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**NOTE**

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From:	European Commission and European External Action Service
To:	Delegations
Subject:	Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Niger

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Delegations will find attached the above joint Commission-EEAS non-paper.



EUROPEAN COMMISSION

Brussels, 29 March 2016

Ares (2016)1486923

<b>FROM:</b>	<b>European Commission and the High Representative</b>
<b>TO:</b>	<b>COREPER Ambassadors</b>
<b>SUBJECT:</b>	<b>Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Niger.</b>

**Country Fiche proposing possible leverages across Commission-EEAS policy areas to enhance returns and effectively implement readmission commitments.**

## **Migration Country Fiche - NIGER**

### **1- Key Migration features**

#### ***Niger nationals as migrants to the EU***

- Niger is a **transit country**. It is one of the most critical transit hubs for migration flows to Europe.
- **Figures of Nigerien migrants in Europe are testimonial**, as Nigeriens tend to migrate to neighbouring countries. This feature may change in the medium and long term, though, considering the huge demographic pressure (annual growth rate of 3,9%; 50% of the population is under 15 years).
- In December 2013, there were around 4700 Nigeriens legally residing in the EU28. There were 215 irregular border crossings by Nigerien citizens registered in 2015<sup>1</sup> ; an increase from 153 recorded in 2014. Out of 550 return decisions in 2014 (Belgium, Germany, Spain and France were the most concerned Member States, with over 100 decisions each, only 60 returns were effectively carried out, resulting in the return rate of 10.9%<sup>2</sup>. In 2015, 605 Nigerien nationals were found irregularly present in the EU.

<sup>1</sup> Frontex data

<sup>2</sup> Eurostat data

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- Agadez is considered a **key transit hub** on the Central Mediterranean route for migration flows to Europe. 90% of migrants from Western and Central Africa travel through Niger on their way to Libya. An estimated 2,000 migrants per week, mainly from coastal Western African countries (Senegal, Gambia, Nigeria, Mali, Benin, Ivory Coast and Ghana), transit through Agadez, the majority being economic migrants, with Europe in mind as final destination. Out of 14 official entry points in the country, the entry point of Tillabery is the most frequently used.
- In 2015 520 Niger nationals applied for **asylum** in the EU. Out of 295 first instance asylum decisions made, 85 were positive (29% recognition rate).

### ***Migrant situation in Niger***

- Movement and migration of ECOWAS citizens into Niger, including the Agadez region, is legal and in line with the free movement principle within the ECOWAS. However, legislation was adopted in 2015 to criminalize smuggling of migrants in clearly identified cases (such as lack of valid travel documents or facilitating illegal border crossing outside ECOWAS, e.g. to Libya)
- The country, in particular the North of the Agadez region, is the theatre of operations of criminal networks, including smuggling of migrants and trafficking in human beings. Both legal and irregular migration, are important economic factors for the Agadez region, with corrupt practices and links by criminal networks with local/regional authorities are highly likely to exist.

## **2- Relations with the EU**

### ***General***

- Land-locked in the Sahel region, Niger is ranking last on the UN Human Development index, and exposed to serious development, security, climate change and food security challenges. The country is exposed to serious terrorist threats (AQIM-related groups in the North West; Boko Haram in the South East; IS in Libya), leading to an important increase in security spending.
- Niger holds a strategic geographical position, at the crossroads of the Maghreb and Coastal Western Africa. Its long borders and immense desert space (two times the surface area of France) are extremely challenging to control. The country is key for the EU regarding the fight against terrorism in the Sahel region and irregular migration from Central and West Africa.
- Niger is receiving an important per capita aid allocations under the 11th EDF (EUR 596 million for a population of 18 million). About 76 % of the NIP will be implemented through budget support programmes, providing a useful platform for increased dialogue. The formulation of a new "State Building Contract (SBC) is ongoing and will concentrate on justice, security and migration, in parallel with the formulation of two other sectorial support programmes on food security and education.
- Due to the still volatile security situation in neighboring Mali and Nigeria, Niger is hosting some 225.000 refugees from Mali and Northern Nigeria and about 60.000 IDPs.

