

# **ALGERIA, MOROCCO, TUNISIA: A COMPARATIVE PERSPECTIVE ON MAGHREB COUNTRIES' MIGRATION COOPERATION WITH THEIR WEST AFRICAN NEIGHBOURS**

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Policy Study

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# Executive Summary

This policy study comes at a very significant time as it witnesses the commitments made by the Heads of State and Government of the member states of the African Union (AU) and the European Union (EU) during the 6th EU-AU Summit that took place in February 2022. It also comes at a time when Europe, and the whole world, is witnessing autocracies of an unjustified war on Ukraine. Regarding the first event, the EU has committed to allocating at least €150 billion in support of the ambition for the Agenda 2030 and the AU Agenda 2063. A substantial part of it is assigned to attaining the 6th EU-AU Joint-Vision commitment: “An enhanced and reciprocal partnership for migration and mobility”.

Through joint actions, both partners commit, among other things, to “prevent irregular migration, enhancing cooperation against smuggling and trafficking in human beings, supporting strengthened border management and achieving effective improvements on return... finding durable solutions for those asylum seekers, refugees and vulnerable migrants in need of international protection and commit to revitalise the work of the joint AU-EU-UN Tripartite Task Force... and addressing the root causes of irregular migration and forced displacement, and enhance cooperation on tackling all issues related to migration” (EU-AU Joint Vision).

As for the war in Ukraine, by the time this report was being finalised, almost 5 million Ukrainians had already fled their country, seeking refuge in various European countries, according to updated data from the United Nations High Commissioner for Refugees<sup>1</sup> (UNHCR). The swift and effective responsiveness of the European Commission (EC) (to activate a “never-used mechanism” that could pave the way for the millions of Ukrainians to find shelter across the EU) has definitely restored faith in the “*idea of Europe*” as well as in the United Nations General Assembly Resolution 429 pertinent to refugees and asylum rights; and proves that human mobility might remain an unpredictable demographic phenomenon that entails a high level of policy preparedness and interventions.

This is why, for instance, the fourth objective in the EU's New Agenda for the Mediterranean (2021-2027) seeks to “jointly address the challenges of forced displacement and irregular migration and facilitate safe and legal pathways for migration and

<sup>1</sup> See UNHCR (April 2022): <https://data2.unhcr.org/en/situations/ukraine>

mobility.” With this, the EU aspires to carry into effect the pending New Pact on Migration and Asylum, set out by the EC since 2020, and enforce the Africa-EU Migration and Mobility Dialogue (MMD), which encompasses the Rabat Process (since 2006), the Khartoum Process (since 2014, also known as the Rome Declaration), and the Continental Dialogue (since 2007).

In light of these migration dynamics, this EuroMeSCo Joint Policy Study offers comparative perspectives on the cooperation dynamics between North and West Africa as well as between African and European partners in the field of migration governance. The four chapters tackle interdependent points pertinent to inter/intra-regional cooperation across the Maghreb-Sahel and the EU. Through in-depth analyses of the remaining gaps in research, the study looks closely at issues relevant to the development and implementation of national and regional migration strategies, diaspora policies, the EU borders’ externalisation, and the role of local civil society actors (CSA) in policy-making. The analyses yield policy recommendations that could inspire relevant stakeholders for the sake of strengthening the South-South (North and West Africa) and North-South (EU and North-West Africa) migration cooperation. The recommendations are clustered under four thematic sections:

#### ***Migration policy in the Maghreb***

- In Morocco, decision-makers should invest more political will and logistics in the implementation of the National Strategy for Immigration and Asylum (SNIA). Both Algeria and Tunisia need to swiftly and effectively enact a comprehensive policy framework in order to ensure the fundamental and social rights and protection of migrants.
- North African leaderships need to redesign innovative dialogue mechanisms for orchestrating more efficient policy frameworks. Algeria and Morocco need to act responsibly toward the future of the whole region and its people, including the immigrants therein.
- The EU ought to redirect its policies and resources towards strengthening mechanisms and infrastructures that would guarantee the rights of migrants and refugees, rather than investing solely in border control.

#### ***Diaspora policies in West Africa***

- African and European policy-makers should strengthen diaspora engagement approaches through greater international and transregional coordination, wider diaspora participation, mainstreaming measures correcting inequalities, and



investing more in data and research.

- States should develop comprehensive approaches that include South-South, South-North, and North-South diasporans living in different countries, with different legal statuses, and with different education levels. They also need to address different kinds of financial, human and social capitals to facilitate diaspora contributions beyond national development and economic growth.
- They should advance policy coherence notably by fostering synergies between diaspora, migration and development policies, and other relevant policy areas. They also need to align measures adopted at the local, national and international levels.

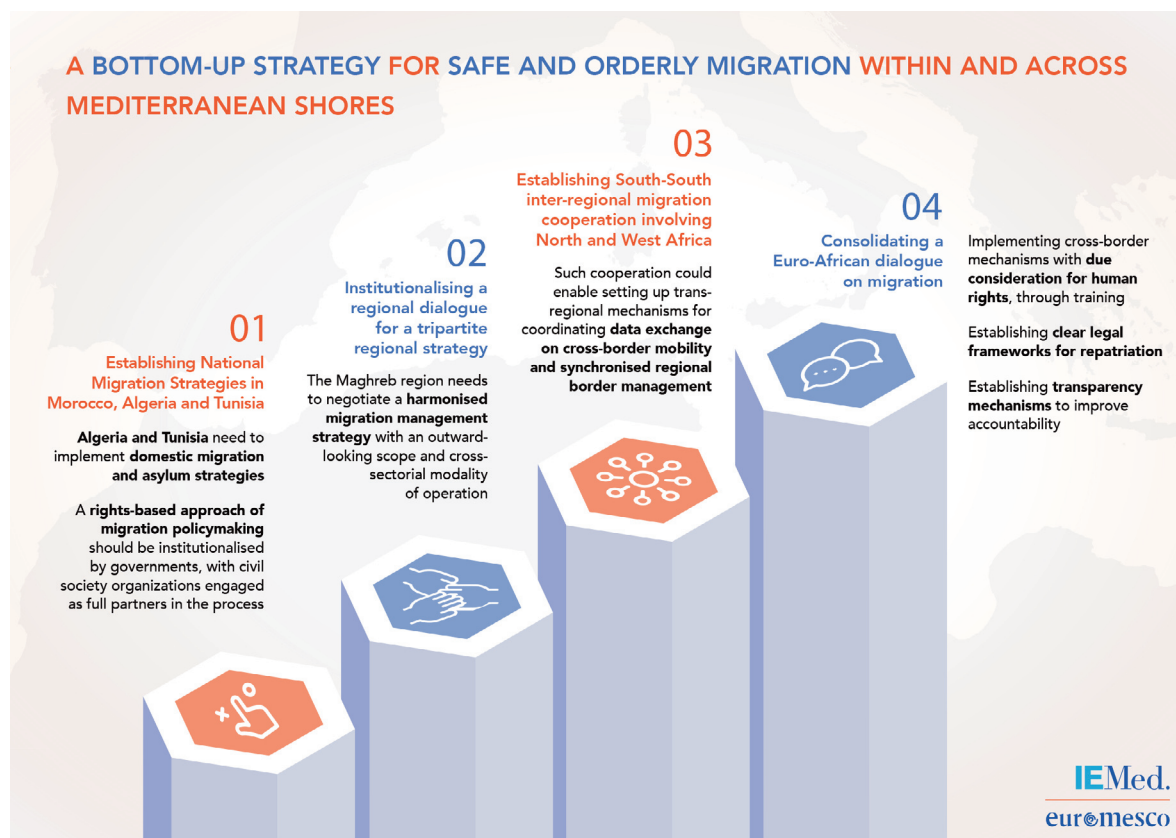
#### ***Algeria-Niger and EU-Niger cooperation***

- Cooperation between states should include understanding the effects that it has on the people on the ground and should not be aimed exclusively at political gain at the state level.
- The EU should explore ways to fight human smuggling through non-securitised and non-police approaches and shift to alternative less-impacting approaches, opening more legal pathways for migration.
- Cooperation efforts should be based on people-centred approaches to migration that would take into consideration evidence-based research on the negative repercussions on the ground of fighting against human smuggling.

#### ***CSOs roles in policy-making in the Maghreb***

- Civil society organizations (CSOs) in the Maghreb region need to actualise a full-spectrum of migration human rights advocacy discourse by building on their regional collaborations with sister international civil society organizations (ICSOs); multiply such forms of collaboration, and bring the EU to consider the issue of human rights and political reforms as a top priority in all political dialogues conducted under the European Neighbourhood Policy (ENP).
- CSOs have the opportunity to promote trust in international migration as a beneficial "non-excludable and non-rivalrous" global public good for everyone by forging inclusive objectives framed within national and regional agendas for human mobility.
- Attention needs to focus on up-scaling local small associations into national profiles by providing tailored technical support and capacity-building to small entities so that they can better integrate into national and regional non-governmental organization (NGO) landscapes.

The transition North African countries have experienced from emigrant into transit and



# Introduction

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destination countries for migrants marks a turning point in the migratory history of the region during the current decade. National governments therein have been investing efforts and logistics in collaboration with the European Union (EU) partners since the Rabat Process was put into effect in 2006, and the West African region since the Euro-African migration for development dialogue, in 2007, in order to cope with the new migration trends. Several achievements have been accomplished at the policy level. We have, for instance, the launch of the National Strategy for Immigration and Asylum (SNIA) in Morocco (2014), the EU-Tunisia Mobility Partnership as a negotiation framework for future cooperation on readmission (2014), and the legislation of the National Migration Strategy in Tunisia (2017).

However, North and West Africa's demands for ensuring safe and humane migration flows and management continue to be challenging as the continuous influx of sub-Saharan mobility toward North Africa and Europe proves the insufficiency, if not the inefficiency, of the manners by which policies are being formulated and implemented. Arguably, several reasons explain this dilemma. First, the weak regional policy coordination due to the long-lasting Moroccan-Algerian conflict remains a major obstacle to much-needed cooperation and relations between the two countries. The conflict also hinders regional trade and development with Tunisia. Unfortunately, until this major issue is resolved, the chances for collaboration to solve the many problems facing the southern shore or to build a joint and mutually beneficial cooperation with sub-Saharan countries remain slim.

Second, the political situation in Libya since 2011 has forced a huge number of migrants (official data is non-existent), including a very large number of sub-Saharans, who were living or transiting through Libya,

to seek refuge and economic subsistence in Tunisia. The recent closure of several routes taken by sub-Saharan migrants to enter Libya has diverted them to Algeria.

Third, the acute level of policy fragmentation and the absence of implemented national strategies to guide transit management, border management, integration, migrants' human and gender rights, human trafficking, smuggling, fight against cross-border organised crime, and displacement, among others, hinder effective and coordinated responses for "safe and orderly migration and asylum" management.

Fourth, the situation in the Sahel is not much different. The fragile socio-political situation in several West African countries along with the weak and visibility-lacking intra-regional migration cooperation between North and West regions deepen the vulnerabilities of uncountable numbers of undocumented migrants (many of them are women and children) across borders and within the national soils of the three Maghreb countries. Fifth, the COVID-19-related mobility restrictions and several border closures have amplified this trend, as many had to interrupt their journey to Europe and stay in North African countries. This situation has in turn unveiled rampant challenges related to immigrant integration.

At the EU level, Objective 4 of the New Agenda for the Mediterranean (2021-2027), the ongoing debate about the New Pact on Migration and Asylum set out by the European Commission (EC) (since 2020), and the African Union (AU)-EU Migration and Mobility Dialogue (MMD 2007) are all continuous efforts that aim at forging synergies with mutually-shared responsibility in order to link migration to development and render South-North human mobility more dignified. However, the efforts invested by the EU in its Southern Neighbourhood (SN) do not seem to have managed to

stop the spill-overs. During the last ten years, security approaches have increasingly been dominating and influencing transnational approaches in the negotiation of EU policies on African migration.

Moreover, one cannot deny the fact that the lack of political support of some northern countries for the 2018 Global Compact for Safe, Orderly and Regular Migration sets a real obstacle to the adoption of inclusive migration policies. While the EU wants a greater control of the movement of people from the South (due to security, economic and cultural considerations), Africa is expecting a better organisation of human mobility, capable of contributing to the development of the countries of departure and, if required, of the countries of transit. For instance, the motivation by which most EU member states have reacted to the Ukrainian refugee crisis has raised several questions about the “double-standard” by which the same states reacted to the Syrian refugee crisis in 2015, and their approach to migration from Africa. This duality of treatment is fuelling the question of whether or not the SN’s migration northward is truly restricted to structurally socioeconomic and politically complex challenges, as it has often been described; or it is also an ethical crisis that requires a paradigm shift in the policy-making mind-set.

Against this background, there is a growing need to reflect on strengthening South-South and South-North coordinated management of various aspects contingent to human mobility and the living conditions as well as the future aspirations of immigrants. These include harmonising bilateral and regional migration management policies; coordinating data exchange of human mobility; effecting synchronised national and regional border management; ensuring the implementation of cross-border migration human rights mechanisms, enforcing re-

gional and transregional diaspora engagement and the involvement of domestic civil society actors (CSAs) in policy legislation processes, among others.

In this context, this Joint Policy Study seeks to entertain four focal points related to: 1) regional policies in the Maghreb; 2) the regional and transregional relevance of West African diaspora policies; 3) the Algeria-Niger bilateral cooperation in light of the EU borders’ externalisation process; and 4) the role of civil society organizations (CSOs) in the policy-making consultations in the Maghreb. The study offers comparative perspectives on the cooperation dynamics among Algeria, Morocco and Tunisia; and between them and their West African neighbourhood as well as the EU partners in the field of migration governance. In-depth deskwork and policy analyses, besides interviews (in the third chapter), were the main sources of data. All chapters propose call-for-action recommendations tailored to both themes of analysis as well as the focal regions. In addition to this introduction, the study is structured around four chapters.

In the first chapter, Abdeslam Badre analyses the extent to which broader geopolitical and socioeconomic specificities influence the migration policy-frameworks and patterns in Morocco, Algeria and Tunisia. He scrutinises the way the lack of horizontal dialogue across the region due to diplomatic tensions further complicates the task of forging sustainable resolutions to a sensitive subject such as migration. The chapter first analyses the broader geopolitical and socioeconomic contexts that shape the pursued immigration policies in each of these three countries. Moving beyond the national borders, it embarks on how the bilateral diplomatic tensions between Morocco and Algeria are impacting the whole migration debate regionally, and discusses the potential roles both the AU and EU could play as mediators.

The chapter is based on comparative analyses of qualitative deskwork data.

The second chapter, written by Irene Schöfberger, explores diaspora engagement efforts in the Economic Community of West African States (ECOWAS) and its member states, and their relevance for broader regional and Europe-Africa negotiations on migration governance and development. To begin, the chapter explores West African national and regional policy effort with regard to emigration and the diaspora. It does so by dedicating particular attention to the inter-linkages between migration and diaspora policies, the 1979 ECOWAS Protocol on Free Movement of Persons, Residence and Establishment, and development-related policies and strategies. Then, the chapter explores the ways diaspora engagement processes have been integrated into transregional negotiations on migration across West and North Africa and Europe. The study draws on an analysis of policies and strategies, as well as of related secondary literature on diasporas, migration and development.

Linking North to West Africa, the third chapter, written by Ekaterina Golovko, interrogates the ways Algeria and Niger frame their bilateral cooperation within a larger process of externalisation of the EU borders. The chapter seeks to look closely at these processes and understand the way the complex entanglements of cooperation efforts have affected different players besides the ones involved in the bilateral cooperation. The chapter starts with the overview of inter-regional mobility and the chronology of expulsions from Algeria

to Niger. The Algeria-Niger migration cooperation is analysed through the unwritten agreement on expulsions of Nigerien citizens from Algeria. The chapter focuses on the externalisation of the EU borders to third countries, and specifically to Niger, to demonstrate the way European external action processes on migration are impacting the ecology of mobility in the region. The chapter also underlines some aspects of cooperation between the EU, Algeria and Niger that reciprocally influence their cooperation; deskwork literature analysis, phone interviews and fieldwork interviews were the three sources of the data used for this chapter.

Finally, in the fourth chapter, Abdeslam Badre takes stock of the CSOs' interactions and involvements in shaping migration policies in Tunisia, Algeria and Morocco. It sheds light on the roles CSOs in the three countries play in the migration policy-making and consultation processes by, on the one hand, mapping the local CSOs' fields of interactions in the policy-making processes and scrutinising the barriers that confine their full participation in these processes, particularly during the past ten years (2011-2021), taking into account the contextual differences between the three countries. On the other hand, it explores the dilemma CSOs are facing with regard to the EU's externalisation of migration policies that are applied to third countries of the SN. The analysis draws on a comparative study based on a taxonomy of data collected from selected policy reports specific to the focal countries and which have been generated over the last decade.

