When the dust settles
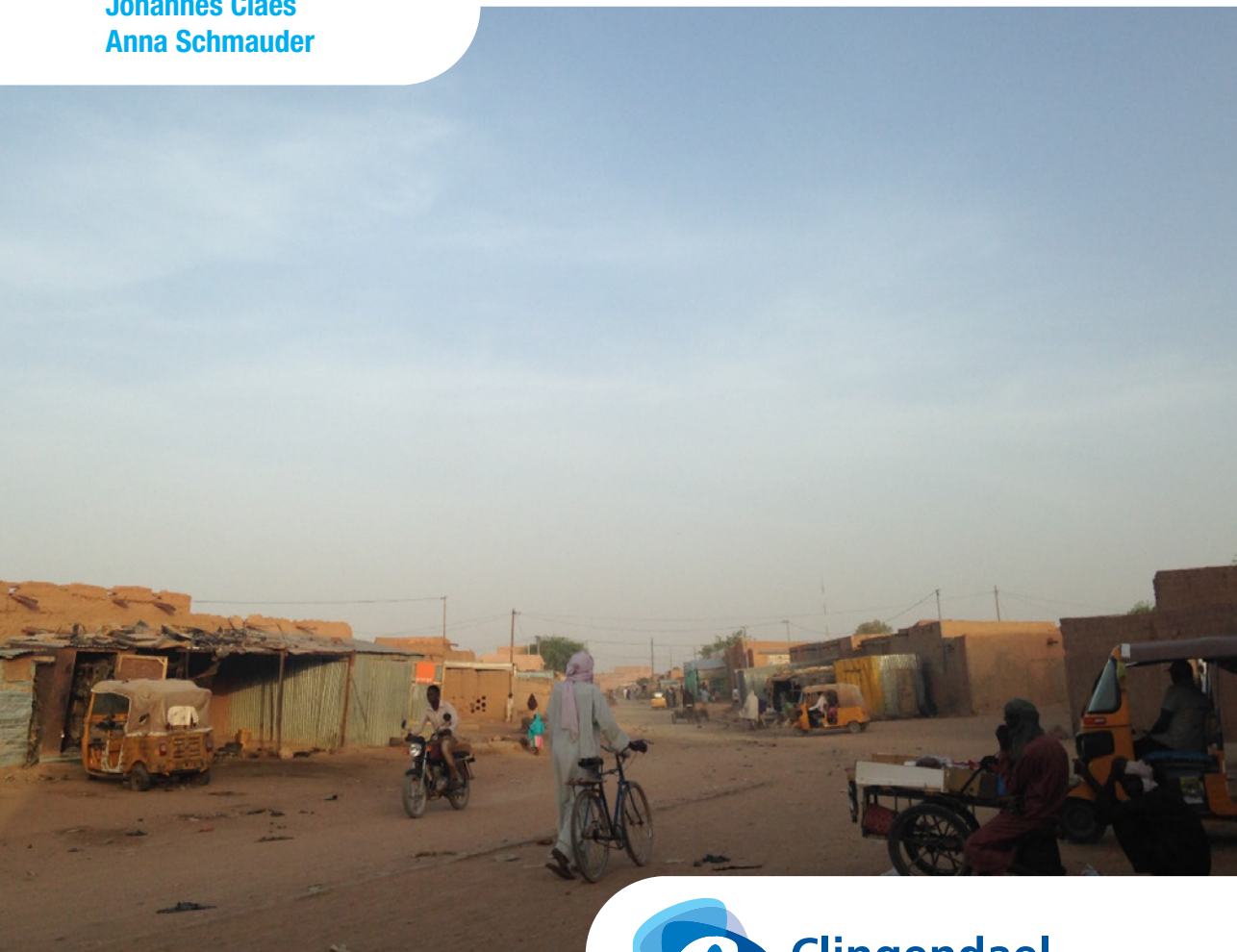
Economic and governance repercussions of migration policies in Niger's north

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CRU Report

Clingendael

Netherlands Institute of International Relations

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CRU Report
October 2020

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Executive Summary

Mobility has played an important role in Niger's north throughout its history. Local populations, in response to droughts or shifting border regimes in Libya and Algeria, have traditionally been able to make changes to their livelihood strategies and have shown a remarkable capacity for adaptation, often through migration as a way of diversifying livelihoods. However, since the early 2000s, and particularly since 2016, this system has come under pressure as increasing collaboration with Western countries, whose agendas are aimed at curbing irregular migration from Africa to Europe, has reduced the options available for income generation. The European Trust Fund (EUTF) was created to promote stability and address the root causes of irregular migration and displaced persons in Africa. It bundled these efforts together into a powerful instrument which, in Niger, led to a migration paradigm based on a securitised approach to migration, while at the same time attempting to offer economic incentives not based on mobility. On the whole, local disappointment with programmes emanating from these policies seems to point to a failure on the part of implementing organisations either to sufficiently reach those who suffered income losses due to migration policies or to shift the overall economy back into gear. The justification of migration policies in Niger and the wider region is constructed through a set of narratives recurrent throughout policy documents, calls for proposals and general communication about migration-related activities in the Sahel. In their implementation in Agadez, these narratives point to a crowding out of pre-existing forms of governance by new legal and international norms based on territorial control, the fight against transnational crime, and the protection of migrants against smugglers and traffickers – concepts that are often conflated.

This paper lays out the emerging longer-term dynamics in the region in response to the criminalisation of smuggling in Niger in 2015 and the measures subsequently taken to curb northward migratory movements. It has discerned such effects on the local economy and on the perception of governance providers, who are often responsible for detecting and managing discontent.

The economy of northern Niger has taken a serious blow since 2016, in part due to implemented migration measures. While some sectors seem able to cope and adapt to a tough business climate, a large proportion of the population, especially young people, struggle to find employment. Infrastructure remains a key problem for businesses and residents alike, with poor roads and electricity provision hampering economic development. More profound developmental challenges facing the region in terms of its economic development, such as road infrastructure, efficient energy and water supply, and access to healthcare, have often been ignored, slow to be tackled or given too little attention. This exposes the fact that the programming focus of many interventions in

the region has for too long been on migration issues, while there are other more urgent matters to address from the perspective of local residents. This fits within a tendency where even normal development interventions increasingly include a component to help prevent migration or deal with its impacts. Half a decade after promises of investment in the region were made in exchange for cooperation on migration issues, measures that might have a positive impact on local development are still lacking.

In addition to a challenging economic situation that offers little prospects, migration governance has, since 2016, aggravated strains on local authorities in Agadez. This paper has shown that as well as having a significant impact on locally elected authorities, migration governance has also put strains on traditional authorities at the lowest level of governance. At a crucial entry level between the state and its citizens, traditional leaders find themselves in a delicate position in which they have come to be perceived as complicit with the unpopular migration policies of the central state. Such dynamics take place in a context where central state efforts to centralise power have led to the continued postponement of municipal elections and resulted in the installation of centrally appointed administrators.

In this context, international organisations working in migration programming are perceived as having taken on a broader governance role in Agadez, and have been identified as key governance actors by authorities at local level. Yet, while international organisations rely on district chiefs to provide participants for workshops and training sessions, the actual influence of those local governance actors on project design and priority setting remains limited.

Trust in traditional authorities, while still higher than trust in other governance providers, has taken a drop in recent years. While one should be cautious of attributing the full blame of such developments to external migration programming, migration policies have the potential to upset the delicate balance between the state and local residents which traditional authorities are able to maintain. In the context of Niger's north, that is a dangerous dynamic.

The slack in the economy, combined with a declining trust in governance providers, begs the question of regional stability. Nigerien governance actors are well aware of the fact that complex governance dynamics in Agadez are lost in a narrow migration focus. While international actors in Agadez often continue to use migration as the underpinning of their interventions, regional and local governance actors put great emphasis on the management of discontent and the preservation of social peace. In the legacy of repeated uprisings, these close-knit initiatives illustrate the importance of not losing sight of more structural governance factors in the preservation of stability. In order to not upset such a precarious balance, these initiatives need backing that is based on conflict-sensitive programming and which avoids any political or ideological undertone.

At a more fundamental level, the situation in Niger's north displays the inherent mismatch between the international norms and legal frameworks being put in place under the guise of migration management on the one hand, and local needs in terms of development, governance, and mechanisms for mediation and conflict prevention on the other. If this analysis of economic hardship and challenges of local governance providers is any indication, migration programming could undermine livelihood strategies and governance structures in Agadez and might therefore have a negative effect on the region's stability.

Introduction

The Agadez region of Niger has been the subject of many studies on migration dynamics in recent years. Following the implementation of restrictive migration policies in Niger, much attention has been given to the way in which such policies have affected the living conditions of migrants transiting through the region on their way to Libya and Algeria, and to their economic impact on local populations where high numbers of people benefitted from the so-called migration industry. Such impacts were noticeable early on and continue to leave their marks on the socioeconomic situation in Niger's north as well as on local governance dynamics. This paper aims to contribute to the understanding of both migration governance and its impact on the socioeconomic situation and governance dynamics in Agadez. It will place the migration debate in the broader framework of governance issues and will draw out some longer-term impacts of restrictive migration policies, specifically on the economy and the position of local governance providers. The main research question that this paper addresses is what are the longer-term impacts of international migration policy in the Agadez region on the socioeconomic situation, on the perception of governance providers, and on conflict management and mediation mechanisms.

Research is based on interviews with key informants in Agadez, carried out between May 2019 and June 2020. In addition, it is based on conversations between the authors and policy makers, humanitarian actors and residents of Agadez region between 2017 and 2020.

The first part of this paper looks at how the construction of a 'migration paradigm' in Niger affected its northern region through the imposition of stricter controls on mobility and projects aimed at slowing down or stopping migrants travelling northward. The analysis will aim to unpack some of the narratives and assumptions commonly used by international organisations and policy makers to legitimise such an approach, and will outline the mismatch between a region that has historically used mobility and connectivity as a form of livelihood diversification and the policies that seek to reduce those dynamics.

The second part of this paper will discuss how, several years after this initial clamp down, the impacts on the Agadez region remain problematic in nature. This paper looks at the region's economic composition and discusses human smuggling and the smuggling of goods, as well as other sectors of the economy such as gold mining and small-scale businesses, and sets out key dynamics in each sector. In a section on governance, the paper explores the effects of migration policies on the perception of governance providers. While previous research has shown the effects on central

and regional authorities, much less research has been conducted into the effects on traditional authorities. This subsection therefore mainly focuses on traditional leaders, discussing their complex positioning in the political ecosystem and how that position has altered since 2016. Lastly, this paper looks at how different conflict management and mediation mechanisms available in Niger's north attempt to remedy feelings of discontent in the Agadez region and how they navigate the new dynamics of economic deterioration and declining trust in governance providers.

1 Construction of the migration paradigm

1.1 Mobility as a crucial part of northern livelihoods

The Agadez region in northern Niger has gone through multiple transformations in its recent history that have affected mobility patterns and local economies. Droughts, the opening and closing of borders and the changing policies of external actors have all had an impact on the region's socioeconomic situation. Throughout the 20th century, periods of drought were a recurring phenomenon in Niger's north, with largescale droughts four times throughout the century.[1] Several waves of extreme drought from the late 1960s until the early 1980s led pastoralist Tuareg to change their main livelihood activities and diversify their activities into sectors such as small-scale gardening, and working in uranium mines and the construction sector in Libya and Algeria.[2] Such changes demonstrated a remarkable capacity for adaptation and a flexible economic system. When faced with crisis, north- or southward mobility and livelihood diversification offered ways out.[3] In addition to droughts, the discovery of uranium and gold presented new opportunities in the region, as they attracted unemployed young people in search of work that would provide higher earnings than income from a traditional pastoralist lifestyle.

