



Council of the
European Union

Brussels, 4 September 2023
(OR. en)

11860/23

LIMITE

**JAI 1012
MIGR 246
ASIM 71
RELEX 898
COAFR 299**

NOTE

From: Presidency
To: Working Party on External Aspects of Asylum and Migration (EMWP)
Subject: Implementation of the Pact - Follow-up on the implementation of the action plans on Niger and Nigeria
- Presidency discussion paper

Delegations will find attached a discussion paper on Niger and Nigeria prepared by the Presidency with a view to the EMWP on 8 September.

NIGER

1. Context

Cooperation on migration between Niger and the EU is of paramount importance due to Niger's geographical location as a transit country and, to a lesser extent, a country of origin and destination for migration within the ECOWAS region, Algeria and Libya. It is a transit country for more than 85% of sub-Saharan migrants bound for Europe on the Central Mediterranean route (notably via two routes: Agadez-Algeria-Libya and Agadez-Dirkou-Seguidine-Libya).

Irregular migration, regional instability, insecurity and humanitarian crises represent significant challenges for Niger. Though located in a turbulent region, Niger had until now managed to maintain some stability and democratic normality amidst coups d'état and the activity of armed groups in neighbouring countries such as Mali, Guinea Conakry and Burkina Faso.

Niger had maintained in the past its political, economic and social trajectory, despite significant security pressure along all its borders, and used to cooperate closely with other countries in the fight against terrorism in the border area. President Bazoum had initiated structural reforms for the country, focusing on access to basic services, especially education. He set up a national strategy to maintain significant economic growth, while strengthening the defence and security sector. These efforts were evidently not enough to prevent the new coup.

The putsch on 26 July has plunged the country into a period of heightened uncertainty and further weakened the political and security situation in the region. Moreover, the coup has also added new complications at the regional level, with a likely scenario that in case those behind the coup hold on to power, it could end up causing a division between the ECOWAS states, with Guinea, Mali, Burkina Faso and Niger on the one hand and the other coastal states on the other, and that would add further complexity the necessary transnational cooperation actions in the area of security.

In response to the putsch, the EU, its Member States, the African Union, the ECOWAS, the UK and the US continue recognising President Bazoum and its Government as the legitimate ones. HRVP issued a statement on behalf of the EU on the situation in Niger on 28 July, condemning in the strongest terms the coup in Niger. On 26 August, the African Union announced the suspension of Niger from the African Union with immediate effect, and only took note of the possible military intervention by ECOWAS.

2. Migration issues

Even though Niger used to be a more stable country than most of its neighbours, in 2022, terrorist armed groups and unidentified armed men perpetrated 794 attacks resulting in more than 450 deaths, of which 371 were civilians. These attacks, as well as those in neighbouring countries, have led to the forced movement of around **700,000 people**, including 375,000 IDPs and 255,000 refugees, mainly from Mali, Nigeria and Burkina Faso, placing a significant burden on state structures. To this must be added the migrants expelled from Algeria (on average 1,600 people per month from January to June 2023), many of them from ECOWAS countries, who are concentrated in the city of Assamaka.

This is why one of the government's priorities was to carry out return operations, which have to be accompanied by major security deployments and the establishment of basic social services. These operations were being conducted mainly in Diffa and Tillabéri.

It should be noted that Niger hosts a large number of refugees, migrants and IDPs. According to UNHCR, as of 31 July 2023, Niger hosts 682 412 people of concern, of which 49% are IDPs (mostly caused by conflicts but also natural disasters), 38% refugees and 7% asylum seekers. Most people of concern come from Nigeria (67%), Mali (22%) and Burkina Faso (10%), as well as more recently refugees from Sudan. As a result of continuous deterioration of security in its border, Niger has been accumulating situations of forced displacement (out and in) since 2012, including the latest waves from Burkina Faso, Mali and north-western Nigeria. Local communities and refugee sites have many needs, creating pressure on essential socio-economic resources and services (particularly in the Diffa, Maradi and Tillabéry regions).

Given Niger's role as a transit country, primarily through the Central Mediterranean route, as well as its status as a host country, it is crucial to direct our focus towards the aftermath of the events of 26 July. The risk of the instrumentalisation of migration exists in theory – although there is no evidence for this right now – or of a halt to cooperation on migration and border management with the EU. Various scenarios are now possible regarding the evolution of migratory flows transiting through Niger. Besides, close attention must be paid to other countries of the area, such as Mauritania, in which there could migratory consequences of the coup in Niger.

3. EU Action

The EU and Niger regularly hold a political dialogue and EU has also been the main donor in Niger (EUR 503 M for 2021-2024). EU projects covered all areas of cooperation, so relations with the Nigerien government were very close. The EU used to act directly through its projects or missions, such as EUCAP Sahel Niger or the EU Military Partnership Mission in Niger (EUMPM Niger), but also by financing a large part of the projects implemented by its Member States or UN agencies and NGOs.