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# **Rethinking the Migration Dialogue in the Maghreb Region**

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## Introduction

Although Morocco, Algeria and Tunisia (hereafter Maghreb region) have a long history with mobility of people and goods linking the Sahara with the Mediterranean shores, their transition from emigration into transit and destination countries during the current decade marks a turning point in their migratory trajectory. Domestically, this transition has urged them to reconsider their migration policies in response to the socioeconomic, human rights and security-related exigencies imposed by the growing number of immigrants. Transregionally, it is clear that the response to the increasing number of irregular migrants required a synergic collaboration among countries of origin, transit and destination because they are all affected by the migration routes linking Central, West and North Africa to Europe. As a response, Morocco, Spain and France initiated the Rabat Process in 2006,<sup>2</sup> which is now considered as one of the most advanced mechanisms for Euro-African dialogue on migration and development. Still, the region and the European Union (EU) are far from the goal of “Safe, Orderly and Regular Migration”, called for in the 2018 Global Compact for Safe, Orderly and Regular Migration (GCM).

True enough, the migration challenges might seem similar across the region as they are pertinent to management, integration, repatriation, readmission, and border protection from smuggling and cross-border organised crimes. However, the key difference resides either in inefficacies of the implementation of a national strategy (as is the case of Morocco) or absence thereof (as is the case of Algeria and Tunisia). Additionally, differences in socioeconomic and political structures require different approaches to migration in each country. Furthermore, the absence of intra-Maghreb co-

ordinated migration dialogue, due to the political situation in Libya and the long-lasting Moroccan-Algerian conflict, makes it more difficult to foresee a unified regional strategy. Finally, for so long, the EU has tended to deal with the Maghreb region as a single block of countries with homogeneous migration patterns, overlooking structural geopolitical and economic differences. Therefore, putting these factors into perspective is crucial to understanding the migration dynamics as well as the contextual forces that shape them.

The objectives of this chapter, accordingly, are twofold. At one level, it analyses the extent to which broader geopolitical and socioeconomic specificities influence the migration policy frameworks and patterns in Morocco, Algeria and Tunisia. At another level, it scrutinises how the lack of horizontal dialogue across the region due to diplomatic tensions further complicates the task of forging sustainable resolutions to a sensitive subject such as migration. The central argument here revolves around the premise that, on the one hand, understanding the national migration policy framework entails comprehending the domestic political and socioeconomic challenges and aspirations of each country. On the other, establishing an intra-regional dialogue across the Maghreb is crucial for designing country-specific as well as region-specific models for orderly and human migration patterns. However, the frozen Moroccan-Algerian diplomatic relations impede regional synergies and urges for designing alternative paths. In light of these objectives, the chapter addresses two questions:

- Nationally: how do geopolitical and socioeconomic factors impact and shape the migration policy frameworks in each of the three countries?

<sup>2</sup> Also known as the Euro-African Dialogue on Migration and Development.

- Regionally: in light of the Moroccan-Algerian conflict, what roles can the African Union (AU) and the EU potentially play to move forward the regional debate on migration?

The chapter first analyses the broader geopolitical and socioeconomic contexts that shape the pursued immigration policies in each of the three countries. Moving beyond the national borders, the second section embarks on how the bilateral diplomatic tensions between Morocco and Algeria are impacting the whole migration debate regionally; and discusses the potential roles both the AU and EU could play as mediators. Third, and finally, the chapter proposes country and region-specific policy recommendations.

The study is based on qualitative deskwork data analyses. The latter is thoroughly selected from national and international policy and, to a lesser extent, academic reports that are relevant to both the theme and geography of the study, and which were generated between 2003 and 2021. A thematic taxonomy was adopted in order to classify the literary dataset under geographical blocks. Then, systematic contextual and comparative analyses were conducted to understand the similarities and differences in the pursued migration policies in each country. Finally, the focus on the Moroccan-Algerian conflict is motivated by the intent to explore alternative solutions for reactivating a regional dialogue, bringing to the forth the potential roles of both the AU and EU as mediators. Notably, the study could have immensely benefited from first-hand fieldwork data. However, logistical and mobility restrictions imposed by the COVID-19 pandemic made it extremely challenging due to the complete or partial closure of almost all administrations and organisations throughout the region during the period of the research.

## Migration policy landscapes in the Maghreb

The three Maghreb countries share several characteristics. They have a long history with migration and share borders either with each other and/or with other Sahel countries (as in the case of Algeria). They are active members within the AU and aspire to maintain long-lasting partnerships with the EU within the framework of the Southern Neighbourhood (SN) cooperation. They are also characterised by mixed migration patterns and challenged by a considerable immigration influx. Yet, their approaches to immigration diverge more than converge. While they are dynamic in terms of immigration policy responsiveness, each country follows different strategies due to individual geopolitical and socioeconomic specificities, which partially explains the existing lack of coordination among them.

### Morocco and the ambition for a regional leadership

In 2014, Morocco put into effect a comprehensive National Strategy for Immigration and Asylum (SNIA) as a response to the increasing number of sub-Saharan immigrants and their inhumane living conditions. The SNIA paved the way for three important pieces of legislation. The first concerns human trafficking; and the other two concern migration and asylum. In the same year, the government launched the first wave of status regularisation, issuing residency permits to several thousands of informal immigrants (HCP, 2019) and asylum seekers. By the second wave in 2016, 50,000 immigrants and a few thousand refugees from over 110 countries received residency permits; two thirds of them came from West Africa (HCP, 2019). Under this new policy, the issued residency card is valid

Each country follows different strategies due to individual geopolitical and socioeconomic specificities, which partially explains the existing lack of coordination among them

for 3 years, and is automatically extended if the cardholder commits no violations.

In 2018, the Moroccan government released the first Programmatic Progress Review (PPR) about SNIA. It highlights data about the immigrants who could now access the job market, public healthcare and child education. In 2019, the International Organization for Migration (IOM) reported over 100,000 immigrants and refugees have settled in 41 Moroccan cities with jobs mostly in informal service sectors. Additionally, over 10,000 children have been admitted to schools (HCP, 2019). Over 65% came from West African countries: 20% from Ivory Coast and Senegal; 15% from Mali and Democratic Republic of Congo; and 10% from Niger, Benin, Togo and Nigeria (Migration Data Portal, 2021). These reforms have encouraged more sub-Saharan immigrants to go to Morocco on visa status to pursue studies and land jobs, or with the hope to cross to Europe.

The EU and the United Nations (UN) saluted the initiative and hoped that it would inspire other neighbouring countries to pursue similar paths. Yet, a study by the Swiss Agency for Development and Cooperation (SDC) explored the linkages between migration and the 2030 Agenda for Sustainable Development and stated that:

“there is frustration among civil society actors, as well as increasingly within the international community, about the Moroccan government’s pending commitments to pass legislation and allocate resources for SNIA’s various components” (Lowe et al., 2020).

Additionally, domestic organisations such as the Antiracist Advocacy Group in Support of Foreigners and Migrants (GADEM) noted a discernible gap between the promised ambitions of SNIA and its actually implemented programmes. Finally, in 2021,

the Global Detention Project (GDP) questioned the country’s unjustified delay in updating the migration and asylum legislations:

“As of mid-2021..., Law No. 02-03 of 11 November 2003 (the Migration Act), which provides key detention provisions and criminalizes irregular entry of both migrants and asylum seekers is still the same” (GDP, 2021).

The government does not deny the possible existence of sporadic cases of breaches of immigrants’ rights, and attributes them to the lack of awareness and capacities of law-enforcement agencies in matters of migration laws. The country’s 2018 PPR report admitted that “it is necessary to continue efforts to raise awareness and train territorial actors in the area of migration management and to promote networking and the sharing of experiences in this field” (PPR, 2018). Despite the existing deficiencies in the implementation of SNIA, Morocco sees immigration as an invaluable gateway to strengthen its geopolitical and economic position within Africa and with its European partners.

With the scarcity of natural resources, the country is aware of the economic opportunities the African markets offer for off-shoring businesses and investments. In 2015, the Moroccan King conducted dozens of diplomatic tours to several African countries to accelerate bilateral cooperation. Following these visits, the Nigeria-Morocco Gas Pipeline agreement was launched in 2016. Additionally, due to the recurring diplomatic standoffs it has witnessed with several EU states (France in 2019; Germany in 2021; and Spain in 2021), the country has understood the importance of weaving diversified international economic and diplomatic relationships instead of relying solely on traditional allies (Badre,

2021). Geopolitically, Morocco's long-lasting conflict with the Polisario Front and Algeria dictates that the country should regain its seat within the AU and establish more bi- and multilateral relations with as many African states as possible. Finally, Morocco aspires to lead the fight against extremism, and it is continuously involved in combating it in the Sahel region along with its allies.

Therefore, Morocco's overall migration policy and the implementation of SNIA should be read within this integrated aspiration to claim a leading role within the region. We expect to see more migration policy developments and actions taken by the decision-makers in favour of sub-Saharan immigrants. For instance, more recently the country has signed five agreements on migration policy management with Mali, Gabon, Chad, Burkina Faso and Mauritania; and seven others are on the way.

### **Algeria: invisible immigration policies**

Just like Morocco, Algeria's immigration policy is largely influenced by the national political agenda and geopolitical environment of its neighbours. For so long, the country's rich natural resources and long shared borders with five countries on both North and West Africa have been two important pull factors for thousands of sub-Saharan immigrants. The fall of Gaddafi's regime and breakout of the Libyan conflict led thousands of the sub-Saharan immigrants therein to flee to Algeria, despite the tight border control. This situation has put more

pressure on Algeria. The Head of Mission of the International Organization for Migration (IOM) in Algeria declared that an average of 500 people cross the border into Algeria in an irregular way every day (Knoll & Teevan, 2020). Data from the United Nations Department of Economic and Social Affairs (UN-DESA) in 2020 revealed that approximately 250,000 including 100,000 refugees live on Algerian soil. The reality on the ground suggests that the actual number is higher than what available data reveals.

However, unlike Morocco, Algeria's immigration approach is rather invisible, less coherent and tends to take a hard line on informal immigration. The country has been quite active in the international migration debate, and has been involved in major international conventions.<sup>3</sup> Meanwhile, it lacks a clearly formulated and implemented immigration strategy, which could be due to the prudent involvements of the Algerian leadership in collective efforts for the management of human mobility at the regional level. Data from the UN-DESA Population Division revealed that Algeria was among the 40 African countries that had "no intervention/no official policy" to influence the level of documented immigration (UN-DESA, 2017).

At one level, the unstable political environment in the neighbouring Sahel and the security concerns posed by the situation in Libya and Tunisia, especially with the rise of extremism since the aftermath of the Arab Uprising, give Algeria the excuse to consider immigration as a threat more than a benefit to its national sovereignty. With such a fragile neighbourhood, the

Morocco aspires to lead the fight against extremism, and it is continuously involved in combating it in the Sahel region along with its allies

<sup>3</sup> Algeria is one of the countries that ratified the 1951 Geneva Convention in 1963 and the 1967 Protocol; and it is a signatory to both the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa and the Arab Convention on Regulating Status of Refugees in the Arab Countries in 1994. Additionally, in 2008, it passed Law 08-1 and Law 09-01 governing foreign nationals' conditions of entry, stay, and circulation (Farrah, 2020). Furthermore, in 2014 a repatriation "agreement" with Niger was made, focusing on the return of irregular Nigerien migrants to their home country (Ben Yahia, 2018; Teevan 2020).

decision-makers see no better choice other than gripping onto border protection with hard fists, and adopting a “hard-line approach, with regular raids and refoulement operations targeting” (Teevan, 2020) irregular immigrants. Overuse of force and human right violations are often justified by the pretext of national security and the fight against terrorism. Additionally, the demoralisation among the Algerian youth due to high unemployment rates and precarious living conditions, which led to the second Hirak wave in 2019, has been feeding animosity against immigrants and putting too much pressure on the government and the overall stability of the country. The state-owned media also engages in polarising the irregular immigration narrative by constructing distorted realities that support the state's approach.

At another level, the Algerian leadership is reluctant to collaborate with adjacent neighbours (Morocco and Tunisia) and regional partners (EU) in matters of synchronised border management, data sharing, and migrant human rights, which is often justified by concerns about national sovereignty. This tendency is observed in Algeria's position in the Rabat Process, in which the country chose an observer seat instead of an active membership. Finally, the lack of unified vision of policy-makers and of well-trained human capacities with knowledge about international migrants' rights across borders have encouraged multifaceted abuses and inhumane practices toward vulnerable immigrants.

The UN Human Rights Council (UNHRC) has been critical of the way successive governments have been abusing the repatriation agreement with Niger by evicting sub-Saharan Africans, who are not Nigerien, to Niger, including asylum seekers and holders of refugee cards delivered by the office of the United Nations High Commissioner for Refugees (UNHCR), children and pregnant women. The UNHCR documented thousands of irregular immigrants

being expelled outside the country and abandoned in the desert (Ben Yahia, 2018). Allegations also speak against the Algerian border controllers in dealing with irregular immigrants at border points (Teevan, 2020). In response, the current government repeatedly rejects all allegations, arguing that migration and the safety of immigrants is the responsibility of the international community. The latter, accordingly, is called upon to treat the root causes of human displacements in the countries of departure. Algeria also denies being a transit country for Sahelian people, affirms that it is actually a destination country (Lahlou, 2018) and asserts its important role in regulating migratory movements from the Sahel region.

Under the current stalemate, we can conclude that the absence of a nationally visible policy on migration is in itself a policy in fact and practice, with a dissuasive character. However, this position serves neither the immigration dialogue nor the country's image. On the contrary, it weakens Algeria's potential to rise as a regional leader in sub-Saharan immigration and border transits, especially when knowing that it hosts the second biggest migrants' community after Egypt and aspires to play a new role in its Sahelian neighbourhood.

### **Tunisia's pending national strategy**

In Tunisia, the migration policy landscape stands somewhere between Morocco and Algeria. Until recently, it has been characterised by a mixed-migration and open-door policy. Comparing the country's dynamic geo-demography and limited economic resources to the unforeseen influx of immigrants during the last decade, especially from Libya and other neighbouring sub-Saharan countries, one can sense the sizeable challenges the country is dealing with. The toppling of the Gaddafi regime in 2011 and the conflict in Libya



forced more than 345,000 immigrants to escape to Tunisia – almost one third of them were Tunisians who used to work in Libya (Natter, 2016). The situation got fuelled by a sudden economic recession and political tensions, which have been exacerbated with the COVID-19 pandemic, and the growing pressures of international partners and civil society actors (CSAs) who call for the implementation of the national strategy for migration that has been on hold since 2017.

Despite the technical and logistical supports from the UNHCR, the European partners and local humanitarian organisations, the tasks of receiving, protecting and integrating a sizeable number of newcomers pose domestic and regional hardships on a country that needs to recover first from the ramifications of the revolution. On the one hand, the government is pressed to respond to both the long-awaited-for socioeconomic expectations of Tunisians while honouring its international commitments toward the newcomers. On the other, it also faces criticism for failing to protect its adjacent European neighbourhood from the flow of irregular immigrants who by then changed the crossing routes from Morocco and Algeria due to the tight border controls.

Under these circumstances, the 2013 newly-elected government launched the legislation of a first of its kind national strategy on migration, asylum and human trafficking. The strategy was enshrined in the 2014 ratified Constitution. A technical assistance of UNHCR and financial support of the EU partners helped the national governments develop the instrument. Following this momentum, in July 2017 the Tunisian Ministry of Social Affairs (TMSA) in partnership with the International Labour Organization (ILO) and the IOM finally presented the National Migration Strategy

(NMS). The NMS is centred around the goal “to harness the potential of migration for development while promoting organized migration that respects, protects and fulfils the rights of migrants” (TMSA, 2017).

Once again, the aforementioned challenges have unfortunately delayed the implementation of NMS, thus exacerbating the undignified living conditions of a considerable portion of the immigrants. Currently, the Tunisian decision-makers are preoccupied with the political crisis and reforming the economic outlook in order to attend to the people’s expectations, especially the youth. Several parliamentary members openly state that any attempts to draw attention to the question of migration when the political institutions are witnessing a backlash, in a context of socioeconomic and sanitary difficulties, might simply fuel anger from people in the streets, many of whom perceive sub-Saharan immigrants as part of the problem.