Mobility patterns originating from or crossing through the Agadez region have for a long time been anchored in the nomadic lifestyle of its populations.[4] They were in part caused by the search for different types of livelihoods due to shifting climatic conditions. Mobility patterns were equally impacted by changing political orders that influenced mobility and borderlands in the Sahara and were thus also the result of subsequent

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1   Droughts at the beginning of the 20th century, between 1910 and 1915, led to heavy livestock losses and a change in the nomadic lifestyle of Tuareg of the Aïr. The ensuing famine, aggravated by the fact that the French colonial ruler commandeered part of the region's food supplies, led to the Kaocen Revolt of 1916, with dramatic consequences for the population of the region. Spittler, G. 1993. *Les Touaregs face aux sécheresses et aux famines: Les Kel Ewey de l'Aïr*, Paris, Karthala. p. 73, 93; Beaumont, P. 1989. *Drylands: Environmental Management and Development*, New York, Routledge. p. 205.

2   Mayhew, L. and Opitz-Stapleton, S. 2019. *When rising temperatures don't lead to rising tempers: climate and insecurity in Niger*, London: ODI. p. 5.

3   Spittler, G. 1993. *Les Touaregs face aux sécheresses et aux famines: Les Kel Ewey de l'Aïr*, Paris, Karthala, p. 323.

4   See for instance Claudot-Haward, H. 2008. 'Un territoire bâti comme une tente nomade'. *Réfractions*.

opening up and closing off of border regimes with Niger's northern neighbours Algeria and Libya.[5] Over the course of the second half of the 20th century, border policies towards southern neighbours changed several times.[6] Exploitation of Libya's oil reserves in the early 1960s and the resulting construction boom led to large numbers of Nigerien Tuareg migrating north for temporary work. The ensuing development of trans-Saharan mobility was strained during the early 1980s due to worsening diplomatic relations, to be reinvigorated again in the later years of the same decade.[7] In the 1990s, due to increasingly worsening relations between Libya and Western countries, and Muammar Qaddafi's African policy, movement through Niger towards North Africa increased significantly, and now includes migrants from all over the subcontinent.[8]

With the gradual imposition of stricter border enforcement, and the accompanying monitoring and control measures in place since the early 2000s, driven mostly by European funding, external actors have attempted to reverse this trend. At this stage, Libyan border authorities have begun implementing a much stricter policy in the context of increasing collaboration with Western countries whose agenda is aimed at curbing irregular migration from Africa to Europe.[9]

1.2   Increased Western intervention

Western donors increasingly gave attention to migration issues in North Africa and the Sahel in the late 1990s and early 2000s.[10] From 2004, border capacity projects began to be funded, with particular components devoted to combatting illegal migration.[11] At the regional level, the heads of state in the Economic Community of West African States (ECOWAS) adopted a common approach on migration in 2008 that was infused with European conceptions about West African migration.[12] This formally turned

5   Brachet, J. 'Movement of people and goods/ Local impacts and Dynamics of migration to and through the Central Sahara'. In McDougall, J. 2012. *Saharan frontiers: Space and Mobility in Northwest Africa*. Bloomington, Indiana, Indiana University Press, pp. 239-243.

6   For a brief overview of changing dynamics on Algeria's border with Niger, see Zardo, F. and Loschi, C. 2020. 'EU-Algeria (non)cooperation on migration: A tale of two fortresses'. *Mediterranean Politics*, pp. 9-12.

7   McDougall, J. 2012. *Saharan frontiers: Space and Mobility in Northwest Africa*. Bloomington, Indiana: Indiana University Press. pp. 241-243.

8   *Ibid.* p. 244.

9   Perrin, D. 2018. 'From one Libya to another: the unexpected place of law in approaching migration'. *Affiche Orienti*. p. 78.

10   Brachet, J. 2018. 'Manufacturing smugglers: from irregular to clandestine mobility in the Sahara'. *Annals of the American Academy of Political and Social Science*, March. p. 22.

11   Such as the Aeneas project, see Brachet, J. 2018. 'Manufacturing smugglers: from irregular to clandestine mobility in the Sahara'. *Annals of the American Academy of Political and Social Science*, March. p. 22.

12   *Ibid.*

migration into a political issue. It unveiled the absence of policy coherence in the EU's approach to West Africa, fostering regional integration on the one hand while seeking to reduce cross-border transit on the other.[13] In Niger, EU-funded programmes aimed at preventing and combating illegal migration trafficking and smuggling of (transit) migrants in Libya and Niger commenced in 2004.[14] Events on the ground, such as the tragic incident in 2013 in which more than 90 migrants lost their lives in the desert in the country's north, led the EU to push the Nigerien state to take action and clamp down on irregular migration. But the results of such policies, including through the work of the *Agence nationale de Lutte contre la Traite des Personnes et le Trafic Illicite des Migrants* (ANLTP), created in 2010, remained limited due to low enforcement rates and the fact that migration was not a priority for the government in the capital, Niamey.[15]

As of 2015, however, pressure increased on the Nigerien government to commit to a clampdown on migratory movement in its territory. The continuing high number of sub-Saharan migrants pushed Western policy makers to increase pressure on the Nigerien state, which then enacted Law 2015-36, implemented in late 2016.[16] Law 2015-36, and a wide set of policy initiatives deployed in Niger following the 2015 Valetta Summit later that year, had significant negative effects that have been well documented since 2016. The European Trust Fund (EUTF) was created to promote stability and to address the root causes of irregular migration and displaced persons in Africa. It provided financial and policy underpinning for the ambitions set out in Valetta and solidified the EU's approach to migration management in the Sahel.[17]

Niger was the biggest recipient of EUTF funds (€229.9 million) in West Africa.[18] EUTF projects in Niger focused on Nigerien communities, migrants and refugees and had a variety of objectives ranging from economic development and job creation for local communities, to support for migrants and refugees, border reinforcement,

13   Uzelac, A. 2019. *Incoherent Agendas: Do European Union migration policies threaten regional integration in West Africa?*, The Hague: Clingendael institute.

14   V. Bonavita, 'The externalization of border controls towards the EU's broader neighbourhood: challenges of consistency' in S. Gstöhl and E. Lannon, 2015. *The European Union's broader neighbourhood: challenges and opportunities for co-operation beyond the European neighbourhood* policy, New York: Routledge. p. 26.

15   The initial mandate of the agency was limited to trafficking, with 'irregular migration' being added in 2015. See Jegen, L., 2019. *The political economy of migration governance in Niger, migration governance*, Freiburg: Arnold-Bergstraesser Institute. p. 29.

16   République du Niger. 2010. *Loi n° 2015-36 du 26 mai 2015, relative au trafic illicite de migrants, Vu la constitution du 25 novembre 2010.*

17   EUTF is not limited to the Sahel and has projects in the Horn of Africa and North Africa. Press release, 'The European Union is stepping up cooperation with Niger', *European Commission*, 6 December 2018. See also Kipp, D. 2018. *From Exception to Rule – the EU Trust Fund for Africa,* Berlin: SWP.

18   Boyer, F. 2019. 'Sécurité, développement, protection. Le triptyque de l'externalisation des politiques migratoires au Niger', *Hérodote*, 1 : 172, p. 172.

and increasing judicial and policing capacities.[19] EUTF programming has often been criticised by the aid community.[20] The main criticisms include a lack of transparency, an overt focus on the securitisation of migration policies, and the drawing of funds away from development cooperation towards projects aimed at reducing migration flows. In Agadez, a common perception on the ground is that the invested funds did not reach those most in need and that the population of Agadez was largely left behind.[21] The reasons behind such perceptions may be manifold but seem to point to a failure on the part of international development projects to sufficiently reach those who suffered income losses due to migration policies.[22]

The EUTF was not the only funding instrument available for policies intended to reduce migratory pressure on Europe. Bilateral development agencies followed suit and began developing similar projects. Following the launch of several EUTF projects, the approach began to trickle down to national capitals. Many bilateral development cooperation agencies started to incorporate migration into their projects in Niger. In addition, international and local non-governmental organisations (NGOs) implementing projects in the country redirected parts of their programming to migration in response to the growing availability of funds for migration issues. In addition to new programmes, existing bilateral aid programmes were often reframed with a migration focus.[23] This led the head of a European bilateral development agency in Niamey to note, 'I have never seen this in my career. Everything we do now needs to be framed through a migration lens.'[24]

1.3   Operationalising EUTF

Various sections of the aid community were engaged in operationalising the new approach to migration following the Valetta summit. As funding became available to finance projects with a specific undertone of addressing the root causes of migration, several UN, NGO and civil society organisations became involved in the

19   Tubiana, J., Warin, C. and Saeneen, G. 2018. *Multilateral Damage: The impact of EU migration policies on central Saharan routes*, The Hague: Clingendael Institute. pp. 36-37.

20   See for instance Concord, 2018. *Partnership or conditionality? Monitoring the migration compacts and EU Trust Fund for Africa*, Brussels: Concord; Oxfam, 2020. *The EU Trust Fund for Africa. Trapped between aid policy and migration politics*, Oxford: Oxfam International.

21   Tubiana, J., Warin, C. and Saeneen, G. 2018. *Multilateral Damage: The impact of EU migration policies on central Saharan routes*, The Hague: Clingendael Institute. pp. 35-38.

22   Molenaar, F., Tubiana, J. and Warin, C. 2018. *Caught in the middle. A human rights and peace-building approach to migration governance in the Sahel,* The Hague: Clingendael. p. 38.

23   Boyer, F. 2019. 'Sécurité, développement, protection. Le triptyque de l'externalisation des politiques migratoires au Niger', *Hérodote*, 1: 172, p. 174.

24   Country representative of large development agency, Niamey, February 2019.

operationalisation of the EU discourse on migration. The writing of Law 2015-36 was done in large part by staff of the UN Office on Drugs and Crime (UNODC), who provide technical assistance to governments in drafting legislation that is compliant with international norms and legal frameworks.[25] The rationale behind its support for the drafting of the law criminalising smugglers in Niger was found in the Nigerien state's 2004 ratification of the Palermo convention on transnational organised crime, which required the introduction of national legislation.[26] While Law 2015-36 goes a long way in following European requests for migration control, UNODC staff maintain that 'the law is not the problem, the implementation of the law is the problem'.[27]

Since 2016 a large amount of EUTF funding has passed through different UN organisations and international NGOs operating in northern Niger, each of which began operationalising a different aspect of the EU's external migration policies. In Agadez, a large number of programmes were set up that initially had an almost unique focus on migrants on their way to North Africa and Europe.[28] The broader framework that emerges when examining international agencies' interventions under EUTF is one where a normative framework is constructed of international norms and standards that echo through the implementation of migration programming. International migration management is based on a number of narratives and concrete actions that seek to render a complex political issue manageable, and a complex phenomenon governable.[29] Such a managerial approach to an inherently political problem is not new and has been experimented with in other countries.[30] It points, however, to a problematic turn in the way international organisations become instrumental in carrying out practices that create moral dilemmas further down the road. A humanitarian aid worker who oversaw project planning in northern Niger commented, 'We have to navigate these dangerous concepts of a donor that can have really harmful consequences in the field.'[31]

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25 Legislative initiatives following a similar pattern, so far uncompleted, have been undertaken in Mali and Senegal.

26 Boyer, F. 2019. 'Sécurité, développement, protection. Le triptyque de l'externalisation des politiques migratoires au Niger', *Hérodote*, 1: 172, p. 173; United Nations Office on Drugs and Crime, 2003. *United Nations Convention against Transnational Organized Crime*. New York: United Nations.

27 Interview with UN staff, Dakar, June 2019.

28 Among such projects, some of which are still running, are the sensitization of migrants, offering them return services to their home country, legal assistance and access to basic services but also increased patrols in the Ténéré desert, the reinforcement of border checkpoints, and increasing investigative capacity into smuggler networks.

