



Pushing the boundaries:

Insights into the EU's response to mixed migration on the Central Mediterranean Route.

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Front cover: Female migrants from sub-Saharan Africa sit waiting at a detention center in May 2015 in the capital Tripoli, after they were arrested in Tajoura, east of Tripoli. *Mahm d T kia/AFP/Getty Images*



Executive summary

Migration has been at the top of the European political agenda since 2015 following a spike in peopl

Thousands of men, women and children are languishing in ghettos in Niger and in government-run and unofficial detention centres in Libya, without access to basic services. Others attempting to stay and work in Libya live with the constant threat of abduction, exploitation and abuse, impeding their ability to access basic services and move freely within local communities. Many have been subjected to inhumane treatment at the hands of state and non-state actors (including vast criminal networks of people smugglers); among them are the unrecorded thousands who have perished in the desert.

EU policy interventions could make a significant positive impact on the situation on the ground, and there are many examples of good practice. These include development projects across the region, supported by the EUTF for Africa, and increased cooperation between the EU and the African Union (AU) through the joint Migration Task

Increasing the security capacity of border management without sufficient attention to the safety and human rights of vulnerable migrants is also creating additional obstacles for those most likely to face discrimination and problems in accessing services, thereby putting more lives at risk. The revelation that one Libyan recently sanctioned by the United Nations (UN) was a former militia leader able to act as both people smuggler and head of the EU-funded regional unit of the Libyan coastguard, highlights the need for far greater accountability of the security services the EU is supporting. The 2018 June European Council conclusions backed greater support for the Libyan coastguard, and stressed the need for “all vessels” operating in the Mediterranean to “respect the applicable laws and not obstruct operations of the Libyan Coastguard”. In light of concerns about the conduct of the Libyan coastguard, this emphasis on other search and rescue (SAR) vessels is misplaced. At a time when the Mediterranean Sea crossing has become one of the most deadly in the world, the focus should remain on encouraging effective collaboration between all SAR operations. Any financial support must be made conditional on respect for fundamental rights and accompanied by extensive monitoring to ensure that EU resources are not being diverted to support the smuggling trade or inadvertently contributing to the abuse and exploitation of migrants. The current accountability gaps must be tackled, with more resources channelled into assessing the implementation of new approaches to determine their actual impact.

According to recent research, only one in five people who migrate to Libya ultimately attempt to cross the Mediterranean Sea.⁸ The voices of the people in this report who made the journey to Italy say they were driven onwards to Europe because of the appalling conditions in Libya.⁹ There are no simple solutions and ultimately the only way to improve conditions in Libya and reduce the likelihood of migrants travelling onwards to Europe, is to support efforts to restore stability and good governance. They must continue to unite behind and support the UN-led peace process, based on the Action Plan unveiled in September 2017 by Ghassan Salamé, the UN Secretary-General's Special Representative for Libya. EU member states can do more to build on the momentum of the 2015 Paris Summit, which brought together the country's key power players to agree on a roadmap towards elections, through a joint diplomatic strategy that drives an inclusive political process establishing the necessary technical, legislative, political and security conditions to promote stability and protect human rights for all in Libya.

Ultimately, much of Europe's power as an actor on the global stage lies in its projection of a values-driven foreign policy, and the current trend towards transferring some of Europe's responsibilities onto the developing world does not set the right example. Migration must be safer but it is also manageable, provided EU leaders agree necessary reforms to put in place a fair, humane and efficient asylum system that shares responsibility between European countries. Alongside this, the IRC suggests the following ‘Ten Point Action Plan’ for EU leaders to promote a values-driven approach to migration along the CMR. French President Emmanuel Macron has indicated that the Sahel will be an important focus for the G7, which France will host next year – this will be another important opportunity for progress on these points.

Ten point action plan for migration along the Central Mediterranean Route:

1. Improve access to lifesaving services for vulnerable migrants along the Central Mediterranean Route:

The EU-AU-UN Migration Taskforce should provide greater financial and logistical support to agencies delivering outreach services to address the health and psychosocial needs of vulnerable migrants at different points along the Central Mediterranean Route, to ensure a coordinated response that is able to reach the most vulnerable. This includes working with the Libyan Government of National Accord (GNA) and the House of Representatives to ensure they establish a registration system for all those detained in Libya (including at proposed disembarkation points) and adopt a Protection Guarantee to ensure the provision of gender segregated areas, appropriate sanitation and hygiene facilities, access to legal aid, health services and adequate food and non-food items in all government-run facilities. Special provisions must be made to provide protection and services for children travelling alone – an estimated 26,095 children are currently unaccompanied in Libya². At sea borders, the focus must remain on saving lives and facilitating effective collaboration amongst vessels operating in the Mediterranean, in full respect of fundamental rights.

2. Protect and empower women and girls along the Central Mediterranean Route:

Women and girls are particularly vulnerable to abuse and exploitation, for example, roughly 80 per cent of the female Nigerians reaching Italy and other countries in the EU in 2016 were victims of sex trafficking¹. The EUTF for Africa should invest in specific programming to support the safety and wellbeing of women and girls by providing access to sexual and reproductive health care, gender segregated sanitation facilities, safe spaces for women and girls at reception points, and appropriate medical care, counselling and legal services for survivors of GBV. These protection measures should be integrated alongside programming to economically empower women through livelihoods support, access to cash and financial services, and collaboration with local women's organisations and communities to tackle harmful gender norms that inhibit economic well-being.

