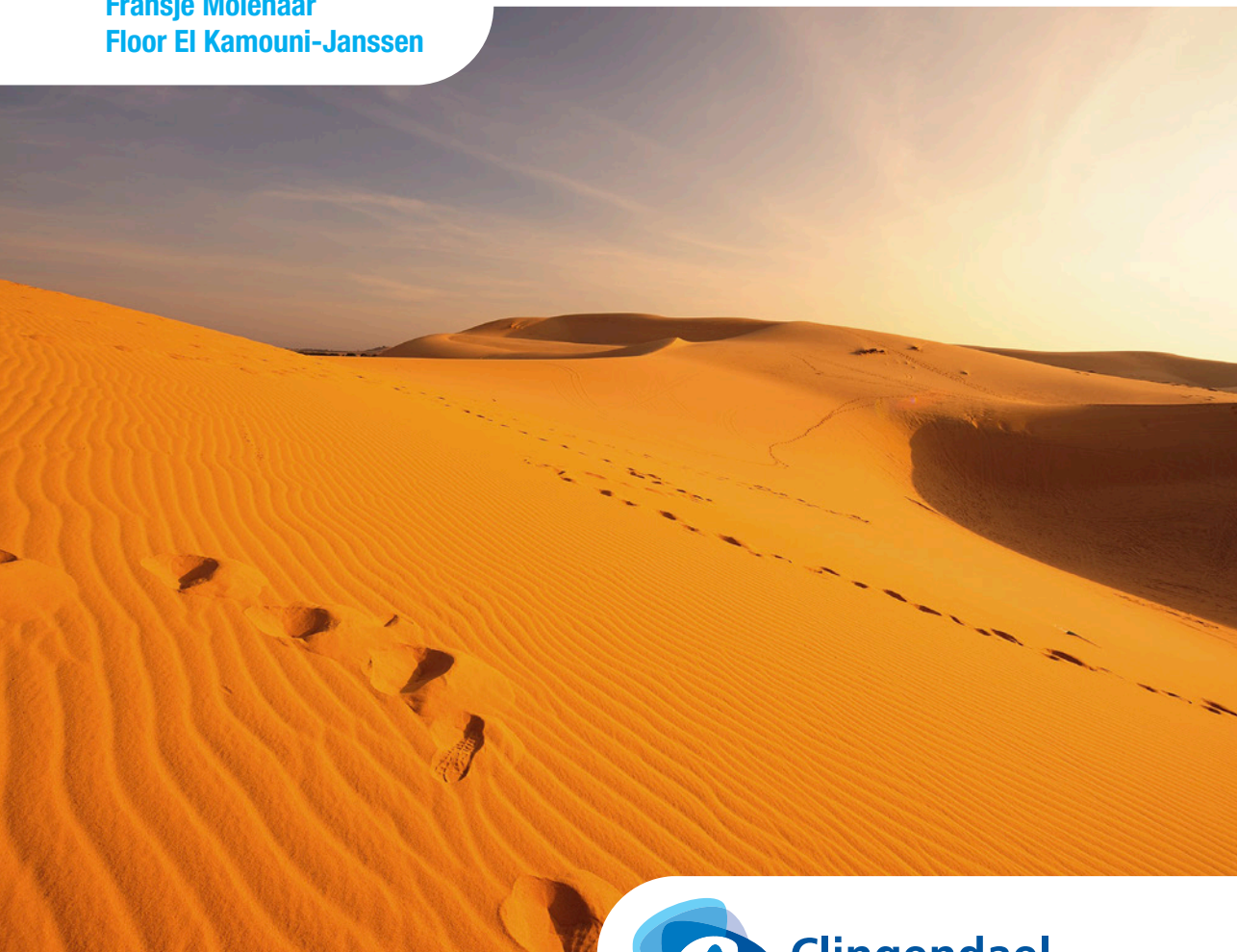


Turning the tide

The politics of irregular migration
in the Sahel and Libya

CRU Report

Fransje Molenaar
Floor El Kamouni-Janssen



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Abstract

This report analyses the relationship between irregular migration and conflict and stability in Mali, Niger and Libya. Studying the human smuggling networks that operate within and across these three countries provides insights into the transnational dynamics of irregular migration as well as these networks' interaction with local, national and regional political and economic dynamics. The report's main finding is that current EU policies are misaligned with the reality of trans-Saharan migration as they do not take into account the diversity of intra-African migration. In addition, human smuggling networks form part of larger political economies and cannot be addressed effectively without taking into account the extent to which state authorities are involved in and/or capable of controlling irregular migration. Failure to take these local realities into account results in inefficient and ineffective policies at best, and counterproductively strengthens one of the root causes of migration at worst, because it overlooks the intricate links that exist between migration and conflict and stability in the region.

Executive Summary

Irregular migration is not an isolated phenomenon. Instead, such migration forms part of larger political economies and contributes to a diverse set of conflictive and stabilising socio-political dynamics. Untangling these relationships, and the effects that regulating migration has on them, is crucial for the design of effective migration policies that do not unintentionally increase rather than decrease one of the main root causes of migration. To this end, this report analyses irregular migration in Mali, Niger and Libya. Studying the human smuggling networks that operate within and across these three countries provides insights into the transnational dynamics of irregular migration as well as these networks' interaction with local, national and regional political and economic dynamics.

The report's main finding is that current EU policies are misaligned with the reality of trans-Saharan migration. These policies start from the assumption that all migrants on the trajectory between West Africa and North Africa intend to travel to Europe and that – given the EU's inability to effectively cooperate with Libya in controlling migration – these flows should and could be stemmed in migration hubs such as Agadez (Niger). In reality, an estimated 20 percent of migrants travelling on this route ultimately take the boat to Europe, with the remainder of trans-Saharan migration constituting a circular and temporary intra-African livelihood protection strategy. Insufficient attention is paid to the need to distinguish between these different migratory logics and their contribution to local livelihoods and stability.

In addition, EU migration policies contain a strong focus on securitised measures as a means to stop the human smuggling networks held responsible for the facilitation of irregular migration. In reality, human smuggling networks form part of larger political economies and cannot be addressed effectively without taking into account the extent to which state authorities are involved in and/or capable of controlling irregular migration. Failure to take these local realities into account results in inefficient and ineffective policies at best, and counterproductively strengthens one of the root causes of migration at worst, because it overlooks the intricate links that exist between migration and conflict and stability in the region.

The report therefore makes a strong case for greater attention to be devoted to the different local political economies of irregular migration. Actors involved in these economies include transport companies that facilitate the irregular movement of undocumented migrants, local populations that sell lodgings and food to earn a living, local security forces that up their income through bribery and road taxes, political elites that use the financial resources earned through the facilitation of irregular migration to

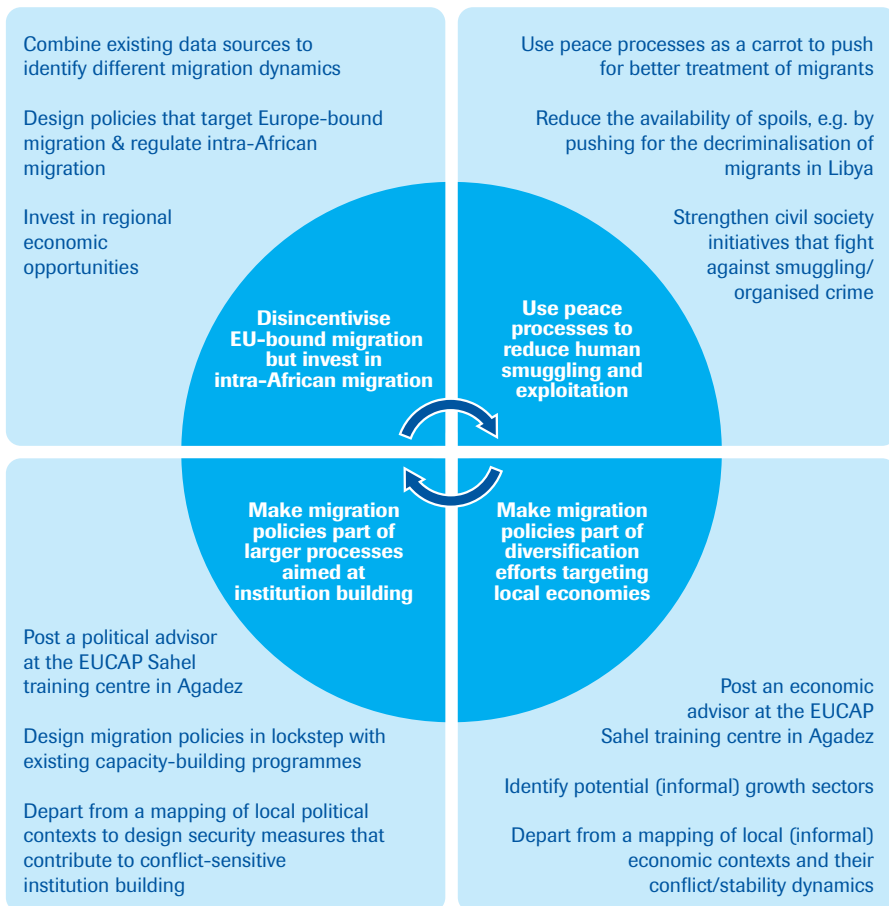
buy political favours and influence, armed groups that feed off human smuggling and exploitation to strengthen their position and detention centres that lock up irregular migrants under the worst of conditions. Understanding these different actors and their relationship to local governance and stability/conflict dynamics is a necessary prerequisite for effective migration management.

The main trans-Saharan migration routes



Recognising that trans-Saharan irregular migration forms part of larger stability and governance dynamics has the added benefit that it allows policy makers to fall back on the mass of expertise that has been gathered over the last decades in the field of state building, security and justice programming and informal economies and private sector development. The report offers practical recommendations, summarised in the figure below, that facilitate the incorporation of these insights in the design of migration policies that strengthen rather than undermine regional political institutions and stability. In particular, the report recommends that policy makers invest in comprehensive peace processes in northern Mali and Libya and strengthen intra-African migration and regional economic development to ensure that local populations can continue to rely on regional migration as an escape valve while diverting migration flows away from Europe.

In addition, migration policies should be mindful that the trans-Saharan migration economy feeds into pre-existing hybrid governance schemes and that attempts to work with state institutions should form part of a larger approach targeting the quality of governance. This should take the form of parallel investments in responsible security sector reform and institution building. Most importantly, perhaps, the migration industry has fuelled a process of regional development that can be capitalised upon to spur a larger process of growth and stability in the region and thereby tackle the lack of prospects for change – including economic opportunities – as a root cause of migration. Given that migratory pressure is only expected to increase in the near future, the EU should capitalise on this opportunity to invest in the region’s capacity to provide its population with tangible prospects.



Acknowledgement

This report series could not have come about without the help of a number of people willing to share their knowledge and networks on migration, the Sahel and Libya. The research was conducted primarily for the Dutch Ministry of Foreign Affairs and our appreciation goes to Francesco Mascini, Rein Dekkers, Martin van Vliet, Bruno van den Toorn and Vivian Huijgen for their patience and support. Many current and former colleagues provided valuable input for this study in the form of research assistance, brainstorming and by acting as sounding boards. Thank you, Nick Grinstead, Thibault Van Damme, Madina Diallo, Nissrine Majdi and Ilias Ziogas for all your valuable input. A special thanks is also in order to all the Malian and Nigerien colleagues that helped arrange many useful interviews and to the respondents themselves who were willing to share their insights on such a complex topic. Erwin van Veen, Rosan Smits, Adam Sandor, Philippe Frowd, Virginie Baudais, Luca Raineri, Pauline Dunoyer de Segonzac and Mattia Toaldo all reviewed one or multiple reports. Your help in improving and ensuring the quality of this series is greatly appreciated. It remains without saying that any errors or omissions are our own.

Introduction

In the aftermath of the deal between the European Union (EU) and Turkey, which shut down boat journeys across the Aegean Sea, it has become painfully clear that the Central Mediterranean migration route continues to function unhindered. Boat departures from Libya have been on the rise since the fall of Qadhafi in 2011 and the migratory flows streaming into Italy are unlikely to abate in the near future. Frequent reports of drowned migrants washing up on Libya's shores drive an international effort to 'do something'. Combined with the EU's increasingly intolerant domestic climate towards migrants, this has fuelled a push to contain migration in regions of origin. Trans-Saharan irregular migration, which connects West Africa to North Africa and Europe through the Sahel, has become the latest target of EU foreign policy aimed at stemming irregular migration flows towards Europe.¹

An important dimension of trans-Saharan irregular migration that has remained underexposed so far is its relation to the region's larger social and political fabric.² Rather than seeing the desert as an ungoverned space, migrants pass through a diverse array of regions that each function according to different local and national political economies.³ Human smuggling networks, the main facilitators of irregular migration, are but one link in this migratory patchwork. These networks have to contend with other groups, such as the main formal and informal state actors that operate in distinct localities, as well as armed (Islamist) groups, criminal organisations and the local communities that are directly or indirectly involved in the irregular migration industry.

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- 1 Irregular migration is defined here as migration undertaken by persons 'who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country.' Malakooti, A. 2015. *Migration Trends Across the Mediterranean*, Paris, Altai Consulting and IOM.
 - 3 Irregular migration flows are integrated by 'temporary and reversible movements' [circular migration], 'long-term migration', and 'forced migration [refugees].' Guilmo, C.Z. and Sandron F. 2003. *Migration et développement*, Paris, La Documentation Française.
 - 2 But see: Reitano, T. and Shaw, M. 2015. *Fixing a Fractured State? Breaking the Cycles of Crime, Conflict and Corruption in Mali and Sahel*, Geneva, The Global Initiative Against Transnational Organized Crime; Reitano, T. and Shaw, M. 2015. 'Atlantic Currents and their Illicit Undertow: Fragile States and Transnational Security Implications', in: *Atlantic Currents: An Annual Report on Wider Atlantic Perspectives and Patterns*, ed. The German Marshall Fund of the United States and OCP Policy Center, Washington, DC, The German Marshall Fund of the United States, 32-43.
 - 3 Davis, D. 2010. 'Irregular Armed Forces, Shifting Patterns of Commitment, and Fragmented Sovereignty in the Developing Worlds,' *Theory and Society*, 39(3), 397-413.

Smuggling networks cannot be understood without reference to this wider and complex web of both licit and illicit political and economic interests.

In addition, a relationship often exists between the presence of lootable wealth, such as irregular migration profits, and conflict and stability dynamics.⁴ This is particularly relevant for the trans-Saharan route, which traverses countries such as Mali and Libya that are prone to high levels of political instability. The relationship between irregular migration profits and the prolongation of these internal conflicts is unclear. Niger, the main hub on the trans-Saharan irregular migration route, has so far managed to escape its neighbours' path towards destabilisation. As is the case for Mali and Libya, however, the Nigerien state is subject to the presence of armed groups and group-based grievances. The country's political stability is all but a given – raising the question of how the migration profits flowing into the country interact with these destabilising elements.

Combined, these considerations result in the following questions: 1) *what relationships exist between trans-Saharan irregular migration and conflict and stability dynamics in the region, and with political institutions and governance more generally?* and 2) *how do current migration-mitigating policies influence these relationships?*

Answering these questions is crucial because they get to the heart of two of the main root causes of migration, namely conflict and the low quality of political institutions. A clearer understanding of the relationship between trans-Saharan irregular migration and conflict and stability dynamics, and with political institutions and governance more generally, would therefore contribute to the design of effective conflict- and politically sensitive migration policies that target irregular migration without counterproductively contributing to its own root causes.

Irregular migration in conflict-affected environments

This report looks at the western axis of the Central Mediterranean route, with a particular focus on Mali, Niger and Libya. The reasons for this are twofold. Firstly, irregular migration dynamics are not confined to national borders and irregular-migration-facilitating networks, referred to hereafter as human smuggling networks, often encompass entire routes. A study of the transnational phenomenon of irregular migration requires a transnational research focus and the three countries studied here are important transit and destination countries connecting the trans-Saharan region. Secondly, and concomitantly, irregular migration may take on different dynamics within individual countries. It is hypothesised that the most relevant dimension for

4 Snyder, R. and Bhavnani, R. 2005. 'Diamonds, Blood, and Taxes: A Revenue-Centered Framework for Explaining Political Order', *Journal of Conflict Resolution*, 49(4), 563-597.

understanding such differences is the extent to which state authorities are present throughout the territory.

The selected countries – Mali, Niger and Libya – all portray meaningful variation on this latter dimension.⁵ Libya and northern Mali are both examples of irregular migration passing through territories where the central state's administration is either absent or non-existent. In the case of Libya, the state collapsed completely after the fall of Qadhafi. To the extent that Libyan state authorities still exist, they are unable to provide security against violent non-state (criminal) actors, to control the state's borders and/or to deliver positive political goods such as justice and the rule of law to the entire Libyan population.⁶ In the case of Mali, political instability is most evident in the north. With the advent of a separatist rebellion in 2012, combined with a military coup that same year, the Malian state lost effective control over the northern provinces of Timbuktu, Kidal and Gao. The state remains present in the southern region, while armed groups *de facto* control the north.⁷

In Niger, political violence has so far not resulted in complete democratic breakdown. Nevertheless, the country is characterised by institutional arrangements that make the state particularly vulnerable to internal and external shocks and domestic and international conflicts.⁸ In the case of Niger, this is so because the country is located in a very volatile region, it has experienced multiple military coups since the country's independence, its territorial unity depends on governmental co-optation of armed and former rebel groups that effectively rule the North, and because these former rebel groups are connected to similar groups in northern Mali and southern Libya through illicit trade relations as well as tribal and kinship ties. In effect, the stability of the Nigerien state depends on continued investment in political ties between government authorities and actors that identify more tightly with local and transnational elements

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- 5 As Algeria does not constitute a priority country for Dutch and EU policy makers, we did not include this country in the analysis. Nevertheless, it should be recognised that Algeria constitutes an important link in the trans-Saharan migration chain that has remained underexplored so far.
 - 6 Smits, R., Janssen, F. and Briscoe, I. 2013. *Revolution and its Discontents: State, Factions and Violence in the New Libya*, CRU report, The Hague, Clingendael; Janssen, F. and Abdo, I. 2015. *Addressing Libya's Multiple Crises: When Violent Politics, Extremism and Crime Meet*, CRU Policy Brief, The Hague, Clingendael; Lacher, W. 2015. *Supporting Stabilization in Libya. The Challenges of Finalizing and Implementing the Skhirat Agreement*, SWP Comments, Berlin, SWP.
 - 7 Briscoe, I. 2014. *Crime after Jihad: Armed Groups, the State and Illicit Business in Post-Conflict Mali*, CRU report, Clingendael; Guichaoua, Y. 2014. *Transformations of Armed Violence in the Sahara*, Sahara Knowledge Exchange Paper, World Bank; Chauzal, G. and Van Damme, T. 2015. *The Roots of Mali's Conflict: Moving beyond the 2012 Crisis*, CRU Report, Clingendael.
 - 8 See: Di John, J. 2008. *Conceptualising the Causes and Consequences of Failed States: A Critical Review of the Literature*, Crisis States Working Paper Series No. 2, Working Paper No. 25.

than with a unified Nigerien nation.⁹ The financial proceeds obtained through the facilitation of irregular migration feed into this complex political settlement.

These three states' central state authorities thus have in common that they do not provide security, control their entire territory or borders and/or deliver positive political goods, such as justice and rule of law, to their entire populations. The reality on the ground is reflective of more hybrid forms of governance, with social organisations and armed groups having entered into competition over the control of local populations, and in doing so offering governance alternatives to individuals and communities in specific localities.¹⁰ When combined with the amount of financial resources that irregular migration generates, as well as the empowerment of groups engaged in the human smuggling trade, this suggests that the current dynamics of irregular migration in the region, as well as the policies designed to control migration, may contribute to the process of non-state (armed) actors forming *de facto* authority figures – with severe consequences for stability.

Methodology and structure of the report

Investigating to what extent this is the case requires taking a closer look at how irregular migration resources feed the acquisition of local political authority and power. In a very tangible way, migration profits may be used to buy arms and recruit the manpower needed to control territory and borders. Money can also be used to provide public goods and thereby acquire legitimacy vis-à-vis other state or non-state authority figures. In a less tangible way, the facilitation of irregular migration may strengthen groups with transnational ties through the exchange of knowledge and resources and may undermine the legitimacy of the nation state by strengthening tribal, group, ethnic and/or kinship ties as a primary identity source.

