

QUALITATIVE REPORT

Migration and Cooperation in the Mediterranean: Beyond Divergent Priorities

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Migration policies developed in the Euro-Mediterranean region are strongly influenced by the image of a fortress Europe that is under siege and that seeks to control and counteract migratory movements in the Mediterranean. Reinforced by the rise of right-wing and extreme right-wing populism in recent years, this view has largely shaped the European Union's relations with its Mediterranean neighbours, to the extent that migration is arguably one of the most important issues shaping Euro-Mediterranean relations today.

The current Euro-Mediterranean migration governance system reflects the European security-migration nexus in which different forms of cooperation interact and intersect with each other, creating a complex regulatory regime (Alter & Meunier, 2009; Betts, 2011; Ahouga, 2013). The aim of this analytical article is to shift the focus away from the European Union (EU) in order to gain a more comprehensive understanding of the priorities of the southern Mediterranean countries, which are grappling with complex migration realities.

It is important to cross perspectives of the North and South of the Mediterranean on migration so as to grasp the issues at stake in their entirety and to allow for a mutually beneficial partnership in this area.

European perspective on main policy areas and cooperation priorities

Since the introduction of free movement in the 1980s, the EU has become involved in the processing of the entry and exit of non-nationals, which had previously been a matter of sole state discretion. Migration and asylum issues have since become areas of shared competence between the EU and its Member States. The Europeanisation of migration management has been mainly directed towards the fight against irregular

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immigration, which is widely perceived as a security threat (Bigo, 1998; Gabrielli, 2007). This conception is formalised in the Schengen agreements themselves, in which migration seems to have been viewed from a security perspective in the same way as terrorism or organised crime (Brochmann, 1999). The development of this perception owes much to the amalgams that often associate illegal immigration with jihadist terrorism and trafficking of all kinds (Alami M'chichi, 2005). The attacks of 11 September 2001 reinforced this European security approach and consolidated the security conception and treatment of migration (Rakkah, 2009). In the aim of rationalising incoming migration flows, European states have sought to involve third countries of origin and/or transit of migration flows in migration management and control through various national, bilateral, or multilateral initiatives.

A series of multilateral mechanisms involving countries on both sides of the Mediterranean has been developed by European states over the past two decades to form what is now the Euro-Mediterranean system of migration governance. The latter is the result of various exploratory attempts by European states to contain irregular migration.

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The Barcelona Declaration of 1995, which constitutes the founding act of the Euro-Mediterranean Partnership, aims to create a free trade area. It does not mention free movement of persons, which is enshrined as one of the four fundamental freedoms of the EU. The Barcelona Declaration betrays the primacy of a Eurocentric logic by devoting two paragraphs to migration in which it is notably foreseen to “establish closer cooperation in the areas of illegal immigration” and to “adopt the relevant provisions and measures, by means of bilateral agreements or arrangements, in order to readmit [partners'] nationals who are in an illegal situation” (Barcelona Declaration, 1995).

It is from the 2000s onwards that migration has become a salient issue in Euro-Mediterranean cooperation. This was reflected in the re-launch of the 5+5 Dialogue in 2001¹, which established regular meetings between foreign ministers and interior ministers. Migration issues are an integral part of the Conference of Ministers of the Interior of the Western Mediterranean (CIMO), notably through the working group on the movement of persons and the fight against irregular migration. The European Neighbourhood Policy (ENP) launched in 2004 complements the EU's Mediterranean policy by proposing to neighbouring countries the deepening of political relations and greater economic integration. These two European initiatives crystallise the issues of cooperation in the fight against irregular immigration.

¹ The Forum for Dialogue in the Western Mediterranean, better known as the 5+5 Dialogue, is the oldest Mediterranean meeting framework. Launched in 1990 in Rome, this subregional forum, which is intended to be informal, was not very active until the early 2000s. It brings together five countries on the northern shore (Italy, France, Spain, Portugal, and Malta) and the five countries of the Arab Maghreb Union (Morocco, Algeria, Tunisia, Libya, and Mauritania).

In addition to these, regional dialogue frameworks on migration have been created, such as the Rabat and Khartoum processes, which are intended to be spaces for dialogue and consultation in order to respond together to development and migration-related issues. In reality, these are more mechanisms aimed at influencing the framework of representation of the migration phenomenon towards a greater securitisation and judicialisation of the migration fact. This is because the various works within the framework of these processes focus much more on the means to combat irregular migration than on the organisation of legal migration and the strengthening of synergies between migration and development.

Through its various initiatives, the EU has been, unsuccessfully, trying for more than two decades to conclude readmission agreements with the southern Mediterranean neighbourhood. The fears aroused by the events that have shaken some Arab countries have led the European states to develop a new partnership offer: the Mobility Partnerships. This proposal, which targeted Morocco, Tunisia, Egypt, Lebanon, and Jordan², is not legally binding. They are commonly perceived as a declaration of intent for an exchange of concessions: visa facilitation for nationals in exchange for the signature of a readmission agreement for nationals and third-country nationals. Although readmission is a main European priority, it is clear that negotiations on these agreements have stalled due to resistance from southern Mediterranean countries.

Southern Mediterranean countries are only timidly participating in the numerous European initiatives. In order to address the lack of cooperation on migration, the EU seems to be gradually introducing a certain “migration conditionality” (Perrin, 2009; El Qadim, 2018). Indeed, the European Council held in Seville in June 2002 already provided for the insertion of a clause on the joint management of migration flows (as well as on compulsory readmission in the event of irregular situation) in any future EU agreement with a third country.

Faced with the rise of populism and the various electoral deadlines, European actors are engaging in various strategies to prompt the southern Mediterranean countries to become more involved in the external management of migration flows. At the end of September 2021, France decided, for example, to drastically reduce the issuance of visas to Moroccan, Algerian and Tunisian nationals. This decision was made to sanction their governments, that were considered uncooperative in granting the consular passes necessary for the readmission of people back to their countries of origin.

² Only Morocco (June 2013), Tunisia (March 2014) and Jordan (October 2014) have signed the Mobility Partnership with 9, 10 and 12 EU Member States respectively.

Southern Mediterranean countries' perspective on main migration policy areas and cooperation priorities

The external migration governance of the EU since the 2000s has strongly influenced the framework of representation of the migration phenomenon in the southern Mediterranean countries

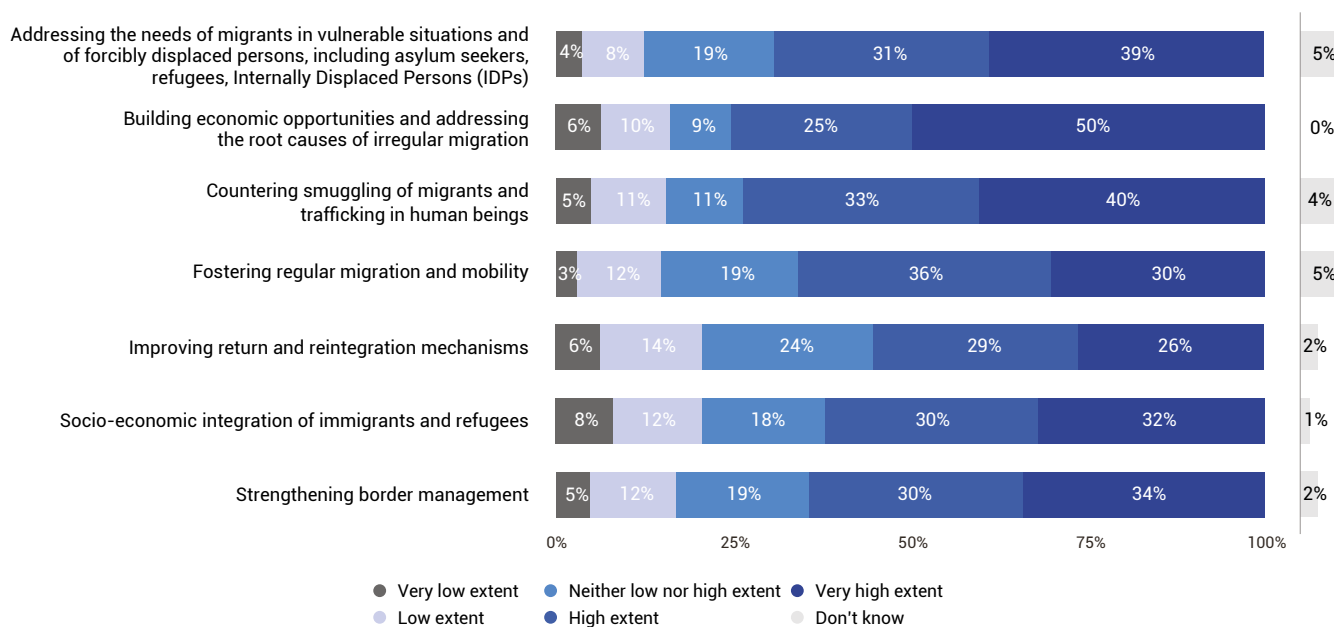
The external migration governance of the EU since the 2000s has strongly influenced the political framework of the migration phenomenon in the southern Mediterranean countries. This was reflected in the adoption in the early 2000s of restrictive legislation. For example, Law 02-03 relative to the entry and stay of foreigners and to irregular emigration and immigration, which was adopted by Morocco in 2003, heavily criminalises irregular migration and transit. Similar security provisions were subsequently adopted in other Maghreb countries, notably Tunisia (Law 2004-06 of 3 February 2004), in Libya (amendment in 2005 of Law 6 of 1987) and finally in Algeria (Law 08-11 of 25 June 2008 on the conditions of entry, residence and movement of foreigners in Algeria) (Perrin, 2009).

The external dimension of European migration policies seems to ignore the migration realities of the southern Mediterranean countries and their priorities (Del Sarto, 2010). Contrary to the prevailing perception, the Maghreb and Mashrek countries are not only countries of origin or transit, they are also countries of settlement for many migrants, asylum seekers and refugees. This can be illustrated by the 2 million foreigners who were living in Libya under Gaddafi, for example (Perrin, 2011). Also, the population movements generated by the consequences of the events that have shaken the Arab world in the last decade have mainly been towards neighbouring countries. Of the 6.6 million Syrian refugees worldwide, 5.6 million are hosted in countries neighbouring Syria – mainly Turkey, Lebanon, and Jordan (UNHCR, 2021).

The EMM5-EuroMeSCO survey “revealed that the area of migration policy considered by the respondents as the most important for their respective countries is “Building economic opportunities and addressing the root causes of irregular migration”. Indeed, 75% of respondents rated this area as being of high or very high importance.

GRAPH 1

Q.1 To what extent do you consider that the following areas of migration policy are important for your country?



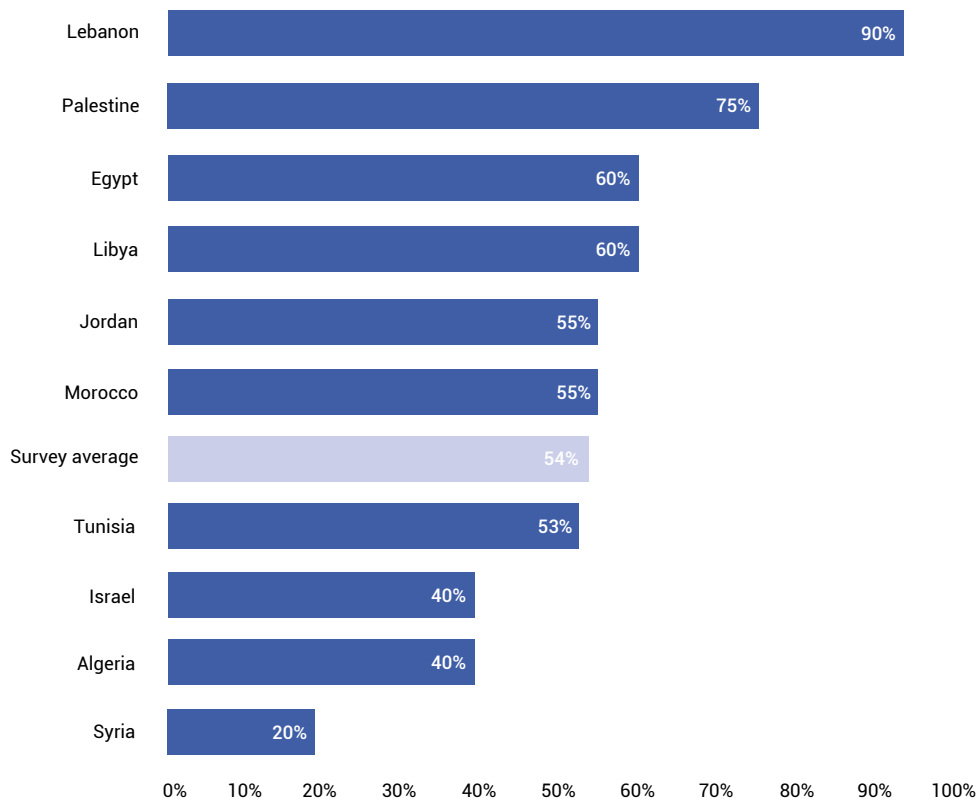
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

This indicates that respondents want to limit irregular migration. To this end, they prefer substantive work to be carried out upstream, by addressing the root causes of the phenomenon through the creation of economic opportunities, rather than through the strengthening of border management or downstream through the improvement of return and reintegration mechanisms. The latter area is considered the least important (55% of respondents considered it as high or very high vs. 20% low and very low).

The data broken down by country, however, reveals important differences in the assessment of this area between countries. Indeed, return and reintegration mechanisms enjoy a high degree of interest for respondents in countries hosting large foreign populations such as Lebanon (90% of high or very high answers) where a high number of Palestinian and Syrian refugees live. Return and reintegration schemes are also an important issue for Palestinian respondents (75% of high or very high answers), as the right to return is one of the main demands of the Palestinian people.

GRAPH 2

Q.1 To what extent do you consider that the following areas of migration policy are important for your country?
Improving return and reintegration mechanisms (% of high and very high answers)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Respondents call for a rethinking of migration management by placing the treatment of human beings at the centre of migration-related issues

Through their answers, the respondents call for a rethinking of migration management by placing the treatment of human beings at the centre of migration-related issues. Indeed, the second and third most important areas for respondents were “Countering smuggling of migrants and trafficking in human beings” and “Addressing the needs of migrants in vulnerable situations and of forcibly displaced persons, including asylum seekers, refugees, Internally Displaced Persons (IDPs)” (see graph 1).

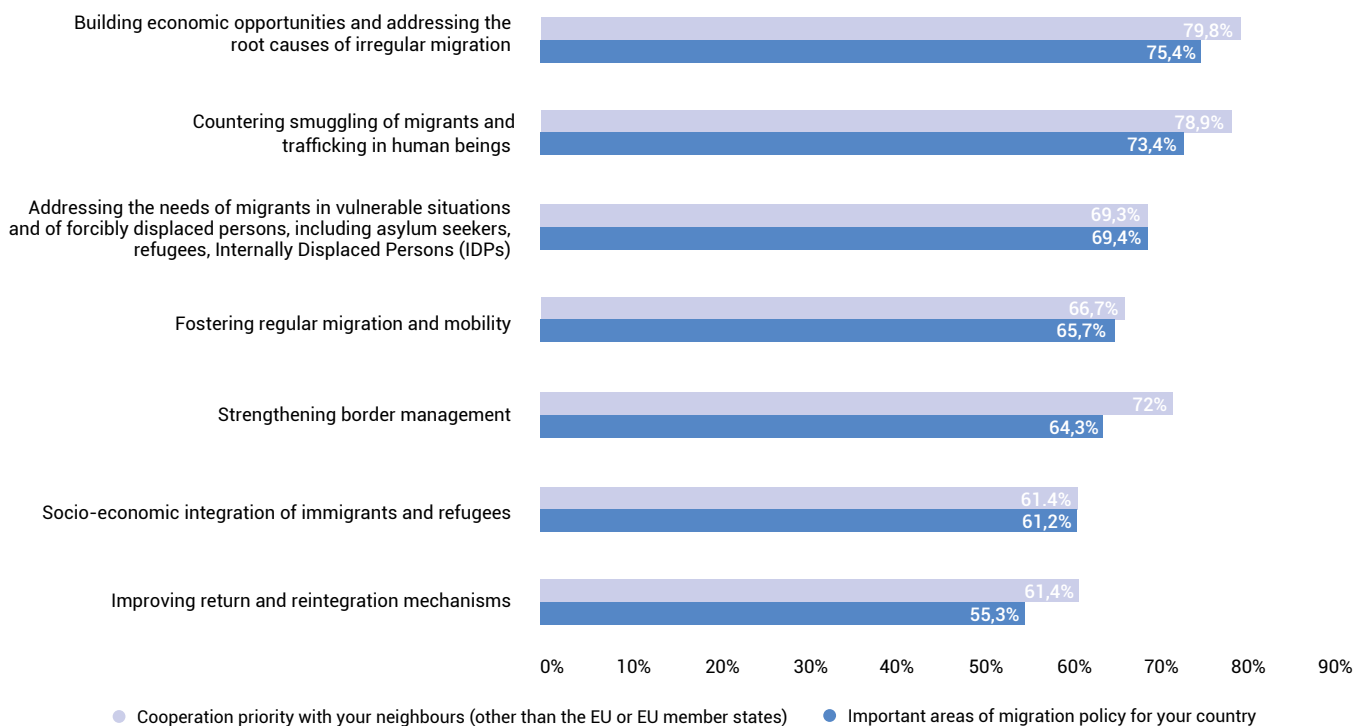
This approach was really manifested by Morocco in 2013 when they initiated a new migration policy to promote a humanistic treatment of migration and migrants. The national strategy on immigration and asylum adopted by Morocco is unique in the region and has resulted in concrete progress, such as two large-scale regularisation operations for migrants carried out in 2014 and 2017 and the adoption of a law

against human trafficking. Even though driven by geostrategic interest and suffering from incomplete implementation, the launch of the Moroccan migration policy marks a major paradigm shift in the Mediterranean region (Benjelloun, 2021).

The survey also addressed cooperation between Southern and Eastern Mediterranean countries and their neighbours – other than the EU or EU Member States – in areas of migration policy. The received results show broadly the same levels of perceived importance for areas of migration policy. This again reveals the willingness of policymakers, experts and civil society representatives from Southern and Eastern Mediterranean countries to cooperate, together, to tackle the root causes of irregular migration, smuggling and trafficking in human beings in addition to addressing the needs of migrants in vulnerable situations.

GRAPH 3

Important migration policies and cooperation priorities (% of high and very high answers)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

Beyond divergent priorities

While Europe continues to focus on the security approach to migration, southern Mediterranean countries call for the adoption of policies that are more comprehensive and more in line with their migration profiles.

From the above, it appears that northern and southern Mediterranean countries have divergent views on priority areas of cooperation in migration management. While Europe continues to focus on the security approach to migration, southern Mediterranean countries call for the adoption of policies that are more comprehensive and more in line with their migration profiles. Indeed, a number of countries in the southern Mediterranean have become in recent years, partly as a result of European migration policies, countries of settlement for migrants. These new realities require that Mediterranean cooperation frameworks be particularly concerned with the reception and integration of migrants.

It seems necessary for the EU to operationalise, in collaboration with its southern partners, cooperation instruments for the conduct of a constructive dialogue that will allow for a better understanding and reconciliation of the priorities of both sides. These actions will enable all stakeholders to be fully involved in finding common solutions and thus contribute to the construction and redefinition of comprehensive migration management policies in the Mediterranean area (Papagianni, 2013).

The recent actions of the European Commission in favour of a New Pact on Migration and Asylum as well as the New Agenda for the Mediterranean can constitute adequate frameworks for cooperation and dialogue. Indeed, one of the objectives of the New Pact on Migration and Asylum proposed by the European Commission in September 2020 is to address the concerns of third countries. To this end, the EU promotes the conduct of tailor-made and mutually beneficial partnerships. Furthermore, the new Mediterranean agenda, presented in February 2021, calls on countries on both shores to jointly address the challenges of forced displacement and irregular migration and to promote legal and safe channels for migration and mobility. Adequately mobilising this new framework for migration partnership is key to reconcile diverging priorities.

References

AHOUGA, Y. (2013). *La gouvernamentalité de la régulation des migrations euro-méditerranéennes, le cas du Maroc et de l'UE (Mémoire de master)*. Institut d'études politiques et internationales - Faculté des sciences sociales et politiques - Université de Lausanne (UNIL).

ALAMI M'CHICHI, H. (2005). La migration dans la coopération UE-Maroc entre tentative de gestion institutionnelle et pragmatisme. In H. Alami M'chichi, B. Hamdouch, & M. Lahlou, *Le Maroc et les migrations* (pp. 13-41). Friedrich Ebert Stiftung.

ALTER, K., & MEUNIER, S. (2009). The Politics of International Regime Complexity. *Perspectives on Politics*, 7 (1), pages 13-24.

BARCELONA DECLARATION (1995). Declaration adopted at the Euro-Mediterranean Conference - 27-28/11/1995.

BENJELLOUN, S. (2021). Morocco's new migration policy: between geostrategic interests and incomplete implementation. *The Journal of North African Studies*, 26 (5), page 875-892.

BETTS, A. (2011). The Global Governance of Migration and the Role of Transregionalism. In R. Kunz, S. Lavenex, & M. Panizzon (Ed.), *Multi-Layered Migration Governance: The Promise of Partnership* (pp. 23-45). Routledge.

BIGO, D. (1998). Sécurité et immigration : Vers une gouvernamentalité par l'inquiétude ? *Cultures & Conflits*, 31-32 (3), pages 13-38.

BROCHMANN, G. (1999). Controlling Immigration in Europe. In G. Brochmann, & T. Hammar (Ed.), *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies* (pp. 297-334). Berg.

DEL SARTO, R. (2010). Borderlands: The Middle East and North Africa as the EU's Southern Buffer Zone. In D. Bechev & K. Nicolaidis (Ed.), *Mediterranean Frontiers: Borders, Conflict and Memory in a Transnational World* (pp.149-167). I. B. Tauris.

GABRIELLI, L. (2007). Les enjeux de la sécurisation de la question migratoire dans les relations de l'Union européenne avec l'Afrique : Un essai d'analyse. *Politique européenne*, 22 (2), pages 149-173.

PAPAGIANNI, G. (2013). Forging an External EU Migration Policy: From Externalisation of Border Management to a Comprehensive Policy? *European Journal of Migration and Law*, 15 (3), pages 283-299.

PERRIN, D. (2009). Sémantique et faux-semblants juridiques de la problématique migratoire au Maghreb. *Migrations Société*, 123-124 (3), pages 19-50.

PERRIN, D. (2011). Fin de régime et migrations en Libye : Les enseignements juridiques d'un pays en feu. *L'Année du Maghreb*, VII, pages 285-301.

RAKKAH, A. (2009). La politique européenne en Méditerranée. *Oasis*, 14, pages 105-114.

UNHCR (2021). *Emergency in Syria*.
<https://www.unhcr.org/syria-emergency.html?query=emergency%20in%20syria>

Irregular Migration Across the Mediterranean: The Long Road Ahead to Revamp Partnerships

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Irregular migration is here to stay

Over the past year and a half, as the pandemic wreaked havoc on the global economy and forced most of the world into lockdowns, migration has taken a back seat in policymakers' agendas. Yet, migration across the Mediterranean region has not "disappeared": despite all odds, it is already on the rise and can be expected to rise further in the near future.

The respondents of the survey, who all hail from Southern Mediterranean countries, seem to be deeply aware of this fact. Asked whether they believed if irregular migration is likely to continue to increase in the future, over 80% of them answered affirmatively, both when they were asked about migrants from other countries, and about intentions to migrate of their fellow citizens. Those respondents who identified the main driver of irregular migration as conflict or instability, or as a lack of socio-economic perspectives, were the most adamant in believing that migration was also likely to increase, with over or close to 90% of the interviewees answering positively.

This comes as no surprise to observers of migration trends. Years before the 2015 "refugee crisis" that brought 1.2 million irregular migrants to Europe in the span of eight months, irregular migration across the Mediterranean had been rising slowly but steadily. According to own data compiled from official sources, between 2002 and 2008 irregular crossings across the Mediterranean and Western African (i.e., Canary Islands) routes averaged around 39,000. These numbers roughly doubled between 2009 and 2013, as irregular border crossings detected by Frontex along the Western, Eastern and Central Mediterranean routes, plus Western Africa averaged 78,000 per year (Frontex, 2021).

Over the past five years, as the "refugee crisis" subsided and previous trends resumed, irregular border crossings by sea increased and forecast models predict that regular or irregular migration to Europe will continue to slowly but steadily rise over the next two decades

The paradox of the pandemic: while its public health effects were prompting governments to restrict regular travel, its economic effects were driving irregular cross-border mobility further up.

Over the past five years, as the “refugee crisis” subsided and previous trends resumed, irregular border crossings by sea increased by another 67%, averaging roughly 130,000 each year (Frontex, 2021). Moreover, a number of forecast models predict that (regular or irregular) migration from Africa, Asia, or Southern Mediterranean countries into Europe will continue to slowly but steadily rise over the next two decades (Villa 2020, European Commission, 2019, Bijak, 2016).

Within this context, the pandemic has only exacerbated previous trends. The collapse in regular migration, as border crossings closed and lockdowns ensued, was soon offset by a noticeable increase in irregular flows along certain routes, particularly from Africa. This increase highlights the paradox of the pandemic: while its public health effects were prompting governments to restrict regular travel, its economic effects were driving irregular cross-border mobility further up. At the same time, the pandemic further “regionalised” irregular migration, with the average distance travelled by irregular migrants to reach Europe becoming shorter compared to 2014-2019 trends (Villa, 2021).

All in all, in the post-pandemic period (since March 2020 until September 2021) more than 165,000 irregular migrants managed to reach EU countries by sea.¹ At least another 40,000 were intercepted by the Libyan Coast Guard and brought back to Libya,² and less complete data from the Turkish, Moroccan, and Tunisian coast guards suggest that, overall, close to a quarter of a million of irregular migrants attempted the risky Mediterranean sea route.

Meanwhile, regular migration channels to EU countries shrunk to the lowest level since at least 2008. Last year, first residence permits released by 25 EU countries that have disclosed this information so far dropped by a staggering 30% compared to 2019, from 2.8 to less than 2 million (Eurostat, 2021). This drop, that Camie (2020) estimated as the steepest since the start of the Second World War, was even more dramatic for some large EU countries such as Italy (-75%) and Germany (-68%) which, alone, made up almost a quarter of all residence permits released by EU countries in 2019.