3. Increase humanitarian funding for countries along the Central Mediterranean Route:

The EU can build on the political momentum generated by the International High Level Conference on the Sahel that it hosted in Brussels in February this year to increase pledges in support of the 2018 Humanitarian Response Plan (HRP) for the Sahel, which is currently only 19.4 per cent funded for Libya and 33 per cent funded for Niger. It should also continue to work with other key stakeholders, such as the League of Arab States (LAS), to provide the required additional US\$250 million for Libya and US\$338 million for Niger.

4. Ensure EU asylum processing procedures are principled and humane:

The right to asylum was born in Europe and the EU has a duty to continue to uphold these standards as it asks them of other countries through the Global Compact for Refugees. Before moving forward with the current proposal for 'regional disembarkation platforms' or other forms of external processing centres outside of the EU, the EU has a responsibility to fully address four key areas of concern: legality, safe and humane conditions, access to the centres, and access to due process, over which numerous questions remain.

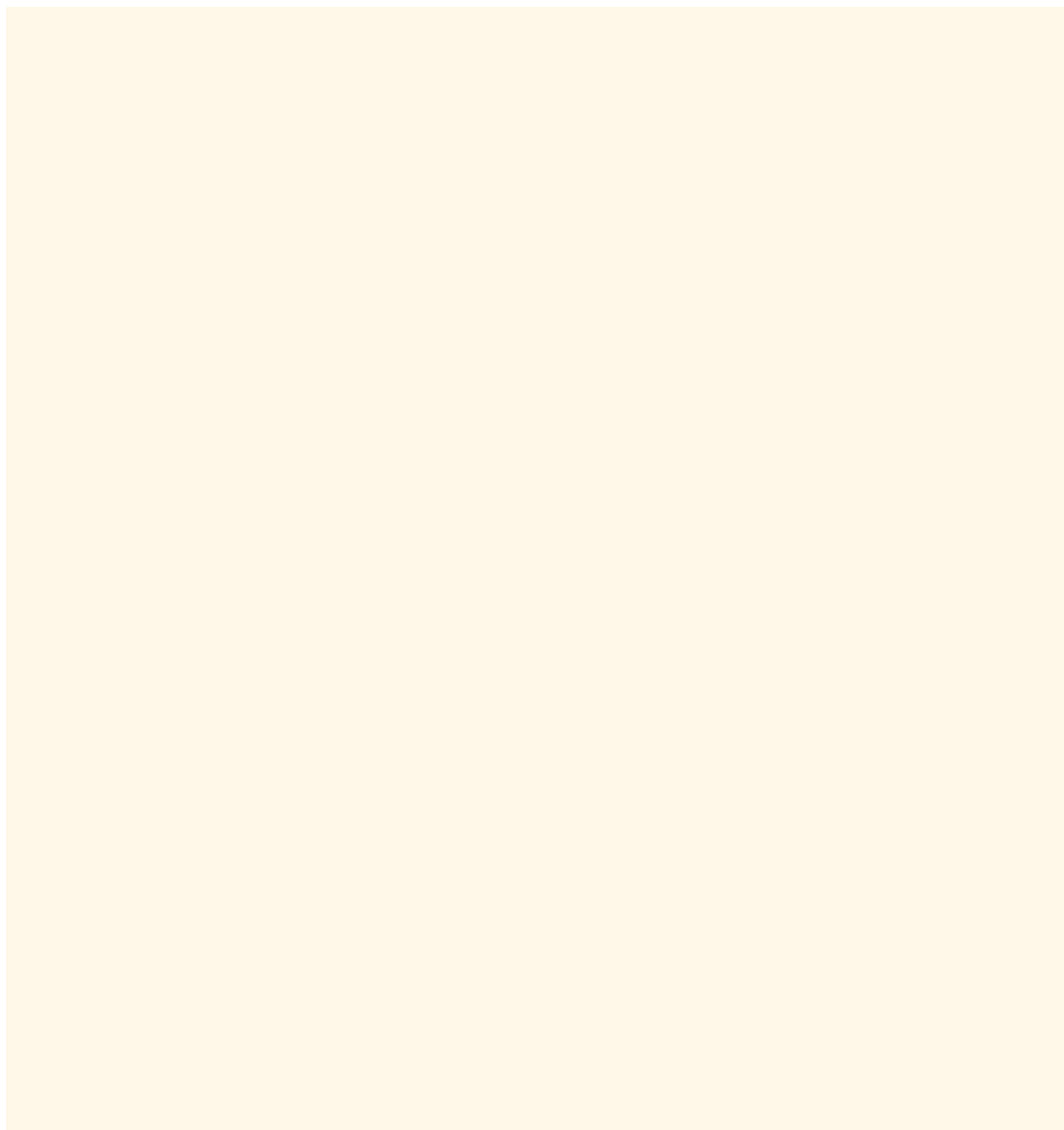
5. Increase access to resettlement in the EU:

The EU has the capacity to immediately double its emergency resettlement pledges for the CMR to 8,000 places by the end of 2018, in addition to current pledges under the Union Resettlement Framework. This target is 20 per cent of UNHCR's global call of 40,000 emergency places for the route, reflecting the EU's combined Gross Domestic Product (GDP), which is approximately 20 per cent of global GDP. Greater investments can also be made to shorten the waiting period for people evacuated under the ETM to ensure they are not left in limbo in processing centres.

6.

