SECURITIZING IRREGULAR MIGRATION

A CRITICAL ANALYSIS OF THE IMPACTS OF COUNTERTERRORISM OPERATIONS ON MIGRATION IN THE SAHEL

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Abstract

The growing presence of violent extremism in the Sahel[1] has shifted international security interests towards the region since 2011. Efforts are increasingly focused on the need to mitigate the propensity for weak and failing states to collapse and leave room for ungoverned spaces to emerge.[2] This form of interventionism, or soft counterterrorism, is quickly shaping international involvement in the region and elsewhere, where gaps in governance in hostile territory are often seen to serve as terrorist havens. However, the vast majority of these programs have lacked nuanced programming that focuses on eradicating the endemic vulnerabilities of people in this region; moreover it is these livelihood and development vulnerabilities that lead to governance failures in the capacity of these weak state to confront terrorism and social marginalization. Furthermore, counterterrorism operations are increasingly targeting irregular migration, as it facilitates the growth of violent extremism in the Sahel through illicit economic activity. This paper presents an analysis of how counterterrorism operations and security sector reforms in the Sahel have failed to sustainably strengthen Sahelian states, because they encourage the centralization of government resources instead of efficiently allocating goods to needs-based communities, for the purpose of bolstering these vulnerable groups against poverty and extremism.[3] Simultaneously, many of these reforms, through attempts at strengthening borders and local militaries, have ostensibly created more vulnerability for marginalized populations, whose livelihoods are linked to the ability to freely move across the region without legal and political restraint.

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[1] For the purposes of this research, the main countries of the Sahel and North Africa traversed by migrants are: Senegal, Algeria, Burkina Faso, Chad, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, and Tunisia. This list can be compared with that of UNOCHA"s **Sahel Humanitarian Response Plan 2014-2016,** which includes the following in their coverage of the Sahel region: Burkina Faso, northern Cameroon, Chad, Mali, Mauritania, Niger, northern Nigeria, Senegal and The Gambia. <http://www.unocha.org/cap/appeals/sahel-humanitarian-response-plan-2014-2016> (accessed March 16, 2016).

[2] Andrea Walther-Puri, "Security Sector Assistance in Africa, but Where is the Reform?" in Jessica Piomba (ed.) *The U.S. Military in Africa: Enhancing Security and Development?* (Boulder: First Forum Press, 2015).

[3] Lianne K. Boudali, "The Trans-Sahara Counterterrorism Partnership," The North Africa Project, *U.S. Military Academy West Point NY Combating Terrorism Center,* April 2007.

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Introduction

Migration today is a widespread phenomenon that affects every country and region in the world. The Sahel/West Africa region is no exception; migratory transhumance and mercantile nomadism have been steady sources of livelihood in Africa for centuries.[4] Recent increases in international migration can be viewed as both a product of and an effect of the proliferation of industrial, social and economic globalization.[5] By some estimates, there are 214 million migrants in the world today; of these, 19.3 million are in Africa and 8.4 million in the Sahel/West Africa region, making it the African sub-region with the largest migrant population stock on the continent.[6] Within the Sahel region, which is defined as an eco-climatic and biogeographic zone of transition in Africa, located between the Sahara Desert to the north and the Sudanian Savanna to the south, regular migration has been linked to livelihoods since the days of the silk trade. However following decolonization in the 1970s, the region underwent systemic political, security and social reforms that have included the enactment of strict border controls, trade zones and post-colonial security instruments (to include but not limited to security sector reforms, disarm/demobilize/reintegration-DDR programs and counterterrorism operations); as a result of these reform initiatives, migration has become categorized as an issue of state stability and national security.

Building off of the literature review and interviews with Key Informants, I broadly examine the impacts of security reforms and counterterrorism operations on border communities and irregular migrant populations in the Sahel. I put forth the theory that counterterrorism operations have begun to conflate the presence of migrants in the Sahel region with non-state armed groups (due to the similar social and economic practices that both groups participate in, which will be discussed later on);[7] these operations often target migrants, which inadvertently foments extremism in vulnerable

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[4] Sergio Ricca, *International Migration in Africa: Legal and Administrative Aspects* (Geneva: International Labour Office, 1989), Chapter 1.

[5] Adamson, Fiona B. "Crossing Borders: International Migration and National Security." *International Security* 31, no. 1 (Summer 2006): 165-199

[6] International Organization for Migration "Support for Free Movement of Persons and Migration in West Africa: Immigration and Border Management Baseline Assessment, (2014), <http://rodakar.iom.int/oimsenegal/sites/default/files/reports/FMM%20-%20Immigration%20and%20BM.pdf> (accessed March 16, 2016).

[7] Nizar Messari and Johannes van der Klaauw, "Counter-Terrorism Measures and Refugee Protection in North Africa," *Refugee Survey Quarterly* 29 (4) (2010): 83-103.

communities and has already been seen to increase recruitment amongst terrorist organizations like Boko Haram and the Al-Qaeda offshoot organization, al-Murabitoun. I use case studies to highlight the impacts of these programs on state responses and local communities, drawn from the Republics of Mali and Niger, two politically and economically weak states that share a common and porous border; [8] both states have been the recipients of significant military assistance from the Untied States and E.U. member states since 2003, and have been in the process of implementing solutions to trans regional terrorism and conflict, through border controls and security sector reforms over the past few years. [9] I take a narrow approach by focusing on the events that have occurred since 2011 to the present, the events that befell upon both states after the Arab Spring and the spillover of social and political upheaval from North Africa. My analysis presents critiques for further research and concludes with a series of recommendations that target security actors in the Sahel, primarily the U.S. military.

Since 9/11, securitizing borders around the world to inhibit the movement of terrorists and bolster internal security apparatuses has become a principal national security issue for states around the world. Moreover, the terrorist threat level both within and emanating from the Sahel has peaked in the past decade, and according to State Department threat reports, the Trans-Sahara, but specifically Mali, is a high risk "safe-haven for terrorists" where ungoverned spaces are widespread and operational intelligence gaps for security operators are many.[10] Incidents of terrorist activity and violence against civilians by non-state actors have increased across Sub-Saharan African countries from a record low of under 100 terrorist acts on the continent in 2004, to nearly 2,400 acts in 2014.[11] With assistance from the United States, Europe and the United Nations, the trend to rethink approaches to border management and immigration policies have proliferated in efforts to curb the commercial movement of contraband goods,

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[8] Wolfram Lacher "Organized Crime and Conflict in the Sahel-Sahara Region." *Carnegie Endowment for International Peace*, September 13, 2012, <http://carnegieendowment.org/2012/09/13/organized-crime-and-conflict-in-sahel-sahara-region#> (accessed March 16, 2016).

[9] Susy Ndaruhutse, et al., *State-Building, Peace-Building and Service Delivery in Fragile and Conflict-Affected States: Literature Review*, *Final Report*, 2011. <http://www.gsdrc.org/docs/open/SD34.pdf> (accessed March 15, 2016).

[10] Bureau for Counterterrorism. "Country Reports on Terrorism, Chapter 5: Terrorist Safe Havens," U.S. Department of State. 2014. Available at: http://www.state.gov/j/ct/rls/crt/2014/

[11] Global Terrorism Database. GTD START. (University of Maryland, 2015) available at: https://www.start.umd.edu/gtd/search/Results.aspx?chart=overtime&casualties_type=&casualties_max=&region=11

drugs, arms and humans which fund this sort of transnational crime and terrorism. [12] Part one reviews the counterterrorism operations that are part of the broader Global War on Terror; this section breaks down the United State's use of extending Operation Enduring Freedom to the Trans Sahara, its expansion of its military through the establishment of Africa Command (AFRICOM) in 2006, and the scaling up of the Trans-Sahara Counterterrorism Partnership (TSCTP), an interagency initiative that draws on programming from the development and diplomacy agencies of the U.S. government in addition to the military. While I primarily focus on U.S. operations in this paper, I use the case study of Mali to highlight where the bulk of kinetic counterterrorism efforts are being implemented by both the United States and France, drawing a comparison between the military efforts of both states.

Part two of this paper reviews the impacts that security sector reforms (which broadly encompasses military, counterterrorism and border reforms, as well as institutional reforms) have on the weak states of the Sahel. This section follows the impacts that border controls have on migration and explore the prevalence of informal activity that emerges in response to national policies that restrict this commonly occurring behavior. I further argue that restrictive policies implemented by these SSRs are actually encouraging and helping to facilitate the growth of criminal activity in these weakly ungoverned areas due to social and political marginalization of the migrant communities across the region. Building off of a literature review, I examine the ways in which both states have responded to the Global War on Terror (GWOT).

Part three examines the industry of migration, and the impacts that security and counterterrorism operations have on this activity as it criminalizes the actions of irregular migrants and vulnerable populations, as well non-state armed groups that move throughout the region I draw on the case study of Niger, and the impacts that loosely implemented legal and security reforms have on the migrant communities which largely reside in the outskirts of the formal structures established by the government; the case study examines the transit city Agadez, which has become a booming city built around

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[12] Adamson, Fiona B. "Crossing Borders: International Migration and National Security." *International Security* 31, no. 1 (Summer 2006): 165-199

the informal social and economic practices inherent to the "clandestine" migration movement through the Sahel. [13]

The structure of this paper is used to highlight how counterterrorism policies are designed and developed at a supranational level by the implementing actors (in this case the United States and Europe) with little consideration for the impacts that these policies might have on the individuals who are directly affected by them at the ground level. [14] My analysis presents a critique for further research into the anthropological underpinnings of violent extremism in these countries, suggesting that a more nuanced approach to counterterrorism is required, that focuses on the needs of the local communities through development. Part five of this paper concludes with recommendations that are aimed at US policymakers to help guide in developing a more streamlined approach to incorporating development and diplomacy into a broader counterterrorism structure in the Sahel.

Methodology

The report uses an evidenced based approach to understanding the impacts of counterterrorism programs on irregular migration in the Sahel; I utilize the social constructivist strategy, by using broad-based questions to assess the complexity of views and perceptions of the impacts of security reforms on Sahelian states and the local populations (where vulnerabilities of migrants is the dependent variable that is being impacted by security reforms, the independent variable). Evidence and research was drawn from an extensive desk review of published and unpublished materials relating to both the human security issues surrounding irregular and regular migration in the Sahel and the intersection of these claims with counterterrorism and security sector reform programming in Sahelian states. The report was further supported with primary data

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[13] International Organization for Migration "Support for Free Movement of Persons and Migration in West Africa: Immigration and Border Management Baseline Assessment,, (2014), <http://rodakar.iom.int/oimsenegal/sites/default/files/reports/FMM%20-%20Immigration%20and%20BM.pdf> (accessed March 16, 2016).
[14] US military assistance, through train and equip programs, requires much less of an embedded presence than a multi-year development program does. Alan Bryden and Boubacar N'Diaye, "Mapping Security Sector Governance in Francophone West Africa, in *Security Sector Governance in Francophone West Africa: Realities and Opportunities* (2011): 1-16.

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drawn from interviews throughout 2015. Interviews were conducted with a range of key informants including community leaders, experts and staff working on humanitarian issues in NGOs, International Committee of the Red Cross, United Nations and other international organizations, individuals working for the governments of the United States, France, Spain and the European Union, and academic and political experts. These qualitative interviews with key informants were conducted in London, Washington, DC, Boston, and Dakar, Thiès, Kédouogu and Tambacounda Senegal. Key Informants (KI) were identified through the desk review and through referrals from contacts and informants. Both the KI and individual interviews took the form of somewhat directed but non-structured conversations. For the KIs, the goals of the interviews included: seeking specific information on topics familiar to the KI, knowledge of the counterterrorism, security sector, and humanitarian context and corroborating the wider importance or occurrence of details found in the desk review and from other key informants. The research was approved by an Internal Review Board certification.

Interview guides were developed to facilitate discussions about the counterterrorism programs in the region and for the purposes of assuring a reasonable level of overlap on relevant questions and themes so that useful conclusions could be drawn from the research; the questions were broad-based and open, to allow participants to be able to draw their own conclusions on how successful or flawed certain international development and security programs are in the region, attempting to avoid certain research bias that might take place if the questions were more specific. Participants were informed that their information would not be attributed if they preferred anonymity, and that all interview transcript notes are kept confidential. At the end of the interviews, participants were asked if they would be interested in helping to identify possible participants for additional interviews or focus group discussions. All interview transcripts were typed, encrypted and stored in the cloud. Interviews averaged one to two hours. Not all of the interview transcripts were included in the citations, as several conversations snowballed the research onto studies and other research that had been previously conducted.

Part 1: Counterterrorism Operations in the Trans-Sahara

The Trans-Sahara region has become the new theater for the global war on terror, as evidenced by an aggressive US military pivot towards Africa, following the recurrent security crises in the region since the 2011 Arab Spring. With growing sectarian violence and extremism in the Sahel region, humanitarian aid and development programs are beginning to incorporate political agendas that include counterterrorism programming in their missions, such as USAID's Peace for Development initiative, which is detailed below. This new class of interventionism, or "soft counterterrorism[15]" by the United States and Europe, is ultimately shaping the future of foreign policy in the area. Prior to 2011, US interest in the Sahel was limited to supporting European partners, in their efforts to contain local insurgencies within the region; the potential for these insurgencies to evolve into global terrorist organizations was hardly perceived as a real threat until 2006: in 2006, U.S. AFRICOM was stood up, which ostensibly was seen as a means by which the US recognized the threat of trans-regional terrorism in weak states and how this can evolve into national security threats abroad and domestically. These terrorist threats were fully realized by the United States and Europe following the series of attacks on Embassies across the Arab world, and the social unrest that precipitated the Arab Spring. Overnight, the Sahel, due to its proximity to North Africa, became the fourth interest area for US counterterrorism analysts and national security specialists in DC.[16]

Following the 2012 attack on the U.S. Embassy in Benghazi, Libya, AFRICOM began to expand its footprint in Africa, standing up crisis response forces, such as the Special-Purpose Marine Air Ground Task Force-Crisis Response (SP-MAGTF CR) [17] and in-Extremis, the Special Forces rapid response counterterrorism force[18], throughout the entire continent, greatly enhancing regional capacity and giving AFRICOM quick reaction capabilities. Initially this new trend in military operations was to provide

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[15] William Miles, "Deploying Development to Counter Terrorism: post-9/11 Transformations of U.S. Foreign Aid to Africa." (African Studies Review, December 2012)

[16] Congress, Senate, Committee on Foreign Relations, Subcommittee on Africa, Statement of Assistant Secretary Johnnie Carson "Examining U.S. Counterterrorism Priorities and Strategy Across Africa's Sahel Region." Nov. 17, 2009. http://www.foreign.senate.gov/imo/media/doc/CarsonTestimony091117a1.pdf (accessed on April 25, 2015)

[17] "Special Purpose Marine Air Ground Task Force – Crisis Response (SPMAGTF-CR)", Global Security, http://www.globalsecurity.org/military/agency/usmc/spmagtf-cr.htm (accessed on March 27, 2015)

[18] Statement of General Carter Ham, USA Commander, United States Africa Command before the Senate Armed Services Committee, *2013 AFRICOM Posture Statement*, Senate Armed Services Committee. March 7, 2013, page 18.

protection for Embassies. Military circles across the continent are now dubbing this new type of rapid response to crises in uncertain conditions for US military operations as *Operation New Normal*. The New Normal has quickly become a mentality for military strategic response in these uncharted, uncertain situations, especially in Africa for two reasons[19]: counterterrorism, and sustaining a posture on the continent that ensures a subsequent Benghazi-like attack on an embassy will not happen[20]. Outside of the military, New Normal is now the tossed around code-name in defense circles, for military and diplomatic approaches to terrorist activity that attacks civilian soft targets and has spread from the streets of Paris to the beaches of Cote D'Ivoire.[21]

Following AFRICOM's installation in Djibouti, US military engagements in 49 of Africa's 54 nations, and the establishment of three drone bases on the continent since 2003, the US military presence in Africa can no longer be viewed as minimal[22]. Furthermore, in this precarious era where all foreign affairs are confounded with a certain element of securitization, development is ostensibly impossible without security programming incorporated into it. Therefore, strategies that fall under soft counterterrorism may also be seen, as a kind of strategic developmental defense, and in practice should be included categorically within the broader theme of Security Sector Reforms (SSR). In this context, soft counterterrorism is seen as an extension of Joseph Nye's soft power, defined as "the ability to get what you want through attraction rather than coercion or payments".[23] This type of diplomacy still has traction in the Sahel with insurgencies and terrorists, because groups affiliated with the Islamic State (IS) and/or Al-Qaeda are still in their nascent stages of leveraging these networks, and the socio-dynamics that lead to terrorism can, to a certain extent, still be mitigated through nuanced development programming, that incorporates components of armed violence reduction and countering violent extremism in them.

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[19] Reeve, Richard and Zoe Pelter. "From New Frontier to New Normal – Counter-terrorism Operations in the Sahel-Sahara." Oxford Research Group. Remote Control Project. (London, August 2014) http://oxfordresearchgroup.org.uk/sites/default/files/From%20New%20Frontier%20to%20New%20Normal%20-%20Counter-terrorism%20operations%20in%20the%20Sahel-Sahara.pdf
[20] Turse, ibid.
[21] Tinti, Peter. "The US and France are teaming up to fight a sprawling war on terror in Africa." Vice News. September 15, 2014. https://news.vice.com/article/the-us-and-france-are-teaming-up-to-fight-a-sprawling-war-on-terror-in-africa (accessed on March 27, 2015)
[22] Turse, ibid.
[23] Nye, ibid.

However, the relevance to U.S. national security interests are hotly debated in policy circles today, because soft counterterrorism requires a long-term commitment with little possibility of a clean exit strategy for the United States. US concern for the Sahel is minimal at best, given the small presence of economic incentives in the region (where France has capitalized on the small uranium output coming out of Niger), and the improbable chance that terrorist threats from the region will impact US national security concerns directly.[24] Furthermore, in order to be successful, these models of intervention require multilateral and multi-agency initiatives that increase the US footprint in states that arguably do not pose an imminent threat to the US. But in an era of decreasing public support for foreign assistance and military action abroad, can these policies, in a region that is of marginal direct interest to the American people, be seen as an effective use of smart power?

1.1   The New Normal

The potential for ungoverned spaces to serve as bastions of regional insecurity is driving the Global War on Terror (GWOT). Security experts are convinced that it is in these vacuums of power in the Sahel, that Al-Qaeda affiliates train recruits.[25] Following 9/11, states worldwide underwent systemic overhauls of their border controls and national security. The Sahel is no exception; since 2007, the conflicts in Mali, Niger and Mauritania have led to a series of crackdowns and severe enforcement of the borders that affects not only the flow of insurgent groups and cross border criminal networks, but has negatively affected the movement of migrants and vulnerable populations towards North Africa en route to Europe. The European Union, the individual treaties of individual member states, as well as U.S. military and development support through the Trans-Sahara Counterterrorism Partnership (TSCTP), facilitate many of these state reform initiatives.