29 Pecoud, A. 2015. *Depoliticising Migration Mobility & Politics.* Paris: Palgrave.

30 Brachet, J. 2015. 'Policing the desert: the IOM in Libya beyond war and peace'. *Antipode.*

31 Phone interview with senior staff of international NGO active in Agadez, June 2020.

While policy makers behind closed doors quite openly confirm the goals of migration policies in Niger and the Sahel more broadly, public discourse tends to avoid explicitly referring to reducing the movements of sub-Saharan migrants. A senior German diplomat commented on a question about Germany's foreign policy goals in the Sahel in 2017 that 'we want to stop the flows'.[32] Other analysts have cited similar comments by Western diplomats in recent years.[33] While such policy goals are apparent throughout the interventions set up by the EU and its member states in Niger and other countries in the region, the public discourse tends to focus on the creation of narratives that legitimise it. In order to arrive at the point of criminalising migration in Niger, a number of common approaches and narratives around mobility had to be shifted or constructed. Such narratives facilitated the creation of a climate that is repressive of migration flows in Niger's north, based on arguments of good governance, transnational crime prevention and humanitarian needs. They revolve around the role of the Nigerien state, the role of smugglers and the awareness of migrants.

The Nigerien state traditionally did not consider migration as a key priority until the moment European interest in the matter spiked.[34] Policies and interventions since 2015 have, however, framed the country as a typical example of a 'transit state' through which migrants pass on their way to Europe.[35] Such framing is repeated in policy documents, project proposals and the vast array of meetings that take place in the capital, Niamey, on migration matters. The basic framing is that the Nigerien state is host to large migration flows across its territory due to poor border infrastructure and insufficient policing. Such a state of transit-ness ignores both longstanding migration patterns, often temporary or seasonal, from Niger to neighbouring or coastal countries – for instance from Niger's southern region of Zinder to Algeria – as well as the presence of large numbers of displaced populations on Niger's territory due to conflict or insecurity in Mali, Burkina Faso and Nigeria.[36]

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32 Interview with senior MFA official, Berlin, April 2017.

33 Raineri, L. 2018. 'Human smuggling across Niger: State-sponsored protection rackets and contradictory security imperatives', *The Journal of Modern African* Studies, March 2018. p. 66.

34 Jegen, L., Zanker, F. 2019. *European dominance of migration policy in Niger 'On a fait les filles avant la mère'.* Kiel: MEDAM.

35 This includes both political actors such as the EU and its members states, as well as humanitarian actors, development agencies and UN institutions. Frowd, P. 2020. 'Producing the 'transit' migration state: international security intervention in Niger', *Third World Quarterly*. 41 (2), p. 7-8.

36 For neighbouring and coastal countries: Boyer, F. 2019. 'Sécurité, développement, protection. Le triptyque de l'externalisation des politiques migratoires au Niger', *Hérodote*, 1: 172, p. 171; and Boyer, F. and Mounkaila, H. 2018. Européanisation des politiques migratoires au Sahel: le Niger dans l'imbroglio sécuritaire. In: Grégoire Emmanuel (ed.), Kobiané J.F. (ed.), Lange Marie-France (ed.). *L'Etat réhabilité en Afrique: réinventer les politiques publiques à l'ère néolibérale*, Paris: Karthala, pp. 267-285; UNOCHA, 'Displacement and humanitarian needs rise in the Sahel', *OCHA*, 27 February 2020. The response to the issue of displaced populations, as well as to other recurring humanitarian crises such as flooding, epidemic outbreaks and malnutrition has remained, contrary to the migration agenda, chronically underfunded in Niger.

The framing allows the issue of migration in Niger, and other African countries, to be perceived as a problem that needs to be managed, governed and solved by different types of interventions.[37] One of the concepts that clearly follows this logic is that of labelling migration's 'root cause' as something that needs to be analysed and tackled. However, such approaches ignore the ongoing internal processes of the Nigerien state towards formulating a national migration policy – replacing them with a securitised approach to migration instead.[38] Linked to this framing of migration as an issue that needs managing is the common approach to state building taken by the international community and donors. In the Weberian view that is often displayed when designing such approaches, a state should be in control of its territory and thus its borders. The Sahara desert is often erroneously portrayed as an 'ungoverned space' where intervention is needed in order to reinsert state control.[39]

Another common narrative concerns the need for migrant protection.[40] Migrants are often deprived of agency by policy makers and represented as victims of difficult circumstances. It is commonly assumed that migrants are badly informed about the potential risks of migrating, and are generally unaware of the dangers that lie ahead on their journey; this presumes that migrants are either not informed or misinformed by smugglers. A representative of a UN organization in Niger noted that 'migrants do not realize the risks of migrating. They think that the Mediterranean Sea is a river'.[41] The often-applied solution is the use of information campaigns to better inform migrants of the risks of migration, in the case of sending countries to deter people from leaving, and in the case of Niger to persuade migrants to return to their home country. Researchers generally consider such campaigns ineffective and ethically questionable.[42] Migrants gather their information elsewhere than from such campaigns, mostly from friends and family in their countries of origin or in countries of destination, and pay

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37   One recurring feature of this reframing is the reframing of traditional development interventions as originating from a problem analysis related to migration. See for instance GIZ. 'Supporting communities and regions in managing the challenges of migration', 2020. https://www.giz.de/en/worldwide/43838.html (Accessed September 2020).

38   Jegen, L., 2019. *The political economy of migration governance in Niger, migration governance*, Freiburg: Arnold-Bergstraesser Institute. p. 28.

39   Stambøl, E. 2019. 'The rise of crimefare Europe: fighting migrant smuggling in West Africa'. *European Foreign Affairs Review*. see also Raineri, L., Stazzari, F. 2019. '(B)ordering hybrid security? EU stabilisation practices in the Sahara-Sahel Region'. *Ethnopolitics*. pp. 544-559.

40   Protection is used here in the broader sense of the term, and not as used by humanitarian organisations.

41   Interview with representative of UN organization, Niamey, June 2018.

42   See for instance Hager-Zanker, J. and Mallet, R. 2016. 'On the limits of deterrence', *Humanitarian Practice Network*; Musaro, P. 2019. 'The role of information campaigns in the management of migration', *Aware Migrants*; Nieuwenhuys, C. and Pecoud, A. 2007. 'Human trafficking, information campaigns and strategies of migration control', *American Behavioral Scientist*, 50(12). pp. 1674-1695.

very little attention to information provided through the UN, NGOs or the government.[43] In addition, migrants interviewed on migration routes indicate they were aware of the risks they faced.[44]

Linked to the perceived lack of information and the need to bring the risks of migration to migrants' attention is the need to protect them from the harmful activities of smugglers. The criminalisation of smugglers in Niger is therefore often framed as a means to protect migrants. Smugglers are portrayed as criminals who operate in semi-lawless areas and do not care about the wellbeing of their customers. Parallels are also often drawn between trafficking and smuggling. Smugglers, who facilitate transport or provide 'irregular' access to third states, are equated with traffickers, who use coercion to make people leave their homes and exploit people along the way. While the definition of trafficking is internationally agreed upon and protocols are in place internationally to combat it, the same does not apply to smuggling. Conflating the two concepts helps to create the ethical ambiguity needed to push for the criminalisation of smugglers.

1.4   The new Multiannual Financial Framework (2021-2027)

The Trust Fund programming is coming to an end, with the initiative set to close for new programming by the end of 2020. The underlying tone of migration programming is likely to continue, however, based on discussions on the new Multiannual Financial Framework (MFF) that have been ongoing since 2018. Whereas the creation of a new €89.2 billion Neighbourhood, Development and International Cooperation Instrument (NDICI) as proposed by the European Commission in June 2018 constitutes an overhaul in EU external activity for the period 2021-2027, migration is likely to continue to be a key priority in the EU's external activities.[45] This is evidenced by it being mentioned as a priority in both the geographic pillar and the thematic pillar of the proposed instrument. The third pillar, which introduces a rapid response capacity and a cushion for emerging challenges and priorities, is likely to be used as well for situations such as mass displacement or arrivals of refugees, or to 'enable the EU to react swiftly to emerging challenges, for example those linked to migratory pressures'.[46]

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43   See research by the Mixed Migration Centre. 2019. *Access to information of refugees and migrants on the move in Mali, Niger and Burkina Faso*, Mixed Migration Centre.

44   *Ibid.*

45   European Commission. 2018. 'Proposal for a regulation of the European parliament and of the council establishing the Neighbourhood, Development and International Cooperation Instrument'.

46   Knoll, A. and Veron, P. 2019. 'Migration and the next EU long-term budget: key choices for external action'. *Ecdpm.*

The Commission has suggested that 10 percent of its external budget would be earmarked for migration – meaning a budget of close to €9 billion. While such a target has been called out by the aid sector as excessively high, the figure seems not to have shifted in discussions so far and, pending parliamentary scrutiny, has already been adopted by the Council.[47] In addition to NDICI funds, some Justice and Home Affairs funds on asylum, migration and border management might be diverted to external action, adding further to the pot of money available for migration programming.[48] While discussions are still ongoing, it is already clear that the total amount available will largely surpass the €5 billion invested in EUTF over the years and that tackling the root causes of irregular migration and forced displacement in third countries will become a cornerstone of all EU external activity.[49]

While such a development might be seen as a worrying trend of doubling down on a policy that has been noted to cause harm to both migrants and host communities, it comes with greater transparency. The Trust Fund has often been criticised for not being transparent and not being sufficiently exposed to parliamentary oversight.[50] The new NDICI funds will be subject to such scrutiny and discussions, as the publication of the 2018 Commission proposals have showcased the ambition of the European Parliament's committees on development (DEVE) and foreign affairs (AFET) to be more closely involved in the oversight and activities of the instrument.[51] Among the stumbling blocks in the negotiations are: the Commission's proposal for greater use of delegated Acts, which are those parts of EU law that allow for a more technical and thus less visible and transparent way of programming; and the proposal to make aid conditional upon collaboration on migration issues.[52]

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47 Concord. 2019. 'Recommendations on the NDICI migration spending target'. Brussels: Concord.

48 Specifically, AMIF and the soon to be created new IBMF might see part of their funds used for external action. For further analysis see ECRE. 2019. 'Policy Note on Outspending on Migration'. Brussels: ECRE.

49 For further reading see Berger, A. 2019. 'The nexus between migration and development in EU external action: no quick fix'. *Institute for European Studies*.

50 Kervyn, E. and Shilhav, R. 2017. An emergency for whom? The EU Emergency Trust Fund for Africa – migratory routes and development aid in Africa. Nairobi: Oxfam International.

51 The EP co-rapporteur on NDICI negotiations between the Commission, the Council and the Parliament (the so-called Trilogue) has, for instance, called for a greater involvement of local authorities in the allocation of development aid. See Platforma. 'Co-rapporteur Maria Arena reiterates European Parliament strong support to local governments in NDICI negotiations', January 2020. http://platforma-dev.eu/co-rapporteur-maria-arena-reiterates-european-parliament-strong-support-local-governments-ndici-negotiations/ (Accessed September 2020).

52 Interview EU policy expert, Brussels, July 2020; European Commission. 'Proposal for a regulation of the European parliament and of the council establishing the Neighbourhood, Development and International Cooperation Instrument'. 14 June 2018.

These negotiations, and the underlying dynamics, lay bare the way in which migration policies in the Sahel will continue to be approached in the next budgetary cycle. However, as the following sections will indicate, this approach has had a significant negative impact on the economic situation and governance providers in northern Niger.