Under these backlashes, the road toward the implementation of a comprehensive strategy seems to be far-fetched. Veron (2020) argues that “there is a reluctance to engage in policy reforms that could create possible ‘pull factors’ or commit to obligations, to which the government cannot or will find it difficult to respond due to domestic political reasons.” Ironically, the reluctance to implement the strategy and render integration law more restrictive is simply resulting in a counter wash-back effect with more immigrants becoming irregular once their temporary residency permit expires (Geisser, 2019). Similar to the Algerian case, migration in Tunisia is influenced by unsynchronised interferences of various governmental and institutional actors. This situation distracts the decision-makers’ attention from prioritising the migration policy debate. Also,

The 2013 newly-elected government launched the legislation of a first of its kind national strategy on migration, asylum and human trafficking

one cannot overlook Tunisia's security concerns about the surge of terrorism, which hit the country hard since the Bardo National Museum attacks in 2015. These concerns hold valid in the current context marked by shaky situation in Libya. Finally, Tunisia sees in Libya a potential future economic partner. Therefore, it is highly likely that Tunisia's passing of the new regulatory framework is contingent on Libya regaining its political stability (Roman & Pastore, 2018).

Despite the challenges, several indicators suggest that Tunisia will soon start implementing its pending NMS. For instance, the country's emigration history and the considerable number of Tunisian diasporans abroad, along with its ambition to restructure the labour market and attract investments, cannot withhold the implementation of NMS for too long. In addition, its diplomatic approach in maintaining friendly relationships with its neighbours and its willingness to continue its long-standing cooperation with the EU necessitate a strategy that would accommodate future EU-Tunisia cooperation.

Indeed, the immigration policy landscapes in the Maghreb witness the inherent complexity of the sector as well as the political dilemma domestic governments are faced with when dealing with the transition of becoming destination countries. The three countries are dynamic and responsive to the changing geopolitical, economic and security-linked variables in the region and beyond. While all countries are well aware of both challenges and opportunities human mobility poses to the ecosystem of the region, each country deals with the phenomenon based on national priorities. The fact that neither Algeria nor Tunisia has implemented a national migration strategy does not mean that the policy sphere is static. Similarly, the fact that Morocco has been implementing SNIA since 2014 does not mean the challenges are over, which con-

firms that the spill-overs of migration will not be solved by means of a single country's efforts. Therefore, the Maghreb region is invited to re-consider its approach to migration by collaboratively coordinating and implementing a regional migration strategy that accommodates the countries' national specificities, challenges and ambitions.

### **Transcending the Moroccan-Algerian conflict**

Besides putting the aspiration for the Arab Maghreb Union (AMU) on hold for decades, the Moroccan-Algerian conflict over the Sahara dispute is unleashing its ramifications on foreseeing a regionally synchronised immigration policy. The conflict has reached its peak during the last two years, leading to a complete freeze of all diplomatic relations. The consequences weigh heavily on the ongoing lack of systematic data about the immigration patterns in the region. Additionally, cross-border crimes, smuggling and human trafficking, extremist movements, and breaches against immigrants' rights by both border controllers and smugglers often appear in conflict border zones.

Therefore, the current conflict threatens to turn the bilateral borders into dangerous zones. Just in September 2021, two Moroccan truck drivers were killed by unidentified armed men, 300 kilometres away from Mali; and three civilians on the Algerian side were killed following an aerial attack on three trucks in the demilitarised border area between Mauritania and the Sahara, in November 2021. Even the unstable situation in the Sahel, which could have been a unifying factor for the Maghreb states to devise greater synergy, has instead fuelled inter-Maghreb rivalries and further delayed the prelaunch of the regional integration process. Moreover, the conflict slows down efforts made by the EU in the framework of the Rabat Process as well as the EU's New Agenda for the Mediterranean.

The Moroccan-Algerian conflict over the Sahara dispute is unleashing its ramifications on foreseeing a regionally synchronised immigration policy



Given that the two countries are both important members of the AU and enjoy an advanced status in their relation with the EU, these two entities could be called upon as mediators to bring the two countries into constructive talks over the topic of migration, if nothing else. Within the AU, this talk could be scheduled toward the realisation of the objective of “Integrated, Prosperous and Peaceful Africa”, which is part of the AU’s “Migration Policy Framework for Africa and Plan of Action (2018-2030)”, to which both countries have committed. Likewise, the AU could play a more active role, by accentuating the rules and opportunities for the mobility of people within the countries of sub-Saharan and North Africa in the perspective of economic cooperation and the free trade area on the scale of the continent, as initiated by the AU.

EU member states (especially France, Italy and Spain, since they are the immediate neighbours and historical partners in North Africa) could materialise the spirit of European Neighbourhood cooperation by hosting and/or mediating a Moroccan-Algerian talk. In fact, the EU needs to understand that its gain from having the two countries sit and talk will probably outweigh its gains from focusing mainly on border control and management of irregular immigration. The Rabat Process mechanism, in which both Algeria and Morocco are members, could mobilise its ministerial conference to design an all-member summit for this bilateral talk. This could be a stepping-stone for the two countries to openly voice their concerns and requirements for a regional migration dialogue.

The Maghreb countries have shown a keen interest in maintaining strong cooperation with their EU as well as AU partners. Throughout the years, they managed to build serious and fruitful engagements with their partners. It is the spirit of this engage-

ment that is missing in the bilateral relationship between Morocco and Algeria. Individually, each country has a considerable weight and reputation in the Mediterranean given the role each state plays in regulating sub-Saharan immigration northward. But if they re-consider their mutual diplomatic approach, they could have more regional weight.

## Conclusion and recommendations

Despite their long history with migration, the Maghreb countries seem to be challenged by the modern patterns of migration. Their governance and management approaches are ruled more by inward-looking concerns than forward-looking aspirations. The borders between the three countries, for instance, are either completely closed (the case of Morocco and Algeria) or strictly controlled (Algeria and Tunisia). The growing pressures, generated by the continuous mixed migration flows, are not a strong enough catalyst to allow tangible progress in achieving the goal of the AMU Treaty. Despite the ongoing EU leveraged efforts, the three countries have not been able to have a common approach in their relations with the EU due to the latter’s approach that focuses mostly on border protection and dealing with the whole Maghreb region as a homogeneous geographical block. As a result, invested efforts continue to yield less than expected results at a time when the debate entails a comprehensive reconsideration; starting from the locally implemented policies to the regionally coordinated dialogue, as well as the roles and approaches of both the EU and the AU in collaborating with the countries of the Maghreb region. Therefore, national and regional leaderships are invited to redesign innovative dialogue

Despite the ongoing EU leveraged efforts, the three countries have not been able to have a common approach in their relations with the EU

mechanisms for orchestrating more efficient policy frameworks. The coming section proposes five underlying policy recommendations addressed to the policy-makers in the three countries as well as the EU.

The enactment of SNIA in Morocco has clearly strengthened the country's diplomatic and cooperation ties with the EU, as well as with several African countries. Domestically, however, its implementation remains inefficient as the ongoing absence of a legal framework for asylum and immigration, and the inconsistent prospects for migrants' socio-economic integration, and violence against immigrants are on continuous upsurge. Therefore, the Moroccan decision-makers should honour the country's promises to immigrants and pay more attention to the implementation dimension. This should start by: a) updating the legal framework and making it binding on all stakeholders; b) building and training capacities on immigration human rights as well as the management and integration of immigrants within the socioeconomic tissues; and c) allocating sustainable resources and logistics for long-term implementation programmes.

The inexistence of a clear national migration strategy in Algeria and lack of endorsement in Tunisia create a gap in the policy framework, and render transnational collaborations with governments and CSOs quite difficult. This renders existing bilateral agreements with different partners sometimes conflicting with other states that are not included in the agreements. A case in point is the repatriation agreement with Niger under which Algeria was accused of repatriating even non-Nigeriens (namely Malians) to Nigerien soil. Conditions like these encourage not only mismanagement of incoming immigrants but also mistreatments and

deportations under inhumane circumstances, which deepens immigrants' vulnerability and motivates cross-border human trafficking, extremism and international crimes. Therefore, Algeria and Tunisia need to swiftly and effectively enact a comprehensive policy framework in order to ensure the fundamental and social rights (safety, education, health and access to job market) and protection of foreigners, including those who are in irregular situations.

Regionally, if the Maghreb countries are reluctant to duplicate the EU migration policies, they need to enact this position by devising their own regional policy, which foresees their specificities and national characteristics. Both Algeria and Morocco need to act responsibly toward the future of the whole region and its people, including the immigrants therein. They need to work out their ways toward constructive bilateral dialogue. This does not necessarily have to include all pending issues but can at least start by coordinating a migration strategy forum. This is a central point that, if resolved, would pave the way for more resilient and more beneficial North-West African coordinated migration strategy, and would also strengthen the region's position for future dialogue with the EU partners.

Finally, European migration policies toward African immigrants must stop prioritising border controls and expecting its SN to police irregular immigration flows. It is time for the EU to understand that its current policy toward the SN is only legitimate from its own point of view; but in no way does it correspond to those of the Maghreb countries' aspired-for relations with their sub-Saharan neighbours. Therefore, the EU ought to redirect its policies and resources into strengthening mechanisms and infra-

structures that would guarantee the rights of migrants and refugees on both EU state soil as well as on SN soil. This task is neither expensive nor impossible. It simply requires strong political will and a change in the European mindsets in dealing with the African migrants.

Living proof on this is the current Ukrainian refugee crisis: the swift and efficient way all the European states members have responded to it is unprecedented. If the EU leverages the same spirit toward its SN, outcomes would lean toward realising “the safe and orderly migration” objective.

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# **Diaspora Policies in West Africa: Regional and Transregional Relevance**

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## Introduction

Africa is “the epicentre of a hybrid, multiform and unprecedented creativity” and the merit goes to diasporas, writes Achille Mbembe. It is thanks to diasporans that “an intense circulation” of hybrid languages, codes, imaginaries and styles, as well as financial transfers, can take place, often through flexible and unstructured networks and increasingly via social media and with the help of digital technologies (Mbembe, 2021). For this reason, he writes, diaspora representatives ought to be included in international discussions together with state representatives. This is not a new claim. In fact, the African Union (AU) already started considering the African diaspora as the “6th region” of the continent in 2008. In Africa and in West Africa in particular, this recognition has been accompanied by intensifying efforts to engage with diasporans living abroad. While these efforts have often targeted diasporas’ financial transfers and particularly remittances, which in many West African countries contribute significantly to the gross domestic product (GDP) and have proven to be more resilient than foreign aid and direct investment during difficult times (Gagnon, 2020), they have also been increasingly extended to include political and social transfers (Levitt, 1998).

Recognition of these processes is still low in Europe, where policy-makers and researchers have tended to focus on the last steps of migration from West Africa to the European Union (EU); that is, on border control and on migrants’ integration. Recently, they have given more consideration to states of origin of migrants, in parallel with augmenting international and trans-regional migration management negotiations (see e.g., Lavenex, 2018; Bisong, 2018). However, they have tended to do so by focusing on the involvement of these states in the governance and management of migration, specifically irregular migration to

the EU and its member states. They have dedicated less attention to how these states engage with their diasporas for domestic purposes, such as national development (see also Adam et al., 2019; Mouthaan, 2019). In addition, experts have also yet not adequately investigated how such diaspora-related efforts are integrated into regional and Europe-Africa negotiations on migration and development.

This chapter aims to address this gap. It investigates diaspora engagement efforts in West Africa and their relevance for broader regional and transregional migration governance. To begin, it examines national and regional diaspora-related efforts in the Economic Community of West African States (ECOWAS) and its member states. It does so by paying particular attention to interlinkages between migration and diaspora policies, the 1979 ECOWAS Protocol on Free Movement of Persons, Residence and Establishment, and development-related policies and strategies. In addition, the chapter explores how diaspora engagement processes have been integrated into trans-regional negotiations on migration across West and North Africa and Europe. In this chapter, diaspora engagement is defined as the approach adopted by states to engage with diasporas for a variety of domestic purposes, including development.

The chapter draws on an analysis of policies and strategies, as well as related secondary literature, on diasporas, migration and development adopted by the ECOWAS and its member states, by the AU, by the EU and by the Arab Maghreb Union (AMU). For ECOWAS member states, analysed documents include: a) national policies and migration strategies; b) national policies and strategies on diaspora and on migration and development, as well as decrees establishing diaspora institutions where relevant; c) national development plans; and d) country profiles compiled by international



organisations based on consultations with state parties (for countries for which national policy documents are not available online). All documents are cited as references in the text.

For the ECOWAS, migration-relevant policies included in the analysis are: a) the ECOWAS Protocol on Free Movement of Persons, Residence and Establishment (1979); b) the ECOWAS Common Approach to Migration (2008); and c) the website of the Migration Dialogue for West Africa (MIDWA).<sup>4</sup> For the AMU, the Treaty instituting the AMU (1989) was examined. For policy negotiations between the EU and West Africa, the following are considered: a) the Joint Africa-European Union Declaration on Migration and Development (2006); b) the Rabat Declaration and Action Plan (2006); c) the revised Global Approach to Migration and Mobility (GAMM, 2011); d) the Joint Valletta Action Plan (2015); e) the AU-EU Joint Communiqué issued at the Foreign Affairs Ministerial Meeting in Kigali (2021); f) the AU-EU Brussels Summit Declaration (2022); and g) the website of the EU Global Diaspora Facility. The following AU documents are also considered: a) the Constitutive Act of the African Union (2000); b) the AU Executive Council Decisions and Declaration EX.CL/Dec.406(XII) (2008); c) the Agenda 2063 (2013); d) the Revised Migration Policy Framework for Africa (MPFA, 2018); e) the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018); and f) the website of the AU Diaspora Division.<sup>5</sup> UN documents included in the analysis are: a) the 2030 Agenda for Sustainable Development (2015); and b) the Global Compact for Safe, Orderly and Regular Migration (GCM) (2018).

This chapter examines: (1) the adoption of specific diaspora policies and/or strategies; (2) the mention of diaspora engagement measures in relevant national/international migration and development policies and strategies; (3) the conceptualisation of diasporas and migrants and their relevance for domestic purposes, including development; and (4) recommendations on specific implementation strategies and/or measures. The text is structured as follows: the next section investigates how existing literature has conceptualised diasporas and related engagement strategies, and their integration into transregional migration policy negotiations. The following section examines diaspora engagement measures that have been adopted by the ECOWAS and its member states. Then, the chapter analyses how diaspora engagement efforts have been integrated into migration policy negotiations between West African, North African and European states. Finally, some conclusions are drawn, and some policy recommendations for improved diaspora engagement presented.

## Engaging diasporas for domestic purposes

An agreed-upon definition of diasporas is still missing in academic and policy discussions. Meanwhile, different definitions of diaspora groups have been included in national and international policies. State approaches often define diasporas based on citizenship and tend to include both emigrants and their descendants (Collyer, 2013). In addition, the International Monetary Fund (IMF) has suggested that for someone to be considered as part of the diaspora, a maintained connection to the homeland should be present (Ratha & Plaza, 2011). The AU definition of the African diaspora –

An agreed-upon definition of diasporas is still missing in academic and policy discussions

<sup>4</sup> <https://www.iom.int/midwa>

<sup>5</sup> <https://au.int/en/diaspora-division>

as “consisting of people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union”<sup>6</sup> – attributes less importance to formal citizenship criteria and more to descentance and engagement.

Some researchers have challenged pre-conceptions that all emigrants may develop feelings of belonging to their country of origin and be willing to maintain connections with it, and suggested that diasporas may be “constructed from some broader potential pool of engagement,” including based on a “sense of common purpose” (Collyer, 2013). They have therefore suggested looking at whether an “ongoing orientation towards a ‘homeland’ and maintenance of a group identity over time” (Gamlen, 2019) are in place. They have also underlined that the composition of diasporas – as “imagined communit[ies] living away from the professed place of origin” (Vertovec, 2009) – can change over time, based on changing individual and collective identities and attitudes (see also Brubaker, 2005).

In West Africa, policy-makers are increasingly adopting policies and strategies to engage with diasporas and to incorporate them “in a variety of domains, such as citizenship, economic development or diplomatic service” (Ragazzi, 2014). Diaspora policies can include a wide range of approaches and measures and target differently defined diasporas. While they can overlap with emigration policies and with labour export policies, their focus is wider, as they do not only target emigrants or labour export, but broader sectors and diaspora groups. This takes place in the context of intensifying migration policy efforts and a greater integration of migration and development policies (see also Le Coz & Pietropolli, 2020).

