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European external policies for combating irregular migration in the Mediterranean: Comparative Study Tunisia and Libya

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Introduction

The Mediterranean region has long been a focal point for migration flows, acting as a bridge between Africa and Europe. In recent years, the phenomenon of irregular migration has garnered heightened attention due to its complex socio-political implications. The European Union (EU) has been at the forefront of efforts to manage and mitigate the challenges posed by irregular migration. This thesis seeks to explore the EU's external policies aimed at combating irregular migration, focusing specifically on Tunisia and Libya. These two North African countries, while geographically proximate, present distinctly different political, economic, and social landscapes that significantly influence the implementation and effectiveness of EU policies.

Irregular migration across the Mediterranean has historical roots, with people moving in search of better economic opportunities, safety, and stability. However, the phenomenon has intensified in the past two decades due to various factors, including political instability, economic disparities, and social upheavals in the region. The Arab Spring, which began in late 2010, led to significant political transformations in Tunisia and Libya, further influencing migration patterns. Tunisia emerged from the Arab Spring with a relatively stable democratic transition, while Libya descended into civil conflict and chaos, creating a fertile ground for smuggling networks and irregular migration flows.

The EU has developed a multifaceted approach to address irregular migration, combining elements of border control, development aid, diplomatic engagement, and international cooperation. The EU's policies are implemented through various instruments, such as the European Neighborhood Policy (ENP), the EU Emergency Trust Fund for Africa (EUTF), and bilateral agreements with individual countries. These policies aim not only to secure the EU's external borders but also to address the root causes of migration by promoting stability, economic development, and good governance in partner countries.

Tunisia and Libya represent two contrasting cases in the EU's strategy to combat irregular migration. Tunisia, despite facing economic challenges and political tensions, has remained a relatively stable partner for the EU. The country has cooperated with the EU on various initiatives aimed at enhancing border management, improving socio-economic conditions, and providing assistance to migrants and refugees. In contrast,

Libya's protracted conflict and fragmented political landscape have posed significant challenges for the EU. The lack of a centralized government and the presence of multiple armed factions have hindered the implementation of coherent migration policies, making Libya a major departure point for migrants attempting to reach Europe via dangerous sea routes.

1. Research Question and Objectives

The primary research question guiding this thesis is: "To what extent does the European Union utilize similar policies and tools to address irregular migration in Tunisia and Libya, and how do the varying political, economic, and social contexts in each country influence the implementation and outcomes of these policies?" This question aims to uncover the extent of policy coherence and adaptability within the EU's approach to irregular migration in the Mediterranean region. By comparing the cases of Tunisia and Libya, this thesis seeks to achieve the following objectives:

1. *Policy Analysis:* Examine the specific policies and tools employed by the EU to combat irregular migration in Tunisia and Libya. This includes an analysis of legal frameworks, bilateral agreements, financial instruments, and operational measures.
2. *Contextual Factors*: Investigate the political, economic, and social contexts of Tunisia and Libya to understand how these factors influence the implementation and outcomes of EU policies. This involves a detailed examination of governance structures, economic conditions, social dynamics, and security situations in both countries.
3. *Effectiveness and Outcomes:* Assess the effectiveness of EU policies in achieving their intended objectives, such as reducing irregular migration flows, enhancing border security, and improving the socio-economic conditions in Tunisia and Libya. This includes an evaluation of both short-term and long-term impacts.
4. *Comparative Insights*: Draw comparative insights from the cases of Tunisia and Libya to identify commonalities and divergences in the EU's approach. This will help to understand the adaptability and flexibility of EU policies in different contexts and to identify lessons learned for future policy formulation.

3. Theory

3.1. Global Governance Theory

Global Governance Theory suggests that international cooperation is essential to address global issues, involving multiple actors beyond nation-states, including international organizations, non-governmental organizations, and multinational corporations.

The theory emphasizes: *Complex Interdependence*: States and non-state actors are interconnected, creating a web of influence and cooperation[1], *Multilateralism*: Collaborative efforts among multiple countries to address issues that cross borders[2], **Non-*State Actors***: The role of international organizations, NGOs, and other entities in global governance[3], and *Global Public Goods*: The concept that certain goods, such as security and stability, benefit all and require collective action[4].

3.1.1 Applying Global Governance Theory to EU External Migration Governance

Complex Interdependence in EU Migration Policy:

The EU collaborates with various actors, including countries of origin and transit, international organizations, and NGOs, to manage migration flows. This involves partnerships with countries like Tunisia and Libya to enhance border controls and support local capacities[5].

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[1],Joseph S. Nye. "Power and interdependence." World Politics in Transition (1977), p20.

[2],James N. Rosenau and Ernst-Otto Czempiel, eds. Governance without government: order and change in world politics. No. 20. Cambridge University Press, 1992.

[3] Klaus Dingwerth , and Philipp Pattberg. "Global governance as a perspective on world politics." Global governance 12 (2006): 185.

[4] Inge Kaul, Isabelle Grunberg, and Marc A. Stern. "Defining global public goods." Global public goods: international cooperation in the 21st century (1999): 2-19.

[5] Sandra Lavenex, and Frank Schimmelfennig. "EU rules beyond EU borders: theorizing external governance in European politics." In EU External Governance, pp. 1-22. Routledge, 2013.

3.2 Multilateralism in EU External Migration Governance:

The EU engages in multilateral initiatives such as European neighborhood policy, which bring together multiple countries and organizations to address migration issues comprehensively.[6]

3.2.2 Role of Non-State Actors:

International organizations like the International Organization for Migration (IOM) and NGOs play significant roles in implementing EU migration policies, providing humanitarian assistance, and ensuring the protection of migrants' rights[7].

3.2.3 Provision of Global Public Goods:

The EU's efforts to stabilize regions through development aid, capacity building, and governance reforms in countries like Tunisia and Libya aim to provide global public goods such as regional stability and reduced irregular migration.[8]

3.3. Applying the Theory to Tunisia and Libya

3.3.1 Tunisia:

The EU-Tunisia Mobility Partnership is an example of complex interdependence and multilateralism, where the EU supports Tunisia's border management and provides development aid in exchange for cooperation on migration control[9].

3.3.2 Libya:

The EU's engagement with Libya, through the EUTF for Africa and cooperation with local authorities and international organizations, illustrates the complexity of governance in a conflict-affected state.

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[6] Sergio Carrera , Steven Blockmans, Daniel Gros, and Elspeth Guild. "The EU's response to the refugee crisis: Taking stock and setting policy priorities." CEPS essay 20/16 (2015)

[7] Betts, Alexander, and Gil Loescher, eds. Refugees in international relations. Oxford University Press, USA, 2011.

[8] Thomas Gammeltoft-Hansen , and Nikolas F. Tan. "The end of the deterrence paradigm? Future directions for global refugee policy." Journal on Migration and Human Security 5, no. 1 (2017): 28-56.

4. Methodology

4.1 Research Design:

- *Comparative Case Study:* This study will employ a comparative case study design to analyze the implementation and impact of EU external policies to combat irregular migration in Tunisia and Libya. The case study approach allows for an in-depth examination of each country's unique context and the specific challenges and opportunities they face in addressing irregular migration. The comparative element enables the identification of similarities, differences, and patterns across the two cases, which can provide valuable insights into the effectiveness and limitations of EU policies.

4.2 Data Collection:

- *Policy Document Analysis:* This will involve a thorough examination of EU policy documents, strategies, action plans, and reports related to irregular migration in the Mediterranean. The analysis will focus on identifying the key objectives, priorities, and underlying assumptions of EU policies, as well as the specific instruments and mechanisms used to address irregular migration in Tunisia and Libya.
- *Official Statistics and Reports:* Data on irregular migration flows, border apprehensions, returns, and demographic information will be collected from, national statistical agencies in Tunisia and Libya, and relevant international organizations (e.g., IOM, UNHCR). This data will be used to assess the quantitative impact of EU policies on migration trends and outcomes.
- *Secondary Literature:* The study will draw on academic literature, research reports, and policy analyses on EU migration policies, the political and socio-economic contexts of Tunisia and Libya, and the broader dynamics of irregular migration in the Mediterranean. This secondary literature will provide a theoretical framework for the analysis and contextualize the findings within the existing body of knowledge

4.3 Data Analysis:

- *Qualitative Content Analysis*: The policy documents and secondary literature will be analyzed using qualitative content analysis. This will involve identifying key themes,

concepts, and patterns in the text to understand the underlying assumptions, motivations, and strategies behind EU policies.

- *Quantitative Data Analysis:* The official statistics and reports will be analyzed using descriptive statistics and comparative analysis. This will involve calculating and comparing key indicators of migration flows, border control, and socio-economic development in Tunisia and Libya to assess the impact of EU policies

Chapter One: Theoretical Framework

1.Main Concepts in the Framework

Terminology in migration studies is problematic since there are no universally accepted definitions for key phenomena. In addition to the interdisciplinary nature of migration that legal, political, economic, and international studies have input in defining migration-related terminology.[10] Therefore, this study introduces a conceptual framework that provides clear and precise definitions for key terms used in the study.

1.1 Irregular migration

The International Organization of Migration (IOM) defines irregular migration as the movement of migrants that violates the legal frameworks of origin, transit and destination states. Irregular migrant violates the destination state's law because they enter without proper authorization. While, they breach the country of origin's regulatory norms as they leave the country without valid documentation. An irregular migrant may initially emigrate to destination or transit country following the legal procedures, but they overstay their permitted duration or engaged in unauthorized employment.[11] In the EU context, an irregular migrant is an individual who holds the nationality of a third-country and exists in a "Schengen State but does not meet, or no longer meets, the entry requirements outlined in Regulation (EU) 2016/399 (Schengen Borders Code) or other entry conditions."[12] So, in general, the condition of irregular migration is achieved when an individual breaches another country's immigration laws and illegally lives there.[13]

The IOM differentiates the terms "irregular migration" and "illegal migration". Illegal migration is a criminal concept that denotes human smuggling and human

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[10] Lisa Marie Borrelli and Didier Ruedin, "Towards a Precise and Reflexive Use of Migration-Related Terminology in Quantitative Research: Criticism and Suggestions," *Comparative Migration Studies* 12, no. 1 (February 12, 2024), https://doi.org/10.1186/s40878-024-00369-0.

