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## **Intra-African expulsions**

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### **Introduction**

Alongside calls for foreign African labour (as in Libya in the 1990s), bilateral labour conventions, free movement agreements (particularly on the Economic Community Of West African States (ECOWAS) and tolerance of mobility, expulsions have always been common place between African countries, including within the ECOWAS region (Adepoju 1984, Bredeloup 1995). As a counterpart to a certain *laissez-faire* in administrative and legal matters, these expulsions, often collective, are generally carried out in an arbitrary manner, without legal basis, without respect for the procedures or for the fundamental rights of the persons concerned. They occur in the framework of diplomatic bilateral agendas and to respond to specific national situations, such as economic difficulties. At the same time, however, the expelling state frequently invokes reasons associated with foreign nationals' presence and status (criminality, insecurity, irregularity) without providing any evidence. These official discourses depreciate the image of people returned to their country, increasing their difficulties and increasing the risk of stigmatisation.

Changing the terminology around expulsions does little to change this reality. The vocabulary has indeed evolved under the action of institutions, particularly in connection with the situation in Libya. After 2011 in Mali for instance, the figure of the repatriated replaced that of the expelled<sup>1</sup>. Since more recently, in Niger or Burkina Faso, “returnees” has been euphemistically used to refer to expelled persons, a terminology inspired by the so-called “voluntary return” programmes promoted by the European Union (EU) and the International Organization for

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<sup>1</sup> A “repatriated” is a national whose country of origin has legally ensured their return to its territory, generally following a crisis or war situation. But in Mali, as in other sub-Saharan countries, an emic category of “repatriates” has emerged. The latter is broader than the strictly legal one and includes all Malians returning to Mali after a stay in Libya, whether or not their return has been supported by the Malian state. (Sylla 2020).

Migration (IOM). In this chapter, deportation, readmission, and expulsion, as well as return, are used interchangeably to characterize the fact that a person is obliged to leave a country of stay or transit<sup>2</sup>.

Three recent developments can be observed as far as intra-African expulsions are concerned: 1/ Expulsions used to be directed to countries of origin; they are now also made to transit countries (called "transit return") - without the prior transit being necessarily proven. Both types of expulsions have significantly increased, and the conditions of expulsion have deteriorated. 2/ While state expulsions continue, returns organized by the IOM have expanded, particularly in Africa<sup>3</sup>. 3/As a result of these increasingly "assisted" expulsions, a "market" has emerged around the issue of expellees, including international and non-governmental organizations, with a substantial impact on the configuration of relations between actors and on economies. These 3 developments are closely linked to the EU's action, influence and funding in Africa. The first part of this chapter presents the evolutions in South-South expulsion practices and mechanisms, with a focus on Niger which is an eloquent illustration of these evolutions. The second part focuses on some legal aspects, and the third part draws conclusions and policy recommendations. This chapter stems from a research based on academic literature, as well as various interviews and exchanges with researchers and local actors<sup>4</sup> and from investigations carried out in the region.

## **Evolutions in intra-African expulsion practices and mechanisms**

Collective expulsions are a relatively old phenomenon, which marks both the relationship between Mediterranean Africa and sub-Saharan Africa and areas of free movement such as ECOWAS. The practices of collective expulsions from Libya in the 1970s-1980s-1990s have been widely documented (Pliez 2004), this is also the case of similar practices in the 1980s

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<sup>2</sup> Following a similar position of the Special Rapporteur in his second report on the expulsion of aliens, 2006.

<sup>3</sup> "Initially developed in Europe in the late 1970s, assisted return practices have gradually expanded to all regions of the world and are increasingly being carried out from transit countries and along precarious migration routes, particularly in Africa and the Middle East. Combined with efforts to impose strict border controls, expand surveillance and detection of cross-border movement, and criminalize both the facilitation of migrant smuggling as well as the act of irregular migration itself, some states are now funding or supporting the implementation of assisted return programmes as a central component of their migration management aims and as part of an overall approach which seeks to prevent irregular migration" (OHCHR 2022).

<sup>4</sup> Researchers from diverse North and West African countries, particularly Morocco, Tunisia, Niger and Senegal; NGOs, lawyers, civil servants from ministries and international organizations from or based in the same countries. The interviews and investigations used were conducted recently but also over the longer term.

within ECOWAS (e.g. between Ghana and Nigeria) (Adepoju 1984, Bredeloup 1995, Albert 2003), which could still be observed in 2019.

They are often part of diplomatic tensions and/or asymmetrical relations. For example, reciprocal expulsions between Ghana and Nigeria have been recurrent since independence in the 1960s (Albert 2003). Expulsions from Libya in 1995, 2000, 2004 affected other financially dependent states (Ghana, Nigeria, Niger), to which development aid and annual quotas of workers were promised in return to silence discontent (Pliez 2004).

Even if they are often based on an act of the executive (Expulsion Order), these expulsions to countries of origin are not respectful of the law and do not allow for appeal. Those affected usually lose everything they owned, as well as face unpaid wages. Expulsions are sometimes accompanied by ill-treatment, violence, detention or robbery by the security forces. In addition to possible deaths, injuries are commonplace. These situations affect men, women, and children alike, as Algerian practices in recent years reveal (see below). The status and profiles of the foreign nationals concerned are also varied. The fact that most foreign nationals are in an irregular or precariously regular situation makes the risk of expulsion very high – a situation that is due both to individuals who do not bother with formalities and to states which have very insufficiently provided for possibilities to grant stay and work permits, with a discouraging bureaucracy and a deterring legislation.

People are not always repatriated to their country, by plane or bus, but may be abandoned at the borders. A relatively old practice is the “wild” return to the border, long practiced by Morocco, Algeria and Tunisia, including for refugees holding a certificate of the UN High Commissioner for Refugees (UNHCR). Diplomatic tensions can play a role, between host or transit states. A particularly visible situation is the one between Morocco and Algeria whose reciprocal deportations at the border have been part of a game of tensions linked to their political conflicts. Since 2013, Morocco had put an end to the practice of push-backs at the border, a general moratorium on all pushbacks was actually in place from December 2013 to February 2015 (Khrouz 2019). However, in a context marked by new migratory pressure at the Mediterranean border, added to a crisis of confidence in the certificates issued by the UNHCR offices<sup>5</sup>, there have been new waves of arrests of people holding UNHCR documents, leading to deportations at the Algerian border<sup>6</sup>. This practice enables the authorities to expel without the procedural framework, and without the diplomatic and financial cost of expulsion.

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<sup>5</sup> Interviews with UNHCR officers 2018 and 2021.

<sup>6</sup> Morocco-Algeria: abandonment in a "no man's land" (Gadem report 2018).

