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Migration Governance in Countries of Transit: Assessing Policy Implications in Algeria

Abstract

Located between sub-Saharan Africa and southern Europe on the edge of the Mediterranean the country of Algeria has experienced the challenges of a transit state in attempting to prevent irregular migration through its territory. The question guiding this research aimed to explore the conditions under which and with what regard to sovereignty do countries that experience extensive through-migration adopt global governance norms and implement policies which contribute to the broader international goals of safe, orderly and regular migration. This research project examines findings from an expert survey which indicate that, despite a strong sovereignty ethic, Algeria approaches irregular migration governance from a domestic security angle with a priority on maintaining public order and satisfaction. Furthermore, findings from a policy assessment based on the International Organization for Migration (IOM) Migration Governance Framework (MiGOF) revealed the causes for such an approach to be based more a lack of internal consistency rather than deliberate sovereignty assertion in response to external pressure.

Document Type

Thesis

Degree Name

M.A.

Department

Josef Korbel School of International Studies

First Advisor

Timothy D. Sisk, Ph.D.

Keywords

Algeria, Borders, Migration, Policy, Security, Sovereignty

Subject Categories

Immigration Law | Law

Publication Statement

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Migration Governance in Countries of Transit:

Assessing Policy Implications in Algeria

A Thesis

Presented to

the Faculty of the Josef Korbel School of International Studies

University of Denver

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

Brittany R. Van Soest

June 2019

Advisor: Timothy Sisk

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Acronyms

AU	African Union
CRRF	Comprehensive Refugee Response Framework
EU	European Union
BAPRA	Algeria’s Office for Refugees and Stateless Persons
ICRI	Indicators of Citizenship Rights for Immigrants
IMPALA	International Migration Policy And Law Analysis
IMPIC	Immigration Policies in Comparison
IOM	International Organization for Migration
LADDH	Algerian League for the Defense of Human Rights
MENA	Middle East and North Africa
MiGOF	Migration Governance Framework
MIPEX	Migrant Integration Policy Index
NATO	North Atlantic Treaty Organization
PICMD	Policy and Institutional Coherence for Migration and Development
R2P	Responsibility to Protect
SDG	Sustainable Development Goals
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees

Introduction

Challenges exist for countries that experience unregulated inflows of migrants. The inability of governments to effectively and fairly manage entry can lead to localized overpopulation, inadequate infrastructure, community tension and in some cases bigotry and violence. Risks to migrants entering a country without legal documentation can be severe as they are faced with low-skilled work,¹ limited or nonexistent service provision in host countries,² and victimization due to their irregular entry or other status. In short, the tension over irregular migration touches host nation communities, origin country economies, host nation governments and migrants themselves.

1 Sylvie Bredeloup, "Sahara Transit: Times, Spaces, People," *Population, Space and Place* 18, no. 4 (October 2010): 464, <https://doi-org.du.idm.oclc.org/10.1002/psp.634>.

2 International Institute for Democracy and Electoral Assistance (IDEA), Chapter 7: Migration, social polarization, citizenship and multiculturalism (*Global State of Democracy*, First Edition, 2017): 202, accessed May 15, 2019, <https://www.idea.int/g sod/>.

Despite the slow in migration after the peak of Europe's 'migrant crisis' in 2015, transit through the Euro-med remains an urgent policy issue. Migration is predicted by high profile leaders of the EU to have the potential to impact the fate of the European Union.³ Irregular migration across the Mediterranean from North Africa to southern Europe has received significant media attention since it was first termed a 'crisis' in 2015.⁴ As a result, intra-European discussions on sharing the burdens of the influx of migrants has highlighted internal tensions between EU members, and external tension with southern neighbors. Despite programs which encourage cross-cutting initiatives between Europe and North Africa, agreements on the processing of migrants both before and after reaching European shores remains a point of concern.⁵ Just as important, indecisive, contradictory and competitive policies have driven irregular migrants to take more drastic risks on their long journeys, highlighting the human security crisis which so often is juxtaposed against that of state security.

It remains to be fully explored the conditions under which and with what regard to sovereignty do countries that experience extensive through-migration adopt

3 "European Leaders Claim Breakthrough Deal on Migration after Marathon Talks," Associated Press in NBC News, June 29, 2018, <https://www.nbcnews.com/news/world/european-leaders-claim-breakthrough-deal-migration-after-marathon-talks-n887676>.

4 "Migrant Crisis: One Million Enter Europe in 2015." BBC, December 22, 2015, <https://www.bbc.com/news/world-europe-35158769>.

5 ICMPD, "EUROMED Migration IV," accessed May 9, 2019, <https://www.icmpd.org/our-work/migration-dialogues/euromed-migration-iv/>.

global governance norms and implement policies that contribute to the broader international goals of safe, orderly and regular migration.

Global governance regimes utilize shared norms, markets, and laws to encourage collective activity, and migration governance regimes are no exception.⁶ Despite strong success, gaps in collaborative migration governance regimes remain, challenged by non-cooperation and unilateral policymaking. Some see the drive to conduct unilateral migration policy as stemming from a strong ethic of state sovereignty, poor international migration governance coordination, and poor enforcement mechanisms.⁷ Cooperation between countries experiencing migration tensions is the norm but political disagreements about what should be done with irregular travelers are becoming more common, especially regarding travelers who do not fit neatly into predetermined categories.

At the same time, the rights of sovereign states are under pressure. International migration governance regimes require commitment and follow-through from independent states which can be perceived to contradict national territorial law. Indeed, the securitization of migration and particularly irregular migration can be

⁶ Chantal de Jonge Oudraat, and P. J. Simmons. *Managing Global Issues: Lessons Learned* (Washington, D.C.: Carnegie Endowment for Int'l Peace, 2001), 14, <https://search-ebscohost-com.du.idm.oclc.org/login.aspx?direct=true&db=nlebk&AN=522598&site=ehost-live&scope=site>.

⁷ Khalid Koser, "Introduction: International Migration and Global Governance," *Global Governance* 16, no. 3 (Summer 2010): 302, <https://www.jstor.org/stable/29764947>.

viewed as a platform for sovereignty assertion.⁸ While such regimes look to balance the safeguarding of vulnerable travelers with the right of sovereign states to govern their territories, policies generally target origin (sending) and destination (receiving) countries in attempts to forge solutions. Transit country cooperation is equally important but particularly challenging as migrants neither originate from nor intend to settle in the transit country.

Unfortunately, supranational migration governance regimes face policy dilemmas as they struggle to overcome the incongruity between territorial sovereignty and humanitarian rights with regard to irregular cross-border movement. The consequences of these failings can be seen in a lack of cooperation among nations, an inability to accurately measure and assess irregular migration, and a long-term lack of input and buy-in from transit states along migration chains resulting in the preventable loss of human life. This gap can be attributed to poor understanding of the deep-rooted nature of sovereignty, incomplete or ill-fitting assessment tools and a focus on only two of three country categories along migration chains. Specifically, few studies have looked to address the impact of notions of state sovereignty as it relates to irregular migration governance within transit states.

⁸ Gregory White, "Sovereignty and International Labor Migration: The 'Security Mentality' in Spanish-Moroccan Relations as an Assertion of Sovereignty," *Review of International Political Economy* 14, no. 4 (October 2007): 690, <https://www.jstor.org/stable/25261935>.

In seeking to understand the conditions under which and with what regard to sovereignty do countries that experience extensive through-migration adopt global governance norms and implement policies that contribute to the broader international goals of safe, orderly and regular migration, this research undertook a deep migration policy assessment coupled with an expert survey.

The purpose of this study was to conduct a policy assessment of irregular migration governance in one transit country with the goal of exploring the degree to which notions of state sovereignty impact that country's approach irregular migration and how it engages with international migration governance regimes. This irregular migration assessment was conducted under the following premises, that:

- Irregular migration matters as a distinct area of study
- State sovereignty is key to the irregular migration discussion
- The Euro-Med route provides a unique backdrop to understand State-State pressure
- Algeria, thanks to its unique blend of regional cooperation and rejection of Western interference, provides a key starting point to understand North-South pressures in light of increased irregular migration in the region.

Addressing sovereignty concerns with transit countries will increase the ability of policymakers to integrate incentives for cooperation and enhance coordination among all states along long migration chains, leading to safe, orderly, and regular migration. When supranational organizations add nuance to their understanding of the nexus of irregular migration and state sovereignty, they will be better positioned to increase cooperation, reduce fence-building, and craft solutions that work for all states along migration chains.

Transit states may decline regional migration governance mechanisms in favor of maintaining strict territorial sovereignty if they face pressure from neighboring destination countries.⁹ International migration law itself is being reinfused with concepts of sovereignty in an era where this concept is challenged by globalization.¹⁰ The Global Compact for Migration is the most salient migration governance mechanism pertaining to irregular migration, representing strong international norms which states may or may not adhere to. This guided the conceptual orientations which led to the formation of the research question:

9 Tasnim Abderrahim, "Pushing the Boundaries: How to Create More Effective Migration Cooperation Across the Mediterranean," European Council on Foreign Relations (ECFR), January 15, 2019, https://www.ecfr.eu/publications/summary/pushing_the_boundaries_effective_migration_cooperation_across_Mediterranean. European Council on Foreign Relations.

10 Catherine Dauvergne, "Sovereignty, Migration and the Rule of Law in Global Times," *The Modern Law Review* 67, no. 4 (July 2004): 588-615. doi:10.1111/j.1468-2230.2004.00501.x.

Under what conditions and with what regard to sovereignty do countries that experience extensive through-migration adopt global governance norms and implement policies that contribute to the broader international goals of safe, orderly and regular migration?

The roadmap for this study is as follows:

- Section 1 will explore the conceptual orientations and context which highlight the importance of state sovereignty and transit states.
- Section 2 will present Algeria as the case study, caught between irregular migration pressure from the south (sub-Saharan Africa) and migration governance pressure from the north (EU).
- Section 3 will present the IOM Migration Governance Framework (MiGOF) as the model for conducting the policy assessment.
- Section 4 will summarize the findings of the study.
- Section 5 will discuss implications and recommendations for Algeria in particular and transit states more broadly with regard to future policy development.

Findings from an expert survey indicate that, despite a strong sovereignty ethic as evidenced in strict non-interventionism, Algeria approaches irregular migration governance from a domestic security angle with a priority on maintaining public order and satisfaction. Furthermore, findings from a policy assessment based

on the International Organization for Migration (IOM) Migration Governance Framework (MiGOF) revealed the causes for such an approach to be a lack of internal political will and consistency rather than deliberate sovereignty assertion in response to external pressure. Contrary to expected findings, this reveals a more nuanced approach to migration on the part of the Algerian government which may value some forms of sovereignty over others.

Chapter One | Context and Conceptual Orientations

“The creation of a more or less formal set of norms and rules to regulate the behavior of States with respect to the movement of people across borders and to begin taking concrete actions in pursuit of a shared agenda of safe, secure, legal, and orderly migration” - Migration Policy Institute (MPI)¹¹

Focus has grown on the importance of migration and its effects globally, with the 2030 Agenda for Sustainable Development referencing migration in 6 of its 17 Sustainable Development Goals (SDGs).¹² Migration governance is highly policy-

¹¹ The Economist Intelligence Unit, Measuring well-governed migration: The 2016 Migration Governance Index (International Organization for Migration, 2016): 12, accessed May 16, 2019, http://www.iom.int/sites/default/files/our_work/EIU-Migration-Governance-Index-20160429.pdf.

¹² "2030 Agenda for Sustainable Development," International Organization for Migration (IOM), (IOM Office to the United Nations, New York 2018), accessed August 7, 2018, <https://unofficeny.iom.int/2030-agenda-sustainable-development>.

relevant and will increasingly be so as the world braces for increased cross-border migration¹³ as the gap between the rich and poor continues to widen.¹⁴

Regimes may be regional in nature or span the globe as countries collaborate to manage legal channels to work, live, and obtain citizenship outside their country of birth. International regimes are not necessarily neutral and can warp to suit the needs and priorities of the powerful.¹⁵ Mass irregular migration, whether over a prolonged or concentrated period of time can have significant impacts upon affected countries all along migration chains.

With stakeholders around the table opposed on grounds of security and humanitarian concerns regarding irregular migration, it is no wonder that coherent policy is hard to deliver.¹⁶ Designed to balance the rights of the most vulnerable and the interests of diverse nations with unique goals, migration governance regimes often struggles to bridge this ideological gap. How states engage with migration governance regimes may indicate their positionality on these two points as they have

13 "Global Trends 2030: Alternative Worlds," National Intelligence Council, (December 2012), iv, accessed May 15, 2019, https://www.dni.gov/files/documents/GlobalTrends_2030.pdf.

14 Evie Browne, *Drivers of irregular migration in North Africa*, (GSDRC Helpdesk Research Report 1271, 2015), 6, Birmingham, UK: GSDRC, University of Birmingham, accessed May 14, 2019, <http://gsdrc.org/publications/drivers-of-irregular-migration-in-north-africa>.

15 Chantal de Jonge Oudraat, and P. J. Simmons. *Managing Global Issues: Lessons Learned* (Washington, D.C.: Carnegie Endowment for Int'l Peace, 2001), 15. <https://search-ebscohost-com.du.idm.oclc.org/login.aspx?direct=true&db=nlebk&AN=522598&site=ehost-live&scope=site>.

16 Khalid Koser, *International Migration A Very Short Introduction* (Oxford: Oxford University Press, 2016), 57.

the responsibility of balancing demands from constituents as well as the international community. The creation of migration policy at the individual state level is often done with consultation from the international community and broader migration governance regimes. It is at this point where states must determine how to balance their national sovereignty priorities with international cooperation.

How migration governance is implemented can impact human security as well as national security. International migration governance organizations like the International Organization for Migration (IOM) and others promote human security as a natural outcome of shared migration governance and assume that states which adopt global norms will be less likely to violate basic human rights. Unsuccessful outcomes of migration governance in destination countries include poor integration, political opposition from host nation communities to newcomers, discrimination and violence, bureaucratic hurdles to employment, and ultimate distrust between migrant communities and host nation communities. Likewise, non-cooperation and rejection of global norms can result in poor human security outcomes for migrants. Poorly managed border control systems have negative consequences for national citizens as well as undocumented migrants.¹⁷

17 Sabine Dini, "Migration Management, Capacity Building and the Sovereignty of an African State: International Organization for Migration in Djibouti," *Journal of Ethnic and Migration Studies* 44, no. 10 (2018): 1702, <https://doi.org/10.1080/1369183X.2017.1354058>.

Irregular migration as a term encapsulates those who enter a state territory without legal documentation, or who enter legally but overstay their visa and find themselves in an irregular situation. The distinctions between those who intentionally enter a territory with forged papers, those who enter with no documentation but for humanitarian reasons, and those who enter and work legally but overstay their visas have become blurred.¹⁸ Here the term ‘irregular’ is used in place of ‘illegal’ or ‘undocumented’ because it allows for the inclusion of multiple forms of irregular cross-border entry including forced migration (refugees and asylum-seekers) and economic migration and because it upholds the dignity of both migrants and the state territories they enter.

1.1 Sovereignty as a Barrier to Participation

“Europe has many challenges, but that of migration could determine the fate of the European Union” - German Chancellor Angela Merkel to lawmakers before migration summit in Brussels in June, 2018¹⁹

¹⁸ Koser, *A Very Short Introduction*, 17 and 49.

¹⁹ “European Leaders Claim Breakthrough Deal on Migration after Marathon Talks,” *Associated Press* in NBC News, June 29, 2018, <https://www.nbcnews.com/news/world/european-leaders-claim-breakthrough-deal-migration-after-marathon-talks-n887676>.

“... it is becoming increasingly counterintuitive that states continue on a unilateral basis to try to govern a process that is by definition transnational...” - Khalid Koser²⁰

Adopting a pragmatic view of irregular migration will reveal that transit states, like individuals, are rational actors who choose to act and cooperate in their own self-interest. On the state level, numbers of individuals crossing international borders irregularly matter for service provision and ultimately human security. What may matter more is how irregular migration is perceived to challenge state sovereignty regardless of the degree to which such movement truly impacts state capacity. The purpose of this study was not to validate or invalidate state perceptions of threatened sovereignty, but to acknowledge these perceptions as reality-framing, and thus deserving of a valid response.

Stephen D. Krasner defines four subcategories of state sovereignty, interdependence, Westphalian, international legal, and domestic.²¹ This study focused specifically on two elements of sovereignty, interdependence and Westphalian sovereignty, while shelving domestic and international legal sovereignty. Interdependence sovereignty pertains to “the ability of a government to regulate the

²⁰ Koser, “Introduction: International Migration,” 304.

²¹ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999), 9.

movement of goods, capital, people and ideas across its borders.”²² The underlying attribute of interdependence sovereignty is control and the capacity of states to manage their territorial borders. Globalization inherently ‘escalates interdependence’, making it more challenging for states to manage the transnational flows across its borders.²³ Ultimately, interdependence sovereignty refers to territorial sovereignty. Westphalian sovereignty highlights the fundamental aspect of state autonomy and has come to be known as the right of states to manage their territory and internal political institutions without the intervention or influence of external actors.²⁴ This type of sovereignty implies the ability to create and implement policy, including that of border control, without undue influence from outside forces.

For this study, the subcategories of domestic and international legal sovereignty were excluded under the assumption that the states under examination (transit states) are recognized by the international community as defined by international legal sovereignty.²⁵ Furthermore, addressing the nature of government authority within states as defined by domestic sovereignty was beyond the scope of this study.

22 Stephen D. Krasner, “Problematic Sovereignty,” in *Problematic Sovereignty: Contested Rules and Political Possibilities*, ed. Stephen D. Krasner (New York: Columbia University Press, 2001), 2, <https://www.jstor.org/stable/10.7312/kras12178.5>.

23 Jonge Oudraat and Simmons, *Managing Global Issues*, 14.

24 Krasner, *Organized Hypocrisy*, 20.

25 Tanja E. Aalberts, and Thomas Gammeltoft-Hansen, “Sovereignty at Sea: The Law and Politics of Saving Lives in the Mare Liberum,” *Journal of International Relations and Development* 17, no. 4 (September 2014): 443, <http://dx.doi.org/10.1057/jird.2014.12>.

Migration governance regimes are the epitome of international cooperation mechanisms, with states themselves as the primary actors.²⁶ International migration governance regimes affirm that state sovereignty is the base upon which regional cooperation is built,²⁷ with the Global Compact for Safe, Orderly and Regular Migration recognizing the importance of state-led initiatives to address irregular migration.²⁸ Though the features of sovereignty are never completely adhered to,²⁹ an international state sovereignty perspective can help us identify the internal and external pressures upon the state players in migration policy and practice.

Critics of a state-sovereignty approach to irregular migration point out that actual numbers quantifying irregular migration are quite small or only estimates, posing no real overwhelming threat to states. Estimates are that roughly 50% of migration takes place irregularly worldwide and most of that regionally; only 10% of Europe's migrants are believed to be in an irregular situation.³⁰ Even this does not prove that they entered irregularly but may have overstayed their visa or become

26 Khalid Koser, "Introduction: International Migration and Global Governance," *Global Governance* 16, no. 3 (Summer 2010): 302, <https://www.jstor.org/stable/29764947>.

27 Rabat Process: Euro-African Dialogue on Migration and Development, Marrakesh Political Declaration, May 2, 2018 in Marrakesh, Morocco, accessed August 7, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20180503_declaration-and-action-plan-marrakesh_en.pdf.

28 "Global Compact for Safe, Orderly and Regular Migration: Intergovernmentally Negotiated and Agreed Outcome," July 13, 2018, accessed May 19, 2019 from UN Refugees and Migrants: Compact For Migration. https://refugeemigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf. ¶ 47.

29 Krasner, *Organized Hypocrisy*, 11-24.

30 Koser, *A Very Short Introduction*, 52.

irregular another way, highlighting the politicization of the issue which focuses heavily on irregular cross-border entry. Furthermore, many see the irregular migration discussion already heavily dominated by state-centric rhetoric and advocate for a more humanitarian lens through which to understand the complex topic. While a rights-based approach is vital to ensuring human security along irregular migration chains, depending upon it may backfire. This could be responsible in part for the rise of Western leaders from 2015 – 2018 who, while formerly committed to the rights-based liberal order including migration governance regimes, vowed to defend their countries' sovereignty and national self-interest in the face of heightened migratory pressure. Europe's 'migrant crisis' and the backlash it incited proves that liberalism does not contain "the seeds of its own salvation".³¹ Rather, focusing on the wellbeing and rights of migrants to the detriment of the rights of the states they pass through will result in even more antagonistic views toward a humanitarian approach.

Cooperation between states is a key feature of all governance regimes that seek to address complex problems in a comprehensive manner. In an era of globalization, states may be seen as 'civilization units' seeking maximum levels of autonomy while reaping the benefits of selective participation in various levels of international integration and governance via globalization.³² Ultimately, states will

31 Daniel Deudney and G. John Ikenberry, "Liberal World: The Resilient Order," *Foreign Affairs* 97, no. 4 (July 2018): 18, <https://search-proquest-com.du.idm.oclc.org/docview/2058267013?accountid=14608>.

