

European and Tunisian Migration Policies: A Recipe for Failure and Suffering

by Refugees International

After several months of significant increase in irregular migration from Tunisia to Europe, European Commission President Ursula von der Leyen and Italian Prime Minister Giorgia Meloni, along with several other European Union leaders, have set their sights on what they seem to believe is the best way to produce immediate results: increasing the provision of cash, equipment and training to the Tunisian security forces (TSF) to diminish the country's booming irregular migration industry.

In the last two months, the European Commission announced it wants to agree to "new anti-smuggling operational partnerships" with Tunisia¹

¹ "EU Planning New Anti-Migration Deals with Egypt and Tunisia, Unrepentant in Support for Libya", in *Statewatch*, 16 November 2023, <https://www.statewatch.org/news/2023/november/eu-planning-new-anti-migration-deals-with-egypt-and-tunisia-unrepentant-in-support-for-libya>.

that would significantly scale up border controls, police and judicial cooperation, as well as cooperation with EU agencies (for example, Frontex). An "International Conference on a global alliance to counter migrant smuggling" was also convened in Brussels on 28 November.² As one top EU official in Tunis put it to Refugees International, "There is a strong desire by some in Europe to get the maximum amount of resources possible to the Tunisian government and security forces as soon as possible to stop the boats, now and in the future".³

² European Commission, *Commission Launches a Global Alliance to Counter Migrant Smuggling and Proposes a Strengthened EU Legal Framework*, 28 November 2023, https://ec.europa.eu/commission/presscorner/detail/en/IP_23_6081.

³ RI Interview with European Union official in Tunis, 1 September 2023.

Refugees International (RI) is a US registered 501(c)3 not-for-profit organisation that advocates for lifesaving assistance, human rights and protection for displaced people and promotes solutions to displacement crises. Due to the sensitive nature of our research which involved interviews with security force members as well as disclosing corruption within the security forces themselves, and the expanding crackdown by the Tunisian authorities on critics, the article does not disclose the names of Refugees International consultants, the people interviewed or the authors of the report.

The EU intended strategy, however, appears destined for failure, falling short of its narrow objective of suppressing irregular migration and lacking in the broader – and more important – criteria of adherence to legal commitments, human rights principles and effective overall migration policy. This approach is riddled with four primary deficiencies.

Weak state control and oversight of security forces

First and foremost, unlike Turkey, which some EU leaders consider a successful model for preventing irregular migration, Tunisia is a weaker and more divided state that is growing even more fragile due to the increasing authoritarianism by President Kais Saied. Despite the urgent need for financial support to avert bankruptcy, Saied continues to undermine efforts to procure support from the most realistic source of support at scale, the International Monetary Fund.⁴ At several points during 2023, Tunisia saw inflation increase to double-digits. Bread, sugar and basic essentials are now scarce and regularly rationed to customers.

At the same time, Saied has repeatedly undermined the stability and capacity of the state since he unilaterally suspended the Parliament in 2021, dismantled local institutions, and used the TSF to clamp down on political opposition and imprison prominent critics.⁵ He has

⁴ "Tunisia President Sacks the Economy Minister over Statement about IMF", in *Reuters*, 17 October 2023, <http://reut.rs/46AnLVB>.

⁵ Aaron Y. Zelin, "Saied's Tunisia Is Politicizing Counterterrorism Again", in *PolicyWatch*,

systematically degraded the (somewhat weak) judicial independence that existed before his rule,⁶ closed the main anti-corruption authority,⁷ and cracked down on Tunisian NGOs⁸ and press freedom. One year after the 2022–23 parliamentary elections – which saw only 11 per cent of Tunisian voters casting their ballot – the country still does not have a fully active parliament.⁹

Less appreciated – but crucial for the EU's objectives – is the simultaneous weakening of the country's security sector. Already badly divided before Saied's presidency, the security sector appears riven by expanding fragmentation and internal conflicts. One leading Tunisian political analyst observed to Refugees International that the Ministry of Interior (MoI), which controls the Police, National Guard and Coast Guard, is experiencing additional centrifugal breakdown. "The general director of security has changed two times in the last two years, and there have been three MoI heads under [Saied

No. 3713 (9 March 2023), <https://www.washingtoninstitute.org/policy-analysis/saieds-tunisia-politicizing-counterterrorism-again>.

⁶ Human Rights Watch, *Tunisia: President Intensifies Attacks on Judicial Independence*, 27 February 2023, <https://www.hrw.org/node/384171>.

⁷ "Tunisia: Anti-Corruption Authority Staff Launch Protests", in *Middle East Monitor*, 10 February 2023, <https://www.middleeastmonitor.com/20230210-tunisia-anti-corruption-authority-staff-launch-protests>.

⁸ Rihab Boukhayatia, "Tunisia: Kais Saied Tightens His Grip on Civil Society", in *Nawaat*, 18 August 2023, <https://wp.me/p16NIR-pQI>.