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[24] Reeve and Pelter, ibid.
[25] David Y. Yamamoto, Acting Assistant Secretary, Bureau of Africa Affairs. "The Growing Crisis in Africa's Sahel Region" (US House of Representatives, Subcommittee on Africa, 21 May 2013).
http://www.state.gov/p/af/rls/rm/2013/209790.htm

This section focuses on two of these security operations: First, it examines US efforts to combat terrorism in the Sahel, through the aforementioned programs. It then briefly discusses France's interventionist policies, through Operation Barkhane. Further, it discusses how these military operations affect vulnerable populations and migrants, as well as what this means for future programming towards the GWOT, or Operation Enduring Freedom, which has been active since 2001.

1.2   The American Pivot Towards the Sahel

For the better part of the post-Cold War era, US policy towards the Sahel avoided direct military activity. But in recent years, the Pentagon has shifted its focus to the continent as a whole. In 2002, the Defense Department's Combined Joint Task Force–Horn of Africa (CJTF-HOA) brought on a crisis response force of US military and intelligence into Africa at the height of Operation Enduring Freedom–Afghanistan, out of fears that failed states like Somalia would be safe havens for Al-Qaeda fighters; although the purpose of this operation was to target terrorists, due to a lack of actual targets in the region at the time (Horn of Africa), the mission changed objectives and began taking on 'train and equip' activities, humanitarian assistance and other non-kinetic agendas. [26] The Department of Defense has since shifted its focus to the Sahel through Operation Enduring Freedom–Trans Sahara (OEF-TS). In 2007, the US Department of Defense underwent an organizational makeover, and the US Africa Command (AFRICOM) was created, breaking off its operations from European Command (EUCOM), operating out of Germany in 2008.[27] AFRICOM has been increasing its use of the CJTF-HOA's facilities on Camp Lemonnier in Djibouti as the center of a future constellation of smaller facilities across the continent,[28] and the Pentagon is building a drone base in Agadez, Niger to support OEF-TS. It is the third drone base to be built on the continent, and the

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[26] Jeffrey Michaels, *The Discourse Trap and the U.S. Military: From the War on Terror to the Surge*, (Palgrave Macmillan 2013) 80
[27] AFRICOM "About the Command" http://www.africom.mil/about-the-command
[28] Stephanie Sanok Kostro, *French Counterterrorism in the Sahel: Implications for U.S. Policy*. Center for Strategic and International Studies. Feb. 4, 2014. http://csis.org/publication/french-counterterrorism-sahel-implications-us-policy (accessed on April 21, 2015).

second in the region. The US military officially closed its drone base in Ethiopia in December of 2015.[29]

Until recently this had been something of a backwater in American foreign policy, where national interests had been typically reduced to humanitarian responses with minimal sustainable development programming. Now, however, development through security has taken center stage in a US agenda firmly rooted in AFRICOM's mission.[30] These agendas are complex: the TSCTP, for example is exceptional in its ability to marshal interagency (constituting from more than one agency) resources in support of a regional security approach that spans the "3Ds": diplomacy, defense, and development.[31] This is all in direct response to the counterterrorism threat in the Sahel, this New Normal, which is a new priority for the US due to a variety of threats coming out of the Niger Delta and the Lake Chad Basin.[32]

However, the challenge for stakeholders is ensuring that SSRs effectively take root in a region that has been historically occupied by weak and failing decentralized states with insufficient control of their respective security apparatuses and borders. Additional challenges lie in ensuring that US national security interests in this region, if any, are promoted as a priority. Although most experts believe that Sahelian extremist groups do not pose an imminent threat to US security,[33] the immediate goals of these programs is to try and diminish local extremism through SSRs and development before they get worse. However, US counterterrorism programming can only be successful to the extent to which the target state itself intends to incorporate these programs into its own security strategies and continue to deliver them after the US leaves. Therein, core incentives of training programs like Operation Flintlock have been to build up capacity within the militaries and security sectors (to include border control officers, national police or gendarmerie, counterterrorism analysts and military). But if these states are

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[29] Chris Whitlock, "Pentagon set to open a second drone base in Niger as it expands operations in Africa." (Washington Post, 1 September 2014) http://www.washingtonpost.com/world/national-security/pentagon-set-to-open-second-drone-base-in-niger-as-it-expands-operations-in-africa/2014/08/31/365489c4-2eb8-11e4-994d-202962a9150c_story.html, accessed on April 30, 2015

[30] "United States Africa Command, in concert with interagency and international partners, builds defense capabilities, responds to crisis, and deters and defeats transnational threats in order to advance U.S. national interests and promote regional security, stability, and prosperity." What We Do. U.S. Africa Command, Department of Defense. http://www.africom.mil/what-we-do

[31] Miles, ibid.

[32] Ploch Blanchard interview, ibid

[33] Carson, ibid.

unable to maintain their own security, then such programs will fail without a significant amount of foreign assistance to guide them.[34] This means that counterterrorism programming in a region like the Sahel provides no clear exit strategy for the US in the short term, which calls into question US priorities in the region.

1.3   The Trans-Sahara Counter Terrorism Partnership and U.S. AFRICOM

US counterterrorism programming began officially operating out of the State Department in 1972, following the terrorist attacks at the Munich Olympics. Counterterrorist activities have since evolved to include military and development initiatives, as well. In Afghanistan and Iraq, the US Department of Defense (DoD) introduced counterterrorism and counterinsurgency operations that were intended to be heavily development focused. They were met with minimal success, mostly because the programs were implemented through the military with limited oversight from agencies that specialize in development. Nevertheless, this allowed the US to proliferate this strategy to other presumed Al-Qaeda affiliated outposts; henceforth, US foreign assistance channeled through the DoD budget increased from 6 to 20 percent worldwide between 2002 and 2007.[35]

Rather than establishing direct missions in the Sahara, EUCOM developed the Pan-Sahel Initiative (PSI) in 2002. The PSI was designed to counter the potential threats of weak states and their ungoverned spaces that are believed to be safe havens and training camps for terrorists. The PSI was given a budget of $7.75 million to train and equip rapid- reaction counterterrorism forces in Mali, Chad, Niger, and Mauritania.[36] The program aimed to assist those states in detecting and responding to the suspicious movement of people and goods across and within those borders, while supporting the overall mission of the GWOT and enhancing security and stability in the region.[37]

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[34] Interview with Stevie Hamilton, Deputy Coordinator, Partnership Engagement and Outreach Center for Strategic Counterterrorism Communications (CSCC), June 26, 2015 (Dakar, Senegal)

[35] William G. Moseley, "Stop the blanket militarization of humanitarian aid." (Foreign Policy Magazine, 31 July 2009) https://foreignpolicy.com/2009/07/31/stop-the-blanket-militarization-of-humanitarian-aid/, accessed on April 21, 2015
[36] Congress, House, International Relations Committee, Subcommittee on International Terrorism and Nonproliferation. Department of State – Acting Coordinator for Counterterrorism, William Pope. *Eliminating Terrorist Sanctuaries: The Role of Security Assistance*. March 10, 2005. http://2001-2009.state.gov/s/ct/rls/rm/43702.htm
[37] Ibid

The PSI drew significant criticism for its lack of understanding of the root economic and socio-political causes of instability in these states; moreover, the program was operationally limited because it was mostly implemented by defense contractors who were seconded to the U.S. Department of Defense, and therefore had little U.S. government oversight overseeing their activities. The operators failed to understand and incorporate within the programming of the PSI the fundamental reasons and root causes of extremism. Instead, they largely relied on military support, which is not necessarily an appropriate solution for this region. For example, AFRICOM's Operation Creek Sand, an intelligence, surveillance, and reconnaissance program spanning the Sahel, is operated solely by contractors.[38] The GAO reports on both PSI and TSCTP have highlighted the lack of regional focus and direction of the overall missions of these interagency initiatives, implying that while the idea of these partnerships was to dovetail initiatives to mitigate the underlying causes of terrorist activity in the Sahel, there are no actual projects that fall within the scope of either program that target the actual underlying problems that lead to extremist activity.[39] Furthermore, the program lacked sufficient funding to be able to deal with the broad scope of issues. Finally, many experts questioned PSI's agenda because, prior to 2002, there was no mention in any US documents of terrorist activity or listed threats in the four states targeted by PSI's operations. By contrast, Algeria and Tunisia were common targets of activity by Groupe Salafiste pour la Prédication et le Combat since 1992, today known as Al-Qaeda in the Islamic Maghreb (AQIM), but neither state was a recipient of PSI programming.[40]

There are occupational limitations to the US military presence in the Sahel, given the legal constraints the military faces in operationalizing programs with or without consent of the targeted country; since the region was not involved in an armed conflict, the obligations of the US military to provide military training fell outside of the jurisdiction of those rules set forth for how to conduct military offensives in an international armed conflict in the Geneva Conventions.[41] Therefore, aside from

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[38] Reeve and Pelter, ibid.
[39] GAO Report to the Senate Committee on Foreign Relations, 'Combatting Terrorism: US Efforts in Northwest Africa would be strengthened by Enhanced Program Management,' (GAO-14-518) http://www.gao.gov/assets/670/664337.pdf
[40] Michaels ibid, pg. 74
[41] International Committee of the Red Cross (ICRC). *Geneva Convention Relatives to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention),* August 12, 1949

development programming and capacity-building projects, the US military had (circa 2006) no legal merit to wage the global war on terror in the Sahel region, and certainly the government had received no authority to conduct missions inside countries, against AQIM. The GWOT has been backed into a corner by academic and legal analysts seeking to determine what humanitarian law is applicable in the context of a war that applies not to an armed conflict per se but rather to actions taken by individuals.[42] This paper will not delve into the nuanced critiques of the legality of the global war on terror; rather, this discussion was meant to highlight the ambiguity of the authority that the US and its partners (although France has been invited into both Mali and Niger by the respective governments of both states), have in the Sahel region to operate kinetically; this ambiguity in turn helps to explain the limited capacity of the PSI to operate successfully.

In 2005, the PSI was superseded by the larger scope of the Trans-Sahara Counterterrorism Initiative (TSCTI), and in 2008 it was incorporated partially into US Africa Command (AFRICOM) as the Trans-Sahara Counterterrorism Partnership (TSCTP).[43] The program has since taken a more holistic approach of utilizing its $500 million budget to incorporate development assistance and diplomacy into its counterterrorism strategy, on a state-by-state level, through the aforementioned '3Ds.'. The program's activities include military capacity building, law enforcement anti-terrorism programming, strengthening the intelligence sectors and securing critical infrastructure, justice sector counterterrorism capacity building to prosecute criminals and terrorists, public diplomacy and information operations, countering violent extremism (CVE) through promoting moderation and tolerance in the media and education, community engagement, delivering assistance to marginalized communities by engaging local leadership, and vocational training.[44]

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[42] O'Connell, Mary Ellen, "The Legal case Against the Global War on Terror (2004) Journal Articles. Paper 648. Page 350, available at: http://scholarship.law.nd.edu/law_faculty_scholarship/648
[43] Mary Jo Choate, USMC. "Trans-Sahara Counterterrorism Initiative: Balance of Power?" USAWC Strategy Research Project. March 30, 2007. http://pdf.usaid.gov/pdf_docs/PCAAB627.pdf. (accessed on April 26, 2015).
[44] Leslie Anne Warner, *The Trans Sahara Counter Terrorism Partnership – Building Partner Capacity to Counter Terrorism and Violent Extremism,* (Center for Naval Analyses. March 2014) http://www.cna.org/sites/default/files/research/CRM-2014-U-007203-Final.pdf, accessed on April 27, 2014)

The scope of the partnership was designed to be robust—with the bulk of funding channeled through the State Department—while operations were intended to be dispersed between multiple agencies (Department of State, USAID and Department of Defense). However, funding for TSCTP is disaggregated between too many funding channels with different mandates, and the majority of active programs through TSCTP have only operationalized the military programs. The actual breakdown of funding is as follows: the State Department funds border control, law enforcement,[45] and military programs through peacekeeping operations (PKO); the US Agency for International Development (USAID) supports development and CVE programs (though State shares in the burden of the implementation of CVE programming through armed violence reduction in border communities in the Mali-Niger-Burkina Faso corridor) through development assistance funding; and AFRICOM's OEF-TS budget funds bilateral military training programs that in practice, fall under Operation Flintlock.[46] It is worth noting that cross-border train-and-equip programming is covered through an independent pool of funding, entitled Section 1206, with operational capacity that is not included in the TSCTP mandate. However, the majority of DoD programming through TSCTP goes towards these cross-border train-and-equip activities, even though Section 1206 programming is not authorized to provide assistance military support.[47] This funding confusion highlights the institutional inefficiencies of the TSCTP.

1.4   TSCTP's Limited Development Programming

In 2008, the DoD appropriated $9.5 million to USAID via TSCTP to operate a counterterrorism program in Mali that focused on education in Koranic studies in northern villages and job training for young men. This programming operated through DoD's Office of Transition Initiatives. USAID built an additional fourteen radio stations that broadcasted anti-extremist programs inside Mali.[48] However in the aftermath of the 2011 events that precipitated the NATO intervention in Libya, these counterinsurgency

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[45] Border control is funded through NADR and INCL - non-proliferation, anti-terrorism, demining and related programs
[46] GAO 2014, ibid.
[47] Ploch-Blanchard interview, ibid.
[48] Moseley, William G. "Stop the Blanket Militarization of Humanitarian Aid." (Foreign Policy, July 2009)

programs hit an impasse in the region. Most programs have had limited success in improving local governance initiatives and social cohesion, but the US government continues to operate them. Currently, USAID's $61 million program 'Peace through Development' (PDEVII) operates as the official development extension of TSCTP for USAID. However, USAID's Office of Transition Initiatives has been operating CVE programming in Mali separate of TSCTP's mandate, with significant successes. The program focuses on reducing the risk of instability and increasing local resilience in the face of violent extremism through community-led approaches that focus explicitly on young men and women. PDEVII promotes freedom of speech at the local level through community-wide radio broadcasts, governance building, and youth engagement in remote and marginalized communities.[49] In order to ensure the efficacy of PDEVII, a complete overhaul of the socioeconomic dynamics of the region is needed to effectively counter the increase in violent extremism that is prevalent there. This will require increased development and CVE (or counter-narrative) programming in the region to balance out the increasing military activity.[50]

The Department of State contracted with the Danish Demining Group in 2014, an extension of the Danish Refugee Council, to undertake the TSCTP's objective to counter violent extremism. The idea for programming in this region is that remote border areas in the Sahel and Sahara regions share several characteristics, including the presence of organized criminal networks, traffickers, migrants and weapons. These factors, among others, fuel localized and regional conflict in these regions; this becomes an issue in the Sahel because of the limited state presence to counter the flows of illicit trade and sub-state violence that such activity brings.[51] The program has began operating in late 2015, when it began providing development assistance, counter-narrative programming, and conflict resolution training to border communities in Burkina Faso, Niger and Mali; DDG's approach is rooted in the fundamental rights of individuals to freedom and security, as well as in the principles set forth in the UN Charter's Article 1 of the rights of

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[49] *Peace through Development, II.* U.S. Agency for International Development – Africa Bureau. http://www.usaid.gov/west-africa-regional/fact-sheets/peace-through-development-ii-pdev-ii. (accessed on April 25, 2015).
[50] Interview with Angela Martin, Senior Counterterrorism Advisor, USAID (Washington, DC 22 February 2015)
[51] DDG Concept Note to Department of State and Interview with Sharmala Naidoo, West Africa Regional Manager, Danish Demining Group (phone call, 23 June 2015)

self-determination, equal rights and universal peace.[52] This holistic approach to CVE and border control aims to alleviate tensions between the communities and law enforcement by championing local objectives to maximize livelihoods through cross-border trade while securing the borders from criminal activity. Such an approach has never been taken in this region.[53] Currently, none of the development programs through TSCTP have produced any tangible results in the Sahel.

1.5   Operational Challenges of TSCTP

The TSCTP is operationalized to mobilize resources from the interagency to support initiatives that counter violent extremism in the Sahel and coordinate the activities of the various implementing agencies.[54] The critical issue is the lack of ease at which the interagency coordination is conducted, which refers to the activities that take place in coordination between multiple US government agencies (in this case, the Department of Defense, State and USAID). Previously, the bulk of programming in the region was split between security and humanitarian programming, with very little crossover between the two. Some experts have even suggested that TSCTP faces an uncertain fate, teetering between being absorbed entirely into AFRICOM, and emerging as the lead in spearheading US foreign policy in the region.[55] The diplomacy arm of TSCTP needs to be leveraged more effectively in order to streamline the leadership of the partnership. Although it is touted as an interagency program, the bulk of activities are still conducted under the auspices of AFRICOM, and implemented by military contractors who are not authorized to respond directly to the agency.[56] Because of this organizational mismanagement, non-US government officials are conducting the bulk of operations through TSCTP with limited oversight from State and USAID.