32 Rosemary Sales, *Understanding Immigration and Refugee Policy: Contradictions and Continuities* (Bristol: Policy Press, 2007), 106.

make choices based on their own self-interest (law of consequences) rather than prevailing international norms (the law of appropriateness).³³ Like individuals, state governments make rational choices to further their own self-interest, even ceding portions of autonomy in return for burden sharing if that arrangement is believed to be the optimal choice.³⁴ The strategic benefit of international cooperation is that states can claim action and meet their stated political goals internally, boast of participation in norm-based regimes externally, and still retain power at the end of the day; this is evident with participation in international treaties which are non-binding. Drawing on the literature of norm diffusion, adoption, and adaptation of global norms is optimal from the vantage point of global governance regimes,³⁵ but may not be viewed as such by individual states.

Non-cooperation can inhibit solutions that work for all states along migration chains. Migration governance regimes, whether global or regional, all require the abdication of some degree of sovereignty. To mitigate the discomfort of sovereignty surrender, international organizations have included text promoting the value of sovereignty in their charters. Nonetheless, there are times when the value of Westphalian and interdependence sovereignty overrides that of international norms

33 Krasner, *Organized Hypocrisy*, 13.

34 Virginie Guiraudon and Gallya Lahav, "A Reappraisal of the State Sovereignty Debate: The Case of Migration Control," *Comparative Political Studies* 33, no. 2 (March 2000): 165, <https://doi-org.du.idm.oclc.org/10.1177%2F0010414000033002001>.

35 Annika Björkdahl, and Kristine Höglund, "Precarious Peacebuilding: Friction in Global-local Encounters," *Peacebuilding* 1, no. 3 (September 2013): 289-299, <https://doi.org/10.1080/21647259.2013.813170>.

and states claim sovereignty to the shock of global governance regimes. This has been clearly seen in response to irregular migration in states which have voluntarily surrendered a portion of sovereignty for inclusion in broader governance regimes, only to reclaim that sovereignty when the bargain is no longer in that state's best interest. In an environment where globalization has already weakened state autonomy, global governance regimes have the power to shift the balance of power between states.³⁶ Voluntary state participation in conventions and contracts may be discarded by states who no longer perceive a benefit in the arrangement, which opens the door for coercion and imposition upon weaker states by stronger ones.³⁷ States with power asymmetries facing shared migratory pressures may find themselves at first in cooperation revealed through voluntary self-limited sovereignty, but there will inevitably be tension present as a result of a power imbalance. Experts predict that migration management by more powerful states will set the trend for the globe.³⁸ For states with a strong sovereignty ethic, this will be difficult to accept, proving the need for new forms of cooperation between all states along migration chains.

Some hold that any stifled sovereignty is an act of self-limiting by the state rather than an externally imposed threat to sovereignty, as may be the case with

36 Jonathan Kirshner, "Globalization, Power, and Prospect," in *Globalization and National Security*, ed. Jonathan Kirshner (New York: Taylor & Francis Group, 2006), 333.

37 Krasner, *Organized Hypocrisy*, 25.

38 James Hollifield, "The Emerging Migration State," in *Rethinking Migration: New Theoretical and Empirical Perspectives*, ed. Alejandro Portes and Josh DeWind (New York: Berghahn Books, 2007), 81.

international human rights norms that are ultimately non-binding;³⁹ still, others see such pressures as emanating from external as well as domestic forces.⁴⁰ This can be seen by the fact that weak states are defined in large part by their inability to control their territorial borders.⁴¹ This should alert policymakers and human rights advocates to the importance of state sovereignty with relation to irregular cross-border movement, highlighting the value of territorial control not just to the transit states unable to manage movement but to the broader international community which has the power to ascribe ‘weak’ status to states struggling with porous borders.

It is worth noting the ambiguous nature of the liberal international order which, on the one hand, applies pressure upon independent states to manage their physical territories at the risk of being labeled a weak or ‘failing’ state, while on the other hand doles out pressure to open the national territory to those who may possess humanitarian claims for protection. It is no wonder, then, that states along migration chains between origin and destination find their own ways to manage these signals.

The changing international environment has shifted the way sovereignty is conceptualized. Formerly the domain of states alone, sovereignty has become more

39 Christian Joppke, “Why Liberal States Accept Unwanted Migration,” *World Politics* 50, no. 2 (January 1998): 270, <https://www.jstor.org/stable/25054038>.

40 Guiraudon and Lahav, “A Reappraisal,” 190.

41 Fiona B. Adamson, “International Migration in a Globalizing World: Assessing Impacts on National Security,” in *Globalization and National Security*, ed. Jonathan Kirshner, (New York: Taylor & Francis Group, 2006), 47.

intertwined with global responsibility to shared agreements and norms.⁴² Where sovereignty ends is now recognized as the point where a state is either unable or unwilling to protect its own citizens. This is when the Responsibility to Protect (R2P) is invoked, demonstrating that sovereignty itself is now predicated upon basic principles of human rights as they pertain to the population within the territorial border of that state.⁴³ What is less clear is what happens when a state refuses to abide by international norms of responsibility on the very basis of sovereignty, as is evident when vulnerable migrants are denied entry. The practical relationship between interdependence and Westphalian sovereignty is evident with the loss of territorial control; under such pressure, a state may choose to compromise its Westphalian sovereignty.⁴⁴

1.2 Transit State Pressure and Perspective

"Thus, transit migration is a strategic response to the constantly changing control regime and part of the complex interaction between migrants' autonomy and states sovereignty."⁴⁵ -Düvell

42 International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, (Ontario: International Development Research Centre, 2001), 3, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

43 Thomas G. Weiss, "Lessons from Libya," *America* 206, no. 9 (2012): 12, <https://search-proquest-com.du.idm.oclc.org/docview/2195323310?accountid=14608>.

44 Krasner, *Organized Hypocrisy*, 13.

45 Franck Düvell, "Transit Migration: A Blurred and Politicised Concept," *Population, Space and Place* 18, no. 4 (October 2010): 422, <https://doi-org.du.idm.oclc.org/10.1002/psp.631>.

Turning attention to transit states can prove useful to security studies as it provides another viewpoint to understand the nation's international agreement proclivities. Additionally, zeroing in on transit states can impact the humanitarian field as it will give depth and nuance to how and why transit states may block, detain, or expel travelers.

Three main barriers exist which prohibit a clear understanding of transit state dilemmas. First is the perception that a transit state is only one of movement through its territory when in fact a state can be both origin, transit, and destination at the same time.⁴⁶ Though labeling a country as a 'transit country' can be seen as a simplification of the blurred and mixed nature of migration through certain regions,⁴⁷ it can also provide terminology to analyze the specific impacts of, and responses to, through-migration. Conceptualizing transit migration need not take away from the challenges posed by emigration and immigration, but rather narrows the dialogue for deeper analysis of cross-border through-migration. Second, assuming that all through-migration is undertaken by poor migrants in the global South aimed toward destination countries in the North is unhelpful as a majority of global movement

46 Haim Malka, *Destination Maghreb: Changing Migration Patterns in North Africa* (Center for Strategic and International Studies, May 2, 2018): 2 accessed May 15, 2019, <https://www.csis.org/analysis/destination-maghreb>.

47 Düvell, "Blurred and Politicised," 424.

occurs intra-regionally, including within Europe itself. Indeed, research shows that transit migration, while highly politicized in the EU and its surrounding vicinity, is a phenomenon which occurs globally.^{48,49} Third, many governance forums conflate all cross-border transit migration with irregularity when in fact over half of global movement is undertaken within broader legal mechanisms.^{50,51}

Acknowledging these definitional challenges, this study will intentionally address irregular cross-border movement from a South-to-North trajectory. Migration assessments generally target origin or destination countries and tend to focus on mechanisms of integration, processing, and resettlement or the economic impact of the movement of people to and from these countries.⁵² Those which discuss notions of state sovereignty as it relates to irregular migration do so from the perspective of destination countries.⁵³ Other assessment frameworks are deeply committed to human rights and, as a result, can demonize the actions of transit states looking to protect their international borders.

48 Rebecca Frilund, "(Transit) migration via Nepal and India: Tibetans en route to the West," *Migration Studies* 7, no. 1 (March 2019): 22-38, <https://doi.org/10.1093/migration/mnx064>.

49 Michael Collyer, "Critical Approaches to Transit Migration," *Population, Space and Place* 18, no. 4 (October 2010): 410, <https://doi-org.du.idm.oclc.org/10.1002/psp.630>.

50 Sylvie Bredeloup, "Sahara Transit: Times, Spaces, People," *Population, Space and Place* 18, no. 4 (October 2010): 465, <https://doi-org.du.idm.oclc.org/10.1002/psp.634>.

51 Koser, *A Very Short Introduction*, 52.

52 International Institute for Democracy and Electoral Assistance, Chapter 7: Migration, 217.

53 International Institute for Democracy and Electoral Assistance, Chapter 7: Migration, 217.

Transit state dilemmas are tightly related to irregular migration which is highly politicized and more politically than numerically significant.⁵⁴ Still, transit migration policy is a high priority among destination countries in or around the European neighborhood.^{55,56} The EU's failed policy in response to dramatic increases in refugee and asylum entries to the Schengen zone in 2015 resulted in increased transit through the Balkans.⁵⁷ In response, Balkan countries tightened borders and restricted through-migration.⁵⁸ Monitors report that between 2015 and 2018 at least 800 miles of fencing has been erected along transit routes through the Balkans by at least 6 independent nations.⁵⁹ Austria, Hungary, Bulgaria, and Greece are just a few along the route who have participated in such wall-building, with even sympathetic leadership acknowledging that maintaining territorial sovereignty is their mandate.⁶⁰ The response of transit countries and the effects of re-routing migrants elsewhere in the Balkans shows that the policies implemented by transit states are highly important for migration chains overall and human security at every point along the way. There

54 Koser, *A Very Short Introduction*, 52.

55 Düvell, "Blurred and Politicised," 420.

56 Collyer, "Critical Approaches," 411.

57 Dane Taleski, "The Balkans as Europe's Blind Spot: A Transit Route and Migrant-Origin Area," in *Escaping the Escape: Toward Solutions for the Humanitarian Migration Crisis*, ed. Barbara Serfozo (Berlin: Verlag Bertelsmann Stiftung, 2017), 52, <https://ebookcentral.proquest.com/lib/du/detail.action?docID=4812600>.

58 Carlos Coelho, "Fencing Off Europe," interactive graphic from Radio Free Europe, last updated January 19, 2016, <https://www.rferl.org/a/fencing-off-europe/27562610.html>.

59 Kim Hjelmgaard, "Trump Isn't the Only One who Wants to Build a Wall. These European Nations Already Did," *USA Today*, May 21, 2018, <https://www.usatoday.com/story/news/world/2018/05/24/donald-trump-europe-border-walls-migrants/532572002/>.

60 Hjelmgaard, "Trump Isn't the Only One."

is a lack of evidentiary research looking specifically at transit countries and their viewpoints, and even less about the effects such viewpoints may have on domestic, regional and international migration policy. Countries of transit have perspectives which shape policy and will by necessity have ramifications for other states as well as vulnerable travelers.

Transit states have varying levels of capacity to address irregular cross-border entry, and those with low capacity may find themselves susceptible to international pressure to join migration governance regimes, especially from receiving countries in the North.⁶¹ It is important to distinguish between low political will and low capacity, as some states are willing to accept assistance and increase border monitoring efforts. Others, despite moderate capacity and offers of assistance, may reject parts or all of international migration governance mechanisms. In response to non-cooperation, stronger states may apply pressure on transit states to participate in international migration governance regimes aimed at slowing or eliminating the flow of irregular migrants across state borders. Pressure from migrant-receiving states (destination) upon migrant-sending states (origin) and those countries on the path between (transit) may be perceived as challenging state sovereignty.

⁶¹ Haim Malka, *Destination Maghreb: Changing Migration Patterns in North Africa* (Center for Strategic and International Studies, May 2, 2018): 14 accessed May 15, 2019, <https://www.csis.org/analysis/destination-maghreb>.

Transit countries that have the capacity to invest in migration management regimes may choose not to do so. Rather, they may tighten borders, limit aid, and divert migrants away from their territory. By disengaging with the international migration governance regimes and ignoring calls from regional neighbors, transit states freeload on the international system to take care of vulnerable migrants and refugees before and after transit through its territory. Blocking entry to unwanted migrants is a form of deliberate denial which has two main components: 1) denying passage upholds territorial or interdependence sovereignty and 2) denying responsibility for migrant wellbeing, and thereby participation in global governance regimes, upholds Westphalian sovereignty. Both components of deliberate denial provide a platform for sovereignty assertion.⁶² In short, deliberate denial can be seen in political denial of the problem and tactical denial at the border.

A more subtle way for a transit state to engage deliberate denial is seen in the decision to delegate migration enforcement authority to local agencies which then manage migration on behalf of the state.⁶³ This enables the state to satisfy policy requirements from both internal and external stakeholders while removing itself from culpability in the enforcement of its own policy. This is especially important in light of human security where, on the front end, non-cooperative states may prevent entry

62 Gregory White, "Sovereignty and International Labor Migration: The 'Security Mentality' in Spanish-Moroccan Relations as an Assertion of Sovereignty," *Review of International Political Economy* 14, no. 4 (October 2007): 690, <https://www.jstor.org/stable/25261935>.

63 Guiraudon and Lahav, "A Reappraisal," 177.

to irregular migrant even at the cost of denying entry and protection to those who would qualify for refugee or asylum status, and on the back end may expel those irregular migrants already present in the country, again undertaking the risk that some may have grounds for international protection.

Successful migration governance regimes depend on cooperation among individual states and between states and international organizations, and transit states located along migration chains are key in obtaining this cooperation. Too often regimes undervalue the pressures on and perspectives of transit states along long migration chains.

International organizations struggle to prevent, monitor and respond to human security challenges presented by irregular migration globally. This is crucial as international migration governance depends on the cooperation of all states along migration chains. Additional challenges faced by international organizations in managing migration include low capacity to address the drivers of migration in countries of origin and low will and capacity for integration in countries of destination. Regimes focus heavily on both countries of origin and destination with regard to push and pull factors. Regimes at large and international organizations specifically often struggle to bridge the ideological gap between state sovereignty and human rights norms.

Chapter Two | Algeria - A Transit Country in the Euro-Med Migration Crisis

“Sovereignty, territorial control and state authority, then, have been undergoing an important reconfiguration in the EU–MENA context.”⁶⁴

Algeria serves as a unique case study because of its strategic position between sub-Saharan Africa, the Middle East, and southern Europe. This places the North African country, the largest by land mass on the continent, in a position of tension regarding its border controls as it seeks to deter migrants from the south and east while resisting pressure from southern Europe to control migratory routes across the Mediterranean. More than neighboring countries along the Mediterranean coast, Algeria places a high value on independence and sovereignty over and above international cooperation, largely due to its colonial history; where Morocco, Tunisia, and Libya have been portrayed in a more cooperative light, Algeria is painted as aloof

⁶⁴ Raffaella A. Del Sarto, “Contentious borders in the Middle East and North Africa: Context and Concepts,” *International Affairs* 93, no. 4 (July 2017): 781, <https://doi-org.du.idm.oclc.org/10.1093/ia/iix070>.

and uninvolved in addressing irregular migration challenges. This caricature, however, may not be entirely accurate. This allows Algeria to serve as an appropriate backdrop to explore the North-South tensions surrounding state sovereignty and cooperation on the subject of irregular migration. Policymakers in Europe and throughout Africa have an interest in how Algeria handles irregular migration for both humanitarian and security purposes. Therefore, a heuristic case study was conducted with the goal of understanding one state's approach to irregular migration in light of state sovereignty pressure.

2.1 Euro-Med and Algeria Context

The term 'transit migration' was popularized in the late 1990s by the Council of the European Union in response to movement through the Balkans and the Mediterranean, and over time came to be used synonymously with irregular migration.^{65,66} Irregular migration across the Mediterranean from North Africa to southern Europe has received significant media attention since it was first termed a 'crisis' in 2015.⁶⁷ As a result, intra-European discussions on sharing the burdens of

65 Franck Düvell, "Transit Migration: A Blurred and Politicised Concept," *Population, Space and Place* 18, no. 4 (October 2010): 416, <https://doi-org.du.idm.oclc.org/10.1002/psp.631>.

66 Michael Collyer, "Critical Approaches to Transit Migration," *Population, Space and Place* 18, no. 4 (October 2010): 407, <https://doi-org.du.idm.oclc.org/10.1002/psp.630>.

67 "Migrant Crisis: One Million Enter Europe in 2015," *BBC*, December 22, 2015, <https://www.bbc.com/news/world-europe-35158769>.

the influx of migrants has highlighted tensions between EU members. Despite programs which encourage cross-cutting initiatives between Europe and its southern neighbors in North Africa like the EUROMED Migration IV program, agreements on the processing of migrants both before and after reaching European shores remains a point of concern.⁶⁸

More than 144,000 migrants and refugees entered Europe in 2018, 80% of whom crossed the Mediterranean sea.⁶⁹ Spain witnessed the most arrivals to Europe by sea (58,600 in 2018), with migrants departing from Morocco and Algeria.⁷⁰ Use of the Mediterranean has been decreasing since 2016, due in large part to slow down of refugees from Syria. Arrivals in 2018 most commonly originated from Guinea, Syria, Morocco and Mali, and tend to be mostly men at 64%, followed by minors at 22% and women at 15%.⁷¹ Furthermore, usage between routes may be shifting from the Central route to the Western route, from Algeria and Morocco to Spain; despite intensive collaboration between the governments of Europe and the Maghreb between

68 ICMPD, "EUROMED Migration IV," accessed May 9, 2019, <https://www.icmpd.org/our-work/migration-dialogues/euromed-migration-iv/>.

69 International Organization for Migration (IOM), Mixed Migration Flows in the Mediterranean: Compilation of Available Data and Information December 2018 (DTM Flow Monitoring), accessed May 15, 2019, <http://migration.iom.int/reports/europe-%E2%80%94-mixed-migration-flows-europe-monthly-overview-december-2018?close=true>.

70 United Nations High Commissioner for Refugees (UNHCR), "Refugees & Migrants Arrivals to Europe in 2018 (Mediterranean)," infographic, accessed May 18, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/68006.pdf>.

71 United Nations High Commissioner for Refugees (UNHCR), "Refugees & Migrants."

2016 and 2017, land and sea crossings along the Western route increased 130 percent.⁷²

Mixed migration flows through the Mediterranean corridor make it difficult to differentiate between those who qualify for refugee status and those who do not until they successfully complete the crossing. Cooperation between all Mediterranean states is crucial to ensuring the safe and orderly processing of asylum seekers, but dissension among EU states regarding the responsibility for migrant processing has caused not only political strain but severe danger to those making the perilous journey from North Africa to Europe. More and more, Europe has implemented policies of externalization where pressure is placed on countries bordering the EU to prevent migrants from crossing their territories on their way north and west.⁷³ Many times safe third countries are offered aid or temporary work visas for their nationals in exchange for tighter border control along the periphery of Europe.⁷⁴ Where deterrence fails, disembarkation or refusal to dock rescue ships has been a method used by destination countries to forcibly stop irregular migration. In North Africa specifically, experts believe that forcing the issue of disembarkation centers may be damaging EU-

72 Haim Malka, *Destination Maghreb: Changing Migration Patterns in North Africa* (Center for Strategic and International Studies, May 2, 2018): 6 accessed May 15, 2019, <https://www.csis.org/analysis/destination-maghreb>.

73 Franck Düvell, "Transit Migration: A Blurred and Politicised Concept," *Population, Space and Place* 18, no. 4 (October 2010): 415, <https://doi-org.du.idm.oclc.org/10.1002/psp.631>.

74 Kavita Khory, "Conclusion," in *Migration Governance: Challenges for the 21st Century*, ed. Kavita Khory (New York: Palgrave Macmillan, 2012), 237.

North Africa relations,⁷⁵ further slowing a solution to migration policy agreement. Analysts agree that first, the EU must adopt a cohesive and unified migration policy which includes the management of controlled centers (disembarkation) along coastal EU states and shared relocation quotas among EU members.⁷⁶ Only then can it approach non-member states with a comprehensive plan of action.

Algeria's neighbors have responded to attempts of EU migration externalization in different ways, but one thing is clear: forcing 'partnership' with North African states will be met with pushback when it is viewed as an infringement on sovereignty. Morocco, a transit state which serves as an embarkation point for many trying to reach Europe, has been suspected of purposefully allowing migrants and refugees to cross the Mediterranean. This suggestion, put forth by several regional news outlets, is defended by those who see Morocco as "trying to extort concessions" from its European neighbors by deliberately allowing Spain to face the pressure of unrestricted irregular migration.⁷⁷ Some analysts believe that Morocco is permitting irregular migration into Spain as a bargaining ploy to increase leverage in

75Tasnim Abderrahim, "Pushing the Boundaries: How to Create More Effective Migration Cooperation Across the Mediterranean," *European Council on Foreign Relations (ECFR)*, January 15, 2019, https://www.ecfr.eu/publications/summary/pushing_the_boundaries_effective_migration_cooperation_across_Mediterranean. European Council on Foreign Relations.

76 Catherine Woollard, "A Contingency Plan for Disembarkation and Relocation," (Editorial, *European Council on Refugees and Exiles (ECRE)*, January 11, 2019), accessed May 16, 2019, <https://reliefweb.int/report/world/editorial-contingency-plan-disembarkation-and-relocation>.