Further instability is increasing irregular migration pressure

When respondents to the EMM5-EuroMeSCo Euromed Survey were asked about the drivers of irregular migration, they provided different answers depending on whether the migrant was fellow citizen or a person travelling from a third country. Respondents largely ascribed migration of their own citizens to a lack of socio-economic

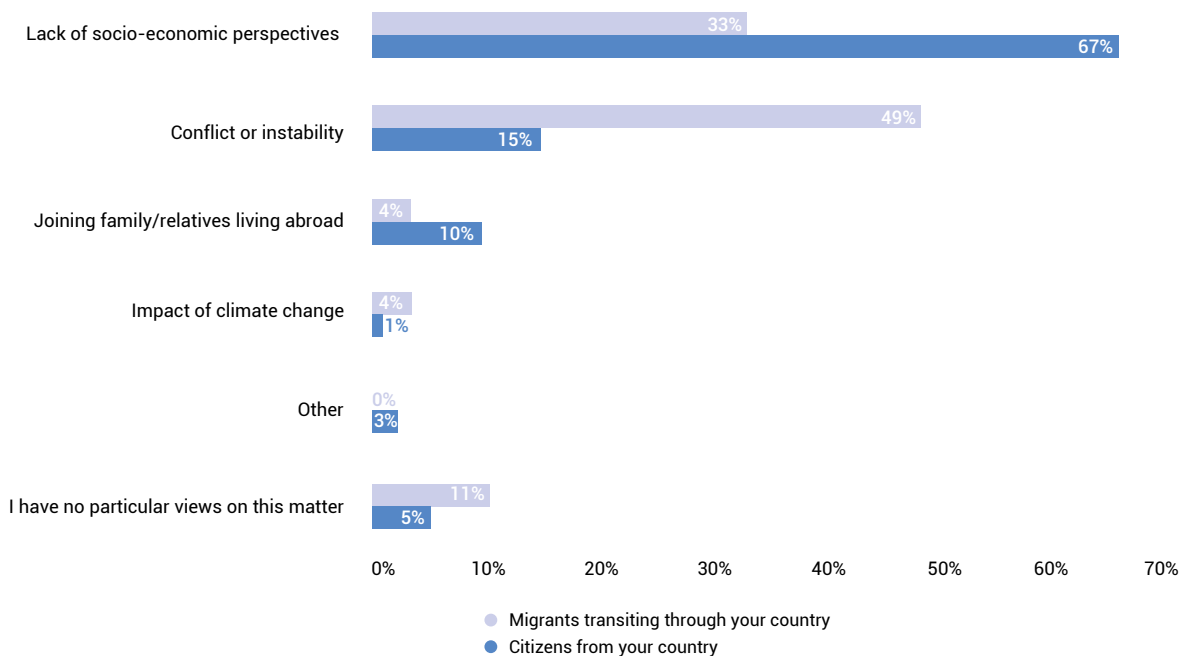
¹ Author’s calculations on monthly data released by UNHCR (Operational Data Portal, Mediterranean Situation, accessed on 13 October 2021).

² Author’s calculations on weekly data released by IOM (Libya Maritime Update, 3-9 October 2021).

perspectives or joining relatives living abroad (for a total of 67% of respondents choosing either), and just 15% to conflict or instability. On the other hand, they also responded that transiting migrants were driven to move around half of the time (49%) by conflict or instability, and 33% of the time by a lack of socio-economic perspectives or to join relatives.

GRAPH 1

Q.8 What is the main driver of outwards irregular migration from your country?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

This belief coincides with reality, reflecting quite closely what we know from data on irregular migration from Tunisia and Morocco, on the one hand, and Libya and Turkey, on the other. Most if not all Moroccans and Tunisians who arrive at Spain's or Italy's shores move for economic reasons. Very few of them are granted asylum or any other kind of international protection, such as the EU-level subsidiary protection or some other nationally-mandated third level of protection. Contrary to this, migrants reaching the EU irregularly from Libya or Turkey are overwhelmingly transiting migrants and have a much higher likelihood to be granted some form of international protection. These two separate drivers impacted in separate but interacting way on the dynamics of post-pandemic irregular migration, and as such deserve closer scrutiny.

Tunisia

For years, Tunisia has been plagued by chronic unemployment, compounded by a volatile socio-political climate in the years after the Jasmine Revolution of 2011. During the pandemic, border closures and the collapse of air traffic struck a serious blow to a country whose economy is heavily dependent on tourism, which accounts for about 8% of national GDP and employs close to 400,000 people, i.e. about 10% of the workforce. This serious blow has come just a few years after the terrorist attacks that had already been reducing the country's attractiveness as a tourist destination since 2015.

According to official data, tourist arrivals in Tunisia suffered an almost total wipe-out between April and June last year, and in December were still down by 90% if compared to the year before (UNWTO, 2021).³ Meanwhile, tens of thousands of Tunisian seasonal migrants found themselves unable to reach Italy and other European destinations through regular channels. This was followed by a rapid increase in irregular sea arrivals from Tunisia to Italy. In the period January-September, migrants reaching Italy from Tunisia rose from 1,800 in 2019, to 8,800 in 2020 (a five-fold increase), and then again to 14,600 in 2021. What is more, between July 2020 and September 2021, over two thirds of these arrivals were Tunisians, whereas between 2013 and 2019 arrivals were composed by a mixture of different (mostly Sub-Saharan) nationalities.

Morocco and the Canary Islands

Irregular arrivals to Spain rose significantly in the second half of 2018, only to collapse in the first half of 2019. This was in great part thanks to the cooperation of the Moroccan government, which stepped up the level of patrols carried out by its coast guard and deepened its coordination with EU counterparts.

The irregular route via the western Mediterranean almost closed in March-April 2020, at the height of the first wave of the pandemic in Europe, only to grow busier again and reach 2019 levels by September 2020. In the meantime, a second route – the direct route from West Africa to Spain's Canary Islands – reopened. The high number of arrivals recorded in 2020 (over 23,000, 82% of which were concentrated in the last four months of the year) is reminiscent of the "Cayucos crisis" which brought around 35,000 irregular migrants to the archipelago between 2005 and 2006, at the time prompting the Spanish government to create detention and repatriation centres that have been reopened in recent months.

³ UNWTO, "World Tourism Barometer", 18:7, December 2020.

Libya

In Libya, a number of migrants living in the country face dire conditions. Sub-Saharan African migrants reaching Libya with the explicit purpose to cross to Europe irregularly probably face the worst conditions, regardless of whether they are held in detention centres or live in urban environments (Council of Europe, 2021). It is not surprising, therefore, that even in March 2020, at the peak of the pandemic in Italy, many migrants and asylum seekers in Libya boarded boats just the same, in the hope of reaching north. This trend only increased over the months, and has reached levels not seen since 2017. In the period January-September 2021, irregular migration from Libya to Italy rose from just 1,400 in 2019 to 7,800 in 2020 (a five-fold increase), and then more than doubled again to 18,100 in 2021.

The EU policy toolbox – a precarious balancing act?

Half a decade on since Europe's "refugee crisis", European governments are still looking for a shared solution to the problems of internal solidarity, coordination and harmonisation of migration and refugee policies. In 2020, the package of European Commission proposals branded the "New Pact on Asylum and Migration" was first pushed back for more than six months from its original release schedule, and after its launch it was for the most part overlooked by Member States unable to find common ground on the solidarity part of the package (i.e., how to receive irregular migrants and handle asylum applications within the EU). As often happened in the past, common ground between EU countries was largely to be found in improved (and more financed) border management, as well as in increased cooperation with third countries (especially in the fields of return and reintegration).

These are largely a continuation of policies established since 2015, when the Trust Fund for Africa was launched as a financial instrument designed to foster development, strengthen trust, as well as leverage aid for cooperation of third countries in the control of irregular transits through their territory. Reinforcing external borders is also a continuity policy: while 2016 saw the approval of a proposal to transform Frontex from the European Agency for the Management of Operational Cooperation at the External Borders into the European Border and Coast Guard Agency, in 2020 proposals focused on further tightening the screening of any irregular migrants entering the EU, and on strengthening the mechanisms for their repatriation.

Yet, the scarcity of essential workers during the pandemic has shown that labour migration has become crucial for both northern and southern Mediterranean countries (Kumar et al., 2021). Indeed, current estimates show that, on average, 13% of migrant workers are employed in essential occupations in EU countries (Fasani and Mazza, 2020). Moreover, the recent increases in irregular crossings are evidence that, by closing down regular channels, irregular ones are poised to swell – especially when the propensity to migrate increases, such as during local or regional recessions.

In the New Pact on Asylum and Migration, common ground between EU countries was largely to be found in improved (and more financed) border management, as well as in increased cooperation with third countries (especially in the fields of return and reintegration)

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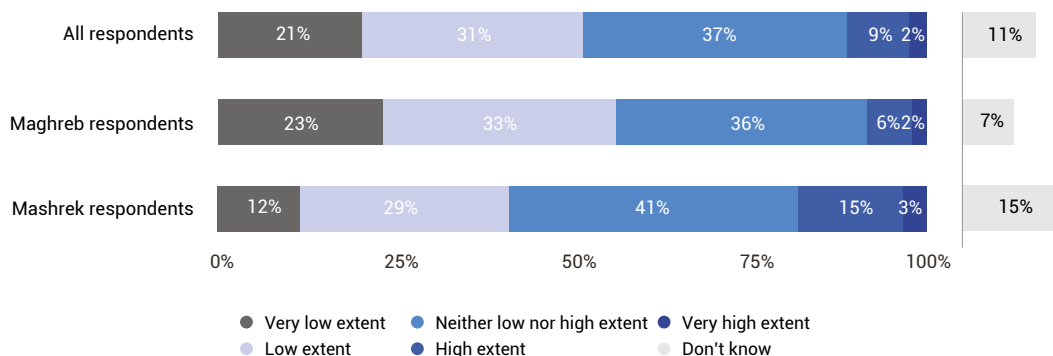
The debate over migration governance across the two shores of the Mediterranean has grown increasingly polarised. [...] This risks harming the relations between countries from the two shores, and to further entrench positions.

Despite the clear need for mending a “limping” intra-Mediterranean migration system, the debate over migration governance across the two shores of the Mediterranean has grown increasingly polarised. While European policymakers focus their attention on discouraging irregular migration and furthering returns, countries from the southern shore have called for widened regular migration channels (regarding benefits from remittances as being larger than the “brain drain”), and for opportunities for dialogue that do not necessarily revolve around migration. This risks harming the relations between countries from the two shores, and to further entrench positions.

Results from the survey are quite adamant: Southern Mediterranean respondents do not think the EU has been very successful in assisting their country to tackle the drivers of irregular migration. In fact, 52% of respondents rate the EU’s success in this area as “low” or “very low”, while just 11% rate it “high” or “very high”. While only marginally, this poor result further drops in the specific region of Maghreb (56% rate the EU’s success as “low” or “very low”), despite – or, possibly, exactly because – the region has been often targeted by the EU’s efforts to reduce irregular border crossings over the past decade.

GRAPH 2

Q.11 To what extent has the EU been successful so far in assisting your country to tackle the driver/s you identified in Q8? (see graph 1)
Citizens from your country

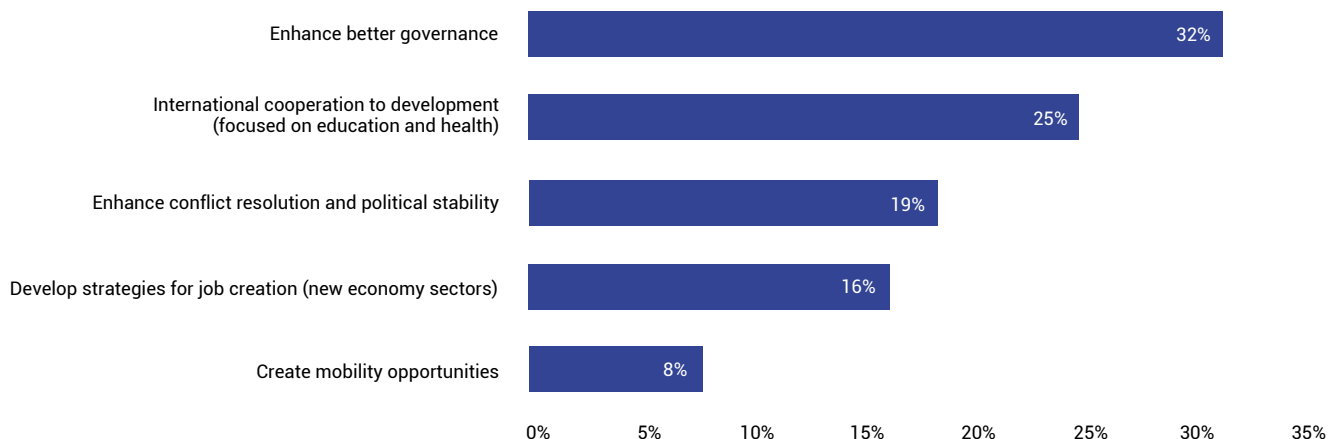


Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Wither from here? Surely, while positive steps in migration dialogue have been few and far between as of late, they have not been absent. In fact, some proposals stand out for pointing in the right direction, striving to move towards mutually beneficial partnerships. When asked what should be done to reduce irregular migration, survey respondents single out enhancing migration governance (32%) and increasing international cooperation for development (25%), focusing especially on education and health. Another 24% points at developing strategies for job creation or creating mobility opportunities.

GRAPH 3

Q.10 Taking into account the main driver/s you identified in Q8, what should be done to reduce iregular migration?
(categories developed from the open-ended answers)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

All this seems to fall within the remit of skills partnerships, cooperation projects that aim to address skills shortages in destination countries, while benefiting origin countries with technical and vocational education and training targeted to prospective migrants. Last June, the European Commission launched Talent Partnerships, which aim to match “the skills of workers from countries outside the EU with the labour market needs inside the EU” (European Commission, 2021). Presenting them as an explicit way to “replace irregular migration with legal pathways”, EU Commissioner for Home Affairs Ylva Johansson stroke all the right chords, emphasising that the need for legal migration is there, and that investing in education and training in third countries presents benefits that clearly outweigh the costs.

A second project worth mentioning is the EU Global Diaspora Facility (EUDiF), a pilot project launched by the European Commission in 2019, working to consolidate efforts of diaspora engagement for development. There is a sore need for strong initiatives on migration diplomacy, especially those that could help addressing the fragmentation of diaspora engagement for development purposes, given that diasporas play an increasingly important role for the co-development of destination and origin countries (Villa et al., 2021). At the design, planning and implementation levels, diaspora engagement often remains quite strictly tied to bilateral relations, with one host and one origin country at its core. In this context, the EU is right to leverage regional initiatives to coordinate and support diaspora engagement, coordination, and the dissemination of best practices, and should work to strengthen such initiatives moving forward.

In order to make [the EU Blue Card] useful to shift irregular migration towards legal channels, the EU Blue Card [...] should move “down” the human capital chain, and offer ways to enter the EU to mid- and low-skill workers.

Finally, a third initiative that could be explored is the revamping of the EU Blue Card. In order to make it useful to shift irregular migration towards legal channels, the EU Blue Card (currently aimed at, and limited to, high-skill workers) should move “down” the human capital chain, and offer ways to enter the EU to mid- and low-skill workers. The share of migrant essential workers shows the benefits of such a move: on average, in EU countries, around 36% of key workers in the low-qualification “cleaners and helpers” profession are foreign born, and around three quarters of these are non-EU citizens. A similar share of the 24% key migrant workers in “mining, construction, manufacturing and transport” occupations were born outside of the EU (Fasani and Mazza, 2020).

To conclude, there are ample opportunities to enhance migration partnerships across the two shores of the Mediterranean. The best way forward to restore confidence in migration policy dialogues is to explore ways to strengthen legal migration pathways, and to do so at all skill levels. By working on positive incentives to regular migration, Mediterranean countries could go back to tackling irregular migration from a position of strength, while at the same time moving towards a future in which migration along the two shores of the Mediterranean really becomes a “triple win”.

References

BIJAK J. (2016), "Migration forecasting: beyond the limits of uncertainty", IOM GMDAC Data Briefing Series, 2016:6.

CAMIE J. (2020), "International Migration amid a World in Crisis", *Journal of Migration and Human Security*, 8:3, pp. 230-245.

COUNCIL OF EUROPE (2021), *A distress call for human rights – The widening gap in migrant protection in the Mediterranean*, March 2021.

EUROPEAN COMMISSION (2019), *Many More to Come? Migration from and within Africa*, Joint Research Centre, Luxembourg, Publications Office of the European Union, 2018.

EUROPEAN COMMISSION (2021), "Talent Partnerships: Commission launches new initiative", press release, 11 June 2021.

EUROSTAT (2021), "Residence permits – statistics on first permits issued during the year", accessed on 13 October 2021.

FASANI F., MAZZA J. (2020), "A vulnerable workforce: migrant workers in the Covid-19 pandemic", JRC Technical Report.

FRONTEX (2021), Detections of illegal border-crossings statistics, accessed on 14 October 2021.

KUMAR C., OOMMEN E., FRAGAPANE F., FORESTI M. (2021), "Beyond gratitude: Lessons learned from migrants' contribution to the Covid-19 response", ODI, Working Paper 605.

UNWTO (2020), *World Tourism Barometer*, 19:4, July 2021.

VILLA M. (ED., 2020), *The Future of Migration to Europe*, ISPI.

VILLA M. (2021), "Migration and Covid-19: Europe at a Standstill", in Colombo A., Magri P. (eds. 2021), *The World and the Pandemic: Europe's Hour?*, ISPI Report 2021.

VILLA M. ET AL. (2021), "Supporting Diasporas During and After Covid-19. Improved Roles for Global, Regional and Local Governance", Policy Brief, T20 Migration Task Force, September 2021.

The Danger of a Single Story: the Migrant Smuggling Narrative

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The narratives of the facilitation of irregular migration for profit as a crime in the hands of transnational criminal groups, appear consistently in the language used by academics, policy makers and civil society to describe migrant smuggling across Europe

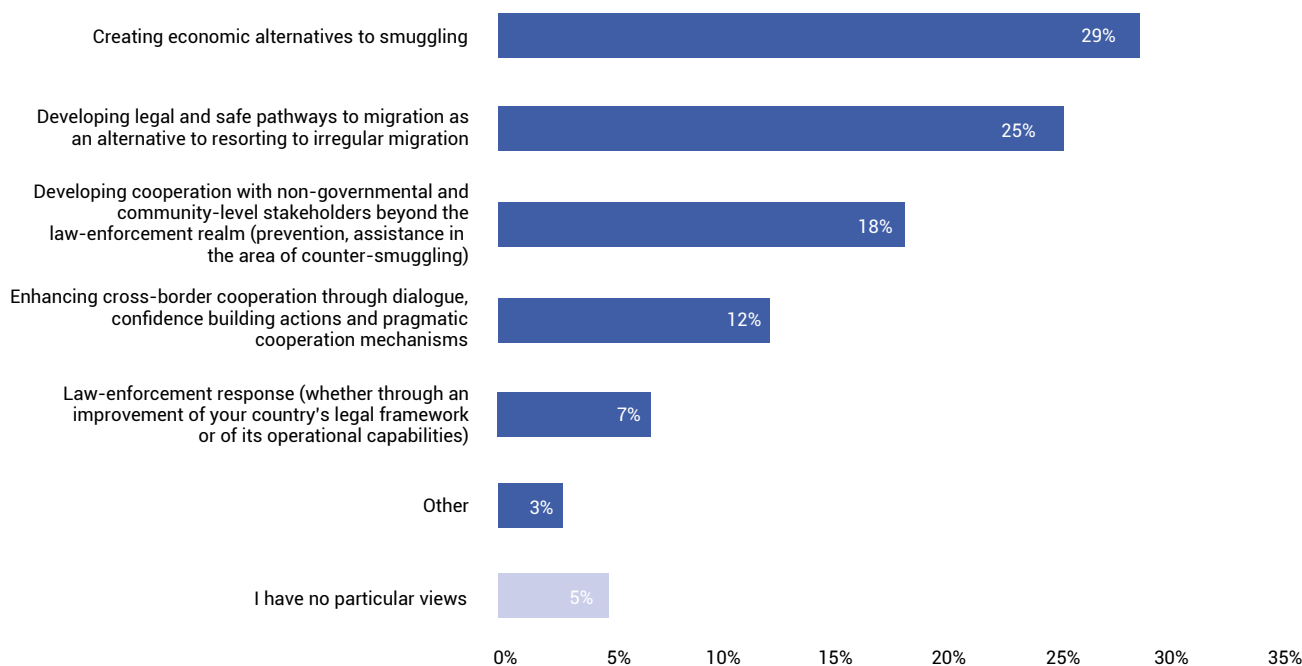
There is a deep-rooted and well-defined set of ideas at the core of the EU's migrant smuggling discourse. These ideas' resilience is evident in the very ease in which whenever asked about what migrant smuggling stands for, most people can easily articulate how it is carried out by ethnic mafias and other foreign groups pertaining to transnational organised crime, and that the thousands of deaths involving migrants on route to Europe can easily be traced to the despicable actions of the members of these heinous organisations.

Many of the responses to the EMM5-EuroMeSCo Survey Report regarding migrant smuggling echoed these claims. In fact, the narratives of the facilitation of irregular migration for profit as a crime in the hands of transnational criminal groups, and the implications this has on migrants' lives appear consistently in the language that everyone from politicians to academics to policy makers and civil society use to describe migrant smuggling across Europe, the Mediterranean and beyond.

The solutions some of the survey's respondents made to counter smuggling are also strikingly similar to those proposed by politicians and policy makers at large. For example, in the survey, respondents called for the need to dismantle the smugglers' business model and to counter the spread and influence of the groups behind it (key components of the EU's 2021-2025 Action Plan against Migrant Smuggling). Others argued that the only way to curtail the heinous crimes of smugglers requires countering the drivers behind migration, and called for the implementation of even more information campaigns that could communicate to vulnerable and naïve migrants the risks inherent to irregular migration, another common proposition made by policy makers. Other responses did make reference to smuggling's role as a pressing security issue afflicting cross-border cooperation, and to the need to identify its impacts on the interactions of countries throughout North Africa and the Sahel with the EU, yet another recommendation present in policy briefs and research reports.

GRAPH 1

Q.13 What is the most effective way to fight migrant smuggling?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

It would be a mistake not to recognize that migrant smuggling– the facilitation for profit of the irregular entry of a person into a country different from their own– does constitute a pressing security issue afflicting Europe and its neighbours in the Southern Mediterranean. Despite the pandemic, the number of migrants arriving irregularly to EU's coasts reached record numbers. An often-quoted Europol-INTERPOL report (2016) emphasized that most irregular entries by sea into the EU are in fact facilitated by smugglers. It is also undeniable that many of smuggling's actors– including those working for the state– often engage in criminal and violent acts that compromise the lives of migrants and their communities (Euromed Monitor, 2021).

And yet, a quick review of the literature on smuggling reveals that these claims and plenty of the articulated solutions to counter smuggling's reach have remained almost intact during the last twenty years. In other words, from the time the very term entered the international security lexicon, migrant smuggling has been largely articulated as a form of transnational threat (Kuschminder & Triandafyllidou, 2020) or under the control of greedy and violent racialised men constituted into gangs (Maher, 2018). The almost uncontrollable reach of these foreign gangs, we are told, constitutes an

The articulated solutions to counter smuggling's reach have remained almost intact during the last twenty years. So does the narrative on smuggling as it has also hardly changed, and is readily redeployed whenever a tragedy involving migrant deaths occurs.

extreme threat to the stability of the global north for the other forms of crimes it can unleash –from terrorism to sex trafficking to the drug trade (Achilli & Tinti, 2019).

The narrative has proven to be quite dependable, for it has again hardly changed, and is readily redeployed whenever a tragedy involving migrant deaths occurs. (As this contribution is being drafted, the world mourns the deaths of at least 27 migrants who lost their lives while trying to reach the UK from France, deaths that politicians and academics alike immediately attributed to “ruthless criminal gangs” and their “business model”).

Many researchers have come forward, demonstrating that many of the claims long taken for granted in regard to smuggling have in fact scant empirical backing

Fortunately, over the years many researchers have come forward, demonstrating that many of the claims long taken for granted in regard to smuggling have in fact scant empirical backing, tend to exaggerate the realities on the ground, or are simply unplausible. Irregular migratory journeys, we now know, are not merely the result of the actions of organised criminals. Quite often we find out that those who facilitate migrants’ journeys are men, women and children (UNDOC2021a) organised in multiple fashions (Aziani 2021), at times migrants and refugees themselves having to pay bribes to other state and non-state actors to use specific corridors (UNODC 2018). Smuggling facilitators also deploy their own knowledge as long-standing residents of marginalized communities, and even their own experiences as irregular migrants on behalf of others seeking to reach destinations elsewhere (UNDOC 2021b). They do it with the hope of generating an income that allows them to survive, but also often to continue with their journeys (Achilli 2018). And while their actions are often depicted in reports from international organizations as yielding enormous profits, most smuggling facilitators remain living under the same conditions that led them to become facilitators in the first place, their mobility and income remaining rather limited aside from registering occasional spikes (Moussaoui 2015).

Findings reveal that migrants’ journeys facilitators are men, women and children organised in multiple forms, at times themselves having to pay fees to use specific corridors to other state and non-state actors

While the smuggling’s security narrative has a strong hold in our collective consciousness, there is also growing recognition of the need to examine the implications of counter-smuggling policy and practice. Multiple EU counter-smuggling initiatives, rather than dismantling smuggling networks, have had devastating impacts on the livelihoods of people within Europe, North Africa, the Sahel and beyond. For example, a growing number of countries is introducing migrant smuggling statutes and other initiatives aimed at criminalising the facilitation of migrants’ mobility. Evidence shows processes of these nature have effectively disturbed when not destroyed the transportation systems that for decades had allowed people to move within their countries and to others within Africa (Brachet, 2018). The designation of the transportation of migrants as smuggling in Niger forced out of the market experienced, long-standing transporters who feared being labelled as smugglers, human traffickers or enslavers, while stripping them of their sources of income (Fakhry, 2021). This led people on the move to have no other option than to entrust

their journeys to less skilled, unreliable agents or facilitators, who in order to avoid enforcement turned to relying on longer and more dangerous routes, which have repeatedly been correlated to increases in the number of migrant deaths.¹

Researchers have shown that despite the allegations concerning smugglers' technological sophistication, the core strategies that they rely on for their journeys have hardly changed—granted, facilitated to a degree by the availability of smart phones and apps—when and if available (Diba, Papanicolau & Antonopoulos 2019). Examinations into the law enforcement practice of demanding access to migrants' social networks on the grounds these can reveal communications with smugglers that can help dismantle smuggling networks, reveal scant effectiveness. Instead, it appears that the threat of collecting social media data constitutes more of an intimidatory tactic against migrants than an effort to curtail smuggling operations (Dimitriadi, 2021). Ultimately, the risks inherent to irregular migration and its facilitation can only be countered through the effective implementation of mechanisms that allow for equally accessible paths to regular, orderly and safe migration for all people regardless of their place of birth, residence or transit.

The prior paragraphs do point toward the growing awareness in research and policy circles of the need to examine the implications that migration controls allegedly aimed to counter-smuggling have had on the lives of migrants, the communities they travel through and the facilitators of their journeys—quite often also migrants themselves. This certainly provides much hope among those who have for a long time raised concerns over some of the official claims surrounding migrant smuggling, and opens a path towards accountability (an element to this day not present in counter-smuggling strategy).

The growth of the critical, empirical scholarship on migrant smuggling and the analytical eye of increasing numbers of other stakeholders on the implications of smuggling and counter-smuggling policy and practice is definitely a cause for excitement. Junior researchers—among which women and scholars of migrant origin themselves figure prominently—have been at the forefront of calls for improved and critical understandings of the processes behind the facilitation of irregular migration, questioning the state-centric discourse that has systematically silenced those at the receiving end of counter-smuggling policy (that is, not only migrants but smugglers and those construed as such).

And yet it is important not to let our guard down. At a time when calls to decolonize migration research have re-emerged and demands for gender mainstreaming seem ubiquitous in migration policy and research circles, few researchers and policy

While the smuggling's security narrative has a strong hold in our collective consciousness, there is also growing recognition of the need to examine the implications of counter-smuggling policy and practice

There is a growing awareness on the need to examine the implications that migration controls allegedly aimed to counter-smuggling have had on the lives of migrants, the communities they travel through and the facilitators of their journeys—quite often also migrants themselves

¹ To this it is important to add that there is growing consensus among researchers that migrants are increasingly forgoing the services of smugglers unable to afford their costs, and relying instead in collective knowledge and resources to propel their journeys with varying and often times lethal results. See Arrouche, forthcoming.

From its inception in the United Nations Protocol against the Smuggling of Migrants, neither migrant smuggling nor smugglers have been neutral concepts. The very articulation of smuggling as a threat relies on the construction on the persona of the smuggler as a racialized and gendered foreigner.

