

Multilateral Damage

The impact of EU migration policies
on central Saharan routes

Jérôme Tubiana
Clotilde Warin
Gaffar Mohammud Saeneen

CRU Report



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September 2018

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About the authors


Jérôme Tubiana is an independent researcher specialised in Sudan, Niger and Chad. He has conducted numerous field research missions in conflict areas for various organizations, most notably the Small Arms Survey and the International Crisis Group and various humanitarian NGOs'. His publications include the books *Chroniques du Darfour* (Glénat, 2010) and *Guantánamo Kid* (Dargaud, 2018), and various articles in Foreign Affairs, Foreign Policy, the London Review of Books, Le Monde diplomatique and XXI.


Clotilde Warin is in charge of the migration issue for the think tank Confrontations Europe (Paris) and editor-in-chief of Confrontations Europe the Review, a quarterly publication. As a journalist and researcher, she has worked in Ethiopia and Chad and has published numerous articles in the French media.


Gaffar Mohammad Saeneen works for Emmaus Solidarity Movement in Paris. He has also been working as a translator (Arabic, Zaghawa, English). He is the vice-president and co-founder of the refugee solidarity association « Espoir d'Ici et d'Ailleurs ». Originally from Darfur (Sudan), he is a refugee in France since eight years.

The Clingendael Institute
P.O. Box 93080
2509 AB The Hague
The Netherlands

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Email: cru@clingendael.org

Website: www.clingendael.org/cru

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Abstract

This report studies the effects of EU migration policies and the externalisation of EU border control on Saharan migration routes and on practices in the border regions connecting Niger, Chad, Sudan and Libya. The report finds that, in response to the obstacles and opportunities that border externalisation policies present for migrants, migration routes diversify and move to other countries. Beyond the fact that migration is a transnational phenomenon not linked to one particular route or itinerary, this continuous moving of routes is made possible by cross-border Saharan trade and trafficking networks that have put in place the necessary logistics to facilitate migration and which often fall outside government control. Pushed by EU efforts to curtail migration, states such as Niger, Chad and Sudan have shored up border patrols and anti-smuggling operations in the border regions under study here. The report shows that this has been done in a manner that is often not conducive to stability in the region and which contributes to the 'militia-isation' – the growing power of militias whose presence undermines the state – of the countries at issue.

Acknowledgements

We wish to acknowledge the work of the research assistants and translators whose help made this report possible, including Adam Abubakar Abdulkarim, Mehdi Labzaé, and several others – from Chad, Sudan, Niger, Ethiopia and Eritrea – who prefer to remain anonymous, for security reasons.

This report is part of Clingendael's Sahel Research Programme that focuses its analysis on the hybridity of local governance in the Sahel and Libya. A more extensive description of this research programme, as well as its outputs to date, is available at: [Clingendael Sahel Research Programme](#).

Executive summary

As a transnational phenomenon, the dynamics of migration and the effects of migration policies are best understood by applying a regional or cross-border – rather than a national – lens. This report therefore focuses on the border areas connecting Niger, Chad, Sudan and Libya to investigate how the current drive to curtail irregular migration and human smuggling has affected migration routes and practices in the Sahara. It finds that EU support for border controls and anti-smuggling operations in Niger and Sudan has resulted in the diversification of migration and smuggling routes – including through Chad. Although Chad has not become the next big migration hub to date, the increase in migration flows passing through the country confirms that nationally focused migration policies tend to result in the displacement of routes rather than in stopping migration completely.

In a similar vein, the opening of a UNHCR transit facility in Niamey, which supported the evacuation of refugees from Libya and aimed at resettling them in third countries, quickly attracted an influx of Sudanese asylum seekers from Libya to Agadez. These refugees were under the impression that an easier, safer and legal route to asylum in Europe had now opened up, which they preferred to the dangerous journey through Libya and across the Mediterranean. This example underlines again that the implementation of migration policies in one country tends to have an effect on migratory routes and practices in other countries and that a more regionally oriented approach to migration is needed. It also goes to show that the best way to prevent migrants from embarking on dangerous sea journeys to Europe is to provide them with access to safer, legal and durable pathways to protection and livelihoods.

The report demonstrates that an important reason why migration routes and practices shift so easily is that migration is often facilitated by actors and networks with strong cross-border trade and trafficking links. This can be seen, for example, in the gold mining networks that span across the Sahara border region and which have sometimes contributed to the diversification of migration routes. Cross-border gold mining networks and migration are intertwined in various ways. Gold mining activities and logistics facilitate and fund migratory efforts, but they also provide economic alternatives to migration and even contribute to stability through their contribution to livelihoods and occasional business alliances between local communities and armed groups.

Pushed by EU efforts to curtail irregular migration, states such as Niger, Chad and Sudan have shored up border patrols and anti-smuggling operations in the border regions under study here – often obstructing regular intra-country movements and legal

border-crossing in the process. In addition, these policies tend to have far-reaching consequences for regional and local political and economic stability, as well as for the life of local communities and the migrants and refugees themselves.

In the case of the Niger-Libya border, anti-smuggling efforts have resulted in competition between militias over smuggling and anti-smuggling benefits – thereby impacting negatively on the stability of the region. In the cases of Chad and Sudan, the EU-driven focus on securing borders to stem migration coincided with both countries' desire to gain greater control over their borders to prevent incursions of rebel groups located in neighbouring states. As a consequence, anti-smuggling efforts were not the deployed forces' main priority, and in the case of Sudan, the government-backed militias sent to control the border region themselves engaged in human smuggling and trafficking.

In other cases, where no state actors could be mobilised to enforce border controls and implement anti-smuggling operations, such as in southern Libya, the EU and its member states attempted to mobilise non-state armed groups as border guards. Some of these groups have been quite receptive to international appeals to stem migration, as they expect to receive resources and international recognition as legitimate actors in return for their collaboration. But this strategy has downsides: it pits these groups against other groups involved in the smuggling industry – thereby increasing instability in the region. In other instances, it may simply entail paying the smugglers to stop smuggling – or to move their smuggling efforts under the radar.

It is widely recognised that the only way to structurally address human smuggling is to create legal migration pathways. As long as that is not a viable political option, it should be realised that investing in democratisation, improving governance, and state and peace building are key elements in addressing the root causes of migration. Inversely, migration policies that undermine good governance, result in human rights violations and contribute to destabilisation only feed migratory dynamics. It is therefore recommended that policy makers, including from the EU and EU member states:

1. Avoid adopting migration policies that undermine the rule of law by obstructing regular forms of migration or movements in the region.
2. Avoid working with security forces that have a record of perpetrating abuse.
3. Avoid working with irregular forces.
4. Establish sustainable long-term priorities for the region.

Toward this end, the EU should:

5. Better coordinate its migration policies, both at EU level and between EU member states engaging bilaterally with third countries.
6. Design an accountability scheme to ensure that migration-related funding is used by implementing partners in a conflict-sensitive manner.
7. Set clear governance and human rights benchmarks for migration policies.
8. Allow for accountability for human rights abuses committed against migrants as a consequence of EU border externalisation policies.

Abbreviations

ECOWAS	Economic Community of West African States
EU	European Union
EUR	Euro
FARS	(Nigerien) Sahara's Revolutionary Armed Forces (Forces armées révolutionnaires du Sahara)
GIZ	Gesellschaft für Internationale Zusammenarbeit: German Agency for International Cooperation
GNA	(Libyan) Government of National Accord
HSBA	Human Security Baseline Assessment
IDP	internally displaced persons
IOM	International Organization for Migration
JEM	(Sudanese) Justice and Equality Movement
LYD	Libyan dinar
NISS	(Sudanese) National Intelligence and Security Service
ROCK	Regional Operational Centre in Khartoum
RSF	(Sudanese) Rapid Support Forces
SDG	Sudanese pound
SLA	Sudan Liberation Army
SLA-MM	Sudan Liberation Army-Minni Minawi faction
UN	United Nations
UNAMID	United Nations African [Union] Mission in Darfur
UNHCR	United Nations High Commissioner for Refugees
USD	US dollar
XAF	Central African franc
XOF	West African franc

Actors mentioned in the report

Adam Tcheke	Nigerien Tubu rebel leader
Barka Sidimi	Former Nigerien Tubu rebel leader, currently leader of the <i>Saqur Sahara</i> militia
Barka Wardougou	Nigerien Tubu rebel leader, then Libyan Tubu militia leader. Died in 2016.
Brigi Rafini	Niger's Prime Minister
'Hemmeti' (Mohamed Hamdan Dagolo)	Main commander of the Sudanese Rapid Support Forces (RSF)
Khalifa Haftar	Commander of the 'Libyan National Army' controlling a large share of eastern Libya
Mohamed Anacko	President of Agadez Regional Council in northern Niger
Musa Hilal	Historically, the main leader of the Sudanese government's proxy militias known as the <i>janjawid</i>
'Orgajor' (Mohammedein Ismaïl Bachar)	Former Darfur rebel commander, now RSF colonel
Suleiman Marejan	Darfur rebel commander

Arabic terms

abbala	'Camel herders'. Term used in Darfur to distinguish northern camel-herding pastoralists from southern cattle-herding (<i>baggara</i>) pastoralists
Jamahiriya	Term coined by Qaddafi, usually translated as 'state of the masses' to name the Libyan state during his rule
janjawid	Literally 'horsemen armed with G3 automatic rifles'. Nickname of the Sudanese government's Arab proxy militias fighting in Darfur
katiba	Battalion, although sometimes translated as brigade. Term used by various Libyan militias

Introduction

Since late 2014, Europe has faced what has been commonly called the 'refugee crisis'. In reaction, the European Union and some of its member states bilaterally have attempted to prevent sub-Saharan migrants from crossing the two main physical obstacles on their way to Europe: namely, the Mediterranean and the Sahara. Although sometimes accompanied by humanitarian justifications alleging the dangers and loss of life faced by the migrants, these policies were mostly aiming at pushing governments and security forces of 'transit countries' to intercept irregular migrants.

First, in order to prevent migrants from leaving Libya, the various northern Libyan authorities, in particular the internationally recognised Government of National Accord (GNA), were encouraged to intercept migrants, including those off the Libyan coast. This took place in spite of the absence of a proper government controlling regular forces and a large territory in Libya. More discreetly, European policies also involved attempts to prevent migrants from reaching the Mediterranean coast, blocking their less known but no less dangerous Saharan routes, travelled by most sub-Saharan African migrants on their way to North Africa, then eventually to Europe.

Thus, the EU and member states tried to find 'partners' of their migration policies both in Libya's south, controlled by various ethnic militias, and beyond Libya's borders in the three Sahelo-Saharan states south of Libya – Niger, Chad and Sudan. On 6 September 2017, the EU Council, discussing migration, recommended 'reinforcing support to border controls in Southern Libya, Niger and Chad to prevent the movement of irregular migrants towards Libya.'¹ This approach has been commonly labelled 'externalisation' of the control of EU borders, outsourcing this task to states, or eventually non-state actors, notably along southern Libya's borders, in exchange for financial support.

Among the examples illustrating this approach, the best known – and the matrix of all – is the March 2016 agreement between the EU and Ankara encouraging Turkey to retain mostly Syrian refugees on its soil and the EU to return them to Turkey. It was preceded, in November 2014, by the less-known 'Khartoum process' targeting migrants and refugees from the Horn of Africa and involving states of this region, not the least Sudan. Later in February 2017, an EU summit in Malta endorsed a bilateral memorandum of

1 Council of the European Union. 2017. 'Migration: state of play and next steps – Exchange of views,' Note, 6 September.

understanding between Italy and the Libyan GNA, itself restarting a 2008 treaty between the Libyan *Jamahiriya* and Italy, then respectively under Qaddafi and Berlusconi.²

The EU agreement with Ankara was criticised on the grounds that Turkey was not necessarily a 'safe country' to return some of the migrants to, and also in relation to the regime's increasingly undemocratic nature. The same ethical questions may be asked, at different levels, regarding European migration policies in Libya, and, no less importantly, in the three states south of it. Niger, Chad and Sudan all face significant governance and stability problems. In particular, both Sudan and Chad, whose presidents came to power in 1989 and 1990, respectively, lack democracy or a transition towards democracy, itself a cause of emigration. Sudan is not only a transit country for Horn of Africa migrants but has also been a main country of origin for several million displaced people and refugees who have fled ongoing wars in three major conflict theatres in Sudan and the lack of democratic rule.

This begs the question of whether EU border externalisation policies take sufficient stock of both the political context and the political economy of local communities and migrant smugglers, including those who are now asked to abandon or turn against smuggling. What consequences do border externalisation policies have, not only for the migrants themselves, but for stability in the region as well? To answer these questions, this report focuses on the border areas connecting Niger, Chad, Sudan and Libya. It investigates how the current drive to curtail irregular migration and human smuggling in the Sahara has affected migration routes and practices in the Sahara.

The report is structured as follows. The first section looks at how migration routes and practices in the region have shifted in response to nationally implemented border externalisation policies. It shows that the implementation of migration policies in one country tends to have an effect on migratory routes and practices in other countries and that a more regionally oriented approach to migration is needed. Subsequent sections look at the impact that border externalisation policies in Niger, Sudan and Chad have had on regional and local political and economic stability and security, as well as on the life of local communities and on migrants and refugees themselves. It finds that outsourcing border control to these countries has often meant dealing with questionable border guards and generally had a negative impact on the lives of migrants and refugees as well as on the stability of the countries at issue.

2 Toaldo, M. 2017. 'The EU Deal with Libya on Migration: A Question of Fairness and Effectiveness,' ECFR (European Council on Foreign Relations). 14 February. http://www.ecfr.eu/article/commentary_the_eu_deal_with_libya_on_migration_a_question_of_fairness_a

1 Externalisation of border control: regional consequences

A. Regional connectivity

Inherited from colonial powers, borders in the Sahara have divided the pre-colonial territories of some of the main desert communities, including the Tuareg (straddling the borders between Algeria, Mali, Niger and Libya), Tubu and Goran (living in Chad, Niger and Libya) and Zaghawa (in Chad and Sudan). Other communities have moved, or sometimes been forcibly removed, across considerable distances and are now scattered over several territories – for example, the Awlad Suleiman (scattered between Libya, Niger and Chad) and Rizeigat Arabs (spread between Sudan, Chad and Niger).

Except for Chad, where Tubu, Goran and Zaghawa rebel leaders have successively taken power since 1979, none of these pastoralist communities have benefitted from consistent representation or power within central governments in any of the countries where they live. Rather, they have managed, including through their ability to cross borders and thus find rear bases and support for their armed groups, to exert an important degree of control over borderlands and cross-border routes, each community mostly controlling its own traditional homeland.

This largely explains why these communities have, for decades, engaged in smuggling licit or illicit goods across borders, as well as facilitating the journeys of migrants travelling to North Africa and eventually Europe.³ During Qaddafi's rule, members of those communities were not only smugglers but also took part themselves, alongside members of other Nigerien, Chadian and Sudanese ethnic groups, in 'circular' migration flows to Libya. Most worked in agriculture or construction and sent remittances to their countries of origin before their return, often after several years away. Others remained in Libya and formed diasporas. Many also became back-up combatants for Qaddafi's forces.

3 Tubiana, J. and Gramizzi C. Forthcoming. *Lost in TransNation: Tubu (Teda) and Other Armed Groups and Smugglers on Libya's Southern Borders*, Small Arms Survey and Conflict Armament Research.

Box 1 Regional gold mining networks

Lately, cross-border dynamics and regional similarities have been reinforced by a spectacular series of gold rushes across the Sahel and the Sahara. Beginning in North Darfur in 2012, gold was also discovered that same year to the west in the Chad-Libya borderlands, then in northern Niger and its border with Algeria in 2014.⁴ Migrants sometimes worked in gold mines to fund their journey, but gold mines also acted as an economic alternative to migration, while the closure of gold mines encouraged further migration. In addition, vehicles rushing to gold mines transported both workers and migrants, and some cross-border gold mines became new migration hubs, as detailed below in the case of Chad.

Gold mines across five countries (Sudan, Chad, Niger, Libya and Algeria) have particularly attracted more experienced Darfurian miners, including Zaghawa – among them members or former members of Darfur rebel movements. Rebels and former rebels from both Darfur and Chad are also among mercenaries hiring their military and desert skills in Libya, road bandits active in Libya and Niger, drug traffickers between Niger and Libya, and smugglers of both goods and migrants between Libya and the three countries south of it.

The three countries south of Libya differed in their relations with Qaddafi's Libya, and thus in their positions on the 2011 Libyan revolution and their relations with factions which have emerged since. They had a similar history, however, of being main places of origin for those migrants who mostly travelled to Libya, rather than to Europe, in order to work there, often seasonally, and send remittances home. In 2018, according to International Organization for Migration (IOM), Niger, Chad and Sudan were the first origin countries of 575,000 sub-Saharan migrants numbered in Libya (actual numbers are likely to be much higher), representing 18%, 15% and 10% of the total, respectively.⁵ However, some of those migrants – mostly Sudanese, with 6,221 arrivals in Italy in 2017 – are now increasingly continuing their journey across the Mediterranean, often without having planned for it initially but pushed by the insecurity and violence they experience in Libya.⁶

4 *Tubu Trouble: State and Statelessness in the Chad-Sudan-Libya Triangle*, HSBA Working Paper No 43, Geneva, Small Arms Survey and Conflict Armament Research, June. <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/SAS-CAR-WP43-Chad-Sudan-Libya.pdf>

5 Zandonini, G. 2018. 'The new European border between Niger and Libya', *OpenMigration*, 11 May. <http://openmigration.org/en/analyses/the-new-european-border-between-niger-and-libya/>

6 See <https://data2.unhcr.org/en/situations/mediterranean>

Beyond well-established common circular migration patterns, the three states south of Libya are also, to various extents, transit countries for migrants from other countries on their way to Libya and eventually Europe. Niger is the main transit country for West African, largely economic, migrants, with a peak near 400,000 in 2016.⁷ Sudan is both a main country of origin and a transit country for a smaller number of migrants from the entire Horn of Africa, largely fleeing wars and authoritarian regimes across the region. Chad is only, although increasingly, a secondary transit country for migrants from central, east and west Africa (as will be discussed in more detail below).

Migrants often do not know for certain their final destination when they leave, and only a few of those reaching Libya are aiming for Europe and travel to Europe. What they do largely depends on the security and economic situation they face once in Libya. Under Qaddafi, Libya was a relatively safe place for migrants, a place where sub-Saharan economic migrants could find work, earn money and send remittances home. It was also a place where political refugees from countries not friendly to Libya could find refuge – despite the fact that Libya had no asylum law – and eventually support for their cause, without necessarily travelling to Europe.

Qaddafi himself had proved a master at regulating migrant flows, sometimes violently preventing migrants from leaving Libya by sea, and at other times opening borders and threatening Europe with an African ‘invasion’. The Libyan ‘Brotherly Leader and Guide of the Revolution’ thus used African diasporas on his soil as a bargaining chip to get both political and financial support from European governments already panicked by the far right’s electoral successes. This lesson has been learned by Libyan rival factions, competing to get international recognition and support. Further south, sub-Saharan governments also well understand that the refugee crisis gives them a chance to gain leverage over Europe and obtain further political and financial support.

Indeed, Sudan, Chad and Niger had already excelled at presenting themselves as the West’s allies against terrorism in order to get both political and economic support. As early as 2001, following the September 11th attacks, Sudan, although then considered a sponsor of terrorism, was quick to turn this disadvantage into an opportunity, proposing intelligence cooperation with the US against terrorism – cooperation that has been ongoing since. More recently, in 2017, the pursuit or reinforcement of this cooperation

7 Molenaar, F., et al. 2017. *A Line in the Sand: Roadmap for Sustainable Migration Management in Agadez*, CRU Report, The Hague, Clingendael, 10.

<https://www.clingendael.org/publication/roadmap-sustainable-migration-management-agadez>; UNHCR (United Nations High Commissioner for Refugees), IMPACT (Impact Initiatives) and Altai Consulting. 2017. *Mixed Migration Trends in Libya: Changing Dynamics and Protection Challenges*, 98. <http://www.altaiconsulting.com/wp-content/uploads/2017/07/LIB-HCR-MAS-Final-Report.pdf>

has been one, if not the main, criterion for the withdrawal of US economic sanctions against Sudan.

Similarly, both Chad and Niger have been key allies of the West – mostly France and the United States – against jihadi groups in the Sahel. Chadian forces were the backbone of international interventions in Mali and against Boko Haram. Both Chad and Niger also welcomed Western forces on their soil and presented themselves as enclaves of stability in a fragile Sahelian strip. Those activities allowed Niger, Chad and Sudan to become crucial regional allies of the West. The migration issue offers another opportunity to reinforce such support, crucially for three states – Sudan, Chad, and Niger – that are facing economic crises and badly in need of hard currency.

In recent years, migration has led to European financial and economic support to Niger and Sudan, notably with amounts of around EUR 200 million dedicated to migration in each country. However, as the political situation in those countries differs, the funding is not used in the same way. At peace for ten years and more democratic, Niger was seen as a model recipient: European funds there are largely distributed to the government itself, for uses including the reinforcement of security forces, and mostly dedicated to directly stopping migration flows.

But in war-torn and undemocratic Sudan, where conflicts and authoritarian rule have caused the displacement of several million citizens, Europe was arguably more cautious. Its funds are largely aimed at rather classical development projects addressing ‘root causes’ of migration, and managed through implementing agencies, mostly from EU member states. Yet the EUR 40 million ‘Better Migration Management’ programme that the EU adopted under the Khartoum Process includes Sudan as one its target countries. Under this programme, the EU invests in ‘the provision of capacity building to government institutions’ as well as ‘harmonising policies’ and laws against ‘trafficking and smuggling’, and ‘ensuring protection of victims and raising awareness’.⁸

EU member states, including Italy, Germany, France and the United Kingdom, have also engaged bilaterally with the governments of Niger, Chad and/or Sudan, with a focus on strengthening border control.

