EXPORTING BORDERS

Frontex and the Expansion of Fortress Europe in West Africa

COUNTRIES IN FOCUS:
Mali, Mauritania, Niger, Senegal

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Summary and Key findings

The EU and its member states are shifting migration control outside the EU's borders. This report shows how this externalisation strategy plays out in the Sahel region of West Africa under the guise of partnership and development cooperation. West Africa is the main priority region for EU security-migration-development cooperation. This report critically examines the evolving role of Frontex, the EU Border and Coast Guard Agency, as a central part of the EU's broader strategy of border externalisation. The study, including extensive fieldwork, traces Frontex's expanding operations in Mali, Niger, Senegal, and Mauritania, highlighting how these activities predate its formal mandate and have intensified alongside the agency's growing powers and budget, taking more explicit and direct forms, evolving from behind-the-scenes involvement to increasingly overt and direct forms of intervention. The report situates these developments within the context of a rapidly shifting geopolitical reality in the Sahel, marked by political instability, armed conflict, and a rising resistance to European influence. As West African states express a growing anti-Western sentiment and sever ties with former colonial powers, this historical moment allows us to speak of an emerging fourth wave of decolonisation.

The report exposes the absence of effective accountability mechanisms, democratic oversight, and enforceable human rights safeguards in Frontex's external actions. It argues that current practices not only infringe on migrants' rights but also perpetuate colonial power asymmetries under the guise of cooperation. Far from fostering equitable cooperation, the EU's approach reinforces a securitised and Eurocentric vision of migration control that undermines human rights and externalises legal responsibility. The cooperation between Frontex and West African states reflects a clear power imbalance, where EU funding and diplomatic pressure are used as leverage to push through migration control policies that primarily serve European interests. This dynamic often sidelines local priorities and reinforces neo-colonial patterns of influence, where African states are treated less as equal partners and more as buffers against mobility. In effect, Frontex is reinforcing a new 'hard border' regime across the Sahel, traditionally a free movement zone, one that prioritises containment over protection, and surveillance over accountability. It risks entrenching neo-colonial patterns of control while weakening democratic and other accountability safeguards and the rule of law.

This report finds that:

- The EU's border policies rely on a racialised construction of the African migrant as a security threat, conflating migration with terrorism, crime, and instability. This narrative legitimises exclusionary and repressive practices, with dramatic consequences for human rights.
- Migrants in West Africa face routine violations including arbitrary arrest, detention, refoulement, and extortion. In Niger, many speak of the Sahara as an "open sky cemetery" due to the deadly risks faced along migration routes.
- People who are not migrants are also affected, as increased surveillance and border restrictions disrupt trade, livelihoods, and everyday cross-border movement. Local communities face shrinking civil liberties and economic hardship under a system geared toward controlling mobility.

- Despite talk of equal partnerships, EU actions often reflect coercive dynamics rooted in colonial histories: instrumentalising aid, imposing visa sanctions, and prioritising EU geopolitical interests over local needs and agency.

- Frontex has been operational in West Africa since before its formal mandate allowed external action. Its involvement has grown significantly in tandem with the EU's expanding externalisation strategy.

- Frontex's growing presence in Mali, Niger, Mauritania, and Senegal, the focus countries of this report, focuses on capacity building, information exchange, and potential direct engagement with border surveillance operations on the ground. The agency's activities have received little legal, political, or journalistic scrutiny, despite posing serious risks to human rights and local sovereignty.

- Frontex has built up extensive informal networks through the Africa-Frontex Intelligence Community (AFIC), a platform involving 31 African states. Through AFIC, Frontex coordinates surveillance, risk analysis, and operational planning with national authorities.

- Risk Analysis Cells (RACs), funded and equipped by Frontex, have been embedded in national border agencies in eight West African countries. These RACs collect, analyse data, which is shared with Frontex, enabling real-time monitoring and analysis of migration routes.

- In Mali, EU-funded infrastructure and training programmes are often unused. Local authorities are reluctant to fully cooperate on migration enforcement because migration supports livelihoods in border areas.

- The EU has attempted to negotiate status agreements with Mauritania and Senegal to allow Frontex to operate on their territory with full executive powers. These agreements would permit agents to carry weapons and grant them immunity from prosecution. However, due to among other factors, democratic and civil society pressure in both countries and in the EU, the negotiations are currently frozen.

- Across the region, Frontex's presence is often informal and opaque, operating beyond the democratic and judicial radar. Working arrangements and AFIC cooperation are informal in nature, and therefore bypass judicial, democratic, and public scrutiny.

- EU support has also included funding for biometric ID systems, surveillance drones, wiretapping infrastructure, and phone-tracking technology. These tools have reportedly been used to target journalists, activists, and opposition groups.

- These developments directly undermine the ECOWAS free movement framework, which was built to support regional integration and economic mobility. The imposition of hard borders risks destabilising local economies and deepening inequality.

Acronyms and abbreviations

AES – Alliance of Sahel States

ACP – African, Caribbean, and Pacific Group of States

AFIC – Africa-Frontex Intelligence Community

CJEU – Court of Justice of the European Union

CSDP – Common Security and Defence Policy

CSO – Civil society organisation

DNLT – Divisions for the Fight Against Migrant Trafficking and Related Practices

EBCG – European Border and Coast Guard

ECOWAS – Economic Community of West African States

EMT – Emergency Transit Mechanism

ERRIN – European Return and Reintegration Network

EU – European Union

EUAA – European Union Agency for Asylum

EUBAM Libya – EU Border Assistance Mission to Libya

EUCAP – European Union Capacity Building

EUROSUR – European Border Surveillance System

EUTF – European Union Trust Fund for Africa

FRA – Fundamental Rights Agency

Frontex – EU Border and Coast Guard Agency

FRM – Fundamental Rights Monitors

FRO – Fundamental Rights Officer

IOM – International Organization for Migration

LIBE Committee – European Parliament Committee on Civil Liberties, Justice and Home Affairs

MINUSMA – United Nations Multidimensional Integrated Stabilization Mission in Mali

NGO – non-governmental organisation

PONAM – Politique Nationale de Migration du Mali

RACs – Risk Analysis Cells

SNLMI – National Strategy to Combat Irregular Migration

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNODC – United Nations Office for Drugs and Crime

UEMOA/WAEMU – West African Economic and Monetary Union

Preface and Terminology

The report uses a broad definition of 'the Sahel', which refers to the region between the Sahara and more tropical territories further south. This includes Burkina Faso, Chad, Cameroon, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal and The Gambia. The political definition of the United Nations Office for Drugs and Crime (UNODC) defines the Sahel as comprising Burkina Faso, Chad, Mali, Mauritania and Niger (UNODC, 2022).

Definitions of 'West Africa' are similarly varied. The Economic Community of West African States (ECOWAS) takes a transnational approach to borders and security between Benin, Cabo Verde, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Senegal, Sierra Leone, The Gambia and Togo (Mauritania left ECOWAS in 2002 and Burkina Faso, Mali and Niger in 2025).[1] Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo are also members of the West African Economic and Monetary Union (WAEMU) (WAEMU Treaty 1994).

In relation to aid, the European Union (EU) and its member states reflect its understanding of the security implications, with increased donations to the smaller and more flexible – but short-lived – G5 Sahel following its formation in 2014 (comprising Burkina Faso, Chad, Mali, Mauritania and Niger).[2] In December 2023, Chad and Mauritania took steps to dissolve the G5 Sahel following the departure of Burkina Faso, Mali and Niger, whose military rulers criticised the large involvement of French troops and the failure to achieve their objectives.[3] In 2023, Burkina Faso, Mali and Niger formed a parallel Alliance of Sahel States (AES), with the stated aims of ensuring collective defence against terrorism, organised crime, armed insurrection in their countries and other internal or external threats to their sovereignty and territorial integrity.[4]

Methodology

The report is based on an extensive socio-legal study, which relied on desk analysis[5] and field research. The case studies combine legal research with empirical data and interviews, which involved the collection of secondary data with a focus on legislation, official documentation, civil society reports, news articles, academic articles and documents received from formal requests. We opted for empirical research in response to the lack of available documentation of the work of Frontex in non-EU countries, as well as understanding that law is embedded in society. We sought to glean information by collecting stories, interpretations, insights, perspectives and insider accounts of the various relevant actors on the ground. Field research was conducted in Mali and Niger in 2021 and 2022, including semi-open interviews with officials from African and European institutions as well as the United Nations (UN), local civil society organisations (CSOs), researchers and journalists. The analysis of the future work of Frontex in Mauritania and Senegal is based on desk research into the negotiations and the legislative processes and an interview with the European Parliament rapporteur for the Frontex status agreement with Senegal, Tineke Strik.[6]

The research was conducted over the course of five years[7] and was delayed and significantly restructured and expanded due to the COVID-19 pandemic, the political, diplomatic and military turbulence in the Sahel region, including two *coup d'états* in Mali (2020 and 2021) and one in Niger (2023), and the opening of EU's negotiations with Senegal and Mauritania (2022) for the initiation of Frontex operations in the two countries.[8]

We engaged a team of field researchers who could conduct the interviews mainly in person, while part of the interviews both by the authors and by field researchers was conducted remotely. The 90-minute semi-structured interviews were complemented by longer-term contact with the respondents, including online communication and their ad hoc input (sharing sources, contacts, etc.) during several stages of the research.[9]

Knowledge (co)production

The authors leading and coordinating the project were working with Europe-based institutions, while the focus of the research was placed on former (French) colonies. Social positionality and decolonial considerations therefore informed the methodology already at an early stage. We developed a collaborative and participatory research design, working especially with field researchers from Mali and Niger. The field researchers, all of whom had work experience in the two countries, were actively involved in several stages of the research. They informed the selection and allocation of respondents, the development of the interview questionnaire, and the analysis of interview results through their debriefing and field notes. To ensure consistency and quality in the data gathering, field researchers followed a training on qualitative interviewing provided by the Principal Investigator, Mariana Gkliati, and used questionnaires developed by the authors with the field researchers' input. Nevertheless, the semi-structured interview format allowed them the flexibility to take ownership of the conversation.

Personal and emotional methodological factors may have influenced the collection and analysis of data. These challenges included the emotional impact of two *coup d'états* in Mali (2020, 2021) and the deterioration of the security situation in Niger; the abduction of one respondent, and the arrest and criminal prosecution of another; and personal circumstances related to illness and death. The remote nature of the team did not contribute to the appropriate processing of these events and their impact. Finally, lack of transparency into Frontex's work posed additional research challenges. For instance, our request for an interview with the Frontex liaison officer in Niger was met with consistent delays by the agency's press office and until it was finally rejected over a year later.

Introduction

Border and migration policies in the European Union (EU) have evolved significantly in recent decades. Migration has been politically redefined as a security issue,[10] often framed as a threat to the 'European way of life',[11] and instrumentalised to fuel a dangerous new surge of racism and nationalism across Europe. This conflation of migration and security puts a particular emphasis on counter-terrorism and the fight against transborder organised crime. Exceptional and extraordinary situations, often described as 'crises', thus require new security measures. Migration is moved from 'ordinary' to 'emergency' politics,[12] thus justifying otherwise unacceptable 'emergency measures'.[13] As a result, migration is situated in a constant state of 'crisis'[14] and 'managed' through 'processes of bordering'[15] and deterrence.[16]

What the EU calls 'the fight against irregular migration' may be better understood within the frame of what Achille Mbembe called 'necropolitics', which entails 'the subjugation of life to the power of death'.[17] The EU's embrace of securitised and militarised border and migration policies has come at significant cost to human life, with more than 32,109 people left to drown in the Mediterranean since 2014.[18] The human rights impact of these policies has been particularly problematic. Forced deportations, pushbacks, delayed or non-rescue at sea, arbitrary detention and the erosion of the right to seek asylum are becoming normalised. This represents a considerable threat to the rule of law in Europe and beyond.[19] Several human rights bodies have issued distress calls as a result of the EU's failure to protect the rights of those seeking asylum or moving towards or within the EU, and whose rights are systematically violated as a direct result of the EU's border and migration policies.[20] These calls have thus far fallen on deaf ears. The EU's new Pact on Migration and Asylum[21] remains squarely focused on deterrence and the erosion of the protection system.[22] The EU and its member states continually develop new forms of 'proactive containment'[23] and expand externalisation. This is understood as the process of shifting functions normally undertaken by a state within its own borders so they partly or wholly take place outside its territory.[24]

Frontex, the EU Border and Coast Guard Agency, has developed and spread the securitisation narrative. It has also put it into practice,[25] as shown by the increased intolerance, protectionism and securitisation in European politics in the mid- to late-2010s alongside an extensive and ongoing expansion of Frontex's powers and competencies. Various amendments to the agency's founding Regulation and increased budgets have given Frontex an expanded remit both in terms of authority and of geography. Frontex is now a leading actor in the process of externalisation of EU migration management, creating a pre-border buffer zone.

In the same period, the agency has been scrutinised for its involvement in human rights violations in Greece, Hungary, and elsewhere at the EU's external borders. Its activities in the Aegean Sea have been the subject of sustained media, political and legal attention.[26] The associated scrutiny and the unprecedented activation of accountability mechanisms led to the resignation in 2022 of the former Frontex Executive Director, Fabrice Leggeri. In 2024 he was elected as a Member of the European Parliament (MEP) and is part of the far-right sovereigntist 'Patriots for Europe' group.[27]

Compared to Frontex's activities at the EU's borders or its involvement in deportations, its work outside the EU remains largely under-examined. This lack of scrutiny extends to legal analysis, journalistic coverage and investigation, and political debate, despite the heightened human rights risks involved and growing concerns about the human rights records of both Frontex and the non-EU countries with which it seeks to deepen cooperation.

This report examines the work of Frontex in the Sahel region of West Africa, focusing on Mali, Mauritania, Niger and Senegal. This is historically a region of migration and transit, and a priority for EU security–development-mobility cooperation.[28] The report looks at the agency's work with and in the four countries, where its activities range from cooperation in terms of capacity building and information exchange to (future) deployment on the ground. It reveals the EU's project of border externalisation and its impact on the lives of both migrants and local people in West Africa.

Specifically, the report begins by outlining in Section 2 the background of the research, discussing the evolution of the EU's border externalisation policies and the role of Frontex as a key driver of this process, alongside the fundamental rights and accountability concerns associated with the agency. Section 3 examines the four countries in focus, Niger, Mali, Mauritania, and Senegal, in relation to EU externalisation efforts. Section 4 zooms in on the activities of Frontex in the region, while Section 5 analyses the associated human rights risks and the lack of adequate legal safeguards. Finally, Section 6 concludes with a discussion of the broader, often unacknowledged, consequences of border externalisation, which extend beyond the human rights of migrants and onto the land and people of the Sahel.

Photo by Ibrahima Konate

Background: Frontex as a driver of EU externalisation

The development of the EU's externalisation policies

The EU's strategy of border externalisation has been in development since the 1980s. It aims to control and contain the movement of people in and from countries far beyond the EU's jurisdiction.[29] Externalisation policies aim to outsource the responsibility for border and migration management, which states normally carry out in their own territory, to third countries. These policies have been harshly criticised for their focus on securitisation, the lack of emphasis on development and addressing the root causes of migration, the lack of human rights safeguards, their 'informal' nature which evades democratic control, the complexities of responsibility sharing, and the perpetuation of colonial dynamics.[30]

The EU aims to create a pre-border buffer zone using a 'carrot and stick' approach to engage the cooperation of non-EU countries, thus extending its migration control beyond its borders.[31] Certain 'cooperation' measures are presented as being grounded in a desire to improve the conditions in these countries. These may include development aid and other programmes.[32] Nevertheless, the main focus is on curtailing migration, preventing departures and increasing (forced) removals[33] rather than facilitating migration or addressing the root causes of displacement.[34] Forms of externalisation include 'mobility partnerships' and 'readmission agreements', where non-EU countries may participate in enforcing EU migration control policies in exchange for visa liberalisation or financial support. Other manifestations, such as those facilitated by Frontex, may take the form of intelligence exchange, training and capacity building, funding, the donation of equipment or joint border surveillance operations.

