

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

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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.

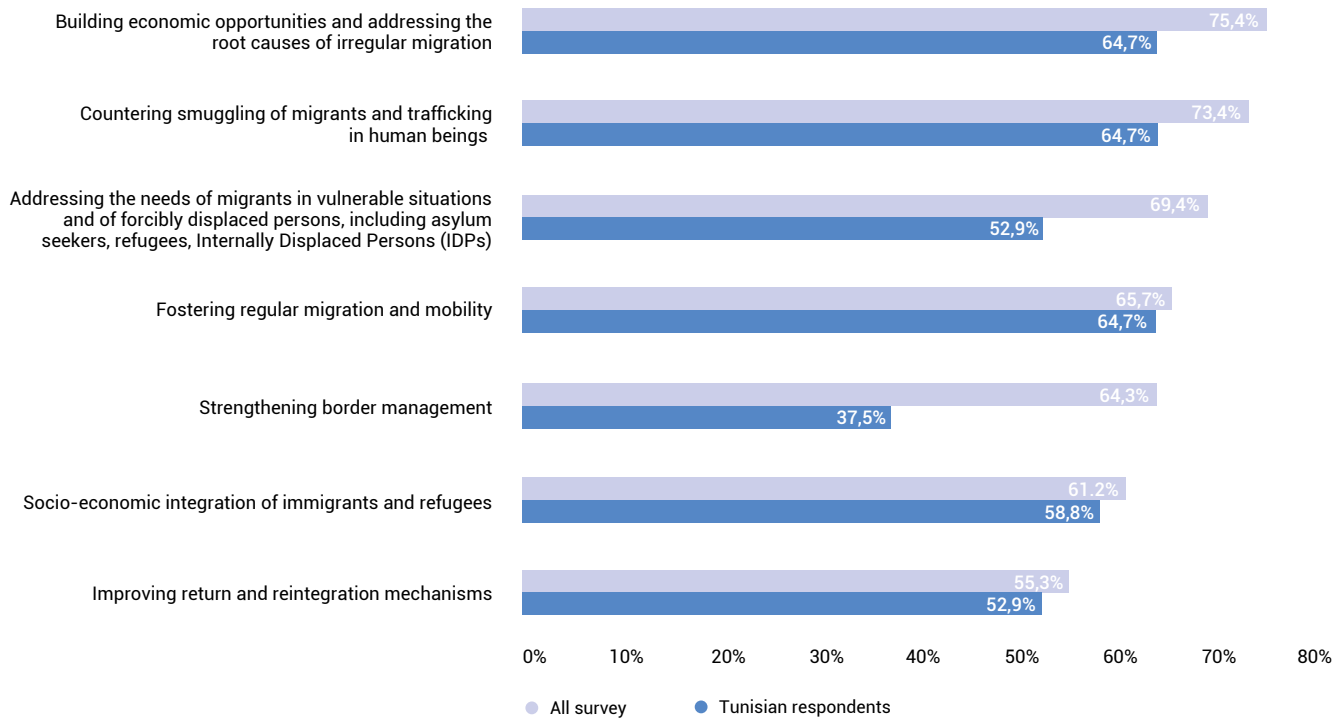
EU-Tunisia cooperation in practice: What does it focus on and where are the gaps?

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).

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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

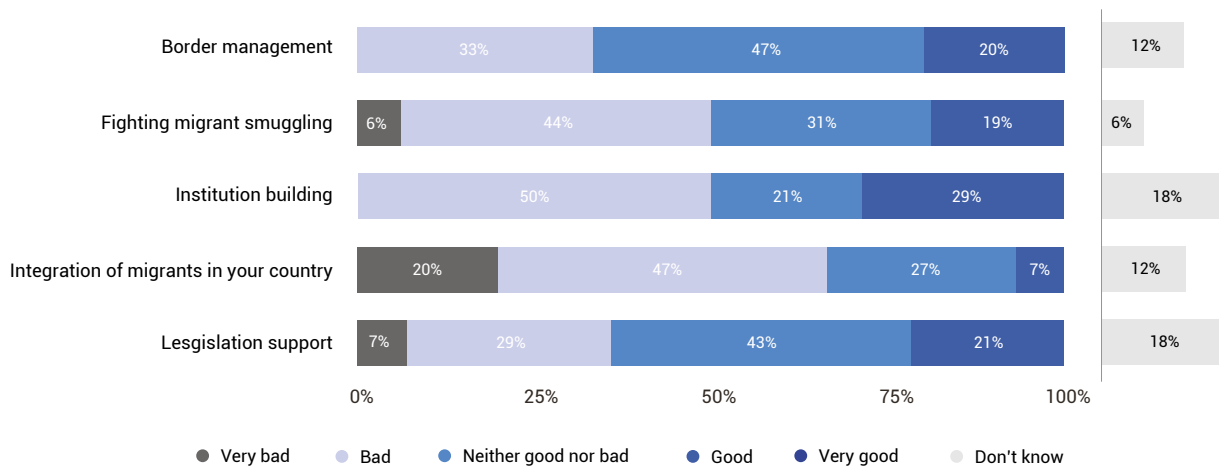
⁴ UNHCR carries out registration of asylum-seekers and refugee status determination on behalf of the government. Yet the documentation provided by UNHCR is not formally recognised by authorities (Veron, 2020).

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 respondent)



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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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>

[PDF/?uri=CELEX:32019R1155&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?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/>