The three states south of Libya and Libyan rival powers have their own interests in terms of border management or control, differing from European priorities and among themselves. There has been little cooperation between them so far, with the exception of the Chad-Sudan joint border force created in 2010 to put an end to five years of

8 European Commission. 2018. ‘EU development cooperation with Sudan’, January, 5. https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/factsheet_eu_development_cooperation_with_sudan.pdf

proxy war and rein in both Chadian and Sudanese rebels.⁹ Recently, on 31 May 2018, Niger, Chad, Sudan and the Libyan GNA signed a security cooperation agreement in N'Djaména after several meetings. The agreement mirrors and expands the 2010 Chad-Sudan arrangements. It includes notably a right of pursuit for one country's forces into a neighbour's territory, which Chad has already used to chase Darfur rebels crossing from Chad to Sudan. It also invites the four countries' judiciaries to sign, within two months, other cooperation agreements facilitating extraditions.¹⁰

This provision responds very much to a Chadian demand to give a legal framework to extraditions of Chadian rebels to Chad, which had already taken place in the past – including from Niger and Sudan, in 2017 and 2018 respectively. While diverging interests reportedly prevented strong practical commitments, there were some common interests, such as the similar Chadian and Sudanese priorities to prevent their respective (and sometimes allied) rebellions to find support in Libya, and the Nigerien concerns about the presence of Chadian and Sudanese armed groups on its territory.¹¹

9 Tubiana, J. 2011. *Renouncing the Rebels: Local and Regional Dimensions of Chad Sudan Rapprochement*, HSBA Working Paper No. 25, Geneva, Small Arms Survey, March. <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-25-Local-and-Regional-Dimensions-Chad-Sudan-Rapprochement.pdf>

10 RFI (Radio France Internationale). 2018. 'Sécurité: accord de coopération entre le Tchad, le Soudan, la Libye et le Niger,' 2 June. <http://www.rfi.fr/afrique/20180602-securite-accord-cooperation-entre-le-tchad-le-soudan-libye-le-niger>

11 Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*



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B. Chad and the regional diversification of migration routes

The implementation of border controls and anti-smuggling operations in Niger and Sudan has resulted in the diversification of migration and smuggling routes in the region. One effect of anti-migration policies in Niger, for example, has been the push of West African migrants toward Chad. Although no reliable figures are available, the numbers of West Africans, in particular Malians and Senegalese, crossing Chad into Libya appear to have increased in 2017-18.¹²

Our interviews with newly arrived migrants in Europe and migrants and smugglers in Chad and Niger (see Appendix for this study's methodology) confirm that migration routes have diversified. Some migrants travelled to Chad after being arrested in Niger and expelled. In March 2018, for example, H.S., a Burkinabe migrant, reached the Chadian capital, N'Djaména, by road from Niger. Prior to this, on his way to Libya, he had been arrested in Agadez by the Nigerien police and imprisoned for two days. He had then been given three days to leave Agadez, and threatened, if he did not comply, with a five-year prison sentence.¹³ From N'Djaména, he was planning to travel north towards Libya.

Other West Africans now travel through Nigeria and Cameroon to N'Djaména before they head north to Faya. Others cross the Niger-Chad border, either north of Lake Chad, toward Mao, or further north, to reach the Tibesti Mountains at the border with Libya. Some even cross Chad all the way to the Chad-Sudan border, or even enter Sudan, to use routes going from there to Libya.¹⁴ A migrant smuggler in Tina, on the Chad-Sudan border, explained: 'Some West African migrants who have been blocked in Niger try their luck here.'¹⁵ There are also reports of an increase in Sudanese smugglers in Agadez itself, who have come to organise the journeys of West African migrants through Chad and Darfur.¹⁶

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- 12 Altai Consulting. 2018. *Migrations mixtes au Tchad*, report for UNHCR, January, 39 and 43; REACH and UNHCR. 2018. 'Mixed migration routes and dynamics in Libya: The impact of EU migration measures on mixed migration in Libya', April, 2; MMC (Mixed Migration Center). 2018. *Fraught with Risk: Protection concerns of people on the move across West Africa and Libya*, May, 13.
- 13 Personal interview with H.S., Burkinabe migrant. 2018. N'Djaména, February.
- 14 UNSC (United Nations Security Council). 2017. *Final Report of the Panel of Experts on the Sudan Established Pursuant to Resolution 1591 (2005)*, S/2017/1125 of 28 December, 40. http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/1125
- 15 Personal interview with migrant smuggler. 2018. Tina, Sudan, February.
- 16 Davitti, D. and Ursu, A.E., 2018. 'Why Securitising the Sahel Will Not Stop Migration,' University of Nottingham, 10 January, 3.

In a similar vein, the increase in border controls on the direct routes from Sudan to Libya has resulted in a number of migrants now first crossing the Sudan-Chad border before heading to Libya through Chadian territory.¹⁷ Since 2017, it reportedly became the most important route between Sudan and Libya.¹⁸ Old and new routes between Chad and Libya have recently been used by migrants not only from Sudan but, more unusually, from the entire Horn of Africa. Ethiopian migrants interviewed in Tina, on the Chad-Sudan border, in March 2018, explained: 'In January, we left Khartoum for Tina because we were informed that this route is easier than the direct route from Khartoum to Libya, on which there are many controls.'¹⁹ Some migrants decide to travel through Chad after being intercepted at border controls in Sudan; one who did so was Y.A., a Sudanese asylum seeker, who reached Tina after being arrested and tortured for ransom by Sudanese government-backed militia forces in charge of controls in the border regions with Libya and Egypt.²⁰

In recent years, notably as a result of anti-migrant policies in both Niger and Sudan, Chad has become a new transit country for both West African and East African migrants. Migrants from countries such as Senegal, Mali, Liberia, Somalia and Eritrea, who were rarely seen in Chad in the past, are now crossing the country towards Libya.²¹ It does not appear that Chad has become the next big migration hub, but the growing number of migrants passing through Chad does show that nationally focused migration policies tend to result in the displacement of routes rather than in stopping migration completely. This may have important consequences for the stability of neighbouring countries caught unaware by such dynamics, as the case of Darfurian refugees in Agadez (discussed below) illustrates.

17 RMMS (Regional Mixed Migration Secretariat). 2014. *Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe*, 35.

18 Jaspars, S. and Buchanan-Smith, M. Forthcoming. 'Migration and Displacement from Darfur: conflict, livelihoods and food security.'

19 Personal interview with Ethiopian migrants. 2018. Tina, Sudan, March.

20 Personal interview with A.I., Sudanese asylum seeker. 2018. Location withheld, February.

21 Altai, *op. cit.*, 74.

C. The regional diversification of refugee routes: Sudanese asylum seekers in Agadez

Since December 2017, there has been an unexpected influx of Sudanese in Agadez, reaching close to 2,000 people in May 2018.²² Most are Darfurians coming from southern Libya. Some also came through Chad, from Darfur itself, from Darfur refugee camps in Chad, or from gold mines in northern Chad.²³ Those who came through Chad include the wives and children of men who had come earlier from Libya. Most of those Sudanese were moving through Libya or Chad, and it seems their movements were redirected to Agadez by UNHCR's presence there, particularly with the opening of 'guesthouses' in January, and more crucially with the possibility that asylum seekers evacuated from Libya would be resettled in Europe.²⁴

'Until the end of last year, we didn't have any idea to go to Niger, until we heard the UNHCR opened camps in Niger to resettle people outside Africa, in Europe and America', explained a Sudanese refugee in Agadez.²⁵

These rumours referred to the more than 1,000 migrants, notably Darfurians, identified as possible asylum seekers, which had been evacuated from Libya to Niamey after November 2017. EU member states had promised to grant them asylum.

The Sudanese influx in Agadez is another unintended consequence of migration policies based on a country-specific than a regional approach. Beyond the 'pull factor', it seems the fact that crossing the Mediterranean has become increasingly difficult has acted as a push factor to Niger for Darfuriian refugees in Libya.²⁶ 'I just wanted to cross the Mediterranean to go to Europe,' explains B., one of the Darfurians in Niger, who left Sudan to Libya in 2017. 'But it's difficult. Now people know everyday the EU prevents people to cross. As Darfurians, we are refugees and we thought it would be better to come to Europe legally. We heard the UNHCR offered good services in Agadez and could take us somewhere else, in Europe. Some of us also heard the French government gave asylum in Niger.'²⁷

22 Reidy, E. 2018. 'Destination Europe: Deportation'. *IRIN*, 5 July. https://www.irinnews.org/special-report/2018/07/05/destination-europe-deportation?utm_source=twitter&utm_medium=irinsocial&utm_campaign=irinupdates

23 *Ibid.*

24 *Ibid.*; Zandonini, G. and Howden D. 2018. 'Niger: Europe's Migration Laboratory', *Refugees Deeply*, 22 May. <https://www.newsdeeply.com/refugees/articles/2018/05/22/niger-europes-migration-laboratory>

25 Personal telephone interview with B., Darfuriian asylum seeker. 2018. Agadez, Niger, May.

26 In 2017, Libyan 'coast guards', including militias using this label, increasingly brought migrants back to the coast.

27 Personal telephone interview with B., Darfuriian asylum seeker. 2018. Agadez, Niger, May.

An additional pull factor is indeed that, since October 2017, French asylum authorities sent officers to both Niamey and N'Djaména, in order to interview asylum seekers there, after pre-selection by UNHCR – the first time such missions have been sent to Africa. The aim is to resettle 3,000 refugees in France.²⁸

Both the Nigerien government and local communities in Agadez viewed the Sudanese presence with suspicion.²⁹ Before their arrival, there had been, since 2016, an increase of carjacking in north-eastern Niger on the road between Dirkou and Libya. This was largely attributed to Darfurian and Chadian Zaghawa, including rebels and former rebels operating from Libya. Members of the Chadian army based in Tibesti were also accused. Those new foreign armed groups also attacked drug traffickers before being asked to escort drug convoys across northern Niger, thus competing with local Tuareg and Tubu youths involved in this activity.

Prior to this, since 2014, there had also been an influx of Darfurian and Chadian Zaghawa gold miners in the newly discovered Djado gold mines mid-way between Dirkou and Libya, and to a lesser extent the Tchibarakaten mine on the Niger-Algeria border. Those miners included rebels, former rebels and Chadian soldiers. With more experience in gold mining, the Darfurians aroused jealousy from Nigerien miners and local residents, triggering some deadly incidents.

As soon as the Sudanese asylum seekers arrived in Agadez, Nigerien authorities characterised them as 'criminals', 'fighters', 'possible members of armed groups in Libya' and 'ex-mercenaries who fought in Libya', and claimed they were transiting to Niger on their way to other conflict theatres to offer their services as mercenaries.³⁰ To the EU, they were even presented as 'jihadists'.³¹

In May 2018, some of those (unconfirmed) allegations were used by Niger as a justification to deport 135 of the asylum seekers back to the Libyan border, which constitutes a violation of the *non-refoulement* principle.³² They were forcibly driven to Madama, the northernmost Nigerien (and French) garrison, 80km from the Libyan border. Those left in Agadez managed to contact Sudanese traders in Um-el-Araneb, in southern Libya, who sent trucks to drive the expelled Sudanese to Libya, for the price

28 OFPRA (Office Français de Protection des Réfugiés et Apatrides). 2017. *A l'écoute du monde, rapport d'activité 2017*, 10. https://www.ofpra.gouv.fr/sites/default/files/atoms/files/ra_ofpra2017_web_0604.pdf

29 Reidy, E., *op.cit.*

30 Personal interview with Nigerien official. 2018. Niamey, Niger, April. See Reidy, E., *op.cit.*; Amnesty International. 2018. 'Niger: More than a hundred Sudanese nationals deported to Libya in critical situation and at risk of serious abuses including torture,' press release, 11 May.

31 Personal interview with EU official. 2018. Location withheld, June.

32 Reidy, E., *op.cit.*

of XOF 6,000 (EUR 9) each. This incident goes completely against EU policies aimed at preventing migrants from entering Libya and also questioned the EU's depiction of Niger as a 'safe country' in which to relocate migrants returned from Libya.³³

Sudanese refugees in Niger were also reportedly threatened with deportation to Sudan – which, according to B., 'is the great fear'.³⁴ Fearing new arrests, many reportedly returned to Libya or Chad of their own volition. By late June 2018, the number of Sudanese in Agadez had decreased to 1,200.³⁵

33 'We spoke to the Nigerien authorities, it will not happen again,' an EU official commented. Personal interview with EU official. 2018. Location withheld, June.

34 Personal telephone interview with B., Darfurian asylum seeker. 2018. Agadez, Niger, May.

35 Reidy, E., *op. cit.*

2 Effects of EU policies in Niger

A. Niger under the 'EU diktat': diminished flows, increased invisibility and risks, and political balances fragilized

Niger is the main transit country for sub-Saharan migrants heading to Libya, and to a lesser extent to Algeria, then eventually to Europe. The IOM estimated at least 333,891 migrants transited through northern Niger towards Libya, and to some degree to Algeria, in 2016, making it a peak year.³⁶ That same year, the EU gave Niger EUR 140 million to curb migration through its territory; however, Niamey indicated that would not be enough and requested EUR 1 billion.³⁷ By May 2018, the amount had been increased, with the EU Emergency Trust Fund for Africa (or 'Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa') allocating EUR 230 million to Niger, shared out among 11 projects largely focusing on migration.³⁸ The EU also earmarked EUR 600 million for more classical development aid in Niger between 2016 and 2020.³⁹

For the Nigerien government, addressing EU demands created practical, legal and political challenges. Practically, the northern Niger desert and its border with Libya are difficult to control. In 2015, Niamey passed a new law on 'illegal trafficking of migrants', which involved several legal challenges. First, most migrants transiting through Niger originate from ECOWAS (Economic Community of West African States), a 15-member-state zone allowing its 350,000 million residents freedom of movement – without visas – and trade across its borders. Niger itself is a member and clearly benefits

36 IOM (International Organization for Migration). 2016. 'Statistical Report, Niger Flow Monitoring Points (FMP),' December. Other estimates exceeded 400,000. Siegfried, K. 2017. 'Exclusive: EU migrant policy in Africa built on incorrect Niger data'. *IRIN*. 31 January. <https://www.irinnews.org/news/2017/01/31/exclusive-eu-migrant-policy-africa-built-incorrect-niger-data>

37 Reuters. 2016. 'Niger Tells Europe it Needs 1 Billion Euros to Fight Illegal Migration.' 3 May. <https://www.reuters.com/article/us-europe-migrants/niger-tells-europe-it-needs-1-billion-euros-to-fight-illegal-migration-idUSKCN0XU1P9>

38 See <https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger>

39 European Commission. 2016. 'L'Union européenne renforce son soutien au Niger avec 609.9 millions d'euros.' Press release, 15 December.

from those freedoms.⁴⁰ But the new law, as its Nigerien and other critics argue, *de facto* violates ECOWAS residents' rights to enter and travel within Niger.

Further, given that there is practically no government in Libya and that the internationally recognised GNA has no control over the country's south, not to mention the rest of the Libyan territory, there is no proper Libyan visa system or border control which could prevent those West African migrants from entering Libya. Although the destination of migrants crossing the Libyan border is not, in principle, Niger's responsibility, the new law *de facto* prohibits exit from Niger, or ECOWAS, into Libya – thus opening another legal grey zone.

In a more practical sense, the criminalisation of both smugglers and migrants was at odds with the fact that transporting migrants was regarded as both a 'normal' and 'licit' occupation in northern Niger – and one that has contributed to economic development and stability in the region. Until implementation of the 2015 law began in mid-2016, migrants were travelling openly in buses legally operated by private companies, such as Rimbo, to and within Niger, as far as the Saharan transit town of Agadez. There, the difficulty of the roads across sandy plains obliged them to board the back of pickup trucks, which were operating openly and no less legally. Drivers were picking up their passengers from buses at Agadez *autogare* (bus station) then waiting for the weekly military escort allowing them, every Monday, to travel safely along the first stretch of the road to Puits Espoir (Hope's Well), in the middle, or even as far as the Dirkou oasis, midway to Libya – a stretch of road long made dangerous by chronic banditry.

The majority of the passengers travel voluntarily on this road.⁴¹ In spite of this, the new 2015 law assimilated assistance to any foreigner (no matter if the person is from ECOWAS) to enter or exit Niger to 'illegal trafficking of migrants'.⁴² Niger only began to enforce the law in mid-2016. The authorities targeted the transport of migrants from Agadez and onwards north, in spite of the fact the town lies 1,100km from the Libyan border. Between mid-2016 and April 2018, Niger's security forces arrested more than 282 drivers, car owners, 'coaxers' (intermediaries) and 'ghetto' owners housing migrants, and confiscated 300 to 350 vehicles, in Agadez and on the road to Libya.⁴³

40 Molenaar, F. et al., *op. cit.*, 14.

41 Notions of exploitation, deception, coercion, and human rights abuses are key to distinguish human smuggling and trafficking. See UNHCR, IMPACT and Altai, *op. cit.*, 29.

42 République du Niger. 'Loi 2015-36 Relative au Trafic Illicite de Migrants' (Law Against the Illicit Trafficking of Migrants).

43 Personal interview with Nigerien official. 2018. Niamey, Niger, April. See Molenaar, F. et al., *op. cit.*, 14.

During the first half of 2017, when enforcement of the new law was at its peak, nearly 10,000 foreigners were sent back to the border or expelled from Niger.⁴⁴

The implementation of the 2015 law had various impacts. While migrant flows north of Agadez appear to have decreased, it is difficult to estimate by how much.⁴⁵ The number of (non-Nigerien) migrants entering Agadez reportedly had declined from 350 per day in 2016 to 60–120 a week in 2018.⁴⁶ At the Seguedine (also known as Segedim or Sow) checkpoint mid-way between Dirkou and the Libyan border, the number of registered people travelling north dropped from 290,000 in 2016 to 33,000 in 2017.⁴⁷ The IOM estimated that migrant flows north of Agadez had gone down by 75%. However, this is likely to be an overestimate, as smugglers have stopped following the Monday convoy and taking the Agadez-Puits Espoir stretch of road.

Instead, smugglers now drive on various new or little-used roads. They avoid hubs such as Agadez and Dirkou, escaping government control and IOM counts in these places and along the normal route.⁴⁸ The main new axes appear to skirt Agadez on all sides in order to reach and follow international borders, including the Niger-Algeria border and the Niger-Chad border, up to the border with Libya. Such itineraries are partly resurrecting older contraband itineraries used during the period of the UN air traffic embargo against Libya in the 1990s. They also partly merge with existing drug trafficking routes, reportedly occasioning new ties between drug traffickers and migrant smugglers, since both activities are now seen as similarly criminal. Migrant smugglers also now travel at night, because, as one of them explains, 'the Nigerien army rests after 6 pm.'⁴⁹

44 Zandonini, G. 2018. 'The Monday that changed migration in Niger,' *Open Migration*, 15 January. <http://openmigration.org/en/analyses/the-monday-that-changed-migration-in-niger/>

45 Hoffmann, A., Meester, J. and Nabara, H.M. 2017. *Migration and Markets in Agadez: Economic Alternatives to the Migration Industry*, CRU Report, The Hague, Clingendael, 8. https://www.clingendael.org/sites/default/files/2017-10/Migration_and_Markets_Agadez.pdf

46 Personal interview with Nigerien official. 2018. Niamey, Niger, April. See RFI. 2018. 'A Agadez, on est passé de 350 migrants par jour à 100 par semaine', 23 May. <http://www.rfi.fr/emission/20180523-agadez-on-est-passe-350-migrants-jour-100-semaine>

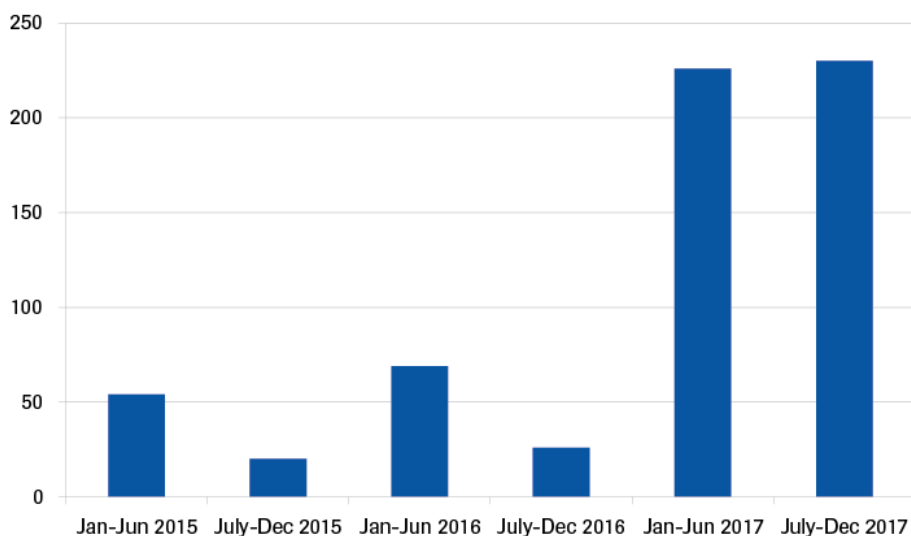
47 Zandonini, G. 2018. 'The new European border', *op. cit.* It is worth noting that 97% of those registered are from Niger, a clear indication that the ban applies only to migrants from other countries, who now have to avoid the main road.