The lethal effects of border externalisation

Border externalisation entails significant human rights risks including torture, slavery or even death. For example, Frontex engages Libya in EU border management, by having provided training to the Libyan Coast Guard (LCG) and by sharing information on sightings of migrant boats obtained through satellite, drone and plane surveillance. This provides the LCG with the knowledge necessary to pull back migrants attempting to flee and returning them back to Libya, in violation of the human right to leave a country and the right to non-refoulement.[35] According to Der Spiegel and Lighthouse Reports, Frontex has shared locations of migrant boats with Libya's coast guard more than 2,000 times in three years.[36]

Migrants in Libya are systematically subjected to arbitrary detention in inhuman and degrading conditions, sexual exploitation, assault, forced labour, slave trade, and torture. Such violations have been extensively documented, while the United Nations Office of the High Commissioner for Human Rights (UN OHCHR) has repeatedly stated that Libya is not a safe country for migrants.[37] The International Criminal Court (ICC) prosecutor has also confirmed that crimes committed against migrants in Libya may amount to international crimes and fall within its jurisdiction.[38] Also at the domestic level, in a groundbreaking decision, the Italian Court of Cassation upheld in 2024 the

criminal conviction of the captain of the Italian towboat, who, in 2018, rescued 101 migrants in the Central Mediterranean and turned them over to the Libyan authorities. The court found the captain criminally liable for facilitating the interception of migrants by Libyan coast guards, under the crime of 'abandonment in a state of danger of minors or incapacitated people and arbitrary disembarkation and abandonment of people'..[39]

Still, Frontex, continues this informal cooperation assisting Libya in the commitment of grave violations. A relevant case is currently pending before the Court of Justice of the European Union. It was brought by a Sudanese refugee who claims that Frontex shared the location of his boat with the Libyan Coast Guard, which allowed them to intercept and pull back the vessel.[40] Two weeks after being called by the Court to present his defence on that case, the Frontex Executive Director, Hans Leijtens, gave an interview at Euronews stating 'I wish I didn't have to send people back to Libya, but this is the only thing we can do', implying a moral choice of the lesser of two evils with the only alternative being letting migrants drown at sea, a false dilemma which distracts from the committed violations.[41]

He neglected to mention that Frontex routinely fails to inform rescue NGOs of (impending) shipwrecks, and that the Libyan sea rescue infrastructure was built up by the EU with the very aim of facilitating the pullback of refugees to Libya[42].

The EU's New Pact on Migration and Asylum reaffirms externalisation as a key priority. It aims to enhance cooperation with countries of origin and transit through partnerships that couple contested development initiatives with the reinforcement of national migration management systems, and cooperation in readmissions.[43] It further envisages a much deeper involvement of Frontex in forming and supporting new partnerships with non-EU countries, and a more operational role for the agency.[44] The Pact has been presented as a new paradigm introducing a balanced and tailor-made approach that equally benefits the EU, non-EU countries and migrants.[45] The instruments of the Pact have however been widely criticised as having 'devastating implications for the right to international protection in the bloc and greenlight[ing] abuses across Europe including racial profiling, default de facto detention and pushbacks'. [46] With respect to cooperation with third countries, it has failed to bring radical change as its main elements remain cooperation on deportations and readmissions. It focuses EU policy on increasing (forced) removals, irregular entry, and relations with non-EU states based on conditionality.[47]

Frontex globally

Countries that Frontex has working arrangements with:

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canada, Cape Verde, North Macedonia, Georgia, Kosovo*, Moldova, Montenegro, Nigeria, the Russian Federation, Serbia, Türkiye, Ukraine, the United Kingdom, and the United States.

Year that joint operations were launched

Albania (2019)   Bosnia and Herzegovina   North Macedonia (2023)   Moldova (2022)   Montenegro (2020)   Serbia (2021)
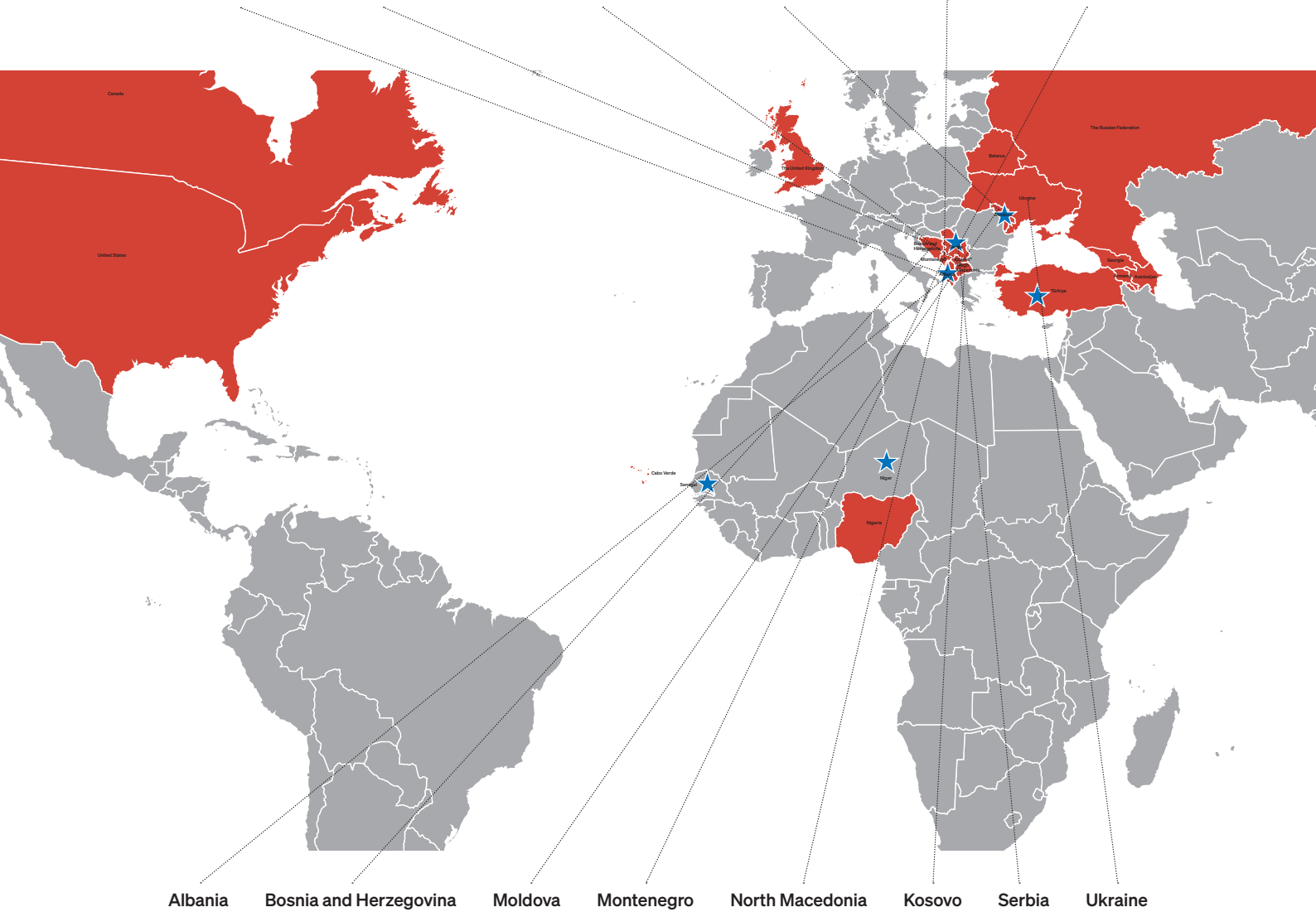
Albania   Bosnia and Herzegovina   Moldova   Montenegro   North Macedonia   Kosovo   Serbia   Ukraine

Officers and experts deployed at border crossing points in the following countries (2021)

Frontex Liaison Officers have been deployed in

Türkiye, The Balkans (Belgrade, Serbia / Tirana, Albania),
West Africa (Niger and Senegal), and the eastern European region (Moldova)

Frontex as a driver of externalisation

Frontex Regulation: the Establishment

Frontex, the EU's Border and Coast Guard Agency, was set up in 2004. Its main tasks were:

- to 'coordinate operational cooperation between member states' in the context of border management;
- assist member states in their land, air and sea border surveillance operations through the organisation of joint operations, training; and
- to carry out research and risk analysis.[48]

Four successive amendments to the agency's mandate have expanded this remit, Frontex's powers and its budget and overall capabilities.

Timeline

	Frontex	EU
2003		Eurodac, a centralised biometric system for storing fingerprint data to track the movements of asylum seekers across Europe, becomes operational.
2004	Frontex is established, among other powers with the mandate to deploy immigration liaison officers from member states to non-EU countries to facilitate the collection and exchange of information and promote more effective cooperation	
2006	Frontex launches its first joint operation, Operation Poseidon, at Greece's border with Turkey	
2008		The EU Global Approach to Migration and Mobility (GAMM) is launched, linking migration policy to foreign and development cooperation and laying the groundwork for bilateral deals with non-EU countries to stop migrants in their tracks.
2011	Amendment to the founding regulation gives Frontex the power to deploy liaison officers to non-EU countries and conclude working arrangements with these countries	
2015		Valetta Summit between the EU and 25 African countries accelerates the externalisation and militarisation of borders and symbolises the EU's neocolonial approach to African migration policy.
2015		The Emergency Trust Fund for Africa is established, redirecting development aid towards border control
2016	Relaunch of Frontex as the European Border and Coast Guard (EBCG) Agency, significantly expanding Frontex's powers and giving it a key role in deportations. It gains the power to launch joint border operations in non-EU countries sharing a border with the EU by concluding status agreements.	The EU-Turkey deal is signed, under which the EU pays Turkey €6 billion in exchange for containing migrants on the way to the EU. This becomes the template for many other externalisation deals in the coming years.
2019	The 2019 Frontex Regulation allows Frontex to buy its own equipment and employ its own personnel, set up a standing corps of 10,000 officers, and launch operations in any non-EU country. It increases Frontex's information-sharing powers with non-EU countries and the role for liaison officers in (forced) removals.	
2019	Frontex launches its first extraterritorial joint operation at Albania's border with Greece	
2020	Frontex deploys a joint operation in Montenegro.	
2021	Frontex deploys a joint operation in Serbia.	
2021		EU Council established the Working Party on External Aspects of Asylum and Migration (EMWP), which discusses and shapes the EU's approach to countries of origin and transit as well as non-EU refugee-receiving countries.
2022	Frontex deploys a joint operation in Moldova.	
2022		The Operational Coordination Mechanism for the External Dimension of Migration (MOCADEM) is established to coordinate how the EU manages migration with countries outside the EU.
2023	Frontex deploys a joint operation in North Macedonia.	
2024	European Commission President Ursula von der Leyen proposed tripling the number of European Border and Coast Guard personnel to 30,000	The EU's New Pact on Migration and Asylum, which reaffirms externalisation as its key priority, enters into force. It has externalisation as a key priority. The reach and information stored in Eurodac expanded.

2007 amendment

Perceived insufficiency of existing border control mechanisms prompted calls for stronger EU level operational tools. In 2007 the mandate of the agency was expanded to include mainly:

- the creation of **Rapid Border Intervention Teams** (RABIT) to be deployed to the member states at a moment's notice to address a situation of 'mass influx'
- the consolidation of the operational tasks of the deployed officers including passport control, use of force and carrying weapons.

2011 amendment

The 2011 amendment to its founding Regulation gave Frontex the power to:

- analyse the capacity of member states to face 'threats and pressures at external borders';
- assist with 'disproportionate pressures';
- set up teams to be deployed to the external borders; and
- support, coordinate or organise 'voluntary' returns and deportations.[49]

The agency obtained a greater role in surveillance and information exchange, and its more influential role over the border activities of EU member states began to take shape. Frontex developed and managed information storage and exchange through EUROSUR, the pan-European Border Surveillance System. This integrates the technical border surveillance capacity of all member states.

Cooperation with countries outside the EU was also made possible with the 2011 amendment within the framework of the external relations policy of the EU. This includes the launching and financing of technical assistance projects, the deployment of liaison officers providing training and inviting third countries to participate in its activities as observers. The agency was since able to conclude working arrangements with non-EU countries for the management of their operational cooperation.

2016 revamp

Frontex was relaunched in 2016 as the European Border and Coast Guard (EBCG) Agency. This reflected policies that reinforced the EU's border security framework and followed an increasingly securitised narrative that framed migration as a threat in the context of the sharp rise in the number of people travelling to Europe in 2015.[50] Almost 80% were Afghan, Iraqi and Syrian nationals fleeing war and widespread violence.[51]

The 2016 Regulation significantly strengthened the agency's role in border control. It mandated the monitoring of migratory flows and the production of 'risk analyses' and 'vulnerability assessments' of member states. It also spurred the further development of the 'Border Industrial Complex' through increased cooperation with the lucrative arms and security industry. This led to pilot projects on border control, surveillance and technology.[52] The agency's operational autonomy was expanded through its mandate to organise and coordinate joint operations and 'rapid border interventions' and to deploy Frontex teams and technical equipment at the newly established EU 'hotspots' in Italy and Greece. In the hotspots EU agencies work closely with the national authorities in screening, debriefing, identifying and fingerprinting of asylum seekers.

Moreover, the 2016 Regulation made the (forcible) removal of people from EU territory one of Frontex's primary tasks. It assumed responsibility for setting up pools of 'forced-return monitors', 'escorts' and 'specialists' for conducting deportations and creating and deploying 'return intervention teams'.[53] Crucially, in 2019 Frontex acquired the mandate to launch operations in non-EU countries neighbouring the EU.

The 2015 'refugee crisis' also saw the convening of the Valletta Summit between the EU and 25 African countries. This marked a key shift in EU migration policy by accelerating the externalisation and militarisation of borders. Through the creation of the Emergency Trust Fund for Africa (EUTF), the EU redirected development aid towards border control, surveillance, and the training of security forces in various African countries. The summit institutionalised a model that prioritises containment and deterrence over protection, embedding EU migration control deep into African territories and governance structures, and giving commercial opportunities for the private military and security industry.

Frontex Working Arrangements and Status Agreements Explained

All Frontex actions conducted in non-EU countries are subject, according to the Frontex Regulation, to a working arrangement or a status agreement.

Working arrangements[54] are informal cooperation frameworks established between Frontex and authorities in non-EU countries. They are not legally binding international agreements but rather administrative tools that facilitate information exchange, capacity building, training, and technical support in border management. Through working arrangements, Frontex may coordinate with non-EU states on intelligence sharing, surveillance practices, and the provision of border control equipment or expertise, often without the same transparency, oversight, or human rights safeguards required in formal agreements. These arrangements are frequently signed without public scrutiny and are difficult to track, making them a key mechanism through which Frontex extends its influence beyond EU borders with limited accountability.

In contrast, **status agreements,** required for the deployment of border management teams in non-EU countries, take the form of an international agreement concluded by the Council of the EU in close cooperation with the Commission and with the consent of the European Parliament, which must be immediately and fully informed at all stages of negotiations.[55]

Status agreements should cover all aspects of cooperation between Frontex and non-EU states, including the scope of operations, the tasks and powers of the team members, and provisions related to fundamental rights and data protection safeguards. They are supposed to ensure full respect for fundamental rights and provide for a complaints mechanism.[56]

Status agreements limit Frontex officers to performing tasks and exercising powers in the host country in the presence of, and under the instructions of, that country's border guards or other relevant authorities. The non-EU host state has command and control over the operation and the exclusive power to issue instructions to the members of the border guard teams, in accordance with the operational plan,[57] taking into consideration the views of the Frontex coordinating officer.[58] Status agreements have been concluded with Albania,[59] Bosnia and Herzegovina,[60] Montenegro,[61] Moldova,[62] North Macedonia[63] and Serbia.[64]

2019 onwards

The subsequent 2019 amendment of the Regulation brought Frontex closer than ever to its original conception of a fully-fledged European border police,[65] allowing it increased autonomy and operational capacity. It meant the agency could acquire its own equipment and personnel, with a multi-billion-euro budget.[66] This came with an even broader mandate in border surveillance, (forced) removals and cooperation with non-EU countries.

The most significant enhancements include the assignment to the agency of its own operational arm: an EBCG 'standing corps' of 10,000 officers with broad executive powers. The 2019 Regulation also enhanced powers on information-sharing with national and EU agencies, and introduced a broader mandate in pre-deportation and deportation-related activities, including providing its own deportation 'escorts' and 'monitors' and preparing expulsion decisions.