### ***Migration relations Niger-EU***

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- Dialogue and cooperation has steadily progressed since January 2015 (first DG Migration and Home Affairs Mission at the request of Nigerien Minister of Interior in November 2014) with a clear acceleration as of the European Agenda for Migration. The High Level Dialogue was launched by HRVP during her visit to Niger on 18 September 2015. This visit was followed by Commissioner Mimica on 5 November. Both stressed the need to develop a comprehensive approach linking development, security and migration. Migration was on the agenda of the last two EU-Niger local political dialogue meetings in 2015.
- A pilot information campaign for migrants, implemented by IOM is ongoing since December 2014 until the middle of 2016,
- The mandate of the EUCAP Sahel Niger mission was enlarged in July 2015 including a new objective on migration. New premises in Agadez to be operational soon with the aim of supporting the Nigeriens defense and security forces and strengthening their capabilities to address terrorism and organized crime as well as to prevent and contain irregular migration flows and to fight related criminal activities more efficiently.
- In November 2015 the first phase of Pilot multi-purpose migrant centre in Agadez was launched. This is one of the 16 priority measures mentioned in the Valetta Action Plan.
- The first meeting of the Operational Board of the Trust Fund, on 14.1.2016, approved 2 projects: "Support to the Migrant Mechanism Response" (EUR 7 million), which covers the second phase of the Pilot multi-purpose migrant centre, and "Support to the development and to local governance for a better management of migratory flows" (EUR 25 million).
- Niger is participating in the Rabat Process and co-chaired the thematic meeting on trafficking in human beings and smuggling of migrants in Porto in December 2015.
- Niger takes part in the G5 Sahel initiative. A Roadmap for Reinforcement of Dialogue and Cooperation between G5 Sahel and the European Union was adopted at the G5 Sahel Summit on 19-20 November 2015. It includes strengthening cooperation on (i) security, border management, fight against terrorism, organised crime and traffics, (ii) migration and mobility, and (iii) prevention of radicalisation and countering violent extremism.

An increase of EUR 2 million of the budget (through a rider to the financing agreement) of the 10th EDF programme in support to justice and rule of law in order to allow a quicker implementation and enforcement of the law against human trafficking and smuggling of migrants (procedure on-going).

- ES-FR project on joint investigation teams to fight against criminal networks of trafficking in human beings and smuggling of migrants was recommended in the framework of the Rabat Process. It would be presented during the next Operational board of the Trust Fund to be held in April, with a budget of EUR 6 million.
- Niger is part of the EU-ACP Dialogue on Migration and Development. This dialogue has so far covered the issues of visas, remittances, readmission and more recently smuggling of migrants and trafficking in human beings.
- Niger is part of the countries benefitting from a UNODC project financed by the EU (10M Euro in total) "Global Action on Trafficking in Human Beings and Smuggling of Migrants". Based on a needs assessment the project aims to provide, strategic and legislative assistance, as well as

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capacity building and assistance/protection to victims of trafficking in human beings as well as to vulnerable smuggled migrants.

- Niger is covered by the Regional Development and Protection Programme in North Africa. Relevant projects are still to be decided.
- Support to Nigerien authorities under the MIEUX programme will soon be provided in order to contribute to the development of a National Strategy to counter irregular migration and strengthen the national capacities in this respect (implementation to start indicatively in April-May 2016). Assistance will be provided mostly by experts mobilised from EU Member States' public administrations.
- Niger is one of the first 4 countries identified by the Council Conclusions of 9th November 2015 where a European Migration Liaison Officer (EMLO) is due to be deployed in 2016.

#### ***Migration relations Niger - EU Member States***

Italy has financed the so called "Nigerim" project aimed to support to the transit centre in Agadez, in the interim of the financing from the EU. There exists a Memorandum of Understanding between the Nigerien National Police and the Italian security Department on the reinforcement of cooperation in the area trafficking in human beings and irregular migration.