The report investigates such linkages through a review of the existing academic and policy-based literature on Mali, Niger and Libya, as well as consultations with noted scholars, policy makers and practitioners. In addition, a systematic review of online newspapers and social media sources served to identify relevant socio-political and migration-related incidents. Social media sources proved particularly relevant in the

9 Guichaoua, Y. 2009. *Circumstantial Alliances and Loose Loyalties in Rebellion Making: The Case of Tuareg Insurgency in Northern Niger (2007-2009)*, MICROCON Research Working Paper 20, Brighton, MICROCON; Deycard, F. 2011. 'Les rebellions touaregues du Niger: Combattants, mobilisations et culture politique', PhD diss., Université de Bordeaux, January; Guichaoua, Y. 2014. *Op. cit.*; Baudais, V. and Chauzal, G. 2011. 'Briefing: The 2010 Coup D'État in Niger: A Praetorian Regulation of Politics', *African Affairs* 110(439), 295-304.

10 Guichaoua, Y. 2014, *op. cit.*

Libyan case, where smugglers were more prone to use social media accounts to advertise their services than was the case for Malian and Nigerien smugglers. Fieldwork in Bamako and Niamey in July and August 2016, as well as a range of telephone interviews, provided additional data for this report in the form of 33 extended interviews with relevant members of the international community, intelligence officers, policy makers, members of the armed forces, domestic experts, journalists, civil society groups, migrants and smugglers.¹¹ In the case of Libya, information was also obtained from human smuggling Facebook groups. The data were analysed separately in individual country reports on Mali, Niger and Libya. This synthesis report brings together the main findings from these reports and analyses them from a regional/transnational and comparative perspective.

The study is structured as follows. The first section focuses on the transnational dimension of migration. It gives some facts and figures on the main routes and provides an overview of contemporary EU policies targeting trans-Saharan irregular migration. In addition, this section discusses the transnational dimension of migration, migration's historical roots and the need to maintain intra-African migration as a livelihood strategy. Recognition of the transnational legacies and dynamics of migration points to the need for European policy makers to think in terms of transnational solutions that recognise that irregular migration responds to a diverse set of factors and circumstances that incentivise or disincentivise migrants to pursue their journey all the way to Europe. Subsequent sections discuss the various localised dynamics of irregular migration: 1) the legal route from West Africa to northern Mali and northern Niger; 2) the route characterised by links between human smugglers and state security forces in northern Niger; and 3) the route characterised by state absence and predatory armed groups in northern Mali and Libya. Particular attention is paid to the consequences of these dynamics for national and regional stability. The conclusion discusses policy options for EU policy makers to ensure that targeting irregular migration flows to Europe occurs in a conflict-sensitive manner so as not to inadvertently contribute to more instability and conflict-driven migration.

11 Given the nature of the subject, all these interviews were carried out under strict conditions of anonymity for the respondent.

1 The trans-Saharan migration route

EU policies

To address the issue of irregular migration, the EU has adopted a complex and multifaceted response, now loosely organised under the 2015 European Agenda on Migration.¹² The Agenda contains four pillars that focus on 1) reducing the incentives for irregular migration, 2) improving border control, 3) developing a common EU asylum policy and 4) strengthening legal migration. The 'irregular migration' pillar comprises a diverse set of measures and projects, such as more traditional development measures that aim to address the root causes behind irregular migration, securitised measures that focus on the dismantling of smuggling and trafficking actions, and migration management measures that seek to improve return policies and shelter in the region of origin.

This multi-faceted approach is also visible in the more specific EU migration policies targeting the African region. The EU is building on the 2015 Valletta Agreement to implement its Agenda on Migration in Africa. The Agreement's key areas are: 1) addressing the root causes of migration; 2) enhancing the protection of migrants and asylum seekers through maritime operations; 3) tackling the exploitation and trafficking of migrants; 4) improving cooperation on return and readmission; and 5) establishing and organising legal migration channels.¹³ In June 2016, the EU launched a Partnership Framework to further mobilise and focus EU actions in these areas. Under the Framework, the EU agrees on tailored 'compacts' with third countries that outline 'financial support and development and neighbourhood policy tools [that] will reinforce local capacity-building, including for border control, asylum procedures, counter-

12 *European Agenda on Migration – Factsheets*, European Commission, Brussels, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/index_en.htm (accessed November 2016).

13 *2015 Valletta summit on migration – background on EU action*, European Council, Brussels, <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-valletta-summit-press-pack/> (accessed November 2016).

smuggling and reintegration efforts'.¹⁴ In addition, the EU Action Plan against migrant smuggling (2015-2020) implements the 'fight against migrant smuggling as an [EU] priority'.¹⁵

The EU Emergency Trust Fund for Africa funds a substantial part of the EU Partnership Framework. This Trust fund, set up to address the root causes of migration, finances projects that create employment opportunities, support basic services for local populations and support improvements in overall governance, as well as projects that improve migration management.¹⁶ In addition, the EU created the European External Investment Plan 'to promote sustainable investment [in Africa and the Neighbourhood] and tackle some of the root causes of migration.'¹⁷ Despite this focus on development, stemming irregular migration and strengthening borders are key drivers of spending. The European Commission even goes as far as to say, for example, that 'a mix of positive and negative incentives will be integrated into the EU's development and trade policies to reward those countries willing to cooperate effectively with the EU on migration management and ensure there are consequences for those who refuse'.¹⁸

As a consequence, many of the policies outlined above have a strong emphasis on security measures such as anti-smuggling operations and border control.¹⁹ Similarly, some of the most visible programmes that have resulted from the Valletta agreement

14 Mali and Niger are two of the core framework countries and the EU seeks to increase its engagement with Libya under this framework as well. *Commission announces New Migration Partnership Framework: Reinforced Cooperation with Third Countries to Better Manage Migration*, Brussels, European Commission – Press release, http://europa.eu/rapid/press-release_IP-16-2072_en.htm (accessed November 2016). Also see: Jeune Afrique avec AFP. 2016. 'Mali: coopération renforcée avec l'Union européenne pour favoriser le retour des migrants', *Jeune Afrique*, 12 December, Society Section.

15 *EU Action Plan against migrant smuggling (2015-2020)*, 2015, Brussels, European Council, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf (accessed November 2016).

16 The Trust Fund is funded through the European Development Fund (EDF) and other financial instruments such as the Development Cooperation Instrument (DCI). See: *The EU Emergency Trust Fund for Africa*, Brussels, European Commission, http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en (accessed November 2016).

17 *State of the Union 2016: European External Investment Plan: Questions and Answers*, Brussels, European Commission, http://europa.eu/rapid/press-release_MEMO-16-3006_en.htm (accessed December 2016).

18 *Commission announces New Migration Partnership Framework: Reinforced Cooperation with Third Countries to Better Manage Migration*, Brussels, European Commission – Press release, http://europa.eu/rapid/press-release_IP-16-2072_en.htm (accessed November 2016).

19 Proponents of these EU policies argue that at least 50 percent of the Agenda's funding is allocated to developmental projects. Personal communication, EU official, 2016. The Hague, the Netherlands, 1 November. Opponents argue that only 10 percent truly go to development projects. Personal communication, Sahel migration expert Luca Raineri, 2016. The Hague, the Netherlands, 1 November.

are security measures aimed at disrupting human smuggling networks operating out of Libya (EU NAVFOR MED Operation Sophia) and on capacity building to help the Nigerien authorities prevent irregular migration and combat associated crimes (EUCAP SAHEL Niger mission).²⁰ Technical and securitised migratory management has thereby become the main driver of development spending in the region. In the process, concerns about the relationship between irregular migration and regional (in)stability, and the way in which migration-mitigating measures might influence this relationship, have taken a backseat in favour of short-term results. It is precisely the lack of attention to the politics of irregular migration in a region that is already very conflictive and instable to begin with that can be expected to contribute to these policies' ineffectiveness in the medium to long term (see Annex 2 for this relationship).²¹

Intra-African migration: historical legacies and contemporary practices

The historical legacies that drive contemporary trans-Saharan migrations illustrate that the potential for destabilisation is indeed an issue to be reckoned with. Trans-Saharan migration is an age-old phenomenon that can only be understood in the context of the tightly interwoven geographic, cultural and economic patchwork that constitutes the larger Sahel and Sahara region. Post-colonial arrangements have created independent states whose borders cut through tribes, clans and ethnic groups. These groups generally constitute a minority within the three countries at issue here, and a disadvantaged political and economic minority located on the desert's fringes at that. Governments historically paid little attention to the social and economic development of these regions and their communities and, in the cases of Mali and Libya, even played the different tribes and clans off against one another.²²

20 In addition, the EU aims to promote bilateral 'mobility partnerships' that consist of capacity building and joint operational measures to improve border management and cross-border cooperation. See: 2015 Valletta summit on migration – background on EU action, op. cit.

21 The United National Special Rapporteur on counter-terrorism and human rights recently laid bare the dangers of such oversight, referring to 'migration policies that are restrictive or that violate human rights may in fact create conditions conducive to terrorism'. *Refugees and terrorism: "No evidence of risk" – New report by UN expert on counter-terrorism*, Geneva, United Nations Office of the High Commissioner of Human Rights, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20734&LangID=E> (accessed December 2016).

22 Reitano, T. and Shaw, M. 2015. *Fixing a Fractured State? Breaking the Cycles of Crime, Conflict and Corruption in Mali and Sahel*, Geneva, The Global Initiative Against Transnational Organized Crime, vi.

To deal with the region's climatic challenges, such as variations in rainfall, cyclical drought and growing desertification, the pastoral and sedentary communities in the Sahara and Sahel relied – and continue to rely – on various coping strategies. Internal and cross-border migration between communities across the region served to dampen the harshest shocks to people's livelihoods.²³ This was the case in particular for Niger, which 'long depended on neighbouring economies as a source of employment', as a result of which 'all of its neighbours house significant populations from the Nigerien diaspora'.²⁴ Looking for economic opportunities or seeking refuge in response to climatic challenges, Malian populations similarly settled temporarily in neighbouring countries such as Niger, Algeria, Burkina Faso, Mauritania and Libya.²⁵

Libya and Algeria became particularly attractive destination countries due to their strong economies. Commercial ties that had developed over the years between southern Algeria and northern Mali saw many Malian traders and seasonal workers cross the Algerian border to find work there.²⁶ Algeria and Mali even formalised this migration through bilateral agreements that legalised free movement between the two countries.²⁷ As for Libya, its oil reserves are the largest in Africa and the country's relative wealth has long attracted migrants in search of work. In addition, Qadhafi's policy of pan-Africanism resulted, among other things, in an open door policy whereby African nationals were allowed to enter Libya without visas between 1998 and 2007.²⁸ Sub-Saharan Africans flocked to Libya in large numbers to work in agriculture, construction and other menial labour such as cleaning.²⁹

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- 23 Tinti, P. and Reitano, T. 2016. *Migrant Refugee Smuggler Saviour*, London, Hurst, 149; Brachet, J. 2012. 'Movements of People and Goods: Local Impacts and Dynamics of Migration to and through the Central Sahara,' in: *Saharan Frontiers: Space and Mobility in Northwest Africa*, ed. Scheele, S. and McDougall, J. Bloomington, IN, Indiana University Press, 238-256.
- 24 Tinti, P. and Reitano, T. 2016. *Op. cit.*, 155.
- 25 Cissé, P., Malicki, Z., Barbier, B. and Maïga, A. 2010. 'Les migrations, une stratégie d'adaptation à la variabilité climatique en zones sahéliennes', *Revue de Géographie du Laboratoire Leïd* 8, 184-196.
- 26 Bensassi, S. et al. 2015. *Algérie-Mali: la normalité de l'informalité*, World Bank working paper, The World Bank Group.
- 27 *Interview Mohamed Saïb Musette, spécialiste de la question des migrations internationales*, Algeria-Watch, http://www.algeria-watch.org/fr/article/pol/migration/question_migration.htm (accessed August 2016).
- 28 Malakooti, A. 2013. *Mixed Migration: Libya at the Crossroads*, Paris, Altai Consulting and UNHCR; IAI – 2015 – P. 82
- 29 Migration Policy Centre Team. 2013. *MPC – Migration Profile Libya*, Florence, MPC, 8. When the Qadhafi regime fell in 2011, it was estimated that two million migrant workers were in Libya. Sahan/IGAD. 2016. *Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route*, Nairobi, Sahan/IGAD, 13.

The role of Algeria and Libya as migrant destination countries remains visible to the present day. Figure 1 (below) provides an overview of the main trans-Saharan migration roads servicing the West-Central Mediterranean route. Migrants that travel this route come from West African countries, such as Nigeria, Guinea and Ivory Coast, or from Mali and Niger itself. The northern Nigerien desert town of Agadez forms the main migration hub on this trajectory. IOM estimates suggest that in 2016 alone some 310,000 migrants will travel from Agadez to Libya, while an additional 30,000 migrants will travel from Agadez to Algeria.³⁰ Gao in Mali is a somewhat smaller hub, with some 30,000 to 40,000 migrants estimated to travel from Gao to Algeria in 2016.³¹ This is quite surprising, as it means that the ongoing internal conflict in northern Mali has not stopped transit migration. From Gao and Agadez, migrants generally travel on to Sebha in Libya or Tamanrasset in Algeria. These transit hubs form staging points for migrants seeking temporary labour in the region as well as for migrants that choose or are forced to travel further north to the coastal area and/or Europe.

30 *Statistical Report Niger Flow Monitoring Points (FMP) 01 Nov - 30 Nov 2016*, IOM, Geneva, 2016, <https://drive.google.com/file/d/0B3CEVcVIpFxORVdwSS02QIZ3S1E/view> (accessed December 2016).

31 Personal interview, intelligence officer, 2016. Bamako, Mali, 25 July. Also see: *Mali Flow Monitoring Report #7*, IOM, Bamako, <http://www.globaldtm.info/mali-flow-monitoring-report-7-1-15-october/> (accessed October 2016).

Figure 1 The main trans-Saharan migration routes



Contemporary fearmongering holds that scores of African migrants 'lie in wait in Libya, ready to break for Europe'.³² The majority of migrants travelling the trans-Saharan route self-report, however, that Algeria and Libya are their final destinations. In comparison, only 20 percent to 35 percent of migrants initially report that they intend to travel on to Europe.³³ Although these figures are based on self-reporting, with all the methodological flaws this entails, these percentages are in line with a historical pattern in which,

32 Tomlinson, C. 2016. '800,000 Migrants Lie in Wait in Libya, Ready to Break for Europe', *Breitbart*, 31 March, London section. Also see: Sky News. 2016. 'Interpol: 800,000 Migrants Ready to Head to EU,' *Sky News*, 18 May, World section.

33 IOM. 2016. Presentation entitled 'Irregular Migration Flows in Mali and the sub region'. Obtained through personal communication. *Niger Flow Monitoring – Quarterly Report (Feb 2016–April 2016)*, IOM, Niamey, https://drive.google.com/open?id=0B_hLuy9q1oXQUzdISTRPdTVwazg. It should be noted that once migrants arrive in Libya, many of them may decide to travel on to Europe due to the deteriorated security situation and living conditions for migrants.

based on the numbers of returnees by land, only ten to twenty per cent of migrants have been found to travel on to Europe.³⁴ The UNHCR data in Box 1 below outline that this continues to be the case in the current day and age, as the figure of 71,000 West Africans arriving in Italy corresponds to 22.9 percent of the 310,000 migrants reportedly transiting through Niger this year.³⁵ This is some ten percent less than the 106,000 migrants that travelled back from Libya to Agadez in 2016.

Box 1 Migrant arrivals in Italy

2015		2016 (to Sep)	
Nigeria	14.5%	Nigeria	20.6%
Gambia	5.5%	Gambia	6.6%
Senegal	3.9%	Ivory Coast	6.6%
Mali	3.8%	Guinea	6.6%
Ghana	2.9%	Mali	5.3%
Ivory Coast	2.5%	Senegal	5.2%
Guinea	1.7%	Ghana	3.1%
Total arrivals in Italy		153,842	132,043
West Africa total	34.8%	(53,330)	54.0% (71,303)
Total migrants Niger → Libya (to Nov)			311,036
Compare: West-African arrivals in Italy as a percentage			22.9% (71,303)
Compare: West-African migrants returning from Libya to Agadez			34.1% (106,154)

Nationality of arrivals to Greece, Italy and Spain – Monthly – Jan to Sep 2016, UNHCR, Geneva, <http://data.unhcr.org/mediterranean/download.php?id=2239> (accessed November 2016). *Monthly Sea Arrivals to Italy and Malta – Jan to Dec 2015*, UNHCR, Geneva, <https://data.unhcr.org/mediterranean/download.php?id=450> (accessed November 2016). *Statistical Report Niger Flow Monitoring Points (FMP) 01 Nov – 30 Nov 2016*, IOM, Geneva, 2016, <https://drive.google.com/file/d/0B3CEVcVlpFvORVdwSS02QIZ3S1E/view> (accessed December 2016).

These figures go to show that the reality of African irregular migration is much more complex than often assumed, with Nigerian-based human trafficking networks, seasonal intra-African cross-border migration, West African economic migrants and even Syrian refugees all travelling the same route.³⁶ The conspicuous absence among the Italian arrivals of Nigeriens – the largest group of migrants departing for Algeria and Libya

34 Brachet, J. 2011. *Op. cit.*, 2.

35 An increase does appear to have taken place in the proportion of West African migrants that arrive in Italy. Further research is required to investigate whether this is a new structural reality.

36 The IOM counted 271 Syrian refugees traveling from Mauritania, through Gao, on to North Africa and Europe. *Mali Migratory Flow Monitoring Results Snapshot No. 9*, IOM, Geneva, 2016, <https://drive.google.com/file/d/0B3CEVcVlpFvOeEg1MWVKQ1liVU0/view> (accessed December 2016).

from northern Niger – underlines that not all migrants should necessarily be conflated into intercontinental migrants. In a similar vein, a 2014 study on migration conducted by the Malian Ministry of Overseas Malians concluded that the majority of Malians abroad seek opportunities in emerging economies on the continent and that fewer are entering Europe.³⁷ This suggests that the majority of migrants travelling the trans-Saharan route maintain traditional, circular migration patterns in search of temporary labour. At the same time, and as will be discussed in more detail in Chapter 5 below, the hardened migration climate in the region combined with practices of migrant exploitation in Libya also forces migrants to travel on to Europe – even if they never intended to go there in the first place.

A better understanding is thus needed of the factors and circumstances that incentivise or disincentivise migrants to pursue their journey all the way to Europe. This would make it possible to distinguish between different migratory streams and to safeguard intra-African migration. This is crucial for stability purposes, as intra-African migration will likely become an all the more salient coping strategy in the near future. In the short term, this is the case because the lean season with little or no harvest has reportedly increased, while irregular rains affect the agricultural sectors.³⁸ For many people, migration is truly an escape valve in the face of diminished livelihoods. In the long term, climate change, population growth and youth unemployment may increase pressure on local communities. The danger currently exists that these relatively benign coping mechanisms will get caught up in measures that aim to stop all migration.³⁹ In a region that is already rife with political and social instability, the failure to recognise that intra-regional migration relieves tensions on overburdened communities adds fuel to an explosive mix.

Policy recommendation 1: understanding trans-Saharan migration

Understanding this diversity of trans-Saharan migration, as well as its stabilising nature, provides policy makers with crucial knowledge that could help them design more efficient and effective policies. To date, the EU has set itself the needlessly over-

37 Malian migrants that do travel to Europe can generally be traced back to the Keyes department. *Mali Migration Data, 2014*, Ministry of Overseas Malians, Bamako, <https://www.theguardian.com/global-development/interactive/2014/feb/10/mali-migration-data> (accessed November 2016); also see Duval Smith, A. 2014. 'Mali migrants seek better life in Africa rather than Europe', *The Guardian*, Poverty Matters Blog, 10 February.

38 Benattia, T., Armitano, F. and Robinson, H. 2015. *Irregular Migration Between West Africa, North Africa and the Mediterranean*, Abuja, Altai Consulting for IOM Nigeria, 25.