The core incentive of the TSCTP was to dovetail these interagency responses, with a heavy emphasis on counter-narrative programming that reduces religious

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[52] United Nations. *Charter of the United Nations*. October 24, 1945.
[53] Interview with Sharmala Naidoo, West Africa Regional Manager, Danish Demining Group (phone call, 23 June 2015)
[54] Carson, ibid.
[55] Interview with Alexis Arieff, Africa Policy Analyst, Congressional Research Services (phone call on 1 July 2015)
[56] Warner, ibid

radicalization in marginalized populations. However, by design the TSCTP actually has a narrow focus on CVE with limited operational programming in democratic institution building and livelihood development programming.[57] Furthermore, the program cannot be significant if each US agency has different priorities in different countries in the region, and these priorities do not fall under the program's mandate. For example, the TSCTP is not operational in Nigeria, despite Chad and Cameroon recently being added to the scope of the project in response to increased violence by Boko Haram.[58]

In theory, the TSCTP's goals are to "enhance the indigenous capacities of governments in the pan-Sahel…to confront the challenges posed by terrorist organizations in the trans-Sahara…and to facilitate cooperation between those countries and the United States."[59] However, in practice, it has been noticeably promoting principles that encourage sectarian behavior in these states, allowing them to crack down on ethnic minorities, Islamic groups, and political opposition. More recently, in light of the IS and Boko Haram threats in the region, law enforcement in Senegal and Côte D'Ivoire have been arresting young Muslim radicals without impunity, given encouragement and funding from the US and European partners.[60] In these cases, the TSCTP and its related programs have created enemies in the Sahel for the US and its partners where there weren't any previously. Furthermore, this foreign policy agenda has allegedly begun to inspire radicalism by discrediting moderate African Muslim leaders in local communities and fomenting political instability in key states like Mali, Niger, and Chad. Several African governments have even used the objectives of the GWOT coercively against legitimate opposition groups. For example, Mauritania's President Maaouiya Ould Taya used this Western-based terrorist threat to persecute his political opponents. It backfired, fueling instability and leading to a military coup in 2003.[61]

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[57] Interview with Mike Chapman, U.S. Department of State, Africa Bureau, border Security Program Manager (Washington, DC, August 6, 2015)
[58] Ibid.
[59] *Programs and Initiatives*. U.S. Department of State, Bureau of Counterterrorism. http://www.state.gov/j/ct/programs/ (accessed on April 30, 2015).
[60] Mieu, Baudelaire and Pauline Bax. "France said to warn Senegal, Ivory Coast of Terror Attack." Bloomberg Business. January 20, 2016. Available at http://www.bloomberg.com/news/articles/2016-01-19/france-said-to-warn-senegal-ivory-coast-of-terror-attack-ijlnjr0r
[61] IRIN News. "West Africa: Economic aid is needed to combat terrorism in Sahel, not just military training – ICG." April 1, 2005. http://www.irinnews.org/report/53703/west-africa-economic-aid-is-needed-to-combat-terrorism-in-sahel-not-just-military-training-icg (accessed on April 27, 2015).

These policies, when loosely implemented, allow leaders and security forces to indiscriminately target Muslim community leaders and marginalize these communities based on preconceived notions of sectarian conflicts and/or terrorist affiliations.[62] For example, although programs in Nigeria do not fall under the scope of TSCTP, the country is one of the largest recipients of antiterrorism assistance (ATA) funding and programming. Since 2009, the Nigerian government has used ATA funds to crack down on Boko Haram, setting off a chain of events that led to the scaling up of violence in northeast Nigeria in 2013 and onwards.[63] Additionally, increasing public awareness of religious extremism throughout the Sahel has empowered communities to engage in previously unseen xenophobic activities and practices, creating a growing sense of fear and paranoia in major urban centers in the Sahel, according to the Senegalese Red Cross and other organizations dealing with the humanitarian pushback arising in the region in response to the Boko Haram and IS threat.[64]

More challenges surfaced in 2008, when the US Government Accountability Office (GAO) issued a scathing audit of the TSCTP, highlighting both the partnership's inability to build a comprehensive integrated strategy to guide the operations on the ground, as well as the lack of leadership. Additionally, a cohesive list of goals for the program was never produced, since each agency had drafted its own objectives for the program. This rooted inefficiency has been a part of the operations of the program since day one. A 2011 follow-up audit report found that the TSCTP was still lacking transparency in how it operationalized over half of its $288 million budget without facilitating any lasting systemic changes in the region.[65]

However, what makes the TSCTP unique and ideal is that it requires the facilitation of multilateral and multiagency partnerships across the region, steering the US away from its tendencies to intervene unilaterally in other state's affairs. This can be seen through France's continued request for intelligence support from AFRICOM and NATO,

[62] David Gutelius 'US creates African enemies where none were before' (Christian Science Monitor, 11 July 2003) http://www.csmonitor.com/2003/0711/p11s01-coop.html accessed on April 6, 2015
[63] Interview with (anonymous) Africa Director of the U.S Department of State, Bureau of Democracy, Human Rights and Labor (Washington, DC February 20, 2015)
[64] Mende interview, ibid.
[65] GAO 2014 report, ibid.

via Operation Barkhane,[66] as well as the engagement of TSCTP with the G5 Sahel, ECOWAS, and other partner consortiums.[67] The goal of TSCTP is to build up partner capacity in African Nations, and to ensure that through training facilitations and multilateral engagements with European and US partners, these countries can be seen to deal with the endemic conflict and crises that lead to trans-regional terrorism on their own. AFRICOM has been quietly supporting France's Operation Serval with supplies and tactical training since the beginning in Mali, despite denying any participation in the UN/French intervention prior to 2014.[68] TSCTP was supposed to be seen as the focal point of US operations in the Sahel; however, the program seems to have succumbed to bureaucratic exhaustion between the three agencies. This invariably created serious setbacks in operationalizing it intended resources.[69] Thus, what we see right now with TSCTP is simply the process of undergoing the expected bureaucratic challenges that any large-scale project might endure in its early stages. However, a critical gap exists where the program lacks directive and personnel with comprehensive knowledge of the region. Increased subject-matter expertise on terrorist groups in the region must be a top priority for this program to work. Groups like Boko Haram, AQIM, and al-Murabitoun have uncertain futures, as they are splintering and reorganizing along sectarian and religious lines. The US should leverage these uncertainties, but instead because experts lack sufficient understanding of these extremist groups, counterterrorism programming is consistently limited operationally. Given limited funding and domestic political will to engage in the region, the US continues to piggyback kinetic operations off of France's counterterrorism mission in the Sahel.

1.6   *Operations Serval and Barkhane: Models for the Region*

US motives for operating in the Sahel are questionable. They are largely attributable to supporting European partners (specifically France), whose political and economic

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[66] Operation Barkhane is the French military operation in the Sahel to counter terrorism in the region. The mission grew out of the French military's response to the Taureg occupation of Northern Mali (2013), Operation Serval and Operation Epervier in Chad (1986).
[67] *Operation Barkhane, Ministere de la Défense* – République Française.
http://www.defense.gouv.fr/operations/sahel/dossier-de-presentation-de-l-operation-barkhane/operation-barkhane
[68] Turse, ibid.
[69] Arieff interview, ibid.

interests are impacted by insecurity in the region. They are also potentially moderately linked to combatting the narcotics trade, which has increased dramatically in the region in recent years, with Guinea Bissau having collapsed into becoming a "narco-state".[70] The US provided nearly $6.2 billion in development assistance through PSI and TSCTP by 2010, an amount of funding that was overshadowed by the $52 billion in aid that the European Union and its institutions provided in that same time period.[71] The US presence has been largely seen as peripheral in the region given its lack of operational clout. Because of this, the US plan for "leading from behind" has manifested in paramount support of French counterterrorism operations through its securing of the UN Security Council (UNSC) authorization for Operation Serval[72], the establishment of a drone base in Niger, and the furnishing of timely technical and intelligence assistance to French military operations in Mali.[73] In August 2014, an executive order by the Obama administration to provide funding for French counterterrorism operations in Mali and Niger underscores the emergent necessity of US support for its European partners in the region.[74]

France's presence in West Africa is ancient: beginning in 1659, when France established a trading post in modern-day Senegal, to the early 20th century where French colonies encompassed much of the region, the linguistically, culturally and economically[75] France and the greater European community have perceived francophone West Africa as a French legacy. Therefore it was no surprise when France intervened on Mali's behalf during its 2013 coup d'état. In January 2012, following former Libyan

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[70] United Nations Office of Drugs and Crime. Transnational Organized Crime in West Africa: A Threat Assessment. February 2013. https://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf

[71] Campbell, John and J. Peter Pham. "Does Washington Have a Stake in the Sahel?" Council on Foreign Relations, Expert Brief. January 14, 2014. Available at http://www.cfr.org/africa-sub-saharan/does-washington-have-stake-sahel/p32195

[72] UN Security Council, Resolution 2100 (2013), Adopted by the Security Council at its 6952nd meeting on 25 April 2013, S/RES/2100 (2013), available at:
http://www.un.org/en/peacekeeping/missions/minusma/documents/mali%20_2100_E_.pdf

[73] Interview with Premier Secretary US Embassy Dakar (Dakar, Senegal, July 14, 2015)

[74] The White House. Presidential Memorandum – Drawdown Under Section 506(a)(1) of the Foreign Assistance Act of 1961 for France to Support its Counterterrorism Efforts in Mali, Niger and Chad. Presidential Determination No. 2014-13. August 11, 2014. Available at: https://www.whitehouse.gov/the-press-office/2014/08/11/presidential-memorandum-drawdown-under-section-506a1-foreign-assistance-

[75] The currency in West Africa is called the Central African Franc, or CFA, and is the currency of ECOWAS states, much like the Euro is the currency to European Union states; the CFA is guaranteed by the French Treasury and therefore pegged to the Euro. Critics have suggested that pegging the two currencies has created a neo-colonial dependency on Europe, discouraging independent economic growth in these countries, because exports are much more costly. (Cavanaugh 2014)

leader Muammar Gaddafi's ouster and the flood of weapons into Mali, Taureg tribesmen of the National Movement for the Liberation of Azawad (MNLA) began a rebellion against the government in Bamako. By June, this national insurgency had evolved into an open battle for sectarian independence of northern Mali between the MNLA and the terrorist groups Ansar Dine and the Mouvement pour l'Unicité et le Jihad en Afrique de l'Ouest (MUJAO)[76]. Following the December 2012 UNSC Resolution 2085[77] and an official request by the government of Mali, France began a military intervention into the north of the country. Three of the five Islamist leaders were subsequently killed during France's operation, while Mokhtar Belmokhtar fled to Libya and Iyad ag Ghali fled to Algeria, thereby dispersing the insurgency.[78]

Operation Serval demonstrated France's capacity to operate mobile, highly capable forces tailored towards the specific needs and objectives of the conflict with the organizational means to deal with quickly evolving situations on the ground. Furthermore, France's brigades in Operation Serval were staffed by individuals who had subject-matter expertise and intelligence training on the cultural context in Mali, as well as the foresight to conduct training and interoperating military missions with other Sahelian and West African security forces. This flexible and robust engagement now serves as an example of how a technologically sophisticated army should organize and field an expeditionary force for limited operations. However, the operation also highlighted the limitations of the French military in its capacity to conduct deterrence and conventional warfare. By May 2013, France had drawn down Operation Serval, leaving only a small mixed combat group in Gao called Groupement Tactique Interarmes Desert (GTIA Desert), to support the UN Mission in Mali (MINUSMA), the ECOWAS mission (AFISMA), the EU mission (EUTM Mali), and the government of Mali's forces in carrying on the battle against the northern insurgency.[79]

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[76] Spet, Lt. Col. Stephane, French Air Force. "Operation Serval: Analyzing the French Strategy against Jihadists in Mali." ASPJ Africa and Francophonie. 3rd Quarter (2015), page 3 available at http://www.au.af.mil/au/afri/aspj/apjinternational/aspj_f/digital/pdf/articles/2015_3/spet_e.pdf

[77] UN Security Council, Security Council Resolution 2085 (2012) [on authorization of the deployment of an African-led International Support Mission in Mali (AFISMA) for an initial period of one year] 20 December 2012, S/RES/2085 (2012) available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2085(2012

[78] UN Security Council, Resolution 1267 (1999) *Adopted by the Security Council at its 4051st meeting on 15 October 1999*, 15 October 1999, S/RES/1267 (1999), available at http://www.refworld.org/docid/3b00f2298.html

[79] Michael Shurkin, "France's War in Mali: Lessons for an Expeditionary Army", (RAND 2014) http://www.rand.org/content/dam/rand/pubs/research_reports/RR700/RR770/RAND_RR770.pdf accessed 17 Aug 2015

At the request of the Hollande administration, the US established its drone base in Niger to assist in operation Serval's efforts in combatting and monitoring the movement of terrorist groups in 2013.[80] Following Serval's drawdown, Operation Barkhane began on 1 August 2014 as France's long-term counterinsurgency operation in the region. Barkhane operates from a single command post in N'Djamena, Chad, and it is intended to support the armed forces of the G5 Sahel countries in their actions against terrorists and non-state armed groups, as well as to prevent the reconstitution of terrorist sanctuaries in Sahelian ungoverned spaces.[81] The operation includes a base in Mali of 1,000 troops; an intelligence center in Niger; a Special Forces center in Burkina Faso; operational bases to support deployment from Côte d'Ivoire, Senegal, and Gabon; and 3,000 soldiers deployed to support the G5 Sahel member state militaries in train-and-equip missions and bilateral joint actions.

Critics of Operation Barkhane have suggested that France's military presence has not galvanized states to build up their own militaries. Moreover, it has become apparent that religious radicalization cannot be prevented through military means alone. Operation Barkhane does not include any development programming through a CVE framework as the American model for the TSCTP does.[82] Operation Barkhane illustrates an example of the use of hard power in Africa in order to solve security crises, whereas the TSCTP attempts to utilize a robust consortium of soft-power diplomacy through a development-lensed counterinsurgency operation to do the same thing. It should also be noted that while the intervention is being touted by Europe as the paradigm for future programming in the region, there are no European countries that currently have the financial capacity to go after terrorism on any broader scale. As Barkhane continues moving forward, its scope will probably be limited to being positioned against gray area strikes, rather than directly targeting terrorists, trafficking networks and cartels.[83]

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[80] Campbell and Pham, ibid.
[81] Ministère de la Défense, ibid.
[82] Gnanguenon, Amandine, "A Show of Force and Political Games in the Sahel-Sahara," (ISS 2014). Available at: https://www.issafrica.org/iss-today/operation-barkhane-a-show-of-force-and-political-games-in-the-sahel-sahara
[83] Spet, ibid.

1.7   Case Study: Mali

In 2012, the Government of Mali invoked its right of "intervention by invitation"[84], by inviting France to support its military's efforts to push back the Al-Qeada in the Islamic Maghreb invasion into the northern part of the country. By 2013, Operation Barkhane had closed out, and Operation Serval in conjunction with U.S. special operations assistance, scaled up a longer counterterrorism engagement plan for the region at large. Mali provides this research paper with a case study of the double faceted approach to combatting terrorism; it provides an example of a bilateral short-term military intervention by the Government of France, and then a model of of U.S. and European counterterrorism interventions that incorporates a holistic approach of community development and aid practices into its overall agenda.

The surge in state policies that target radical Muslim communities across Senegal, Mali and Cote D'Ivoire have led many experts in the region to suspect that the Islamist scare proliferating throughout these countries could lead to more sectarian conflict than previously seen in unstable communities.[85] Much of the counterterrorism rhetoric and programming for the region has been centered on Mali. In this case, the fight against extremism is largely misleading, since the conflict is rooted in historic sectarian violence between warring tribes and trans-regional transhumance groups (in this case, it involves the Peuhls, the separatist group, the MNLA and the Islamist group, Ansar-Dine);[86] thus France's intervention on behalf of an institutionally and political weak government was flawed because it helped escalate conflict and destabilize the region even more.[87] Violence has tapered down since 2012, however in late 2014, the Tuareg insurgents resurged and took back lands in the Kidal region, including Tessalit, one of the major transit cities near the border.[88]

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[84] Wing, Susanna D. "French Intervention in Mali: strategic alliances, long-term regional presence?" Small Wars and Insurgencies. Vol. 27, Issue 1 (2016). Available at
http://www.tandfonline.com/doi/full/10.1080/09592318.2016.1123433
[85] Interview with IOM Border Management controller, ibid.
[86] Interview with Anonymous U.S. Military AFRICOM special operations counterterrorism analyst. (phone call February 14, 2014).
[87] Lacher, Wolfram and Denis M. Tull. "Mali: Beyond Counterterrorism." Stiftun Wissenschaft und Politik – German Institute for International and Security Affairs. February 2013. Available at: http://www.swp-berlin.org/fileadmin/contents/products/comments/2013C07_lac_tll.pdf
[88] "Country Report: Mali." Armed Conflict Location and Event Dataproject (ACLED). January 2015. http://www.acleddata.com/wp-content/uploads/2015/01/ACLED-Country-Report_Mali.pdf

Percentage of Violence Committed by Actor		
Actor	1997-2008	2009-2014
Militant Tuareg Groups	25.00%	12.63%
Violent Islamist Groups	6.25%	28.90%
Other Communal/Ethnic Militias	17.36%	2.49%
Rioters (Mali)	4.86%	3.25%
Security Forces (GoM)	28.47%	21.91%
Unidentified Armed Groups (Mali)	3.47%	8.23%
Other	13.89%	10.05%
External Forces (MINUSMA, AFISMA, Serval/Barkhane, AFRICOM)	0.69%	12.54%

(Source: ACLED's 2015 Country Profile: Mali)[89]

In the past two years, the conflict between the terrorist organizations that have co-opted the sectarian violence, (specifically Al-Qeada in the Islamic Maghreb, al-Murabitoun and the Macina Liberation Front) and the Malian military forces, has perforated the seams of daily life and annexed old communal grudges, using these grievances as fuel for the conflict. These armed groups are threatening civilians for their complicity with the government, MINUSMA and French forces. Meanwhile, members of communities that are collaborating with armed group activity and/or presence are being detained and tortured by Malian forces for their collaboration with the terrorists.[90] In these instances, a causal scenario unfolds where the rift in civilian populations is envisioned as armed group versus government forces, with innocent civilians caught in the middle; the armed groups are exploiting longstanding grievances between the various ethnic groups and the government in hopes of making inroads with the local populations;[91] moreover, trust in the government is tenuous since the presence of these non-state organized armed groups has provided a sense of security to many of the

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[89] ibid

[90] Human Rights Watch. *Mali: Abuses Spread South*. February 19, 2016. https://www.hrw.org/news/2016/02/19/mali-abuses-spread-south

[91] Interview with Corinne Dufka, *Human Rights Watch, West Africa Director,* Dakar, Senegal, (August 3, 2015)

communities in the Ségou and Mopti region, where insecurity has been endemic due to transhumance and insecurity from cattle raiders since the Taureg rebellions of the 1990s. To that end, for some time now, many communities have seen these armed groups as a certain sense of rule of law and security that had been absent for a few decades.[92]

This situation in Mali can be seen as a snapshot for the entire region and what will occur in the Sahel as security sector reforms, coupled with military/counterterrorism interventions, begin to take place in Niger, Nigeria, Libya and Cameroon. The presence of international forces in support of local governments encourages sectarian and ethno-religious conflict amongst the local populations. Such conflict is exemplified in that the views of armed insurgencies keep getting co-opted by terrorist groups. From a legal standpoint, Common Article 3 of the Geneva Convention is the guiding principle on the use of force in an armed conflict; however the kinetic use of force in counterterrorism falls outside the legal jurisdiction of the Geneva Conventions, and it is insufficient to deal with the root causes of extremism in the region. Such extremism continuously leads to resource insecurity and social rifts that breed violent activity. As a result, the conflict is legally unregulated at this point.[93]

