projects become fully-fledged security-projects and deviate from their initially stated goals. Most of the Trust Fund projects the respondent is aware of, do not have an embedded sustainability dimension.

**Interview with F (Mali)**

*Total duration: 29mins38secs*

The respondent witnessed firsthand migratory flows transiting lines of fighting between armed forces and rebel militias in the North of Mali, and believes that the armed groups were complicit to migrant smuggling. The respondent described the dire conditions in which the migrants undergo their journey in Northern Mali. The respondent is unsure of how the measures in Agadez impacted migratory flows in Mali, but believes that despite the deteriorating security situation migratory flows continue to evolve given the economic revenue they generate for the trafficking networks. The respondent referred to the lack of interest in border management projects encountered when trying to build such a program in 2013. This approach has dramatically changed once migratory flows began to arrive in Europe, around 2015. The interviewee recalled that the EU Delegation in Mali refused funding the UN for border management projects under the EU Trust Fund, and instead chose to fund Expertise France for PARSEC.

Referring to the security situation in Mali, the respondent notes that before 2015 there were extremely few incidents targeting civilians and that most of the violence occurred only between armed groups and occasional encounters with the Malian armed forces. Thereafter, incidents started targeting civilians who began to face displacement and forced migration. The respondent believes that projects such as PARSEC mainly try to deal with security stabilization, whilst having a declared objective more related to migration. The respondent believes that the PARSEC managed to draw a significant amount of money for a targeted intervention, however failed in the implementation and in taking into account the local factors. The respondent highlighted the likely profit drawn by a variety of actors from the trafficking networks, and the state deliberate inaction in securing its borders.
Interview with G (Niger)

*Total duration: 42mins14secs*

The respondent gave a lengthy overview of migratory flows in Niger, including from the perspective of a likely impact the 2015 Law on migrant smuggling or EU-funded projects might have on these flows. According to the respondent, smugglers now avoid well-transited routes in order to avoid security forces and most of the people transiting the Libyan border are now Nigerien. The numbers illustrative for circular migration are balanced by the large number of forced returns from Algeria, which also include other nationals than Nigeriens, such as ECOWAS citizens, Syrians, Yemenis, Bangladeshi. The respondent believes that other routes are being taken, such as the Malian routes or Chadian, which are significantly more dangerous. The respondent believes that the trafficking and smuggling networks became more professional and are now better equipped, which also reflects on the price paid by the migrants for their journey. The respondent associates all these effects with the actions of the EU in Niger. The security situation continues to deteriorate, which heavily impacts on the internal displacement of population, and believes that terrorist forces from Mali and Burkina will only continue to affect Niger. The respondent believes that these factors also add to the inter-community tensions in both Mali and Niger. The respondent states that, based on conducted interviews with migrants, there is now a trend involving armed groups which traffic migrants in Mali towards Mauritania and Algeria in order to fund their operations. The respondent states that the EU remains the main donor on border management in Niger, via the cooperation agencies of Member States, however border management funding via the EUTF is only awarded to MS cooperation agencies (and not to other entities, such as the IOM). The respondent believes that an identity management system in West Africa would solve many of the inherent issues, including a more rapid voluntary return mechanism and a better overview of migratory flows.

Interview with H (Niger)

*Total duration: 72mins23secs*

The interviewee recalled arriving in Niger in early 2016, working for an EU institution. The interviewee states having witnessed the shift in EU priorities, and the focus thereafter placed on migration and controlling the migratory hub in Agadez. The interviewee stated that there was a difference in perspectives advanced by EU and Nigerien authorities, in the sense
that the EU placed a focus on curbing migratory flows, whereby the Nigerien authorities had a more humanitarian angle, determined by the high number of deaths recorded in the desert. The interviewee recalled the Bazoum plan launched by the Nigerien authorities, and the justification this plan provided to the EU in order to launch a series of projects aiming to curb migration, funded inter alia by the EUTF. The interviewee believes that the Nigerien authorities presented themselves as “an innocent middleman” to the EU when discussing migration-related projects, given the fact that Niger is mainly a transit country and most migrants originate from the sub-region. The interviewee highlighted that the EU was never able to provide Agadez with a suitable economical and livelihood alternative to illegal activities, such as migrant smuggling. This is due to the lack of sustainable alternatives in the area, and absence of gainful employments. Nigerien authorities seem to be lacking ownership of the projects launched by the EU, and the decrease in migratory flows might actually be the result of a diversion of the flows, rather than an actual decrease in border crossings.

