

### ***The IOM and the artifice of voluntary return***

Assisted voluntary return programmes have been the IOM's speciality since the creation of this organization. Indeed, as a service provider for its member States, the IOM was originally an organization specialized in the transport of migrants. From the establishment of its first return programme in 1979 up to 2017, 1.6 million people were returned through these schemes.

According to the IOM, « assisted voluntary return and reintegration programmes provide administrative, logistical and financial support including reintegration assistance to migrants unable or unwilling to remain in the host/transit country and who decide to return to their country of origin. » The organization describe them as « a human-right based, migrant-friendly and cost-effective option to migrant » or as a « safe and dignified return ».

But in practice, these programs are highly controversial and contested, in particular regarding the so-called voluntary nature of these displacements and the context within which they took place. Indeed, these devices are integral part of deportation policies and should be considered within a continuum of eviction practices. That is why some researchers prefer to use the concept of « soft deportation » or « state-induced departure » to refer to these programs. Moreover, it is important to note that unlike the UNHCR and despite its humanitarian and protection-oriented discourse, the IOM has no legal protection mandate... but must nevertheless comply with international law.

In this presentation, I will

- first, briefly show the growing implementation of these program worldwide,
- then put into question the discourse and the ideological framework that shape the « assisted voluntary return »
- and then describe the practices of IOM and the context of implementation of such schemes in Niger. This analyse is based on field works conducted in 2017 and 2019 in Niamey and in Agadez.

## **Overview of the implementation of AVVR in the world**

These return schemes have steadily increased worldwide since the early 2000s. Mainly implemented within European countries at first, they are more and more frequently implemented in countries considered by the EU as « transit countries » and specially designed for the « stranded and vulnerable migrants » that is to say that are not necessarily irregular but in precarious situation. This growing spread is mainly sponsored by EU funds, and as a result this tendency can be directly linked with the externalization of European border control.

On that point, we can draw a parallel with the recent implementation of voluntary return programmes by the IOM in Mexico and in Guatemala, both sponsored by the USA. Indeed, these mechanisms are designed as complementary measures of the US policies aiming at outsourcing asylum : that is to say that asylum seekers who are obliged to wait in Mexico the resolution of the US judge of immigration and asylum but also those deported by US to Guatemala to apply for asylum there [according to an agreement quite similar with the Dublin regulation], all are strongly encouraged to opt for the IOM's voluntary return ... which acts as a mean to increase the withdrawal of their asylum applications and thus constitutes a practice of refoulement .

Regarding the European policies, the EU-IOM joint initiative for migrant protection and reintegration is a recent example of the growing spread of voluntary schemes in Africa. This programme is funded by the EU trust fund for Africa since 2016 and it covers 26 African countries in the Sahel and Lake Chad region, the Horn of Africa, and North Africa.

Moreover, the IOM has adopted a new terminology to fit with some specific situations that break its discourse on the migrants' free will, as for the migrants hold in detention centres in Libya: in this case, the IOM opts for the category of “voluntary humanitarian return” and communicates on its regular “humanitarian charter flights”.

This separate treatment is visible in the IOM's return activities report for 2018 : returns organised in Libya are not taken into account, and thus not part of its annual assessment even if most of these soft-deportation were organized in this country in state of chaos.

In 2018, most of the departures organized by the IOIM took place in Libya, in Germany and in Niger. Moreover, part of them were organized in a collective manner, through charters flight. On that point it's interesting to notice that in comparison with the various campaigns against the deportation charter flights organized by EU members State and Frontex, little attention has been paid to the so-called « humanitarian returns charters flights » organized by the IOM.

To conclude this brief overview, we can notice that in practice, the voluntary return is an assistance device that is, in a large extent, not subject to any legal framework. In its policies, the IOM reasserts the right of the State to determine who can enter and remain on its territory but also invokes the Declaration of Human Rights as a tool so as to promote “the right to return to one's own country”. Over the past decade, the IOM has intended to frame its programs in connection with legal instrument such as the Protocol against smuggling of migrants and the Trafficking Protocol. The IOM is also advocating for the adoption of non-binding instruments, such as the Global Compact for Migration: this global agreement on “migration management” can be considered as a way to promote its services to the States such as the voluntary return programs

## **Deconstructing the discourse on “voluntary return”**

**- few insights on the discourse and ideological framework : safe and dignified return, reintegration / actors of the development of their countries (entrepreneurs)**

The choice of the terms used to describe the deportation of aliens is not insignificant. On the contrary, it reveals the legal, political and social issues underlying this power of the State. Indeed, the growing consensus regarding the political category of « return », which was greatly acclaimed in 2008 with the adoption of the European directive on « return », cannot be distinguished from the moral reluctance and controversies that deportations and the use of coercion generate.

Thus, by using the term "return", the authorities have removed the political and constrained nature of this displacement, which has thus been normalized into a naturally oriented journey towards an original space described as "home".

The distinction between forced and voluntary returns that lies behind the so-called "humanization of deportation" seems misleading and the result of a confusion of registers and categories. The opposition is indeed artificial since it brings into opposition the subjectivity of the deportable persons to the enforcement authorities. It shields and blurs the plurality and the interweaving of power technologies mobilized in the implementation of departures under duress.