The effects of migration on development have been intensively debated in research and policy for decades. Development “pessimists” have put a stronger emphasis on negative consequences of migration, such as unequal distribution of remittances and brain drain, while development “optimists” have given greater consideration to the benefits of migration, such as the transfer of remittances, knowledge and skills (de Haas, 2010). At the same time, there have been divergences between approaches advocating for a greater use of development aid to address the “root causes” of emigration in countries of origin (Castillejo, 2016) and studies showing that increasing economic growth can lead to higher emigration from low- and middle-income countries (Clemens, 2014; Lanati & Thiele, 2017).

Optimist approaches have received renewed attention since the 1990s and particularly since the beginning of the 2000s, in parallel with growing state and non-state diaspora engagement promotion. Policy-makers in African countries of origin have mostly targeted economic transfers, trade, and investment, while dedicating less attention to social and cultural transfers, as also lamented by diaspora organisations (Madicchie, 2016). While diaspora engagement initiatives can be developed by countries of origin, transit or destination separately or in cooperation, they have so far been adopted mostly by countries or regions of origin. It has been suggested that such initiatives can be classified into two categories: to begin, they can aim at increasing or expanding migration pathways, for instance through circular migration programmes and skills partnerships. They can furthermore aim at increasing migrants’ socioeconomic contributions, for example by facilitating their access to work and other income

<sup>6</sup> See <https://au.int/en/diaspora-division>

generating opportunities, by facilitating their economic and social transfers and by channelling them into development and investment measures (Smart et al., 2020).

States adopting diaspora engagement measures can also aim at extending their national political and administrative functions beyond national borders to reach the places where migrants are living. They can furthermore adopt engagement initiatives with the purpose of increasing the political participation of emigrants, particularly through the extension of citizenship and political rights and through the allowance of dual or multiple citizenships and voting from abroad (Bauböck, 2007; Lafleur, 2013; Jaulin & Smith, 2020). Some researchers have argued that the extension of state functions beyond the territory of the country can be interpreted as contributing to a “redefinition of the state” (Levitt & de la Dehesa, 2003) and diasporic citizenship as contributing to a redefinition of concepts of citizenship that have long been linked with the territory of nation states (Ragazzi, 2014).

International attention to diasporas has been growing in the last two decades. At the United Nations (UN) level, the 2030 Agenda for Sustainable Development (2015) marked the first time that migration was explicitly recognised as contributing to sustainable development. The Agenda further called to facilitate migrants’ contributions to development and its target 10.c to reduce remittance transaction costs to less than 3%. Three years later, the Global Compact for Safe, Orderly and Regular Migration (GCM) provided more detailed recommendations on how to facilitate migrants’ contributions to development in countries of origin, transit and destination, including through the adoption

of national migration policies, the harmonisation of migration and development strategies, the improvement of migrants’ political participation, and more research and data. It further recommended targeting both financial and non-financial transfers.

At the African level, the AU decided to recognise the African Diaspora as an entity contributing to the economic and social development of the continent in 2003,<sup>7</sup> while in 2008 the Executive Council suggested considering it as the “6th region” of the continent (AU, 2008). Some years later, in 2012, a first Global African Diaspora Summit took place, with five projects focusing particularly on investment, remittances and skills. The Agenda 2063 (adopted in 2013) and the AU Free Movement of Persons Protocol (2018) then introduced recognitions of the importance of diaspora facilitation and free movement policies. Finally, the Revised MPFA (2018) put a strong priority on diaspora engagement, and provided recommendations in line with those suggested by the GCM.

Increasing global and continental policy attention and recommendations with regard to diasporas have also helped strengthen the political relevance of diasporas in West Africa and in ECOWAS member states. In fact, in the last decades, West African states have increasingly established diaspora institutions, as “formal State offices dedicated to emigrants and their descendants” (Gamlen, 2014) that are often integrated in ministries of foreign affairs but have also reached ministerial level in some West African countries. These institutions can have different function, including “tapping” functions aiming at channelling diaspora contributions into development and foreign policies, “embracing” func-

States adopting diaspora engagement measures can also aim at extending their national political and administrative functions beyond national borders to reach the places where migrants are living

<sup>7</sup> State of the African Diaspora, The Sixth Region of Africa. Retrieved from <https://stateofafricandiaspora.international/the-6th-region/>

Diaspora engagement has been a priority interest of West African states engaging in international migration policy negotiations

tions intending to strengthen diasporans' connections with their countries of origin, and "governing" functions aiming at mainstreaming international policy recommendations into national migration governance.

Diaspora engagement has been a priority interest of West African states engaging in international migration policy negotiations, together with the establishment of more legal migration opportunities (see Adam et al., 2019). At the same time, it has been suggested that in West Africa, domestically driven preferences and internationally driven ones, such as cooperation on return and border control, both intervene in the formation of "inter-mestic" migration-related interests (Rosenblum, 2004; Adam et al., 2019; Schöfberger, 2020). While often neglected due to the "asymmetry of power dynamics between EU and African countries" (Mouthaan, 2019), the way in which such domestic and regional preferences are integrated into the formation of transregional cooperation needs to be investigated. Diaspora-related West African interests, in particular, have been recognised to different degrees and in different forms over the years, in parallel with evolving regional and transregional migration policy negotiations.

Migration policies, including their objectives and implementation, are the outcome of complex processes of negotiation in which different interests and contextual factors intervene (see Greenhalgh & Russell, 2009; Czaika & de Haas, 2013). The negotiation of policies and strategies across regions is particularly complex, as it involves different processes across the national, regional and transregional levels. In recent years, analyses of migration policy negotiations between the EU and African countries have included a focus on the diffusion

of policies and norms. In this context, particular attention has been paid to the externalisation of EU migration policies (Lavenex, 2018; Bisong, 2018) and their growing focus on security- and border-oriented approaches, including a growing conditionality of EU external and development policies to cooperation in EU migration management (Schöfberger, 2019).

In the next section, the chapter analyses diaspora engagement strategies adopted by the ECOWAS and its member states. It does so by paying particular attention to interlinkages between migration and diaspora policies, the ECOWAS Protocol on Free Movement of Persons, Residence and Establishment, and development-related policies and strategies. The chapter then proceeds to investigate how these diaspora engagement efforts have been integrated into transregional migration policies and strategies.

## **Diaspora engagement in the ECOWAS**

### **Regional policies and strategies**

Diaspora-specific language has not yet been included in existing ECOWAS regional migration and mobility policy frameworks, also because these were adopted before the inclusion of diaspora-related recommendations in continental and global policies. However, these frameworks testify to a long-standing recognition of the benefits of migration and mobility for regional integration, as well as for national development and community resilience. In fact, the ECOWAS Common Approach on Migration – adopted in 2008 and currently under revision – calls to harmonise migration

and development policies and actions plans. In addition, the Protocol on Free Movement of Persons, Right of Residence and Establishment (1979) facilitates intra-regional mobility and calls state parties to adopt bi- and multilateral agreements on remittances. The Protocol foresaw a progressive institution of rights of entry, residence and establishment of ECOWAS citizens within the region to be completed in three phases and by 1994; however, advancement on the third phase in particular has been slow, with effects on migrants' transnational contributions (Adepoju, 2015).

While the Protocol focuses on mobility within the region, the Common Approach recalls the need to promote regional free movement, but pays more attention to how "legal migration towards other regions of the world [particularly in Africa, Europe and North America] contribute to ECOWAS Member States' development." In this respect, the Approach appears to be based on a narrower understanding of the possible contributions of extra regional migration as limited to legal migration and to development benefits. The Approach primarily targets economic contributions to development, such as remittances and investment; however, to a certain extent it also recommends strategies to address social and cultural aspects, such as education and "brain drain". Diaspora issues are also one area for common discussion identified by the Migration Dialogue for West Africa (MIDWA), which was established in 2001.

## National policies and strategies

In the last decade, all fifteen ECOWAS member states have adopted diaspora engagement initiatives, such as dedicated

policy frameworks and harmonised migration and development strategies. Such initiatives have been shaped by national contexts and priorities and are at the same time in line with those recommended at ECOWAS, AU and UN level. While they have mostly defined diasporas as "nationals abroad", Nigeria's National Migration Policy (Federal Republic of Nigeria, 2015) develops this definition further and refers to "Nigerians who live and work abroad and who maintain links with the country and show clear interest in contributing to the socioeconomic, political, technological and industrial development of Nigeria." It furthermore specifies that this definition includes historic African diasporas that wish to identify with Nigeria. National approaches in West Africa have tended to target all diasporans, and not to distinguish based on individual characteristics, such as legal status, education or skills, and country or region of destination. They therefore include both migrants who remained in West Africa and migrants who moved to other southern or northern destinations.

Ten ECOWAS member states have adopted or are currently developing policy documents focusing on diasporas or migration and development specifically. These are policies (such as the National Diaspora Policy of Nigeria, the National Policy for Beninese abroad and the ones that are currently being developed in Ivory Coast, Ghana, Guinea, Liberia and Senegal), strategies (such as Cabo Verde's and Togo's National Strategy on Emigration for Development), sectoral policies (such as the Letter of Sectoral Policy for Senegalese Abroad), relevant provisions in the Orders creating diaspora institutions (such as the Community Approach to Senegalese Abroad and the Directorate for Nigeriens Abroad), or Pacts (such as the Development Pact

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with the Diaspora adopted by Benin in 2014, as a complement to the pre-existing Policy for Beninese Abroad).<sup>8</sup> Testifying to the high political relevance of diaspora engagement at the national level, Benin (2000), Cabo Verde (2013) and Togo (2013) adopted relevant documents before developing wider policies and strategies on migration.

Diaspora contributions have also received considerable attention beyond specific policy frameworks. To begin, related measures have been included in all national migration policies and strategies that have been developed by ECOWAS member states. While the first national migration policy document in the region was adopted by Mali in 2014, since then seven further countries (that is, Ghana, Guinea, Liberia, Niger, Nigeria, Sierra Leone, and the Gambia) have adopted such documents and another four (namely Benin, Ivory Coast, Guinea Bissau, and Senegal) are currently developing them.<sup>9</sup> Burkina Faso and Togo have opted for national strategies on migration (IOM, 2021b; EUDIF, 2021c). In Cabo Verde, a National Immigration Strategy was adopted in 2012, and a National Emigration Strategy for Development one year later (IOM, 2021a). Migrants' contributions to development and measures to facilitate them are furthermore mentioned in all fourteen national development plans currently in place.<sup>10</sup> The Long-term National Development Plan for Ghana 2018-2057 (Re-

public of Ghana, 2018) is currently being reviewed. In other cases, relevant provisions are integrated into national labour migration policies, as is the case in Nigeria, Sierra Leone and Togo.

While West African states have conceptualised the relevance of diasporas for domestic purposes differently, they have mostly focused on development-related contributions. In fact, an analysis of diaspora, migration and development policies adopted by ECOWAS member states reveals that all fifteen states recognise migrants as development actors, be it with reference to national or to more local development and growth processes. All these states have targeted financial transfers, such as remittances and investment, in relevant policies and strategies. However, only eleven countries have targeted social and cultural transfers, such as the circulation of skills. Finally, only the Gambia and Ivory Coast have indicated that diasporans can contribute to increase national political influence abroad.

National policies and strategies recommend different measures to facilitate diaspora contributions. In most cases, these measures aim at attracting financial transfers and often at channelling them into national budgets, investment, trade initiatives and employment creation. A reduction of remittance transaction costs also appears to be a priority, in line with what was recommended by the Agenda

<sup>8</sup> See Federal Republic of Nigeria, 2021; Republic of Benin, 2015; IOM, 2021a; Togolese Republic, 2013; EUDIF, 2021a; Republic of Senegal, 2008; Government du Benin, 2014.

<sup>9</sup> See Government of Ghana, 2016; IOM, 2020a; EUDIF, 2021b; Republic of Niger, 2020; Federal Republic of Nigeria, 2015; IOM, 2020b; IOM, 2021c; EUDIF, 2020b; IOM, 2019; EUDIF, 2020a; EUDIF, 2021d.

<sup>10</sup> Republic of Benin, 2018; Burkina Faso, 2021; Government of Cape Verde, 2017; Ministry of Planning and Development of the Ivory Coast, 2016; Government of the Gambia, 2018; Republic of Guinea, 2016; Republic of Guinea-Bissau, 2015; Republic of Liberia, 2012; Republic of Mali, 2019; Republic of Niger, 2017; Federal Republic of Nigeria, 2021; Republic of Senegal, 2019; Republic of Sierra Leone, 2019; Togolese Republic, 2018.



2030. Measures aiming at facilitating non-financial transfers often focus on the circulation of skills and knowledge. In addition, thirteen countries have foreseen measures to increase the political participation of diasporans, be it through the allowance of multiple citizenships and rights to vote from abroad, or through the facilitation of their political representation. Such a representation can be granted through diaspora representatives in national parliaments, through formalised councils of citizens abroad and diaspora forums or through an increased acknowl-

edgment of diaspora councils and associations in state-led processes. Thirteen countries have, moreover, established diaspora institutions and in eight, these have reached the ministerial level. However, in some cases migrants' participation in political processes remains difficult. Banks and investment funds are also assigned a relevant role for the implementation of financial measures. Finally, increasing awareness of scarce evidence and information on national diasporas has led eleven countries to foresee data and research related efforts.

Thirteen countries have, moreover, established diaspora institutions and in eight, these have reached the ministerial level



## Diaspora engagement in transregional policy negotiations

In the last two decades, migration policy negotiations between West Africa and Europe have become increasingly important. These negotiations have often

included North African states, based on “route-based” approaches involving countries of origin, transit and destination of West African migrants. Transregional cooperation efforts have been initiated by the EU and its member states after the introduction of an “external dimension” of EU migration management at the Tampere Council Summit in 1999.

This external dimension was intended to complement the “internal dimension” that was created with the establishment of the Schengen free movement area in 1995. Since then, migration policy negotiations between European and African states have been shaped by intraregional negotiations and evolving priorities in the three regions, such as increased focus on border controls in Europe and growing attention to the benefits of emigration in West Africa. Contextual economic and political factors have also influenced negotiations.

Development- and diaspora-related aspects have been integrated into wider initiatives only partially. The form and degree of this integration, as well as related conceptualisations and narratives, have also changed over time. In 2006, the Joint Africa-European Union Declaration on Migration and Development and the Rabat Declaration and Action Plan included recognition of the potential of migration for development in countries of origin, transit and destination, and called to facilitate diaspora transfers. The Joint Declaration mainly focused on the role of remittances for development; however, it also included some reference to skills circulation. Starting from 2008, however, an increasing focus on immigration control within the EU has contributed to shifting the focus towards security-related aspects also in trans-regional negotiations. As a result, approaches focusing on the benefits of migration and advocating for greater diaspora engagement have received less attention. This trend has been further accelerated since 2015, when more arrivals of migrants and asylum seekers further increased difficulties of negotiations on a possible EU common approach to immigration, and EU member states intensified engagement on the external dimension. As a result, docu-

ments, such as the Joint Valletta Action Plan (2015), have rather focused on how emigration could be due to development challenges in countries of origin, and called for a greater use and conditionality of development aid to address the “root causes of irregular migration and forced displacement” and facilitate cooperation with third countries on aspects such as irregular migration and return.

Recently, however, acknowledgment of diaspora contributions appears to be increasing again. The EU launched a Global Diaspora Facility in 2019. In addition, the AU-EU Joint Communiqué of October 2021 – issued at the Foreign Affairs Ministerial Meeting in Kigali – included recognition of the benefits of migration for countries of origin, transit and destination, and called to facilitate diaspora remittances and investment, qualifications and training programmes, and exchange programmes for skilled migrants such as students, researchers and entrepreneurs. At the same time, the Communiqué made a distinction between regular and irregular migration: signatories committed to address the root causes of irregular migration, and to make “best use of existing legal pathways for migration with more tangible benefits for countries of origin, transit and destination.” Recognition of migrants’ role in the COVID-19 pandemic response was included but limited to countries of destination. References to benefits of migration were, however, absent in the AU-EU Brussels Summit Declaration of February 2022.

The ECOWAS and the AMU have not adopted any bi-regional migration policy framework yet, also due to a lower degree of intraregional cooperation on migration in North Africa, compared to West Africa. In fact, while the ECOWAS



is a free movement area with a common approach to migration, AMU member states had already foreseen to establish regional free movement policies in the Treaty instituting the AMU (1989), but they have not implemented them. They have also not established any common migration policy framework. AMU political and economic cooperation has been challenging, for different reasons, including political tensions and instability in the region. In this context, AMU member states have resorted to bilateral initiatives, particularly on free movement (Abderrahim & Aggad, 2018).

