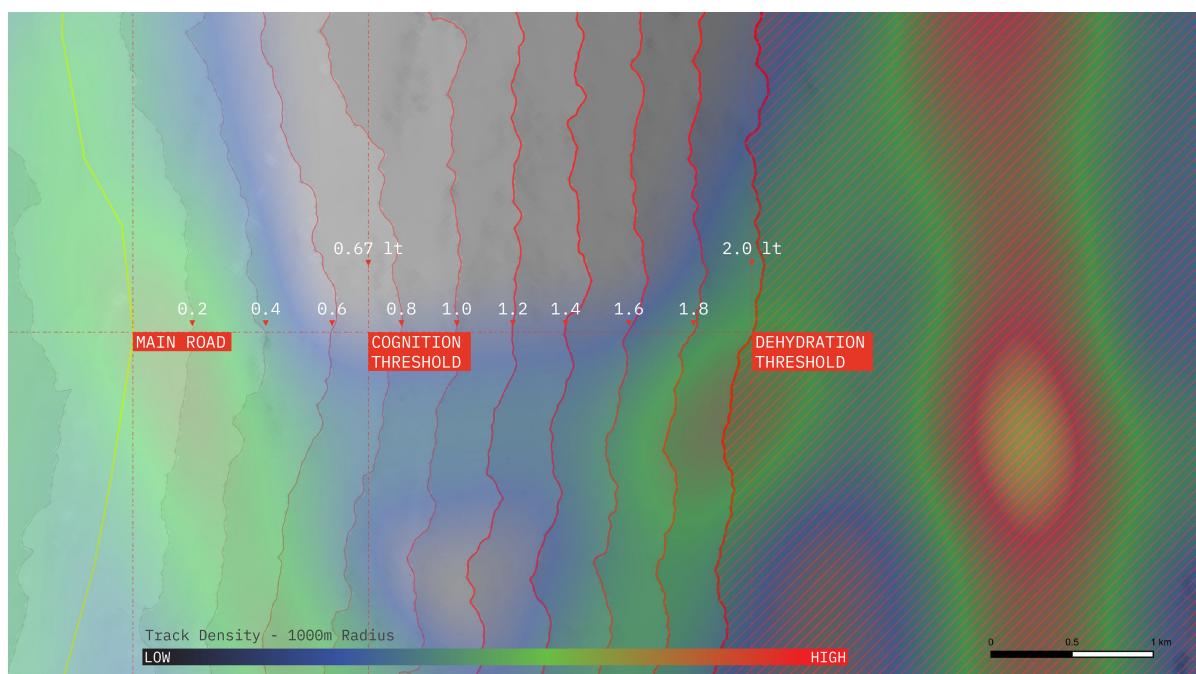


Mission Accomplished? The Deadly Effects Of Border Control In Niger

Mission accomplie ? Les effets mortels du contrôle des frontières au Niger



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Summary

On May 26, 2015, the Parliament of Niger adopted Law No. 2015-36 on Illegal Trafficking of Migrants, which resulted in a repressive and security-based approach to migration management. The law was drafted under the auspices of the United Nations Office on Drugs and Crime (UNODC), with financial support from Italy and Denmark.

REPUBLIQUE DU NIGER**LOI N° 2015-36***Fraternité-Travail-Progrès*

du 26 mai 2015

relative au trafic illicite de migrants.

Vu la Constitution du 25 novembre 2010 ;

**LE CONSEIL DES MINISTRES ENTENDU,
L'ASSEMBLEE NATIONALE A DELIBERE ET ADOpte,
LE PRESIDENT DE LA REPUBLIQUE PROMULGUE
LA LOI DONT LA TENEUR SUIT :**

CHAPITRE PREMIER : DES DISPOSITIONS GENERALES**Article premier** : La présente loi a pour objet de :

- prévenir et combattre le trafic illicite de migrants ;
- protéger les droits du migrant objet de trafic illicite ;
- promouvoir et faciliter la coopération nationale et internationale en vue de prévenir et de combattre le trafic illicite des migrants sous toutes ses formes.