Counter-smuggling becomes operationalized against racialized groups, exempting states of responsibility over their roles at creating violent migratory conditions for migrants

Few researchers and policy makers have raised concerns over the racialized, gendered nature of smuggling enforcement and discourse. Representations simultaneously strip Black women of any agency or even intelligence, while rendering the experiences of non-black woman virtually invisible

makers have raised concerns over the racialized, gendered nature of smuggling enforcement and discourse (Sanchez, 2018). From its inception in the United Nations Protocol against the Smuggling of Migrants, neither migrant smuggling nor smugglers have been neutral concepts. The very articulation of smuggling as a threat relies on the construction and on the persona of the smuggler as a racialized and gendered foreigner.

Official communications from the EU and international organizations consistently blame smugglers (racialized as African or Arab men) of deceiving migrants to pursue irregular migratory channels, of forcing them to rely on dangerous routes or on knowingly embarking them on means of transportation destined to fail (Johansson, 2021). Smugglers with “Arab” or “African-ness” surnames are also consistently emphasized the single-handed perpetrators of the quite graphic (if by now rather prototypical) acts of violence migrants face (Alagna, 2020). There is in fact an overabundance of all-too detailed texts and images that allegedly seek to document the violence and abuse migrants experience on the migration pathway.

However, devoid of socio-political context and of migrants’ own perspectives, academic and policy depictions of suffering, racialized bodies on the migration pathway reduce migrant’s experience to voyeuristic representations of black and brown bodies victimized by no other than people like themselves. This in turn distracts the readers from engaging in a real critique of how migration controls, and in particular, counter-smuggling become operationalized against racialized groups, exempting states of responsibility over their roles at creating violent conditions for migrants.

The troubling nature of racialized depictions of violent black bodies becomes even more evident in the EU narratives concerning the forms of violence women encounter in the context of migration. The clear focus of academic and policy literature to document the forms of sexual violence on the migration pathway as afflicting only Black African women, constitutes a stark reminder of the way black African female bodies have been fetishized for centuries (Holmes, 2016). One must not forget how black bodies, and in particular those of women have historically been portrayed as both primitive and mysterious yet sexually available. In smuggling policy and research, the experiences of black African women on the migration pathway have been systematically reduced to a handful of highly sexualized and voyeuristic narratives. Most reports on smuggling and irregular migration in the Southern Mediterranean depict them as sexually available women, condemned to a life as sex workers, sexual slaves, or as the voiceless targets of smugglers’ uncontrollable libidos (UNODC, 2021b). Representations strip Black women of any agency or even intelligence, while simultaneously rendering the experiences of non-black woman virtually invisible.

The hyper-sexualization of black African female migrants in much of the academic and policy literature on smuggling reduces the possibility of readers to consider the complexity of women's experiences in irregular migration, leading them to focus instead on voyeuristic representations of sexual violence and desire built around black bodies. At a time when gender is recognized as central to the migratory experience and a required component of migration-related analysis, the lack of engagement of academics and policy analysts with the way it is operationalized in smuggling, results in female migrants' bodies being rendered ultimately as sexual objects only. The dynamics and complexities of survival, friendship, love, care and intimacy that are essential in the migratory journeys becoming trivialized (Vogt, 2018) for their fall out of line with colonial, imperialistic perceptions tied to women of colour as sexually available.

Where can we go from here? Certainly, one answer is not to give up and to continue questioning the impact of smuggling discourse and counter-smuggling policy and practice in communities within Europe and beyond. Another is to demand accountability of the impacts specific to EU counter-smuggling efforts. However, we must simultaneously remember smuggling and counter-smuggling strategies are not neutral in terms of race, class or gender. These are essential elements of the way in which irregular migration is experienced, but also of how it is managed and brought under control.

We must simultaneously remember smuggling and counter-smuggling strategies are not neutral in terms of race, class or gender.

References

- ACHILLI, L., & TINTI, A. (2019). Debunking the Smuggler-Terrorist Nexus: Human Smuggling and the Islamic State in the Middle East. *Studies in Conflict & Terrorism*, 1-16.
- ALAGNA, F. (2020). *Shifting governance: making policies against migrant smuggling across the EU, Italy and Sicily* [Doctoral dissertation]. Radboud University.
- ARROUCHE, K. (FORTHCOMING). *Unpacking Sub-Saharan migration in Algeria: immobility and uncertainty* [Doctoral dissertation in process]. University of Leeds.
- AZIANI, A. (2021). The heterogeneity of human smugglers: a reflection on the use of concepts in studies on the smuggling of migrants. *Trends in Organized Crime*. Online First, December 2021.
- BRACHET, J. (2018). Manufacturing smugglers: From irregular to clandestine mobility in the Sahara. *The Annals of the American Academy of Political and Social Science*, 676(1), 16-35.
- DIBA, P., PAPANICOLAOU, G., & ANTONOPOULOS, G. A. (2019). The digital routes of human smuggling? Evidence from the UK. *Crime prevention and community safety*, 21(2), 159-175.
- DIMITRIADI, A (2021). Countering smuggling of migrants through social media monitoring: looking for a needle in a digital haystack. In *Beyond networks, Militias and Tribes: rethinking EU Counter-Smuggling Policy and Response*. Policy report, No, 19, 2021. IEMed.
- EUROMED HUMAN RIGHTS MONITOR. *EU Funded boats to abusive Libyan coast guard underline European complicity in grave violation against sea migrants*.
- EUROPOL-INTERPOL (2016). *Migrant Smuggling Networks*. Executive Summary, May 2016. The Hague. <https://www.europol.europa.eu/publications-events/publications/europol-interpol-report-migrant-smuggling-networks>
- FAKHRY, A, 2021. *Hiding in Plain Sight: Investigating the Blind Spots of Counter-Smuggling Efforts in Niger*. In *Beyond networks, Militias and Tribes: rethinking EU Counter-Smuggling Policy and Response*. Policy report, No, 19, 2021. IEMed.

HOLMES, C. M. (2016). The colonial roots of the racial fetishization of black women. *Black & Gold*, 2(1), 2. Johansson, Y. (2021) 20 March 2021. Fighting migrant smugglers: have your say. https://ec.europa.eu/commission/commissioners/2019-2024/johansson/blog/fighting-migrant-smugglers-have-your-say_en

KUSCHMINDER, K. & TRIANDAFYLLIDOU, A. (2020). Smuggling, trafficking and extortion: new conceptual and policy challenges on the Libyan route to Europe. *Antipode*, 52 (1): 206-226.

MAHER, S. (2018). Out of West Africa: Human smuggling as a social enterprise. *The Annals of the American Academy of Political and Social Science*, 676(1), 36-56.

MOUSSAOUI, N. (2015). *Le trabendo* ou la mondialisation par le marge. *Politique Africaine* 1(137), 117-128.

SANCHEZ, G. (2017). Beyond the Matrix of Enforcement: reframing human smuggling through intersectionality-informed approaches. 21(1): 46-56.

UNODC (2018). Global Study on Smuggling of Migrants. UNODC. <https://www.unodc.org/unodc/en/data-and-analysis/glosom.html>

UNODC (2021a). *Women in Migrant Smuggling: a caselaw analysis*. UNODC. https://www.unodc.org/documents/human-trafficking/2021/Women_in_Migrant_Smuggling.pdf

UNODC (2021b). *Abused and Neglected: a gender perspective on aggravated migrant smuggling offenses and response*. UNODC. https://www.unodc.org/documents/human-trafficking/2021/Aggravated_SOM_and_Gender.pdf

VOGT, W. A. (2018). *Lives in Transit*. University of California Press.

The Southern Mediterranean Countries: Target and Motor of EU External Migration Policies

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A look back at three decades EU external migration policy towards the Southern Mediterranean countries highlights that developments in the region have very much shaped EU policy.

The Southern Mediterranean neighbours are usually seen as a targets of EU migration policies. This is because of their geographical situation on the major transit routes, and because many migrants and asylum seekers originate from these countries. Partly due to the now three decades of EU external migration policy, the Maghreb and Mashreq countries have seen a rapid transformation from being countries of origin and transit for migrants to being destination countries themselves. To designate these countries only as targets would however be short-sighted. A look back onto the evolution of now three decades EU external migration policy towards the Southern Mediterranean countries highlights that developments in the region have very much shaped EU policy.

The responses that migration experts from these countries give to the EMM5-EuroMeSCO survey attest very well this changed reality, and the extent to which these experts perceive the migration policy challenges in their country in response to both EU priorities and their own needs. This short contribution reflects on the results of the survey in the light of the influence that cooperation with the Southern Mediterranean countries has had on the evolving EU external migration policies and the various instruments that have been put into place to structure the cooperation (summarized in the table below). In doing so, the article distinguishes three main phases in the EU's external migration policies: the period from the early 1990s until the launch of the Global Approach to Migration in 2005, then the phase up to the revamped Global Approach to Migration and Mobility in 2011, and finally the latest period including the crisis of the Common European Asylum System and the adoption of the New Pact on Migration and Asylum in 2020.

The initial impetus: migration control and readmission

The external dimension of EU migration policies was officially embraced with the Tampere European Council in 1999. However, EU-Mediterranean relations addressed migration policy well before. A look at the association agreements concluded with the southern neighbours from 1992 onwards (starting with Lebanon) shows that the EU systematically included provisions on migration control cooperation in these overarching agreements already well before the development of an external competence on the matter. Thus, the 1992 Agreement with Lebanon already provided for the launch of a dialogue on migration, including irregular migration, and cooperation on readmission. The Agreements concluded with Tunisia (1995) and Morocco (1996) also included a dialogue covering migration control but excluded cooperation on readmission and irregular migration. In contrast, they contain a clause on cooperation on migration and development and on the return of migrants. The 1997 agreement with Jordan and the 2002 agreement with Algeria finally are the most comprehensive and include all of these provisions (see Table 1 below and Lavenex, Lutz and Hoffmeyer-Zlotnik 2021).

TABLE 1: Overview of EU External Migration Policy Instrument towards the Southern Mediterranean Countries

		Algeria	Egypt	Israel	Jordan	Lebanon	Libya	Morocco	Palestine	Syria	Tunisia
Provisions in Association and Trade Agreements	Year of Agreement	2002	2001	1995	1997	1992	N/A	1996	1997	1977	1995
	Dialogue on migration										
	Cooperation on readmission										
	Cooperation on return of migrants										
	Cooperation on irregular migration										
	Cooperation on migration and development										
	Regulatory dialogue on migration										
Readmission Agreement (Year of conclusion)				2016							
Visa Facilitation Agreement											
Mobility Partnership (Year of conclusion)				2014			2013				2014
Migration Compacts (Year of conclusion)				2016	2016						
EU Regional Trust Fund in Response to the Syrian Crisis (Madad Fund)											
EU Emergency Trust Fund for Africa in ENP countries (EUTF)											
European Civil protection and humanitarian aid											

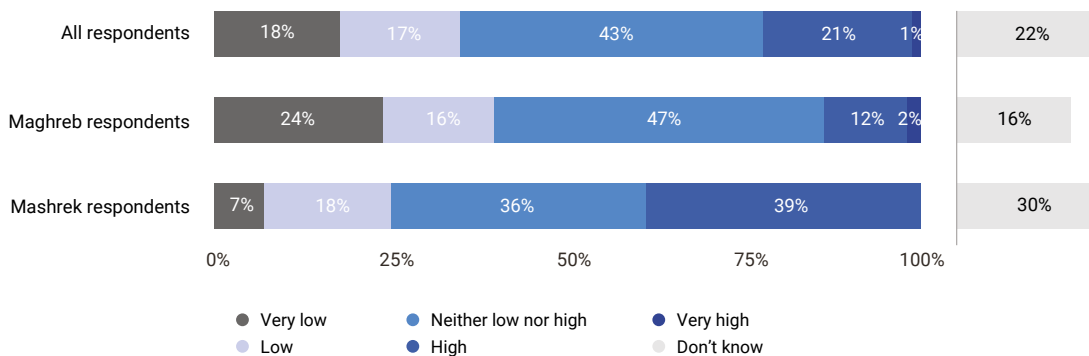
The main point of contention over the conclusion of readmission agreements is the EU's enduring insistence on an obligation to take back also non-nationals of the signatory parties staying irregularly in the other party. Not only has such an obligation no basis in international law, it is also uniquely in the interest of the EU and would have potentially very costly implications for the Southern Mediterranean countries.

The granting of an EU exclusive competence for the negotiation of readmission agreements in 1999 reinforced the focus on migration control and readmission (Coleman 1999). In 2000, the EU received the mandate to negotiate a readmission agreement with Morocco, and later also with other countries. The only Mediterranean country which has so far signed a readmission agreement with the EU however is Jordan (see Table 1). The main point of contention over the conclusion of readmission agreements is the EU's enduring insistence on an obligation to take back also non-nationals of the signatory parties staying irregularly in the other party. Not only has such an obligation no basis in international law, it is also uniquely in the interest of the EU and would have potentially very costly implications for the Southern Mediterranean countries (Carrera et al. 2013).

Against this background the results of the EMM5-EuroMeSCO survey provide interesting insights into the contested issue of readmission. Given the absence of a formal EU readmission agreement with all but one country it is not surprising that most experts indicate having no opinion regarding their "assessment of current cooperation on return and readmission with EU countries" (Q15), even if bilateral readmission agreements with individual EU countries exist.

GRAPH 1

Q.15 What is your assessment of current cooperation on return and readmission with EU countries?



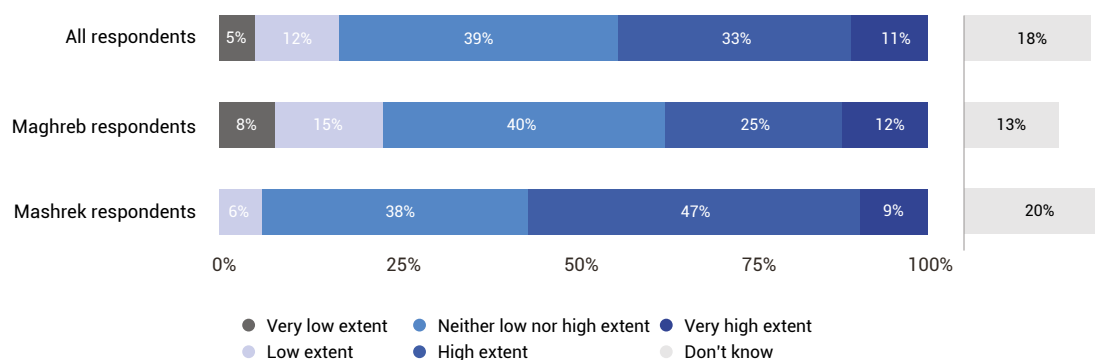
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

Yet the responses show that Maghreb respondents are clearly more critical of this cooperation (24% having a very low and 16% a low opinion) than Mashrek respondents (only 7% indicating a very low and 18% a low opinion). Conversely, 39% of Mashrek respondents have a positive opinion compared to 14% of Maghreb respondents. A similar pattern can be observed in the answers to the question whether respondents consider "the full implementation of existing bilateral agreements on readmission and the negotiations of new ones" as an avenue to "improve cooperation on return and

reintegration" (Q18), which 56% of Mashrek respondents answer positively versus 37% of Maghreb respondents.

GRAPH 2

Q.18 To what extent do you consider that the following avenues could contribute to improve cooperation on return and reintegration? A. The full implementation of existing bilateral agreements on readmission and the negotiations of new ones



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

This difference is possibly linked to the fact that the only existing formal EU readmission agreement in the region so far is that with Jordan, a Mashrek country. Another possible explanation which also affects other questions in the survey is the profile of respondents: the majority of Mashrek respondents are public officials who are more likely to utter responses that are perceived as politically desirable than the civil society and academic experts who form the majority of Maghreb respondents.

The turn towards partnership

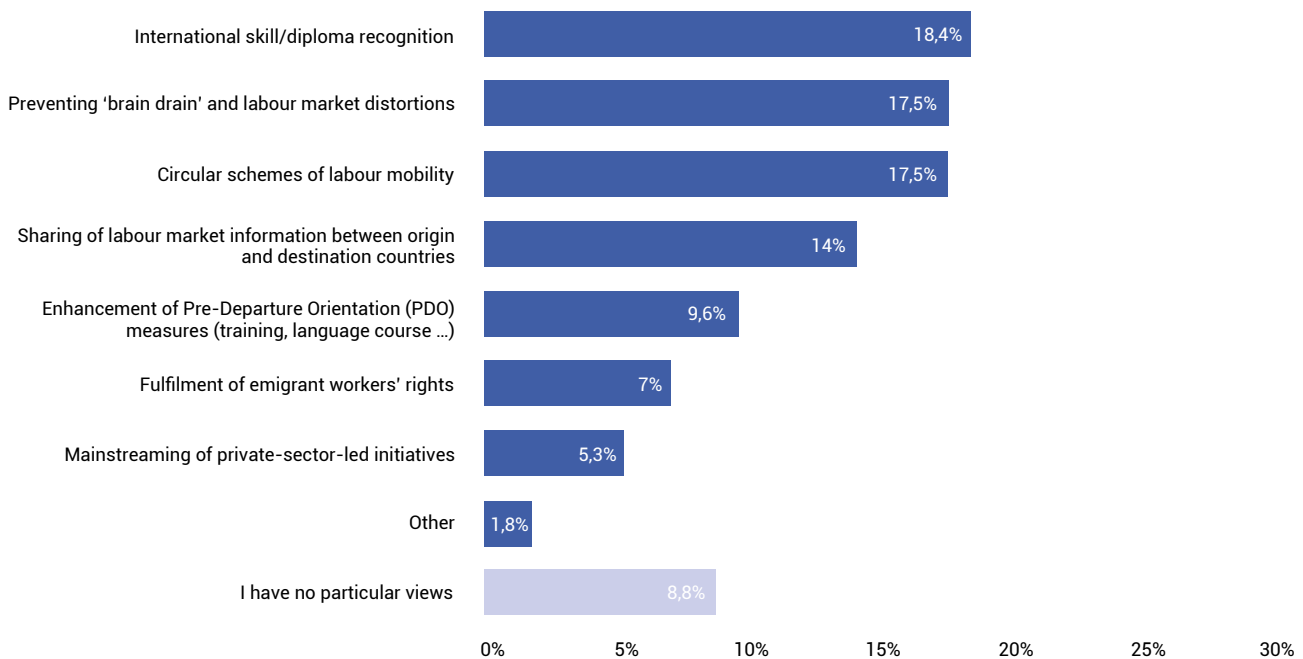
Difficulties with the negotiation of readmission agreements, enduring migration pressure in particular via the western Mediterranean route, and the launch of the European Neighbourhood Policy in 2005 inspired a reconsideration of the one-sided focus on irregular migration and readmission and today the – enduring – EU interest in readmission co-exists with other priorities in external migration cooperation. The tipping point to a policy reform was the escalation at the borders towards the Spanish exclaves of Ceuta and Melilla in 2005. Media and NGO reports of Spanish and Moroccan authorities brutally deterring irregular migrants from climbing over the fences and later deporting them as well as other migrants and refugees to the Moroccan desert acted as an external shock and provoked a re-thinking of the repressive focus of prevailing external migration policies (Lavenex and Nellen-Stucky 2011). The reorientation came with the adoption of the “Global Approach to Migration”

(GAM, see COM(2007) 247) which stipulated a three-pronged approach including the fight against irregular migration, development cooperation and the promotion of legal migration as part of a comprehensive external migration policy.

The results of the EMM5-EuroMeSCO survey underscore partner countries' strong interest in the legal migration and development cooperation aspects of the GAM. When asked "in which domains should cooperation with the EU be improved in priority" (Q20) the majority of respondents call for legal pathways to economic migration including "circular schemes of labour mobility", "international skill/diploma recognition" while "preventing 'brain drain' and labour market distortions" (each receiving 18% of votes).

GRAPH 3

Q.20 In which domains should cooperation with the EU be improved in priority?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

Theoretically, these priorities should have materialized under the EU's "global approach" – in particular also after its reform in 2011 which launched "Global Approach to Migration and Mobility" (GAMM, see COM (2011)743). This reform expanded the conclusion of so-called Mobility Partnerships that had previously been offered to a few Eastern European countries and Cape Verde to the Southern Mediterranean neighbours. As process-oriented fora for bilateral discussions

and cooperation between the EU, interested EU member states and selected ENP countries, the Mobility Partnerships were thought as promising vehicles for realizing the various objectives of the GAMM. To date, three Southern Mediterranean Countries have concluded Mobility Partnerships: Morocco (2013), Jordan and Tunisia (2014). Notwithstanding the interest in economic migration highlighted in the survey projects realized under the Mobility Partnerships fall short of introducing new legal pathways. On the contrary, they concentrate on measures receiving less support in the EMM5-EuroMeSCO survey, such as pre-departure training or labour market information sharing (see Q20) (Reslow 2018).

The GAMM reform expanded the conclusion of so-called Mobility Partnerships that had previously been offered to a few Eastern European countries and Cape Verde to the Southern Mediterranean neighbours

The challenge of refugee protection

Apart from widening the scope for Mobility Partnerships to the Mediterranean countries, the GAMM adopted in 2011 also reflected new priorities in the region. This concerns first and foremost the addition of refugee policy as a fourth element of the global approach next to cooperation on irregular migration, legal migration and development. If the GAM was a response to the shortcomings exemplified through the tragic events in Ceuta and Melilla in 2005, its reformulation into the GAMM was a reaction to the massive displacements engendered by the Arab uprisings and subsequent wave of destabilization in the region.

The latest reforms of the EU's external migration policy, the 2016 New Partnership Framework and the 2020 New Pact on Migration and Asylum reflect these changed realities (Lavenex 2018, Carrera et al. 2019). Once more, these reforms responded to developments in the Southern Mediterranean, and in particular the refugee movements engendered by the war in Syria. While giving stronger priority to refugee protection in the region, these reforms moved away from the more process-oriented partnership approach of the GAMM. Marked by the failure of the Common European Asylum System and the deep divisions over the question of refugees within the Union, the new policies give a clear priority to the externalization of refugee protection and migration control. Calling for the mobilization of "the full range of policies and EU external relations instruments " implementing "a mix of positive and negative incentives" using "all leverages and tools" (European Commission 2016: 6), these latest reforms also introduce a strong language of conditionality.

If the GAM was a response to the shortcomings exemplified through the tragic events in Ceuta and Melilla in 2005, its reformulation into the GAMM was a reaction to the massive displacements engendered by the Arab uprisings and subsequent wave of destabilization in the region

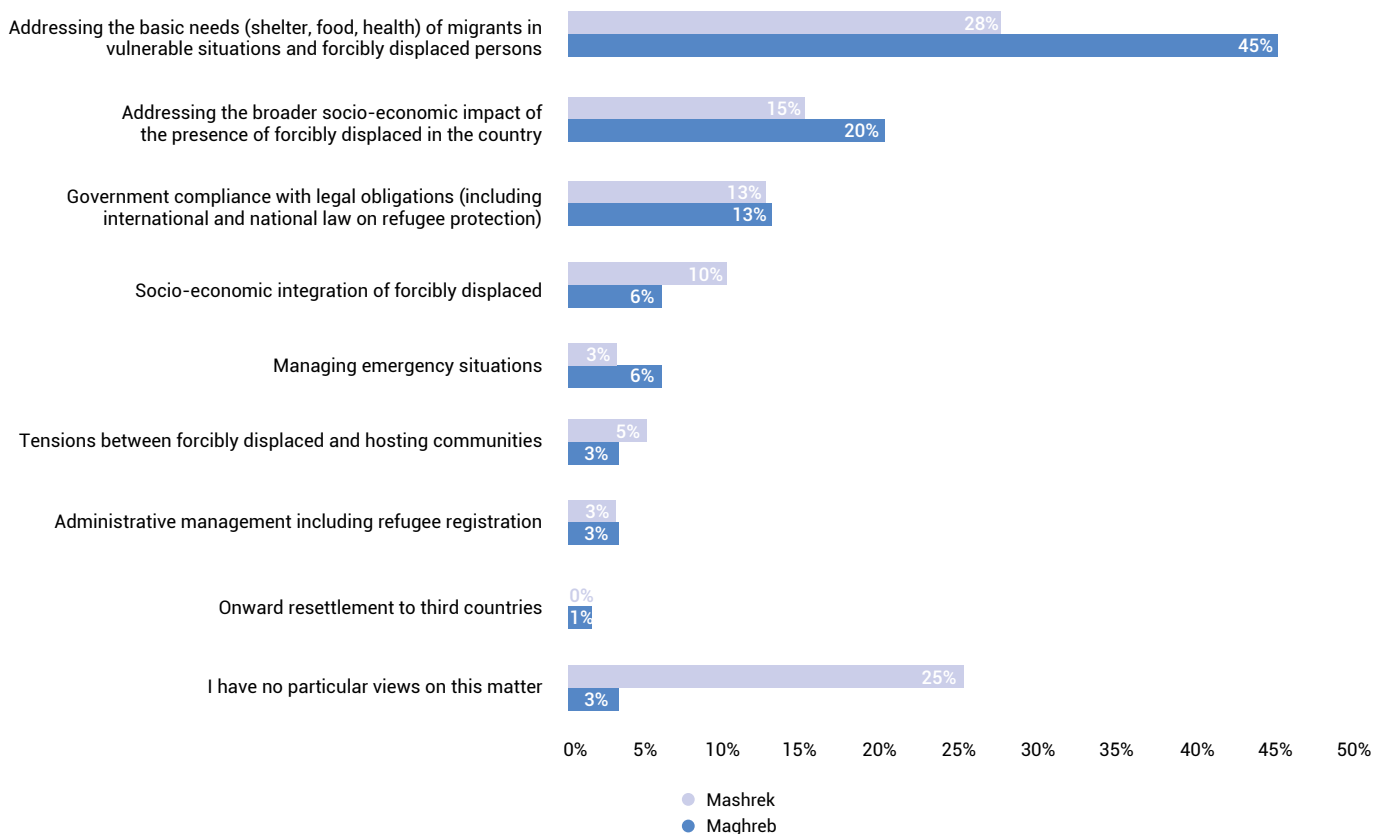
An early example for this new cross-cutting approach are the "compacts" that were offered to Jordan and Lebanon in 2016 in which the EU offers trade facilitation (mainly a relaxation of rules of origin for exports) in exchange for these countries' investment in the hosting of refugees including their integration into local labor markets. These compacts were flanked by ambitious funding instruments such as the EU Regional Trust Fund in Response to the Syrian Crisis (Madad Fund) for Jordan and Lebanon.

For the Maghreb and other African countries the EU Emergency Trust Fund for Africa (EUTF) was launched, and European Civil protection and humanitarian aid was stepped up (see table 1 and Lavenex and Fakhoury 2021).

The EMM5-EuroMeSCO survey highlights how serious the challenge of refugee policy has become in the Southern Mediterranean countries, and in particular in the Mashreq countries of Jordan and Lebanon. When asked about the main challenge their country is encountering while dealing with migrants in vulnerable situations and forcibly displaced (Q3), 45% of Mashreq respondents indicate “addressing the basic needs (shelter, food, health)”, compared to 28% Maghreb respondents.