77 Yermi Brenner, Roberto Forin, and Bram Frouws, "The "Shift" to the Western Mediterranean Migration Route: Myth or Reality?" *Mixed Migration Centre*, August 22, 2018, accessed May 18, 2019, <http://www.mixedmigration.org/articles/shift-to-the-western-mediterranean-migration-route/>.

discussions with EU partners, citing the fact that Moroccan nationals made up the second largest group of arrivals by sea and land to the EU in 2018.^{78,79} Others see Morocco's continued partnership with the EU on matters of irregular migration and the genuine disappointment felt by Moroccan leadership when asked to host disembarkation centers as proof that the Kingdom should be treated as a true partner on par with member-states.⁸⁰ Experts agree that pressure on Morocco as a transit point of entry to the EU will remain into the near future.⁸¹ Tunisia likewise has refused to disembark migrants rescued at sea, closing its ports to a search and rescue vessel in July 2018.⁸² In contrast, in 2017 the Libyan Coast Guard intercepted 20,000 people, returning them back to detention centers in Libya.⁸³

Migration is expected to remain the political issue of the highest importance to Europeans regarding North Africa even though overall migration numbers have decreased.⁸⁴ The focus of EU efforts will likely be on processing and returning or

78 Brenner, Forin, and Frouws, "Myth or Reality?"

79 "Mediterranean Situation," United Nations High Commissioner for Refugees (UNHCR), (Operational Portal, Refugee Situations), accessed August 22, 2018, <https://data2.unhcr.org/en/situations/mediterranean>.

80 Abderrahim, "Pushing the Boundaries."

81 Abderrahim, "Pushing the Boundaries."

82 Luca Lixi, "After Revolution, Tunisian Migration Governance Has Changed. Has EU Policy?" *Migration Policy Institute*, October 18, 2018, <https://www.migrationpolicy.org/article/after-revolution-tunisian-migration-governance-has-changed-has-eu-policy>.

83 The Mixed Migration Hub, *The Central Mediterranean Route: The Deadliest Migration Route*, (In Focus no. 2 March 2018), accessed May 15, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/The-CMR-The-deadliest-migration-route.pdf>.

84 William Lawrence, "The EU-Arab League Summit and the African Migration Crisis," *Middle East Institute*, February 22, 2019, <https://www.mei.edu/publications/eu-arab-league-summit-and-african-migration-crisis>.

integrating migrants who qualify for asylum though as of 2019 the distribution of asylum applications between Member states remains unbalanced. Asylum seekers arriving in Italy are facing a year-on-year rise in rejected asylum applications as a result of new hardline policy from the far-right interior minister, Matteo Salvini. In January 2019, only 150 applications were approved compared to over 2,000 in January 2018.⁸⁵ As a result, experts predict a rise in the number of migrants living irregularly in Italy, and possibly moving on to seek asylum in other EU countries. In 2018 and for the sixth consecutive year, Germany has received the highest number of applications, followed by France, together amounting to 44% of all applications. Greece, Spain, and Italy jointly accounted for nearly 30% of all applications.⁸⁶ To share the load, two EU resettlement schemes were initiated in response to the migration crisis, the first from 2015 through 2017 which saw over 27,000 individuals resettled, and the second from December 2017 – October of 2019 which aims to resettle 50,000.⁸⁷

While EU resettlement initiatives are managed within Europe, the IOM and UNHCR have proposed the establishment of predictable disembarkation and processing centers across the Mediterranean which are purported to combat the

85 Lorenzo Tondo, "Italy Rejects Record Number of Asylum Applications," *The Guardian*, February 14, 2019, <https://www.theguardian.com/world/2019/feb/14/italy-rejects-record-number-of-asylum-applications>.

86 "Managing Migration in All Its Aspects: Progress Under the European Agenda on Migration," (European Commission, December 4, 2018), 4, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181204_com-2018-798-communication_en.pdf.

87 European Commission, "Managing Migration," 4.

tension among and between Mediterranean countries. Having a fair and predictable framework for resettlement and burden-sharing among European states will be crucial moving forward,⁸⁸ but more work is needed in the European neighborhood. As of 2019, the Comprehensive Refugee Response Framework (CRRF) backed by UNHCR is designed to ease pressure on host countries while working to find third-country solutions for resettlement along the Central Mediterranean route from sub-Saharan Africa through North Africa. Among efforts to reduce fatalities in the Mediterranean, the IOM and the UNHCR have called upon regional leaders to confront negative discourse and xenophobia.^{89,90}

The rhetoric coming from large international organizations and working groups may boast comprehensive approaches which address the root causes of migration, when in reality the force of action was firmly behind the prevention of migration, including the pressuring of transit and origin countries to accept aid to keep prevent migration to Europe.⁹¹ This externalization of migration via selective

88 International Organization for Migration (IOM), “IOM-UNHCR Proposal to the European Union for a Regional Cooperative Arrangement Ensuring Predictable Disembarkation and Subsequent Processing of Persons Rescued at Sea,” news release, June 29, 2018, <https://www.iom.int/news/iom-unhcr-proposal-european-union-regional-cooperative-arrangement-ensuring-predictable>.

89 International Organization for Migration, “Mixed Migration Flows.”

90 International Institute for Democracy and Electoral Assistance (IDEA), Chapter 7: Migration, social polarization, citizenship and multiculturalism (Global State of Democracy, First Edition, 2017):216, accessed May 15, 2019, <https://www.idea.int/gsood/>.

91 Nicholas Van Hear, *Mixed Migration: Policy Challenges* (The Migration Observatory, University of Oxford, 2011): 3, accessed May 16, 2019, <https://migrationobservatory.ox.ac.uk/resources/primers/mixed-migration-policy-challenges/>.

outsourcing to other states is seen by those in the EU as a ‘necessary evil’,⁹² and by those in North Africa as an infringement to sovereignty.⁹³

European states formerly assumed to cooperation in international migration governance regimes have been accused of ‘unilateral and uncoordinated’ policy actions in response to mass migration.⁹⁴ These actions might be described as sovereign decisions by states experiencing different migratory pressures, what some analysts see as the loss of confidence among EU member states in the ability of the Union to formulate a comprehensive response to the 2015 migration crisis directly resulted in unilateral decision-making.⁹⁵

Additionally, a shift in EU language from ‘migration control’ to ‘search and rescue’ may be a mechanism of controlling unwanted irregular migration in international waters, where stopping and searching vessels would otherwise be considered a violation of freedom of navigation under international law; this strategy is alluring for the EU.⁹⁶

92 Solon Ardittis, “Has the EU Improved External Border Protection?” *World Policy* (blog), October 24, 2016, accessed May 9, 2019, <https://worldpolicy.org/2016/10/24/has-the-eu-improved-external-border-protection/>.

93 Lixi, “After Revolution.”

94 Ardittis, “Has the EU.”

95 Ardittis, “Has the EU.”

96 Tanja E. Aalberts, and Thomas Gammeltoft-Hansen, “Sovereignty at Sea: The Law and Politics of Saving Lives in the Mare Liberum,” *Journal of International Relations and Development* 17, no. 4 (September 2014): 451, <http://dx.doi.org/10.1057/jird.2014.12>.

North Africa is a source of irregular migration to Europe and a path for many sub-Saharan Africans on their way to Europe. With paths to Europe increasingly restricted, North Africa is facing increased pressure as a destination country as well as one of transit.^{97,98}

Deep colonial scars and more recent civil war traumas have shaped the ways in which Algeria conceives of and plays out sovereignty at the state level. Algeria's history of colonization and battle for sovereignty from invading forces date back centuries. The citizens of Algiers faced severe repression, taxation and brute force by the Ottomans from the 1500s, arguably paving the way for French takeover in 1830.⁹⁹ The ever-present threat of external domination has been built into the Algerian identity, layering resistance over time.¹⁰⁰ The ouster of French rule and formal independence in 1962 gave the nation of Algeria its own claim to sovereignty hard-fought during the long and bloody war for independence which has been called one of "the worst colonial confrontations in history".¹⁰¹

97 Haim Malka, *Destination Maghreb: Changing Migration Patterns in North Africa* (Center for Strategic and International Studies, May 2, 2018): 2, accessed May 15, 2019, <https://www.csis.org/analysis/destination-maghreb>.

98 Khalid Koser, *International Migration A Very Short Introduction* (Oxford: Oxford University Press, 2016), 8.

99 James McDougall, *A History of Algeria* (Cambridge: Cambridge University Press, 2017), 12.

100 Martin Evans and John Phillips, *Algeria: Anger of the Dispossessed* (New Haven and London: Yale University Press, 2007), 25.

101 Azzedine Layachi, *The United States and North Africa: A Cognitive Approach to Foreign Policy* (New York: Praeger, 1990), 11.

Losing control of its fledgling national rule was out of the question for Algeria's new leadership when, as a result of political liberalization in 1989, civil war threatened to erupt. The adoption of democratic elections in 1992 saw a boom in political parties with as many as sixty by the end of 1991.¹⁰² The democratic opening of Algeria witnessed the formation of Islamist parties that resonated with Algerian nationals all over the country. Promoting conservative values and decrying the present state of legalized alcohol, mixed classes in schools and immodesty among women,¹⁰³ the Algerian government was alarmed at the success of the Islamist parties in the first round of voting. In an effort to prevent the likely win of the Islamist Salvation Front (FIS), the government cancelled the second round of voting, sparking outcry among those who predicted a win for the FIS. Soon FIS leaders and supporters were arrested, demanding a return to democratic elections; but fear that the FIS could win and spark a civil war between those loyal to the Islamist party and the 22 million Algerians it would alienate as a result overrode the desire for democracy.¹⁰⁴

The crackdown by the Algerian military against armed factions loyal to the FIS brought bloodshed and carnage. As many as 12,000 FIS supporters were disappeared by Government forces claiming to fight terrorism, though often little to

¹⁰² Evans and Phillips, *Anger of the Dispossessed*, 146.

¹⁰³ Evans and Phillips, *Anger of the Dispossessed*, 149.

¹⁰⁴ Robert Fisk, "Robert Fisk on Algeria: Why Algeria's Tragedy Matters," *The Independent*, History As It Happened Series (Published by Mango Media, Inc. 2016), 5 - 17.

no proof existed for those who received torture, death, or disappearance.¹⁰⁵ This Dark Decade lasted through the 1990s and threatened internal unity, shared identity and general social stability and only ended with amnesty after an estimated 150,000 Algerian civilians were killed by their fellow Algerians.¹⁰⁶ A slow healing process began under the guidance of newly-elected President Abdelaziz Bouteflika who retained the presidency from 2000 until April of 2019, largely as a measure to ensure internal peace and stability at the price of democratic progress.

More recent threats to state stability have come from extremist groups within and surrounding Algeria including Al Qaida in the Islamic Maghreb (AQIM) and the Islamic State (IS). Formerly more powerful in Algeria in the early 2000s, AQIM now pleads for its followers to not abandon Algeria as a potential stronghold.¹⁰⁷ AQIM in Algeria has dwindled, possibly as a result of recruitment to IS, and calls from AQIM leadership for followers in Algeria to rise up have fallen on deaf ears.¹⁰⁸ Algeria has responded to the threat of terrorism in two primary ways: crackdowns on weapons caches and small cells within the country, and increased border security. Indeed, securing the border is instrumental in keeping the lifeblood of the Algerian economy, the hydrocarbon sector, safe and operational. In addition to preventing the movement

¹⁰⁵ Fisk, “Why Algeria’s Tragedy Matters”, 129.

¹⁰⁶ Fisk, “Why Algeria’s Tragedy Matters”, 153.

¹⁰⁷ Geoff D. Porter, “AQIM Pleads for Relevance in Algeria” CTC Sentinel 12, no. 3 (March 2019): 32, accessed May 28, 2019, <https://ctc.usma.edu/app/uploads/2019/03/CTC-SENTINEL-032019.pdf>.

¹⁰⁸ Porter, “AQIM Pleads,” 35.

of AQIM members the Algerian security forces are also highly aware of returning foreign fighters from war zones in the Middle East. With this in mind it is no wonder that the Algerian state prioritizes territorial sovereignty through border control.

Until recently the porous nature of Algeria's borders was less problematic. Historical movement from south to north was not considered an existential threat to state stability. Trade routes at the end of the 15th century transported goods from sub-Saharan and West Africa through the cities of Agades, Takedda and Taghaza into what is now known as Algeria.¹⁰⁹ Waves of migrants from North and West Africa entered Europe from 1921 – 1936, establishing roots and networks for later arrivals in the 1950s and 1960s and even greater flows after decolonization.¹¹⁰ Tuareg tribespeople and temporary workers from sub-Saharan Africa made this journey annually in last century and only recently have been prevented from their traditional movement. Ironically, this has fueled smuggling of goods and people across Algeria's southern borders, incurring a strong backlash to fight 'trafficking' of all kinds.

Algeria was chosen as the case study because it is the North African country with the least written about irregular migration through its territory and because it represents a case of a state with limited transparency, limited international and

¹⁰⁹ Dirk Hoerder, *Cultures in Contact: World Migrations in the Second Millennium* (Durham & London: Duke University Press, 2002), 146.

¹¹⁰ Hoerder, *Cultures in Contact*, 502, 551.

regional cooperation regarding irregular migration, and a strong ethic of state sovereignty and non-interventionism dating from independence in 1962. These attributes position Algeria as an illustrative case study as they are most likely to demonstrate the ways in which Algeria may choose sovereignty over cooperation when it comes to irregular migration governance.

Algeria's administration strives for legitimacy among its own people while remaining nonplussed with attention from the outside world. But the outside world is entering Algeria, not only across the southern borders in the form of irregular migrants but from across the Mediterranean in the form of migration governance regimes. Algeria receives high marks for its ability to partake, albeit sparingly, in the international community while retaining and promoting sovereignty in the region. Internal social pressures have historically garnered a weak response from the state, validating its autonomy while highlighting a potentially dangerous inconsideration of citizen protest power.

Poorly diversified, the state runs the largest bilateral deficit with the EU when compared to other North African states, excluding the energy sector. Resulting from the sharp decline in oil prices in 2014 the state enacted severe austerity measures, including cuts to its generous social welfare program. The cuts led to social outcry and protests including strikes in the education and healthcare sectors. This context underscores the reality within the country especially among young people, 26% of

whom between the ages of 16-25 in Algeria are unemployed,¹¹¹ who may see migrant workers, whether regular or irregularly present in the country, as a threat. Graduates in Algeria increasingly find that university degrees are not leading to secure employment upon graduation.¹¹² Though it reduced poverty levels by 20% over the last two decades and is making strong strides toward the United Nations Sustainable Development Goals, more than one in four Algerians under the age of 30 are unemployed; two thirds of the country are under age 30.¹¹³

Algeria is party to the European Neighborhood Policy (ENP) since 2003 and the Euro-Mediterranean Partnership since 2005, out of which was produced an Association Agreement which sets common goals for political and economic integration between Algeria and the European Union. Aside from the EU, Algeria remains distant from the international community at large both economically and politically, though strong bilateral ties to France remain as a result of colonial ties. Participation in NATO's Mediterranean Dialogue has been helpful in Algeria's approach to counter-terrorism and counter-trafficking operations and may prove to be a platform for coordination on migration issues, though Algeria's primary goal with

111 "Algeria Unemployment Rate," Trading Economics, accessed May16, 2019, <https://tradingeconomics.com/algeria/unemployment-rate>.

112 "Algeria Youth Unemployment Rate," Trading Economics, accessed May16, 2019, <https://tradingeconomics.com/algeria/youth-unemployment-rate>.

113 Hamid Ould Ahmed, "Algeria Blighted by Youth Unemployment Despite Recovering Oil Prices," *Reuters*, September 12, 2018, <https://www.reuters.com/article/algeria-economy/algeria-blighted-by-youth-unemployment-despite-recovering-oil-prices-idUSL5N1VY41A>.

this partnership is border security to neutralize terrorist networks in the south of the country.^{114,115}

Algeria is experiencing outflows of young people of working age, many of whom emigrate to France either legally or illegally. Following the peace deal brokered by Algiers in 2015 in Mali, both countries with Mauritania and Niger remain members of the Sahel Regional Chief of Staff Committee, an information sharing body coordinated specifically to stem extremist and criminal groups from proliferating along the nations' borders.

Algeria has a regime-centric approach to state security which bleeds over into its approach to irregular migration and develops policy according to outside threats more than from non-state actors within its own society¹¹⁶. Rightly concerned about cross-border crime including drug and arms smuggling, Algerian authorities in the last several years created new militarized regions along its eastern borders. These are entirely focused on stopping contraband smuggling and counterterrorism along more

114 Arslan Chikhaoui, "Migration and Refugees in Algeria and the Sahel: Targeting a Win-Win Neighborhood Policy in the Mediterranean," in *Escaping the Escape: Toward Solutions for the Humanitarian Migration Crisis*, ed. Barbara Serfozo (Berlin: Verlag Bertelsmann Stiftung, 2017), 320, <http://www.nesa-center.org/wp-content/uploads/2017/04/Algeria-the-Sahel-Chapter.pdf>.

115 Umberto Profazio, "NATO's Limited Leeway in North Africa," *Italian Institute for International Political Studies*, July 5, 2018, <https://www.ispionline.it/en/publicazione/natos-limited-leeway-north-africa-20926>.

116 Abdennour Benantar, "The State and the Dilemma of Security Policy," in *Algeria Modern: From Opacity to Complexity*, eds. Luis Martinez and Rasmus Alenius Boserup (New York: Oxford University Press, 2016), 94.

than 80 points identified between Algeria and Tunisia¹¹⁷. In January of 2017 Algeria announced a state of emergency along its Tunisian border after hundreds of Tunisian militants returning from conflict zones sought to cross illegally into the country¹¹⁸. This militarization of the border, while effective in stemming the flow of contraband, neglects the nature of cross-border migration by people fleeing desperation, and appears to offer no alternative but to reject all border-crossers. Those who manage to enter Algeria lack adequate processing and have been viewed by the state as criminals threatening national security.

Reporting indicates that Algeria has forcefully deported over 13,000 sub-Saharan migrants across the border to Niger in the 14 months prior to June 2018.¹¹⁹ Interviews with desperate and suffering migrants, many of whom were rescued in dangerous desert conditions, serve to obscure the debate over sovereignty and replace it with a discussion of human rights. While in no way condoning the Algerian approach to limiting irregular migration, the root of the crisis must be interpreted as one of state sovereignty.

117 Benantar, *Dilemma of Security Policy*, 107.

118 "Algeria Announces State of Emergency on Tunisia Border," *The Middle East Monitor*, January 7, 2017, <https://www.middleeastmonitor.com/20170107-algeria-announces-state-of-emergency-on-tunisia-border/>.

119 Lori Hinnant, "Walk or Die: Algeria Strands 13,000 Migrants in The Sahara," *Associated Press*, (June 2018), accessed July 10, 2018, <https://apnews.com/9ca5592217aa4acd836b9ee091ebfc20>.

Within the region, Algeria's reputation is strong as a leader in peace mediation with its southern neighbor Mali. It has used its strong security apparatus to stabilize its borders, shared by 7 countries. Government transparency is low, dominated by a tight circle of elites either based in or with close ties to the military. Transparency International gives Algeria a low score of 35/100 and ranks it 105th in the world in its Corruption Perceptions index.¹²⁰ Algeria has a strong culture of peaceful protests and marches despite these being highly censored by authorities. It is not uncommon to see strikes, walkouts and public gatherings to vent displeasure with public policy, and these rarely become violent.

Regional economic integration remains weak in nearly every area including economic, security, movement of people, political integration, and cooperation with the south.¹²¹ Within the region, Algeria's reputation is one of protectionism and, in many ways, resistance to change. Reconciling long-standing tensions with neighboring Morocco regarding Western Sahara and opening their shared land-border would be a major improvement but is not expected in the near term by international observers.¹²² Owing to its long colonial history, Algeria prefers bilateral discussions

120 "Algeria," Transparency International, Corruption Perceptions Index 2018, accessed May 16, 2019, <https://www.transparency.org/country/DZA>.

121 Wadia Ait Hamza, "The Maghreb Union is One of the World's Worst-performing Trading Blocs. Here are Five Ways to Change That," *World Economic Forum*, June 1, 2017, <https://www.weforum.org/agenda/2017/06/five-ways-to-make-maghreb-work/>.

122 Javier Solana, "These are Algeria's Big Challenges and Opportunities," *World Economic Forum*, March 7, 2016, <https://www.weforum.org/agenda/2016/03/these-are-algerias-big-challenges-and-opportunities>.

regarding regional trade and security issues. The government of Algeria is semi-democratic with strong socialist leanings. Institutions in the country are somewhat weak and struggle to be independent, relying heavily on the approval from the president; the media struggles to be independent as the government blocks controversial reporting and arrests journalists, only six of eighty newspapers available in Algiers can be considered independent in 2018.^{123,124} The military retains a strong influence over political decisions as it has since Algeria's independence in 1962.¹²⁵

The movement of 100,000 Algerians by 1924 to France started the first major wave of labor emigration from North Africa to Europe after World War I, and the decade after World War II witnessed close to a quarter million North Africans move to France to fill labor scarcities, the majority of whom were Algerian.¹²⁶ Analysts note that, while Morocco, Algeria and Tunisia witnessed outflows of labor during the late 20th century, Libya saw an inflow of migrant labor to fill jobs in the hydrocarbon, construction, and agriculture sectors.¹²⁷ Strong diaspora ties between the countries of the Maghreb and Europe grew strong, born out of colonialism. The majority of

123 Bertelsmann Stiftung, BTI 2018 Country Report - Algeria. (Gütersloh: Bertelsmann Stiftung, 2018), accessed April 22, 2019, <https://www.bti-project.org/en/reports/country-reports/detail/itc/DZA/>.