Article 2 : La présente loi s'applique à toutes les formes de trafic illicite de migrants, qu'elles soient ou non liées à la criminalité organisée ou à un groupe criminel organisé.**Article 3** : Au sens de la présente loi on entend par :

- **trafic illicite de migrants** : fait d'assurer, afin d'en tirer, directement ou indirectement, un avantage financier ou un autre avantage matériel, l'entrée illégale dans un Etat Partie d'une personne qui n'est ni un ressortissant, ni un résident permanent de cet Etat ;
- **migrant international** : toute personne qui vit de façon temporaire ou permanente dans un pays dans lequel elle n'est pas née et qui a acquis d'importants liens sociaux avec ce pays ;
- **travailleur migrant** : personne qui va exercer, exerce ou a exercé une activité rémunérée dans un Etat dont elle n'est pas ressortissante ;
- **entrée illégale** : franchissement de frontières alors que les conditions nécessaires à l'entrée légale dans l'Etat d'accueil ne sont pas satisfaites ;
- **document de voyage ou d'identité frauduleux** : tout document de voyage ou d'identité :
 - qui a été contrefait ou modifié de manière substantielle par quiconque autre qu'une personne ou une autorité légalement habilitée à établir ou à délivrer le document de voyage ou d'identité au nom d'un Etat ;
 - qui a été délivré ou obtenu de manière irrégulière moyennant fausse déclaration, corruption ou contrainte, ou de toute autre manière illégale ;
 - qui est utilisé par une personne autre que le titulaire légitime.

1

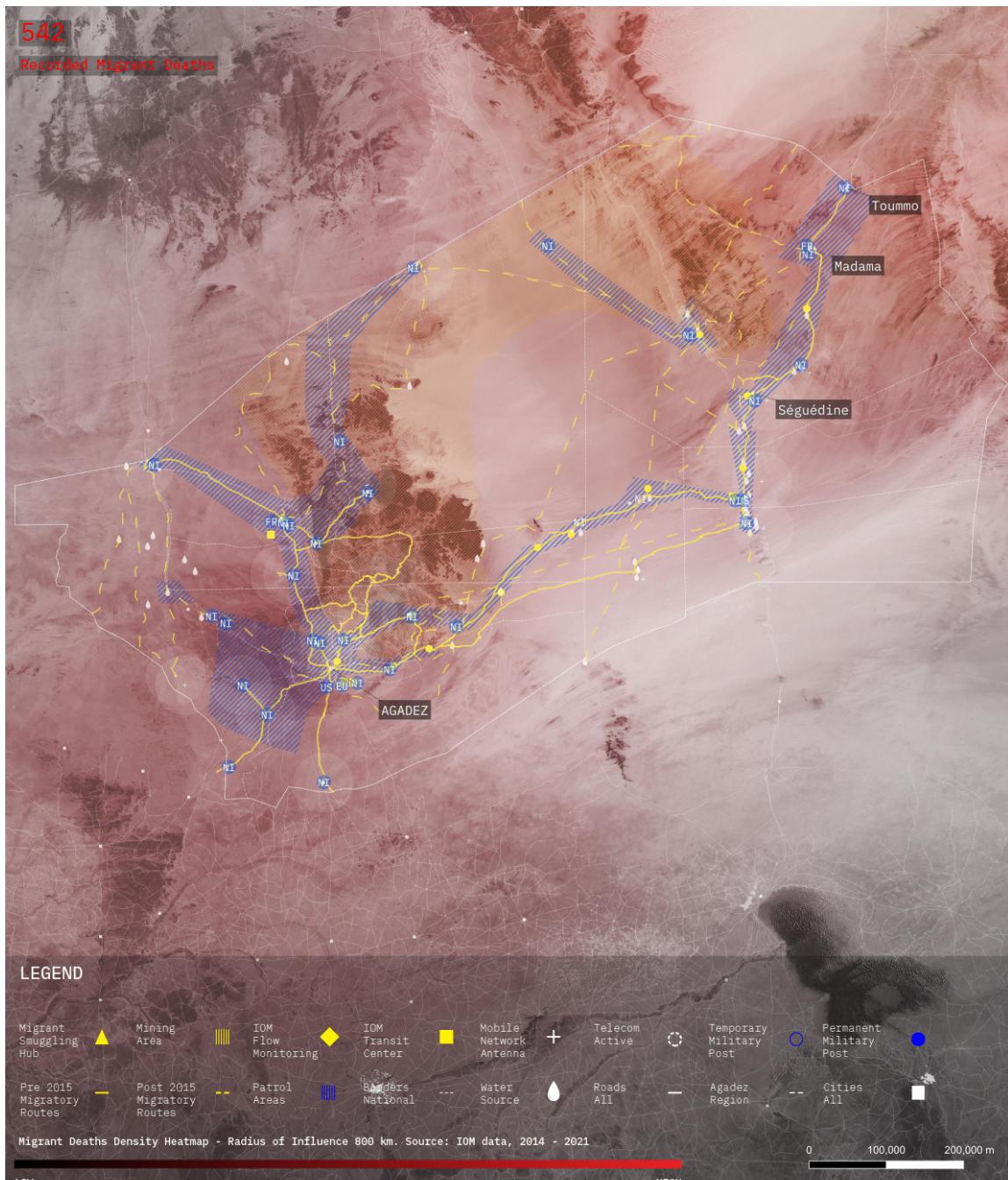
Migrant services providers (transporters, hosts, brokers, etc.) who had until then operated in broad daylight as part of a socially and economically essential cross-Saharan infrastructure of mobility, were suddenly criminalised and threatened by harsh penalties and imprisonment.