GRAPH 4

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



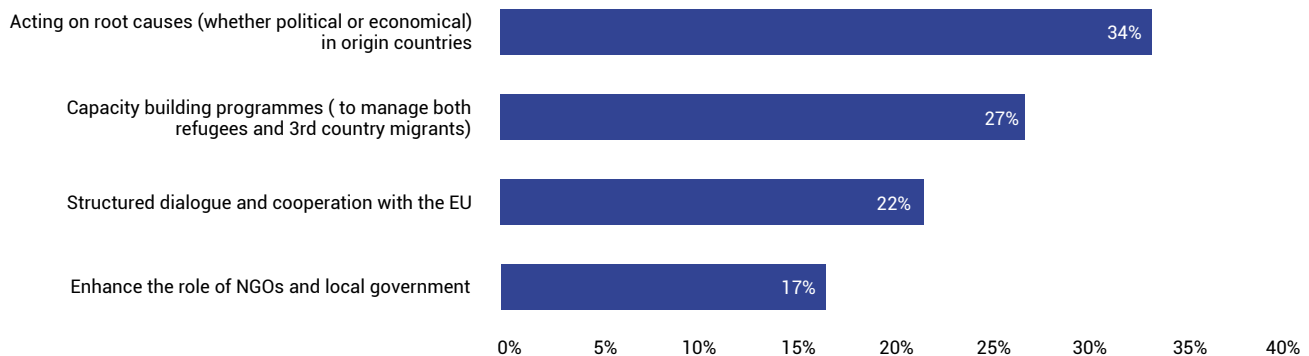
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

This is the first priority for all experts surveyed, followed by the need to address the broader socio-economic impact the presence of these persons have on their country. Unlike the EU's emphasis on access to local labour markets, the longer-term socio-economic integration of these persons is not perceived as a priority (only 10% resp. 6% of respondents). This reflects the fact that most Southern Mediterranean countries perceive the hosting of refugees as a temporary and primarily humanitarian issue and not as a long-term commitment (Fakhoury 2021). Meanwhile, the responses to the question "What do you expect from the EU to do or to do differently in order to help your country deal with forced displacement and assist those in need?" (Q7) underscore how much migration experts in the Southern Mediterranean countries share the concerns of a destination country.

Most Southern Mediterranean countries perceive the hosting of refugees as a temporary and primarily humanitarian issue and not as a long-term commitment

GRAPH 5

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeScO Euromed Survey

The need for acting on the political and economic root causes in countries of origin is the first priority mentioned by over a third of respondents (34%). This concern is all the more important as most respondents indicate that they expect the causes of forced migration to intensify further in the future - both in their own country and elsewhere (Q8 and Q9).

The need for balance

Whether they like it or not, the Southern Mediterranean countries are today part and parcel of the EU's expanding regime of migration control. In the thirty years of the EU's evolving external migration policy, they have shifted from being primarily countries

Questions on what the EU could or should do in these countries to help them face their new immigration reality can therefore not be separated from the question of what the EU could or should do internally to contribute to a more humane and sustainable migration policy.

of emigration to being countries of transit and now being countries of destination themselves. Throughout this process, the Maghreb and Mashreq countries have not only been targets of EU action – developments in these countries have had an impact on all major reforms of the EU’s external migration policy (see also Okyay et al. 2020). As the responses to the EMM5-EuroMeSCO survey show, migration experts from these countries share many of the concerns we know from EU member states. With its invigorated focus on curbing unsolicited immigration and externalising refugee protection, the EU is not without influence on these developments. Questions on what the EU could or should do in these countries to help them face their new immigration reality can therefore not be separated from the question of what the EU could or should do internally to contribute to a more humane and sustainable migration policy.

References

CARRERA, J. SANTOS VARA, & T. STRIK (EDS.), *Constitutionalising the external dimensions of EU migration policies in times of crisis: Legality, rule of law and fundamental rights reconsidered*, Edward Elgar Publishing

CARRERA, S., PARKIN J., DEN HERTOOG L. (2013) *EU migration policy after the Arab spring: the pitfalls of Home Affairs diplomacy*, Centre for European Policy Studies (CEPS), Institut Jacques Delors, Policy Paper 74; <https://institutdelors.eu/wp-content/uploads/2020/08/arabspringmigration-carreradenhertogparkin-ne-jdi-feb13-2.pdf>

COLEMAN, N. (2009). *European Readmission Policy: Third Country Interests and Refugee Rights*. Leiden and Boston: Martinus Nijhoff Publishers

FAKHOURY, T. (2021). *Refugee return and fragmented governance in the host state: displaced Syrians in the face of Lebanon's divided politics*. *Third World Quarterly*, 42(1), 162-180.

LAVENEX, S. AND FAKHOURY, T. (2021) *Trade Agreements as a Venue for Migration governance Potential and Challenges for the European Union*. Delmi Report 2021:11, at <https://www.delmi.se/en/publications/report-2021-11-trade-agreements-as-a-venue-for-migration-governance-potential-and-challenges-for-the-european-union/>

LAVENEX, S. AND NELLEN-STUCKY, R. (2011) 'Partnering' for migration in EU external relations, in : R. Kunz, S. Lavenex and M. Panizzon (eds.), *Multilayered Migration Governance. The Promise of Partnership*, London: Routledge 2011.

LAVENEX, S., LUTZ, P., AND HOFFMEYER-ZLOTNIK, P. (2021) *MITA: Database on Migration Provisions in Trade Agreements*. NCCR "on the move" and University of Geneva.

OKYAY, A. S., LAVENEX, S., KRIŽIĆ, I. AND AYDIN-DÜZGİT, S. (2020) *External Differentiation in Migration: Boosting or Hollowing Out the Common EU Policy?*, EU IDEA policy paper no. 10, online at <https://www.iai.it/en/pubblicazioni/external-differentiation-migration-boosting-or-hollowing-out-common-eu-policy>

RESLOW, N. (2018) *Making and implementing multi-actor EU external migration policy: the mobility partnerships*. In S. Carrera, L. den Hertog, D. Kostakopoulou, & M. Panizzon (Eds.), *EU external migration policies in an era of global mobilities: Intersecting policy universes*, 277–298, Brill | Nijhoff.

Developing Pathways for Legal Migration to Europe – Challenges for the Nearest Future

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Cooperation on labour migration between the European Union (EU) member states and partner countries in the Mediterranean has been predominantly based on bilateral agreements, including those relating to circular migration. This trend will most likely be continued, regardless of any dedicated solutions introduced at the EU level. If new EU initiatives such as Talent Partnerships are to complement and diversify the member states' portfolios of legal measures, they have to take into account the needs of all sectors of the EU economy, including those which require low-skilled workforce. Still, no legal migration pathway, irrespective of its comprehensiveness, will work without an agile visa policy in place as well as strong and trusted implementing partners on the end of the sending countries.

Bilateral agreements as fruitful initiatives

Despite ongoing efforts to create European platforms for cooperation on labour migration with non-EU partner countries, in practice most EU member states prefer bilateral solutions on organising labour migration. In view of the fact that there has been little harmonisation of regulations governing the entry and stay of foreign workers in the EU, countries interested in cooperation on labour migration often decide to conclude various types of formal bilateral agreements or less formal documents, such as a Memorandum of Understanding (MOU) (ILO, 2017).

As reflected in the answers to the EMM5-EuroMeSCo survey "Towards sustainable and mutually beneficial migration partnerships in the Southern Mediterranean" (Q.19), these are significant tools also for countries of origin. When asked about the

Little harmonisation of regulations governing the entry and stay of foreign workers in the EU, makes countries interested in cooperation on labour migration to conclude various types of formal bilateral agreements

most fruitful initiative in the area of labour mobility cooperation with the EU and EU member states, some respondents from Morocco pointed out “Moroccan women workers in agricultural fields in Spain”. Such travels abroad, in particular to work in the strawberry harvest, have been organised in the framework of the Morocco-Spain Agreement on Labour of 25 July 2001. The agreement permits thousands of seasonal Moroccan workers – so-called *temporeras* – to support the annual harvest in Spain, and especially in Huelva province. Surprisingly, the agreement was indicated as a fruitful initiative despite the alleged violations of workers’ rights and sexual abuse (Gianaris, 2020; women’s link worldwide, 2019), although some respondents noted that “working conditions should be improved”.

A related initiative mentioned in the context of organising seasonal migration to Spain was the Framework Partnership Agreement between the Moroccan National Agency for the Promotion of Employment and Skills (ANAPEC, Agence Nationale de Promotion de l’Emploi et des Compétences) and the Municipality of Cartaya of July 2006. The agreement had its origins in the 2005 project of Cartaya, one of the main strawberry-producing villages in the province of Huelva, called “Comprehensive and Ethical Management for Circular Migration” (Aeneas-Cartaya) and funded by the European Commission (EC). With this project Cartaya proposed to take a leading role in the establishment of a system to manage the flow of temporary labour between the province of Huelva and Morocco. The project, which lasted from late 2005 to mid-2008, facilitated issuing of more than 21,000 work and residence permits for seasonal workers (González Enríquez, 2013, p. 129).

In case of Tunisia the respondents pointed out as fruitful initiatives the agreements signed with Germany following the 2011 revolution when both countries began to look for new opportunities to promote labour mobility to meet their employment needs (ILO, 2017, p. 24). The agreements signed to date by both countries concern especially the health and technological sectors. In addition to that, the need for suitable solutions facilitating circular migration between Tunisia and the EU was also underlined.

Responses provided by the surveyed representatives of the government, civil society and academia from Morocco and Tunisia indicate the importance of initiatives related to organising circular migration. Yet, the legal solutions adopted in the EU completely ignore provisions which may stimulate circular migration. The exception is the seasonal directive (Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers), where some elements aimed at promoting this type of migration can be found. This presumably reinforces even more the willingness of the countries concerned to introduce bilateral solutions.

Responses provided by the surveyed representatives of the government, civil society and academia from Morocco and Tunisia indicate the importance of initiatives related to organising circular migration. Yet, the legal solutions adopted in the EU completely ignore provisions which may stimulate circular migration.

Respondents from such countries as Algeria, Palestine, Egypt, Syria, Libya and Jordan had difficulties in naming fruitful initiatives on labour migration with the EU or its member states

Noteworthy, none of the answers provided by respondents from Morocco and Tunisia referred to migration and mobility partnerships concluded by those countries with the EU and its member states (Morocco – in 2013, Tunisia – in 2014) (European Commission, 2013, 2014). Main objectives of the partnerships, as stated in the adopted documents, were to organise legal migration, to effectively fight against irregular immigration and to work towards strengthening the positive effects of migration. Regarding the implementation, the main focus has been, however, on the fight against irregular migration, while the objective of facilitating legal migration of third-country nationals in the EU was effectively neglected.

Significantly, respondents from such countries as Algeria, Palestine, Egypt, Syria, Libya and Jordan had difficulties in naming fruitful initiatives on labour migration with the EU or its member states. The European Union Emergency Trust Fund for Africa and its ambitious “Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa” (THAMM) programme¹ were mentioned. The latter lasts from late 2019 to late 2022 and thus was difficult to evaluate at the moment of conducting the survey.

Talent Partnerships – a remedy for current ills?

The expectations towards Talent Partnerships on the end of sending countries are mainly that those instruments would generate domestic market opportunities

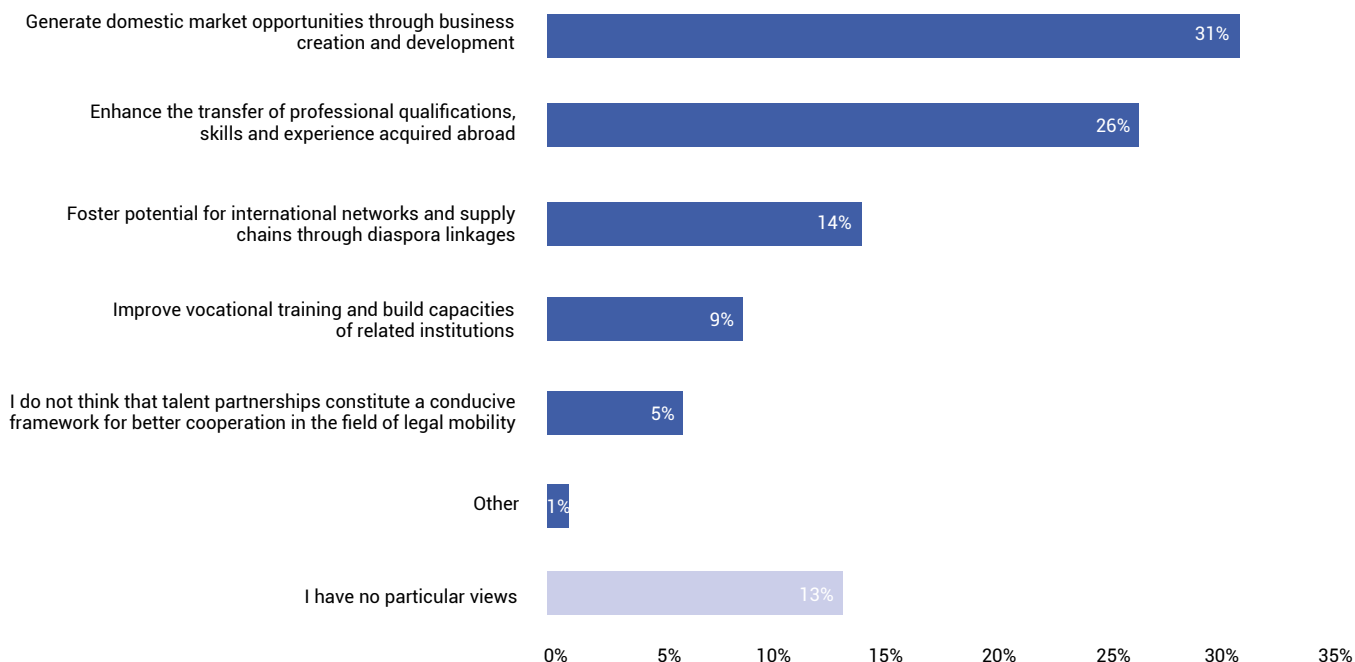
In June 2021 Talent Partnerships were launched under the EU’s New Pact on Migration and Asylum as a key initiative to enhance legal pathways to the EU. The aim of the effort, as stated by the EC, is “to provide a comprehensive policy framework, as well as funding support to boost mutually beneficial international mobility based on better matching of labour market needs and skills between the EU and partner countries” (European Commission (a)). Talent Partnerships are planned to be open to students, graduates and skilled workers. Their main idea is to match job offers in EU countries with skills of migrant workers. They will be modelled on existing pilot projects under the Mobility Partnership Facility (MPF) and the above-mentioned THAMM programme.

The expectations towards Talent Partnerships on the end of sending countries are mainly that those instruments would generate domestic market opportunities through creation and development of businesses, enhance the transfer of professional qualifications, skills and experience abroad and foster potential for international networks and supply chains through diaspora linkages (Q.21).

¹ The programme encompasses Morocco, Tunisia, Algeria, Libya and Egypt. For more information please visit: https://ec.europa.eu/trustfundforafrica/region/north-africa/regional/towards-holistic-approach-labour-migration-governance-and-labour_en.

GRAPH 1

Q.21 Talent partnerships is a paradigm that the EU wants to pursue as a channel to support legal migration and mobility cooperation with your country. In your opinion, what could be the main benefits for your country?

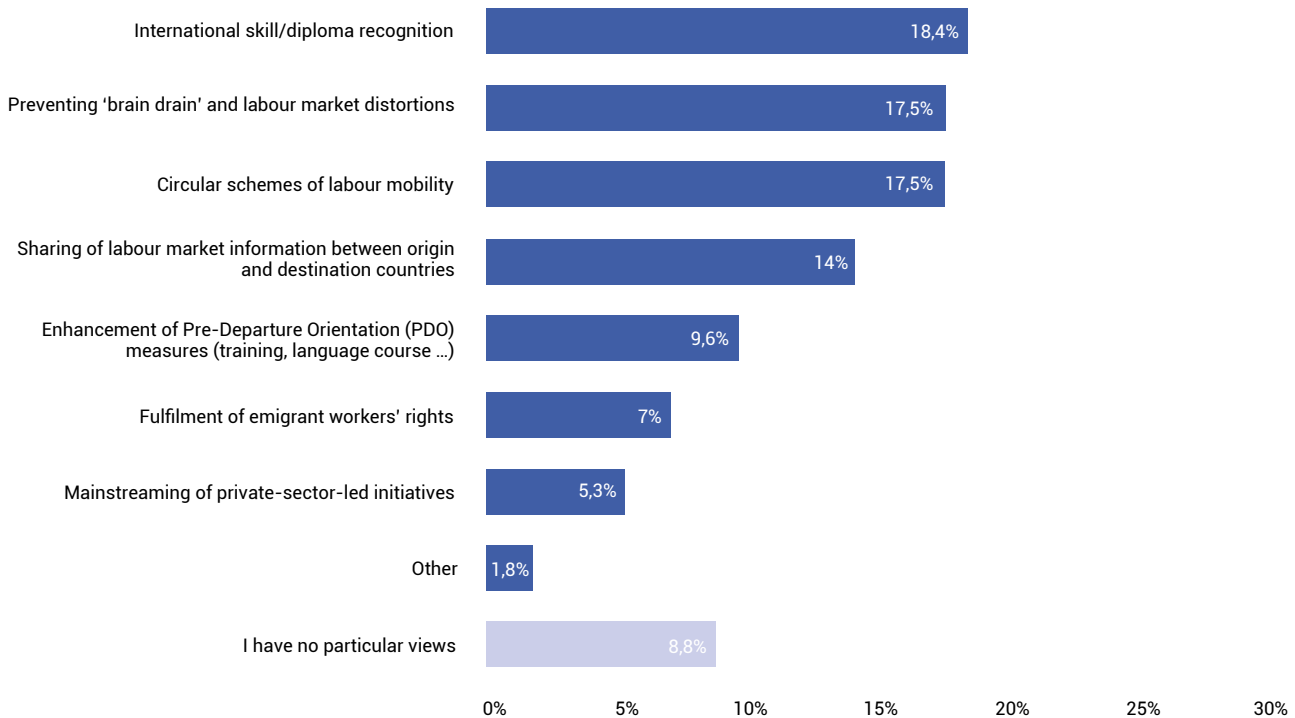


Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

They are largely coherent with the responses to the question on priority domains of existing cooperation with the EU on legal migration, which according to the survey should be improved (Q.20) – except for one: “circular schemes of labour mobility” (see graph 2). As such schemes can relate to high skilled workers, most frequently they facilitate mobility of low-skilled migrants, including to the farming sector. In fact, many migrants in the EU are now employed in low-skilled professions, and Talent Partnerships – an instrument which is not addressed to this group – will have to face the challenge of matching demand in sectors requiring such workforce.

GRAPH 2

Q.20 In which domains should cooperation with the EU be improved in priority?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

The implementation of migration and mobility partnerships and the experiences of the MPF [shows that] only a narrow group of EU states has been interested in developing larger initiatives with partner countries.

At the same time, the analysis of the survey responses indicates a pressing need to operationalise Talent Partnerships and to provide partner countries with a more comprehensive information on this instrument. Indeed, when asked about initiatives which could improve cooperation on developing pathways for legal migration to Europe beyond Talent Partnerships (Q. 22), many respondents pointed out ideas and actions that could potentially be included in the Talent Partnerships package. They included: training, youth mobility, exchange of information on market needs, “offering job opportunities”, “improving the transfer of professional qualifications”, etc.

This “operationalisation” is again dependant on the member states’ willingness and ability to invest in Talent Partnerships and related long-term projects. As exemplified by the implementation of migration and mobility partnerships and the experiences of MPF, only a narrow group of EU states have been interested in developing larger initiatives with partner countries, while some have not been able to take up such

endeavours due to structural shortcomings of their administrations (e.g. lack of staff experienced in project development and management, lengthy procedures etc.).

Talent Partnerships would allow, however, to tailor the offer to differentiated needs and expectations of partner countries. When considering the groups of the Maghreb and Mashreq countries, the survey indeed revealed differences in relation to the priority areas of cooperation and expected benefits from Talent Partnerships.

Talent Partnerships would allow, however, to tailor the offer to differentiated needs and expectations of partner countries.

Beyond Talent Partnerships

One of the areas which impede the mobility of migrant workers is still the visa policy and related rigid and complex procedures. Although research results unequivocally confirm that a (Neumayer, 2011, p. 901–907), the EU visa regime remains quite strict. Its effectiveness is further undermined by the divergent visa practices of member states (which retain in parallel the right to issue national visas), stringent requirements and a lack of alignment with the economic needs. Additionally, the expenses related to applying for a visa and the high price of its issue increase the cost of travel for all third-country nationals. Noteworthy, the EU visa policy was the common issue for respondents when asked about initiatives which would develop legal pathways to the EU other than Talent Partnerships (Q. 22), with respondents from Algeria being the most vocal group on that matter.

Other responses related to support for civil society, engagement of non-governmental organisations (NGOs) and actions towards cultural rapprochement. The postulates expressed in the 1995 Barcelona Declaration and Euro-Mediterranean Partnership in the area of social, cultural and human partnership – such as cultural exchanges, knowledge of other languages, implementation of educational and cultural programmes – are thus still valid for the partners in third countries. Democratisation programmes which intend to promote the rule of law, human rights, transparency and fairness of elections, the development of free media, the building of civil society and encouraging wide citizens' participation in public affairs are no less important. Implementation of any project under MPF or prospect Talent Partnership would require the involvement of various stakeholders in the country of origin. The stronger they are and the more stable and transparent the political and legal environment is, the more chances for success.

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Last but not least, respondents from partner countries highlighted the need to invest in education and training in the countries of origin. This could be done, among others, through the involvement of South Mediterranean countries in Erasmus+ projects.

References

Barcelona Declaration and Euro-Mediterranean Partnership.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ar15001>

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32014L0036>.

EU and Tunisia establish their Mobility Partnership. (2014, March 3). European Commission. https://ec.europa.eu/commission/presscorner/detail/en/IP_14_208

Gianaris, K (2020, May 21). *Spain: Moroccan female migrant workers on strawberry farms allegedly face sexual abuse.* Business & Human Rights Resource Centre. <https://www.business-humanrights.org/en/latest-news/spain-moroccan-female-migrant-workers-on-strawberry-farms-allegedly-face-sexual-abuse/>

González Enríquez, C. (2013). Circularity in a Restrictive Framework. In: A/ Triandafyllidou (Ed.), *Circular Migration between Europe and its Neighbourhood: Choice or Necessity?*. OUP Oxford. P. 129.

Migration and mobility partnership signed between the EU and Morocco. (2013, June 7). European Commission. https://ec.europa.eu/commission/presscorner/detail/en/IP_13_513

Moroccan women working in the strawberry farms of Huelva province. Working and housing conditions for women hired in their country of origin. (2019). women's link worldwide. <https://www.womenslinkworldwide.org/en/files/3118/executive-report-moroccan-women-working-in-the-strawberries-farms-of-huelva-province.pdf>

Neumayer E. (2011). On Detrimental Impact of Visa Restrictions on Bilateral Trade and Foreign Direct Investment. *Applied Geography*, Vol. 31 (3), p. 901–907.

Rasche, L. (2021, June 16). *Talent Partnerships. Fit for purpose?* Hertie School

Jacque Delors Centre Policy Brief. https://opus4.kobv.de/opus4-hsog/frontdoor/deliver/index/docId/4017/file/210615_Talent_Partnerships_Rasche.pdf

Study on Bilateral Labour Agreements and Social Security Agreements in North Africa. (2017). ILO.

Talent partnerships. European Commission (b). https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/talent-partnerships_en

Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa. European Commission (a). https://ec.europa.eu/trustfundforafrica/region/north-africa/regional/towards-holistic-approach-labour-migration-governance-and-labour_en

Employment and Social Cohesion in the Context of Forced Displacement: The Cases of Jordan and Lebanon

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Introduction

The Mashreq region has experienced an unforeseen level of forced displacement since the onset of the Syria crisis in 2011. Economic downturn, political instability and rising social tensions in Iraq, Gaza and Yemen have only added to the number of women, men and children fleeing conflict. According to the Internal Displacement Monitoring Centre (IDMC), 7.8 million refugees and asylum seekers fled the Middle East and North Africa (MENA) region between 2010-2020, alongside an estimated 2.9 million persons who have become internally displaced each year (IDMC, 2021). Jordan and Lebanon host some of the largest numbers of refugees in the region, having jointly received an estimated 2.8 million refugees from Syria (UNHCR, 2021, Government of Jordan 2020). While the two countries were not in a socio-economic position to receive such large numbers of refugees, their geographical locations, cultural similarities, and openness made them destinations for many.

Lebanon, in particular, has experienced multiple crises in recent years, including the collapse of the financial sector, an economic crisis, political instability, the harsh consequences of COVID-19, and the blast that hit the country's capital in 2020. While Jordan has maintained its socio-economic and political stability, it has nonetheless

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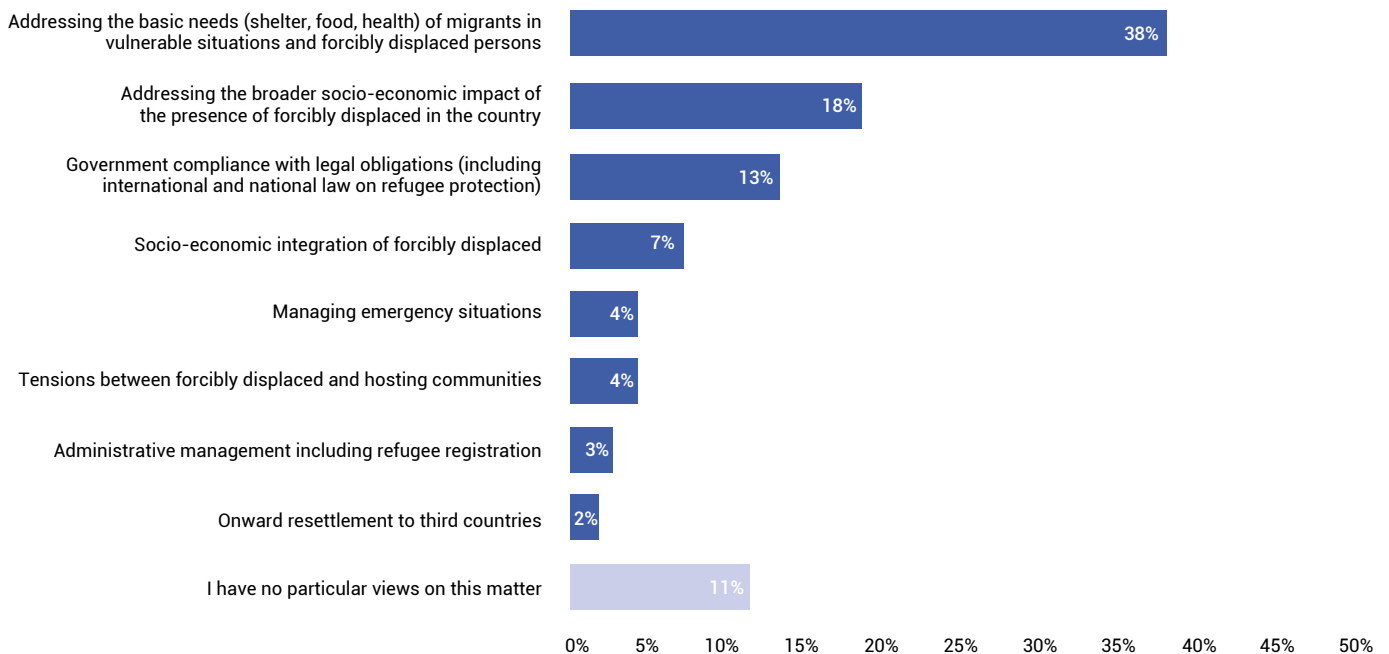
experienced rising levels of unemployment, increasing pressure on public services and the inevitable economic consequences of the COVID-19 pandemic. Both countries are also facing reductions in international humanitarian assistance for displaced populations, as part of the general trend towards investment in development.

With mounting domestic concerns, Jordan and Lebanon have both instituted regulatory frameworks that aim to control access to the formal labour market for non-nationals, including refugees. While the levels of restrictions vary, both stem from the stark reality of strained economies and high levels of unemployment. Economic circumstances have powerful influence over the willingness and ability of host communities to accommodate the displaced. The survey carried out by EMM5-EuroMeSCo highlights the most commonly perceived challenges of host communities. Unsurprisingly, these include the inability of host countries to cover the basic needs of displaced populations, while also providing for their own citizens. Survey respondents also perceive the international community as having a responsibility to respond not only to the needs of displaced populations, but also to the pre-existing weaknesses of the countries that host them.