124 Freedom House, Freedom in the World 2018, Algeria Profile, accessed May 15, 2019, <https://freedomhouse.org/report/freedom-world/2018/algeria>.

125 Ramy Allahoum, "Algeria: President Bouteflika and the Army's Political End Game," *Aljazeera*, April 25, 2018, <https://www.aljazeera.com/indepth/features/algeria-president-bouteflika-army-political-game-180423114018685.html>.

126 Haim Malka, *Destination Maghreb: Changing Migration Patterns in North Africa* (Center for Strategic and International Studies, May 2, 2018), accessed May 15, 2019, <https://www.csis.org/analysis/destination-maghreb>.

127 Malka, *Destination Maghreb*.

Algeria's diaspora population reside in France, and while many young Algerians look to move abroad for job opportunities, many French-born Algerians are interested in returning to Algeria to re-invest in their homeland.¹²⁸ The acceptance of the diaspora community is somewhat new, shifting from recent calls by the president against perceived judgement by diaspora Algerians,¹²⁹ and an attempt in 2016 to significantly restrict the ability of dual Algerian-French citizens from serving in high office in Algeria. This is controversial as at least 450,000 Algerians reside in France with dual nationality and sense discrimination behind the policy which speaks loudly to Algeria's independent self-identity.¹³⁰

128 Djamilia Ould Khettab, "French Algerians Return to Parents' Native Land," *Al Jazeera*, January 1, 2016, <https://www.aljazeera.com/news/2015/10/french-algerians-return-parents-native-land-151006110146341.html>.

129 Djamilia Ould Khettab, "French Algerians Return to Parents' Native Land," *Al Jazeera*, January 1, 2016, <https://www.aljazeera.com/news/2015/10/french-algerians-return-parents-native-land-151006110146341.html>.

130 Federica Zoja, "Citizenship Law Reform in Algeria: The Tug-of-war Over Identity," *Qantara*, October 18, 2016, <https://en.qantara.de/node/25157>.

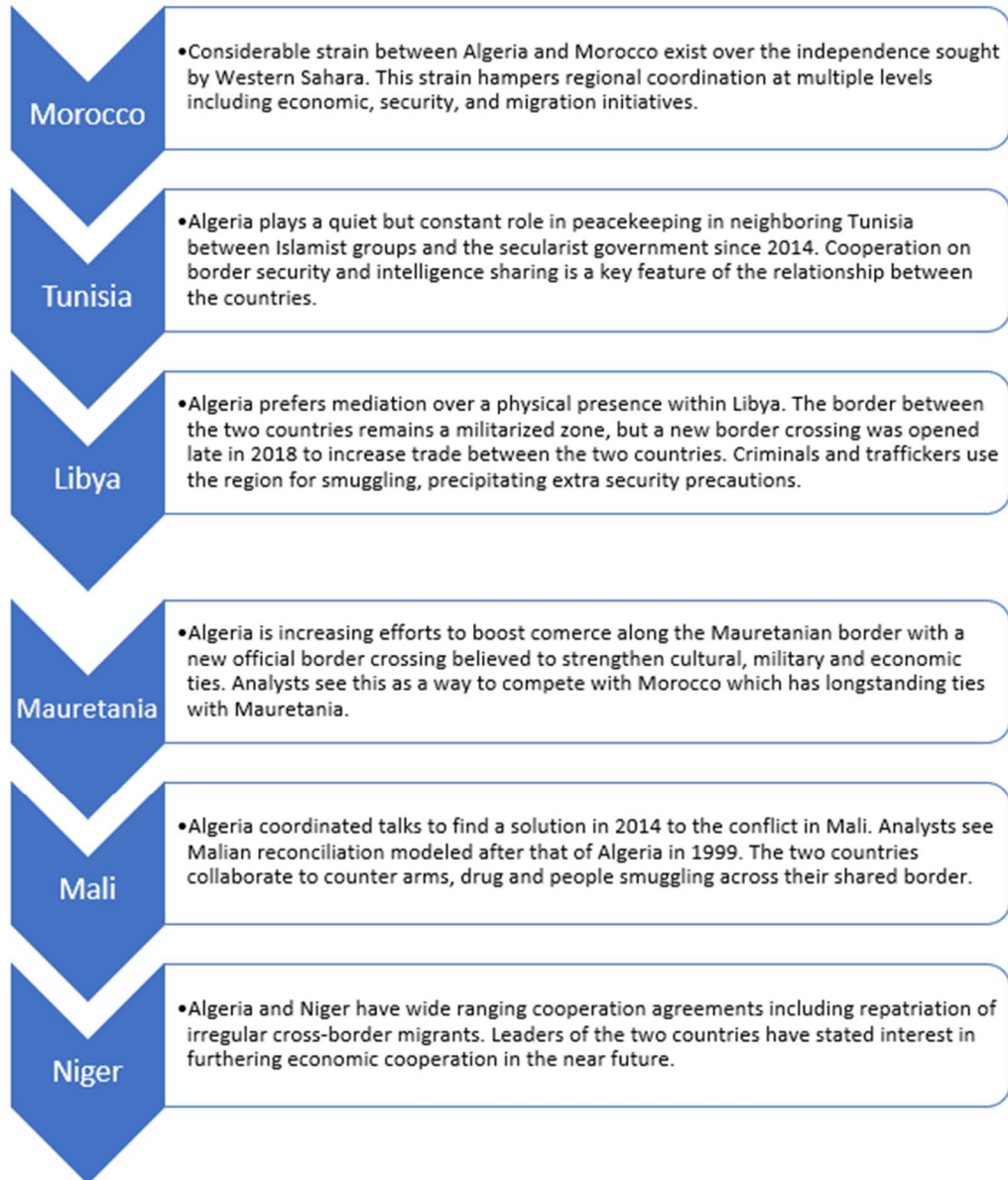


Figure 1: Algeria's Regional Relations

2.2 Algeria's Migration Context

Poor coordination mechanisms between countries in North Africa on regional issues including migration have hampered progress toward the United Nations' Sustainable Development Goals most critical for positive development in the region.¹³¹ Algeria has been targeted by eager EU Member states as a country with potential to be listed as a "safe third country" presumably as part of the broader policy of pushing migrants and refugees away from Europe.¹³² This would mean that there is no risk of persecution for either Algerian nationals or foreign nationals with respect for human rights, including that of asylum.

Transit migration is undertaken by those making strategic decisions as to where and how they will move across international borders, a process often aided by migration networks which, through advice from those who have gone ahead, information transfer, money lending and assistance upon arrival, create self-perpetuating cycles of migration between points.^{133,134} Historical movement of people

131 United Nations Economic Commission for Africa (UNECA), "Coherent, Integrated Policies Needed to Implement SDGs in North Africa (ECA)," news release, June 26, 2018, <https://www.uneca.org/stories/coherent-integrated-policies-needed-implement-sdgs-north-africa-eca>.

132 EuroMed Rights, "No to Enlisting Countries as 'Safe': Right of Asylum in Danger," news release, September 18, 2018, <https://euromedrights.org/publication/no-to-enlisting-countries-as-safe-right-of-asylum-in-danger/>.

133 Koser, *A Very Short Introduction*, 32.

134 Sabine Hess, "De-naturalising Transit Migration. Theory and Methods of An Ethnographic Regime Analysis," *Population, Space and Place* 18, no. 4 (October 2010): 435, <https://doi-org.du.idm.oclc.org/10.1002/psp.632>.

through North Africa shows that Algeria was used before independence by Touareg tribespeople from Niger looking for employment or to move their animals for grazing.¹³⁵ Moreover, the last three decades have witnessed a dramatic increase in sub-Saharan African migration to and settlement in southern Algerian cities including Tamanrasset, Adrar and Djanet; sub-Saharan African migrants from Mali and Niger grew from 3,000 to over 31,000 between 1966 and 1998 in Tamanrasset alone, with 2012 estimates showing that 20% of the Algerian Sahara now comprised of new and established migrants.¹³⁶ Algeria has three types of refugees within the country: the Sahrawi in Tindouf – encamped along the border with the disputed Western Sahara – Palestinian refugees, and sub-Saharan refugees and asylum-seekers. Due to the unique and decades-long political situation governing the Sahrawi situation, this irregular governance assessment will not address the situation in Tindouf.

Algeria's southern border with Niger represents the ultimate clash between states and irregular migrants, territorial sovereignty and human rights. The southern region witnessed a reported 25,000 forced deportations from Algeria to Niger in 2018. Migrants report being forced at gunpoint to walk 9 miles to the nearest Nigerien settlement of Assamaka with no water in temperatures reaching 104 degrees Fahrenheit. Many perish along the way, abandoned by their fellow travelers and

135 Sylvie Bredeloup, "Sahara Transit: Times, Spaces, People," *Population, Space and Place* 18, no. 4 (October 2010): 464, <https://doi-org.du.idm.oclc.org/10.1002/psp.634>.

136 Bredeloup, "Sahara Transit," 462.

witnessing dead bodies parched in the sand.¹³⁷ This has been corroborated by international human rights groups but categorically denied by the Algerian government, including the independent Algerian League for the Defense of Human Rights (LADDH).¹³⁸

Regional shifts have been evident following the unrest in Mali in 2012 with an influx of individuals crossing into Algeria in what international observers consider travel inconsistent with traditional migratory movement.¹³⁹ Changing migration patterns present North African states with opportunity as well as risk; migration pressures are expected to increase as the African continent experiences population booms in sub-Saharan countries which could quadruple 2019 population estimates.¹⁴⁰ Africa's youth population was estimated at 226 million in 2015, and it could rise to 830 million by 2020.¹⁴¹

137 Sertan Sanderson, "Left to Die: How Algeria Deports Migrants to Niger," *InfoMigrants*, April 5, 2019, <https://www.infomigrants.net/en/post/16148/left-to-die-how-algeria-deports-migrants-to-niger>.

138 Algerian League for the Defense of Human Rights (LADDH), "Arab migrants abandoned in the desert," news release, February 1, 2019, <https://laddh-algerie.org/?p=1251&lang=fr>.

139 Department of State, Algeria 2016 Human Rights Report, (Country Reports on Human Rights Practices for 2016 United States Department of State, Bureau of Democracy, Human Rights and Labor): 23, accessed May 15, 2019, <https://www.state.gov/documents/organization/265702.pdf>.

140 World Population Review, "Africa Population in 2019," accessed February 4, 2019, <http://worldpopulationreview.com/continents/africa-population/#>.

141 United Nations Economic Commission for Africa (UNECA), "Cities are the engines of development, youths their mechanics," news release, March 27, 2017, <https://www.uneca.org/stories/%E2%80%9Ccities-are-engines-development-youths-their-mechanics%E2%80%9D-senegal>.

According to the UNHCR over 1,000 asylum-seekers register with the UNHCR office in Algiers annually and – due to increasing instability in the Sahel combined with more restrictive EU asylum policies – are staying in Algeria for longer periods of time.¹⁴² The Ministry of Interior estimated that in August 2016 that there were over 21,000 irregular migrants living in Algeria, while other sources claimed there were 30,000 in the southern wilaya (province) of Tamanrasset alone and up to 100,000 in the country; sources for these data were not provided.¹⁴³ Another source states that Algeria hosts roughly 100,000 migrants, the majority of whom are from sub-Saharan Africa, though no distinction is made between those in regular and irregular situations.¹⁴⁴

Some have even migrated to or through Algeria as an alternate route after crackdowns on people-smuggling and human trafficking in neighboring countries, increasing the overall numbers of irregular migrants present in the country.^{145,146,147}

142 United Nations High Commissioner for Refugees (UNHCR), UNHCR Global Appeal 2014-15, (Chapter on Algeria, 1-6, United Nations High Commissioner for Refugees): 2, accessed May 16, 2019, <https://www.unhcr.org/en-us/publications/fundraising/528a0a2ab/unhcr-global-appeal-2014-2015-algeria.html>.

143 Department of State, *Algeria 2016*, 23.

144 Haim Malka, *Destination Maghreb: Changing Migration Patterns in North Africa* (Center for Strategic and International Studies, May 2, 2018): 2, accessed May 15, 2019, <https://www.csis.org/analysis/destination-maghreb>.

145 United Nations High Commissioner for Refugees (UNHCR), Global Report 2011, (Chapter on Algeria, 147–51, United Nations High Commissioner for Refugees), accessed May 16, 2019, <http://www.unhcr.org/4fc880ac8.pdf>.

146 Jihane Ben Yahia, “Algeria’s Migration Policy Conundrum,” *Institute for Security Studies*, July 4, 2018, <https://issafrica.org/iss-today/algerias-migration-policy-conundrum>.

147 “Country Report: Algeria,” (The Mixed Migration Hub, March 2018), accessed May 16, 2019, <http://www.mixedmigrationhub.org/wp-content/uploads/2018/05/Country-Profile-Algeria.pdf>.

This indicates a shift in the path selection of irregular migrants in response to state policy, a topic which demands further research. Algerian Interior Ministry official in charge of illegal migration, Hassen Kacimi, warned in 2019 that Algeria anticipates receiving more irregular migrants from sub-Saharan Africa in light of new, stricter European migration policies which make it more difficult to reach Europe by boat.¹⁴⁸ Departures from Libya have fallen thanks to increased support for the Italian coastguard; Italy has also helped Tunisia prevent covert departures from its Mediterranean shores.¹⁴⁹ These pressures combine to push irregular migrants elsewhere to seek refuge, employment, or transport to Europe.

Across the Middle East and North Africa over half the population is under the age of 24 and two-thirds are under the age of 30.¹⁵⁰ The draw to Europe not only pulls sub-Saharan migrants up through North Africa but influences high numbers of unemployed youth across the region to emigrate as well, many of whom do so irregularly as ‘harragas’, taking to the sea as irregular migrants themselves.¹⁵¹ This

148 Lamine Chikhi, “Algeria Worried About Rise in Illegal Migrants as Europe Tightens Controls,” *Reuters*, April 26, 2018, <https://www.reuters.com/article/us-europe-migrants-algeria/algeria-worried-about-rise-in-illegal-migrants-as-europe-tightens-controls-idUSKBN1HX3IX>.

149 Chikhi, “Algeria Worried.”

150 Martin Keulertz, et al, *Material Factors for the MENA Region: Data Sources, Trends and Drivers* (Middle East and North Africa Regional Architecture: Mapping Geopolitical Shifts, Regional Order and Domestic Transformations), no. 3, December 2016, accessed February 5, 2019, https://www.iai.it/sites/default/files/menara_cp_3.pdf.

151 Niccolo Zancan, “For A Tunisian City, The Mediterranean Offers Hope and Death,” *Worldcrunch*, June 29, 2018, <https://www.worldcrunch.com/migrant-lives-1/for-a-tunisian-city-the-mediterranean-offers-hope-and-death>.

makes Algeria not only a transit and destination country but one of origin as well, complicating the migration governance debate.

In response to the influx of irregular border-crossers, the Algerian government has been accused of detaining migrants unjustly, including Palestinian refugees.¹⁵² Accusations by civil society organizations within Algeria report that authorities restricted the movement of sub-Saharan migrants in the southern wilaya of Tamanrasset from moving toward coastal, urban centers.¹⁵³ This has been vehemently denied by Algerian authorities who boast that, while migrants are detained elsewhere, this does not occur in Algeria.¹⁵⁴ This may be accurate, as the US State Department reported that as of July 2016 all four refugee camps which have been monitored by the Algerian Red Crescent had been closed, including its southern-most camp housing 600 migrants near the city of Bordj Badj Mokhtar.¹⁵⁵ Regarding expulsions for which there is no room for denial, Algerian authorities have in some cases claimed that these were approved by IOM and UNHCR, though both organizations deny approval was given.¹⁵⁶

152 Euro-Mediterranean Human Rights Monitor, “Euro-Med: Algeria should stop detaining Palestinian refugees, treat them as asylum seekers,” news release, December 6, 2018, <https://euromedmonitor.org/en/article/2659/Euro-Med:-Algeria-should-stop-detaining-Palestinian-refugees--treat-them-as-asylum-seekers>.

153 Department of State, *Algeria 2016*, 21.

154 “Fire at Algerian Migrant Camp Leaves 18 People Dead,” *Agence France-Presse* in Algiers, reported in *The Guardian*, November 24, 2015, <https://www.theguardian.com/world/2015/nov/24/fire-at-algerian-migrant-camp-leaves-18-people-dead>.

155 Department of State, *Algeria 2016*, 23.

156 EuroMed Rights, “Algeria: We Are All Migrants,” news release, May 23, 2018, https://euromedrights.org/publication/algeria-we_are_all_migrants/.

In addition to detainment, Algeria repatriated 27,000 individuals back to their home countries since 2015¹⁵⁷ but the data distinguishing voluntary repatriation and forced expulsion remains murky. At least 3,000 people including asylum-seeking individuals have been forcefully evicted from Algeria across the Nigerien border since the start of 2018.¹⁵⁸ As a result, Algeria's repatriation agreement with Niger has experienced tension, as it has since 2014 when Nigerien Prime Minister urged the Algerian state to stop evicting non-Nigerien nationals to Niger.¹⁵⁹ While the bilateral agreement allows for repatriation of Nigerien nationals, over 18,000 of whom were returned to Niger between 2014 and 2017, expelling non-Nigeriens under this pretext has caused diplomatic tension between Niger and Algeria.¹⁶⁰

Financial independence signals sovereignty. The Associated Press reports that “unlike Niger, Algeria takes none of the EU money intended to help with the migration crisis, although it did receive \$111.3 million in aid from Europe between 2014 and 2017”.¹⁶¹ As a point of pride, Algeria claims to have spent \$20 million over

157 “Algeria Mass Deportations of African Migrants,” European Council on Refugees and Exiles (ECRE), March 30, 2018, <https://www.ecre.org/algeria-mass-deportations-of-african-migrants/>.

158 Ben Yahia, “Algeria’s Migration Policy.”

159 Jihane Ben Yahia, “Algeria’s Migration Policy Conundrum,” *Institute for Security Studies*, July 4, 2018, <https://issafrica.org/iss-today/algerias-migration-policy-conundrum>.

160 “Algeria: Mass Racial Profiling Used to Deport More Than 2,000 sub-Saharan Migrants,” *Amnesty International*, October 23, 2017, <https://www.amnesty.org/en/latest/news/2017/10/algeria-mass-racial-profiling-used-to-deport-more-than-2000-sub-saharan-migrants/>.

161 Hinnant, “Walk or Die.”

the last three years in response to increased irregular migration across its southern borders, with one official even stating that “nobody has helped us, we are handling the situation with our own means”.¹⁶²

Algeria was chosen for its sovereignty ethic, its low institutional influence, and its location at the crossroads of sub-Saharan Africa and Europe. These attributes were considered ideal to study the potential for a transit state’s response to irregular migration from a position of sovereignty. To view elements of sovereignty through the clearest lens it was important to choose a country with a strong sovereignty ‘ethic’, which cooperates with global governance regimes but would not be considered in the core group of such states, but rather the periphery. Second, it was important to acknowledge that policy assessments usually consider the influence of civil society organizations or other internal policymaking pressure. Algeria is widely agreed to have relatively weak institutions which struggle to be independent and are enmeshed heavily with the ruling elite. Because this study does not aim to consider public pressure within Algeria regarding migration policy, this makes Algeria a logical fit as there may be less civic influence toward such policymaking. Third, Algeria’s location on the North African coast of the Mediterranean makes it an obvious choice to examine North-South pressures of irregular migration. Furthermore, there is less policy information available on Algeria than other countries in the region, partly as a result of lesser migratory pressures but also because of

¹⁶² Chikhi, “Algeria Worried.”

Algeria's resistance to broader migration governance regimes. Furthermore, Algeria was chosen because of its policy of deliberate denial at the border, refusing entry to irregular migrants while periodically expelling migrants living irregularly within the country.

In a statement by a UNHCR spokesperson to NPR, the application of first legal and then normative pressure is apparent. This statement communicates not only Algeria's legal responsibility to provide due process to migrants but adds normative pressure in the form of recommended processing steps.

"While UNHCR recognizes Algeria's sovereign right to adopt measures to address irregular migration, collective expulsions are prohibited under international law, as countries are required to examine each case of expulsion individually... We are calling on Algeria to establish, prior to deportation, whether a person could be exposed to serious human rights violations. If such a risk exists, Algeria is precluded from forcibly removing the person concerned and is required to provide access to fair and efficient refugee determination procedures".¹⁶³

Current governance assessments often attempt to tackle a comprehensive view of migration, including both documented and undocumented, emigration and immigration, economically enhancing and straining. A more targeted view on specific aspects of the migration puzzle may prove useful, particularly when aspects of migration governance concerning undocumented, irregular migration are assessed

163 Camila Domonoske, "AP Report: Algeria Expelling Thousands of Migrants Into Sahara, With Deadly Effect," *NPR*, June 25, 2018, <https://www.npr.org/2018/06/25/623172244/ap-report-algeria-expelling-thousands-of-migrants-into-sahara-with-deadly-effect>.

separately. This brief review of Algeria's response to irregular migration purposefully omits data on documented economic migration and the large Algerian diaspora abroad for that reason.

A recent study funded by the International Organization for Migration (IOM) analyzed the movement of migrants in seven countries in the MENA region and Europe: Egypt, Italy, Libya, Malta, Morocco, Spain, and Tunisia. The North African country of Algeria was absent in their study. The analysis showed that sub-Saharan migrants traveling north through the Sahel almost always pass through the southern Algerian territory of Tamanrasset where they might go east to Libya or press on to Algiers. Once into Algeria's north, they either apply for asylum or travel West over the border into Morocco and on to Europe through the Western Mediterranean route if possible.¹⁶⁴ If detained, they may be returned to the southern border. Despite information on irregular migration in and through Algeria, this and other top-level studies highlight the gap in literature relating to the state's role in the travel of migrants looking to reach safety, and often Europe, via Algeria.