New forms of border control were established, with the financial and technical support of EU institutions and Member States seeking to stem migration across the Sahara. In the years that have followed, thousands of incidents of migrant deaths and disappearances have been recorded in northern Niger. Transport drivers – now characterized as negligent and greedy smugglers – were blamed for the increase in deaths and disappearances by the Nigerien government and news media, as well EU agencies such as Frontex. As a result of its tough stance, Niger has been erected as a model in terms of “combating the illicit traffic of migrants”.¹ The government of Niger and its international partners have developed a “*mission accomplished*” narrative, in which they boast about their success in curbing the number of “migrants” transiting through Niger and foreground the protection of migrants against smugglers.²



Migrants abandoned in the desert and found by National Patrol on the Agadez-Dirkou road, Source: Giacomo Zandonini, 2018

Numerous journalists, activists, and researchers have contested this account, arguing instead that life-threatening conditions faced by migrants have in fact been exacerbated by the implementation of the law. They have highlighted the role of Niger as a key strategic location of mobility control within the EU's policies of border externalization—through which the EU has extended border control beyond its perimeter, including ever further south into the Sahara-Sahel region. Their analysis has shown that the law's effects, along with the many forms of border control that have arisen in recent years, have forced drivers' trajectories into more remote areas of the desert, creating dangerous and often fatal conditions when a vehicle breaks down or drivers abandon their passengers and flee to avoid apprehension. Activists, journalists, and researchers have worked tirelessly for years to draw attention to the ways in which the law's implementation has led to a humanitarian disaster for migrants and Nigeriens alike, as well as leading to economic precarity and fear of severe fines and imprisonment amongst locals, particularly for those living in the region of Agadez.