While regional integration remains low, Algeria, Morocco and Tunisia are intensifying their efforts to engage with sub-Saharan and West African states on different aspects, including migration. In particular, Morocco, which re-joined the AU and asked for admission to the ECOWAS in 2017, has shown an ambition to position itself as a key actor with regard to migration and to act as a mediator between the continent and the EU (see Badre's chapter in this study). North and West African countries have also signed some bilateral agreements that are relevant for migration, such as the readmission agreement adopted by Algeria and Niger in 2014 (see Golovko's chapter in this study). In addition, West and North African states share membership in wider cooperation structures and dialogues, such as the AU and the Rabat Process. In particular, the AU MPFA invites governments to increase cooperation on free movement policies and diaspora-related efforts at the regional and intercontinental levels. However, Algeria, Morocco and Tunisia have not signed the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018) yet, and in

West Africa, only Mali and Niger have already ratified it.

Given this broader context, it is perhaps not surprising that the ECOWAS and the AMU have not adopted any specific policy agreement on diasporas or migration and development yet. The two regions have also not adopted any bi-regional agreement on development more broadly. Relevant provisions on migration, development and diasporas at AU level, as well as initiatives spanning between West and North Africa and Europe are, however, relevant. While West and North African states have furthermore not yet adopted any bilateral agreement on diasporas, other agreements and conventions help shape diaspora engagement indirectly. For example, the Social Security Agreements signed by Senegal and Mauritania in 1972 and then replaced by a newer agreement in 1987 facilitate mobility between the two countries by covering some professional risks. Finally, it needs to be mentioned that Morocco, Tunisia and Algeria have increased engagement initiatives targeting their own diasporas; such efforts testify to growing policy recognition of diaspora-related aspects that could potentially contribute to increasing awareness of the need for transnational cooperation on these.

Scarce and uncoordinated cooperation between West and North Africa have had an impact on policy negotiations involving the two regions and Europe. It has rendered it more difficult to identify and bring forward joint West and North African positions on possible common migration-related priorities, such as diaspora engagement and empowerment. In addition, while the EU has so far tended to cooperate with West African states through multilateral and coordinated approaches, and with North Af-

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frican states through bilateral initiatives (Erforth & Kejizer, 2022), greater North-West African coordination in negotiations involving Europe could help strengthen African and regional institutions and initiatives. It could also contribute to ensuring that EU-Africa processes on migration and development are in line with continental processes, strategies and priorities.

## Conclusion

This chapter has examined diaspora engagement efforts in West Africa and their relevance for broader regional and trans-regional migration governance, based on an analysis of policies and strategies on diasporas, migration and development adopted by the ECOWAS, the AMU, the EU and their member states. To begin, it has analysed national and regional diaspora-related efforts in the ECOWAS and its member states by paying particular attention to interlinkages between migration, diaspora and development policies. Then, it has explored how diaspora engagement processes have been integrated into trans-regional negotiations on migration across West and North Africa and Europe.

Diaspora-related efforts are on the rise in West Africa. At the regional level, existing policy frameworks on migration and free movement testify to a long-standing recognition of migrants' contributions to development and regional integration. While the 2008 Approach highlights contributions of skilled emigrants having a legal status and moving to other regions, the 1979 Protocol facilitates mobility of all regional migrants. At the national level, states are also increasingly adopting specific diaspora policies and strategies, and mainstreaming them into migration and development measures. Diaspora-related measures have also been included in all national migration policies adopted in West Africa. ECOWAS

member states have so far mostly focused on migrants as actors for development and on financial transfers, but they have also addressed social, economic and political transfers. National approaches have tended not to distinguish between diasporans living in different states or having different skills. In parallel, they have strengthened efforts to increase emigrants' political participation and created diaspora institutions at different levels.

The integration of diaspora-related efforts into policies and strategies at the trans-regional level is progressing more slowly. West and North African states have not yet adopted any bi-regional policies on migration, development or diasporas; however, relevant provisions at the transregional and AU level apply to both regions. This scarce cooperation has rendered it difficult for West and North African states to advocate jointly for possible common diaspora-related interests in negotiations involving European states and regional organisations. These negotiations have become increasingly important in the last decades. Development and diaspora-related aspects have been integrated into wider initiatives only partially. Over time, this has occurred at changing degrees and has been accompanied by evolving narratives of the links between migration and development. Attention to diasporas and their relevance for countries of origin, transit and destination tended to be higher from 2006 to 2008 and to decrease in the following years, to the benefit of narratives focusing more on development gaps as "root causes" of emigration. However, acknowledgments of diaspora contributions appear to have increased again recently. While related discussions at the transregional level have focused mostly on financial transfers, non-financial aspects such as the circulation of skills and knowledge have also been considered to a certain extent. In addition, development benefits of regular migration

Attention to diasporas and their relevance for countries of origin, transit and destination tended to be higher from 2006 to 2008 and to decrease in the following years

have tended to be conceptualised as higher than those of irregular migration. At the same time, scarcity of legal migration pathways and of labour migration opportunities has not been adequately addressed.

Evaluating the effects that diaspora-related initiatives have had at the national, regional and transregional level would be very important, but it is currently difficult. To begin, the effectiveness of diaspora policies and measures is difficult to measure, for different reasons ranging from their recent adoption and the impact of contextual variables. Broader challenges related to the evaluation of policy effectiveness – such as the variety of interests influencing policy objectives and outcomes (Czaika & de Haas 2013) – also need to be considered. In this context, however, policy coherence and strengthening the political participation and rights of diasporans have been found to have a positive impact on the implementation of diaspora engagement efforts (de Haas, 2010). The effects of transregional processes on West African diaspora-related efforts are also still unclear. Finally, scarce data and research on diasporas still hinder the development of comprehensive and evidence-informed diaspora engagement measures at different levels.

## Policy recommendations

Based on the analysis presented in previous sections, the following recommendations can be made to policy-makers at the national, regional and transregional level in West Africa, North Africa and Europe:

- **Strengthen and develop international and transregional diaspora engagement approaches.** In line with the transnational nature of migration, such approaches should involve countries and regions of origin, transit and destination. Greater diaspora-related efforts

are needed also at transregional level, and should include strengthened co-operation between West and North African states. As a first step, evidence on shared interests (such as a circulation of skills) could be improved and used to inform pilot projects. In addition, North African and European countries could mainstream greater attention to West African diaspora engagement strategies in their national migration policies and measures.

- **Advance policy coherence.** For diaspora engagement strategies to be effective, measures adopted at the local, national, regional and transregional levels need to be aligned. Diaspora, migration and development policies, as well as other policy areas (such as trade and education) need to be coherent, and synergies need to be fostered.
- **Develop comprehensive diaspora-related approaches.** Such approaches need to consider diasporas in all their diversities and include South-South, South-North and North-South diasporans living in different countries, with different legal statuses, and with different education levels. They also need to address different kinds of financial, human and social capitals that are being transferred and circulated. In addition, they should facilitate diaspora contributions beyond national development and economic growth.
- **Strengthen diaspora participation.** Diaspora representatives need to be included in the identification, implementation and evaluation of diaspora engagement measures adopted at all levels, in order to ensure that their needs and priorities are taken into consideration. Such representatives should include diasporans with different profiles and characteristics. Strengthening dialogue with diaspora

councils and associations and organising diaspora forums can be first steps towards improved diaspora engagement.

- **Address inequalities and vulnerabilities.** Diasporans' ability to contribute to domestic purposes, including household and community resilience and national development, depends on their individual profiles and legal status, as well as on contextual variables including migration policies. Corrective measures need to be mainstreamed into diaspora

engagement measures, and could include measures to ensure that undocumented migrants have safe access to remittances transfer services.

- **Invest in data and research on diasporas and their use for policy-making and programming.** Comprehensive and timely information on diasporas and their characteristics is essential to inform evidence-based policy-making, but is currently still scarce and needs to be improved.

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# **How Cooperative is Cooperation on Migration? Algeria-Niger Deal on Expulsions of Migrants in the Framework of Externalisation of the EU Borders**

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## Introduction

Niger and Algeria are neighbouring countries connected by long-standing cooperation and neighbourhood relations. Cooperation on migration and security are among the most important ones. The two countries are situated on the routes linking West and North Africa and share similar pre-occupations related to migration management. While management of migration is a sovereign domain, the European preoccupation with migratory movements from the African continent puts pressure on African states. This paper dedicated to cooperation on migration between Algeria and Niger aims to question how their bilateral cooperation is framed within a larger process of externalisation of European Union (EU) borders. Framing cooperation not exclusively as a process between the parties involved but also including other actors operating in the same context helps to take a step back and look at the situation more globally. Additionally, inter-state cooperation in the domain of migration also has effects and direct consequences on the people on the move. Looking at the experiences of migrants helps us to understand the effects of political decisions on the ground. The chapter tries to shed some light on the complex entanglements of cooperation efforts by different countries within an ongoing process of securitisation of migration. For example, Algeria's approach to deportations of migrants in some sense echoes the EU's priorities and approach to migration and insistence on voluntary returns. The chapter's central aim is to look closer at these processes and understand the complex entanglements between different players.

The present chapter is based on three main sources of data. The first one is existing literature on migration between Niger and Algeria and on the externalisation of the EU borders. The gaps that were

identified during the literature review were addressed through phone interviews with stakeholders involved in migration and humanitarian assistance to migrants in Niger. Finally, an analysis of on-site interviews conducted by the Clingendael Institute in April 2021 in Agadez, Niger and Gao in Mali with transit and returned migrants has been included in the paper in order to illustrate some of the repercussions of migration management on the migrants themselves.

## Inter-regional migration trends

Intra-regional mobility between the Sahel and North Africa is overwhelmingly informal and thus difficult to quantify. The definition of migration as “irregular” is a way to frame it outside of the social context and justify securitisation of migration. It is well known that most migratory movements fall within everyday life and social normality. For the majority of inhabitants of West Africa, migration is a valuable economic safety valve, an important diversification strategy for sustenance and a form of resilience in the face of climate change, drought and desertification (Golovko, 2019). Migration also plays an important role in the regional economies. Those benefiting from migration are not exclusively those facilitating the movement of people across borders but also people involved in other sectors, including hotel and restaurant businesses, call centres and internet points, food and water vendors, as well as families benefiting from the migration economy.

Migratory movements in the region are complex, often fragmented and non-linear. The routes constantly change, and are also under the influence of external factors such as increased controls and newly-established checkpoints. However, regional migration can be broadly classified based

on its geographic extension (internal, cross-border or international movements), frequency (seasonal, circular or permanent migration) or objective (for study, work, family reasons, etc.).

While it is difficult to quantify all of the migratory movements in the region, as the majority of movements are informal, it is nonetheless possible to establish some patterns of mobility based on the available sources. For instance, the vast majority of migratory movements in West Africa take place within the region (IOM, 2021). According to the International Organization for Migration (IOM) 2020 Flow Monitoring Registry data, 92% of interviewed West and Central African migrants intended to travel within the region, while only 5% intended to travel to North Africa (IOM, 2021). Among North African countries, Algeria constituted a prime country of destination (together with Libya). It witnesses in particular large circular and seasonal migration movements (IOM, 2021).

In 2018, the IOM and the Algerian government declared that nearly 500 migrants arrived daily in Algerian territory, making reception conditions more difficult. The Algerian authorities consider these migrants to be a real displacement of the population, which could jeopardise the already fragile economic and social balance in this region (Boussaid, 2019). This is also related to the fact that Algeria does not wish to be considered or positioned as a buffer zone for irregular migrants, preventing them from going to Europe (Boussaid, 2019). During 2020 both Niger and Mali witnessed more departures to Algeria than arrivals from Algeria (23,000 more departures in Mali and 109,000 more departures in Niger) (IOM, 2021).

High reliance on seasonal migration in the region can be explained by the significant level of dependence on subsistence agri-

culture that causes many individuals to diversify their livelihood activities in order to support their families, providing alternative income sources during lean times or periods of a lull in production, such as during the dry season. Migrants coming from rural areas reliant on crops tend to follow circular and cyclical migration patterns based on alternating seasons and activities. In many communities it is habitual to migrate to neighbouring countries after the harvest, during the dry season, and then to return home for the rainy season. For Nigeriens, seasonal migration is a prominent economic activity in all parts of the country but particularly in Zinder, Maradi and Tahoua. Located in southern Niger, Zinder is one of the poorest regions of the country. It is a predominantly agricultural region, illustrating historical and current patterns of circular migration within Niger and the region. The Zinder region is mainly affected by emigration to the Maghreb for the northern part of the region (including Tanout and Gouré) and to Nigeria for the eastern part (including Diffa) (Altai Consulting, 2015). Many residents of Zinder depart in hopes of sending remittances home to bolster their family's income or to make up for unexpected financial losses. Since approximately the 1970s, women from Zinder have travelled north in search of temporary paid labour (such as domestic work or cooking) or begging in northern Niger (particularly in the Agadez region) and southern Algeria, many often bringing their children with them (Gnes, 2019). While many women are convinced to undertake the journey by reports of others sending significant amounts of money home, they often end up in very poor living conditions (with no access to basic needs) and in sex work (IOM, 2015). The motivation behind the decision to migrate and aspirations should be situated within the economic and social conditions of southern Niger that do not give opportunities for alternative income sources other than subsistence agriculture.

For Nigeriens, seasonal migration is a prominent economic activity in all parts of the country but particularly in Zinder, Maradi and Tahoua

In recent years, since the start of the so-called “migration crisis”, patterns of mobility have been significantly impacted by the efforts to stem mobility by a number of intervening actions. Ongoing securitisation of migration has strong repercussions on the ways people move but does not stem migration. The variety of reasons that push people to migrate cannot be reduced to economic ones, which are important but do not tell the whole story (MMC, 2021b). Thus, stopping migration through a securitised approach to borders or through development or reintegration packages does not seem to be the right answer. The section on the externalisation of the EU borders illustrates how securitisation of migration makes migrants more vulnerable and profoundly changes existing strategies of coping with extreme climatic conditions (Weihe et al., 2021). An example of a complex and fragmented migratory trajectory was shared by a Senegalese migrant interviewed in Gao, Mali, in April 2021:

*“I am Senegalese and I am 30 years old. I left Senegal last year, I crossed Mali from Bamako to Gao through Ségou, the center of Mali. Then, we were taken in charge by smugglers who brought us to Niger [...] with the intention of going to Libya. But after meeting some bad people, we were diverted from our path and ended up in Algeria. I worked illegally for a few months before being deported with other migrants to Mali, precisely to Gao, more than 4 months ago. Currently I am working and preparing to make another trip.”*

Expulsions from Algeria to Niger are not a new practice and initially they were based on a readmission agreement concluded by the Bilateral Border Committee

## Expulsions from Algeria to Niger

Despite Algeria's popularity as one of the main destination countries for West African migrants, its policy on migration is very

strict. The migration legislation in force has a dissuasive character and punishes any person who enters and stays irregularly on Algerian soil. Law 08-11 attempts to discourage the irregular entry and residence of foreigners in Algeria (Boussaid, 2019). The two main solutions to violation of the law are expulsion (Article 30) and deportation (Article 36). This law is a defining instrument on migration in the country and embodies the position of the Algerian government that does not wish to become a host country for all migrants from the Sahel. While the country presents multiple economic opportunities, and the job market is not saturated, at the same time it is very difficult or impossible for sub-Saharan migrants to stay in Algeria legally (Journalist based in Algiers, personal communication, November 2021). Students are the exception. It is estimated by the Algerian Ministry of Higher Education that the number of foreign students is at just over 8,500 (Le Monde, 2021) and comprises students from all over Africa, in particular from the Sahel, including Niger, and that a large number of them benefit from scholarships.

Expulsions from Algeria to Niger are not a new practice and initially they were based on a readmission agreement concluded by the Bilateral Border Committee, which was created in accordance with the Memorandum of Understanding of 30 October 1997 in Algiers with the aim to strengthen cooperation between the two countries around border security and irregular migration (DK News, 2015). Its creation was designed to strengthen cooperation at the level of border cities and through the promotion of exchanges, especially in the field of security cooperation at the borders, mobility of persons and irregular migration. Later, in 2008, after the adoption of Law 08-11 the authorities started conducting expulsions of undocumented migrants through the Tinzaouatine border between



Algeria and Mali until the outbreak of the conflict in Mali in 2012.