Introduction

In November 2015 at the Valetta Summit on Migration, the European Commission launched the EUTF for Africa. This €3.4 billion fund is intended to support irregular migration management and border management in 22.8031





Above: Sub Saharan woman leaving the Hamal rescue boat. 50 men and 5 women were rescued in Alboran Sea from a dinghy and brought to the port of Motril. 121 people were rescued today by the Maritime Rescue Safety in Alboran sea and assisted by Red Cross. *Ca lo GILL/SOPA Image/Light Rocke ia Ge Image*

This suite of initiatives sends a clear signal about the EU's response to mixed migration, and its intention to prioritise stemming future arrivals to Europe in their development cooperation programmes in North Africa and the Sahel. Despite language around these programmes majoring on humanitarian imperatives and the importance of economic development initiatives, the priority focus attached to stopping people moving risks detracting from the focus on addressing humanitarian and development needs.

This report offers insights into the ongoing crisis in two countries where the IRC has a significant presence: Libya and Niger. It exposes the dire humanitarian situation and the as yet unmet needs, especially among vulnerable groups such as women and children.

It also examines how certain EU interventions risk creating perverse unintended consequences in the region including the disruption of long established intra-Africa migration patterns that sustain livelihoods. Ultimately, the reality on the ground indicates that in some cases, these policies risk undermining the EU's strategic poverty reduction and stabilisation objectives.

A ten point action plan is presented, outlining immediate actions the EU and its partners should take to re-focus interventions along the CMR towards protecting and meeting the needs of vulnerable people.

Asylum

Many people leave their country due to political factors such as conflict, violence or persecution. Tens of thousands of people have been killed due to the protracted conflicts in Sub-Saharan Africa alongside the rise of violent extremism across the Sahel, attacks by al Qaeda in the Islamic Maghreb (AQIM) and Boko Haram. This violence has resulted in many people being forced to seek protection outside their own country⁶. UNHCR estimates that up to 30 per cent of those travelling through Niger since 2016 may have been in need of international protection.¹⁷ However, many continue on to Libya. There are migrants of nearly 40 nationalities in Libya, with 65 per cent originating from Sub-Saharan Africa, 28 per cent from North Africa and seven per cent from the Middle East. Currently, UNHCR has registered 52,739⁹ refugees and asylum seekers in Libya (59 per cent male, 41 per cent female, 30 per cent children¹⁰) but many are out of reach to UNHCR and aid agencies for a variety of reasons, so the actual number in need of international protection is likely to be much higher. An estimated 277,000 people are in need of resettlement across the 15 priority countries along the route¹.

Family reunification

Families are often separated as family members are left behind in the country of origin or in their country of first displacement. They either lack the resources to make the journey as a group, are rightly fearful of the dangerous conditions that it entails or, in some cases, are forcibly separated by smugglers along the route. Family members trying to reunite with others either along the route or in Europe is often part of the reason that people are on the move. Research in 2016, for example, showed that 44% need of resuha174j T*8(aw, in those traveither alonCya (5)M41(, U)R w

NIGER, FOR EXAMPLE, IS RANKED SECOND TO LAST ON THE UN'S 2016 HUMAN DEVELOPMENT INDEX OF 188 COUNTRIES, BASED ON LIFE EXPECTANCY, EDUCATIONAL ATTAINMENT AND GROSS NATIONAL INCOME PER CAPITA.²⁵

Poverty

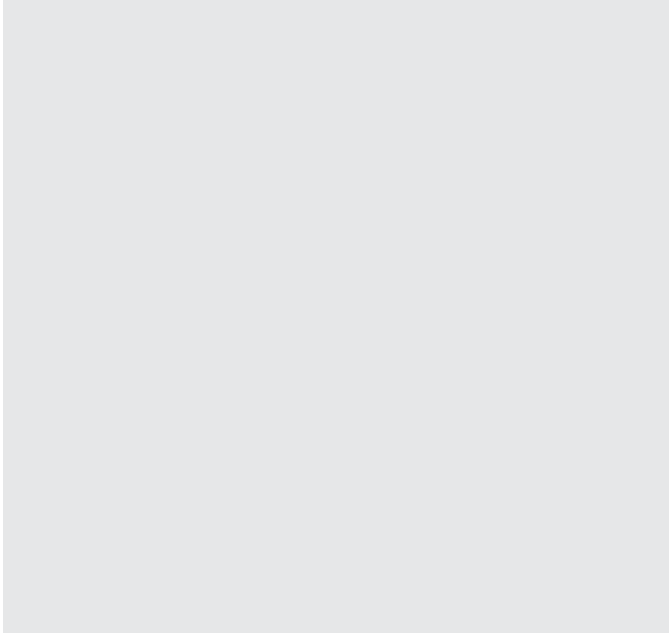
Countries in the Sahel are some of the poorest in the world and the most vulnerable to climate change. Niger, for example, is ranked second to last on the UN's 2016 Human Development Index of 188 countries, based on life expectancy, educational attainment and gross national income per capita²⁷. 44.5 per cent of Nigeriens live in grinding poverty, surviving on less than US\$1.90 a day and male and female adult literacy rates are at just 23 per cent and nine per cent respectively²⁸. For the majority who rely on agriculture for survival, many have no choice but to seasonally migrate across borders in search of work, when increasingly severe droughts destroy their crops and livestock. Historically, Libya and Algeria have provided people from poorer countries with an opportunity to earn much more than in their home countries or elsewhere in the Economic Community of West African States (ECOWAS) zone, a regional economic integration union comprising 15 countries. Around half of the migrants in Libya originally travelled in search of work. Niger's close proximity to Libya and Algeria makes the northern part of the country a key transit hub for Nigeriens and other West and Central Africans.