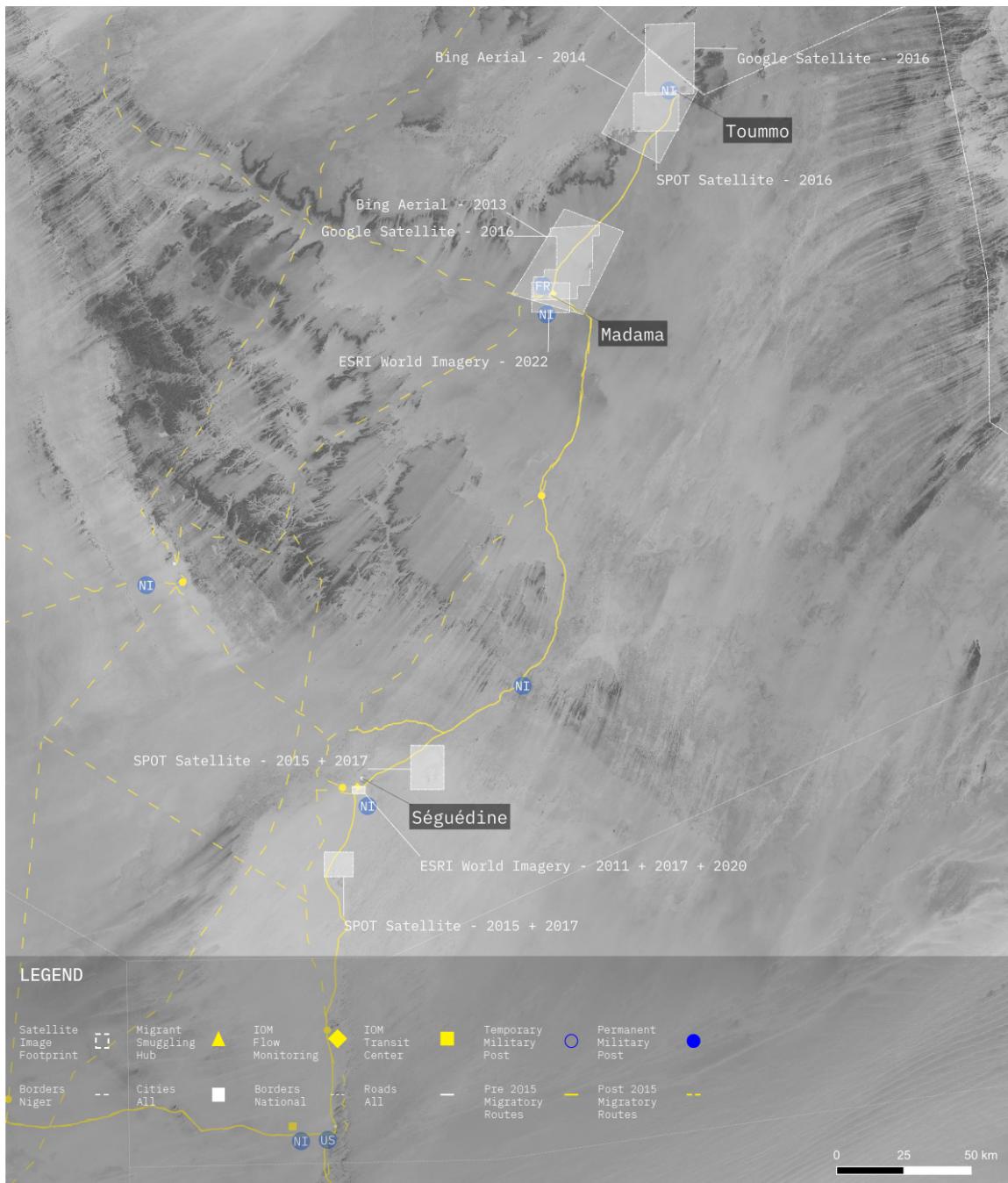


Migrant trajectories have changed drastically across the regions of Agadez in northern Niger since the implementation in 2016

Despite these efforts, the true scale of migrant deaths across the desert is unknown. This is due to the ways in which the law's harsh penalties have forced cross-Saharan movement within Niger further underground and into more remote areas of the desert, where incidents

can easily go unnoticed. As a result, reliable data on deaths have become even more difficult to gather.