The overall security situation in Niger is reported by the respondent to have deteriorated, and donors such as UNHCR also report on the negative impact the newly launched G5 Sahel Force Conjointe actually has on displaced population in the borders area. As regards the specific topic of the EUTF, the respondent is concerned over the lack of coherence between projects developed mostly in Brussels and the operational situation on the ground. A regional entity (such as the EUSR for Sahel) should be entrusted with an actual oversight of the projects on the ground (“there is no appropriate level of authority coordinating the action”). The respondent also expressed concerns as regards the “emergency” nature of the EUTF, which is supposed to actually provide rapid relief and response, whereby projects in Niger registered serious delays.

Interview with I (Mali – G5 Sahel level)

Total duration: 19mins54secs

The interviewee stated that there is a lack of coordination between various EU entities in Brussels (namely DG DEVCO and CSDP) as regards the definition of EUTF projects. Such projects do take into account, theoretically, the needs of the local authorities, but they do so from and European perspective and with a European agenda. There is a limited coordination mechanism level at G5 Sahel level as regards EUTF projects, notwithstanding their cross-border nature.
The respondent stated having worked extensively on adapting into the Nigerien legislation all the international instruments Niger had signed or ratified throughout the years. The respondent places the Nigerien momentum in countering irregular migration in the wider context of the Valletta Summit, when European and African politicians decided that it’s not only countries of origin who should step up their actions, but also countries of transit – such as Niger. The respondent remembers that security projects in Niger were conditioned by the Nigerien president with an increase in development funding. The Nigerien border management strategy was a pre-condition imposed by the EU in order for Niger to benefit from the EUTF.

The respondent described the process of drafting the Nigerien border management strategy, which entailed detailed consultations with local authorities. The respondent believes that the protection dimension of the strategy is mostly focused on victims of trafficking, and especially as regards the likely integration of victims into judicial investigations. The respondent highlight the fact that the ECOWAS free travel regime is not sufficiently taken into account in such circumstances.
Annex 3 Interview Guide – Answers provided in writing by Respondent E

“EU’s Migration Partnership with Africa: Friends or Foes? The EUTF - an externalization instrument of migration policies”
Sandra Dumitrescu, 14 January 2019

Abstract:
By looking at the specific case of Mali and Niger, two of the most notable countries of origin/transit for irregular migration, the research wishes to explore the trend of EU’s externalizing its migration management model. It shall do so by looking at the setting up of the Migration Partnership Framework and the practical implementation of its objectives via the Emergency Trust Fund (EUTF) for Africa in Mali and Niger. The research intends to incorporate inputs from a variety of stakeholders involved in the EUTF implementation, ranging from EU officials to humanitarian agencies and Malian/Nigerian state representatives. By doing so, the research will explore the road between the initial, stabilization-oriented goals of the EUTF and the projects implemented on the ground. The conclusions drawn will inform the debate on a likely externalization of EU’s migration management model, and a subordination of EU’s development aid to migration control.

Q1 What is your analysis of the evolution of migratory flows in Niger between 2014-2018?
The Nigerien authorities started a systematic monitoring and reporting of migration flows in the beginning of 2017. The turning point was the approval of the Migration Law of 2015, which penalizes facilitation of migrant smuggling and THB. There was an induction and awareness period, among Police and magistrates, to raise awareness of the provisions of the new law. Its effective implementation took place in the 2nd half of 2016. In 2017, over 200 migrant smugglers were arrested, and in the 1st half of 2018, around 90 others were detained, besides vehicles and motorbikes seized by authorities. The decrease in migrant flows between 2017 and 2018 is between 85 and 90%, based on different official statistics: number of ECOWAS citizens entering the city of Agadez, number of migrants abandoned in the desert and found by authorities, number of migrants deceased in the desert and found by authorities. IOM also calculates that the drop in migrant crossing through Niger between 2016 and 2018 is of around 89%. Several factors contributed to this decline: first, the impact of the migration law, investigations of the Nigerien authorities and the joint investigation team, disruption of important cross-border migrant smuggling networks operating through Niger, degrading security situation in Libya acting as a deterrent for migrants, enhancement of Libyan Coast Guard capacities and the Algerian migration policy which also prevented a systematic trend of migrants using the Nigerien route to enter Algeria in order to transit or establish in that country. This drop coincided with the increasing use of the western Mediterranean route.