Due to the nature of irregular and undocumented migration, quantitative data for irregular migrants passing through Algeria is limited. For the purpose of this assessment, a qualitative approach will be used.

¹⁶⁴ Arezo Malakooti, *Migration Trends across the Mediterranean: Connecting the Dots* (Altai Consulting for IOM MENA Regional Office, June 2015), accessed August 15, 2018, <https://publications.iom.int/books/migration-trends-across-mediterranean-connecting-dots>.

Chapter Three | Methodology

3.1 IOM Framework

Current migration assessments fail to provide clarity regarding irregular migration management from state to state. Such tools either look too broadly at migration in all its forms or too narrowly at refugee and asylum policy. Addressing cross-border undocumented movement regardless of motivation can provide more nuance to the migration governance discussion. Furthermore, interpretation of stated migration policy does not do enough to capture the nuance of policymaking decisions.

To explore the nexus of irregular migration governance and sovereignty within countries of transit, the researcher conducted an expert survey supplemented by the International Organization for Migration (IOM)'s Migration Governance Framework which was modified to collect data specifically on irregular migration. The researcher administered the survey to subject matter experts believed to have

knowledge of the transit country used for the case study, and their expertise was used for contextual nuance in addition to the policy analysis. The purpose of the study was to explore the intersection of irregular migration governance and state sovereignty concerns within a country of transit. The goal was to identify policy gaps related to incorrect or incomplete notions of sovereignty, recognize areas of improvement to the modified IOM assessment tool, and uncover valuable insights from experts on the context of the transit country selected for the case study.

Several factors are acknowledged as important but not within the scope of this study. Transit migration is a gendered phenomenon with Mediterranean Sea crossings undertaken by only 10-11% female crossers.¹⁶⁵ Civil society groups can hold sway over policymaking while host country nationals can impact the degree of integration for migrant families. The role of religion, both on the part of migrants as they determine which paths to take and on the part of host community receptiveness, may play a role in shaping migratory pressures and thereby migration policy. Much has been written about the trepidation of host states' fear of extremist ideologies and returning foreign fighters as a security threat, and more could be said about the influence this top-down influence may have on civil society with regard to tolerance of migrant populations.¹⁶⁶ The form of government of a transit state will likely

¹⁶⁵ United Nations High Commissioner for Refugees (UNHCR), "Refugees & Migrants Arrivals to Europe in 2018 (Mediterranean)," infographic, accessed May 18, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/68006.pdf>.

¹⁶⁶ International Institute for Democracy and Electoral Assistance (IDEA), Chapter 7: Migration, social polarization, citizenship and multiculturalism (Global State of Democracy, First Edition, 2017): 227, accessed May 15, 2019, <https://www.idea.int/gsod/>.

influence the nature of migration governance negotiation with supranational organizations; additionally, the degree to which transit states receive development aid or are otherwise economically enmeshed within global governance regimes may determine how likely they are to join migration governance regimes.

Perhaps most important, the experiences of migrants along transit routes can reveal the successes and failures of state policy while providing invaluable nuance and context to the nature of irregular migration overall. Furthermore, state policy, especially at the border, directly impacts migrant choices/flows in transit states, because migrants will make rational choices to avoid authorities, and these decisions can be seen in vulnerable migrant choices to cross borders at more and more dangerous points to avoid detection.

Several criticisms exist regarding the use of IOM frameworks for responding to global migration governance. For one, IOM is accused of politicizing mobility as deviant, implementing projects which directly alter the way sovereign states exercise authority over their territory, and even perpetuating patterns of domination by the global North.¹⁶⁷

167 Sabine Dini, "Migration Management, Capacity Building and the Sovereignty of an African State: International Organization for Migration in Djibouti," *Journal of Ethnic and Migration Studies* 44, no. 10 (2018): 1702, <https://doi.org/10.1080/1369183X.2017.1354058>.

3.2 Setting, Participants, and Implementation

An open-ended questionnaire format was chosen to collect unique views which may not be exposed if the survey was closed. The questionnaire was conducted online using the Qualtrics platform. This method was chosen to provide worldwide participants with maximum flexibility. The questionnaire contained 14 questions plus 1 optional response at the end to allow the participant to reflect and share their insight on the nexus of state sovereignty and irregular migration may in the next 10 years, as well as provide practical policy advice. Participants were asked 3 questions used for cluster sampling, 6 questions based on the International Organization for Migration (IOM) Migration Governance Framework (MiGOF), 2 questions concerning human security, and 3 questions concerning state sovereignty. The questionnaire was translated into French to allow for fair sampling of experts in Europe and North Africa. Any responses submitted in French were translated to English prior to analysis. The questionnaire can be viewed in full in Annex 2. Additionally, the Findings provide answers for each modified IOM MiGOF question and the rationale for what that question was intended to uncover.

The questionnaire was sent to 369 subject matter experts from the United States, European Union, African Union, and Algeria to obtain a geographic variety of perspectives. Experts from Canada and Australia were also invited. Attempts were made to administer the questionnaire to policymakers from non-governmental

organizations, government, policy thinktanks, and academic institutions to obtain expertise from a variety of perspectives. Attempts were made to invite participants from a variety of political persuasions to account for any underlying bias. Due to the anonymized nature of survey responses, the diversity of participants could not be verified.

The recruitment process was via email or contact forms accessed from a website. Inviting experts to participate in the questionnaire was methodical with priority given to those specializing in one or more of the six principles and objectives of the IOM MiGOF: migrant rights, whole-of-government approach, migration partner engagement, socioeconomic wellbeing of migrants & society, mobility dimensions of crises, safe, orderly and regular migration. Participants were invited from five professions: non-governmental organization, government, academic institution, policy thinktank, or other. Finally, participant selection was narrowed to those perceived to be experts in the areas relevant to this study, specifically: irregular migration, migration governance, state sovereignty, or North Africa.

An attempt was made to ensure an ethnically diverse response group by inviting participants from the united states, EU, AU, and Algeria, though data on ethnicity was not collected. In addition, between 1/3 and 1/2 of invited participants were expected to be female. On both matters of ethnicity and gender, the confidential

nature of the survey did not allow the researcher to identify which invited participants chose to respond.

Chapter Four | Findings

4.1 Expert Participation

Thirty people opened the questionnaire and 15 completed it, several of whom were candid that they were not familiar with policymaking mechanisms in Algeria specifically but could provide broad input. With a limited number of responses, a content analysis was conducted to identify the themes which arose for each question.

There was a fairly even distribution by profession (Q1). Responses came from academic (5), private sector (3), consultant (3), policy thinktank (2), international organization (1) and government (1). No one responded from an NGO. There was a heavy bias in responses from an EU-centric context, with over half of participants operating out of Europe (8), which when combined with responses from the United States (5) amounted to a roughly 87% slant in the direction of a Western perspective. The remaining two answers were from participants operating out of Africa (1) and

North Africa (1). Responses, therefore, may skew toward a pro-EU agenda or mindset, whether conscious or subconscious.

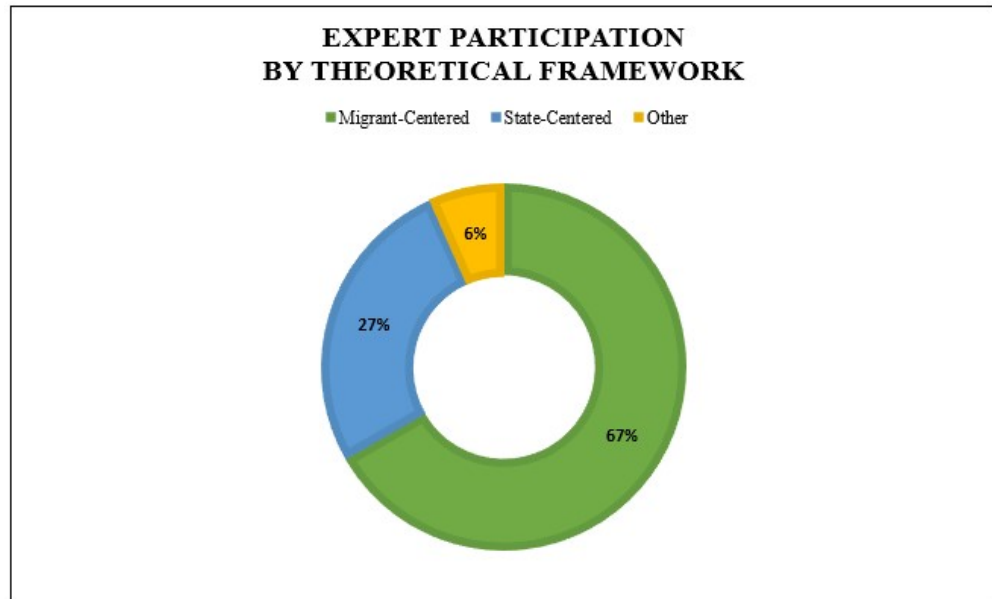


Figure 2: Expert Participation by Theoretical Framework

Two-thirds of participants selected the option defining through-migration by Origin, Transit, and Destination Countries (10), while less than one-third chose Sending, Transit, and Receiving Countries (4) as their preferred terminology. This indicates that most participants see cross-border movement and through-migration through a migrant-centric theoretical framework, using Origin, Transit, and Destination Countries which is assumed to be more migrant-centric vocabulary.

Taken together, the three-question cluster of participant observations informed the way the researcher approached the remaining survey responses in three ways.

First, the researcher moved forward with an awareness that most participants were from a western context and that this may slant responses in ways which favor policies that benefit the EU given the regional nature of the study. Second, most participants preferred a migrant-centric theoretical framework for discussing international through-migration. This led the researcher to expect a higher rate of responses which mentioned policy actions or decisions which impact, either negatively or positively, those who travel irregularly across borders more than responses which mention the positive or negative effects on the states dealing with irregular migration. Third, understanding that roughly half of the participants operate in academic or policy thinktank sectors informed the researcher that responses may contain more broad policy rhetoric and less country-specific data, story, or nuance which may have been seen if more participants were from local NGOs working in or near the country of study.

4.2 IOM MiGOF Policy Assessment and Expert Opinion

Findings are structured according to the International Organization for Migration (IOM) Migration Governance Framework (MiGOF) and will be presented in a layered manner. Expert opinion was analyzed and presented according to primary themes upon which the policy assessment is added. The policy assessment was conducted from official UN reports, academic research articles, and relevant news

clippings. The policy assessment portion was structured by the same MiGOF Principles and Objectives with the aim of independently determining if Algeria meets the Principle or Objective proposed by IOM. This was conducted prior to the implementation of the questionnaire to reduce unintentional bias. Assuming that the case study country does not fully meet MiGOF Principles and Objectives, experts were asked questions which aimed to uncover what factors, if any, prevented Algeria from fully meeting the Principles and Objectives.

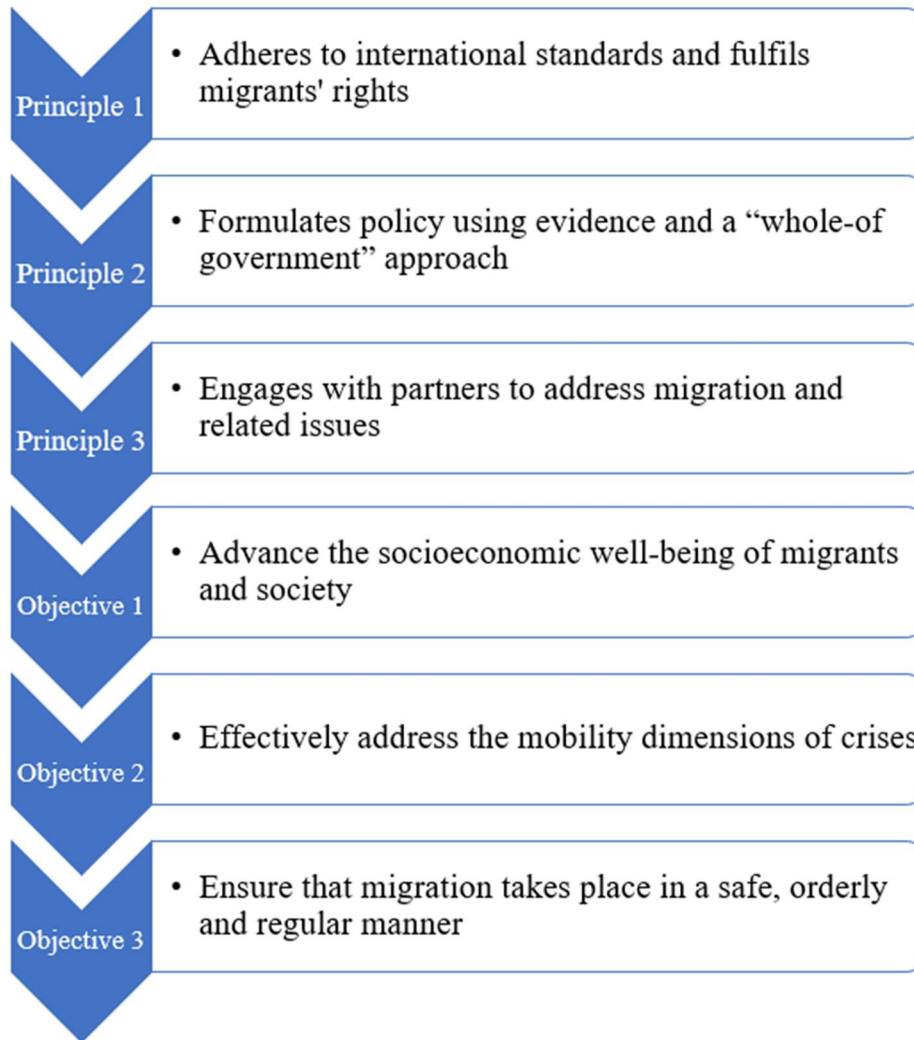


Figure 3: IOM Migration Governance Framework (MiGOF) Principles and Objectives

Principle 1: Adheres to international standards and fulfills migrants’ rights

Participants were asked to identify the extent to which the absence of a formal asylum policy framework is the result of low political will, low government capacity, or something else. This question aimed to identify the root cause of the lack of formal

policy. Policy analysis shows Algeria clearly does not meet Principle 1 by meeting international standards and fulfilling migrant rights by its failure to adopt a standardized asylum framework.

The themes revealed were strongly in favor of low political will being the root cause of the lack of a national asylum framework and therefore poor adherence to Principle 1. Many participants felt factors unrelated to low political will or low capacity were at play. One participant felt that increased transparency which would arise out of an official policy would open the country to international scrutiny and accountability. Another pointed out that asylum laws are uncommon in North Africa seeing as they are not the regional norm; migrants from Syria and Libya in Algeria are viewed as “brothers” and not seen as refugees. A unique regional migration framework with an asylum element that would match regional norms while improving on human rights was suggested. One participant opined that refusing to adopt an asylum law may be a way to hold leverage over Europe. Only one participant said low capacity was the primary cause, citing chronic budgetary strain. Final comments included the call for a change in the head of state, which was interpreted to mean that change must come from the top.

Examination of Algerian policy shows that Algeria relies on the UNHCR to coordinate asylum processing and aid to vulnerable groups within the country.¹⁶⁸ When an Algerian delegation before the Human Rights Committee was asked in July 2018 for the projected timetable for implementing an official asylum-seeker and refugee act, the response centered on protecting children in vulnerable situations; the question remained unanswered.¹⁶⁹ Algeria's Office for Refugees and Stateless Persons (BAPRA), under the Ministry of Foreign Affairs, remains a disjointed institution which has still not produced a comprehensive asylum structure.¹⁷⁰ This fact could support Participants who stated that political will remained the primary barrier to the adoption of an official asylum policy, but could also support the Participant who mentioned capacity as the primary barrier.

Algeria is party to the most important international conventions and treaties governing the rights of irregular migrants, including the 1951 Refugee Convention and its 1967 Protocol. Because of criminalization, irregular migrants have no legal source of income and no way to purchase food and necessities.¹⁷¹ However, the state

168 United Nations High Commissioner for Refugees (UNHCR), Global Report 2011, (Chapter on Algeria, 147–51, United Nations High Commissioner for Refugees): 147, accessed May 16, 2019, <http://www.unhcr.org/4fc880ac8.pdf>.

169 "Human Rights Committee Considers the Report of Algeria." United Nations Human Rights Office of the High Commissioner (Meeting Summary, July 5, 2018), accessed May 19, 2019, <https://ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23336&LangID=E>.

170 United Nations High Commissioner for Refugees, "Global Report 2011," 147.

171 United Nations High Commissioner for Refugees, "Global Report 2011," 148.

does provide access to the public health system regardless of status.¹⁷² Furthermore, the January 2016 report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families affirmed Algerian denial of any discrimination against foreign workers whether regular or irregular. As a point of pride, Algeria grants migrant workers and members of their family a constitutional right to appeal expulsion regardless of their status.¹⁷³ Rules governing police custody duration and rights are enshrined in law regardless of the national status of the detainee.¹⁷⁴ Contradictory to Participant responses, these efforts are positive and indicate a desire to meet Principle 1, but can come into conflict with other legislation, specifically that which criminalizes irregular border-crossing.

Conflict is evident between Algeria's national and local law, as well as between international and national pressures. Authority can be given to the local Wali or governor discretion to escort irregular migrants back to the border and expel them.¹⁷⁵ Although Algerian national law provides for an appeal process, local law appears to win out, empowering the Wali with decision-making power over irregular border crossing movement; indeed, appeal after forcible expulsion seems highly

172 United Nations High Commissioner for Refugees, "Global Report 2011," 148.

173 United Nations General Assembly, International Convention on the Protection of the Rights, Second Periodic Report of Algeria, CMW/C/DZA/2 (January 6, 2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/001/85/pdf/G1600185.pdf?OpenElement>, ¶ 37.

174 United Nations General Assembly, Protection of the Rights, ¶ 68.

175 United Nations General Assembly, Protection of the Rights, ¶ 57, 216, and 320.

unlikely. Furthermore, a June 2008 law remains on the books which “provides for expulsion in situations such as unlawful entry to the country”.¹⁷⁶ The inherent conflict within Algeria’s own laws governing the treatment of irregular migrants is glaring, not least because a provincial Wali may unwittingly be responsible for refoulement of would-be asylum-seekers or the forcible expulsion of persons with legitimate claims to asylum. Until Algeria implements a codified and adequately funded national asylum policy, it is unlikely to meet Principle 1 in adhering to international standards or fulfilling migrants’ rights.

Principle 2: Formulates policy using evidence and a whole-of-government approach

Participants were asked to examine the coherence of Algeria’s approach to irregular migration governance and identify the extent to which the state uses a whole-of-government approach in this arena. This question aimed to evaluate the degree of Algeria’s whole-of-government approach to irregular migration as perceived by experts.

The themes revealed a highly complex struggle with a whole-of-government approach and significant barriers to coherent policy implementation. Many participants pointed to the nature of complexity as the reason why Algeria struggles

¹⁷⁶ United Nations General Assembly, Protection of the Rights, ¶ 216.

with a whole-of-government approach to irregular migration. There was general agreement over the lack of a coherent, whole-of-government approach to managing migration in general, and irregular migration in particular. One participant pointed to the disjointed nature and diverse interests of Algerian leadership including the political elite, military elite, government agencies, and implementation agencies. This diverse range of stakeholders stalls policy creation before implementation. Other participants noted the poor design and implementation of migration policy itself, noting that overhauling Algerian migration policy threatens to upend the status quo by disturbing “established incomes of certain groups”, including trafficking in people and goods. If rolling out changes to a comprehensive migration reform package would threaten the livelihoods of certain groups, political ramifications may be enough to prevent the rollout of the policy. Finally, barriers included the lack of coherence within individual ministries, making coherence between ministries even harder. Responses containing ‘how’ elements focused on the policy of deportations, while responses containing ‘why’ elements centered on the sending of strong messages through deportations with the hope of a deterrent effect.

Examination of Algerian policy confirms expert findings. Data on Algeria's migration and integration policies are absent from the following data collection sources: IMPIC, IMPALA, PICMD, ICRI, and MIPEX. This prohibits cross-comparison between Algeria and other nations regarding their migration policies over time and calls into question whether the state has a coherent approach to migration.

Furthermore, the lack of data on migration policy as regards development, integration, and immigrant rights severely limits Algeria's credibility on the indicator of a whole-of-government approach.

Actual migration and stock data may be collected but not released publicly.¹⁷⁷ In its Second Periodic Report submitted to the UN's Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Algeria claims to both collect and use data on irregular migration for decision-making as regards the economic sector. While this report highlights foreign workers in an irregular situation – stratified by nationality and sex – it does not prove Algeria's claim that the government collects, collates and processes data which is then used “to develop appropriate measures.”¹⁷⁸ In contradiction, Algerian representatives who completed the United Nations Economic Commission for Africa (UNECA) national survey highlight major gaps in data collection and usage.¹⁷⁹ This can be interpreted as a gap between stated policy and the actual experience of state employees who carry out the policy. Supporting Participants who cited high levels of complexity, this gap is believed to be a flaw of a complicated and technical Convention compounded with

177 Khalid Koser, *International Migration A Very Short Introduction* (Oxford: Oxford University Press, 2016), 51.

178 United Nations General Assembly, Protection of the Rights, ¶ 7.

179 United Nations Economic Commission for Africa (UNECA), *Migration in North African Development Policies and Strategies: A Comparative Analysis* (Office for North Africa of the United Nations Economic Commission for Africa (SRONA), 2014), accessed May 16, 2019, <https://www.uneca.org/publications/migration-north-african-development-policies-and-strategies-comparative-analysis>.

low political will and a lack of state capacity.¹⁸⁰ Taken together it appears that there is no unified whole-of-government approach to collecting migrant data, irregular or otherwise.