2 Longer-term impact

The direct effects of Law 2015-36, enforced from late 2016, included more police patrols on the main migration axes going through Niger and at border crossings, crackdowns on smuggling networks in migration hubs such as the city of Agadez, the confiscation of vehicles, and the imprisonment of smugglers refusing to stop transporting migrants to the Libyan and Algerian border.[53] Such measures resulted in a sharp decline in registered northbound flows.[54] Smugglers began to adopt strategies to avoid checkpoints, rendering the journey more perilous. More generally, a reorganisation of the smuggler business began to unfold, which included new routes being taken by smugglers, the division of routes into smaller stretches, and a concentration of the business in the hands of fewer yet better organised smugglers.[55] In addition, or rather as a consequence, routes became more dangerous for migrants, and while the overall numbers departing from Agadez clearly dropped, the number of incidents of migrants being abandoned in the desert was on the rise.[56] Security forces also began targeting migrants as potential sources of illegal taxation more often than previously.[57] The effects of these policies on both migrants and host populations have been documented in recent years by scholars, think tanks and NGOs.[58] The next section will take a look

53 Molenaar, F., Ursu, A., Ayouba Tinni, B., Hoffmann, A. and Meester, J. 2017. *A Line in the Sand: Roadmap for sustainable migration management in Agadez*. The Hague: Clingendael Institute. p. 8.

54 It is important to note that the correctness and methodology by which such flows are documented have been put into question. See Tubiana, J. and Gramizzi, C. 2018. *Lost in Trans-Nation: Tubu and Other Armed Groups and Smugglers Along Libya's Southern Border*. Geneva, Small Arms Survey.

55 Golovko, E. 2019. *Players of many parts. The evolving role of smugglers in West Africa's migration economy.* Dakar: Mixed Migration Centre; Micallef, M., Horsley, R. and Bish, A. 2019. *The Human Conveyor Belt Broken – assessing the collapse of the human-smuggling industry in Libya and the central Sahel.* Geneva: The Global Initiative against Transnational Organised Crime.

56 As a result of poor overall monitoring it is hard to have a real quantification of such increases. They are therefore based on assertions by local rights groups and NGOs that implement projects aiming to increase migrant wellbeing.

57 On the general human rights implications of the law on migrants see OHCHR, 'End of mission statement of the UN Special Rapporteur on the human rights of migrants, Felipe Gonzalez Morales, on his visit to Niger'. OHCHR, 8 October 2018.

58 See for instance: Brachet, J. 2018. 'Manufacturing Smugglers: From Irregular to Clandestine Mobility in the Sahara'. *Annals of the American Academy of Political and Social Science*, March. p. 24; Raineri, L. 2018. 'Human smuggling across Niger: State-sponsored protection rackets and contradictory security imperatives'. *The Journal of Modern African Studies*, March.,; Molenaar, F., Ursu, A., Ayouba Tinni, B., Hoffmann, A. and Meester, J. 2017. *A Line in the Sand: Roadmap for sustainable migration management in Agadez*. The Hague: Clingendael Institute. p. 8; Stambøl, E. 2019. 'The rise of crimefare Europe: fighting migrant smuggling in West Africa'. *European Foreign Affairs Review*.

at how the longer-term impact of the crackdown on migration flows has affected the economic situation and the legitimacy of governance providers, with a specific focus on the first level of governance, the traditional authorities. We discuss them separately below yet both components are intrinsically linked and have a bearing on the stability of Niger's north.

2.1   Economic effects

The Agadez economy was severely affected by measures taken since 2016.[59] The interconnectedness of the migration business with many parts of the economic fabric of the region meant that the economic impact was felt both by human smugglers, including drivers and ghetto operators, and by sectors as diverse as local markets, taxi drivers, money transfer agencies and restaurants. Further aggravating the situation was the impact on supply chains of other goods affected by increased checkpoints and transaction costs.[60] While the economic downturn did provide some jobs for those involved in the migration business as drivers for the increasingly present international actors, and while efforts were made to mitigate the impact of the measures taken, they fell short of even coming close to the secure livelihoods that the migration business offered prior the implementation of Law 2015-36.

2.1.1   The migration industry

From 1990s, the Nigerien government encouraged young Tuaregs to engage in the transport of people as a livelihood activity.[61] It facilitated such activities by issuing permits and licences.[62] The facilitation of travel across the desert has since then been an integral part of northern Niger's economy, in part fuelled by the longstanding connectivity patterns described above. Smuggling in northern Niger used to be seen as a legal activity. The distinction between the smuggling of goods or the smuggling of people is not as clear cut in local perceptions as it is in international policymaking. Whether a person transports goods or people did not matter up until 2015 – both were

59   Molenaar, F., Ursu, A., Ayouba Tinni, B., Hoffmann, A. and Meester, J. 2017. *A Line in the Sand: Roadmap for sustainable migration management in Agadez*. The Hague: Clingendael Institute. p. 19.

60   Hoffmann, A., Meester, J. and Manou Nabara, H. 2017. *Migration and Markets in Agadez: Economic alternatives to the migration industry*. The Hague: Clingendael Institute. p. 28.

61   Tubiana, J. and Gramizzi, C. 2018. *Lost in Trans-Nation: Tubu and Other Armed Groups and Smugglers Along Libya's Southern Border*. Geneva, Small Arms Survey.

62   *Ibid.*

considered cargo.[63] The criminalisation of a specific type of smuggling, namely human smuggling, meant that other parts of the industry were left untouched.[64]

Estimates suggest that some 6,000 people were active in the smuggling business in Agadez prior to its criminalisation.[65] A large number of smugglers had to abandon their work and were expecting to receive EU funds through a reconversion plan that would integrate them into the Agadez economy. The plan was an EU-funded attempt to reinvigorate the economy by providing seed funding for actors in the migration industry. The initiative was marred with problems in the selection of beneficiaries – most of whom appeared to have links to local authorities and many of whom did not have an established link with the migration industry – and proved far too little to shift the slacking local economy back into gear.[66]

As a consequence, there seems to be widespread agreement among respondents in Agadez that the plan has had minimal impact. Local authorities describe a significant level of discontent about the lack of funds made available by the EU for the so-called reconversion. While such complaints in the early days still voiced some hope about a next phase of the plan that would bring additional funding, they have become much harsher as time went by.[67] There is some general recognition now that there will be no more further programming, and several interviewees have voiced their disappointment with what they call broken promises.[68]

While it is very hard to estimate the number of smugglers who are currently active in the region, it is clear that the activity continues in part, albeit by using harder-to-access roads, thereby rendering the vehicle at higher risk of breaking down or running out

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63   This has been linked to an increase of other forms of smuggling such as Tramadol through Niger Ibid.

64   *Ibid.*; International Crisis Group. 2020. *Managing Trafficking in Northern Niger*. Africa Report N°285. Brussels.

65   Hoffmann, A., Meester, J. and Manou Nabara, H. 2017. *Migration and Markets in Agadez: Economic alternatives to the migration industry*. The Hague: Clingendael Institute. p. 21.

66   Interview with Agadez based journalist, April 2019; Ford, P. 2018. ' In high stakes experiment, EU migration policy moves front lines to Niger', *Christian Science Monitor*, 19 November. For a more detailed analysis about unmet expectations of the reconversion plan see Molenaar, F. 2018. *Why the EU should help former CRU Policy Brief smugglers get a job. An integrated approach for Agadez (and beyond)*. The Hague: Clingendael. p. 7-9.

67   See for instance declaration by local authorities in March 2017 at: Sahelien. 'Niger: les élus locaux d'Agadez dénoncent l'incivisme fiscal des sociétés minières et la gestion de la question migratoire', 2017. https://sahelien.com/niger-les-elus-locaux-dagadez-denoncent-lincivisme-fiscal-des-societes-minieres-et-la-gestion-de-la-question-migratoire/ (Accessed September 2020).

68   Phone interview with official from national conflict mediation initiative, May 2020. Phone interview with Agadez based journalist, June 2020.

of fuel, and turning the crossing of the Ténéré into a (more) perilous undertaking.[69] Some migrant smugglers still enjoy relative freedom of operation because of their political connections and ability to pay off security forces along the route.[70] Ghettos or transit houses where migrants wait for onward travel remain active, albeit no longer in the same form they once took in the city of Agadez. While previously ghettos were large spaces where up to 100 migrants could reside at the same time, they have became small houses for five to ten migrants. Local police are often aware of the presence of such ghettos and levy illegal taxes on the migrants. This practice continues until this day, with at least 30 ghettos still active in the city.[71]

2.1.2   The wider economy of Niger's North

Formally determining the number of people employed in the different sectors of both the formal and the informal economy of Niger's north is not possible in the absence of disaggregated data. In general, respondents indicate that a large number of people, particularly young people, are or have been unemployed for a significant amount of time.[72] While the people smuggling business is still somewhat active, many actors have been driven out and have explored alternative livelihood options in Niger's north. New economic opportunities have emerged in the region, often revolving around the seasonal mobility patterns that have characterised the region since precolonial times.

Some of the young people who previously worked in the migration business decided to leave once their income from those activities fell away. Some left for Libya in search of work as seasonal labourers or to join rebel groups in the country's civil war.[73] Much like former pastoralists turned to mobility as a coping strategy when faced with droughts in the 1970s, this seems to suggest that mobility remains a key element of coping strategies in the region. Mobility can thus be seen as a form of livelihood diversification inherent to the economy of the north.

Another opportunity for seasonal or short-term migration that has become attractive in the region – mostly to young men – is gold mining. Gold was discovered in northern Niger in 2014 and mining formally started in the spring of that year. The gold deposit

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69   Tubiana, J. and Gramizzi, C. 2018. *Lost in Trans-Nation: Tubu and other armed groups and smugglers along Libya's southern border*. Geneva, Small Arms Survey. p. 85.

70   Interview with smuggler, Agadez, Niger, June 2018.

71   Phone interview with Agadez-based aid worker, June 2020. The actual number of ghettos might be much higher.

72   Phone Interview with Agadez-based journalist, June 2020. Phone interview with senior government official, Agadez region. Focus Group Discussion with Agadez Youth, April 2019.

73   Tubiana, J. and Gramizzi, C. 2018. *Lost in Trans-Nation: Tubu and other armed groups and smugglers along Libya's southern border*. Geneva, Small Arms Survey.

strip running through the Central Sahel has exposed several mineral-rich deposits in northern Niger as well as in the southern regions of the country.[74] Crisis Group estimates that about 300,000 people are employed in the artisanal mining sector in Niger and production is estimated at 10 to 15 tonnes per year.[75] The main sites in the north are Djado, Tchibarakaten, Amzigar, Tabelot and Goffat.[76] The Djado gold mines attracted a high number of fortune seekers after promising early discoveries, but was subsequently closed due to authorities being fearful of the involvement of armed foreign miners, mostly from Chad. The site had started to draw defected soldiers from Chad's ongoing campaign against Boko Haram and provoked concern from N'Djamena and Algiers who in turn pressured Niamey.[77] In March 2017, between 25,000 and 50,000 men were evacuated from Djado by the Nigerien army. There have been rumours about concessions being handed out to foreign mining companies but those have yet to materialise.[78]

While the site is officially closed, small-scale mining continues with the implicit approval of local defence forces.[79] The Tchibarakaten gold mine is currently active and host to a large number of young miners that hope to find their fortunes on the site close to the Algerian border. Some have left in the hope of returning rich but have lost all their money; others have become rich.[80] The Nigerien army provides armed escorts between Agadez and the sites for miners.[81] There is some level of formal organisation through the establishment of local miners' committees, further signalling the backing of local authorities for mining activities. Such organisation and the security provided by the state does not, however, prevent mining activities from turning into incidents.[82]

In addition to migrant smuggling and gold mining, the Agadez region traditionally serves as a transit point for various types of illicit goods such as counterfeit cigarettes, drugs and, to a lesser extent, arms. Traffickers have close ties with local elites who implicitly

74   International Crisis Group. 2020. *Managing Trafficking in Northern Niger*. Africa Report N°285. Brussels.

75   *Ibid*. This includes mining sites in Tillabéri.