48 Davitti, D. and Ursu, A.-E. *op. cit.*, 3.

49 Personal interview with migrant smuggler. 2018. Location withheld, April. Some smugglers transporting Nigerien migrants, or pretending to have only Nigerien migrants on board, continue to travel along the usual road because the law applies only to foreigners. Nigerien authorities explained to their European counterparts that Nigeriens were still, as under Qaddafi, only travelling to Libya and not further on to Europe. Personal interviews with Nigerien and European officials. 2018. Niamey, Niger, April.

Those more difficult roads have proved to be more dangerous for both migrants and drivers. As a result, the number of cars and drivers involved has declined, with the less experienced abandoning the activity and only the most seasoned ‘stuntmen’, as a smuggler called them, ready to take the risks.⁵⁰ The migration business is thus said to have become ‘professionalised’⁵¹, and its revenues concentrated in fewer hands. Chased by either security forces or bandits, drivers more frequently abandon their passengers. The IOM reported more than 1,000 abandoned migrants in the first eight months of 2017.⁵² According to the organisation’s Global Migration Data Analysis Centre, the number of migrants dead in the desert on the roads between Agadez and southern Libya or southern Algeria rose from 71 in 2015, to 95 in 2016, and to 427 in 2017 (see fig. 1).

Figure 1 Numbers of Migrants Dead or Missing in Niger between 2015 and 2017, by half-year



50 Personal interviews with migrant smugglers. 2017. Agadez, Niger, March.

51 Personal interview with Mohamed Anacko. 2018. Niamey, Niger, April.

52 IOM. 2017. ‘IOM Niger: Search and Rescue Missions. Migrant Resource and Response Mechanisms,’ August.

Figure 2 Numbers of Migrants Dead or Missing in Niger between August 2014 and December 2017, by month

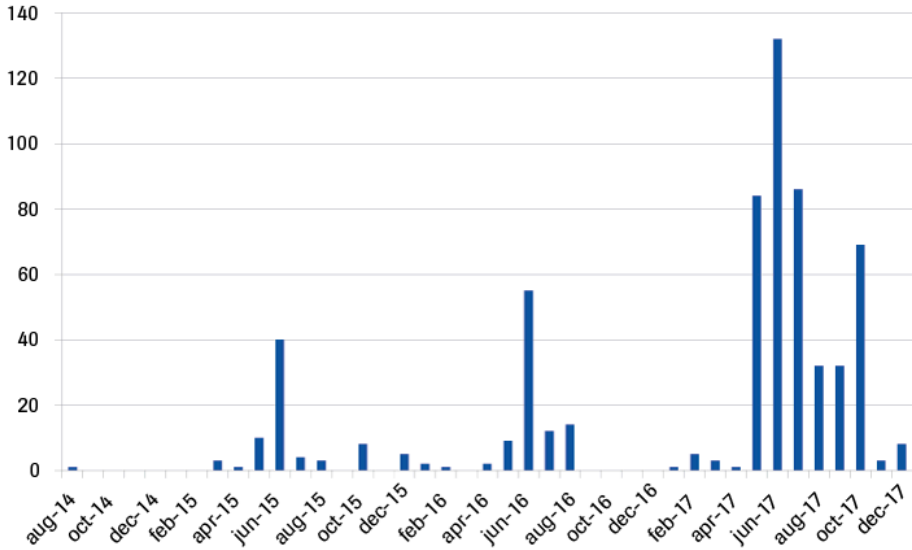
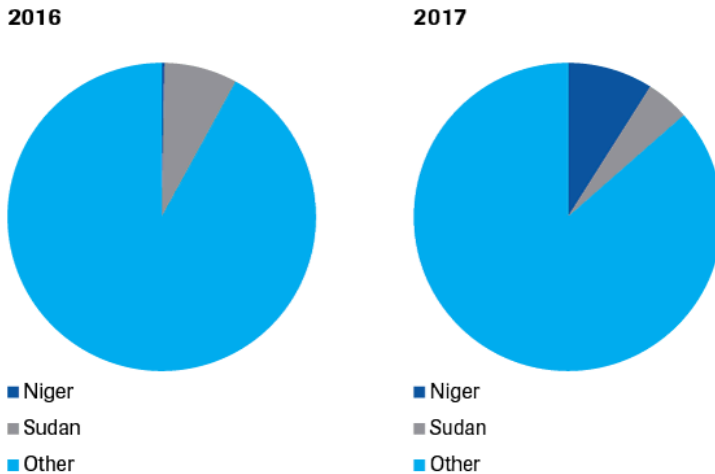


Figure 3 World Composition of Migrant Deaths, share of deaths in Niger and Sudan compared to the rest of the world



Source: <https://gmdac.iom.int>

During the first 18 months following the law becoming enforceable in mid-2016, 38 migrants died in the desert every month, versus 11 each month in the previous 18 months. Each year, the peak month for mortality appeared to be June: 40 migrants died in Niger in June 2015, 55 in June 2016, and more than 130 in June 2017. Further, in 2017, the peak period for mortality was not limited to June, with more than 70 migrants dead monthly in May, July and October (see fig. 2). In 2015, there had been very few serious incidents leading to more than ten casualties, while in 2017, 44 migrants reportedly died of dehydration near Dirkou on 31 May and 52 near Seguedine on 25 June.⁵³

Prices have risen alongside risks: between 2016 and 2017 the fee for the Agadez to Libya journey increased by at least a factor of two – commonly reaching EUR 400, and sometimes twice that amount.⁵⁴ Bribes to security forces to get through checkpoints and escape control also reportedly doubled to reach XOF (West African franc) 300-600,000 (EUR 450-900) for the entire journey between Agadez and the Libyan border.⁵⁵ New opportunities for corruption have also appeared. For instance, in June 2017, M.N., a migrant driver left Agadez for Libya in a convoy of four cars. As smugglers had already been arrested, he had taken some precautions, paying XOF 25,000 (EUR 38) to a member of the security forces who escorted the cars on a motorbike, at 3:00 AM, until they were out of town. But this bribe was not sufficient for the rest of the journey and the four vehicles were arrested, together with three others, mid-way between Agadez and Dirkou. The drivers were able to give the security forces XOF 1.5 million (EUR 2,300) each to escape.⁵⁶

Political, economic and security consequences, related to each other, were no less important than the new risks for migrants and smugglers. It was estimated that, prior to the implementation of the 2015 law, migration ‘offered direct jobs for more than 6,000 people’ in Agadez.⁵⁷ By March 2017, the Agadez Regional Council counted around 3,000 vehicles used to transport migrants. It estimated that 100,000 people in the region

53 See <https://gmdac.iom.int> Agadez Regional Council also estimated that several hundred migrants died in the desert as a result of the new policy. Anacko, M. 2017. ‘Communiqué de Presse sur la Situation des Migrants dans la Région d’Agadez.’. Le Président du Conseil Régional. 30 June.

54 By 2018, prices reportedly kept rising to reach EUR 1,300. Molenaar, F., Ursu, A.-E. and Tinni, B.A. 2017. *Local Governance Opportunities for Sustainable Migration Management in Agadez*, CRU Report, The Hague, Clingendael, 28. https://www.clingendael.org/sites/default/files/2017-10/Local_governance_opportunities_for_sustainable_migration_management_Agadez.pdf; Tubiana, J. 2017. ‘Europe’s “Migrant Hunters”’, *Foreign Affairs*, 31 August; MMC, *op. cit.*, 13.

55 Tubiana, J. 2017. ‘Europe’s “Migrant Hunters”’, *op. cit.*; HALCIA (Haute Autorité [nigérienne] de Lutte contre la Corruption et les Infractions Assimilées). 2013. *Rapport de Mission sur les Pratiques Corruptives dans la Région d’Agadez*.

56 Personal interview with migrant smuggler. 2018. Location withheld, April. Also see Molenaar, F., et al. 2017. *Local Governance*, *op. cit.*, 21.

57 Hoffmann, A., et al., *op. cit.*, 24; Molenaar, F. et al., *op. cit.*, 19.

(about a fifth of the population) were indirectly benefitting from this activity, and that 10,000 were directly making a living thanks to it – the figure was later reduced to a list of 6,565 individuals.⁵⁸

The implementation of the 2015 law took place in a context of economic hardship in northern Niger. The drop in global uranium prices led to the closure of mines and projects being abandoned. Several thousand miners were left jobless, some of whom reportedly became migrant smugglers.⁵⁹ The lack of income-generating activities was aggravated later, in March 2017, by another government decision – to close the gold mines of Djado between Dirkou and Libya, which employed several thousand artisanal miners and drivers. Some Djado miners had been migrant smugglers, and others were migrants who stopped on their way to Libya, or gave up their plans to migrate, in the hope of finding gold.

'We're trying to persuade the youth to respect the law but we lack arguments,' regretfully noted Agadez Regional Council President Mohamed Anacko in March 2017.⁶⁰ The Council estimated that compensating for loss of income and creating alternative activities would cost more than EUR 400 million and proposed a EUR 30-million project to the EU.⁶¹ In June 2017, Nigerien authorities announced they were allocating EUR 250,000 for redeployment – shortly afterwards the amount doubled, fixing the amount that would supposedly enable a 'smuggler' to change activities to EUR 1,200-2,200, which was far from the monthly income of some migrant smugglers.⁶² The project can, at best, involve some 400 smugglers, far from the 5,110 officially listed as potential beneficiaries.⁶³ Some of the smugglers, usually more discreet than publicly, expressed their dissatisfaction: 'They think we're losers!', a driver called Alkassoum told *La Nation* newspaper.⁶⁴

Tensions also increased between the authorities and local Tuareg and Tubu communities. Over the last decade, the relative security and stability in northern Niger appeared to be due to a balance between three poles of power, all benefitting from migration: Tuareg and Tubu communities, including many former rebels, for which migration was a main

58 Personal interview with Mohamed Anacko. 2017. Agadez, Niger, March. See Molenaar, F., Ursu A.-E. and Tinni B.A., *op. cit.*, 24.

59 Hoffmann, A., et al., *op. cit.*, 13.

60 Personal interview with Mohamed Anacko. 2017. Agadez, Niger, March.

61 Personal interview with Mohamed Anacko. 2017. Agadez, Niger, March. See Molenaar, F., Ursu A.-E. and Tinni B.A., *op. cit.*, 24.

62 *La Nation*. 2017. 'Migration : 163.000.000 FCFA pour la reconversion', 21 June; Molenaar, F., Ursu A.-E. and Tinni B.A., *op. cit.*, 24.

63 Zandonini, G. and Howden, D., *op. cit.*

64 *La Nation*. 2017. 'Migration : 163.000.000 FCFA pour la reconversion,' *op. cit.*

income generating activity; security forces, taking bribes on migrants or smugglers; and civilian authorities, who rightly saw migration as a source of wealth not only for northern smugglers but also for the whole country, including private companies operating transnational bus lines or money transfer operators, whose owners are said to be among the main associates and funders of the ruling party.⁶⁵ Migration also contributed to the co-existence of Tuareg and Tubu communities, who had to cooperate to cross each other's territories, in spite of being in conflict within Libya. The new migration policy threatens to upset these fragile balances.⁶⁶

Crucially, a significant number of northern Niger's migrant smugglers were former Tuareg rebels. After signing peace agreements in the late 1990s and the late 2000s, most of them had not been integrated into regular armed forces. With integration processes long delayed, successive governments had encouraged them to use their vehicles and their knowledge of desert roads to become migrant transporters. One of the rebel leaders recalls distributing his faction's vehicles to groups of ten ex-combatants, each with a specific assignment.⁶⁷ Other ex-combatants were in charge of managing official 'departure points' at Agadez and Arlit bus stations.

As a result, not only was this activity transparent and considered to be legal, it was also considered to be the result of a peace deal.⁶⁸ Former rebels thus feel that the new law is a violation of the peace agreements they signed, and some have openly threatened to start a rebellion again. Incidentally, in late 2016, Adam Tcheke, a former Tubu rebel, briefly announced he was starting a new rebellion, and among his main requests was that the (mostly Tubu) jailed drivers of migrants be liberated. Although no bullet was fired, the rebellion threat was taken seriously by the authorities. The people of Agadez also continued to ask for the release of the detained drivers.⁶⁹ In late 2016, reports also circulated that disgruntled Tubu youths were about to use force to recover about 100 confiscated cars. As a precaution, the cars were moved from Agadez police station to the safer military garrison.⁷⁰

By late 2017, the authorities, while presenting the new law as a success, appeared to take this local discontent into account. They reportedly stopped arresting smugglers

65 Personal interviews with Nigerien officials. 2018. Niamey, Niger, April. Molenaar, F., et al. 2017. *Turning the Tide: The politics of irregular migration in the Sahel and Libya*. CRU report. The Hague, Clingendael.

66 Tinti, P. and Westcott, T. 2016. 'The Niger-Libya corridor. Smugglers' perspectives', Institute for Security Studies, 17.

67 Personal interview with Tuareg former rebel. 2018. Niamey, Niger, April.

68 Tubiana, J. 2017. 'Europe's "Migrant Hunters"', *op. cit.*; Hoffmann, A., et. al., *op. cit.*, 18.

69 Personal interviews with Nigerien officials. 2018. Niamey, Niger, April.

70 Personal interviews with officials and smugglers. 2017. Agadez, Niger, March. Molenaar, F., Ursu A.-E. and Tinni B.A., *op. cit.*, 38.

and gradually released those detained. But they still refused to return confiscated vehicles – reportedly, unless the owners could pay bribes of XOF 1 to 1.5 million (EUR 1,500-2,300).⁷¹ In September 2017, most likely in the realisation that the Nigerien forces' ability to curb flows was limited, Italy announced discussions with Niger on 'military collaboration (...) about training and border control'.⁷² Then in January 2018, Rome announced the deployment of 470 troops to Madama – the last military post before the Libyan border, 80km south of it – where 150 French soldiers were already stationed.⁷³ However, Italy was publicly rebuffed by Niamey, which might have foreseen that such a deployment against migrants would not be welcomed locally.⁷⁴

While Tubu and Tuareg smugglers' threats of rebellion did not really materialise, at least on a large scale, all agree that the new migration policy provided strong arguments for those wanting to take up arms. Tuareg and Tubu communities saw migration policies as the 'diktat of Europe, to which the Nigerien authorities obeyed to hit the jackpot';⁷⁵ they accused the government of diverting EU migration funding, including that earmarked for smugglers' redeployment, and the military authorities of continuing to benefit from, and raise the amounts of, bribes.⁷⁶ Since early 2017, there have been reports of migrant smugglers turning, as a result of the ban, to road banditry and drug and alcohol trafficking.

Nigerien authorities admit the new law has been responsible for an upsurge of banditry.⁷⁷ Migrant smugglers reportedly began trafficking the synthetic opioid tramadol between Nigeria and Libya along new less-controlled migrant routes. Some also left Niger to join or re-join militias in Libya. Some had already been members of Libyan forces under Qaddafi and during the revolution, before being encouraged by their Nigerien relatives to turn to more peaceful migration activities. Since 2017, possibly a hundred Tuareg as well as Tubu migrant smugglers joined their respective ethnic militias in Libya, taking taxes on roads or fighting in community conflicts, or they became mercenaries for one of northern Libya's rival powers. Possibly another hundred Tuareg migrant smugglers joined armed groups in Mali.⁷⁸

71 Personal interview with migrant smuggler. 2018. Location withheld, April.

72 ANSA. 2017. 'Italy weighing military collaboration with Chad and Niger', *Info Migrants*, 4 September. <http://www.infomigrants.net/en/post/4917/italy-weighing-military-collaboration-with-chad-and-niger>

73 Ursu, A.-E. 2018. 'Nothing new under the Sahelian Sun,' The Hague, Clingendael. <https://www.clingendael.org/publication/italian-military-deployment>

74 RFI. 2018. 'L'Italie Veut Envoyer des Soldats au Niger, Refus de Niamey,' 26 January. <http://www.rfi.fr/afrique/20180125-italie-envoyer-soldats-niger-niamey>

75 Personal interview with smugglers representative. 2017. Dirkou, Niger, March.

76 On their side, the security forces were also unhappy with a policy that could diminish those bribes. Various personal interviews. 2017. Northern Niger, February-March; 2018, Niamey, Niger, April.

77 Personal interviews with Nigerien officials. 2018. Niamey, Niger, April.

78 Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

B. Effects on the Tubu

In Libya, the EU and EU member states largely saw the migration issue as too urgent to wait for the rebuilding of a functioning Libyan state, and decided to engage, directly and indirectly, with militia forces. Those forces included militias involved in migrant smuggling or trafficking, and were supposedly ready to stop and fight smuggling in exchange for financial support and political recognition. The possibility of such incentives also attracted some ethnic militias in the borderlands between Libya and Niger, and even contributed to the formation of a new armed group operating in this area. Like in northern Libya, it also raised the risk of new conflicts between pro- and anti-smuggling armed actors, in particular among Tubu forces largely controlling the Niger-Libya-Chad borderlands.

The Tubu (or Teda) community lives in northern Chad, north-eastern Niger and southern Libya.⁷⁹ Tubu vehicle owners and drivers have long been involved in the transportation of migrants from Niger, and to a lesser extent from Chad, to Libya. This has been a major source of income for Nigerien Tubu of the Kawar oases, strategically positioned mid-way between Agadez and Fezzan. More recently, since 2011, it has also become a major activity for Libyan Tubu youths who obtained vehicles, legally or not, during or after the Libyan revolution. Among those youths are members, full time or part time, of Libyan Tubu militias. Some of those forces are led and composed of former goods and migrant smugglers, including Nigerien Tubu, with their good knowledge of the Libya-Niger border and past military experiences in Nigerien rebellions.⁸⁰ In addition, Libyan Tubu militias, sometimes presenting themselves as official border guards, earned money by taxing migrants and migrant smugglers at checkpoints. Members of Libyan Tubu militias also remained directly involved in migrant smuggling as drivers and car owners, thus supplementing their militia salaries.⁸¹

Other members of Libyan Tubu militias appear to have been involved in curbing the smuggling and expelling of migrants. This seems to have been the case for militias that were affiliated to one of northern Libya's successive or rival authorities or were looking for such recognition and the funding that it attracts. At times, funding for southern Libya's Tubu militias by northern Libya's authorities reportedly included specific allocations to arrest, detain and deport migrants. It may have included European funding given to one of the successive Tripoli-based governments, which was then transferred to Tubu militias. Thus in 2012-13, the *katiba shuhada Um-el-Araneb* (battalion of the

79 Tubiana, J. and Gramizzi, C. 2017, *op. cit.*; Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

80 Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

81 Personal interviews with member of Libyan Tubu militia and smuggler. 2018. Location withheld, February-March.

martyrs of Um-el-Araneb), one of the strongest Tubu militias, received funding from the Ali Zeidan government in Tripoli to intercept migrants.⁸²

In 2015-16, Italian officials promised six vehicles to another main Tubu militia, Barka Wardougou's *Dira' Sahara* (Sahara Shield), who controlled the strategic Tomou post on the Niger-Libya border; the vehicles were never delivered. Later in April 2017, Italian government mediation between Tubu and Awlad Suleiman representatives on their conflict in Sebha managed to merge that issue with that of migration, more crucial to Rome, and reportedly convinced the negotiators to commit to the formation of a multi-tribal 'border guard'.⁸³ On its side, Italy reportedly committed to funding the training and equipment of such a force, which led some Tubu to think Rome was ready to support Tubu militias. Some of the tribal representatives saw it as an opportunity to obtain international recognition and funding, but reportedly lost local support because of their commitment to such a project.⁸⁴ Others appeared more sceptical, fearing it could create intra-Tubu fighting between the so-called border guards and other militias involved in smuggling.

In September 2017, Italy announced it was ready to send 100 troops to the Niger-Libya border to train Libyan border guards. Since then, Rome seemed to have become more cautious, after increasing media coverage of abuses against migrants in Libya, as well as after warnings by the GNA, Niger and Chad against support of Tubu militias.⁸⁵ However, in July 2018, Italy signed a new agreement with the GNA, again referring to the 2008 Qaddafi-Berlusconi Friendship Treaty. The new deal reportedly allows Rome to deploy troops in southern Libya.⁸⁶

In Niger, as mentioned above, the Tubu community appeared essentially hostile to the new anti-smuggling government policy. Yet it was also one of the reasons why, in mid-2017, Tubu leader Barka Sidimi took up arms. Unlike his former comrade Adam Tcheke (see above), Sidimi was not asking for the release of arrested smugglers. Rather he presented himself as a border force against migrant smuggling, obviously in the hope of obtaining European funding.