Regarding coordination of information, Algeria demonstrates an overall lack of institutional capacity and willingness to formulate a whole-of-government approach. In its review of Algeria's inter-institutional coordination regarding migration, a report found that coordination tools between different state apparatus were focused on the emigration of Algerian nationals abroad. The same was found for coordination mechanisms between the state and civil society, where the focus was on improving the relationships between Algeria and nations which host Algerian nationals.¹⁸¹ No clear coordination mechanisms were reported which prioritize immigration to Algeria, whether regular or irregular.

Diaspora concerns dominate the Algerian state's conception of migration. This appears to support the general finding that Algeria tends to regard migration as an issue of diaspora rights and concerns rather than the concerns of those who find themselves on Algerian soil irregularly. Finally, a lack of interagency cooperation is also seen when migrants who hold an 'exit authorization' - permitting them to leave

180 Khalid Koser, "Introduction: International Migration and Global Governance," *Global Governance* 16, no. 3 (Summer 2010): 309, <https://www.jstor.org/stable/29764947>.

181 United Nations Economic Commission for Africa, "A Comparative Analysis," 60.

Algeria and return to their native country - are stopped in the airport and detained, frequently long enough to miss their flights, despite holding the necessary paperwork.¹⁸² Such administrative flaws show a lack of interagency cooperation across state apparatus.

In summary, Algeria does not implement a whole of government approach to migration governance, much less irregular migration. Lack of political will to do an overhaul which would enhance interagency cooperation appears in the policy analysis to be the primary factor. Political will does exist for diaspora concerns, indicating some level of capacity. Thus, it is fair to say that Algeria does not meet Principle 2 because we can't see their data or practicing policy, and the government approach to migration appears disjointed overall.

Principle 3: Engages with partners to address migration and related issues

Participants were asked to reflect on the extent to which the Algerian government may favor cooperation with either origin/sending countries or with destination/receiving countries in terms of managing irregular migration. This question aimed to explore the nature of existing cooperation mechanisms and seeing if a difference could be observed between which states receive closer cooperation

¹⁸² "Country Report: Algeria," (The Mixed Migration Hub, March 2018), accessed May 16, 201, <http://www.mixedmigrationhub.org/wp-content/uploads/2018/05/Country-Profile-Algeria.pdf>.

from Algeria. The question is framed in terms of irregular cross-border migration, providing the participant with the choice to compare engagement with origin countries as compared to destination countries.

The themes revealed a slight preference for cooperation with countries of destination over countries of origin, with other factors mentioned as influential in cooperation. Several participants stated that countries of destination are prioritized because of political and monetary relevance and because bilateral trade is a means of controlling migration policy, though “Algeria's stringent focus on national sovereignty limits the form(s) this takes”. No Participants explicitly stated that Algeria prioritizes cooperation with countries of origin for reasons including 1) Algeria’s little sway/influence over countries of destination, 2) origin countries’ low will to control emigration, and 3) Algeria has the will to increase cooperation with destination states but no firm action has been put in place. Participants also included the neighboring countries of transit (Mali and Niger) as countries of origin. These two countries are interesting in that they experience both challenges and face similar transit pressures while also contributing to northward migration flows. Other factors affecting cooperation were provided. Confronting instability in the Sahel was cited by Participants to affect both migrants and Algeria, confirming the interrelated nature of humanitarian and security concerns regarding irregular migration. Participants also suggest means of improving cooperation, including the adoption of comprehensive

legislation, improving the visa regime, regularizing entry, and the prevention and prosecution of trafficking and smuggling.

Examination of Algerian policy shows that, regarding international cooperation, Algeria is considered impressive in its ability to maintain a “truly non-aligned position in international affairs.”¹⁸³ While they cooperate bilaterally and regionally, they strongly resist foreign influence, specifically Western or other non-regional interference.¹⁸⁴ Notably, Algeria engages only as an observer in one of the most comprehensive forums on migration in Africa, the Rabat Process. After deviating from its original focus on irregular migration over its first 10 years, the Process appears to be tackling irregular migration with renewed focus, making it a great time for Algeria to consider joining the group as an official member.¹⁸⁵ This appears to corroborate the fact that Participants neither favored countries of origin or transit with regard to preferential alignment.

Regarding irregular migration from a state sovereignty perspective, the most important aspect of cooperation involves the bilateral relationships between Algeria

183 John P. Entelis, *Comparative Politics of North Africa: Algeria, Morocco, and Tunisia* (Syracuse: Syracuse University Press, 1980), 125.

184 Kal Ben Khalid, “Evolving Approaches in Algerian Security Cooperation,” *CTC Sentinel* 8, no. 6 (June 2015): 19, accessed July 31, 2018, <https://ctc.usma.edu/evolving-approaches-in-algerian-security-cooperation/>.

185 Nelly Robin, *Rabat Process: A Decade of Dialogue on Migration and Development* (International Center for Migration Policy Development (ICMPD) 2015), accessed August 5, 2018, https://www.rabat-process.org/images/RabatProcess/Documents/10-years-Rabat-Process-anniversary-publication-2015_web.pdf.

and its border neighbors. As incompatible migration policies play out at the border, affecting not only human security but vital national interests, regional relationships are critical. Involvement with neighboring Tunisia and Mali highlight Algeria's regional role. A series of border cooperation agreements in the 1990s with Mali (1995) and Niger (1997) preceded agreements with Italy regarding irregular migration (1999) and a cooperative repatriation arrangement with Nigeria (2002).¹⁸⁶ A 2012 border security arrangement with Tunisia allowed for the facilitation of joint patrols and operations, focusing on counterterrorism and stopping illegal border crossing.¹⁸⁷ These and similar arrangements tend to be security-heavy and based upon the premise that migrants bring crime, and appear to show little capacity for dealing with complicated mixed migratory flows.

Algeria claims to have spent \$20 million over the last three years in response to increased irregular migration across its southern borders, with one official even stating that “nobody has helped us, we are handling the situation with our own means.”¹⁸⁸ However, recent funding by the EU Trust Fund for Africa has been spent in neighboring countries (Mauritania, Mali, Niger, Libya) to build capacity and boost development, and Algeria has likely benefitted from several programs underwritten

186 United Nations Economic Commission for Africa, “A Comparative Analysis,” 25.

187 Kal Ben Khalid, “Evolving Approaches in Algerian Security Cooperation,” *CTC Sentinel* 8, no. 6 (June 2015): 19, accessed July 31, 2018, <https://ctc.usma.edu/evolving-approaches-in-algerian-security-cooperation/>.

188 Lamine Chikhi, “Algeria Worried About Rise in Illegal Migrants as Europe Tightens Controls,” *Reuters*, April 26, 2018, accessed March 1, 2019, <https://www.reuters.com/article/us-europe-migrants-algeria/algeria-worried-about-rise-in-illegal-migrants-as-europe-tightens-controls-idUSKBN1HX3IX>.

by this funding despite having no national projects of its own with the Fund.^{189,190} UNHCR reported in 2014 that the budget for Algeria was increased by \$4.5 million USD to help cover the “critical needs arising from the recent decrease of bilateral aid programmes in the country”, although which programs were scaled back was not mentioned.¹⁹¹

Finances are not the only thing which can come between an otherwise functioning bilateral relationship. Although Algeria ended up leading diplomatic mediation on behalf of the Malian government in 2014 - living out the state’s principle that regional neighbors should be involved in solving regional issues – Mali reportedly stepped back from diplomatic relations with Algeria by recalling the Malian ambassador and consul in response to mass deportations of non-Malian sub-Saharan Africans across the border from Algeria.¹⁹² In corroboration, IOM reported receiving individuals from 9 other sub-Saharan nations in Niger in 2017, reporting

189 "EU Emergency Trust Fund for Africa: Algeria Regional Projects," European Commission, accessed August 7, 2018, https://ec.europa.eu/trustfundforafrica/region/north-africa/algeria_en.

190 “EU Emergency Trust Fund for Africa.” European Commission. Informational Summary, July 24, 2018. Accessed August 4, 2018, https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/eu_emergency_trust_fund_for_africa_24-07-2018.pdf.

191 United Nations High Commissioner for Refugees (UNHCR), UNHCR Global Appeal 2014-15, (Chapter on Algeria, 1-6, United Nations High Commissioner for Refugees): 5, accessed May 16, 2019, <https://www.unhcr.org/en-us/publications/fundraising/528a0a2ab/unhcr-global-appeal-2014-2015-algeria.html>.

192 Anouar Boukhars, “In the Eye of the Storm: Algeria’s South and its Sahelian Borders,” in *Algeria Modern: From Opacity to Complexity*, eds. Luis Martinez and Rasmus Alenius Boserup (New York: Oxford University Press, 2016), 124.

also on their mistreatment during forced repatriation.¹⁹³ Hassen Kacimi, the Interior Ministry official in charge of illegal migration, adamantly denied the mistreatment or death of irregular migrants within Algeria, rejecting these reports.¹⁹⁴ Considering the resistance to external migration funding and the willingness to violate the sovereignty of neighboring countries through mass migrant expulsions, Algeria's current approach to irregular migration appears to be weakening bilateral and regional ties in North Africa.

Objective 1: Advance the socioeconomic well-being of migrants and society

Participants were asked to comment on the extent to which the Algerian state encourages or discourages migrant integration into society. Objective 1 speaks to the interplay of societal and individual migrant health. This question aimed to uncover the Algerian government's stance on migration integration, assuming that integration of some kind would meet MiGOF Objective 1 by 'advancing the socioeconomic wellbeing of migrants and society'. The question was crafted to bridge the gap between the wellbeing of migrants, and the wellbeing of society under the assumption that regularization and integration would provide 1) the necessary framework for migrants to live and work in compliance with government regulations, thereby 2)

193 "Algeria: Mass Racial Profiling Used to Deport More Than 2,000 sub-Saharan Migrants," *Amnesty International*, October 23, 2017, <https://www.amnesty.org/en/latest/news/2017/10/algeria-mass-racial-profiling-used-to-deport-more-than-2000-sub-saharan-migrants/>.

194 Chikhi, "Algeria Worried."

decreasing the informal economy and allowing migrants to work and contribute to the economic and social wellbeing of society overall.

The themes revealed three views on Algeria's approach to migrant integration: ambiguous, negative and positive. Two Participants stated that Algeria's approach to migrant integration overall was neutral or ambiguous. One Participant opined that it doesn't really matter what Algeria's official policy stance toward migrant integration may be, because migrants transiting through the country know they can bribe their way out of almost any situation. Participants who viewed the state discouraging integration identified two factors precipitating this approach: a lack of infrastructure and strong national security priorities. Actions taken to discourage or limit integration were seen as motivated by the desire to appease civil society, thus serving as a deterrent measure because the state does not want to be seen as willing to integrate and tolerate lawbreakers. Interestingly, attention to integration on grounds of national security was viewed in the opposite way by another participant who said the state was 'very engaged' with integration. This contrast in opinions seems inconsistent but may corroborate the responses of those who said Algeria's approach to integration was ambiguous, unclear, and fluctuates from a pro-integration approach to conducting mass roundups and expulsions.

Examination of Algerian policy shows that the Algerian state and citizens generally consider refugees and asylum-seekers as 'economic migrants', neglecting to

distinguish lawful entry based on fear of persecution. Algerian citizens see irregular migrants as an economic threat in many cases, as exemplified when the short-term regularization of migrant workers in 2017 was met with harsh backlash from the local Algerian population, including mass deportations the following year.^{195,196}

Paradoxically, the short-term regularization was granted for irregular migrants to work in sectors which Algerian nationals, despite a 30% unemployment rate among working-age youth, could not fill.¹⁹⁷ This indicates a lack of consistent policy, and highlights the risk to irregular migrants (economic, refugee or otherwise) that shifting policies could uproot not only their livelihoods but their very lives. This affirms Participant responses citing Algerian policy as ambiguous.

There is a lack of transparency regarding migrant integration policy in Algeria with NGOs and journalists denied access to migrant centers, low transparency.^{198,199} Algeria does keep records of foreign workers in an irregular situation, including prosecuting foreign individuals as well as employing organizations for working or hiring irregular migrants. The state reports “no discrimination against migrant

195 Jihane Ben Yahia, “Algeria’s Migration Policy Conundrum,” *Institute for Security Studies*, July 4, 2018, <https://issafrica.org/iss-today/algerias-migration-policy-conundrum>.

196 Lamine Chikhi, “Algeria to Grant Legal Status to African Migrants Amid Worker Shortages, Racism,” *Reuters*, July 3, 2017, accessed May 18, 2019, <https://www.reuters.com/article/us-algeria-economy-migrants-idUSKBN19O23G>.

197 Chikhi, “Algeria to Grant.”

198 Department of State, *Algeria 2016*, 23.

199 EuroMed Rights, “Algeria: Stop Mass Arrests,” news release, April 10, 2018, <https://euromedrights.org/publication/algeria-stop-mass-arrests/>.

workers in Algeria, whether their situation is regular or irregular,” granting them the right to appeal any expulsion order “even if they are undocumented or in an irregular situation.”²⁰⁰ Despite assurances, irregular migrants in Algeria face other integration challenges including difficulty renting homes, securing employment, and finding places of worship.²⁰¹ Indeed, for refugees and asylum-seekers, nationals from sub-Saharan countries are poorly integrated into Algerian society whereas their counterparts from Palestine and Iraq are more comprehensively integrated.²⁰² This may be due to a number of factors including educational or cultural differences in addition to the structural flaws which relegate refugees and asylum-seekers as ‘economic migrants’, depriving them of access to the labor market. Overall, integration of migrants in general within Algeria speaks to a disjointed and incoherent approach which leaves migrants in a situation of uncertainty.

Objective 2: Effectively address the mobility dimensions of crises

Participants were asked to respond to allegations that migrants move through Algeria in transit to Libya with the intent to cross the Mediterranean and to provide insight on the extent to which this movement may be a result of

200 United Nations General Assembly, Protection of the Rights, ¶ 40.

201 “Country Report: Algeria,” (The Mixed Migration Hub, March 2018), accessed May 16, 2019, <http://www.mixedmigrationhub.org/wp-content/uploads/2018/05/Country-Profile-Algeria.pdf>.

202 United Nations High Commissioner for Refugees (UNHCR), UNHCR Global Appeal 2010-11, (Chapter on Algeria, 8-11, United Nations High Commissioner for Refugees), accessed May 16, 2019, <https://www.unhcr.org/4b05117f9.pdf>.

action or inaction by the Algerian state. This question aimed to explore Algeria's response to cross-border movement at multiple borders to understand state response to crisis.

The themes revealed multiple considerations for how and why migrants may pass through the Algerian territory, including path choice, the role of the state, and notions of security. The southern border is highly porous and Participants noted that despite deportation efforts Algeria is seen as open for irregular entry and continued movement onward to Morocco and Libya. This sentiment was echoed in several mentions of Libya as being perceived as riskier in terms of potential for capture and exploitation, but easier to travel through undetected from authorities. While it is logistically easier to travel through Libya, it is avoided due to the fear of migrant treatment should they be caught. One participant stated that, due to anarchic conditions, Libya is the default path of transit but that to avoid it requires more resources, flexibility, and the ability to adapt to changing factors in Algeria, which itself is difficult to move through. It was observed that the nature of the border being porous and difficult to monitor may allow for the movement of individuals into and back out of Algeria into neighboring countries; this was interpreted as a lack of capacity on the part of Algerian authorities to monitor and control its Sahelian border rather than a deliberate turning of a blind eye to the phenomenon.

Regarding the role of the state, the government in the North was claimed to be active in curtailing transit; second, Algeria was said to prioritize monitoring for terrorist groups. To this point there is a perception of heightened threat from returning foreign fighters from Syria, many of whom received training in or are citizens of North African states.²⁰³ Security was framed in several ways in participant responses: low human security for migrants transiting Libya; low security monitoring in Libya; and high security monitoring in Algeria. The cumulative effect of these three notions of security was described by the extra burden migrants have to navigate between 1) the risks of being captured, enslaved, abused and trafficked in Libya, or 2) the risks of being arrested, detained, and expelled from Algeria and forced to start from square one.

Examination of Algerian policy begins with the understanding that regional crises precipitate movements of people escaping violence or searching for secure livelihoods, making mass irregular migration across state borders a key component in addressing conflict and its aftermath. From a state sovereignty perspective it is agreed that conflict begets displacement which has adverse ramifications for states as they seek to protect their own nationals as well as refugees.²⁰⁴ As previously stated,

203 Carlotta Gall, "Jihadists Deepen Collaboration in North Africa," *New York Times*, January 1, 2016, https://www.nytimes.com/2016/01/02/world/africa/jihadists-deepen-collaboration-in-north-africa.html?_r=0.

204 "Joint Africa-EU Declaration on Migration and Development," (Tripoli, Libya, November 22-23, 2006), accessed May 19, 2019, https://au.int/sites/default/files/pages/32899-file-4_the_joint_africa_eu_declaration_on_migration_and_development_2006.pdf.

Algeria possesses no asylum policy, but instead defers to UNHCR on the ground in Tindouf and Algiers to process requests.²⁰⁵ For sub-Saharan irregular migrants who are detained before they can reach Algiers, the journey through southern Algeria is especially risky.

Although former Algerian Prime Minister Ahmed Ouyahia publicly stated in 2018 that deportation operations are only carried out with prior arrangements with neighboring countries, the evidence tells another story.²⁰⁶ Evidence showing the mass expulsion of sub-Saharan migrants into Niger over the last several years has reflected poorly on Algeria. Despite being party to the Convention Governing the Specific Aspects of Refugee Problems in Africa, Algeria has not put into action policy regarding non-refoulement.²⁰⁷ Currently, the only recourse for irregular migrants with asylum claims is to be lucky enough to encounter the UNHCR at the southern Algerian border before deportation.²⁰⁸

The mobility dimension of crisis includes looking deeper into the drivers of mass migration. In a 2016 UN review, Algeria claims to have “adopted a holistic

205 United Nations High Commissioner for Refugees (UNHCR), UNHCR Global Appeal 2014-15, (Chapter on Algeria, 1-6, United Nations High Commissioner for Refugees): 1, accessed May 16, 2019, <https://www.unhcr.org/en-us/publications/fundraising/528a0a2ab/unhcr-global-appeal-2014-2015-algeria.html>.

206 “Algeria Refuses to Establish Centres for Illegal Immigrants,” *The Middle East Monitor*, July 2, 2018, <https://www.middleeastmonitor.com/20180702-algeria-refuses-to-establish-centres-for-illegal-immigrants/>.

207 Ben Yahia, “Algeria’s Migration Policy.”

208 United Nations High Commissioner for Refugees, “Global Appeal 2014-15,” 1.

approach under which addressing the root causes of irregular migration is prioritized”, though no details were provided.²⁰⁹ Party to the African Common Position on Migration and Development, Algeria has supported frameworks which encourage development, though it is notably removed from such implementation mechanisms which were developed out of the Rabat Process, since it is an observer only.²¹⁰ Still, Middle East experts note that

Algeria claims to actively cooperate with other countries in the region to ensure stability as it relates to their “constant mobilization of security forces all along its borders”; indeed, patrolling the southern border presents a “daily challenge” for Algeria.²¹¹ In reality all border points from Mauritania to Libya are essentially closed to non-military crossers as the southern region is highly securitized.²¹² While effective from a state security perspective this inevitably places vulnerable irregular migrants at risk by deterring them from safe crossing points. Furthermore, migrant mobility of

209 United Nations General Assembly, Protection of the Rights, ¶ 96.

210 Robin, “Rabat Process.”

211 United Nations General Assembly, National Report, Algeria, A/HRC/WG.6/27/DZA/1 (February 20, 2017), <https://undocs.org/A/HRC/WG.6/27/DZA/1>, ¶ 194.

212 Boukhars, *Eye of the Storm*, 124.

persons is not reduced by state policies prohibiting entry; rather, evidence shows that migrants re-route to other pathways or neighboring states.^{213,214}

Regarding Euro-Med transit, pressure from Europe to open processing centers for irregular migrants in Algeria evoked a strong response from then-Prime Minister Ahmed Ouyahia who stated that the state would “not accept the establishment of any such centres of this kind,” as Algeria is facing a similar crisis to Europe in terms of undocumented migration.²¹⁵ Some have interpreted this refusal as a stand for the rights of migrants,²¹⁶ but would be better viewed in light of state sovereignty assertion. In the context of state sovereignty, Algeria has the prerogative to resist pressure from EU in this area, but the tradeoff between sovereignty and cooperation - which could ease the strain of irregular migration - should be reconsidered.

213 Evie Browne, Drivers of irregular migration in North Africa, (GSDRC Helpdesk Research Report 1271, 2015), Birmingham, UK: GSDRC, University of Birmingham, accessed May 14, 2019, <http://gsdrc.org/publications/drivers-of-irregular-migration-in-north-africa>.

214 Luca Lixi, “After Revolution, Tunisian Migration Governance Has Changed. Has EU Policy?” *Migration Policy Institute*, October 18, 2018, <https://www.migrationpolicy.org/article/after-revolution-tunisian-migration-governance-has-changed-has-eu-policy>.