Mixed migration

Those moving along the CMR are driven by a combination of factors outlined above. However, the dangers faced, in many cases, the human rights abuses and violence endured, during the journey can drastically affect the vulnerability of migrants along the route and can drive them to make further migratory movements in order to

Urgent needs of vulnerable migrants

People on the move across the CMR have a range of urgent humanitarian needs which agencies like the IRC are working hard to address. However, a closer look at the situation in Niger and Libya reveals that the challenges in meeting these needs are great and require concerted and coherent humanitarian, political and diplomatic efforts.



Libya

Discrimination in Libya

IOM has officially recorded 690,351 migrants in Libya but estimates there may actually be 750,000 or more⁴⁹. Libya is not a signatory to the 1951 Refugee Convention, nor does the country recognise the right to claim asylum or the role of UNHCR. While some migrants who arrived in Libya before the conflict had the legal right to work, most of the more recent arrivals do not, and face huge challenges in securing legal papers in this current period of instability and weak governance in Libya. Some are refugees and asylum seekers, or have been trafficked, with no official recognition of their right to international protection status under Libyan law.

The majority of migrants in Libya reside in host communities as opposed to official and unofficial detention centres. Like most Libyans, it is reported that their most pressing humanitarian needs are access to health care, jobs and freedom from violence⁵¹. As the country's security situation has deteriorated, xenophobic sentiments and abuse against migrants have increased, especially targeting those from Sub-Saharan Africa. Those without legal papers are particularly vulnerable to exploitation. A recent study by

Migrants held captive in unofficial detention centres

In addition to those in official, government-managed detention centres, there are unknown thousands held captive in 'unofficial' detention centres, run by a range of armed actors including militias and criminal gangs. Located in disused farms and warehouses, the UN has referred to these unofficial centres as 'forced labour camps', 'where people were held for months at a time without any form of due process, in squalid, cramped conditions'⁴⁹. Those being illegally held are without even the very limited services that are available in official detention centres, as neither the UN nor NGOs are able to access these facilities. Testimonies of those held captive depict people extorted for ransom from family, forced into manual labour, and experiencing torture, rape and other forms of abuse for extended periods before being released or brought to the coast for travel across the sea.⁵⁰ During the September-October 2017 conflict in Sabratha, more than 18,000 migrants in captivity escaped from a single location, giving a sense of the large numbers that may be held elsewhere.⁵¹ More recently, in late May 2018, hundreds of migrants escaped captivity in Bani Walid, some having been held and abused for years.⁵²

Women and girls on the move

Female migrants are particularly vulnerable to abuse and exploitation. Women and girls risk being forced into prostitution and trafficked for the purposes of commercial sexual exploitation. IOM estimates that up to roughly 80 per cent of the Nigerian women and girls reaching Italy and other countries in the European Union in 2016 were victims of sex trafficking.⁵³ It is also commonplace for women and girls to experience sexual violence at the hands of smugglers.⁵⁴ Whilst women can be reluctant to talk about their experiences, others spoke of their suffering at the hands of criminal gangs.

IOM states that 11 per cent of adult migrants observed in Libya are female,⁵⁵ while the Mixed Migration Monitoring Mechanism initiative (4Mi) puts the percentage at closer to 30-40 per cent.⁵⁶ Yet there are a lack of dedicated services for women and girls in either Niger or Libya, including sexual and reproductive health services and support for survivors of GBV. According to UNHCR, the most common first request made by female asylum seekers who are evacuated to Niger from Libya is for HIV testing; an indication that many will likely have been raped while detained.⁵⁷

Even when women and girls have not suffered from sexual abuse and exploitation, they face stigma. In a recent 4Mi report, Sub-Saharan African female respondents, particularly from West Africa, reported feeling stigmatised and treated as if they were prostitutes.⁵⁸ Fear of intimidation can further inhibit their decision to access essential services and can constrain their options for income generation. There is an urgent need for dedicated outreach to vulnerable women and girls at different points along the route, including access to 'safe spaces' which provide health care, psychosocial support, legal services and economic opportunities.

Asylum claims, resettlement and return

In response to the dire situation for many vulnerable migrants in Libya, the EU has been supportive of two channels for evacuation: VHR, which facilitates an individual's return to their country of origin if they do not need international protection; and the ETM, which affords asylum seekers of seven nationalities the potential to be evacuated out of official detention centres to Niger, for possible onward resettlement to Europe after assessment of their asylum application. The UN oversees both processes in cooperation with African governments and EU member states who have agreed to accept returnees or allocate resettlement places. Strengthening and expanding this strategic partnership via the EU-AU-UN Migration Taskforce is a vital tool for helping thousands to escape horrendous conditions in detention centres in Libya, and to ensure those with valid asylum claims are able to access the protection they are guaranteed under international law.

For those intercepted at sea, the situation is more complex with respect to political agreement over which countries should take initial responsibility for processing asylum claims. This highly politicised issue has caused the EU to revisit ideas for 'external processing' or 'disembarkation platforms' to lessen the numbers of arrivals to southern European countries, as discussed below.

ETM

In 2017 UNHCR, with the agreement of the Nigerien government, established the ETM. The goal of the ETM is to evacuate refugees and asylum seekers from official detention in Libya to safety in Niger, where EU member state delegations can deploy to assess their claims and, if successful, offer them resettlement in the EU. This is a critical lifeline for refugees and asylum seekers held in the official detention centres, but significant improvements need to be made to strengthen this mechanism. Some limitations and challenges include:

- UNHCR is only able to evacuate people of seven authorised nationalities¹. This needs to be extended to all refugees and asylum seekers on the basis of need, not nationality.
- The process to evacuate people from detention centres is slow and inefficient, which has limited the numbers of people being registered by UNHCR under the ETM. Libyan authorities need to improve the bureaucratic process, and provide full access to UN agencies to effectively identify vulnerable migrants for processing.
- Niger is only able to offer 1,500 places at its centre in Niamey at any one time. Yet many are left there in limbo as resettlement places in European countries fail to materialise, in turn preventing more vulnerable people from being evacuated from Libya. There is an urgent need for the EU to increase resettlement places and address bottlenecks in processing procedures.