Q2 What is your analysis regarding the security situation in Niger between 2014-2018 (positive/negative trends) and its impact on migration / population displacement?
Security conditions in Niger have been deteriorating, especially in border areas with Mali, Burkina Faso and the eastern region of Lake Chad. Terrorism is the main concern, although migrant smuggling, THB, banditism, drugs and arms trafficking are serious cross-border crimes in different regions (Agadez, southern border with Nigeria, border with Algeria). Regular incursions from jihadist groups into Niger occur from Mali and Burkina. The establishment of jihadist groups inside the country is also increasing. Climate change and conflicts between pastoral and agricultural communities have driven to population displacement inside the country and constitute a major motive of concern.
Regarding the impact of the security situation, especially terrorism, in migration flows, it is generally perceived that the repressive measures of the Nigerien authorities (Migration Law, counter-smuggling investigations) played a more influential role in migration trends than the jihadist threat in Niger. The terrorism affected areas at the Niger-Mali and eastern-Niger-
Nigeria border have long been avoided by transiting migrants and the degrading situation at the Burkina-Niger border would not, per se, be a deterring factor, as daily international buses continue using BCP's along this border. Furthermore, the city of Agadez has been prone to crimes such as drug and arms trafficking (at occasions connected with migrant smuggling networks), but has not seen noticeable jihadist movements due to the resilience of the Tuareg community.

**Q3** To your knowledge, which are the main international donors funding projects on border management / migration management in Niger?

The EU is the main donor in border/migration management, especially through the EU Trust Fund. Other EU States act in this area bilaterally, such as France, Germany, Belgium, Netherlands and Denmark. Outside the EU, the USA is the main donor for border and migration management projects.

**Q4** What is your analysis of EU’s policies regarding irregular migration and their implementation in Niger (added value from an operational standpoint, integration of fundamental rights and international protection obligations in project development, etc)?

Niger succeeded in implementing a law which criminalizes migrant smuggling, dropping the number of unsafe crossings, while at the same time enhancing migrant protection, such as voluntary return, integration in communities of origin, search and rescue procedures in the desert, refugee transit evacuation through Niger, etc. Simultaneously, the security approach has been complemented by a series of development projects in the country, namely the reconversion of former smugglers, training activities, infrastructure support to critical areas such as Agadez. The binomium security/development has been the most innovative approach of the EUTF, to which the Nigerien Government committed since its inception at the Valetta Summit on Migration. (the EU Delegation/EEAS are in a better position to develop on development aid aspects)

**Q5** Were you involved in any stage of the implementation of a border management / migration management project funded by the EUTF?

Frontex did not participate in the implementation of any project funded by the EUTF in Niger.

**Q6** To your knowledge, what is the local coordination mechanism for EUTF projects on border management / migration management? Are you involved in the steering groups?

Frontex is invited by the EU Delegation to Niger to steering groups of border-related projects funded by the EUTF (Joint Investigation Team, GAR-SI, AJUSEN). In those meetings, members of the EU system in Niger (MS Embassies, EU Delegation, EUCAP Niger, Frontex) are present. Project managers make a mid-term review of achievements and project evaluation. The DG DEVCO deploys EUTF programme managers to Delegations of priority countries, which coordinate closely with the project managers of financed projects (for the specific coordination mechanism between EUDEL and projects, kindly address the EU Delegation).

**Q7** According to you, what should the EU do in order to have a sustainable impact on migratory flows transiting Niger?

The EU should proceed with the strategy combining development and security support to key partners in Africa. In terms of development, the creation of jobs, entrepreneurship, industrialization and competitiveness are fundamental intervention areas for Africa's growth and creation of alternatives for youth. In terms of security (in the migration and border management perspective), the EU should continue fostering investigations on migration smuggling/THB networks, accompanied by support in the revision of penal frameworks for these crimes, developing cross-border information exchange and regional security cooperation and, in the frame of the ECOWAS region, foster further integration through the adoption of integrated border management practices among ECOWAS countries (some of them already visible in joint BCP's and international counter-trafficking projects).
Q8 What’s your view on the migration-development nexus in Niger? Do you feel that EU development aid to Niger is subordinated to the success of national measures to curb migration towards the EU? Several other EUTF priority countries which did not achieve the successes of Niger in terms of curbing migration continue receive substantial amounts of development aid, so the nexus is not immediately direct. The connexion can be made in the sense that many projects under the EUTF were subsidized in areas particularly stricken by the migrant smuggling business, such as Agadez, therefore substantial funding was allocated to migration-related projects in Niger, which would not have been with the same pre-eminence if the country did not occupy this geographically strategic position as a transit country.
### Annex 4 Coding matrix