215 Middle East Monitor, “Algeria Refuses.”

216 Arslan Chikhaoui, “Migration and Refugees in Algeria and the Sahel: Targeting a Win-Win Neighborhood Policy in the Mediterranean,” in *Escaping the Escape: Toward Solutions for the Humanitarian Migration Crisis*, ed. Barbara Serfozo (Berlin: Verlag Bertelsmann Stiftung, 2017), 317, <http://www.nesa-center.org/wp-content/uploads/2017/04/Algeria-the-Sahel-Chapter.pdf>.

Objective 3: Ensure that migration takes place in a safe, orderly and regular manner

Participants were asked to provide insight into the degree to which the Algerian government balances the dual responsibilities of preventing cross-border criminal activity and providing asylum to qualifying applicants. This question aimed to explore expert views on the degree to which Algeria as a transit state can balance territorial security and human security.

The themes revealed overall negative perceptions of Algeria's current balancing of security and humanitarian responsibilities regarding cross-border movement. Participants decried poorly upheld migrant rights, one even going so far as to say the balance is shifting in favor of border security to the detriment of migrants. One Participant, while unable to comment on the balance within Algeria, did know about poor migrant rights as reported from migrants who crossed from Algeria into Tunisia. Regarding policy, participants wrote of Algeria neglecting its obligations to set up adequate policy out of lack of capacity and political will. Referring to highly porous southern borders, one Participant acknowledged the difficulty of the vast and "technically challenging" terrain as a barrier to proper border monitoring in general. Another stated that "there are parts in the government and bureaucracy that actually benefit from an open border", though no additional context was provided. A small number of participants stated that Algeria manages this challenge moderately well. This could be a result of the distribution of

participants since the majority were Participants from an EU perspective who might view North African countries' management through a distinctly humanitarian lens.

Examination of Algerian policy shows that, as part of its highly securitized approach to border management, Algeria focuses heavily on stopping criminal activity along its border regions. Concern centers on human smuggling and trafficking in persons, the distinction between which is growing more difficult to ascertain.²¹⁷ Legislation passed in 2009 criminalized human trafficking and migrant smuggling, both of which are now incorporated into the Criminal Code.²¹⁸ While bundling both as crimes makes managing complex mixed migration flows simpler for border security forces, it can often serve to penalize victims of trafficking.

Prioritizing the criminalization of cross-border smuggling can have unforeseen effects. Algeria has struggled not to further alienate the semi-nomadic tribes which, using pre-border trade routes to transport goods, have increasingly turned to smuggling as a source of stable income due largely to systemic marginalization within society.²¹⁹ It may be that stemming the flow of illicit goods across its borders has the potential to influence regional actors who spread extremist

217 Browne, *Drivers of Irregular Migration*.

218 United Nations General Assembly, National Report, Algeria, A/HRC/WG.6/27/DZA/1 (February 20, 2017), <https://undocs.org/A/HRC/WG.6/27/DZA/1>, ¶ 164.

219 Browne, *Drivers of Irregular Migration*.

ideologies as local livelihoods are disrupted.²²⁰ A comprehensive border and migration policy framework would likely consider border communities in its approach.

Former Minister of Interior Noureddine Bedoui noted that the Global Compact for Safe and Orderly Migration does not distinguish between irregular and clandestine migration.²²¹ It could be said that ‘irregular’ migration captures the reality of unauthorized or illegal border crossing while ‘clandestine’ captures the same reality while adding a layer of deceptive intent. Further analysis on how migrants and host-country authorities engage with labels is required to fully unpack the importance of the Minister’s statement.²²² For the context of this study, clandestine probably refers to the criminal elements of smuggling and trafficking networks and the exchange of money for irregular migration services.

220 Jacques Roussellier, "Breaking North Africa's Border Security Conundrum," *Carnegie Endowment for International Peace*, April 5, 2018, <http://carnegieendowment.org/sada/75998>.

221 "World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them," United Nations Meetings Coverage and Press Releases, DEV/3375, December 10, 2018, <https://www.un.org/press/en/2018/dev3375.doc.htm>.

222 Ruben Andersson, "Illegal, Clandestine, Irregular: On Ways of Labelling People," *Border Criminologies* (blog), September 8, 2014, accessed April 23, 2019, <http://bordercriminologies.law.ox.ac.uk/illegal-clandestine-irregular/>.

- **Principle 1:** Adheres to international standards and fulfils migrants' rights
 - **Policy Summary:** Algeria is involved in international mechanisms addressing irregular migration somewhere between the center and the periphery, leading the way in securitization of its borders while requiring progress regarding migrant rights.
 - **Primary Barrier:** Low political will
- **Principle 2:** Formulates policy using evidence and a “whole-of government” approach
 - **Policy Summary:** Algeria shows a lack of political will to implement a whole-of-government approach to migration, despite its capacity to create a functioning migration policy.
 - **Primary Barrier:** Lack of coordination within and between government agencies
- **Principle 3:** Engages with partners to address migration and related issues
 - **Policy Summary:** International mechanisms to manage irregular migration more holistically exist, but a priority on State sovereignty appears to be hindering Algeria internationally with the West and regionally in relations with its neighbors.
 - **Primary Barrier:** Low to no cooperation with countries of origin
- **Objective 1:** Advance the socioeconomic well-being of migrants and society
 - **Policy Summary:** Algeria poorly integrates irregular migrants economically and, while prioritizing its own citizens, does not appear to make efforts to reduce inter-group tensions between Algerian nationals and sub-Saharan migrants.
 - **Primary Barrier:** Need to appease civil society
- **Objective 2:** Effectively address the mobility dimensions of crises
 - **Policy Summary:** Algeria makes it difficult for migrants to contest expulsion or refolement despite claiming to support these laws; drivers of migration don't appear to receive much attention.
 - **Primary Barrier:** Securitization of a highly porous southern border
- **Objective 3:** Ensure that migration takes place in a safe, orderly and regular manner
 - **Policy Summary:** Criminalizing unauthorized cross-border provides few legal entry points to irregular migrants; resistance to coordination with EU in implementing processing centers shows a tunnel-vision response to irregular migration.
 - **Primary Barrier:** Poor migrant rights

Figure 4: Findings Summary

Chapter Five | Implications and Recommendations

The Findings Summary Graphic layers the key Principle or Objective from the IOM MiGOF with a policy summary of Algeria's approach to irregular migration and the primary barrier identified by experts. This simplification showed that the top 6 barriers to Algeria's full participation in the IOM Migration Governance Framework were less dependent than predicted upon Algeria's self-concept of the two elements of sovereignty addressed by this study, interdependence and Westphalian. Rather, one element of sovereignty not addressed by this study, domestic sovereignty, was revealed to be more influential than originally predicted. A high priority on border security and internal social stability was evident along with generalized institutional disorganization. This indicates that Algeria prioritizes interdependence sovereignty (territorial control) and domestic sovereignty (internal social stability) more than the predicted Westphalian sovereignty (independence from undue political external influence on policymaking). By targeting migration policy toward an internal, domestic audience, the influence of external pressures is minimized while internal pressures may be more influential than previously expected.

The barriers to full participation in the MiGOF were as follows: Principles 1 – 3 cited Low political will, Lack of coordination within and between government agencies, and Low to no cooperation with countries of origin. Objectives 1 – 3 cited Need to appease civil society, Securitization of a highly porous southern border, and Poor migrant rights as the three primary barriers to achieving IOM MiGOF Objectives.

5.1 Implications for Origin and Destination Countries

This section will look at the effects of irregular migration governance policy formed within the transit state of study which may or may not impact other countries along migration chains. To supplement the MiGOF analysis, Participants were specifically asked to explore effects upon origin and destination countries linked to Algeria by irregular migrants passing through its territory.

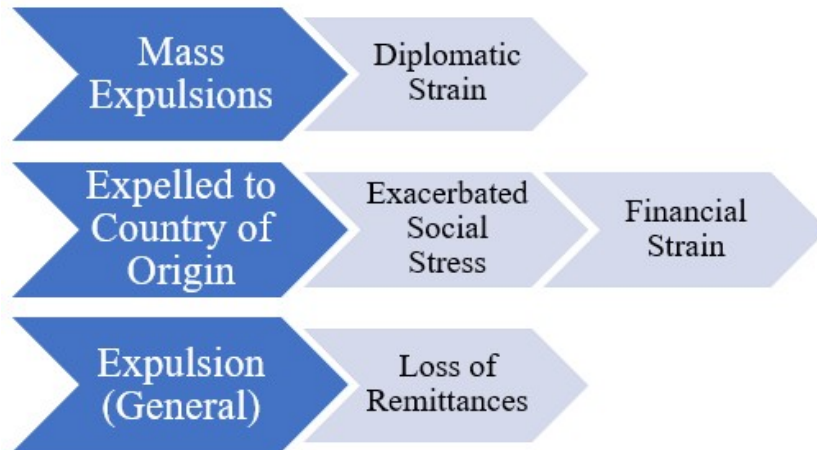


Figure 5: Policy Effects on Origin Countries

Two main themes were identified as a result of the expert questionnaire pertaining to the effects of Algerian irregular migration governance upon countries of origin: political and economic ramifications. Participants identified direct effects from a single policy: expulsion from Algerian territory. Mass expulsions into neighboring countries were said to lead to diplomatic tension between Algeria and origin countries when these states are given no voice about their citizens being expelled from Algeria into a third country. Conversely, one viewpoint stated that origin countries do not really care about a few emigres, so the effect of Algerian migrant expulsions is negligible. Finally, the impact on social stress in countries receiving expelled migrants potentially exacerbates issues which may have led migrants to leave in the first place. Economic ramifications on origin countries were reported to be the loss of remittances and the financial and social strain arising from caring for impoverished and traumatized returnees.

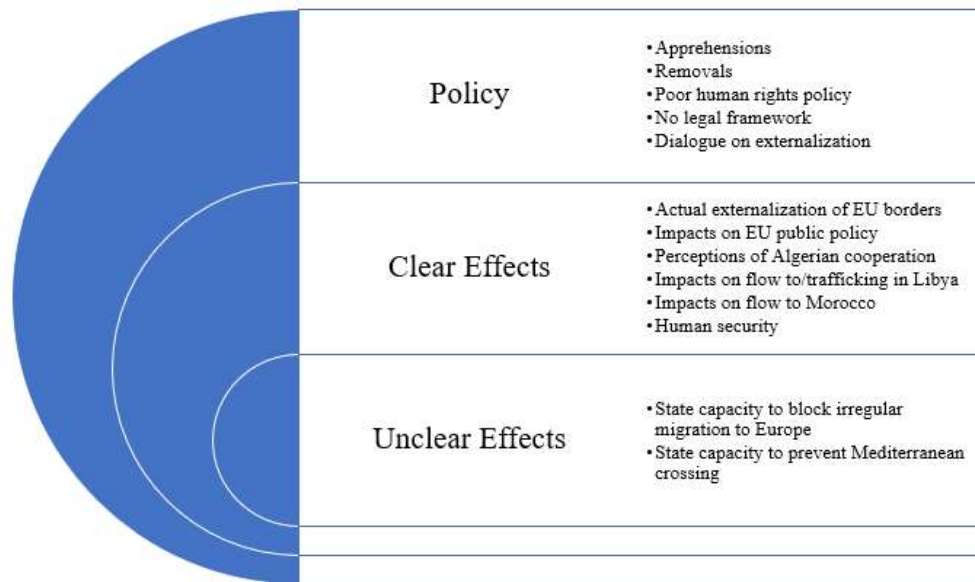


Figure 6: Policy Effects on Destination Countries

Two main themes were identified as a result of the expert questionnaire pertaining to the effects of Algerian irregular migration governance upon destination countries: clear relevance and unclear relevance of such policy for destination countries. Assessing the effects of Algerian irregular migration governance policy upon destination countries was complex for Participants. Five main policies were mentioned. The primary unclear effect was whether the policies implemented actually achieved the unstated goal of preventing onward migration to the European Union. Those who viewed Algeria’s migration policy implementation as clearly relevant for destination countries identified the EU as the primary destination, with effects also mentioned for Morocco and Libya. Libya was said to benefit from expulsions which

feed back into trafficking, while Morocco benefits from expulsions in that they reduce irregular entry into the Kingdom. Both neighboring countries of Morocco and Libya receive a positive benefit from Algeria's migration policy of migrant expulsion but for very different reasons.

Experts view the current nature of irregular migration through Algeria from an EU-centric lens, with responses indicating a high level of responsibility in Europe to facilitate migration governance among sub-Saharan and North African countries. Rationale for this position was based on the EU being the primary destination for many travelers, and the EU having more means to address the problem of irregular migration. This was justified based on the status quo of the EU 'paying' for North African states to hinder northbound migration.

5.2 Implications for Human Security

“As countries of the Schengen zone have negotiated border control with the Maghreb, the vulnerability of Sub-Saharan migrants has increased in these areas renamed ‘transit countries’.”²²³ - Bredeloup

The security of vulnerable migrants was a priority for experts throughout the questionnaire even in responses to unrelated questions, indicating a strong humanitarian and human security ethic present among experts. Many challenges to human security and their sources were identified and are summarized below. Because not all challenges were a direct result of state policy they are presented separately. In relation to the IOM Migration Governance Framework (MiGOF), the researcher approached the topic of human security from the belief that, if the Algerian regime conformed to global standards of safe, orderly and regular migration by engaging with shared norms of migration governance, then the human security of migrants would be improved as a result. The findings appear to show that more progress toward global norm adoption could improve the safety and security of migrants in and passing through Algeria.

²²³ Sylvie Bredeloup, “Sahara Transit: Times, Spaces, People,” *Population, Space and Place* 18, no. 4 (October 2010): 464, <https://doi-org.du.idm.oclc.org/10.1002/psp.634>.

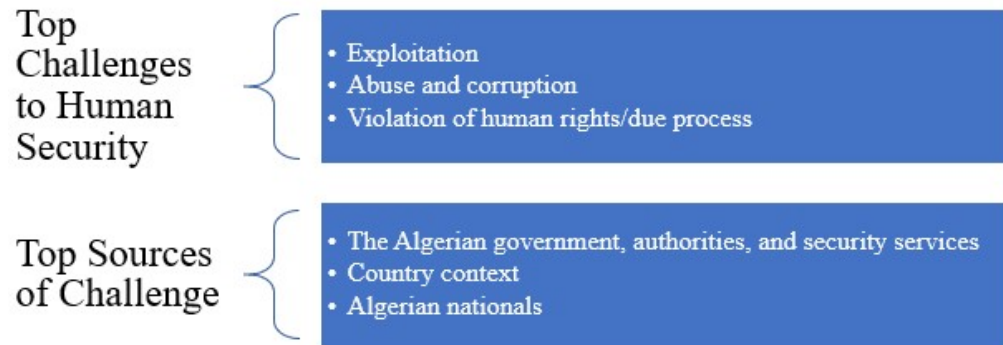


Figure 7: Human Security Challenges

The challenges identified centered around exploitation, abuse and corruption, and the violation of human rights and due process for irregular migrants in Algeria. Most of the responses targeted the Algerian government as the cause for human security challenges, followed by country context being inherently difficult, including the poor economic situation throughout Algeria, the fragility of the regime, and health issues.²²⁴ Abuse, exploitation, theft, crime and even violence occur at the hands of Algerian citizens^{225,226} which, when compounded with poor rule of law, leaves vulnerable migrants with no recourse or safety net. One participant mentioned that the Algerian government deliberately uses sub-Saharan migrants as “scapegoats”²²⁷ to

224 Khalid Koser, *International Migration A Very Short Introduction* (Oxford: Oxford University Press, 2016), 54.

225 EuroMed Rights, “Algeria: Stop Mass Arrests,” news release, April 10, 2018, <https://euromedrights.org/publication/algeria-stop-mass-arrests/>.

226 “Maghreb Countries ‘Safe’ Countries?” EuroMed Rights, factsheet, September, 2018, accessed May 19, 2019, <https://euromedrights.org/wp-content/uploads/2018/09/Sep2018-Factsheet-Safe-Country-Maghreb-EN.pdf>.

227 “In Algeria, sub-Saharan migrants are scapegoats for politicians,” *The Observers*, France 24, October 13, 2017, <https://observers.france24.com/en/20171013-algeria-sub-saharan-migrants-are-scapegoats-politicians>.

show action on “livelihood matters” to the Algerian people, but with little noticeable effect. This corroborates earlier findings that state action is targeted toward appeasing civil society.



Figure 8: Policy Effects on Human Security

Migrants who may have entered and worked legally in Algeria may become overstayers, perhaps unable to renew work permits or visas. This leads directly to the transition from economic contribution to society to that worker becoming ‘irregular’ in status, feeding in to humanitarian risk of exploitation by Algerian bosses who know their status. In turn, this may lead to dangerous work to pay for an even more perilous journey to Europe. This was an important point to the researcher as it seemed to encapsulate the complexity of irregular migration within Algeria, including the

reflection that even if Algeria seals its borders completely there will remain an irregular migration scenario bubbling inside.

Migrant expulsions shocked the international community. Feedback from international human rights groups was that such actions were not legal or, if they were, they were highly unethical. Responses from experts represent the ambivalence of the international community regarding such expulsions, with some seeing as justified, others as justified but unethically handled, and others as never justified. Expulsions were justified on grounds of regional norms and historicity, as well as a lack of settlement infrastructure. A summary of findings is seen in Figure 9.

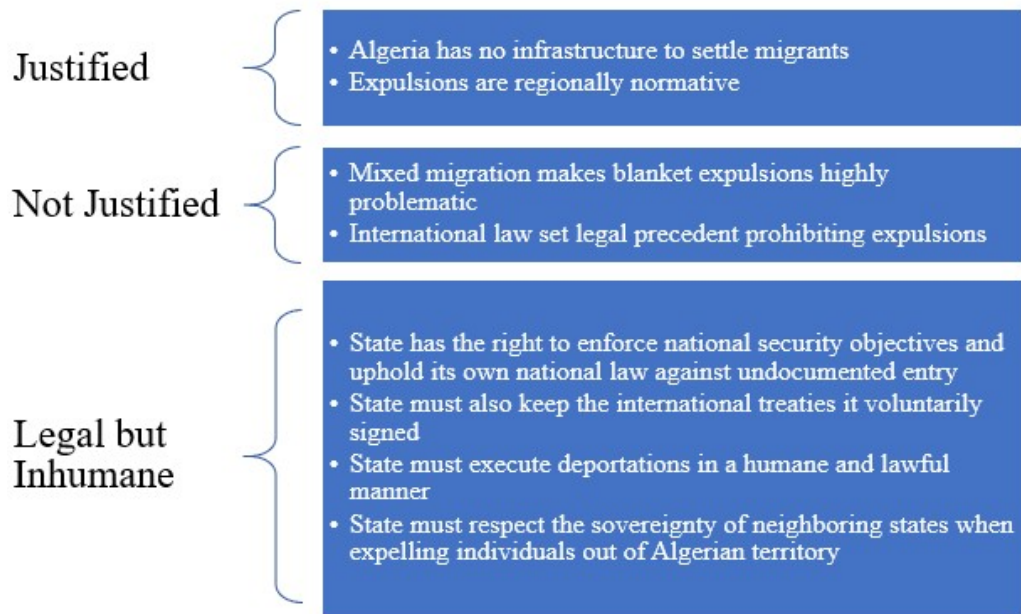


Figure 9: Expulsion Justification

Several motives for mass expulsions were provided by participants. The first motive was assessed as “political theater” rather than upholding law and order. The second motive was determined to be the belief by the ruling establishment that Islamic insurgents are hiding as migrants seeking asylum. The third motive was the desire to uphold the law and the removal of unauthorized migrants.

5.3 Implications for Transit States and Algeria

Experts suggested policy recommendations for Algeria moving forward. The majority put the responsibility on the Algerian government to more comprehensively manage migration to and through its territory. Using an international law-based approach was touted by one participant as being key for the balance of state sovereignty while limiting sovereign power for the sake of human rights. Findings are presented in three categories: Maintain Current Policy, Revise Current Policy, and Adopt New Policy.

The majority of policy recommendations by experts suggested that revising current policy would be the most effective course of action. This suggests that Algeria is viewed to have a strong political foundation upon which to improve current policy. Ten separate suggestions centered on improved transparency, human rights, domestic

employment, and increased legal migration channels. Experts strongly suggest the revision of policy which deports migrants into the desert, deprives migrants of their belongings, and which obscures the transparency of deportations and crackdowns. Additional policy revisions included working more closely with regional partners to counter the phenomenon of irregular migration, utilizing an international law-based approach, increasing legal migration channels, conducting regularization campaigns, and supervision of deportations by independent groups.

Those in support of adopting new policy suggested tasking independent NGOs to supervise deportations, adopting a legal framework which would distinguish between trafficking and smuggling, creating facilities in the Sahara for vulnerable migrants, and ultimately adopting a fresh start in governance. Those in support of maintaining current policy pointed to carrying out due process according to Algerian law, continuing to exert pressure on Algeria to stop human rights violations. Operations including the deployment of mobile military units for controlling irregular cross-border movement and efforts to “pacify” the Sahara are already part of Algerian policy.