Since the ETM was established, only 173 people have been resettled across Europe, in France, the Netherlands, Switzerland and Sweden². Although the European Commission has consistently pressed member states to step up in this regard, the pledging and resettlement processes remain slow. Current pledges from EU member states stand at 3,781 places for Libya and Niger (including only 53 places for unaccompanied children³). This falls short of the 8,000 places the EU should be offering as part of its commitment to equitably share responsibility for resettlement with other parts of the world. This figure is calculated as 20 per cent of UNHCR's global call for 40,000 places for the CMR, in line with the EU's 20 per cent share of global GDP. The reluctance of EU member states to provide more resettlement places caused the Nigerien government to suspend evacuations to their site in Niamey for nearly three months in early 2018. While evacuations have resumed as of 13 May 2018, the process is likely to stall again if sufficient resettlement pledges are not clearly articulated and adhered to by EU member states.

It is also important that the places offered for the CMR are properly considered as 'emergency pledges' in addition to those already agreed. This would be in line with the emergency resettlement procedures currently foreseen under the proposed Union Resettlement Framework, which is currently being negotiated by the EU institutions. Agreement on this framework, provided it includes all necessary safeguards, would lay the groundwork for a more coherent and robust system to enable member states to scale up their resettlement commitments.

External processing centres

According to the EU's Dublin Regulation, the first country to which a person arrives is responsible for examining their claim to asylum. The spike in arrivals in 2015, and the progressive tightening of internal border controls put in place by neighbouring EU member states to reduce onward movement, has placed a disproportionate share of the responsibility on the states situated on the EU's southern border, in particular Greece, Italy and Spain. A proposed revision of this Regulation has been on the table for the past two years but entrenched political divisions between east and west, north and south have prevented an agreement that would pave the way for a system that more equitably shares responsibility between states. In light of this stalemate, EU leaders are now returning to the long debated idea of external processing centres that would examine the claims of those seeking protection in the EU outside the EU's shores. The model of 'regional disembarkation platforms' was the subject of lengthy discussion at the June 2018 European Council meeting. Alongside this model, EU leaders considered other linking measures, such as further intensifying support for the Libyan coastguard and the coastguards of other neighbouring countries, the idea being that people could be disembarked from boats to centres within these countries' territories if they were rescued within their territorial waters. The Council Conclusions mandate the EU Council and European Commission to 'swiftly explore this concept'⁸⁴ Before moving forward with this proposal or other forms of external processing centres, these bodies should fully address four key areas of concern around the legality, humanitarian standards and due process underpinning these proposals, against which numerous questions remain.

1) Legality: would people be taken directly to a regional disembarkation platform instead of to the nearest safe port, in contravention of international maritime law? Would a negative decision at a disembarkation point block a person from seeking asylum in an EU member state, in contravention of international refugee law? How would it be possible to ensure that people's rights under EU law are upheld outside the EU's territory?

2) Safe and humane conditions: it is crucial to ensure that people are in humane conditions and that their rights are fully upheld. It is likely that those awaiting assessment of their claims would be held in detention, yet the lengthy average processing times mean this would not be an acceptable solution for vulnerable people. Holding children in detention is a violation of UN guidance on implementation of the Convention on the Rights of the Child. The arrangements established to implement the EU-Turkey deal do not inspire confidence that while people's claims are examined they would be treated in a dignified, humane manner that affords full respect to EU asylum law.

3) Access to the centres: who would have access to the centres? For example, could people only access them if they had attempted to reach Europe by boat and been rescued at sea, thus increasing incentives for them to try to make the sea crossing?

4) Due process: what guarantees would be in place to ensure that the process is fair and transparent?

As regards cooperation with the Libyan coastguard, it is important that any step up in these efforts is preceded by work to ensure that the safety and wellbeing of people picked up at sea is guaranteed once they are returned to Libya. Furthermore, there are questions as to why North African countries would agree to cooperate on hosting these centres. As discussed above, the ETM has been suspended because only a certain number of people can be hosted there at a time, and people cannot be processed for resettlement and resettled quickly enough to free up spaces for others.

Beyond this, a more fundamental question remains about whether it is right for the EU to push some of its responsibilities for processing – and perhaps also hosting – refugees onto much poorer third countries in this way. Developing countries already host 85 per cent of the world's refugees, while the EU, a stable and prosperous region, hosts just 11 per cent. If the EU expects these countries to continue to play such a fundamental role in managing migration, it is crucial that it upholds the right for people to access their right to claim asylum inside the EU, in full respect of fundamental rights.



Voluntary Humanitarian Return Programme (VHR)

Those who do not qualify for evacuation via the ETM can opt for IOM's VHR. Through this programme, IOM provides people both inside and outside of detention with support to obtain the necessary travel documentation, such as passports and organising travel to countries of origin. In operation since 2006, the VHR was massively scaled up along the CMR following support from the EUTF for Africa in 2016.⁸⁵ This has resulted in 23,302 migrants being returned to their country of origin via VHR since January 2017. While this is a positive and lifesaving option for many, it is clear that many are returning to their countries of origin highly traumatised, and if support services are available at all, they often lack the capacity to provide the level of care needed. The majority of returnees will be going back to the same levels of poverty that influenced them to migrate in the first place. Reintegration can be challenging, requiring a range of interventions, and many will face stigma from their communities for failing to finish their journey.