76   Phone interview with senior government official in Agadez region. Phone interview with senior politician in Agadez city.

77   Niamey caved in after pressure from N'Djamena over concern that soldiers who defected might collude with rebels. Tubiana, J. and Gramizzi, C. 2018. *Lost in Trans-Nation: Tubu and other armed groups and smugglers along Libya's southern border*. Geneva, Small Arms Survey. pp. 68-69.

78   Focus group discussion with miners in Arlit, Niger, April 2019.

79   International Crisis Group. 2019. *Getting a Grip on Central Sahel's Gold Rush*. Africa Report N°282. Brussels.

80   Phone interview with former miner from Agadez, Niger, July 2020.

81   International Crisis Group. 2019. *Getting a Grip on Central Sahel's Gold Rush*. Africa Report N°282. Brussels.

82   In June 2020 a number of Nigérien miners were allegedly killed by Algerian security forces and their camps burned, possible because they were on Algerian territory. Phone interview with Agadez journalist, June 2020. Phone interview with former Tchibarakaten miner, June 2020.

tolerate their activities, partly as a means to keep the north pacified.[83] Grey economies, while risky in the longer term, can act as a social safety valve, to help integrate former rebels or neutralise the risk of community polarisation.[84] While Law 2015-36 and the ensuing measures described above targeted people smuggling specifically, it did nothing to counter other illicit flows passing through the north. In recent years, particularly since 2016, tensions between traffickers are on the rise.[85] Violent confrontations between traffickers remain relatively uncommon but can occur, such as an incident in June 2020 near the Salvador Pass, where at least ten people were killed.[86] The lack of conflict-sensitive migration policies has also led to increased grievances among the Tebu ethnic community, who feel disproportionally targeted by such policies.[87] As the Tebu-Tuareg divide also runs along other smuggling routes, the routes are often divided between groups based on ethnic divisions. However, creating grievances among one ethnic group as collateral damage due to migration policies is a risky strategy.

Small-scale businesses make up a significant part of the Agadez economy and have been badly hit by the overall decline of the Agadez economy since 2016 after the implementation of repressive migration policies.[88] Some sectors, especially those providing services to migrants, have been particularly hard hit. Many residents formally employed in the sector now try to find new ways to make ends meet. A group of women formerly employed in the restaurant businesses in Agadez said they try to make a living by setting up microbusinesses such as grilling and reselling peanuts, which generates very little income.[89] Young respondents in a focus group discussion in Agadez indicated that many young people are disillusioned and increasingly frustrated by the lack of jobs and that many had left town in search for opportunities in other, mostly Nigérien, cities.[90] Such examples indicate that in relative terms those previously employed in the migration

83 International Crisis Group. 2020. *Managing Trafficking in Northern Niger*. Africa Report N°285. Brussels.

84 Guichaoua, Y. and Pellerin, M. 2018. 'Making peace, building the state. Relations between central government and the Sahelian peripheries in Niger and Mali'. *Etudes de l'Institut de recherche stratégique de l'Ecole militaire*, issue 51. p. 79.

85 This rise in violence is usually attributed to the death in 2016 of Cherif Abidin, a kingpin in the northern trafficking circuits. Tubiana, J. and Gramizzi, C. 2018. *Lost in Trans-Nation: Tubu and Other Armed Groups and Smugglers Along Libya's Southern Border*. Geneva, Small Arms Survey. p. 94.

86 North Africa. 'Criminality drug gang war leaves 10 dead in northern Niger', 2020. https://north-africa.com/2020/06/criminality-drug-gang-war-leaves-10-dead-in-northern-niger/ (Accessed September 2020).

87 Hoffmann, A., Meester, J. and Manou Nabara, H. 2017. *Migration and Markets in Agadez: Economic alternatives to the migration industry*. The Hague: Clingendael Institute.

88 *Ibid.*

89 Focus group discussion with former female restaurant workers, April 2019, Agadez, Niger.

90 An additional issue associated with this that was identified was the increased use of drugs by young people in the city and an increase in criminality. Focus group discussion with Agadez youth, April 2019.

sector now struggle to make ends meet and confirm findings from earlier studies that unemployment and losses in income have significantly risen since 2016.[91]

In addition to residents struggling to find employment, existing businesses are also under strain. Entrepreneurs interviewed in Agadez and Arlit indicate that job creation has been slowing down and scaling up the production of agricultural produce or adding value to it remains an issue.[92] In addition, many respondents point to more structural issues such as a lack of proper infrastructure, which negatively affects the overall business climate. Road infrastructure, and electricity and water provision are key choking points for many residents.[93] Construction of an EU- and AFD-funded hybrid photovoltaic and thermal power plant is underway and parts of the Tahoua-Arlit road are being renovated.[94] But the results of these infrastructure upgrades will be felt only several years after the economic shock of 2016, while seasonal floods continue to damage existing stretches of road on a yearly basis.[95]

Some sectors have managed to overcome the challenging business climate. Tuareg craftsmen who managed to sell some of their products to tourists in the early 2000s indicate that since the decline of the tourism industry they have started to diversify their markets.[96] These days, most of the jewellery is exported to coastal countries in the subregion where products can be sold to tourists. In addition, export to North African countries, notably Morocco, and to Europe represents a significant part of their business these days.[97] While the Covid-19 outbreak has significantly reduced the ability to export products abroad, especially to Europe, the example does show the remarkable flexibility with which the businesses have adapted to hardships in the past, building on transnational connections. In addition to craftsmanship, the small-scale

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91 Hoffmann, A., Meester, J. and Manou Nabara, H. 2017. *Migration and Markets in Agadez: Economic alternatives to the migration industry*. The Hague: Clingendael Institute. p. 28.

92 Interview with Chamber of Commerce, Agadez, Niger, April 2019.

93 Interviews ETP, Interview commercant Arlit.

94 On road infrastructure: Niamey et les 2 Jours. 'Les travaux de rénovation de la route Tahoua-Arlit avancent bien selon le directeur général d'Orano', March 2020. https://www.niameyetles2jours.com/l-economie/infrastructures/1303-5192-les-travaux-de-renovation-de-la-route-tahoua-arlit-avancent-bien-selon-le-directeur-general-d-orano (Accessed September 2020). On electricity infrastructure: AFD. 'Constructing a hybrid power plant to supply the city of agadez and its surroundings with electricity', September 2017. https://www.afd.fr/en/carte-des-projets/constructing-hybrid-power-plant-supply-city-agadez-and-its-surroundings-electricity (Accessed September 2020).

95 See for instance Tadress 24 Info. '2020 une année difficile pour le pays', 2020. Facebook. https://www.facebook.com/tadress.info/posts/1429293140612137 (Accessed September 2020).

96 Interview with Tuareg craftsman who travels between Niger and other West African countries to sell products.

97 The key to the success of a businesses is whether they can establish a contact with a European trader who can sell products locally.

production of fruit and vegetables has fared particularly well in recent years and is described as flourishing.[98] Crops vary according to the season, with oranges from the Air being exported nationwide. Onion production is booming and onions are exported to several West African countries. While onion production is a notable exception due to its export potential, even respondents of relatively successful businesses indicate that on the whole the market is tough.[99] Apart from demand having fallen, a host of practical concerns also plague owners of small businesses. Import arrangements for the construction sector, for instance, are cumbersome and need to take into account additional import costs at informal border crossings with Algeria or Nigeria.[100] An additional concern for food exporters is the worsening road infrastructure in the north, which can lead to harvests rotting before they reach the market.[101]

While such examples lead central government representatives to stress that the economic situation is not too bad at the moment, respondents indicated an overall level of dissatisfaction with the economic situation.[102] An economic decline against the backdrop of rapid urbanisation and population growth in Saharan cities gives cause for concern.[103] Cities in Niger's north have changed dramatically in recent years under the impetus of large migration flows passing through them.[104] Respondents indicate a feeling of nostalgia towards the times when customers, in the form of migrants passing through, were many and business was good. Stimulating small businesses and entrepreneurial spirit, often the focus of international programming under the guise of 'income-generating activities' in a worsening economic climate has had limited success. The recent outbreak of Covid-19 is the latest shock to be borne by Agadez population. As noted by one district chief, for now the economic grievances resulting from the pandemic have nearly eliminated prior dissatisfaction related to migration, as residents are faced with adapting to yet another shock to the socio-economic equilibrium.[105]

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98 Phone interview with senior government official, Agadez, Niger, June 2020.

99 One example of this is grilling and selling peanuts, an activity often carried out by women in the city that at best provides the bare minimum in terms of subsistence. Focus group discussion with former female restaurant workers, Agadez, Niger, April 2019.

100 The Marché des Dunes near Assamaka is an informal trading post where goods can be imported from Algeria by bribing border officials. While the cost of these imports is lower than importing from Nigeria, such transactions require the use of an intermediary and can take a considerable amount of time.

101 Interview with Agadez based entrepreneur, Agadez, Niger, April 2019.

102 Phone interview with senior government official, Agadez, Niger, June 2020.

103 Bredeloup, S. and Pliez, O. 2005. 'Migrations entre les deux rives du Sahara'. *Autrepart* 36(4). p. 3-20.

104 For another, earlier example of such a transformation see for instance the case of Dirkou. Brachet, J., Choplin, A. and Pliez, O. 2011. 'Le Sahara entre espace de circulation et frontière migratoire de l'Europe'. *Hérodote* (3), pp. 163-182.

105 Phone interview with Traditional Authority 1, July 2020.

This situation of economic downturn has had a direct impact on the resilience of local households. Households use different coping strategies to deal with economic shocks, ranging from non-erosive to erosive. The latter are considered harmful in the longer term, as their long-term use signals failed coping, and diminishes the chances for revived economic activity over time. Non-erosive coping strategies observed among respondents include migration to neighbouring countries or to mining sites described above, as well as moving into other sectors of the economy, such as fruit and vegetable farming.

Respondents noted frequent use of corrosive coping mechanisms, such as cutting back on non-essential expenses, selling productive assets such as livestock, land or a house. Investment in land and houses was a proven strategy for many involved in the migration business. Because of the lack of a significant economic alternative many now say they will be forced to sell their land and live in makeshift constructions. Others have sold their house but can pay rent and continue living in it.[106]

2.2   Governance

Previous research by Clingendael illustrates how the implementation of Law 2015-36 has pitted residents of Agadez against local authorities.[107] Data collected in 2017 highlights that residents of Agadez do not only blame the detrimental effects of Law 2015-36 on distant governance actors such as the European Union or the government in Niamey, but also on municipal governance actors. This has put local authorities in a difficult position where they must cope with executive pressure from Niamey to contain migration movements, and also bottom-up pressure from a frustrated electorate.[108] Clingendael focus group discussions conducted in May 2019 indicate that this bottom-up pressure continues. In particular, individuals formerly employed in the smuggling and restaurant sector indicated limited contact and general dissatisfaction with elected authorities, which they perceive as accessible only to those belonging to favoured groups.[109]

While such effects and discontent with elected and executive governance providers have been documented previously, much less attention has been given to the effects on traditional authorities. As elsewhere in the Sahel, traditional authority positions

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106 Focus Group Discussion Women Former Migration Industry, Agadez, Niger, May 2019.

107 Molenaar, F., Ursu, A., Ayouba Tinni, B., Hoffmann, A. and Meester, J. 2017. *A Line in the Sand: Roadmap for sustainable migration management in Agadez.* The Hague: Clingendael Institute. p. 4.

108 *Ibid.*, 18.