<table>
<thead>
<tr>
<th>Respondent</th>
<th>EUTF migration projects in Mali and Niger: local appropriation and contextual relevance</th>
<th>Migration in Mali and/or Niger: perceptions and trends</th>
<th>Fundamental rights and the EUTF</th>
<th>EUTF and development</th>
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<tr>
<td><strong>Respondent A</strong></td>
<td>Sometimes I wonder what the agendas are for some of the actions that we’re performing. We know very well, from the European Union, that the only way that we can get projects and programmes to work is by including local ownership. But we still do not include local partners and especially governments and civil societies and the populations in the decisions of the projects that we make for security; we are reverting to these “train and equip” programmes without looking long term</td>
<td>The migrants and those who traffic the migrants they have moved to other places; These borders that we have, artificial borders, they are, do they have any meaning for the local population; the Nigerien security forces for definitely I know that for a fact are getting quite a lot of money for people trafficking and stopping at their road blocks all over the country</td>
<td>So these arrests started but I would say they only lasted maybe three or four months and suddenly we didn’t hear that much about them anymore; I think that again we are talking about a very selfish agenda, we have some voters in these democratic states that they have to make sure to retaliate, that we show them that we are doing a lot; One feeling I have is that we are actually talking to a state, for example Niger, that really doesn’t exist, because it’s made up of people who have allegiance to many many other things than the state</td>
<td>Two years later, so we are talking, when I looked the last time in 2018 around September, there was still no development project ongoing in Agadez region (GAR-SI) it’s military status personnel who conducts it sorry, why is the European Union doing a PARSEC project in an area that is controlled by the defense yes we had a one and a half hour meeting with civil society groups in Mopti region, very interesting meeting but it lead to absolutely nothing and there was not very much mentioning of it after that point</td>
</tr>
<tr>
<td><strong>Respondent B</strong></td>
<td>When we started in 2015 discussing</td>
<td>there was a political discussion being</td>
<td>But with regards to the projects that were designed to</td>
<td>everybody was now talking about migration but in fact</td>
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</tbody>
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about an approach that will tackle both the stabilization aspect, security and working on borders with an effect on migration it was quickly, quickly countered by political messages and choices of priorities redirecting everything towards security and stabilization led by the EU Delegation with the Malian Government to try to sign a Compact on migration and in Mali particularly it went very badly in Brussels there was a strong appetite for anything that could underline the involvement of EU institutions and the EU money in trying to do something operationally in West Africa and in the Sahel region in particular on migration build capacities of the internal security forces I haven’t seen all of these principles being at the top of the programmatic documents So it was very confusing to see that the Europeans, bilaterally and as the EU, were pushing the countries of the region to use their military to tackle irregular migration any approach to do border management should not be detrimental to the population living in the border areas

| Respondent C | What the EU states officially is that if you offer economic opportunities to people in countries of origin then they would stay. I think that is only partly true. Local ownership always depends on the beneficiary’s views of that project. | Approximately 70% of these people (note: in the 2015 migration crisis) were said to have transited Agadez, up to that point nobody in Europe knew that Niger was a transitory country or had heard about Agadez. There was a whole industry build around managing migration flows. Mogherini’s first trip to Sub-Saharan Africa. Of course managing migration flows is in the interest of the European Union, but it is also a way to protect the FR of those who migrate against possible abuses in transit countries such as Niger. Of course there was an in-built dimension of how to manage fundamental rights and gender issues. | Until 2015, there was a lot of development aid in both Niger and Mali, but at that point the attention shifted and more and more emphasis was put on this question of migration and how to manage the flow. As soon as the EU would put pressure on the Nigerien government to abandon the model of trafficking, then of course you would have to offer something else. The EU said we have to develop Mali and Niger in order to... |
Saharan Africa was to Niger, why, because migration is a very important topic