39 This is visible most clearly in the 'addressing root causes' paradigm, which suggests that migration is something that should or could be stopped.

ambitious goals of addressing the root causes of all intra-African migration and of seeking to manage all flows. In light of the multitude of migratory streams that constitute trans-Saharan irregular migration, a vital precondition for efficient and conflict-sensitive responses to trans-Saharan migration is thus to understand more clearly which migratory streams end up in Europe – and to develop policies that target these streams only while regularising the streams that constitute intra-African coping mechanisms instead. An added benefit of this approach is that it would likely be much more efficient to target specific streams rather than irregular migration as a whole. To this end, the following recommendations apply:

- *Existing data sources should be combined in an overarching database that provides information on migratory dynamics.* The IOM and UNHCR have made important strides in collecting data on transit migration and the migrants arriving in Europe respectively. The dynamics behind these streams should be further disentangled through use of the data collected through Frontex migrant interviews, as well as domestic information sources such as the Dutch Immigration and Naturalisation Service (IND) and academic sources.⁴⁰ Policy makers should use this database to gain a better understanding of the factors and circumstances that incentivise or disincentivise migrants to pursue their journey all the way to Europe.
- *Policy makers should adopt more tailored approaches tackling the root causes of migration in relevant migrant origin and transit hubs* based on the information collected in the step described above. In addition, these tailored approaches should *focus on the regularisation of common intra-African streams*, such as by issuing civil registry cards to communities that frequently circulate across borders. Formalising and legalising part of the current practice will help understand, map and organise migration so that it can be better managed – accepting that circular intra-African migration is a timeless and unstoppable phenomenon.
- In the long term, *incentives should be created to improve intra-African migration in a manner that regularises regional mobility, and that contributes to regional economic development.* In this sense, one may think of financial or trade incentives to urge stable North and West African countries to adopt favourable policies towards economic migrants. In a similar vein, the current focus on migration provides a unique opportunity to increase EU collaboration with ECOWAS to further strengthen its free movement protocol and intra-regional trade structure. Investments in credible regional economic opportunities would likely reduce the migratory pressure towards the EU.

40 A clear consensus exists among academics, for example, that the majority of Malian migrants travelling to Europe embark from the western city of Kayes. This insight could help formulate policies that target particular towns or regions with projects that weaken the drive to take on this often perilous journey. See: Personal interview, migration expert, 2016. Bamako, Mali, 28 July, Personal communication, Sahel migration expert Luca Raineri, 2016. The Hague, the Netherlands, 1 November.

2 Dynamics of the trans-Saharan migration route

Contemporary EU migration policies in Africa start from an isolated view of the human smuggling networks facilitating irregular migration as 'ruthless criminal networks [that] organise the journeys of large numbers of migrants desperate to reach the EU'.⁴¹ As discussed above, this is too limited a view of trans-Saharan migration, as not all migrants are desperate to reach the EU. More importantly, seeing human smuggling networks as purely criminal networks that operate in isolation from the larger political economy results in EU policies such as the EU Action Plan against migrant smuggling (2015-2020) proposing technical solutions to counter smuggling practices.⁴² This securitised approach to irregular migration fits within a larger pattern of heavy-fisted policy responses to transnational irregularity, such as the wars on drugs and terror. If these wars teach us one thing, it is that their limited focus on taking out criminal kingpins is usually an ineffective cat-and-mouse game.

The futility of targeting criminal groups and their leaders is particularly evident in the human smuggling industry, which tends to operate through independent links that form a larger, transnational chain. Indeed, this report refers to human smuggling entities as 'networks' because the trans-Saharan human smuggling industry is not controlled by clearly defined groups of actors that operate together in a consistent manner. The networks vary in size, reach and centralisation of their operations, but they typically consist of service providers, businessmen and their crews that are relatively fluid in nature and whose operations at times transcend the legal/illegal divide.⁴³ Low-level smuggling crews step in and out of the business with ease, service providers such as those issuing fake documents may link up with multiple networks at the same time and the networks' national make-up is as diverse as the transnational journey that migrants

41 EU Action Plan against migrant smuggling (2015-2020), *op. cit.*, 1.

42 Smuggling is to be addressed through means such as enhancing police and judicial responses and improving information gathering and sharing through stronger cooperation with third countries – all the while expecting that local and national counterparts will be neutral or willing partners in such endeavours.

43 Tinto and Reitano (2016) call these two sets of actors the 'logisticians' and the 'specialists'. Tinti, P. and Reitano, T. 2016. *Op. cit.*, 58.

undertake.⁴⁴ This presents a first obstacle to policy makers, as it is usually these low-level smugglers that are targeted in police operations – thereby allowing the organisers higher up the chain to conduct their business as usual.⁴⁵

Moreover, the fact that human smuggling networks often operate as independent links in a larger, transnational chain creates a level of flexibility that allows the networks to respond quickly to interdiction efforts.⁴⁶ Every researcher studying human smuggling networks reiterates that smugglers are highly adaptable and that they respond to police operations by rearranging their routes and operations – often resulting in pricier and more dangerous journeys for the migrants.⁴⁷ It should therefore come as little surprise that even EU policy makers themselves fear that their current efforts at policing the Nigerien desert have resulted in smugglers rerouting their activities into lawless northern Mali.⁴⁸ Police and judicial responses are at best an ineffective approach to stop irregular migration.

In addition, the precise ways in which human smuggling networks are formed is also ‘highly context-specific, and can change depending on the environment in which they are working’.⁴⁹ The networks’ shape follows in part from the local political economies in which they are situated. To be able to effectively control irregular migration and to target human smugglers, policy makers should be mindful not to treat human smuggling as an isolated phenomenon. As the more localised accounts of trans-Saharan human smuggling below will show, the real danger these networks constitute is not that they facilitate irregular migration; rather, they empower irregular armed forces and corrupt

44 *Ibid.*, 104; Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, the Netherlands, 13 September.

45 Tinti, P. and Reitano, T. 2016. *Op. cit.*; Kingsley, P. 2016. *The New Odyssey: The Story of Europe's Refugee Crisis*, London, Guardian Books.

46 Migrants’ direct points of contact often share their nationality, but these former migrants work together with local ghetto and transport company owners, protection services, (forced labour) employers, etc. By their nature, trans-Saharan human smuggling networks thereby resemble a type of criminal networks that are gaining ground in Europe, which are organised increasingly in a multinational and EU-border transcending fashion. These contemporary criminal groups are structured more and more as networks of criminal entrepreneurs and service providers that exploit new technologies and legal loopholes to profit from short-term opportunities. ‘SOCTA Workshop: Mapping the Evolution of Serious and Organised Crime’, 2016. The Hague, Europol, November.

47 Tinti, P. and Reitano, T. 2016. *Op. cit.*; Kingsley, P. 2016. *Op. cit.*; International Crisis Group. 2016. *Easy Prey: Criminal Violence and Central American Migration*, Latin America Report No. 57, Brussels, ICG.

48 *Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration*, Brussels, European Commission, 2016, https://eeas.europa.eu/sites/eeas/files/second-progress-report-1_en_act_part1_v11.pdf (accessed December 2016).

49 Tinti, P. and Reitano, T. 2016. *Op. cit.*, 43; also see: Brachet, J. 2016. ‘Policing the Desert: The IOM in Libya Beyond War and Peace’, *Antipode* 48(2), 272-292.

state security forces, with the consequence of hollowing out state institutions from within. The following sections discuss the politics of irregular migration along three distinct parts of the trans-Saharan route. These parts are the legal route between West Africa and the smuggling hubs of Gao and Agadez, the co-opted route in northern Niger and the contested route in northern Mali and Libya. Understanding the different political economies of migration along these routes is crucial for the design of migration policies that are mindful not to increase local conflict dynamics and/or further undermine political institutions – thereby alleviating rather than contributing to migration’s root causes.

3 The legal route – West Africa to Gao and Agadez

Migrant travel that takes place between West Africa and the migration hubs of Gao and Agadez is generally of a licit nature. This is the case because the majority of West African origin countries belong to the Economic Community of West African States (ECOWAS), which maintains a free-movement protocol.⁵⁰ The legality of West African intraregional travel means that most migrants entering Niger and Mali do so using commercial bus companies that service the West African region. Depending on their country of origin, ECOWAS migrants pay between €50 and €100 to reach Agadez or Gao in a safe and comfortable manner, on a direct, air-conditioned bus from the main origin counties' capitals. Two qualifying statements that apply are that: 1) this regular migration turns into irregular migration when migrants cross into Algeria or Libya without proper documentation; and 2) many ECOWAS migrants are unwilling or unable to produce proper documentation within Mali and Niger itself as well, which consequently makes their travel illicit.⁵¹

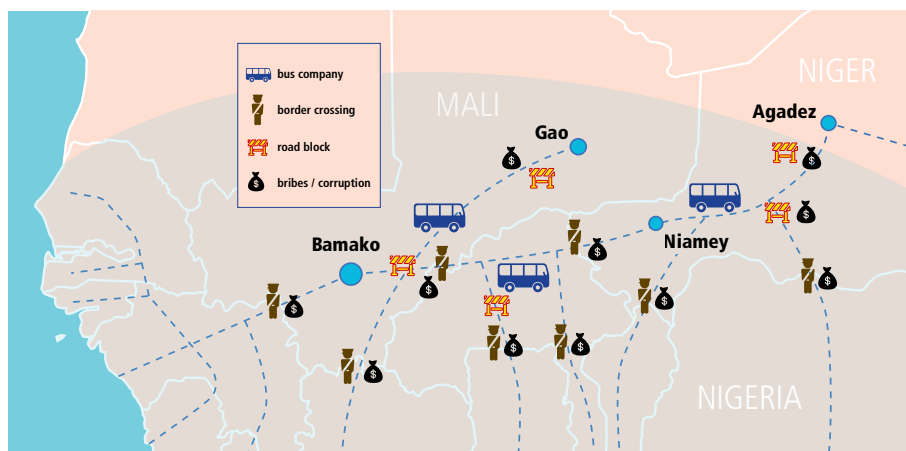
The commercial bus companies navigate this grey territory very aptly. According to eyewitness accounts, for example, the companies have developed a system to cross border checkpoints unhindered while still being able to transport undocumented migrants. They do so by stopping before the border to unload the undocumented migrants travelling on board. These migrants are directed to irregular taxi services that help them cross the border along uncontrolled points. They are met on the other side of the border by the same bus, which waits for its irregular passengers to board again

50 The ECOWAS member countries are Benin, Burkina Faso, Cape Verde, Ivory Coast, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo.

51 Seasonal workers, interregional traders and herders are used to crossing these borders without adhering to official border regulations, while other migrants hide their documents out of fear that they will lose them if they present them to the authorities (and/or are unaware of their legal rights under the ECOWAS protocol). Frontex Risk Analysis Unit. 2015. *Africa-Frontex Intelligence Community Joint Report*, Warsaw, Frontex; Malakooti, A. 2015. *Op. cit.*

before it continues its journey.⁵² In some instances, bus companies even designate totally separate services for migrants – allowing other passengers to travel without this hassle.⁵³

Figure 2 The legal route



Molenaar, F. 2017. *Irregular migration and human smuggling networks in Niger*, CRU report, The Hague, Clingendael.

Eyewitness accounts also relate how bus companies pass several police checkpoints on the way to their final destination. These checkpoints, instituted because of the threat of terrorism in the region, allow police and other security officials to levy a toll on undocumented migrants before the latter are allowed to continue their journey.⁵⁴ To speed up the process, it has become common practice for bus drivers to collect the necessary funds from migrants beforehand and to distribute these to the police at each

52 Personal interview, president of a local migrant NGO, 2016. Niamey, Niger, 3 August; The government's adoption of a 2015 law against the illicit smuggling of migrants (discussed in more detail below), which contains a specific passage targeting bus companies' transport of undocumented migrants, indirectly confirms the widespread occurrence of these practices.

53 Personal communication, Sahel migration expert, 2016. The Hague, the Netherlands, 11 December.

54 Personal interview, intelligence officer, 2016. Bamako, Mali, 25 July; Personal interview, local migration expert, 2016. Bamako, Mali, 28 July; Personal interview, local migration expert, 2016. Niamey, Niger, 3 August; Personal interview, president of a local migrant NGO, 2016. Niamey, Niger, 3 August; Lewis, D. 2014. 'Special Report; Despite deaths, crackdown, Sahara migrant trail thrives', *Reuters*, Politics Special Reports, 15 May.

checkpoint.⁵⁵ This is indicative of the institutionalisation of police corruption, both in terms of the regularity of the interactions between bus drivers and police officials and the apparent stability of the fees that are levied at these checkpoints.

At the national level, an even more collusive relationship exists between national political elites, criminal networks and bus company owners. Clear indications exist, for example, that bus company owners use transport proceeds to fund presidential elections and to enter political life (see Box 2 below). Clear indications also exist that the bus company owners are linked to criminal groups that use the buses to transport drugs and arms.⁵⁶

Box 2 Chérif Cocaine and Rimbo

The case of Elhadj Chérif Ould Abidine, better known as Chérif Cocaine, illustrates how linkages may form between transport company owners with criminal ties and political elites. As his moniker suggests, Chérif Ould Abidine was a kingpin in the trans-Saharan cocaine trade. He was also the owner of the Nigerien transnational bus company 3STV.⁵⁷ Before his death in February 2016, Chérif Ould Abidine sat on the National Council for the Restoration of Democracy (2010, a response to the military coup that same year), held a seat in the National Assembly (2011–2012), headed the Agadez list for the 2016 National Assembly elections and occupied the presidency of the governing PNDS-Tarayya party's Agadez chapter.⁵⁸ President Issoufou and many other dignitaries attended his funeral.⁵⁹

Rimbo Transport Voyageurs stands out as the international bus company with the most developed network of routes in the ECOWAS region. Rimbo's owner

55 Personal interview, local migration expert, 2016. Niamey, Niger, 3 August; Personal interview, president of a local migrant NGO, 2016. Niamey, Niger, 3 August.

56 Personal interview, member of the international community working in the security sector, 2016. Niamey, Niger, 2 August; La Boussole. 2016. 'Affaire des 25 cartons de munitions: la MINUSMA se défend sans convaincre', *Malijet*, 26 September.

57 Raineri, L. 2016. 'In Niger le guardie sono ladri e cogestiscono le migrazioni', *Limes*, July; Personal interview, high-ranking magistrate with experience in investigating irregular migration, 2016. Niamey, Niger, 4 August; Personal interview, local migration expert, 2016. Niamey, Niger, 3 August.

58 Maina, A. 2010. 'Nominations de conseillers spéciaux et techniques à la présidence du CSR', *Adammaina.blogspot*, 31 March, <http://adammaina.blogspot.nl/2010/03/nominations-de-conseillers-speciaux-et.html> (accessed November 2016); Blary, M. 2015. 'Niger: Issoufou soutenu par un trafiquant et un ex-rebelle touareg', *Mondafrique*, 5 November, Politics section.

59 Tamtaminfo, 2016. 'Décès, à Agadez, de M. Chérif Ould Abidine, ancien député et candidat aux législatives: Le Président Issoufou Mahamadou et plusieurs hautes personnalités ont assisté à levée du corps du disparu', *Tamtaminfo*, 18 February.

Mohamed Rhissa Ali, a Tuareg businessman, started the Nigerien company as a primarily import/export-based enterprise in 1999. The company's prominence in the international bus trade is a remarkable feat, given that it is a relatively young player on the passenger transport market.⁶⁰ Its expansion is indicative of the amount of money that can be made in the borderline-licit trans-Saharan transport industry. Perhaps coincidentally, this expansion also took place during the last Tuareg rebellion (2007–2009). While increased insecurity and the drop in travel this caused in the region hit several other large Nigerien bus companies hard, Rimbo opened offices in Benin, Burkina Faso, Ivory Coast, Senegal and Togo.⁶¹

Rimbo's owner has used his fortune to forge political ties that proved collusive at times. He is a high-ranked member of the governing PNDS-Tarayya party and is considered to be one of the President's main financial donors.⁶² These connections have proven useful as Rhissa Ali's financial affairs started making headlines over the last years. In 2015, he was caught while trying to leave the country with 10 billion CFA (15 million EUR) in foreign currency stuffed in several suitcases.⁶³ The Minister of Finance subsequently ordered the release of both Rhissa Ali and the money as he explained it to be common practice for businessmen of this status to travel with large amounts of cash.⁶⁴ His name also appeared in the Panama papers, but his large offshore holdings did not generate an official investigation on the count of the Nigerien authorities—or any domestic media attention for that matter.⁶⁵

Molenaar, F. 2017. *Irregular migration and human smuggling networks in Niger*, CRU report, The Hague, Clingendael.

60 Idrissa, A. and Decalo, S. 2012. *op. cit.*, 443; Aksar, M. 2016. 'Mohamed Rissa Ali dit "Rimbo", roi de l'autobus nigérien dans Panama Papers', *Panama Papers*, blog post, <https://panamapapers.investigativecenters.org/niger-2/> (accessed November 2016).

61 Aksar, M. *op. cit.*; Soumana Rabiadou, S. 2010. 'Stratégies d'entreprises de transport routier interurbain des voyageurs en Afrique de l'Ouest: case du Niger', PhD diss., Université Lumière Lyon, March.

62 Personal interview, high-ranking magistrate with experience in investigating irregular migration, 2016. Niamey, Niger, 4 August; La redaction de Mondafrique. 2015. 'Deux trafiquants proches du président nigérien arrêtés à l'aéroport de Niamey', *Mondafrique*, 10 September, Economics section.

63 La redaction de Mondafrique. 2015. 'Deux trafiquants proches du président nigérien arrêtés à l'aéroport de Niamey', *Mondafrique*, 10 September, Economics section.

64 ANiamey. 2016. 'Trafic de devises et d'or à l'aéroport international Diori Hamani de Niamey: Ces fuites massives de capitaux ne sont-elles pas à l'origine des déboires financiers actuels d l'État?', *ANiamey*, 24 June, Society section.

65 Aksar, M. *op. cit.*; Personal interview, local migration expert, 2016. Niamey, Niger, 3 August.

As a consequence of this funding of Nigerien and Malian politics through all types of trafficking money, it is believed that organised criminal interests influence the government, such as by setting the parameters for certain security initiatives.⁶⁶ This clearly complicates efforts to target the role that bus companies play in the facilitation of irregular migration through state-sponsored initiatives. Indeed, although the 2015 Nigerien law related to irregular migrant smuggling contains an entire chapter devoted to the transport companies' servicing of undocumented migrants, no investigations have been opened into the bus companies' facilitation of irregular migration.⁶⁷

These financial relationships are also indicative of a larger pattern of corruption of public authority by particularistic interests. In the long run, such practices hollow out the state from within. In the case of Mali, for example, the use of personal support networks and particularistic interests to become elected to parliament has been shown to result in a dynamic called 'unanimism'. Under 'unanimism', consensus becomes the key norm of governance, as representatives rely on informal networks with the executive to obtain the resources needed to satisfy their support bases' demands. In the process, dissidence forms a sure-fire way to commit political suicide – ultimately undermining the ability of elected officials to 'scrutinise matters of national interest'.⁶⁸ In the case of Mali, unanimism contributed to rising levels of popular discontent that politicians failed to accommodate within the formal political process, ultimately resulting in the 2012 coup.⁶⁹

Although the financial proceeds introduced in political life at the behest of the bus company owners facilitating irregular migration constitute only part of these dynamics, they are a pressing concern nevertheless given the current state of both Mali's and Niger's political systems. Genuine democratic opposition parties have disappeared in both countries due to their governments' reliance on day-to-day corruption, patronage and nepotism to build governing coalitions.⁷⁰ These practices can only be rooted out through a more general focus on issues of good governance and the funding of politics and elections. Targeting such issues should be based on more systematic efforts to track the loops connecting criminal activities with pre-existing routes of patronage

66 Reitano, T. and Shaw, M. 2015. *Op. cit.*, 40.

67 Loi No. 2015-36 du 26 mai 2015 relative au trafic illicite de migrants. Personal interview, local migration expert, 2016. Niamey, Niger, 3 August.

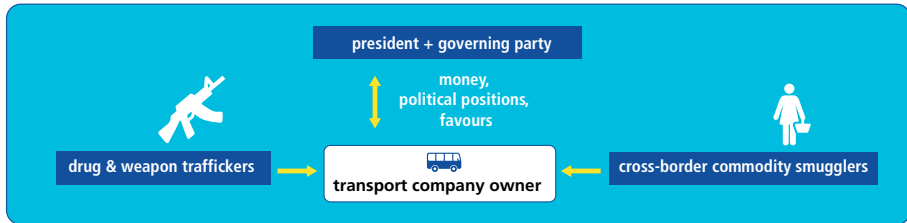
68 Vliet, M. van, 2014. 'Weak Legislatures, Failing MPs, and the Collapse of Democracy in Mali', *African Affairs*, 113(450), 45.

