

# Protection Fallout

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## How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali

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When donor governments react to mixed migration movements by stepping up assistance to countries of origin and transit, they face a thorny quandary. In the first instance, donors seek to limit irregular border crossings and reduce onward movement. However, this same step may undermine local and regional development, which are often facilitated and underpinned by open borders. Furthermore, donors are bound by legal obligations from human rights and refugee law, and their responses to mixed migration movements must be in line with those obligations. Donor-funded capacity building for border management tries to square this circle. It has been used as a tool attempting to make border management more predictable and accountable, while also remaining sensitive to protection concerns. However, given the allocation of power between donors, transit countries, countries of origin, and migrants, as well as tension between security and protection concerns, there is a risk that protection could lose out, thus increasing the vulnerabilities of people on the move. This study looks into the potential benefits and risks associated with increasing capacity for border management in Niger and Mali, and proposes ways to address protection more effectively.



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# Executive Summary

When donor governments react to mixed migration movements by stepping up assistance to countries of origin and transit, they face a thorny quandary. In the first instance, donors seek to limit irregular border crossings and reduce onward movement. However, this same step may undermine local and regional development, which are often facilitated and underpinned by open borders. Furthermore, donors are bound by legal obligations from human rights and refugee law, and their responses to mixed migration movements must be in line with those obligations.

Donor-funded capacity building for border management tries to square this circle. It has been used as a tool attempting to make border management more predictable and accountable, while nonetheless remaining sensitive to protection concerns. Capacity building for border management is also high on the international agenda. The New York Declaration, which lays the foundation for the Global Compact for Migration, emphasizes that it is a central instrument for border management cooperation.

The current donor interest in capacity building for border management presents a window of opportunity to re-examine how effectively these measures respond to migrants' vulnerabilities in the context of mixed movements, and the caveats to be considered. Enhanced protection is by no means a guaranteed outcome. The literature provides four hypotheses on how migrants' vulnerabilities may be aggravated through enhanced border management: (1) by creating risks for stability and livelihoods, (2) by limiting protection and the right to seek asylum, (3) by creating conditions that facilitate repression and abuse of migrants, and (4) by pushing migrants onto precarious routes. Given the allocation of power between donors, transit countries, countries of origin, and migrants, as well as tension between security and protection concerns, there is a risk that protection could lose out. Increasing the vulnerabilities of people on the move may become the unfortunate fallout of capacity building for border management.

This study looks into the potential benefits and risks associated with increasing capacity for border management in Niger and Mali, and proposes ways to address protection more effectively. Between Niger, Mali and other countries that make up the Economic Community of West African States (ECOWAS), free movement has long been a norm, driving economic and social dynamics within countries and the larger region. Effective border control is largely absent, and the northbound flow of mixed migration has recently turned capacity building for border management into a growth industry. Since 2007, at least 69 such projects with a combined financial volume of at least €1.2 billion have been implemented or approved for Niger and Mali, as demonstrated by a mapping exercise conducted for this study. Many of these projects aim at improving security-oriented border management and control. Others are geared more explicitly towards addressing the protection needs of those on the move, sometimes in parallel with activities that bolster border control. The most frequently-used way of building protection capacity is through training. Trainings might have indirect uses for purposes such as facilitating dialogue and cooperation more broadly.

However, evidence suggests that donors cannot expect to improve protection only by funding and requiring training. It is important to note that capacity building takes different forms, and that it occurs in a complex political environment alongside various political pressures and other incentives at play, including budget support. Against this background, it is difficult to single out particular capacity building activities and to gauge their specific effects on migrants' vulnerabilities. Meanwhile, this study concludes that the growing capacity and will to control borders in Niger and Mali has exacerbated vulnerabilities of people on the move in Niger and Mali along at least three of the four hypotheses examined in this report. Stability has been placed at risk, inter alia by interventions influencing political dynamics in ECOWAS, by curtailing important livelihood strategies in the "migration industry" without providing adequate alternatives, by putting strains on circular migration, and by leading to more negative perceptions of migration and therefore feeding discrimination. According to interviews with actors present in the two countries, the most pressing risk concerns the more dangerous migration routes, and, to a lesser extent, the expanding space for abuse and exploitation of migrants.

In the short run, the current crackdown on migration appears to have reduced the number of people moving along established routes. Nonetheless, the real number of people still on the move, especially on more precarious routes, remains unclear. In addition, attempts to reduce irregular migration have likely made all migrants more vulnerable; thus, strategies deployed to manage irregular migration could exacerbate instability and other root causes of migration and displacement in the medium term.

To reduce the potential risks that capacity building for border management can have on the vulnerabilities of people on the move, and to increase the positive potential of such programs, donor governments should take the following steps:

## **1. Safeguard stability and the security of livelihoods.**

Donors should carry out risk analyses and ex-ante impact assessments; monitor unintended negative effects on livelihoods and on regional stability and integration; facilitate the inclusive design of capacity building programs, and allow for the adjustment of activities throughout the project cycle.

## **2. Support protection and ensure access to asylum.**

Donors should ensure that their support does not aggravate migrants' vulnerabilities, that vulnerable migrants have access to protection, and that the right to seek asylum is upheld. Donors should develop a synchronized protection strategy where all protection activities are coordinated among donors and implementing agencies. Training border guards and other government personnel should be complemented with other protection efforts, such as support of search and rescue operations and helping to strengthen referral and support systems for vulnerable migrants. Donors should support status determination of asylum seekers, provide humanitarian support, and help find durable solutions, including resettlement.

### 3. Prevent maltreatment and repression.

When stepping up support for border controls, donors should simultaneously increase support for human rights monitoring and oversight capacities. Donors should also instruct implementing agencies to set up complaints mechanisms. When complaints are filed, donors must be prepared to investigate. Where warranted, donors should denounce human rights abuses and cut funding to those responsible for abuses. Lastly, donors should invest in justice and anti-corruption infrastructure in recipient countries in order to limit potentially expanding opportunities for exploitation of migrants subject to more controls by state authorities.

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