<p>| Respondent D | The appropriation of all the European political declarations has not necessarily been translated to a practical demarche; These programmes have been conceived and approved without necessarily understanding that the migratory flows will maybe change route, but we are not actually dealing with the root causes I think we are missing content analysis, I think that we are missing conflict analysis I think we have operators that are acting as free agents, sometimes pursuing their own agendas and trying to | Migratory flows in Mali were of course affected by the security situation, different routes in Niger and the very weak structures in Mali for border management and a weak level of political will to engage on this; Lack of autonomous engagement from Malian authorities; Migration is not necessarily viewed as a Malian problem | Do I think that fundamental rights were actually taken into account in the design of these projects? No. I think that these projects respond to an EU political dynamic that is neither viable in political terms or in programme development terms In terms of fundamental rights, I think that they were put slightly aside, and that the programmes were designed without a view to respect the freedom of movement or frameworks that are in place Initial discussions on the EUTF seemed to forget that the Trust Fund is based on existing EU procedures | It’s a response to a certain development logic whereby if you’re not dealing with the drivers and the root causes and the push factors this is not going to ameliorate at all The EUTF is essentially designed to work on the drivers of irregular migration There is less oversight of the Trust Fund projects than it is of the European Development Fund The operators are not concerned with the durability of the actions |
| <strong>Respondent E</strong> | substantial funding was allocated to migration-related projects in Niger, which would not have been with the same pre-eminence if the country did not occupy this geographically strategic position as a transit country. The turning point was the approval of the Migration Law of 2015, which penalizes facilitation of migrant smuggling and THB. IOM also calculates that the drop in migrant crossing through Niger between 2016 and 2018 is of around 89%. The terrorism affected areas at the Niger-Mali and eastern-Niger-Nigeria border have long been avoided by transiting migrants and the degrading situation at the Burkina-Niger border would not, per se, be a deterring factor, as daily international buses continue using BCP's along this border. Niger succeeded in implementing a law which criminalizes migrant smuggling, dropping the number of unsafe crossings, while at the same time enhancing migrant protection, such as voluntary return, integration in communities of origin, search and rescue procedures in the desert, refugee transit evacuation through Niger. Climate change and conflicts between pastoral and agricultural communities have driven to population displacement inside the country and constitute a major motive of concern. Simultaneously, the security approach has been complemented by a series of development projects in the country, namely the reconversion of former smugglers, training activities, infrastructure support to critical areas such as Agadez. The binomium security/development has been the most innovative approach of the EUTF. |
| <strong>Respondent F</strong> | Selling the EUTF projects in Brussels meant making commitments to operators in order to get. I witnessed myself, in places like Anefis, migrant trucks coming straight through the first lines of fighting. Migrants were piling out, they were not suffocating but a lot of them were dehydrated, and we actually gave. My assumption is that we were trying to deal with the problem too broadly. The PARSEC is maybe trying to |</p>
<table>
<thead>
<tr>
<th>National backing for the project</th>
<th>Why can one UN entity get the funding and not the other?</th>
</tr>
</thead>
<tbody>
<tr>
<td>I don’t know how a Trust Fund like that expects to hold the line</td>
<td>I believe that Gao is still the main staging area for people to move up towards even more dangerous areas</td>
</tr>
<tr>
<td></td>
<td>A huge business is built around transportation of migrants</td>
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<td></td>
<td>I think there are so many vested interests in keeping the trafficking networks alive</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Respondent G</th>
<th>Trafficking networks became more professional and are better equipped</th>
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<tbody>
<tr>
<td></td>
<td>Only the professional networks could continue working</td>
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<td></td>
<td>This impacted on the price of the journey which became more expensive</td>
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<td></td>
<td>We had enormous flows in 2014, increasing in 2015</td>
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<td></td>
<td>With the law in 2015 we saw an important decrease, of over 80%</td>
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<tr>
<td></td>
<td>There was a huge decrease on the routes that were previously used towards Libya</td>
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<tr>
<td></td>
<td>99% of the flows are now Nigeriens going to Libya for circular migration, the numbers are balanced by the huge number of forced returns from Algeria</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>First aid to some people</th>
<th>Improve security while pretending to deal with migratory flows?</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is in our obligation to advocate for international protection obligations to the Nigerien government</td>
<td></td>
</tr>
<tr>
<td>We are not forced by any donor to adapt our system to their policies or foreign policies</td>
<td></td>
</tr>
<tr>
<td>We deal with identification of victims of traffic, special protection given to women and unaccompanied minors</td>
<td></td>
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</tbody>
</table>