Regarding externalisation, while the 2016 revamp allowed Frontex to launch border surveillance operations in neighbouring third countries, in 2019 this power was further expanded. Frontex may now launch EU border surveillance operations anywhere in the world. Besides joint operations, the agency may initiate and finance technical assistance projects in non-EU countries and provide other operational and technical assistance to strengthen border controls or facilitate expulsions and readmission. This can include surveillance technology or establishing intelligence networks to track groups of migrants.[67]

The 2019 Regulation also reinforced the exchange of information between EU and non-EU states within the framework of EUROSUR, and directly between Frontex and the non-EU countries.[68] It also strengthened the role of liaison officers in information exchange and overall cooperation with the non-EU countries. Their tasks were extended to include technical assistance in identifying third-country nationals and supporting the acquisition of travel documents for their (forced) removal.[69] The Commission's original text also included a proposal for controlled centres. There, relevant EU agencies and participating states would have enforced rapid procedures for either asylum or deportation. Powers for Frontex to coordinate removal operations from one third country to another were also proposed.[70] They did not survive the negotiations but have returned in the European Commission's proposed recasting of the Return Directive, published in March 2025.[71]

The effects of some of these changes can be seen in the Balkans, where Frontex is laying the foundation for expansive data-sharing systems. This includes communication infrastructure

that is interoperable with Eurodac, the EU's extended 'migration management' database.[72] In operation since 2003, Eurodac is a centralised biometric system used by the 27 EU member states, four Schengen-associated countries (Iceland, Liechtenstein, Norway and Switzerland), and Europol. It stores fingerprint data – currently over 7 million records – to track the movements of asylum seekers across Europe, often to identify and prevent what the EU refers to as 'asylum shopping', i.e. when a person seeks asylum in more than one EU country.
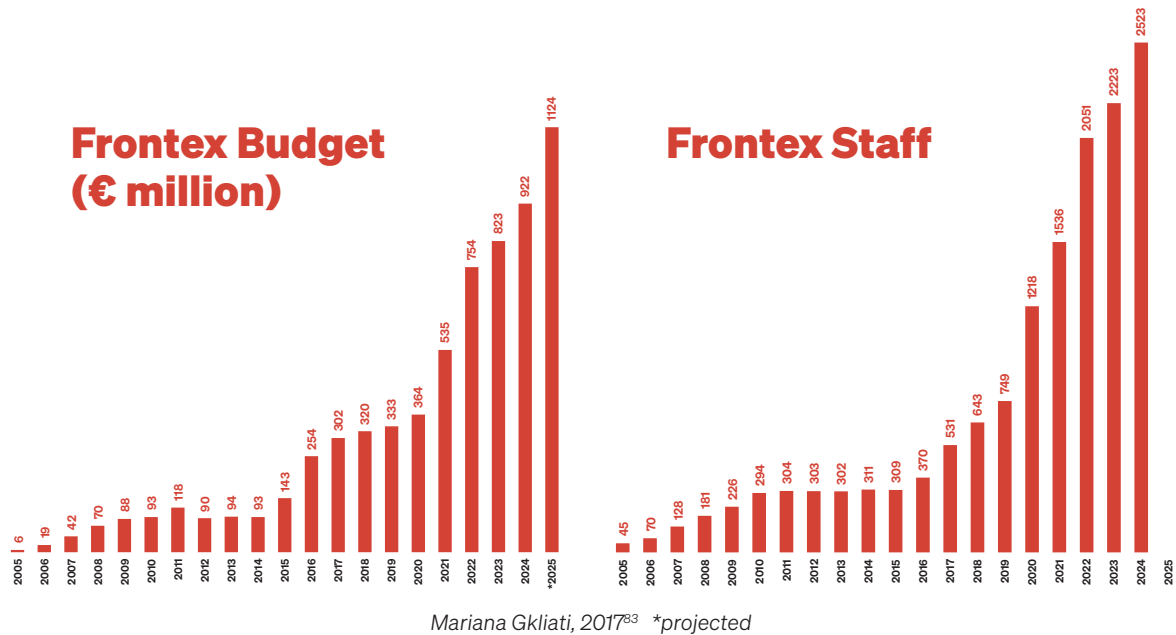
With the New Pact on Migration and Asylum adopted in June 2024, the system is being expanded into a more powerful monitoring tool. As well as tracking people through the asylum process and aiding in deportation enforcement, the scope of who is included in the database has been widened, raising serious concerns about privacy, criminalisation, and the erosion of the right to seek asylum.[73]

Frontex personnel also provide EU accession countries with training on screening, debriefing, interviewing, use of EUROSUR, national coordination centres, detecting falsified documents, deportations and fundamental rights.[74] Furthermore, to enhance 'situational awareness beyond national borders', Frontex conducts daily data exchanges through the risk analysis network in the Balkans (WB-RAN) and coordinates joint analytical activities between border authorities.[75]

Although not mandated to conduct deportations from one non-EU country to another, Frontex deploys 'return specialists' to Balkan states to support identification and provide training.[76] This is alongside extensive cooperation between Balkan states and some EU member states on the same issues.[77] The existing status agreements include explanatory memoranda referring to bilateral readmission agreements with other third countries, signalling the intention for Balkan states to not only prevent but also facilitate the removal and readmission of people arriving without authorisation.[78] Finally, immediately following Russia's invasion of Ukraine, Frontex launched a joint operation in Moldova.[79]

Frontex also actively participates in policy discussions on externalisation at the EU level. In 2021, the EU Council established the Working Party on External Aspects of Asylum and Migration (EMWP), which discusses and shapes the EU's approach to countries of origin and transit as well as non-EU refugee-receiving countries.[80] Another body, the Operational Coordination Mechanism for the External Dimension of Migration, commonly known as MOCADEM, was established in 2022 to coordinate operational actions agreed in other Council working parties.[81] Frontex has a central role in both the Working Party and MOCADEM, actively informing the perspectives of the Council on cooperation with non-EU countries.[82]

Graphic 1. Budget and Personnel

Frontex Budget (€ million)

Values by year: 2005: 6, 2006: 19, 2007: 42, 2008: 70, 2009: 88, 2010: 93, 2011: 118, 2012: 90, 2013: 94, 2014: 93, 2015: 143, 2016: 254, 2017: 302, 2018: 320, 2019: 333, 2020: 364, 2021: 535, 2022: 754, 2023: 823, 2024: 922, *2025: 1124

Frontex Staff

Values by year: 2005: 45, 2006: 70, 2007: 128, 2008: 181, 2009: 226, 2010: 294, 2011: 304, 2012: 303, 2013: 302, 2014: 311, 2015: 309, 2016: 370, 2017: 531, 2018: 643, 2019: 749, 2020: 1218, 2021: 1536, 2022: 2051, 2023: 2223, 2024: 2523

*Mariana Gkliati, 2017[83]   *projected*

Fundamental rights and accountability

Frontex's work involves engaging directly with people who have fled war, conflict and violence, including economic violence. When they come into contact with Frontex they may be in a vulnerable and precarious situation. The agency's work thus has inherent fundamental rights sensitivities. This section lays out the human rights obligations of the agency, as well as its overall accountability mechanisms, pointing out their inadequacies. Accountability mechanisms are examined in more detail in Section 5, specifically regarding situations where Frontex operates in non-EU states.

All amendments to Frontex's mandate have consistently expanded its powers and operational capabilities, but with no corresponding increases in its accountability.[84] The inadequacy of the fundamental rights safeguards to ensure that the reach and actions of an EU agency do not harm those with whom it comes into contact is a key theme of this report. Yet, ignoring mounting criticism and evidence of Frontex's complicity in fundamental rights violations, the Commission's evaluation of the 2019 Regulation considers the fundamental rights framework of the agency to be 'effective'.[85]

As an EU agency, Frontex has legal obligations to respect and protect human rights in all its operations. These responsibilities stem from international and EU law, including the European Convention on Human Rights (ECHR), the EU Charter of Fundamental Rights (Charter), and key treaties on refugee protection.

Central among the relevant rights is the principle of *non-refoulement*, which prohibits returning individuals to countries where they are at risk of facing persecution or serious harm. The ban on collective expulsions is designed to ensure that each person's case is assessed individually.

The agency is also charged with respecting the right to life by taking measures to prevent deaths at borders not engaging in or enabling torture, inhuman or degrading treatment. People

intercepted or detained during border operations have the right to liberty, meaning they cannot be arbitrarily held without legal justification. Privacy and data protection laws require Frontex to handle personal information with care, while the right to an effective remedy ensures that individuals can challenge rights violations through legal means. Human dignity must always be respected, and Frontex is also responsible for ensuring that individuals have the right to seek asylum in the EU. Special protections apply to children, who are entitled to safeguards appropriate to their age and vulnerability. Finally, the right to good administration means that procedures must be fair, transparent, and in line with legal standards. These rights impose negative obligations on Frontex, meaning it must not actively violate them or contribute to violations conducted by member states. They also impose positive duties, requiring the agency to take measures to ensure the protection of asylum seekers and other migrant populations and prevent further violations.

In terms of accountability mechanisms, the agency's work is supported by the Fundamental Rights Officer (FRO) who is tasked with monitoring fundamental rights compliance and advising the Executive Director in this respect. Since 2019, the FRO has been supported by Fundamental Rights Monitors (FRMs), assigned to assess compliance with fundamental rights during all operational activities and provide relevant advice and assistance. The agency's fundamental rights monitoring mandate is complemented by a Serious Incident Reporting procedure, in-person monitoring of deportation operations, a supervisory mechanism on the use of force and, in its 'vulnerability assessments' of the external borders, a fundamental rights vulnerability assessment. Moreover, the agency is supported by a Consultative Forum on Fundamental Rights composed of UN bodies, EU agencies, and several CSOs.

Via the agency's internal individual complaints mechanism, established in 2016 and further developed in 2019,[86] individuals who have been victims of violations in the context of Frontex operations can file a complaint against a member state or Frontex.

Frontex's Regulation makes the agency accountable to the Council and the European Parliament, although in practice the latter has only symbolic sanctioning powers. In recent years it has made extensive use of its limited competencies, including refusal to approve Frontex's annual accounts, hearings with the agency's Executive Director, the establishment of a Frontex Scrutiny Working Group, and the launch of an investigation into the agency's complicity in fundamental rights violations at the EU's external borders.[87]

Nevertheless, there are considerable shortcomings to these accountability mechanisms. For instance, the complaints mechanism has been widely criticised for its lack of accessibility, independence and effective follow-up.[88] Moreover, the threshold for officers or personnel to submit a Serious Incident Report have been found to be prohibitively high, with officers reporting considerable internal pressure to downplay or not report incidents they witness by national border operatives.[89] Citing the lack of such reports as evidence, Frontex has only once made use of the obligation to terminate or downsize operations due to human rights concerns, despite external evidence of human rights violations in many countries in which it operates, and then only under the pressure of the Court of Justice of the EU (CJEU).[90] While internal reporting and external complaints mechanisms exist on paper, they are rendered ineffective by the agency's working practices.

Frontex routinely neglects to follow the advice of its FRO or the Consultative Forum.[91] Both bodies face structural obstacles, including limited powers, an uncooperative attitude from the agency and resource limitations. Moreover, the agency's lack of transparency poses a significant challenge, hindering independent oversight of its activities.[92] Without sufficient access to information, independent scrutiny becomes a formidable task. The agency's culture of secrecy also extends to the European Parliament and its own fundamental rights monitors.[93] Finally, holding Frontex legally accountable is excessively difficult due to the limited judicial forums available, and challenges with respect to joint responsibility and the strict causality requirements of the CJEU.[94]

EU border externalisation in West Africa

Regional security and stability in tatters

The Sahel region, historically plagued by colonialism and continued imperialist exploitation, has faced environmental, political and security challenges. Several coups d'état have taken place in the early 21st Century. Nine governments have been overthrown in Africa since 2020, eight of which were in the Sahel.[95] A military junta has been leading Burkina Faso since 2022, while Mali has seen coup d´états in 2020 and 2021,[96] with a resurgence of violence and a 'rapidly deteriorating human rights situation' noted in the wake of the 2021 *coup d'état*.[97] The military governments in Burkina Faso, Mali and Niger have used explicitly anti-colonialist rhetoric and are in the process of expelling French, EU and US military missions.

A UN independent expert on the human rights situation in Mali noted that since March 2022, 75% of Mali's territory has been under the control of non-state armed groups, with 'dramatic increases' in human rights violations, primarily at the hands of these groups but with a significant number attributed to the Malian army.[98]

Niger has been in turmoil for years due to a constantly deteriorating security situation fuelled by militarisation from the US and EU, including continuous violent attacks from Boko Haram and other insurgent groups, especially at the border areas in Mali, Nigeria and Burkina Faso. The most recent military coup in July 2023 has strained the country's international relations with the West but also with the African Union (AU) and the Economic Community of West African States (ECOWAS). The AU and ECOWAS have threatened sanctions and military intervention in Niger if diplomatic efforts fail to 'restore constitutional order,'[99], while ECOWAS in collaboration with the West African Monetary Union (UEMOA) eventually imposed heavy sanctions on both Mali and Niger, including a no-fly zone for all commercial flights and the freezing of central bank assets.[100] The sanctions were only lifted in February 2024, in response to Niger announcing its withdrawal from ECOWAS.[101]

Burkina Faso, Mali and Niger had been suspended from ECOWAS, but in early 2024 announced their determination to leave the 50-year-old alliance.[102] They set up a parallel Alliance of Sahel States (AES) and formed a Tri-State confederation.[103] The three states also contemplated leaving UEMOA and establishing their own monetary union.[104] In 2014, together with Chad and Mauritania, they had set up the G5 Sahel group, a joint military task force, to fight against jihadist armed groups.[105] The G5 Sahel was strongly supported by the EU and financed through the EU Trust Fund for Africa.[106] But Mali withdrew from the G5 Sahel in May 2022, referring to 'loss of autonomy' and 'instrumentalisation' within the organisation.[107] Burkina Faso and Niger followed in late 2023, which prompted the remaining two members to dissolve the alliance in December 2023.[108]

West Africa has also faced a series of 'soft coups', extending governments' grip on power. In 2019, Togo passed a constitutional amendment allowing President Faure Gnassingbé to stand for two more terms.[109] In the same year, in neighbouring Benin, all opposition parties were barred from the elections.[110] In 2020, Guinea's President Alpha Condé sidestepped the two-term constitutional limit on presidential mandates to prolong his stay in office,[111] until he was deposed by a military coup in 2021.[112]

Senegal's head of state, Macky Sall, cancelled the February 2024 elections, sparking a democratic crisis in what was considered one of West Africa's most resilient and institutionally-rooted democracies. Civilian protests were met with arbitrary arrests, killings and police brutality against demonstrators and journalists. According to Amnesty International, such violent crackdowns have become more frequent since March 2021, and an estimated 60 people have been killed in the context of protests.[113] The University of Dakar, closed indefinitely by Presidential Decree since student protests in June 2023, has become 'a symbol of the collapse of Senegalese democracy'.[114] Under heavy political and judicial pressure from the country's Constitutional Council,[115] new elections eventually took place in March 2024 in which the incumbent president did not run and the opposition candidate Bassirou Diomaye Faye was elected.[116]

The consecutive democratic shocks that have befallen the region and the constant armed insurgencies have been accompanied by hyper-inflation,[117] and climate change taking place faster than the global average. A growing number of citizens are migrating in search of agricultural land and natural resources.[118] The EU regards the Sahel region as crucial for its strategy of border externalisation, as it includes countries that generate and/or host refugees, or are on the transit route.[119] Indeed, the region has been a historical hub for human movement since the precolonial era and today forms an essential part of the Western Mediterranean and the Atlantic routes to Europe. Four out of five 'priority countries' for EU security-migration-development cooperation are in West Africa: Mali, Niger, Nigeria and Senegal,[120] while Mauritania is the second most important country of departure on the Atlantic route.[121]

The region also includes major recipients of EU development aid, and all four of the case study countries are among the world's 'least developed countries' (LDCs).[122] The region is characterised by poverty, with countries in the region regularly being classified among the world's poorest,[123] despite of its wealth in natural resources including large oil and gas reserves, and precious minerals, including gold and uranium.