In 2021, a resurgence of abandonment of migrants in the desert by authorities has been observed in Libya<sup>7</sup>, as well as in Tunisia<sup>8</sup>. Over the last five years, Algeria has been denounced for the regular abandonment of foreign nationals from sub-Saharan Africa in the middle of the desert, at the “zero point” of its border with Niger, from where people must walk to the first Nigerien town, Assamaka where they can find assistance.

Niger is at the heart of new deportation dynamics, which affect West and North Africa, and are linked to the EU’s policies and mechanisms related to migration control. Like many countries in the region, Niger is a country of emigration, which has also become a transit country in recent decades (Boyer and al. 2020). Below, we explore three deportation dynamics, which affect Niger and reflect particularly worrying situations visible in a broader West and North African region.

### **Collective expulsions from Algeria to Niger**

Nigerien nationals practice circular migration to different countries, which has evolved under the impact of insecurity and changing work and income opportunities. Many Nigeriens have been traveling temporarily to Algeria and Libya for decades. The treatment reserved for them in these two countries contrasts with the political will expressed in bilateral agreements concluded to frame and ease this labour migration<sup>9</sup>. Besides, Nigeriens are very little inclined to the “adventure” towards Europe, but they bear the brunt of both the deterioration of the security situation in Libya and the obstacles on the roads to get there since the implementation, in 2016, of Nigerien Law 2015-036 to combat migrant smuggling (Perrin 2020). Indeed, Niger has tackled activities related to migration, especially transportation and accommodation through unprecedented judicial activity around the offences of smuggling of migrants, as well as extended policy controls (Perrin 2021).

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<sup>7</sup> <https://www.ohchr.org/en/stories/2021/11/report-highlights-unsafe-and-undignified-expulsion-migrants-libya>

<sup>8</sup> Certain facts of abandonment have been reported as soon as 2019 (<https://www.infomigrants.net/fr/post/18628/tunisie--un-groupe-de-migrants-ivoiriens-abandonnes-dans-le-desert-non-loin-de-la-libye>), but also in 2021 (<https://observers.france24.com/fr/afrique/20211005-tunisie-migrants-desert-libye-femme-enceinte>).

<sup>9</sup> I.e. The memorandum of understanding for cooperation between Algeria and Niger, in the field of labour, employment and social security, signed in Niamey on March 16, 2017 (ratified in 2019) as part of the signing of a series of agreements to relaunch cooperation between the two neighbouring countries; The agreement on the establishment and movement of persons signed on June 30 1988 between Niger and Libya; Memorandum of understanding on labour exchange cooperation signed in November 2021. Labour agreements have also been signed between Niger on the one hand, and Tunisia on the other (1966), as well as with Saudi Arabia and Kuwait (2015).

Niger also suffers from migration for begging, which is the source of several problems. They are mainly women leaving the Zinder region (centre-east of the country) with their children<sup>10</sup>. It is this type of migration that has recently been the subject of headlines and an (informal) repatriation agreement between Dakar and Niamey. A thousand Nigeriens, all from Kantché and Magaria, two departments in the Zinder region, were repatriated from Senegal at the end of March-April 2022, after media coverage of their situation in Dakar. A similar situation unfolded in Benin and also in Ghana (according to various interviews). This is an issue that had already been widely publicized in Niger. It reveals strong hostility from part of the Nigerien population, and even from the authorities, which seek to repatriate those citizens. The government is reluctant to establish a link between this type of migration and the misery of the Zinder region and favours the cultural explanation<sup>11</sup>. It also points to networks of traffickers and deplores the negative impact on the image of Niger and Nigeriens<sup>12</sup>.

Migration for begging is at the basis of the "voluntary repatriation agreement" concluded between Algeria and Niger in December 2014. As recently with Senegal, the agreement was for a limited number of people to be deported (3,000, according to our information<sup>13</sup>). Yet, it has justified, on the part of Algiers, first of all the expulsions of women and children practicing begging<sup>14</sup>, then to extend to Nigerien workers, and finally, since 2017 to deport thousands of West African nationals to Niger. This gradation in collective expulsions has been documented by several organizations, both the United Nations Special Rapporteur on the human rights of migrants and the IOM, as well as NGOs<sup>15</sup>.

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<sup>10</sup> In 2013, 92 people, including 37 women and 48 children, were found dead in the middle of the desert on their way to Algeria – a drama that Niamey used to launch its policy of combating the smuggling of migrants.

<sup>11</sup> Interview with a local UNODC (UN Office on Drugs and Crime) officer in 2016.

<sup>12</sup> To apprehend the complexity of this circular migration, see the documentary realized by the NGO Alternative Espace citoyen on the women of Kantché: <https://vimeo.com/243654549?ref=fb-share&1&fbclid=IwAR1wAVAP2k1YdMUnlp8Jw15B48R6zonDEW6nXlns3U2-F-By0z0LkXAd1gE>

<sup>13</sup> It should be noted that no one (among Nigerien or foreign civil society or the scientific community whose members we interviewed) has had access to this "agreement" which has been invoked by the Algerian and Nigerien governments.

<sup>14</sup> "Expulsions also took place before. "According to figures provided to the departmental directorate of civil status in Matamaye by the IOM office in Agadez, between 2013 and 2014, 8,219 households were repatriated from Algeria. In sum, 1735 women over 18 years old, 6555 men over 18 years old, 2074 girls from 0 to 17 years old and 2070 boys from 0 to 17 years old as well. That is 12,540 people, including 4,244 minors." <https://www.alternativeniger.net/exode-des-populations-de-kantche-vers-lalgerie/>

<sup>15</sup> Such as Alarme Phone Sahara directly on the field, Cimade, Médecins Sans Frontières (MSF), Fédération Internationale des Droits de l'Homme (FIDH), Amnesty International, Human Rights Watch and NGO collectives such as Loujna Tounkaranké.

See the 2018 inter-associative press release: <https://www.alternativeniger.net/communique-inter-associatif-algerie-recrudescence-des-rafles-de-personnes-migrantes-subsahariennes/>

And that of 2016: <https://www.alternativeniger.net/declaration-des-organisations-de-defense-des-droits-de-lhomme-sur-la-situation-des-ressortissants-subsahariens-en-algerie/> (this one mentioning the UE)

In his end-of-mission statement on October 8, 2018, the aforementioned Special Rapporteur was eloquent about Algerian practices (Special Rapporteur, 2018). First of all, he reported that the number of expelled migrants has increased steadily each year since 2014 (from 1,354 in 2014 to 12,177 in the first 9 months of 2018). He highlighted the efforts of the Nigerien government to be notified in advance of evictions, and deplored “the lack of transparency and accountability” both in terms of Algerian decisions, and in terms of discussions between Niger and Algeria, that are never public.