109 Interviewed respondents used their own acronym for it – *PAC (parents, amis, connections)* – encompassing the right 'parents, friends, connections' needed to receive attention and assistance from elected authorities. Focus Group Discussion Former Smugglers, Agadez, Niger, May 2019. Focus Group Discussion Women Former Migration Industry, Agadez, Niger, May 2019.

constitute the first level of governance in Niger, and district chiefs are often the first entry point to government for many citizens.[110] In the city of Agadez, this puts district chiefs in a key position to mitigate and manage the discontent of a population affected by the socio-economic impact of central government migration policies described in the first section of this report.

Traditional authorities in Agadez

Traditional governance positions in Agadez follow a hierarchical order. District chiefs, called Gonto, are organised under the authority of the Sultan, the highest position of traditional authority, who oversees their activities including in terms of tax collection and conflict mediation. The role of traditional authorities as part of the formal state administration was refined in law in 2010 and 2015, entitling them to state protection and to financial compensation.[111] While the position of district chiefs is traditionally occupied by men, female traditional authorities called Tambaras act as their counterpart. Just as each Gonto is responsible for one district, a Tambara is similarly designated a district and works in cooperation with the Gonto. A Tambara is led by a spokeswoman called Magajiah – typically the oldest Tambara among them. In cooperation with the Gonto, the Magajiah determines the succession of another Tambara. The responsibilities of female traditional authorities are defined by the Sultan. In case of conflict, they act just like the district chiefs as the Sultan's eyes and ears: 'We transfer all difficulties, all problems that are presented to us to the Sultan and it is there that a solution is found.'[112]

Since traditional authorities are related to the central state, through their connection with the Ministry of the Interior, they are involved in carrying out state policies locally. This dynamic became apparent when traditional authorities helped carrying out migration policies at the local level. In the early days after the implementation

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110 Molenaar, F., Tossel, J., Schmauder, A., Idrissa., R. and Lyammouri, R. 2019. *The Status Quo Defied: The legitimacy of traditional authorities in areas of limited statehood in Mali, Niger and Libya.* The Hague: Clingendael Institute; Traditional Authorities position in the formal state structure is codified by law. République du Niger. 2015. *Loi n° 2015-01 du 13 janvier 2015, portant statut de la Chefferie Traditionnelle en République du Niger, Vu la constitution du 25 novembre 2010.*

111 As financial compensation is granted according to the rank of traditional authorities, the lower level position of district chief is low. They are entitled to keep 100 CFA of the yearly collected tax of 1,100 CFA. Similarly, district chiefs overseeing markets for the municipality are entitled to keep a tax share of sold livestock.

112 Phone Interview with female traditional authority, Agadez, Niger, June 2020.

of Law 2015-36, district chiefs were asked to identify ghettos or smugglers in their neighbourhoods to guide intervention.[113] They were also engaged is sensitisation efforts in their communities about the implementation of the Law.[114]

Such involvement in the rollout of migration control measures seems to have had an impact on their positioning within society. Trust levels measured by Afrobarometer show a clear decline in the trustworthiness of traditional authorities as perceived by the local population. According to data collected in 2014/15, 83 percent of respondents indicated high trust levels towards traditional authorities. In 2016/18, this number had dropped to 66 percent.[115] This seems to be in line with focus group discussions conducted in 2019. Youths were especially critical in their depictions of traditional authorities, describing the Sultan as being "behind the government" and "not understanding of the population", while district chiefs were described as unavailable to address their problems.[116]

At the same time, when compared to other local governance providers, and as elsewhere in the Sahel, traditional authorities still figure significantly higher in trust rankings.[117] While traditional actors are not accountable to an electorate,[118] they are generally perceived as more legitimate than their elected or appointed governance counterparts at municipal or regional level.[119] Even taking into account their sharp loss

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113 Molenaar, F., Ursu, A.E. and Tinni, B.A. 2017. *Local governance opportunities for sustainable migration management in Agadez*. The Hague: Clingendael. p. 29.

114 *Ibid.*

115 Afrobarometer. 'Afrobarometer data, Round 6', 2016. http://www.afrobarometer.org/online-data-analysis/ analyse-online (Accessed September 2020); Afrobarometer. 'Afrobarometer data, Round 7', 2018. http://www.afrobarometer.org/online-data-analysis/analyse-online (Accessed September 2020).

116 Focus Group Discusssion Youth 2, Agadez, Niger, May 2019.

117 Molenaar, F., Tossel, J., Schmauder, A., Idrissa., R. and Lyammouri, R. 2019. *The Status Quo Defied: The legitimacy of traditional authorities in areas of limited statehood in Mali, Niger and Libya*. The Hague: Clingendael Institute.

118 Traditional authority positions are hereditary positions for which individuals are appointed for life. Their position must be confirmed by the Minister of Interior.

119 The municipal governance level constitutes appointed authorities such as the prefect, and the elected position of the mayor who presides over a municipal council. Traditional authorities hold an administrative function in urban settlings in the position of village and district chiefs. Data collected in 2017 illustrates the extent to which this holds true in Agadez, where 69% of respondents indicated high levels of trust in district chiefs. This figure places traditional district chiefs in sharp contrast with local elected authorities, who only half of respondents consider legitimate, with only 31% indicating high levels of trust. See Molenaar, F., Ursu, A., Ayouba Tinni, B., Hoffmann, A. and Meester, J. 2017. *A Line in the Sand: Roadmap for sustainable migration management in Agadez*. The Hague: Clingendael Institute. p. 23. Consecutive survey data from Afrobarometer confirm these findings, see Afrobarometer. 'Afrobarometer data, 2014/15', 2015. http://www.afrobarometer.org/online-data-analysis/analyse-online (Accessed September 2020); Afrobarometer. 'Afrobarometer data, 2016/17', 2017. http://www.afrobarometer.org/online-data-analysis/ analyse-online (Accessed September 2020); See also Goff, D., Diallo, M. and Ursu, A.E., 2017. *Under the microscope: Traditional justice systems in northern Mali*. The Hague: Clingendael Institute.

of trustworthiness, Afrobarometer data in data rounds of both 2014/15 and 2016/18 confirm them to be more trustworthy than their elected counterparts.[120] In addition, district chiefs were cited as a possible source of assistance for citizens in need more than twice as often as their elected counterparts.

It should be noted that the surveyed reduction in trust levels in Agadez does not necessarily point to a clear causal relationship between the implementation of Law 2015-36 and the legitimacy of traditional authorities. Rather than being a unique characteristic of Agadez, data from other regions in crisis or conflict across Niger denote a similar reduction in the trustworthiness of traditional authorities.[121] It is important to bear in mind that frustrations with and negative perceptions of representatives of the traditional administration are more illustrative of their embeddedness in both state administration and local politics. As an intermediary institution, traditional authorities play a role in asserting the status quo, one in which participants of youth focus groups did not see themselves sufficiently represented. While they continue to be an entry point to the world of government, the socio-economic impact of Law 2015-36 could mean they have very limited scope to mitigate its consequences for local populations.

Besides a reduction in trust another dynamic became apparent whilst interviewing traditional authorities themselves. Asked about the governance provider that residents most often turn to, many district chiefs indicated international organisations with programmes in Agadez. One district chief stated, 'The population most often turns to international organisations, especially IOM.'[122] A similar argument was made by another district chief who explained that 'populations have more confidence in the international community, in particular IOM'.[123] These quotes indicate the extent to which external actors, including organisations with a primarily migration focused mandate, are increasingly seen as key governance actors.

The bigger picture that emerges is the overall positioning of traditional authorities within the governance system of Niger. As traditional actors are appointed by the executive, their formalisation into the Nigerien governance system has aligned them with central

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120 Respondents answered the following question: 'How much do you trust each of the following, or haven't you heard enough about them to say?' According to Afrobarometer data from Round 6 (2014/15), trust in traditional authorities (83%) is not only perceived higher than in national governance institutions (62%), but similarly higher than trust in other local governance institutions such as the elected local council (63%), presided over by the mayor. This still holds true in data collected in Round 7 (2016/18), where trust perceptions of Agadez respondents ranked highest towards traditional authorities (66%), compared to 32% (national parliament) and 39% (elected local council).

121 Afrobarometer. 'Afrobarometer data, Round 8', 2019. http://www.afrobarometer.org/online-data-analysis/analyse-online (Accessed September 2020).

122 Phone interview with Traditional Authorities Figure 3, Agadez, Niger, June 2020.

123 Phone interview with Traditional Authorities 4, Agadez, Niger, June 2020.

authorities.[124] This formalisation has been described as both an 'alliance'[125] and an 'appropriation',[126] depending on who profits from these arrangements. Recent case studies from Mali and Niger demonstrate how the integration into the state governance system in the process of democratisation has limited the role and responsibilities of traditional authorities.[127] This has exposed traditional authorities to state pressures that ultimately risk undermining their locally embedded legitimacy, as the example of Agadez described above illustrates.

As participants in the effort to centralise local administration,[128] traditional authorities have thus become implicated in state governance.[129] As authorities subordinate to the Ministry of Interior, their space to criticise policies or political representatives is effectively minimised, and they are tasked with encouraging citizens to comply with state policies[130] which risks uprooting their legitimacy.[131] In addition, and although they occupy a politically neutral position as part of the central administration, traditional authorities are often aligned informally to political parties – raising their role as influencers during elections.[132] In cases where a lower-ranking traditional leader supports a different political party then a traditional leader of a higher echelon of power, traditional authorities can be discharged.[133] This highlights the fact that their position

124 De Sardan, J.P.O., 2009. Gouvernance chefferiale et gouvernance associative dans les campagnes nigériennes. *Les pouvoirs locaux au Niger. Tome 1: A la veille de la décentralisation*, p. 15.

125 Schröder, U. 2018. 'Security'. In: Risse, T., 2018. Draude, A., Börzel, A. and Risse, T. *The Oxford Handbook of Governance and Limited Statehood*, Oxford: Oxford University Press. pp. 375-394.

126 Forster, T. and Koechlin, L. 2018. 'Traditional authorities'. In: Risse, T., 2018. Draude, A., Börzel, A. and Risse, T. *The Oxford Handbook of Governance and Limited Statehood*, Oxford: Oxford University Press. pp. 231-250.

127 Molenaar, F., Tossel, J., Schmauder, A., Idrissa., R. and Lyammouri, R. 2019. *The Status Quo Defied: The legitimacy of traditional authorities in areas of limited statehood in Mali, Niger and Libya.* The Hague: Clingendael Institute.

128 *Ibid.* p. 54.

129 Ubink. 2019. *Legal Pluralism, Capital and Democracy*, Speech, University of Leiden, 25 January 2019; Von Trotha, T. 1996. 'From administrative to civil chieftaincy: Some problems and prospects of African chieftaincy'. *The Journal of Legal Pluralism and Unofficial Law*, 28(37-38), pp. 79-107.

130 *Ibid.*

131 Böge *et al.* 2009b: 604 Boege, V., Brown, M.A. and Clements, K.P., 2009. Hybrid political orders, not fragile states. *Peace Review*, *21*(1), pp.13-21.

132 McCullough, A., Schomerus, M., Harouna, A., Maikorema, Z., Abdouramane, K., Dingarey, Z., Noura, I.M.M., Rhissa, H. and Rhissa, R. 2017. *Understanding Trajectories of Radicalisation in Agadez*. Overseas Development Institute. p. 44.

133 Molenaar, F., Tossel, J., Schmauder, A., Idrissa., R. and Lyammouri, R. 2019. *The Status Quo Defied: The legitimacy of traditional authorities in areas of limited statehood in Mali, Niger and Libya.* The Hague: Clingendael Institute. p. 55.

– while formally neutral state agents – is de facto politicised both within the traditional administration and in its interactions with other governance providers.