In the second half of 2017, IOM introduced reintegration services for people once they return home, which includes livelihood support and access to mental health and psychosocial services. This is a positive step but services provided have not been able to keep pace with the scale of returns catalysed by the large numbers being evacuated from Libya since November 2017 (over 15,000 between November 2017 and March 2018)⁸⁷ These initiatives require increased resources from the EUTF for Africa that need to be linked into longer term development initiatives, based on increased cooperation with authorities and local communities.

Economic development

The negative impacts of climate change and regional instability in recent years have undermined development efforts and increased poverty in the Sahel. The Agadez region has seen a severe decline in tourism as a result of the armed rebellion in Niger in 2006 and 2007, and the Sahel Crisis of 2012. Before Tuareg rebels stepped up attacks in the uranium mining powerhouse in 2007, some 5,000 tourists used to arrive in Agadez annually, spending 3 billion CFA and putting the region among the most active travel destinations in Sub-Saharan Africa.⁸⁸ This has also damaged the region's ability to utilise one of its most important assets, its natural resources, following the recent closures of uranium and gold mines.⁸⁹ Deforestation, desertification and frequent, severe droughts caused by climate change have also jeopardised the rural livelihoods most people in Niger depend on.

Impact of restrictive migration management policies on development

The interrelation between migration and economic development is complex. There is broad agreement, however, that while emigration can have certain negative impacts on countries of origin, overall, emigration produces a net economic benefit not only for the individual household, but also for the rest of society.⁹⁰ Furthermore, contrary to popular perception, the majority of migrants from the Global South are hosted by other countries in the Global South.⁹¹ It is therefore essential that any policies designed to improve migration management take into account the potential impact on poverty reduction strategies, and are designed in partnership with the countries concerned.

The EU is careful to acknowledge the importance of ensuring coherence between migration management and

eliminating barriers to free movement, just as the EU has done inside Europe⁹⁶. However, border restrictions across the Sahel driven by the EU's migration management policies run contrary to these efforts by preventing large numbers of seasonal economic migrants and traders from moving easily within the region in search of work, as they have done for generations. Those who continue to travel now have to pay exorbitant bribes to security forces⁹⁷.

2) A one-size-fits-all approach to the migration 'business'

The migration 'business' has been an integral part of local economies across the Sahel for generations. The provision of shelter, food and transport for seasonal migrants has generated much-needed revenue for local businesses and traders in struggling local communities in Agadez and other towns along the route⁹⁸. During its peak in 2013-2016, those managing ghettos for migrants were making anywhere from US\$10,000 to US\$13,000 a week⁹⁹. As has been mentioned above, a new law designed to dismantle criminal gangs of smugglers has tended to target relatively minor actors operating on the route, such as drivers and guides, rather than those controlling the system¹⁰⁰. In addition, a one-size-fits-all approach from local law enforcement to anyone associated with the migration business has in effect criminalised a wide range of people, including legitimate businesses, as 'migration actors'. Those selling food, water and other goods to migrants, as well as vehicle drivers providing them with transportation, have been arrested on the grounds that they are in the same category as smugglers.

There has been insufficient attention given to those who have lost their livelihoods as a result of migration management policies imposed by the EU, or due consideration as to how a one-size-fits-all approach to the migration business has increased the vulnerability of already impoverished communities. Although there are no official figures available, IRC staff are noting that the crackdown on smuggling has led to an increase in robberies and other crimes in and around Agadez. The EU's recent focus on curbing migration from Niger onwards, without equal attention to the linkages between migration and the country's overall development needs, including job creation, basic service provision and good governance, risks creating instability and tension and an increase in extremism in the long run. Better analysis and understanding of these linkages, together with action to address them, is crucial to more effective and sustainable migration management.

Opportunities to support economic development

Development financing

In November 2015, the EU launched the EUTF for Africa 'to address the root causes of instability, forced displacement and irregular migration, and to contribute to better migration management'¹⁰². It provides much-needed, flexible funding focused on countries along the major migration routes to Europe. The EUTF for Africa is a crucial source of funding for Niger, which receives more than any other country (€189.9 million in 2017).¹⁰³ So far, for the Sahel and North Africa, around €1.6 billion worth of projects have been approved under the fund, and in December 2017, the EU announced that it will continue to support Niger by providing development assistance totalling €1 billion during the period 2017-2020.¹⁰⁴ Since its core aims include job creation, support for basic services and promoting conflict prevention, the fund is well-placed to help foster sustainable livelihoods and other essential measures to mitigate the impacts of tackling the smuggling industry on the local community. However, if it is to effectively meet its objectives as part of a holistic approach to migration management, this funding must be delivered in line with the right principles and priorities.

Promote inclusion and accountable development

To ensure the optimal impact of the EUTF for Africa, the aims of the Busan High Level Forum, which build on the 2005 Paris Summit,¹⁰⁵ must be central to its implementation.

Economic migration within the Sahel

Promoting economic development across the Sahel should include facilitating the orderly movement of labour across borders. ECOWAS already allows the free movement of labour within its region under the Free Movement Protocol.¹⁰ The EU should further support additional legal and well managed circular migration pathways across the wider Sahel region. This should include allowing for seasonal migration in support of agricultural livelihoods, for example after harvest time, which would significantly strengthen the resilience and development of local communities.