Moreover, recent attempts by the Malian government to break the ethnic divides between the Peuhls and Dogon communities in the north by incorporating these groups into the military through a process of cantonment have also backfired, as Islamist groups who are aware of these security reforms are using armed threats against community members that participate in government or UN rehabilitative programs. The Malian government's use of torture tactics to elicit information from community members who collaborate (whether by choice or not) with terrorist groups is itself a violation of the Geneva Convention's prohibition on torture,[94] to which Mali is a party. France and MINUSMA, which are financially and militarily supporting the government's campaign, implicitly condone these military tactics.[95] While violations of humanitarian law are part of a broader issue relevant to a future tribunal, these actions taken by the Malian military with support from Western militaries are significant because they discourage communal

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[92] Dufka interview, ibid.
[93] HRW, ibid.
[94] Geneva Convention, ibid.
[95] Shurkin, ibid.

support from the northern regions, and they incentivize communities to support the terrorist groups who in fact provide a certain level of security and consistency that is otherwise entirely absent in the north.[96]

In sum, the variability of this New Normal, or the Global War on Terror, in conjunction with the complexities present in the internal and regional dynamics of the sectarian conflict in Mali, lend France the uneasy task of negotiating a smooth exit strategy. Both U.S. Special Forces and France's Barkhane operations are continuing to train Mali's military, however they remain weak and unorganized[97]. The insurgency in the north continues with sporadic suicide bombings and rocket attacks in and around Gao, Timbuktu and Kidal, and the recent attacks on the UN compound in Bamako, further shed light on the eroding security in the country. The expansion on of the MINUSMA mandate, the creation of Operation Barkhane and a U.S. operated drone base in Niger for regional counterterrorism, make it clear that France and the United States will have a long-term presence on the ground in Mali and throughout the region[98].
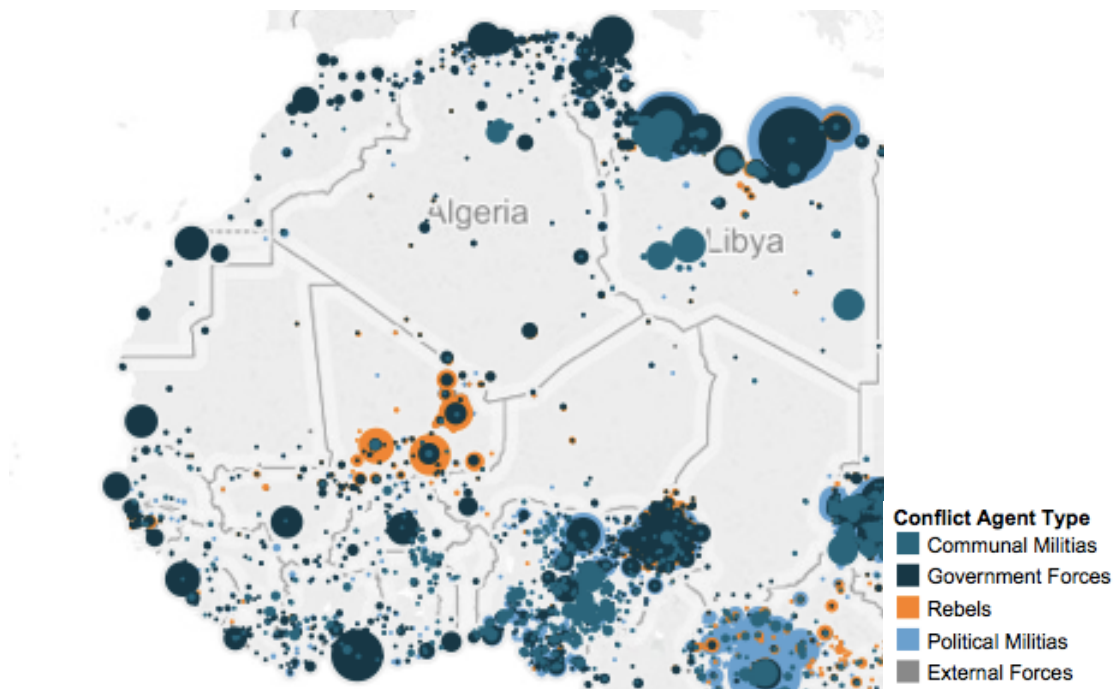
(Source: ACLED Dataset showing agents of political violence in the Sahel 2011-2015)[99]

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[96] HRW, ibid.
[97] Interview with Anonymous, U.S. Military, Special Operations, AFRICOM. (phone call, February 13, 2016)
[98] Wing, ibid.
[99] ACLED, Dynamic Maps: Political Agents of Violence, Armed Conflict Location and Event Data, available at: http://www.acleddata.com/visuals/maps/dynamic-maps/

1.8   EUCAP's Sahel Trust Fund and the Move to Collaborate with African Partners

While France and the United States, along with minimal partnerships in Libya and Nigeria from other European partners, are focusing on the terrorism threat, the European Union is more broadly focused on the issue of migration and the security consequences that this issue poses if it is not contained. The EUCAP strategy for the Sahel, based on the European Union Council's adopted resolution to provide a trust fund for the region in response to the influx of migrants to Europe, focuses on four critical areas of assistance based on the plan to securitize migration through development and security apparatuses: "1) the prevention of radicalization and the fight against this phenomenon; 2) the establishment of appropriate conditions for young people; 3) migration and mobility; and 4) border management, the fight against trafficking and transnational organized crime."[100] The program aims to stabilize the region through secure border control mechanisms that restrict the movement of persons in the ECOWAS region, as well as the movement of forced migrants from other states. With nuanced development programming to ensure opportuntiies for those would-be immigrants to Europe, the EU is laying the fraemwork to contain migration to the region, if not the continent.[101]

The buttressing of borders is being largely implemented across the region by European partners in cooperation with IOM and the G5 Sahel.[102] This European cooperation spans several sectors, to include the following: a capacity building program supporting the ECOWAS peacekeeping and security mandate (with UNDP as the main partner); a program focusing on regional integration through trade facilitation in the form of three joint border posts being built on the border between Burkina Faso and Mali, Togo and Ghana, and Nigeria and Benin, respectively; and finally, the engagement of Frontex, the EU border agency, in the region. Several ECOWAS countries are involved in the Frontex-led Africa Intelligence Community (AFIC), and Frontex recently signed an

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[100] EUCAP. Controle des Frontieres et Migration Irreguliere au Mali: Analyse Contextuelle par EUCAP Sahel Mali. EUCAP Shale Mali Rapport Final pour les Partenaires Internatiounaux. October 28, 2015.
[101] EUCAP, ibid.
[102] International Organization for Migration. Coordinated Border Management in Niger, Mali, Mauritania and Burkina Faso. Project Proposal 2015. https://www.iom.int/sites/default/files/country/docs/mauritania/Coordinated-Border-Management-Sahel-TC0841.pdf

agreement with Nigeria, the objective of which is to counter irregular migration and cross-border crime by means of border control.[103]

Another incentive of the EUCAP project was to invariably encourage states in the ECOWAS communitiy to monitor migrants more rigourously, securing the flow of people through the Mali-Niger-Burkina Faso tri-border area; funding for this EUCAP project is coming from Operation Barkhane.[104] Malian passports allow for freedom of movement provided by ECOWAS and bilateral treaties for regular migration between the governments of Mali and Algeria, Tunisia and Morcocco; Terrorists and armed groups who are not of Malian origin have knowingly taken advantage of this legal feedom and leverage the ability of the Malian passport to move freely thurgout the region. Therefore Barkhane's operational incentive is to clamp down on this freedom of movement provided for in certain regional trade agreements, and to secure the borders.[105]

However, buttressing these borders leads to a slew of other issues that arise when access to cross-border trade and the informal economic activities of the region become increasingly criminalized due to the illicit nature associated with free movement in this context. This inadvertently creates more vulnerabilities to already vulnerable populations. When disrupted, these fragile networks push vulnerable communities to engage in corrupt activities, much of which is controlled by armed groups in the region.[106] The EUCAP mission will monitor and increase capacity of the preexisting border control and law enforcement mechanisms and identify gaps in programming; currently the core limitation of these programs is that they are weakly fashioned and intercoordinated such that there is either limited overlap or ineffecent dovetailing of resources. According to reports, half of thecapacity-building programs in the Sahel consist of only classroom activities and only 7 percent of international assistance programs manifest in delivery of basic training and resources to Sahelian programs.[107] There exists the risk that EUCAP's programs will engender local groups to grow angry and violent against these border controls; however if

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[103] International Organization for Migration "Support for Free Movement of Persons and Migration in West Africa: Immigration and Border Management Baseline Assessment,, (2014), <http://rodakar.iom.int/oimsenegal/sites/default/files/reports/FMM%20-%20Immigration%20and%20BM.pdf> (accessed March 16, 2016), page 27
[104] EUCAP, ibid.
[105] Ibid.
[106] UNDOC, ibid.
[107] EUCAP, ibid

implemented properly, these reforms could potentially evolve into governance structures that help crack down on corruption.

As this section has detailed, the war on terror has proliferated globally, expanding its mandate to include a cohesive intervention agenda that uses diplomacy, development and defense to approach the complex terrorism issue. Scaling up this counterterrorism mandate to the African continent requires more than just an invitation to intervene by the states, if the United States and Europe expect to see sustainable changes and success in actions taken to quell extremism. Resilience against extremism in the weak states of the Sahel will rquire the states themselves to interpret policy changes in such a way that they do not inadvertently create more vulnerabilities. The next section goes into detail of how these states understand and implement local polciies based on these regional and international security instruments.

Part 2. Security Sector Reforms in Weak States

The United States and Europe have the resources to temporarily intervene in security crises unilaterally or bilaterally to quell an insurrection, as seen in Libya in 2012 and Mali immediately after. However the transition period post intervention is likely when institutions teeter towards collapse and often fail entirely. This section analyzes how states in the Sahel, specifically Mali and Niger, that are undergoing transitional reforms in the aftermath of conflict and internal instability, approach these security sector reforms (SSRs).

The problem with reforming the Sahel is that since livelihoods are difficult to obtain in this region, any reforms that create unemployment, such as incomplete DDR programs–disarmament, demobilization and reintegration programs– also increase risks associated with instability and shadow activity. In Mali and Libya for example, SSRs risk inadvertently encouraging unemployed males, especially youth, who have access to military-grade weapons and training obtained through American- and/or European-backed training programs, into joining terrorist groups. For example, Malian intelligence

had discovered that the Ansar Dine attack in Côte d'Ivoire in June 2015 included newly joined members who were formally unemployed Malian soldiers that had been released from the army during a cleanup campaign in years before.[108]

Mitigating the risk of extremism in weak states is a foundation of the Global War on Terror; therefore, SSRs, with a development focus, are important in order to create sustainable change in these communities.[109] It comes as no surprise that the countries where AQIM and its affiliates have been known to operate can be broadly categorized as weak.[110] The countries of the Sahel region are among the poorest in the world and are constantly facing complex security issues, including periodic civil war, ethno-religious conflict, sectarian violence, and threats from transnational organized crime. The region is home to several ethnic groups with cross-border ties; these groups often harbor grievances towards their respective governments, and while extremism does not appear to have been embraced by a majority of Sahelians, it likely resonates with certain marginalized and disenfranchised communities.[111] U.S. interest in the region is based on the belief that transnational terrorist groups are known to use the chaos of failed states to shield themselves from counterterrorism efforts. U.S. Representative Michael McCaul, Chairman of the House Homeland Security Committee, warned that North Africa would be the next frontier of terrorism, as these failing states serve as prime incubators for the recruitment, cultivation, and training of these non-state armed groups.[112] This dynamic is endemic in the Sahel, as evidenced by the emergence of 52 insurgent groups since the Cold War era, 14 of which are listed as "Foreign Terrorist Organizations" by the U.S. government.[113]

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[108] Eric Sheffield, Senior Diplomatic Security Officer, U.S. Embassy in Senegal, in discussion with the author, July 14, 2015.

[109] Stevie Hamilton, Deputy Director of Center for Strategic Counterterrorism Communication at U.S. Department of State, in discussion with the author, June 26, 2015.

[110] "Fragile States Index 2014," *Fund for Peace*, 2014, <http://ffp.statesindex.org/rankings-2014> (accessed April 21, 2015).

[111] Carla Humud et al. "Al Qaeda-Affiliated Groups: Middle East and Africa." October 10, 2014. *Congressional Research Service*. <http://fas.org/sgp/crs/mideast/R43756.pdf.> (accessed March 15, 2016).

[112] Gregory McNeal. "Terrorist Safe Havens in North Africa Threaten the United States Homeland." *Forbes Magazine.* January 31, 2013, <http://www.forbes.com/sites/gregorymcneal/2013/01/31/terrorist-safe-havens-in-north-africa-threaten-the-united-states-homeland/> (accessed on May 2, 2015) .

[113] Thomas Dempsey. "Counterterrorism in African Failed States: Challenges and potential solutions." April 2006. U.S. Department of Defense. Strategic Studies Institute. <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB649.pdf> (accessed March 15, 2016.)

Furthermore, the large number of irregular migrants, nomadic communities, and stateless people in the area creates confusion for the complex security frameworks to operate, therein creating more risks to state legitimacy. Due to the interconnectivity of the region and the porousness of borders, state institutions can easily fail and cause neighboring states to feel these shocks as well: for example, following the collapse of Libya in 2012, violence spread into neighboring states, kicking off the civil war and terrorist insurgency in Mali. Furthermore, the flood of IDPs and refugees throughout the region created further invariable weaknesses to state security apparatuses.

The weak and decentralized nature of Sahelian states is the root of the problem, and most of these nations (aside from Algeria) do not have the institutional capacity to support effective counterterrorism programs on their own. AQIM, al-Murabitoun, and certain local nomadic armed separatist groups (such as the Tuareg and Fulanis, or Peuhls) are sometimes even seen by local communities as the only politically legitimate actors in remote parts of the Sahel because of how weak the states are. These non-state actors often, control and facilitate the trade, and in many cases have both the local authorities and national authorities complicit with their criminal activity; this type of informal activity inherently erodes the legitimacy of the state. The weak capacity of law enforcement in Mali and Niger specifically, have enabled AQIM and its affiliates to act with impunity in many cases, allowing these groups to build transnational networks of criminal activity across the entire Sahel desert region. This has also allowed them to garner a significant amount of financial support to fund their operations while providing basic goods to communities in return for their complicity and/or participation.[114]

The institutional problem with SSRs and counterterrorism is that there exists very little nuanced understanding by security actors, of the nature of these terrorist groups and the differences between licit and illicit activity in this region. For example, the U.S. intelligence community does not fully comprehend why AQIM splintered and what the emergence of factions means for the future of the group.[115] Furthermore, while the weak-states model explains the incidence of terrorism in northern Mali and western Tunisia,

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[114] *UNODC Regional Office for West and Central Africa*. "Transnational organized crime in West Africa: a threat assessment." UN Office on Drugs and Crime. 2013. <http://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf> (accessed on April 20, 2015).
[115] Lauren Ploch Blanchard, in discussion with the author.

there is a clear counterexample in Algeria. This model predicts that states with stronger government control will experience less conflict; however, Algeria has had the highest levels of terrorism in North Africa for decades, despite the fact that it has a strong centralized state, a powerful military, and relatively widespread control of its territory. Although security sector reforms have historically been implemented through instituting strong centralized governments, the example of a centralized government like Algeria highlights the fact that each state must be dealt with using country-specific programming.[116]
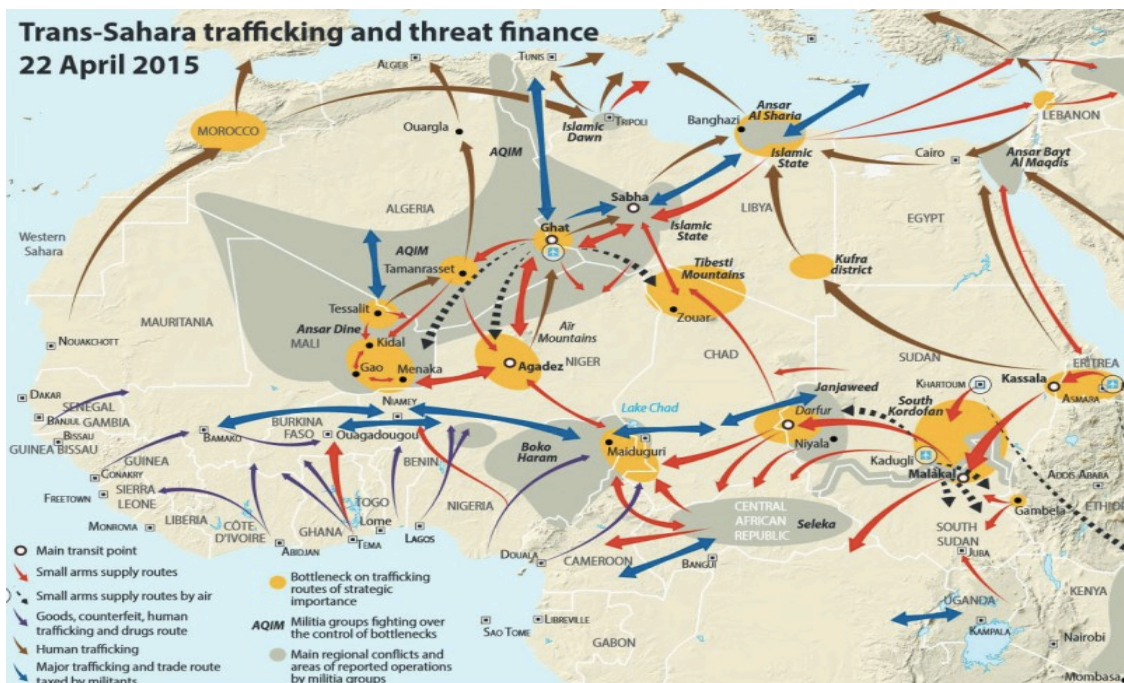
(Source: Global Initiative Against Transnational Organized Crime, 2014)[117]

2.1   Institutional Development as a Means of Security Sector Reform

Development is critical in this region because states are politically and institutionally weak, and susceptible to threats by local insurgencies, political instability, and environmental shocks. The primary security challenges of these states can be largely

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[116] Deputy Director, Department of State, Bureau of African Affairs, Counterterrorism Programs, in discussion with the author, February 21, 2015.
[117] Querine Hanlon and Matthew M. Herbert, "Border Security Challenges in the Grand Maghreb", *United States Institute for Peace*, 2015.