[11] International Organization for Migration, *Glossary on Migration*, 2nd ed. (Geneva: International Organization for Migration, 2011): 54, https://publications.iom.int/system/files/pdf/iml25_1.pdf

[12] The European Migration Network (EMN), "Irregular Migrant," in *EMN Asylum and Migration Glossary* (European Commission, 2024), https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/irregular-migrant_en.

[13] Stephen Castles et al., "Irregular Migration: Causes, Patterns, and Strategies," in *Global Perspectives on Migration and Development*, ed. Irena Omelaniuk, vol. 1 (Springer Dordrecht, 2012), 117–51, https://doi.org/10.1007/978-94-007-4110-2_9.

trafficking.[14] Human smuggling refers to an illegal activity that involves illicit transportation and helping migrants crossing borders to illegally enter another country or the "facilitation of illegal immigration". Human smuggling involves a set of illegal procedures such as transportation from the origin country to the transit and/or destination country, lodging, and providing counterfeit documentation throughout the migration journey.[15] Human smuggling and human trafficking are sometimes used interchangeably, however, there is a core difference. In smuggling, an illegal migrant pays the smuggler for facilitating their entrance to the country of destination. The relationship between the smuggler and migrant is cut once the migrant arrives at the country of destination without future exploitive interactions, noting that in this case, a migrant pays the financial remuneration in advance. However, human trafficking is forcing and threatening migrants to commit illegal actions such as prostitution.[16]

1.2 Country of Origin

The IOM defines that country of origin as "a source of migratory flows (regular or irregular)."[17] While the European Commission describes it as "the country of nationality".[18]

1.3 Transit Country

Illegal migrants do not necessarily move directly from their origin country to the intended country of migration, they may pass by one transit country or more. A transit country is defined as a country used as a temporary stop before moving to another country, usually is entered illegally. In other words, it is used in the "multistage migration". Transit country can be a shelter for the migrants for a considerable period of time. A migrant may resort to a transit country in order to accumulate funds needed to afford their trip to the

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[14] International Organization for Migration, *Glossary on Migration*, 54.

[15] Anna Paus, "Human Smuggling at EU-Internal Transit Points: Strengths of a Disorganised Illegal Market and How to Effectively Reduce It," *Global Crime* 22, no. 3 (July 3, 2021): 171–204, https://doi.org/10.1080/17440572.2021.1888720.

[16] David Bartram, Maritsa V. Poros, and Pierre Monforte, "Key Concepts in Migration," in *Key Concepts in Migration*. (55 City Road: SAGE Publications, Inc., 2024): 80-83, https://doi.org/10.4135/9781473921061.

[17] International Organization for Migration, *Glossary on Migration*, 44.

[18] The European Migration Network (EMN), "Country of Origin," in *EMN Asylum and Migration Glossary* (European Commission, 2024), https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/country-origin_en.

final destination country. The most famous examples of transit countries are Libya and Tunisia because illegal migrants pass by them from Sub-Saharan Africa to emigrate to Western Europe countries.[19] That is why the concept of a transit country is often linked with irregular migration and smuggling. It is used to describe the flow of illegal immigrants from developing countries without following legal procedures.[20]

1.4 Migration Route

Irregular migrants, with the help of smugglers, use migration routes that are less monitored by origin, transit, or destination countries' authorities. Migration routes differs in length, complexity, safety, and cost. These routes can be within the same continent or transcontinental such as the Central Mediterranean Route that connects Africa with Europe. The cheaper the routes, the more risky and violent the journey is, and vice versa. Migration routes are dynamic according to surveillance and security borders control.[21] The most commonly used migratory routes to Europe are (1) The Central Mediterranean route (CMR), (2) the Western Mediterranean route (WMR), (3) the Eastern Mediterranean route (EMR), (4) the Western African route, and (5) the Western Balkan route.[22]

1.5 Central Mediterranean Route (CMR)

The Central Mediterranean route (CMR) is a migration route or a maritime path that migrants take from North Africa towards Italian and Maltese shores as the first points of entry to Europe. Illegal migrants who pursued the CMR used to depart from Tunisia and Morocco but now the most commonly used departure point through CMR is the Libyan coast to reach Italy or Malta. Italy and Malta may serve as transit countries[23], in other words, just a temporary stop for migrants before heading to their intended country

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[19] Slobodan Djajić, "Transit Migration," *Review of International Economics* 25, no. 5 (2017): 1017–45, https://doi.org/10.1111/roie.12294.

[20] Franck Düvell, "Transit Migration: A Blurred and Politicised Concept," *Population, Space and Place* 18, no. 4 (2012): 415–27, https://doi.org/10.1002/psp.631.

[21] United Nations Office on Drugs and Crime, "Smuggling of Migrants: The Harsh Search for a Better Life," Fact Sheet, n.d., https://www.unodc.org/documents/toc/factsheets/TOC12_fs_migrantsmuggling_EN_HIRES.pdf.

[22] Erhabor Idemudia and Klaus Boehnke, "Travelling Routes to Europe," in *Psychosocial Experiences of African Migrants in Six European Countries: A Mixed Method Study*, ed. Erhabor Idemudia and Klaus Boehnke (Cham: Springer International Publishing, 2020), 33–49, https://doi.org/10.1007/978-3-030-48347-0_3.

[23] Ibid.

of destination in Europe. The CMR is described as "the world's deadliest maritime migration route in 2015 and … in 2016."[24] In 2023, the CMR has witnessed a surge in migration from Tunisia to Italy because of the violent conflicts took place in Sudan and Palestine, and an EU report estimated that 97,300 migrants left Tunisia's coasts through CMR in July 2023.[25]

1.6 Assisted Voluntary Return (AVR)

The International Migration Organizations defines voluntary return as the willingly return of an individual to their origin country, a transit country, or different third country either independently or with support.[26] While the assisted voluntary return (AVR) focuses on the administrative, logistic, and/or financial assistance given to asylums who are unable to return to the intended country. A key element in the AVR is the voluntariness so any type of legal, economic, political or physical coherence or pressure will violate the nature of the concept.[27]

2. Background of EU External Policies to Combat Irregular Migration

The European Union has developed a wide range of external policies to combat irregular migration, their policies are usually focused on institutionalization. Their cooperation in combating this phenomenon is not optional but mandatory according to the fundamental agreements of the EU. For example, Article 79 in the Treaty on the Functioning of the European Union (TFEU) states that the European Union "shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and

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[24] Liska Wittenberg, "Managing Mixed Migration: The Central Mediterranean Route to Europe," Desperate Migration Series (New York: International Peace Institute, 2017): 2-3, https://library.alnap.org/system/files/content/resource/files/main/1704-managing-mixed-migration.pdf.

[25] European Commission, "EU Emergency Trust Fund for Africa: 2023 Annual Report." (Italy: Publications Office of the European Union, 2024):8, https://data.europa.eu/doi/10.2841/732792.

[26] International Organization for Migration, *Glossary on Migration*, 2nd ed. (Geneva: International Organization for Migration, 2011):105 , https://publications.iom.int/system/files/pdf/iml25_1.pdf

[27] Gauci, Jean-Pierre. "IOM and 'Assisted Voluntary Return': Responsibility for Disguised Deportations?" In *IOM Unbound?: Obligations and Accountability of the International Organization for Migration in an Era of Expansion*, edited by Angela Sherwood, Cathryn Costello, and Megan Bradley, 397–419. Cambridge: Cambridge University Press, 2023. https://doi.org/10.1017/9781009184175.017.

trafficking in human beings."[28] However, the nature of the European Union's structure that positioned between a sovereign state and a federation has been an obstacle in front of developing a unified approach to asylum.[29]

2.1 From Intergovernmental Cooperation to EU Asylum Policy

In the early stages, the EU's asylum policy was traditional intergovernmental cooperation then it started evolving towards a more integrated system. Aside from the European Community, the very early asylum policy initiated with Ad Hoc Group on Migration and culminated in the Dublin Convention in 1990. Then, the Treaty of Maastricht in 1992 came to incorporate the asylum policy within the EU's framework but it maintained the intergovernmental character. Policies were non-binding and national interests were chosen over the collective interest. However, the Tampere Summit in 1999 marked a turning point towards a more comprehensive Common European Asylum System (CEAS). [30]

2.2 The Common European Asylum System (CEAS).

In compliance with Article 78 of the TEFU, the European Union sought to create a unified asylum policy to handle their issues across the Member States. So, in 1999, the Common European Asylum System (CEAS) was established to ensure consistent protection as per the principle of non-refoulement in Article 78. CEAS passed through many developments such as the Treaty of Amsterdam in 1999 and the Tampere and Hague Programs to standardize and unify the procedures of asylum seekers throughout the EU. However, the intense 2015 migration crisis showed the deficiencies found in the CEAS. These deficiencies were a consequence of misalignments between the system and national policies, disagreement between Member States, and centralized decision-making.

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[28] European Union, *Treaty on the Functioning of the European Union* (TFEU), Article 79, Official Journal of the European Union, C 202/77, June 7, 2016, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E079.

[29] Christian Kaunert and Sarah Léonard, "The European Union Asylum Policy after the Treaty of Lisbon and the Stockholm Programme: Towards Supranational Governance in a Common Area of Protection?," *Refugee Survey Quarterly* 31, no. 4 (December 1, 2012): 1–20, https://doi.org/10.1093/rsq/hds018.