In addition to this process of formalization and at times politicisation, the number of mandates available for traditional authorities has gone up rapidly in recent years. As noted by one participant, positions of traditional authorities have multiplied in municipalities of Agadez region, a process considered to be undermining the hereditary legitimacy they hold.[134] This proliferation of chieftaincies – more a concern for traditional authorities above the position of district chief, such as village chief – has also been observed in other regions of Niger. The creation of a new traditional authority position formally takes place once a village district grows to a large enough size that allows it to form its own village. In these cases, the creation of traditional authority can provide a channel for previously excluded groups to ensure their representation, a process that older chiefs consider to be a devaluation of the hereditary chief position. At the same time, the creation of a new position can be susceptible to political influence and monetary resources. As expressed by an interviewee, describing the observed process in a municipality of Agadez region, 'they are created for political issues, for issues of electoral interest (…) it's cacophony'.[135]

While these governance dynamics in Agadez might be perceived as marginal microdynamics, they illustrate a wider dynamic of local governance in Niger, in which the involvement of local populations remains limited. This holds true for other local authorities as well, such as municipally elected officials. Since 2016, the National Independent Electoral Commission (CENI) has consecutively postponed municipal elections, invoking the requirement for a biometric electoral register.[136] As a consequence, the government has since extended the mandates of local elected authorities by six months. Opposition movements have criticised this circumvention of municipal electorates as a move that calls into question the very idea of decentralisation.[137] Ahead of presidential elections later in 2020, the latest

134 Phone interview with official from national conflict mediation initiative, Agadez, Niger, May 2020.

135 *Ibid.*

136 RFI. 'Report des élections locales au Niger: l'opposition mécontente', 6 October 2016. https://www.rfi.fr/fr/afrique/20161006-report-elections-locales-niger-opposition-mecontente-oumarou-noma (Accessed September 2020); VOA Afrique. 'Report sine die des élections municipales au Niger', 5 October 2016. https://www.voaafrique.com/a/report-sine-die-des-elections-municipales-au-niger/3537830.html#:~:text=Les%20%C3%A9lections%20municipales%20au%20Niger,Premier%20ministre%20nig%C3%A9rien%20Brigi%20Rafini.&text=Rafini.,-Aucune%20nouvelle%20date (Accessed September 2020).

137 Monde Afrique. 'La classe politique toujours divisée sur les élections au Niger', 18 July 2020. https://mondafrique.com/la-preparation-des-elections-continue-de-diviser-la-classe-politique-du-niger/ (Accessed September 2020).

postponement of municipal elections in July moved municipal elections originally scheduled for November to 13 December 2020, drawing criticism from both opposition and government parties.[138] In this context of repeatedly postponed municipal elections, legislative positions such as those of the mayor have been regularly deposed by ministerial decree and been replaced by a delegated administrator – as last happened in June 2019 in Agadez and other municipalities.[139]

Taken together, such issues related to different levels of government demonstrate the predominance of a hierarchical and centralised governance model in which the citizens of Agadez have a limited possibility of holding both traditional as well as elected authorities accountable for state policies.[140] Amid the political limitations of decentralisation, the migration control measures could be considered a magnifier of already weak local governance authorities. While the decentralisation process had already stalled prior to 2016, the political limitations of decentralisation have become most apparent under former Interior Minister Bazoum – in office 2016-2020. Since 2016, the decentralisation of power – as much a prerogative of the Ministry of Interior as migration governance – has taken a backseat. While first competences for basic services were formally transferred to the municipal level in 2017, the continued postponement of

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138 *Ibid.*

139 RFI. 'Report des élections locales au Niger: l'opposition mécontente', 6 October 2016. https://www.rfi.fr/fr/afrique/20161006-report-elections-locales-niger-opposition-mecontente-oumarou-noma (Accessed September 2020); VOA Afrique. 'Report sine die des élections municipales au Niger', 5 October 2016. https://www.voaafrique.com/a/report-sine-die-des-elections-municipales-au-niger/3537830.html#:~:text=Les%20%C3%A9lections%20municipales%20au%20Niger,Premier%20ministre%20nig%C3%A9rien%20Brigi%20Rafini.&text=Rafini.,-Aucune%20nouvelle%20date (Accessed September 2020). Niger Diaspora. 'Au conseil des ministres du mercredi 26 juin 2019: Examen et adoption de plusieurs projets de loi dont celui habitant au gouvernment a prendre des ordonnaces', 27 June 2019, http://nigerdiaspora.net/index.php/politique-niger/6794-au-conseil-des-ministres-du-mercredi-26-juin-2019-examen-et-adoption-de-plusieurs-projets-de-loi-dont-celui-habitant-au-gouvernement-a-prendre-des-ordonnances (Accessed September 2020) ; Niger diaspora. 'Gestion des collectivités territoriales: Trois maires révoqués pour mauvaise gestion', 1 July 2019. https://www.nigerdiaspora.net/index.php/politique-niger/6829-gestion-des-collectivites-territoriales-trois-maires-revoques-pour-mauvaise-gestion (Accessed September 2020).

140 Even if municipal elections scheduled for December 2020 could be the first test of how citizen discontent finds its expression on the ballot paper, the potential for elections to be direct accountability structures remains limited, as electoral preferences and voter engagement tend to be shaped by ethno-regionalism and clientelist incentives. See Ibrahim, Y.I. 'Guest Post: The 2016 Election in Niger: A Missed Opportunity?', 2016. *Sahel Blog.* https://sahelblog.wordpress.com/2016/03/30/guest-post-the-2016-election-in-niger-a-missed-opportunity/ (Accessed September 2020); Noura, M., Aissa, S. and Kabo, A.M. 2016. *The political economy of voter engagement in Niger.* Overseas Development Institute.

local elections and their replacement by ministerial degree is illustrative of the central level's refusal to free up local power.[141]

While analysing the effects of migration policies on governance providers in Agadez, it is important to consider the broader dynamics around traditional authorities into account. Their complex positioning as the first governance level for local residents and as representatives of the central administration puts them in a delicate situation. The attributing of migration governance to traditional authorities, as described above, underlines the dangerous repercussions that this intermediary role between central state authorities and local populations can hold for them. While their formalisation at once can contribute to enhanced legitimacy of state authorities, the example of migration governance in Agadez seems to demonstrate that the way traditional authorities are perceived can similarly be impacted by the actions of authorities at the central level. This precarious position of traditional authorities in society underlines the need for external programme planners to tread carefully when involving traditional authorities in projects with a migration focus.

2.3   Managing discontent

As a legacy of previous Tuareg rebellions in Niger's north, governance actors have adopted several mechanisms to mediate conflict and ensure stability in the region. This applies both to trafficking management strategies[142] and to discontent management strategies employed by both regional and local elites.

At regional level, both the High Authority for the Consolidation of Peace (HACP) and the regional council play a key role in the management of discontent. Originally set up to support implementation of the 1990s peace agreements with a particular focus on the Agadez region following two Tuareg rebellions in the last three decades, the HACP has since extended its role, acting as a central institution to mitigate grievances. To this extent, their role includes not only early warning and crisis management, but also gives them a central place in the construction and preservation of social peace.[143]

141 Lima, S. 'Gouvernance locale, migration et citoyenneté au Niger', 2018. *Hypothèses*. https://movida. hypotheses.org/1954 (Accessed September 2020). The first four competences transferred to municipal level are health, education, hydraulics and environment. Yet this transfer is still awaiting implementation, as the means to take charge of the four competences are effectively still lacking. See: République du Niger. 2016. *Loi n° 2016-075 du 26 Janvier 2016, portant transfert des competences et des ressources de 1 'Etat aux communes dans les domaines de 1 'Education, de la Sante, de I 'Hydraulique et de I 'Environnement, Vu la constitution du 25 novembre 2010.*

142 International Crisis Group. 2020. 'Managing Trafficking in Northern Niger', *Africa Report* N°285. Brussels.

143 Guichaoua, Y. and Pellerin, M. 2017. 'Faire la paix et construire l'État. Les relations entre pouvoir central et périphéries sahéliennes au Niger et au Mali'. *Études de l'Irsem*. p. 79.

For instance, in the Mali-Niger border region the HACP played an essential role in bridging the widening gap between aggrieved communities in Tillabery region and the state.[144] In Agadez, the HACP is a key institution of a preventive approach to instability and security, through community-centred mediation and dialogue formats.

The Regional Peace Committee constitutes an additional regional initiative to manage discontent. Headed by the president of the regional council, Mohamed Anacko, the body combines all sensitisation efforts in the region by bringing together traditional and religious authorities, state representatives and members of civil society. One of its initiatives is the 'Taghlamt N'Alkher', the Peace Caravan, which organises meetings to sensitise communities on issues such as the circulation of weapons, drugs and radicalisation. At regional level, this peace committee has been a central component of Niger's trafficking management strategies, successfully resolving clashes between rival traffickers and preventing communal clashes.[145]

The Peace Committee also manages discontent among unemployed young people by serving as a far-reaching platform for voicing discontent and providing a channel to address it. As explained by one interviewee, 'Dissatisfaction is detected from these structures, because they are practically installed all the way to the villages.'[146] Most recently, a meeting of the Committee led to a commitment for 200 young men from the city of Agadez to be integrated into the National Guard.[147] This is a notable move that beckons increased attention on grievances and their management not only at regional but also at local level. The integration of aggrieved populations into the military is a tried and tested strategy in Niger. First employed to integrate ex-combatants of the rebellions into the army, it was similarly employed in an attempt to manage grievances in the border region of Tillabery.[148] Such a commitment in Agadez reflects the perceptions of high-ranking officials, who believe recruitment of local youth is a win-win situation that enables both a more effective security response and a means to address youth discontent.[149]

Accompanying this regional approach, and in order to detect potential stability risks at an early stage, district committees have been set up to strengthen the mediation position of traditional district chiefs, who play a key role in mitigating discontent by residents. As governance authorities living side by side with residents of a district,

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144 International Crisis Group. 2020. *Managing Trafficking in Northern Niger*. Africa Report N°285. Brussels. p. 9.
145 *Ibid.* p. 15.
146 Phone interview with official from national conflict mediation initiative, Agadez, Niger, May 2020.
147 Air Info. 'Agadez: 200 places prévues pour les jeunes de la région dans le corps de la garde nationale'. June 2020.
148 International Crisis Group. 2020. *Managing Trafficking in Northern Niger*. Africa Report N°285. Brussels.
149 Phone Interview with senior politician, Agadez region, Agadez, Niger, June 2020.

district chiefs are also more accessible than other local authorities. This gives them an intimate knowledge of the comings and goings in their district. As expressed by one interviewed traditional authority, 'Any self-respecting Gonto must not let something happen in his neighbourhood without his knowledge.'[150] This description is in line with the general function of traditional authorities in other regions of the country.[151]

In the local governance structure of Agadez, district chiefs are heads of neighbourhood committees that have been set up by regional governance actors such as the Sultan and the Governor in an effort to improve local mediation capabilities. District chiefs are thereby supporting governance authorities at higher echelons of power through the sensitisation of citizens and the settling of conflicts at the micro level. In terms of conflict management, a Gonto notified of a complaint or problem would call on the committee composed of the Tambara, a religious authority such as the Imam, and a youth representative. This committee discusses any complaints brought forward, and makes a ruling that is communicated to the Sultan. The Sultan of Agadez, as chief of the traditional authorities, reinforces such efforts. In an effort to mediate tension, he visits the various districts of Agadez to listen to citizen complaints and boost the role of district chiefs. As one interviewed traditional leader described, 'The Sultan and the Gonto are the same team, because we are his collaborators. And whatever he asks us to do, we do it.'[152]

Yet despite mediation efforts, the role of traditional authorities as intermediaries between elected state authorities and local populations is under strain. Several participants in our focus group discussions note that the function and value of traditional authorities has altered significantly since 2016. Young male respondents in particular described district chiefs as powerless, unwilling to listen to their concerns and siding with state representatives instead of the local population.[153] As one respondent expressed it, 'Before (the law), the Gonto was attached to his population but this is no longer the case.'[154] This dynamic was echoed by a district chief himself who stated that, 'Right now the youth see the Gonto as responsible for other authorities. We have no means, but we are made responsible.'[155] Such findings are in line with the context of the increasing politicisation and instrumentalisation of traditional authorities described above which can, de facto, override previous perceived differences between traditional

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150 Phone Interview with Traditional Authority 2, Agadez, Niger, June 2020.