On 30 October 2013, in northern Niger, 92 people (37 women, 48 children and 7 men) died after they were stranded for several days because of a broken-down vehicle (Le Monde, 2013). The majority were originally from the Department of Kantché and were on their way to Algeria. The incident provoked a very strong reaction in Nigerien society and the authorities expressed the need to counter irregular migration and protect migrants travelling through the desert. At the time the agreement was being discussed, Nigerien Justice Minister Amadou Marou told the state radio: “The government has decided to repatriate all our citizens living illegally in Algeria and who are in camps.... These Nigeriens in Algeria have lost all dignity and are dishonouring our country” (Reuters, 2014). While the agreement itself was never made public, the Nigerien Minister of Interior made remarks in 2017 that alluded to a desire for expulsions to prevent irregular migration (OHCHR, 2018). In fact, what has been presented as an official “agreement” appears to be an informal deal between the two governments (GI, 2020).

As reported by Amnesty International (2018) in June 2014, there was an increase of circular migration from Niger to Algeria, particularly women and children from the Zinder region heading to practise begging activities in cities. The authorities of both countries explained this increase in migratory movements by actions of criminal networks. In December 2014 Niger and Algeria agreed that undocumented Nigerien nationals in Algeria should be repatriated. A total of 1,345 Nigerien nationals were expelled to Niger by the end of 2014 through five convoys (Amnesty International, 2018). Since 2016 Algerian authorities have also started col-

lective expulsions of third-country nationals, mainly from ECOWAS countries. Differently from expulsions of Nigerien citizens, the third-country nationals are expelled with no coordination with Nigerien authorities and migrants are left at the so-called Point Zero (Humanitarian worker in Agadez, personal communication, November 2021). These actions have prompted protests from Nigerien authorities. The Special Rapporteur regrets that no formal protest has been made by ECOWAS or the member states concerned (OHCHR, 2018). Although initially the agreement was totally supported by the Nigerien government, in 2018 critiques came also from the Nigerien Minister of Interior Mohamed Bazoum, who said that “we have had long discussions with the Algerian authorities on several occasions during which we asked them not to send us any more migrants from Mali, Guinea and other countries.” Bazoum added that “we are ready to receive all Nigeriens that the Algerians no longer wish to see on the territory”; however, “we have told the Algerian authorities to stop sending us young people” from other countries (A Niamey, 2018).

## **EU and Niger: a case of externalisation of the EU borders**

The agreement on readmissions between Algeria and Niger came parallel to the increasing numbers of migrants crossing the north of Niger on their way to Libya and then the Mediterranean. The EU's reaction to the growing numbers of people reaching its shores became the process and approach to migration called “externalisation of the EU borders” (Casas-Cortes et al., 2015; Lopez Curzi, 2016; Open Migration, 2016). One of the concrete policy actions was the establishment of a funding mechanism for migration governance: the European Union Emerg-

The EU's intervention, although discursively aimed at stemming irregular movements to Europe, has actually significantly impacted regional migration patterns

ency Trust Fund for Africa (EUTF). It was created to address the root causes of instability, forced displacement and irregular migration and to contribute to better management of migration (EUTF, 2020). This approach included relocation of border controls to third countries, as well as transfer of responsibility in the area of asylum (Rodier, 2006). Besides that, the return of migrants from the countries of transit prior to their arrival to the EU has become a significant part of migration management. During this phase, "the country of transit" has become a widely used policy term (Frowd, 2019).

The narrow focus on "reducing flows" has led to EU policy failing to assess the wider impacts of its measures. The EU's counter-smuggling strategy became one of the

core parts of cooperation between the EU and North and West Africa (Sanchez et al., 2021) – which epitomised the adoption of the anti-smuggling legislation in Niger in 2015 (Law 2015/36). The aim of this law is to "prevent and fight against all kinds of illicit migrant smuggling" (Article 1). It defines migrant smuggling as "the act of ensuring, in order to make a [profit], the illegal entry in a country of a person who is neither a national nor a permanent resident of this country" (Article 3). In the following years Niger became the biggest recipient of EUTF funds in West Africa (€253 million) (Oxfam, 2020; Boyer, 2019; Tubiana et al., 2018). The EU's intervention, although discursively aimed at stemming irregular movements to Europe, has actually significantly impacted regional migration patterns.

## NIGER-ALGERIA: A CASE OF LONG-STANDING TIES

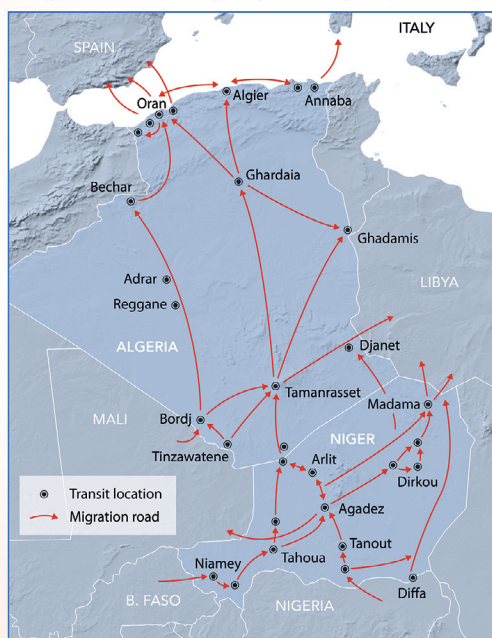
2008



### Law 08-11 adopted in Algeria

It frames the conditions for **entry, circulation, jobs and housing of foreigners** – residents and non-residents – on Algerian soil

Migration routes through Niger and Nigeria (source: IOM)



2013



### Incident in Northern Niger

**92 people** – 37 women, 48 children and 7 men, mostly from the Nigerian department of Kanché – died on their way to cross the border to Algeria. This incident shed light on migratory pressure on the region

According to MSF, **more than 14,000** migrants have been **violently expelled** from Algeria since the beginning of 2022

2014



### Algerian-Nigerian repatriation agreement

**1,345 undocumented Nigerian nationals in Algeria** were repatriated in 2014. In the following years the expulsion of Nigerian nationals from Algeria continued

2015



### Anti-smuggling law adopted in Niger, Valetta Summit & launch of the EU Emergency Trust Fund for Africa (EUTF)

The Joint Valetta Action Plan called for a **greater use of conditionality of development aid** to address root causes of displacement and irregular migration

In the following years **Niger** became the **biggest recipient** of EUTF funds in West Africa (€253 million)

2022

## **Saving migrants' lives vs. increased vulnerability of migrants**

The impact of the criminalisation of human smuggling and migration in northern Niger has been widely described in the literature (Brachet, 2018; Golovko, 2019; Bøås, 2021; Claes & Schmauder, 2020, among others). After the enforcement of the law started, between mid-2016 and April 2018 nearly 10,000 foreigners were expelled from Niger, 282 drivers were arrested, and 300-350 vehicles were confiscated in Agadez and on the road to Libya (Tubiana et al., 2018). Some reports state that 90 local men were jailed under the law, and all of them were given light sentences and paroled early (Micallef et al., 2019). This demonstrates that the claim that laws like 2015/36 are adopted in order to protect migrants from smugglers and traffickers (Claes & Schmauder, 2020) does not hold true in practice. The anti-smuggling measures taken by the Nigerien government have mostly targeted low-level migration facilitators (e.g., drivers and guides) rather than influential businessmen involved in larger smuggling networks whose links with the political establishment and armed groups reduce the likelihood of their being targeted (Molenaar, 2018).

Furthermore, Law 2015/36 shifts the responsibility of migration management to private actors by criminalising transportation companies and migration facilitators (OHCHR, 2018). The text "lacks clarity as to who is the victim and who is the perpetrator" (OHCHR, 2018) and generally adopts a punitive approach to migration despite Niger being part of ECO-WAS, a free movement area. As underlined by the Special Rapporteur on Human Rights, the law prioritises the repression of irregular migration over preventive measures against the illicit smuggling of

migrants and at the expense of the protection of their human rights. It has become clear that such an approach also conflates smuggling and trafficking, leading to further criminalisation of migrants (OHCHR, 2018).

Banning of migration transport produced the effect of proliferation of armed networks across northern Niger (Crisis Group, 2020). As a consequence of the reconfiguration of smuggling profiles and networks, those who operated towards the "softer" end of smuggling now needed a more complex network of contacts in order to facilitate their route, i.e., connections with Nigerien security forces and other criminal networks (McCullough et al., 2019). Other reported effects of the law include an upsurge in banditry linked to the loss of income-generating activities by many people previously involved legitimately in the migration business (Golovko, 2019).

In response to the increased prevalence of border patrols, the facilitators of migration have also reorganised the logistics of the transportation process and followed the principle of invisibility of migrants. The departures are mostly organised during the night and transporting fewer migrants, through more hidden, less frequent and more fragmented routes (Molenaar et al., 2018; IOM, 2020) in order to escape military controls (Reidy, 2018; Jegen & Zanker, 2019). With these changes a need for armed convoys emerged: more dangerous routes merged with smuggling routes with higher value goods and needed protection (Tubiana et al., 2018; McCullough et al., 2019; Claes & Schmauder, 2020). This reorganisation of migration is also an important factor in the increased vulnerability of migrants along the routes.

An expelled Senegalese migrant interviewed in Agadez told his story, emphasising the invisibility of migrants as a strategy of travel:

Existing research has shown that more securitisation of borders brought more protection incidents involving migrants

*“They came with an old bus transformed into a goods vehicle half loaded with all kinds of goods in the middle of which we should hide to cross the border. Before arriving in Niger, a migrant choked and almost suffocated in the middle of the piles of goods. On another occasion, a bag of cement crashed into us and more than one person was injured. In spite of these incidents, the smugglers did not stop to inquire about our news, until we arrived in Niamey. Finally arrived in Niamey, we stayed two days with our smugglers (those of Niger), who in turn, hid us in a truck of transport of fuel which contained plastic tanks arranged in such a way to form a guest room for us. We took off at night and drove without stopping, which forced us to relieve ourselves on the spot, one in front of the other. The air was nauseating and unbreathable. The next day, around 13:00, we were stopped by terrorists, who searched the vehicle from top to bottom. After finding us hiding between the tanks, they beat the driver with a crossbow. They made us disembark and then put us in their pickup and took us away. After five days in the desert, noticing our sickness, two other migrants and I were abandoned not far from Tamanrasset, continuing with the others. We managed to get back to Algiers, where I was finally expelled by the security forces.”*

While saving migrants' and refugees' lives is considered one of the central aims of the anti-smuggling and anti-trafficking policies, the repercussions of these policies on their security cannot be overlooked. The success of these policies is normally measured through the decrease of the number of people arriving on European shores but at the same time it has not given more protection and safety to people on the move in the region. Existing research

has shown that more securitisation of borders brought more protection incidents involving migrants (MMC, 2019; Bergmann et al., 2017). In 2017 the IOM also recorded a “marked increase” in the number of migrants who were abandoned in the desert and died during the trip (Bergmann et al., 2017). As a consequence of the EUTF's programming and funding, the number of security forces checkpoints, border patrols and border posts has increased. Each additional checkpoint on the road means additional violations and abuses committed by the security forces (MMC, 2019, among others). This represents the major repercussion of EU policies on migrants because the apparent results very often obfuscate the violent methods and violent solutions that were adopted.

## **Who benefits from this cooperation?**

The migration governance policies discussed in the previous sections illustrate how the migration landscape of the Sahara-Sahel has changed under the influence of increasing cooperation between different political actors. This section aims to look more closely at the ways these positions diverge and intertwine at the same time and at Niger's positionality within this complex entanglement.

## **EU and Algeria: common interests but different strategies**

Within the larger process of externalisation of the EU borders, the relationship between Algeria and the EU is a very interesting case of non-cooperation. It is quite distinct from the type of partnerships that the EU has in North Africa and the Sahel. Algeria has not entered the North African window of the EUTF and the Algerian government does not cooperate with Frontex. The EU official has interpreted this as Algeria's



understanding of the process as political and its lack of support of the narrative behind it. The degree of international cooperation between the EU and Algeria is quite low, in particular in the domain of migration (EU official based in Algiers, personal communication, November 2021). In the Rabat Process only Algeria and Libya have the status of observer state. In 2018 Algeria did not agree to create “hotspot” centres in its territory and never agreed on joint actions with the EU on this matter (Algeria Press Service, 2018). The only project that Algeria has agreed on is the IOM's management of voluntary returns under the EU-IOM Joint Initiative. Algeria is also vocal about the EU's external migration policies that are seen as one of the causes of internal instability in the country because the external dimension of the EU policies impacts other countries as well, and quite directly (Abderahim, 2019). For example, the EU-Turkey agreement or the efforts to close the Libyan route directly impacts Algeria as migrants are reoriented and more and more often use Algeria as a country of transit. The case of the Algeria-EU non-collaboration goes against the existing literature that regards power asymmetries as driving cooperation dynamics (Zardo & Loschi, 2020).

While the EU's financial assistance does not seem to be attractive to Algeria, there are other factors that could have brought the cooperation of the countries a bit closer. For instance, the complex security situation at the Algerian borders – the Malian and Libyan crisis – and similar approaches to migration and border management could have been a source of rapprochement (Zardo & Loschi, 2020). Officially, Algeria's political position is to defend its sovereignty in the domain of migration and border management as well as to maintain an anti-imperialist and anti-colonialist image.

Nonetheless, there is a policy instrument called Political Dialogue, an informal dialogue

on migration and mobility between Algeria and the EU. Once a year the two counterparts meet to discuss policy developments on both sides. In the bilateral dialogue, Algeria underlines that it should not be seen exclusively as a transit country on the way to Europe but it is also a destination country exposed to irregular migration and facing the same challenges as the EU. At the same time, the Algerian ambition is to stem irregular migration without external help. Algeria does not ask for help from the EU: challenges and efforts should be recognised but no help is needed (EU official based in Algiers, personal communication, November 2021). Although performed independently, the effort also concerns Europe because it deters those trying to continue from Algeria to Europe. There are aspects of cooperation on migration that Algeria is interested in. For instance, it is the EU's support for Mali and Niger that would result in the so-called politics of “fixing people”. Such an approach consists of integration packages or development assistance that could allegedly stem migration (EU official based in Algiers, personal communication, November 2021).

Some observers have nonetheless called Algeria the EU's gendarme because it “assists” the process of sending sub-Saharan migrants further away from European borders. Algeria explains its reasons for expelling migrants as related to internal political tensions and thus also as a desire to deal with these issues with no assistance from external actors. At the same time, the EU, although external to this process, indirectly benefits from Algeria's migration management strategy (Researcher on migration, personal communication, November 2021; Humanitarian worker, Niamey, personal communication, November 2021). Seen from a different perspective, Algerian expulsions of third-country nationals can also be explained by the existing agreements between the EU and Niger that are focused

Algeria explains its reasons for expelling migrants as related to internal political tensions and thus also as a desire to deal with these issues with no assistance from external actors

For actors such as the EU or Algeria, cooperation becomes the way to externalise internal politics and engage other countries to integrate the desired behaviour

on stemming irregular migration and in particular on funding assisted voluntary returns and reintegration (AVRR) programmes. Algeria uses these existing agreements to turn back sub-Saharan citizens, knowing that they will be picked up in Niger and offered voluntary returns (Researcher on migration, personal communication, November 2021). In fact, the novelty of expulsions from Algeria since 2016 lies in the nature and institutional set-up of the reception of migrants by international organisations that replaces the state and, in turn, gives the impression of humanising expulsions (Sylla & Cold-Ravnkilde, 2021). It has been clearly stated that for the EU the priority and realistic objective is to continue and possibly scale up voluntary return operations to the countries of origin because it is a safer solution than expulsion (EU official based in Algiers, personal communication, November 2021). The EU's official preferences of voluntary returns somehow stimulate Algeria's approach to expulsions of third-country nationals: sending irregular sub-Saharan migrants further away from the Mediterranean. Thus, the relationship between the EU and Algeria in migration cooperation can be characterised by the similarity of approaches in the context of their non-cooperation.

### **What is cooperation in this context?**

The agreement between Algeria and Niger – not disclosed publicly – is a kind of illustration or symbol of what can be considered cooperation. The “agreement” becomes a transposition of asymmetrical power relations where a “stronger” player has the capacity to impose its priorities in a bilateral agreement. As is the case with the EU, Niger does not have the power to promote a national agenda on migration and has to follow the preferences of wealthy donors. Besides asymmetrical power relations,

there are also such factors as indirect gain from existing bilateral agreements or the impact of existing agreements on the overall situation in the region.