[30] Ibid

2.3 External Borders Practitioners Common Unit

In 2002, the European Commission proposed the establishment of a unit to facilitate coordination among EU Member States in combating the irregular migration, this unit was called the "External Borders Practitioners Common Unit". It aimed at facilitating the permanent exchange of information and data among Member States. The structure of this unit was meant to gather the police, EUROPOL, customs authorities, and agencies relevant to external border security, so this comprehensive unit could formulate and manage the EU external policy to combat irregular migration, manage convergence in national policies, and act as inspectors and risk identifiers. This unit was theoretically good but in practice, it did not work. It suffered from poor planning and an inability to align the efforts of members. It lacked concrete legal foundations to operate. The European Council soon realized the necessity of establishing permanent bodies dedicated to this mission. Fortunately, this failure led to the establishment of a more well-established and permanent body which is called FRONTEX.[31]

2.4 External Borders Practitioners Common Unit

In 2004, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU – also known as FRONTEX – was created by Council Regulation EC 2007/2004. The second article of the mentioned regulation states the main responsibilities of the FRONTEX which are: (1) coordinating the efforts of member states in the realm of securing external borders; (2) training national bodyguards; (3) assessing risks on the borders; (4) staying updates with the boarder surveillance research and technologies; (5) supporting other member states if they need operational assistance; and finally (6) assisting other member states to execute joint return operations.[32] The agency's legal framework has witnessed many updates and revisions where the most recent core change in the founding regulation took place in 2016 and established a "European Border and Coast Guard".[33]

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[31] Sarah Leonard, "The Creation of FRONTEX and the Politics of Institutionalisation in the EU External Borders Policy," *Journal of Contemporary European Research* 5, no. 3 (November 6, 2009): 371–88, https://doi.org/10.30950/jcer.v5i3.239.

[32] Ibid.

[33] Jori Pascal Kalkman, "Frontex: A Literature Review," *International Migration* 59, no. 1 (June 17, 2020), https://doi.org/10.1111/imig.12729.

2.5 New Pact on Migration and Asylum

To address the challenges faced by the CEAS and other agencies, the European Commission proposed the New Pact on Migration and Asylum in 2020. [34] The New Pact on Migration and Asylum was presented by the European Commission in 2020. It was officially adopted on 14 May 2024 after many negotiations by the European Parliament and the European Commission. The Pact was meant to address the challenges experienced in the CEAS and produce a more coherent and efficient system. It is based on human rights, shared responsibility, and solidarity. The New Pact on Migration and Asylum aims to facilitate the requests and procedures of migrants and asylum seekers. In other words, the pact governs legislative and policy changes to offer asylum seekers fairer and more efficient services. In addition, it is a primitive strategy to mitigate the migration crisis impact in the EU countries and ensure stronger governance.[35] The success of the pact cannot be assessed since it was adopted a few months ago.

The New Pact aims to reform EU migration policy around four major pillars. These pillars are (1) stronger external border security, (2) faster and more efficient asylum processes, (3) a fairer and more effective system of solidarity and fair distribution of responsibilities among the EU member states, and (4) embedding migration in the EU international partnerships.[36] In the following paragraphs, the paper will examine the first because they are the most relevant to the paper.

Regarding the first pillar of ensuring secure external borders, it encompasses a set of procedures which are screening, migration database, border procedure and returns, and crisis protocols against instrumentalization. The first stage is the screening process which encompasses a comprehensive assessment of individuals arriving in the EU countries. This assessment includes health checks, identity verification, and security checks. The

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[34] Linde Niesten, "Bridging Theory and Practice: Evaluating and Enhancing the Effectiveness of the European New Pact on Migration and Asylum" (Bachelor Thesis, 2024), https://campus-fryslan.studenttheses.ub.rug.nl/478/1/BA4921321LAENiestenpdf.pdf.

[35] Jordan Deliversky, "Illegal Migration Processes Management in the Light of the New European Union Pact on Migration and Asylum," *Environment. Technologies. Resources. Proceedings of the International Scientific and Practical Conference* 4 (June 22, 2024): 45–48, https://doi.org/10.17770/etr2024vol4.8239.

[36] European Commission, "Pact on Migration and Asylum," Migration and Home Affairs, May 21, 2024, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

screening results can direct the migrant to asylum processing, return, or refusal of entry.[37] The biometric data collected in the screening process is stored in the European Union's fingerprint database (EURODAC). This database stores the fingerprints of all asylum seekers and irregular migrants to identify all individuals who entered the EU and track their history in the EU member states.[38] Then, an asylum may go through border procedures or not according to their case. If an asylum makes his application in a transit zone or at an external border, illegally crosses the international borders, is rescued at sea, or is reallocated from another country, the EU country has the right to decide optionally whether to use the border procedures or not. In case the EU country chooses not to use border procedures then the asylum claim will pass through the regular internal procedures. However, the EU country may be obliged to use the border procedures if the asylum seeker constitutes a threat to the national security of the EU country, intentionally proposes counterfeit documents, and/or the asylum's origin country enjoys a low recognition rate. Perhaps, the asylum application may be rejected, so they may face return procedures.[39]

2.6 European Southern Neighborhood Policy

The European Union has launched the European Neighborhood Policy (ENP) in 2004 to enhance its relations and cooperation with its partners seeking to create a region of shared stability, security, and economic growth in the Mediterranean.[40] The ENP is not inclusive of the EU's neighbors. Some countries such as Armenia, Azerbaijan, and Jordan are geographically distant from Europe but they are a part of the ENP. While other neighboring countries such as Turkey and Switzerland are excluded from the ENP. [41]

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[37] Evangelia Tsourdi, "The New Screening and Border Procedures: Towards a Seamless Migration Process?" (Brussels: Foundation for European Progressive Studies, Friedrich-Ebert-Stiftung and European Policy Centre, June 2024), https://feps-europe.eu/wp-content/uploads/2024/05/The-New-Screening-and-Border-Procedure.pdf.

[38] European Commission, "Pact on Migration and Asylum," Migration and Home Affairs, May 21, 2024, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

[39] Tsourdi, *The New Screening and Border Procedures.*

[40] Peter Seeberg, "Challenges for the Revision of the European Neighbourhood Policy and Perspectives for the Euro-Mediterranean Relations," *Videnscenter Om Det Moderne Mellemøsten*, 2015, 4. https://findresearcher.sdu.dk/ws/portalfiles/portal/145000293/Seeberg_article_formatted_FINAL.pdf

[41] Federica Zardo, "The EU Trust Fund for Africa: Geopolitical Space Making through Migration Policy Instruments," *Geopolitics 27*, no. 2 (September 13, 2020): 1–20, https://doi.org/10.1080/14650045.2020.1815712.

2.7 The European Union Emergency Trust Fund for Africa

The European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa (EUTF for Africa) is a financial policy developed by the EU to address the migration issue in Europe through treating the root causes of migration. It was established in 2015 where 25 EU Member States, the European Commission, Norway and Switzerland signed its treaty. The agreement was intended to be concluded by 2020 then it was extended to 2021. The EUTF for Africa has ceased allocating funds for new initiatives since the beginning of 2022. However, projects approved prior to this date will continue to receive support until the end of 2025.[42] The EUTF was financed from EU bodies' budgets such as the budget of the European Union, the European Development Fund, Member States, and external donations. It targeted three regions in Africa: North Africa, the Sahel and Horn of Africa. So, it targets Libya and Tunisia as a part of North Africa.[43]

In the 2023 annual report on the EU Emergency Trust Fund for Africa issued by the European Commission, North Africa acquired much focus due to the surge in migrations through the Mediterranean routes especially the Center Mediterranean Route (CMR) with 50% competed to 2022 because of the violent conflicts in Sudan and Palestine. Although the funding of many initiatives stopped, the EUTF sees its contributions paid off and that was clear in the stronger border governance and professional training provided to border guards.[44]

The EUTF has funded the region of North Africa with 907 million euros approximately since the beginning of the program. In particular, in Libya, it financed projects with 373 million euros, as it worked on many projects such as providing assistance to vulnerable migrants, enhancing border control capabilities, helping people impacted by COVID-19, and supporting recovery and stability in Libya. While in Tunisia,

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[42] European Union, "*Emergency Trust Fund for Africa*," 2024, https://trust-fund-for-africa.europa.eu/our-mission/objective-and-governance_en.

[43] Paul-Sewa Thovoethin, "The European Union's Emergency Trust Fund for Africa and Challenges of Addressing Irregular Migration in the Global South: The Nigerian Example," in *The Palgrave Handbook of Africa and the Changing Global Order*, ed. Samuel Ojo Oloruntoba and Toyin Falola (Cham: Springer International Publishing, 2022), 619–33, https://doi.org/10.1007/978-3-030-77481-3_29.

[44] European Commission, "EU Emergency Trust Fund for Africa: 2023 Annual Report." (Italy: Publications Office of the European Union, 2024):8, https://data.europa.eu/doi/10.2841/732792.

it allocated 18 million euros on three main projects. These projects were: (1) promoting the implementation of Tunisia's national migration strategy; (2) financing Tunisia Migration Governance Program; and (3) action for the protection of vulnerable migrants. [45]

[45] *Ibid*, 8,74.