Despite the significant risks facing migrants in Libya, people continue to arrive there in search of work. A recent report found that knowledge about the security situation and migration measures implemented since 2017 in Libya did not impact refugees' and migrants' decision to go to or stay in Libya or migrate further north.¹¹ Therefore, more should be done to help reduce the exploitation of economic migrants in Libya. For those in Libya with the legal right to work, the process to renew their existing work permits is fraught with risk and complications, due to the fragility of state bureaucracies and the high levels of discrimination against migrants (particularly those from Sub-Saharan Africa). The EU-AU-UN Taskforce could provide support to revisit efforts made in 2012 to establish a national migration policy for Libya, through a joint migration action plan with the Libyan authorities to increase access to work permits for migrants. This would, of course, need to be part of ongoing efforts to stabilise and rehabilitate Libya through strategies to build peace and promote good governance.

Economic migration between the Sahel and the EU

European politicians need to be honest about their economies' need for migrant labour, and policies should reflect the need for people to be able to meet these needs safely. Estimates show that over 100,000 non-EU seasonal workers come to the EU each year – as the European Commission states, 'EU economies face a structural need for seasonal work for which labour from within the EU is expected to become increasingly difficult to find'.¹²

Legislation to enable well-managed temporary seasonal work routes to fill core labour shortages in the EU already exists through the Seasonal Workers Directive. As the Directive requires a job offer from an employer before a permit is granted, the EU should actively promote bilateral programmes between Niger (and other Sub-Saharan African countries) and EU member states to facilitate connections between an employer and employee, and provide safe and legal pathways to the EU. Facilitating such routes could benefit both regions by meeting Europe's labour demands while allowing for remittances to be sent to communities in Niger and, in the case of agreements with other Sub-Saharan countries, undercutting the smugglers' business model.

Such bilateral programmes could help meet one of the stated aims of the EU's Valetta Process – legal routes of entry into the EU. More recently, Council Conclusions on the EU Sahel Regional Action Plan stated that a key 'lesson learnt' was that the, 'EU should focus on...organising mobility and legal migration' and acknowledged that, 'for individuals, migration can be one of the most powerful and immediate strategies for poverty reduction'.¹³

Diplomacy

The EU's diplomatic influence in the Sahel is arguably as important as the development funding it provides in promoting peace and stability in the region. The EU and its member states continue to be actively involved in peacebuilding and stabilisation efforts, through a combination of different strategies. These range from support for regional counter-terrorism platforms, such as the Multi-National Joint Task Force (MNJTF), to engagement in inter-regional stabilisation partnerships, primarily the Libyan Quartet,¹¹⁴ and convening of international peacebuilding summits, most recently the Paris Summit in May 2018. As crucial as these efforts are, there is much more that European states can do with their significant diplomatic influence to increase the focus on good governance and secure human rights for the most vulnerable within these processes.

Security across the Sahel

In Niger, as in Libya, security and development are intrinsically linked. Jihadists operating on the Niger-Mali border feed a narrative that they are 'protecting aggrieved communities'¹¹⁵ in order to bolster local recruitment. Jihadists and other armed groups found in Niger operate primarily across borders, necessitating robust regional approaches, such as the MNJTF, set up by Cameroon, Niger, Nigeria and Chad with the specific mandate of tackling Boko Haram.

EU member states, most notably France, have provided financial, logistical and diplomatic support to the MNJTF and the G5 Sahel group of states, made up of Burkina Faso, Mali, Mauritania, Niger and Chad. This includes the establishment of the G5 Sahel Cross-Border Joint Force endorsed by the AU and recognised in June 2017 by the UN Security Council by Resolution 2359, sponsored by France.¹¹⁶ The G5 force, for example, had been in the pipeline for a number of years, but was unable to fully launch as pledged funding failed to materialise. That changed on 23 February 2018 at a conference in Brussels co-chaired by the EU, AU, G5 Sahel and UN. Fifty states including Saudi Arabia, the United Arab Emirates, Norway, the United States and Japan pledged a total of €414 million, surpassing the French government's aim of reaching €300 million.¹¹⁷

However, the challenge is to ensure that this relatively sudden international focus is turned into sustainable, long-term support. For the G5 Sahel to be sustainable, for example, Niger President Issoufou, has stated that €115 million will be needed annually going forward. His sobering statement was further backed by the UN Secretary General, António Guterres' warning that whilst the conference was a success, the G5 Sahel needs predictable, regular funding to have a true chance of bringing greater security to the region.¹¹⁸

Moreover, the overwhelming focus of these international actors on short term migration and security objectives can also act as a barrier preventing national and local needs from being met. Just as security is a prerequisite for development, so a failure to address the urgent development needs of Niger and the wider Sahel region risks undermining security advances. But despite the fact that the creation of sustainable and regional development is an intrinsic part of the G5's mandate, the first time it discussed the links between security and development in its four years of existence was at the conference in Brussels in February this year.¹¹⁹

The need for good governance

Long experience – including that of the IRC in governance programming – shows the importance of prioritising good governance in fragile contexts as a precursor to meeting the humanitarian and development needs of local people. In this case, well-known lessons of conflict sensitivity and development have been set aside in the rush to implement security and border management policies. As detailed throughout this report, stability is key to enabling an environment that allows for humanitarian needs to be addressed in the short-term, combined with sustainable development for the longer term. Stabilising the region includes addressing the security challenges which are extensive along this migration route. However, a heavy handed focus on security and border management, without the required focus on sustainable development policies, is already having damaging consequences.