Since the agreement with Algeria and increased number of returns from Libya, Niger has become a transit country in both directions. Niger's “transitiness” is characterised not only by the migratory movements to the North but more and more so by the movements to the South of those who have been expelled or deported from Algeria. The IOM reported that more than 11,000 migrants were expelled from Algeria to Niger in 2019, including 358 non-Nigerien nationals (Pascual, 2019). Data from multiple sources suggest the real numbers for 2019 could be higher, potentially between 15,000 and 20,000 (GI, 2020). Such movements significantly impact Niger's North and the overall situation there. Several interviewed stakeholders mentioned that the perception of migration in Agadez has drastically changed over the last years because of the high number of people literally “stuck” there (Humanitarian worker in Agadez, personal communication, November 2021; Humanitarian worker, Niamey, personal communication, November 2021). Among the returned migrants, only those who enrol in AVRR programmes are eligible for assistance. All the others remain in a transit limbo, searching for new migration opportunities as well as income-generating activities. The EU's approach to the assistance and protection of migrants does not include transit migrants not willing to return to their countries of origin. Lack of assistance programmes for this category of migrants makes them even more vulnerable to abuses, dangers and uncertainties (Nigerien civil servant, personal communication, December 2021; Human rights activist, Niger, personal communication, October 2021).

This increasing limbo for migrants, a long-term effect of the EU policies, becomes more and more an issue that needs to be solved.

If cooperation is seen in a larger sense, beyond mutual agreements on quite an abstract national level, but rather in connection with the positive outcomes for the individuals of the involved countries, then it seems that Niger and specifically Nigerien citizens get no advantages from existing agreements. Migrants experience hard times travelling and local populations, especially in the north of Niger, perceive migrants and migration in a more and more negative manner because of the increasingly complex entanglements around population movements (Researcher on migration, personal communication, November 2021).

Looking at this complex set-up, the question on the nature of cooperation comes up. What exactly does cooperation mean in such a fragile setting? Rather than a reciprocal win-win situation, the cooperation resembles the acceptance of the conditions of the stronger partners and adherence to their conditions. For actors such as the EU or Algeria, cooperation becomes the way to externalise internal politics and engage other countries to integrate the desired behaviour.

## Conclusions and policy recommendations

Migration management is one of the central pillars of cooperation between West Africa, North Africa and the EU. The so-called migration crisis and the subsequent response to it have impacted not only the EU but also and in particular the countries situated along the migration routes. As a response to this changing situation, the countries have straightened up their agreements and

developed new, more restrictive approaches to migration.

The chapter questions what the gains and positionalities of each country are *vis-à-vis* the others operating in this complex geopolitical context. While Algeria and the EU each have a strong agenda on migration, also sharing some priorities, their cooperation is very limited. Niger in this context is the country that most of the time has to accept and enshrine the interests of its partners in its internal policies. This type of cooperation has major repercussions on the ground, in particular on people on the move who directly experience the effects of this kind of cooperation. The EU's externalisation of the borders has significantly impacted the overall migration ecology in the region. From social normalcy it was discursively constructed as "emergency" related to organised crime and needing securitised responses. As a result, Niger has become more and more a transit limbo, especially for those who were deported or expelled from Libya or Algeria and do not want to be returned to their countries of origin.

Understanding cooperation not only as a way to convey internal political priorities to the partners but also taking into account the repercussions on people on the move, the following recommendations can be formulated:

- **Cooperation between states should include understanding the effects that it would have on the people on the ground and should not be aimed exclusively at political gain at the state level.** In the case of cooperation between Algeria and Niger and between the EU and Niger, migrants and specifically Nigerien migrants have found themselves in more dangerous conditions and as a consequence much more vulnerable. As demonstrated in the chapter, a securitised

approach to migration has increased the vulnerability of migrants. Moreover, the EU's approach to the assistance and protection of migrants does not include transit migrants not willing to return to their countries of origin. Lack of assistance programmes for this category of migrants makes them even more vulnerable to abuses, dangers and uncertainties.

- **The EU should explore ways to fight human smuggling through non-securitised and non-police approaches and shift to alternative less-impacting approaches opening more legal pathways for migration.** Migration is an important social and economic valve for the Sahelian populations, and stemming it through police and increasingly securitised approaches means that many people cannot migrate or must accept unreasonable risks in order to be able to reach their goals. Furthermore, as shown in the chapter, very often fighting against human smuggling or against irregular migration is done in order to save human lives. After several years of implementation of Law 2015/36 in Niger it has become

clear that increased securitisation of migration makes migrants more vulnerable and more exposed to abuses. Such loopholes in the fight against smuggling and trafficking should be addressed by policy-makers.

- **Cooperation efforts should be based on people-centred approaches to migration that would take into consideration evidence-based research on the negative repercussions on the ground of fighting against human smuggling.** Existing research has demonstrated that negative effects of the securitisation of migration are evident on the ground (see references). Policy-makers should give due attention to these studies and model existing migration governance tools in order to take into consideration how migration governance can be seen through a non-securitised, people-centred approach. This would also mean taking into account a more local understanding of migration and approaches to tackling trafficking and organised crime, as was the case in northern Niger, for instance.



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# **CSOs' Roles and Dilemmas in Migration Policy-Making in the Maghreb**

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## Introduction

This chapter takes stock of the civil society organizations (CSOs)' interactions and involvements in shaping migration policies in Tunisia, Algeria and Morocco. The political environment therein largely influences the visibility and interventions of CSOs in the migration policy-making process. During the last two decades, the size, roles and capacity for actions of non-governmental actors as sources of migration policy proposals have gained progressive visibility. Knowledge of the reality on the ground and proximity to the migrants have allowed them to identify migrants' specific needs and publicise their daily struggles in the host countries and in transit zones. Their experience in developing synergies with domestic public and private actors as well as local and international authorities has made their contribution more efficient. They "provided critical services," and "recorded slight improvements in the sector's public image"; thus, they managed to maintain stability in the overall sustainability index (USAID, 2015). Yet, challenges pertinent to the omnipresent political and regulatory constraints continue to limit their full participation in policy consultation processes. This chapter sheds light on the roles CSOs have or have not managed to play in migration policy-making and consultation processes in the three countries. Three objectives are highlighted. First, the study pays particular attention to local CSOs' fields of interactions in the policy-making processes, and scrutinises the barriers that confine their full participation in these processes, particularly during the past ten years (2011-2021), taking into account the contextual differences between the three countries. Second, it delves into the dilemma CSOs are facing with regard to

the European Union (EU)'s externalisation of migration policies that are applied to third countries of the Southern Neighbourhood (SN). Third, and finally, the chapter proposes succinct policy recommendations for optimising the involvement of CSOs in migration policy-making nationally and regionally.

This deskwork-policy analysis builds on existing studies about the CSOs' roles in the regional migration policy-making debates. A right-based analytical (RBA) framework is adopted because it incorporates the four cross-cutting human rights principles<sup>11</sup> and goes beyond traditional rubrics for suggesting how migration-related policies and programmes are expected to induce change. RBA assumes that there are two stakeholder groups in social development: the rights holders (in our case the migrants) and the duty bearers or policy-makers, obligated to fulfil the holders' rights (Social Protection Human Rights, 2015). The role of CSOs, accordingly, is to mediate between these two groups in both the policy development and policy implementation stages in order to strengthen the capacity of duty-bearers and empower the rights holders. As such, the adoption of this analytical framework is motivated by the premise that RBA arguably brings CSOs closer to the issues of root causes of the migrants' human rights; and it elucidates the relationships between the state and CSOs in policy-making processes.

The World Economic Forum (WEF, 2013) defines civil society as a sphere outside the state, the market and the family. Similarly, the United Nations (UN) Guiding Principles Reporting Framework states that "civil society refers to any non-State, not-for-profit, voluntary entities formed by people in the

<sup>11</sup> The United Nations Office of the High Commissioner for Human Rights (UNOHCHR) proposed four cross-cutting principle-based dimensions of human rights standards and principles for the RBA; namely: participation in the decision-making process, accountability, non-discrimination, and equality (P.A.N.E.).

social sphere that are separate from the State and the market, which could be a community-based organization or non-governmental organization (NGOs),” (UN, n.d.). Accordingly, throughout the chapter, the phrase “civil society organizations” (CSOs) is used in reference to and interchangeably with “non-governmental organization”, “associative movement” and “civil society actors” (CSAs) that work as non-for-profit mediator between the government and the migrants and/or a service provider for migrant and migration issues.

The chapter comprises four main sections. The first section synthetically analyses the laws that regulate the former's work, participation and pending challenges. The second section draws a cartography of the CSOs' expansion and advocacy performances. The third section highlights existing paradoxes in the work of some associative bodies. Finally, the last section suggests corresponding policy recommendations that could strengthen the roles and position of CSOs in the participatory approach.

## **CSOs and migration policy-making: amidst restrictive regulations**

The regulatory and institutional frameworks within the Arab region tend to disfavour the optimisation of CSOs' presence in the public sphere and civic life engagement in such a way that shrinks the latter's advocacy activities. The Maghreb region is no exception. Despite several revisions and modifications, most of the laws that govern civil life date back to the colonial period and remain normative.

### **Morocco**

In Morocco, associations are governed by the 1958 Dahir, which was revised in 1973

and modified in 2002. But the law and procedural measures pertinent to the application and establishment of an association are unsuited to the modern realities and needs of associative activity despite the fact that the 2011 Constitution enshrined associations as contributors “in the context of participatory democracy, to the development, implementation, and evaluation of decisions and projects of elected institutions and public authorities” (CESE, 2016). Given that the country considers migration as a strategic domain for nation branding and geopolitical positioning within Africa and toward the EU partners, Morocco has established two important institutions during the last decades.

The first is the Ministry for Moroccans Residing Abroad and Emigration (MMRAE) since 2013. Prior to that year, it did not include the term “emigration”. The second is the Ministry of Relations with the Parliament and Civil Society in 2012, which was delegated to the Head of Government, in charge of Relations with Parliament and Civil Society, in 2017. These two institutions have turned the debate about civic engagement and the theme of immigration into prominent topics within the national political agenda.

In 2013, in partnership with the National Council for Human Rights (NCHR) and major national NGOs, MMRAE organised a series of meetings on various aspects related to migration (see Badre in the first chapter of this study). The outcome was the establishment of dozens of partnerships, leading the Ministry to subsidise CSAs' projects in favour of migrants. The political dynamic was key in engaging national NGOs and grassroots movements in the formulation of the National Strategy for Immigration and Asylum (SNIA) in 2013. After the implementation of SNIA, in March 2016 the Ministry in partnership with the NCHR organised the 3rd edition of the

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Annual Immigration Forum under the theme “Migration Policies: What Role for Civil Society?” (MMRAE, 2016).

One of the Forum's objectives was to consolidate SNIA by collecting CSOs' feedback on the implementation of the strategy and its effects on the livelihood of migrants. Given the advanced regionalisation process the country is pursuing, the involvement of CSOs in the implementation of SNIA has become crucial; mostly because objectives assigned to SNIA can be better achieved if the latter is applied at the local level, as close as possible to the real and specific needs of immigrants. With their in-the-field experience and knowledge about on-the-ground programme implementations, CSOs seem to be the good fit for the implementation part of SNIA at the local level.

## Tunisia

In Tunisia, article 8 of the 1959-adopted Constitution proclaims that “the freedoms of opinion, expression, press, publication, assembly and association are guaranteed and exercised in the conditions defined by law” (Tunisia, 1959). Additionally, the decree Law No. 88 of 2011 on the Regulation of Associations is considered as a primary legislation regulating civil society and, by extension, affecting the right to freedom of association. The Law has enabled CSOs to play visible roles during the post-revolution transition. They have successfully pushed consecutive governments to ratify the Transitional Justice Law (TJL) in 2013; the 2017 Law for the Elimination of Violence against Women; and the 2018 Law Against Racial Discrimination (Chaker, 2021). The spirit of TJL unfolds structural reforms in matters of social justice, the rule of law, and the respect of human rights not only for Tunisians but also for inland migrants. National CSOs have exercised tremendous pressure on the newly-appointed government back then, managed to mobilise the

people, academia and the media to campaign in favour of the TJL, and bridged the gap between the public authorities, the private sector and international organisations.

Conversely, during the preparation of the National Strategy for Migration between 2013 and 2017, migration grassroots movements were not actively involved in the process. This lack of participatory decision-making approach could be justified by the legislative stalemate of migration policy since the topic is not currently of utmost priority in the national agenda or public debate. In other words, the political tension and economic hardships the country is undergoing relegate the visibility or urgency of the migration debate. CSOs expressed dissatisfaction about the lack of a truly participatory decision-making approach and blamed the government for overlooking their expertise: “they invite us to attend meetings on migration but do not involve us in preparing the agenda and do not listen to us” (Roman & Pastore, 2018).

Although Law No. 88 of 2011 has been considered one of the most enabling civil society laws in the region, this provision leaves the appreciation of “freedom” in the hands of an increasingly dominating executive power. The current political developments in Tunisia threaten such freedom, as witnessed in July 2021 when Tunisia's current president, Kais Saied, declared to rule by decree and ignore parts of the constitution as he prepared to change the political system. This move is now fuelling outrage and concerns among the Tunisian public and international observers. EuroMed Rights “denounces this move and expresses its deepest concerns for the respect of the rule of law, human rights and the role played by civil society since the 2011 revolution” (EuroMed Rights, 2021).

Compared to both Morocco and Algeria, Tunisian CSOs still enjoy a considerable

space of freedom and exercise a great deal of influence on the authorities, which promises to grant them a close to central role in future migration policy debates. For instance, since 2014, the Tunisian General Labour Union (UGTT) has coordinated the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) for the defence of migrant workers' rights. The Association of African Students and Trainees in Tunisia (AESAT) has played a central role in mobilising Tunisian civil society and humanitarian NGOs around the demands of sub-Saharan immigrants. The momentum of the main components of Tunisian civil society in favour of the decent reception of sub-Saharan Africans has begun to bear fruit.

## Algeria

In Algeria, the highly restrictive Law 90-31 of 1990 on Associations governed civil society landscapes until 2012 when the new Law 12-06 on Associations was introduced. The latter includes provisions that subject an association's stated objective to vague and imprecise general criteria, such as the "public interest" and "respect for national values" and "principles". Article 46 within the Ordinance 06-01 relative to the implementation of the Charter for Peace and National Reconciliation prescribes a penalty of imprisonment and a fine for any person who attacks the institutions of the state party, impugns the honour of its officials, or tarnishes its international reputation. Furthermore, the Law on Information No. 12-05 requires all publications generated by associations to have a prior approval by a media regulatory authority, which among other things limits associations' ability to conduct advocacy through written materials.

Even with the new 2020 Constitution and new administration, harassments and

restrictions on CSOs' work prevail. This is due to existing barriers to registration and obtaining legal status, barriers to activities, restrictions to freedom of speech and advocacy, and restrictions to resources and international partnerships and contracts (Badre, 2021). This systemic control of civic life is accompanied by systematic persecutions. In 2020, Human Rights Watch documented "at least 173 protesters were on trial on charges that relate to either their activism or their peaceful participation in protests" (HRW, 2020).

Although the debate over migration is gaining wider attention nationally, within the policy-making sphere it remains a state-exclusive domain. It takes place mostly at the national government level. The consecutive repressive political regimes that have been succeeding in the country have been enacting Law 12-06, leaving CSOs with limited space for freedom and acting rather in an opaque and poorly adapted regulatory framework. The legislation restricts CSOs' advocacy activities, especially when they attempt to name and shame the state's mistreatments and inhumane expulsions of irregular immigrants. For instance, in October 2021, Amnesty International released a press titled "Algeria: Effort to Dissolve Prominent Civic Association", in which it called on the Algerian authorities to refrain from dissolving a prominent civil society group over alleged violation of the Law on Associations.

With the exception of incoherent existing policies relative to migration regulation and non-officialised bilateral agreements with Mali and Niger, as well as some EU states on issues pertinent to border control and repatriations, the country remains undecided on legislating a comprehensive national migration strategy for reasons discussed in the first chapter. Furthermore,

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some Algerian grassroots<sup>12</sup> movements sharply criticised the 2016 Algerian Civil Society Coalition report for the Universal Periodic Review, for excluding the former and not mentioning any recommendations with regard to the situation of migrant populations. The report itself states that the reason behind the exclusion was “due to their activities in favour of human rights, certain members of the signatory organisations – including trade unionists, lawyers and young activists – have been subject to judicial harassment, arrests or arbitrary dismissal” (Euromed Rights, 2016).