3. EU- Tunisia Main Cooperation Framework

3.1 Action Plan (2013-2017)

The EU-Tunisia Action Plan (2013-2017) was part of the European Neighbourhood Policy aimed at fostering a Privileged Partnership between the EU and Tunisia. Established after Tunisia's 2011 revolution, the plan focused on supporting Tunisia's democratic transition and socio-economic development.[46]

Key objectives included enhancing political dialogue, security cooperation, trade integration, and addressing migration issues. The EU provided significant financial support, amounting to over €3.4 billion, through grants and concessional loans. Specific initiatives under the action plan aimed at improving human rights, strengthening civil society, and bolstering economic growth through various sectors such as education, energy, and infrastructure.[47]

Additionally, the EU-Tunisia Action Plan addressed migration through comprehensive cooperation on migration governance, border management, and anti-smuggling efforts. This multifaceted approach aimed to manage migration flows while promoting legal mobility and the reintegration of returnees.[48]

3.2 EU-Tunisia strategic priorities for the period 2018-2020

The 2016 review of the European Neighbourhood Policy was a result of a deeper partnership, aiming for greater engagement by both sides. The goal was to support Tunisia's democratic transition and socioeconomic development through strategic priorities that translate the privileged partnership into practice.[49] The strategic priorities for the EU-Tunisia partnership are divided into several key areas

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[46] European Union External Action. Relations Tunisie-Union Européenne: Un partenariat privilégié. Plan d'action 2013-2017 https://eeas.europa.eu/archives/delegations/tunisia/documents/press_corner/plan_action_tunisie_ue_2013_2017_fr.pdf.

[47] *Ibid.*

[48] *Ibid.*

[49] The EU-Tunisia Association Council. "EU-Tunisia Strategic Priorities for the Period 2018-2020" (Official Journal of the European Union, November 20, 2018), https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22018D1792&from=FR.

3.2.1 Partnership for Youth

Youth is at the core of the partnership. The EU and Tunisia aim to enhance young people's prospects through improved employment opportunities, mobility, and participation in public life. This involves education reform, vocational training, and support for innovative initiatives by young people[50].

3.2.2 Inclusive and Sustainable Socioeconomic Development

Economic progress was seen as essential to sustain Tunisia's political progress. Key objectives include improving the business climate, supporting private sector development, and fostering entrepreneurship. Specific measures include simplifying administrative procedures, improving access to finance, and promoting investment. Environmental protection, resource management, and the development of the energy and transport sectors are also prioritized. Efforts will be made to improve public services and infrastructure, particularly in Tunisia's interior regions, to reduce socioeconomic problems.[51]

3.2.3. Democracy, Good Governance, and Human Rights

The EU and Tunisia emphasize democratic reform, good governance, and human rights. Priorities include reinforcing the parliament, establishing the Constitutional Court, fighting corruption, and reforming the judicial system. The strategy also supports decentralization, enhancing civil society's role, and promoting citizens' participation in political processes. Human rights commitments focus on legislative harmonization, combating discrimination and torture, and protecting vulnerable groups. The promotion of women's rights, freedom of expression, and data protection are also highlighted.[52]

3.2.4 Bringing People Closer Together, Mobility, and Migration

The partnership seeks to strengthen exchanges between EU and Tunisian societies, particularly through education and cultural programs like Horizon 2020 and Erasmus+. Migration management is a key priority, with efforts to combat irregular migration and support legal migration. This includes implementing the Tunisian national

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[50] *Ibid*, 41
[51] *Ibid*, 42
[52] *Ibid*, 43

strategy on migration, finalizing visa facilitation agreements, and enhancing border management.[53]

3.2.5 Security and Counter-Terrorism

Given shared security challenges, the EU and Tunisia will cooperate on counter-terrorism and security reforms. Priorities include implementing Tunisia's national counter-terrorism strategy, modernizing security and judicial institutions, combating organized crime, and preventing radicalization. Cooperation will extend to disaster risk management and border security.[54]

3.3 EU-Tunisia Memorandum of Understanding

The Memorandum of Understanding (MoU) between the European Union (EU) and Tunisia, signed on July 16, 2023, marks a significant enhancement in their strategic and global partnership. This agreement aimed to strengthen economic ties, enhance trade, and promote sustainable development while addressing common challenges, including irregular migration[55].

3.3.1. Economic and Trade Cooperation

The EU commits to supporting Tunisia's economic reforms to restore macroeconomic balance, providing full budgetary support for 2023. Both parties aim to strengthen economic and trade relations to foster a favorable business climate and promote investments. This includes leveraging the European Fund for Sustainable Development (EFSD+) to enhance competitiveness, modernize value chains, and support sustainable sectors like water, agriculture, and renewable energy.[56]

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[53] *Ibid*, 44

[54] *Ibid*, 45

[55] European Commission. "Memorandum of Understanding on a Strategic and Global Partnership between the European Union and Tunisia" (European Commission, July 16, 2023), https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_23_3887/IP_23_3887_EN.pdf.

[56] *Ibid*, 1

3.3.2 Sector-Specific Initiatives

Circular Economy: The MoU emphasizes transitioning to a low-carbon, resource-efficient economy, particularly through sustainable waste management and public-private partnerships.[57]

Investment: An EU-Tunisia Investment Forum is planned, targeting key sectors to attract European investors. This includes combatting poverty and unemployment through economic empowerment programs[58].

3.3.3 People-to-People Contacts

The MoU promotes civil society engagement, cultural and scientific exchanges, and skills development through programs like Horizon Europe and Erasmus+. Efforts will be made to harmonize Schengen visa practices for Tunisian citizens[59].

3.3.4 Migration and Mobility

Both parties commit to a holistic approach to migration, addressing the root causes and promoting sustainable development in high-migratory potential areas. Cooperation will focus on combatting irregular migration, supporting legal pathways, and enhancing border management. Tunisia emphasizes its stance against being a settlement country for irregular migrants and controlling its borders independently. The EU will provide financial support and equipment for better border management.[60]

4. EU- Libya Main Cooperation Framework[61]

The EU's policy towards Libya focuses on supporting democratic governance, stability, and prosperity through the 'Berlin Process' and collaboration with the United Nations Support Mission for Libya (UNSMIL). Key areas of cooperation include democratic transition, strong institutions, civil society, and migration management. Key points include:

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[57] Ibid, 2
[58] Ibid, 2
[59] Ibid, 3
[60] Ibid, 3, 4
[61] European Commission, Annex of the Commission Implementing Decision on the Annual Action Programme for 2013 (part 2) in favour of Libya: Action Fiche for Support to Rights-based Migration Management and Asylum System in Libya (Brussels: European Union, 2013)

EU Funding and Instruments:

- The Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) is the main tool for EU's external cooperation, including with Libya, from 2021-2027.
- EU programmes have allocated significant funds towards democratic governance, the rule of law, economic policies, health, environment, and climate change.
- From 2014-2020, the EU provided Libya with €98 million through the European Neighbourhood Instrument.
- The EU Emergency Trust Fund for Africa – North Africa window (EUTF Africa) has allocated €465 million to Libya, mainly for the protection and assistance of migrants, refugees, and internally displaced people.

Areas of Cooperation:

- Migration: Over 60% of the EU's portfolio in Libya is dedicated to protecting migrants, asylum seekers, and refugees. Efforts also include enhancing Libya's border management to save lives at sea.
- Economic Development: Support to SMEs has resulted in job creation and the establishment of business incubators and fab-labs in universities.
- Governance: Programmes aimed at strengthening democratic governance and civil society.
- Health, Environment, and Climate Change: Recent programmes focus on these critical areas.

Trade and Investment:

- The EU is Libya's main trading partner, with significant two-way trade in goods and services.
- In 2021, 35.3% of Libya's imports were from the EU, and 67.41% of Libya's exports went to the EU, amounting to €29.5 billion in trade.
- In 2020, total trade in services was €600 million, with EU Foreign Direct Investments (FDI) in Libya at €6.6 billion.

Chapter Two: Tunisia: Country Profile

1.Background of Migration in Tunisia

Tunisia as a North African country has a remarkable history of migration that has been shaped since the 1980s by numerous social, economic, and political factors. The demographic nature, economy, and society of the nation have all been significantly impacted by periods of both mass immigration and mass emigration throughout this period.

Tunisia was a significant source of emigration in the 1980s. High unemployment rates were prevalent in the nation as they emerged from a series of economic crises, particularly among young people and educated workers. Many Tunisians looked for opportunities abroad, particularly in Europe, in response to these difficulties.[62] Due to Tunisia's historical ties to France, its former colonizer, and its close proximity to Italy, this outward migration was influenced.[63]

Under the presidency of President Habib Bourguiba, the Tunisian government adopted an emigration-encouraging strategy during this time to relieve the nation's economic and social pressures. In order to facilitate the migration of Tunisian workers, the government signed bilateral agreements with a number of European countries. Remittances significantly increased as a result of this policy, becoming a crucial source of foreign currency for the country.[64]

However, as political and economic circumstances in both Tunisia and Europe changed during the 1990s and 2000s, these migration trends started to change. More strict immigration regulations were put in place by the European Union, making it harder for Tunisians to migrate legally. In response, a large number of Tunisians began to emigrate

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[62] Cassarino, Jean-Pierre. "Tunisian New Entrepreneurs and Their Past Experiences of Migration in Europe: Resource Mobilization, Networks, and Hidden Disaffection." *African and Black Diaspora: An International Journal* 1, no. 2 (2008): 213-230.

[63] Chalcraft, John T. "Migration and Popular Protest in the Tunisian Sahel, 1861–2004." *International Labor and Working-Class History* 73 (2008): 125-147.