In this report, Border Forensics' investigation mobilizes new and unique geo-spatial analysis and remote sensing methodologies to contribute to a better empirical analysis of the lethal effects of Law 2015-36 and the heightened border control it led to. We first detail the underlying context for the dramatic shifts in the approach to migration at the national level in Niger, and the role of European actors in developing Niger's border controls from 2015 onwards to thwart migration to Europe. We further discuss the challenges of data collection that has limited the availability of empirical evidence documenting the effects of Law 2015-036. We then describe the unique methodologies we have developed and data sources we have accessed and in turn apply these methods to a multi-sited case study along a section of the Agadez-Sabha route stretching from the civilian town of Séguédine, through the military outpost of Madama, and up to the Toumbo checkpoint at the Niger-Libya border. We provide a brief overview of each site before describing the remote sensing and geospatial analysis we conducted at each site. Finally, we discuss the implications of those findings for assigning accountability for the increased dangers of cross-Saharan travel in Niger in the wake of Law 2015-036.

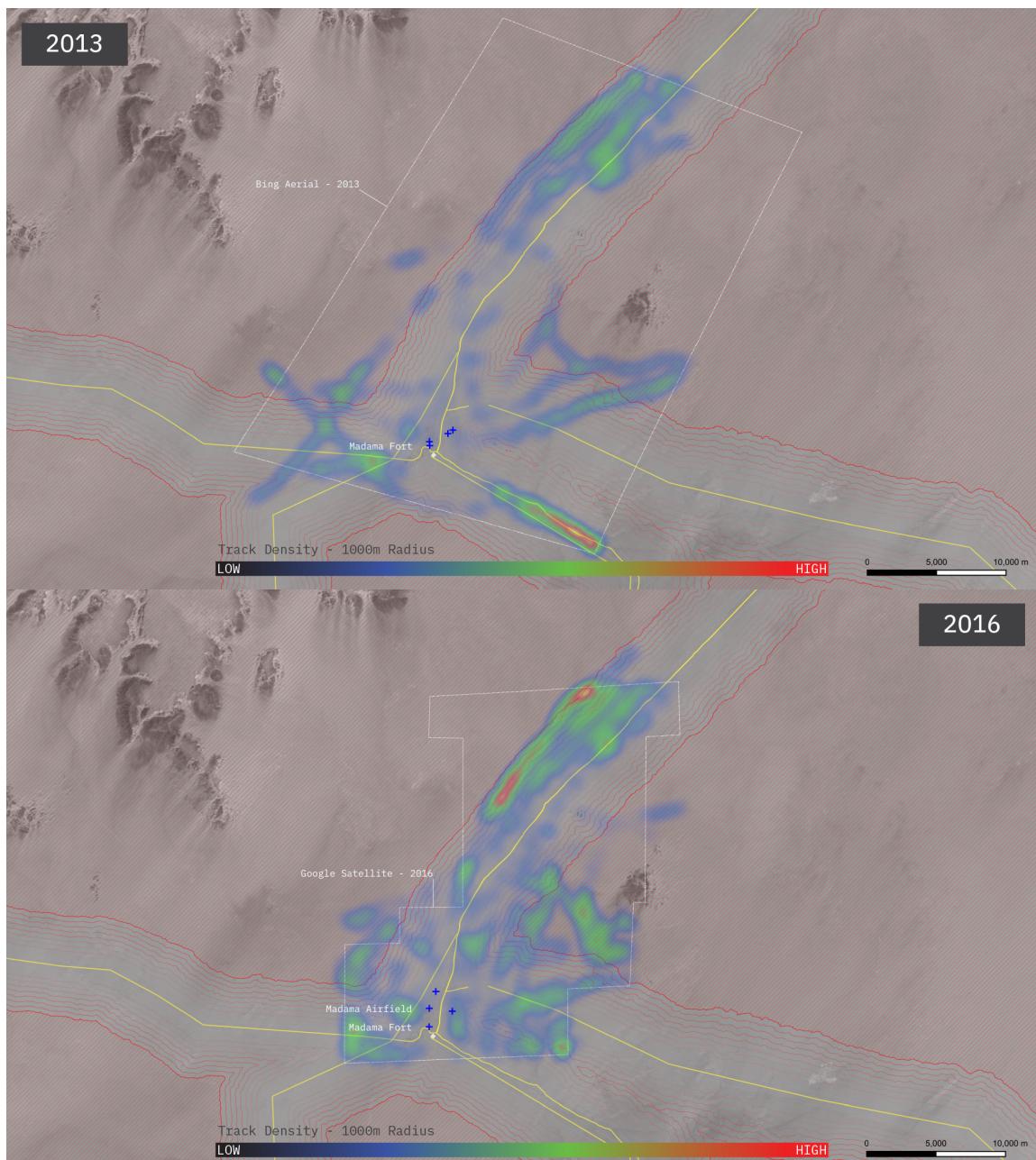


High resolution images were collected from open sources (Bing Maps, 2014; ESRI World Imagery, 2016; and Google Earth, 2021-22), and in instances where open source images were of insufficient resolution, imagery was purchased from LAND INFO

While our analysis of each site reveals varied dynamics of bordering practices and splintering

trajectories, a recurring pattern emerges pointing to a clear correlation between increased border control and the dispersal of migrants' trajectories. In turn, we demonstrate how this dispersal sees migrants' trajectories move deeper into the desert, where chances of survival are greatly diminished in the recurring events of vehicle failures, abandonment, or passengers running out of water.

We make visible and measurable one of the greatest risks faced in these cross-Saharan journeys: a life-threatening state of dehydration in less traveled and less surveilled areas.



The slider shows a comparison of significant clusters – tracks correlated with surrounding areas of low visibility – observed in 2013 and 2016, around the Madama military outpost, demonstrate there is a significant increase of tracks in areas of low visibility.

The innovative methodologies presented here are intended to be a building block for an extension of the evidentiary base of the effects of border externalization. This evidence may support calls for increased accountability of all actors participating in border management, in particular the Nigerien government, the EU, and its Member States, as well as UN agencies.