The EU, along with several of its Member States, had previously allocated substantial funds towards development cooperation projects. However, the **majority of these actions have currently been put on hold**, or even suspended (budget support and security related programs) although exceptions are made for humanitarian assistance and endeavours directly aimed at benefiting the local population and implemented by NGOS, EU member states and UN agencies.

In Niger, the EU has implemented several programmes on migration-related issues:

- **EUCAP Sahel Niger:** Since its opening in 2012, it has supported Niger's internal security forces, national authorities and non-state actors with a variety of programmes and activities. However, the specific future of EUCAP Sahel Niger after the coup would depend on various factors, including the evolving security situation in the Sahel.
- **Anti-Smuggling Operational Partnership (ASOP) in Niger:** Activities continue to progress, in particular that of the Joint Investigation Teams (JITs), which entered its third phase in June 2023. Between 2017 and 2023, JITs contributed to the identification of 273 smuggling networks and 938 suspected migrant smugglers, of which 876 were prosecuted. As regards the joint investigation team, the FR and ES police officers were evacuated at the beginning of August, but the team remains operational and is working from home. They have been asked to put activities on hold, and to deal only with day-to-day matters.
- **Emergency Transit Mechanism (ETM),** established in November 2017 by the African Union-EU-UN Tripartite Task Force to evacuate vulnerable migrants and refugees from Libya with a view to onward resettlement. Given the ongoing challenges in Niger and the broader Sahel region, ensuring the continuity of UNHCR evacuation flights to the ETM in Niger is of utmost importance. The EU must continue to collaborate closely with its partners to negotiate any potential obstacles and maintain the flow of evacuation operations without interruption. The situation in the region remains complex, demanding a sustained commitment to humanitarian efforts and collaborative actions to safeguard the safety of those relying on the Emergency Transit Mechanism.

Joint EU-IOM initiative for the protection and reintegration of migrants in Africa: Since 2016, operations in Niger have saved and rescued more than 31,000 migrants stranded in the desert. With more than 42,000 vulnerable migrants having received direct assistance in transit and return and reintegration centres in their countries of origin, Niger remains one of the most important transit countries under this programme covering 26 countries. Since August 2022, the Project “Migrant Protection, Return and Reintegration Programme for Sub-Saharan Africa (MPRR-SSA)” provides protection and assistance to voluntary return for vulnerable and stranded migrants in relevant Sub-Saharan transit countries and supports returning migrants through reintegration support. It also supports migrants stranded in Assamaka.

- On 15 July 2022, a **Working Arrangement** was signed between Frontex and EUCAP Sahel Niger.
- A Working Arrangement was negotiated between Frontex and the Ministry of Interior and Decentralisation of Niger in 2022. Its adoption was held up by an unfavourable EDPS opinion on the data protection aspects of the document. The Commission is working closely with EDPS to resolve the issue.

Following the coup, a number of projects are on-going, with Niger authorities continuing their good cooperation at operational and technical level, however, there is additional impact due to the very fragile environment and the closure of the country and the consequent cancellation of flights.

The final result of the ongoing crisis in Niger remains uncertain, contingent upon various factors, including the actions taken by ECOWAS, encompassing potential sanctions, dialogue facilitation, and the consideration of force as a last resort. Additionally, the support provided by the African Union to this regional organization will significantly influence the outcome.

NIGERIA

1. Context

Nigeria is Africa's largest economy and the continent's most populous country. It also has one of the fastest growing populations in the world. Challenges in meeting the needs of Nigeria's diverse population — such as lack of opportunities for advancement, natural disasters, the severe security situation or political factors, as well as an unemployment rate of 33.3% in 2022 — exacerbate social and economic vulnerabilities, which act as push factors for migration.

Nigeria is a country of origin, transit and destination for various migration configurations, both internal and external, including seasonal labour migration, irregular migration, internal displacement, trafficking in human beings, migrant smuggling and skilled migration. Since 2013, Nigeria has constantly been the first non-EU country of origin for victims of trafficking and among the top-3 for perpetrators identified in the EU. The majority of the victims are women and they are mainly trafficked for the purpose of sexual exploitation. World Bank data show that Nigeria, with a total inflow of USD 20.1 billion in 2022, remains the largest recipient of remittances in the West African region (receiving about 38% of the total). Nigeria has also experienced an increase in the number of returning migrants, mainly from Libya and transit countries.