[64] De Haas, Hein. "The Myth of Invasion: The Inconvenient Realities of African Migration to Europe." *Third World Quarterly* 29, no. 7 (2008): 1305-1322.

irregularly, frequently risking their lives as they did so by navigating the Mediterranean in crowded boats.[65]

In the 2000s, Tunisia also began to gain popularity as a destination for migrants, especially those from Sub-Saharan Africa. The economic stability of Tunisia was an attraction to these migrants. However, they frequently encountered difficulties integrating into Tunisian society and gaining access to essential services, which resulted in conflicts between the local population and the migrant community.[66]

The Arab Spring, which was a result of the Tunisian Revolution in 2011, marked a turning point in the history of migration in the nation. Particularly among the young and the educated, emigration increased significantly as a result of the political unrest that followed the revolution. The slow pace of economic reform and the scarcity of employment opportunities left a lot of Tunisians feeling dejected. There are worries about how this new wave of emigration, also known as the "brain drain," will affect the nation's development in the long term.[67]

Tunisia is an important transit country for migrants because of its location so close to the southern coast of Europe, specifically Italy. Many African migrants see the risky but attractive short sea journey from Tunisia to Italy as their best opportunity to find a better life in Europe.[68]

Tunisia's role as a transit country has also been indirectly influenced by changes in European migration policies. The migration routes have been changed toward Tunisia as a result of the European Union's efforts to control migration through agreements with Turkey and Libya. Arrivals through the Eastern and Central Mediterranean routes have decreased as a result of the EU-Turkey agreement in 2016 and support for the Libyan

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[65] Katharina Natter. "Revolution and Political Transition in Tunisia: A Migration Game Changer?" Migration Policy Institute (2015).

[66] Philippe Fargues, and Sara Bonfanti. "When the best option is a leaky boat: why migrants risk their lives crossing the Mediterranean and what Europe is doing about it." Migration Policy Centre (2014).

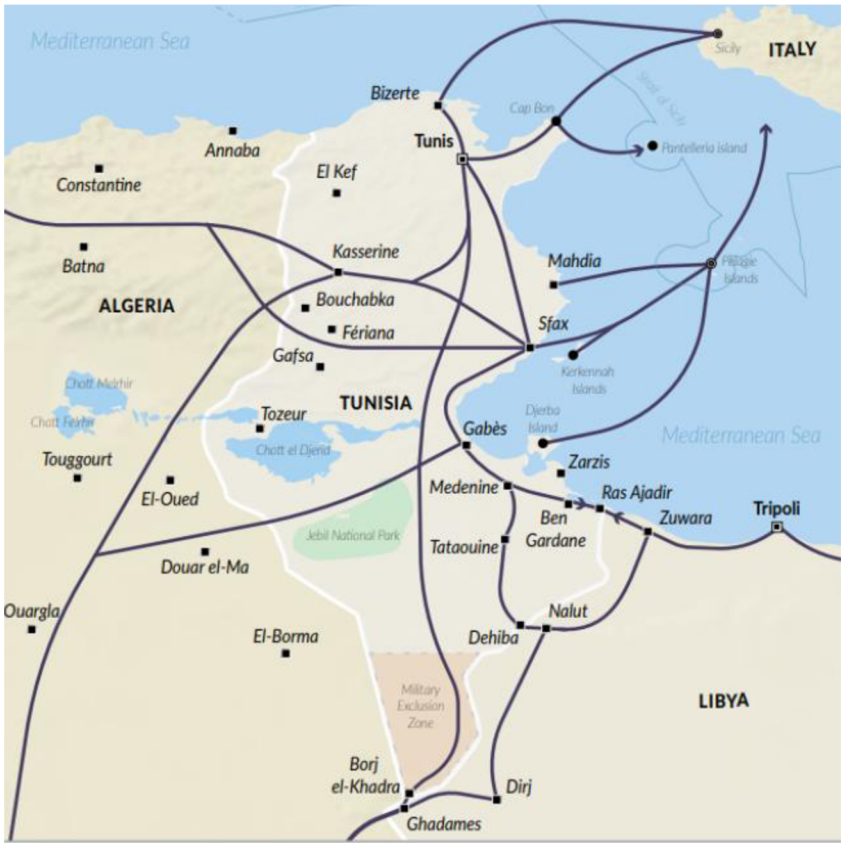
[67] Hassan Boubakri. "Revolution and International Migration in Tunisia." European University Institute (2013).

[68] Hein De Haas. "The Myth of Invasion: The Inconvenient Realities of African Migration to Europe." Third World Quarterly 29, no. 7 (2008): 1305-1322.

Coast Guard, while arrivals through the Western Mediterranean route, which includes Tunisia, have increased.[69]

However, Tunisia's growing status as a transit country has presented serious difficulties. The country is struggling with its own economic and social problems, and the influx of newcomers puts more strain on available resources. Many migrants and refugees live in unstable conditions because the country's asylum system has become overly complex.[70]

1.2 Patterns and trends of irregular migration in Tunisia



[69] Sergio Carrera, and Leonhard den Hertog. "Whose Mare? Rule of Law Challenges in the Field of European Border Surveillance in the Mediterranean." *CEPS Papers in Liberty and Security in Europe* no. 79 (2015).

[70] Philippe Fargues, and Christine Fandrich. "Migration After the Arab Spring." European University Institute (EUI) Working Papers no. 2012/09 (2012).

2.Main Irregular Migration Routes in Tunisia [71]

2.1 Tunisian Nationals

Since the 2011 Arab Spring, irregular migration from Tunisia has been a significant problem.[72] Notably, despite the global COVID-19 pandemic, there was an increase in these migrations from 2020 to 2023.

Since 2020 till now the reasons for the surge in migration flows by the Tunisians have been very different and complex and there was no specific factor for the rise in migratory flows. The Tunisians decided to leave because of many complex reasons based on different economic and social factors including few career options, the bad economic situation at home, the rise of unemployment rates among the young people and losing hope in the ability of Tunisian political leadership to improve the quality of life in the country.[73]

Moreover, the pandemic was also a factor that affected the ability of Tunisians to migrate legally to Europe, as many visas or work permits had been paused or blocked as a result of the pandemic which led many people to seek irregular pathways to emigration.[74]

Furthermore, the pandemic affected the economic situation, as the actions of public health were taken by the government have led to job losses in many sectors such as hospitality and tourism, also the rise in food prices has led to the loss of livelihoods which heightened food insecurity for many people.[75] When it comes to social factors, the rise in unemployment rates impacted the ability of young people to get married and have a family.[76]

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[71]Matt Herbert. *Against Hope: Why Tunisians are Leading the Surge in Irregular Migration to Europe*. Global Initiative against Transnational Organized Crime, 2022, 15-30.

[72]Philippe Fargues, and Sara Bonfanti. "When the Best Option Is a Leaky Boat: Why Migrants Risk Their Lives Crossing the Mediterranean and What Europe Is Doing About It." Migration Policy Institute (2014).

[73], *Against Hope: Why Tunisians are Leading the Surge in Irregular Migration to Europe*, 15-30.

[74] Ibid

[75] Ibid

[76] Ibid

2.2 Foreign transit migrants

The willingness for better economic opportunities is one of the main factors of migration. Many foreign migrants come from different countries with high rates of unemployment and poverty, and they see migration as a way to get away from these circumstances.[77]

The number of foreign migrants has grown since the Arab Spring in Tunisia, especially those from sub-Saharan Africa, the number of these groups is still not clear as there are no official government figures but there are some international organizations such as Mercy Corps and the International Organization for Migration that claims there are between 10 000 and 12 000 sub-Saharan migrants living in Tunisia.[78]

Many sub-Saharan migrants come from different countries with high rates of unemployment and poverty, and they see migration as a way to get away from these circumstances[79].

Moreover, Migration is being increasingly influenced by environmental factors, particularly climate change and environmental degradation. Sub-Saharan migrants may migrate as a result of food insecurity, economic instability, desertification, and other environmental problems. As a country of transit, Tunisia is a stop along the migration route for those who are impacted by these environmental problems.[80]

3. Brief of Policy and Legislative Framework in Tunisia[81]

1. Organic Law N° 2014-16:

- Relates to elections and referenda.

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[77] Hein De Haas. "The myth of invasion: the inconvenient realities of African migration to Europe." Third World Quarterly 29, no. 7 (2008): 1305-1322.

[78] Herbert, Matt. *Against Hope: Why Tunisians are Leading the Surge in Irregular Migration to Europe*. Global Initiative against Transnational Organized Crime, 2022, 15-30.

[79] De Haas "*The myth of invasion: the inconvenient realities of African migration to Europe."*

[80] Black, Richard, Stephen R. G. Bennett, Sandy M. Thomas, and John R. Beddington. "Migration as adaptation." Nature 478, no. 7370 (2011): 447-449

[81] AFFORD, "Diaspora Engagement Mapping TUNISIA" (European Union Global Diaspora Facility, April 2020), https://diasporafordevelopment.eu/wp-content/uploads/2020/04/CF_Tunisia-v.2.pdf.

- Result of demands from Tunisians abroad for greater political rights, including the right to become representatives in the Assembly and for dual nationals to become President.
- Proportional representation of the diaspora in the Tunisian parliament.

2. National Development Plan 2016-2020:

- Focuses on strengthening links with diaspora organizations and communities abroad.
- Aims to protect the human rights of Tunisians abroad and create new opportunities for skill and experience transfer, especially in technology and investment.

3. National Migration Strategy 2017:

- First established in 2012 and revised in 2017.
- Focuses on human development and social inclusion, protecting the rights and interests of Tunisian migrants, and promoting regular migration.
- It also includes governance reform and institutional strengthening to achieve these objectives.

4. *Law No.75-40 of 1975* states that the irregular Tunisian migrant intercepted by the security forces who leaves/enters without an official document goes through the official exit/entry process and can be fined between 8 euros – 35 euros or be imprisoned between 15 days and six months, and the fines are doubled for repeat offenders.

5. *Law No. 68 -7 of 1968* states that any foreign migrant who is caught entering or leaving Tunisia illegally is fined between 1.80 euros and 35 euros or be detained between a month and one year.

6. *Law No. 75-40 of 1975* states that human smugglers who are involved in smuggling those who seek to migrate illegally or transporting them are fined up to 5972 euros or imprisoned between three months and six years.