With mounting domestic concerns, Jordan and Lebanon have both instituted regulatory frameworks that aim to control access to the formal labour market for non-nationals, including refugees

GRAPH 1

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

This article analyses the perceptions of host communities expressed in the EMM5-EuroMeSCo survey, against the labour market realities of Jordan and Lebanon. It further considers the use of international trade and investment opportunities to address underlying development challenges in main host countries, while also acknowledging their limitations. Finally, it draws some conclusions and presents a set of recommendations to address the short- and long-term impact of forced displacement crisis in Lebanon and Jordan.

Socio-economic and labour market challenges

Their [Jordan and Lebanon's] economies lack diversification and are primarily driven by the services sector as opposed to high value-added production

When compared to surrounding countries, both Jordan and Lebanon are resource poor. Their economies lack diversification and are primarily driven by the services sector as opposed to high value-added production and, as such, have failed to create labour demand and generate large numbers of jobs. In Lebanon, the labour market has considerable deficits in the quality of work, underutilization of labour, and high rates of informality. According to an ILO Diagnostics Assessment in 2020, “some 55 percent of all workers in Lebanon were informally employed in 2018–19, prior to the COVID-19 crisis” (ILO, 2021).

The situation is bleaker amongst disadvantaged groups. A recently published survey that was carried out in Lebanon by the ILO with support from the Ford Foundation revealed significant rates of unemployment and informality among both displaced populations and vulnerable host community members. Just 22.2 per cent of the population surveyed reported formal employment, and notable differences emerged between Lebanese and Syrian refugee respondents (ILO, 2021). Ninety-five per cent of Syrians were in informal employment, while the figure was 64.3 per cent (still considerably high) for vulnerable Lebanese. This was highest among youth of both refugee and non-refugee backgrounds.¹

While the overall macroeconomic situation is less dire in Jordan, job-poor growth and skills mismatches have manifested themselves in poor labour market outcomes, particularly for youth. Despite extensive efforts by the government and international community to address labour market challenges, youth unemployment has remained persistently high and has even increased in recent years, reaching 37.3% (amongst youth aged 15-24) compared to 30.9% in 2015 (ILO STAT, 2021).

¹ 91.9 per cent for those 15-24, and 65.3 per cent for those 25 and above. Furthermore, an alarming 62.3 per cent of youth in the sample were not in employment, education or training (NEET).

International Response

It is well recognized that the vast majority of the world's refugees are hosted in low or middle-income countries. Jordan and Lebanon have two of the highest rates of refugees per capita in the world (UNHCR, 2020). However, these countries also have few resources at their disposal to provide for displaced persons, while also securing adequate standards of living for citizens.

The concept of responsibility sharing is premised by the idea that the consequence of geography should not dictate the load individual countries have to shoulder in response to displacement crisis. This is traditionally seen in the allocation of humanitarian assistance from countries in the global North, to those hosting larger numbers of refugees. Nonetheless, internationally financed humanitarian assistance to host countries has diminished as displacement crises have become protracted. Instead, international investments have been increasingly redirected to spark economic growth in the host countries. Agreements that provide concessional trade and finance have been leveraged as such mechanisms. For example, the European Union and Jordan leveraged the European Free Trade Agreement and relaxation of the Rules of Origin to try to generate jobs for displaced persons by increasing export opportunities.

However, the experience of the Rules of Origin scheme in Jordan demonstrated the limitations of such indirect approaches to addressing displacement. The logic skips the underlying macroeconomic weaknesses that determine job poor growth. Leaving structural challenges aside, the impact of such investments remains limited. Without tangible benefits - in this case job creation and export opportunities - perceptions that international actors fail to meet the needs of host communities and live-up to commitments are bound to persist.

Perceptions and Responses of Host Communities

Extensive research has been conducted in host countries to better understand the impact of forced displacement on social cohesion. Higher rates of unemployment have been found to be linked to lower levels of social cohesion. They also drive a lack of trust among social groups, as well as perceptions of social injustice and exclusion (ILO, UNDP, PMSO, World Bank, 2016). While Syrian refugees share cultural similarities to their neighbors in Jordan and Lebanon, dwindling resources have generated social tensions.

Jordan and Lebanon have two of the highest rates of refugees per capita in the world. However, they also have few resources at their disposal to provide for displaced persons, while also securing adequate standards of living for citizens

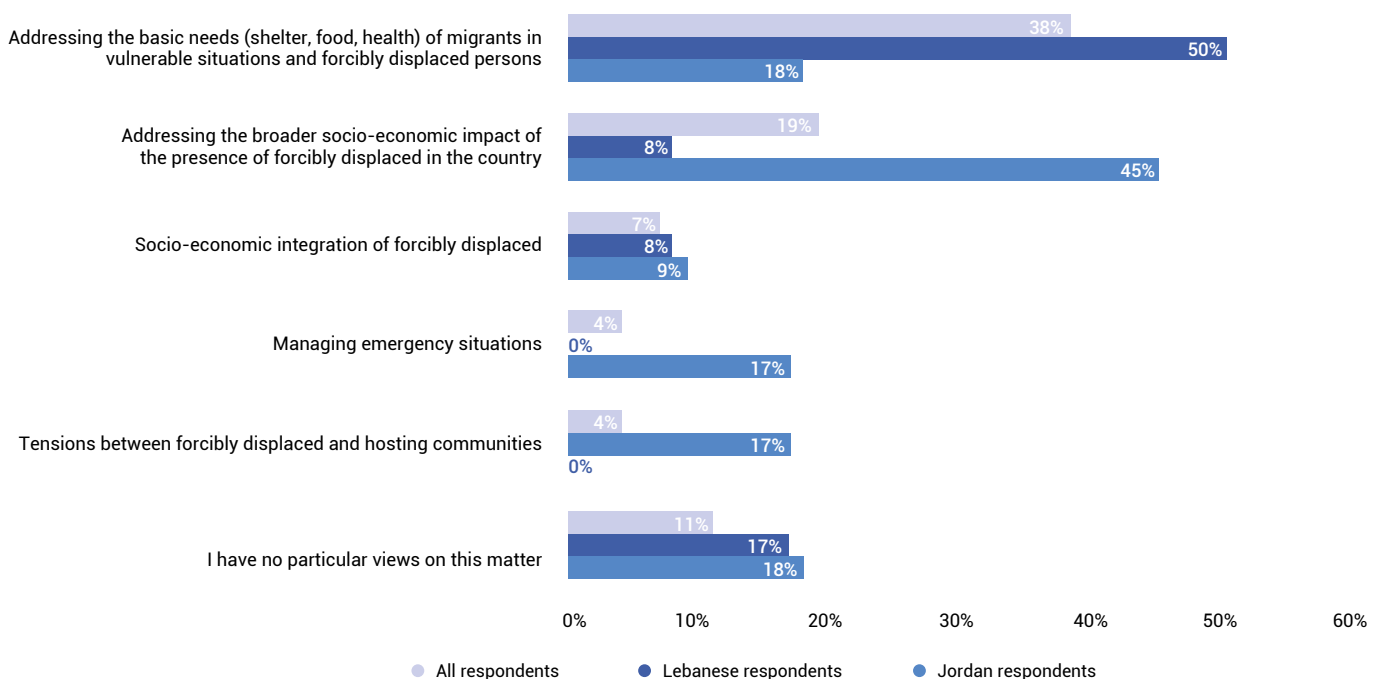
Internationally financed humanitarian assistance to host countries has diminished as displacement crises have become protracted

While Syrian refugees share cultural similarities to their neighbors in Jordan and Lebanon, dwindling resources have generated social tensions

This is further reflected in the different responses between Jordan and Lebanon in the EMM5-EuroMeSCo survey. Unsurprisingly, with the continuously worsening socio-economic situation in Lebanon and ensuing rise in both income and multidimensional poverty reaching an unprecedented 74% and 82% in 2021, respectively (ESCWA, 2021), Lebanese respondents were more likely to report the greatest challenge as meeting basic needs. While no Jordanian respondents noted tensions with forcibly displaced populations, 17% of Lebanese respondents reported this as a main challenge (EMM5-EuroMeSCo, 2021). Those from Jordan on the other hand assigned greater importance to addressing broader socio-economic challenges. When asked what the international community should specifically do, a respondent in Jordan placed value on “interventions that help the livelihood of the communities and women in particular.”

GRAPH 2

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

The EMM5-EuroMeSCo survey also shows that host communities expect direct support from the international community to boost their economies and support their societies, but do not necessarily perceive that this has been sufficiently delivered. Jordanian and Lebanese respondents acknowledged support provided specifically

from the European Union, but for reasons of internal governance, spending had not necessarily had an impact. This is particularly evident in the justifications provided by Lebanese respondents, who see little capacity to receive and channel such support. One Lebanese respondent noted that “chaos dominates,” and the “EU is lost among the complicated Lebanese rules pertaining to refugees” (EMM5-EuroMeSCo, 2021).

The quality of jobs should also be at the forefront of discussion, as it has been an issue of concern prior to the displacement crisis. Decent employment can provide income and reduce stressors that risk creating an “*us vs. them*” scenario. One positive example of enhancing decent work through investment in trade and development is the explicit reference to the ILO in the relaxed Rules of Origin scheme. In this scenario, ILO is responsible for monitoring and advising firms certified to export to the European Union, to improve their compliance with decent work principles.

Conclusion

In conclusion, in the context of forced displacement and support to host countries, foreign investments have increasingly been earmarked for economic growth. While focus has shifted to a development perspective, and increasingly away from a humanitarian approach, both have important roles to play. Humanitarian and development stakeholders can work together to address pressing and immediate needs, while equally investing in upstream, policy interventions that build a foundation for longer-term change. Specifically, such interventions need to be grounded in broader macroeconomic reforms and comprehensive national employment policies that promote more diversified economies and create decent jobs for all in host countries.

Several new initiatives aimed to leverage the strengths of the humanitarian and development sectors are starting to bear fruit in creating a more enabling environment for sustainable livelihoods in displacement contexts. The PROSPECTS partnership, spearheaded by the Government of the Netherlands, is one such example, that brings together the International Finance Corporation (IFC), the ILO, the UN Refugee Agency (UNHCR), the UN Children’s Fund (UNICEF), and the World Bank to devise approaches for inclusive job creation, education and protection in the context of forced displacement².

At the heart of the success of such initiatives lies the importance of responsiveness to actual needs in the host countries, while ensuring that both vulnerable host communities and refugees benefit from these interventions equally. Many other examples of programmes implemented to operationalize the humanitarian-

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² The PROSPECTS partnership is implemented across eight countries in the Middle East and North Africa (MENA) and the Horn of Africa.

development- peace nexus (HDPN) exist, including in the Arab region.³ Improved cohesion and solidarity occurs when communities of concern feel their voices are heard, and needs addressed. The humanitarian sector cannot be absent in such contexts, when acute needs require immediate responses, while development actors provide insight to set countries on an inclusive and socially just development trajectory.

³ One such mechanism introduced in the Arab region is the HDPN Issue Based Coalition (IBC) established in 2020 by the Regional UNDG group. The main task of this IBC is to provide a platform for sharing research, tools, and experiences on the operationalization of the HDPN in the Arab countries. One initiative that the HDPN IBC in Arab States is considering to pilot for its own members and later on for the broader stakeholders is the global UN Development Assistance Committee (DAC) Dialogue Group Nexus Academy initiative.

References

ESCWA (2021). *Multidimensional poverty in Lebanon (2019-2021): Painful reality and uncertain prospects*. https://www.unescwa.org/sites/default/files/news/docs/21-00634-_multidimensional_poverty_in_lebanon_-_policy_brief_-_en.pdf

GOVERNMENT OF JORDAN (2020). *Jordan Response Plan for the Syrian Crisis 2020-2022*. <https://reliefweb.int/report/jordan/jordan-response-plan-syria-crisis-2020-2022>

INTERNATIONAL LABOUR ORGANIZATION (ILO) (2021). *Assessing Informality and Vulnerability among Disadvantaged Groups in Lebanon: A Survey of Lebanese, and Syrian and Palestinian Refugees*. https://www.ilo.org/beirut/projects/WCMS_714581/lang--en/index.htm

ILO STAT (2021). *Statistics on unemployment and supplementary measures of labour underutilization*. <https://ilostat.ilo.org/topics/unemployment-and-labour-underutilization/>

ILO, UNDP, PBSO AND WORLD BANK (2016). *Employment Programmes and Peace: A joint statement on an analytical framework, emerging principles for action and next steps*. https://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS_535665/lang--en/index.htm

UNHCR (2020) *Global Focus: Middle East*. <https://reporting.unhcr.org/middleeast>

UNHCR (2021) *Factsheet Lebanon* <https://reporting.unhcr.org/sites/default/files/Lebanon%20operational%20fact%20sheet-May%202021.pdf>

Turning the Euro-Moroccan Tide: A Reappraisal of Migration Cooperation beyond Existing Areas of Engagement

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Apropos the EU's migration cooperation with southern neighbours, Morocco holds the largest migration portfolio in North Africa. Yet as the year of 2021 draws to a close, the EU-Moroccan migration cooperation has been in the doldrums

In February 2021, the European Commission launched the New Agenda for the Mediterranean on a Renewed Partnership with the Southern Neighbourhood. The motto that runs through the fabric of this agenda is a cooperation that is premised on “tailor-made comprehensive, balanced and mutually beneficial partnerships” (European Commission, 2021). Apropos the EU's migration cooperation with southern neighbours, Morocco holds the largest migration portfolio in North Africa and has long-standing relations with EU countries (Hadji, 2021; M'hamdi, 2021). Yet as the year of 2021 draws to a close, the EU-Moroccan migration cooperation has been in the doldrums—starting with the diplomatic logjam between Spain and Morocco in May to the more recent move by France in halving the number of visas for Moroccans (Ferdaoussi, 2021). Similar measures have been taken against Algeria and Tunisia—presented as a punitive response to the countries' alleged refusal to facilitate the return of their undocumented nationals from France (Bloomberg, 2021). To be sure, this simmering geopolitical scenario reignited the as yet unsettled EU-Moroccan negotiations over the joint agreement of readmission and visa-facilitation, which were suspended by Morocco in 2015.

Though negotiations over a readmission agreement with Morocco started in the 2000s, it was not until the two parties signed the Mobility Partnership (MP) in 2013 that visa facilitation policy gained momentum (Carrera et al., 2016). This policy instrument is regularly criticised as a mere bargaining chip meant to foster greater migration

cooperation from southern neighbours, by offering a relaxation of visa restrictions and developing legal pathways through the launch of Talent Partnerships (TPs).

In October 2021, a draft of the European Commission's Action Plan on migration was leaked, revealing the urgent need of maintaining a "partnership of equals" with Morocco through "dialogue, responsibility sharing, mutual trust, and respect". Owing to its geopolitical importance and longstanding cooperation, Morocco is considered by the EU as "a key partner in the shared challenge of preventing and tackling irregular migration, countering the smuggling of migrants, and thereby saving lives". The existing areas of cooperation listed in the Commission's draft include (1) asylum and support to the hosting countries, (2) addressing the root causes of migration, (3) migration governance and management, (4) cooperation with EU agencies, (5) the joint agreement of readmission and visa facilitation, (6) legal mobility and regional, (7) south-south migration cooperation.

How Does the EU-Moroccan Migration Cooperation Look Like Up-close?

As to asylum and protection in host countries, the EU encourages Morocco to adopt pending legislations with regards to asylum and human trafficking. It promised to strengthen the Moroccan National Strategy of Immigration and Asylum (SNIA) with "operational support" and "capacity building" provided by the European Asylum Support Office (now 'European Union Agency for Asylum'), aiming to foster better integration of migrants stranded in Morocco and as well as the reintegration of Moroccan migrant returnees. 15,755 refugees and asylum seekers are registered with UNCHR from more than 48 countries in Morocco (UNCHR, 2021). And yet law enforcement frameworks to process applications have not been put place since the launch of SNIA. In December 2021, migrant communities and activists sent a memorandum to the recently elected government, wherein they underline the legal and socio-economic conditions of migrants and refugees. In particular, they urge the government to adopt the legal arsenal on asylum and immigration and racial discrimination provided by SNIA (ENASS, 2022). The development of a legal arsenal for national asylum was dedicated a budget of €35 million under the support programme MFF 2014-2020 (European Commission, 2021b). Reforms included in the SNIA should amend the discrepancies that pose legal hurdles for migrants to renew their residence permits (particularly law no. 02-03), as well as the promulgation of specific laws that penalize racial discrimination and those that ensure the socio-economic integration of vulnerable migrants, including women and children.

On the emigration aspect, 8,421 arrivals from Morocco to Spain and Canary Islands were registered on a yearly basis as early as August 2021, compared to 5,709 in the same period of 2020. As of September 2021, 6,775 applications for asylum have

been lodged by Moroccan nationals (European Commission, 2021b). This trend places Morocco among the 10 main origin countries in the EU, most of which are war-torn. To address the root causes of clandestine migration, the EU offers to support “the migration legislative and institutional framework of Morocco,” promoting social inclusion, reducing socio-economic disparities at the regional level, enhancing employability of the Moroccan diaspora and migrants settling in Morocco. For instance, the ENABEL-implemented programme ‘Déploiement des politiques migratoires au niveau régional’ was awarded a budget of €8 million under the EU Emergency Trust Fund for Africa (2018-2022) to tackle these objectives.

A partnership that is premised on real institutional democracy, rule of law and creation of socio-economic opportunities for desperate youth is a promising instrument to tackle clandestine migration. While these areas of engagement are important, most of the funding disbursed to address and redress the root causes of irregular migration is handled by European organizations, giving short shrift to local civil society and migrant communities who have direct influence on the lives of vulnerable migrants. It is the onus of Morocco to ensure the socio-economic welfare of its citizens all the same. As revealed in the Commission’s draft, a total of €21.1 million is allocated to these programmes, while €144 million is allocated to the border management package alone. This imbalance reflects the persistent tendency of the EU to keep the ‘migration problem’ at bay. The externalization of the EU border control, along with the readmission of migrants from all EU Member states, purports that the most controversial responsibilities in the areas of migration management will keep being shifted to international partners such as Morocco (Lemberg-Pedersen et al., 2021). In principle, this approach contradicts the motto of “partnership of equals”, while it may also result in grave violations of international and EU law, notably illegal pushbacks which are covertly orchestrated by border patrols and southern neighbouring countries (EPRS, 2021).

Fostering Migration Cooperation beyond Existing Bilateral Agreements

Morocco has signed readmission agreements with Spain, Germany and France. The Commission’s draft wishes that Morocco would sign readmission agreements with all EU Member States. While countries have legal obligations under international law to readmit their nationals, the EU’s insistence to include a clause relating to the readmission TCNs has frozen negotiations and caused deep friction with Morocco. On this aspect, Morocco seems unwilling to compromise its engagement vis a vis African partners to satisfy European interests. . It is important to note that Morocco’s migration policies are driven primarily by diplomatic considerations, counterbalancing the geopolitical interests of its traditional African allies, on the one hand, and its domestic interests on the other hand (Norman, 2020).

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This joint agreement is far from being cost-effective for Morocco due to its unfair share of responsibilities, and EU efforts on the readmission of TCNs are likely to fall short of an all-encompassing agreement. For a start, Morocco is home to at least 40,000 West African migrants, not to mention the ever-fluctuating number of those transiting its territory to enter Europe. Besides being subject to socio-economic exclusion and structured illegality, West African migrants are victims of racial discrimination which remain unsanctioned in Morocco, given the incomplete adoption of law enforcement frameworks of the SNIA. As such, the readmission of TCNs contributes to intensify this xenophobic trend and results in further racial tensions. These trends of containment and abandonment are amplified by the rampant racism against black migrants in Morocco even after the latter's New Migration Policy reforms (Gross-Wrytzen, 2020). Furthermore, the sensationalist media coverage of black migrants in Morocco favours xenophobic representations in the public discourse.

The joint communication of the European Commission all the more stressed the importance of exploring south-south cooperation in migration governance. However, cooperation with African southern neighbours in migration governance may negatively affect Morocco's overall engagement on the continent. More worryingly, the EU's failure to systematically conclude agreements with countries of origin suggests that all West African migrants transiting through Morocco face limited prospects of being taken back to their countries of origin (Abderrahim, 2021). Indeed, as the situation in the Western Mediterranean keeps drawing policy-makers' attention (Frontex, 2018), it is likely EU pressure on Morocco to ensure border control and cooperate on TCNs will remain high. Long-term reception of TCNs demands solid institutional, legal and infrastructural frameworks, which Morocco can barely provide to fix the socio-economic ills of its nationals (Carrera et al., 2016).

The findings of the survey conducted by theEMM5-EuroMeSCoshow that 46% Moroccan respondents consider the absence of policy instruments on return and reintegration as the stumbling-block for Euro-Moroccan cooperation. Along with these legal infrastructures, 31% of Moroccan respondents consider the weak socio-economic infrastructures no less an issue to Euro-Moroccan cooperation in terms of readmission of nationals and TCNs alike. Furthermore, while 34% of Moroccan respondents suggest that the EU support to Morocco should be directed towards post-return reintegration assistance in the country, only 4% of respondents consider capacity building for local authorities responsible for voluntary return programmes as needful of EU support.

What we glean from such metrics is that it is far-fetched to believe Morocco can effectively assume the role of the 'waiting room' of Europe's gated communities in light of such infrastructural absence. The EU should reconsider its cooperation with Morocco in migration governance through humane and democratic policy instruments

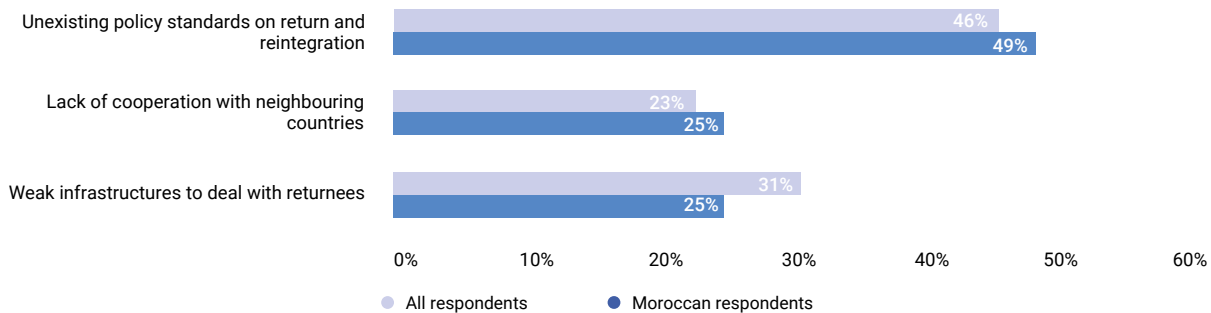
Long-term reception of TCNs entails solid institutional, legal and infrastructural frameworks, which Morocco can barely provide to fix the socio-economic ills of its nationals

A balanced and mutually beneficial Euro-Moroccan migration partnership should go beyond the existing agreements that rely solely on financial assistance and unequal division of responsibilities

that are sketched out in the Joint Communication on the renewed partnership with the Southern Neighbourhood. While only 12% of Moroccan respondents assessed the Euro-Moroccan cooperation on return and reintegration as positive, 28% of respondents consider it as negative. A balanced and mutually beneficial Euro-Moroccan migration partnership should go beyond the existing agreements that rely solely on financial assistance and unequal division of responsibilities.

GRAPH 1

Q.16 Based on your experience, what are the main issues? (categories developed from the open-ended answers)



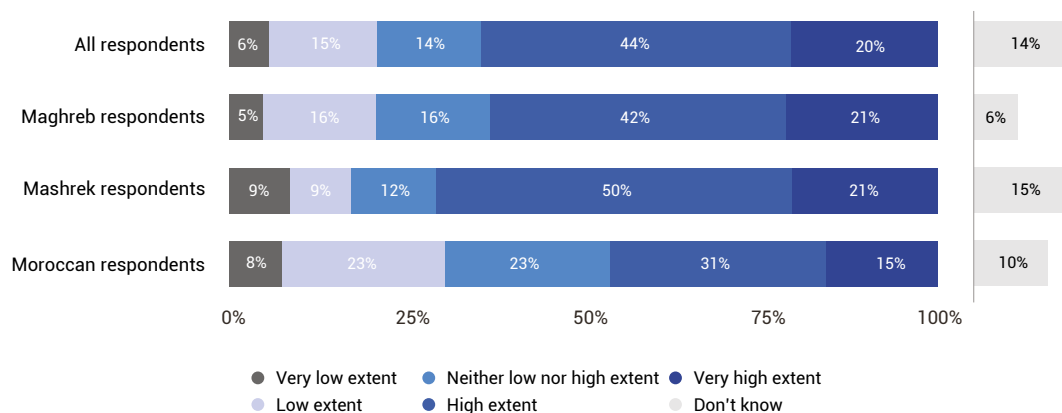
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Migration visa requirement favours primarily skilled labour, thus benefiting exclusively the privileged citizens who are already internationally mobile

Meanwhile, it is noteworthy to weigh the incentives of the visa facilitation against the structural challenges arising from the readmission of TCNs. Safe and orderly migration through visa facilitation favours primarily skilled labour, thus benefiting exclusively the privileged citizens who are already internationally mobile. As such, it is unclear how such policy instrument will gain traction in the case of Morocco.

GRAPH 2

Q.18 To what extent to you consider that the following avenues [B. Bilateral visa facilitation mechanisms] could contribute to improve cooperation on return and reintegration?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

This implies that disfranchised social categories in Morocco will not benefit from such policy instruments and might keep envisaging clandestine channels to enter Europe. As such, while the EU has been successful in deploying visa facilitation as a negotiation incentive with Turkey, such incentive is less popular within Morocco (El Qadim, 2018). As evidenced by the EMM5-EurMeSCO public survey, 50% of Mashrek respondents assessed the visa-facilitation negotiation mechanism as effective, whereas only 31% of Moroccan respondents are positive about it. Along with the financial and logistical resources, visa facilitation is far from being an enticing incentive for Morocco when weighed against the otherwise burdensome repercussions of acceding to the EU's demand of TCNs readmission.