It appeared an odd position. Barka Sidimi had himself been a migrant smuggler, notably in 2009-10, at the time crossing between Niger and Libya through Wour in Chadian Tibesti. Prior to this in the 1990s, he had been, like Adam Tcheke, a leader of the

82 Tubiana, J. 2017. 'Europe's "Migrant Hunters"', *op. cit.*; Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

83 Zandonini, G. 2018. 'The new European border', *op. cit.*; Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

84 *Ibid.*

85 Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

86 RFI. 2018. 'Migrants: l'Italie et la Libye exhument un accord vieux d'il y a dix ans,' 9 July. <http://www.rfi.fr/afrique/20180709-migrants-italie-libye-exhument-accord-vieux-il-y-dix-ans>

Nigerien Tubu rebellion, known as the Forces armées révolutionnaires du Sahara (FARS, Sahara's Revolutionary Armed Forces), under Barka Wardougou. In the 2000s, while the FARS had signed a peace agreement with the Nigerien government, Sidimi had recreated an armed group against both Niger and Libya. He was then involved in attacks against drug traffickers in Niger as well as in a carjacking attempt against a Chinese oil project in Libya. Because of the latter, Qaddafi sentenced him to having a hand and a foot cut off.⁸⁷

In spite of this, in 2011, Barka Sidimi accepted Qaddafi's money to recruit a force to fight on his side. But because other Tubu leaders such as Barka Wardougou gradually sided with the revolution, and because Sidimi's men were in part Tuareg who were increasingly hostile to the Tubu, he gave up fighting and went back to Niger. It seems he was not involved in armed activities between 2011 and 2017. Unlike other Nigerien Tubu, he did not mobilise to fight Tuareg and Awlad Suleiman forces in Ubari and Sebha, respectively. In 2014, Sidimi was appointed, like other former rebels before him, as an adviser to Niger's Prime Minister Brigi Rafini, a Tuareg himself. In early 2017, he was presiding over a Tubu committee of 'wise men' in Agadez, one of several committees with the stated objective of opposing authorities' actions 'perturbating trade' and migrant smuggling.⁸⁸

It was thus a surprise for many when he recreated an armed group under the name *Saqur Sahara* ('Sahara Falcons') with a stated anti-smuggling agenda. Another part of his agenda was more popular – fighting against road bandits, not the least Chadian and Sudanese Zaghawa, who were increasingly active in the Niger-Libya borderlands. Those foreign bandits had also attacked drug traffickers and then been hired by them as escorts, replacing older Tubu escorts, which reportedly motivated some Tubu traffickers and combatants to support Sidimi. Thanks to this, he managed to recruit a force, including disgruntled migrant smugglers. He reportedly promised to enrol 500 youths, were he to obtain sufficient support.⁸⁹ Khalifa Haftar, commander of the so-called 'Libyan National Army' controlling most of eastern Libya, allegedly recognised the new force and promised vehicles.⁹⁰

With 10 to 20 vehicles, Sidimi positioned himself in Libya near the border and arrested some foreigners, reportedly including in September 2017 three cars of possibly Chadian and Sudanese Zaghawa and Arab bandits. There were rumours that Sidimi has been offered Italian funding either through the intermediary of Zintan brigades, or through Chad, that he visited in January 2018. Contact between Sidimi's representatives and the EU also took place, mostly in late 2017. Sidimi's representatives notably argued,

87 Personal interview with Barka Sidimi. 2017. Agadez, Niger, March.

88 *Ibid.*

89 Zandonini, G. 2018. 'The new European border', *op. cit.*

90 Personal interview with Libya Tubu militia leader. 2018. Location withheld, April.

as other Libyan Tubu militias had done before, that migrants were bringing diseases such as AIDS and Ebola to Libya and Europe. In October, Sidimi reportedly requested EUR 3 million a year to finance his militia, but with no result.⁹¹

All in all, Sidimi's story appears to be one of an old Tubu rebel who, failing to position himself in any post-Qaddafi new Libyan Tubu militias, tried to regain a leading role at the Niger-Libya border. For this, he instrumentalised the migration issue in the hope of obtaining Europe's sponsorship. Yet this strategy got Sidimi into trouble with the larger Tubu community.

In 2017, other, more important, Libyan Tubu militia leaders also met with EU officials to discuss collaboration, but they were reportedly more cautious about engaging with the anti-migration agenda. Between 2012 and 2015, some of us 'blocked the migrants in order to show we were serving the [Libyan] state,' one of them explained. 'But since 2015, because of the conflicts between communities in southern Libya, we lost hope in the Libyan state and fight for the [Tubu] community. We need a stable state before we can fight against migration.'⁹² Another Tubu militia leader stated: 'Migrant smugglers are our brothers, we can't block them or force them to stop. We can only block those who are not Tubu.'⁹³

Sidimi's anti-migration agenda, and the fact that he pretended to close the border and began to tax even Tubu smugglers, made him unpopular within his own community.⁹⁴ As Tubu leaders had warned over Italian anti-migration attempts, Sidimi's rise threatened to create a conflict between Tubu forces. In early 2018, existing Tubu militias formed a coalition under the name *Hodh Murzuq* ('Murzuq Basin') and deployed forces in the main smuggling hub of Um-el-Araneb, preventing – without violence – the Sahara Falcons from creating a checkpoint.⁹⁵ Later, another Tubu militia reportedly prevented Sidimi from deploying his forces on the Chad-Libya border. Even if Sidimi did not benefit from European funding, Europe's apparent readiness to engage with militias or non-state armed groups to address migration and smuggling triggered competition between Tubu militias, which nearly led to violent conflict.

It is likely that European policies against migrants, in Niger, Chad or Libya, will continue encouraging some Tubu politicians and militia leaders, and even Chadian rebels based in Libya, to profess an anti-smuggling agenda in order to get European political and financial support. It is also likely that those leaders are in fact unwilling or unable to

91 Zandonini, G. 2018. 'The new European border', *op. cit.*

92 Personal interview with Libya Tubu militia leader. 2018. Location withheld, April.

93 Personal interview with Libya Tubu militia leader. 2018. Location withheld, April.

94 Zandonini, G. 2018. 'The new European border', *op. cit.*

95 Tubiana, J. and Gramizzi, C. Forthcoming, *op. cit.*

implement such an agenda, or if they try to do so, will be in conflict with other Tubu forces. The Tubu community is already deeply divided, but appears to remain eager to avoid internal conflicts, not the least because it is keen to remain united in the context of continuous conflicts with other communities in southern Libya. Until now, Tubu efforts to avoid violence among themselves have prevented conflicts between pro- and anti-smuggling Tubu forces. But policies against smuggling that are not conflict-sensitive may generate such conflicts in the future.

3 Effects of EU policies in Sudan

A. Externalisation of border control to Sudan: an unlikely partner

In November 2014, the EU launched the Khartoum Process aimed at combatting illegal migration from the Horn of Africa region, including Sudan. In 2016, the EU also established a High-Level Dialogue on Migration with Sudan – among 16 priority countries.⁹⁶

This resulted in the EU notably funding a EUR 40 million ‘Better Migration Management’ programme in the Khartoum Process countries, including Sudan. The programme focuses on ‘the provision of capacity building to government institutions’, ‘harmonising policies’, laws against ‘trafficking and smuggling’, and ‘ensuring protection of victims and raising awareness’.⁹⁷

The programme is implemented by a consortium of different EU member states’ bodies – including the German Agency for International Cooperation (GIZ) and the Interior Ministries of Italy, UK and France.⁹⁸ A similar consortium led by Civipol, a semi-public company with majority ownership by the French Interior Ministry, is implementing another EUR 5 million project for a regional operational centre in Khartoum (ROCK) to share police intelligence among Horn of Africa states. The centre will open at the end of 2018.⁹⁹

In April 2016, the EU Commission additionally adopted a Special Measure for an amount of EUR 100 million, followed, in October 2017, by a new envelope of EUR 60 million, to support ‘displaced persons, migrants and host communities’.¹⁰⁰ Thus, EUR 160 million has been allocated to Sudan, although this amount is not strictly focused on migration but includes some classical development programmes. According to an EU official, ‘The Sudanese government needs this money: it looks small compared to their [substantive] security expenses, but that’s still something they won’t have to take on

96 European Commission. 2017. ‘EU actions on Migration in Sudan’, 11 October, 2. https://eeas.europa.eu/headquarters/headquarters-homepage_en/34103/EU%20actions%20on%20Migration%20in%20Sudan

97 European Commission. 2018. ‘EU development cooperation with Sudan’, January, 5. https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/factsheet_eu_development_cooperation_with_sudan.pdf

98 *Ibid.*, 5.

99 *Ibid.*, 5-6.

100 *Ibid.*, 1-2.

their own budget. Sudan's economic situation is so bad that they can't refuse EUR 160 million.'¹⁰¹

In 2016, German and British media obtained confidential documents revealing that the EU had earmarked funds to train Sudanese border police and planned to provide registration and surveillance equipment to the Sudanese authorities, including for detention centres in eastern Sudan.¹⁰² It is not clear if these funds were part of the April 2016 Special Measure, the Better Migration Management grant, or a different one.

Several EU member states, including the UK, Italy and Germany, also engaged with Sudan bilaterally on migration issues.¹⁰³ In 2016, the Italian and Sudanese Interior ministries signed a memorandum of understanding, with a direct link to the Khartoum process, focused notably on border management, migrant flows, and repatriations of Sudanese migrants from Italy to Sudan. The UK also began a 'strategic dialogue' with Khartoum, notably on migration issues.¹⁰⁴

The EU and EU member states' cooperation with Sudan on migration, central to the Khartoum Process, has generated debates in Europe. A crucial point of critique, as explained by the former (and latest) EU special representative for Sudan, Rosalind Marsden, is that 'by portraying Sudan primarily as a country of transit rather than a country of origin, the "Khartoum Process" downplays Sudan's role as one of the largest producer of refugees in the world and the fact that many of those trying to cross from Libya or camped in Europe are Darfuris.'¹⁰⁵ Jaspars and Buchanan-Smith also noted that 'this approach will do little to address the root cause of migration from Darfur, namely the systemic persecution of particular ethnic groups.'¹⁰⁶

Sudan is one of the main transit countries for Horn of Africa migrants, as well as the third largest refugee-hosting country in Africa, with 800,000 refugees on its soil. But no less importantly, it also accounts for the second largest population of internally displaced persons (IDPs) on the continent, estimated at 3.2 million, in addition to some

101 Personal interview with EU official. 2018. Location withheld, May.

102 Malik, N. 2016. 'Bachir comes in from the cold', *Foreign Policy*, 31 July.

103 Akkerman, M. 2018. *Expanding the Fortress: The policies, the profiteers and the people shaped by the EU's border externalization programme*, Transnational Institute and Stop Wapenhandel, 60.

104 Chandler, C. 2018. 'Inside the EU's flawed \$200 million migration deal with Sudan', *IRIN*, 30 January. <https://www.irinnews.org/special-report/2018/01/30/inside-eu-s-flawed-200-million-migration-deal-sudan>

105 Marsden, R. 2015. 'The migration crisis and the Horn of Africa: The Khartoum Process', *Confrontations Europe la Revue*, No 111. <http://confrontations.org/interface-en/the-migration-crisis-and-the-horn-of-africa-the-khartoum-Process/?lang=en> Dame Rosalind Marsden was EU Special Representative for Sudan from September 2010 until October 2013.

106 Jaspars, S. and Buchanan-Smith, M. , *op. cit.*

600,000 Sudanese refugees in Chad and South Sudan.¹⁰⁷ These huge displacements, mostly occurring over the past 15 years, are mainly caused by the Sudanese government's violent counter-insurgency strategies in the three current conflict theatres in the country (Darfur, South Kordofan and Blue Nile).

Those continuous conflicts, as well as the lack of democratic rule, have been among the main reasons for the increasing number of Sudanese, in particular Darfurians, migrating to Libya and Europe. Numbers began to increase in 2013, when an estimated 30-60,000 Sudanese left their country for Libya or Egypt.¹⁰⁸ Numbers kept increasing: between 2014 and 2016, the number of Sudanese arriving in Italy multiplied by three to reach a peak of more than 9,300.¹⁰⁹ Their protection and asylum claims in Europe are largely recognised. In France – the first European country for Sudanese asylum claims –, in 2017, Sudan was the first nationality of asylum seekers to be granted refugee status, with more than 20% of all admissions, ahead of Syria and Iraq. About 75% of Sudanese asylum seekers in France obtained refugee status or protection in 2017.¹¹⁰

Box 2 Routes from Sudan to Libya

Sudanese migration routes have evolved and become more diverse. Eritrean migrants mostly used to cross from eastern Sudan to Egypt, while Sudanese also reached Egypt from Sudan's northern region. In recent years, flows have shifted towards Libya, along two main routes, which in the past were used by Sudanese migrants looking for work in Libya but are now used by refugees fleeing wars and undemocratic regimes across the entire Horn of Africa.¹¹¹ The easternmost route, used notably by Eritreans, Ethiopians and Somalians, goes from Khartoum to Dongola by an asphalt road, then crosses north-western Sudan to the Libyan border and Kufra. Further west, Darfurians and migrants from other parts of the Horn, drive from the North Darfur capital, El-Fasher, towards Mellit, Malha, then straight north to the Libyan border and Kufra. Some non-Darfurians travel from Khartoum to Darfur to join this route.

107 European Commission. 2017. 'EU actions on Migration in Sudan', *op. cit.*, 1.

108 UNHCR, IMPACT and Altai, *op. cit.*, 92.

109 See <https://data2.unhcr.org/en/situations/mediterranean>.

110 OFPRA, *op. cit.*, 53, 100.

111 On former labour migration from Darfur to Libya, see Young, H., *et al.* 2005. *Darfur – Livelihoods under Siege*. Medford, MA, Feinstein International Center, Tufts University, June, 83-108.

B. Migrants blocked by Sudanese government militias

According to an EU official, the Sudanese authorities claim to have arrested between 800 and 1,200 migrants a year since 2012. Some were arrested by regular forces, but the task has to large extent been assigned to the so-called Rapid Support Forces (RSF). In 2013, Khartoum re-hatted some of the Darfur Arab militias generally known by the nickname of *janjawid*, which led most of the counter-insurgency campaign that devastated the region and displaced some 3 million civilians, into a new paramilitary force, the RSF. The new force is better equipped, better funded, and deployed not only in Darfur, but all over Sudan. Since 2016 it has been directly under presidential control, in the hope it would be better controlled and more loyal than the former *janjawid*. It is led by Mohamed Hamdan Dagolo, aka 'Hemmeti', who proved less disloyal towards Khartoum than other Darfur Arab militia chiefs.¹¹²

In 2016, coinciding with the EU dialogue with Sudan on migration, Khartoum redeployed RSF in the Northern State, from where they patrolled up to the Libyan and Egyptian borders. In an April 2018 video, Hemmeti claimed the RSF had 23,000 men 'scattered throughout the desert borders' – a credible count for RSF forces deployed from North Darfur and the Chadian border, to Eastern Sudan and the Egyptian and Eritrean borders.¹¹³

This development is quite problematic, as rather than relying on Sudan's regular security forces it puts militias that have been tied to large-scale human rights abuses and war crimes in charge of border control. It is possible that, from the Khartoum point of view, Hemmeti, a renowned smuggler between Sudan and Libya before the Darfur war, was more suited to control the border than the army. But above all, rather than stem migrant flows, the RSF's real aim may have been to prevent movement of Darfur rebels and renegade *janjawid* between Sudan and Libya, which they did on various occasions in 2017-18.¹¹⁴

112 Tubiana, J. 2017. *Remote-control Breakdown: Sudanese Paramilitary Forces and Pro-government Militias*, HSBA Issue Brief No. 27, Geneva, Small Arms Survey, April, 5-6. <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-27-Sudanese-paramilitary-forces.pdf> Since the 2006 Abuja peace agreement between the Sudanese government and one rebel faction, various Darfur Arab militias, feeling betrayed by Khartoum, have gradually turned against the government and made alliances with rebel movements. Hemmeti himself did this, but only for a few months in 2007-08. In 2009, he told one of the authors: 'We've been against the government for six months. We need to get our rights, military ranks and political positions. Until now we got nothing.' Personal interview with Hemmeti. 2009. Nyala, Sudan, December.

113 Video of an Hemmeti speech, circulated on social networks and seen by the authors.

114 Tubiana, J. and Gramizzi C. Forthcoming, *op. cit.*

In August 2016, Hemmeti publicly claimed his forces had arrested the exaggerated number of 20,000 migrants.¹¹⁵ Later, in January 2017, the RSF gave the more realistic number of 1,500 'illegal migrants' intercepted 'on the Sudanese-Libyan border during the last seven months'.¹¹⁶ In March 2018, the RSF was also said to have confiscated 321 vehicles between Malha and the Libyan border.¹¹⁷

Smugglers interviewed for this study acknowledged that the RSF disrupted their travels within Sudan, leading to routes from Sudan to Libya becoming less travelled.¹¹⁸ 'When the RSF see us with migrants, they confiscate our cars. One of my cars, confiscated full of migrants, was not given back. But if they don't catch us red-handed, they have no evidence and can't arrest us. Even if they chase us while we transport migrants, if we manage to hide the passengers, they can't arrest us.'¹¹⁹

Migrants interviewed for this study, including some who were arrested by the RSF but sometimes made a second attempt to travel to Libya, also said RSF patrols made these routes more dangerous. Some of them were victims of abuses perpetrated by the RSF. In 2016, Y.A., a Sudanese asylum seeker from the war-thorn Nuba Mountains, paid USD 1,000 to be driven from North Darfur to Tripoli, with ten other passengers, mostly Ethiopians and Eritreans. After a few hours' drive, their vehicle was reportedly stopped by an RSF patrol. They were tortured by the RSF: first, to force them to reveal information on where their smuggler had escaped to, and second, to make them provide the phone numbers of relatives, most likely so that the RSF could ask for ransoms. Y.A. says he was released after two months and does not know what happened to his companions.¹²⁰

115 Baldo, S. 2017. *Border Control from Hell: How the EU's migration partnership legitimizes Sudan's "militia state"*, Enough, April, 10.

116 AfricaNews. 2017. 'Sudan: 115 Migrants Intercepted in Northern Border with Libya', 9 January. <http://www.africanews.com/2017/01/09/sudan-115-migrants-intercepted-in-northern-border-with-libya/>

117 Dabanga. 2018. 'MP: RSF "illegally confiscated 321 vehicles" in North Darfur-Libya area', 15 March. <https://www.dabangasudan.org/en/all-news/article/mp-rsf-illegally-confiscate-321-vehicles-in-north-darfur-libya-border-area>

118 Personal interviews with migrant smugglers. 2018. Chad and Sudan, January-March.

119 Personal interview with migrant smuggler. 2018. Tina, Sudan, February.

120 Personal interview with Sudanese asylum seeker. 2018. Location withheld, February.

Box 3 RSF deployment in eastern Sudan

In early 2018, the RSF were also deployed in eastern Sudan, on the Eritrean border. According to Sudanese government sources, about a quarter of migrant smugglers arrested in January-February 2018 on this border were arrested by the RSF.¹²¹ Yet, as along the Sudan-Libya border, the RSF deployment in the east may respond to another agenda: it coincided with the closure of the Eritrean border, following Sudanese accusations that Egypt and Eritrea were colluding to reopen rear bases for Sudanese rebels in Eritrea. Until 2006, Eritrea had hosted rebel groups from both Darfur and eastern Sudan. Among the latter were the Free Lions, a movement recruiting among the Rashaida Arabs straddling the Sudan-Eritrea border. Since 2006, former Free Lions leaders were allegedly involved in smuggling Eritrean migrants to Egypt through eastern Sudan, with the complicity of both Eritrean and Sudanese security apparatuses.¹²² This smuggling entente is now threatened, notably by the new anti-smuggling policies.

C. Double game: migrants smuggled or trafficked by Sudanese government militias

Since being deployed in Sudan's north-western quarter, the RSF have gradually monopolised control of routes to Libya. But they do not always arrest the smugglers and migrants they intercept. 'Officially, our orders are to drive the migrants back toward their country of origin,' an RSF member explains. 'So, from time to time, we intercept migrants and transfer them back to Khartoum, in order to show the authorities that we are doing the job. We're not supposed to take money from the migrants to let them escape or to transport them to Libya... but the reality is rather different...'¹²³

Several smugglers and migrants confirm that the RSF tax the vehicles or migrants they intercept then let them go. In mid-2016, A.A., accused of being a rebel supporter, decided to leave Sudan for Libya. He boarded a pickup truck near El-Fasher, along with 20 Darfuri migrants. Their car was intercepted three times by RSF troops on the road to Tina. The first time, they were stopped just after Am Boru, in an RSF temporary camp where the militia had already intercepted three cars loaded with migrants. Questioned by the RSF, they pretended to be heading to Chad to look for gold, as the driver had

121 In north-western Sudan, where the RSF outweigh other forces, the rate is likely to be much higher. Kingsley, P. 2018. 'By Stifling Migration, Sudan's Feared Secret Police Aid Europe', *The New York Times*, 22 April.

<https://www.nytimes.com/2018/04/22/world/africa/migration-european-union-sudan.html>

122 Amnesty International. 2013. *Egypt/Sudan: refugees and asylum-seekers face brutal treatment, kidnapping for ransom and human trafficking*, 8.