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attributed to the fact that very few countries in Africa actually have any measure of good governance, and that socioeconomic inequality is pervasive throughout the continent.[118] For example, it can be largely argued that the root of conflict in the Niger Delta and Lake Chad Basin is rooted in the "genuine quest of the people for sustainable development that is based on social justice, equity, fairness, and environmental protection." [119] Although the security dynamic in the Lake Chad Basin has drastically changed since the emergence of Boko Haram in 2012, a general assertion can be made that the insurgency managed to gain strong traction due to this socio-economic depravity, accompanied by political unrest, that was widespread in the border communities of Nigeria, Chad and Niger for some time.[120]

The vacuum of political power in the trans-Sahara between Niger, Mali and its neighboring countries, has allowed non-state armed groups to ostensibly take control of this governance gaps. Furthermore, the fall out from the political upheaval in Libya and Mali in 2012, has further engendered these non-state actors become even more organized and powerful in the region, controlling the trade routes and facilitating the growth of the informal markets that surround the smuggling industries, which at times have rivaled the formal economies of these states. However the Sahel is not entirely lost to the political control of terrorists, and security sector reforms that include development and counter violent extremism policies are still viable options. The local groups that have linked themselves to foreign terrorist organizations like Al-Qaeda and the Islamic State are still in their nascent stages of leveraging those networks. However, despite the speed at which these dynamics are quickly evolving, the tenuous links that connect these networks to their funding sources are still manifesting their political power and control in the region.[121]

The human security issues such as food insecurity and access to livelihoods, which are often root causes of violent extremism, can still be mitigated through resilient development programming. The Sahel G5 was stood up in 2014 as an institutional

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[118] Walther-Puri, "Security Sector Assistance in Africa."

[119]Okechukwu Ukaga et al, "Natural Resources, Conflict, and Sustainable Development: Lessons from the Niger Delta," (New York/London: Taylor and Francis, 2012), 1.

[120] Lauren Ploch Blanchard, 'Nigeria's Boko Haram: Frequently Asked Questions,' Congressional Research Services, 2014, <https://fas.org/sgp/crs/row/R43558.pdf> (accessed March 15, 2016).

[121] Anonymous USAID, Office of Transition Initiatives, Regional representative in Mali, in discussion with the author, February 23, 2016.

framework to build regional cooperation in implementing and monitoring security and development programs (member states are Mauritania, Mali, Niger, Burkina Faso and Chad)[122]. The mandate of the G5 was initiated so that Sahel states could take the lead in incorporating the international development and foreign-backed military projects to combat homegrown and trans regional extremism. Based on interviews with stakeholders and limited available research on the organizational mandate of the consortium of states, the broader goal of the organization currently is to combat terrorism through border control initiatives[123].

2.2   Criminalization of Irregular Entry and Other Border Offenses

This section reviews the legal instruments that deal with migration internationally, regionally, and nationally. Transnational crime and criminal activity across borders as it pertains to the irregular or illegal entry of migrants and other actors has become a main focus of states who are enacting strict border controls. These border controls have spread exponentially in direct relation to the increased freedom in the movement of people, goods, and services as a result of the proliferation of globalization. [124] However, because states like E.U. members feel the need to impose extraterritorial jurisdiction in the frontier of a state's border, in order to inhibit illicit activity, these borders become at times places of "exception" for human rights obligations; for example the EU's border agency, Frontex, is now conducting policing and extraterritorial law enforcement and detainment of migrants in the Mediterranean Sea.[125] Law enforcement's primary concern is adherence to legally sanctioned and determined behavior of criminals, such as migrants who are illegally crossing borders, and not refugees or impoverished economic migrants who are seeking assistance and/or asylum, although this issue becomes conflated with the

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[122] Secretariat Permanent du G5 Sahel, official website. Available at: http://www.g5sahel.org/index.php/qui-sommes-nous/le-g5-sahel
[123] USAID, Office of Transition initiatives interview, ibid.
[124] Sergio Ricca, *International Migration in Africa: Legal and Administrative Aspects* (Geneva: International Labour Office, 1989), Chapter 1.
[125] Office of the High Commissioner for Human Rights, "Recommended Principles and Guidelines on Human Rights at International Borders," (Geneva, 2014), 3. <http://www.ohchr.org/Documents/Issues/Migration/A-69-CRP-1_en.pdf> (accessed March 16, 2016).

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current migration crisis given the growing informal economy that surrounds the migration industry.[126]

A key issue of contention in this debate is whether the state's broad sovereign right to exclude noncitizens from the scope of special obligations at the territorial border justifies excluding irregular immigrants from it in the state's interior as well, given that the state does not authorize their presence there.[127] As we see through Europe's response via EUCAP and the U.S. response through the Trans-Sahara Counterterrorism Partnership (TSCTP), the emphasis of foreign actors in encouraging local capacity to counter the flow of illicit activity is through border controls and anti-trafficking initiatives. Mali, for example, is a signatory to the 1951 Convention, and it has enacted its own domestic legislation that seeks to provide assistance to asylum seekers. However, a significant amount of recent funding (mostly from the U.S. and EU response to the current migration crisis) has a contingency that encourages states to implement policies that clamp down on the presence of irregular migrants transiting and staying in the interior, as these people represent an informal community that breeds shadow activity and lack of rule of law, which can at least superficially be linked to the presence of non-state armed groups and terrorists (as seen with Gao and Agadez).[128] However, intraregional travel of ECOWAS identification holders in any of the 15 member states is legal for stays of up to 90 days.[129]

The UN Convention on Transnational Organized Crime (UNTOC), or the Palermo Protocols, is the main international instrument in the fight against transnational organized crime: within it falls the jurisdiction of the UNODC and its extraterritorial authority to legislate against trafficking and smuggling in persons, goods and criminal activity in cooperation with member states and regional policing agencies.[130] Currently, most of the world's countries have ratified the Palermo Protocols. Many have enacted

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[126] Polly Pallister-Wilkins, "The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros." *International Political Sociology* 9 (1) (March 2015): 53-59.

[127] Marit Hovdal-Moan, "Borders as a Space of Interaction: An Account of Special State Obligations to Irregular Immigrants," *American Behavioural Scientist* 56 (9) (September 2012): 1223-1240.

[128] EUCAP, "Contrôle des Frontières et Migration Irrégulière au Mali: Analyse Contextuelle par EUCAP Sahel Mali," October 28, 2015.

[129] Economic Community of West African States (ECOWAS), "Treaty of the Economic Community of West African States," May 28, 1975.

[130] United Nations Office on Drugs and Crime, "United Nations Convention against Transnational Organized Crime and the Protocols Thereto," 2000.

domestic legislation to criminalize human trafficking, most recently Niger.[131] Niger is the first West African country to implement the requisite national law to combat the smuggling and trafficking of persons in accordance with UNTOC. However, given the country's limited capacity to enforce the legislation and a pending national election that could lead to political turmoil, the national legislation is unlikely to see much traction in combating human smuggling and trafficking.[132] The Protocols specifically urge member states to amend their criminal laws to target false travel documentation and illicit usage of freight and ships for the smuggling of persons. Furthermore, it encourages these states to cooperate with international partners in implementing state policies that build resilience that undermines the socioeconomic factors that lead to migration and facilitate smuggling and other associated illicit activities.[133]

On the migrant routes through the Trans-Sahara, strict border controls and legal frameworks have created vulnerabilities for migrants traversing the desert en route to Europe. For example, prior to 2011, Libyan law enforcement was notorious for detaining laborers and irregular migrants. In 2006, Spain signed a series of bilateral agreements with Morocco, Mauritania, and Senegal to assist in the detainment and forced repatriation of West African migrants crossing into Spanish waters; these agreements shut down the Western Route, and inadvertently pushed economic migrants towards the central Sahelian desert crossing.[134] Likewise, from 2008 to 2010, increased pressure and financial incentives from Italy and other EU member states led Gaddafi's government to conduct a series of mass detainments and deportations of migrants and asylum seekers. This ostensibly shut down the Central Mediterranean route, creating insecurities along the borders of Tunisia and Niger where humanitarian crises were emerging in these remote villages. As a result, local Red Cross and IOM offices were forced to build temporary

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[131] U.S. Department of State, "Trafficking in Persons Report (2011), available at <http://www.state.gov/g/tip/rls/tiprpt/2011/166772.html>. (accessed on November 18, 2015)
[132] "International Cooperation Needed for Niger Anti-Trafficking Law to Work." (World Politics Review, July 6, 2015), available at <http://www.worldpoliticsreview.com/trend-lines/16158/international-cooperation-needed-for-niger-anti-trafficking-law-to-work> (accessed on 30 November 2015).
[133] Anne Gallagher and Fiona David, *The International Law of Migrant Smuggling*. (Cambridge: Cambridge University Press, 2014) 31.
[134] Michele Bombassei IOM-Dakar, in discussion with the author, July 10, 2015.

settlements to deal with the growing crisis of people seeking assistance after being forced out of Libya.[135]

Since mid-2015, several EU states have invoked their self-defense and national security rights under the European Convention on Human Rights' Return Directive. This allows them to lawfully detain and repatriate migrants from the African coastline and criminalize their irregular entry.[136] Increasing security norms and difficulties crossing the desert and Mediterranean have empowered local traffickers and traders to get involved in what is turning into a booming smuggling industry. IOM continues to monitor this phenomenon in Agadez, where an estimated 40,000–80,000 migrants transit annually from Niger into Libya, Algeria, and Tunisia—a significant increase since 2011.[137]

2.3   Impacts of these reforms on vulnerable populations

As security operations begin to overshadow development programming irregular migration is managed in four ways: "(1) interception and apprehension; (2) through combatting smuggling and trafficking networks; (3) management of reception and detention; and (4) return and readmission, including reintegration."[138] In West Africa and the Sahel, the presence of migrants inadvertently brings destabilizing effects to the state through which they transit by creating gaps in law enforcement and eroding border controls and the formal economy. These instabilities lead to institutional weakness and failures of the state in question: states struggling to provide basic resources to their own people are certainly unable to provide them to refugees as well, an issue endemic to the

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[135] Joseph Podrasky, Acting Director Sabha Libya, Danish Demining Group, in discussion with the author, June 28, 2015.

[136] European Court of Human Rights (ECHR), Article 5 (1) (f) of the European Convention on Human Rights, the Return Directive. European Union Agency for Fundamental Rights, *Criminalization of Migrants in an Irregular Situation and of Persons Engaging with Them,* Issue Paper, 2014, available at <http://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-0_en_0.pdf> (accessed March 16, 2016).

[137] "IOM Opens Agadez Transit Centre in Niger Desert," *Foreign Affairs: Open Source Intelligence*, November 14, 2014, <http://foreignaffairs.co.nz/2014/11/14/iom-opens-agadez-transit-centre-in-niger-desert> (accessed April. 20, 2015).

[138] "Mediterranean Transit Migration (MTM) Dialogue towards a Comprehensive Response to Mixed Migration Flows," International Centre for Migration Policy Development, 2007. <http://www.icmpd.org/fileadmin/ICMPD-Website/MTM/FINAL_Working-Doc_Full_EN.pdf> (accessed April 27, 2015).

entire region. This dynamic further weakens existing political structures and exacerbates the tensions present in resource-insecure countries.[139]

Several European states have since the early 2000s, engaged in bilateral relationships with transit states, to block the admission of irregular migrants into Europe. In July 2003, Mauritania and Spain signed an agreement on immigration, which aimed to curb unauthorized migration into the EU through the setup of border checkpoints and, per an additional 2006 agreement, joint coastal surveillance through Frontex.[140] The agreement stipulates that upon Spain's request, Mauritania is obliged to readmit illegal Mauritanian migrants in addition to illegal migrants from third states that are suspected of having arrived from Mauritania.[141] Senegal signed similar agreements with Spain in terms of border control and maritime surveillance in 2006, following a massive influx of migrants through the Western migrant route. The October 2006 accord provided that, "Immigration must be legal and matched by development aid, technical assistance and the fight against clandestine immigration."[142] The Spanish Foreign Ministry included Guinea and Gambia in similar deals, providing development aid worth upwards of 5 million euros per country. In return, these countries were to repatriate their nationals who had entered Spain illegally. As a result of these measures the number of illegal border crossings to the Canary Islands has decreased dramatically from 26,000 illegal migrants from Africa in 2006 to 250 reported cases in 2013.[143]

The 2015–2020 European Trust Fund[144] for the G5 Sahel will continue to provide border security funds and development programming to these states to empower them to use their own means to stop migrants and refugees from making the journey to Europe. However, most countries of the Sahel do not have the institutional capacity to provide

[139] Ann Jacobs, "Sub-Saharan Migration in the Maghreb," March 31, 2010. <https://www.academia.edu/2069382/Sub-Saharan_Migration_in_the_Maghreb_the_Reality_of_Race_in_Morocco_and_Algeria> (accessed March 16, 2016).

[140] *Mauritania Detention Profile*, Global Detention Project, February 2010, http://www.globaldetentionproject.org/countries/africa/mauritania/introduction.html

[141] *Mauritania: Nobody Wants to Have Anything to Do With Us,* Amnesty International (AI), AFR 38/001/2008, 1 July 2008, p. 28, http://www.amnesty.org/en/library/asset/AFR38/001/2008/en/d05d42f1-393e-466c-831a-822d76fa3c1e/afr380012008eng.pdf

[142] Spain, Ministerio de Justicia, Criminal Code [Spain], Organic Act 10/1995, available at http://www.legislationline.org/documents/section/criminal-codes

[143] The 250 cases mainly originated from Morocco. Frontex suspects drug trafficking as the primary purpose. Numbers from earlier years: 2007: 12,500; 2008: 9,200; 2009: 2,250; 2010: 200; 2011: 340; 2012: 170 according to: *Western African Route*, FRONTEX, http://frontex.europa.eu/trends-and-routes/western-african-route

[144] The EU Trust Fund for the Sahel Regional Action Plan is emphasizing a focus on development, CVE and youth enfranchisement, to stop migration into Europe. EU Council Conclusions on the Sahel Regional Action Plan. 2015-2020 [2015] OJ 1 OAFR131/2-6.

any degree of security or assistance to non-citizens in addition to their own citizens.[145] Moreover, local associations that work to resettle and reincorporate returned migrants in Senegal have suggested that the funding that the Government of Senegal received through the aforementioned bilateral treaties with Spain, was never reallocated to the community organizations that assist with returned migrants; according to interviews with members of these associations, many of the endemic livelihood issues that pushed people to migrate in the first place have grown worse since 2006, and the development funding from Spain and Europe has failed to revealed any sustainable economic initiatives that would be sufficient to dissuade people from leaving.[146] Furthermore, those who execute law enforcement and intelligence operations in Sahelian states have limited capacity and training to sufficiently determine the difference between a vulnerable migrant and a terrorist. In remote desert outposts, such as those along the border with Mali and Niger, complicity with armed groups can be more beneficial to individual officers for both financial and personal gain.[147] By trying to stop illicit trade and criminal organizations from crossing the border, patrols are inadvertently disrupting traditional market behavior and economic activity in an already weak market economy.[148]

States that have received these migrant resettlement development packages through either bilateral treaties or the EU Trust fund continue to not make it easy for non-country nationals to obtain comfortable third country resettlement. In a series of interviews with returned migrants and asylum seekers, it was implicitly stated that the security frameworks and legal documentation become obstacles to obtaining safe and dignified means of living in many of these states. For example, Senegal, Tunisia, Morocco, and Nigeria have strict employment and land-rights laws that make it difficult for non-citizens to obtain formal employment. And although each of these states is a signatory to the 1951 Convention on Refugees, obtaining refugee status is also a long difficult process in these states and rarely guarantees access to secure and constant job

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[145] Skye Justice, Regional Coordinator for Refugees, U.S. Embassy in Senegal, in discussion with the author, July 14, 2015.
[146] Vice President of the Association des Clandestins Rapatries et Familles Affectées de Thiaroye sur Mer, in discussion with the author, August 3, 2015.
[147] Eric Sheffield, Senior Diplomatic Security Officer, U.S. Embassy in Senegal, in discussion with the author, July 14, 2015.
[148] John-Michael Chapman, Border Security Program Manager, U.S. Department of State, Africa Bureau, in discussion with the author, August 6, 2015.

opportunities. [149] Furthermore, as border security becomes a priority in the counterterrorism context, and states implement strict border controls in the Sahel, the personal security of vulnerable migrants and communities becomes infringed upon (the next section will go into detail on this topic). The restrictive behavior of many of these states breeds the prevalence and rise of shadow communities and informal economic activity.

The border communities of Niger, Mali, Chad and Libya have exemplified the extent to which the governments have failed to dissuade informal activity, and where non-state actors and armed groups have filled the rule of law and economic void instead. [150] For example, although the bulk of commercial flows across the Sahara are in licit goods, this trade relies heavily on informal arrangements with border and customs controls, which blurs the lines between licit and illicit. Additionally, it further delegitimizes the security measures and economies of weak states. These longstanding commercial networks are built around ancient communal and familial relationships and routes that transcend national borders and disregard border controls entirely. Not surprisingly, these same roads and networks govern the channels by which irregular migrants and non-state armed groups move throughout the region, undetected. [151] Therefore, as these border securities expand, cross-border trade increasingly falls into a gray area between legal and illegal economic activity. This dynamic has eroded customs and border controls in the region and corrupted what remains of state-run law enforcement. [152] For example, Sahrawi networks in Mauritania, Mali, and Algeria, with direct involvement of Polisario officials from Western Sahara, control the trade of diverted humanitarian aid southward; the issue of food aid diversions to the Tindouf refugee camp is complexly based on strict political dynamics regarding disputed territory between Morocco and Algeria, however the example being made here highlights the

[149] Nicolo Mende, Community Health Chief of Project for the Senegalese Red Cross, in discussion with the author.
[150] UNODC, "Transnational Organized Crime in West Africa: A Threat Assessment." United Nations Office on Drugs and Crime. February 2013.
[151] Ibid.
[152] Wolfram Lacher, "Organized Crime and Conflict in the Sahel-Sahara Region." Carnegie Endowment for International Peace, September 2012. <http://carnegieendowment.org/2012/09/13/organized-crime-and-conflict-in-sahel-sahara-region#> (accessed on March 27, 2015).