69 *Ibid.*

70 *Ibid.*; Van Damme, T. 2016. *Under the Shadow of Boko Haram: Niger on the Eve of Elections*. CRU Commentary, The Hague, Clingendael.

and influence trafficking. At the same time, such efforts would require a shift away from development policies aimed at border control and countering human smuggling towards longer-term institution building efforts.

Figure 3 The legal route's political dynamics



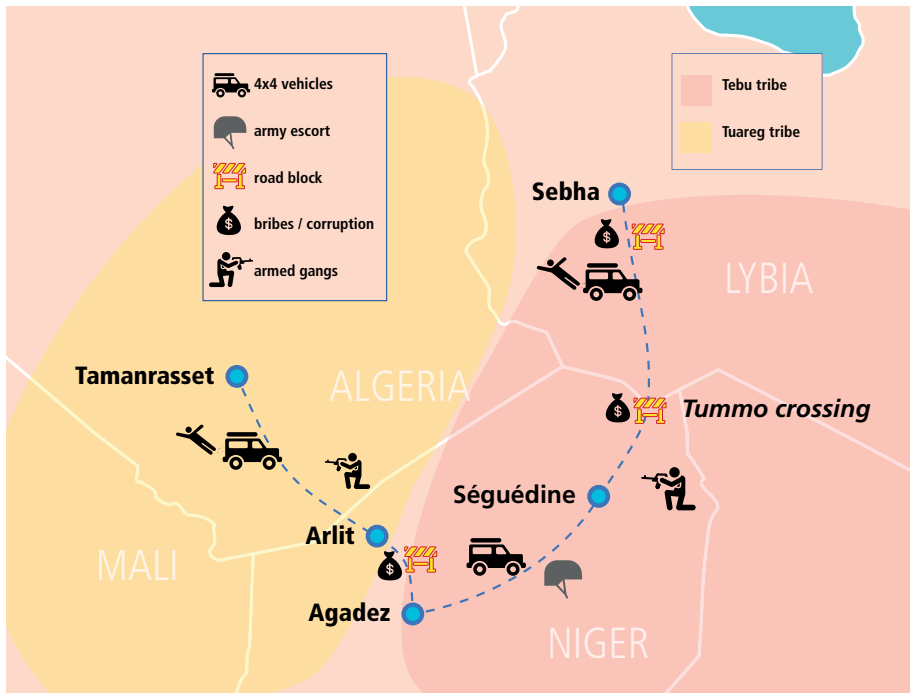
Molenaar, F. 2017. *Irregular migration and human smuggling networks in Niger*, CRU report, The Hague, Clingendael

4 The co-opted route – northern Niger

The route passing through northern Niger is characterised by an increase in the level of irregularity of migration amidst the presence of state authorities. This irregularity is an artificial result of the fact that bus companies do not travel further than the northern desert towns of Arlit and Agadez. In theory, ECOWAS migrants are still allowed to move unencumbered through northern Niger. In practice, they turn themselves over into the hands of ghetto owners who provide them with shelter in transit hubs and arrange for the migrants' departure on 4x4s that travel through the desert. The vigilance of state authorities in the region – a direct consequence of EU pressure for more stringent anti-smuggling measures according to respondents – means that these ghettos and desert convoys are increasingly subject to state action.⁷¹ In the process, the conflict risk of investing in state action without recognising the problematic relationship between the Nigerien state and the North is becoming increasingly visible.

71 Respondents also recount that these measures occur in a sporadic – and likely even strategic – manner, such as surrounding a recent visit by the German Chancellor. Personal communication, Sahel migration expert, 2016. The Hague, the Netherlands, 11 December; Personal interview, high-ranking magistrate with experience in investigating irregular migration, 2016. Niamey, Niger, 4 August; Personal interview, president of a local migrant NGO, 2016. Niamey, Niger, 3 August.

Figure 4 The co-opted route



Molenaar, F. 2017. *Irregular migration and human smuggling networks in Niger*, CRU report, The Hague, Clingendael

A developmental paradox

A closer look at the developmental situation of the north serves to entangle a complex web of stabilising and destabilising tendencies surrounding the migration industry. As discussed in Chapter 1, the roots of contemporary irregular migration and human smuggling networks can be traced back to a historic legacy of transnational ethnic and kinship relations that spawned trade networks between local communities in border regions. Connectivity formed – and continues to form – the guiding principle of these exchanges, meaning that ethnic and kinship ties, rather than physical proximity, traditionally bound cross-border trade networks together.⁷² Initially developed

72 Scheele, J. (2012). 'Garage or Caravanserail. Saharan connectivity in Al-Khalil, Northern Mali.' In *Saharan Frontiers: Space and Mobility in Northwest Africa*, Scheele, J. and McDougall, J. (eds.), Bloomington, IN: Indiana University Press, 222-237.

around the smuggling of subsidised goods from North Africa, this cross-border trade increasingly focused on illicit commodities such as counterfeit cigarettes and goods, arms and drugs.⁷³ Its significance has grown to such an extent that 'there are [currently] no alternative sources of income and employment that could rival those of contraband and drug smuggling'.⁷⁴

Over time, the central government's *laissez-faire* approach to illicit cross-border trade, combined with the income-generating opportunity these activities provided to local government officials, resulted in northern desert towns increasingly relying on the illicit cross-border trade rather than the formal national economy for their economic development.⁷⁵ In the case of northern Niger, the informal smuggling economy became even more important when armed rebellion and the deteriorating security situation in the region led to a decline in tourism and other economic opportunities.⁷⁶ Intra-regional migration both strengthened and profited from these ties as migrants used existing trade infrastructures and travelled alongside trade caravans through the desert.⁷⁷ Human smuggling should thus be understood as part of this larger desert context, meaning that its significance extends beyond direct criminal environments to the societies that depend directly or indirectly on the smuggling trade for their livelihoods and that look upon smuggling as an accepted practice. It plays a vital role in the economic development of border towns, which – for stability's sake – would require substantial alternatives.

This is not to say that regional development is solely related to human smuggling activities. Transit towns in northern Niger have witnessed spectacular economic growth due to all manner of migration-related activities. Next to specialised transportation companies, this industry includes the local infrastructure of hotels, restaurants and

73 Sandor, A. 2016. '4x4s', in: *Making Things International: Catalysts and Reactions*, ed. Salter, M., Minneapolis, University of Minnesota Press, 338-356; Brachet, J. 2012. *Op. cit.*

74 Wehrey, F. 2014. Introduction to *Perilous Desert: Insecurity in the Sahara*, by Wehrey, F. and Boukhars, A., Washington, DC, Carnegie, 3.

75 Scheele, J. 2015. 'Circulations marchandes au Sahara; entre licit et illicite', *Hérodote*, 3(142), 143-162; Brachet, J. 2012. *Op. cit.* The evolution of smuggling and trafficking in the region thereby took on a staged logic of development, with each set of commodities 'providing the platform for the next stage, and each in turn more profitable'. Shaw, M. and Reitano, T. 2014. *The Political Economy of Trafficking and Trade in the Sahara: Instability and Opportunities*, Sahara Knowledge Exchange Paper, Washington, DC, World Bank, 24.

76 Dambo, L. et al. 2014. 'Insecurity and Generalized Political Crises: A Challenge for Tourism Development in the Air Massif Region of Niger', *Journal of Alpine Research*, 102(1), 1-13.

77 In the present day and age, human smuggling has become a more specialised trade, not least because increases in border controls meant that trucks carrying other types of goods were often unwilling to carry migrants due to the risk of being fined or detained. Brachet, J. 2011. 'The Blind Spot of Repression: Migration Policies and Human Survival in the Sahara', in: *Transnational Migration and Human Security*, eds. Truong, T. and Gasper, D., Berlin, Springer; Id. 2012. *Op. cit.*

call shops, and/or capitalises on the availability of cheap migrant labour.⁷⁸ Given this economic relevance, visible also in the fact that Agadez's population has grown from 100,000 to an estimated 500,000 residents in the last five years, the European border management agency, Frontex, has warned that tackling the human smuggling industry could spark local protest – as occurred in Algeria when the government upped its repressive anti-smuggling efforts.⁷⁹ Some even fear that the irregular migration industry is all that prevents a new tribal uprising in the north – potentially increasing the number of conflict-driven migrants and reducing the ability of the international community to address migration in the region.⁸⁰

Policy recommendation 2: invest in economic development

A common understanding has therefore started to grow that migration (and national economic) policies need to invest in local development in desert towns to provide an alternative to the irregular migration industry. It is imperative that such policies pay attention to the relation between irregular migration, cross-border trade, local economies and the micro-dynamics of smuggling and political authority in migration hubs. The starting point for such economic programming should be that the economic migration boom has created conditions for local development. Care should now be taken to use this boom as a kick-starter for other economic activities that take place outside of the irregular sphere and that are organised in an inclusive manner. Recent advances in programming that target the informal economy recognise that such development formulas 'should factor in informal institutions and non-state actors' and should avoid one-size-fits-all policy prescriptions 'precisely because they discount the context-specific dynamics of fragility and the informal economy, and could thereby do more harm than good'.⁸¹

78 Brachet, J. 2012. *Op. cit.*: 253-254.

79 Frontex Risk Analysis Unit. 2015. *Op. cit.* Also see: Personal interview, president of a local NGO, 2016. Niamey, Niger, 6 August; Tinti, P. and Reitano, T. 2016. *Op. cit.* 18; Reitano, T. 2016. 'Further Criminalizing People Smuggling Will not Work', *Refugees Deeply*, op-ed posted 30 September 2016. https://www.newsdeeply.com/refugees/community/2016/09/30/further-criminalizing-people-smuggling-will-not-work#V_KVdi-TVn4.twitter (accessed November 2016).

80 Personal interview, public official in the field of national security and stability, 2016. Niamey, Niger, 4 August.

81 Schoofs, S. 2015. *Op. cit.* 1,6.

In addition, and based on insights from programmes on informal economies and private sector development,⁸² the following practical recommendations apply:

- *Use the EUCAP Sahel training centre that is currently being constructed in Agadez as a post for economic advisors.* These economic advisors should identify existing (informal) economic initiatives that can be worked with as a starting point. In this sense, one may think of identifying individuals that have used the money generated by the irregular migration industry to diversify their economic activities, create local businesses and employ others. This might provide important pointers as to the opportunities that exist for local development that could be supported through alternative funding schemes;
- *Work with local informality rather than trying to impose new formal structures.* Formal structures 'require a lot of prerequisites that fragile contexts tend to lack (infrastructure, formally trained staff, registration/certification systems etc.)'.⁸³ For their successful execution, economic development programmes would need to involve local, often informal, companies that are able to absorb labour forces. The process of selecting participants is crucial to ensure that these programmes do not become new corrupt, rent-seeking schemes. Selecting participants through a lottery is one way to ensure that this does not happen.
- *Invest in the organisation of both informal and formal businesses into associations, cooperatives or chambers.* As such, they should be involved in public-private dialogue forums and business environment reforms (e.g. on formal and semi-formal taxation, business licences, cross-border customs etc.) that will ease doing business in the region.

Hegemony on a shoestring

Next to economic development, the irregular migration industry affects regional stability in northern Niger. The maintenance of this stability historically relied more on the outsourcing of this security to these local actors than on the central state's ability to keep the internal peace. This strategy, also called "hegemony on a shoestring", consists of the delegation of 'power to local proxies instead of building institutions driven by values of impartial public action'.⁸⁴ In the case of northern Niger, these local proxies are mainly constituted by elites belonging to the Tuareg tribe who, together with leaders

82 Hoffmann, A. 2015. *Employment Promotion in Contexts of Conflict, Fragility and Violence: Opportunities and Challenges for Peacebuilding*, Bonn, GIZ; Hoffmann, A. 2014. *Policy Review: International and Dutch Policies in the Field of Socio-Economic Development in Fragile Settings*, IS Academy Occasional Paper No.10, Amsterdam, IS Academy, Wageningen UR and Clingendael; UNDP. 2013. *Livelihoods and Economic Recovery. Enabling Local Ingenuity*, Crisis Prevention and Recovery Report, New York, UNDP.

83 Hoffmann, A. 2014. *Op. cit.*, 46.

84 Guichaoua, Y. 2014. *Op. cit.*, 19.

from the Tebu tribe, participated in large-scale revolts against the Nigerien states on several occasions (see Box 3 below for an introduction to these tribes and their role in the Nigerien political economy). The government's solution has traditionally been to co-opt these elites in the state by providing them with spoils and a relative degree of regional autonomy.

Box 3 The Tebu and Tuareg

The Tuareg constitute 10 percent of the Nigerien population and are predominantly concentrated in the sparsely populated and impoverished northern region of country surrounding Arlit and Agadez. Their ties extend to neighbouring countries such as Libya, Algeria and Mali. The Tebu constitute a mere 0.4 percent of the population and are located in desert areas of north-eastern Niger. Their tribal ties extend to Libya, Chad and Sudan.⁸⁵ Due to these two tribes' geographical spread, combined with their active forging of political agreements, they have generally not conflicted over control of the desert trade routes (although some potential for conflict will be discussed in more detail below).⁸⁶

The same cannot be said about these tribes' relationship with the Nigerien state, which has been troublesome to say the least. By the late 20th century, grievances caused by the tribes' socio-economic marginalisation and violent repression reached a boiling point. The military experience that many young Tuareg men had gained from the early 1970s onwards under Qadhafi's Islamic Legion, a Libyan-sponsored pan-Arabic paramilitary force, added further fuel to the fire. Between 1990-1995 and 2007-2009, the Nigerien state faced two periods of Tuareg rebellion, which also had a substantial Tebu component part.⁸⁷ The rebellions sprung from a desire to reach substantive goals, such as obtaining more political participation for the populations in the north and – even more

85 The main ethnicities in Niger are Hausa (53.0%), Zarma-Sonrai (21.2%), Tuareg (10.4%), Fula (9.9%), Kanuri Manga (4.4%), Tubu (0.4%), Arab (0.3%), Gourmantche (0.3%), other (0.2%). *Structure de la Population*, Institut National de la Statistique, Niamey, 2012, http://www.stat-niger.org/statistique/file/Annuaire_Statistiques/AS2007-2011STRUCTUREPOPULATION.pdf (accessed November 2016).

86 Tinti, P. and Reitano, T. *op. cit.* 151; Reitano, T. and Shaw, M. *op. cit.* As will be discussed in more detail below, this may change in the near future.

87 Also, after the fall of Qadhafi in 2011, the Nigerien state saw itself confronted by scores of experienced Tuareg militias returning home. Guichaoua, Y. 2014. *Op. cit.*, 8–9.

importantly perhaps – gaining access to the uranium profits from the mines near Arlit.⁸⁸

Nevertheless, more personal elitist goals shaped the trajectory of these rebellions and of the rebel movements as well. The state's response to the 1990 rebellions consisted of peace deals that focused on military integration, regional economic development and decentralisation.⁸⁹ It addressed the tribal elites' more personal goals through a strategy of co-opting rebel leaders into government structures. This strategy only proved effective, however, as long as it served all militant leaders' interests. It could not prevent the intra-elite and intergenerational conflict within the Tuareg community that eventually resulted in the outbreak of a second rebellion between 2007 and 2009.⁹⁰ The solution to this rebellion proved even more pragmatic, as the government bought off the militants and once again co-opted their leaders through state appointments.⁹¹

Molenaar, F. 2017. *Irregular migration and human smuggling networks in Niger*, CRU report, The Hague, Clingendael

With the fall of Qadhafi in 2011, the rapid outbreak of rebellion in Mali in 2012, terrorist attacks carried out by jihadist groups near the Malian and Algerian borders as well as by Boko Haram in the south, maintenance of internal security and unity became the Nigerien government's core priority. For President Issoufou, elected in 2011, this resulted in the continuation of co-optation practices. Keeping the tribal elites close has proven crucial to the maintenance of stability in the north. By extension, the north has thereby come under the control of authorities that are either implicated themselves in illicit cross-border trade or that turn a blind eye to such activities to maintain local order.⁹² Human smuggling is particularly relevant in this hegemony-on-a-shoestring model of governance, as this industry's profits now exceed those of narcotics and weapons smuggling by far, turning smuggling proceeds not only into an important economic but likely an important political tool as well.⁹³

88 The second rebellion occurred at a time when the president was renegotiating mining contracts and selling licenses to mining.

89 Guichaoua, Y. 2014. *Op. cit.*, 9.

90 Guichaoua, Y. 2009. *Op. cit.*, 13; Deycard, F. *Op. cit.*

91 Guichaoua, Y. 2014. *Op. cit.*, 9.

92 Lacher, W. 2013. 'Organized Crime and Conflict in the Sahel-Sahara Region', in: *Perilous Desert: Insecurity in the Sahara*, ed. Wehrey, F. and Boukhars, A., Washington, DC, Carnegie, 71.

93 Tinti, P. and Reitano, T. 2016. *Op. cit.*, 148.

Despite its name, the hegemony-on-a-shoestring strategy creates substantial conflict risks. Current developments in the region show that the groups that control the human smuggling trade have been empowered by the increase in smuggling proceeds. This is especially the case for the Tebu, which control the Libyan border crossing and the territory surrounding the smuggling route to Sebha. In Agadez, Tebu smugglers' wealth and swagger have heightened tensions with the Tuareg.⁹⁴ At the same time, both tribes also experience internal frictions between their traditional leaderships and up-and-coming younger generations that have returned from Libya to Niger on the tails of the human smuggling industry and that feel that their power on the ground is not reflected in the voice they have within their tribes.⁹⁵ Combined with recent reports of weapons being smuggled back from Libya into Niger,⁹⁶ these developments indicate that – in the case of northern Niger – conflict fuelled by migratory proceeds is not an unlikely scenario.

EU policies targeting local security forces, such as by providing capacity building which has culminated in the construction of a EUCAP Sahel training centre in Agadez, may further contribute to such inter- or intra-tribal conflict. To understand this, it should be noted that state neglect affects not only the local populations living in North Niger; it extends also to the security forces that operate in the region. The salaries paid to security personnel are low and a substantial part of the military budget appointed to the troops stationed in the north to buy fuel, spare parts and food disappears in the pockets of corrupt officials in the capital.⁹⁷ As a result, the armed forces rely on money made through more illicit means, be it the taxation of illicit trade and smuggling routes or even their active involvement in such activities, to supplement their income and to keep their bases running.⁹⁸

94 *Ibid.*

95 Personal communication, military expert, 2016. The Hague, the Netherlands, 16 September; Personal communication, Sahel expert, 2016. The Hague, the Netherlands, 11 December.

96 Personal communication, conflict mediator working in northern Niger, 2016. The Hague, the Netherlands, 14 September 2016.

97 Frontex, 2015, *op. cit.*, 23. IRIN News. 2013. 'After Mali, Niger Battles to Secure its Borders', *IRIN News*, 13 September. Although the government started to invest in the armed forces after the last Tuareg rebellion, it merely upgraded its military hardware and training. Idrissa, A. 2014. *In a Neighborhood on Fire: 'Security Governance' in Niger*, Sahel Research Group Working Paper No. 8, Gainesville, FL, University of Florida; International Crisis Group. 2013. *Niger: Another Weak Link in the Sahel?*, Brussels, International Crisis Group.

98 As one high-level public official put it succinctly, "it is the smugglers that supply the fuel to military outposts." Personal interview, high-ranking magistrate with experience in investigating irregular migration, 2016. Niamey, Niger, 4 August. Also see: Personal communication, military expert, 2016. The Hague, the Netherlands, 16 September.