123 Personal interview with RSF member. 2018. Tina, Sudan, February.

suggested they say in case of an interrogation, in spite of the fact that the majority of the passengers were not gold miners but migrants heading to Libya. 'We know you're going to Libya,' the RSF interrogators replied. However, after a discussion with the RSF, the driver paid the militia SDG 5,000 (EUR 750) to be allowed to leave.¹²⁴

The car was intercepted again in the next two towns of Kornoy and Tina, and the driver again negotiated with the RSF and gave them (an unknown amount of) money. At their arrival in Tina, the migrants met three other cars that had also been stopped in Am Boru and also been released after paying a bribe. A.A.'s driver complained about the trip's excessive cost and asked the passengers for an additional payment. Some of the passengers gave him SDG 400 or 500 (EUR 60-75).¹²⁵

The RSF also returned confiscated vehicles to smugglers in exchange for bribes. Friendly contacts between smugglers and RSF are not uncommon: 'The RSF know us and our activities,' a smuggler says. 'Sometimes we play cards with them and they tell us their tricks to catch us with our migrants.'¹²⁶ However, 'for smugglers who refuse to work with the RSF, the route between Darfur and Libya became difficult.'¹²⁷

Even more than taxing the migrants, the RSF have increasingly become smugglers themselves. Numerous migrants who have entered Libya from Sudan since 2016 were driven to Libya by RSF armed and uniformed soldiers, often in military cars mounted with heavy machine guns.¹²⁸

In early 2016, A.O., a 28-year-old Darfurian, wanting to go to Libya, was driven from Central Darfur to Mujuar, one of North Darfur's northernmost inhabited settlements. In the market, he asked for tips on travelling to Libya and was put in touch with two RSF soldiers who openly gathered migrants under a shelter. Together with nine other Darfurian migrants, he boarded a military pickup truck mounted with a 'Dushka' (DShK-type) machine gun and loaded with RPG (rocket-propelled grenade) rockets. The vehicle was identified as RSF by an Arabic mark on the side, indicating 'al-Quds', the RSF's acronym, which has also the double meaning of 'Jerusalem'. Four uniformed Arab RSF also boarded the truck, including the driver, a commanding officer on his side, and in the back two soldiers, including one in charge of the machine gun.¹²⁹

124 Throughout this report, we used, for the Sudanese pound (SDG), a late 2016-early 2017 black market rate of SDG 1 to EUR 0.15. Since then, the Sudanese currency has continued losing value on the black market. We also used a black market rate for the Libyan dinar (LYD).

125 Personal interview with A.A., Darfurian asylum seeker. 2018. Location withheld, May.

126 Personal interview with migrant smuggler. 2018. Tina, Sudan, February.

127 Personal interview with migrant smuggler. 2018. Location withheld, February.

128 Personal interviews with various migrants. 2018. Various locations, January-May.

129 Personal interview with A.O., Darfurian asylum seeker. 2018. Location withheld, March.

Later, in July 2016, as many more RSF had begun to be deployed on the roads to Libya, N.M., a 21-year-old Darfurian from Otash IDP camp in South Darfur, chose to head to Libya. By chance, he had been playing football and befriended two young Arabs, who had recently joined the RSF in El-Fasher. 'Soon after their departure, they phoned me and said that if I wanted to travel to Libya, they had a good way,' N.M. said. They even told him he could travel on credit, and pay them back once he found work in Libya.

At nightfall, N.M. and five other men got in the back of a pickup truck driven by an armed and uniformed RSF soldier. 'The back was loaded with ammunition boxes. We had to sit on them.' They reached Mellit, where four other Sudanese passengers joined them. All boarded another vehicle, a camouflaged pickup also commanded by a uniformed and armed Arab RSF. The back was also equipped to be mounted with a DShK-type machine gun, but the weapon had been removed, probably to allow the ten passengers to lie down on the back, hidden under tarpaulin. They were driven to the Sudan-Libya border, where they were handed over to Libyan traffickers.¹³⁰

A.O. and N.M.'s journeys to Libya were relatively discreet and involved only a limited number of passengers, all Darfurians, probably arranged to avoid interception by other RSF. Already in 2016, however, some RSF were able to transport migrants coming not only from Sudan but also from various East and West African countries, on a larger scale. In late 2016, A.N., a 42-year-old man from North Darfur and his wife from the Nuba Mountains (another Sudanese war zone), had recently moved to Malha area in search of casual work. In the market, he heard about smugglers transporting people to Libya, and about possibilities of working on farms in Libya. He paid SDG 4,000 (EUR 600) for both of them for the journey to Um-el-Araneb in the Fezzan. As soon as he had paid, they were locked in a compound in the outskirts of Malha, together with 100 migrants coming from East Africa (Eritrea, Ethiopia, Somalia), West Africa (Nigeria, Senegal, Gambia, Equatorial Guinea) and Bangladesh. Only 15, including A.N. and his wife were Sudanese, mostly from Darfur.

'When you enter the place, you can't get out,' says A.N. 'Seven or eight armed and uniformed Arabs were posted at the door.' When A.N. tried to talk to them, they only answered: 'We are the government.' After three days, around midnight, they all boarded four pickups, 24 passengers in the back of each, covered with a plastic tarpaulin. The first and the last car of the convoy were mounted with Goryunov machine guns, and, besides the usual driver and assistant in the cabin, there were two soldiers in the back. Thus, the migrants were accompanied by 12 RSF men, all in uniform and armed with Kalashnikov-type assault rifles. The trip to the Libyan borderlands lasted two days.¹³¹

130 Personal interview with N.M., Darfurian asylum seeker. 2018. Location withheld, January.

131 Personal interview with A.N., Darfurian asylum seeker. 2018. Location withheld, March.

In some cases, the RSF did not drive migrants in their own cars but provided an escort to civilian smugglers. In 2016, S., an Eritrean asylum seeker, was intercepted by Sudanese government forces in the desert and brought back to Khartoum. ‘Some of the migrants paid to be released,’ he explains. One year later, he tried again, through the same Eritrean intermediaries based in Khartoum. The whole process was unchanged: the migrants were gathered in a Khartoum house together with other mostly Ethiopian and Eritrean migrants. One year to the next, even the fare was the same: USD 1,700 for the desert crossing and USD 2,300 from Libya to Europe.¹³² ‘Thus, 4,000 dollars is the official fare to Europe but we know it is likely to be much higher as we are kidnapped and ransomed on the way. Myself, at the end, I paid 13,000 dollars,’ S. explains.

Once again, S. boarded a large civilian truck with more than a hundred passengers. But this time, they had an escort: a khaki pickup mounted with a DShK-type machine gun and loaded with ammunition boxes, plus three Arab militiamen, sometimes preceding, sometimes following the truck. No patrol stopped them and they reached Libya.¹³³ In June 2016, A., an Ethiopian migrant to Libya, had the same experience on another road: after being taxed by RSF near Dongola, he and his fellow passengers were escorted to Libya by other RSF men, on a military pickup mounted with a DShK-type machine gun and loaded with ammunition boxes.¹³⁴

From Darfur, Dongola or Khartoum to Libya, and from Darfur to Chad, the RSF transported or escorted migrants from Sudan as well as from other Horn of Africa countries. According to several migrants, ‘the RSF prefer the non-Sudanese, especially Ethiopians, Eritreans and Somalians, as they consider them as very valuable. Their family in the diaspora pays for them when they are kidnapped.’¹³⁵ In addition to being taken in RSF cars, migrants were reportedly regularly hidden, sometimes in large numbers, in RSF garrisons and occasionally dressed in RSF uniforms.¹³⁶

Several RSF members interviewed for this research acknowledged the RSF were both smuggling and taxing migrants rather than intercepting them.¹³⁷ ‘Migrant smuggling is not a sin,’ one of them rationalises. ‘Even if we leave [this activity], others will take care of it. So why not benefit from it and get some money, since the fuel is already provided by the government? In principle, I’m not allowed to speak of this. I didn’t have the chance to drive migrants to Libya myself, but several times, as I was aware of this activity, I was

132 Prices reportedly have continued to rise since then.

133 Personal interview with S., Eritrean asylum seeker. 2018. Location withheld, March.

134 Personal interview with A., Ethiopian asylum seeker. 2018. Location withheld, April.

135 Personal interviews with various migrants. 2018. Various locations, January–May.

136 Personal interviews with various migrants. 2018. Various locations, January–May.

137 Personal interviews with RSF members. 2018. Locations withheld, January–March.

given money to shut up.¹³⁸ RSF smuggling activities were also confirmed by smugglers interviewed in Sudan by *The New York Times*, according to which, 'each smuggler – interviewed separately – said that the RSF was often the main organiser of the trips, often supplying camouflaged vehicles to ferry migrants through the desert.'¹³⁹

Conflicts have even flared up between rival RSF groups involved in migrant smuggling. Competition can lead some RSF groups to intercept a convoy organised by rivals or to denounce rivals as smugglers to the government, in order to have the rivals transferred away from the migration routes and then take their place. Sometimes rival RSF groups shared their profits to avoid such competition.

D. How a Darfur rebel splinter faction joined the RSF... and the migrant smuggling industry

Box 4 Janjawid, smugglers and border guards

Darfur Arab camel-herder (*abbala*) communities have long been involved in trading camels in Libya, since before the war in Darfur began in 2003.¹⁴⁰ Since 2003, the routes between Darfur and Libya have been largely controlled by Zaghawa rebel factions, who raided some Arab camel caravans and disrupted Arab movements to Libya. This actually facilitated recruitment of the *janjawid* among Darfur Arab camel herders. Since 2005, some Arab militia leaders, in particular Musa Hilal, historically the main *janjawid* chief, gradually distanced themselves from the government and established contacts with Zaghawa rebels, so that they were able to regain access to the routes to Libya. As a result, Hilal's militiamen – officially known as 'Border Guards', although their duties did not specifically involve border control – reportedly began to smuggle migrants between Darfur and Libya. In 2017, Hemmeti's RSF began to regain control on the routes to Libya, and they attacked, arrested and killed both rebels and Hilal's Border Guards and associates travelling on those routes, accusing them, notably, of being migrant smugglers or 'human traffickers'.¹⁴¹

138 Personal interview with RSF member. 2018. Tina, Sudan, February.

139 Kingsley, P., *op. cit.*

140 Young, H. et al. 2009. *Livelihoods, Power and Choice: The Vulnerability of the Northern Rizaygat*, Medford: Feinstein International Center.

141 Dabanga. 2017. '26 dead as Sudanese militia, human traffickers clash', 24 September. <https://www.dabangasudan.org/en/all-news/article/26-dead-as-sudanese-militia-human-traffickers-clash>; *Sudan Tribune*. 2017. 'Tribal tensions in N. Darfur after killing of human traffickers by RSF militias', 25 September. <http://www.sudantribune.com/spip.php?article63607>.

The *janjawid* militias, whether officially named or renamed Border Guard or RSF, were originally, and on the whole, recruiting from among Darfur's Arab communities. Various rebel splinter factions, mostly Zaghawa, successively joined the Sudanese government, after deals promising them, notably, integration into government forces. However, most rebel combatants were unable or unwilling to fight in the ranks of government regular or paramilitary forces, including the RSF, that is until 2016-17 when a splinter faction of the Sudan Liberation Army (SLA), led by Mohammedein Ismaïl Bachar, aka 'Orgajor', was incorporated into the RSF.¹⁴²

Mohammedein 'Orgajor' was one of the main commanders of the Zaghawa faction of the SLA known as SLA-MM, from the initials of his leader Minni Minawi. He was not unfamiliar with the routes between Darfur and Libya and, in 2011, reportedly drove from Darfur to Libya and managed to bring back a large number of weapons, thanks to brief support of Qaddafi forces.¹⁴³ In October 2014, Orgajor split from SLA-MM, reportedly at the incitation of Chadian president Idriss Déby, who had been very actively pushing Darfur rebels to splinter and join Khartoum since 2011. In March 2015, in N'Djaména, Orgajor's faction, then reportedly numbering 400 men equipped with 30 cars, signed a peace deal with the government of Sudan. In 2016-17, his troops were integrated into the RSF, and he was made a colonel.

According to a civilian Zaghawa migrant smuggler, 'Orgajor's men were already involved in migrant smuggling when they were rebels.'¹⁴⁴ A former SLA-MM who joined Orgajor's RSF in June 2017 confirms that 'when Orgajor was a rebel he was often at the border between Sudan and Libya and was smuggling migrants. He kept good contacts with Libyans. He did not account for these activities to anyone [in the SLA-MM hierarchy] and it was his source of income.' After Orgajor joined the government, his troops, waiting for their integration into the RSF, were garrisoned in a camp near Tina, on the Sudanese side of the border. 'He benefitted from the period when his men were stationed near Tina and transformed his camp in a hosting place for migrants. It was a favourable time as he was no more in rebellion and was still in negotiations with the government about the troops' integration.' Idle and under little control, Orgajor's men thus had much time and freedom, as well as a sufficient number of vehicles, to smuggle migrants to Libya.

The smuggling did not stop as Orgajor's troops were integrated into the RSF in 2016-17. The same member of the group acknowledges that 'today it's a bit different, Orgajor works for the government and has less freedom to transport migrants. He's our leader and he's not often in the area but his men are still here and still involved in migrant

142 'Orgajor' is a nickname meaning a man 'bearing magic amulets or charms' protecting him notably from bullets, a common tell-tale sign of Darfur rebels.

143 Tubiana, J. and Gramizzi, C. 2017. *Tubu Trouble*, *op. cit.*, 140.

144 Personal interview with migrant smuggler. 2018. Tina, Sudan, February.

smuggling.¹⁴⁵ A civilian smuggler confirms that ‘even after integrating into the RSF, [Orgajor] did not totally give up this activity.’¹⁴⁶ It seems that, being Zaghawa, Orgajor’s RSF were given the task of controlling the Sudanese Zaghawa territory of north-western Darfur, which remains a major transit area for many migrants between Sudan and Libya.

Several migrants interviewed for this research were transported by Orgajor’s RSF. In February 2017, S.M., a Darfurian asylum seeker, linked up with former SLA-MM rebels whose task was to gather migrants on behalf of Orgajor’s elements in Tina. He was driven in a military car to the camp mentioned above, surrounded by earth walls and guarded by RSF men. ‘They collected all the phones. Once you enter, there is no way to get out,’ he remembers. The place was crowded with several hundred migrants from various countries: the majority were Somalians, Ethiopians and Eritreans (which he estimated to be more than 400), but there were also close to 200 Comorians, 150 Sudanese, mostly Darfurians, and a dozen Bangladeshis. All were men except for a few Ethiopian or Eritrean women who were regularly raped at night. The fares and the currency that they were expected to pay appeared to depend on the migrants’ nationalities: the Sudanese paid in Sudanese pounds (SDG 2,500 to Libya and 13,000 to Europe – EUR 375–2,000), the others were to pay in dollars (USD 7,000 for Ethiopians and Eritreans, and 10,000 for Somalis) or euros for the Comorians (3,000).¹⁴⁷

S.M. left Tina in a convoy of 14 military pickups loaded with migrants – there were 35 in S.M.’s truck. The convoy was escorted by two additional pickups mounted with a DShK-type machine gun, and about 30 uniformed and armed RSF soldiers. From Tina, they drove north along the Chad-Sudan border. Most of the road was probably within Chadian territory, but the convoy did not face any control by either Chadian or other Sudanese forces.¹⁴⁸ Orgajor, whose agreement with Khartoum was facilitated by Chad, was said to work as much for Khartoum as for N’Djaména, with his strategic position at the Chad-Sudan border allowing him to protect Chad from possible rebel incursions.

In the same period of early 2017, A., another Darfurian asylum seeker, met RSF smugglers in El-Fasher who were recruiting passengers for gold mines at the Chad-Libya border. He was driven to Tina in a convoy of four military cars, each loaded with 35 passengers. The drivers and assistants were RSF men armed with Kalashnikov-type rifles. A.’s driver, a Zaghawa, was most likely one of Orgajor’s troops.¹⁴⁹

145 Personal interview with RSF member. 2018. Tina, Sudan, February.

146 Personal interview with migrant smuggler. 2018. Tina, Sudan, February.

147 Personal interview with S.M., Darfurian asylum seeker. 2018. Location withheld, March. This is another example of the commoditisation of migrants and of the market setting prices for them.

148 Personal interview with S.M., Darfurian asylum seeker. 2018. Location withheld, March.

149 Personal interview with A., Darfurian asylum seeker. 2018. Location withheld, March.

Box 5 Involvement of other Darfur rebels and ex-rebels in migrant smuggling

Other Darfur rebels and former rebels have allegedly been involved in migrant smuggling. In 2017, Darfuri combatants reportedly guarded a farm in Jufra area, in central Libya, where 300 to 400 Eritreans were detained, but it is unclear whether those troops were active or former rebels. According to one of the leaders of a faction that joined the government in 2012 – known as JEM (Justice and Equality Movement)–Dabajo – some combatants from this group defected and became smugglers. It seems Darfur rebels who turned to migrant smuggling or other non-political activities are mostly found among those who gave up the rebellion, including members of factions that joined the government but whose troops were left without enough work, income or control by their leaders. On the contrary, elements from the main and still active rebel movements appear to be less involved, either because they are better controlled by their leaders, or, as a former rebel suggests, ‘because they currently don’t have strong enough positions, neither in Darfur nor in Chad, to control smuggling routes’.¹⁵⁰

In Darfur, as elsewhere in the region, the ability to control or operate on strategic cross-border territories depends often on ethnicity. This explains why Orgajor’s faction is able to smuggle migrants from Zaghawa territory, straddling the border between Chad and Sudan. Nevertheless, in migrant smuggling, associations between members of different communities are not uncommon and are often stronger than in rebel movements. Thus, some migrants reported being transported by RSF members belonging to different communities, including Arab and Zaghawa. But there could also be conflict between smugglers, and armed groups involved in migrant smuggling, from different communities, over control of territory and smuggling routes.

Malha area is a case in point. Malha is the northernmost permanent settlement on a main route between Darfur and Libya, as well as the undisputed centre of the non-Arab Meidob tribe. The Meidob community and area largely escaped the inter-ethnic violence that broke out all over Darfur in 2013, thanks to an uncommon tacit agreement between Meidob leaders and various affiliations: government members or supporters, members of government militias, and rebels. As a result, Meidob smugglers were said to control the migration route from Malha to Libya. Both Meidob government militias and rebels were said to tax vehicles crossing their area.¹⁵¹

150 Personal interview with former Darfur rebel. 2018. Location withheld, February.

151 Personal interview with international observer. 2018. Location withheld, May. See Baldo, S. 2017.

Ominous Threats Descending on Darfur, Enough, November, 11. https://enoughproject.org/wp-content/uploads/2017/11/OminousThreatsDarfur_Nov2017_Enough1.pdf

This balance was questioned in 2018, when Arab RSF under Hemmeti were deployed in Malha, confiscated Meidob vehicles and arrested the main Meidob rebel chief, Suleiman Marejan, who was reportedly taxing migrant convoys. Meidob paramilitary forces were also integrated into the RSF. Hemmeti's group is not particularly welcome among the Meidob: in 2006, the Arab militia raided the area and killed 35 Meidob civilians, chasing some of them with cars and bumping into them, before being repelled by Marejan's rebels. Beyond asserting control over a strategic territory, it seems Hemmeti's RSF are now trying to take over the Meidob's smuggling activities. This takeover was facilitated by the 2017 withdrawal of the United Nations African [Union] Mission in Darfur (UNAMID) from its Malha team site, which was turned into an RSF base.

E. Ties between Sudanese government militias and Libyan traffickers

Migrants who were smuggled by the RSF to Libya report that the RSF systematically 'sold' them to Libyan traffickers, in the Sudan-Libya borderlands. The practice is generally known as *taslim* (delivery) in Arabic, a word that is also used for exchanges of drug loads across the Sahara. Those Libyan traffickers often torture and enslave the migrants.

According to an RSF member, 'the RSF receive money for each migrant handed over to the Libyans.'¹⁵² This explains why migrants could board RSF cars on credit: in principle, this involved repaying their debt later after finding work in Libya, but obviously the RSF did not care about being reimbursed and were getting the migrants' 'debt' paid by the Libyan traffickers. This generally allows the Libyans to ask the migrants to reimburse their debt, torturing them until they could get relatives to pay for their release or obliging them to work without payment.¹⁵³

But even migrants who had paid the RSF for their whole trip were 'bought' by Libyan traffickers and endured abuses. Thus, in June 2017, S., the Eritrean asylum seeker mentioned above, was sold to Libyan Arabs, together with more than a hundred fellow passengers. 'They told us that we were their property, that we had been sold,' he remembers. The migrants were obliged to telephone their relatives to ask them to pay a USD 1,700 ransom – precisely the amount S. had paid the RSF for travelling to Libya. Those who could not find the money were forced to pick dates from palm trees.¹⁵⁴

Generally, RSF and other Sudanese smugglers sell their passengers to Libyan traffickers in the Sudan-Libya borderlands, and do not go further. However, a Darfurian asylum seeker said he met RSF members associated with human traffickers far from the

152 Personal interview with RSF member. 2018. Tina, Sudan, February.

153 Kingsley, P. *op. cit.*

154 Personal interview with S., Eritrean asylum seeker. 2018. Location withheld, March.

Libyan border, in Um-el-Araneb, more specifically in Sharika: this is the name of a huge unfinished complex of social housing units from the Qaddafi era.¹⁵⁵ Um-el-Araneb is reputed to be particularly dangerous, as it is inhabited by various armed groups and gangs, including Chadian rebels, mercenaries, road bandits and human traffickers. The latter are said to detain and sometimes torture migrants in Sharika. The same Darfurian migrant was smuggled from Um-el-Araneb to Tripoli by a Sudanese trafficker based in Tripoli, with connections to traffickers in both Sharika and the RSF in Sudan.¹⁵⁶ A former Chadian rebel based in Libya also mentioned the presence of RSF members, in civilian clothes, involved in migrant trafficking in Sebha.¹⁵⁷

The Libyan ‘partners’ of the RSF are either civilians or members of Libyan militias. In late 2016, A.N., a Darfurian mentioned above, together with his Nuba wife and a hundred passengers from various countries, were handed over to uniformed and armed Libyans, on four pickups, two of them painted in a military beige colour, displaying Libyan flags and loaded with ammunition boxes. ‘They told us to sit in a circle, head down,’ A.N. remembers. They threatened to shoot any migrant who moved: ‘This bunch of slaves, if anyone lifts his head, give him a bullet in the head.’ And they shot in the air to scare them. The migrants then had to get into the four cars and were driven to a farm near Um-el-Araneb, in the Fezzan region, where possibly 250 were already held in captivity. ‘We know you want to go to Europe but you’re our slaves, you have been sold to us,’ the migrants were told.