To cope with the current stalemate, domestic NGOs funnel their work through three main channels. First, they cooperate with regional and international organisations on the implementation of several humanitarian and socioeconomic programmes directed to migrants. Second, they watchdog the state’s policies and practices toward migrants, and document wrong doings through regional reports and forums. Third, and more importantly, they are very active in service provisions and programmes implementations. This way, the grassroots networks continue to create impacts on the livelihood of immigrants, despite the marginalisation from policy-making consultations.

### **The CSOs’ evolution in the migration policy consultations**

As of 2013, 130,000 registered associations were reported in Morocco (CESE, 2016), 108,940 in Algeria (ICNL, 2021) and 180,000 were reported to be active in Tunisia, according to 2016 statistics (Mansri, 2016). They work in fields per-

tinent to human rights, and socioeconomic and political developments. In the absence of official data, it is hard to define the number of CSOs that focus mainly on the migration field, but the number remains modest, and most of them work on programme implementation rather than policy recommendations due to the restrictive regulatory framework. It could also be due to the fact that migration policy interactions between the state and domestic associative movements is not as old as their interactions in the domains of human rights, gender equality, rule of law and participative democracy. In other words, the collaboration between the state and the CSOs in matters of migration policy is a relatively new exercise in which the two players are trying to negotiate and establish long-term interests.

In this regard, Saaf (2016) distinguishes two forms of migration NGOs’ participation in policy- and decision-making. The first form is exerted either through soft negotiations with policy-makers or through a more militant resistance by means of naming and shaming governments’ inhumane practices. The Algerian 2016 Civil Society Coalition Report (CSCR) for the Universal Periodic Review (UPR) and the Morocco-based GADEM (antiracist advocacy group in support of foreigners and migrants) and the Professional Labour Unions and Human Rights Organizations reports (2018) stand as live cases of the pressures put on the local governments to reduce the frequency of expulsion of sub-Saharaners carried out by the border police in Morocco, Tunisia and Algeria since 2019.

The second form occurs when public authorities themselves organise consultations

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<sup>12</sup> Among these grassroots movements, there was the Collectif des Familles de Disparus en Algérie; the Network of Lawyers for Human Rights; Euromed Rights, which also contributed to the preparation of the 2012 Algerian CS Coalition report for the Universal Periodic Review.

with associations or interest groups before adopting certain policies. Since the Arab revolutions, these consultations have occurred in several national debates. For instance, it occurred in Morocco during the National Dialogue on Civil Society and the New Constitutional Prerogatives (DNSC) that was initiated by the Minister in charge of Relations with Parliament and Civil Society in 2016; and earlier in 2013 during the development of the National Strategy for Immigration and Asylum. Likewise, it occurred in Tunisia during the legislation of the Transitional Justice Law (TJL) in 2013 as well as in 2017 over the Law for the Elimination of Violence against Women, and the 2018 Law Against Racial Discrimination (LARD).

Thanks to the diverse tactics and approaches they pursue even under restrictive political environments, Maghrebi CSOs have managed to reach varying degrees of autonomy. Formal and lasting coalitions have emerged at the national level, such as Caritas-Algeria, Caritas-Tunisia, Caritas-Morocco, GADEM, Associative Space, and the Euromed Morocco platform. Additionally, coordination and networking spread to regional synergies with neighbouring countries. These include the Middle East and North Africa (MENA) Civil Society Network for Displacement (MENA-CSND), Doctors Without Borders, the Red-Cross; as well as with the EU states, including Euromed Rights, Forum of Northern Associations, and Forum of Southern Associations, among many others. Furthermore, they have established sustainable cooperation with “umbrella” international human rights organisations such as Human Rights Watch as well as Amnesty International through its Forced Migration Project and the Society for International Development (SID) with its project on the Future of Asylum and Migration.

There is also the Partnership in Action (PARinAC) and the UN Inter-Agency Standing Committee, both of which are advocacy networks for humanitarian NGOs and act as focal points on UN bodies under the International Council of Voluntary Agencies (ICVA). Through these coalitions, CSAs in Morocco, Tunisia and Algeria manage to build a common position before international organisations whose mandates focus on migration affairs. Together, they collaborate in generating annual regional reports and data exchanges on various domestic states’ practices, policies and migrants’ realities. This expansion has also contributed to the diversification of their fields of action and growth of their roles in the provision of social services, advocacy, and policy recommendations. They have become actively involved in a range of migration policy topics, ranging from assistance to the fight against racism, international protection of refugees, migrants and displaced persons, and human trafficking.

This regional momentum arguably emerges due to several domestic, regional and cross-regional factors. Domestically, the defection of public institutions along with the quasi-absence of political parties addressing the masses’ aspirations have fed people’s mistrust in official agencies, and disengaged youth from political life. Conversely, associative actions have gained more space and credibility, attracting politicians, academics, and public figures to join associative activism. Additionally, as the three countries are gaining more experience and knowledge about sub-Saharan immigration patterns, local decision-makers are also becoming more aware of the importance of social and international solidarity for promoting a participatory process in decision-making and initiative, given the complexity and multidimensional nature of migration.

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This awareness has fostered the emergence of a deep sense of social co-responsibility in the face of the challenges and new social risks associated with racism, xenophobia and discrimination. GADEM's effort in documenting and publicising anti-migrant events, along with the work of sister organisation such as the Light on Irregular Migration in the Maghreb Association (ALECMA), the Collective of Sub-Saharan Communities in Morocco (CCSM) and the Catholic Mission of Nouadhibou (GADEM 2018) have indeed continued in the shift of policies since 2015.

Regionally, the Arab uprisings and the way they reshuffled the political regimes in Tunisia, Libya and Egypt have ushered decision-makers (particularly in Morocco and Tunisia) to take a participative approach to decision-making more seriously. They now understand that actualising democratic transition and honouring the commitment of respecting migrants' human rights cannot be achieved without consolidating the backbone of the associative movement by gradually engaging them in the decision-making process. Hence, the spirit of shared responsibility increasingly (although too slowly) gives CSOs more space in the collective services for migrants.

Cross-regionally, the EU's inclusion of "the respect for human rights and promotion of democracy as an essential element" (EC, 1995) and making it an eligibility requirement in all its agreements with third countries since 1992 has pushed several SN states to allocate more space to associative movements. In 2006, the European Commission (EC) launched the European Instrument for Democracy and Human Rights (EIDHR), a financial instrument allowing the EU to support the defence of democracy and human rights throughout the world. Under this instrument, non-state actors are considered as privileged partners in the implementation of aid strategy for development.

Finally, the EU's desire, as a leading donor in the region, to finance civil society initiatives that promote political, economic and social issues in partner countries has helped associations adapt to this international demand. Under these conditions, SN national administrations are pushed to adopt a relative participatory policy-making approach, allowing CSOs to carry out governments' interventions, and partially tap foreign aid because the EC requires that at least part of the funding granted to the SN should be allocated to NGOs.

Despite the restrictive political environments, CSOs in the Maghreb region are witnessing growth and diversified segmentation. The Arab uprisings have amplified this development and gave birth to socio-political, economic and human right advocacy prominences. Their visibility and role are slowly growing from solidarity-service providers and mobilising and sensitising powers for shaping public opinions into occasional participants in the development of new immigration and asylum policies, as was the case with the consultations that the governments of Morocco and Tunisia established as ad-hoc mechanisms whenever need be.

## **CSOs' paradoxes in migration advocacy efforts**

Despite the progress, paradoxes and inefficiencies continue to impede policy and advocacy work of CSOs in the Maghreb. At one level, they have not managed to reflect on the innate complexity of the migration phenomena in a way that would address the issue through integrative policy models. The current approach to migration is characterised by segmentation, which sometimes runs the risk of decontextualising the phenomenon from its natural complex setting. In other words, this approach tends

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to segment migration into distinct thematic groupings and sub-groupings. For instance, some associations might focus mainly on issues pertinent to refugee and asylum seekers' rights; others on the protection of trafficked victims, or vulnerable groups of children, women and the elderly; while other advocacy work tackles migrants and human rights. Additionally, a great deal of policy work is undertaken by disconnected ministerial sectors. The lack of a cross-sectorial approach directly contributes to the segmentation of migration policy, designed programmes, implementation activities, and allocated funds. Finally, the fact that most of the existing NGOs are locally active, mainly in the implementation programmes targeting migrants, feeds the overriding perception that migration-related NGOs are mainly operational.

At another level, researchers such as Dini and Giusa (2020) suggest that CSOs in the SN are rather “dragged into the European attempts to govern migration remotely by incorporating [their] organizations in the fight against ‘irregular’ migration across the Mediterranean” (Boubakri, 2021). This way, CSOs are instrumentalised to serve the European framework of migration governance and fight against irregular migration more than serving the needs of migrants themselves. The EU and the SN countries leverage their adopted migration control measures and give it more legitimacy through the partnerships with CSOs, which render the former invisible at the expense of CSOs' visibility. Dini and Giusa (2020) argue that NGOs, in doing so, engage in an ethical paradox:

*“CSOs were under the illusion that they had become a key and essential actor, alongside the Tunisian State. ... The Mobility Partnership (MP) Agreement is an illustration of the continuity of the fundamental logic that drives the EU in its migration policy towards*

*third countries”* (Cited in Boubakri, 2021).

Furthermore, CSOs' autonomy in the migration policy debates is often questioned, and considered to be significantly affected by international influence, which frame their agenda and mode of operation through funding mechanisms, capacity-building training, and communication strategies. Finally, critics such as Denoeux and Gateau (1995) are sceptical about the tangible impacts of CSOs' role on the living conditions of immigrants. They argue that CSOs in Morocco, particularly in big cities, are characterised by an elitist nature, and are linked more to the state than to the real concerns of the target groups.

## Conclusion and recommendations

This chapter charts the territories of CSOs' contributions in the migration policy-making interface in Morocco, Tunisia and Algeria. It discusses the achieved milestones, and analyses the nature and the sources of pending hindrances. The chapter reiterates the significant contributions CSOs have made in the debates about policy developments in the three focal countries. Despite the restrictive regulatory environment, we expect that CSOs' roles in policy-making will gain more (although slower than needed) space. This is due to the socioeconomic developments and the need for consolidating a participatory approach to democracy.

Additionally, the SN orientations toward strengthening transregional cooperation with the EU and the accentuated effects of globalisation trends are urging the region toward a wider participatory trend. Finally, domestic governments cannot be blind for long to the expertise CSOs have accumulated over the years in the domain of advo-

The EC should further commit to ensure that violations of the fundamental rights of migrants and refugees are systematically addressed

cacy on migration issues. All these factors should help reposition CSOs as multipliers for migration human rights discourses. But, until then, they still have to deal with the several changing challenges and often state-based contradicting interests and political agendas that inevitably affect grassroots' scope and field of interventions. In line with this, we propose some operational policy recommendations:

***Actualising a full spectrum of migration human rights advocacy discourse***

CSOs in the Maghreb region are invited to continue exercising more pressure on policy-makers to adopt a right-based approach in policy consultation by mediated mobilisation and proxy through their international partners, which include EU states' decision-makers as well as international civil society organizations (ICSOs). In this regard, they could build on their regional collaborations with sister ICSOs, such as Euromed Right and Caritas, and multiply such forms of collaboration. Meanwhile, they need to bring the EU to consider the issue of human rights and political reforms as a top priority in all political dialogues conducted under the European Neighbourhood Policy (ENP).

***Adopting an innovative and integrative model for migration advocacy***

CSOs are invited to design more daring strategy models of advocacy far from the segmented approach. For instance, they could bid on pressuring local governments to open regular markets to sub-Saharan migrant workers, which would contribute to the fight against the development of the informal labour market in the region. This would integrate the dimensions of migration management and integration with the benefit and trade-offs between North and South

(since the current migration challenges are affecting origin, transit, destination and third countries); and explore international migration's inter-linkages with other areas, such as environment justice and climate change, and not just security and economy. The EC should further commit to ensure that violations of the fundamental rights of migrants and refugees are systematically addressed in the framework of committees dealing with human rights. The EU could organise this political dialogue in a more open and transparent manner, by organising civil society briefings following meetings on asylum and migration.

***Agenda setting***

CSOs have the opportunity to promote trust in international migration as a beneficial "non-excludable" "non-rivalry" global public good for everyone. To do so, they are required to forge inclusive objectives framed within the national and regional agenda for human mobility; and coordinate implementation amongst its various stakeholders in such a way that reflects existing international legal instruments that honour the migrants. The agenda could also debate the bounds between humanitarian and security issues and propose a reflection on the involvement of humanitarian actors in the process of externalisation of borders in SN.

***Up-scaling locally small associations into national profiles***

Most domestically, existing organisations are still registered as local associations. They are tasked with migration-related programme implementation and socioeconomic service provisions. Less than 5% are indeed registered as national entities with the capacities to engage in advocacy and policy consultation (Badre, 2021). They require tailored technical support and capacity-building so that they can better integrate into national and regional NGO landscapes.



Therefore, the visibility and pressure of CSOs' role in policy and advocacy work can only grow when the number of national associations increases. The existing 5% could help up-scale the profile and capacities of a significant portion of small local associations through capacity-building training, expertise exchange, and inclusion in national advocacy programmes as equal partners and not just collaborators.

***Polarising states' restrictive methods toward CSOs***

States' restrictions and harassment of organisations that operate in the migration advocacy fields need to be publicised. This could happen within the context of civil society forums whose objectives could

be further adapted to respond to this specific need, and by involving international funders, such as the EU, and get them to condition their regional collaborations with the SN governments on the establishment of free and inclusive working environments for CSAs. Moreover, the restrictive legal framework seems to be a regional one. To respond to these barriers, we propose triangular synchronised debates with outcome-oriented solutions between national, regional and European governments. At the national levels, governments should open transparent discussions with representatives of all the non-registered CSOs and the ones that work under shady statuses in order to agree on forging laws and legal frameworks that ensure their existence without fear of legal or institutional threats.

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# List of acronyms and abbreviations

<b>AESAT</b>	Association of African Students and Trainees in Tunisia
<b>ALECMA</b>	Light on Irregular Migration in the Maghreb Association
<b>AMU</b>	Arab Maghreb Union
<b>AU</b>	African Union
<b>AVRR</b>	Assisted Voluntary Returns and Reintegration
<b>CCSM</b>	Collective of Sub-Saharan Communities in Morocco
<b>CSA</b>	Civil Society Actor
<b>CSCR</b>	Civil Society Coalition Report
<b>CSO</b>	Civil Society Organization
<b>DNSC</b>	National Dialogue on Civil Society and the New Constitutional Prerogatives [Morocco]
<b>EC</b>	European Commission
<b>ECOWAS</b>	Economic Community of West African States
<b>EIDHR</b>	European Instrument for Democracy and Human Rights
<b>EU</b>	European Union
<b>EUTF</b>	EU Emergency Trust Fund for Africa
<b>GADEM</b>	Antiracist Advocacy Group in Support of Foreigners and Migrants
<b>GAMM</b>	Global Approach to Migration and Mobility
<b>GCM</b>	Global Compact for Safe, Orderly and Regular Migration
<b>GDP</b>	Global Detention Project
<b>ICNL</b>	International Centre for Not-for-profit Law
<b>ICVA</b>	International Council of Voluntary Agencies
<b>ILO</b>	International Labour Organization
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organization for Migration
<b>LARD</b>	Law Against Racial Discrimination [Morocco]
<b>MENA-CSND</b>	MENA Civil Society Network for Displacement
<b>MMC</b>	Mixed Migration Centre
<b>MMD</b>	Migration and Mobility Dialogue
<b>MIDWA</b>	Migration Dialogue for West Africa
<b>MMRAE</b>	Ministry for Moroccans Residing Abroad and Emigration [Morocco]
<b>MPFA</b>	Migration Policy Framework for Africa
<b>NCHR</b>	National Council for Human Rights [Morocco]
<b>NGO</b>	Non-Governmental Organization
<b>NMS</b>	National Migration Strategy [Tunisia]
<b>PARinAC</b>	Partnership in Action
<b>PPR</b>	Programmatic Progress Review [Morocco]
<b>RSMMS</b>	Mediterranean Sub-Saharan Migration Trade Union Network
<b>SDC</b>	Swiss Agency for Development and Cooperation
<b>SID</b>	Society for International Development
<b>SN</b>	Southern Neighbourhood
<b>SNIA</b>	National Strategy for Immigration and Asylum [Morocco]
<b>TJL</b>	Transitional Justice Law [Tunisia]
<b>TMSA</b>	Tunisian Ministry of Social Affairs
<b>UGTT</b>	Tunisian General Labour Union
<b>UN DESA</b>	United Nations Department of Economic and Social Affairs
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNHRC</b>	United Nations Human Rights Council

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