He noted that Algeria has conducted collective expulsions of Nigerien nationals as well as foreign migrants, “from West African countries such as Cameroon, Ghana, Guinea Conakry, Mali and Nigeria, many of whom have been living and working in Algeria for years, with children born and schooled in the country”. The numerous protests of Nigerien authorities have had no impact. As the Special Rapporteur pointed it: “In the absence of individual risks assessments and due process guarantees, these expulsions do not respect the fundamental principle of *non-refoulement* and are contrary to international law”.

Nigerien nationals are brought to Assamaka, the first Nigerien town after the border with Algeria, then transported by IOM and escorted by the Nigerien army to Agadez, from where they are returned to their regions and communities of origin. Non-Nigerien nationals are abandoned in the desert on the so called “point zero”, from where they have to walk several hours to Assamaka, without any assistance. In this town, the IOM provides transport to Agadez. The Rapporteur remarked: “The Government of Niger, despite its international obligations, and due to its stretched capacities, has delegated IOM the response to the situation of non-Nigerien migrants expelled to Niger.”

Yet, since the end of 2022, many foreign nationals have remained stranded in Assamaka, and could not be evacuated by IOM “for health, security and consular reasons”<sup>16</sup>.

In 2020, 23,171 migrants were deported to Niger compared to 27,208 in 2021<sup>17</sup>. The number of people expelled in 2022 is also above 20,000. Both the Algerian and the Nigerien governments refer to the 2014 agreement, as if it could be the legal basis for the collective expulsions, at least those of Nigerien nationals. Both benefit from it, the former to pretend that these practices are legal and concerted, the latter to save the face by confirming the bilateral

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<sup>16</sup> See here <https://www.infomigrants.net/en/post/44807/we-were-abandoned-in-the-desert-at-2-am-migrants-expelled-from-algeria-to-niger>  
And there <https://www.infomigrants.net/fr/post/46175/niger--750-migrants-maliens-coinces-dans-le-desert-bientot-rapatries>

<sup>17</sup> MSF, <https://www.msf.fr/communiqués-presse/niger-plus-de-14-000-migrants-refoules-violamment-d-algerie-depuis-le-debut-de-l-annee>

concertation. The lack of transparency around this agreement allows this game of fools which hardly hides the asymmetry of relations between Algeria on the one hand, Niger and other West African states on the other hand. ECOWAS has not reacted, since 2017, to the expulsions of its member states' nationals, which may be explained by the irregular situation of many of them. However, in Algeria, like in Tunisia or in Libya, there are few possibilities to stay and work on a legal basis. In October 2022 at last, a mission of ECOWAS expressed its concern about collective expulsions and asked all regions to renounce the forced returns of people in need of protection - which did not prevent the continuation of collective expulsions<sup>18</sup>.

Actually, while collective expulsions are a common practice in Africa, massive expulsions to a “transit country”, as practiced by Algeria, is not. We wonder, as it is developed in the next section, if the “assisted transit return” mechanism from Libya to Niger put in place from 2017 played a role in this turning point.

### **“Assisted transit return” from Libya to Niger**

“Assisted return” refers to a service provided by IOM in order to induce migrants to go back to their country of origin or a third country. This mechanism has gained momentum with the EU Emergency Trust Fund (EUTF) for Africa, which funds the EU-IOM Joint Initiative on Migrant Protection and Reintegration launched in 2016, through which voluntary return is carried out. The EUTF “for stability and addressing root causes of irregular migration and displaced persons in Africa” was launched at the Valletta Summit on Migration in November 2015. It finances programmes in the countries of three regions (Sahel and Lake Chad, Horn of African, North Africa), all located on the “Central Mediterranean route”. Through the EUTF, the EU has connected the allocation of funds for development aid and emergency responses with its migration agenda<sup>19</sup>. Furthermore, IOM assisted returns particularly concern the main countries of origin of migratory flows to Europe (Alpes 2020). These returns are therefore used as a way of managing European borders.

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<sup>18</sup> <https://www.aa.com.tr/fr/monde/maghreb-la-cedeao-d%C3%A9ploire-les-expulsions-massives-et-fr%C3%A9quentes-de-ses-ressortissants-2701631>

About the mission: <https://ecowas.int/la-cedeao-et-ses-partenaires-se-mobilisent-pour-une-solution-durable-a-la-situation-des-migrants-bloques-au-niger/?lang=fr>

<sup>19</sup> For a critique of the lack of transparency in the management of these funds and connected potential violations of public procurement law, see Spijkerboer and Steyger, 2019; and Vermeulen & al., 2019.

IOM refers to return operations from Libya as “Voluntary Humanitarian Returns” (VHR) and from Niger as “Assisted Voluntary Returns” (AVR)<sup>20</sup>. In contrast to forced and assisted returns from EU countries, the AVR and VHR programmes are both justified by an emergency context for migrants and are thus implemented as protection responses (Alpes 2020). Besides, in comparison to deportations from Europe, return operations from so-called transit countries occur at a much greater scale.

“Since 2017, more than 106,700 migrants have been repatriated from countries in North Africa, Horn of Africa, and the Sahel and Lake Chad region to at least 46 countries of origin across Western, Central and Eastern Africa, as well as Central, South and South-East Asia through the EU-IOM Joint Initiative” (OHCHR 2022 p.11). More and more states delegate their responsibility on expulsions to IOM, which enables to lighten the financial, logistical and diplomatic burden, and to transform expulsions into so-called “voluntary returns”.

In addition to this collaboration system, a special mechanism has been set up in Libya, which has made Niger a hub for assisted transit return. In 2017, after CNN revealed mistreatments against African migrants in Libya - the latter being sold “as slaves” -, the African Union (AU), the EU and the UN announced the launch of an emergency evacuation plan through a “joint task force”.

The evacuation system from Libya is based on the distinction between refugees and other migrants. Refugees are identified by the UNHCR – mainly around three nationalities (Sudanese, Somali, Eritrean) – and must be evacuated, obviously not to their country of origin. Since 2017, the UNHCR has managed to evacuate 8,143 refugees and asylum-seekers from Libya<sup>21</sup>, most of them to the Emergency Transit Mechanism (ETM) created in 2017 in Niger (3,526 as for December 2022<sup>22</sup>) and to the ETM created in 2019 in Rwanda (900 people as of 2022) from where resettlement and other pathways are sought.