The 15 Sudanese were asked to phone relatives so they could pay LYD 4,000 (EUR 600) for their release.¹⁵⁸ The supposed richer migrants from other nationalities had to pay a ransom in euros or dollars. A.N. and others were beaten and burnt with blowtorches and boiling water. Men and women – including A.N. and his wife – were locked in separate containers. Women were regularly raped, including in public. After two months of torture, as he was unable to find the money, A.N. and his wife were sent to a nearby farm, where they were supposed to work for ten months in order to be released. However, after two months they managed to escape.¹⁵⁹

A.N. believes his traffickers included Zwaya Arabs. Since 2015, the Zwaya appear to control the Libyan side of the borderlands between Libya and Sudan and the routes between Kufra and the border. It is thus not surprising that the main Libyan ‘partners’ of the RSF are reportedly Zwaya traffickers, including both civilians and Zwaya militias.

155 Personal interview with Darfurian asylum seeker. 2018. Location withheld, March.

156 Personal interview with Darfurian asylum seeker. 2018. Location withheld, March.

157 Personal interview with former Chadian rebel. 2018. Location withheld, April.

158 Throughout this report, we have used, for the Libyan dinar (LYD), an early 2017 black market rate of LYD 1 to EUR 0.15.

159 Personal interview with A.N., Darfurian asylum seeker. 2018. Location withheld, March.

The Zwaya militias reportedly protect or escort Zwaya traffickers, who are involved in ransoming Eritrean migrants. There are reports that members of the (mostly Zwaya) *katiba* Subul al-Salam, a Salafist force affiliated to General Haftar's 'Libyan National Army', although officially combatting migrant trafficking, are also involved. Eritrean and Ethiopian migrants travelling from Sudan to Libya in 2015 told the UN that they were handed over to Subul al-Salam in Kufra. 'They were put in a prison where the guards were dressed in police uniforms and driving official police cars. For their release, each migrant had to transfer up to USD 300 to a foreign bank account.'¹⁶⁰

According to prominent Tubu militia leader operating west of Kufra and controlling routes towards the Chad border, in 2016, the *katiba* Subul al-Salam came into conflict with Tubu migrant traffickers south of Kufra, allowing Zwaya traffickers to take control of the trafficking in the area.¹⁶¹ Since then, there appears to be a territorial divide, with Zwaya traffickers operating on the routes between the border, Kufra and Tazerbo, and Tubu traffickers operating further west, from Rebyana to the Fezzan.

The RSF also reportedly sell migrants to Tubu traffickers, who are not only civilians but also militias, including forces allegedly theoretically under the control – and on the payroll – of northern Libya's rival authorities. In 2016, A.O. and nine other Darfurian migrants were handed over by the RSF to Libyan Tubu militias, in the Sudan-Libya borderlands. The Tubu were uniformed men on two pickups mounted with DShK-type machine guns who presented themselves as soldiers of the Tripoli-based GNA. Once in Rebyana, they beat the migrants for two days to force them to phone relatives and find SDG 2,000 (EUR 300). Those who were not able to obtain the money were reportedly sent as forced labour to gold mines. A.O. and the three others who were able to pay were driven by members of the militia themselves directly to Beni Walid, a main trafficking hub between southern Libya and the coast.¹⁶²

There are reports that the RSF also sell migrants to Chadian former rebels based in Libya, and who turned to banditry and migrant trafficking. Links between Chadian rebels and *janjawid* militias are well established: from 2005 to 2010, Chadian rebels were based in Darfur and supported by the government of Sudan. They, in turn, recruited among the *janjawid* and were recruited by them.¹⁶³ Some of the Chadian rebels and former rebels now based in Libya maintained links with RSF members, and arranged *taslim* of migrants in the Libya-Sudan borderlands.

160 UNSC. 2018. *Interim report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, leaked document seen by the authors, 26-27.

161 Personal interview with Libyan Tubu militia leader Goukouni Barkay. 2018. Location withheld, April.

162 Personal interview with A.O., Darfurian asylum seeker. 2018. Location withheld, March.

163 Tubiana, J. 2017. *Remote-control Breakdown*, *op. cit.*, 10-11.

In 2017, the *katiba* Subul al-Salam reportedly attacked Chadian traffickers who were waiting in Kufra area for a delivery of migrants by the RSF. The Zwaya force possibly wanted to prevent those Chadians from threatening its control of migrant smuggling in Kufra. The incident eventually provoked tensions between the RSF and their Chadian partners, with each side arresting members of the other and asking for financial compensations.¹⁶⁴

According to a former Chadian rebel based in Libya, Chadian rebels or former rebels have been involved, rather than in 'buying' migrants, in capturing or 'stealing' them from their original smugglers or traffickers. Such operations specifically target Eritreans who, according to the former rebel, 'represent the second business, just after drugs': they reportedly can be sold for LYD 2,000 to 30,000 (EUR 300-4,500). Chadian rebels or former rebels reportedly raided convoys with Eritrean migrants as far away as Jebel Aweynat at the Libya-Sudan-Egypt tri-border. Eritrean migrants are also commonly 'stolen' in places where they are kept, for instance in Um-el-Araneb. In late 2017, bandits based in Um-el-Araneb also reportedly drove to Jufra area where they captured some 300 Eritrean migrants held on a farm, before reselling them.¹⁶⁵

164 Personal interview with former Chadian rebel. 2018. Location withheld, April.

165 Personal interview with former Chadian rebel. 2018. Location withheld, April.

Box 6 NISS agents involved in migrant smuggling

It is not only Sudanese paramilitary forces but also members of regular forces who are reportedly involved in migrant smuggling. There have been various reports on the involvement of members of Sudanese regular forces, notably of the NISS (National Intelligence and Security Service) in human trafficking between Eritrea and Egypt, through eastern Sudan.¹⁶⁶ More recently, it appears NISS is also involved in smuggling migrants from Sudan to Libya, including through Darfur.

In June 2016, A.I., a 26-year-old Darfurian asylum seeker, left for Libya via Malha. 'As soon as you arrive in Malha, some smugglers are waiting for passengers, shouting 'Dahab (gold) or Libya?', he says. They took his passport but then revealed themselves to be NISS agents and threatened to jail him for 'trying to leave the country'. But as soon as he paid them SDG 5,000 (EUR 750), they put him into a NISS car together with nine other migrants, followed by two similar vehicles. The three NISS cars drove their passengers only as far as a checkpoint outside Malha, then handed them over to a Libyan truck driver who had crossed the checkpoint without passengers. The NISS agents gave a share of the migrants' money to the smuggler, who then drove them to Kufra area.¹⁶⁷

More recently, in early 2018, F.H., a migrant from central Sudan, paid SDG 13,000 (about EUR 300 at the inflationary black market rate) to NISS agents who put him on a direct plane to Tripoli, across all controls at Khartoum airport.¹⁶⁸

F. The border externalisation dilemmas

Since the RSF has been deployed in north-western Sudan, their leader Hemmeti has regularly claimed he is acting on behalf of Europe and has provocatively sought to blackmail the EU in a style not dissimilar to the one Qaddafi employed in the past. 'We are hard at work on behalf of Europe in containing the migrants, and if our valuable efforts are not well appreciated, we will (re)open the desert to migrants,' he declared in August 2016, asking the EU to pay a 'ransom' in exchange for the RSF anti-smuggling work.¹⁶⁹ In a press conference held in Khartoum in October 2016, he publicly asked the international community to lift economic sanctions on Sudan, in exchange for the RSF

166 See, for instance, Amnesty International, 2013, *op. cit.*, 8.

167 Personal interview with A.I., Darfurian asylum seeker. 2018. Location withheld, March.

168 Personal interview with F.H., Darfurian asylum seeker. 2018. Location withheld, March.

169 *Al-Intibaha*. 2016. 'Hemmeti Asks the EU to Pay a "Ransom" in Order to Protect It from Human Trafficking' [in Arabic], 31 August; Baldo, S. 2017. *Border Control from Hell*, *op. cit.*, 10.

fighting against both migrant smuggling and terrorism.¹⁷⁰ In November 2017, he told Al-Jazeera that Europe spends ‘millions in fighting migration, that’s why they have to support us’.¹⁷¹ More recently, in a video circulated in April 2018, he again threatened Europe that he would stop his anti-migrant activities if he did not get more support: ‘The European Union must recognise our efforts to fight against illegal immigration and smuggling. Otherwise, we will act differently.’¹⁷²

These open attempts at pushing the EU for support and recognition have led to criticism of EU policies. First and foremost, it has been questioned whether the EU risked supporting RSF militias, even indirectly – particularly in light of the human rights violations and war crimes that these militias have been accused of. The EU has countered this criticism in three ways. First, it has stated that ‘the Rapid Support Forces of the Sudanese military do not benefit directly or indirectly from EU funding’.¹⁷³ The fact that mention is made of the ‘RSF of the Sudanese military’ suggests an acknowledgement on the side of the EU that the RSF form part of the regular armed forces; in 2017, they were indeed officially integrated into the army but remained both autonomous and under the command of the president. This was confirmed by an EU official, who declared that ‘the RSF are now integrated into the army and have become a regular force’.¹⁷⁴

This should not be problematic in theory, as EU officials have stated that it is the EU’s policy ‘not to work with neither the RSF, nor the army, nor the National Intelligence and Security Service (NISS)’.¹⁷⁵ The EU is thus limiting its cooperation with Sudanese security forces dependent on the Ministry of Interior, namely the police, and claims to be ‘well aware of and highly alert to the risks of cooperation with Sudanese Police and Security authorities in general’.¹⁷⁶ The fact is, however, that *janjawid* militias have also been integrated into the so-called Central Reserve Police, whose record is no better than the RSF’s.¹⁷⁷ Further, whether distinctions between regular and irregular forces, and between police and army, are sufficient to avoid abuses can be questioned. It is perhaps for this reason that the EU itself acknowledges that in a context such as Sudan, it is very difficult

170 *Sudan Tribune*. 2016. ‘Lifting Sudan’s sanctions is prerequisite to halt human trafficking – militia leader,’ 8 October. <http://www.sudantribune.com/spip.php?article60464>

171 Morgan, H. 2017. ‘Sudan’s RSF unit accused of abuses against migrants’, Aljazeera, 17 November. <https://www.aljazeera.com/blogs/africa/2017/11/sudan-rsf-unit-accused-abuses-migrants-171117133237654.html>

172 Video seen by the authors.

173 European Commission. 2017. ‘EU actions on Migration in Sudan’, *op. cit.*, 3.

174 Personal interview with EU official. 2018. Location withheld, May. See Baldo, S. 2017. *Border Control from Hell*, *op. cit.*, 2.

175 Personal interviews with EU officials. 2018. Locations withheld, May.

176 See https://ec.europa.eu/europeaid/sites/devco/files/bmm-sudan-concept-note_en.pdf

177 Tubiana, J. 2017. *Remote-control Breakdown*, *op. cit.*, 4.

to mitigate all risks, including ‘the risk of unintentionally involving members of the Rapid Support Forces (RSF)/Janjaweed in project activities.’¹⁷⁸

Second, it has been questioned whether in its engagement with an authoritarian regime such as Sudan, the EU does not fund internal repression, such as through the provision of civilian equipment to the Sudanese security forces that could be used for a military purpose. In response, the EU has stated that ‘it does not equip Sudanese border forces with [such] dual-use equipment’.¹⁷⁹ Yet in a private discussion, the same EU official quoted above explains that it is in fact very difficult to guarantee this in practice: vehicles, surveillance equipment, computers and phones can be, to some extent, considered as dual-use, depending on how they are used and who uses them.¹⁸⁰ And in the framework of its Better Migration Management programme, the EU considered providing the Sudanese Ministry of Interior with border surveillance equipment including cars, computers, cameras, scanners and servers. It only deemed as ‘unlikely’ the use of European funding for aircraft purchases.¹⁸¹ In addition, UNHCR, an EU implementing partner on migration, was similarly criticised for providing motorbikes to the NISS in East Sudan.¹⁸² This may explain why the EU itself has therefore acknowledged that, among risks, it is very difficult to prevent equipment being diverted to or by the RSF.¹⁸³

Third, in response to general concerns over EU funding for the Sudanese government, the EU has stated that ‘the Sudanese Government will not be in charge of the management of EU funds and, therefore, the latter will not be channelled through Governmental [structures]’.¹⁸⁴ EU programmes in Sudan are implemented by ‘agencies’, in particular, as mentioned above, EU member states bodies, including from Germany, Italy, UK and France, notably from Interior Ministries. Yet EU officials acknowledged that this set-up could also raise concerns, as it makes it more difficult to trace what is happening with the money.¹⁸⁵ According to other EU officials, similar fears of lacking information and losing control apply to migration programmes in Libya, where a large share of the Emergency Trust Fund programmes (support to the coast guards, border

178 See https://ec.europa.eu/europeaid/sites/devco/files/bmm-sudan-concept-note_en.pdf ; Akkerman, M., *op. cit.*, 59-60.

179 European Commission. 2017. ‘EU actions on Migration in Sudan’, *op. cit.*, 3.

180 Personal interview with EU official. 2018. Location withheld, May.

181 See https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-hoa-reg-09-better-migration-management_en.pdf

182 Chandler, C. *op. cit.*

183 See https://ec.europa.eu/europeaid/sites/devco/files/bmm-sudan-concept-note_en.pdf ; Akkerman, M. *op. cit.*, 59-60.

184 See https://ec.europa.eu/europeaid/sites/devco/files/ad-decision1-sudan-support-measure-2016_en.pdf

185 Personal interview with EU official. 2018. Location withheld, May. Jaspars and Buchanan-Smith similarly note ‘a lack of transparency’ in how the EU Trust Fund has been channelled and spent in support of the Khartoum Process.’ Jaspars, S. and Buchanan-Smith, M., *op. cit.*

management) is managed by the Italian government.¹⁸⁶ In the process of devolving funding to implementing agencies, the EU may thus prevent itself from funding the Sudanese forces directly but the question is then whether or not their implementing partners engage in such practices.

From the above, it follows that clear conundrums apply to the externalisation of border control to authoritarian regimes such as Sudan. The Sudanese case outlines some of the risks associated with this strategy: the risk of militias and paramilitary forces being associated with European policies, the risk of supporting regular forces that may perpetrate abuses against migrants, and the risk of 'corruption or involvement of government structures in smuggling and trafficking activities'.¹⁸⁷ What remains unclear is whether the first EU programmes in Sudan will be considered as a test, with clear benchmarks that would result in these programmes being halted if the benchmarks were not met. Towards this end, the EU could follow the example of the new engagements of both the US and the UK with Sudan, and the planned withdrawal of the United Nations African [Union] Mission to Darfur (UNAMID), which have been conditioned by progress, albeit disputed, on crucial security and humanitarian issues.

186 For instance, according to one official, 'by early 2017, we didn't sufficiently know what was happening with the Better Migration Management programme money, but now we have full access to the information. We want to have an eye on the projects' management.' Personal interview with EU officials. 2018. Location withheld, April.

187 See https://ec.europa.eu/europeaid/sites/devco/files/bmm-sudan-concept-note_en.pdf

4 Chad, a new hub for migrants and smugglers?

A. Old and new migration routes and hubs within Chad or along Chad's borders

There are very few figures available that allow for the quantification of migration flows in Chad. Among those limited data, the IOM registers the movements of travellers through three main transit points in northern Chad. Between January and March 2018, 5,000 people were registered each month in Kalaït, a small town at a crossroad between eastern and northern Chad. In March 2018, 3,000 travellers were registered further north, in northern Chad's capital Faya.¹⁸⁸ These people head south as often as north, and even those travelling north are not necessarily planning to enter Libya. Further north in Zouarké, a hub between Faya and the Libyan border, the IOM registered 3,600 people returning from Libya in March 2018, exceeding those heading to Libya (2,143).¹⁸⁹ The increasing difficulty of the Mediterranean crossing and the violence in Libya may explain these returns. It may also be the case that travellers to Libya hide more often than those returning from Libya.¹⁹⁰

Historically, Chadian migrants to Libya mostly used the route from N'Djaména to Faya, the main town in Chad's northern half, then to Wanianga oasis and Kufra in Libya. Passengers used to travel on large trucks bringing livestock to Libya and coming back with subsidised goods. From eastern Chad, there was also, and still is, a secondary road from Abéché to Kalaït then Faya.

Another, more recent, main trade route from both eastern Chad and Darfur to Libya departs from Tina, on the border between Chad and Sudan, then heads north to Kufra,

188 IOM. 2018. 'Points de suivi des flux de population, Situation Migratoire au Nord du Tchad, Dashboard#12, janvier-mars 2018.'

189 IOM. 2018. 'Mobilités au Tchad: Infographies des mobilités sur le territoire tchadien', May, 4.

190 Much like Sudanese and Nigeriens, Chadians have long migrated to Libya in search of work, rather than to Europe. IOM estimates the current Chadian population in Libya at 80,000 people, 94% of whom are characterised as economic migrants. *Ibid.*, 2. Most of those travellers registered by IOM in northern Chad are characterised as Chadians, notably because returnees are, in the main, Chadians. But it is also likely that some foreigners, notably Sudanese, prefer to present themselves as Chadians.

crossing the eastern slopes of the Ennedi mountains, the Mourdi depression and the Erdi hills, not far from the Chad-Sudan border. This route is also used by large trucks that can carry passengers as well.

All those routes to Kufra have been partly abandoned, notably by passengers (trucks trading goods continue to use them), mostly because of insecurity in Kufra itself, as well as on the roads south and north of Kufra, and in north-eastern Chad. Since December 2011 the conflict between Tubu and Zwaya Arab communities in Kufra, at times occasioning a blockade of the city, has pushed smugglers to avoid the city. Tubu smugglers and traders, in particular, moved their routes west toward Rebyana oasis and increasingly toward the Fezzan, in particular since 2015, as Zwaya militias took control of the main routes between Sudan and Kufra and north of Kufra toward the coast. Banditry both in south-eastern Libya and in north-eastern Chad has been another factor in this shift. The route from Kufra to the coast is also reputed dangerous. Finally, migrants mostly cross the Mediterranean from the western rather than eastern section of the Libyan coast. Since northern Libya has been de facto divided between west and east, with continuous fighting in the centre, it is easier for migrants to reach the Tripoli area from the Fezzan rather than from the Kufra or Benghazi areas.¹⁹¹

This shift resulted in the development of two new routes, which became the main routes for migrants. Migrant smugglers reaching south-eastern Libya, whether from Sudan or from Chad, will avoid Kufra and turn west towards the Kilinje mountains (and gold mines), Waw el-Kebir, then Um-el-Araneb in the Fezzan, thus remaining in Tubu territory. Others will join the Fezzan through Chad, through the Tibesti Mountains and the Kouri Bougoudi gold mines on the Chad-Libya border. Several new routes have been opened towards the Kouri Bougoudi area. From the west of Chad, smugglers take the main N'Djaména-Faya road before heading north-west to Zouarké (a route that was mostly used by a limited number of Tubu cross-border traders) then Kouri Bougoudi. Others, from N'Djaména or Mao, head directly north to Zouarké along the Chad-Niger border – a shorter but more difficult route that until recently was only used by the Tubu. Since 2013, gold miners from eastern Chad and Darfur opened other routes towards Kouri Bougoudi, joining at Kalaït before crossing the Djourab desert to Faya, then Zouarke and Kouri Bougoudi. All routes towards Kouri Bougoudi were first used by gold miners, before vehicles going to the mines also began to carry migrants. Because of the gold rush, migrants could easily board a gold miners' vehicle, mostly pickup trucks, heading to the Libyan borderlands. This explains why migrant smugglers largely abandoned the old routes to Kufra, which were mostly travelled by large trucks.

From Tibesti, there are routes heading towards Seguedine and the Djado gold mines in north-eastern Niger, from where it is then possible to reach Libya. But those have been

191 Altai, *op. cit.*, 74

used mostly by gold miners rather than migrants, in particular since the increase in both military patrols and banditry in north-eastern Niger. However, some Darfurian refugees have been using these routes to reach Agadez since late 2017 (see above).

North-eastern Chad has become a new transit area for migrants, in particular since anti-migration policies have been enforced in both Niger and Sudan. In the latter, these policies have made direct routes from Darfur to Libya more difficult, at least for smugglers not affiliated to the RSF, or for migrants preferring not to travel on RSF vehicles. Migrants transiting through north-eastern Chad mostly cross the border from Sudan and originate from the Horn of Africa region (including Sudan itself, Eritrea, Ethiopia and Somalia). Others come from Chad itself, including Darfurian refugees living in camps in eastern Chad. And fewer numbers originate from West and Central Africa, as a result of anti-migration policies in Niger, as described above.

Several towns on the Chad-Sudan border or further away in eastern Chad have thus become hubs for migrants. One such hub is Abéché, eastern Chad's capital, used in particular by migrants crossing the Chad-Sudan border in Adré. Further north, Tina, a town on the Chad-Sudan border, is both a main hub and border crossing. Tina or Tiné twin towns (Chadian and Sudanese) are only separated by a large *wadi*, dry most of the year, and inhabited by the same Zaghawa families on each side. Tina has long been one of the main markets between Chad and Sudan, as well as a departure point of the main trade route to Libya going directly to Kufra. In addition to the usual trade (livestock from Chad and Darfur, subsidised goods from Libya), it has also become a hub, since 2011, for cars, often stolen in Libya, to be sold in Chad or Sudan.