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trend towards shadow economic activity when strict security concerns inhibit the growth of more formal means of commercial gain.[153]

Furthermore, undermining these informal networks through increased security can also create unintended disruptions to local livelihoods. While illicit in nature, this trade actually creates commercial wealth for a group of people that has been ostensibly cut off from formal trade networks. And once cut off from access to goods—no matter how these goods were acquired—people resort to extreme measures to obtain them, including organized crime.[154] Security regimes in the Sahel, by nature of the environment in which they operate, are at slight odds with the needs of the communities in the region, where nearly half of all economic activity (upwards of 40%) comes from the informal economy and unrestricted movement across borders is linked to the livelihood needs of a large percent of the region's population.[155]

This section has drawn on examples from the Sahel region broadly, in order to highlight state practices in securing foreign aid and military assistance and how states implement it through local institutions. By referring to the case study of Mali, this paper examines a case that have received a significant amount of international assistance since 2012 through two relevant pipelines for the purpose of this discussion: firstly, Mali has become a crucial stats for development and aid agencies due to its central location within the Trans-Sahara region, and sizeable needs-based community that includes internally displaced persons (IDPs), (spceifically the 143,430 refugees that are displaced regionally and 52,163 IDPs[156]), refugees from neighboring conflicts, and a pending food crisis that is expected to leave 23.5 million people food insecure across the entire Sahel region (UN Office for the Coordination of Humanitarian Affairs has issued a $2 billion request for immediate assistance to nine countries in the Sahel).[157] Secondly, the terrorism threat coming out of Mali has led the United States and Europe to focus their security on this

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[153]Michael Rubin. "Polisario Front Smuggling International Aid," *American Enterprise Institute*, February 2014. <http://www.aei.org/publication/polisario-front-smuggling-international-aid/> (accessed on March 27, 2015).
[154] UNODC, "Transnational Organized Crime in West Africa."
[155] Ibid.
[156] Operation Sahel. UNHCR website available at http://data.unhcr.org/SahelSituation/regional.php
[157] Sahel Crisis. UN Office for the Coordination of Humanitarian Affairs. Available at http://www.unocha.org/sahel

region, by inviting these states into the Global War on Terror through increased funding in support of military train and equip programs, and SSRs. The following section details how these programs have impacted certain communities. This paper focuses on the migrant communities, in order to understand how security reforms and border controls, which are intended to target criminal activity, can inadvertently target vulnerable populations as well.

Part 3. The Impacts of Migration on Regional Stability

In part three I discuss irregular migration, reviewing trends in migration through the Sahel, and how it is impacted by the aforementioned security paradigms that exist. Since the early 1990s state policies globally have implicitly viewed migration concerns as being conflated with national security uncertainties regarding the movement of terrorists, and irregular migration across weakly enforced porous borders. Migrants are often viewed as conduits of illicit activity, which bring destabilizing effects to infrastructure and state legitimacy in already fragile states.[158] This theory rests on evidence that the same organizations and individuals who are involved in human smuggling are also involved in the proliferation of weapons, drugs and terrorist activity.[159] For a state to be able to absorb in a humane fashion, would also depend on the efficacy of that state's policies in having a welfare system in conjunction with effective mechanisms that control borders and uphold institutions – several states in the Sahel arguably do not have the capacity to do these things effectively, and have therein failed to also manage the flow of migrants and illicit cross-border activity. Therefore the inability of certain states to secure their own borders, especially for national security interests, welcomes foreign interventions through invitation, such as in the case of Mali and Niger as discussed earlier.[160]

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[158] ibid, pg. 166

[159] Interview with Anonymous U.S. Military AFRICOM special operations counterterrorism analyst. (phone call February 14, 2014).

[160] US military assistance, through train and equip programs, requires much less of an embedded presence than a multi-year development program does. Alan Bryden and Boubacar N'Diaye, "Mapping Security Sector Governance in Francophone West Africa, in *Security Sector Governance in Francophone West Africa: Realities and Opportunities* (2011): 1-16.

Moreover, there is always the chance that security regimes in weak states will cause a political blowback to the credibility of the state and actually encourage criminal conduct. For example in several cases, the border control mechanisms around Niger and Mali have made crossing the border illegally easier because identifying and avoiding border and military checkpoints becomes more transparent. This can also inadvertently create more difficulties for forced migrants, who are trapped by the checkpoints, whereas the non-state armed groups are either complicit with border control or circumventing them.[161]

With regards to smuggling in the Sahel, all business is about livelihood; therefore, the booming industry in smuggling and trafficking is more about meeting basic needs, then it is about engaging in criminal activity for simple profit.[162] For example, engaging in illicit activity to finance the journey is common among migrants. Many migrants at some point find themselves "stuck" due to a lack of finances, and will then partake in the act of smuggling other migrants, operating vehicles of migrants across the deserts, and trafficking in drugs, sex, and other illicit goods.[163]

It is important to note again that the migration industry is not new to the region. These same actors have been involved in facilitating the movement of goods and people across the Sahel for generations. However these groups have become increasingly entangled in global terrorism and crime over the past decade.

3.1   Overview of Irregular Migration routes and practices

Intra-regional migration has changed in waves since decolonization. In the early 1960s, collective state policies of many post-colonial states in the Sahel were to consolidate boundaries without damaging or hindering cross-border movement of trade and people. Porous and loosely demarcated borders, combined with an absolute absence of requirements for travel documents led to a nearly free cross-border movement of persons

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[161] In an interview with IOM in Dakar, it was acknowledged that intelligence reports support the claim that the armed groups and criminals actively avoid the IOM Migration Information and Data Analysis System (MIDAS), which was co-funded by the U.S. Department of Homeland Security and scaled up across the entire Sahel in 2014. Interview with Michele Bombassei, International Organization for Migration (IOM Dakar, July 10, 2015)
[162] Vijaya Souri, Counter trafficking and migration specialist with IOM, in discussion with the author, July 13, 2015.
[163] Ibid.

at that time. However, by the 1970s, in an effort to protect their national interests, West African states started enacting stricter immigration laws to regulate entry and economic activity. In 1975, the Economic Community of West African States (ECOWAS) was established, to foster the economic and social development of the Community's member states, by abolishing obstacles to the free movement of persons, services and capital.[164] Today, interregional migration of Sahelians is upwards of 70 percent (including daily laborers), and only 10 percent of the population is completely sedentary.[165] In 2015, the International Organization for Migration (IOM) estimated that over 100,000 migrants had passed through Niger, then on to Libya or Algeria, en route to Europe; of that group, nearly 8,000 have returned from North Africa, the majority of whom are from Senegal, Gambia, Mali, Niger, and Guinea Bissau.[166]

Since the mid-1970s, forced and voluntary displacement of vulnerable populations, regional instability, and environmental crises have caused three types of irregular movement through the Sahel:

1) Economic migrants seeking alternative livelihood opportunities in Europe, the Maghreb and West Africa, which includes sub-Saharans and nomadic traders from the deserts (such as the Fulanis, Toubous, and Tuaregs whose traditional livelihoods of transhumance were impacted by increasing desertification and the spreading of the Sahara), who began mass-migrating towards construction and oil sites in Libya and Algeria in the aftermath of decolonization;

2) Returned migrants who have been deported or evacuated from other countries, returning to their countries of origin or of their own choosing with the intention to migrate again; and

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[164] International Organization for Migration "Support for Free Movement of Persons and Migration in West Africa: Immigration and Border Management Baseline Assessment,, (2014), <http://rodakar.iom.int/oimsenegal/sites/default/files/reports/FMM%20-%20Immigration%20and%20BM.pdf> (accessed March 16, 2016).
[165] International Organization for Migration "Support for Free Movement of Persons and Migration in West Africa: Immigration and Border Management Baseline Assessment,, (2014), <http://rodakar.iom.int/oimsenegal/sites/default/files/reports/FMM%20-%20Immigration%20and%20BM.pdf> (accessed March 16, 2016).
[166] "Situation Report: Europe/Mediterranean Migration Response," International Organization for Migration, December 17, 2015 , <http://reliefweb.int/sites/reliefweb.int/files/resources/IOM-Europe-Mediterranean-Migration-Response-Situation-Report-17-December-2015.pdf >

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3) People who are forcibly displaced by conflict, including refugees, asylum seekers, and internally displaced persons (IDPs). [167]

The latter group has increased in recent years as a result of conflict, environmental shifts, and globalization. The wave of economic migrants in the aftermath of colonization in the 1970s was initially welcomed in North Africa due to the their ties to the Arab world; however, the second and third waves have been historically at risk of being victim to racist oppression within host communities, often being stigmatized as 'Black' Africans by North African states.[168] Gaddafi's Pan-African campaign in the 2000s pushed for a federation of African states, ultimately helping to change this standard a small amount. Unfortunately, the racial divides persisted. Since 2011, following the Arab Spring and the collapse of Libya, the region has seen increased sectarian and ethnic tensions in states throughout the Sahel and North Africa.[169]

More recently, the migration industry has become a boom driven by the collapse of the Gaddafi government in 2011, which left a large expanse of the Libyan coastline largely ungoverned—and therefore easily traversable. By various means, including agreements with Italy, the Gaddafi regime had previously severely limited the flows of smuggled migrants and trafficked individuals between Libya and Italy. Only 4,500 seaborne refugees were taken in transit in 2010. By 2014, this number had skyrocketed to 170,000, despite the prevailing insecurity across Libya and the dangers of the Mediterranean crossing.[170] This boom also coincided with the mass proliferation of cellphones throughout sub-Saharan Africa, where access to information about routes and smugglers has become easily accessible. Mobile phone usage is estimated to rise to 930 million in Africa by 2019, and the spread of smartphones is likely to push Internet usage by the individual upwards to 50 percent on the continent in the next decade. [171]

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[167] "Livelihood Security: Climate Change, Migration and Conflict in the Sahel," United Nations Environment Programme, 2011 <http://postconflict.unep.ch/publications/UNEP_Sahel_EN.pdf > (accessed April 20, 2015).
[168] Michele Bombassei, Migrant Assistance Specialist for West Africa at the International Organization for Migration, in discussion with the author, June 30, 2015.
[169] "2009 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons," United Nations High Commissioner for Refugees, 2009 <http://www.unhcr.org/4c11f0be9.html> (accessed April 20, 2015).
[170] The Global Initiative, "Libya: A Growing Hub," 4
[171] "The Pioneering Continent," *The Economist,* April 25, 2015, <http://www.economist.com/news/middle-east-and-africa/21649516-innovation-increasingly-local-pioneering-continent> (accessed March 15, 2016).

Refugees and migrants use five main routes through the Sahel (see graphic below: Western Mediterranean, Western Africa Route, Central Mediterranean, Eastern Mediterranean and Eastern Africa Route), where Niger is a transit state for the three of these routes, which will serve as the focus of the migration discussion. The presence of irregular migrants passing through conflicts in Mali and the Lake Chad Basin, that are largely unmonitored and controlled, confounds an unstable situation and leads to many of the intelligence and security gaps in operations in this context.[172] Therefore, the intelligence community is currently grappling to fully understand the Sahel context (by context, this means the anthropological and historical underpinnings that make up the identity of the many communities in the region) and identify which actors should be targeted by counterterrorism activities.[173]
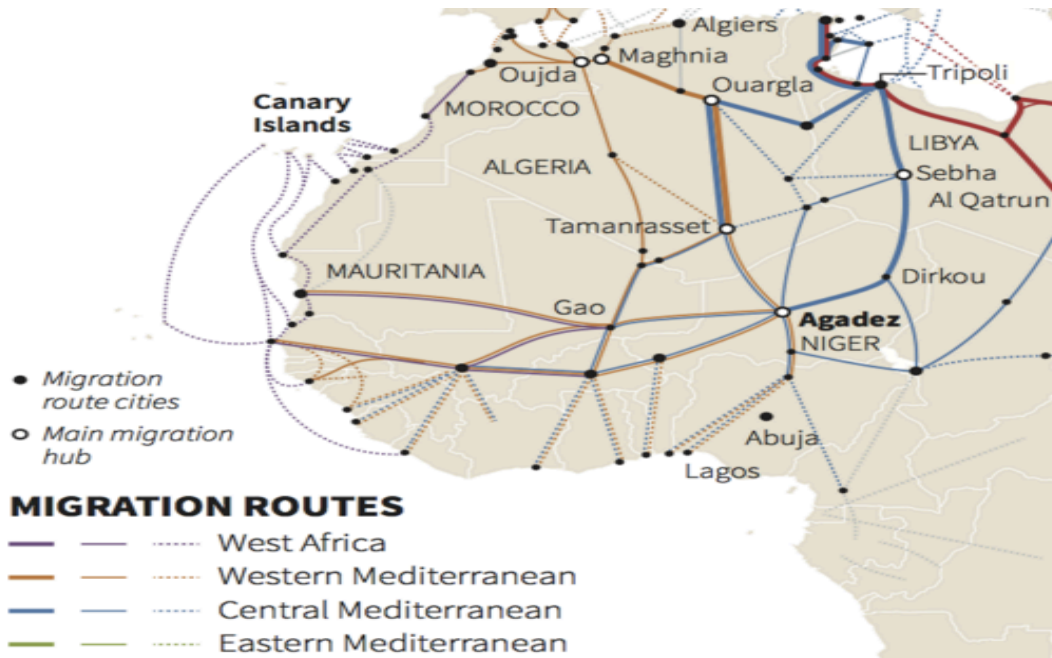
(Source: International Center for Migration Policy Development)

Armed groups have long maintained a significant presence in the region, but following NATO's 2011 intervention in Libya, the region became a political vacuum for non-state armed groups to assert their authority in places where law enforcement and political authority was largely absent, such as northern Mali and Niger, particularly along

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[172] EUCAP, "Contrôle des Frontières et Migration Irregulière au Mali: Analyse Contextuelle par EUCAP Sahel Mali," October 28, 2015.
[173] Lauren Ploch Blanchard, in discussion with the author.

the migrant route. The surge in migrants through Niger in particular, has further emboldened these groups recently to assert their power, as the inflows of cash through this illicit industry continue to finance them.[174] For example, the official border crossings in northern Mali are controlled and operated by armed Tuareg movements, who control the smuggling of goods and persons from Kidal to Gao to the Algerian border town of Bordi Moktar. On the western side of the country, the border with Mauritania is so vast that armed groups and terrorists (notably Al-Qaeda splinter groups Ansar Dine and al-Murabitoun), with complicity of law enforcement, have asserted control of the movement of all goods and persons.[175] To a similar extent, the Fulani on the border of Senegal and Mauritania are known to assert their own authority in the absence of formal government control of the borders, and have peacefully monitored the frontier for generations, protecting the cross-border relations of the two states, despite the prevalence of non-state armed group activity in the region.[176]

Finally, the sizeable volume of weapons that flooded the black markets following the demise of the Gaddafi regime has further confounded unstable environment of these states, leading to a surge in violence and armed conflict throughout the region.[177] This availability of weapons has emboldened terrorist groups in the region to attack Western targets, such as French-owned oil refinery in Algeria, another French owned uranium mine in Niger and popular hotels in capital cities throughout the region, and splinter from their principal missions and leadership.[178] Trade in illicit goods and contraband has also increased significantly, with a growing trade in narcotics generating large amounts of revenue for these criminal organizations and further facilitating the spread of regional instability and state insecurity (in 2014, UNODC indicated that the cocaine trade through the Sahel amounted to nearly $1.4 billion).[179]

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[174] Herbert and Hanlon.
[175] EUCAP, "Contrôle des Frontières et Migration Irregulière au Mali: Analyse Contextuelle par EUCAP Sahel Mali," October 28, 2015.
[176] Michele Bombassai IOM-Dakar, in discussion with the author, July 10, 2015.
[177] UNHCR, "2009 Global Trends."
[178] U.S. Department of State Bureau of Counterterrorism, "Country Reports on Terrorism 2013: Africa Overview", 2013, <http://www.state.gov/j/ct/rls/crt/2013/224820.htm> (accessed on April. 20, 2015).
[179] Francesco Strazzari and Simone Tholens, "'Tesco for Terrorists' Reconsidered: Arms and Conflict Dynamics in Libya and in the Sahara-Sahel Region." *European Journal on Criminal Policy and Research* 20 (3) (February 20, 2014): 343–360.

3.2   The Smuggling Industry

The operational framework of the smuggling industry in the Sahel is organizationally complex, mapped out in a pyramidal hierarchy. At the bottom are those who are involved in human smuggling for such time as one length of the journey; this generally includes active migrants themselves. Next are the guide men, known as *touts* and *passeurs* in Hausa and French, respectively.[180] This group consists of former migrants as well who profit from this activity. At the Mediterranean coastline, these are often the connection men; further south, they are the individuals responsible for organizing the trade on the ground. In some areas, these people are well known and respected for their work. For example, in Agadez, they are known as *in tchaga,* which is Hausa for "business operator."[181] Often, these operators run parallel businesses in human trafficking for North African brothels and smuggling of illicit goods.

The next level of the hierarchy are the professional business people who are responsible for financing, negotiating, and facilitating the transactional enterprise associated with this industry; corrupt political officials and law enforcement officers are also on this level. The revenue generated from these bribes often represents a considerable portion of a border control officer's livelihood as well. This money injects currency into the economies of remote towns, which are often disconnected from the centralized state. This is especially true at entry points like Agadez, Dirkou, Sabha, and Tamaransset. State officials are often complicit in—if not central to—this type of criminal activity in the backwater areas of these states, and such officials are sometimes reluctant to enforce policies concerning the circulation of people in these remote areas. For example, in Niger police charge between $150 and $250 per truck crossing the desert for not detaining the migrants and smugglers. This transaction often occurs in transit cities like Agadez prior to the departure.[182] This is further complicated by allegations from locals that smugglers and migrants alike are more likely to be jailed or arrested for not bribing law enforcement officers than they are for taking part in the illegal migration

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[180] UNODC, "Transnational Organized Crime in West Africa: A threat Assessment." UN Office on Drugs and Crime, Vienna 2013, <http://www.unodc.org/toc/en/reports/TOCTAWestAfrica.html> (accessed March 16, 2016).
[181] UNODC, "Transnational Organized Crime in West Africa."
[182] Berriane, Mohamed; de Haas, Hein. "African Migrations Research: Innovative Methods and Methodologies." (London: Africa World Press, 2012).

and smuggling of humans.[183] Perhaps the most glaring sign of this endemic state-level corruption is the sight of smugglers and their migrant cargoes leaving Agadez in loose convoys led by military escorts.[184]

According to the Palermo Protocols, anyone who facilitates illegal entry for profit can be regarded as a smuggler. Thus a large number of people along the route are to be considered complicit in the activity: those who drive the trucks, maintain the safe houses, and provide the food all make the business of smuggling possible. Additionally, many of the drivers who take the migrants through the Sahara are from nomadic groups, some of who had lost their livestock in the droughts of the 1970s and subsequently made a living transporting people and goods across the desert. This includes the Tuareg in Niger and Mali, the Toubou in Chad and Libya, and the Zaghawa in Chad and Sudan. Some Tuareg guides may be tied to the rebel groups or may be veterans of former Libyan leader Gadaffi's Islamic Legion.[185]

Finally, at the top of the pyramid are the organized groups who have long held a formidable presence in Sahelian states. For example, prior to Mali's 2012 conflict, AQIM enjoyed free reign of the country's north since the 1990s, when the group was formed from Tuareg tribesman from northern Mali and southern Algeria. The terrorist group has since systematically placed its members and allies in key positions within the security and political sectors of Mali's northern municipalities.[186] These groups often wield substantial political power by allowing the local officials—and even sometimes high-ranking members of government—to benefit from their illicit activities.