This situation is leveraged to create a dual dependency on the EU: first, for support in strengthening the Sahel governments' territorial control. This is an approach echoed in the European Union External Action Service's 2016 Strategy for Security and Development in the Sahel, framed around a context of poverty creating 'inherent instability that can impact on uncontrolled migratory flows'.[124]

Second, development aid is used as an incentive to secure cooperation in enforcing EU migration policies. The EU donated €240 million in humanitarian aid to the Sahel region in 2022[125] and has initiated Economic Partnership Agreements with 16 countries across West Africa and ECOWAS. In 2019, the EU provided €187 million in funding for emergency humanitarian needs in Burkina Faso, Cameroon, Chad, Mali, Mauritania, Niger and Nigeria.[126]

The EU is implementing various forms of what it terms 'operational cooperation' in the region. Through the Partnership Framework with Third Countries introduced under the 2015 European Agenda for Migration, cooperation on 'return and re-admission' has been increased, and EU development aid provided to its priority states is being diverted to migration control.[127] The Partnership Framework also involves deploying EU migration liaison officers, providing border management support and training also through Common Security and Defence Policy (CSDP) missions.

The Sahel Region

Mauritania
Mali
Niger
Senegal
The Gambia
Burkina Faso
Chad
Guinea
Nigeria
Cameroon

Common migration routes from Africa to Europe

Western Mediterranean
Central Mediterranean
Atlantic
Sahel Region

Alliance of Sahel States

Mali
Niger
Burkina Faso

ECOWAS

Cabo Verde
Senegal
The Gambia
Guinea-Bissau
Guinea
Sierra Leone
Liberia
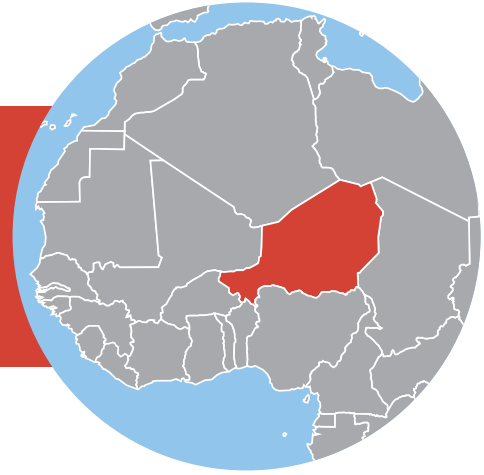Côte d'Ivoire
Ghana
Togo
Benin
Nigeria
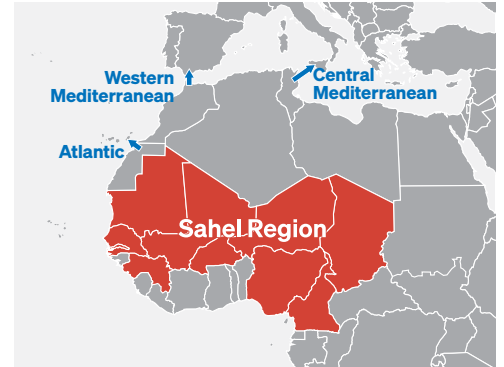
Niger

POPULATION (2025): 27.9 million[128]

CAPITAL CITY: Niamey

Niger is a key crossroad in the Sahel region, with around 90% of migrants to the EU from West Africa travelling through the country.[129] It has become central to EU efforts to reduce migration to Europe. After the 2011 NATO-led invasion of Libya and subsequent destabilisation and civil war, the EU launched the European Union Capacity Building (EUCAP) Sahel Niger mission as part of its broader Strategy for Security and Development in the Sahel.[130] The initial stated aims of the EUCAP Sahel Niger mission were to strengthen the capabilities of internal security forces to prevent terrorism and organised crime, but its mandate was reformed in 2016 to include collaboration with Nigerien authorities 'to better control and fight irregular migration'.[131]

Niger's efforts to address security concerns and comply with EU aid incentives have resulted in the criminalisation of migration. This is exemplified by the 2015 law on illicit migrant smuggling (further discussed in Section 5.1) and a 2017 Joint Declaration with the EU and some African states to improve mechanisms to prevent departure and facilitate deportations at any stage of the journey.

The 2015 anti-migration law has been strongly criticised as violating the ECOWAS principle of freedom of movement and international human rights norms and standards, and has been under review by the ECOWAS Court.[132] The ECOWAS Treaty refers to citizens of member states as 'community citizens', and supplementary protocols include the right to enter the territory of another community member state without a visa for a maximum of 90 days, obtain a residence permit, establish residence in that state, and establish and carry out economic activities in that state.[133] Member states can deny entry to their territory if certain conditions of domestic law are not met.[134] Although refusal of entry and stay may be specific in certain circumstances, this provision has been criticised for undermining the protocol's purpose and is not uniformly accepted.[135] There have also been several questions about the lack of references in the law to the right to seek asylum and the principle of *non-refoulement*.

The 2015 law blurred the distinction between "regular" and "irregular" migration. It affected the right to leave a country and violated the principle of non-refoulement, and protections against torture and threats to life.[136] Its criminalisation of migration and border closures drove up smuggling fees and forced migrants onto more dangerous routes, increasing risks to their safety. The law had devastating effects not only on migrants but also on the roughly 6,000 Nigeriens involved in the migration transport economy. They were abruptly outlawed, increasing local economic deprivation.[137] Between 2015 and its repeal by the military government in 2023, an estimated 5,000 people died in the Nigerien desert.[138]

That the 2015 law is a direct result of EU influence is clear to civil society actors in Niger, one of whom noted in September 2021 that, 'under the pressure of the European Union, Niger's government has voted that particular law 2016-36'. Implementation of these legislative changes was aided by EU and bilateral financial cooperation with EU member states.[139] For instance, the EUTF funded the 2017 Joint Investigation Team of Nigerien, French and Spanish police forces, set up to investigate and prosecute irregular migration, smuggling and trafficking.[140] Respondents describe how the law is implemented through 'strategies that have been given to the police, or other military forces, or to the judiciary, such as equipping them with lorries, which are adapted to the desert, giving them guns, giving them machines for the fingerprints'.[141] The 2015 law, nullified in 2023 by the military government following the coup, was unclear and confused in defining "regular" and "irregular" migrants, and has been perceived domestically as the result of heavy influence exercised by EU states.[142] Niger's military government repealed the anti-migration law a few months after coming to power in the summer of 2023 and promised to expunge relevant criminal convictions.[143]

Niger is also the major recipient of EUTF funding, receiving more funding than any other state,[144] with at least €266 million committed by 2018[145] and another €29 million in 2023.[146] The funding was mainly used for patrolling the desert, stopping migrants north of Agadez on their way to Northern Africa, and building and reinforcing infrastructure to receive deportees to Niger.[147]

The EU, the United Nations High Commissioner for Refugees (UNHCR) and Niger launched the Libya-Niger Emergency Transit Mechanism (ETM) in 2017, using EUTF funds. The ETM was presented as a humanitarian solution aiming to evacuate some of the most vulnerable asylum seekers from Libyan detention centres, where they experienced torture and exploitation after having been intercepted by the EU-funded Libyan Coast Guard. In one of the only examples of extraterritorial asylum processing, Niger was seen as a transit state. The framework provided that deportees would be sent from Libya to Niger, where their asylum claims would be evaluated and refugees would subsequently be resettled in Europe and North America.

In practice, however, a high number of these asylum claims were rejected in Niger, resettlement countries are largely failing to fulfil their promises, and Niger refused their local integration, putting thousands of refugees in limbo or at risk of refoulement.[148]

Furthermore, the EU-IOM Joint Initiative for Migrant Protection and Reintegration was launched in 2016 to facilitate the return of migrants to their countries of origin. In the context of this initiative, Niger became a deportation hub for the onward return of migrants to their countries of origin. Indeed, Niger is the IOM's largest 'voluntary' return operation worldwide. Burkina Faso, Mali and Nigeria also take part in the initiative. The concept of 'voluntary return' can give the misleading impression that it does not entail coercion. Indicatively, the EU's funding of IOM return operations has been questioned by the UN Special Rapporteur on the human rights of migrants during a visit to Niger in 2018, underlining the common lack of willingness among migrants' 'choice' to return to their country of origin.[149]

Following the 2023 coup, EU cooperation projects with Niger, including the ETM, are on hold.[150] Projects implemented by international organisations, such as the IOM and UNHCR, however, are meant to continue, even though they are funded by the EU.[151]

Mali

POPULATION (2025): 25.2 million[128]

CAPITAL CITY: Bamako
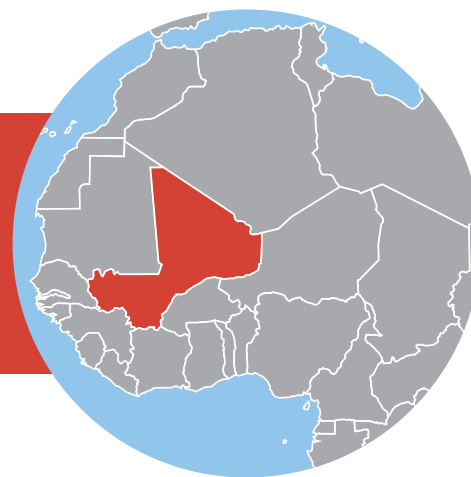
A multitude of international actors working on migration and border management have had a long-established presence in Mali. This includes EUCAP Sahel Mali, the UN Multidimensional Integrated Stabilization Mission in Mali (Minusma), the IOM, UNHCR, and other donors and state delegations.

As part of the Partnership Framework established at the Valletta Summit on Migration between EU and African leaders, the EU signed a deal with Mali in December 2016, supposedly focusing on addressing the root causes of migration and strengthening cooperation on deportations.[152] The EU has been active in Mali with the military EU Training Mission in Mali (EUTM Mali), which ran from 2013 until 2024.

At the time of writing, its civilian mission in the country, EUCAP Sahel Mali, was the only EU mission remaining in the Sahel after the new military leaders expelled the others.[153] Launched in 2015, it often works together with Minusma, for instance, in training and advising the local authorities.[154]

A former member of the EUCAP delegation in Mali who was interviewed said that the cooperation with Malian authorities very much focused on building infrastructure and information systems to process border crossings and on providing training. The relevant training, guidelines and advice also focused on human rights protection, but there was a gap in implementation. The respondent was unsure whether the Malian authorities make day-to-day use of the infrastructure built, skills taught, or systems developed. If not, it would clearly have limited the impact of such initiatives.[155] The respondent commented on the challenges of monitoring and follow-up on the assistance provided:

> *Everyone, everyone, I mean literally everyone, all day long, they deliver things on human rights, [the] Geneva Convention, gender... It's not a lack of training which leads to this situation, and which leads to abuse of migrants in the border crossing places. This is not something any cooperation partner could realistically expect to change.*

The respondent further explained that the level of poverty, with security officials severely underpaid – sometimes not paid for six months – make the training somewhat abstract.[156] Multiple EU-funded projects scaled up border control infrastructure and surveillance in several areas of Mali and Burkina Faso, aiming to give an overview of migratory movements. However, 'all of these means and technical assets remain heavily unused – no Malian officials actually

use them', explained a former EUCAP staff member based in Mali, in an interview conducted in July 2021.[157] One interviewee with experience of coordinating cooperation in Mali speculated that the economic benefits of migration in border areas – 'people selling water, food, SIM cards, gas, and accommodation' – make measures to discourage migration within West Africa unappealing to governments.[158]

A former Frontex staff member commented that EU cooperation, whether through the EUCAP network, bilateral partnerships (such as with France) or international donations, did reinforce border control structures in Mali through the reconstruction and refurbishment of border crossing points and improvement of controls at Bamako airport.[159] The respondent added:

> *Whether there is improvement in the lives of migrants and in the full migration journey, I would say probably not, as far as the European Union is concerned.[160]*

Respondents expressed uncertainty and criticism regarding the effectiveness of EU funds and presence in achieving their states' objectives, including a former EUCAP professional who spoke of an 'unmanageable situation' due to 'multiple fractured projects':

> *Everyone comes and throws some computers and boats etc. without doing a needs assessment – no one asked the Malians what they need – and with no follow up.[161]*

According to the respondents, cooperation initiatives are very much driven unilaterally by international actors with little participation from the Malian partners. This speaks to the continuing neo-colonial dynamics, illustrated by the uneven power relations, with the EU and its member states utilising funding and political leverage to try to shape Mali's internal policies.

According to the same respondent:

> *Far from it, they are not really invested in all this coordination and effort... Malian authorities were taking it on a very unstructured basis.[162]*

While Mali's authorities were apparently open to cooperation on methods of border management through training, capacity building and border infrastructure, they were much less open to cooperating on migration control. Without sustainable alternatives to the migration-related economy, it is politically untenable to truly remove citizens' income possibilities.[163]

It may be questioned why there would be a need to seek out any alternatives, when the migration-related economy is not a problem for Mali but for EU leaders located in a different continent, thousands of kilometres away. Arguably, disrupting and curtailing the migration-related economy would contribute to further migration because those employed in it would be without work and may well migrate to seek alternative work.

The role of migration as an instrument of socio-economic development is reflected in the *Politique Nationale de Migration du Mali* (PONAM), a 2014 national migration policy, which underlines migration as 'a real asset for the development of the country, a factor of economic growth and social promotion to sustainably reduce poverty'.[164] The national policy on migration

involves not only migration at Mali's borders, but also the 'management and mobilisation of Malians abroad, and African integration issues'.[165] This national policy would appear to be entirely at odds with that being shaped by the EU.

In 2020, owing to COVID-19 and the 2020 *coup d'état,* many international organisations withdrew their personnel from Mali. There was virtually no EU physical presence in Mali, and reportedly a similar situation in Niger, with very few training or other activities still in place.[166] The latest military coups in Mali and Niger were understandably fuelled by strong anti-French/ anti-Western sentiments. This led several countries to withdraw their military presence from the two countries,[167] while the military junta in Niger fully revoked its military agreements with France and later the US. It also cut diplomatic relations with France, marking the end of French military intervention in its former colonies.[168] French intervention in other forms has continued, however, most notably through the continued use of the CFA franc, often referred to as 'the colonial currency'.[169]

EUCAP Sahel maintained an official presence in Mali until January 2025. The mission was adapted to 'take into consideration the political and security situation', with plans to facilitate the deployment of internal security forces such as the Malian National Police to the south and centre, if necessary.[170] The EU has distanced itself from any action that could legitimise or empower the Malian government, including direct funding or budgetary support, while all security programmes have been suspended and the Common Operational Partnership on counter smuggling was not renewed.[171]

Mauritania

POPULATION (2025): 5.3 million[128]

CAPITAL CITY: Nouakchott
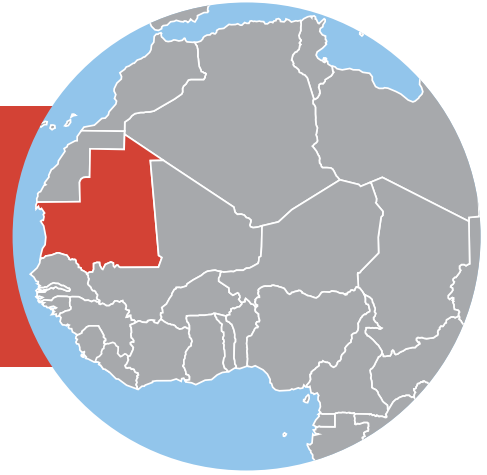
Mauritania receives approximately 100,000 refugees from its neighbouring countries each year,[172] many of whom continue through the Atlantic route in a bid to reach the Canary Islands. According to the Spanish Interior Ministry, more than 7,000 people reached the islands in January 2024, a 13-fold increase from the same month the previous year. This may be linked to the EU's deals with Tunisia and other North African countries that made the central Mediterranean route more deadly.[173] Thus, Mauritania has become a new focal point for EU externalisation policies. Officers from Spain's *Guardia Civil* have had a presence in the country since 2006, following the first major increase of informal arrivals to the Canary Islands.[174] This also marked the start of EU involvement: through the Frontex operation Hera; and the leading role of the EU in a national border infrastructure upgrade project.

In 2010, Mauritania published a comprehensive national migration strategy drawn up by EU technical experts and jointly published by EU and Mauritanian authorities.[175] Its covered four 'strategic axes':

1. managing and measuring migration;
2. development;
3. fundamental rights; and
4. controlling migration flows.

Implementation has been uneven, with the first three axes said to be in a state of 'inertia'. The border infrastructure upgrade project intended to provide Mauritania with 'the technical means necessary for better checks on flows of entries and exits'[176] has advanced, especially with respect to the infrastructural and technological strengthening of the country's borders.