The EUTF for Africa's focus in Niger – and elsewhere in the Sahel – is on so-called 'train and equip' programmes that attempt to upskill security services such as the national police and border guard forces.¹²⁰ The €86 million EUTF for Africa budget for Niger currently pro led for *improved governance and conflict prevention* is spread between two projects, both aimed at tackling human trafficking, irregular migration and people smuggling.¹²¹ Without a more balanced approach, more programmes to drive better accountability between the people and the authorities, a specific drive to build up the strength and resilience of civil society groups, then it is likely that EUTF for Africa objective to support 'improvements in overall governance, in particular

by promoting conflict prevention, addressing human rights abuses and enforcing the rule of law' will remain unmet. Equally, the EUTF for Africa should have robust reporting mechanisms in place to ensure that breaches of international standards are recorded, and that funding is appropriately withdrawn or paused.

In the longer term, the EU should view present-day investment in Niger as an opportunity to bolster the capacity of its government — at local, regional and national. This should promote the ability of Nigeriens to act for themselves according to their needs and preferences, and to make decisions that are rooted in an understanding of the local context and conflict sensitivity. Only in this way will the Nigerien government be able to ensure its policies do not contribute to prolonged instability and fragility.

Peacebuilding in Libya

Conscious of the potential for conflict and instability in Libya to spill over into the region and fuel increased forced migration to Europe, stabilisation efforts have always been a key priority for the EU, despite the inherently complexities this presents. At the international diplomatic level, the League of Arab States (LAS), the AU, the EU and the UN have formed a Quartet to advance the political process and assist Libya in its democratic transition. The Quartet held their first meeting at the LAS's headquarters in Cairo on 18 March 2017. The EU is also a stakeholder in the United Nations Support Mission in Libya, tasked with facilitating implementation of the LPA and the UN Libya Action Plan, launched in September 2017. Amongst its aims is the facilitation of the Libyan constitutional process and elections by the end of 2018.

President Macron has played a lead role in supporting mediation, most recently through the Paris Summit on 29 May 2018. The Paris Summit signalled progress on the road to peace by bringing together the four key power holders in Libya from across the two rival governments and the military;²² along with around 20 other states integral to peacebuilding in Libya, to agree to the next steps for the UN's Action Plan, including elections on 10 December 2018. The significance of this cannot be underestimated. However, the elections would be the beginning and not the end of a solution to the crisis in Libya and the December election target date is considered 'extremely optimistic' by Libya experts.²³

Human rights in Libya

Developing critical infrastructure and building up state institutions are essential to creating an environment

Ten point action plan for migration along the Central Mediterranean Route:

1. Improve access to lifesaving services for vulnerable migrants along the Central Mediterranean Route:

The EU-AU-UN Migration Taskforce should provide greater financial and logistical support to agencies delivering outreach services to address the health and psychosocial needs of vulnerable migrants at different points along the Central Mediterranean Route, to ensure a coordinated response that is able to reach the most vulnerable. This includes working with the Libyan Government of National Accord (GNA) and the House of Representatives to ensure they establish a registration system for all those detained in Libya (including at proposed disembarkation points) and adopt a Protection Guarantee to ensure the provision of gender segregated areas, appropriate sanitation and hygiene facilities, access to legal aid, health services and adequate food and non-food items in all government-run facilities. Special provisions must be made to provide protection and services for children travelling alone – an estimated 26,095 children are currently unaccompanied in Libya². At sea borders, the focus must remain on saving lives and facilitating effective collaboration amongst vessels operating in the Mediterranean, in full respect of fundamental rights.

2. Protect and empower women and girls along the Central Mediterranean Route:

Women and girls are particularly vulnerable to abuse and exploitation, for example, roughly 80 per cent of the female Nigerians reaching Italy and other countries in the EU in 2016 were victims of sex trafficking¹. The EUTF for Africa should invest in specific programming to support the safety and wellbeing of women and girls by providing access to sexual and reproductive health care, gender segregated sanitation facilities, safe spaces for women and girls at reception points, and appropriate medical care, counselling and legal services for survivors of GBV. These protection measures should be integrated alongside programming to economically empower women through livelihoods support, access to cash and financial services, and collaboration with local women's organisations and communities to tackle harmful gender norms that inhibit economic well-being.

3. Increase humanitarian funding for countries along the Central Mediterranean Route:

The EU can build on the political momentum generated by the International High Level Conference on the Sahel that it hosted in Brussels in February this year to increase pledges in support of the 2018 Humanitarian Response Plan (HRP) for the Sahel, which is currently only 19.4 per cent funded for Libya and 33 per cent funded for Niger. It should also continue to work with other key stakeholders, such as the League of Arab States (LAS), to provide the required additional US\$250 million for Libya and US\$338 million for Niger.

4. Ensure EU asylum processing procedures are principled and humane:

The right to asylum was born in Europe and the EU has a duty to continue to uphold these standards as it asks them of other countries through the Global Compact for Refugees. Before moving forward with the current proposal for 'regional disembarkation platforms' or other forms of external processing centres outside of the EU, the EU has a responsibility to fully address four key areas of concern: legality, safe and humane conditions, access to the centres, and access to due process, over which numerous questions remain.

5. Increase access to resettlement in the EU:

The EU has the capacity to immediately double its emergency resettlement pledges for the CMR to 8,000 places by the end of 2018, in addition to current pledges under the Union Resettlement Framework. This target is 20 per cent of UNHCR's global call of 40,000 emergency places for the route, reflecting the EU's combined Gross Domestic Product (GDP), which is approximately 20 per cent of global GDP. Greater investments can also be made to shorten the waiting period for people evacuated under the ETM to ensure they are not left in limbo in processing centres.

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leader of the east of the country; Aguila Saleh, the President of the House of Representatives based in the east; and Khaled al-Mishri the head of the Council of State who act as an advisory to the GNA.

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