This extractive practice is facilitated by the fact that human smugglers often join official transport convoys and/or travel in groups to mitigate the risk of being attacked by the armed bandits that roam the region.⁹⁹ The clustering of irregular migrants in groups allows security forces and local public officials to tax groups of migrants arbitrarily along the route. It has even been stated that ‘travel within the country depends on the good will of state security forces’.¹⁰⁰ The practice of taxing migrants is so rampant that reports even indicate that migrants receive receipts when paying the authorities a municipal tax, checkpoint fee and/or border bribe.¹⁰¹ The profits to be made here are such that the different sets of security forces, such as the police, gendarmerie and army, have also been reported to conflict over the division of migratory proceeds. In at least one case, this resulted in the mayor of Dirkou, a desert relay town, adopting a formal decree that institutionalised the distribution of migrant taxes among these three sets of security forces.¹⁰²

Regardless of these relationships between irregular migration and security forces, part of the current EU and UNODC policies focus on improving the strength of securitised approaches to human smuggling. Moving beyond questions of whether these forces are reliable partners to work with in the fight against irregular migration – due to their strong involvement in this industry – some destabilising effects of these policies have already been identified in Agadez. Firstly, police forces have started rounding up human smugglers and ghetto leaders, resulting in the arrest of 47 individuals since the adoption of the 2015 anti-smuggling law. Local authorities did not possess sufficient capacity, however, to deal with the legal implications of these arrests. As a consequence, smugglers have been thrown in jail without any charges and/or sentencing.¹⁰³ This clearly violates principles of rule of law and human rights.

99 Brachet, J. 2012. *Op. cit.*, 245-246; Armed bandits are any group roaming the countryside for income that does not belong formally to the state security forces. In this sense, one may think of former rebels, members of armed forces that join armed bandits in their spare time (or loan out their guns to them), etc. In practice, the distinction between state and irregular armed forces is often very blurred. Personal communication, Sahel expert, 2016. The Hague, the Netherlands, 13 July. It should be noted that the increased interdiction efforts in the region have resulted in less smugglers joining official transport convoys – turning to riskier and more dangerous roads instead.

100 Brachet, J. 2011. *Op. cit.*, 63. The same has been stated for contraband smuggling and the facilitation of irregular migration more generally. Lacher, W. 2013. *Op. cit.*, 71.

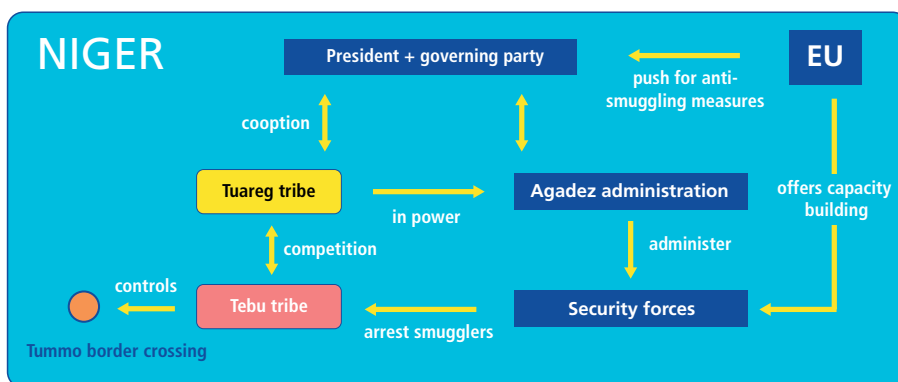
101 Pellet, J. 2013. ‘Niger/Agadez, le prix pour migrer vers la Libye’, *Occitan-Touareg Blog*, contribution posted on 6 November 2013, <http://occitan-touareg.over-blog.com/2013/11/niger-agadez-le-prix-pour-migrer-vers-la-libye.html> (accessed November 2016); Lewis, D. 2014. ‘Special Report: Despite deaths, crackdown, Sahara migrant trail thrives’, *Reuters*, 15 May, Politics section.

102 Personal interview, high-ranking magistrate with experience in investigating irregular migration, 2016. Niamey, Niger, 4 August.

103 Personal communication, Agadez migration expert, 2016. The Hague, the Netherlands, 1 November.

Secondly, the arrests that have been made, as well as the 67 vehicles that have been seized, form part of a campaign that targets one sub-set of smugglers only: the Tebu. This should come as little surprise given that the Agadez police fall under the local structure of government, which is headed by Tuareg elites.¹⁰⁴ The securitised anti-smuggling approach thereby fails to take into account existing inter-tribal rivalries and power struggles, which – as discussed above – have only been exacerbated by recent increases in irregular migration and smuggling proceeds. The risks this generates for local stability are very real. Indeed, police forces had to transfer the seized 4x4s to an army compound as the local Tebu population threatened to overrun and burn down the police station where these vehicles were impounded.¹⁰⁵

Figure 5 The co-opted route's political dynamics



Molenaar, F. 2017. *Irregular migration and human smuggling networks in Niger*, CRU report, The Hague, Clingendael

Policy recommendation 3: invest in conflict-sensitive institution building

From the above, it follows that the irregular migration industry contributes to stability and instability in the Agadez region in complex ways. It supports a booming industry that adds to people's livelihoods (stabilising factor), but this economic development is not necessarily inclusive and has the potential to pit newly empowered tribes or tribal factions against one another (destabilising factor). The securitised measures that are currently being implemented in the region run roughshod over these local interests and their implementation is insensitive to local conflict dynamics. They thus run the

104 *Ibid.*

105 *Ibid.*

risk of undermining the legitimacy of the state, which – as the previous sections have shown – is already precarious to begin with, and thereby sow the seeds for conflict-driven migration. More importantly, and as the Libyan case discussed below outlines in detail, regional stability is a prerequisite for being able to work with local partners in developing migration policies in the region.

This is not to say that nothing can be done. The current focus on migration means that external momentum has been created and resources have been made available to instigate a positive change in one of the world's most neglected regions. Thoroughly designed migration policies could contribute to – rather than undermine – livelihoods and higher quality institutions, thereby addressing some of the root causes of migration from within. To this end, current migration policies could benefit from insights from security sector reform programmes. At the very least, migration measures should be undertaken in lockstep with existing capacity-building programmes, while being calibrated in terms of their objectives and demands on institutions. In addition, security programmes should be informed by political economy analysis type assessments to ensure that they are designed in a conflict- and politically sensitive manner.

Based on insights from security sector reform programmes,¹⁰⁶ the following practical recommendations apply:

- *Use the EUCAP Sahel training centre that is currently being constructed in Agadez as a post for political advisors.* These political advisors should continuously map the actors on the ground: who are the main authority figures, how do they relate to other authority figures, how do they finance their activities and to what extent are they engaged in the human smuggling trade. Such a mapping allows identification of the most benign partners to train but would also ensure that collaborative efforts are designed in a conflict-sensitive manner;
- *The political advisors should ensure that an awareness of political dynamics and the need to work in a conflict-sensitive manner are placed centre stage in the design of securitised approaches to migration.* Programmes should be designed in a flexible manner to respond to political challenges on the ground and in a progressive

¹⁰⁶ See: Veen, E. van. 2016. *Improving Security and Justice Programming in Fragile Situations Better Political Engagement, More Change Management*, OECD Development Policy Papers, March 2016 No. 3, Paris, OECD; Ball, N. 2014. *Putting Governance at the Heart of Security Sector Reform: Lessons from the Burundi-Netherlands Security Sector Development Programme*, CRU Report, The Hague, Clingendael; Veen, E. van and Boogaard, A. van den. 2016. 'De politieke dynamiek van veiligheid in Burundi: Inzichten en uitdagingen', *Militaire Spectator*, 185(7/8), 306-319; Price, M. and Van Veen, E. 2016. *From Entitlements to Power Structures: Improving Analysis for Community Security Programming*, CRU Report, The Hague, Clingendael; Isser, D. 2011. *Customary Justice and the Rule of Law in War-Torn Societies*, Washington, DC, United States Institute of Peace; Veen, E. van, Goff, D. and Van Damme, T. 2015. *Beyond Dichotomy: Recognising and Reconciling Legal Pluralism in Mali*, CRU Report, The Hague, Clingendael.

manner to allow for smaller steps leading to bigger change. *Where possible, they should include a community-based component*, such as targeting local migration-related crime and violence, increasing legitimacy for the police as an institution. This is a crucial starting point to be able to engage local communities in the fight against the worst excesses of human smuggling and irregular migration;

- *Invest in maintaining a continuous political dialogue and structural leadership development.* Programmes that target mid-level cadres, for example, are able to leave their mark on the next generation of leaders. Rather than merely focusing on arresting human smugglers, this more comprehensive approach to security sector reform in the region would lay the foundation for institutional growth and would thereby address one of the root causes of migration;
- *Invest in the ability of (customary) justice systems to address mistreatment of irregular migrants by local actors, organisations or even state agents.* Tackling corruption starts with raising awareness of migrants' rights and protecting them against abusive state and non-state officials. In many of the more remote geographic links of the irregular migration chain, the state, or its judiciary, holds little sway. Customary actors in all likelihood offer the best option for recourse, but they are not traditionally equipped to handle migration issues. In parallel, greater state capacity could be built in line with the logic set out above.

5 The contested route – northern Mali and Libya

As was the case in northern Niger, the migratory route passing through northern Mali and Libya is characterised by an increase in irregularity. For northern Mali, this is so because bus companies do not travel further than the desert town of Gao. From here to the Algerian border, migrants rely on human smugglers to transport them across inhospitable terrain. Libya does not belong to ECOWAS and does not have any bilateral agreements with sub-Saharan African countries on visa-free travel. In practice, this means that the majority of migrants transiting through, or residing in, Libya do so in an irregular fashion and their presence is considered illegal. They therefore rely on human smuggling networks to cross the country on their way to the coast and – in some cases – to set off on boat journeys to Europe. Migrants are thereby pushed into a shadow economy, i.e. the set of economic activities and services that occur outside of the state regulated framework.¹⁰⁷

The manifestation of irregular migration differs from the northern Nigerien case, however, due to the fact that northern Mali and Libya are engaged in violent internal turmoil. In principle, the presence of a diverse array of irregular armed forces should not inhibit the human smuggling industry.¹⁰⁸ Economic markets, both formal and informal, often co-exist with armed, violent conflict and local/transnational economies precede and continue to function despite the rise of internal armed violence.¹⁰⁹ Indeed, the cases of northern Mali and Libya show that irregular migration continues unhindered despite the problematic internal security situation. The availability of exploitable commodities, such as drugs, oil, arms or humans, often forms a primary revenue source for state-affiliated and irregular armed forces alike.¹¹⁰ This raises the question as to what extent non-state armed groups present in the region are involved in the facilitation of irregular migration and human smuggling practices and whether this contributes to the prolongation of internal conflict.

107 Goodhand, J. 2004. 'From War Economy to Peace Economy? Reconstruction and State Building in Afghanistan,' *Journal of International Affairs*, 58:1, 157.

108 Irregular armed forces are 'actors who wield coercive capacity that either parallels or challenges that held by the state, and whose deployment of violence undermines the state's monopolisation of the means of coercion. In this sense, one may think of armed bandits, separatist groups, jihadist groups, militias and armed brigades. Davis, D. 2010. *Op. cit.*, 398.

109 Taylor, M. 2013. *Conflict Financing: What's Wrong with War Economies?* NOREF Report, Oslo, Norwegian Peacebuilding Resource Centre.

110 Le Billon, P. 2012, *Wars of Plunder: Conflicts, Profits and the Politics of Resources*, New York, NY, Columbia University Press.

Box 4 The conflict in Mali

The political and security crisis of 2012 – composed by a swift and victorious rebellion in the north that sparked a military coup in the south – was the result. Initially, a renewed expression of Tuareg discontent towards the Malian state, the armed Islamist groups and other criminal networks that had been empowered by the profits made in the illicit trade hijacked the rebellion. The government's inability to counter this uprising sparked popular and military unrest, leading to the fall of the government in March of that same year.¹¹¹ In January 2013, fears that the armed Islamist threat would spread to the capital resulted in an international intervention.¹¹² The signature of a 2013 interim peace agreement in Ouagadougou and the 2015 peace agreement in Algiers brought back some semblance of political order in northern cities such as Gao and Kidal. At the same time, a fragmented array of armed groups continues to control the region. A hybrid form of governance has emerged, with local governments, security forces and other state institutions starting to function again, albeit in a formal fashion and in urban areas only. Meanwhile, armed groups continue to fight each other and the state over territory and the spoils of peace.¹¹³ Living off drug and cigarette trafficking, as well as other illicit smuggling revenues, these important stakeholders in the peace agreement have little to no interest in seeing the central state's presence in the north enforced.¹¹⁴

Molenaar, F. and Van Damme, T. 2017. *Irregular migration and human smuggling networks in Mali*, CRU report, The Hague, Clingendael.

111 Among these groups were Ansar Dine, al-Qaeda in the Islamic Maghreb (AQIM) and Movement of Oneness and Jihad in West Africa (MUJAO). For more information on the topic, see Chauzal, G. and Van Damme, T. *op. cit.*; Guichaoua, Y. 2014. *Op. cit.* These groups also capitalised on the many Tuareg fighters that migrated back to Mali from Libya after the fall of Qadhafi. See: Tinti, P. and Reitano, T. *Op. cit.*

112 Chauzal, G. and Van Damme, T. *Op. cit.*

113 Guichaoua, Y. 2014. *Op. cit.*; Jouve, A. 2016. 'Forces et groupes armés au Mali: qui est qui?', *Jeune Afrique*, 24 March.

114 International Crisis Group. 2015. *Mali: la paix à marche forcée*, Africa Report n. 226, Brussels, International Crisis Group. The recurring fights between the *Groupe autodéfense touareg Imghad et allies* (GATIA) and the *Mouvement national de libération de l'Azawad* (MNLA) over the summer of 2016 can be understood as a power struggle between a historically dominated group – the Imghad (GATIA) – using trafficking resources to change the established order and a traditionally noble group – the Ifoghas (MNLA) – trying to preserve the status quo. In this conflict, the spoils earned through organised criminal activities are a means to an end. Raineri, L. and Strazzari, F. 2015. *State, Secession and Jihad: The Micropolitical Economy of Conflict in Northern Mali*, *African Security*, 8(4), 249–271.

Box 5 The conflict in Libya

In 2011, a popular uprising resulted in the fall of Qadhafi. In the immediate post-revolution period, under the auspices of Libya's National Transitional Council, the signs that Libya would transition towards freedom and democracy were promising: the country witnessed broad political participation – as exemplified by the elections of 2012 –, an active civil society (something that had not existed in four decades of Qadhafi rule) and a general sense of optimism about Libya's future. The revolution's aftermath made painfully clear, however, that authority on the ground lay in the hands of the armed brigades and militias that had fought Qadhafi. These groups did not plan to lay down their arms, nor to adhere to the new governing elite and a political road map in which they were given no stake.¹¹⁵

In the years that followed, an intense zero-sum struggle over power and resources emerged. Political infighting and the power of the gun eventually resulted in a split between two competing governments in the country's east and west. Full-on war broke out between these two rival camps in 2014. As Libya plunged into political chaos, its territory fragmented into a patchwork of local zones of influence, with neither of the rival sides being able to cement its hold over the entire region. As the conflict wore on, both camps also witnessed increasing internal tensions and differentiation. The struggle is no longer between two broad military-political camps, but between dozens of rival political interests that are often tied to specific regions, towns and (parts of) cities and that form manifold and fluid alliances based on ideological, tribal and social connections.¹¹⁶

Observers argue that in today's Libya, and despite the 2015 formation of the Interim Government of National Accord (GNA), there are only few truly national actors. At the same time, the criminal economy is widespread, making it the only factor 'binding Libya together'.¹¹⁷ The absence of state control, coupled with Libya's geography that includes vast terrains and permeable border regions, creates ideal surroundings for criminal networks to flourish and to employ

115 Smits, R., Janssen, F. and Briscoe, I. 2013. *Op. cit.*; Janssen, F. and Abdo, I. 2015. *Op. cit.*; Lacher, W. 2015. *Op. cit.*

116 European Council on Foreign Relations. 2015. 'A Quick Guide To Libya's Main Players', http://www.ecfr.eu/page/-/Libyas_Main_Players_Dec2016.pdf (accessed August 2016).

117 Shaw, M. and Mangan, F. 2014. *Illicit Trafficking and Libya's Transition: Profits and Losses*, Washington, DC, USIP, 3.

all kinds of criminal activities. Throughout the post-Qadhafi transition, Libya developed into North Africa's primary arms market and other (interconnected) illicit markets have been developing rapidly ever since – one of which is human smuggling.

El Kamouni-Janssen, F. 2017. *'Only God can stop the smugglers.'* *Understanding human smuggling networks in Libya*, CRU report, The Hague, Clingendael.

Irregular migration and the shadow economy

As was the case in northern Niger, human smuggling in northern Mali and Libya forms part of a broader 'shadow economy' run by influential businessmen that operate illicit trade networks. In northern Mali, so-called *passeurs* run the human smuggling industry. These are generally well-connected local businessmen that put migrants in touch with relevant facilitators, such as public officials, transport companies, drivers, people that can issue them with fake documentation, etc.¹¹⁸ Along Libya's Western route, human smuggling is similarly organised by individual entrepreneurs, some with a historical stake in smuggling, with only limited hierarchical coordination. These *muharrib*, normally a Libyan national with an extensive local and foreign network, facilitate the journey and transport of migrants. They operate in collaboration with non-Libyan nationals, usually former migrants themselves.¹¹⁹

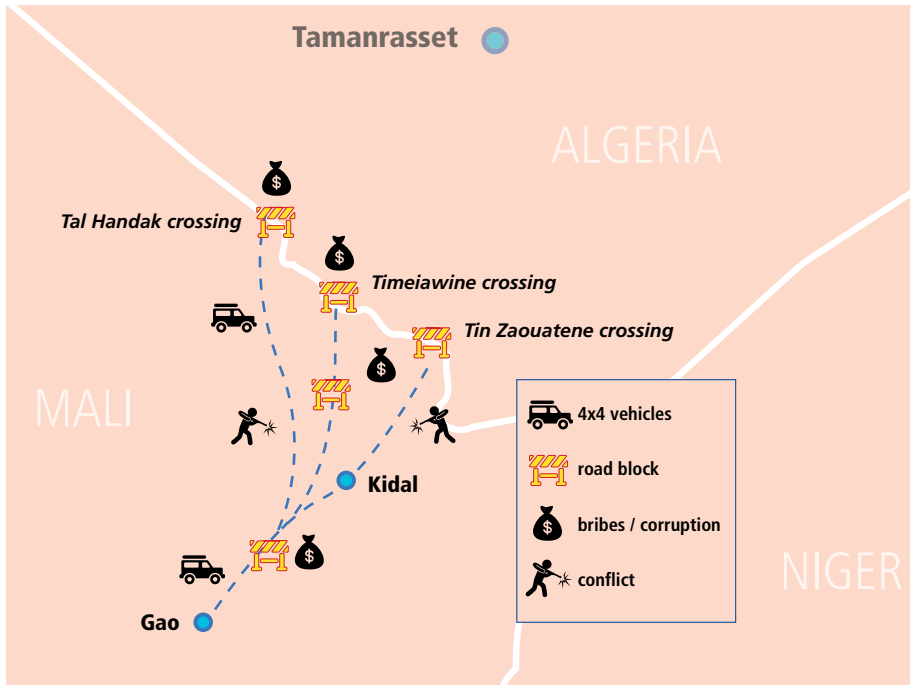
As a consequence of the often opportunistic and fluid social and political ties between various smugglers, human smuggling activities supersede conflict lines and, in the case of Libya, even form (part of) the glue connecting the interests of opposing actors. The country is fractured into two political military blocs – one headed by the internationally recognised government led by prime minister Fayez al-Sarraj and the other consisting of general Khalifa Haftar and his armed forces – that form largely nominal alliances with fluid members. Factions from both sides of these blocs are directly and indirectly involved in the human smuggling trade. The market is a free-for-all and smuggling networks supersede Libya's internal divisions. In a similar vein, human smuggling

118 Personal interview, three members of the international community working in the field of migration, 2016. Bamako, Mali, 29 July. Telephone interview, migration expert in Gao, 2016. The Hague, the Netherlands, 30 July.

119 Malakooti, A. 2013. *Op. cit.*, 52. Also see: Tinti, P. and Reitano, T. 2016. *Op. cit.*, 114-115.

networks traverse a complex terrain in northern Mali, where they have to reckon with a fragmented landscape of armed groups (see Figure 6 below for an overview).¹²⁰

Figure 6 The contested route through Mali



Molenaar, F. and Van Damme, T. 2017. *Irregular migration and human smuggling networks in Mali*, CRU report, The Hague, Clingendael.