In particular, 45 new mandatory border entry/exit points were created to better control both entry to and exit from the country. International projects, funded and coordinated by the EU and implemented by the IOM, have been used for constructing and equipping new border posts and updating existing ones, and providing border and migration 'management' workshops and training

for Mauritanian security forces.[177] Furthermore, Spain set up the first migrant detention centre in the country to detain and process those intercepted and refouled in the context of the Frontex operation Hera II.[178] For this purpose, the Spanish authorities converted an old school in Nouadhibou, which quickly earned the name 'Guantanamito' (Little Guantanamo) due to the appalling conditions.[179]

Regarding the fourth axis of the national migration strategy, in 2012 Mauritania introduced a biometric residence permit for foreign nationals.[180] This was coupled with a 30,000 UM (€75) registration fee and a cumbersome list of application forms and accompanying documents. This proved a major obstacle for many applicants, who registered but were subsequently unable to receive a residence permit. This resulted in their stay becoming illegal, leading to deportation.[181]

Since 2018, the EU has been scaling up its efforts to strengthen its partnership with Mauritania to better control migration from the country.[182] The EU Commission President and the Prime Minister of Spain visited Mauritania in February 2024, reaching an agreement to help curb migration to Europe. The EU committed to providing 'more than €210 million' before the end of the year, supposedly to help Mauritania address the root causes of migration, provide humanitarian assistance, and crack down on smugglers.[183] The EU Home Affairs chief, Ylva Johansson, the Spanish Interior Minister and the Belgian State Secretary for Migration conducted a follow-up visit in March 2024 to sign a joint declaration with Mauritania to fight migrant smuggling.[184]

Senegal

POPULATION (2025): 18.9 million[128]

CAPITAL CITY: Dakar

Senegal's geographic position, bordering several West African countries and the Atlantic, has made it a major point of departure for migrants to Europe. Free movement of people in and through Senegal pre-dates the colonial era, with colonial rule itself fuelling new, large-scale migration.[185] Senegal is home to seasonal and other voluntary and forced migrants from ECOWAS member states and Mauritania,[186] and receives more than 10,000 refugees a year.[187] At the same time, Senegal is itself a 'sending' country, being one of the main nationalities among migrants coming to Europe from sub-Saharan Africa. Since 2006, most people arriving via the Atlantic route have been of Senegalese origin.[188]

Senegal has been gradually gaining importance in the EU's migration agenda, especially since the signing of the Cotonou Agreement in 2000 between the EU and the 79 countries that make up the African, Caribbean, and Pacific Group of States (ACP). This agreement established a wide framework for 'cooperation' and 'partnership', including in the area of migration (Article 13).[189] In May 2006 the European Council mandated the European Commission to send its inaugural diplomatic mission to Senegal to commence discussions under Cotonou's Article 13. This covered a broad range of issues from capacity building to deportation and readmission, and securing Senegal's cooperation in stopping migrants before they could leave for Europe.[190] Just three months later, Frontex's operation Hera was launched[191]. Quite early on, the Council also mandated the Commission to commence negotiations with Senegal on a 'mobility partnership'.[192]

The migration agenda of Senegalese governments has been open to mobility, focusing on the migration-development nexus and acknowledging the economic benefits of emigration for the country and for individual migrants.[193] For instance, remittances from the Senegalese diaspora constitute nearly 10% of the country's GDP.[194] On the other hand, external pressure (conditional development aid, job creation and temporary migration programmes) has influenced the country's approach towards migration management.[195] Thus, Senegal is in a perpetual balancing act, and its migration policy is the result of a dynamic interplay between EU and domestic interests.[196]

Since 2005, as a result of its cooperation with Spain, Senegal has implemented stringent legislation against smuggling and trafficking, imposing prison penalties of up to 10 years.[197] The EU and its member states have notably affected the country's migration policy and relevant institutional and administrative infrastructure.[198] Since 2018, the EU has funded at least nine border posts and four regional Divisions for the Fight Against Migrant Trafficking and Related

Practices (DNLT) branches, equipped them with invasive surveillance technologies. These include biometric fingerprinting and facial-recognition capabilities, drones, digital servers, night-vision goggles, and staff training.[199] Still, readmission and border controls remain contentious issues. The country's reluctance to become party to mobility partnerships (with France, Switzerland, or the EU) is well established,[200] while Senegal also maintains an ambiguous stance towards closer cooperation in border surveillance.

In June 2023, the EU Commission presented its new Action Plan for the Western Mediterranean and Atlantic migratory routes. This focused on strengthening its partnership with key countries of origin and transit along the route to prevent irregular migration, combat smuggling and trafficking, and facilitate returns and readmission.[201]

One month later, Senegal adopted its first migration management strategy, after navigating EU requests to formulate such a formal plan for years. The 10-year National Strategy to Combat Irregular Migration (SNLMI) is financed by the national budget and "external partners". It focuses on preventing departures by tightening border controls and targeting smuggling and trafficking, measures to support and protect migrants, and the return and reintegration of irregular migrants.[202] The Senegalese interior minister stated that the country needs to 'drastically reduce irregular migration by 2033.'[203] Former President Macky Sall asked the government 'to step up controls in potential departure zones and sites, but also to deploy all surveillance, awareness-raising and support measures for young people [...] to combat clandestine emigration'.[204] A few months later he ordered 'emergency security, economic, financial and social measures to neutralise emigrant departures' involving the ministries of interior, youth and fisheries and the armed forces.[205]

Little is known about the new president Faye's stance on migration. However, he announced additional measures to crack down on smugglers, in response to the drowning of some 40 migrants on the way to Europe in September 2024.[206] He also declared that 'the government was working on policies to tackle some of the key issues that push people into migration', including the lack of employment opportunities, and that he would set up a hotline to report smuggling activity.[207]

Frontex in Africa

NATO Operation in the Aegean Sea

EUNAVFOR MED IRINI (Central Mediterranean Sea)

Tunisia

Morocco

Algeria

Libya

EU Border Assistance Mission in Libya (EUBAM)

Egypt

Mauritania

Mali

Niger

(suspended)

Sudan

Chad

Eritrea

Sengal

The Gambia

Guinea-Bissau

Burkina Faso

Djibouti

Sierra Leone

Côte d'Ivoire

Ghana

Nigeria

Ethiopia

South Sudan

Somalia

Liberia

Togo

Benin

Cameroon

Gabon

DR Congo

Kenya

Angola

AFIC members with Risk Analysis Cells and planned status agreement with Frontex

AFIC members with Risk Analysis Cells and existing working arrangement with Frontex

AFIC members with Risk Analysis Cells

AFIC Members who participated in the EU4Border Security Project

Other AFIC members

Frontex Liaison Officer stationed in country or with EU mission*

Frontex has developed activities with African countries even before its mandate covered cooperation with non-EU countries. Its activities in Africa have focused on sharing information and expertise, and on capacity building. This stands in contrast to its more operational role in the Balkans, where it has a mandate to exercise executive powers.

Africa-Frontex Intelligence Community

Frontex consolidated its interest in the so-called 'West African route' in 2010 by establishing the Africa-Frontex Intelligence Community (AFIC). A network of 31 African states coordinated by Frontex, AFIC aims to establish and improve information sharing and communication channels, and to build operational capacity in participating states. The stated aim is to enhance border management.[208] The initial idea behind the AFIC network was to create opportunities for border agencies from different states to meet and exchange contacts. This would facilitate communication in the event of a cross-border incident.[209] According to a former EUCAP Sahel Mali professional, interviewed for this study, some states are more active than others in the AFIC network, making regular presentations and sharing useful, responsive information.[210] An invitation to an AFIC workshop in 2017 described participants as 'commonly part of intelligence or analytical unit(s) of the invited countries' border security and control authorities'.[211]

Frontex enhanced its cooperation activities with AFIC from 2015 onwards.[212] The agency receives information from partner countries regarding migratory trends and routes. Member states exchange statistical data, use cases, descriptions of modus operandi from border management, border security and 'risk analysis' perspectives.[213] A former Frontex official who has worked in Mali explains that AFIC is:

> *...more about sharing the information on the structure of security forces in the country, some issues they face more frequently such as [...] choosing migration routes [...] very generic information, very very operational... [it is] a community for sharing information, updates on smuggling networks, which very much depends on the representatives from the national authorities which are there.[214]*

A central element of the AFIC network is the establishment of Risk Analysis Cells (RACs). RACs analyse data on unauthorised border crossings, document fraud, smuggling and human trafficking and other forms of cross-border crime. The results are shared with other national and regional authorities and with Frontex.[215] RACs are part of national border management authorities,[216] but Frontex provides equipment, training, capacity building and the setting up of integrated border management systems (i.e. ensuring interoperability between EU and West African databases).[217] An upgrade of the AFIC online information exchange system in 2021 allows for 'secure and instantaneous communication' between RAC analysts and Frontex analysts.

Since 2018, RACs have been set up in eight West African countries:[218]

The 'Strengthening of the Africa Frontex Intelligence Community' project ran from 2017 to 2023. The European Commission support it with €4 million from the 'Instrument Contributing to Stability and Peace' budget.[219] This capacity building project ran meetings, field visits, training, joint analytical work, and support for the eight RACs, with a focus on reducing irregular migration and "serious cross-border crimes affecting Africa and the EU".[220] It aims to improve capacities of border management authorities in risk analysis and support countries' efforts in countering cross-border crime.[221]

Through this cooperation, the agency constructs a 'pre-frontier' area that enables it to gather intelligence, allowing for the surveillance and deterrence of migrants well before they reach EU borders. By collecting information on irregular border crossings and transborder crimes such as document fraud and human trafficking, Frontex develops comprehensive situational awareness. The input of the several RACs, contributing to a wide intelligence network, informs the risk analysis of the agency and feeds into AFIC Joint Reports, which also include broader policy recommendations. This information can also be used to facilitate deportations. For instance, if a person is missing identification documents, their migratory path can still be partially traced through the fingerprints collected by one of the RACs prior to departure. This information can subsequently be used to facilitate their deportation to their country of origin.[222]The project ended in February 2023 when Frontex handed over equipment to border police analysts in the African states: 'The handover of the equipment marks the end of the project and the beginning of an intensive cooperation between the AFIC countries'.[223]

Frontex still plans to organise workshops, training, and plenary meetings to develop AFIC's 'risk analysis' capabilities.[224] It should be noted that the related projects are often placed outside the framework of working arrangements, thus being of an ad-hoc, informal nature (as opposed to having proper legal status), and thus harder to track and control. The AFIC network itself has no clear basis in the agency's mandate or any of its international agreements.

Alongside the AFIC network, Frontex is expanding its cooperation and projects in the region. In 2021, Frontex prioritised cooperation with the EU missions EUCAP Sahel Niger and EUBAM Libya,[225] seeking working arrangements with both and eventually signing an arrangement with EUCAP Sahel Niger in 2022.[226] Since April 2022, Frontex has also been organising 'reintegration assistance' through partner organisations, including short-term accommodation, medical attention, professional counselling, further education and family reunification. This is work that was previously overseen by the European Return and Reintegration Network (ERRIN).[227]

The agency also pursued cooperation with North African and Middle Eastern countries through the EU4BorderSecurity project. Funded by the European Commission, the project prioritised activities for familiarisation and capacity building, and Frontex consolidated its focus on information sharing in what the EU calls the 'Southern Neighbourhood': Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, and Tunisia.[228] The deployment of Frontex liaison officers in north, west and the Horn of Africa, as well as along the Silk Route region, was endorsed by the management board as a priority for 2022.[229]

To date the involvement of Frontex in AFIC countries is primarily focused on information sharing, capacity building, and facilitating deportations. However, the agency's growing commitment to establishing a presence in multiple countries, concluding working agreements with EU missions, and the EU's 2020 Pact on Asylum and Migration, indicate more operational plans for the future.

Frontex in Niger

Frontex began working on cooperation agreements with the Nigerien government in 2010, when a Niger delegation participated in AFIC conferences and workshops. No working arrangement was signed. Nevertheless, the years leading up to the 2023 *coup d'état* were characterised by growing interest and cooperation between Frontex's internal departments and the Nigerien authorities. Information and data shared by Niger has been part of Frontex's AFIC Joint Report since 2017. That year's report defined Niger as an operational partner. Frontex described its internal mechanisms of interception and expulsion of irregular migrants as particularly efficient and successful.[230]

After the first AFIC workshop in Niger in 2017, the agency inaugurated its liaison officers' network by deploying the first FLO in Niamey. However, the Frontex FLO in Niger departed following the 2023 coup.[231] In 2018, the first of the eight RACs in Africa was opened in Niamey. Through the liaison officer, the RAC, and the AFIC network broadly, Frontex cooperated with the Nigerien border authorities by sharing information on border management, providing training and capacity building, and setting up integrated border management systems, including ensuring the interoperability of West African databases and EU authorities' access to them.[232]

The agency signed a working arrangement with EUCAP Sahel Niger in July 2023.[233] This aimed to increase Frontex's role in facilitating intensified border control activity between Niger, Libya and Algeria, alongside Italy and the IOM.[234] It also envisaged cooperation in the framework of EUROSUR, the European Border Surveillance System. Frontex and EUCAP Sahel Niger agreed 'to establish and share specific situational pictures [...] to enrich the European situational picture and, when relevant, to share analytical reports', including those generated by the RAC.[235] In an analysis of the agreement Statewatch notes that 'the EU's CSDP [Common Security and Defence Policy] missions are excluded from the jurisdiction of the EU Court of Justice, and legal experts argue that judicial accountability for individuals who may be negatively affected by those missions is effectively impossible'.[236] The Frontex Management Board authorised the agency's Executive Director to negotiate an arrangement with Niger in 2017.[237] Prior to the 2023 military coup, a draft text for a working agreement had reportedly been finalised. This would have allowed cooperation between Nigerien authorities and Frontex, including the exchange of personal data.[238]

The FLO in Niger established contacts and facilitated cooperation with national authorities, especially the Direction for Territorial Surveillance, the border management authority, EU military and security deployments, international organisations and local civil society partners. The FLO's main duties included:

- fostering operational cooperation and information exchange with Nigerien authorities on migration and border management;
- monitoring migration flows;
- contributing expertise to Frontex-led or supported initiatives;
- coordinating with the EEAS/EU Delegation in Niamey and EUCAP Sahel Niger;
- liaising with international and EU actors in Niger; and
- supporting the organisation of Frontex events and activities.[239]

Officially, the FLO was the only Frontex representative in Niger. However, several respondents referred to Frontex personnel in the country, though we have not been able to corroborate this information:

> *All we know is that through the different reports that we have read by journalists, from journalists from other NGOs in Europe, we know that Frontex has its personnel in Africa, especially in West Africa.[240]*

NGOs, academics and journalists in Niamey refer to Frontex staff acting as advisors, '...giving counsel to the administration [...] they give certain directions to the civil servants, in order to control the activity of migration, with the hope of reducing the flux of migration towards the north'.[241] A Malian government official, meanwhile, said that Frontex organised mixed patrols with the Nigerien authorities to identify migrants in the desert in Niger and Mauritania.[242]

Frontex in Mali

The security situation has prevented Frontex from having a physical presence in Mali. Greater political resistance to European intervention has also played a role. A point insisted on by Malian ministerial authorities and civil society actors alike is the country's refusal to sign readmission agreements. They consider this explains why Frontex is less present than in neighbouring countries, along with Malian actors' refusal to allow for mixed patrols to monitor borders.[243] The Malian government's strategy on border security does not mention work with Frontex.[244]

Although the Frontex press office described engagement with Mali within AFIC as limited, the agency has provided training to partner agencies, European consular staff, and the EUCAP Sahel Mali.[245] Participants in the second AFIC expert workshop in 2017 were 'strongly encourage[d] to take an active role by supporting our African partner from Mali'.[246] There was greater active participation by Malian border police before COVID-19, with more senior operatives engaging more closely with Frontex. A former EUCAP Sahel officer admitted to participating 'every couple of months in the AFIC meetings' before 2020.[247] A former Frontex staff member notes:

> *It's not the idea of Frontex collecting information from Mali, but rather the idea of Malian authorities going there periodically and exchanging information.[248]*

Frontex officials contacted ministerial authorities at the Security Ministry, Gendarmerie, National Guard and border police with the facilitation of EUCAP Sahel Mali to discuss the possibility of more structured cooperation, but no working agreement was signed.[249] 'And that was it', commented one respondent, who could not say which side had held up the MoU.[250] In contrast, a Malian migration expert stated that:

> *African states have no choice but to sign anything with the Frontex agency regarding the protection and surveillance of our borders.*

This informant presented Frontex as the expression of EU border policy and questioned the dominant narrative from other interviews with civil society experts and researchers that while Niger may bend to EU objectives, Mali does not.[251]

While Frontex is less visible in Mali, interviews indicated that the country was certainly 'scoped' by Frontex, with strategic consideration given to the form of cooperation between Malian authorities and Frontex.[252] According to a Malian government advisor, 'at one point [Frontex] asked to organise mixed patrol to identify irregular migration in Gao, but our position on this, is no'.[253] Such a mixed patrol would fall out of the scope of the mandate of the agency, since no status agreement has been signed with Mali. Frontex also discussed extending the remit of the FLO in Niger to cover Mali as well. However, this would also have relied on an MoU with the Malian authorities, which was never concluded.[254] Frontex has no working arrangement with Mali, though the European Commission was expecting negotiations on one to conclude in 2023.[255]

Data obtained by Statewatch shows that from 2006 to 2021, Frontex assisted with deporting just two people to Mali, on a 2017 flight from Germany.[256] This compares with Frontex helping to deport a total of almost 25,000 people from EU countries in 2022 alone.