As mentioned in Section 1, eastern Chad is not only a transit area but a departure point for both Chadians and Darfurian refugees heading to Libya. Chad currently hosts more than 430,000 refugees, including an estimated 325,000 Sudanese.¹⁹² The latter live in 12 camps established at the beginning of the war in Darfur in 2003, along the Chad-Sudan border. In recent years, Darfurian refugees in Chad also increasingly migrating to Libya, then to Europe. Among the main reasons is the drastic reduction in food aid, in particular since 2013: monthly rations now last only, on average, half a month, and in some camps food aid is restricted to those considered to be most vulnerable.¹⁹³ This has pushed many refugees, in particular young men, to look for alternative sources of subsistence for their families, including looking for gold across the Sahara or paid work in Libya, or seeking asylum in Europe.

'Today, Darfur is not anymore a priority for the United Nations and NGOs,' explains M.H., a Darfurian refugee in Chad who looked for gold in Kouri Bougoudi before migrating

¹⁹² Altai, *op. cit.*, 6.

¹⁹³ Altai, *op. cit.*, 100.

to Libya. 'New crises appeared and food aid diminished. It is also the reason why some of us migrate. In addition, of course, pressures by both the Sudanese and Chadian governments and the UNHCR for us to return to Darfur push us to Libya instead.'¹⁹⁴ Indeed, another reason why Darfuri refugees are increasingly leaving for Libya is the pressure on them, in particular from the Chadian authorities, to return to Darfur, in spite of continuous insecurity there. Generally speaking, the lack of any hope for peace or political change in Sudan, with the RSF increasingly controlling Darfur and sometimes occupying land from which civilians were displaced, and the rebel movements' inability to return to Darfur, also explain why an increasing number of Darfurians, including refugees in Chad, have been travelling to Libya and Europe. According to Jaspars and Buchanan-Smith, whether in Chad or in Darfur, 'What all young Darfuris of particular ethnic groups have in common is a sense of hopelessness and despair about their future in Sudan. Many young Darfuri men were aware of the risks of migrating to Europe, but for them the choice was between what they described as a quick death at sea or elsewhere en route, or a slow death in Sudan.'¹⁹⁵

The refugee camps in eastern Chad, particularly those in the north-east, are not only departure points for those heading towards Libya but also transit points for migrants coming from Sudan. This is also because some smugglers driving from Darfur to eastern Chad and from eastern Chad to Libya are Zaghawa with family connections in the camps, if not refugees themselves.

Most smugglers travelling from Chad to Libya belong to the three communities inhabiting the Chadian Sahara: Tubu, Goran and Zaghawa. Smugglers from each ethnic group are found more often on routes crossing their own ethnic territories. For instance, the Zaghawa, straddling the Chad-Darfur border, are among the main smugglers between North Darfur and Chad, and in north-eastern Chad. All over Chad, they also benefit from their group's importance within the Chadian army (Chad's President Idriss Déby is a Zaghawa himself). The Tubu, straddling the Chad-Libya border, are more active in north-western Chad and southern Libya. The Goran, inhabiting Borkou and West Ennedi, are active on roads between Faya and Kouri Bougoudi as well as between Faya and Kufra. They benefit from the important Goran presence within the Chadian diaspora in Kufra, among gold miners in Kouri Bougoudi and among Chadian rebels in southern Libya. Many Goran migrant smugglers are reportedly former rebels. Smugglers from the different groups do have some connections. As a Zaghawa smuggler explains, 'between Chad and Libya, speaking Tubu language is more important than any paper from whatever country. We use the Tubu as papers we present at borders.'¹⁹⁶

194 Personal interview with M.H., Darfuri refugee. 2018. Tulum refugee camp, Chad, February.

195 Jaspars, S. and Buchanan-Smith, M., *op. cit.*

196 Personal interview with Zaghawa smuggler. 2018. Abéché, Chad, February.

As mentioned above, some migrants heading from Chad towards Libya are Chadians and Sudanese. And, as during the Qaddafi period, it seems the destination for many of them is still Libya, or the Chad-Libya border, rather than Europe. According to IOM data, 59% of Chadian migrants in Libya had intended to go to Libya, whereas only 31% wanted to go to Europe.¹⁹⁷ It is, however, difficult to estimate what proportion of migrants crossing from Chad to Libya are actually heading for Libya or aiming for Europe, respectively. In Chad, as in Niger or Sudan, migrants on their way to Libya tend to say that country is their final destination, as it can be enough to avoid being turned back. In addition, whatever their intentions are when they set off, those often change during the journey, notably because of violence in Libya. Migrants who were initially aiming for Libya but who suffered abuse, financial extortion, enslavement or unpaid work, often decided to continue on to Europe, as did some migrants who felt unable to return south by land.¹⁹⁸

Many Chadian and Sudanese migrants departing from Chad, in particular those going through Kouri Bougoudi, hope to first find gold in the Chad-Libya borderlands, partly to finance the next leg of their journey. Others are hoping to become fighters, whether within their respective rebellions based in Libya, or as mercenaries for various Libyan forces, most notably Haftar.¹⁹⁹ Chadian authorities claim that people travelling from Chad to Libya are fighters rather than migrants, according to an EU official.²⁰⁰ Libyan sources also indicate that among at least a hundred Sudanese combatants who fought in Sirte in the ranks of Islamic State, several had travelled to Libya through Chad, crossing the border at Adré or Tina before heading to Faya, Fezzan and Sirte.²⁰¹

Migrants interviewed in Chad reported various abuses they suffered at the hands of Chadian smugglers. Some were driven to desert locations where they were held and beaten by the smugglers who were asking for more money. Others were abandoned in the desert after having paid for the whole trip to Libya.²⁰² However, unlike in Libya, month-long kidnappings for ransom appear to be uncommon in Chad. Nevertheless, some Chadian smugglers sold migrants to Libyans who then kidnapped them for ransom or coerced them into forced labour. Forced labour has also been reported in gold mines on Chadian soil.

197 IOM. 2018. 'Mobilités au Tchad', *op. cit.*, 2.

198 Personal interviews with various migrants. 2018. Various locations, February-May.

199 Some Zaghawa smugglers reportedly avoid transporting would-be mercenaries, because if they happen to die, their relatives in Chad might ask for monetary compensation money from the smuggler.

200 Personal interview with EU official. 2018. Location withheld, May.

201 Zelin, A. 2018. *The Others: Foreign Fighters in Libya*, The Washington Institute for Near East Policy, 14.

202 Personal interviews with various migrants. 2018. Chad, January-March.

B. Gold mines as a transit post

In 2013, gold was discovered in the Tibesti Mountains, notably in the Kouri Bougoudi area straddling the Chad-Libya border, and not far either from Niger.²⁰³ Further east, another important gold field, mainly situated on the Libyan side of the border, is known as Kilinje. Among miners who took part in the gold rush to Tibesti, many, including the most skilled in semi-mechanised gold mining, were Darfurian Zaghawa with experience in gold mines in Darfur. Among them, many were refugees from the camps in Chad, as well as rebels or former rebels. Others were Chadian Zaghawa or former members of the Chadian army or Chadian rebel groups. As a result, new routes were opened between Dar Zaghawa, the Zaghawa homeland straddling the border between Chad and Sudan, and Tibesti. As far away as the North Darfur capital, El-Fasher, Arab and Zaghawa RSF are said to recruit passengers for Kouri Bougoudi.

In recent years, many asylum seekers from Darfur and other parts of the Horn of Africa seem to have crossed the Sudan-Chad border in Tina and the Chad-Libya border in Kouri Bougoudi. In mid-2015, A.Y., a Darfurian, was smuggled from El-Geneina, West Darfur, to Am Nabak refugee camp in Chad, by a Zaghawa smuggler, together with 15 other passengers, not all going to Libya. The six passengers who wanted to travel to Libya were handed over to another Zaghawa smuggler. They were hosted in the refugee camp for four days while their new smuggler found more passengers. A.Y. finally left in a convoy of two cars, his own with 21 passengers, and the other with 18, all Sudanese. Some of the passengers were going to Kouri Bougoudi to search for gold and others were going to Libya. A.Y. and six other passengers who wanted to travel to Libya spent only one day in Kouri Bougoudi. Then the Zaghawa smuggler handed them over to a Tubu smuggler. (The Zaghawa paid the Tubu for the part of the trip between Kouri Bougoudi and Murzuq, which those passengers had paid in advance). Then they got into the Tubu smugglers' car, together with six other passengers. A.Y.'s plan was not to go to Europe but to find work in northern Libya. However, after working without being paid, and being kidnapped for a ransom, he decided to travel to Europe.²⁰⁴

Both gold miners and migrants to Libya travel in the many vehicles driving the routes to Kouri Bougoudi. The vehicles generally stop in Kouri Bougoudi. While the gold miners end their journey there, the migrants get into other vehicles, generally driven by Tubu, heading to the Fezzan. There is little control on the border in this area, neither by the Chadian army nor by the Tubu militias controlling the Libyan side, except for some informal taxes on mining and on vehicles, whether they transport miners or migrants. The Tubu *katiba* controlling the Libyan side of Kouri Bougoudi acknowledge they cannot block migrants because most of the smugglers are Tubu. However, in early 2018,

203 Tubiana, J. and Gramizzi, C. 2017. *Tubu Trouble*, *op. cit.*, 75-102.

204 Personal interview with A.Y., Darfurian asylum seeker. 2018. Location withheld, March.

they arrested 40 to 50 mostly Sudanese migrants travelling on water trucks, threatening the drivers with the confiscation of their trucks were they to transport migrants again. 'We can't arrest migrants travelling on pickup trucks because they don't stop at the checkpoint, and because they're Tubu,' one of the *katiba*'s leaders explained. 'We told the migrants they were not allowed to go to Libya but could work as gold miners in Kouri Bougoudi if they wished. Our policy is to encourage both smugglers and migrants to look for gold. We want alternatives for the smugglers, and mining has created such an alternative.'²⁰⁵

Migrants can pay smugglers for the whole trip to Libya. The smugglers drive them as far as Kouri Bougoudi, then pay Tubu smugglers for the rest of the trip further north. Further east, the Kilinje gold mines, closer to Sudan, have also become a transit post for migrants on routes from Chad and Sudan. The mines are on the route for those who, after entering south-eastern Libya, prefer to avoid Kufra and turn west towards the Fezzan. Migrants, notably those without enough money to pay for the whole trip, can stop in Kouri Bougoudi or Kilinje and work as gold miners, in the hope of finding enough gold to pay for the rest of their journey. Even migrants with no money at all can contract a debt with a car owner (who can also be a 'boss' for gold miners) and work as gold miners until they reimburse the first leg of their journey, then eventually continue their trip.

It seems that only a minority of passengers on the road to Kouri Bougoudi are migrants. However, it is difficult to know precisely if passengers to Kouri Bougoudi are actually migrants or miners because they prefer – and are advised by the smugglers – to present themselves as miners to avoid arrest by Chadian forces.

In addition, travellers often change their minds. 'I lived with my parents in the [refugee] camp until gold was discovered in Tibesti,' explains M.H., a young Darfurian from Tulum refugee camp in eastern Chad. 'Then I went to Kouri Bougoudi to look for gold. There, I met migrants leaving for Europe. Later some called me after they succeeded in crossing the sea. As my parents were not pressuring me anymore as they used to do in Tulum, I decided to leave. I found a bit of gold and paid LYD 600 (EUR 90) to a smuggler who drove me to the coast. M.H.'s boat was wrecked near the Libyan coast, and after being rescued by the Libyan coast guards, he decided to return to Chad.'²⁰⁶

Some gold miners became migrants. It seems those were notably miners who found the work in the mines too hard or too risky for security reasons, or were not lucky enough to find gold, and then decided to continue their journey towards Libya. Vice-versa, some migrants tried their luck in gold mines and often gave up their plans to migrate when they

205 Personal interview with Libyan Tubu militia leader. 2018. Location withheld, April.

206 Personal interview with M.H., Darfurian refugee. 2018. Tulum refugee camp, Chad, February.

were successful. It seems that the gold mines in northern Chad and Niger have acted as deterrents for many migrants who had intended to travel north, and that successful miners choose instead to continue mining or to return home with their gains, rather than risk their life in Libya. There are reports of migrants who managed to repay their debt and gave up their idea of travelling to Europe, eventually finding enough gold to become themselves 'bosses' of teams of gold miners working for them. Some even buy a car with their gains and become traders or migrant smugglers. But many gold miners, whether migrants or not, are less lucky and may end up being trapped in mining work because of their debt.

Box 7 How a Zaghawa rebel and a Tubu militia member became associates in migrant smuggling

B.B. is one of the main Chadian Zaghawa migrant smugglers, driving migrants and gold miners from the Chad-Sudan border to Fezzan, through Kouri Bougoudi.

For a decade, between 2003 and 2013, B.B. was a Darfur rebel combatant. In 2013, his faction signed a peace deal with the Sudanese government, leaving him with no hope for either the promises made by the government or the possibilities of success of the Darfur insurgency. 'I decided to leave the movement to start my own business,' he explains. 'But after some ten years of armed struggle, I didn't have any skills for a job. So I decided to work in the gold mines.' Like many disgruntled Darfur rebels, B.B. looked for gold in Tibesti and Niger. He was successful enough to be able to buy a pickup truck and began to drive gold miners and migrants from the Chad-Sudan borderlands to Kouri Bougoudi. 'Initially, I was only transporting gold miners, then, gradually, drove migrants heading to Libya.'²⁰⁷

B.B. works with M.T., a young Tubu and member of a Libyan Tubu militia. After fighting on Qaddafi's side in 2011, M.T. joined a Tubu 'self-defence' militia fighting the Awlad Suleiman Arabs in Sebha, one of three main urban conflicts pitting the Tubu against other southern Libyan communities after the revolution.²⁰⁸ When not fighting in Sebha, the militia formed patrols and checkpoints to tax migrants, whether they had legal documents or not: 'Whether you have documents or not, you pay the same tax and you pass,' M.T. explained. 'We don't care about documents, because we are not a state.' However, M.T.'s militia received funding

207 Personal interview with Zaghawa smuggler. 2018. Location withheld, Chad, February.

208 The two other conflicts pitted the Tubu against the Tuareg in Ubari and the Zwaya Arabs in Kufra.

from authorities in northern Libya, mostly from Haftar, but also from the GNA. The Tubu force opportunistically tried to maintain good relations with both.²⁰⁹

In early 2017, as he was looking for gold in Kouri Bougoudi near the Chad-Libya-Niger tri-border, M.T. befriended B.B. and became a driver for him. However, he did not abandon his militia post and salary of LYD 300 (EUR 15) a month. 'I have my militia card with me to show at the checkpoints in southern Libya. I speak with the [Tubu] guards in Tubu language and I'm presenting myself as the car owner, and the [non-Tubu] car owner as my employee. The car owner needs a Tubu to move around safely in southern Libya, this is why he hired me and pays me more than a normal driver. Once in Chad, he becomes the real boss again. This situation perfectly suits both of us, we are good friends and make a very good team.'²¹⁰

This relationship is remarkable because there have been deadly conflicts between Tubu and Zaghawa in the Tibesti gold mines, including in Kouri Bougoudi, since 2014.²¹¹ 'The conflict between Zaghawa and Tubu began before we met. And indeed, some Tubu don't understand how I can have such a close cooperation with a Zaghawa. I understand those who don't look favourably on our relationship, but now it has become very strong and I consider [B.B.] as a brother.'²¹²

While this particular story may be exceptional in the current context of competition, notably over gold, between Tubu and Zaghawa, migrant smuggling and other informal or even illicit economic activities have commonly given way to associations between members of different ethnic groups. Such activities have thus often acted as a stabiliser and contributed to good relations between Saharan communities, including Tubu and Tuareg in Niger.

Migrants who travelled on credit or who paid only for their journey to the Libyan border and lack money for the next leg, have to stop in Kouri Bougoudi or Kilinje, or are driven to the mines and have to look for gold until they can repay their debt.²¹³ Those who do not find gold can be kept in the mines indefinitely, in particular given that bosses add to the debt the expenses (food, water) supposedly spent on behalf of the worker. Even migrants who chose to work in mines in the hope of finding enough gold to continue

209 Personal interview with Tubu driver. 2018. Location withheld, Chad, February.

210 Personal interview with Tubu driver. 2018. Location withheld, Chad, February.

211 Tubiana, J. and Gramizzi, C. 2017. *Tubu Trouble*, *op. cit.*, 75-102.

212 Personal interview with Tubu driver. 2018. Location withheld, Chad, February.

213 Altai, *op. cit.*, 45.

their journey sometimes describe their situation as ‘forced labour’, depending on how good or bad the ‘boss’ of their mining team is. ‘I had no money so I chose to work in the mine,’ tells I.M., a Darfurian asylum seeker who travelled to Kouri Bougoudi in January 2017 in the hope of reaching Europe, but had only enough money to pay for the trip to Kouri Bougoudi. ‘We made a team of six miners and found a Goran boss who provided us with tools. Then our freedom was limited. We depended on the boss. We are forced to stay until we pay our debt. I was not happy. I did not find enough gold.’²¹⁴ After six unsuccessful months, I.M. managed to escape.

Some migrant smugglers reportedly ‘sell’ migrants who have travelled on credit, for a price equivalent to their debt, to ‘bosses’ exploiting one or several teams of miners. A.B., a 17-year-old Darfurian, reports that the Goran smuggler who drove him and others to Kouri Bougoudi sold them to a gold ‘businessman’, who fed them but gave them no wages.²¹⁵ Even migrants who did not have a debt were reportedly ‘sold’ for gold mining or other labour. H.D., a Sierra Leonean, who left for Europe in 2016, was sold twice. First, the smuggler who drove him, among 20 West African migrants, from Agadez to Um-el-Araneb in southern Libya, sold him to a farm owner for whom he worked without payment. After three months, he was re-sold to a gold mine ‘boss’. ‘I never knew the price of my two sales,’ H.D. explains. ‘I was only told to follow another master. My new master brought me to the gold mines on the Libyan side of Kouri Bougoudi.’ H.D. then managed to escape, walking to the Chadian side of the border. ‘I don’t want to go to Libya or to Europe anymore,’ he said when interviewed in Chad.²¹⁶

Kilinje is considered much more dangerous than Kouri Bougoudi. As well as Tubu militias, considered as regular self-defence groups, part of the area has been, in recent years, controlled by bandits, notably at the main checkpoint known as Bawaba Azrael, from the name of Azrael, the angel of death in the Koran, because of the violence of its guards.²¹⁷ The bandits tax the migrants, and reportedly execute some and rape women migrants.

According to a Darfurian asylum seeker, for migrants, ‘Kilinje is where the drama starts.’²¹⁸ Among the Kilinje gold fields, both the field of Azrael, near the checkpoint of the same name, and another called the field of slaves, have a terrible reputation. Even migrants who had already paid were reportedly driven there and had to work for free. Migrants who were kidnapped and had no one to pay a ransom also reportedly had to work in Kilinje. A.O., a Darfurian asylum seeker mentioned above, explained that in 2016, Tubu traffickers in Rebyana selected at least four of his companions who could not pay a

214 Personal interview with I.M., Darfurian asylum seeker. 2018. Location withheld, March.

215 Personal interview with A.B., Darfurian asylum seeker. 2018. Location withheld, March.

216 Personal interview with H.D., Sierra Leonean migrant. 2018. Location withheld, eastern Chad, February.

217 Tubiana, J. and Gramizzi, C. 2017. *Tubu Trouble*, *op. cit.*, 129.

218 Personal interview with Darfurian asylum seeker. 2018. Location withheld, April.

ransom and had 'hard hands' for forced labour in Kilinje gold mines.²¹⁹ Those who refuse to work in the mines are reportedly tortured.

Migrants and gold miners also suffered from the conflicts that pitted Zaghawa gold miners against local Tubu militias, known as *wangada* – notably in the Kouri Bougoudi gold mines, where 67 gold miners were reportedly killed in August 2015.²²⁰ After this, the Chadian army reportedly evacuated 12,000 miners (and migrants) from the area, to Faya and eastern Chad. But after a few months, miners and migrants came back. In May–June 2017, 40,000 men were mining in the area when it was evacuated again by the Chadian army, reportedly hoping to retake control of the border. Many reportedly left for Libya, including an unknown number on foot, some of whom reportedly died in the desert. The Chadian forces also confiscated vehicles. However, once again, miners and migrants came back shortly afterwards. In December 2017, new fighting broke out, and 15 to 20 Zaghawa gold miners were killed by Goran armed men.²²¹ In August 2018, after Chadian rebels successfully raided Chadian army positions in Kouri Bougoudi, N'Djaména ordered its forces to close the site again, destroy the shops, lorries, water trucks and mining equipment, and arrest reluctant miners.

Both the violence in the gold mines and the repeated evacuations by the Chadian army closed the migratory route through Kouri Bougoudi for short periods. However, they also pushed gold miners to travel further north towards Libya and Europe, often at some risk, as many had not been lucky miners and lacked money to pay for transport or ransoms. Similarly, the evacuation of the Djado gold mines, in northern Niger, in March 2017, pushed some miners, notably Sudanese, to leave to Kouri Bougoudi and eventually become migrants to Europe.²²²

C. Chad's new migration interest

In January 2017, Chad announced the closing of its border with Libya, with the exception of authorised crossing points, most notably north of Wour in Tibesti. Further military forces were deployed in the north. The reason given for closing Chad's northern border was the alleged risk of infiltration by terrorist groups in Libya. However, it is clear that

219 Personal interview with A.O., Darfuri asylum seeker. 2018. Location withheld, March. See RFI. 2018.

'Tales of slavery and torture for Darfuri refugees in Chad who have nowhere to go', 8 August. <http://en.rfi.fr/africa/20180721-Tales-slavery-torture-Darfuri-refugees-Chad-who-have-nowhere-go> RFI spelled Kilinje 'Kalinga'.