The scope of smuggling activities and operations differs in the various networks. One structural feature that is, however, visible in Libya's north in particular is that networks here tend to be more hierarchically organised by a relatively smaller number of "kingpins". These kingpins do not handle the migrants themselves, but 'finance operations, ensure access to departure sites, bribe authorities on a grand scale, manage the military and political connections necessary to execute their activities and generally create or maintain an environment conducive to carrying out their operations'.¹²¹ The smuggling kingpins are often also involved in other types of illicit activity, such as

120 International Crisis Group. 2016. *Mali Central: la fabrique d'une insurrection?* Africa report n. 238, Brussels, International Crisis Group; Carayol, R. 2016. 'Carte: au centre du Mali, une constellation de groupes armés', *Jeune Afrique*, 17 June, Political section.

121 Tinti, P. and Reitano, T. 2016. *Op. cit.*, 114.

the trade in drugs and weapons.¹²² They allegedly operate with impunity, even though the authorities are usually well aware of their operations. Indeed, one Libyan smuggler described them as actors that ‘impose themselves on the state with their power and control over vital areas. The authorities have [nothing] on them’.¹²³

While remnants of state institutions still exist, they function in a context of a defunct national government where salaries have often not been paid for over a year.¹²⁴ Law enforcement and security provision have taken on a different logic than might be expected of them, functioning as radars in patron-client networks. As one respondent on the ground puts it succinctly, ‘rule of law depends on who you know’.¹²⁵ It should therefore come as little surprise that hundreds of petty smugglers are held captive, but no smuggling kingpins have been arrested and their smuggling networks remain untouched. In a similar vein, sources suggest that Coast Guard patrols target the smaller smugglers launching boats along the coastline, but that these same patrols are off duty when smuggler kingpins launch their boats from the main ports.¹²⁶

It should be noted that the line between human smuggling, slavery and human trafficking has become increasingly blurred in this fragmented terrain.¹²⁷ This is most clearly evident in Libya, where migrants may enter of their own volition, but where they subsequently run the high risk of becoming commodities to be captured, sold and exploited at will. A recent IOM study among migrants that had arrived in Italy, for example, revealed that ‘nearly three-quarters (71 percent) of migrants taking the Central

122 There are strong rumours that the figureheads behind criminal (human) smuggling networks in Libya can be linked to the Italian mafia as well, although such stories remain unconfirmed. Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, the Netherlands, 13 September.

123 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September.

124 See, for example, Westcott, T. 2016. ‘All at sea: Libyan detention centres at crisis point’, *Irinnews*, 1 June. Also: Personal interview, member of the international community running good governance projects in Libya, 2016. The Hague, the Netherlands, 21 September.

125 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November.

126 *Ibid.* Also see: Vice News, 2015, ‘Libya’s migrant trade: Europe or Die’, *Vice News*, documentary posted on 17 September 2015, <https://www.youtube.com/watch?v=XWrGSndkf6U> (accessed November 2016).

127 The difference between human smuggling and human trafficking is that the first requires the consent of the individuals that are being moved whereas the second does not. Compare Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000 and Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000.’

Mediterranean routes connecting North Africa to Europe have experienced exploitation and practices which may amount to human trafficking'.¹²⁸

These exploitative practices are facilitated by the end of Libya's 'open door policy' to migration in 2007. In response to an economic recession and increased EU pressure to stem migration to Europe, Libya reimposed visas on both Arabs and Africans in 2007, effectively 'turning an unknown number of immigrants into irregulars overnight'.¹²⁹ Nevertheless, Qadhafi allowed Libya's southern borders to remain porous as a means to meet domestic labour needs and solidify centre-periphery relations. The main thing that changed was the migrants' position, which deteriorated with their sudden criminalisation as they ran the increased risk of indiscriminately being thrown into one of the state-led detention facilities harnessed to garner international legitimacy.¹³⁰

Aggravated by the fragmented security situation, some smuggling networks exploit the criminalisation of migration to keep migrants inside Libya as long as they can to profit from them, completely disregarding the humane treatment of migrants. Migrants travelling in, or through, Libya may 'spend months or even years in a condition of complete isolation and at the mercy of smugglers and other exploiters'.¹³¹ Migrants that reside in Libya are similarly rounded up and placed in unofficial detainment camps or warehouses (Muzra), where they are ransomed for money or earn a profit through other

128 *Abuse, Exploitation and Trafficking: IOM reveals data on the scale of the danger and risks that migrants face on the Mediterranean routes to Europe*, IOM, London, 2016 <http://unitedkingdom.iom.int/abuse-exploitation-and-trafficking-iom-reveals-data-scale-danger-and-risks-migrants-face> (accessed December 2016). Also see: *Report of the Secretary-General on the United Nations Support Mission in Libya*, United Nations Security Council (UNSC), New York, 2016, http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/1011 (accessed December 2016).

129 Migration Policy Centre Team. 2013. *Op. cit.*, 8.

130 Toaldo, M. 2015. 'Migrations Through and From Libya: A Mediterranean Challenge', in: *Changing Migration Patterns in the Mediterranean*, ed. Kamel, L., Rome, Istituto Affari Internazionali, 80-81. The only way for migrants to get out of a detention centre is to buy their way out, to find a local sponsor who they can work for, to get deported (voluntary repatriation), or to die.

131 Aziz, A., Monzini, P. and Pastore, F. 2015. *The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean*, New-Med Research Report, Rome, Istituto Affari Internazionali, 41. The extent to which this is the case depends on the smuggling network. Eritreans, facilitated by the networks run by Eritrean smuggling kingpins, generally travel through Libya with relative ease. Nigerians are moved and exploited in a structural manner through the human trafficking networks that operate on this route, but their transit time is not that long. West Africans take between seven and nine months to reach Europe and are exploited along the way. Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November.

means such as sexual exploitation and forced labour.¹³² The situation in Mali shows some indications of moving in a similar direction, with smugglers reportedly also detaining migrants for ransom at the border with Algeria.¹³³

Recognition of the blurring between human smuggling and human trafficking is also relevant to understand the boat journey from Libya to Italy. Reporting on the ground suggests that a substantial share of migrants do not willingly chose to cross the Mediterranean, but are forced on boats by local bandits, soldiers or traffickers/smugglers.¹³⁴ Many West African migrants in particular pass through a trafficking 'system' that ends in them being loaded onto a boat without their consent and without them having any idea of where they are going. The same goes for Nigerian trafficking victims that are caught in a transnational trafficking web.¹³⁵ This once again points to the need to distinguish between different types of migratory streams, with not all migrants choosing to travel to Europe on their own account. In addition, the criminalisation of migrants in Libya and the volatile security situation emerge as important root causes of migration.

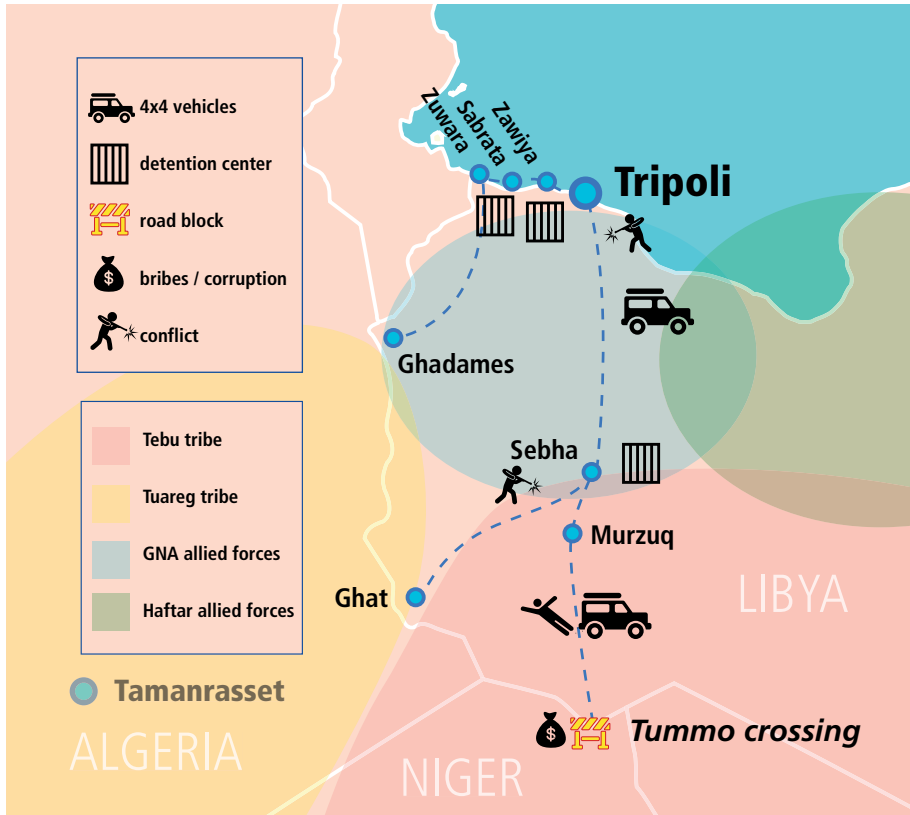
132 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November. Also see Tinti, P. and Reitano, T. 2016. *Op. cit.* and Amnesty, 2016. *Refugees and migrants fleeing sexual violence, abuse and exploitation in Libya*, news report posted on 1 July 2016, <https://www.amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/> (accessed November 2016).

133 Telephone interview, member of a local migrant NGO in Gao, 2016. The Hague, the Netherlands, 10 November.

134 In one MHub Survey, this is the case for 39 percent of surveyed migrants. *Italy, Survey Snapshot August 2016*, Mixed Migration Hub, Cairo, <http://www.mixedmigrationhub.org/wp-content/uploads/2016/09/Italy-Survey-Snapshot-August.pdf> (accessed November 2016). A second MHub survey reports that 21 percent of surveyed migrants were forced onto boats. *Italy, Survey Snapshot September 2016*, Mixed Migration Hub, Cairo, <http://www.mixedmigrationhub.org/wp-content/uploads/2016/10/Survey-Snapshot-Italy-September.pdf> (accessed November 2016). Also see: Fraser, C. 2016. 'Push' factor drives migrants away from Libya to Europe', *BBC*, 17 May, Africa section.

135 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November.

Figure 7 The contested route through Libya



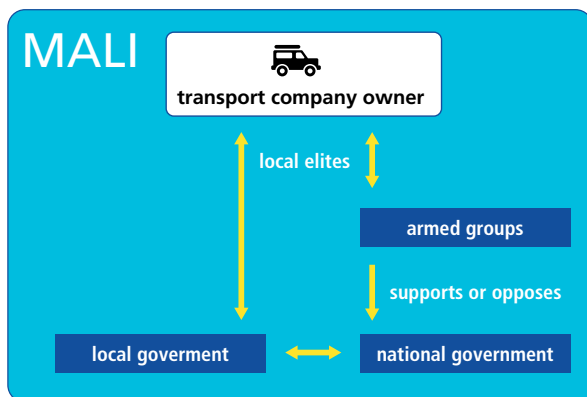
El Kamouni-Janssen, F. 2017. 'Only God can stop the smugglers.' *Understanding human smuggling networks in Libya*, CRU report, The Hague, Clingendael.

Irregular migration and the war economy

No indications exist that the irregular armed forces present in northern Mali and Libya control the human smuggling industry in its entirety. Indeed, no armed group has complete territorial control over the entire migratory route (see Boxes 6 and 7 below for an overview of the different spheres of influence in northern Mali and Libya that smuggling network traverse). Rather, human smuggling activities occur within a larger shadow economy comprising (local) business elites, criminal interests and armed actors that have become *de facto* authorities. The human smuggling economy thereby functions as a node in larger relationships between smuggling, authority and armed forces in northern Mali and Libya.

In the case of Mali, the number of migrants passing through the northern region is currently not high enough to make migrant smuggling an attractive economic opportunity for irregular armed forces to become actively engaged in the smuggling trade itself, especially when compared with drug and arms smuggling.¹³⁶ Ties between human smugglers and armed groups are generally of a more indirect nature, with influential local businessmen involved in human smuggling typically also occupying leadership positions within armed groups. One well-known transport company owner and *passeur* operating in Gao – who shall remain unnamed here – also holds a leadership position in GATIA, for example.¹³⁷ Armed groups earn money from the smuggling trade more indirectly by instituting roadblocks where migrants have to pay a toll and/or by offering migrant convoys against attacks from other armed groups.¹³⁸ The armed groups have thereby instituted an effective protection racket in the region.

Figure 8 The contested route's political dynamics - Mali



Molenaar, F. and Van Damme, T. 2017. *Irregular migration and human smuggling networks in Mali*, CRU report, The Hague, Clingendael.

136 Confidential documents obtained from an intelligence officer. Personal interview, intelligence officer, 2016. Bamako, Mali, 25 July. In addition, it has been suggested that the presence of international peacekeepers prompts these forces to keep their arms and drug trafficking operations separate from human smuggling, which typically requires larger convoys, to avoid attracting law enforcement attention. Personal interview, member of the international community working in the field of peacekeeping, 2016. Bamako, Mali, 27 July.

137 Confidential documents obtained from an intelligence officer; Personal interview, intelligence officer, 2016. Bamako, Mali, 25 July.

138 *Ibid.* Also see: *Mali, Survey Snapshot April 2016*, Mixed Migration Hub, Cairo, <http://www.mixedmigrationhub.org/wp-content/uploads/2016/05/Mali-Survey-Snapshot-April.pdf> (accessed November 2016). It goes without saying that armed groups often constitute these armed bandits. Personal interview, member of the international community working in the field of peacekeeping, 2016. Bamako, Mali, 27 July.

Box 6 Libyan spheres of influence

The trans-Saharan human smuggling route traverses various spheres of influence within Libya. These can roughly be divided between: 1) the border with Niger and the southwestern Fezzan; 2) Sebha; 3) Ghat and Gadames; and 4) Tripoli and the northwestern coastline. In addition, the armed groups controlling these areas can roughly be divided between Haftar-allied groups and GNA-allied groups.

The border with Niger and the southwestern Fezzan: Since 2011, when Tebu leader Barka Wardougou chased pro-Qadhafi forces out of the Murzuq oasis,¹³⁹ Tebu control over Libya's south-western Fezzan region has increased steadily.¹⁴⁰ The African-ethnic Tebu tribe was marginalized under Qadhafi, in contrast with the Arab Tuareg which was a favoured tribe of the regime. After Qadhafi was ousted, the Tebu made good use of the Tuareg's diversion of attention to the separatist conflict in North Mali and moved to take over oil fields and consolidate their hold over the region. Wardougou also led the Murzuq Military Council, the *de facto* governance body in the area, as well as at least two Murzuq based militia groups including Libya Shield.¹⁴¹ Tebu tribesmen, who control the Tumu border crossing with Niger, profit from this regional dominance to drive migrants northwards: the Tebu have monopolized the smuggling industry in south Libya up to around 20 kilometers from the desert town of Sebha.

Sebha: Sebha is located some 770 kilometers south of Tripoli and forms the capital of the Fezzan region. The desert town is a central hub in the web of historical trade routes that stretch northwards towards the borders of the Mediterranean and southwards into Sub Saharan Africa.¹⁴² The area around Sebha is also known for its agriculture, where a large percentage of farm workers have long been seasonal migrants from Sub-Sahara Africa. Nowadays, Sebha is the undisputed heart of the human smuggling industry in southern Libya. Although members of the Tuareg and Tebu also live in Sebha, the city is dominated by the Arab Awlad Suleiman tribe, a sedentary clan who has long controlled smuggling routes through the area and has earned an immense fortune through its ownership of 80 per cent of the petrol stations in Sebha.¹⁴³

139 Carayol, R. 2016. 'Libye: le chef de guerre Barka Wardougou vaincu par la maladie', *Jeune Afrique*, 27 July.

140 Bousbouvier, C. 2012. 'Libye: quand les Toubous se réveillent', *Jeune Afrique*, 16 May, Political section.

141 Tinti, P. and Reitano, T., *op. cit.*; Landinfo, 2014. *Libya: Militias, Tribes and Islamists*, Oslo, Landinfo.

142 Paton, C. 2015. 'Libya: Inside Sabha the heart of Libya's smuggling and human trafficking network', *International Business Times*, July 24.

143 European Council on Foreign Relations. 2015. 'A Quick Guide To Libya's Main Players', http://www.ecfr.eu/page/-/Lybias_Main_Players_Dec2016.pdf (accessed August 2016).

Since the fall of Qadhafi, the Awlad Suleiman run the local council of Sebha, meaning that they basically have sovereign control over the area. The Awlad Suleiman is one in a patchwork of (rivaling) Arab tribes – including the Warfalla, Magarha and Qadhafa – which control the areas north of Sebha and are in charge of smuggling migrants to the coast.¹⁴⁴ The Magarha tribe plays a particularly prominent role in transporting migrants north.

Ghat and Ghadames: Alternatively, migrants enter Libya across the Algerian border at Ghat or Ghadames. Ghat is controlled by ethnic Tuareg militias linked to those that operate in North Mali and Niger. From here, smugglers transport their human cargo on to Sebha. Ghadames which is situated more north close to the border with Tunisia, falls under the control of the Zintani brigades. Initially one of the 'strongest, non-Islamist, Arab militia groups in the country'¹⁴⁵, the militias from Zintan – which used to be one of Qadhafi's strongholds – lost control of key strategic sites to rival Misratan forces between 2011 and 2014. Zintani brigades extended their presence to Ghadames area to profit from the human smuggling networks running through that territory and thereby re-claim political and territorial control.¹⁴⁶ The Zintani brigades transport migrants up to the coastline.

Tripoli and the northwestern coastline: Libya's northwestern coastline (roughly spanning from the town of Zuwara eastwards to Tripoli) is the heartland of human smuggling to Europe as it is the area where most of Libya's embarkation points are located. It is also the area where historically most migrants arrived in search for work.¹⁴⁷ At present, significant parts of the coastal strip fall outside of the control of the national government, the Government of National Accord (GNA). Even the capital Tripoli from where the GNA currently operates has been carved up into the spheres of influence of various militias like the Tripoli Revolutionaries' Brigade of Haithem Tajouri (commonly referred to as Tajouri brigades, consisting of over 600 men) and the Special Deterrent Forces of AbdelRaouf Kara (also known as the Kara militias).¹⁴⁸

El Kamouni-Janssen, F. 2017. '*Only God can stop the smugglers.*' *Understanding human smuggling networks in Libya*, CRU report, The Hague, Clingendael.

144 Paton, C. 2015. 'Libya: Scores Killed in Ethnic Clashes for Control of South's People-trafficking Routes', *International Business Times*, 23 July; Tinti, P. and Westcott, T. *op. cit.*; Cole, P. and McQuinn, B. eds., 2015, *The Libyan Revolution and Its Aftermath*, New York, Oxford University Press.

145 Tinti, P. and Reitano, T., *op. cit.*; Landinfo, 2014. *Libya: Militias, Tribes and Islamists*, Oslo, Landinfo.

146 Lewis, A. and Elumami, A. 2016. 'Dangerous Migrant Smuggling Routes Flourish in Lawless Libya', *Reuters*, 3 June, World News section.

147 Telephone interview with a member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

148 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September.

Box 7 Northern Malian spheres of influence

The road from Bamako to Gao crosses zones that are (partially) controlled by armed groups. A rough divide can be made between self-defense militias, armed groups belonging to the separatist *Coordination des mouvements de l'Azawad* (CMA) and the more government-oriented *Plateforme*¹⁴⁹, and armed Islamist groups. The relations and alliances between these groups are very fragmented and subject to continuous de- and realignment.

Central Mali: According to several observers, the centre of the country - consisting of the triangle Segou, Nampala and Mopti - forms an "epicentre of jihadism".¹⁵⁰ The terrorist group Ansar Dine Macina, the southern *katiba* of Ansar Dine, one of the main actors of the armed Islamist offensive in 2012, has conducted numerous attacks in the region of Segou and Mopti and has established itself as one of the main armed groups of the centre of the country. Local Fulani and Tamasheq communities, feeling left out of the peace agreements and threatened by the armed Islamist wave, have also taken up arms in the region.¹⁵¹ Their composition, objectives and the extent of their military power are, at the moment, the subject of much speculations.¹⁵² North of Mopti, the localities of Douentza and Boni are the zones of influence of the *Plateforme* members GATIA, the Ganda Izo and the Ganda Koy, all pro-government militias.¹⁵³ However, this region has recently been the theatre of attacks by an unidentified armed Islamist group, highlighting the fragile nature of territorial control in Mali.¹⁵⁴

The region of Gao mainly falls under the control of the MAA (*Mouvement Arabe de l'Azawad*) divided into two sub-groups, one part of the *Plateforme* and the other of the CMA.¹⁵⁵ The MAA is heavily involved in drug trafficking and operates mainly in the area between Timbuktu and Gao, despite having some presence

149 For more detailed information on the groups that constitute these coalitions, see Jouve, A. 2016. 'Forces et groupes armés au Mali : qui est qui ?', *Jeune Afrique*, 24 March.