According to an interview with a representative of the Ministry of Malians Abroad and African Integration, 2016 was a turning point in the Mali–Frontex relationship: Frontex asked the ministry to undertake identification missions in Belgium, France and Spain to verify the nationality of about 400 presumed Malian deportees.[257] The mission ultimately confirmed the identity of 25 people, leaving Frontex:

> *...very, very disappointed. It was a team where there were police, the gendarmerie, the ministry of foreign affairs, our department [the Ministry of Malians Abroad], with five people for two weeks in Europe, but they understood that there is no real will to return the presumed Malians – at least they declare officially that they are Malians; otherwise, we told them that it is [often] difficult for us to make the difference between Guineans, Malians and Senegalese.[258]*

This situation reportedly led to controversy and tensions, leading the Ministry of Malians Abroad to stop issuing travel documents for anyone whose nationality could be contested.[259] Since this incident, Frontex primarily works with the Malian interior ministry on reinforcing border controls, monitoring borders, and 'dismantling smuggling networks'.[260]

Mali's border police, the *Direction de la Police aux Frontières*,[261] participated in the 'Strengthening of the Africa-Frontex Intelligence Community' project. Thus, Malian authorities had access to operational, preventive, and analytical capacity building activities provided by Frontex. According to the agency's press office, between 2017 and 2021, "Malian analysts from national authorities participated in one training on risk analysis... [which] helped to produce strategic and operational risk assessments on cross border criminality and trafficking of human beings".[262]

Participants in AFIC activities are 'commonly part of intelligence or analytical unit(s) of the invited countries' border security and control authorities'.[263] In Mali, this is the *Direction de la Police aux Frontières*.[264] Although in 2021 there was reportedly no data exchange by or with Mali within AFIC, non-personal and non-classified information had previously been shared, such as statistics relating to document fraud, facilitators, smuggling of goods and human trafficking.[265]

Civil society actors in Mali described Frontex as having a low profile compared to its status in Niger or Senegal, but their impression is of a 'containment system' that hides behind informal, non-fixed structures.[266] A former ministerial worker described 'occasional' cooperation with Frontex, which came to an end because of the agency's insistence on deportations.[267] This respondent credits the curtailment of this line of cooperation with Frontex's subsequent focus on cooperating with the interior ministry to reinforce and monitor borders, and to dismantle smuggling networks.[268]

Civil society actors and researchers in Mali also recognise Frontex as a driver of digitalised border controls across Africa. Its presence is seen as a 'big machine', a structure under which sits inhuman EU-related activity to prevent migration. Digital border crossing points are attributed to Frontex. As one former director of an organisation supporting Malian deportees put it:

"This is Frontex because it means that all migrants, whether they have a passport or not, as soon as they cross the border, the fingerprints stay there so that the EU and Frontex know exactly where the migrants are going. Almost all the weak countries, the countries that are plunged into terrorist attacks, Mali, Burkina, and Niger, are tired of these stories; they have no choice but to collaborate with foreign forces so that they can help maintain their borders. These countries have no choice. It is through cooperation funds that Frontex installs this kind of device at all their borders. With all this, even 100 years later, it will be possible to know where a migrant was to reach the Mediterranean and arrive in Europe."[269]

Frontex in Senegal and Mauritania

Since 2006, Frontex has engaged in operational cooperation with Senegal and Mauritania. Even before it had a formal mandate to operate Frontex used bilateral agreements between EU and non-EU states to do so. Frontex Joint Operation Hera II, launched in 2006, involved planes and vessels from Italy, Finland and Portugal, and technical support from Spain. Through bilateral agreements with Spain, assets and staff from Senegal and Mauritania were also involved in patrolling the coastal areas of Senegal, Mauritania, Cabo Verde and the Canary Islands.[270]

This was the first large-scale operation of the newly established agency and was a combined sea border surveillance and return operation. Patrols intercepted migrants leaving the African coasts to head for the Canary Islands and diverted them back to their port of departure on the West African coast, a practice which violates the prohibitions of *refoulement* and collective expulsion, among other human rights. Migrants were also intercepted in the territorial waters of Mauritania and Senegal and diverted back to the closest shore of the two countries, based on their readmission agreements with Spain. As a result of these agreements, 92.3% of the intercepted migrants were pushed back.[271] The following year Hera III continued this cooperation with joint patrols with Senegalese authorities aiming to 'stop migrants from leaving the shores'.[272] The agency carried out occasional border surveillance operations until 2018.[273]

A former Frontex staff member noted:

"I mean, the agency is not really deployed or was not at the time deployed in any of these (third) countries, but they were cooperating through a number of bilateral agreements… For instance, Spain, and Senegal, which was used by Frontex to piggyback on and legitimise their action overseas – namely Spain asking the agency to help them out of the Canary shores and apprehending people at sea, and suddenly deciding without anyone being able to prove anything that all these people were from Senegal… and all people being pushed back to a country that some of them were not even nationals of… which was a complete violation of the examination of individual situation, irrespective of their right to leave any country, and to examine any potential asylum claim that they may have had on the EU territory…so that was back in 2006 already."[274]

Since then, Frontex has sought to 'enter into permanent partnership' with Mauritania and Senegal.[275] Respondents clearly suggest an informal and opaque presence of Frontex in Senegal:

> *One of the issues was: where is Frontex? We know they've been there for 10 years, and apparently, they sort of were in the Guardia Civil office, but without acknowledging it. And there is no way to tangibly demonstrate that these people were physically there.[276]*

They describe an unquantifiable sort of technical support, a forerunner to what became the post of Frontex Liaison Officer:

> *... supposedly, providing guidance being here as a consulting, whatever, if needed, it was one person in an office. But there was no real framework attached to it.[277]*

The more recent formal steps of this cooperation are the deployment of an FLO (2018)[278] and the establishment of a RAC in Dakar (2019).[279] In 2022, the Mauritania RAC was opened in Nouakchott.[280] One year later, the mandate of the FLO to Senegal was expanded to cover Mauritania and the Gambia.[281] The Frontex Executive Director has had the authority to negotiate a working arrangement with Mauritania and Senegal since 2006, but no agreement has been reached.[282]

Planned status Agreements with Mauritania and Senegal

In a major step towards establishing an operational presence for Frontex in Africa, in July 2022 the European Council authorised negotiations on status agreements that would allow Frontex to launch border surveillance operations in Mauritania and Senegal.[283] Two action files obtained from the Council prioritise the resumption of discussions on a working agreement, and initiating work towards a status agreement with both countries. The stated aims are for Frontex to:

1. provide operational support;
2. support the national authorities in developing an effective system of sea, land, and air border management; and
3. improve cooperation on return and readmission, including by offering technical assistance in this area.[284]

These are the first such agreements negotiated with a non-European country and non-EU accession country.

Status agreements would allow Frontex to deploy vessels and surveillance equipment and carry out operational activities in Mauritania and Senegal. The purpose would be to combat cross-border crime, including smuggling, human trafficking and terrorism, and address irregular departures, particularly towards the Canary Islands. Operations would take place under the command of the national authorities and would be coordinated by Frontex. According to the Commission's statements, the agreements will involve significant transfers of technology, including surveillance systems and drones for border patrolling.[285]

These agreements would ensure the most extensive executive powers possible for the deployed border guard teams, as Frontex 'should be entitled to carry service weapons, ammunition and equipment and use them'.[286] According to the negotiating directives provided by the European Council, they should also ensure immunity from all criminal and civil prosecution for Frontex-deployed personnel (see also Section 5.3.1).[287]

Once status agreements are in force, Frontex operations can be launched in accordance with the agency's draft operational plan and agreed with each host state. These plans include the circumstances under which Frontex staff can use executive powers and other details of the operation. Senegal allows free movement across its land borders with four ECOWAS countries (Mali, Guinea, Guinea-Bissau and The Gambia). It is possible, therefore, that a future Frontex operation will focus only on the country's sea borders.

Institutional Reluctance and Criticism

Frontex's Executive Director, Hans Leijtens, has expressed reluctance to start operations in Mauritania and Senegal. In response to questions from MEPs, he said 'western African countries, but, perhaps in general, African countries are much more difficult to cooperate with and I have a lot of reluctance to be very frank', he stated. 'I think it's obvious that the negotiations should have all the checks and balances we need', he added.[288]

In 2023, two Members of the European Parliament (MEPs) serving as rapporteurs for the status agreements with Mauritania and Senegal conducted informal fact-finding missions in the two countries.[289] After concluding the missions, Cornelia Ernst (The Left) and Tineke Strik (Greens) urged the European Commission to prioritise fundamental rights and conduct human rights assessments prior to and during the implementation of all such projects.[290] The Meijers Committee, an independent group of legal experts based in the Netherlands, has suggested the inclusion of a clear obligation to undergo a human rights assessment before concluding a working arrangement or a status agreement with a third country.[291] A similar obligation has been enshrined in the Frontex sea operations Regulation with regard to disembarkation in a third country.[292] Strik noted in her report that EU investments in border externalisation in Africa carry significant risks, especially in lack of democratic safeguards to ensure the technology or policing strategies aren't misused.[293]

The rapporteurs also criticised Frontex's widespread immunity from criminal and civil prosecution as a major obstacle to human rights compliance and accountability. Indeed, the immunity clause in the model status agreement is broader than that applied in the Western Balkans, where criminal immunity was restricted to conduct in the context of official functions.[294]

The rapporteurs further proposed formalising the role of the Fundamental Rights Officer (FRO) in approving Frontex operations, and ensuring that affected individuals have access to remedies through bodies such as the European Ombudsman and the European Court of Justice. They called for operational plans to include effective complaints mechanisms and guarantee full access for rights monitors. Frontex was urged to conduct regular fundamental rights evaluations of its joint operations, and share these findings.

They also recommended ensuring the right of public access to documents for individuals residing outside the EU, enabling oversight by civil society and human rights bodies, and ensuring compliance with privacy and data protection standards. In the absence of such measures, the rapporteurs express their deep concern that the deployment of Frontex in Mauritania and Senegal risks making the EU complicit in severe and ongoing violations of human rights and international protection norms.[295]

Current developments

While the human rights criticisms within the EU have influenced the negotiations, political resistance in Mauritania and Senegal seems to have played an even bigger role. According to the European Commission: 'Neither country showed great interest in hosting Frontex joint operations on their territories'.[296]

The planned status agreement with Mauritania followed four rounds of negotiations, since the Mauritanian authorities deemed cooperation with Frontex 'too politically sensitive', while 'recent statements by Mauritania make it difficult to envisage a rapid agreement' even on a working arrangement with Frontex'.[297]

In 2024, however, Mauritania signed a non-binding Joint Declaration with the EU on a broader 'migration deal', covering:

- support for border management;
- security and surveillance capacities for combatting people smuggling, human trafficking and irregular migration;
- funding for job creation in the country;
- strengthening the asylum system; and
- legal migration schemes.[298]

Under this €210 million migration partnership, the EU aims primarily to ensure that Mauritania honours its commitment to reduce irregular departures and cooperate in deportations.[299] Negotiations on a working arrangement with Frontex remain part of the package of the migration partnership with Mauritania, provided that this is 'in accordance with the needs identified by Mauritania in this area, particularly in terms of equipment and training, and with due regard for its sovereignty'.[300] There were no further details in the joint statement issued by the European Commission, Spain and Mauritania.[301] The deal has been highly controversial in Mauritania, with street protests on the day it was signed.[302]

Similarly, in Senegal, status agreement negotiations seem to have stagnated. The Senegalese government has shown limited willingness to cooperate but has nevertheless started to negotiate a working arrangement.[303] The country's hesitation is attributed to intense public pressure from civil society[304] and the long-standing reluctance of the Senegalese authorities to commit to an official migration policy, in order to accommodate the country's shifting priorities.[305] Following the visit of former European Commission Vice-President Schinas in 2023, the Senegalese authorities organised an internal coordination meeting to respond to the proposal on a working arrangement with Frontex, but the Commission has not yet received a response.[306]

The EU is negotiating a broader partnership agreement with Senegal. While the EU wants to prioritise cooperation on deportations, Senegal is more concerned with visa liberalisation. The EU has previously threatened visa restrictions against Senegal[307] and is holding back on consideration of a Talent Mobility Partnership (a type of regular migration agreement) given 'the overall level of cooperation, including on readmission'.[308]

The precise stance of the new Senegalese government is unclear at the time of writing. They appear to be distancing the country from its continuation of former colonial dependencies, following the broader shift across West and Central Africa since 2022. For example, the government has demanded the withdrawal of all French troops by the end of 2025.[309] Nevertheless, France and Senegal have expressed their intention to negotiate a 'new defence and security partnership' that will consider the 'strategic priorities of all parties'.[310] The European Commission has also noted that cooperation with Senegal 'seems to be improving under the new government.'[311]

Photo by Ibrahima Konate

Human rights abuses and insufficient legal safeguards

Photo Source:
Miros, Adobe Stock

The human rights situation for West African migrants

Across West Africa, migrants face numerous human rights abuses. In Niger, people describe the Sahara as an 'open sky cemetery'.[312] Migrants travelling through the region risk racketeering, arbitrary arrest and detention, deportation, and torture by state and non-state actors. People are frequently abandoned in Niger's desert region, where many of them die.

The situation in Niger has worsened following the so-called anti-smuggling law[313] that, as discussed in Section 3.2, was introduced following EU pressure in 2015. Between 2015 and 2023, when the anti-smuggling was nullified by the military government, an estimated 5,000 people died in the Nigerien desert.[314]

This adoption of repressive measures in a traditional country of transit and origin, has affected the right to leave a country, the principle of non-refoulement, the right to life and freedom from torture.[315] Criminalisation and border closures have also led to an increase in smugglers' fees and the use of more dangerous routes.[316] A respondent from Nigerien civil society noted:

> *Since 2015, the Sahara Desert, crossing the desert towards Algeria or towards Libya is very, very difficult because of a law, the law that we call the Law 2015-36. This law is for criminalising the activity of migration which criminalises the driver, criminalises, the owner of the car. It criminalises the people who help the migrants.[317]*

A Malian expert on migration issues said 'the policy has created instability even in the countries of departure because people go to migrate and they get lost in clandestine migratory routes'. They note that in Gao, 'it is armed groups that have signed agreements with the state to occupy the land… the rights of individuals are not their concern.' They go on to note that facing mistreatment by smugglers, 'the state is not present, humanitarian organisations are not represented; migrants are left to fend for themselves'.

Regarding the Nigerien anti-smuggling law, they explained:

> *This policy reinforces the insecurity and vulnerability around the migrants who even try to bypass what are official channels, and all the unofficial channels are armed groups or private militias, so you can imagine the consequences.*

One respondent described very high transport fees and bribes demanded at checkpoints. If a person cannot pay the bribes:

> *…they will check first his shirt, they will take his shoes, and sometimes people have to take out their clothes to see if they have not hidden their money. […] If they have money, they can pay and continue their way. But if they don't have money, they are sometimes beaten… or in most of the cases, they are ordered to return to their point of departure.[318]*

The same procedure, they say, is applied to women, though 'if they don't have money, sometimes they have to be harassed sexually'.