Power is observed here not only in that it excludes, represses, but also in that it draws on supposed individual aspirations, even illusory ones, thus reinventing the relationship of deportable persons to the deportation. It makes possible to shift from the reason of the State to the will of the subjects, that is to say to subjugate a rule of law.

As a political strategy, the organization of assisted voluntary return regime has introduced a radical change in the perception of deportation, placing it into an assistance-based relationship, transforming coercion into an opportunity at least on the paper (becoming an entrepreneur, an “actor of the development of the country of origin”, or let say “a hero” to use the terms of a campaign designed by the OIM). In other words it provides a new definition or a new design for the treatment of deportability by appealing to the subjectivity of the deportable persons, thus transforming them into full partners in their own return.

But what’s happen on the ground, in practice?

## **IOM Niger as a sub-contractor of border control and deportations?**

IOM has started to implement its activities in Niger since 2016, with a project funded by Italy and dealing with the implementation of voluntary returns and border management cooperation between Niger and Libya. Since then, returns and border management constitute the two main activities of the IOM in Niger even if the organization currently work on various areas.

Since the Valetta Summit on migration in November 2015, the IOM has expanded rapidly its activities in Niger in terms of staff, numbers of offices located in all the territory and also budget. It is one of the main recipients of the EU Trust Fund. In 2017, the IOM mission was in charge of managing a 85 million dollars budget and employed more than 3 hundred staffs.

The organization is currently running 6 “transit centers” in the Agadez region and in Niamey [carte]. We’d better call them “return centers” as according to IOM’s rules, only the persons who agree to return through its assistance are allowed to stay in.

*[Map of the transit center : close to the Algerian (Assamaka tents, Arlit and Agadez : and Libyan Border*

Agadez : can accommodate up to 1000 persons and is regularly overcrowded

Dirkou : can accommodate up to 300 persons

Moreover, the IOM implements outreach activities through its 4 Listening and Orientation Offices (BOE) located in Niamey, Agadez and Arlit and Dirkou. For this purpose, the organization has recruited 50 persons among migrants and turned them into “community mobilizers” or more famously known as “mob’ com” within the IOM in Niger. The idea is that awareness raising campaigns on the dangers of crossing the Sahara and the promotion of voluntary return will be much more efficient and effective through peer-to-peer communication. Thus, the mob’ com’ go every day to the ghettos where the migrants on their way to Libya or Algeria are accommodated, but also in the bus stations, near the western union offices..., all the locations where usually the migrant go. In the Agadez region, they also take part in the search and rescue operations in the desert during which they collect information about the routes, ask the migrants about their plan and offer them to return safely in their own countries...

According to some migrants I spoke with in Agadez, the repeated intrusion of the mob’ com in the ghettos and their phone calls were perceived as a form of harassment. Some of the migrants decided to ignore the IOM staff and to stop talking with them.

As you can see on the chart, the number of return have sharply increase since 2015 :

From less than a hundred in 2011, there were more than one hundred in 2015 and almost 15 hundred in 2018.

This increase is mainly due to the fact that IOM acts as a sub-contractor of deportations from Algeria. Between 2014 and 2018 : more than 56 Nigerien citizen were deported from Algeria. In 2017 and the following year, more than 12 thousand migrants from West and Central Africa were also dumped in the desert, close to the Nigerien border.

The IOM is in charge of the screening of all the deportees (with a biometric data registration), the organization also give food and transport to Agadez. In 2016, the IOM decided to stop its support to Nigerien citizen and to focus only on the aliens; this decision was highly criticized

among the Nigerien authorities because of a lack of funds to help those persons to go back to their localities. It also participates in the spread of xenophobic discourse among the population.

Another explanatory factor of such a rise is the implementation of new border control in Niger following the adoption of a law on migrant smuggling in 2015: this law draws an imaginary line on the north of Agadez, the migrants who cross it are considered as on their way to Libya or Algeria and thus considered as irregular. But, this law represses the drivers and all the persons involved in the economy of border crossing. Formally the migrants are considered as potential victims but they are criminalized. In practice, this law is contrary to the ECOWAS principle of freedom of movement.

The text explicitly mentions the UNHCR and the IOM as providers of assistance, asylum or return. In practice, the migrants are arrested by the police who call the IOM and ask the organization to come and collect the persons... who then are free to escape IOM's transit center. Asking asylum in Niger, one of the poorest countries in Africa, can be considered as a temporary solution but generally do not match with migrants' aspiration.

With the implementation of border control, asylum or return tend to be become the only alternative offered to the migrants who are in precarious condition in Niger. On this point, the story of Emeric is quite illustrative. Emeric is a migrant from Central African Republic who managed to escape from Libya and reach by his own means Agadez. In Niamey, he was urged by the UNHCR to apply for asylum given the situation in his country of origin but the lack of job opportunity made him reject this perspective. He wanted to join his wife and his daughter who had fled in Cameroon... But the IOM refuses to help him to go there as he has no visa to enter regularly in Cameroon, even if he tried to argue that his wife was from Cameroon and that they will regularize his situation when he will be there. Instead, he was thus returned to Central African Republic in December 2017, in the middle of a civil war-like situation.