Redressing Migration Governance: Steering Euro-Moroccan Cooperation away from Security-driven Approaches

The stringent border control that followed the outbreak of the pandemic reshuffled the entire migratory landscape. New migratory trends keep arising, with distinctive patterns of mobility for families, women and unaccompanied minors from Morocco, sub-Saharan Africa and further afield, which have been propelled by the contingency of the pandemic. Such trends in North Africa have brought the EU's counter-smuggling policy in North Africa under critical scrutiny (Sanchez, 2020; Sanchez et al., 2021, Fakhry, 2021). Whilst migrants fall prey to acts of violence, threats and scams at the hands of smugglers, a copious body of literature challenges the moral economy attached to smuggling, moving

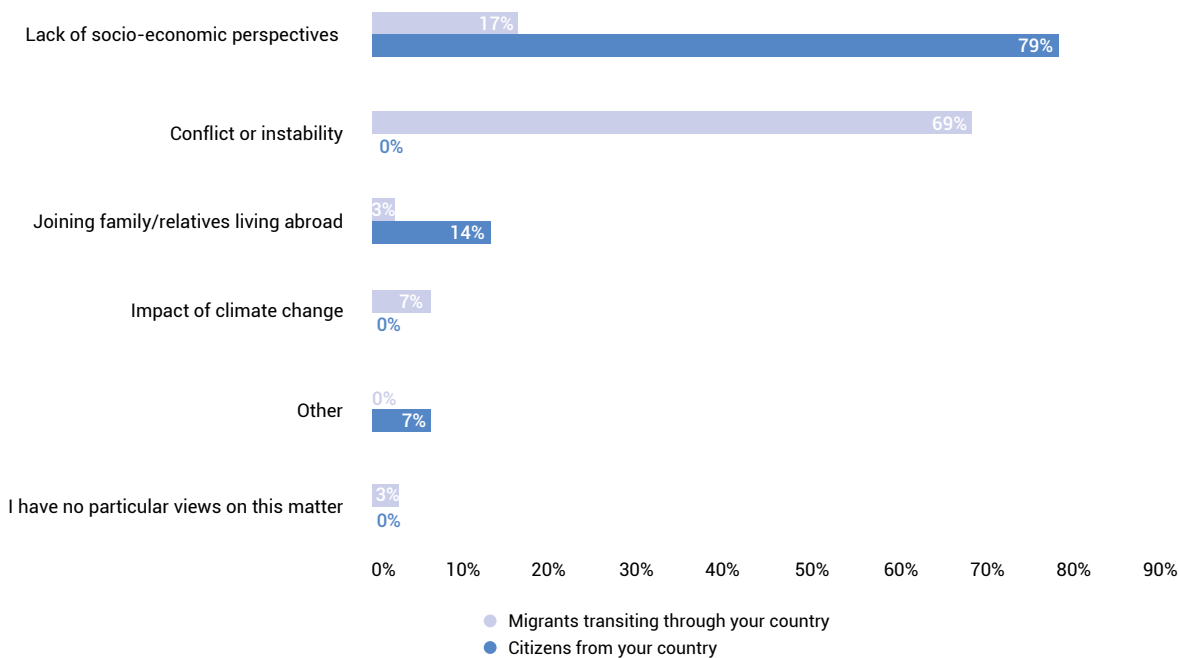
The stringent border control that followed the outbreak of the pandemic reshuffled the entire migratory landscape. New migratory trends keep arising, with distinctive patterns of mobility for families, women and unaccompanied minors

away from the dominant Western narratives that peg smugglers as villains, criminals and law-breakers (Achilli, 2018; Brachet, 2018; Achilli et al., 2019; Zhang, 2019).

Similar narratives surround the EU’s counter-trafficking policy, producing polarised discourses of vulnerability and criminality (Serughetti, 2018; Tyszler, 2020; Ferdaoussi, 2020). These stacks of literature contest ill-informed policy studies with little to no empirical evidence to support claims of existing nexus between smuggling, crime and terrorism. Forced and clandestine migration is driven by socio-economic and stability factors, as is evidenced by the findings of the EMM5-EuroMeSCo survey. 79% of Moroccan respondents suggest that lack of economic prospects as the main driver of Europe-bound Moroccans, 69% of the same respondents consider political instability as the main driver of sub-Saharan migrants transiting through Morocco.

GRAPH 3

Q.8 What is the main driver of outwards irregular migration from your country? (Moroccan respondents)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

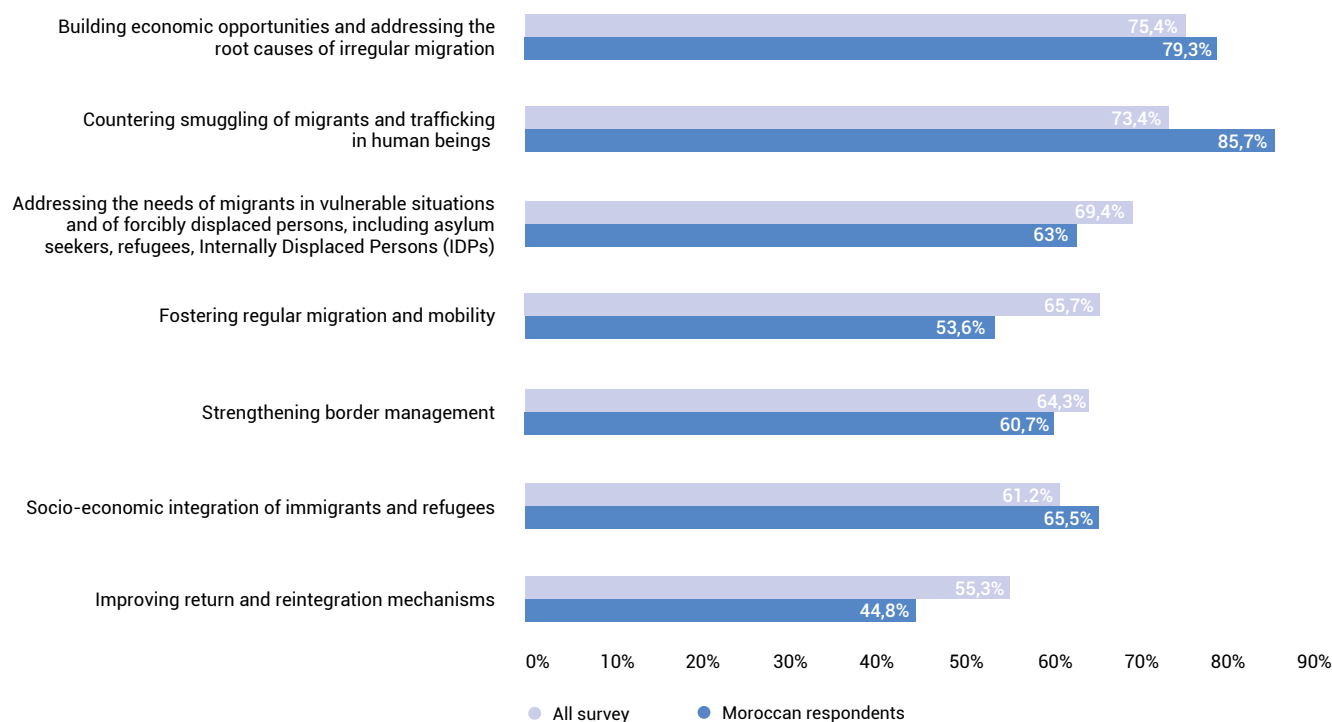
Sub-Saharan migrants transiting through Morocco undergo double displacement, induced by a combination of lack of economic prospects and political instability

Indeed, the abrupt socio-economic repercussions that followed nationwide lockdowns have had a clear effect in terms of border crossings. The resurgence of community-based migration propelled a large number of migrants to engage in auto-smuggling of their friends and families, with no criminal or lucrative intentions whatsoever. In fact, turning to clandestine means is the last resort for North Africans who have been

denied a visa and are distrusting of the EU member states' claims of encouraging regular, safe and orderly migration (Capasso,2021). Sub-Saharan migrants transiting through Morocco undergo double displacement, induced by a combination of lack of economic prospects and political instability.

GRAPH 4

Q.1 To what extent do you consider that the following areas of migration policy are important for your country.
(% of high and very high answers)

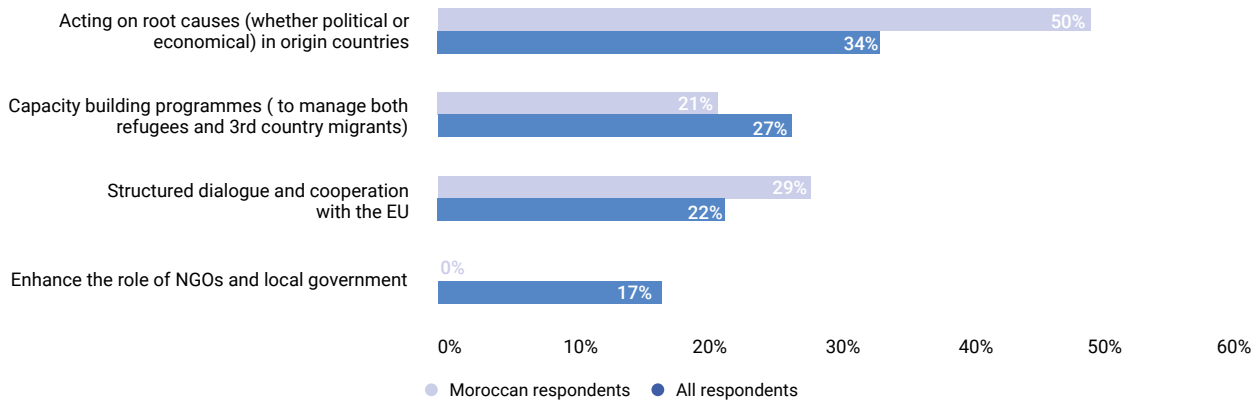


Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Quite recently, a dozen of West African countries have witnessed a comeback of military coups, harking back to the 'coup culture' of the 1970s (Campbell, 2021). A large number of sub-Saharan migrants are forced to escape such politically unstable contexts, and many of them transit through or sojourn in Morocco before reaching Europe. As part of the EU's externalization strategies, indiscriminate clampdowns on sub-Saharan migrants by authorities, sometimes by local communities, fuel racism and result in the expulsion and dispersal of vulnerable groups such as women and children. Although these measures set out to combat smuggling and trafficking networks, little substantial evidence has been brought forward.

GRAPH 5

Q.7 What do you expect from the EU to do or to do differently in order to help your country deal with forced displacement and better assist those in need? (categories developed from the open-ended answers)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Addressing the root causes of forced displacements should be the centerpiece of the EU's cooperation area with transit and origin countries

As suggested in the findings of the survey, addressing the root causes of forced displacements should be the centerpiece of the EU's cooperation area with transit and origin countries. Without such a step Mediterranean neighbours, including Morocco, will not assume the responsibilities of countries of origin, nor will they be able to cooperate with them, given their own ongoing political turbulence. More than that, the EU would benefit from reconsidering its approach to cooperation assistance. Fostering multi-level governance of urban migration by building capacities of local authorities, NGOs and migration communities through resources and legal competences should be a priority in this regard, since they are stakeholders who have more tangible impact on the lives of vulnerable migrants. This strategy is more likely to bear fruit than the current focus on security-driven programmes.

References

ABDERRAHIM, T. (2021). A Tale of Two Agreements: EU Migration Cooperation with Morocco and Tunisia. *PapersIEMed*, 7-38.

ACHILLI, L. (2018). The “good” smuggler: the ethics and morals of human smuggling among Syrians. *The ANNALS of the American Academy of Political and Social Science*, 676(1), 77-96.

ACHILLI, L., & TINTI, A. (2019). Debunking the smuggler-terrorist nexus: human smuggling and the Islamic State in the Middle East. *Studies in Conflict & Terrorism*, 1-16.

ALAOUIM'HAMDI, N. (2021). The New EU Agenda for the Southern Mediterranean: Prospects for Morocco, in *Towards a Renewed Partnership with the Southern Neighbourhood*, 110-27.

BRACHET, J. (2018). Manufacturing smugglers: from irregular to clandestine mobility in the Sahara. *The ANNALS of the American Academy of Political and Social Science*, 676(1), 16-35.

CAMPBELL, J. (2021). Coups are Back in West Africa. *Council on Foreign Relations*, <https://www.cfr.org/blog/coups-are-back-west-africa>.

CAPASSO, M. (2021). From human smuggling to state capture: furthering neoliberal governance in North Africa. *Journal of Labor and Society*.

CARRERA, S. ET AL. (2016). EU-Morocco cooperation on readmission, borders and protection: A model to follow? Centre for European Policy Studies. Retrieved from <https://www.ceps.eu/system/files/EU-Morocco%20Cooperation%20Liberty%20and%20Security%20in%20Europe.pdf>

EPRS. (2021). Pushbacks at the EU's External Borders, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689368/EPRS_BRI\(2021\)689368_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689368/EPRS_BRI(2021)689368_EN.pdf).

ENAAS (2022). Immigration, le gouvernement interpellé sur les Cartes de séjour, <http://enass.ma/2022/01/09/immigration-le-gouvernement-interpelle-sur-les-cartes-de-sejour/>.

EL QADIM, N. (2018). The symbolic meaning of international mobility: EU-Morocco negotiations on visa facilitation. *Migration Studies*, 6(2), 279-305.

EUROPEAN COMMISSION, (2021A). Renewed partnership with the Southern Neighbourhood

A new Agenda for the Mediterranean, <https://www.consilium.europa.eu/en/press/press-releases/2021/04/19/a-new-agenda-for-the-mediterranean-the-council-approves-conclusions-on-a-renewed-partnership-with-the-southern-neighbourhood/>.

EUROPEAN COMMISSION, (2021B). Draft Action Plan, <https://euobserver.com/migration/153360>.

FAKHRY, A. (2021). Hiding in Plain Sight: Investigating the Blind spots of Counter-Smuggling Efforts in Niger, *Beyond Networks, Militias and Tribes: Rethinking EU Counter-Smuggling Policy and Response*, 52-74.

FERDAOUSSI, N. (2020). "(Vulner)abilities of Sub-Saharan Women Migrants in Morocco," in *Youth and Africa*, edited by Kamel Lorenzo, 49-61. Rome: Instituto AffariInternazionali.

FERDAOUSSI, N. (2021). 'Regreso': A Film Reframes the Border Spectacle on Unaccompanied Moroccan Minors at the Moroccan-Spanish Border. *Border Criminologies Blog*, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/10/regreso-film>.

FRONTEX (2018), *Migratory Routes*, <https://frontex.europa.eu/we-know/migratory-routes/western-mediterranean-route/>.

GROSS-WYRTZEN, L. (2020). Contained and abandoned in the "humane" border: Black migrants' immobility and survival in Moroccan urban space. *EPD: Society and Space* 38(5), 887–904.

HADJI, M. (2021). Is Morocco a de Facto 'Gendarme de l'Europe'? MIPA, <https://mipa.institute/8628>.

LEMBERG-PEDERSEN, M., ZACHARY, W., CHEMLALI, A, (2021), Denmark's new externalisation law: motives and consequences, FMReview.

NORMAN, KELSEY. 2020. "Migration Diplomacy and Policy Liberalization in Morocco and Turkey," *International Migration Review*. 1-26.

SANCHEZ, G. (2020). *Beyond militias and tribes: the facilitation of migration in Libya* (Robert Schuman Centre Working Paper No. 9). Florence: EUI.

SANCHEZ, G., ARROUCHE, K., CAPASSO, M, (2021) Current Trends and Challenges on the Facilitation of Irregular Migration in Tunisia, Algeria and Morocco, in *Beyond Networks, Militias and Tribes: Rethinking EU Counter-Smuggling Policy and Response*, 76-94.

SEBAG, G (2021). France Reduces Visas in Spat with Algeria, Tunisia and Morocco. *Bloomberg*, <https://www.bloomberg.com/news/articles/2021-09-28/france-reduces-visas-in-spat-with-algeria-morocco-and-tunisia>.

TYSZLER, E. (2020). Humanitarianism and black female bodies: violence and intimacy at the Moroccan-Spanish border. *The Journal of North African Studies*, 1-19.

ZHANG, S. X., SANCHEZ, G. E., &ACHILLI, L. (2018). Crimes of solidarity in mobility: alternative views on migrant smuggling. *The Annals of the American academy of political and social science*, 676(1), 6-15.

Migration Governance in Algeria: Challenges, Interests and Future Prospects

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Introduction

In EU migration dynamics, Algeria holds a significant role as a departure, transit and destination country. It has maintained its national approach to address what constitute shifting migration dynamics during the recent decade. Algeria has also been confronted by a range of migratory challenges, ranging from irregular migration, forced displacement, and brain drain. The current context requires Algeria to step out of its comfort zone and establish sustainable and strategic cooperation with neighbouring countries (i.e., sub-Saharan countries) as well as the European states. This article provides an assessment of the current migratory framework of Algeria. It also highlights the priorities, interests and future promising realms of cooperation in line with the Renewed Partnership with the Southern Neighbourhood and the New Pact on Migration and Asylum. This aims to inform and set ahead migration dialogue with the EU for a future mutually beneficial and sustainable partnership. The article draws on the findings of the survey “Towards sustainable and mutually beneficial migration partnerships in the Southern Mediterranean” launched within the framework of the project “EuroMeSCo: Connecting the dots”, led by the European Institute of the Mediterranean (IEMed) and the “EUROMED Migration V” project, coordinated by the International Centre for Migration Policy Development (ICMPD).

Algeria's policy position

Despite being a significant actor in the region, Algeria's engagement regarding migration with the EU remains very limited. The country's migration profile has shifted in the recent two decades and it is no longer solely a country of departure: it has become a transit and highly attractive destination. The outbreak of the conflict in Mali and Libya has also triggered further displacement and change in the patterns of migration (Musette & Khaled, 2012). Overall, there is a strong deficit in terms of the evidence-based data and statistics on migration into and from Algeria.

Algeria remains of particular interest to the European Union member states regarding migration governance. However, the EU has not been successful in constructively engaging Algeria in migration management cooperation. Algeria signed the Association Agreement in April 2002 with the EU that entered into force in September 2005. This agreement sets out a framework for the EU-Algeria relationship in all areas including trade. Algeria has also been part of the Valletta Summit between the EU and the AU as from its Action Plan (2015). It has failed to meet the recommendations under the framework of the Trust Fund and the African Union Protocol on the Free Movement of People (2018) (Boubakri et al., 2021) and there is a lack of transparency on what has been implemented so far from these agreements particularly concerning the issue of migration.

In fact, Algeria has not engaged in any structural reforms of its migration governance strategy. Rather, it has opted for an autonomous approach to migration governance. In other words, its approach is based on the national policy implemented by its ministerial departments, yet this approach suffers from inconsistency and less systematic coordination among the different sectors in charge of migration management (Boubakri et al., 2021).

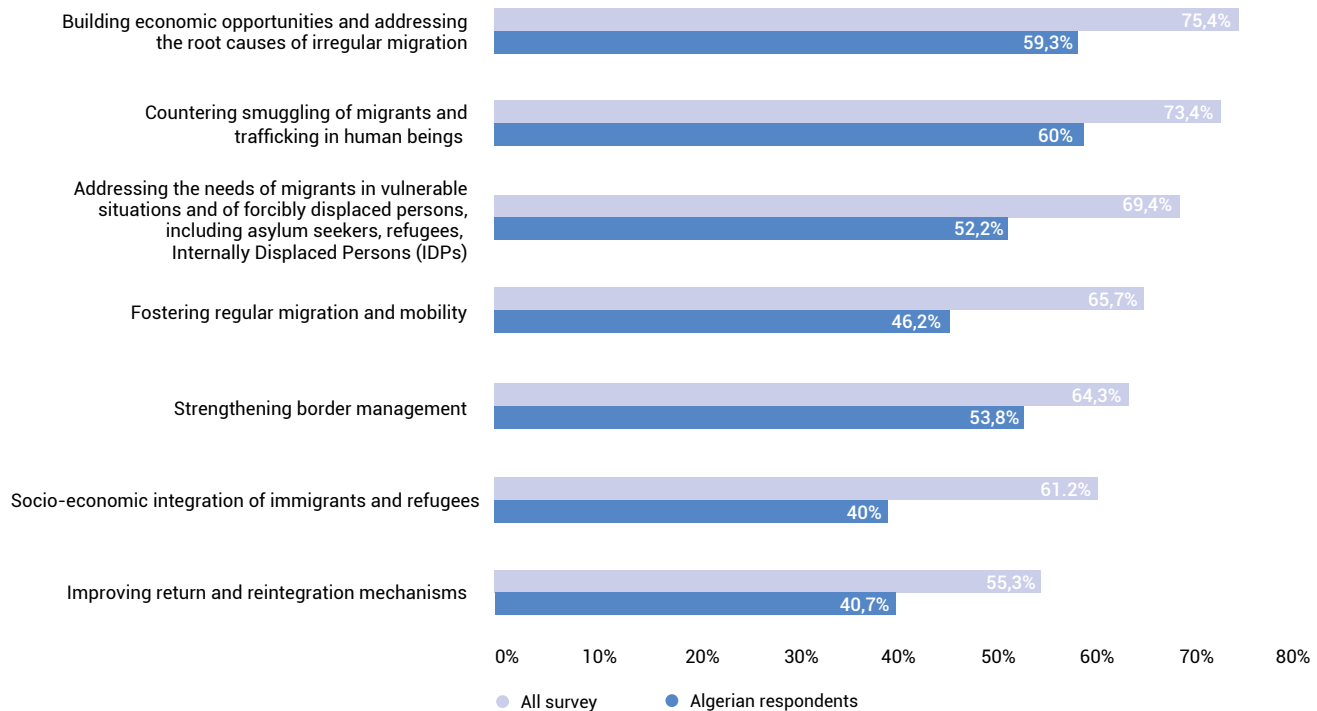
The public survey conducted highlights key areas of migration policy. Algerian respondents place countering smuggling of migrants and trafficking in human beings, building economic opportunities and addressing the root causes of irregular migration and addressing the needs of migrants in vulnerable situations or forcibly displaced persons at the forefront of migration policy for Algeria. It is also worth mentioning, that border management as well as fostering and strengthening regular migration and mobility are considered key areas of migration policy.

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[Algeria's] approach is based on the national policy implemented by its ministerial departments, yet this approach suffers from inconsistency and less systematic coordination among the different sectors in charge of migration management

GRAPH 1

Q.1 To what extent do you consider that the following areas of migration policy are important for your country.
(% of high and very high)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

The current challenge impeding this new phase of cooperation with the EU as well as other regional states is to mutually identify the orientation of this new partnership

The current challenge impeding this new phase of cooperation with the EU as well as other regional states is to mutually identify the orientation of this new partnership. The remaining challenge for Algeria is that there is currently both a repressive and indifferent approach towards migration that disregards the complex composition of the migration flows and adopts a securitisation perspective that considers irregular migration a threat to the national order. It is also more likely that Algeria will prefer to manage migration outside any legal or institutional framework. Ultimately, this approach is less effective at managing migration flows while nurturing serious concerns in terms of migrants' fundamental rights (Médecins Sans Frontières, 2020).

Irregular migration

Given the current devastating socio-economic and political situation in Algeria compounded by the implications of the COVID-19 pandemic (World Bank, 2020) which

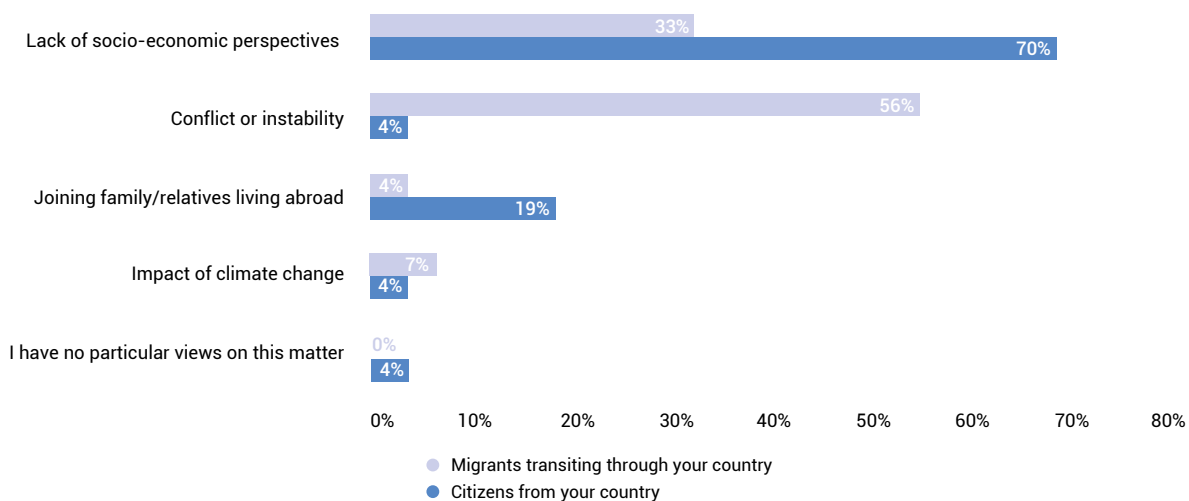
blurred the future of youth in the country, irregular migration is quite likely to continue. Additionally, Algerian nationals face increasing difficulties to secure legal pathways to migration. Despite efforts to travel and provide all necessary documents during visa processes, Algerians –particularly young Algerian men – are systematically denied visas (Sanchez et al., 2021). The EU's visa facilitation agreements remained less satisfying for the Algerian partner. This has in part led to an increase in the irregular departures from Algeria towards Spain and Italy (TSA, 2021).

The current socio-economic and political situation in Algeria offers a blurred future for youth, thus, irregular migration is quite likely to continue

The findings of the survey show that the main driver of outward irregular migration from Algeria is the lack of socioeconomic perspectives, while conflict and instability are the main trigger factor for irregular migration from the sub-Saharan countries and West and Central Africa.

GRAPH 2

Q.8 What is the main driver of outwards irregular migration from your country? (Algerian respondents)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

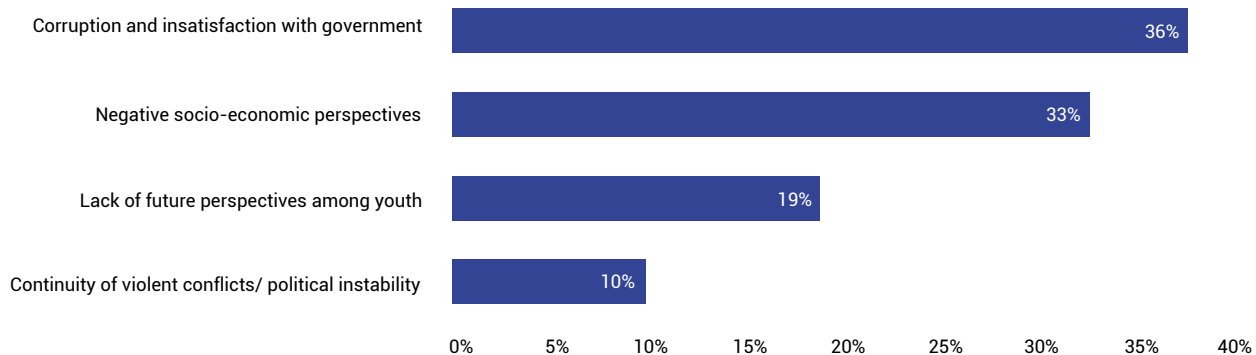
The Algerian authorities found their policy arsenal on irregular migration by introducing a repressive law that criminalizes irregular migration

The Algerian authorities found their policy arsenal on irregular migration by introducing a repressive law that aims to regularise the entry and exit of foreign nationals. To counter irregular migration, the state adopted Law 08-11 in June 2008, which criminalises the irregular migration of both its citizens as well as foreign nationals (Journal Officiel, 2008; Souiah, 2016). Overstaying is also considered a crime and subject to expulsion from the Algerian territory. Irregular migrants, mostly from Central and West Africa represent an important labour force in Algeria. However, there are little or no instruments in place for them to regularise their status or secure work permits. The migrants find themselves living under a constant threat of deportation to the southern borders of Algeria and reports have alerted on the critical human rights implications of such practices (Arrouche, forthcoming, Médecins Sans Frontières, 2020).

The implications of the pandemic of COVID-19 on the fragile Algerian economy impose a further burden on the government to ensure economic recovery. According to the survey findings, irregular migration is more likely to continue.