Full report

Download the full report here: [BF_Niger-Investigation_2023_EN](#)

To request material of the report or reach out to press, click here



Research team

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Copy-editing: Angela Smith

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First and foremost, we would like to thank the civil society actors, journalists and researchers who have been documenting and analyzing the effects of border control in Niger. In particular, we would like to thank the Association des Ex-prestataires de la migration, Alarme Phone Sahara (APS), Alternative Espace Citoyen (AEC), and La CIMADE.

In July 2021, Border Forensics and the Human Rights Project at Bard College organized a workshop to create a space for collective thinking and to foster the emergence of new methods and practices to better document, prevent, and seek accountability for border violence. The discussions and ideas that emerged from this workshop have been instrumental in shaping our investigation, and we extend our gratitude to all the participants, with special thanks to Peter Rosenblum and Danielle Riou.

In December 2022, we led a workshop with APS to develop new methods for documenting specific cases of border deaths. This workshop was crucial in providing us with a deeper understanding of the circumstances surrounding migrant deaths and the challenges of documenting them. We sincerely thank all the participants for their invaluable insights.

We would like to express our gratitude to Julia Black and Yodit Fitigu of IOM, who generously shared information with us about the process of collecting data on migrant deaths and flow monitoring in Niger.

This report is based on Rhoumour Ahmet Tchilouta's Ph.D. dissertation research, which began long before the preparation of this report. Rhoumour would like to express his deep gratitude to the many people he interviewed during the fieldwork for his doctoral research. In particular, he thanks the migrant transporters, who for obvious reasons will remain anonymous, for their generosity and kindness in sharing their time and knowledge. Finally, he thanks Taher Laouel, APS whistleblower, and Ibrahim Manzo Diallo for their invaluable help in conducting this investigation.

We are grateful to Francesco Bellina, Giacomo Zandonini, and Taher Louel for graciously allowing us to include their photographs in this report. We are also deeply indebted to Florence Boyer, Sebastian Cobarrubias Baglietto, Maribel Casas-Cortes, and Julien Brachet for their insightful review and comments.

This investigation is dedicated to the memory of all those who have been victims of border violence in Niger and around the world.