This country, like the rest of the ECOWAS Member States, has benefited from regional programmes and initiatives supporting free movement and migration in West Africa and has established a powerful voice within the ECOWAS structures on migration. Nigeria has always been a major player in ECOWAS structures, including migration policies. Following the adoption of the Global Compact for Migration (GCM), Nigeria committed itself to its implementation and to strengthening the capacity of its governance structures, as well as to implementing a localised GCM as a migration management and governance tool.

In the framework of cooperation between Nigeria and the EU, various mechanisms have been established to address the migration issue. Cooperation between Nigeria and the EU is focused on key areas such as strengthening migration governance, improving border management capacities, combating migrant smuggling and trafficking in human beings, facilitating legal/labour migration and mobility, enhancing cooperation on readmission, supporting reintegration, as well as creating economic and employment opportunities in Nigeria to provide alternatives to irregular migration.

Since the Cadiz Ministerial Conference of the Rabat Process in December 2022, Nigeria has been part of the Steering Committee ("CoPil"), the strategic governing body of the dialogue.

2. Migration issues and EU actions

The Nigerian government has made commendable efforts to develop policies and legislation aimed at establishing migration management structures and to counter human rights violations affecting mobility, such as trafficking in human beings and smuggling of migrants. The EU has been supporting Nigeria to develop its National Migration Policy, which is the centrepiece of the national migration framework. The five standing committees set up to coordinate policy at sectoral level — namely on (1) return and reintegration, (2) labour migration, (3) migration data management, (4) diaspora engagement and (5) border management — have consistently contributed to the implementation of the National Action Plan on Migration.

Negotiations for an **EU Readmission Agreement with Nigeria** were launched in October 2016. After a two-year suspension in 2018 and 2020, negotiations restarted in January 2021 and five rounds took place until March 2021 in a virtual format, without much progress before being suspended again.

Following EU and Member States' joint *demarche* in March 2022 and intense high-level engagement in Brussels and Abuja, Nigeria lifted the suspension of return flights imposed in December 2021, agreed to establish a working group to clarify entry requirements for return flights and appointed a new Chief Negotiator. Negotiations resumed in July 2022. Since then, three rounds took place, the latest of which was held on 22-23 May 2023. The EU is waiting for Nigeria's reaction on the text discussed at the last round, pending finalisation of internal consultations of the Nigerian side.

The Joint Reintegration Services of Frontex are operational in Nigeria and post arrival and post return assistance is available to returnees from Europe. Over 250 cases have been supported since JRS inception. Since 2017, IOM has assisted in the return of more than 16,000 stranded Nigerians, mostly from Libya. Under the EU- IOM Joint Initiative for Migrant Protection and Reintegration, the EUTF aimed at strengthening the capacities of national and local authorities in migration management, assisting voluntary return and reintegration of migrants on the migration route and at raising awareness for the risks of irregular migration. The new Migrant Protection, Return and Reintegration (MPRR) programme will continue assisting voluntary returns and the provision of individual reintegration support, to be complemented with interventions at national level at community level.

As a result of a continued coordinated EU approach, return operations have increased and the readmission cooperation has improved. Returns take place on a monthly basis, communication with Nigeria has improved and there are now fewer obstacles in the timely processing of landing clearances and readmission requests/issuance of travel documents. However, it should be noted that despite improvements, the number of Nigerian returnees remains low.

Outside the area of return and reintegration, work has been undertaken on fighting trafficking in human beings and smuggling of migrants and will continue, as well as the promotion of legal migration through the international dimension of the Erasmus+ programme, where Nigeria has appointed a Director at the Federal Ministry of Education as an Erasmus+ National Focal Point to further promote these opportunities. Opportunities are also being made available through the Marie Skłodowska-Curie Actions and Horizon Europe. Support to tackle the root causes of irregular migration is being addressed through the project “Support to innovation and jobs for youth in Nigeria (INN-JOBS)”.

Also, the Government of Nigeria has maintained an open-door policy and has continued to welcome refugees from neighbouring countries, notably Cameroonians. Through EU funding, Nigeria is benefitting from an IDP Solutions Advisor to strengthen capacities in the office of the Resident Coordinator (relocation, local integration or return). Insurgency in the North East has resulted in over 3 million IDPs and returnees. Communal clashes and banditry in the North West have displaced 400,000 and another 400,000 were displaced due to the herder-farmer conflict in the Middle-Belt/Benue State. Limited humanitarian footprint, insecurity and underfunding are major challenges. Moreover, it is anticipated that the repatriation of Nigerian refugees from Niger, Chad and Cameroon will persist, involving both self-initiated and government-facilitated returns.

The two Team Europe Initiatives (TEI) on migration were presented to the Secretary General of the Ministry of Foreign Affairs and were well received. The Nigerian authorities have always shown their interest in participating more actively in migration fora, especially to explore new legal channels for legal migration.