2. EU- Tunisia Cooperation in Migration Management

2.1 Cooperation within the Main Agreements

Agreement	Action Plan (2013-2017) [82]	EU-Tunisia strategic priorities for the period 2018-2020 [83]	EU-Tunisia Memorandum of Understanding 2023 [84]
Policy Area	1. Migration Governance. 2. Border Management. 3. Protection and Anti Trafficking. 4. Legal Mobility and Labour Migration. 5. Return, Readmission, and Reintegration. 6. Diaspora Engagement.	1. Tunisian National Strategy on Migration. 2. Visa Facilitation. 3. Legal Migration. 4. Mobilization of Tunisians Living Abroad. 5. Irregular Migration. 6. Protection and Anti-Trafficking. 7. Return, Readmission, and Reintegration.	1. Holistic Approach to Migration 2. Sustainable Development in High Migratory Potential Areas 3. Combating Irregular Migration. 4. Border Management 5. Return and Readmission. 6. Support for Border Management. 7. Legal Pathways for Migration.

[82] European External Action. Relations Tunisie-Union Européenne: Un partenariat privilégié. Plan d'action 2013-2017 https://eeas.europa.eu/archives/delegations/tunisia/documents/press_corner/plan_action_tunisie_ue_2013_2017_fr.pdf.

[83] The EU-Tunisia Association Council. "EU-Tunisia Strategic Priorities for the Period 2018-2020" (Official Journal of the European Union, November 20, 2018), https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22018D1792&from=FR.

[84] European Commission. "Memorandum of Understanding on a Strategic and Global Partnership between the European Union and Tunisia" (European Commission, July 16, 2023), https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_23_3887/IP_23_3887_EN.pdf.

			8. Talent Partnership.

2.2 Emergency Trust Fund for Africa as the main financial and implementing tool for combating irregular migration in Tunisia

While the Tunisian government is developing a National Migration Strategy, supported by the EU Trust Fund (FFU), The FFU's goals are to implement this strategy, promote legal and circular migration, and address the root causes of irregular migration. The FFU operates in close collaboration with various partners, reflecting Tunisia's unique democratic transition and aligning with other regional projects.[85]

2.2.1 Projects implemented at the national level

A. Promoting the implementation of Tunisia's national migration strategy

Project duration 16 Dec 2016 - 30 Apr 2022

EU contribution €12 800 000

This program aims to support the operationalization of Tunisia's National Migration Strategy by enhancing socio-economic opportunities through the mobilization of the diaspora and the economic and social integration of returning migrants. The goal is to strengthen the contribution of migration to socio-economic development at the local, regional, and national levels[86].

Main Objectives[87]:

Operationalize the National Migration Strategy: Support relevant Tunisian institutions in its implementation and monitoring and assist the National Institute of Statistics in conducting a qualitative statistical survey on migration in Tunisia (MED-HIMS).

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[85] European Union. "Tunisia - European Union,". Emergency Trust Fund for Africa, December 9, 2020, https://trust-fund-for-africa.europa.eu/where-we-work/regions-countries/north-africa/tunisia_en.

[86] European Union "Favoriser La Mise En Œuvre de La Stratégie Nationale Migratoire de La Tunisie - European Union," Emergency Trust Fund for Africa. April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/favoriser-la-mise-en-oeuvre-de-la-strategie-nationale-migratoire-de-la-tunisie_en.

[87] Ibid

Strengthen the diaspora's contribution to socio-economic development: Support investment and the creation of businesses and jobs.

Support the economic and social reintegration of returning Tunisian migrants: Ensure the dignity of individuals and the sustainability of their reintegration projects.

Develop effective mechanisms to address migration issues at the local level: Implement economic and social integration initiatives in regions affected by migration.

B. Tunisian Migration Strategy Governance Program, ProGreS Migration – phase II

Project duration 10 Dec 2020 - 12 Jan 2024

EU contribution €5 700 000

The action aims to strengthen migration governance in Tunisia and Enhance sustainable socio-economic reintegration of returning Tunisian migrants[88].

C. Action for the protection of migrants in vulnerable situations

Project duration 16 Oct 2020 - 10 Dec 2024

EU contribution €4 320 000

The program aims to ensure safe, legal, and orderly migration in Tunisia while enhancing the protection of vulnerable migrants. It aligns with the Valletta Action Plan and the European Union's migration policies, including the European Agenda on Migration and the revised European Neighborhood Policy. The program also supports the objectives of the Emergency Trust Fund for Africa by strengthening the protection and resilience of people in need[89].

3. The Implications of EU programs to combat irregular migration in Tunisia

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[88] European Union "Programme Gouvernance Stratégie Migration Tunisien, ProGreS Migration – Phase II - European Union," Emergency Trust Fund for Africa, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/programme-gouvernance-strategie-migration-tunisien-progres-migration-phase-ii_en.

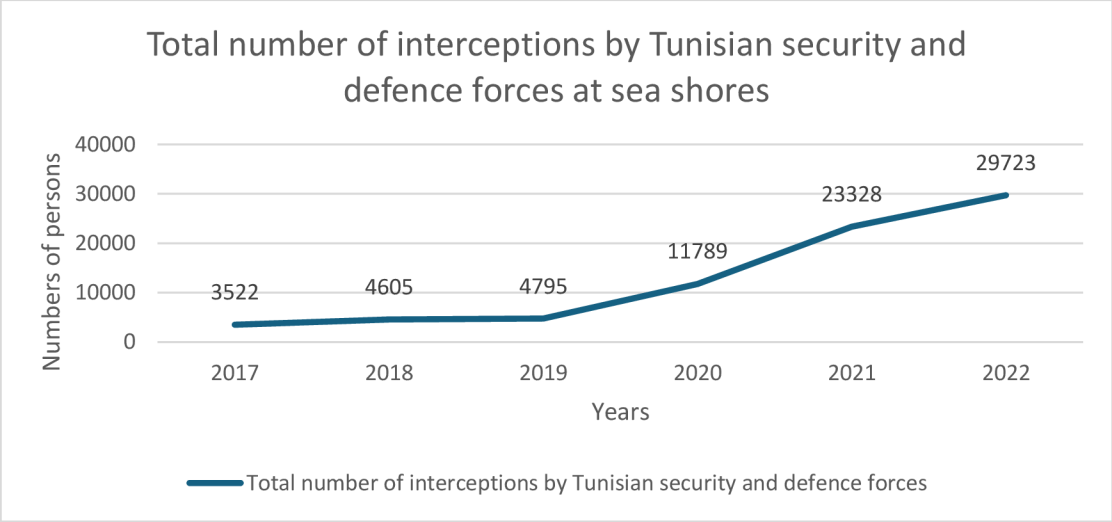
[89] European Union. "Action Pour La Protection Des Personnes Migrantes En Situation de Vulnérabilité - European Union," Emergency Trust Fund for Africa, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/action-pour-la-protection-des-personnes-migrantes-en-situation-de-vulnerabilite-0_en.

3.1 Assisted Voluntary Return

The Voluntary Humanitarian Return (VHR) program facilitated by the International Organization for Migration (IOM) and funded by the EU has been established in Tunisia over the past several years and the number of returns facilitated by the VHR program from Tunisia from 2017 to 2023 **was 5,748**.[90]

The program saw a notable increase in 2024, with a 200 per cent rise in the number of migrants opting to return to their home countries compared to the same period in 2023, as IOM facilitated the voluntary return of around **3,500** people from Tunisia to their country of origin .[91]

3.2 Integrated Border and Migration Management[92]



[90] IOM Regional Office for West and Central Africa, "Assistance to Voluntary and Humanitarian Return (2017-2023)" (Dakar : International Organization for Migration (IOM), April 2023), https://dtm.iom.int/sites/g/files/tmzbdl1461/files/reports/Assistance%20to%20voluntary%20and%20humanitarian%20return_2017-2023_IOM%20EN_final.pdf.

[91] Agence France-Presse, "Migrant Repatriations in Tunisia Surging in 2024: IOM," Daily Tribune, June 28, 2024, https://tribune.net.ph/2024/06/27/migrant-repatriations-in-tunisia-surging-in-2024-iom.

[92] Tasnim Abderrahim, "Increased Fragility Fuels Migration Surge Human Smuggling and Trafficking Ecosystems-North Africa and the Sahel 2023 Series Tunisia," July 2023, https://globalinitiative.net/wp-content/uploads/2023/06/Tasnim-Abderrahim-Tunisia-Increased-frafility-fuels-migration-surge-GI-TOC-July-2023.pdf.

Chapter Three: Libya: Country Profile

1.1 Background of Migration in Libya

Libya's migration landscape is complex and multifaceted, deeply influenced by historical, political, and socio-economic factors. As of 2023, the country remains both a major destination and transit point for migrants from various parts of Africa and the Middle East. The migration dynamics in Libya are shaped by the ongoing political instability, economic opportunities, and the strategic geographic location of the country.

Historically, Libya was a destination for labor migrants from neighboring countries due to its relatively high income from oil revenues. Under Muammar Gaddafi's rule, Libya attracted a significant number of migrant workers from across Africa and beyond. Gaddafi's pan-African policies also encouraged migration flows into Libya[93]. However, the situation changed drastically following his overthrow in 2011. The ensuing civil conflict led to a collapse of the state, creating a power vacuum and lawlessness that exacerbated migration issues[94].