Spain signed in 2015 a Convention on fight against crime. Their cooperation focuses on the exchange of information, training, equipment. Spain is also regionally engaged through, among others, a migration project financed by ECOWAS.

There exists a Convention with France of 1994 on the circulation and stay of persons. Cooperation focuses on training.

German cooperation focuses on equipment and border security (construction of border posts).

Luxembourg gives financial assistance to EUCAP Sahel Niger. The second ongoing project (0.29 MEUR) tackles irregular migration via procurement of a command vehicle and 5 troop carrier pick-ups to increase the mobility and effectiveness of the Ministry of Interior's mobile border control units.

### **3 – Key interests of the country and the EU**

#### ***Interests of the country***

- The security situation. The country crucially lacks resources to cope with the various security and development challenges, also taking into consideration the situation in the South-East with Boko Haram, with increased budgetary resources allocated to security and defense. Regarding security, Nigerien preference is for equipment rather than training. Niger expressed also the need to have assistance on reintegration of returnees.
- In that context, migration is not an immediate priority for the Nigerien authorities, although they have signaled to be open for dialogue and cooperation on the issue of migration including tackling irregular migration and related crimes.
- The government has taken some significant steps, including the adoption of new legislation, aiming at countering trafficking in human beings and more recently also smuggling of migrants,

without seriously tackling criminal networks so far. There are visibly economic and political conflicts of interest regarding national and as well as local authorities (particularly in Agadez) that favor, together with the lack of other sources of revenue (partly in substitution of tourism which stopped due to insecurity), a parallel local economy around migrants in transit.

- Niger has presented a "Sustainable development programme for the prevention and fight against irregular migration" in the framework of the Valetta Conference. The paper (overall budget of EUR 650 million) is, in principle, not meant to be a "financing request" but gives an overview of ongoing and planned action to tackle irregular migration and trafficking of human beings. Some of its proposals need a deeper discussion with local authorities.

#### ***Interests of the EU***

- The EU has a general interest in contributing to the stability of the country, exposed to various terrorist threats and structurally fragile, including from instability in Libya. The EU therefore also has keen interest in strengthening Niger's capacities to address these security threats and enhancing regional cooperation on security/border management.
- Poverty reduction, improvement of resilience, including to climate change impacts, and the creation of employment opportunities for youth are overall objectives of the EU in Niger. These factors are also among the root causes for irregular migration.
- The European Agenda on Migration identifies Niger as the single most important country of transit in the context of current migratory flows on the Central Mediterranean route. The EU therefore has a particular interest in addressing and reducing smuggling of migrants and trafficking in human beings and in dialogue and cooperation on migration issues in the framework of the implementation of the Valetta Action Plan.
- Based on the EU activities already ongoing in Niger through various instruments (EDF, IcSP, thematic budget lines, CSDP mission), there is a need to strengthen the comprehensive approach considering diplomacy, migration, sustainable development and security, both nationally and from a regional perspective.
- Cooperation with Niger on voluntary return of transiting migrants to their countries of origin, in order to increase Niger's capacity to reduce onwards movements to Europe.
  - Effective cooperation on return and readmission and increasing the return rate of irregularly staying Nigerien nationals.

#### **4 - Possible components of an EU incentives package<sup>3</sup>**

- Continued cooperation and support in the areas of security and the fight against terrorism should be pursued in order to enhance the stability of Niger and the wider region. Mobilization of additional resources as part of an incentive package could be considered, in particular to safeguard budget spending related to social and productive sectors.

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<sup>3</sup> No conditionality can be attached to needs-based humanitarian aid in line with the humanitarian principles