⁹ As a result of the new 2022 constitution, the legislative function is exercised by two chambers: the Assembly of the People's Representatives and the National Council of the Regions. The latter is still to be formed after local elections were held at the end of 2023.

during that time]. The fracturing within the security system has grown”.¹⁰

When it comes to migration policy specifically, Saied’s government and the TSF have responded not with professional migration management but with incoherent, *ad hoc* policies and abusive practices such as the illegal expulsions to desert and border areas of thousands of Black Africans over the 2023 summer. This resulted in dozens of deaths and widespread injury as well as hundreds of migrants remaining stranded with little or no aid. In another reflection of its incoherent and illegal approach, the TSF carried out renewed border expulsions in September 2023¹¹ while simultaneously bussing other migrants to known human smuggling locales,¹² apparently hoping that the migrants would take to the sea (which many did). In doing so, officials aided the human smuggling industry and publicly demonstrated – especially to European policymakers – that they would periodically “vent pressure” by facilitating embarkations if and when they deemed it necessary.

In this overall context of growing state fragility, poor governance and illegal

measures, it is unlikely that the current Tunisian government will be able to effectively allocate a flood of new resources to the security sector while implementing the kinds of oversight and accountability reforms needed to reduce departures and improve humane and orderly migration management. The likelier outcome is the renewed abuse of migrants with little impact on departures to Europe.

The corruption–smuggling nexus

This reality is further reinforced by a second obstacle to the EU’s aims: more and more elements of the TSF are monetising smuggling operations for their own benefit even as they brutalise migrants. Our investigation conducted between August and October 2023 indicates broad recognition of this amongst Tunisians – the “biggest public secret”, as one leading Tunisian academic expert put it. Elements of the TSF have long been involved in, and have profited from, the country’s human smuggling industry.¹³ Across dozens of interviews, including with ten current and recently retired security officials in southern Tunisia, it is also clear that the substantial profits available from the smuggling industry and weak state control have led to expanded collusion by the TSF as more migrants, refugees and asylum seekers transit and leave Tunisia – and as the Tunisian economy in southern areas shrinks.

While possible links between such collusion and higher-level TSF leadership remain unclear, there has

¹⁰ Refugees International, *Abuse, Corruption, and Accountability: Time to Reassess EU & U.S. Migration Cooperation with Tunisia*, 16 November 2023, <https://www.refugeesinternational.org/?p=8298>.

¹¹ Human Rights Watch, *Tunisia: African Migrants Intercepted at Sea, Expelled*, 10 October 2023, <https://www.hrw.org/node/386154>.

¹² Monia Ben Hamadi, “Migrants in Tunisia: ‘It looks Like They’re Pushing Them to Leave’ for the Italian Coast”, in *Le Monde*, 19 September 2023, https://www.lemonde.fr/en/le-monde-africa/article/2023/09/19/migrants-in-tunisia-it-looks-like-they-re-pushing-them-to-leave-for-the-italian-coast_6137709_124.html.

¹³ Refugees International, *Abuse, Corruption, and Accountability*, cit.

been little evident accountability for such practices within the TSF at any level. Security sweeps targeting smugglers and migrants have yielded only one publicly reported arrest of a security official in the last several months despite the widely described involvement of elements of the TSF and other government officials.¹⁴ This absence of investigation and accountability raises significant questions about how additional cash, hardware and training for the TSF would sustainably dent migration flows, especially since a strong profit motive for collusion will remain. Expanded EU support for migration crackdowns, paired with occasional security surges from the capital of Tunis, will more likely produce only temporary “gains” while building up even greater pressure for new waves of abuses as the government seeks to demonstrate that it has embarkations under control.

More people on the move will continue to choose the Tunisia route

The third factor undermining Europe’s efforts to deter irregular migration through Tunisia is that, despite the TSF’s abusiveness, conditions will very likely remain relatively less dire than in neighbouring Libya or Algeria, where impunity and human rights abuses and risks for migrants are significantly worse. As one migrant from Guinea who arrived in Sfax after the expulsions in early July put it, “At least in Tunisia I

¹⁴ “Sfax: Un ‘omda’ soupçonné de soutien aux traversées clandestines”, in *MosaïqueFM*, 2 October 2023, <https://www.mosaïquefm.net/fr/actualite-regional-tunisie/1195387/sfax-un-omda-soupconne-de-soutien-aux-traversees-clandestines>.

can still smell the hint of freedom and rights... And that’s enough to go on.”¹⁵

This aspect, as well as Tunisia’s convenient geography astride several European islands, is linked to a fourth main factor undercutting the primary focus on irregular migration and human smuggling: the number of people fleeing wars, poverty and instability across Africa won’t simply abate given that the underlying conditions prompting more people to migrate are only projected to worsen.¹⁶ The upshot then is that there will continue to be a large number of migrants, refugees and asylum seekers transiting through Tunisia specifically. As in so many other places in the world, the constant demand for smuggling services for dangerous journeys to European shores will very likely be met by an increasingly embedded industry; all the more so as the Tunisian state teeters and more officials submit to corruption.

Reimagining EU–Tunisia migration cooperation

The short-term securitisation approach to Tunisia advanced by Team Europe is therefore likely to fail on at least two fronts: both on its own terms by failing to stem irregular migration, and on legal and ethical terms by tying EU support to the inevitability of grave human rights abuses by Tunisian authorities.

¹⁵ Refugees International, *Abuse, Corruption, and Accountability*, cit.

¹⁶ Lorena Stella Martini and Tarek Megerisi, “Road to Nowhere: Why Europe’s Border Externalisation Is a Dead End”, in *ECFR Policy Briefs*, 14 December 2023, <https://ecfr.eu/?p=115665>.

As has been roundly cited by human rights advocates, the EU Ombudsman and some European officials,¹⁷ the EU's failure to include meaningful oversight and accountability for past and future human rights abuses in Tunisia exposes the EU to further complicity with violence and abuse. This stands in direct contradiction to both EU law and oft-stated European values.

If informal migration to Tunisia cannot be significantly deterred by current or planned EU and Tunisian policy, and if onward irregular migration from Tunisia cannot be significantly deterred due to corruption by security forces and general state weakness, what options are left for EU policymakers, especially those who want to prevent complicity in grave abuses of migrants? In the immediate term, the EU must be willing to place firm conditionality on any migration management deal with Tunis, even at the risk of blowing up the deal. This would, at a minimum, include halting the abuse of migrants by the TSF, particularly the practice of summarily detaining and expelling migrants to border areas; investigating and holding accountable TSF elements involved in human smuggling and abuses of migrants; and facilitating a major expansion of emergency aid

¹⁷ European Ombudsman, *How the European Commission Intends to Guarantee Respect for Human Rights in the Context of the EU-Tunisia Memorandum of Understanding (SI/5/2023/MHZ)*, 13 September 2023, <https://www.ombudsman.europa.eu/en/case/en/64730>; Mared Gwyn Jones, "EU Lawmakers Clash over Tunisia Migration Deal, Denounce Lack of Results", in *Euronews*, 12 September 2023, <https://www.euronews.com/my-europe/2023/09/12/eu-lawmakers-clash-over-tunisia-migration-deal-denounce-lack-of-results>.

services for migrants through the Tunisian Red Crescent and Tunisian and international aid organisations.

The present dynamic, however, of obvious EU desperation for a deal gives all negotiating leverage to Saied, to the detriment of securing a deal that could be plausibly humane or effective. In consultations with Refugees International, senior EU officials in Tunis and Brussels expressed deep reluctance to place any meaningful oversight or accountability measures on EU–Tunisia migration cooperation, for fear that Saied would walk away. But if that is the case, the EU has *already* lost the prospect of a viable deal. The default scenario based on Tunisia's practices to date is that a new deal would do little to address the corruption that is partially enabling the spike in irregular migration, but *would* strengthen the hand of the security forces that have been responsible for systematic abuses. The EU would achieve little meaningful progress on migration in such a scenario but would face severe reputational exposure.

Taking a harder line with Tunisia would have risks – Saied may walk away from a deal that entailed meaningful accountability for abuses and measures to mitigate collusion with smugglers. But the levels of out-migration may not look all that different in either case. And at least by raising the discussion of accountability and oversight, the EU would have a chance to empower more responsible voices within the Tunisian system who have been appalled by the abuse, corruption and state breakdown witnessed through 2023.

In the longer run, the EU should also reconsider the viability of a deterrence-based migration policy in the Mediterranean. Nearly a decade of deterrence and externalisation policy has merely shifted irregular migration to different points, fed the growth of criminal networks that can monetise the desperation of migrants and made it considerably more dangerous, especially for the tens of thousands who have ultimately drowned.

There is an urgent need for the EU to explore and implement expansive, humanitarian-focused legal migration pathways. This pivotal shift can stand as the most effective and likely primary solution for a sustainable, long-term policy addressing irregular migration.

13 January 2024

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 (*Trends and Perspectives in International Politics* 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

www.iai.it

Latest IAI COMMENTARIES

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

- 24 | 02 Refugees International, *European and Tunisian Migration Policies: A Recipe for Failure and Suffering*
- 24 | 01 Riccardo Alcaro, *The Perfect Storm: Trump and USA 2024*
- 23 | 67 Aurelio Insisa, *Timing Is Everything: Italy Withdraws from the Belt and Road Initiative*
- 23 | 66 Max Münchmeyer and Pier Paolo Raimondi, *Between Security and Transition: Prospects for German-Italian Energy Cooperation*
- 23 | 65 Ghazi Ben Ahmed, *Critical Crossroads: Tunisia's Choice between a Comprehensive EU Partnership and Economic Collapse*
- 23 | 64 Leo Goretti, *The Olympics of Discontent: Paris 2024 and Russia's War against Ukraine*
- 23 | 63 Michaël Ayari and Riccardo Fabiani, *To Deal or Not to Deal: How to Support Tunisia out of Its Predicament*
- 23 | 62 Manuel Herrera, *Saudi Arabia's Nuclear Ambitions: Frozen Once Again?*
- 23 | 61 Rafael Ramírez, *The Lifting of Sanctions and the Oil Collapse of Venezuela*
- 23 | 60 Maria Luisa Fantappiè and Nathalie Tocci, *Europe is Stuck Over the Israel-Hamas War*