150 See for instance Sangare, B. 2016. *Le Centre du Mali: epicentre du djihadisme*, Note d'analyse, Brussels, Groupe de recherche et d'information sur la paix et la sécurité.

151 Carayol, R. 2016. 'Carte: au centre du Mali, une constellation de groupes armés', *Jeune Afrique*, 17 June.

152 For a better overview of the latest thoughts on such groups see International Crisis Group. 2016. *Mali Central: la fabrique d'une insurrection ?* Africa report n.238, Brussels, International Crisis Group.

153 Carayol, R. 2016. 'Carte: au centre du Mali, une constellation de groupes armés', *Jeune Afrique*, 17 June.

154 RFI. 2016. 'Des jihadistes s'emparent de la localité de Boni, au centre-est de Mali', *Radio France International*, 3 September.

155 Personal interview with a Malian journalist with a track record in migration stories, 2016. Bamako, Mali, 27 July.

in Kidal. Due to the high number of former MUJAO members in the ranks of the MAA, analysts have speculated on the ties between the movement and other armed Islamist groups such as Al-Mourabitoune (the result of a fusion between MUJAO and The Signed in Blood Battalion of Belmokhtar), also present in the region.

Kidal: The region of Kidal near the Algerian border has been the scene of many battles since the signature of the intra-Malian peace agreement. The CMA and the Plateforme have engaged in violent conflicts over the control of trafficking routes, endangering the implementation of the peace agreement in the process. Within the CMA, the MNLA and the *Haut conseil pour l'unité de l'Azawad* (HCUA) appear as the two main active groups while the GATIA has mainly represented the *Plateforme* in the latest fights. Analysts tie the MNLA and HCUA to armed Islamist groups such as Ansar Dine – one of the militant organizations that played an active role in supporting the early stages of the 2012 rebellion before hijacking it.¹⁵⁶ The CMA controls the city of Kidal itself.

Molenaar, F. and Van Damme, T. 2017. *Irregular migration and human smuggling networks in Mali*, CRU report, The Hague, Clingendael.

In the case of Libya, different types of illicit trafficking are more prone to overlap – profiting from the general situation of lawlessness. In the words of one human smuggler, ‘the human smuggling trade in Libya has nothing to fear but the weather and other armed groups’.¹⁵⁷ The irregular armed forces that are engaged in these trades make a good profit and ‘are becoming more powerful every day’.¹⁵⁸ The many examples outlined in Box 6 above show that such practices are common along routes passing through Libya and that both state- and non-state affiliated irregular armed forces engage in human smuggling practices. Other irregular armed forces are not directly involved in the smuggling networks, but contribute more indirectly by maintaining a favourable smuggling and trafficking environment such as by offering the protection needed to operate within these lawless contexts.¹⁵⁹

In the border regions of Libya, such as the coastal strip bordering the Mediterranean Sea and the Fezzan desert on the southern border with Niger, irregular armed forces have also become involved in migration-mitigating measures. This involvement is

156 For a timeline of event, see Chauzal, G. and Van Damme, T. *Op. cit.*

157 Personal interview, member of the international community running good governance projects in Libya, 2016. The Hague, the Netherlands, 21 September.

158 *Ibid.*

159 *Ibid.*; Tinti, P. and Reitano, T. 2016. *Op. cit.*, 107-108.

particularly visible in and around the state- and non-state-run detention centres where migrants are being held captive. The state-run detention centres fall under the control of the Department for Control of Irregular Migration (DCIM).¹⁶⁰ These centres survived the fall of Qadhafi in 2011 and the resultant turmoil, albeit in hybrid forms, because they are usually located in areas where government control is absent and where militias call the shots. As a consequence, militias provide the guards that run these centres, while the DCIM handles the administrative side of detention.¹⁶¹ In addition, militias have also set up their own detention centres, for example in southern Libya, where the DCIM's Investigation and Arrest department is unable to operate. In Sebha, the Third Force – a powerful brigade from Misrata – is in charge of securing the area and enforcing law and order on behalf of the government. This means that the government is unable to control the conditions under which migrants are arrested and held captive.¹⁶²

The most obvious reason for irregular armed forces' involvement in both these state- and militia-run detention facilities is that migrant detention has become 'a valuable commodity and a political bargaining chip.'¹⁶³ Detention centres offer a financial profit by allowing armed groups to extort migrants, to sell detainees to third parties such as employers and smugglers and also to align themselves with power holders at national level and to pick up state revenues. In the north, for example, migrant eyewitness accounts relate how smugglers bribe detention guards 'with cars full of goods' to release detainees just so they can get them to pay for another sea crossing.¹⁶⁴ Irregular armed forces also try to become involved in the fight against irregular migration for the purpose of acquiring international legitimacy and resources. The Tebu militants that control Libya's border with Niger, for example, continuously seek to position themselves as potential partners in the international community's fight against irregular migration,

160 Malakooti, A. 2013. *Op. cit.*; Aziz, N. et al. 2015. *Op. cit.*

161 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November.

162 Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, the Netherlands, 13 September. The detention centres are overburdened and migrants fall prey to maltreatment, extortion and human rights abuses. Although the international community has not been able to access the militia-led sites, anecdotal evidence suggests that human rights abuses are even more rampant here. Also see: Vice News. 2015. *Op. cit.*

163 *Ibid.*

164 Amnesty International. 2015. *'Libya is Full of Cruelty'. Stories of Abduction, Sexual Violence, and Abuse from Migrants and Refugees*, London, Amnesty International; Tinti, P. and Reitano, T. 2016. *Op. cit.*, 112-113.

and all the international security (and legitimacy) rents they expect this to entail for them.¹⁶⁵

Beyond these financial reasons, involvement in migration-mitigating measures forms part of a course of action to gain control over strategic sites, such as detention centres, that provide a legitimate reason for militias to concentrate armed forces within an area. The same goes for prisons, ports, airports and oil refineries.¹⁶⁶ Controlling these sites provides the militias with access to key existing infrastructures and reconfirms their *de facto* authority position on the ground. Allowing other groups to control these sites is unthinkable, as this would allow the build-up of armed forces in the militias' spheres of influence. Indeed, reports from the ground indicate that the strategic importance of controlling smuggling networks is such that militias are willing to accept low profits – and even losses – to prevent rival militias from gaining influence and taking over their part of the smuggling market.¹⁶⁷

Ultimately, armed groups' involvement in both human smuggling and anti-smuggling enterprises are thus two sides of the same coin and are not contradictory as such. These groups' control over local zones of influence allows armed groups to tax, protect and/or actively control human smuggling and trafficking operations, while their control over detention centres provides them with an additional source of income and contributes to the consolidation of their influence sphere.¹⁶⁸ Or as one smuggler put it succinctly, 'the armed groups assist the government in combatting illegal migration, for example by guarding detention centres, but at the same time they are in cahoots with people smugglers'.¹⁶⁹ Rather than seeing this as a double game, this overlap in activities is a reflection of the way in which power operates on the ground: the fragmentation of

165 Westcott, T. 2016 'An open secret: The people-smugglers of southern Libya', *Middle East Eye*, 18 March. Also: Personal communication, Western diplomat, 2016. The Hague, the Netherlands, 22 September. Such rents may take the form of 'security cooperation agreements, promises of development projects, ... the creation and support of specialised security units and other forms of technical assistance'. Sandor, A. 2016. 'Assemblages of Intervention: Politics, Security, and Drug Trafficking in West Africa', PhD diss., University of Ottawa, 147.

166 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November.

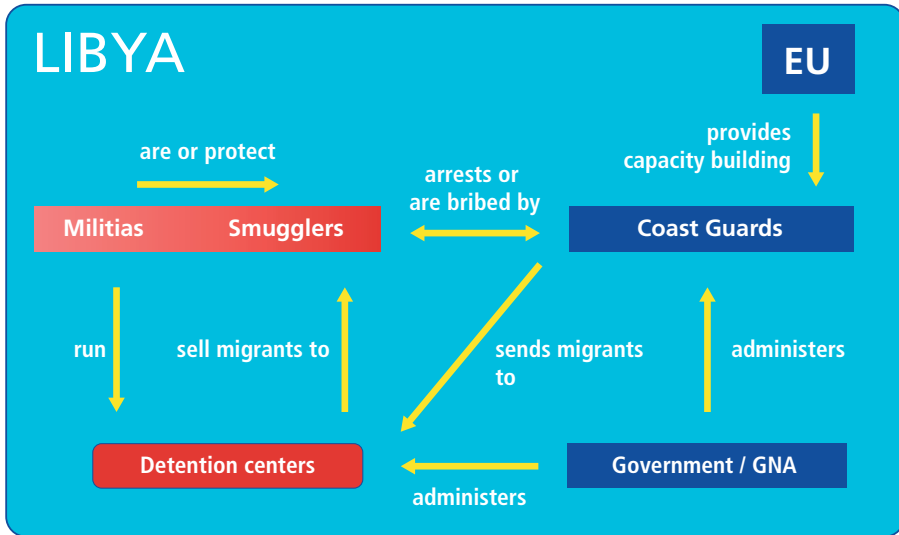
167 Personal interview, international migration expert working in Libya, 2016. The Hague, the Netherlands, 14 December.

168 The smuggler we interviewed was quick to admit that he regularly bribes members of state-affiliated armed groups: 'when they catch me, I have to pay them in cash. When migrants are caught, they have to pay them too. Smugglers have to pay 10,000 to 100,000 Libyan Dinars to be released, whereas migrants pay 200 to 2,000 Libyan Dinars.' When we asked whether the authorities were aware of this, the smuggler replied 'of course'. Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September.

169 *Ibid.*

authority in Libya has resulted in an intricate web of power relationships driven by personal connections, in which the distinction between state and irregular armed forces is often an artificial one.

Figure 9 The contested route's political dynamics - Libya



El Kamouni-Janssen, F. 2017. 'Only God can stop the smugglers.' *Understanding human smuggling networks in Libya*, CRU report, The Hague, Clingendael.

This distinct institutional logic is reminiscent of security arrangements in Afghanistan after the Bonn agreement.¹⁷⁰ Amidst the fragmentation of political authority, political settlements among powerful national and local power elites are constantly renegotiated to control local and regional governance and authority.¹⁷¹ 'Licit and illicit resources and revenue extraction are central to these bargaining processes'.¹⁷² In such a context, collaboration with security forces and armed groups – be they state-affiliated or not – is an inherently political endeavour that introduces the international community as yet another source of rents in the political market place and that creates the potential of

170 Felbab-Brown, V. 2009. 'Peacekeepers Among Poppies: Afghanistan, Illicit Economies and Intervention', *International Peacekeeping*, 16(1), 100-114; Goodhand, J. and Mansfield, D. 2010. *Drugs and (Dis)order: A Study of the Opium Trade, Political Settlements and State-Making in Afghanistan*, Crisis States Working Papers Series No. 2, Working Paper no. 83.

171 Parks, T. and Cole, W. 2010. *Political Settlements: Implications for International Development Policy and Practice*, Asia Foundation, Occasional Paper no. 2, 18.

172 *Ibid.*, 2-3.

allowing some irregular armed forces to strengthen and/or consolidate their control over the smuggling industry to the detriment of others.¹⁷³

If the Afghan case tells us one thing, it is that failure to recognise this risk may result in heightening corruption, with all its debilitating effects on the state, in creating more exclusive internal negotiation dynamics and in undermining state legitimacy and the social contract.¹⁷⁴ This warning is particularly relevant given the recent focus the EU has put on the Libyan Coast Guard in the fight against migration. As discussed in the section on EU policies above, EU NAVFOR MED Operation Sophia focuses on disrupting human smuggling networks operating out of Libya. In June 2016, the European Council extended the Operation's mandate until 27 July 2017 and added two tasks to its mandate: the training of Libyan coastguards and navy and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya.¹⁷⁵

To date, the collaboration has mainly focused on capacity building, which shows that the EU is mindful not to provide the Libyan Coast Guard with money or equipment.¹⁷⁶ This remains an ineffective strategy at best, however, as the Coast Guard hands over its captured and rescued migrants to the detention centres, from which migrants are either sold off to smugglers or earn their own way out – only to embark on another boat journey. More importantly, and given the assertions that the Coast Guard disproportionately targets the operations of lower-level smugglers, the question remains whether this policy plays into the hands of high-level smugglers and irregular armed

173 Waal, A. de, 2009. 'Mission without End? Peacekeeping in the African Political Marketplace,' *International Affairs*, 85(1), 99-113.

174 Felbab-Brown, V. 2009. *Op. cit.*, 106; Parks, T. and Cole, W. 2010. *Op. cit.*, 29; Veen, E. van. 2016. *Mistakes, Means and Opportunities. How Donors Understand and Influence Legitimate and Inclusive Politics in Afghanistan*, CRU Report, The Hague, Clingendael.

175 *EUNAVFOR MED operation SOPHIA*, European Union External Action Service, Brussels, 2016, <http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/> (accessed November 2016). Despite its efforts to capture and destroy vessels used for dangerous sea crossings, Operation Sophia has proven unable to stop migration flows from Libya into Europe. In fact, casualties increased in the first half of 2016 compared to last year. What is more, as found by a British parliamentary commission, even though Operation Sophia saved 9,000 lives in 2015, it also puts migrants at risk as smugglers move from wooden craft to even more dangerous dinghies. Cooper, C. 2016. 'Operation Sophia: EU naval mission to stop people smugglers "is not working"', Independent, 13 May, Europe section.

176 Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, the Netherlands, 13 September; Also see: Van Es, A. 2016. 'Gesteggel over besteding Nederlands geld voor migrantenproject Libië', *Volkskrant*, 13 September, Buitenland section.

forces that are able to consolidate their control over the trade through their ties to the Coast Guard.¹⁷⁷

Irregular migration and the coping economy

Although human smuggling is most prominently located in a shadow economy, where illicit economic activities flourish due to the absence of central state authority, human smuggling activities also drive a ‘coping economy’, allowing populations to deal with the consequences of conflict undermining their livelihoods. This dynamic is visible most clearly in Libya, where the fall of Qadhafi and the subsequent internal conflict provided opportunities for the empowerment of communities that share a history of systemic marginalisation, like the Amazigh community in Zuwara and the Tebu in the Fezzan. Many Zuwara residents, who were fishermen before, now use their boats for the much more lucrative business of smuggling people.¹⁷⁸ In the Fezzan, which is mainly a transit area, involvement in human smuggling similarly functions as an empowerment tool, with many smugglers stepping ‘in and out’ of the business.¹⁷⁹ In the current chaotic Libyan polity, smuggling is the only form of economic opportunity available to these communities, and a historically accepted way of earning a living at that.¹⁸⁰

Looking beyond these previously marginalised tribes, it should be noted that many Libyans do not necessarily see human smuggling as an illegal business. To such local, and often young, ‘entrepreneurs’, smuggling is a way of coping in a tumultuous environment and thereby forms a livelihood strategy.¹⁸¹ There are many accounts of smugglers who state that they turned to smuggling because they were unable to find work or because they had to drop out of university when the state stopped paying scholarships.¹⁸² Obviously, the argument is quickly made that such plights are a mere excuse for their involvement in organised crime. Indeed, numerous people smugglers

177 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November; Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September; Also see: Vice News, 2015, ‘Libya’s migrant trade: Europe or Die’, *Vice News*, documentary posted on 17 September 2015, <https://www.youtube.com/watch?v=XWrgSndkf6U> (accessed November 2016).

178 ‘الصالحى, ع. 2015. ‘تجارة الموت في مقبرة المتوسط’. *Al Araby* 22 April; Kingsley, P. 2016. *Op. cit.*, 74.

179 Aziz, N. et al. 2015. *Op. cit.*

180 Members of local communities report how they work as smugglers with the aim of earning money to start a business. Westcott, T. 2016 ‘An open secret: The people-smugglers of southern Libya’, *Middle East Eye*, 18 March.

181 Bøås, M. 2013. ‘Youth Agency in the “Violent Life-worlds” of Kono District (Sierra Leone), Voinjama (Liberia) and Northern Mali: “Tactics” and Imaginaries’, *Conflict, Security & Development*, 13(5), 611-630.

182 Westcott, T. 2016. *Op. cit.*; Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September

also argue that they ended up in the business because it is fast money with relatively little effort and risk.¹⁸³ Nevertheless, in many places in Libya, smuggling is an alternative source of income for people that were confronted with civil war and a government that cannot deliver. If anything, human smuggling is an income-generating activity.

Taking away such livelihood schemes would not logically contribute to more stability in the areas where human smuggling is entrenched in the local political economy. Indeed, one important lesson from counter-narcotics policies repeated across Asia and Latin America is that it is often marginalised local communities that end up bearing the brunt of these policies, while local powerbrokers and powerful elites are able to bribe or coerce themselves out of interdiction's way – often resulting in multiple power gains in the process.¹⁸⁴ Evidence from Afghanistan also suggests that such strategies ultimately result in the delegitimisation of state authorities in the eyes of local communities, impede effective collaboration with these communities for intelligence gathering purposes and may even drive local populations into the arms of extremist groups that offer them access to protection and livelihoods.¹⁸⁵

At the same time, it should be recognised that local communities do not necessarily support all irregular migration and human smuggling – for myriad reasons. The coastal town of Zuwara, a historical smuggling hub dubbed the epicentre of coastal human smuggling in the post-Qadhafi years, presents a case in point.¹⁸⁶ Over the course of 2016, a number of developments resulted in the smuggling trade moving further eastwards to Sabratha, Garabulli and Khoms.¹⁸⁷ The capsizing of a boat and the subsequent drowning of 183 migrants off Zuwara's coast sparked an initial wave of public outrage.¹⁸⁸ This further empowered local vigilante movements that set about arresting smugglers in Zuwara in what was reportedly a turf war over control of the area.¹⁸⁹ As a result,

183 Malakooti, A. 2013. *Op. cit.*, 54.

184 Felbab-Brown, V. 2009. *Op. cit.*, 108.

185 Felbab-Brown 2009; Goodhand, J. and Mansfield, D. 2010. *Op. cit.*

186 Sommerville, Q. 2015. 'Inside Zuwara, the heart of Libya's people-smuggling trade', *BBC*, 4 September, Africa section.

187 Personal interview, international migration expert working in Libya, 2016. The Hague, the Netherlands, 14 December; Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September; Bühler, A., Koelbl, S., Mattioli, S. and Mayr, W. 2016. 'Following the Money. On the trail of African Migrant Smugglers', *Der Spiegel*, 26 September.

188 O'Carroll, L. 2015. 'Libya, 183 bodies now recovered after capsizing of boat in Zuwara', *The Guardian*, 7 September; Stephen, C. 2016. 'Libya faces influx of migrants seeking new routes to Europe', *The Guardian*, 9 April.

189 Kamel, F. 2016. 'The masked crusaders trying to restore law and order in Libya', *The Guardian*, 1 January; Zurutuza, K. 2015. 'Libya's Dark Knights: Vigilantes take on the people-smugglers', *The Guardian*, 3 December; Micallef, M. 2016. 'Libyan Smugglers Import Rubber Boats from China', *Migrant Report*, 19 February.

smuggling operations have largely ceased in the region, although some smugglers remain operational.¹⁹⁰

Regardless of the power dynamics undoubtedly at play, the Zuwara case also illustrates that local communities can play a role in the fight against human smuggling and human rights abuses. A similar dynamic was visible in the case of Zawiyah, where four migrants were killed and 20 injured after guards at the local detention centre opened fire on them during a mass escape.¹⁹¹ The incident garnered international and local attention, with both the United Nations Support Mission in Libya (UNSMIL) and local human rights groups calling for the improvement of conditions within the detention centre.¹⁹² In response, the local government successfully put pressure on the centre to clean up its act.¹⁹³ These examples highlight that local communities might provide an important 'in' for policy makers looking to identify partners in the fight against irregular migration and human rights abuses in a conflict-sensitive manner. This is particularly relevant given that both state- and non-state-aligned irregular armed forces are tied to the human smuggling trade and therefore not the most appropriate partner to work with in addressing irregular migration. The literature on countering violent extremism and state fragility offers important lessons on policy design that focuses on people and communities – rather than states – as the receiving end of mitigating measures. These lessons would be well applied in current efforts to stem trans-Saharan irregular migration.