Many migrants reported rights violations by uniformed people on routes in both Mali and Niger. This raises concerns regarding these states' obligations to uphold the rights to life, security, freedom from discrimination, and personal liberty, among others. Another respondent said that migrants passing through the tri-border area:

> *...towards Tillábery, towards Mali and Burkina, migrants often transit this area and it is they who are exposed to terrorist groups. Because Niger has also made conditions more difficult, migrants have created new routes and often these routes pass through dangerous areas.*

To avoid being identified as potential migrants, people take more clandestine routes, resulting in increased disappearances and unreported deaths. The most dangerous routes are those between Agadez and the Nigerien border with Libya, where the only available drivers are those with no regard for the law.[319]

> *So, imagine how wide the desert is and how difficult it is to cross this wide geographic area without the help of any new technologies, or without a kind of convoy, because before that law, people used to cross the desert in many, many cars... under the convoy of the military, of the army.[320]*

The implementation of strict migrant smuggling laws has apparently 'contributed to the emergence of new smuggling routes connecting Niger and Libya, as well as emerging migrant smuggling hubs in southern Algeria'.[321]

Across Burkina Faso, Chad, Niger, Mali and Mauritania, abuse and human rights violations (particularly of women and children) present a risk for migrants – whether from border officials, security forces and armed groups and criminal gangs.[322] According to the Mixed Migration Centre, migrants interviewed in Mali and Niger who had used a smuggler cited military/police (21%), border guards/immigration officials (20%), and armed groups/militia (14%) as the most common perpetrators of human rights abuses. More women than men mentioned the state authorities as perpetrators of human rights violations, while smugglers were mentioned in only 6% of cases. Among the abuses, they cited physical violence, sexual violence, robbery, detention, kidnapping, bribery/extortion, non-physical violence and even death.[323]

The UN Special Rapporteur on the Rights of Migrants has also highlighted a number of issues in Niger: a failure to implement national laws; a lack of awareness and resources amongst local authorities, police and judges; collective expulsions; and deportations of migrants through the IOM-assisted voluntary returns programme.[324]

There are myriad human rights concerns related to the migration governance framework in Mauritania. The criminalisation of migration is a major concern, particularly with the imposition of smuggling charges under laws enacted in 2020. This has prompted questions regarding fairness and proportionality.[325]

Related concerns include arbitrary arrests and detention, and the conditions in which foreign nationals are detained. Soon after the construction of the Nouadhibou detention centre ('Guantanamito'), national and international reports of overcrowding, poor hygiene, abuse, and lack of access to healthcare or legal assistance indicated serious human rights violations.[326] The

United Nations Human Rights Committee noted a systematic practice of torture, ill-treatment or excessive use of force in places of detention, in particular in Dar Naim.[327] Foreign nationals are often subject to informal and summary expulsions at the land borders, and face abuse including torture, extortion and theft.[328] They are abandoned in remote and harsh environments without access to asylum procedures, protection from refoulement and other human rights.[329] Moreover, descent-based[330] and contemporary forms of slavery have been widely recorded, along with problems in enforcing laws and protecting victims.[331]

In the first two quarters of 2025, following the agreement with the EU, Mauritanian security forces detained and summarily deported hundreds of West Africans to Senegal and Mali, many of whom even had a valid residence permit. The Mauritanian authorities justifies these operations as a necessary part of a crackdown on human smuggling. These expulsions were unprecedented both in scale and in the level of violence employed.[332]

Although Mauritania is party to the 1951 Refugee Convention and African Refugee Conventions,[333] it has no asylum law or national asylum system in place. Protection can be provided by UNHCR on a *de facto* basis, under an MOU between UNHCR and the Mauritanian authorities. However, delays in the determination process for refugee status and the potential exclusion of asylum seekers from certain countries raise further concerns regarding compliance with international standards.[334] Those who are ineligible for UNHCR protection are summarily deported, with no examination of subsidiary protection needs. This has sometimes applied to asylum seekers whose cases have not yet been assessed by UNHCR.[335] Furthermore, migrants with additional vulnerabilities are exposed to heightened risks: same-sex activity remains illegal in the country, while protection frameworks for women and children are missing.[336]Legislation criminalising irregular migration in Senegal also gives rise to human rights concerns. The national law on human trafficking and smuggling[337] has been criticised for its broad application. It does not distinguish between the two acts and also extends to the falsification of documents, thereby criminalising migration more broadly and potentially infringing on the right to seek asylum. The criminalisation approach leads to the arrest and detention of individuals attempting to migrate without authorisation, implying possible violations of the right to liberty and the right to seek asylum.

The legal framework lacks sufficient protections for victims of trafficking, who often face deportation, amongst other issues. LGBTQI+ migrants face additional challenges due to the country's anti-homosexuality laws.[338] Increased border patrolling since 2023 has seen the navy pulling back boats at record rates,[339] violating migrants' right to seek asylum and to leave the country. Excessive use of force by defence and security forces has been widely documented.[340] With the crackdowns on protests and opposition party leaders in 2024, the government becoming progressively authoritarian, and civil liberties being increasingly at risk, serious doubt has been cast over the extent to which Senegal's democratic processes are entrenched.[341]

Human rights obligations of the EU and Frontex

The European Commission evaluated the EU's extensive collaboration with Niger as positive: it resulted in fewer arrivals in Italy and allegedly reduced human smuggling and trafficking.[342] These reports, however, barely mention human rights compliance.[343] Border management inherently includes significant risks for rights. This is most prominent in relation to arrest, detention, deportation, refoulement and collective expulsion. The rights to privacy and data protection, to leave one's country, and to seek asylum are also relevant.

These issues are exacerbated in the context of externalisation,[344] especially when it involves countries which are not bound by the same human rights and privacy protection standards as EU countries. Under these circumstances, the obligations of the EU to uphold human rights and establishing the appropriate safeguards for their protection becomes all the more important.

The EU, along with its member states and its agencies, have obligations under human rights and refugee law to take all reasonable steps to ensure that externalisation policies do not result in violations, even when these might be directly attributed to the non-EU country.[345] They have a particular duty to ensure that agreements with non-EU countries respect EU law and other relevant international agreements on fundamental rights and international protection, such as the Refugee Convention. Furthermore, when implementing such agreements, there is a duty to continuously assess and consider the general situation in the non-EU country.[346] Cooperation should be conditional upon assessing the human rights situation on the ground, which requires effective supervision and monitoring.

This means that such agreements must be preceded by thorough human rights assessments, incorporate effective and transparent monitoring mechanisms, and contain clauses to halt cooperation if violations occur. Frontex is subject to these obligations under multiple articles of the EBCG Regulation.[347] They oblige the agency to monitor and ensure compliance with fundamental rights, conduct vulnerability assessments that include human rights evaluations, and incorporate liaison officer reports into these assessments.[348] The Frontex Consultative Forum and the EU Fundamental Rights Agency have consistently emphasised that no cooperation with non-EU countries should proceed without a prior fundamental rights risk assessment.[349]

In reality, migration agreements with non-EU countries do not have the appropriate human rights safeguards in place. Often, a human rights assessment prior to the conclusion of the agreement is missing altogether, as is an independent and transparent monitoring system and a clause stating that the operation can be suspended if serious human rights violations occur.[350] The systematic failure to conduct a preliminary human rights assessment also extends to Frontex status agreements, such as with Mauritania and Senegal,[351] and previously with Moldova and North Macedonia.[352] In the latter cases, the Commission adopted a restrictive interpretation the 2019 Regulation,[353] requiring a fundamental rights assessment only after the conclusion of the agreements.[354]

Frontex itself has its own duty to comply with fundamental rights when working with non-EU countries.[355] One of its tasks is to carry out vulnerability assessments, which should include a human rights assessment, in line with its obligation to monitor compliance with fundamental rights in all its activities, while reports from liaison officers should be part of these assessments.[356]

Both the Frontex Consultative Forum and the EU Fundamental Rights Agency have stressed that a fundamental rights risk assessment is essential before starting cooperation with any non-EU country.[357]

Frontex's elusive accountability in non-EU countries

Externalisation practices have several accountability deficits. They seek to exploit 'grey areas' in international law, making it difficult to identify the applicable legal rules. This is due to questions of extraterritorial jurisdiction and of outsourcing, delegating, or sharing authority with third states to obscure legal responsibility and evade accountability. This is based on the legally flawed assumption that any responsibility for potential violations will also be outsourced. The cooperation of Frontex with non-EU countries presents further elements that render accountability elusive. Apart from the accountability gaps regarding the work of Frontex more generally, which have been extensively discussed elsewhere,[358] others specifically relate to its extraterritorial activities.

Immunity from prosecution

As described above, MEPs criticised the civil and criminal immunity provisions in the status agreements with Mauritania and Senegal as a major obstacle to human rights compliance and accountability.[359] While obliged to perform their tasks in accordance with host country laws and EU and international law,[360] in case of wrongdoing, Frontex team members will enjoy full immunity from criminal prosecution and functional immunity before civil courts in the exercise of their official functions. They shall also not be subject to arrest and detention or any form of inquiry or legal proceedings.[361]

Although personnel seconded to Frontex from an EU member state may eventually be prosecuted in their country's criminal or civil courts, this is not the same for Frontex staff. As there is no alternative court for them, they would not face legal consequences. According to the model status agreement developed by the European Commission as a template for all, the Frontex Executive Director can choose to waive the immunity of Frontex statutory staff. This possibility, however, has been excluded from previous agreements (with Albania and Serbia).[362] Previous status agreements show that it is also up to the Executive Director to determine whether an act was conducted in the exercise of official functions.[363]

If we consider the extensive executive powers that Frontex team members have in performing border checks, including the use of force and service weapons, the full immunity from prosecution presents an unacceptable tension in terms of power versus accountability.[364] In fact, the EP rapporteur on the status agreement with Mauritania considers that immunity unnecessary and disproportionate. The rapporteurs have stressed that such decisions to waive the immunity should be made 'by an independent, external body to safeguard impartiality and neutrality of proceedings'.[365]

This also has major implications for the sovereignty of the partner country, which would be unable to exercise jurisdiction over unlawful acts conducted in its territory. Its ability to exercise its sovereign power in its territory essentially depends upon the unilateral decision of the Executive Director on an EU agency.[366]

Informalisation and transparency gap

Frontex's activities in West Africa often lack formal arrangements, which are controlled by the respective national parliaments and/or the European Parliament, making human rights monitoring difficult.[367] Technical and operational assistance to non-EU countries is based on provisions of the 2019 Frontex Regulation that require no formal agreement outlining mutual obligations, rights and responsibilities.[368] Information-sharing cooperation through the AFIC network is a prime example of this. Despite the presence of RACs and Frontex liaison officers in Niger and Senegal,[369] the related training, capacity-building and technical assistance are outside the framework of working arrangements. In fact, of all the states involved in AFIC, at the time of writing Frontex has a working arrangement only with Nigeria.[370]

Formal agreements, such as status agreements, despite their shortcomings, constitute safeguards vital for the implementation of the fundamental rights obligations of the agency. Working arrangements can be concluded directly by the agency with the non-EU country, upon the Commission's approval. Status and working agreements must be underpinned by the necessary safeguards in ways that can be enforced and reviewed by the competent authorities, including courts, and by civil society in the EU and non-EU countries.

Nevertheless, working arrangements escape the full scrutiny of the European Parliament, which only has a right to be informed about the parties and the content of the working arrangement.[371] Moreover, the administrative nature of these arrangements raises serious doubts about their binding force and legitimacy as a legal basis for Frontex's extraterritorial activities.[372]

The lack of transparency in the work of Frontex, especially in non-EU countries, presents major hindrances to accountability efforts.[373] In particular, the agency does not grant access to documents to non-EU citizens or residents – yet these are the very people its work most affects. Nationals or residents of non-EU states have no right of access to documents under EU law,[374] though institutions have the option to expand this right to them. Other EU institutions and agencies do so.[375]

Frontex claims that it analyses document requests from outside the EU on a case-by-case basis,[376] but identical requests from within and without the EU have received different responses. For example, the same documents on Frontex's activities in Senegal were released to applicants in France, but denied to applicants in Senegal.[377] This practice is a significant impediment for organisations and individuals outside the EU concerned by the issue of externalisation, of which there are many.[378] For example, in Senegal, the organisation Boza Fii launched a campaign in July 2023 to put a stop to the proposed status agreement on human rights grounds, following a previous campaign against Frontex in 2022.[379]

An interviewee representing Migreurop,[380] a Euro-African network of rights organisations, activists and researchers, describes the reliance of African partner organisations on European partners to submit access to document requests as obstructive:

> *We realised, two things. The first is that our southern members could not ask for any information to Frontex... they really need to rely on us, you know, so that they can obtain information, and we realised that it was really a big opacity, and that we could not obtain this information, even when we asked directly Frontex.[381]*

The Fundamental Rights Officer

Frontex's operations beyond EU borders are remote and opaque, even to its own fundamental rights oversight body. Frontex has committed to consulting the Fundamental Rights Officer (FRO) when planning and designing activities in non-EU states to mitigate human rights risks. This is part of its due diligence procedure designed for the agency's extraterritorial activities.[382] The FRO has published assessments of a number of countries.[383] However, in a 2022 interview, as part of this study, he admitted that he has little knowledge of Frontex's work with non-EU countries, and no specific knowledge of cooperation with West African countries.[384]

The FRO's office has limited capacity and lacks access to strategic plans and policies. This means that it cannot make effective decisions about its interventions, and severely limits the possibility of engaging with RACs. The FRO noted that the number of staff at his disposal does not remotely allow for full monitoring of such cooperation. He identified difficulties arising from the fact that cooperation with non-EU countries is vast, largely informal, and flexible. As a result, the FRO gives priority to scrutinising more direct forms of cooperation

The FRO has no oversight of a clear and specific strategy relating to cooperation with non-EU states, and said it would be useful for Frontex to have a vision for the next few years, so that his office would know where to focus.[385] Although liaison officers are not obliged to report to the FRO on fundamental rights issues in the countries to which they are deployed, the FRO can review and comment on documents regarding cooperation with non-EU states and discuss these with Frontex officials and the countries in question.

Complaints mechanism

The Frontex individual complaints mechanism,[386] the most highlighted accountability mechanism of the agency, has many shortcomings[387] and has been widely criticised as failing to provide genuine accountability.[388] In 2015, the European Ombudsman had called on Frontex to set up an appropriate complaints mechanism, including for its working arrangements with non-EU countries.[389] The Ombudsman's recommendation was supported by a resolution of the European Parliament[390] and the Frontex Consultative Forum.[391]

The 2016 Regulation established a complaints mechanism, and the 2019 Regulation stipulated the obligation for status agreements – but not working arrangements – to include a complaints mechanism.[392] However, there is no requirement for these mechanisms to address complaints regarding the conduct of third-country officers. For this reason, status agreements require that non-EU countries set up their own complaints mechanisms to deal with alleged breaches of fundamental rights.[393] However, there are no specific quality standards for these – for example, regarding accessibility, independence, and effectiveness. Nor are there any guarantees regarding follow-up and enforcement, raising concerns about effectiveness.

The accessibility of the mechanism even for operations within EU borders as well as its lack of independence and effectiveness are widely problematic.Theoretically, any individual who believes their fundamental rights were affected by a Frontex operation, including migrants or their representatives, can file a complaint. In practice, however, very few complaints are submitted, which can be either against the agency or against the member state hosting the

operation. When a complain concerns the agency, the FRO decides whether it is admissible, while any decisions on the substance and possible follow-up remain to the judgment of the Frontex Executive Director themselves. For instance, in 2023, the FRO received only 64 complaints for all Frontex operations. Of these only four were deemed admissible and forwarded for further handling, Similarly the previous year only 9 out of 69 complaints were deemed admissible.[394] The agency does not provide information on the decisions of the Executive Director or the follow-up steps taken to investigate and addressed the alleged violations.

Finally, the agency lacks an effective monitoring mechanism that can safeguard human rights compliance, including whether operational assets and equipment are used in accordance with human rights law.[395] Despite the advantages of the internal complaints mechanism and the Frontex FRO, monitoring can only be truly effective if it is external, fully independent from the agency, and has the power to suspend the agency's activities in case of serious and persistent violations. Such a mechanism should have an advisory role: its advice may not be fully binding on Frontex, but the agency should convincingly justify any decision not to abide by it.

The preceding sections have shown the serious accountability deficits, a long-standing problem for Frontex. When it comes to the work of the agency with and in third countries with worrying human rights records, one would expect that increased risks are met with increased safeguards. However, the deficits not only remain, but are often exacerbated when it comes to the work of the agency outside the EU, leaving only a few ineffective ways to address and prevent violations.