The post-Gaddafi era has been marked by ongoing conflict and fragmentation of authority, with various militias and factions vying for control. This instability has severely impacted migration patterns. Migrants often find themselves caught in the crossfire of these conflicts, facing significant human rights abuses including arbitrary detention,

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[93] "International Organization for Migration (IOM), "DTM Libya Migrant Report, Round 50. " (Libya: International Organization for Migration Libya, December 2023), https://dtm.iom.int/reports/libya-migrant-report-50-october-december-2023

[94] UNHCR, "Libya," UNHCR, n.d., https://www.unhcr.org/countries/libya.

torture, and exploitation[95]. The UN Independent Fact-Finding Mission on Libya has documented extensive violations against migrants, including sexual slavery and forced labor.[96]

Libya's economy, heavily reliant on oil, has suffered due to the protracted conflict, reducing the job opportunities that once attracted many migrants. Despite the economic downturn, Libya remains a key transit country for migrants aiming to reach Europe. Seeking better economic prospects in Europe continues to drive many to undertake perilous journeys through Libya, often facilitated by smuggling networks that profit from the instability.[97]

1.1 Patterns and trends of irregular migration In Libya

Libya's strategic geographic location along the Central Mediterranean route makes it a key departure point for Europe-bound migrants. Historically, the majority of migrants departing from North Africa to Europe embarked from Libya. [98]

The composition of migrants has also shifted. During the 2014-2017 migration crisis, the majority of irregular migrants were from sub-Saharan African countries. However, more recent migration waves have included significant numbers of Tunisians and Egyptians, driven by economic crises and deteriorating living conditions[99]. In the first half of 2023, the trend reverted somewhat, with a higher proportion of migrants from sub-Saharan countries like the Ivory Coast and Guinea, reflecting a return to earlier patterns of migration from deeper within the African continent.[100]

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[95] UNHCR, "Libya: Urgent Action Needed to Remedy Deteriorating Human Rights Situation, UN Fact-Finding Mission Warns in Final Report," OHCHR, March 27, 2023, https://www.ohchr.org/en/press-releases/2023/03/libya-urgent-action-needed-remedy-deteriorating-human-rights-situation-un.

[96] Ibid

[97] Philippe Fargues and Sara Bonfanti, "POLICY Migrationpolicycentre.eu BRIEF When the Best Option Is a Leaky Boat: Why Migrants Risk Their Lives Crossing the Mediterranean and What Europe Is Doing About It," 2014, https://cadmus.eui.eu/bitstream/handle/1814/33271/MPC_PB_2014-05.pdf?sequence=1&isAllowed=y.

[98] Matteo Villa and Alissa Pavia, "Irregular Migration from North Africa: Shifting Local and Regional Dynamics," Atlantic Council, August 3, 2023, https://www.atlanticcouncil.org/in-depth-research-reports/report/irregular-migration-from-north-africa-shifting-local-and-regional-dynamics/.

[99] Ibid

[100] "ICMPD Migration Outlook Mediterranean 2023 Seven Migration Issues to Look out for in 2023 Origins, Key Events and Priorities for Europe," n.d.,

1.2 Irregular Migration Policy and Legislative Framework in Libya

Libya's legislation on migration dates back to the early 1960s. The first significant law, Law 17/1962, criminalized acts of irregular migration[101]. This was later replaced by Law 6/1987, which introduced stricter regulations on the entry, residence, and exit of foreigners[102].

In 2010, Libya enacted Law 19/2010 on combating illegal immigration, which remains a cornerstone of its legal framework on this issue. This law imposes severe penalties on migrants entering or staying in the country illegally, including imprisonment and fines.[103]

In 2023, Libya introduced Law 24/2023, which criminalizes the settlement of foreigners in the country. This law builds on the punitive measures of previous legislations like Law 19/2010, continuing to criminalize irregular migration without adequately addressing the human rights implications.[104]

2. EU- Libya Cooperation in Migration Management[105]

2.1 Cooperation within the Main Agreements

Action Fiche for Support to Rights-Based Migration Management and Asylum System in Libya" outlines an EU-funded program aimed at improving migration management and asylum systems in Libya. The project is structured into three components, implemented through contribution agreements with the International Centre

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https://www.icmpd.org/file/download/59113/file/ICMPD%2520Migration%2520Outlook%2520Mediterranean%25202023.pdf#:~:text=URL%3A%20https%3A%2F%2Fwww.icmpd.org%2Ffile%2Fdownload%2F59113%2Ffile%2FICMPD%252520Migration%252520Outlook%252520Mediterranean%2525202023.pdf%0AVisible%3A%200%25%20.

[101] Mawazin Mag, "Justice Denied: Irregular Migration through Libya," Adala For All, March 2011, https://www.adalaforall.org/en/mawazin-mag/justice-denied-irregular-migration-through-libya.

[102] Ibid

[103] Ibid

[104] Ibid

[105] European Neighbourhood Policy and Enlargement, "Libya Southern Neighbourhood" (European Commission, 2023), https://neighbourhood-enlargement.ec.europa.eu/document/download/f437e90f-b47d-4fb6-9c66-a8751e6d46bf_en.

for Migration Policy Development (ICMPD) and the International Federation of Red Cross and Red Crescent Societies (IFRC).

Agreement	Action Fiche for Support to rights-based migration management and asylum system in Libya 2013
Policy Area	Strengthening Institutional Capacity
	Improving Migrant Retention Centers
	Pilot Labour Market Programme
	Irregular Migration
	Humanitarian Aid
	Anti-smuggling and trafficking of human beings

2.2 Emergency Trust Fund for Africa as the main financial and implementing tool for combating irregular migration in Libya*: National Programmes*

Theme: Humanitarian Aid

A. Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya

Project duration 16 Dec 2016 - 31 Aug 2021

EU contribution €19 800 000

It focuses on improving reception upon disembarkation, ensuring decent living conditions in detention centers, scaling up voluntary humanitarian return and reintegration, strengthening migration data, and enhancing access to basic services.[106]

B. Strengthening protection and resilience of displaced populations in Libya

Project duration 16 Jun 2016 - 31 Mar 2021

EU contribution €6 900 000

The EU's initiative aimed at strengthening the protection and resilience of displaced populations in Libya. Key components include providing assistance to internally displaced persons (IDPs), enhancing access to basic services, and improving social

[106] "Supporting Protection and Humanitarian Repatriation and Reintegration of Vulnerable Migrants in Libya - European Union," trust-fund-for-africa.europa.eu, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/supporting-protection-and-humanitarian-repatriation-and-reintegration-vulnerable-migrants-libya_en.

cohesion within host communities. The project aims to facilitate the integration of displaced individuals through various programs and services, promoting stability and reducing tensions[107].

C. TOP-UP - Managing mixed migration flows: Enhancing protection and assistance for those in need in Libya[108]

Project duration 2 Jul 2019 - 19 Feb 2023

EU contribution €23 000 000

EU initiative designed to manage mixed migration flows in Libya by enhancing protection and assistance for those in need. This program aims to provide vital support to vulnerable migrants and refugees, including access to healthcare, shelter, and legal assistance. It emphasizes strengthening local capacities and institutions to respond effectively to the needs of displaced populations. The initiative also seeks to improve the living conditions of migrants and foster social cohesion within communities.

Theme: Socio-Economic Cooperation

A. Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development[109]

Project duration 12 Apr 2017 - 31 Mar 2023

EU contribution €90 000 000

EU initiative focused on managing mixed migration flows in Libya by expanding protection spaces and supporting local socio-economic development. The program aims to enhance the safety and well-being of migrants and host communities through increased

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[107] "Strengthening Protection and Resilience of Displaced Populations in Libya - European Union," trust-fund-for-africa.europa.eu, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/strengthening-protection-and-resilience-displaced-populations-libya_en.

[108] "TOP-up - Managing Mixed Migration Flows: Enhancing Protection and Assistance for Those in Need in Libya - European Union," trust-fund-for-africa.europa.eu, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/top-managing-mixed-migration-flows-enhancing-protection-and-assistance-those-need-libya_en.

[109] "Managing Mixed Migration Flows in Libya through Expanding Protection Space and Supporting Local Socio-Economic Development," trust-fund-for-africa.europa.eu, April 12, 2017, https://trust-fund-for-africa.europa.eu/our-programmes/managing-mixed-migration-flows-libya-through-expanding-protection-space-and-supporting-local-socio_en

access to protection services and socio-economic opportunities. Key activities include improving local infrastructure, providing vocational training, and fostering community engagement.

B. Recovery, stability and socio-economic development in Libya – Phase 2 (RSSD 2)[110]

Project duration 2 Jul 2020 - 2 Jul 2024

EU contribution €25 000 000

This initiative aims to promote stability and socio-economic recovery in the country, focusing on rebuilding infrastructure, supporting local governance, and enhancing basic services. Key components include creating job opportunities, strengthening community resilience, and fostering economic development. The program is designed to address the immediate needs of the population while laying the groundwork for long-term stability.

Theme: Integrated Border

A. Support to Integrated border and migration management in Libya – First phase[111]

Start date 27 Jul 2017

EU contribution €42 223 900

EU's initiative supports integrated border and migration management in Libya, focusing on enhancing the capacity of Libyan authorities to manage borders and migration flows effectively. This includes improving infrastructure at border crossing points, providing training for border and migration officials, and strengthening coordination among various stakeholders.

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[110] European Union. "Recovery, Stability and Socio-Economic Development in Libya – Phase 2 (RSSD 2) - European Union," Emergency Trust Fund for Africa, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/recovery-stability-and-socio-economic-development-libya-phase-2-rssd-2_en.

[111] "Support to Integrated Border and Migration Management in Libya – First Phase," trust-fund-for-africa.europa.eu, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/support-integrated-border-and-migration-management-libya-first-phase_en.