In the Communication on Skills and Talent the Commission mentioned Nigeria among the partner countries with whom a Talent Partnership could be launched, in the context of the overall cooperation on migration management. However, the launching is on hold awaiting improvements in the cooperation on readmission.

In Nigeria, the EU implements several programmes on migration-related issues:

- The Commission has adopted the Multiannual National Indicative Programme (MIP) for the period 2021-2027, which sets out the following priorities: "Green and Digital Economy", "**Governance** (including Migration and Mobility), **Peace and Security**" and "Human Development".
- Migration Partnership Agreement between Nigeria and the EU in 2016, which establishes a framework to improve migration management, promote legal and orderly mobility, and promote the protection of migrants' rights.

- Under the MIP, the action "**Support to Migration Governance in Nigeria,**" adopted in April 2023, aims to enhance the management of migration, forced displacement and mobility in a safe, orderly, regular and responsible manner, improve the response to the fight against trafficking in human beings and migrant smuggling, and promote the sustainable reintegration of returnees.
- **Labour migration and mobility: “digital explorer”** phase II (funded under HOME-AMIF/MPF, budget: EUR 3,472,437.71), implemented by Enterprise Lithuania/Afriko (in collaboration with Lithuania, Estonia, Latvia, Nigeria, Kenya and Armenia) to boost skills and partnerships in the ICT sector.
- The **Migrasafe project** supporting safe, orderly and regular migration through the promotion of legal pathways to the EU is funded by the Annual Work Programme 2020 of the Internal Security Fund – Borders and Visa. EUR 1.4 million. The Migrasafe project will develop a training session for EUMS Consulates and Embassies in Nigeria on EU regulations on legal pathways in September.
- A **Common Operational Partnership** for North Africa against migrant smuggling and trafficking in human beings - funded through the Internal Security Fund-Police, which also includes Nigeria.
- Practical cooperation between Nigeria and **Frontex**. Nigeria signed a Working Arrangement (2012) and practical guidelines for the organisation of Joint Return Operations to Nigeria (2013) with Frontex, which has in turn initiated the negotiation of a renewed working arrangement. The EU hopes to further enhance cooperation on integrated border management with Nigeria by revitalising the work on the new working arrangement, and the Nigerian authorities should redouble their efforts to implement this agreement.

Nigeria is included in the two TEIs on migration, with a comprehensive approach to the migration phenomenon in the Maghreb, Sahel and West African countries, inspired by the five structural pillars of the Rabat Process and structured around four components: legal migration and mobility, refuge and asylum, fight against irregular migration and trafficking in human beings, returns and readmissions. Nigeria is also singled out in the Action Plan for the Atlantic/Western Mediterranean.

- Nigeria benefits from certain regional programmes, including the ones concerning ECOWAS, on migration issues, contained in Nigeria's Action Plan on Migration, such as:
 - EU-IOM Joint Initiative 2021-2023 (EU contribution: EUR 113 M), to be replaced by the Migrant Protection, Return and reintegration regional program (MPRR, EU contribution: EUR 180 M).
 - EU Support to Innovation and Jobs for Youth in Nigeria (INN-JOBS, EU contribution: EUR 55 M), co-financed by BMZ with EUR 5.5 M and UNDP with EUR 600,000.
 - Support to Free Movement of People and Migration in West Africa Phase II (FMM West Africa II, EU contribution: EUR 34 M).
- **EMPACT Operational Action 8.2 ETUTU-Nigerian THB** has been active since 2012. The operational aim is to detect, investigate and disrupt Nigerian criminal trafficking networks who are trafficking victims for sexual exploitation into and across the EU. ETUTU is a platform for bilateral or multilateral info exchange on operational knowledge and ongoing cases on Nigerian organised crime groups (Confraternities) to expand a joint intelligence picture on that crime field across the EU, in the origin country and the travel routes.
- The ETUTU-Network meets twice a year and consists of police-officers and prosecutors of 18 European countries, EUROPOL, EUROJUST and Frontex. Since 2015 NAPTIP (Nigerian National Agency for the Prohibition of Trafficking in Persons) have been attending these ETUTU-meetings.

The Presidency presents the following questions intending to steer the discussion on the way forward:

1. *What is the current Member States approach regarding their cooperation with Niger on migration, international protection, and border management? How can we continue cooperation on migration and border management, international protection and forced displacement under the current political situation in Niger?*
2. *How could Member States further mobilise to support the swift conclusion of the negotiations for an EU Readmission Agreement with Nigeria and the positive engagement with the new government of this country on migration? How can such agreements contribute to the management of returns and the protection of migrants' rights in both regions?*
3. *What are the main challenges and opportunities in strengthening migration governance, improving border management capacities, and combating migrant smuggling and trafficking in human beings in Nigeria? How can cooperation with the EU contribute to addressing these issues?*