Beyond Accountability: The Unacknowledged Consequences of Border Externalisation

Beside the effects of border externalisation on migrants, these policies can have much broader and often overlooked consequences in the partner countries. The objective of the new Pact on Migration and Asylum is 'to address the complex challenges of migration and its root causes to the benefit of the EU and its citizens, partner countries, migrants and refugees themselves'.[396] This formulation ignores the fact that these 'migrants and refugees' are also often the citizens of the EU's externalisation partner countries. Only EU citizens are specified as citizens. Non-EU citizens are characterised as prospective migrants and refugees and their identity as citizens in their own countries becomes invisible. This brings with it disregard of the duties that these non-EU states also have to protect the interests of their citizens.[397] This approach shows the structural bias and Eurocentrism embedded in EU externalisation policies, which overlooks and even attempts to erase the interests and needs of the partner countries and their citizens.

Therefore, this section now shifts the attention to the effects that the involvement of the EU in non-EU countries' migration management policies can have on citizens with no intention to migrate.[398]

Free movement and its footprint on local economies

The presence of Frontex in West Africa promotes the EU's interests in containing and controlling mobility. It also threatens to change the character of the region in the process by contributing to the introduction and reinforcement of hard borders. The right to free movement in West Africa emanates from human rights law and natural law and is considered as a return to pre-colonial normality.[399] This right is safeguarded today in the ECOWAS free movement agreements, which formalise the aim of economic integration and free movement of persons, goods and services among its member states.[400] The right to work in any of the ECOWAS states, facilitated by the ECOWAS passport, is a traditional feature of the regional labour force. Local economies rely on intra-ECOWAS migration and remittances, and the right of citizens to work across the region is essential for their full integration, independence and self-reliance, reducing vulnerability to repression, irregular employment or onward migration.[401]

The Alliance of Sahel States, set up by Burkina Faso, Mali, and Niger when they withdrew from ECOWAS, similarly aimed to guarantee their citizens' freedom of movement among the three countries.[402] ECOWAS itself encouraged its members to continue to guarantee free movement for citizens of the Alliance of Sahel States.[403]

However, freedom of movement across ECOWAS, which facilitates emigration and the transit of West African migrants, is precisely what put the region at the centre of EU migration containment policies. Increasingly, this freedom of movement is impeded by these policies,[404] whose focus on border securitisation directly clashes with the aims of free movement across the region.

The introduction of hard borders in the region poses risks to stability and livelihoods, and undermines the freedom of movement and the right to work.[405] In particularly, hard borders not only disrupt the contribution of migrant labour to local economies, but also significantly hinder financial support from the West African diaspora (remittances), as well as commercial activities that rely on the transit of migrants.

The Niger Anti-Smuggling Law, for instance, led to bus drivers and those employed in related industries being criminalised and losing their jobs overnight.[406] Previously legitimate actors in the migration economy, who had played a vital role in facilitating cross-Saharan movement, suddenly found themselves criminalised. What had once been recognized as a necessary and openly practiced livelihood became subject to severe legal sanctions, including prison time.[407]

Border reinforcement policies also have an impact on internal mobility, the movement of livestock, and the ECOWAS protocols for free movement. This has financial impacts on citizens of the ECOWAS region in terms of increased fees for local cross-border travel. It also curtails previous employment options and working practices, not to mention personal and cultural links.[408] A Nigerien civil society respondent notes:

> *Even in our own space that we call the ECOWAS, we have problems because we cannot travel in our own space without being stopped at the borders of countries, or when… in certain cities, we have to pay bribes to policemen, just to discourage people from moving.[409]*

Another said,

> *Since the Valletta Summit it has become very difficult to get from Mali to Niger. It is very difficult to get from one point to another. Before, the ECOWAS space was very fluid, but it has become very difficult now.[410]*

Civil rights and freedoms

Border externalisation is a security project. Border controls are increasingly militarised, with EUCAP Sahel Mali and EUCAP Sahel Niger working closely with Frontex in providing training, assistance and advice to the local security forces, including the military.[411] Increasing the security infrastructure of the partner countries is key: the EU and its member states provide or finance invasive surveillance and data-processing technologies, modern border infrastructure, and hardware for biometric border checks.

Such capacity building increasingly takes place through the RACs and the AFIC network more broadly, while multiple related EU-funded projects are implemented across the Sahel. For instance, the EU Trust Fund for Africa the EU has financed a €28 million programme to develop a universal nationwide biometric ID system in Senegal, including a central biometric identity database. This system may become particularly relevant in view of the prospective status agreement, especially in the context of deportations. Access to the database for the EU and its member states would make it easy to identify migrants of Senegalese origin, facilitating deportations.[412]

Similarly, €11.5 million has been invested in Niger for the provision of intrusive technologies including surveillance drones, a wiretapping centre, and an international mobile subscriber identity (IMSI) catcher.[413] Furthermore, the envisaged African Integrated Border Management (IBM) system, which aims to connect national databases from Senegal and other African countries with data from international law enforcement agencies, such as Interpol and Europol, exacerbating concerns about the misuse of sensitive personal data.[414] The development of

sophisticated technologies and artificial intelligence, including automated risk assessments and profiling systems, is the next step in this process, entailing additional human rights risks.

This invasive technological infrastructure can infringe on the civil rights of citizens of the partner states. This is especially relevant in countries where democracy and the rule of law are under threat and at a time where authoritarianism is on the rise globally. In the hands of fragile democracies and authoritarian governments, such technologies can be used to repress dissent and entrench political control over the local populations.

Journalists and NGOs have widely documented their use to repress human rights defenders.[415] In 2022, a former Spanish intelligence agent also disclosed that technology that Spain provided is used by national authorities in several African countries to target opposition groups and activists.[416] One more example is the EU-trained and equipped Senegalese police unit, which was used to violently crush pro-democracy protests in 2021. While the EU funded the unit to 'fight cross-border crime' at Senegal's border with Mali, EU-supplied armoured vehicles were instead recorded as firing tear gas at protestors.[417] The UN Special Rapporteur on Freedom of Opinion and Expression also highlighted the risk of interference with a range of rights from 'the right to privacy and freedom of expression to rights of association and assembly, religious belief, non-discrimination, and public participation', often targeting journalists and human rights advocates. At the UN Human Rights Council, he called for an immediate halt in the sale, transfer and use of surveillance technology, until human rights-compliant regulatory frameworks are in place. He offered examples of computer and network intrusion, mobile device hacking, facial recognition and other highly sophisticated surveillance tools.[418]

Such a framework is lacking with respect to the export of surveillance technologies. This takes place with little to no scrutiny, and often in absence of human rights assessments and data protection impact assessments. In 2022, the European Ombudsman found that the European Commission had not taken the necessary measures to ensure 'a coherent and structured approach to assessing the human rights impacts' with respect to EUTF-supported technology transfers.[419] A year later, she criticised the inadequacies in Frontex's assessments of the human rights impacts of its assistance to non-EU countries to develop surveillance capabilities.[420] The EU itself has multiple laws ostensibly designed to protect people from the misuse and abuse of personal data and data-processing technologies and techniques. People in non-EU states are not protected by those laws. In the absence of robust and enforceable domestic and regional legal frameworks, their civil and other rights are inadequately protected from the abuse of EU-funded technologies.[421]

Fitting West Africa to the shape of Europe

A large body of literature illustrates the continuation of colonial power relations in the EU's border externalisation policies.[422] Research has repeatedly confirmed parallels between previous and current regimes that (re)produce hierarchies and power relations and introduce new forms of colonialism in the shape of militarised border controls.[423] Beyond this, we can examine border externalisation beyond its migration control functions. Borders not only restrict mobility but also shape and generate transformations in places and societies.[424]

Frontex's role in West Africa is strongly rooted in historical continuities of Europe's colonial past. Its role as driver of EU externalisation policies is contributing to the introduction of hard borders in the Sahel.[425] The constraint of mobility via EU policies and the work of Frontex in and with Mali, Mauritania, Niger and Senegal gradually leads to the re-formation of the Sahel region in accordance with EU objectives and legal norms.

This takes place in an environment of unequal power relationships which allows the EU and its member states to shift the responsibility for migration to less powerful states.[426] Development aid, visa liberalisation, and cooperation on peace and security are tied to and made conditional upon migration control. This leaves the Sahelian countries – grappling with economic, security, political, and environmental challenges – often finding their policy priorities overshadowed by Eurocentric agendas imposed through 'carrots and sticks'.

As the Tunisian academic and writer Haythem Guesmi commented, regarding the EU's cooperation with Tunisia:

> *Let's face it: Europe defines the rules of the game [...] It's David versus Goliath, where David allows himself to be impressed and intimidated by a Goliath [...] who does everything to disguise his assured victory.[427]*

Countries of origin, transit and destination have different interests with respect to migration. West African states often prioritise regular migration channels, including visa liberalisation, and addressing economic and political instability, unemployment, and other root causes of migration, also reflected in the Global Compact for Safe, Orderly and Regular Migration.[428] The EU often shows little regard for such priorities, while creating and re-enforcing (economic) dependencies.

At times, the 'sticks' outweigh the 'carrots', as became evident in the case of the EU putting forward visa restrictions for Senegal in 2022 as a penalty for its lack of cooperation. In a climate of exclusionary and populist reactionary politics, voices calling for an iron fist in EU relations with non-EU countries are gaining traction. Notably, the Frontex Executive Director, Hans Leijtens stated in an interview in the Dutch newspaper Volkskrant:

> *The EU is too sluggish here. We need to be more proactive. Not just give a gentle nudge and then see where the ball rolls—that doesn't work. It also needs to be faster. Frontex is working on a cooperation agreement with Mauritania, and it's taking two years! That's unacceptable. I understand that legal and political safeguards are necessary, but this undermines our effectiveness. When Colombia refuses to take its people back, President Trump immediately threatens import tariffs—and the next day, Colombia cooperates.[429]*

These are not the foundations for meaningful, equitable and effective partnerships. Such approaches aim instead to make non-EU countries part of the EU's border mechanism.[430] The imposition of economic dependency and the introduction of hard borders and barriers to free movement often hinders the development that could ensure lasting social progress and political stability. They are thus potentially counterproductive, and instead of addressing the root causes of migration, they risk exacerbating them.

It is therefore necessary to examine the post-colonial impact of the agency's work – and that of EU border externalisation more generally – in terms of the socioeconomic and cultural circumstances of a region of (traditionally) free movement, with economies heavily relying on migrant labour, mobility-related economic activities and remittances.

Therefore we focus not only on the human rights of migrants, but also on the 'human consequences' of the control of formerly colonised people. We draw attention to the dynamics transforming economies and societies in the Sahel and their land and borders drawn by colonial powers in the first place. To understand free movement in the Sahel, we need to acknowledge the origins of the colonially imposes national borders.

> *It was in the aftermath of colonial rule that free movement suffered a set-back owing to the emergence of restrictive policies aimed at protecting economic and political interests of the individual countries. This happened especially in the late 1960s through the 1970s when many countries in the region embarked on massive expulsion and deportation of non-nationals.[431]*

An exclusively post- and neo-colonial perspective is necessarily incomplete. It fails to take account of other local circumstances, such as the activity of non-state armed groups, and the multiplicity of actors that constitute the migration-development-security nexus in the Sahel (e.g. Russia's former Wagner Group and Japan's role in border security and migration 'management' projects).[432]

Nor should we overlook the agency of local actors. Responses to EU border externalisation initiatives can vary widely. Before the recent *coup d'état*, Niger was branded the 'southern border of Europe',[433] while Mali has historically resisted readmission agreements and European involvement in border patrols. Non-cooperation may range from active forms of resistance to strategic manoeuvring, selective adoption and silent inapplicability.[434]

For instance, the African Union has actively resisted EU plans to set up 'regional disembarkation platforms' on African soil'.[435] More prominently, the military juntas in Niger and Mali have revoked their agreements with the EU partners, while Niger has rescinded the controversial anti-smuggling law. The Frontex liaison officer and other EU personnel are no longer operating in the two countries, while Senegal and Mauritania have so far resisted signing status agreements with Frontex.

The political developments in the Sahel region have brought about considerable changes in the dynamics of border externalisation. Even so, the neo-colonial analysis serves to shed light on contemporary power dynamics and the complex network of actors influencing the migration-development-security nexus in the Sahel region, within which Frontex plays a prominent role.

Conclusions

Frontex has been active in West Africa since early on, even before its official mandate, and its activities in the region have been gradually evolving alongside the continuing expansion of its mandate and budget. The EU's ambition is to move from more technical forms of externalisation to increasingly overt ones, with Frontex border surveillance operations in Senegal and Mauritania forming the pinnacle of this strategy.

This research stands among the many showcasing the devastating effects of border securitisation for human rights and strongly reveals the need for increased safeguards. In the case of Frontex's activities in Mali, Niger, Senegal and Mauritania, however, such safeguards and the necessary accountability mechanisms are strikingly absent. This includes structural shortcomings in the agency's accountability mechanisms, such as the complaints procedure, the limited transparency and oversight of Frontex's externalisation activities, even by its own Fundamental Rights Officer, the informal nature of its activities, which evade democratic and judicial scrutiny, the full immunity promised to its officers, and the absence of meaningful requirements for human rights compliance in its dealings with non-EU countries.

When it comes to the EU border externalisation, however, a discussion focusing exclusively on human rights safeguards is necessarily incomplete. More importantly, the EU has chosen to address human mobility by prioritising a security-driven vision against an external enemy, a racialised 'other' embodying the overlapping identities of: terrorist, criminal, destabilising force, and threat to public safety, economic stability, and national identity, all convoluted within the single image of the (African) migrant. Such a stigmatising approach is used to legitimise and normalise harsh security measures, extensive surveillance, and exclusionary policies, which inevitably threaten the human rights of the people on the move. The mandate of Frontex, exclusively focusing on deterrence and the realisation of policies of securitisation and non-entrée, comes with excessive risks for human rights. In Frontex's Executive Director own words: 'Frontex is not a human rights organisation. What we do – stopping people – is by definition an infringement on rights. But that is part of our job' [author's own translation from Dutch].[436] The involvement of non-EU countries in this securitisation approach serves to outsource responsibility, minimise direct engagement and dilute the EU's own responsibility.

> *Frontex's presence in the Sahel carries with it a forceful securitisation approach, which is ill-suited to address the challenges of migration. Instead, it creates additional risks for human rights and exacerbates the circumstances on the ground potentially destabilising local economies and fuelling repression. Migration is not a threat to be contained but a global reality to be addressed through justice-based approaches.*

Furthermore, cooperation with non-EU countries often invisibilises their perspectives and priorities, aiming to reduce them to passive executors of Eurocentric agendas rather than equal partners in shaping migration governance. The Sahel is one of the main priority regions for EU security-development-mobility cooperation. The EU narrative is one of cooperation, partnership, and assistance.

The EU claims to pursue a '*partnership of equals*' with Africa. The reality on the ground tells a different story. Via conflating security and migration control goals, operationalising development aid, penalising with visa restrictions among other means, the EU and its member states perpetuate colonial dynamics and build geopolitical alliances tailored to the EU priorities of mobility containment and deterrence. Behind a facade of partnership, this cooperation translates in practice to initiatives aiming at the externalisation of EU borders far beyond the territory of the Union and engaging non-EU countries in the enforcement of Eurocentric political priorities of border securitisation and migration containment. Frontex, acting as a driver of border externalisation, plays an essential role in trying to fit West Africa to the shape of Europe.

Recommendations:

- Any activities of Frontex outside the EU borders and any cooperation with non-EU countries needs to be subjected to the appropriate enforceable human rights safeguards that can ensure effective accountability in case of misconduct. This includes independent oversight, access to effective remedies for affected individuals, full transparency of operations, and the lifting of legal immunities for Frontex personnel operating abroad.

- The EU must withhold and suspend any cooperation with non-EU states, including funding, technical and operational support and information exchange, when this cooperation can be used to put human rights at risk. All such cooperation must be conditional upon compliance with human and refugee rights.

- EU external relations policy must centre on international cooperation to create legal and safe avenues for mobility, and address the structural drivers of displacement including economic, social, political, and environmental factors. EU external policies should support structural social justice, fair development, climate justice, and peaceful conflict resolution.

- International cooperation must be grounded on the principle of good faith and genuine commitment to responsibility sharing. This also means that wealthier countries of destination may not shift their responsibilities to other countries, or instrumentalise them to evade their own legal obligations.

- Partnerships with third countries should be reframed beyond Eurocentric agendas. In order to create a sustainable partnership of equals, non-EU countries must be seen as active agents with their own strategies, interests, and influence.

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