151 Molenaar, F., Tossel, J., Schmauder, A., Idrissa., R. and Lyammouri, R. 2019. *The Status Quo Defied: The legitimacy of traditional authorities in areas of limited statehood in Mali, Niger and Libya.* The Hague: Clingendael Institute. p. 58.

152 Phone interview with Traditional Authority 1, Agadez, Niger, June 2020.

153 Focus Group Discussion Youth 1 and Focus Group Discussion Youth 2, Agadez, Niger, May 2019.

154 Focus Group Discussion Youth 2, Agadez, Niger, May 2019.

155 Interview with Traditional Authority 3, Agadez, Niger, May 2019.

and modern authorities. Underlining his limited scope, one district chief explained, 'It's the law of the Republic, you are obliged to submit.'[156]

One exception in this regard seems to be the female chiefs of districts, the Tambara. As participants the women's focus group indicated, they regularly consult with their respective Tambara if they need to reach out to another authority. Along the same lines, women in the Tambara Focus Group clearly voiced their opposition to the migration governance, a view that was not expressed by any of their male counterparts. As one respondent expressed it, 'The Tambara are with the young – it is the young who have provided money for their families.'[157] Contrary to district chiefs, Tambara do not occupy a formally codified role, which would explain why their position is less associated with policies implemented by local authorities and central state representatives.

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156 Phone Interview with Traditional Authority 1, Agadez, Niger, June 2020.
157 Focus Group Discussion Women Leader, Agadez, Niger, May 2019.

Conclusions

Mobility has played an important role in Niger's north throughout its history. Local populations, in response to droughts or shifting border regimes in Libya and Algeria, have traditionally been able to make changes to their livelihood strategies and have shown a remarkable capacity for adaptation, often by utilising mobility as a way of livelihood diversification. But since the early 2000s, and particularly since 2016, mobility has come under pressure and there are fewer options for income generation, due to increased collaboration with Western countries who aim to curb irregular migration from Africa to Europe. The creation of the European Trust Fund (EUTF) for stability and addressing the root causes of irregular migration and displaced persons in Africa bundled these efforts together into a powerful instrument which, in Niger, led to a migration paradigm based on a securitised approach to migration, while at the same time attempting to offer economic incentives not based on mobility. On the whole, local disappointment with programmes emanating from these policies seems to point to a failure on the part of implementing organisations to sufficiently reach those who have suffered income losses due to migration policies and to shift the overall economy back into gear. The justification of migration policies in Niger and the wider region is constructed through a set of narratives that are recurrent throughout policy documents, calls for proposals and general communication about migration-related activities in the Sahel. In their implementation in Agadez, these narratives point to a crowding out of existing forms of governance by new legal and international norms based on territorial control, the fight against transnational crime, and the protection of migrants against smugglers and traffickers – concepts that are often conflated.

This paper has set out the emerging longer-term dynamics in the region in response to the criminalisation of smuggling in Niger in 2015 and the measures subsequently taken to curb northward migratory movements. It has discerned such effects on the local economy and on the perceived trust of governance providers who are often in charge of detecting and managing discontent.

The economy of the north has taken a serious blow since 2016, in part due to implemented migration measures. While some sectors seem able to cope and adapt to a tough business climate, a large proportion of the population, especially young people, struggle to find employment opportunities. Infrastructure remains a key problem for businesses and residents alike, with poor roads and electricity provision hampering economic development. More profound developmental challenges facing the region in terms of its economic development, such as road infrastructure, efficient energy and water supply and access to healthcare, have often been ignored, slow to be tackled or given too little attention by international programmes. This exposes the fact that

the programming focus of many interventions in the region has for too long been on migration issues, while there are other more urgent matters to address from the perspective of local residents. It fits within a tendency where even normal development interventions increasingly include a component to help prevent migration or deal with its impacts. Half a decade after promises of investment in the region were made in exchange for cooperation on migration issues, measures that might have a positive impact on local development are still lacking.

In addition to a challenging economic situation that offers little prospects, migration governance has, since 2016, aggravated strains on local authorities in Agadez. This paper has shown that as well as having a significant impact on locally elected authorities, migration governance has also put strains on traditional authorities at the lowest level of governance. At a crucial entry level between the state and its citizens, traditional leaders find themselves in a delicate position in which they have come to be perceived as complicit with the unpopular migration policies of the central state. Such dynamics take place in a context where central state efforts to centralise power have led to the continued postponement of municipal elections and have resulted in the installation of centrally appointed administrators. In this context, international organisations working in migration programming are perceived as having taken on a broader governance role in Agadez, and have been identified as key governance actors by authorities at the local level. Yet, while international organisations rely on district chiefs to provide participants for workshops and training sessions, the actual impact of those local governance actors on project design and priority setting remains very limited.

Trust in traditional authorities, while still higher than trust in other governance providers, has seen a steep drop in recent years. While one should be careful of attributing the full blame for such developments on external migration programming, migration policies have, nevertheless, showcased the potential to upset the delicate balance between the state and local residents which traditional authorities are able to maintain. In the context of Niger's north, that is a dangerous dynamic.

The slacking economy, combined with a declining trust in governance providers, begs the question of regional stability. Nigerien governance actors are well aware of the fact that complex governance dynamics in Agadez are not linked to migration. While international actors in Agadez continue to operate with a predominant migration focus, regional and local governance actors put great emphasis on the management of discontent and the preservation of social peace. In the legacy of repeated uprisings, these close-knit initiatives illustrate the importance of not losing sight of more structural governance factors in the preservation of stability. In order to not upset such a precarious balance, they need backing that is based on conflict-sensitive programming and which avoids a political or ideological undertone.

At a more fundamental level, the situation in Niger's north displays the inherent mismatch between the international norms and legal frameworks being put in place under the guise of migration management on the one hand, and local needs in terms of development, governance, and mechanisms for mediation and conflict prevention on the other. If this analysis of economic hardship and challenges of local governance providers is any indication, migration programming could undermine livelihood strategies and governance structures in Agadez and might therefore have a negative effect on the stability of the region.

Recommendations

The Agadez region has often been negatively affected by shocks, although its population has shown a remarkable level of resilience in overcoming periods of strain. The effects of repressive migration policies could thus be placed in a longer-term perspective. This is especially relevant in a context in which migration governance in northern Niger is often considered a blueprint of migration governance in the region. If Agadez can be considered a micro-laboratory of migration governance in the Sahel, what implications can be drawn for policy makers and organisations implementing projects in the region?

To the European Union and its member states

(i) At a time when the EU and its member states are in the process of concluding discussions concerning the new Multiannual Financial Framework for 2021–2027 and are similarly revising the 2011 Sahel Strategy, it is important to critically rethink some of the concepts and assumptions that have underpinned its interventions in the past years.

– Mobility is a crucial part of the Agadez region's history, both culturally and economically. *Policy makers should recognise that interventions aimed at altering such realities do not resonate locally and are unlikely to achieve positive results in the longer term.* Niger's international partners continue to approach Agadez primarily through a migration lens and regional audiences have to some extent learned to adapt to the dominant EU narrative. The EU and its member states should, however, be mindful of the fact that amid a history of mobility as a resilience mechanism, this adaptation is most notably a reflection of the conditionality of the dominant funding stream in the region that risks overshadowing other more pressing concerns. *Four years after the implementation of migration Law 2015-36, the approach should be broadened to include issues of local governance and decentralisation.*
– Narratives in which migration is continuously framed as a problem and in which concepts like smuggling, trafficking and organised crime are conflated have not been helpful in devising policies that are grounded in local contexts. *It is important that policies are based on analyses that take the political economy of Niger's north into account* in order to avoid single-issue policymaking that has negative effects on local economies and governance providers.

(ii) The EU proposal to significantly increase budgets earmarked for migration programming in its external action budgets currently under review could, in this context, be considered problematic. As previous Clingendael publications have indicated, the challenge for policy makers is to not put the cart before the horse but rather to invest in

institution building while avoiding reliance on authorities for securitised collaboration on migration matters.

It is therefore important to *keep the earmarking of migration funds in the new Multiannual Financial Framework to a minimum*. The proposed ceiling of 10 percent constitutes a significant increase in earmarked migration funding and should be considered as the absolute upper limit – and preferably be revised down. *In addition, funds made available for external action should not make receiving development funds conditional upon cooperation on migration matters*.

(iii) The relative success of some sectors has shown that local populations are well able to redirect their energy towards sectors that can ultimately prove rewarding, when conditions permit.

In order to have a lasting impact on development in the region, investments in infrastructure (roads, electricity, water) should be considered as an enabler for a better business climate and a multiplier for economic development.

To organisations (UN, international NGOs, development agencies) implementing projects in Agadez region

(i) The absence of outright discontent or signs of new rebellion is more likely to be the consequence of successful national, regional and local conflict-management initiatives than of current programming being conflict sensitive.

Such initiatives should be supported, albeit indirectly – for instance through the financing of conflict resolution initiatives proposed as a result of consultative processes. International partners should be careful not to strengthen existing central state structures that might be perceived as exclusionary, and should rather focus on inclusive dialogue with a broad set of local governance actors.

(ii) In the city of Agadez, international implementing organisations are operating in a governance dynamic in which citizen discontent does not translate directly into electoral accountability and where – amid repeated postponements of municipal elections since 2016 – voting on local governance actors has not been registered since 2011. As a consequence, citizen input into local governance remains limited.

International partners of Niger should be mindful in their programming of the ways in which they are affecting municipal governance actors and the ways in which their actions might contribute to how these actors are viewed by their electorates.

(iii) Organisations implementing projects in Niger's north should remain conscious that migration programming, or projects with a clear migration component, can undermine

livelihood strategies and tower over governance structures in Agadez. They could therefore have a negative effect on the stability of the region.

While devising specific programming, framing traditional development projects through a migration lens should be avoided. Long-term commitments based on in-depth assessments of needs and with a clear understanding of the political economy of the north are key to avoiding negative side effects of programming.

While a large part of the economy is informal and some parts of it illicit, there are opportunities to enhance income generation through investments in the formal economy. *Analysing the success of certain sectors for their potential merits to the wider economy would provide a good entry point for an organisation seeking to provide development assistance.* Such investments would have the added advantage of offering an alternative to young people, who may otherwise be drawn to illicit activities.[158]

(iv) Several respondents in this study noted the limited voice that municipal governance actors have in project implementation. They also indicated that they have come to perceive international organisations as some of the most relevant governance actors of Agadez.

As implementing organisations are de facto perceived as governance actors, they should take into account the microdynamics of governance in Agadez. As elsewhere in the Sahel, the involvement of local governance actors in project planning remains limited. Given the crucial role that traditional authorities play in managing discontent and tension at the local level, *implementing organisations should aim to include their knowledge and experience in the project planning phase.*

International actors need to avoid the perception that they are parallel governance actors towering over local authorities. At best, this is unsustainable as it runs counter to local authorities' ability to effectively govern on their own terms. At worst, it risks the outright undermining of local authorities.

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158 International Crisis Group. 2020. *Managing Trafficking in Northern Niger*. Africa Report N°285. Brussels.