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- Given the generally very low levels of income and resilience of large parts of the population, support in addressing the root causes of instability and offering economic alternatives needs to be considered. In addition to current programmes, specific actions could be identified and supported that provide employment and alternative sources of income for persons currently are drawing benefits from the "migration business", particularly but not exclusively in Agadez. The focus on Agadez is particularly important in terms of accompanying the permanent presence and facilitating the efforts of EUCAP Sahel Niger.
- Other areas of future action, as part of a more strategic approach that might be considered are:
  - Mainstreaming migration in Joint Programming (total amount estimated at EUR 990 million for the 2016-2020 period (of which EUR 455 million from EU instruments);
  - Reflect on pragmatic ways to meet the Nigerien recurrent Interior Minister's requests on equipment needs and the creation of specialised border units.
  - Needs expressed by Niger for support to reintegrate Niger nationals returning from neighbouring countries, in particular Libya and Algeria.
  - Better linking up with the EIB strategy whose intervention in Niger amounts to about EUR 30 million.
  - Reduce the pressure coming from refugees and IDPs, e.g. by facilitating the voluntary return of Malian refugees from Niger
- Pursue/step up support to improve border and migration management and the fight against criminal networks. Important instruments to achieve this are continued CSDP support (EUCAP Sahel Niger), Trust Fund resources and MS bilateral cooperation.
- Building on current impetus from dialogue with the G5, but also within the Rabat Process and at ECOWAS level, regional cooperation related to border management, fight against illegal network and terrorism needs to be taken further. Regional projects supported under the Trust Fund (e.g. "Collège Sahélien de Sécurité") but also possible regional CSDP action and regional initiatives (e.g. on ID-documents) to be considered to this end.
- Cooperation with Niger on voluntary return of transiting migrants to their countries of origin could be reinforced and could be a significant incentive, as only a small part of irregular migrants stem from Niger. One of the dimensions of the migrant resource and response mechanism is initiating the "voluntary return" approach, a priority for the Minister of Interior.
- Increase the mobility of students, university staff and researchers between Niger and the EU through Erasmus+ and Marie Skłodowska-Curie Actions.
- Leverage of Schengen visa issuance within the boundaries of the Visa Code, to be discussed with the Member States.
- Restrictions in bilateral visa exemption agreements for diplomatic and service passport holders, to be discussed with the Member States.

### **5 – Recommendations**

- The EU and Member States' security and development cooperation are important factors for the stability and proper functioning of the country. Given Niger's extremely low levels of per capita income and resilience, in addition to its high vulnerability to external shocks (including climate change), such support is to be considered essential to preserve the country's development prospects. **The overall approach should therefore rely on positive incentives that could be stepped in line with real progress to be observed on reducing irregular migrant flows transiting through its territory.**
- The political dialogue should be pursued at high level, in order to follow up on commitments and to take stock of progress made since the launch of dialogue on migration. Particular emphasis should be given to effective action against criminal networks that are involved in smuggling of migrants and trafficking of human beings (and other types of trafficking). It is essential to take into account that Niger must take ownership of its own plans and programs.
- The main focus of EU action on migration should lie on enhancing capacities to fight against trafficking in human beings and smuggling of migrants, as well as on the generation of alternative sources of income and resilience. This should be pursued in putting in place an appropriate combination of instruments, including the EU Trust Fund and the existing CSDP mission (EUCAP Sahel Niger).
- Moreover, discussions on irregular migration could be engaged in the more general context of the regional security challenges, when it comes to improving trans-border and national territory control capacities. Emphasis should be put on implementing a truly strategic approach, implying appropriate coordination at different levels and coordinated messaging to Niger authorities. Niger ownership in implementing its strategies and legislation is essential and needs to be insisted on.

## **6 - Proposed next steps**

1. Strengthen the local coordination mechanism (involving the EU Delegation, EUCAP Sahel Niger and MS). The launching meeting took place on the 2-3 February in Niamey. This mechanism is to be chaired by the Nigerien Interior Minister and co-chaired by the EU Head of Delegation, as chef de file and supported by EUCAP Sahel Niger in the role of Secretariat.
2. Envisage an inter-service mission to Niger, preferably before the end of the 2<sup>nd</sup> quarter of 2016.
3. Depending on the outcome of the current electoral process (second round of presidential elections on 20 March), the EU should immediately re-engage with the administration to underscore EU's interest in swift action against smuggling/trafficking network.
4. Foresee high level follow-up dialogue (possibly in mid-2016, in the margins of planned G5 – ministerial), to take stock of progress made.