Press Coverage

08.05.2023 | AR | machahid24

تحقيق لمنظمة دولية يكشف معاناة ووفيات المهاجرين بالحدود النيجيرية الجزائرية

08.05.2023 | DE | Neues Deutschland

Migrationspolitik in Niger: Mission erfüllt

08.05.2023 | DE | Neues Deutschland

EU-Migrationsabwehr: Bewegungsmelder im Weltall

08.05.2023 | DE | Global Trouble

Europas Wüste (Podcast)

08.05.2023 | FR | Ivoire Actu

Au Niger, la lutte contre les migrants en trompe-l'œil

09.05.2023 | FR | Nouvelles du Monde

Rapport choc de Border Forensics : Le nombre de morts de migrants croît sans cesse dans le désert du Niger en raison de la politique européenne d'externalisation des frontières

09.05.2023 | FR | Agence Afrique

Border forensics : Situation intenable des migrants subsahariens au Niger alors que l'Algérie poursuit leur refoulement sans répit

10.05.2023 | FR | Info Migrant

"Les migrants abandonnés dans le désert du Sahara n'ont aucune chance de survie", selon une enquête de Border Forensics

11.05.2023 | IT | Africa Revista

Niger, i pericoli della legge sul traffico dei migranti

11.05.2023 | DE | Medico International

Auf der Flucht verdurstet

12.05.2023 | EN | Info Migrant

'Migrants abandoned in the Sahara Desert have no chance of surviving' – Border Forensics

14.05.2023 | FR | Aïr Info

Sahara : La collaboration entre le Niger et l'UE pour renforcer les contrôles aux frontières met en danger la vie des migrants

29.05.2023 | FR | DW

Emission spéciale : la recherche des migrants disparus

05.06.2023 | FR | Info Migrant

Les flux de migrations en hausse au Niger, selon l'OIM

05.06.2023 | FR | Actuniger

Agadez: 6 migrants calcinés dans l'incendie de leur véhicule près de Madama

06.06.2023 | FR | Niamey News

Agadez: 6 migrants calcinés dans l'incendie de leur véhicule près de Madama

09.06.2023 | DE | Zeit Online

Tod bei 45 Grad

Project Funders



REPUBLIQUE
ET CANTON
DE GENEVE



Footnotes

1. Le Sahel, Mme Gogé Maïmouna Gazibo, Directrice générale de l'Agence Nationale de Lutte contre la traite des personnes et le trafic illicite des migrants (ANLTP/TIM) : « Notre pays fait partie des pays qui luttent, le mieux, contre la traite des personnes et le trafic illicite des migrants », 27 septembre 2019, available at : <http://www.lesahel.org/mme-goge-maimouna-gazibo-directrice-generale-de-lagence-nationale-de-lutte-contre-la-traite-des-personnes-et-le-trafic-illicite-des-migrants-anltp-tim-notre-pays-fait-partie/>
2. La Tribune Afrique, Migration illégale : le Niger assure le job, selon l'OIM, 17 Octobre 2017: <https://afrique.latribune.fr/afrique-de-l-ouest/niger/2017-10-17/migration-illegale-le-niger-assure-le-job-selon-l-oim-754381.html>; European Union, Les opérations de l'Equipe Conjointe d'Investigation contre les trafiquants de migrants se poursuivent malgré le Covid-19, 16 Juin 2020: https://trust-fund-for-africa.europa.eu/news/les-operactions-de-lequipe-conjointe-dinvestigation-contre-les-trafiquants-de-migrants-se-poursuivent-2020-06-16_en

DATE OF PUBLICATION

May 8, 2023

LOCATION

Sahara-Sahel, Agadez Region, Northern Niger

METHODOLOGIES

spatio-temporal analysis
satellite imagery analysis
pattern analysis
sweat loss modelling
statistical analysis

ADDITIONAL FUNDING

medico international
Rosa-Luxemburg Foundation

TAGS

border control, borders, Cross-Sahara, featured, geospatial analysis, Law 2015-36, migrants' trajectories, Remote Sensing

ADDITIONAL LANGUAGES

français