The root causes of organized criminal activity here are linked to the limited alternatives for livelihoods that produce similar profits, specifically in contraband trade and smuggling. These earnings represent an injection of cash into local economies that have generated levels of illicit economic growth akin to those levels previously only produced by the cocaine trade through West Africa when it first began in the 1990s. In

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[183] Guadalupe Megre, Director of Counterterrorism and trafficking at the UN Office on Drugs in Crime – West Africa in discussion with the author, July 6, 2015.
[184] Kevin Sieff, "A Smuggler's Haven in the Sahara: The Route to Europe for Many African Migrants Passes through the Underworld of Agadez, Niger," *The Washington Post*, July 20, 2015, <http://www.washingtonpost.com/sf/world/2015/07/20/a-remote-city-of-smugglers/> (accessed March 15, 2016).
[185] UNODC, "Transnational Organized Crime in West Africa."
[186] Djallil Lounnas. "Al-Qaeda in the Islamic Maghreb and Drug Trafficking in the Sahel." *International Bibliography of the Social Sciences (IBSS),* 216. January 2013.

2013, migrant smuggling through the Trans-Sahara region was estimated at $8–$20 million a year, according to UNODC. By mid-2015, the industry was measured to be generating upwards of $323 million a year.[187] These trans regional networks have allowed individuals to convert their wealth into political and military clout in the remote parts of the Sahel, where a power vacuum exists and where spaces are mostly ungoverned.[188] According to the Global Initiative, a think tank monitoring trafficking and smuggling in the region, this growing industry has particularly strengthened terrorist activity, and a significant portion of this profit has been tracked through terrorist financing channels.[189]

The bus company Rimbo, owned and operated by Tuaregs, drives legally from Djado, Niger to Bamako, Mali. It is being used as an alternative means of travel from the traditional smuggling networks, according to asylum seekers in Dakar.[190] However, for migrants attempting travel undetected upwards towards the Libyan coastline, being smuggled on pickup trucks through the desert is the most popular way to make the journey.[191] While the international community perceives this industry as illicit and detrimental to state legitimacy, the presence of migrants in cities like Agadez and Gao has brought economic activity where there was previously very little. This activity is trans regional in nature, as it opens these towns to regional market growth; the IOM predicts that 150,000 migrants passed through Agadez in 2014, bringing in nearly $100 million in commercial activity to the city's local economy. This figure doesn't even account for money obtained through bribes and smuggling migrants.[192]

According to officials from the UN Office on Drugs and Crime (UNODC), millionaires are settling around migrant towns, building multiple houses with pools and

[187] Hanlon and Herbert.

[188] Wolfram Lacher, "Organized Crime and Conflict in the Sahel-Sahara Region," Carnegie Endowment for International Peace, September 13, 2012, <http://carnegieendowment.org/2012/09/13/organized-crime-and-conflict-in-sahel-sahara-region> (accessed November 20, 2015).

[189] The Global Initiative, "Libya: A Growing Hub for Criminal Economies and Terrorist Financing in the Trans-Sahara," *Policy Brief. Global Initiative Against Transnational Organized Crime,* May 11, 2015, <http://www.globalinitiative.net/download/global-initiative/Libya%20Criminal%20Economies%20in%20the%20trans-Sahara%20-%20May%202015.pdf> (accessed March 16, 2016).

[190] Sudanese Asylum Seeker met at VIVRE CAPREC – *Centre Africain pour la Prévention et la Résolution des Conflits,* Thies Senegal, in discussion with the author July 28, 2015.

[191] Focus group conducted with returned Senegalese migrants from Thiaroye sur Mer, Dakar, Senegal, in discussion with the author, August 3, 2015.

[192] Drew Hinshaw and Joe Parkinson, "Migrant Boom is Saharan Boon: Agadez Traffickers Profit from Movement Through Niger to Libya" *Wall Street Journal,* July 19, 2015, <http://www.wsj.com/articles/agadez-traffickers-profit-from-movement-through-niger-to-libya-1437002559?mod=e2tw> (accessed March 16, 2016).

air conditioning and purchasing luxury vehicles. To cater to both the wealth and the demand for goods coming from the migrant communities, business owners have opened restaurants featuring international cuisine, hotels, and cellphone and clothing shops on the streets of these once mostly uninhabited sandy outposts. Industries have emerged catering to needs and local skills of stuck migrants as well. According to IOM, young French-speaking West Africans temporarily passing through Gao who have run out of funds to complete the journey are sometimes paid to give driving lessons to other French-speaking migrants from sub-Saharan Africa. This is occurring in a Hausa-speaking part of Mali.[193]

3.3   The Informal Economy

In comparison to major urban centers like Nairobi, where informal economic activity is in fierce competition with large businesses and countless development initiatives,[194] urban centers of Sahelian states have little competition in the formal economy. The informal market is therefore widespread. These shadow economies have become the main sources of economic activity in northern areas of Mali and Niger, where government resources and assistance are rarely found, and therefore essential to the survival of these northern communities.[195] Much of the effects of centralization that occurred in many states during decolonization have since led to marginalization of remote parts of these countries, which leads to the prevalence of informal economic, social and political activity that is commonplace in the Sahel.[196] These weak and failing states have therefore enabled the growth of illicit trans-regional trade in both licit goods (such as food and cigarettes) and illicit contraband like small arms and drugs. According to the UN Office on Drugs and

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[193] Jeffrey Bawa, United Nations Office on Drugs and Crime, in discussion with the author, July 1, 2015.
[194] Steven Daniels. *Making Do: Innovation and Kenya's Informal Economy*. (San Francisco: self-published, 2010), 1-12.
[195] EUCAP, "Contrôle des Frontières et Migration Irregulière au Mali: Analyse Contextuelle par EUCAP Sahel Mali," October 28, 2015.
[196] Noel V. Lateef, *Crisis in the Sahel: A Case Study of Development Cooperation. Westview Special Studies in Social, Political, and Economic Development. (*Boulder: Westview Press, 1980). 23.

Crime (UNODC), in 2014 nearly 40 percent of Sahel states' GDPs were sourced through activity from the informal economy.[197]

Many reasons support the rise in this type of activity in the region. Sahelians' traditional forms of livelihood have consisted of migratory pastoralism, transhumance, and nomadic trade for nearly a millennium. Furthermore employment opportunities, as a result of conflict and increasing desertification, are incredibly limited in the Mali and Niger particularly; therefore, the impetus to migrate, and in doing so, partake in the informal sector that orbits this industry, is growing.[198] In the past century, environmental shocks and restrictions placed on migration set up by border controls have also increased sub-state violence and criminal activity, which has since spurred the creation of intricate smuggling and trade networks across the region. This has increasingly given criminals room to operate in the ecosystem of migration in the region.[199]

However, informal trade is not a new concept—and it is definitely not unique to the Sahel. But despite political and physical efforts, as detailed in the previous sections, to disrupt these illicit networks and replace them with formal ones, these informal economies have actually begun to entrench themselves in Sahelian culture. This activity has spawned new urban developments and created resilient communities in remote parts of the desert that have been impossible to support through traditional means of international development.

3.4   Case Study: Agadez, Niger

In the 15th century Agadez was the seat of the Tuareg Sultanate, a crossroads of commercial and cultural interaction in the Sahel. However, transhumance conflict and dwindling resources caused by mega droughts throughout the centuries have eroded the environmental sustainability of the region, increased desertification, and impacted the cultural and social dynamics of the area. European tourism was once prevalent in

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[197] United Nations Office on Drugs and Crime, "Transnational Organized Crime in West Africa: A Threat Assessment." (Vienna, 2013) <https://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf > (accessed March 16, 2016).
[198] Marwan M. Mirghani Mubarak, "Sudan: The Urban Informal Economy and Migration," (PhD diss., University of East Anglia, 2006).
[199] Lateef, 117.

Agadez, but it has ended due to political instability in the postcolonial era resulting from tribal conflicts between the Fulani and Tuareg tribes. Throughout the 20th and 21st centuries, the city was the focal point of three major Tuareg rebellions against the French and Niger governments respectively, with the most recent occurring in 2007.[200] Scholars have speculated that the Tuareg rebellions of the 1990s and 2007 stem from widespread disaffection among Tuareg youth who were formerly enlisted combatants in Niger's military. Due to the slow progress of promised benefits from the government, the lack of functioning democratic institutions and the perceived special status given to foreign mining interest groups and southern political leaders in the Tuareg spaces of the Northern part of the country, civil discontent devolved into conflict through the post-Cold War era.[201] As conflict increased between the tribal factions and the government, allegations surfaced that Niger Special Forces unit, known as the Niger Rapid Intervention Company had defected and joined the rebel armies of these tribes. These forces had been trained through U.S. military anti-terrorist operations in 2003–2006 via AFRICOM's Pan-Sahel Initiative. They were accused of using their military training and providing weapons to fight the government militias.[202]

The lack of governmental control of the northern part of Niger, coupled with the collapse of rule of law in Libya and Mali, opened the floodgates for a flourishing industry of smuggling throughout the region. Roads and trade paths that had been established by nomadic tradesmen through the silk routes were used in this trade. Today the city has once again become popular as a major resting place in what is being called *migrant tourism*. In 2013, 3,000 migrants passed through Agadez each week; by 2015 that number had risen to 4,000 per week.[203] The market rate for being smuggled from Agadez into Libya, a 72-hour drive through the desert, is $300 (the entire journey can range from $800–$1000 for the route up to the coastline, and another $1500–$1900 for the Mediterranean passage). This leg of the journey accounts for nearly $323 million of the

[200] "Agadez," *Encyclopedia Britannica. Britannic Academic.* Encyclopaedia Britannica Inc., 2015 <http://academic.eb.com/EBchecked/topic/8633/Agadez> (accessed 9 Oct. 2015).
[201] "Niger: La crise Touareg due a l'échec des accords de 1995" *Agence France Presse*. August 25, 2007, <http://www.infosud.org/+Niger-la-crise-touareg-due-a-l,519> (accessed on November 7, 2015).
[202] Niger, "Five Killed as Army clashes with Tuaregs in Desert North." *UN Office for the Coordination of Humanitarian Assistance, IRIN*, October 7, 2004. <http://www.globalsecurity.org/military/library/news/2004/10/mil-041007-irin02.htm> (accessed on November 7, 2015).
[203] Sieff, "Smuggler's Haven."

human smuggling industry, dwarfing the possible gains of participating in any other business activity in the region.[204]

Today, Agadez is a sprawling city built on fortunes acquired through the migrant-smuggling business. The city serves as the most convenient and direct route for passing into and out of Libya through both illicit smuggling convoys and established bus routes.[205] In 2006, the western migrant route was shut down by the Spanish government's efforts to close its borders to the growing numbers of West African migrants immigrating to Europe. Many returned migrants in Senegal and Mauritania have sought other methods to migrate to Europe through Morocco and the Spanish enclaves at Ceuta and Melilla.[206] However, the security on these routes has significantly increased. According to Frontex, the EU agency that polices the external borders of Europe, the number of migrants who took this route in 2015 had decreased to a few hundred.[207] By 2014, the IOM monitoring center in Agadez was seeing upwards of 80,000 West Africans passing through the city en route to Italy via Libya.[208] Because Niger is the westernmost ECOWAS state, West Africans can legally travel from Dakar, Senegal to Djado, Niger in under three days. However, during a series of interviews conducted with Senegalese returned migrants, many indicated that despite the legal amnesty that the ECOWAS identification card provides in theory, in practice corrupt border control and localized banditry have made the ECOWAS identification cards seen as a burden or as something that can cause a migrant to be targeted.[209]

As the city develops under the shadow of the migration industry, the international community has begun to narrow its focus on the region as well. Much of this is due to the growing recognition in Washington and elsewhere that the social and economic

[204] The Global Initiative. "Libya: A growing hub for criminal economies and terrorist financing in the Trans-Sahara." Policy Brief. Global Initiative Against Transnational Organized Crime. May 11, 2015. Available at <http://www.globalinitiative.net/download/global-initiative/Libya%20Criminal%20Economies%20in%20the%20trans-Sahara%20-%20May%202015.pdf>

[205] Francesco Strazzari and Simone Tholens, "'Tesco for Terrorists' Reconsidered."

[206] Focus group conducted with returned Senegalese migrants from Thiaroye sur Mer, Dakar, Senegal, in discussion with the author, August 3, 2015.

[207] *Frontex*, Fran Quarterly – Quarter 2 2015, April-June, <http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q2_2015_final.pdf>.

[208] Adam Nossiter, "Crackdown in Niger Fails to Deter Migrant Smugglers," *New York Times*. August 20, 2015, <http://www.nytimes.com/2015/08/21/world/africa/migrant-smuggling-business-is-booming-in-niger-despite-crackdown.html?_r=1> (accessed on August 21, 2015).

[209] Michele Bombassei, Migrant Assistance Specialist for West Africa at the IOM, in discussion with the author, June 30, 2015.

instability plaguing Africa is of primary concern to the United States in combating terrorism and the variables that lead to extremist behavior. As an attempt to deal with providing immediate assistance, housing and medical aid to migrants pass through Agadez, the IOM opened its fourth transit center in the city in 2014. The same organization has also assisted expelled migrants from Libya with air transport back to their countries.[210] Meanwhile, given Niger's proximity to the Boko Haram conflict in northern Nigeria, the U.S. military has been assisting Niger's military through train-and-equip programming and direct military support in combating the insurgency in the south. Similarly, AFRICOM is building a drone base in the desert outside of Agadez to cooperate with France's Operation Barkhane in monitoring the region for terrorist activity. This will allow it to act as a smaller component of the escalating anti-terrorism military activity in the region under Operation Enduring Freedom: Trans-Sahara and the Trans-Sahara Counterterrorism Partnership.[211] Finally, EUCAP Sahel will begin operating rule of law and governance programming out of Agadez in 2016 as part of the European Union's attempt to strengthen local institutions and manage irregular migration.[212]

3.5   Migration as a driver for Development

The informal economies emerging at trade posts in Mali, Algeria, Libya and Niger, and outlined above in the Agadez case study, are clear indications of the growing shadow industries associated with migration and human smuggling.[213] The economic impact on remote regions of the Sahara is widely evident now, as the money that migrants bring with them for the journey, lodging, and basic goods means a direct injection of money into local economies. This activity is stimulating an emergent demand for access to food, cellphones, and housing in towns that have not seen tourism or even large numbers of

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[210] "IOM Open Agadez Transit Centre in Niger Desert." Press Release, IOM Niger. November 14, 2014. <https://www.iom.int/news/iom-opens-agadez-transit-centre-niger-desert> (accessed on February 6, 2016).
[211] Boudali ibid.
[212] *EUCAP Sahel Niger*. Security and Defense – Missions and Operations of the European External Action Services (EEAS-EU), <http://eeas.europa.eu/csdp/missions-and-operations/eucap-sahel-niger/index_en.htm> (accessed on February 6, 2016).
[213] Katarina Hoije, "The Long Way Round: Syrians through the Sahel." *IRIN News* November 9, 2015, <http://newirin.irinnews.org/the-long-way-round> (accessed March 16, 2015).

permanent human settlement in decades—if ever—due to their remote locations and proximity to conflict.[214]

Another positive effect of migration from Sub-Saharan Africa is the impact that remittances have on local economies. Remittances are sometimes the most tangible, and least controversial, link between migration and development. In 2010, this flow of money reached $325 billion globally. For Africa alone, this accounted for nearly $40 billion, or roughly 2.6 percent of Africa's GDP, flowing from 31 million international African migrants. This figure is likely to be an understatement due to a lack of data on the true numbers of migrants and informal remittances.[215] Since 2006, the annual volume of remittances from migrants of West African origin exceeded official development assistance received by the fifteen West African states, amounting to $26 billion in 2015.[216]

However remittances and booming economies of transit cities are not a sustainable source of resilience for African communities that are facing a youth drain. The recent surge in migration is also due in part to globalization and the widespread proliferation of the Internet. Young people are more determined than ever to migrate to Europe and social media is helping to drive this movement. It was discovered during focus group discussions with returned migrants that because of social media, migrants are mostly aware of the vulnerabilities that they will face during the journey through desert and at sea, but this has not stopped them from migrating.[217] Therefore, despite the fact that the economies of Senegal, the Gambia, and Nigeria are growing incredibly fast, with a projected growth rate of 7.4% on average[218], migration is still increasing: a 2012 Gallup poll indicated that only 11 percent of Senegal's population is employed full time. With

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[214] Drew Hinshaw and Joe Parkinson, "Migrant Boom is Saharan Boon: Agadez traffickers profit from movement through Niger to Libya." *Wall Street Journal,* July 19, 2015, <http://www.wsj.com/articles/agadez-traffickers-profit-from-movement-through-niger-to-libya-1437002559> (accessed March 16, 2016).

[215] Mohapatra, Sanket and Dilip Ratha, "Migrant Remittances in Africa: An Overview." *World Bank,* Chapter 1<http://siteresources.worldbank.org/EXTDECPROSPECTS/Resources/476882-1157133580628/RemittanceMarketsInAfricaOverview.pdf> (accessed March 16, 2016).

[216] African Development Bank, "Remittances from West Africa's Diaspora: financial and social transfers for regional development," AFDB, August 31, 2015, available at: http://www.afdb.org/en/blogs/measuring-the-pulse-of-economic-transformation-in-west-africa/post/remittances-from-west-africas-diaspora-financial-and-social-transfers-for-regional-development-14614/ (accessed on April 16, 2016)

[217] Focus group conducted with returned Senegalese migrants from Thiaroye sur Mer, Dakar, Senegal, in discussion with the author, August 3, 2015.

[218] AFDB, ibid.

half the population under the age of 19, investing in the journey to Europe is seen as a more realistic way of increasing one's chances of attaining financial stability.[219]

Border controls are not entirely stopping migration from taking place. Findings from a series of interviews with returned migrants, potential migrants, and key informants in Senegal suggested that the desirable solution was considered to be increased and sustainable development that would create economic incentives and opportunities in these countries so that there would be no need to migrate.[220]

The following section will return to the original thesis, and discuss how as the Global War on Terror protracts, parallel to ongoing migration from developing countries that are perceived to be the breeding grounds for these terrorist threats, states will increase security both domestically and abroad. This will manifest as increased border controls and containment of migrants, in hopes of also containing the would-be terrorists to these places as well. However this also means that vulnerable populations fleeing conflict and disaster will be stuck in humanitarian crises, as national security interests overshadow humanitarian ones.