<p>| An identity management system would change so much, it would also show the EU that 85% of migrants in West Africa actually remain in West Africa |
| We are certain that there are |
| A lot of people leave their countries because of the lack of development in their home countries |</p>
<table>
<thead>
<tr>
<th><strong>Respondent</strong></th>
<th><strong>Lack of coherence between projects developed mostly in Brussels and the operational situation on the ground</strong></th>
<th><strong>The EU wanted to reduce migration, whereas Nigerien authorities were more concerned about the deaths in the desert</strong></th>
<th><strong>I don’t think this is a priority, the priority is rather to reduce migratory flows</strong></th>
<th><strong>The EU was never able to provide Agadez with a suitable economical and livelihood alternative to illegal activities</strong></th>
</tr>
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<tbody>
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<td><strong>H</strong></td>
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<tr>
<td><strong>I</strong></td>
<td><strong>These projects address specific needs that are indeed existing but they do that from their own perspective and do not take into account local realities</strong></td>
<td></td>
<td></td>
<td>Lack of coordination in Brussels between CSDP and DEVCO</td>
</tr>
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<td></td>
<td>The problem of the national approach with the EU Delegations that don’t necessarily coordinate their actions</td>
<td></td>
<td></td>
<td>There is an exaggerated focus on security, and personally I agree that there should be more focus on development</td>
</tr>
<tr>
<td><strong>J</strong></td>
<td><strong>This Valletta summit was an engine for all initiatives in Niger regarding irregular migration</strong></td>
<td><strong>Niger has signed a lot of international treaties over the years, but they were not necessarily transposed into national legislation</strong></td>
<td><strong>5 actions points of the action plan, one of them focused on repression and another one focused on protection and reinsertion</strong></td>
<td>You need to help us with development, that was an explicit condition posed by the Nigerien president when discussing migration</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>An important role was given to protection of victims of trafficking, but especially from the angle of a likely</td>
<td>The EU posed a condition for Niger to draft a border management strategy in order to benefit from EUTF funding</td>
</tr>
</tbody>
</table>
support to judicial investigations

If you have people who were harassed by security forces along the routes and have no money left, then they will speak. But these are mostly ECOWAS citizens
Annex 5 Interview consent form

Participation Consent Form (for an interview) and Interview guide

I hereby agree to participate in an interview in connection with a research being conducted by Sandra Dumitrescu as explained overleaf.

I understand that the answers I might accept to provide will not be attributed to the organization for which I am currently working, and in no way will my statements be associated with my organization or the official function I currently hold. I understand that all answers will be provided in full anonymity, both as regards my identity and the organization to which I belong.

The interview will be NOT be videotaped. In the interview I will NOT be identified by name.

Upon discussion with the researcher, I will give (or not) my agreement as regards the audiotaping of the interview. My agreement or refusal regarding the audiotaping will be clearly marked on the present form. Should I decide to accept the audiotaping, I understand and accept that any audio records are to be stored securely by Ms. Dumitrescu on a password-protected external hard-drive. The data will be stored for a period of maximum 6 months, and afterwards will be deleted by the researcher. I understand that, at any moment, I can ask Ms. Dumitrescu to delete any audio record and not to refer to its content in her research.

I understand that the interview will take up to two hours and that I can withdraw at any stage. In the event that I withdraw from the interview, any notes made during the interview will be either given to me or destroyed.

I understand that I can decide to withdraw from the research at any moment, and that all information I have provided prior to my withdrawal decision shall be immediately deleted.

In the event that I decide to answer in writing, I understand that Ms. Dumitrescu is authorized to store securely my written answers, on a password-protected external hard-drive. I understand that all data will be stored for a maximum duration of 6 months.

I understand that, upon completion of the interview, the information content of the interview may be used as follows (please your preferred option(s) by ticking the box(es)):

- [ ] Material may be quoted (without being nominally attributed to me) in the thesis
- [ ] Material from this interview may be quoted in other research papers authored by Ms. Dumitrescu, but I wish to remain anonymous.
- [ ] My comments are confidential, for the information of Ms Dumitrescu in the writing of her thesis only and may not be quoted.
- [ ] I would like to receive a printed copy of the interview transcripts
5. I may request that portions of the interview are edited out of the final copy of the transcript.

6. I understand that at the conclusion of this particular study will be kept in a safe location by the researcher. Should Ms. Dumitrescu intend to publish her thesis, I understand that I will be asked to give my consent after having reviewed the final text of the thesis.

7. If I have questions about the research project or procedures, I know I can contact Ms. Dumitrescu and I declare to be in possession of her contact details.

Interviewer signature: ________________________________

Interviewee signature: ________________________________  Consent date: ___/___/___

Address:

__________________________________________________________________________