Policy recommendation 4: use peace process to reduce human smuggling

Illicit smuggling and trafficking proceeds empower irregular armed forces that act as *de facto* authorities on the ground, enabling them to act as spoilers in larger conflict resolution processes. Even in those cases where formal state authorities still exist, collaboration with such actors in the fight against irregular migration is an inherently political enterprise that may end up entrenching the interests of state-aligned smugglers

190 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, the Netherlands, 16 September; Also see: *Migrant Report Geo Portal*, Migrant Report, 2016, <http://migrantreport.org/map/GeoPortal.html> (accessed November 2016).

191 Micallef, M. 2016. 'Libya: Four Migrants Dead, 20 Injured After Detention Centre Escape', *Migrant Report*, 2 April.

192 *Humanitarian Coordinator Calls for Independent Investigation into Migrants' Deaths in Detention Centre*, UNSMIL, Tripoli, 2016, <https://unsmil.unmissions.org/Default.aspx?ctl=Details&tabid=3543&mid=6187&ItemID=2099550> (accessed November 2016).

193 Telephone interview, member of the international community working in Libya, 2016. The Hague, the Netherlands, 14 November.

and irregular armed forces. Amidst fragmented sovereignty, neutral interlocutors do not exist. The only way forward is to realise that irregular migration (and other trafficking) mitigation and peace-building efforts should form part of a larger, comprehensive strategy targeting instability in the region. Based on insights from peace-building programmes,¹⁹⁴ the following practical recommendations present themselves:

- *Put more weight behind peace processes which have clearly defined components and dimensions that lend themselves to focused interaction:* These peace negotiations should be as inclusive as possible to ensure that all relevant state and non-state armed actors end up around the negotiating table to discuss all drivers and dimensions of conflict – including human smuggling and trafficking networks. They should also explore what could incentivise armed groups to compete politically or economically for their interests in a peaceful manner. The fact that irregular armed forces have a lot to gain from international collaboration as a legitimisation strategy can be used as leverage. In addition, bringing economic incentives into peace-building discussions can serve to depoliticise the discussion and hence ease the process;
- *Use the buy-in to the peace process as a carrot to create incentives for groups and communities engaged in human smuggling activities to look for alternative sources of development, income and authority:* Armed groups could be pushed, for example, to stop the worst human rights abuses in the areas under their control. Evidence in this report suggests that human rights abuses often increase as the level of state presence decreases. It follows that if non-state armed actors want to be treated as state authorities, they should start acting as such by making measurable improvements in the treatment and protection of migrants;
- *Maintain a steady focus on human smuggling activities in the follow-up to peace agreements:* As demonstrated by the Malian case, it should be recognised that peace agreements are not the end of instability and that the irregular economy generally picks up during the transitional period. '[A] major challenge is how the personalised, vested interests of the present can be complemented by institutionalisation that gradually enables a future broadening of access to services and rights at various levels of governance, with firm guarantees for elite groups that it will not result in a zero-sum game for them.'¹⁹⁵ Mindful of these dynamics, continuous efforts should therefore be made to monitor and counter the influence of irregular migration and other trafficking resources on local and national political life amidst these larger processes;
- *Reduce the availability of spoils:* The criminalisation of migrants in Libya plays an important role in the commoditisation of humans – up to the point of them being forced onto boats against their will. Pressure on Libya to decriminalise and protect

194 Mancini, F. and Vericat, F. 2016. *Lost in Transition: UN Mediation in Libya, Syria, and Yemen*, New York, International Peace Institute; Veen, E. van. 2016. *Op. cit.*

195 Veen, E. van. 2016. *Op. cit.*, 33.

temporary migrant labour in the country might undercut the intricate relationship between human smuggling and trafficking proceeds, the funding of irregular armed forces and the prolongation of the internal conflict. Re-establishing Libya as a safe destination country for migrants would undercut the streams currently being forced into Europe through sheer force or due to a lack of alternative options. To this end, policy makers should push for an amendment of Libyan legislation in order to decriminalise irregular migration;

- *Invest in civil society engagement;* Local populations play a major role in both the facilitation of, and the fight against, organised crime and corruption. The Libyan case has shown that both sides of the coin are visible in the human smuggling industry, where local populations condone human smuggling as a practical and accepted way of life but where civil society organisations and Facebook groups also actively speak out against organised criminal activities and human rights violations. Efforts should focus on strengthening such civil society groups by identifying key individuals in them, strengthening their key communications and building on their strengths to raise awareness of the dangers and institutional costs of human smuggling.

Conclusion and recommendations

As the word implies, trans-Saharan irregular migration is a transnational phenomenon. Rather than focusing on individual countries, this report has therefore analysed the entire route connecting West Africa to North Africa through the Sahel. Irregular practices manifest themselves on this route in different shapes and forms, depending on the extent to which migration occurs in an illicit manner and the degree to which central state authorities maintain a presence in the territories at issue. So far, the common EU response to irregular migration has not recognised these different dynamics, as its policies take the form of state-centred security approaches that mainly focus on combatting smuggling practices through collaboration with state authorities.¹⁹⁶

This securitised approach to irregular migration fits within a larger pattern of heavy-fisted policy responses to transnational irregularity, such as the wars on drugs and terror. If these wars teach us one thing, it is that the current focus on taking out human smuggling networks is a cat-and-mouse game that is ineffective at best. Although a wide variety of human smuggling networks exist, they have in common that they are highly adaptable and that smugglers are able to respond to interdiction efforts by rearranging their routes and operations. In addition, smuggling networks rely on a large pool of replaceable labour on the ground and it is generally these low-level smugglers that are targeted in police operations.

At best, such interdiction efforts may thus halt migration only temporarily. At worst, such efforts result in violent competition between the different groups trying to control the market. Alternatively, failure to recognise that the government is part of the problem may result in support for one-sided security actions that target a limited array of smugglers only and/or that upset local livelihood schemes in the process. As the violent threats to the Agadez police station in response to smuggler arrests evince, such measures only contribute to the further delegitimisation of state institutions. Given that violent conflict, low-quality institutions and a lack of prospects are all root causes of migration, conflict- and politically insensitive migration policies will counterproductively result in higher levels of migration. This goes to show that migration cannot and should not be targeted

¹⁹⁶ The EU Action Plan against migrant smuggling and the cooperation agreement with the Libyan Coast Guard are cases in point.

in isolation from the larger political economy, just as policy makers are well advised not to assume that state actors are neutral allies that are able or willing to control irregular migration.

This is not to paint a completely negative picture. The spotlight that has been put on irregular migration means that external momentum has been created, and resources have been made available, to instigate a positive change in one of the world's most neglected regions. Thoroughly designed migration policies could contribute to – rather than undermine – livelihoods and higher quality institutions in the long term – thereby addressing some of the root causes of migration from within. To ensure such effective policy formation, current migration policies need to be reconciled with the fact that issues of governance and stability are at the heart of trans-Saharan irregular migration. Such a realignment would allow policy makers to build on the wealth of experience that has been gathered over the last decade on themes such as state building, security and justice programming and informal economies and private sector development to address migration in a way that strengthens rather than undermines regional political institutions and stability.

The report has discussed a wide range of practical policy solutions to aid such attempts, which are summarised in Annex 1. Four general policy recommendations, deduced from the diversity of irregular migration's local dynamics and the stability and conflict issues at play, drive these practical solutions:

1. Understand the flows and invest in regional collaboration

Ensuring the maintenance of intra-African mobility as a pressure release valve on overburdened political and economic systems is crucial in light of future climatic and demographic pressures on the region. As highlighted throughout the report, the majority of trans-Saharan migration on the routes discussed here is of an intra-African nature, with only an estimated 20 percent of migrants ultimately travelling to Europe. A large part of intra-African migration constitutes a livelihood strategy that should be distinguished from other types of streams setting out for Europe specifically and/or that get caught up in Europe-bound human smuggling and trafficking networks in Libya. The alternative is that this relatively benign coping mechanism will get caught up in measures seeking to control and/or stop migration – with all the dangers this entails for local and regional stability as well as conflict-driven migration. To this end, policy makers should take care to gain a better understanding of the factors and circumstances that incentivise or disincentivise migrants to pursue their journey all the way to Europe, invest in measures that divert flows away from Europe and invest in more accessible and regularised forms of intra-African migration.

2. Invest in peace processes

Trans-Saharan irregular migration traverses many regions where state authorities are absent. Northern Mali and Libya are the obvious cases in point. The report has shown that illicit smuggling and trafficking proceeds empower irregular armed forces that act as *de facto* authorities on the ground, enabling them to act as spoilers in the larger conflict resolution processes. Even in those cases where formal state authorities still exist, collaboration with such actors in the fight against irregular migration is an inherently political enterprise that may end up entrenching the interests of state-aligned smugglers and irregular armed forces. Amidst fragmented sovereignty, neutral interlocutors do not exist. Policy makers should take care to include issues of irregular migration (and other trafficking) mitigation in a larger, comprehensive strategy targeting instability in the region and they should use the existing peace processes to reduce human smuggling and exploitation, whose resources contribute to the prolongation of conflict.

3. Invest in conflict- and politically sensitive state building

This report has shown that the trans-Saharan irregular migration economy feeds hybrid governance schemes. The challenge confronting policy makers here is to not put the cart before the horse and to continue to invest in institution building while relying on state authorities to collaborate in migration-mitigating measures – particularly those of a strong, securitised nature. Long-term commitment is key here. Failure to make migration measures part of larger efforts at institution building will hollow out the state from within and will thereby magnify root causes of migration such as conflict and low institutional quality. Indeed, the Nigerien case has illustrated the potentially destabilising consequences of securitised approaches that are introduced without taking into account local conflict dynamics. At the very least, migration measures should be undertaken in lockstep with existing capacity building programmes, while being calibrated in terms of their objectives and demands on institutions. In addition, both sets of programmes should be informed by political economy analysis type assessments to ensure that they are designed in a conflict- and politically sensitive manner.

4. Invest in informal economies and private sector development

Perhaps the most important effect of irregular migration on regional (in)stability is through its contribution to local economies. On the one hand, migration is an important driver of development in desert towns and it has even been suggested that young men are less likely to engage in armed conflicts due to the economic opportunities that migration offers them. On the other hand, the case of northern Niger also indicates that smugglers' empowerment vis-à-vis other generational and/or tribal groups sows the

seeds for future conflict. These dynamics do not stand on their own. Instead, migration lies at the heart of one of the main issues confronting the Sahel and Sahara desert regions: border communities rely on irregular cross-border trade for their sustenance. This has created vibrant informal, and increasingly illicit, local economies that contribute to job creation and local development and that redress local grievances – thereby alleviating root causes of economic and conflict-driven migration by extension.

A common understanding has therefore started to grow that migration (and national economic) policies need to invest in local development in desert towns to provide an alternative to the irregular migration industry. It is imperative that such policies pay attention to the relation between irregular migration, cross-border trade, local economies and the micro-dynamics of smuggling and political authority in migration hubs and that they capitalise on the current economic migration boom to kick-start other economic activities. Recent advances in programming that target the informal economy recognise that such development formulas ‘should factor in informal institutions and non-state actors’ and should avoid one-size-fits-all policy prescriptions ‘precisely because they discount the context-specific dynamics of fragility and the informal economy, and could thereby do more harm than good’.¹⁹⁷

From the above, it follows that migration is not an isolated phenomenon and that it should not be treated as such. Instead, migration policies should form part of broader regional strategies aimed at building state capacity, stability, development and good governance. Interventions that do not start from an adequate understanding of the role human smuggling plays in the political economy in the Sahel and Sahara will not deliver on their objectives and are likely to result in the counterproductive outcome of increasing the root causes of migration to Europe. The migration crisis has created an important opportunity to invest in stability in the region – capitalising on this opportunity has now become key.

197 Schoofs, S. 2015. *Op. cit.* 1,6.

Annex 1 Summary of policy recommendations

Context	Required policies	Policy recommendations
80% of migration = intra-African livelihood protection strategy; only 20% of West African migrants ultimately travel on to Italy	Adopt measures that differentiate between streams → divert migration rather than attempting to stop it	<ul style="list-style-type: none"> - Combine existing data sources to identify different migration dynamics - Design policies that target Europe-bound migration dynamics while regularising and facilitating intra-African migration - Invest in regional economic opportunities in stable African countries by providing financial/trade incentives such as to ECOWAS
State authorities and security forces directly and indirectly engaged in irregular migration industry	Capacity building of security forces should form part of a parallel process of institution building	<ul style="list-style-type: none"> - Map the actors on the ground: post political advisors to the EUCAP Sahel training centre in Agadez - Make capacity building part of a parallel process of security sector reform: design flexibly (with local political buy-in) and address local perceptions of insecurity to increase legitimacy - Invest in continuous political dialogue and structural leadership development - Invest in rule of law and judiciary capacity such as through strengthening customary justice provision for migrants
Irregular migration industry has created an economic boom in desert towns	Use this boom to spur more diversified local development	<ul style="list-style-type: none"> - Map the (informal) industries on the ground: post private sector development advisors to the EUCAP Sahel training centre in Agadez - Strengthen existing (informal) companies and initiatives while preventing corruption & rent-seeking in the process - Invest in strengthening the informal rather than superimposing new formal job schemes and vocational training
Absence of state authorities in northern Mali and Libya allows armed groups to use migratory proceeds to fund prolongation of armed conflict	Make the fight against human smuggling, exploitation and trafficking an integral part of peace negotiations	<ul style="list-style-type: none"> - Put more weight behind peace processes and use these processes as a carrot to push for the better treatment of migrants - Maintain a focus on human smuggling in the follow-up to peace agreements such as by incorporating former smugglers in monitoring - Reduce the availability of spoils such as by pushing for the decriminalisation of migrants in Libya - Invest in civil society engagement: identify groups engaged in migrant protection and the fight against organised crime

Annex 2 The politics of irregular migration – policy relevance

Taking into account the relationship between irregular migration, governance and stability will help policy makers design more effective migration policies; as 'political instability is the most persistent correlate to forced migration'.¹⁹⁸ The scores of Malian refugees displaced both inside and outside of Mali since the 2012 conflict bear witness to the role of conflict as a root cause of migration. As depicted in Figure 10 below, however, the relationship between stability and irregular migration is not a one-way street. As part of the larger informal economy, the irregular migration industry may also undermine or reinforce its own root causes, such as by adopting a 'shock-absorbing and therefore stabilising role in post-conflict settings'.¹⁹⁹ In this sense, one may think of irregular migration as a strategy to respond to poverty, climatic challenges or demographic changes that thereby relieves pressure from the larger political system. Policies that (aim to) obstruct all migration and that block this escape valve might inadvertently contribute to conflict and higher levels of conflict-driven mass migration.

This is not to say that allowing the irregular migration industry to function unhindered or uncontrolled is an opportune strategy from a conflict prevention perspective. Indeed, the facilitation of irregular migration – such as through human smuggling – may itself become 'a significant driver of conflict in conditions of intense competition for scarce economic resources'.²⁰⁰ If control over the irregular migration industry becomes violently contested, for example, this might increase conflict-driven migration. A clearer understanding is thus needed of the relationship between trans-Saharan irregular migration and conflict and stability dynamics to design conflict-sensitive migration

198 Raleigh, C. 2011. 'The Search for Safety: The Effects of Conflict, Poverty and Ecological Influences on Migration in the Developing World', *Global Environmental Change*, 21S, 84; Davenport, C. Moore, W. and Poe, S. 2003. 'Sometimes You Just Have to Leave: Domestic Threats and Forced Migration', *International Interactions*, 29(1), 27-55; Moore, W. and Shellman, S. 2004. 'Fear of Persecution: Forced Migration, 1952-1995', *Journal of Conflict Resolution*, 48(5), 723-745; Hatton, T. and Williamson, J. 2003. 'Demographic and Economic Pressure on Emigration out of Africa', *Scandinavian Journal of Economics*, 105(3), 465-486.

199 See Schoofs, S. 2015. *Making Sense of Informal Economies in Fragile Contexts*, CRU Policy Brief, The Hague, Clingendael, 4.

200 Ibid.

policies that target irregular migration without counterproductively contributing to one of its root causes.

In the process, care should also be taken to invest in measures that strengthen rather than undermine existing political institutions. This is a pressing need because the quality of political institutions, and of governance more generally, has been found to affect migratory streams as high quality institutions are deemed 'essential for a country's growth and development prospects and affect the population's sense of wellbeing'.²⁰¹ Both high-skilled and low-skilled workers are more likely to leave countries with lower levels of institutional quality, for example.²⁰² A lack of good institutions thereby forms a root cause of migration.²⁰³

At the same time, political authorities are often involved directly or indirectly in the facilitation of irregular migration – meaning that they should not be regarded as neutral interlocutors. Indeed, although irregular migration 'defies state regulation, it is not necessarily out of reach of the state, nor is state engagement with the [irregular migration industry] necessarily antagonistic in nature'.²⁰⁴ Formal state actors are often ready and willing participants in the irregular migrant industry, implying that what is irregular is not always strictly informal. To the extent that these actors' engagement contributes to the further hollowing out of existing state institutions, they thereby increase one of the root causes of migration and should be targeted as such. Alternatively, the creation of lucrative local smuggling fiefdoms can undermine local

201 Dutta, N. and Roy, S. 2011. 'Do Potential Skilled Emigrants Care about Political Stability at Home?', *Review of Development Economics*, 15(3), 443.

202 Ariu, A., Docquier, F. and Squicciarini, M. 2016. 'Governance Quality and Net Migration Flows', *Regional Science and Urban Economics*, 60, 238-248. In a similar vein, studies report that corruption acts as a push factor of migration 'arguably because it contributes to worse and unpredictable economic conditions, more insecurity and a lower quality of life'. Poprawe, M. 2015. 'On the Relationship between Corruption and Migration: Empirical Evidence from a Gravity Model of Migration', *Public Choice*, 163, 337-354; also see Uys, T. and Senekal, A. 2015. "'Do We Stay or Do We Leave?' The Role of Trust and Engagement in Students' decision Whether to Remain in South Africa', *Journal of Sociology and Social Anthropology*, 6(1), 87-98.

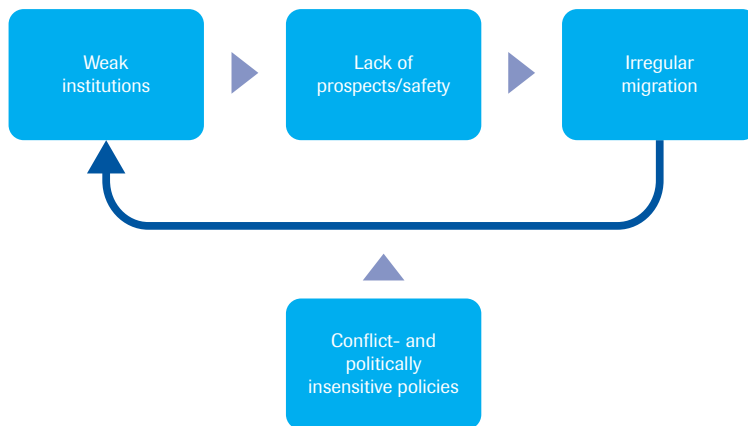
203 By extension, a recent study on the relationship between foreign aid and international migration found that governance aid – such as investments in aid to government and civil society, as well as support to NGOs – is the most effective type of aid in terms of driving down migration. Gamso, J. and Yuldashev, F. 2016. 'Targeted Foreign Aid and International Migration: Is Development-Promotion an Effective Immigration Policy?', conference paper presented at the *American Political Science Association*, January 2016. Also see: Gamso, J. and Yuldashev, F. 2016. 'Development Aid May not Deter Migration, But Governance Aid Will', *Refugees Deeply*, op-ed posted 30 November 2016.

204 See: Schoofs, S. 2015, Op. cit., 7

governance actors' commitment to national laws and policies, jeopardising the stability and efficacy of decentralised governance systems.²⁰⁵

Migration-mitigating policies that inadvertently strengthen such actors only fuel the fire of irregular migration. A clearer understanding is thus needed of the relationship between trans-Saharan irregular migration and political institutions and larger governance dynamics to design politically sensitive migration policies that target irregular migration without counterproductively contributing to one of its root causes.

Figure 10 Weak institutions and conflict - root causes of migration



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