Part 4: No Exit Strategy

There is no clean exit strategy to counterterrorism.[221] As it replaces traditional methods of intervention, the US footprint overseas is guaranteed to protract in both an intelligence and military capacity, with a decreasing emphasis on humanitarian relief. The current US military response to the emergence of religious insurgent groups is proving to be slightly counterproductive, and some argue that it is actually fueling the rise of Islamic militancy in the Sahel/Maghreb region instead. Experts claim that economic assistance is needed in

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[219] Drew Hinshaw "Allure of Wealth Drives Deadly Trek: Young Men in Senegal Join Migrant Wave Despite Growing Prosperity at Home," *Wall Street Journal,* June 12, 2015, available at <http://www.wsj.com/articles/young-men-in-senegal-join-migrant-wave-despite-growing-prosperity-at-home-1434127244> (accessed March 16, 2016).
[220] Karen Jacobsen, Aneliese Bernard, Naija Mohamed, and Lauren Spink "Migration in North Africa and the Sahel: the Case of Senegal." ICRC-Feinstein International Center Joint Lab, December 2015.
[221] Boeke, Sergia; Tisseron, Antonin. "Mali's Long Road Ahead". The RUSI Journal. Vol. 159, Issue 5 2014. pages 32-40

order to mitigate the propensity of these weak states to fail and become hotbeds for terrorist activity.[222]

Furthermore, the issue is not actually always terrorism. And counterterrorism programs have been known to undermine community development and local governance initiatives at times. For example in Mali, the focus on Al-Qaeda in the Islamic Maghreb (AQIM) and the Movement for Oneness and Jihad in West Africa (MUJAO) as the primary threats in the north have overshadowed the real problems that are endemic to the region, where the crisis lies much more in corruption and bad governance than in credible threats from non-state armed groups. Moreover, counterterrorism programming has at times actually caused institutional erosion at this local level. This critique does not account for the impact of these security programs on migrants and other marginalized vulnerable populations who fall outside of the realm of humanitarian assistance, but who are constantly subject to detainment and forced resettlement in the Sahel. As security programs uproot insurgencies, they also impact vulnerable communities whose livelihoods are disrupted by border restraints. In the case of TSCTP, the programs that are being offered to mitigate the rise in extremism will also be used to stop future migration.[223] What is worrisome is that the TSCTP is touted to become the paradigm of future counterterrorism programming elsewhere, and unless it evolves to focus more on development, it will continue to serve as a lackluster program in these complex settings, where AFRICOM takes the lead. In sum, the TSTCP's success requires centralized leadership that can leverage the multi-agency components with a long-term commitment from the US government and its allies with a heavy emphasis on development programming.

4.1   Recommendations

According to the State Department's 2015 Quadrennial Diplomacy and Development Review, countering violent extremism in conjunction with development, is the US

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[222] Chapman interview, ibid.

[223] "Mali: Security, Dialogue and Meaningful Reform." (International Crisis Group, Africa Report No. 201. 11 April 2013) http://www.crisisgroup.org/~/media/Files/africa/west-africa/mali/201-mali-securiser-dialoguer-et-reformer-en-profondeur-english.pdf (accessed on April 20, 2015)

government's strategic priority.[224] However, planning a new agenda for interventionist policies in the region, an assessment of what has been done, and recommendations based on those outcomes should be conducted.

Firstly, I recommend that the United States and EU invest in research (academic and policy-based) in support of a more nuanced understanding of the context. One of the larger risks of these broad-based counterterrorism programs is that they fail to focus on the details that lead to extremism, such as the ethno-sectarian tensions that have been historically utilized by the ethnically divided governments to target minority groups during insurgency campaigns.[225] Following a series of interviews and discussions with experts, it was discovered that the greatest obstacle that US programming faces in the region is the lack of personnel and research into the topic of countering violent extremism, confounded with a regional expertise of West African political, cultural and socio-dynamic history. The TSCTP has scaled up a significant military and law enforcement capacity in partner states in the Sahel, attributing much of this to the efforts of Operation Flintlock's annual training program. Additionally, the program has entrenched a military and development presence in every country in the Sahel. However the increase in terrorist attacks on Western targets, especially following the 2011 NATO intervention in Libya, highlights the inability of the TSCTP and its partnerships to discredit extremist ideology and evidence suggests that local counterterrorism initiatives have been weakened.[226]

US policy in Africa constantly employs tactics that lack any cultural and historical knowledge of the region. For example, a pattern is emerging in supporting authoritarian regimes in combatting terrorism (Algeria, Mauritania and Chad), whose political bodies are themselves fomenters of political instability amongst insurgent-turned-terrorist groups (such as AQIM formally the GSPC and al-Murabitoun). And further to this point, terrorist groups in the Sahel are largely a mystery to US intelligence, since until recently the bulk of counterterrorism programming from the US government has only gone towards the Middle East and the Arabian Peninsula. Counterterrorism programming

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[224] QDDR. "Enduring leadership in a dynamic world." U.S. Department of State. 2015.
http://www.state.gov/documents/organization/241429.pdf (accessed on April 27, 2015.)
[225] HRW ibid.
[226] Reeve and Pelter, ibid.

cannot respond to terrorist groups as a single unit, since doing so, risks oversimplifying the complexity of the threat that each group individually poses.[227] Government policies, especially the Trans-Sahara Counterterrorism Partnership and Operation Barkhane, will not be effective unless they are tailored to the actions of a particular insurgency in a specific location.[228]

Secondly, when implementing Security Sector Reforms, these policies should focus on how to underscore corruption: Almost entirely absent in the discussion on security sector reform in the Sahel are the issues of narcotics, human, and weapons trafficking. Criminal networks have grown exponentially through the illicit trade in narcotics and weapons since 2011, with an increasing presence of Colombian cartel influence in the region as well (with $1.46 billion in cocaine trade in 2014 in the region).[229] The discussion of democratization and governance as a solution for terrorism cannot be had without undertaking the issue of illicit trafficking and narco-terrorism which funds this trans-regional violence. The international community must deal with this issue, and it must fully understand the extent to which this informal economic activity influences the broader security environment. Further, it must not relegate the topic to an ancillary discussion point when discussing resilient ways to end the Global War on Terror; this is especially salient when implementing security sector reforms that pull on law enforcement and government officials of Sahelian states that are complicit in the trafficking of illicit goods.[230]

A third recommendation is to increase development programming significantly. Development must be the cornerstone of these robust security programs. According to UN Security Council Resolution 2178, in order to ensure any measure of success, these programs need to have a greater focus on social inclusion that will lessen the risk of disproportionality in implementing the security reforms.[231] Successful counterterrorism

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[227] Boeke and Tisseron, ibid, pg. 32-40
[228] Miller, Gregory D. "Confronting Terrorism: Group Motivation and Successful State Policies", Terrorism and Political Violence,19:3,331 — 350. 2007.
[229] UNODC, ibid.
[230] Tinti, Peter, Tuesday Reitano and Mark Shaw. "Illicit Trafficking and Instability in Mali: Past, Present and Future." The Global Initiative Against Transnational Organzied Crime. January 2014. http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Organized%20Crime%20and%20Illicit%20Trafficking%20in%20Mali%20-%20Jan%202014.pdf
[231] Van Ginkel, Dr. Bibi. "UN Security Council Resolution 2178 (2014): Challenges and Opportunities for EU policy." Meeting Notes. November 7, 2014. http://www.icct.nl/publications/icct-papers/un-security-council-resolution-2178-2014-challenges-and-opportunities-for-eu-policy (accessed on March 30, 2015.)

programming overseas requires a strong development and civil component that ensures that extremism does not take root. This will evolve very quickly as NGOs like Danish Demining Group (DDG) continue to cooperate with international organization partners like IOM and UNODC on programming, implementing counterterrorism programs that focus on counter-narrative work, education, and development programming through holistic approaches that utilize local organizations to implement these programs instead of national militaries, and law enforcement. The goal of such programs is to bolster good governance and community programs that undermine corruption. DDG's approach of armed violence reduction through community leadership and education programs has partnered with EUCAP and US projects to scale up counter-violent extremism programming in remote border communities that are often marginalized from other development assistance projects which get centralized at the national level in the major cities; the programs are based on the premise that building capacity in the local governance of marginalized and remote communities will bring security and development to the region and mitigate the propensity for unemployed youth to join armed groups.[232]

Fourthly, I recommend that the United States and Europe should prioritize bolstering their cooperation with regional and state actors. To ensure sustainability, states must combine the military element with the political will of the state and focus on capacity building and resilience at the community level. The United States, France, and United Nations partners must ensure that the G5 Sahel and ECOWAS member states are fully involved in the interventionist policies set forth in these counterterrorism initiatives. Direct military action should be only a small component of a broader foreign policy mix that features heavy economic assistance, investment in partner capacity and support for allied operations.[233]

A fifth recommendation is to ensure that programming is both flexible and retractable. Counterterrorism programs must be allowed to constantly evolve in order to deal with changing dynamics on the ground.[234] The aforementioned Operation Serval is an example of how a short-term intervention can be successful if flexibility is built into it.

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[232] Danish Demining Group. *Armed Violence Reduction Framework*. Version 3. June 2012.
[233] Christopher S. Chivvis and Andrew Liepman, "North Africa's Menace, AQIM's Evolution and the U.S. Policy Response," RAND Corporation (2013)
[234] Warner, ibid

Due to the nature of porous borders and shifting migratory populations throughout the Sahel, security reforms must be aware of the implications they impose on migrants, refugees, internally displaced persons (IDPs) and marginalized populations in the region. Otherwise the risk of local insurgencies cannot be fully mitigated.

Finally, I encourage US actors to engage in multilateral programming with Europe and International Organizations. Twenty-two states supported France's 2012 intervention in Mali with Operation Serval and the African Led International Support Mission to Mali (AFISMA); since the closeout of Serval, Operation Barkhane and MINUSMA have entrenched 9,000 permanent external security forces in the trans-Sahara with the mission of combating terrorism.[235] Furthermore, the G5 Sahel countries have pledged to establish a military cooperative that will independently deal with the interstate conflict in the region. This body will ideally build up a resilient security platform that can withstand future attacks without significant foreign assistance.[236] Therefore, there is no need for the US to lead operations unilaterally, and the use of armed drones in the region should be guided by this same principle. Multilateral initiatives in this region need to be conducted between the US, France and their other partners. US government experts believe that the Sahel is France's and the EU's responsibility for now, and the US position in the region is still not completely clear. Officials at the US Embassy in Dakar claimed that it is Europe's move right now, and that the US will wait and see how things unfold before operationalizing its move.[237]

The extent to which the EU can shift resources to the region will definitely change the US position and response there in the future.[238] Until that happens though, supporting the efforts of allies in Europe, NATO and the Mediterranean Dialogue will be critical as these initiatives move forward. For example, NATO's Operation Active Endeavour's (OAE) mandate could be expanded from Mediterranean maritime coverage to oversee issues of systemic insurgencies in the Sahel itself and engage the regional powers in operationalizing their efforts there. The OAE already serves as an information platform,

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[235] Reeve and Pelter, ibid.
[236] Boeke, Sergei. "Combining Exit with Strategy: Transitioning from Short-term military interventions to a long-term counterterrorism policy." International Centre for Counter-Terrorism – The Hague. ICCT Research Paper. August 2014. http://www.icct.nl/download/file/ICCT-Boeke-Transitioning-from-Short-Term-Military-Intervention-to-CT-Policy-August2014.pdf
[237] US Secretary Premier to Senegal interview, ibid.
[238] Ploch Blanchard interview, ibid.

so in theory it could be extended to ground surveillance missions as well.[239] Furthermore, while the US controls the bulk of resources in the fight against terrorist networks, it does not have authority over the operational and regional intervention in the region. Therefore, the US counterterrorism presence is increasingly falling under covert special operations and contingency operations, with an emphasis towards increasing intelligence, surveillance and reconnaissance capacity regionally, in cooperation with Operation Barkhane.[240] Interpol, the World Bank, UNODC, IOM, and EUCAP have individually implemented various biometric and oversight programs that monitor the flow of persons across the porous borders of the Sahelian countries, homing in on the movement of illicit goods through cartel syndicates and armed groups, as well as migrants and border communities.[241]

Conclusion

This thesis has argued that counterterrorism operations that broadly fall under the Global War on Terror have more recently conflated the terrorist threat with the threat of the presence of migrants. In arguing this, I have found that military operations set to combat terrorism have been largely unsuccessful in the Sahel. This is rooted in the limited and biased understanding of what is a terrorist, as compared to the male migrant that illegally crosses the border into Libya, having previously fled conflict in the Central African Republic, and is currently complicit in trafficking of arms or contraband, in order to fund his trip.

Since weak and failing states pose the threat of also being terrorist havens, pressure for the creation of a strategy to address the underlying factors that make states fragile has also intensified. However, instead of launching a comprehensive policy that would focus on reforming states so that they are more stable and less vulnerable to being taken advantage of by non-state actors, there has been a myopic focus on the provision of

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[239] OAE was the first invocation of Article 5 of the NATO alliance after 9/11. The operation has since evolved to include the assistance of non-NATO member states in monitoring activity in the Mediterranean and has become a network of information sharing rather than just an operational mandate. *Operation Active Endeavor*. NATO. http://www.nato.int/cps/en/natolive/topics_7932.htm April 2015.
[240] Reeve and Pelter, ibid.
[241] EUCAP, ibid.

security sector assistance to combat terrorism. While the launch of the State Department's first Quadrennial Diplomatic and Development Review (QDDR) in 2010 and the release of Presidential Policy Directive-23 on Security Sector Assistance in 2013 have been encouraging steps forward[242], these policies need to be complemented by an equitable prioritization of a broader SSR agenda that changes the way the U.S. Government is organized to interact and coordinate in this arena. As states enforce security reforms, it emboldens non-state actors involved in the smuggling industry to become increasingly violent and surreptitious in their encounters with security forces,[243] since, smuggling in both licit and illicit goods is part of the economic framework of most of the Sahel.[244] Furthermore, in the Sahel, where borders are arbitrary constructs and the informal economy is prolific, securitization of these borders increasingly stigmatizes any form of illicit activity as terrorism and/or activities that financially support terrorism.[245]

Migration creates infrastructural and institutional insecurity in both origin states and transit states.[246] For origin states, migration represents a drain of their population and resources. These countries are increasingly seeing their young people leave for Europe, which depletes their workforce. Attempts at desensitization campaigns to stop young people from leaving have largely failed.[247] For transit states, migration breaks down security and border mechanisms, encourages informal economic activity and shadow communities in the peripheral zones, and creates incubators for marginalized communities to resort to extremism or simply allow non-state armed groups to enforce their own rule of law where the law and security is absent. Furthermore, the very foundation of trafficking and smuggling, which relies on tenuous controls of the state's periphery, is an incentive for armed groups to maintain a weak state rather than allow a strong one to be rebuilt. Thus, the protection of trafficking routes—which necessitates access to arms and maintenance of militias—not only ensures that these groups are

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[242] Walter-Puri, ibid.

[243] Querine Hanlon and Matthew M. Herbert, "Border Security Challenges in the Grand Maghreb", *United States Institute for Peace*, 2015.

[244] Anonymous DDR West Africa Political Scientist, Rand Corporation in discussion with the author, June 11, 2015

[245] United Nations Office on Drugs and Crime, "Transnational Organized Crime in West Africa: A Threat Assessment." (2013). <http://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf> (accessed April 20, 2015).

[246] "Fragile State Index 2015." Fund For Peace. (Washington DC, 2015) < http://fsi.fundforpeace.org/> (accessed March 17, 2016).

[247] Vice President of the Association des Clandestins Rapatries et Familles Affectées de Thiaroye sur Mer, in discussion with the author, August 3, 2015.

unlikely to be interested in a formal demobilization and disarmament process but also serves to proliferate arms, maintain instability, and promote violence.[248]

Therefore, bottlenecking migration at the Libyan coastline, ostensibly containing these vulnerable groups inside the continent, will only create more vulnerability for an already restless population. [249] The European Union's Trust Fund for the region implicitly encourages the regional actors to push development funding on the region in order to mitigate the surge of migrants to Europe, presumably trying to reduce human traffic into the continent by encouraging people to stay. However, the potential for this to create a larger humanitarian crisis in the region by containing movement to the African continent is significant. [250] The only way to effectively mitigate both the issues of a pending humanitarian crisis by containing migrants to Africa, and the rise in extremism, is through methods of CVE that include a heavy dose of development and humanitarian assistance programming. This requires a holistic, bottom-up approach that focuses on the drivers of economic activity in the region and creates formal channels out of the informal ones. [251]

I conclude by recommending that the key to combatting terrorism entirely will be to rely on the states themselves to manage their own threat problems and sufficiently deal with the internal issues that are the root causes of violent extremism. [252] This requires more than supporting the military and law enforcement bodies of corrupt states.[253] For a long-term sustainable solution to be viable, these fragile states must present their populations with a set of trustworthy institutions that provide alternative livelihood opportunities and protection to what is provided to them by non-state actors. This solution hangs entirely on a security sector reform overhaul that combats corruption and

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[248] Mark Shaw and Fiona Morgan, "Illicit Trafficking and Libya's Transition: Profits and Losses." *U.S. Institute of Peace.* (Washington 2014), <http://www.usip.org/sites/default/files/PW96-Illicit-Trafficking-and-Libyas-Transition.pdf> (accessed March 16, 2016).
[249] European Commission, "A European Union Emergency Trust Fund for Africa," Press Release Database, November 12, 2015. <http://europa.eu/rapid/press-release_MEMO-15-6056_en.htm> (accessed March 16, 2016).
[250] Anonymous OTI regional representative in Mali, in discussion with the author, February 23, 2016.
[251] Anonymous consultant on the Sahel Project, United Nations Office of Drugs and Crime Regional Office for West and Central Africa, in discussion with the author, July 1, 2015.
[252] Piotrowski, Marcin Andrzej and Kacper Rekawek. "Yemen's Increasing Importance for Al-Qaeda and the U.S. Anti-terrorism Effort." Polski Instytut Spraw Miedzynarodowych – the Polish Institute of International Affairs (PISM). Bulletin, No. 57 (390), May 30, 2012
[253] ICG, ibid.

encourages the development of community-led institutions that improve economic conditions.[254]

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[254] Shaw and Mangan, ibid.