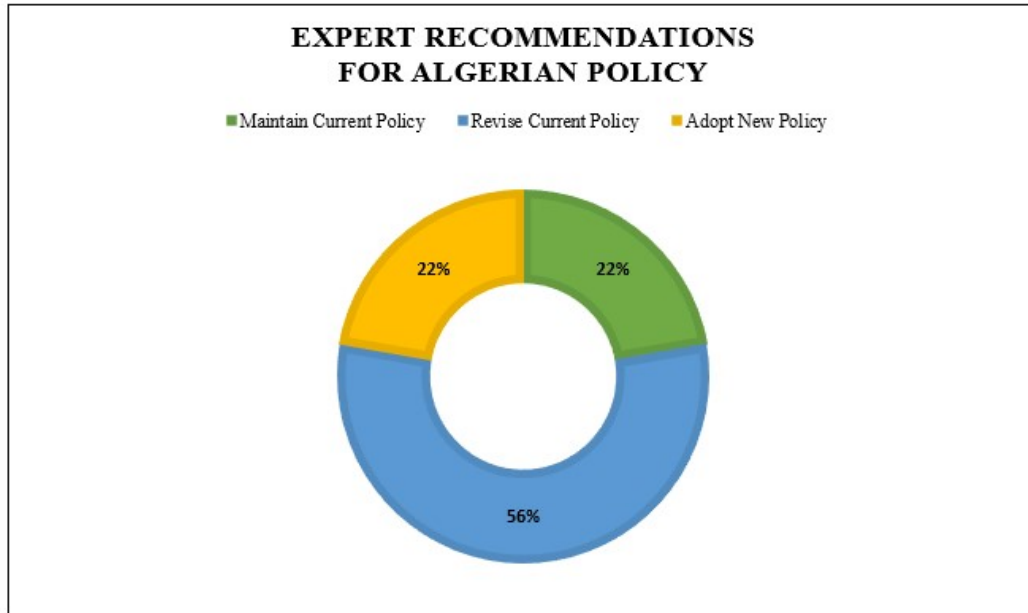


Figure 10: Expert Recommendations for Algerian Policy

The way Algeria currently manages irregular migration provides several key policy-relevant findings and implications for the country. It was found that Algeria is a key player in regional border management arrangements but is hesitant to be enmeshed in binding regional and international migration regimes. Despite pressure from the EU to create a functioning asylum system such a policy step has not gained traction. Additionally, data collection on irregular migration remains opaque, with experts stating that statistics on migration from the Algerian Ministry of Defense do not match those of NGOs or the neighboring countries of Mali and Niger.

Recommendations to address these concerns were the adoption of dialogue which frames cooperation as a mechanism for a wider range of options, creating more freedom of choice for transit states. The security of irregular migrants entering Algeria should be couched in a way which affirms the state's strong security focus, emphasizing that human security permits state security. Encouraging thorough data collection and sharing is recommended.

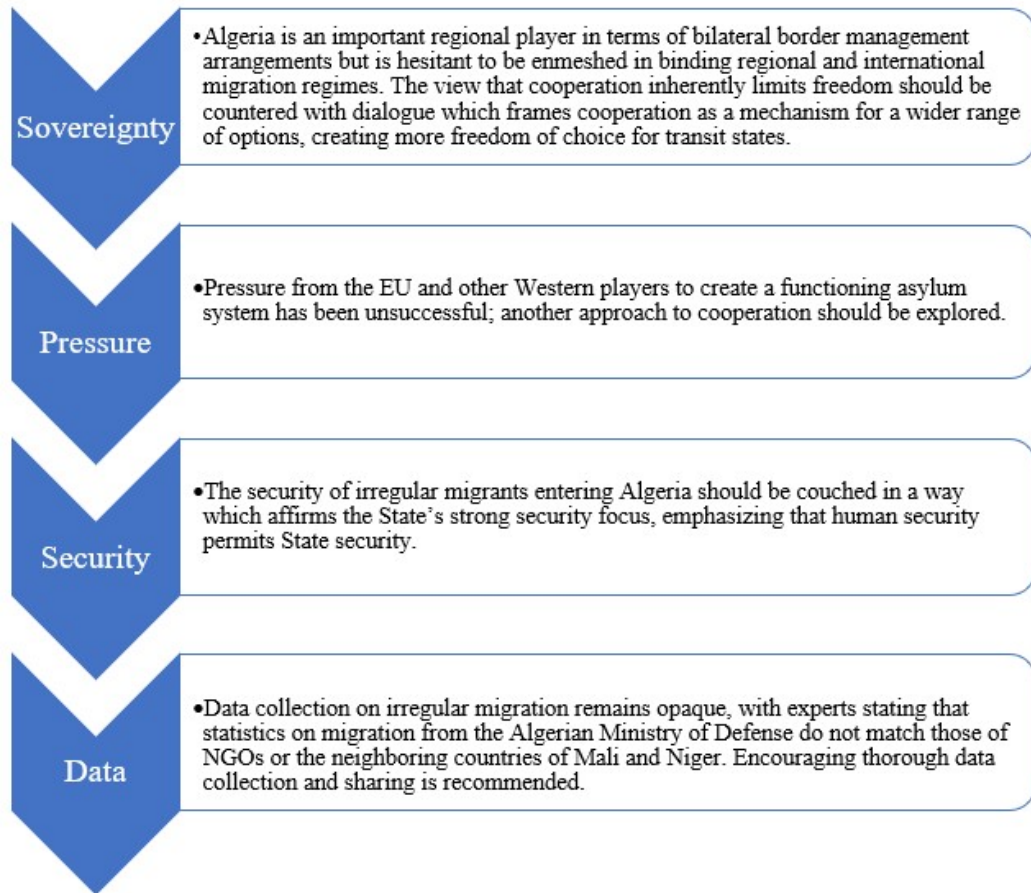


Figure 11: Implications for Algeria

Broad lessons can be applied to other transit states as a result of this study. Encouraging cooperation among transit states is expected to become more important as northward movement in the years ahead is shifting from plateaued Syrian, Iraqi and Afghan refugee movement to from sub-Saharan migrants as migration to Europe. Africa's population is expected to double by 2050, and nearly 60% of the population on the continent in 2018 is under the age of 25 and highly connected through new communication and technology tools.²²⁸ Experts provided the following implications for transit states moving forward, advising policymakers to step back and consider what 'sovereignty' means in the 21st century.

²²⁸ Malka, *Destination Maghreb*.

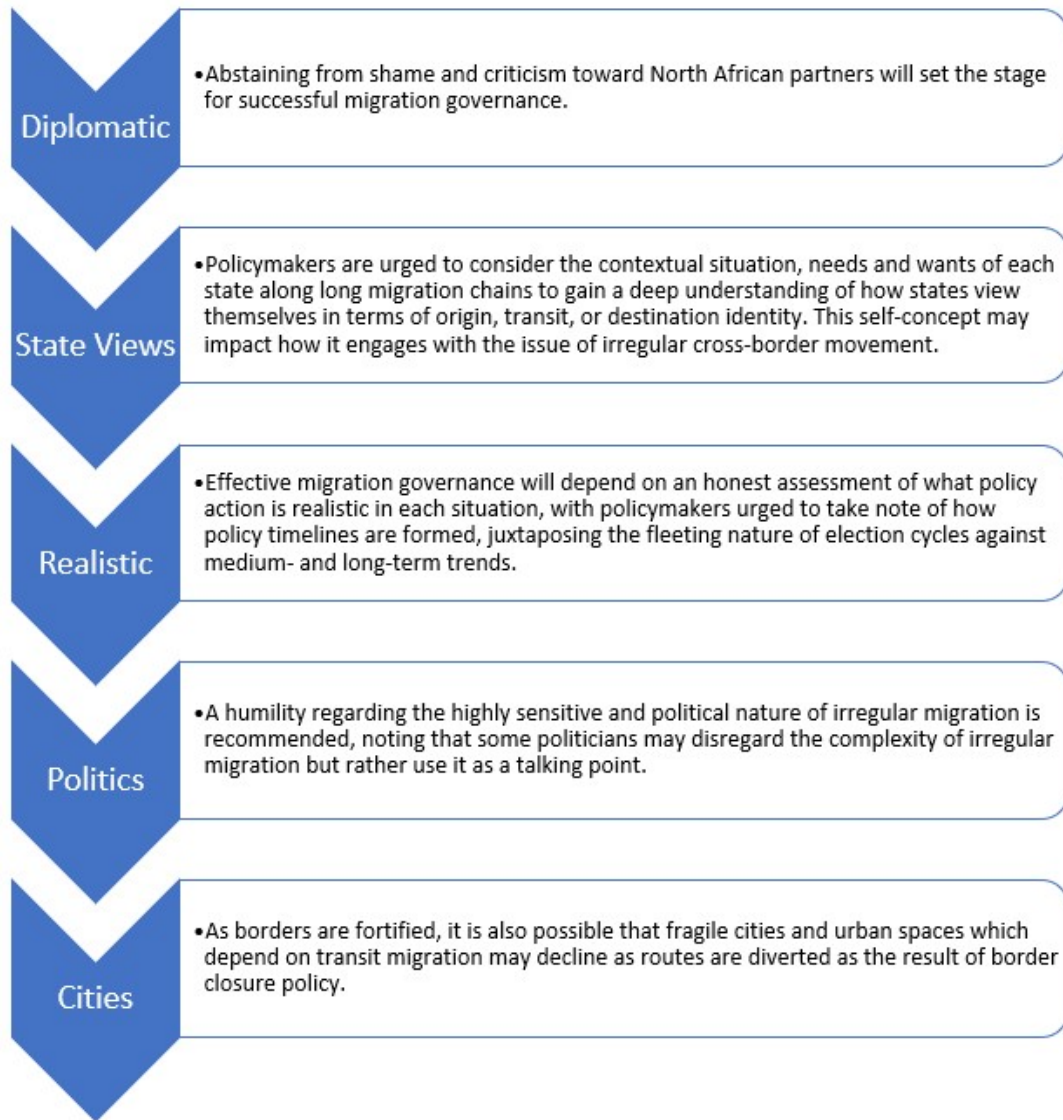


Figure 12: Broader Implications for Transit States^{229,230}

229 Luca Lixi, “After Revolution, Tunisian Migration Governance Has Changed. Has EU Policy?” *Migration Policy Institute*, October 18, 2018, <https://www.migrationpolicy.org/article/after-revolution-tunisian-migration-governance-has-changed-has-eu-policy>.

230 Bredeloup, “Sahara Transit,” 465.

Experts provided three outlook points for irregular migration through North Africa, the first predicting a bleak future for irregular migration in Algeria due to the current economic situation and upcoming political transition. The second predicted that the most important factor going forward to be controlling the instability in the Sahara, and the third predicted the nexus of poverty-, climate-, and conflict-driven migration which will continue into the foreseeable future. Each is discussed briefly. Insufficient economic development in the countries of the Sahel is predicted to contribute to instability among Sahel youth which has the potential to prompt migration flows that could affect Algeria, Ghana, Kenya, Morocco, Senegal, and Tunisia.²³¹ While the nature and causes of climate shifts are debated among experts, the majority agree that famine and drought will have a significant impact. What remains unknown is whether communities affected by a warming world will be able to adapt, or whether they will be driven to move locally, regionally, or internationally.²³² To quell the fear of states in the North who dread waves of climate-induced migration, it is important to note that while displacement is likely, cross-border migration is much less so, but also that movement is a form of adaptation in itself.^{233,234}

231 National Intelligence Council, *Global Trends: Paradox of Progress*. *Global Trends: Paradox of Progress* (Office of the Director of National Intelligence, January 2017): 164, accessed May 15, 2019, <https://www.dni.gov/files/documents/nic/GT-Full-Report.pdf>.

232 Koser, *A Very Short Introduction*, 102.

233 Koser, *A Very Short Introduction*, 103.

234 Gregory White, "The 'Securitization' of Climate Induced Migration," in *Global Migration: Challenges for the 21st Century*, ed. Kavita R. Khory (New York: Palgrave Macmillan, 2012), 20, <https://link.springer.com/book/10.1057/9781137007124>.

Conclusion

"Much will depend on how migration is managed by the more powerful liberal states, because they will set the trend for the rest of the globe. To avoid a domestic political backlash against immigration, the rights of migrants must be respected and states must cooperate in building an international migration regime." - James Hollifield²³⁵

"The drivers displacing refugees and migrants — war, poverty, environmental factors, poor governance, human rights violations, and diverse fears of violence and persecution — continue to push millions to flee their homes across Asia and Africa." - William Lawrence²³⁶

The purpose of this study was to determine to what extent sovereignty concerns impacts Algeria's irregular migration policy. The result of this study showed that the state's irregular migration policy is less dependent on Algeria's self-concept of state

235 James Hollifield, "The Emerging Migration State," in *Rethinking Migration: New Theoretical and Empirical Perspectives*, ed. Alejandro Portes and Josh DeWind (New York: Berghahn Books, 2007), 82.

236 William Lawrence, "The EU-Arab League Summit and the African Migration Crisis," *Middle East Institute*, February 22, 2019, <https://www.mei.edu/publications/eu-arab-league-summit-and-african-migration-crisis>.

sovereignty than predicted. Rather, a highly complex environment influences state policymaking which itself appears aimed more at a domestic than international audience. Expert input layered with an in-depth policy assessment shows that transit states are increasingly responsible for humanitarian and security outcomes.

Limitations to the study included a low participant turnout for the volunteer survey and low transparency in Algerian migration policy. Available data on Algeria's migration and integration policies are absent from the following data collection sources: IMPIC, IMPALA, PICMD, ICRI, or MIPEX. Future research will endeavor to address the reason for these gaps. Furthermore, research conducted in the region, even that funded by the IOM, largely ignores the Algerian context.^{237,238}

ICRI	Indicators of Citizenship Rights for Immigrants
IMPALA	International Migration Policy and Law Analysis Database
IMPIC	Immigration Policies in Comparison
MIPEX	Migrant Integration Policy Index
PICMD	Policy and Institutional Coherence for Migration and Development

Figure 13: Sources Missing Data on Algeria

²³⁷ The Economist Intelligence Unit, Measuring well-governed migration: The 2016 Migration Governance Index (International Organization for Migration, 2016), accessed May 16, 2019, http://www.iom.int/sites/default/files/our_work/EIU-Migration-Governance-Index-20160429.pdf.

²³⁸ Malakooti, "Migration Trends."

Despite the adoption of the UN’s Global Compact for Safe, Orderly and Regular Migration by more than 160 governments in December of 2018, challenges to the creation of a global migration data program continue effective migration governance overall and irregular migration governance in North Africa in particular. To “future-proof” migration policy,²³⁹ development in origin countries is touted as the most important way to prevent dangerous irregular migration under the belief that fighting the root cause of migration will prevent global movement,²⁴⁰ evidence for this is weak. Rather, economic differences felt within and between regions will increase the drive to migrate, outweighing factors of underdevelopment or poor governance in origin states.²⁴¹

Irregular cross-border migration fundamentally challenges state authority and capacity. Analyzing migration policy helps researchers and practitioners see how effective governments are at migration governance overall. The problem remains that current migration policy assessments attempt to accomplish too much and don’t give proper attention to the issue of irregular cross-border movement. Furthermore, poor

239 Aalborg University, “Advancing Alternative Migration Governance (ADMIGOV),” last modified October 3, 2018, accessed May 9, 2019, <https://www.en.cgs.aau.dk/research/projects/project/advancing-alternative-migration-governance--admigov-.cid374319>.

240 Hein de Haas, “Turning the Tide? Why Development Will Not Stop Migration,” *Development and Change* 38, no. 5 (November 2007): 828, <https://doi.org/10.1111/j.1467-7660.2007.00435.x>.

241 Khalid Koser, *International Migration A Very Short Introduction* (Oxford: Oxford University Press, 2016), 27.

assessment data available for irregular migration apart from overall migration data prevents the understanding of the two-way impacts of irregular migration on society.²⁴² Neglecting to look at irregular migration governance independently will only perpetuate this gap.

These findings indicate that future research should not abandon sovereignty concerns but rather shift to explore the effects of equalizing power asymmetries between states along migration chains. Looking at transit migration through a state-centric lens can create an equitable environment for states to engage with key migration policy issues, ensuring robust international institutions rebound. Ultimately, the way in which transit states respond to global migration flows will impact both national and human security.²⁴³

As states wrestle with an increasingly globalized and interconnected world, the desire to promote freer trade will come into conflict with the need to manage increasing migration.²⁴⁴ This paradox will frame the future of migration governance debates into the foreseeable future though to what degree is unclear. What is clear is that increased cooperation with external forces, especially neighboring countries, is

242 International Institute for Democracy and Electoral Assistance (IDEA), Chapter 7: Migration, social polarization, citizenship and multiculturalism (Global State of Democracy, First Edition, 2017): 204, accessed May 15, 2019, <https://www.idea.int/gsod/>.

243 Fiona B. Adamson, "International Migration in a Globalizing World: Assessing Impacts on National Security," in *Globalization and National Security*, ed. Jonathan Kirshner, (New York: Taylor & Francis Group, 2006), 66.

244 Hollifield, *Emerging Migration*, 79.

increasingly required to make and carry out effective border control policy.²⁴⁵ For states with a strong sovereignty ethic, it will be important to cooperate through international legal mechanisms which can increase options and agency for less-cooperative states while increasing the likelihood of global norm adoption.²⁴⁶

²⁴⁵ Adamson, *Globalizing World*, 51.

²⁴⁶ Tanja E. Aalberts, and Thomas Gammeltoft-Hansen, "Sovereignty at Sea: The Law and Politics of Saving Lives in the Mare Liberum," *Journal of International Relations and Development* 17, no. 4 (September 2014): 446, <http://dx.doi.org/10.1057/jird.2014.12>.

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Appendix 1: Expert Survey

Questionnaire Outline

1. Sample Clustering by Organization Type
2. Sample Clustering by Organization Location
3. Sample Clustering by Theoretical Framework
4. Human Security Challenges
5. MiGOF Objective 3
6. Transit policy -> Origin Impact
7. Transit policy -> Destination impact
8. MiGOF Principle 1
9. MiGOF Principle 2
10. MiGOF Principle 3
11. MiGOF Objective 1
12. MiGOF Objective 2
13. State Sovereignty re: Migrant Expulsion
14. Human Security Improvement
15. Optional: Sovereignty and Migration

Questionnaire

Question 1

Thank you for your participation. In which type of organization do you work?

Non-Governmental Organization

Government

Academic Institution

Policy Thinktank

Other

Please explain:

Question 2

Where is your organization headquartered?

Europe

United States

Africa (non-North Africa)

North Africa (non-Algeria)

Algeria

Other

Please explain:

Question 3

There is an overall debate about the appropriate terminology to describe migration. Which terminology do you feel is most appropriate to describe the *countries* involved in irregular migration chains?

Origin, Transit, and Destination Countries

Sending, Transit, and Receiving Countries

Other

Please explain:

Question 4

What are the principal challenges to the human security of migrants in or transiting through Algeria?

Please explain:

Question 5

A state has multiple responsibilities concerning cross-border movement into its territory, including the responsibility to prevent cross-border crime like smuggling, and to provide asylum to qualifying applicants. To what degree does the Algerian government balance these responsibilities?

Please explain:

Question 6

To what extent does the implementation of Algeria's migration policies affect origin/sending countries?

Please explain:

Question 7

To what extent does the implementation of Algeria's migration policies affect destination/receiving countries?

Please explain:

Question 8

As of December 2018, Algeria does not have a national legislative asylum framework, despite establishing the need for such in 1963. To what extent could this absence be attributed to low political will, low government capacity, or something else?

Please explain:

Question 9

How coherent is Algeria's approach to migration governance? To what extent does Algeria manage irregular migration through a whole of government approach?

Please explain:

Question 10

Assuming that 1) Algeria is a transit country for migrants, 2) that Algeria wishes to control irregular movement through its territory, and 3) that Algeria engages in international cooperation toward that goal: To what extent could the Algerian government favor cooperation with either origin/sending countries **OR** with destination/receiving countries?

Please explain:

Question 11

To what extent does the Algerian state promote, discourage, or remain neutral regarding migrant integration in general? Provide examples if possible.

Please explain:

Question 12

Reports indicate that some African migrants traveling north toward the Mediterranean pass through southern Algeria but cross into Libya before reaching the coast, rather than continuing due north. Is this accurate, and if so, to what extent is this movement a result of action or inaction by the Algerian state?

Please explain:

Question 13

One facet of state sovereignty is the ability of a government to regulate the movement of goods, capital, people and ideas across its borders, while another concerns the right of states to reject external pressure upon policymaking. In 2018, thousands of migrants were transported across the Algerian border into neighboring Niger with mixed international response. To what extent was the physical removal of irregular migrants by the Algerian government justified?

Please explain:

Question 14

What measures could be taken to improve the human security of migrants in or transiting through Algeria?

Please explain:

End of Survey

Thank you for your participation. Your answers to the above questions will be kept confidential. Below you have the option to provide insight into the effects of irregular migration governance on state sovereignty. Your answers to this question ALONE may be attributed directly to you should you so desire. Please indicate you understand that all prior questions (questions 1 – 14) will remain confidential REGARDLESS of

whether you choose to complete question 15 or not. Question 15 is completely optional and will not affect your other responses in any way.

_____ Yes, please credit me for my statement on question 15. I understand questions 1 – 14 will remain confidential.

_____ No, please keep my answer to question 15 confidential like questions 1 – 14.

Question 15

In your opinion, what specific policy steps can be taken, and by whom, to improve international cooperation along migration chains through origin, transit, and destination countries where cooperation is resisted in the name of ‘state sovereignty’? What might this nexus look like in the next 10 years?

Please explain:
