

# Shaking Hands with Saied's Tunisia: The Paradoxes and Trade-offs Facing the EU

by Luca Barana and Asli Selin Okyay

Over the last year, Tunisia has become a key priority for the European Union and its member states, Italy in particular. The main reason for this increased attention is the growing number of unauthorised arrivals of migrants and asylum-seekers leaving the North African country and reaching Italy from mid-2022 on. Tunisia was the point of embarkation for over 60 per cent of almost 90,000 irregular arrivals registered in Italy in the first seven months of 2023.<sup>1</sup> This is a departure from an established trend of Libya being the main departure point in the Central Mediterranean.<sup>2</sup>

<sup>1</sup> Authors' elaboration based on data included in: UN High Commissioner for Refugees (UNHCR), *Italy Weekly Snapshot (24 Jul-30 Jul 2023)*, 31 July 2023, <https://data2.unhcr.org/en/documents/details/102332>.

<sup>2</sup> According to the Italian Ministry of Interior, 88,874 people reached Italy by the end of July. In terms of the composition of people arriving in Italy, the main nationalities are Côte d'Ivoire and Guinea, each representing 12 per cent of the total, followed by Egypt, Bangladesh, Pakistan and Tunisia. See Italian Ministry of Interior, *Cruscotto statistico giornaliero*, 31 July 2023, <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/node/1300>.

To make sense of these new mobility patterns, one also needs to take into account the profound economic crisis and the increasing pace of authoritarianism in Tunisia. Beyond its effects on the local population and civil society, the latter also manifests in severe cases of discrimination and violence against sub-Saharan migrants residing in or transiting through Tunisia.<sup>3</sup>

## *Italy's and the EU's pivot to Tunis*

Under increasing pressure from Italy, Europe has duly taken note. In November 2022, the European Commission presented its Plan for the Central Mediterranean Route. The European Council has endorsed Italy's emphasis on Tunisia on multiple occasions. In the meantime, Rome has intensified high-level visits to

<sup>3</sup> UN Office of the High Commissioner on Human Rights (OHCHR), *UN Experts Urge Tunisia to Act Swiftly to Uphold Migrants' Rights*, 18 July 2023, <https://www.ohchr.org/en/node/106158>.

*Luca Barana is a Research Fellow at the Istituto Affari Internazionali (IAI) and Coordinator of the T20 Italy Task Force on Migration. Asli Selin Okyay is a Senior Fellow at IAI.*

its southern neighbour – with Prime Minister Giorgia Meloni herself visiting Tunis several times – calling for enhanced cooperation on migration management.

After years of internal division between Northern and Southern member states on migration and asylum, there is a convergence of interests between the two sides in the name of enhanced cooperation with external partners to stem irregular migration; and in this case, in a somewhat awkward alignment, there is also agreement on the third country to be engaged as a top priority. In what official EU sources called “a Team Europe spirit”, Meloni was accompanied to Tunis by the Netherlands’ – now outgoing – Prime Minister Mark Rutte and European Commission President Ursula von der Leyen twice: first, on 11 June, to convince Tunisia’s President Kais Saied to accept a funding package meant to help the country stabilise its state coffers in exchange for better cooperation on migration; and again, on 16 July, when the Commission and Tunisia signed the memorandum of understanding (MoU) on a “comprehensive partnership package”.<sup>4</sup> While covering various pillars from green transition to agriculture and labour mobility, for the EU the most important aspect of the partnership package is getting Tunisia on board to stem irregular migration towards Europe.

<sup>4</sup> European Commission, *The European Union and Tunisia: Political Agreement on a Comprehensive Partnership Package*, 16 July 2023, [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_23\\_3881](https://ec.europa.eu/commission/presscorner/detail/en/statement_23_3881).

Details on how the negotiations unfolded between the two meetings have not been made public. One thing is for sure, though: Saied’s point about not allowing Tunisia to become “Europe’s border guard”, voiced before the European officials’ June visit,<sup>5</sup> has found its place in the MoU, which states that Tunisia is “not a country of settlement for migrants in an irregular situation” and that it “only guards its own borders”.<sup>6</sup> It would not be unrealistic, to expect past dynamics between the EU, keen on minimising the number of departures, and third countries in a key position to do so (such as Libya, Morocco and Turkey in past years) to have repeated themselves in the month between the first visit and the signing of the MoU: beyond enjoying the international legitimacy, the Tunisian president would likely use his increased leverage to get greater concessions conditional on financial assistance that the country so badly needs.

### *The agreement on New Pact on Migration and Asylum: Much promise, little delivery?*

The first visit of Meloni, Rutte and von der Leyen in June came just days after an agreement among the member states on a number of politically sensitive dossiers regarding the internal dimension of EU’s asylum system, as

<sup>5</sup> “Tunisia Will Not Be Europe’s Border Guard, President Says”, in *Reuters*, 10 June 2023, <http://reut.rs/3qEaiMo>.

<sup>6</sup> European Union and Tunisia, *Mémorandum d’entente sur un partenariat stratégique et global entre l’Union européenne et la Tunisie*, 16 July 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3887](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3887).

part of a reform process kicked off by the New Pact on Migration and Asylum in September 2020. The “historic” agreement in the Justice and Home Affairs Council of 8 June concerns key files on responsibility and solidarity among member states when it comes to dealing with asylum applications lodged upon spontaneous arrivals.

The compromise is largely based on the idea of pushing the bulk of responsibilities on managing arrivals, reception and processing of asylum requests to the external borders. Indeed, the entire functioning of the “new” system is built on the assumption of accelerated processing of asylum claims at the external borders and swift return to third countries of those migrants who are not found to be eligible for international protection in the EU. At the same time, the internal balance that the member states managed to strike between responsibility and solidarity remains very fragile: the new rules, through the introduction of obligatory border procedures, place greater responsibility on the shoulders of frontline states, without matching these with sufficiently predictable mechanisms of solidarity in their favour.<sup>7</sup> It is true that the agreement introduces the principle of “mandatory solidarity”, but for the sake of flexibility, it also allows member states to pick and choose among different forms of support (relocation, financial assistance, operational support) to frontline countries. To what extent other member states would be

incentivised to demonstrate solidarity through people-sharing in the lack of a structured relocation mechanism and predictable commitments, therefore, remains an open question. As a result, to avoid border procedures, frontline member states may feel even more encouraged to stem crossings and prevent departures from third countries.<sup>8</sup>

All in all, the compromise can be considered historic simply due to the fact that EU member states managed to agree on a common set of rules after eight years of stalemate. At the same time, it can be read more as a continuation rather than a rupture in terms of its underlying approach: minimising the number of migrants and asylum seekers arriving in the EU territory in the first place; containing those who manage to set foot on EU soil at the external border (in ways similar to the hotspots in Greek islands), and largely delegating the responsibility to manage migration and asylum to third countries.

### *The manifold paradoxes of EU-third countries relationships*

This approach entails a number of policy implications for the EU's relationship with Tunis. First, it is based on the assumption that the internal components of the new system will work: that is, that asylum procedures will indeed be accelerated and those who have no right to asylum in Europe will be swiftly determined (which

<sup>7</sup> Luca Barana, “Cosa prevede l'accordo sul Nuovo patto sulle migrazioni e l'asilo”, in *AffarInternazionali*, 9 June 2023, <https://www.affarinternazionali.it/?p=103923>.

<sup>8</sup> Catherine Woollard, “Editorial: Migration Pact Agreement Point by Point”, in *ECRE Weekly Bulletin*, 9 June 2023, <https://ecre.org/?p=15561>.

seems to be a big if). At the same time, one must bear in mind that effectively returning those in the latter group will still be beyond the EU's and the member states' control. External partners' cooperation on return will be fundamental. Convincing third countries to readmit their citizens and even more so third-country nationals, however, is politically challenging, to say the least. Saied's concerns about potentially turning Tunisia into a country of settlement for irregular migrants is a widely shared one among the capitals in Europe's southern neighbourhood.

This reveals – and potentially reproduces – a paradox. On the one hand, Europe is fretting about the attempt by external actors to instrumentalise migratory movements.<sup>9</sup> On the other, the new EU internal asylum governance enhances dependence on those very actors, thus augmenting further risks of instrumentalisation. Supposedly, third countries will be co-opted to manage migratory movements potentially

<sup>9</sup> Beyond increasingly underlining the EU's firm and united stance against third parties' "instrumentalisation" of migration in its rhetoric, there have also been attempts to codify the concept into the EU legal framework, as was the case with the proposed Instrumentalisation Regulation, which would have introduced derogations to standard asylum procedures for those member states allegedly targeted by third countries' instrumentalisation attempts. While the proposal failed to go ahead due to its contested nature, efforts on the side of the Council to merge some of its elements to another legislative package under negotiation (Crisis and Force Majeure Regulation) are ongoing. See Accem et al., *Joint Statement: NGOs Call on Member States and European Parliament: Go No Lower: Reject the Use of Legal Loopholes in EU Asylum Law Reforms*, 14 July 2023, <https://ecre.org/?p=15667>.

directed towards Europe and to host migrants and asylum-seekers through additional conditionality, where the EU and the member states employ the entire spectrum of their foreign policy tools, as envisioned by the European Council in February 2023, which has called for the use of visa facilitation, trade benefits and development cooperation to leverage the EU position vis-à-vis reluctant partners.<sup>10</sup> The reality is, as evidenced by past experiences, that this approach may yield some short-term results in terms of limiting irregular crossings (often in an unpredictable and inhumane manner). However, as reliance on external actors continues to prevail in the absence of political will to enhance the Union's collective capacity to manage asylum and non-asylum migration (also) on EU soil, it also deepens the EU's dependence on these partners – and in many cases on the strongmen leading them.

A second relevant policy implication for future EU–Tunisia relations concerns one of the key concessions Italy was able to extract from its European partners on 8 June. It relates to the definition of a "safe third country. To be identified as safe, these countries must respect certain protection standards, while a connection between the returnee and that third country (often owing to family links or previous residence) needs to be proven. Italy – having Tunisia in mind – obtained the definition of such connection to be determined by national law. Member states therefore have greater discretion and more flexibility in individuating

<sup>10</sup> European Council, *Conclusions*, 9 February 2023, <https://europa.eu/!JMjmf4>.

supposedly “(safe) third countries” to which they can return those who have no right to asylum in the EU – which may well include those countries that asylum-seekers have simply crossed through.<sup>11</sup>

### *Tunisia: A truly safe country?*

Tunisia is a case in point. Beyond the tricky question of determining a real “connection” of migrants to the country, whether it can be considered a “safe third country” on the basis of the protection criteria is another question, arguably a much more problematic one. Already before Saied tightened his grip on power and launched his anti-migrant campaign in February, based on what UN experts classified as “racist rhetoric”,<sup>12</sup> defining Tunisia as a “safe third country” was questionable, as it still lacks a national legal framework on asylum.<sup>13</sup>

Following the state-led crackdown on migrants from sub-Saharan Africa characterised by collective expulsions, police raids and arrests,<sup>14</sup> and in a context of growing instances of discrimination, hate speech and racial

violence,<sup>15</sup> it would be even more daring to categorise Tunisia as a safe country for third-country nationals. In a rather telling – and alarming – manner, hundreds of sub-Saharan migrants were reported to be forcibly expelled by Tunisian authorities to the desert at the Libyan border with no food or water during the same days the Tunis and Brussels signed the MoU.<sup>16</sup> In parallel, the authoritarian slide of Saied's rule has significant implications for the asylum requests by Tunisian nationals themselves, as well as their “safe” return to Tunisia. Beyond its categorisation as a safe *third* country, the EU and the member states in fact should be asking themselves whether Tunisia can be considered a “safe country of origin”.<sup>17</sup>

All this clearly reveals a set of trade-offs the EU needs to take into account in its engagement with Tunisia. On the one side, the EU should be aware that the pursuit of its migration goals risks contributing to the aggravation of the already bleak democratic picture in the country further empowering an increasingly authoritarian leader. On the other, it needs to assess whether *potential* short-term gains in the migration realm (for example, a reduction in the arrivals of migrants from Tunisia and a relative increase in return rates) would be worth the adverse effects of accommodating

<sup>11</sup> Catherine Woollard, “Editorial: Migration Pact Agreement Point by Point”, cit.

<sup>12</sup> UN News, *Racist Rhetoric in Tunisia Must Stop, Independent UN Experts Warn*, 4 April 2023, <https://news.un.org/en/node/1135347>.

<sup>13</sup> Mariagiulia Giuffrè, Chiara Denaro and Fatma Raach, “On ‘Safety’ and EU Externalization of Borders: Questioning the Role of Tunisia as a ‘Safe Country of Origin’ and a ‘Safe Third Country’”, in *European Journal of Migration and Law*, Vol. 24, No. 4 (December 2022), p. 570-599, <https://doi.org/10.1163/15718166-12340141>.