GRAPH 3

Q.9 In relation with the main driver you identified in Q.8, why is irregular migration likely to continue to increase for migrants transiting through your country? (categories developed from the open-ended answers)



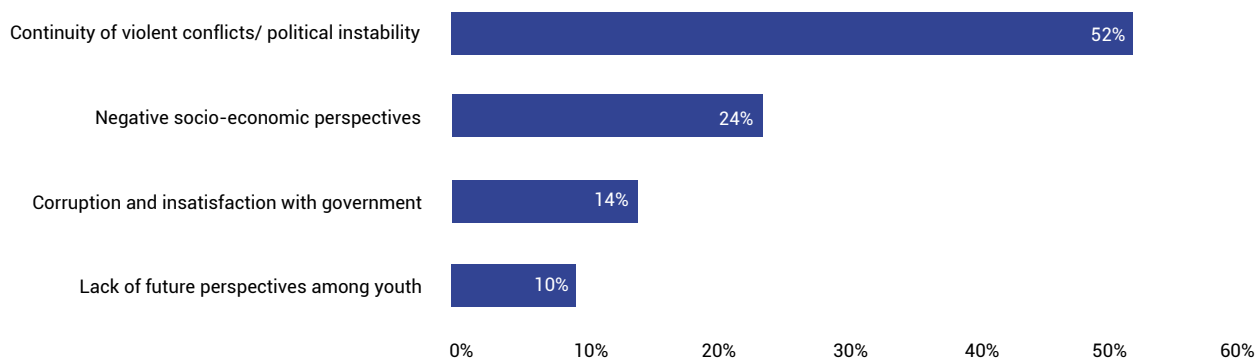
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Furthermore, West and Central African migration to Algeria is more likely to increase also due to the instability and conflicts, lack of economic opportunities and gloomy outlook, corruption and discontent with governments in the region. A fundamental factor that has not been raised in the survey results and requires a timely and serious consideration is climate change. According to the World Bank's new Groundswell Africa reports, climate change represents a great challenge to the African continent in

the upcoming years leading to the internal displacement of up to 86 million Africans by 2050 (World Bank, 2021). Thus, urgent concrete climate and development action is needed.

GRAPH 4

Q.9 In relation with the main driver you identified in Q.8, why is irregular migration likely to continue to increase for migrants transiting through your country? Algerian respondents (categories developed from the open-ended answers)



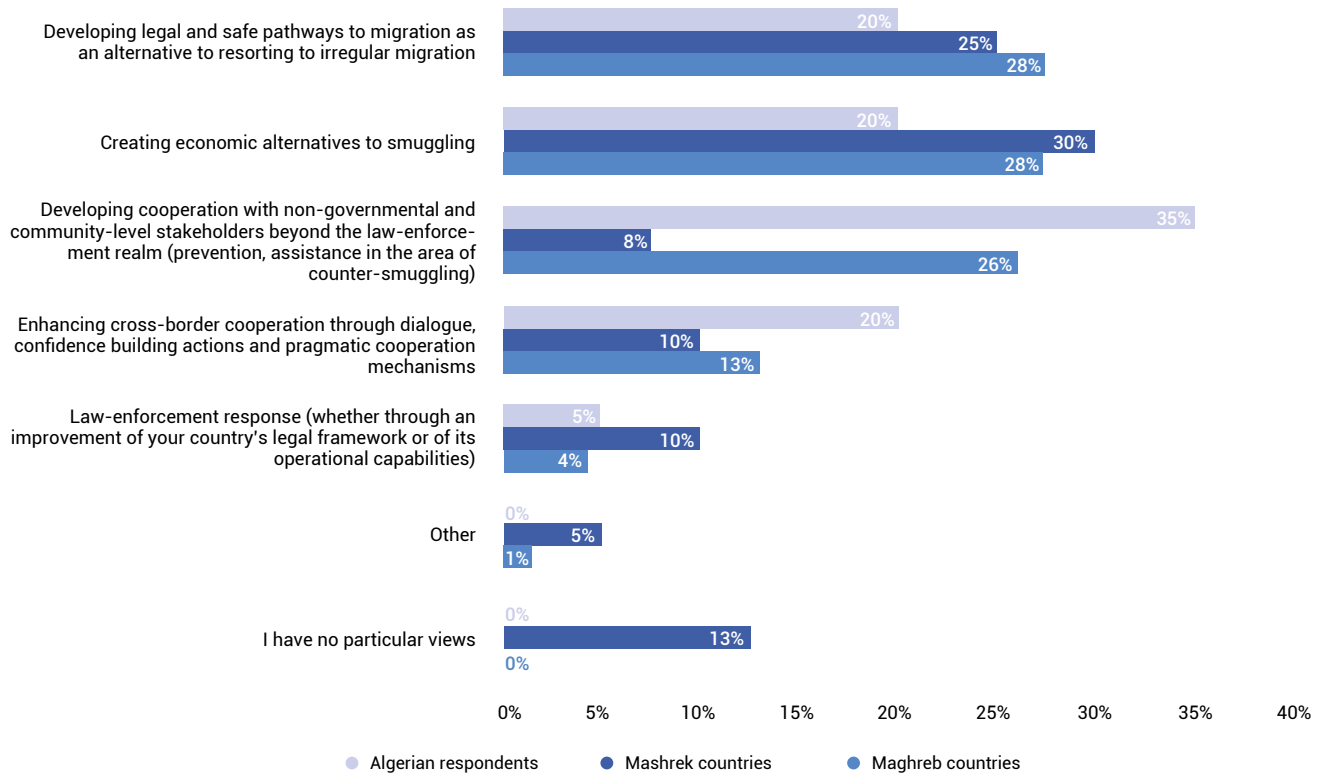
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Within the European Union, efforts to counter irregular migration and smuggling are key priorities for both EU member states and Algeria. The survey findings highlight that the most effective ways to fight migrant smuggling are as follows: developing cooperation with non-governmental and community-level stakeholders beyond the law-enforcement realm (prevention, assistance in the area of counter-smuggling) and developing legal and safe pathways to migration as an alternative to resorting to irregular migration (Graph 5). Accordingly, counter-smuggling policies introduced in the Renewed Action Plan against smuggling must not criminalise smuggled migrants, and rather they have to protect the rights of the irregular migrants, refugees, those who use the service of the smugglers, and who independently engage in facilitating their irregular movement (see Arrouche, et al., 2021).

The findings also refer to creating economic alternatives to smuggling and enhancing cross-border cooperation through dialogue, confidence-building actions and pragmatic cooperation mechanisms. These findings support the recent recommendations under the EuroMeSCo policy study “Beyond networks, militias and tribes: rethinking EU counter-smuggling policy and response” based on empirical findings of the current trends and dynamics of facilitation of irregular migration (Sanchez et al., 2021).

GRAPH 5

Q13 What is the most effective way to fight migrant smuggling?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Return and Reintegration

Despite the uncertainties around the data on voluntary and mandatory return, it is clear that Algeria (as an origin country) is not willing to cooperate on readmission agreements.

Algerians are among the top nationalities ordered to leave the EU; their returns account for 8.6% of the total based on the EU's recent figures (European Commission, 2020). The rate of return to Algeria is particularly low since 2018, and it slowed down due to the border closure enforced in the wake of the pandemic and other difficulties that impede carrying out return operations (European Commission, 2020). Despite the uncertainties around the data on voluntary and mandatory return, it is clear that Algeria (as an origin country) is not willing to cooperate on readmission agreements. According to the EU report (2020, p. 15), "one of the major obstacles is that the EU has had a 'mandate to negotiate a readmission agreement since 2002', and 'Algeria has so far not confirmed its agreement to start negotiations'".

According to the EMM5-Euromesco survey findings, the main issues impeding Algeria's cooperation at the national level are the lack of policy standards on return and reintegration along with the weak mechanisms, infrastructure. Also, the absence of post-return reintegration assistance for returnees is a problematic obstacle considering the deteriorating socio-economic and political conditions in the country. Additionally, these limitations and lack of capacity reflect the government's inadequate approach that excludes crucial actors such as civil society instead of supporting their activities and engagement on the issue of migration overall and return in particular.

At the international level, the survey echoes concerns that "Cooperation on return and reintegration aims to solve the problem in the host country while ignoring the problems of the countries of origin and the problems of migrants." (Academic statement). In addition, the findings also point out that "some EU member states dictate their conditions of return and reintegration on the countries of passage-Maghreb and mainly Algeria" (Civil society statement). These perspectives on EU-Algeria relations are broadly consistent with Algeria's cautious stance on cooperation initiatives, particularly those that might be perceived as undermining the state's sovereignty.

This stance has not changed so far. During his visit to Spain to discuss the relaunch of the bilateral relations between the two countries, the foreign minister Boukadoum expressed the significant role of the Euro-Mediterranean relations as well as the European Neighbourhood Policy, the 5+5 dialogue and the Union of the Mediterranean (Ministry of Foreign Affairs, European Union and Cooperation, 2021). The issue of migration has been one of the topics of discussion between the two partners. However, Boukadoum expressed that Algeria is facing considerable pressure from EU member states to quell migration flows from the south. Having become a country of origin and destination, Algeria must protect itself and cannot act 'as the policeman for Europe' (Redondo, 2021). This statement shows that Algeria still frames migration as a threat to be apprehended through a security-oriented approach (see Werenfels, 2018; Zardo & Loschi, 2020). Indisputably, the 'externalisation' of EU borders in the region remains a very prominent point of discord.

In retaliation to Algeria's lack of engagement in bilateral readmission agreements, some EU member states have pressed for more conditionality in relations. France's recent declaration to significantly reduce the quotas of visas for North African countries provides a case in point (Le Parisien, 2021). This threatening approach is likely to further complicate and impede the emergence of a solid partnership on migration.

As noted above, migrants in irregular situations face constant risk of deportation. The procedures entail collective expulsions that often fail to meet humanitarian standards

The absence of post-return reintegration assistance for returnees is a problematic obstacle considering the deteriorating socio-economic and political conditions in the country

asserted by the United Nations Office of the High Commissioner for Human Rights (OHCHR, 2018).

Nevertheless, empirical evidence shows that migrants find their way to the country despite being deported several times (Arrouche, Forthcoming). Thus, the return has less impact on deterring the migrants' aspirations to migrate again or return to Algeria (Arrouche, et al., 2021). Algeria also increased its cooperation with IOM recently to organise voluntary return flights of sub-Saharan migrants to their countries of origin (IOM, 2021).

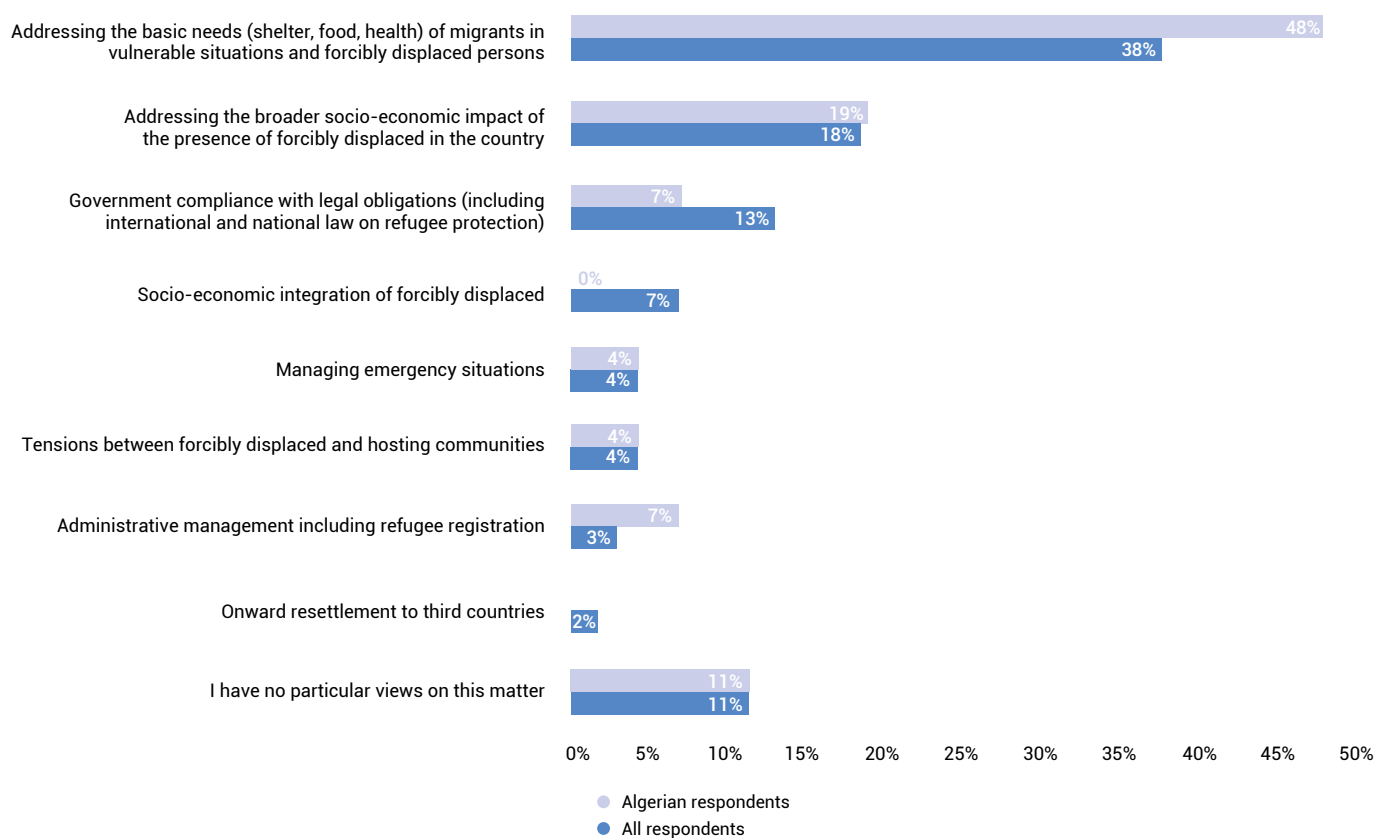
Protection of Forcibly Displaced People

Despite taking part in international conventions, Algeria still has not established an asylum system to meet its international commitments

Algeria is a signatory of several conventions regarding refugee and asylum governance such as the 1951 Geneva convention signed in 1963, the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (UNTC, 1969) and the 1994 Arab Convention on Regulating Status of Refugees in the Arab Countries (Teevan, 2020). The national constitution of 2016 and the reformed one of 2020 also state *"The treaties ratified by the President of the Republic under the conditions foreseen by the constitution shall prevail over the law"* (Secrétariat Général du Gouvernement, 2016; Journal Officiel, 2020). Yet, despite taking part in all these conventions, Algeria still has not established an asylum system to meet its international commitments. A reform initiative aimed at creating an asylum system was introduced in 2012. However, the latter has not seen the light.

GRAPH 6

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

According to the survey results, Algeria still struggles to address the basic needs of migrants in vulnerable situations and forcibly displaced people. In light of the absence of a comprehensive national asylum and protection framework, the United Nations High Commissioner for Refugees (UNHCR) has assumed the provision of protection for displaced people, conducting registration, facilitating access to health care, and enrolling children in education (UNHCR, 2021). Access to the UNHCR registration in Algeria remains very limited with no arrangements in place for vulnerable individuals' reception and protection. This is due to the government's reluctance to allow international organisations to engage with the migrants or access the border areas of the first entry points of migrants for example the city of Tamanrasset and Ain Saleh in the south (Teevan, 2020). The situation was exacerbated by the COVID-19 outbreak (Médecins Sans Frontières, 2020).

Access to the UNHCR registration in Algeria remains very limited with no arrangements in place for vulnerable individuals' reception and protection

UNHCR's activities remained constrained to the city of Algiers or the Refugee camps of Western Sahara in the city of Tindouf (UNHCR, 2021). Consequently, displaced people are unaware of the presence of UNHCR, find it difficult to register with them, or are unable to travel to their office in Algiers as they are subjected to detention and forced deportation (Arrouche, forthcoming). The support of the EU and the effective implementation of their cooperation are still unclear and less transparent. In Algeria there are very few asylum projects indirectly funded by the EU through the UN agencies and the budget dedicated to Algeria is quite small as opposed to Morocco and Tunisia (Teevan, 2020). According to the European Commission report on the state of EU-Algerian relations between 2018-2020, two actions have been implemented by the International Organization for Migration (IOM) regarding the voluntary returns to Algeria, and for capacity building and protection of most vulnerable categories of refugees and asylum seekers in Algeria, implemented by the UNHCR (European Commission, 2020, p. 16). To keep up and assist with the health situation, the EU introduced the programme entitled "Fast track emergency response to COVID-19" that would provide support to Algeria. The programme may be implemented through the UN agencies such as IOM, UNHCR and The World Health Organisation (WHO) (European Commission, 2020, p. 16).

In light of the current situation, there is an urgent need to adopt a systematic framework to govern forced displacement in compliance with national and international legal obligations. The survey findings suggest that an important area of support from the EU is to strengthen the state's development of tools, mechanisms, and procedures to introduce an accessible asylum system. However, the prospects of a fully-fledged system emerging soon are limited. Thus, urgent mechanisms for basic humanitarian support of the most vulnerable and forcibly displaced individuals are a priority currently. Further support to UNHCR services as well as other international organisations is highly recommended.

The New EU Agenda: Prospects for Algeria

Algeria's interests in the area of international migration appear to differ from those of the EU. Despite this, Algeria needs to face the issue of migration and take steps towards building a new strategic partnership to address implications arising from its limited approach and lack of capacity. Initiating a constructive dialogue with partners in the region, including the EU and Member states, is essential to bring about lasting solutions and a more conducive policy environment.

The survey respondents suggest different areas of cooperation regarding migration such as providing legal and technical support, strengthening state agents, civil society actors through training and knowledge exchange, develop new pathways for legal

migration. These would allow Algeria to autonomously develop a legal framework to manage migration. However, addressing the principle of sovereignty and non-interference is highly important between the two partners. Sovereignty remains an absolute hallmark of Algeria's international engagement, and this consideration needs to guide partners in the formulation of potential cooperation initiatives.

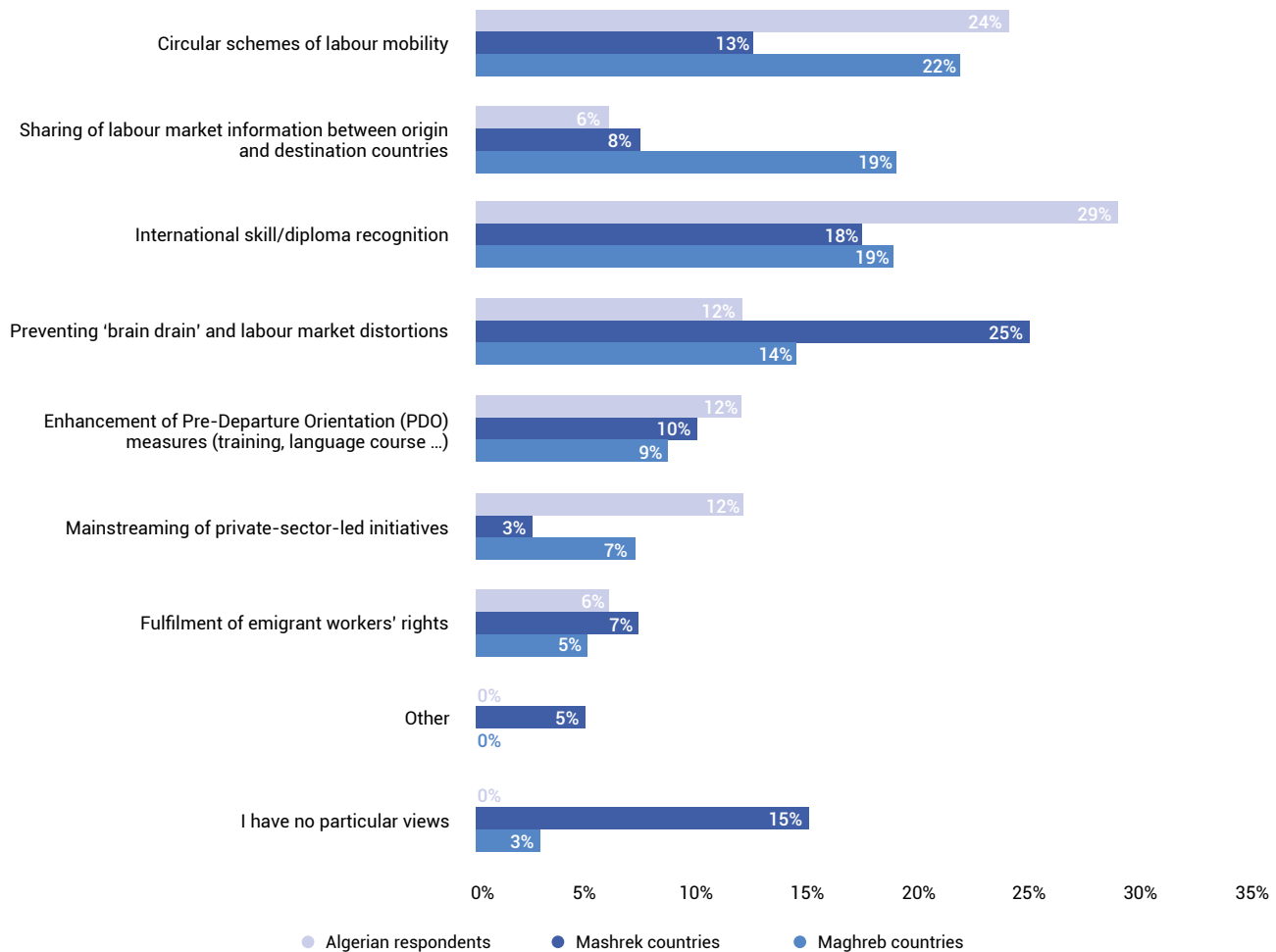
Fostering regional cooperation among North African countries, with West and Central Africa as well as in the Mediterranean, is a key step towards better migration management. However, this is more likely to be difficult due to the current political instability in Libya and Tunisia as well as the tension between Algeria and Morocco.

Another area of cooperation lies also in establishing diverse economic and industrial avenues such as in the sector of agriculture, health, energy, pharmaceutical industry, and mining. These are among the top priorities for Algeria. The European Union already provides support through diverse programmes that aim to promote the participation of young people in socio-economic life. The EU has implemented the Training-Employment-Skills Support Programme (AFEQ), the Youth-Employment Support Programme (PAJE) and the Social Action Support Programme and for Sustainable Local Development in North-West Algeria (PADSEL-NOA) (European Commission, 2020, p. 9). Additionally, a programme that supports the engagement and employability of young people in the sector of tourism (Jil-Siyaha) (European Commission, 2020, p. 9). Further support also can be seen in the sector of transport, agriculture, fishing ...etc. Although these are important initiatives, there is still a need for long-term projects that generate wide-scale employment, consolidate industries and strengthen local development and economy during these challenging times of the pandemic.

Another area of cooperation lies also in establishing diverse economic and industrial avenues such as in the sector of agriculture, health, energy, pharmaceutical industry, and mining

GRAPH 7

Q.20 In which domains should cooperation with the EU be improved in priority?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Stronger migration cooperation is also expected to benefit Algeria's education infrastructure, in need of radical reform and modernisation. Enhanced mobility can foster knowledge exchange, support and building capacity in the area of digital transformation and research and innovation. This happens already through different programmes such as the Erasmus programme. This programme is considered a successful initiative that has considerably strengthened Algerian institutions. These developments are noticeable. For this reason, survey respondents suggest creating

research collaboration and training between the European educational institutions and Algeria ones to strengthen the Algerian educational field. Creating sustainable circular mobility as well as student migration for Algerians is an empowering approach, while also preventing brain drain and labour market distortions. Algeria should seize the opportunity to create legal channels to attract and engage the diaspora abroad to support the country's development and prevent brain drain.

Furthermore, the European Commission has recently introduced its Talent Partnerships which may open more opportunities for labour migration (such as circular schemes), support international skill/diploma recognition that would strengthen the Algerian educational system. Sharing of labour market information between origin and destination countries can boost the domestic market via a system of training that ensures transferable skills needed to diversify and consolidate the country's development trajectory.

Finally, conducting empirical research that allows to assess the current situation and point to the policy gaps to be addressed is crucial. There is a lack of official statistics and evidence-based data on the realities of both regular and irregular migration flows. Enhancing the collection of empirical evidence on irregular migration from and to Algeria, forcibly displaced people, smuggled migrants is essential to achieve effective policies. Evidence-based research on migration flows needs to be promoted in a future partnership as it generates nuanced knowledge on the migrants' perspectives, conditions, and impact of the current policies on their lives.

Enhancing the collection of empirical evidence on irregular migration from and to Algeria, forcibly displaced people, smuggled migrants is essential to achieve effective policies

References

ARROUCHE, K. (FORTHCOMING). *Unpacking Sub-Saharan Migration in Algeria: Immobility and Uncertainty* [Doctoral dissertation in process]. The University of Leeds.

ARROUCHE, K., FALLONE, A., & VOSYLIŪTĖ, L. (2021). *Between Politics and Inconvenient Evidence*. Between politics and inconvenient evidence – CEPS

BOUBAKRI, H., LAHLOU, M. SAÏB MUSETTE, M., & MOHAMED, M. (2021). *Migration in North Africa*. Konrad-Adenauer-Stiftung Policy Paper. <https://www.kas.de/documents/282499/282548/Migration+in+North+Africa+-+KAS+PoDiMed+Study.pdf/a6f89474-078a-80f6-0230-75fcaddf341?version=1.1&t=1623168963317>

EUROPEAN COMMISSION. (2020, NOVEMBER 18). *DOCUMENT DE TRAVAIL CONJOINT DES SERVICES, Rapport sur l'état des relations UE-Algérie dans le cadre de la PEV renouvelée Avril 2018 – Août 2020*. https://eeas.europa.eu/sites/default/files/swd_2020_285_algeria_enp_country_report.pdf

EUROPEAN COMMISSION. (2020, OCT 18). *Document de travail conjoint des services Rapport sur l'état des relations UE-Algérie dans le cadre de la PEV renouvelée Avril 2018 – Août 2020*. p.15. https://eeas.europa.eu/sites/default/files/swd_2020_285_algeria_enp_country_report.pdf

EUROPEAN COMMISSION. (2021, SEPTEMBER 29). *A renewed EU action plan against migrant smuggling (2021–2025)-COM-2021-591*. Migration and Home Affairs. https://ec.europa.eu/home-affairs/renewed-eu-action-plan-against-migrant-smuggling-2021-2025-com-2021-591_en

IOM. (2021, JULY 22, 2021). IOM assists 113 West African migrants to return home from Algeria. IOM UN Migration. <https://rocairo.iom.int/pbn/iom-assists-113-west-african-migrants-return-home-algeria>

JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE DEMOCRATIQUE ET POPULAIRE NO. 54. 2020. (2020, SEPTEMBER 16). *Projet de Révision de la Constitution*.

JOURNAL OFFICIEL DE LA REPUBLIQUE ALGERIENNE DEMOCRATIQUE ET POPULAIRE NO. 36. 2008. (2008, JULY 2). *Loi n° 08-11 du 21 Joumada Ethania 1429 correspondant au 25 juin 2008 relative aux conditions d'entrée, de séjour et de circulation des Étrangers en Algérie*. <https://www.refworld.org/docid/594131d74.html>

MÉDECINS SANS FRONTIÈRES. (2020, APRIL 20). *Deportations put migrants' lives at risk in Niger*. Médecins Sans Frontières (MSF) International.
<https://www.msf.org/deportations-put-migrants%E2%80%99-lives-risk-niger>

MINISTRY OF FOREIGN AFFAIRS, EUROPEAN UNION AND COOPERATION. (2021, MARCH 29). *La ministre des Affaires étrangères, de l'Union européenne et de la coopération reçoit le ministre des Affaires étrangères algérien [Press release]*.
http://www.exteriores.gob.es/Portal/fr/SalaDePrensa/NotasDePrensa/Paginas/2021_NOTAS_P/20210329_NOTA065.aspx

RAÚL REDONDO, R. (2021, MARCH 30). Le Ministre Algérien des Affaires Etrangères se rend en Espagne pour discuter de questions importantes telles que la migration et la lutte contre le terrorisme. *Atalayar*. <https://atalayar.com/fr/content/le-ministre-alg%C3%A9rien-des-affaires-%C3%A9trang%C3%A8res-se-rend-en-espagne-pour-discuter-de-questions>

RÉPUBLIQUE ALGÉRIENNE DÉMOCRATIQUE ET POPULAIRE. (2010). *Plan d'Action du Gouvernement pour la mise en oeuvre du Programme du Président de la République*.