The “other migrants” are offered by IOM a “voluntary return” to their countries of origin. The 2017 evacuation plan was conducive to the launch of a new assisted return initiative implemented by IOM under the auspices of its pre-existing voluntary humanitarian return (VHR), initially launched in 2016. As a first step in the VHR operation (i.e. from Libya), IOM

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<sup>20</sup> Actually, the AVR in Niger is one of the 20 AVR the IOM implements in the world. See [https://publications.iom.int/system/files/pdf/avr\\_en.pdf](https://publications.iom.int/system/files/pdf/avr_en.pdf)

<sup>21</sup><https://www.unhcr.org/rw/17295-first-evacuation-flight-of-2022-from-libya-to-rwanda-brings-over-100-asylum-seekers-to-safety.html>

<sup>22</sup> <https://data.unhcr.org/en/documents/details/98251>



organized the repatriation of 3,100 Ivorians, bringing the number of migrants assisted by IOM to go home in 2017 to 16,561, compared to 2,700 in 2016. Besides, 4,000 Nigerien nationals were repatriated in 2017 by IOM in the framework of its Migrant Resource and Response Mechanism (MRRM), also funded by EUTF.

In addition to be an origin country, Niger is the top host country for IOM return programmes, with “voluntary returns” constantly increasing (16,414 in 2019), which mainly concern people returning from Libya or expelled from Algeria. IOM manages six centres (in Dirkou, Niamey, Agadez, and Arlit) where migrants evacuated or expelled from Libya or Algeria, or who arrived in Niger from various places, are assisted and encouraged to return to their home country. IOM has also developed “information campaigns” to deter migrants from heading to Libya, also using “community mobilisers” trained to reach out to migrants in various parts of Niger and convince them to go to transit centres and organize their return.

These mechanisms raise a number of problems. For Niger first of all which, having received compensation, accepted to cooperate as a transit return partner on the condition of a significant turnover of refugees and migrants, whose stay should therefore be temporary. However, refugee resettlements do not live up to UNHCR's requests and hopes. IOM is also failing to cope with the situation. In addition, these two types of “transit return” make Niger not only a migratory hub, but a pole of attraction: people come to pass, but also to have access to UNHCR and IOM institutions. The presence of these stranded people creates tensions, especially with local communities, as in Agadez in 2018 (Boyer and al. 2020), due to a significantly growing foreign population, and to pressure on life resources (water, waste, sanitation, security). One of the consequences was the relocation of the UNHCR centre to respond to a request for refugees' remoteness. However, refugees themselves – mostly from Sudan - expressed their frustration both at being blocked and in difficult conditions, as in December 2019 and January 2020, when hundreds of them demonstrated and were later accused of burning down the camp.

Criticisms against IOM are also numerous and multifaceted. Although many migrants have appreciated IOM's humanitarian assistance, the organization is generally associated with the causes of their blockage and policies repressing mobility. The notion of “voluntary return” is questionable. “Transit return” is said to be voluntary in the sense that migrants give their consent to be returned. However, in Niger, access to shelter and other forms of assistance in IOM-run transit centres is conditional upon agreeing to “voluntarily” return to the origin country. Also, the voluntary nature, in a context where migrants have no choice to stay or go elsewhere is a decoy (OHCHR 2022). Most of these so-called “transit returnees” come from

Libya and Niger, but they are also from Mali, Morocco and Algeria. While AVRR and VHR are legitimized on humanitarian grounds, their funding might also stem from their potential to curb irregular migration to Europe (MEDAM 2019).

The gap between the promises and hopes stemming the offer of assisted return on the one hand and the reality of repatriation on the other hand also raises several concerns. Assisted return is indeed criticized for its impact on deported persons. It seems that only 9% of migrants have had a rehabilitation program and psychological support – in addition to not benefiting from the aid promised for reintegration<sup>23</sup>. Many would end up in their country of origin in a worse situation than before they left (OHCHR 2022).

IOM is also criticized for its lack of efficiency and, again, the gap between expectations and realities before readmission. Since August 2022, mobilizations of migrants stranded in Agadez have been publicized. In August, 500 Malian nationals deported from Algeria and other countries demonstrated outside the IOM reception centre to protest against their deprived conditions although IOM promised to repatriate them. This impatience for repatriation was also voiced out by Senegalese nationals in September, then by Sudanese nationals in October. To make their situation of blockage and destitution known, and to demand support from their diplomatic representatives in order to be repatriated, these people decided to walk from Agadez to Niamey<sup>24</sup>.

Against a background of impediments to mobility, made up of both prohibitions and obstacles to leaving and circulating, as well as poor conditions of stay and multiple expulsions, claims for a right to return emerge<sup>25</sup>. It should be noted that most of intra-African returns are made by the migrants themselves, at their own cost, without any support, to leave difficult living conditions. “The existence of self-organized returns underlines the gravity of the abuses towards migrants in the region” (Rodriguez 2020). Beyond the right to return, which is proclaimed here, it is the right to leave one's country and the right to dignity outside of it that are violated.

Finally, while the local economy around transit migration has been destroyed by the anti-transit policy carried out in the north of Niger since 2016, new markets have emerged. The presence

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<sup>23</sup> ASGI online conference 29 Sept.22, Isidore Collins Nguéuleu (World Organization Against Torture - OMCT). See other data in Alpes 2020.

<sup>24</sup> See various articles and advocacy from Alarme Phone, especially here: <https://alarmephonesahara.info/fr/blog/posts/niger-migrant-e-s-senegalais-e-s-prennent-la-route-pour-marcher-d-agadez-vers-niamey-et-reclament-leur-retour-au-senegal>

<sup>25</sup> On the right to return, see Muiuzi 2021.

of refugees and returnees since 2017 has represented a new opportunity to capture the migratory lucrative business, creating tensions and challenges around new resources (Boyer and al. 2020). Unlike the “transit economy”, which benefited local communities (through commercial activities, but also through the payment of taxes), the “anti-transit economy” (Bachirou 2021) benefits international organizations and mainly foreign bodies and NGOs, all revolving around managing and helping returnees and stranded people. Criticisms in Niger are therefore very important: the huge amounts of the EUTF benefit the European/Western stakeholders who have come on the spot – mostly GIZ and IOM - and a very small part goes to local partners (Cimade 2020, Vermeulen & al 2019), without taking into consideration the municipal and regional realities. Local actors and needs are just ignored. This “new humanitarian market” of “post-expulsion” (Chappart 2015) can also be observed elsewhere, for example in Mali.

### **Intra-ECOWAS expulsions from Niger**

Niger has also practiced expulsions and refoulements within the framework of the implementation of Law 2015-036 of 26 May 2015 to combat the smuggling of migrants<sup>26</sup>. Between January and September 2017, for example, 10,574 people were turned back, 2,373 intercepted and left to the border and 2,208 were “made available to the IOM within the framework of voluntary return”<sup>27</sup>.

Even if ECOWAS has not officially protested, these practices have provoked negative reactions from its member states. According to Niamey, the persons concerned were undocumented, which justified their expulsion. However, investigations carried out by researchers and migrant-aid associations<sup>28</sup> have revealed that expulsions also concerned people holding official documents and entitled to move in Niger. Moreover, the absence of documents cannot justify ill-treatment and does not exempt the state from the obligation to respect the law.

As a result, a complaint against Niger has been lodged with the ECOWAS Court of Justice in May 2022, by the *Association Malienne des Expulsés* and the *Association Jeunesse Nigérienne au Service du Développement Durable* (part of the Alarme Phone Sahara network), with support of some civil society associations<sup>29</sup>. This complaint targets Law 2015-036 because the way in

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<sup>26</sup> For comments on this Law, Perrin 2020.

<sup>27</sup> Presentation by the Director of Territorial Surveillance, Report of the third edition of the national day of mobilization against human trafficking, Agadez 2017, ANLTP/TIM.

<sup>28</sup> Interviewed in 2022.

<sup>29</sup> Association for Juridical Studies on Immigration (ASGI); Network of University Legal Aid Institution (NULAI Nigeria); World Organization Against Torture (OMCT) and Nile University Law Clinic.

which it has been interpreted and implemented by public authorities, on the injunction of the EU and some Member States, has consisted in prohibiting any movement of sub-Saharan Africans beyond Agadez based on a presumption of desire to leave for Europe. It is therefore on the Nigerien territory, even before any crossing of the Algerian or Libyan border, and even well before a possible departure through the Mediterranean, that people legally benefiting from the right of movement are prevented from moving. "According to the applicant associations, the implementation of the law has not only resulted in a flagrant violation of the right to free movement of citizens of the Community, but also the detention, expulsion, harassment and torture of migrants in the country."<sup>30</sup>

This case illustrates at least two recent trends: First, African civil societies are increasingly involved in the field of migration and are part of transnational networks of mobilization against policies of migration repression and criminalization - the prioritization of migration in the region has precisely been an opportunity for civil societies to develop and structure themselves. Second, as in Europe, the law is increasingly mobilized by activists, judicial strategies are defined to counter migration policies and practices which evolve in violation of legal frameworks and human rights. Refoulements and expulsions constitute the privileged domain for legal action which may lead to legal progress.

## **Some legal aspects about intra-African expulsions**

The presentation of some evolutions in intra-African expulsion practices and mechanisms above has already addressed a number of legal points, in particular by mentioning:

- various types of illegal deportations (collective, out of any procedure),
- non-compliance with a bilateral agreement (e.g. between Algeria and Niger).

The following development intends to focus on a few legal points, in a way that is both more general and more specific. Indeed, it aims at specific legal indications with a view to some easy improvements, and it also seeks to stimulate reflection on legal trends. A first set of comments concern the (discreet and ad hoc) existence of intra-African bilateral agreements. The second section deals more specifically with provisions relating to expulsions, adopted at national or regional levels, and briefly comment their implementation.

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<sup>30</sup> Minutes of the press conference of the collective of NGOs, September 22, 2022. See the announcement of the press conference: <https://sciabacaoruka.asgi.it/en/press-conference-niger-complaint-lodged-against-the-law-criminalising-the-transit-of-migrants/>

## **A bilateral matter**

While the EU and its member states seek to foster the readmission of third-country nationals to “transit countries”, intra-African readmission agreements so far only govern expulsions from a receiving country to a country of origin. Yet, a common problem with Euro-African and intra-African readmission agreements is the lack of transparency and access to agreements, including formal ones, which does not only concern undemocratic countries.

Bilateral readmission agreements among African states have been stipulated during the 2000s and 2010s, but they are often informal and designed for a particular crisis. Few agreements aim to provide a framework for future expulsions, this was allegedly the case of a network of repatriation agreements concluded by Libya in 2006 with Mali, Niger, Chad, Egypt and Algeria. Some months before, in a context of rapprochement with the EU, 26 African embassies present in Tripoli were informed that they should repatriate to their respective countries all those who had entered the Libyan territory illegally (Bredeloup and Zongo, 2005). Yet, the agreements have never been published. Subsequent expulsions from Libya have still been collective and in violation of various rights, but the countries of origin were at least notified (see Sylla 2020 about the 2008 expulsions to Mali). Other bilateral agreements, generally informal, seek to respond to a given situation, such as the aforementioned agreement between Senegal and Niger in March 2022. However, the similar agreement concluded between Niger and Algeria saw its initial circumscribed object extended *ratione temporis* and *ratione materiae* by one of the two parties to justify illegal expulsions. This deviation from the agreement also reflects Algeria's contempt for its neighbors further south, and is made possible by the absence of West-African cohesion.

Diplomatic relations between states play a fundamental role in expulsion practices, as well as in the conclusion of (often “gentleman”) agreements. Agreements between North and sub-Saharan African countries are generally characterized by asymmetry in relations. They are concluded to deal with the readmissions of sub-Saharan nationals staying in North African countries. The aforementioned agreement between Algeria and Niger is a caricature of this kind of deal: on an ad hoc basis, not publicized, invoked for illegal practices.

Nevertheless, expulsions can also be part of good relations, like between Morocco on the one hand, and several West-African countries such as Ivory Coast, Mali, Senegal, Guinea,

Cameroon on the other hand. In a context regularization of migrants in Morocco<sup>31</sup> and reintegration of the latter into the African Union, some meetings between representatives of the respective governments enabled the rapid collaboration of consulates to facilitate expulsions from Morocco in 2018 (GADEM 2018) or again in 2020. These few repatriations could appear, in the respective origin countries, as part of a balanced approach on the part of Morocco which, after launching a new, more integrative immigration policy, was also resuming controls and arrests in the north of the country. Yet, this occasional bilateral practice has not been favored by Morocco. In 2021, the IOM's AVRRE returned the fifth-highest number of migrants worldwide (2,372) from Morocco to West-Central Africa (Barone 2023). The use of "voluntary returns" via IOM appears as a disguised form of deportation (Gadem 2018), which avoids having to go through tedious bilateral negotiations as well as through an administrative procedure.

### **(Lacking) provisions and (failing) practices**

National and regional legal frameworks usually contain stipulations relating to deportation and expulsion. In general, they are insufficiently protective because they do not provide adequate procedural and substantive safeguards to protect against expulsion or to initiate appeals. For instance, Moroccan law 02-03 (article 20) provides for a possibility of filing an appeal against the refusal to issue or renew a residence permit<sup>32</sup>. However, this appeal does not prevent a decision to be taken to deport the person in accordance with the provisions of the law. Moreover, still in Morocco, the deadlines for appealing against expulsion decisions are extremely short (48h). In terms of procedural guarantees, the situation may be worse in Algeria: While certain categories of foreign nationals<sup>33</sup> are protected from expulsion in Morocco (art.26 of Law 02-03), in Algeria the judge can only order for them the temporary suspension of the deportation decision (art.32 of Law 08-11).

More generally, a procedure can be described in legislation, but never followed in practice, as is the case in Morocco, Algeria and Tunisia, in particular when it comes to expelling African nationals.

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<sup>31</sup> Two campaigns took place in 2014 and 2016.

<sup>32</sup> before the president of the administrative court within 15 days following the date of notification of the decision.

<sup>33</sup> Minor children, pregnant women, foreign father or mother of a minor child who is a national of the country, etc.

Moreover, deportation and expulsions are associated in most cases with prior arbitrary arrests and detention, without any respect for the rights of individuals and the procedures provided for by law. A noticeable point is the considerable development of administrative detention practices which are absolutely not provided for by law. The deprivation of foreign nationals' freedom in "reception centres" in Tunisia, in particular in El Ouardia, was the subject of a complaint lodged by the World Organization Against Torture (OMCT) to the administrative court, which concluded in 2020 that this practice was illegal. Unfortunately, the Tunisian authorities never took this ruling into account and have not changed their practice<sup>34</sup>. With regard to Libya, the systematic detention of people intercepted at sea with the indirect support of the EU and its member states, although aware of the terrible conditions of detention, is the subject of judiciary initiatives, sometimes against an EU member state<sup>35</sup>, sometimes against the EU<sup>36</sup>. The mobilization of law and courts is a growing common instrument for NGOs, IOs and individuals to defend the rights of people, especially in situations related to deportations. While not all cases result in a conviction by a court, they are nevertheless increasingly effective, because of the judicial positions and of the media coverage they generate<sup>37</sup>.

At a regional level, texts contain some provisions related to expulsions that are poorly protective. For instance, article 21 in the Protocol to the Treaty Establishing the African Economic Community (ECA) Relating to Free Movement of Persons, Right of Residence and Right of Establishment provides that expulsions must result from a legal decision, but only when the entry of the person on the territory has been regular. The necessary legal basis should not be conditioned. Furthermore, the ECOWAS protocol of 1979 makes it possible to refuse entry, even to ECOWAS nationals, to "inadmissible migrants" under national laws and regulations (art. 4); an extremely vague concept which undermines the objective of free movement of persons and increases the risk of refoulement.

Finally, legal frameworks are often not respected, or can even pave the way for illegal practices, and legitimize abuses. This is the case of the Niger-Algeria "voluntary repatriation agreement"

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<sup>34</sup><https://omct-tunisie.org/2022/06/06/le-centre-de-el-ouardia-zone-de-non-droit-ou-9-personnes-sont-arbitrairement-privees-de-leurs-libertes/>

<sup>35</sup> E.g. Italia, <https://sciabacaoruka.asgi.it/en/asgi-asks-the-italian-court-of-auditors-for-an-investigation-into-the-use-of-public-funds-in-detention-centres-in-libya/>

<sup>36</sup> Communication to the Office of the Prosecutor of the International Criminal Court (ICC), <https://www.statewatch.org/media/documents/news/2019/jun/eu-icc-case-EU-Migration-Policies.pdf>

<sup>37</sup> To know more about initiatives dedicated to strategic litigation, including on migration and asylum matters, see e.g. here <https://sciabacaoruka.asgi.it/en/strategic-litigation/> and there <https://www.glanlaw.org/migrationandborders>

of 2014, already mentioned, which Algiers continues to abusively refer to, including when it is about the collective expulsions of non-Niger nationals. This is also the case of provisions of the above-mentioned ECA Protocol and the ECOWAS protocols which stipulate that any expulsion should be notified in advance to the person concerned and that the government of the country of origin should be informed – while expulsion without any notification is commonplace. Agreements can also make situations more complex and unsecure. In 1980 for instance, Libya and Mali signed an agreement regulating the employment of Malian workers in Libya. Instead of promoting the establishment of channels for legal migration, this convention contributed to the illegalization of Malian nationals, by accentuating the constraints weighing on them, the conditions to be in a regular situation and the bureaucracy. Expulsions from Libya of sub-Saharan migrants, in particular Malians, Burkinabè and Nigeriens, became significant between 1985 and 1995, fuelled by the consequences of this agreement (Sylla 2020).

Due to this general finding of non-respect of law and rights and the insufficiency of legal frameworks as far as intra-African expulsions are concerned, practices and projects to develop deportations to transit countries such as Libya raise great concerns. In its judgment *Hirsi Jamaa and others v. Italy*<sup>38</sup>, the European Court of Human Rights found that Italy violated Article 3 of the European Convention on Human Rights, not only because deportation to Libya entailed a risk of ill-treatment in Libya, but also a risk of subsequent deportation to the country of origin where the applicant's risked ill-treatment, which constituted an "indirect refoulement" according to the Court's case law. North-South expulsions are not covered by this chapter but, insofar as the EU and its member states encourage and support interceptions at sea by Libyan coastguards to ensure returns to Libya (Perrin 2021), it is important to remember that, in the UN system, it has consistently been held that "Libya cannot be considered a safe place for the return or disembarkation of migrants intercepted or rescued at sea and that such returns to Libya may violate the principle of non-refoulement"<sup>39</sup>. Even if the same situations are not deplored in ECOWAS member states, deportations to "stopover countries", as is increasingly practiced and envisaged, are likely to raise numerous legal, ethical, diplomatic problems, but also economic and social issues as shown previously with reference to Niger. Moreover, while "transit return" already exempts from a certain number of procedures and relations with countries of origin,

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<sup>38</sup> <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-109231%22%7D>

<sup>39</sup> UN, Report of the Secretary-General on the United Nations Support Mission in Libya, 20 May 2022, para. 106, available at: <https://unsmil.unmissions.org/reports-secretary-general>; UNHCR and IOM: <https://www.unhcr.org/news/press/2021/6/60ca1d414/iom-unhcr-condemn-return-migrants-refugees-libya.html>; OHCHR: [https://www.ohchr.org/sites/default/files/2021-12/Unsafe\\_and\\_Undignified.pdf](https://www.ohchr.org/sites/default/files/2021-12/Unsafe_and_Undignified.pdf)



some practices go even further while disregarding individuals' identity and background, with the sole objective of deporting to the South. This was the case in 2020, when Morocco was refusing deportations from Spain, the latter expelled to Mauritania, expecting a subsequent expulsion to Mali<sup>40</sup>. "Community return", namely expelling West-African nationals to any ECOWAS member state implies disregarding diplomatic sensitivities within the Community, ignoring rights and procedures, and creating tensions. Is it possible to believe that French or German nationals would be expelled to Poland or Belgium because they are part of the EU?

Expulsion matters are also closely linked to biometric developments and access to personal data (Dauchy 2023). The ECOWAS biometric card, which will support free movement and identification of people, will play a key role in facilitating readmissions (ICMPD 2021). The EUTF is funding the development of biometrics in civil registry offices in Senegal, with potential benefits for individuals. Nevertheless, the link that the Senegalese authorities explicitly establish with return policies leads to reluctance and difficulties in the implementation (MEDAM 2019).

## **Conclusions and Policy recommendations**

This chapter has mainly exposed practices of intra-African expulsions, of which we see the dimensions generally not respectful of law and fundamental rights, and the dramatic consequences for people on the move or living outside their country. African states are responsible for legal loopholes and abusive practices, which reflect both the division of African countries and states with little concern for their populations. Nevertheless, the major evolutions that we have highlighted are intimately linked to European policies in the region, which therefore have an indirect but fundamental responsibility for violations and abuses. Indeed, the EU and its member states are responsible for the multiplication of obstacles to migration in the Western and Central "Mediterranean routes", maintains and supports the control systems and it invokes the resulting violence as justifying the impediments to mobility. European borders have thickened<sup>41</sup>, widened in North and West-Africa, and even beyond. The constraints they generate throughout this space have the double effect of developing margins without rights and

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<sup>40</sup> Given the Spain-Mauritania agreement allowing the deportation of non-Mauritanians to Mauritania, signed in 2003 (see reference in Chapter 2) and the government's willingness to cooperate on readmission of third-country nationals (already mentioned in Chapter 2).

Also: <https://www.rfi.fr/fr/podcasts/20201031-maliens-expuls%C3%A9s-canaries-espagne-droit-asile-frontex>

<sup>41</sup> For developments on border thickness and methods of exercising sovereignty there: Basilien-Gainche (2021).

without morals and creating various opportunities of which migrants are the objects<sup>42</sup>. In the short and long term, this approach promotes less safe, less orderly and less regular migration within Africa and on to Europe.

#### Recommendations to the European Union and its member states

- The EU member states, and particularly Spain, should put an end to forms of “transit return”, i.e. deportations to a country of which the expellee does not have the citizenship, and refrain from considering the extension to ECOWAS. They should deport only to countries of origin, unless the person concerned wishes otherwise.
- The EU and its member states should avoid supporting African migration policies that violate human rights, and they should speak out against deportation practices that violate rights. They should avoid pressuring African states to develop policies and mechanisms to control migration without the prior existence of sufficient legal safeguards and effective means of human rights protection in these countries.
- They should encourage the development of legal modes and channels of migration within Africa and not contribute to the illegalization of mobility in the northern region of Africa.
- They should not see human rights violations on the Western or Central Mediterranean routes as a deterrence measure to mobility to Europe and should contribute to reducing constraints and risks on migrants.
- They should support the implementation of assisted return programmes as an aid for individuals and for origin countries, rather than an instrument to deter irregular migration. E.g. Assistance to migrants should not be conditional on their “willingness”/commitment to return to their country of origin. Migrants in difficult conditions, in Algeria or Libya, could be offered transportation to a country that is not their country of origin (e.g. within the ECOWAS), for another migration in good conditions (with the consent of the concerned state), rather than a humiliating return home surely soon followed by a wish to leave again. Besides, aid could be developed to support access to regularity for migrants outside their origin country or in the origin country before departure (accompaniment in the procedures, support for the administrations).
- The granting of EUTF projects should be more transparent and these projects should diversify the partners and benefit more local actors directly (not via IOM or GIZ). The European Parliament should surely exercise more thorough control over the use of these funds.

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<sup>42</sup> Objects of trafficking and business, instruments of diplomatic pressure, means for raising funds, etc.

### Recommendations to the African Union, the ECOWAS and their member states:

- States should fill the legal gaps in insufficiently protective provisions in regional agreements (the aforementioned ECOWAS protocols, ECA protocol, etc) and national frameworks.
- States must improve transparency and access to bilateral agreements concluded on readmission issues. The members of Parliaments in these states should also exercise checks and controls.
- Expulsions should always be based on a legally valid decision, which the person concerned is notified in advance and can appeal. The country of origin shall be informed of the forthcoming expulsion of its national (as provided for in regional conventions).
- Collective expulsions are illegal and should not be practiced. They should stop immediately, as well as other practices contrary to human rights, such as abandonment in the desert.
- States should not accept the “readmission” of non-nationals whether from an EU member state, or an African state, and to ensure the social, political and diplomatic costs of expulsion decided by another state.
- Origin countries should ensure the defence of the rights of their nationals abroad, do their best to ensure that they travel and stay abroad in safe and legal conditions and should assist with repatriation when necessary.
- ECOWAS and the AU should react firmly when the rights of the nationals of their member states are violated, whether by a member state or by a third state. They should use any forms of collective pressure or leverage to address such violations.
- ECOWAS and its member states should promote compliance with their protocols relating to freedom of movement, residence and establishment. In particular, they should facilitate the issuance of identity and travel documents, recognize the documentation issued by other member states, fight against corruption and obstacles to mobility at and within borders, facilitate access for nationals of member states to consular protection.

### **References**

#### **Academic Articles**

Ayoub Tinni, B. (2021). *Externalisation des politiques migratoires européennes au Niger : Agadez entre criminalisation de l'économie de transit et émergence d'une économie de l'anti transit.*, PhD thesis in geography, GERMES, Abdou Moumouni University, Niamey.

Adepoju, A. (1984). Illegals and Expulsion in Africa: The Nigerian Experience. *International Migration Review*, 18(3), pages 426–436. <https://doi.org/10.1177/019791838401800303>

Albert, I. O. (2003). Host-Stranger conflicts in the context of international migration in Africa: an explanation and three case studies. In *Être étranger et migrant en Afrique au XXI<sup>e</sup> siècle. Enjeux identitaires et modes d'insertion. Volume 1: Politiques migratoires et construction des identités*, (pp.143-166). L'Harmattan.

Basilien-Gainche, M. (2021). Limits at the Limes: Diffracted Sovereignty inside the Border Zones. *Political anthropological Research on international social sciences* 2(2), pages 205-235. doi: <https://doi.org/10.1163/25903276-bja10026>

Boyer, F., Ayouba Tinni, B., and Mounkaila, H. (2020). L'externalisation des politiques migratoires au Niger. Une action publique opportuniste ?. *Anthropologie & développement* (51), pages 103-119. doi: <https://doi.org/10.4000/anthropodev.986>

Bredeloup, S. (1995). Tableau synoptique : expulsions des ressortissants ouest-africains au sein du continent africain (1954-1995). *Mondes en Développement*, 23 (91), pages 117-121.

Bredeloup, S. and Zongo, M. (2005). Quand les frères burkinabé de la petite Jamahiriyya s'arrêtent à Tripoli. *Autrepart* 4(36), pages 123-147. doi: <https://doi.org/10.3917/autr.036.0123>

Chappart, P. (2015). Institutionnaliser l'après-expulsion. *Plein Droit*, 4(107). doi: <https://doi.org/10.3917/pld.107.0011>

Dauchy, A. (2023). Dreaming biometrics in Niger. The security techniques of migration control in West Africa. *Security Dialogue*. Forthcoming. doi: 10.1177/09670106231158893

Gammeltoft-Hansen, T. & Nyberg Sørensen, N. (2013). Conceptualising the Migration Industry. In T. Gammeltoft-Hansen & N. Nyberg Sørensen (eds.), *The Migration Industry and the Commercialization of International Migration*, (pp.24-44). Routledge.

Khrouz, N. (2019). *L'étranger au Maroc – Droits et pratiques*. L'Harmattan, coll. Mobilités africaines.

Mujuzi, J.D. (2021). The right to return to one's country in Africa: Article 12(2) of the African Charter on Human and Peoples' Rights. *African Human Rights Law Journal*, 21(1), pages 234-261. url: <https://www.ahrlj.up.ac.za/jd-mujuzi>

Perrin, D. (2021). La Libye comme terrain de reconfiguration géopolitique des migrations. *Hérodote* 3(182), pages 93-108. doi: <https://doi.org/10.3917/her.182.0093>

Pliez, O. (2004). De l'immigration au transit ? La Libye dans l'espace migratoire euro-africain". In O. Pliez (ed.), *Proche Libye - sociétés, espaces et géopolitique au lendemain de l'embargo*, (pp.139-155). Karthala-Iremam.

Sylla, A. (2020). L'aventure libyenne et ses vécus politiques et sécuritaires pour les migrants maliens. *Anthropologie & développement* (51), pages 137-153. doi: <https://doi.org/10.4000/anthropodev.1012>

### **Reports, studies, policy briefs and blogs**

Alpes, J. (2020). *Emergency returns by IOM from Libya and Niger*. Study Analysis 96, Medico international-Brot für die Welt. url: [https://www.medico.de/fileadmin/user\\_upload/media/rueckkehr-studie-en.pdf](https://www.medico.de/fileadmin/user_upload/media/rueckkehr-studie-en.pdf)

Barone, S. (2023/02/07). *Questioning the narratives underpinning Voluntary Return Programmes: Evidence from the IOM Morocco Return Scheme*. Compas, University of Oxford. url: <https://www.compas.ox.ac.uk/2023/questioning-the-narratives-underpinning-voluntary-return-programmes-evidence-from-the-iom-morocco-return-scheme/>

CIMADE (2020). *La mise en œuvre du fonds fiduciaire d'urgence au Mali, Niger et Sénégal*. Note d'analyse. url: <https://www.lacimade.org/wp-content/uploads/2020/11/LaCim.CollNotes2-UFF-10F-.pdf>

GADEM (2018). *Coûts et blessures – Rapport sur les opérations des forces de l'ordre menées dans le nord du Maroc entre juillet et septembre 2018 – Eléments factuels et analyse.* <https://www.gadem-asso.org/couts-et-blessures/>

GADEM (2018). *Expulsions gratuites – Note d'analyse sur les mesures d'éloignement mises en œuvre hors de tout cadre légale entre septembre et octobre 2018.* url: [https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011\\_GADEM\\_Note\\_Expulsion\\_gratuite\\_VF.pdf](https://gallery.mailchimp.com/66ce6606f50d8fd7c68729b94/files/3690d5cc-2b47-404c-a43d-ca0beeb7e383/20181011_GADEM_Note_Expulsion_gratuite_VF.pdf)

Hall, S. (2021 April). *Etude sur les programmes de retour, de réadmission et de réintégration en Afrique.* ICMPD report addressed to the AU. url: [https://au.int/sites/default/files/newsevents/workingdocuments/40426-wd-RRR\\_Study\\_FR\\_For\\_Upload\\_240621.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/40426-wd-RRR_Study_FR_For_Upload_240621.pdf)

Office of the High Commissioner for Human Rights (OHCHR) (2022/10/11). *Nowhere but back: Assisted return, reintegration and the human rights protection of migrants in Libya.* Report. url: <https://www.ohchr.org/sites/default/files/2022-10/OHCHR-Report-on-assited-return-and-reintegration.pdf>

Perrin, D. (2020). *Smuggling of migrants: The misused spirit of the Palermo Protocol, in the light of the Nigerien experience.* Borders criminology Blog, University of Oxford, Faculty of Law. url: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/05/smuggling>

Rodriguez, A. (2020). *Rethinking Voluntary Returns from North Africa.* Refugee Studies Centre (Rethinking refuge platform), University of Oxford, url: <https://www.rethinkingrefuge.org/articles/rethinking-voluntary-returns-from-north-africa>

Special UN Rapporteur on the Human Rights of Migrants, Felipe Gonzales Morales (2018/10/08). *End of Mission Statement on its visit in Niger.* url: <https://www.ohchr.org/en/statements/2018/10/end-mission-statement-un-special-rapporteur-human-rights-migrants-felipe>

Special UN Rapporteur, Maurice Kamto (2006/07/20). *Second report on the Expulsion of Aliens*. International Law Commission, A/CN.4/573. url: <https://digitallibrary.un.org/record/591715?ln=fr>

Spijkerboer, T. and Steyger, E. (2019). *Does the EU violate public procurement law in its external migration policy?*. url: <http://eumigrationlawblog.eu/does-the-eu-violate-public-procurement-law-in-its-external-migration-policy/>

Vermeulen, M., Zandonini, G., and Amzat, A. (2019). How the EU created a crisis in Africa – and started a migration cartel. url: <https://thecorrespondent.com/166/how-the-eu-created-a-crisis-in-africa-and-started-a-migration-cartel>

Zanker, F., Altrogge, J., Arhin-Sam, K., and Jegen, L. (2019/12). *Challenges in EU-African Migration Cooperation: West African Perspectives on Forced Return*. Policy brief, MEDAM, 2019/5. url: [https://www.arnold-bergstraesser.de/sites/default/files/\\_medam\\_policy\\_brief\\_return\\_002.pdf](https://www.arnold-bergstraesser.de/sites/default/files/_medam_policy_brief_return_002.pdf)