<sup>14</sup> Human Rights Watch, *Tunisia: No Safe Haven for Black African Migrants, Refugees*, 19 July 2023, <https://www.hrw.org/node/385416>.

<sup>15</sup> OHCHR, *UN Experts Urge Tunisia to Act Swiftly to Uphold Migrants' Rights*, cit.

<sup>16</sup> Luca Barana, “Che cosa prevede l'accordo tra Unione europea e Tunisia”, in *AffarInternazionali*, 19 July 2023, <https://www.affarinternazionali.it/?p=104445>.

<sup>17</sup> Mariagiulia Giuffrè, Chiara Denaro and Fatma Raach, “On ‘Safety’ and EU Externalization of Borders”, cit.

## Shaking Hands with Saied's Tunisia: The Paradoxes and Trade-offs Facing the EU

Saied on democracy and rule of law – which could well feed into driving further migration of both Tunisians and third-country nationals.

The EU should instead go beyond the rhetoric of comprehensive and truly multidimensional partnership in its relationship with Tunis, and genuinely invest in other elements already included in the MoU that have failed to receive significant attention from European stakeholders in the aftermath of the political agreement's signature. While migration cooperation is – and will remain – part of the picture, going ahead, delivering on the wide range of commitments, from support to agriculture to cooperation on the green and digital transitions, and enhancing people-to-people contact – also through expanding safe and legal mobility pathways –, while not losing sight of the importance of the health of democracy in Tunisia would be crucial for maximally benefiting the local populations, and mitigating the risk of feeding into a further concentration of power in a few hands. Otherwise, the EU will end up repeating past mistakes by reiterating a transactional external policy that has not produced positive outcomes for long, both in the migratory sphere and in broader bilateral relations with southern neighbours. And, in a distorted call for pragmatism, it will give up its most prized values: democracy, rule of law and human rights.

*5 August 2023*

### Istituto Affari Internazionali (IAI)

The Istituto Affari Internazionali (IAI) is a private, independent non-profit think tank, founded in 1965 on the initiative of Altiero Spinelli. IAI seeks to promote awareness of international politics and to contribute to the advancement of European integration and multilateral cooperation. Its focus embraces topics of strategic relevance such as European integration, security and defence, international economics and global governance, energy, climate and Italian foreign policy; as well as the dynamics of cooperation and conflict in key geographical regions such as the Mediterranean and Middle East, Asia, Eurasia, Africa and the Americas. IAI publishes an English-language quarterly (*The International Spectator*), an online webzine (*AffarInternazionali*), two book series (*Global Politics and Security* and *IAI Research Studies*) and some papers' series related to IAI research projects (*Documenti IAI*, *IAI Papers*, etc.).

Via dei Montecatini, 17

I-00186 Rome, Italy

Tel. +39 066976831

[iai@iai.it](mailto:iai@iai.it)

[www.iai.it](http://www.iai.it)

## Latest IAI COMMENTARIES

Editor: Leo Goretti ([l.goretti@iai.it](mailto:l.goretti@iai.it))

- 23 | 40 Luca Barana and Asli Selin Okyay, *Shaking Hands with Saied's Tunisia: The Paradoxes and Trade-offs Facing the EU*
- 23 | 39 Maria Hadjipavlou, *The Exclusion of the Women, Peace and Security Agenda in the Cyprus Peace Negotiations: A Critical Perspective*
- 23 | 38 Michelangelo Freyrie, *Italy Punches Below Its Weight on the European Defence Fund*
- 23 | 37 Luca Cinciripini, *The Arctic within EU Strategies: A Renewed Centrality*
- 23 | 36 Karim Mezran and Alissa Pavia, *Giorgia Meloni's Foreign Policy and the Mattei Plan for Africa: Balancing Development and Migration Concerns*
- 23 | 35 Andrea Dessì and Akram Ezzamouri, *Meloni's Visit to DC: Beware of Europe's Smokescreen on Tunisia*
- 23 | 34 Riccardo Alcaro, *Ukraine's NATO Membership Will Strengthen Europe's Security*
- 23 | 33 Thin Lei Win, *Rebooting Food Systems and Accelerating Climate Action Must Go Hand-in-Hand*
- 23 | 32 Silvia Samorè, *Post-conflict Reconstruction in Ukraine: Challenges and Opportunities*
- 23 | 31 Manuel Herrera, *The G7 and the Nuclear Non-proliferation Regime: Between Idealism and Pragmatism*