RÉPUBLIQUE ALGÉRIENNE DÉMOCRATIQUE ET POPULAIRE. (2015). *Code Pénal*. Saïb Musette, M., & Khaled, N. (2012). *L'Algérie, pays d'immigration?*. Hommes & migrations. Revue française de référence sur les dynamiques migratoires, (1298), 54-69.

SANCHEZ, G., ARROUCHE, K., CAPASSO, M. (2021) 'Current Trends and Challenges on the Facilitation of Irregular Migration in Tunisia, Algeria and Morocco', in *Beyond Networks, Militias and Tribes: Rethinking EU Counter-Smuggling Policy and Response*. EuroMeSCo Policy Study, N. 19. <https://www.euromesco.net/wp-content/uploads/2021/05/RETHINKING-EU-COUNTER-SMUGGLING-POLICY-AND-RESPONSE-1.pdf>

SANCHEZ, G., ARROUCHE, K., CAPASSO, M., DIMITRIADI, A & FAKHRY, A. (2021). *Beyond networks, militias and tribes: rethinking EU counter-smuggling policy and response*. EuroMeSCo Policy Study, N. 19. <https://www.euromesco.net/wp-content/uploads/2021/05/RETHINKING-EU-COUNTER-SMUGGLING-POLICY-AND-RESPONSE-1.pdf>

SECRÉTARIAT GÉNÉRAL DU GOUVERNEMENT. (2016). *Constitution de la République Algérienne Démocratique et Populaire*. Mars 2016.

SOUIAH, F. (2016). *La pénalisation des "brûleurs" de frontières en Algérie*. *Après-demain*, 3(39), 19-21.

TEEVAN, C. (2020, NOVEMBER). *Algeria: Reforming Migration and Asylum systems in a time of Crisis*. <https://ecdpm.org/wp-content/uploads/Algeria-Reforming-Migration-Asylum-Systems-Time-Crisis-ECDPM-Country-Report-November-2020.pdf>

UN MIGRANT ALGÉRIEN SUR UN FAUTEUIL ROULANT ARRIVE EN ESPAGNE. (2021, SEPT 30). TSA. <https://www.tsa-algerie.dz/un-migrant-algerien-sur-un-fauteuil-roulant-arrive-en-espagne/>

UNHCR GLOBAL FOCUS. ALGERIA. <https://reporting.unhcr.org/algeria>
United Nations Office of the High Commissioner for Human Rights. (2018, May 22). OHCHR | Press briefing note on Algeria and Libya [Press release]. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23114&LangID=E>

WERENFELS, I. (2018). *Migration Strategist Morocco-Fortress Algeria*. Profiteers of migration, 22-33. https://www.swpberlin.org/publications/products/research_papers/2018RP04_koh_et_al.pdf#page=24

WORLD BANK, POVERTY & EQUITY AND MACROECONOMICS, TRADE & INVESTMENT GLOBAL PRACTICES. (2020, OCTOBER). *Algeria*. <https://www.worldbank.org/en/country/algeria/publication/economic-update-october-2021>

WORLD BANK. (2021, OCTOBER 27). *Climate Change Could Further Impact Africa's Recovery, Pushing 86 Million Africans to Migrate Within Their Own Countries by 2050* [Press Release]. <https://www.worldbank.org/en/news/press-release/2021/10/27/climate-change-could-further-impact-africa-s-recovery-pushing-86-million-africans-to-migrate-within-their-own-countries>

ZARDO, F., & LOSCHI, C. (2020). *EU-Algeria (non) Cooperation on Migration: A tale of Two Fortresses*. *Mediterranean Politics*, 1-22.

Finding the Right Balance: The Conundrum of Building a Mutually-Beneficial Partnership with Tunisia

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Tunisia's complex political context and migration landscape

Tunisia's migration profile has shifted fundamentally since the early 2000s as it is becoming an important country of origin, transit and destination. As a result, Tunisia faces a range of migration challenges including growing mixed migration flows, irregular sea crossings, and brain drain (Abderrahim, 2021). The country has made some progress toward reforming migration governance since the 2011 revolution and the war in Libya, albeit at times under external pressure (Abderrahim, 2021; Veron, 2020). Yet practical political and economic challenges stand in the way of reform (Abderrahim, 2021). The country has faced a succession of weak governments, a sclerotic economy, high unemployment¹ alongside corruption in the past ten years (Fox 2021a). In July 2021, President Kais Saied announced that he was dismissing Prime Minister Hichem Mechichi, suspending Parliament and governing by decree, a move described by many as unconstitutional and a coup (Fox 2021a). These measures exacerbate the country's complex crises and prevent it from focusing on the social and economic challenges that have been amplified by the COVID-19 crisis, which may lead to social unrest and instability.

This context makes it complicated for the country to prioritise questions related to migration. However, European interest in Tunisia and its migration policies has increased substantially in recent years (Abderrahim, 2021), as illustrated by the fact that the European Union (EU) has doubled its financial assistance to the country (Council of the EU 2021a). This can be partly explained by the rise in sea arrivals to Italy from Tunisia since 2017 (around 40% of all sea arrivals). Migration management

Tunisia's political instability exacerbates the country's complex crises and prevents it from focusing on the social and economic challenges that have been amplified by the COVID-19 crisis.

¹ 18% overall and 42% among the youth in the second quarter of 2021 (Saleh, 2021a; Saleh, 2021b).

and border control thus remain key priorities for the EU (Abderrahim, 2021) – yet those trying to leave Tunisia irregularly are Tunisians seeking economic opportunities they lack at home (Veron, 2020).

In this context, it is worth reflecting on the current EU approach in Tunisia and what the EU's ambitions to develop “mutually beneficial migration partnerships” with countries in the Southern Mediterranean would mean for its partnership with Tunisia in the future.

The EU's concept of mutually beneficial partnerships in the Neighbourhood

In September 2020, the European Commission (EC) proposed a New Migration and Asylum Pact (European Commission, 2020a), which it described as a “fresh start” (European Commission, 2020b). A core element of the new Pact is the concept of mutually beneficial partnerships with key third countries of origin and transit², which are meant to be “comprehensive, balanced and tailor-made” (European Commission 2020, p. 2) and to cover “relevant aspects of migration and forced displacement” (Council of the EU, 2021b, p.3). The Pact sees migration as central to the EU's overall relationships with these partner countries (European Commission 2020, p. 17). Tunisia has been identified as one of the priority countries for these partnerships.³

This partnership should be based on a “tailor-made dialogue with partners centred on respective interests and common priorities”, with the acknowledgement that the EU and partner countries inevitably have different interests, commitments and priorities (Council of the EU 2021: 3). Yet, the focus on returns and readmissions of the past few years is very present in the rationale behind the Pact. On the other hand, according to a Presidency discussion paper on the implementation of the Pact in Tunisia, “Tunisian authorities express interest in a comprehensive approach to migration issues, encompassing not only security aspects, but also the possibility of developing further legal migration channels as a response to their young people's needs, whilst addressing demographic challenges in Europe.” (Council of the EU, 2021a, p. 5).

² The Joint Communication on a Renewed partnership with the Southern Neighbourhood (“A new Agenda for the Mediterranean”) is also centered around these comprehensive, tailor-made and mutually beneficial partnerships to address the challenges of forced displacement and irregular migration (European Commission & HR/VP 2021).

³ These priority countries take into consideration geographical balance; the relevance of migration flows towards Europe; the potential for expanding existing cooperation on all relevant aspects of migration policy; as well as current challenges, including returns and readmissions (Council of the EU, 2021c; Council of the EU, 2021d; Council of the EU, 2021a).

Experts have overwhelmingly expressed their doubts about the “change of paradigm” – as described by the Commission (European Commission, 2020b) – in these partnerships, especially in light of the increased use of conditionality in the EU’s relations with third countries. To improve cooperation on readmission, the Pact, similarly to the new Agenda for the Mediterranean, promotes the use of a wide range of policy tools (e.g. development cooperation, security, visa, trade, investment and employment) (European Commission, 2020, p.17). This conditionality relies inter alia on the revised Visa Code (Official Journal of the EU, 2019), which allows for visa restrictions for countries that are considered not to be cooperating sufficiently on the readmission of irregular migrants. Interestingly, 69% of Tunisian survey respondents considered that bilateral visa facilitation mechanisms could contribute to improve cooperation on return and reintegration. Furthermore, the Neighbourhood, Development and International Cooperation Instrument (NDICI)-Global Europe, the EU’s new external action instrument for 2021-2027, provides that indicatively 10% of the budget for the Southern Neighbourhood shall be dedicated to rewarding progress in a series of thematic areas, including migration cooperation (Official Journal of the EU, 2021).

Conditionality is far from new and was always part of the attempts to establish a partnership with Tunisia (Romeo, 2021). The 2014 EU-Tunisia Mobility Partnership, for instance, includes the opening of negotiations for readmissions in exchange for a visa facilitation agreement (European Commission, 2017; Rouland, 2021). However, EU pressures have not yielded much success so far and incentives remained below the expectations of Tunisia (Abderrahim, 2021). One may thus wonder whether such an approach leads to a balance of power in favour of the EU that is ultimately ineffective and detrimental to the relationship. With this in mind, we will look at the focus of EU-Tunisia cooperation on migration in the last few years in more detail.

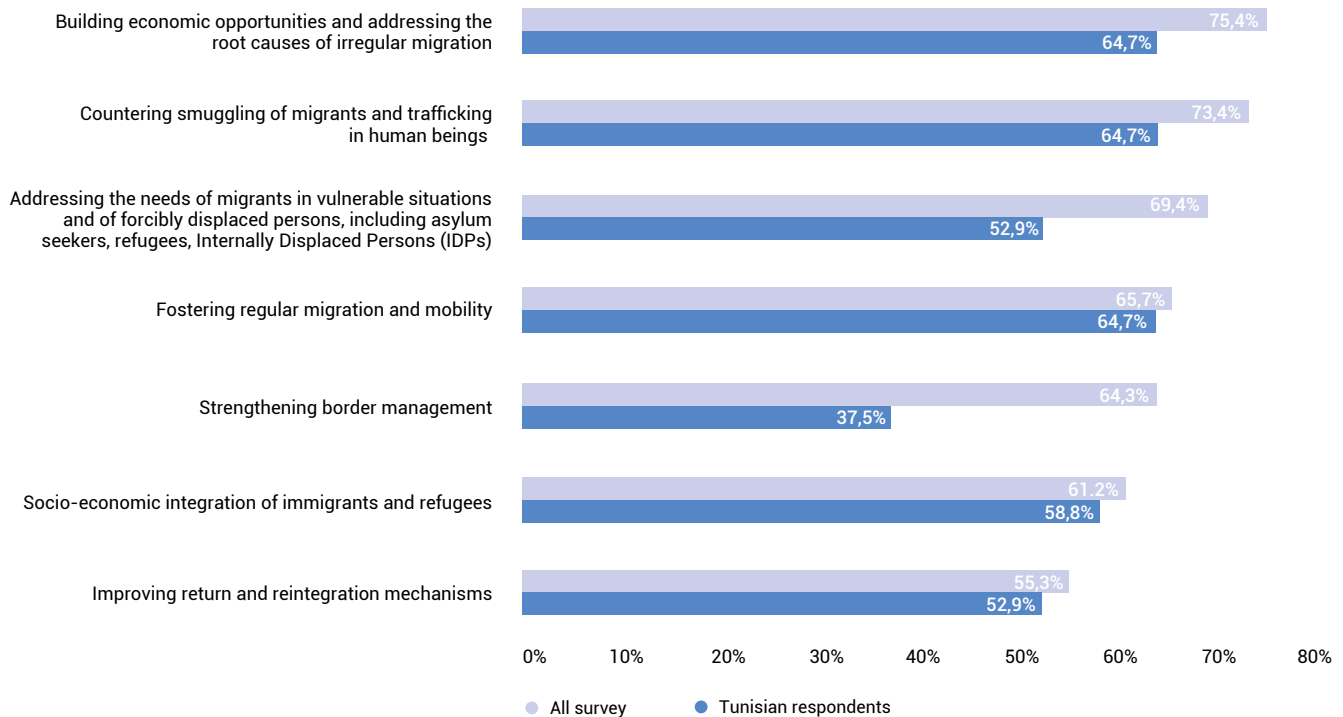
EU-Tunisia cooperation in practice: What does it focus on and where are the gaps?

The EU had a key role in steering migration policy-making in Tunisia in recent years, translating into a plethora of projects, with a focus on supporting Tunisia in: i) border management ii) managing the mobility of people iii) irregular migration (Council of the EU, 2021a). Interestingly, strengthening border management was considered as the lowest priority for migration policy by survey respondents (see graph 1).

One may thus wonder whether conditionality is an approach that leads to a balance of power in favour of the EU that is ultimately ineffective and detrimental to the relationship

GRAPH 1

Q.1 To what extent do you consider that the following areas of migration policy are important for your country.
(% of high and very high)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Despite some major progress in reforming migration governance since 2011, Tunisia does not have a formal national asylum system, as a comprehensive asylum law drafted in 2014 has yet to be formally adopted and implemented

Despite some major progress in reforming migration governance since 2011, Tunisia does not have a formal national asylum system, as a comprehensive asylum law drafted in 2014 (with financial support from the EU) has yet to be formally adopted and implemented.⁴ The National Strategy on Migration (Tunisian Ministry of Social Affairs, 2017) similarly has yet to be formally adopted and implemented, although it is already being operationalised (including through EU support) (Abderrahim, 2021; Veron, 2020). As highlighted by one survey respondent, “the treatment of irregular migrants, especially sub-Saharan Africans, is below the minimum standards of international law and conventions.” The lack of access to legal documentation leaves them in very precarious situations, as they often end up in situations of informal labour and exploitation and lack access to basic services.⁵

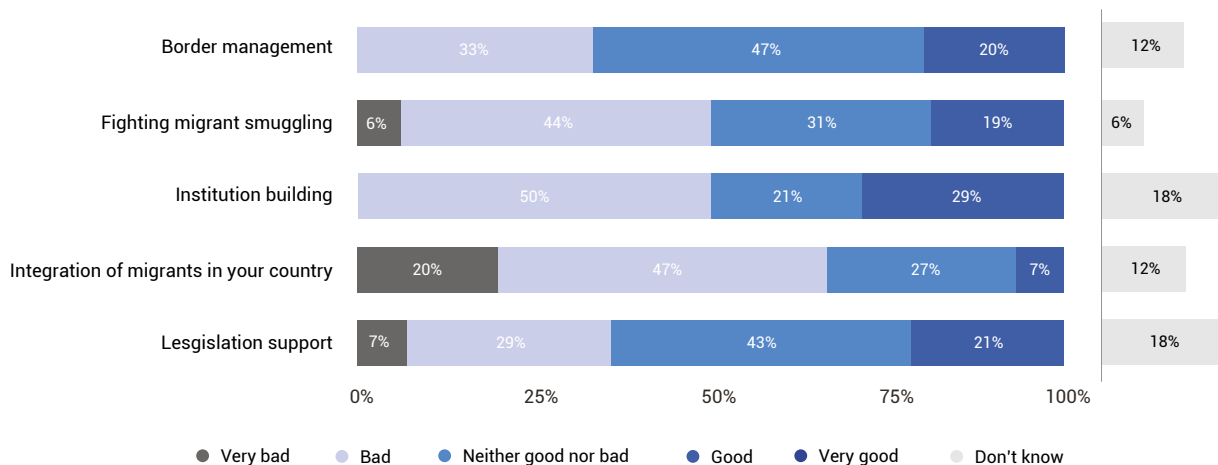
⁴ UNHCR carries out registration of asylum-seekers and refugee status determination on behalf of the government. Yet the documentation provided by UNHCR is not formally recognised by authorities (Veron, 2020).

⁵ These challenges have been greatly reinforced by COVID-19 (Veron, 2020).

Despite these challenges, the priorities of the EU Emergency Trust Fund for Africa (EUTF) in Tunisia focus heavily (80%) on the governance of migration policies, institutional support and capacity-building; management of migration flows and mobilisation of the diaspora. Little focus (20%)⁶ is put on the protection of vulnerable migrants, refugees and asylum-seekers in Tunisia as well as supporting the socio-economic integration and entrepreneurship of immigrants and refugees in Tunisia (Veron, 2020). This might explain why 67% of survey respondents rated cooperation with the EU on integration of migrants in Tunisia as bad or very bad (see graph 2). Socio-economic integration of immigrants and refugees was however considered as a high or very high priority for migration policy by 59% of survey respondents (see graph 1).

GRAPH 2

Q.12 Based on your country's experience, how do you assess cooperation with the EU concerning (Tunisian respondents)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

This balance is in line with Tunisia's own priorities in the area of migration (as set out in the National Strategy on Migration), namely the mobilisation of Tunisians abroad for investment in the country, providing social and economic assistance to Tunisian returnees, supporting young Tunisians prone to migration in regions most affected by emigration (Veron, 2020).

⁶ These percentages refer to the breakdown of funding between the priorities of the EUTF, according to the EU, referred to in more details in "Tunisia: Possibilities for reform and implementation of migrant reception and protection"

Political leaders fear that the adoption of the new law on asylum would lead Tunisia to be designated a 'safe third country' and that it would create a 'pull factor' or that the authorities would be bound by obligations to which they cannot respond

According to experts, the fact that the law on asylum has not yet been adopted can be explained by political leaders' fear that Tunisia would be designated a 'safe third country' and that it would create a 'pull factor' or that the authorities would be bound by obligations to which they cannot respond (Veron, 2020).⁷ Furthermore, Tunisian authorities fear that it would further facilitate the externalisation by the EU and its member states of asylum and asylum processing (Veron, 2020). Pushing the country on these aspects might thus be ineffective and counterproductive, as it hardens Tunisia's position and incentivises it not to establish any formal protection system.

As irregular arrivals to the EU increased, the EU tried to place migration at the top of the political agenda in Tunisia. Yet migration is still not a priority for the government nor for society and is virtually absent from the political and public discourse (Abderrahim, 2021). Socio-economic development, the lack of economic opportunities, political instability, corruption, and security are much more pressing issues for the country (Abderrahim, 2021). This was largely confirmed by the survey results. The current focus in EU–Tunisia cooperation on European security-oriented priorities (Roman and Pastore, 2018) thus represents a risk not only for Tunisia as it overlooks some other important policy issues, but also for the EU-Tunisia partnership as it creates an imbalance in interests and priorities.

A delicate balance: Building a win-win partnership with Tunisia

In spite of many differences, Tunisia, as much as Europe, has an interest in securing its borders and shares similar challenges as European countries. Yet its migration interests are much broader and should be taken into consideration for a win-win partnership

"Only partnerships that take the interests and needs of both sides into consideration and benefit all parties involved are likely to succeed." (Council of the EU, 2021, p.6). In spite of many differences, Tunisia, as much as Europe, has an interest in securing its borders and shares similar challenges as European countries in terms of migration pressure, public backlash against immigrants as well as a fear of creating pull factors through generous migration policies. Yet its migration interests go beyond that (Abderrahim, 2021). This section aims at providing some suggestions on a country approach for Tunisia that would be mutually beneficial.

If the EU is serious about its commitment to establish a comprehensive, balanced and mutually beneficial partnership with Tunisia, it should resist the temptation to pressure Tunisia to overhaul its migration policy (Abderrahim, 2021). Given the little progress on legal and policy reform in past years, it is unclear whether additional efforts in support of the adoption of pending laws and strategies will have immediate benefits without the buy-in of national actors (Veron, 2020). Most openings take place in areas benefiting Tunisians (Veron, 2020). This does not prevent the EU from increasing its support to the protection of refugees and migrants at local level (e.g., through the provision of basic services by civil society, international organisations, local authorities) (Abderrahim, 2021).

⁷ Such as setting up refugee status determination structures, reception, assistance for asylum-seekers, integration of recognised refugees etc.

The EU will also have to overcome its current Eurocentric and transactional approach and avoid placing migration too high on the agenda as long as it is not a high political priority for Tunisia (Abderrahim, 2021). Yet, the Tunisian Government also has a responsibility, namely to provide opportunities to its citizens as well as to migrants living on its territory. Building economic opportunities and addressing the root causes of irregular migration was indeed perceived as the highest priority of migration policy by survey respondents, while fostering regular migration and mobility was the second highest priority. The EU can help by promoting legal migration pathways and circular migration (to attenuate the challenge of brain drain⁸). This could build on existing member states' and EU-funded pilot projects (Abderrahim, 2021; Council of the EU, 2021a). Talent Partnerships (European Commission 2021) – a key initiative under the New Pact on Migration and Asylum for which Tunisia will be a pilot country – could also be a useful entry point, as they are meant to match the skills of Tunisian workers with the labour market needs inside the EU. Yet legal migration initiatives have long been neglected in the EU's partnership with third countries, and it is unlikely that incentives to make these initiatives successful will change significantly in the short term (Martín 2021).

Any intervention in this field will have to take into account the acute political crisis in the country. Beyond financial assistance, and as it is still in the process of developing its democracy and building strong and durable institutions, institutional support (e.g. on cross-government coordination) has to remain a key part of the EU's approach (Veron 2020; Abderrahim, 2021). This will deliver positive outcomes, including on migration. However, it requires a longer term perspective that the EU is not used to adopting (Abderrahim, 2021).

A mutually beneficial partnership is primarily based on trust and dialogue. Bilateral political consultations could be a good mechanism to frame a broader dialogue on issues of mutual interest, including economic development, although government buy-in would be necessary to make it productive and mutually beneficial (Veron 2020). Ultimately, a more pragmatic and less ambitious approach might be needed to build trust, e.g. through a focus on uncontroversial areas (Abderrahim, 2021). Such a sustainable and mutually beneficial partnership would most definitely generate incremental gains that recent approaches and high-level political frameworks have not been able to generate anymore.

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Bilateral political consultations could be a good mechanism to frame a broader dialogue on issues of mutual interest. But a more pragmatic and less ambitious approach might be needed to build trust

⁸ Regular departures of the highly skilled are on the rise, putting the spotlight on brain drain and its long-term impact on the country's development (Abderrahim, 2021).

References

ABDERRAHIM, T. (2021, JUNE 28). *Walking a Tightrope in Tunisia: The Aspirations and Limitations of Migration Policy Reform.* DGAP Report No 12.
<https://dgap.org/en/research/publications/walking-tightrope-tunisia>

COUNCIL OF THE EU. (2021A, FEBRUARY 8). *Implementing the Pact – strengthening migration partnerships with selected priority countries in North Africa: Tunisia – discussion paper.* 5723/21.
<https://www.statewatch.org/media/2176/eu-council-pact-north-africa-tunisia-discussion-paper-5723-21.pdf>

COUNCIL OF THE EU. (2021B, MARCH 5). *Joint issues paper on The External Dimension of the EU's Migration Policy under the New Pact on Migration and Asylum.* 6470/21.
<https://www.statewatch.org/media/2020/eu-council-migration-policy-external-dimension-6470-21.pdf>

COUNCIL OF THE EU. (2021C, MAY 24). *Pact on Migration and Asylum - Progress Report.* 8540/21.
<https://www.statewatch.org/media/2437/eu-council-pact-migration-asylum-progress-report-8540-21.pdf>

COUNCIL OF THE EU. (2021D, MAY 25). *Follow-up to the Jumbo Meeting: Way ahead for the strengthening of comprehensive partnerships with key partner countries.* 8952/21.
<https://www.statewatch.org/media/2466/eu-council-pact-strengthening-comprehensive-partnerships-8952-21.pdf>

EUROPEAN COMMISSION. (2017, MAY 10). *Relations between the EU and Tunisia. Memo.* https://ec.europa.eu/commission/presscorner/detail/en/MEMO_17_1263

EUROPEAN COMMISSION. (2020A, SEPTEMBER 23). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum.* COM(2020) 609 final.
https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF

EUROPEAN COMMISSION. (2020B, SEPTEMBER 23). *A fresh start on migration: Building confidence and striking a new balance between responsibility and solidarity.* Press release.

https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706

EUROPEAN COMMISSION. (2021, JUNE 11). *Talent Partnerships: Commission launches new initiative to address EU skills shortages and improve migration cooperation with partner countries.* Press release.

https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2921

EUROPEAN COMMISSION & HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY (HR/VP). (2021, FEBRUARY 9). *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a Renewed partnership with the Southern Neighbourhood: A new Agenda for the Mediterranean.* JOIN(2021) 2 final.

https://eeas.europa.eu/sites/default/files/joint_communication_renewed_partnership_southern_neighbourhood.pdf

FOX, B. (2021A, SEPTEMBER 1). *We need more EU support for our democracy, Tunisia's opposition says.* *Euractiv.*

<https://www.euractiv.com/section/global-europe/news/we-need-more-eu-support-for-our-democracy-tunisias-opposition-says/>

FOX, B. (2021B, SEPTEMBER 24). *Tunisia's democracy faces 'grave' threat amid coup claims.* *Euractiv.*

<https://www.euractiv.com/section/global-europe/news/tunisias-democracy-faces-grave-threat-amid-coup-claims/>

MARTÍN, I. (2021, JANUARY). *New Pact of Migration and Asylum in the European Union: What Stakes for the Maghreb and Africa?* Policy Brief PB-21/03. Policy Center for the New South.

https://www.policycenter.ma/sites/default/files/PB_21_03_Martin.pdf

OFFICIAL JOURNAL OF THE EU. (2019, JULY 12). *Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).*

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R1155&from=EN>

OFFICIAL JOURNAL OF THE EU. (2021, JUNE 14). *Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009.*

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0947&from=EN>

ROMAN, E. AND PASTORE, F. (2018, JUNE). *Analysing Migration Policy Frames of Tunisian Civil Society Organizations: How Do They Evaluate EU Migration Policies?* MedReset Working Papers, No.14.

https://www.iai.it/sites/default/files/medreset_wp_14.pdf

ROMEO, G. (2021, MAY 11). *The new Pact on Migration and Asylum: The Global Impact.* EuroMed Rights.

https://euromedrights.org/wp-content/uploads/2021/05/EN_4AnalysisPACT.pdf

ROULAND, B. (2021). *Redistributing EU ‘Burdens’: The Tunisian Perspective on The New Pact on Migration and Asylum.* In S. Carrera and A. Geddes (Ed.), *The EU Pact on Migration and*

Asylum in light of the United Nations Global Compact on Refugees: International Experiences on Containment and Mobility and their Impacts on Trust and Rights (2021, pp. 240-250), European University Institute (EUI).

<https://www.asileproject.eu/wp-content/uploads/2021/03/EU-pact-migration-asylum-global-compact-refugees.pdf>

TUNISIAN MINISTRY OF SOCIAL AFFAIRS. (2017). *Stratégie Nationale Migratoire.*

http://ote.nat.tn/wp-content/uploads/2018/05/SNM_FRA_FINALE.pdf

VERON, P. (2020, NOVEMBER 24). *Tunisia: Possibilities for reform and implementation of migrant reception and protection.* ECDPM.

<https://ecdpm.org/publications/tunisia-possibilities-reform-implementation-migrant-reception-protection/>

SALEH, M. (2021A, SEPTEMBER 6). *Unemployment rate in Tunisia from 1st quarter 2019 to 2nd quarter 2021.* Statista.

<https://www.statista.com/statistics/1237604/unemployment-in-tunisia-by-quarter/>

SALEH, M. (2021B, AUGUST 17). *Youth unemployment rate in Tunisia from 2nd quarter 2019 to 2nd quarter 2021.* Statista.

<https://www.statista.com/statistics/1257796/quarterly-youth-unemployment-rate-in-tunisia/>