220 Tubiana, J. and Gramizzi, C. 2017. *Tubu Trouble*, *op. cit.*, 75–102.

221 Tubiana, J. and Gramizzi C., Forthcoming, *op. cit.*

222 Personal interviews with Nigerien officials, Tubu representatives and Sudanese gold miners. 2018. Niamey, Niger, and other locations, April.

N'Djaména mostly feared the presence of Chadian rebel movements in southern Libya, with recruits from northern Chad travelling to Libya alongside migrants or gold miners to join the insurgency.

The presence of Chadian rebels or former rebels looking for gold in Kouri Bougoudi, and the lack of control of the border in this area, were also significant reasons for N'Djaména both to deploy troops there and to formally prohibit gold mining as early as 2013. It is in this context that pickup trucks were confiscated, most notably in mid-2017. Later, in 2018, N'Djaména proclaimed a complete ban on pickup trucks for civilians in northern and eastern Chad; this was also likely to target gold miners and young men who might join rebel groups in Libya, rather than only migrant smuggling. This ban generated considerable discontent against the regime, not the least in Dar Zaghawa, President Déby's homeland. It is unlikely the armed forces will be able, or even willing, to enforce it. Prior to this, since late 2017, there had also been reports of a prohibition on pickup trucks driving passengers between Kalaït and Faya.²²³ It is, however, unclear whether that ban targeted migration or gold mining.

In recent years, Chad also began to take measures that appeared to target migration more specifically. In 2016, for example, the army arrested Darfurian refugees on their way to Libya, in Abéché.²²⁴ Smugglers began to hide their passengers in villages, refugee camps or under trees before putting them into cars, and to present them as gold miners rather than migrants. However, as a smuggler himself recognised, 'migrants have only been imprisoned on rare occasions, then released after a few days'.²²⁵ On those occasions, smugglers' vehicles were confiscated, and owners had to pay to get their cars back.

A soldier deployed in northern Chad explained that, oddly, migrants travelling from Chad to Libya were not, or not often, bothered, while those returning from Libya were more strictly controlled and sometimes imprisoned.²²⁶ This may be because the latter are suspected of having linked with the rebels in Libya. The same soldier, who had been deployed successively in Kouri Bougoudi and Miski gold mines, mentioned that the army also released several migrants or gold miners enslaved in the mines.

Soldiers, smugglers and migrants report that the Chadian army is mostly focused on taking bribes rather than curbing migration.²²⁷ The sums requested from migrants – XAF

223 Altai, *op. cit.*, 76.

224 Personal interview with Darfurian refugee arrested by the Chadian army. 2018. Location withheld, March.

225 Personal interview with migrant smuggler. 2018. Location withheld, Chad, February.

226 Personal interview with Chadian soldier. 2018. Location withheld, Chad, March.

227 Personal interviews with various smugglers and migrants. 2018. Various locations, Chad and France, January-May. See Altai, *op. cit.*, 83.

500-1,000 (EUR 0.7-1.5) – are relatively small, in comparison to similar practices in Niger, Sudan or Libya. Smugglers without personal connections to the military may be asked for greater amounts. The need for such connections explains why many migrant drivers are reportedly Zaghawa, including army defectors. Soldiers unhappy with their salary are said to defect and turn to other activities, including smuggling between Chad and Libya.

The migration issue appeared to become more prominent in Chad in 2017 and 2018. As mentioned above, the IOM opened a ‘flow monitoring point’ in Kalaït in April 2017, followed by others in Faya and Zouarké in March 2018.²²⁸ As for the EU, by May 2018, it had no specific migration-focused programme in Chad, according to a relevant official.²²⁹ Indeed, the seven projects funded by the Emergency Trust Fund for EUR 113 million appeared only indirectly connected to migration. However, two of those projects, at a cost of EUR 10 million each, aim to train and strengthen the capacities of the Chadian security forces, in particular those managing the borders. But these projects focus on the borders with Cameroon and Niger, respectively near N’Djaména and north of Lake Chad – an area of strategic importance due to Boko Haram terrorist threat rather than to migration.²³⁰ A third, EUR 23 million project, focuses on the incomplete demining of Chad’s northern half, as well as developing the region. The project is based on the hypothesis that new economic opportunities could allow people to make a living in northern Chad, although demining roads could also facilitate migration.²³¹

In addition, in August 2017, several EU member states agreed to support border controls in both Niger and Chad.²³² In September, Italy announced it was discussing ‘military collaboration (...) about training and border control’ not only with Niger, as mentioned above, but also with Chad.²³³

The EU seems well aware of the political risks it takes in supporting Chadian security forces: ‘the EU reputation risks being wagered in a context where the space of fundamental rights and freedoms, as well as public funds management, are shrinking’ (risk evaluated as high), ‘risk of a disproportionate use of force’ (risk evaluated as medium), and ‘persistence of a high degree of generalised corruption of the civil service, weak sense of public service and of the respect of the rule of law by the [Chadian] security forces.’²³⁴ However, in spite of those risks, European interest in migration in

228 IOM. 2018. ‘Points de suivi’, *op. cit.* A possible fourth in Wanianga was reportedly envisaged.

229 Personal interview with EU official. 2018. Location withheld, May.

230 See <https://ec.europa.eu/trustfundforafrica/node/698> and <https://ec.europa.eu/trustfundforafrica/node/97>

231 See <https://ec.europa.eu/trustfundforafrica/node/95>

232 Akkerman, M., *op. cit.*, 52.

233 ANSA, *op. cit.*

234 See https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/20171206_t05-eutf-sah-td-08_ff_appui_budgetaire_rev_cdcmc82_2.pdf

Chad is likely to grow, because the country forms a vacuum in a European system that is closing the Libyan border in Niger and Sudan, on each side of Chad. International policy makers working on migration, including EU officials, recommended that Chad join the Khartoum Process.²³⁵

Whether this makes sense is being questioned, including by Chad itself. As mentioned above, Chad was historically neither a transit nor a departure country to Europe. But it has long been affected by other displacements, primarily as a host country for refugees, mostly from Darfur over the past 15 years. Darfuri refugees in Chad have been increasingly migrating to Europe, not the least because donors have gradually reduced aid to the camps. In addition, both the Chadian government, in order to strengthen its relations with Sudan, and the UNHCR, lacking resources for refugees, have, in different ways, encouraged them to return to Darfur. Mostly since 2011, tripartite Sudan-Chad-UNHCR discussions on 'return' of refugees to Darfur have raised fears among refugees of being forced back, thus pushing them to migrate to Libya and Europe. Paradoxically, the UNHCR may now be among the agencies to receive funding on migration issues in Chad. In the best-case scenario, donors could fund projects that prevent Darfuri refugees from travelling to Libya – not by funding hard security measures but by enabling them to have a better life in the camps in Chad.

As for the Chadian government, its interests in migration and border issues seem to differ from those of Europe, as recognised by the EU, which pointed out that 'there is more interest, for the Chadian government, in targeted management of the threats near the borders'. Indeed, Chad's policy on its borders, and with its neighbours, has been mostly to consolidate border control in order to prevent infiltration by rebel groups from neighbouring countries. That was enforced through building relations with neighbours – such as with Sudan and the deployment of a joint border force since 2010, or with armed groups positioned at borders, such as Tubu militias in Libya or ex-Séléka rebels in the Central African Republic.²³⁶

In comparison, migration itself was not a priority for the Chadian regime, at least not until 2018. In 2017, Chadian officials welcomed rather coldly European interest in migration through Chad. They noted the fact that, historically, Chadians were not migrating to Europe and claimed that Chadians going to Libya included combatants.²³⁷ N'Djaména appeared to be more concerned in 2018. In March, the Chadian media

235 Personal interview with EU official. 2018. Location withheld, May. See Altai, *op. cit.*, 136.

236 Tubiana, J. and Debos, M. 2017. *Déby's Chad: Political Manipulation at Home, Military Intervention Abroad, Challenging Times Ahead*, Peaceworks No. 136, Washington, DC, USIP. <https://www.usip.org/sites/default/files/2017-12/pw136-debys-chad-political-manipulation-at-home-military-intervention-abroad-challenging-times-ahead.pdf>

237 Personal interview with EU official. 2018. Location withheld, May.

reported that 58 'migrants' on their way to Libya had been arrested in Abéché. However, it seems those were people from southern Chad, who were not necessarily intending to go to Libya or Europe. Their arrest in Abéché, 800km from the Libya border, on the basis of supposed intentions, appears to have an even more questionable legal basis than the ECOWAS migrants arrested in Agadez, in Niger. Another group of 24 was reportedly intercepted in the Batha region, also far from Libya.²³⁸

Such measures remained limited and symbolic, aimed at convincing international players that Chad is ready to be a partner on migration as it already is on security and terrorism. N'Djaména may rightly believe that, as in Niger and Sudan, the migration flow can provide the country with additional, financial and political, international support. The risk for Chad's international partners is that N'Djaména could instrumentalise further Europe's various concerns on migration or terrorism, notably for the sake of its own security interests.

238 IOM. 2018. 'Mobilités au Tchad', *op. cit.*, 7.

Conclusion

Where are Europe's southern borders now? In recent years, European as well as African officials situated them in various remote locations, including southern Libya, northern Niger and eastern Sudan, illustrating the extent to which policies of 'externalisation' of migration control are well under way.²³⁹ Such outsourcing has meant dealing with unusual border guards. As has been well documented, in Libya, the EU partnered with an internationally recognised government with little control of its territory and dependent on militia rather than regular forces. The GNA recognised its limitations when, in June 2018, Italy proposed creating 'hotspots' in southern Libya itself where migrants would be detained before being sent back home if they were not considered to be legitimate asylum seekers.²⁴⁰ The GNA, with little control in the south and aware that various southern tribal militias are often fighting each other, suggested these hotspots should rather be in countries south of Libya.

The three countries south of Libya are different from Libya and have central governments, but the state has been largely absent from their Saharan peripheries. Each of their governments presents itself as ready to support European policies in exchange for much-needed political and economic support, even if that might involve collateral damage to their own stability.

In Niger and Sudan, where those policies have been enforced for about two years, not all movements of migrants have been prevented or shut off entirely, but rather the routes, modalities and actors of the migration 'industry' have been modified. Migration bans encouraged a rise in prices and criminalisation of the actors, with migrant smuggling increasingly being transformed into human trafficking. Routes diversified, became clandestine and more dangerous for both migrants and smugglers. While flows arguably decreased, those policies also failed to protect people who continued to migrate: deaths of migrants in the desert appear to have increased, as shown by IOM data in Niger, and possibilities for legal migration and asylum application remain limited.

European migration policies also have negative impacts on the stability of the countries they target, and in some cases have aggravated existing 'militia-isation' policies – the

239 Zandonini, G. 2018, 'The new European border,' *op. cit.*; Zandonini, G. and Howden D. *op. cit.*; Kingsley, P. *op. cit.*

240 The idea had been first proposed by France in July 2017. Rame, S. 2018. 'Migranti, Salvini vola a Tripoli: "Hotspot ai confini esterni della Libia"', *Il Giornale*. 25 June. <http://www.ilgiornale.it/news/mondo/migranti-salvini-vola-libia-foto-bordo-dellaereo-militare-1544710.html>

empowerment of militias who can be simultaneously involved in smuggling and anti-smuggling, and whose presence is itself a security threat. In Niger, the new migration ban destabilised the fragile balance established when rebellions in the north of the country ended, only a decade ago. It undermined the peace deals concluded with Tuareg and Tubu rebels and impacted negatively on the livelihoods of those communities. The ban also promoted the formation of new militias among the Tubu, straddling the borders between Niger, Chad and Libya. It triggered tensions between rival pro- and anti-smuggling militias, with the risk of new cross-border instability. In both Niger and Sudan, new competition between militias over both smuggling and anti-smuggling benefits may have negative consequences for stability and governance.

In Sudan, migration control is paradoxically conducted by a regime and its proxy militias that are both largely responsible for violent displacement and migration. Those militias clearly play a double game and, while pretending to be blocking migrants, they systematically smuggle them into Libya and traffic them in association with Libyan actors. Arguably, human smuggling and trafficking is now a major economic substrate of Sudan's 'militia-isation'. The focus on externalising EU borders to Sudan thereby unwittingly strengthened the government's 'militia-isation' policy, as it bolstered the rise of the RSF, thus potentially making the 'push factor' worse – in particular for Darfurian civilians.

In Sudan, Chad and Niger, European re-engagement and renewed partnerships with the governments, at different degrees, have reinforced the frustration and hopelessness of marginal communities. Hopes for democratisation or greater participation by marginal communities in political decision making, and that European and other international pressures would push forward such processes, are vanishing. This, together with economic crises and the unwitting destabilising effects of migration policies described above, may prove counterproductive, as they can potentially generate new migrant and refugee flows.

Another unintended consequence of new policies in Niger and Sudan has been to push migrants and asylum seekers from both West and East Africa towards new routes in Chad. As had been the case in Sudan, the Chadian government has shown an interest in expanding control over its border with Libya – although this seems to be driven more by a desire to prevent the incursion of rebel groups into Chad than to stop migration. The Sudanese case illustrates that the result is an increase in human rights abuses and the active involvement of government forces in human trafficking. It also shows that – although the EU may make efforts to avoid funding forces reputed to be particularly abusive – in practice it is very difficult to ensure that EU funds or support do not end up in the wrong hands.

Unintended consequences are even less acknowledged than risks. One obvious reason for this is that Western migration policies pretend to address not only the migration

issue but also security, stability and terrorism concerns, all together. This is largely based on a widespread belief of an existing conglomeration of all informal, illicit, illegal or criminal activities – migrant smuggling, drug trafficking, arms trafficking and terrorism –benefitting mafia-style organisations to the detriment of local communities. However, seeing migrant smuggling – often labelled ‘human trafficking’ without nuance – through this criminal and predatory lens only makes for more confusion.

Most migrant smugglers are not, and do not see themselves as traffickers. Further, their activities – unlike drug or arms trafficking – appear to benefit broad swathes of Saharan cross-border communities. And in some cases, as in Niger until recently, they were even largely part of the formal rather than the informal economy. Thus, transferring such activities to the informal and even criminal economy may already be pushing migrant smugglers to convert to more destabilising activities, including rebellion and terrorism. New crises in the region risk not only generating more migrant flows, they may oblige international players to make choices between conflicting priorities, namely migration and security.

Recommendations

It is widely recognised that the only way to address irregular migration and human smuggling structurally is to create legal pathways for refugees and migrants. The EU and Member States should open legal migration routes to Europe, including to both asylum seekers and economic migrants. In particular, asylum seekers should be given possibilities to apply for asylum in Europe in safe neighbouring countries, rather than to risk their lives crossing the Sahara and the Mediterranean.²⁴¹ As long as there are no such pathways, care should be taken to fund the long-term settlement of refugees in the region in such a way that they can improve their livelihoods and work towards a future, but without hampering their right of return to their original homelands.

Instead of prioritising short-term border externalisation policies, it should be realised that investing in democratisation, improving governance, and peace and state building are key elements in addressing the root causes of migration.²⁴² Inversely, migration policies that undermine good governance, result in human rights violations and contribute to destabilisation only feed migratory dynamics. It is therefore recommended that policy makers, including from the EU and EU member states:

241 This should chiefly concern people from war-affected areas and already recognised as refugees or internally displaced persons coming from IDP camps, such as those from Darfur, as well as nationals from other countries ruled by authoritarian regimes, notably in the Horn of Africa.

242 Molenaar, F. et al. 2017. *Turning the Tide: The politics of irregular migration in the Sahel and Libya*. CRU Report. The Hague, Clingendael.

1. Avoid adopting migration policies that undermine the rule of law by obstructing regular forms of migration in the region

Laws against irregular migration can work only if they target irregular migration alone, focusing on violent smugglers and traffickers rather than criminalising simple drivers or migrants themselves. The EU should avoid pushing its African partners to pass, and the latter should avoid passing, new laws that contradict agreed international conventions, recognised national and international freedoms of movement, or basic human rights. In particular, nationals should be allowed to move freely within their country, ECOWAS residents should be able to move freely between and within ECOWAS countries, and smugglers and migrants should not be arrested based on their supposed intentions to travel to Europe.

2. Avoid working with security forces that have a record of perpetrating abuse

The EU should not turn a blind eye to African partners using violence and committing abuses against migrants in order to discourage their movements. It should also take into account the known human rights records of some local security forces with more caution, and thus refrain from any kind of partnership, in the name of migration policies, with security forces in Sudan and Chad.

3. Avoid working with irregular forces

Irregular forces, even if hastily integrated or in the process of integrating into regular forces, are not likely to suddenly refrain from abusive behaviour. The EU should avoid any engagement with irregular forces, non-state or insufficiently controlled militias, including Libyan militias or so-called 'border forces' as well as Sudanese government militias and paramilitary forces such as the Rapid Support Forces (RSF). The RSF's known abuses against both Sudanese civilians and migrants transiting through Sudan, as well as their involvement in human trafficking, should lead the EU to reconsider its migration policies in Sudan.

4. Establish sustainable long-term priorities for the region

Only long-term change in the political and economic contexts of origin countries will durably prevent people to leave their countries and allow them to live on their land. The EU and its Member States should prioritise, over short-term migration concerns, longer-term engagement with Niger, Chad, Sudan and other African countries on democratisation, improving governance, and peace and state building.

To ensure that these recommendations can be taken on board, the EU should:

5. Better coordinate its migration policies, both at EU level and between EU member states engaging bilaterally with third countries

EU migration policies have suffered and still suffer from differences between member states, between some of them and the European Commission, and within the Commission. Within the Commission, different departments have different areas of expertise, cover different aspects of the migration agenda and struggle to secure sufficient resources to implement their respective mandates. Some EU member states particularly concerned with the political impact of migration prioritise a securitised approach to migration management and want to obtain results more quickly and with less concern for regional stability than others, and than the European Commission itself. In the past few years, this approach has resulted in bilateral engagement on the issue of migration management with non-state armed groups as well as with states, including authoritarian regimes. While such efforts may have the benefit of speed and may reduce migration flows in the short term, their implementation should not counter the goal of broader EU policies that would be conducive to addressing the root causes of migration in the long term.

6. Design an accountability scheme to ensure that migration-related funding is used by implementing partners in a conflict-sensitive manner

While the EU may prevent itself from funding destabilising forms of migration control directly by devolving funding to implementing agencies, the question then arises whether or not their implementing partners engage in destabilising activities. The same goes for the repurposing of financial instruments in response to newly arisen policy goals related to current events.²⁴³ To the extent that these are still being adopted or required in the future, this should be done in a way that ensures due diligence and conflict-sensitivity.

7. Set clear governance and human rights benchmarks for migration policies

Lower irregular migration numbers cannot be the only benchmark for successful migration policies. In a context of fragile states, such as Niger, Chad and Sudan, care should be taken to adopt additional governance and human rights benchmarks that would result in these programmes being halted if the benchmarks were not met. Rather than giving leverage to states with a poor governance and human rights records, migration policies could be based on partnerships by which European funding could be conditioned, not by reducing numbers, but by positive achievements in terms of human rights (for both nationals and migrants), democratisation, governance, and peace and state building.

²⁴³ It should be recognised that little reason exists today to keep emergency measures in place.

8. *Allow for accountability for human rights abuses committed against migrants as a consequence of EU border externalisation policies.*

Europe should be exemplary in term of human rights and justice and should be accountable for policies that might contribute to human rights abuses being committed against migrants. Cases of migrants who may have been abused by authorities or forces considered as Europe's partners on migration, should be properly investigated, notably by the United Nations Security Councils Panels of experts/Monitoring Groups on Libya, Sudan, Eritrea and Somalia; and responsible individuals should be listed for sanctions. Cases could also be referred to European national judiciaries, the European Court of Human Rights and eventually the International Criminal Court, which has been notably investigating crimes committed in Libya and Darfur and is committed to investigating abuses committed against migrants.²⁴⁴

244 Mann, I., Moreno-Lax V. and Shatz O. 2018. 'Time to Investigate European Agents for Crimes against Migrants in Libya', *EJIL: Talk!*, 29 March.

Research methodology

This report is based on field research carried out in northern Niger in February and March 2017, in Chad (N'Djaména and north-eastern Chad) between January and March 2018, and in Niger and Tunisia in April 2018, and on many interviews conducted with migrants, refugees and asylum seekers in France since 2017. Migrants were interviewed on their journeys in Niger and Chad as well as after they arrived in Europe. Other informants included members of Niger, Chad, Sudan and Libya's civilian authorities and security forces, members of Sudanese and Libyan militias, members and former members of Chad and Darfur rebellions, migrant smugglers, and gold miners. International actors, including European Union and EU member states representatives, were also interviewed in both Europe and Africa. Interviews in France with migrants who had completed their travels usefully compensated the lack of access to Sudan, Libya and some parts of the Chadian territory.

Interviews, in particular with the migrants, were most often conducted in the interviewee's mother tongue, including Chadian and Sudanese Arabic, Tuareg, Hausa, Kanuri, Tedaga (Tubu), Dazaga (Goran), Beria (Zaghawa), Fur and Masalit. We were assisted by several research assistants and translators, including Adam Abubakar Abdulkarim, Mehdi Labzaé, and several others who prefer to remain anonymous but whose work should be acknowledged. We also anonymised most respondents, given the sensitive nature of the topic under study.

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