B. Support to Integrated border and migration management in Libya - Second phase[112]

Project duration 13 Dec 2018 - 22 Nov 2024

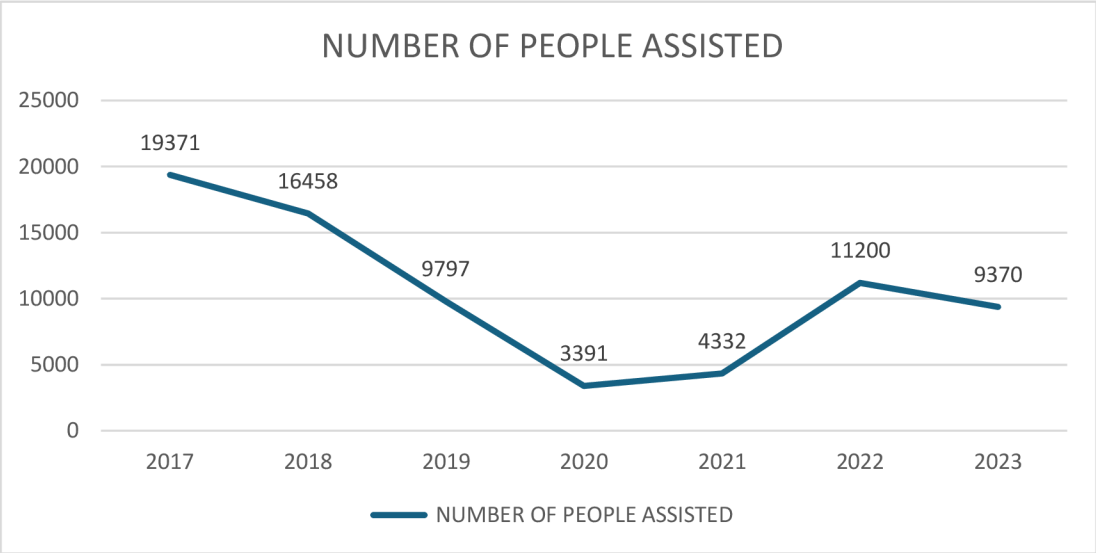
EU contribution: €16 800 000

EU's initiative to support integrated border and migration management in Libya. This phase aims to further enhance the capacity of Libyan authorities in managing borders and migration. Key activities include continued infrastructure improvements, advanced training for officials, and better coordination among stakeholders. The initiative also emphasizes protecting migrant rights and improving security.

3. The Implications of EU programs to combat irregular migration in Tunisia

3.1 Assisted Voluntary Return[113]

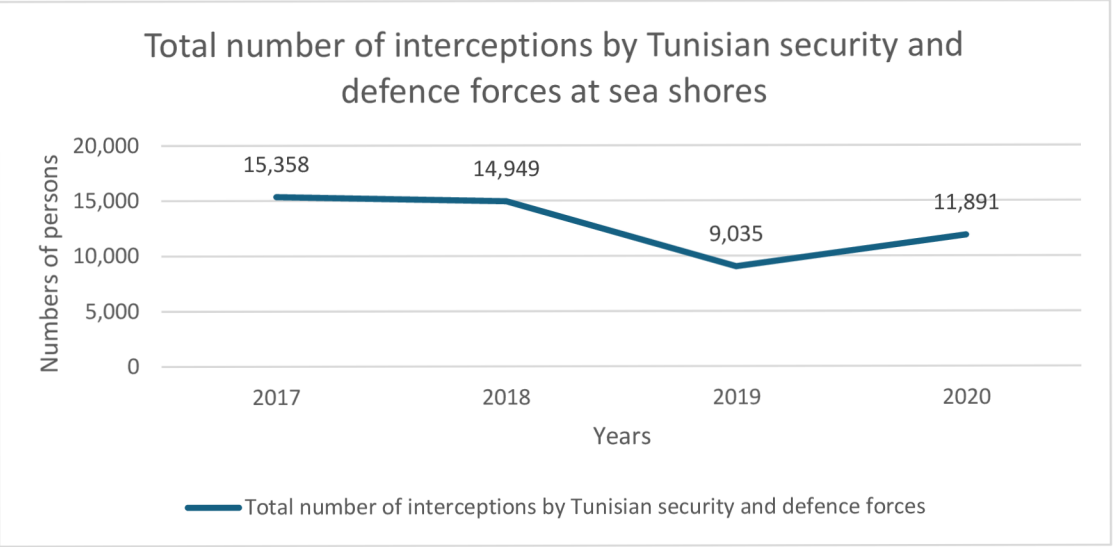
The VHR Programme in Libya which is funded by the EU aims to provide safe, dignified, and durable solutions for migrants displaced by conflict or natural disasters. It assists migrants in voluntarily returning to their countries of origin when protection services are inadequate in host countries and supports reintegration as needed.



[112] "Support to Integrated Border and Migration Management in Libya - Second Phase - European Union," trust-fund-for-africa.europa.eu, April 23, 2021, https://trust-fund-for-africa.europa.eu/our-programmes/support-integrated-border-and-migration-management-libya-second-phase_en.

[113] International Organization for Migration (IOM) Libya, IOM Libya Voluntary Humanitarian Return Programme: Key Figures 2015-2023 (Tripoli: IOM Libya, 2024). https://libya.iom.int/sites/g/files/tmzbdl931/files/documents/2024-01/iom-libya-vhr-snapshot-2023.pdf

3.2 Integrated Border and Migration Management[114]



[114]ReliefWeb "*Libya: Record Numbers Intercepted at Sea and Detained; IRC Calls for Their Immediate Release – Libya*." reliefweb.int, September 2, 2021, https://reliefweb.int/report/libya/libya-record-numbers-intercepted-sea-and-detained-irc-calls-their-immediate-release.

Chapter Four: Comparative Analysis

The third key element of implications of EU programs to combat irregular migration is the number of irregular migrants who are coming from Tunisia and Libya and using the Central Mediterranean route.

According to Frontex's latest statistics[115]

2023: the number of detections was 157,479 of illegal border crossings

2022: The number of detections rose by over 50%, exceeding 100,000. Egyptians, Tunisians, and Bangladeshis were the top nationalities, with the highest arrivals from Libya since 2017 and the most from Tunisia in recent history.

2021: Migratory pressure increased with 67,724 detections, a 90% rise from 2020, accounting for 23% of all reported illegal border crossings. Libya was the primary departure point, with notable increases in Tunisian and Turkish departures.

2020: The number of detections doubled to 36,435, making this route the most-used path to Europe. Libya remained the main departure point, with significant increases in migrants from Bangladesh, Sudan, and Morocco.

2019: The route recorded its lowest number of irregular migrants since before the Arab Spring, with 14,874 arrivals, a 40% decrease from 2018. Tunisia, Sudan, and Côte d'Ivoire were the top nationalities.

2018: The route experienced an 80% drop in irregular migrants to 24,800, the lowest since *2012*. Tunisians and Eritreans were the most represented nationalities.

2017 and before The number of migrants decreased from 119,385 in 2017 to 181,459 in *2016*, the highest ever recorded. Most migrants departed from Libya, where smuggling networks exploited the country's instability.

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115 https://www.frontex.europa.eu/assets/Migratory_routes/2024_website_update/ANNEX_Central-Mediterranean__up-to-2022.pdf

1.Differences and Similarities between Libya and Tunisia

1.1 Similarities:

Geopolitical Importance: Both countries are strategically located along the Central Mediterranean route, making them significant departure points for migrants aiming to reach Europe.

Migration Patterns: Both Libya and Tunisia have experienced significant irregular migration flows. Migrants from sub-Saharan Africa and other regions view these countries as transit points to Europe.

EU Cooperation: Both countries receive substantial support from the European Union to manage migration. The EU provides financial aid, supports border management, and assists with migrant protection and reintegration.

Economic Challenges: Economic instability, high unemployment rates, and limited career opportunities are prevalent in both countries, driving local populations to seek better prospects abroad.

1.2 Differences:

Political Stability:

Tunisia: Tunisia has made significant strides towards democracy following the 2011 revolution, although it still faces economic and political challenges.

Libya: Libya remains politically unstable with ongoing conflict and fragmentation of authority, leading to severe human rights abuses and exploitation of migrants.

Migration Policies:

Tunisia: Tunisia has implemented a National Migration Strategy focused on protecting the rights of migrants, promoting regular migration, and addressing the root causes of irregular migration.

Libya: Libya's migration policies are more punitive, focusing on criminalizing irregular migration and enforcing strict penalties without adequately addressing human rights concerns.

1.3 EU Financial Support:

Tunisia: The EU has allocated funds to support Tunisia's democratic transition, socioeconomic development, and migration management through various strategic priorities and action plans.

Libya: The EU's financial support in Libya is heavily directed towards humanitarian aid, protection of vulnerable migrants, and integrated border and migration management due to the ongoing conflict and instability.

1.4 Migration Trends:

Tunisia: The country has seen a significant rise in irregular migration since the Arab Spring, particularly due to economic and social factors. It also serves as a transit point for sub-Saharan migrants.

Libya: Migration in Libya is influenced by its political instability, making it a major transit country despite the ongoing conflict. The country has seen a shift in the composition of migrants, with recent increases in sub-Saharan and North African migrants.

2.Recommendations

2.1 Enhanced Regional Cooperation:

Promote stronger collaboration between Tunisia Libya, and other North African countries, to address shared migration challenges through joint initiatives and information sharing.

2.2 Strengthen Border Management:

Implement advanced training programs for border and migration officials in both countries to improve their capacity to manage migration flows and protect human rights.

2.3 Support Economic Development:

Focus on creating economic opportunities in both countries to address the root causes of migration. This includes promoting entrepreneurship, improving access to finance, and investing in education and vocational training.

2.4 Improve Legal Migration Pathways:

Develop and expand legal pathways for migration to Europe, ensuring safe and regulated movement of people. This can be achieved through visa facilitation agreements and talent partnerships.

2.5 Enhance Protection for Migrants:

In Libya, there should be a greater emphasis on protecting migrants from human rights abuses. In Tunisia, enhance the asylum system and ensure the provision of essential services to migrants and refugees.

2.6 Promote Social Integration:

Implement programs that foster social cohesion and integration of migrants into local communities. This includes access to healthcare, education, and employment opportunities.

2.7 Address Human Trafficking and Smuggling:

Strengthen efforts to combat human trafficking and smuggling networks through regional cooperation, stricter enforcement of laws, and providing support to victims.

2.8 Increase EU Support:

Advocate for increased financial and technical support from the European Union to both countries, focusing on sustainable development, migration management, and humanitarian assistance.

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