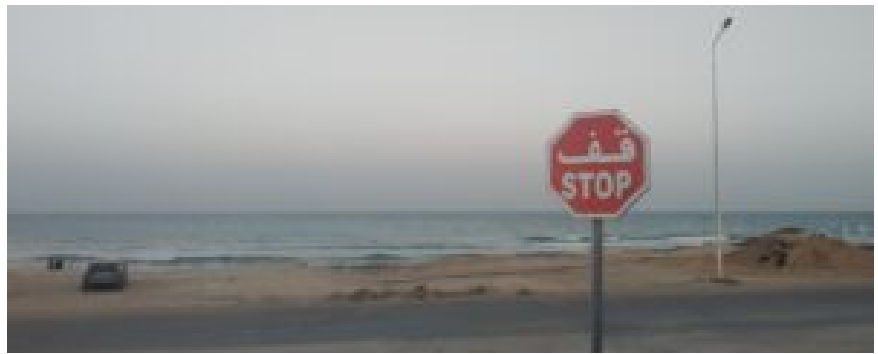


# Tunisia

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## Basic data and brief summary



Beach at Zarzis © Sofian Philip Naceur

Tunisia is the smallest of the five North African states in the Southern Mediterranean region in terms of area. It borders Libya to the Southeast and Algeria to the West and South West. The official language is Arabic, while French is common in urban areas and widely spoken in the administration and the educational sector. In 2018, the population stood at 11.55 million[1] inhabitants. There is no reliable data on the number of irregular migrants living in the country, though estimates range from 50,000 to 75,000 people.[2] This does not include several hundred thousand Libyan nationals who have fled the war in Libya since 2011.

Tunisia is highly centralized both politically and economically. Since the revolution of 2011, political society, civil society, and local stakeholders have been increasingly advocating for political decentralisation; and above all, a fairer distribution of public and private investment. So far, however, no noticeable improvements have been achieved. The regions in the West and South of the country have been neglected for decades. While those coastal provinces with large tourism sectors feature well-developed transport infrastructures, regions in the West and South of the country are poorly connected. The frequent cuts of water and electricity supply in these parts of Tunisia fuel regular local protests against the mismanagement of the public administration - most recently at the end of 2019 in Sidi Bouzid and Tataouine and during the Covid-19 crisis in March

and April 2020. Southern and Western Tunisia is also systematically marginalised in terms of public investments toward health and education.

## **Economics and government**

The mass revolt sparked by the self-immolation of the greengrocer Mohamed Bouazizi in Sidi Bouzid in December 2010 forced Tunisia's long-term dictator Zine el-Abidine Ben Ali to resign in January 2011 after four weeks of nationwide protests. This paved the way for a political transition that continues to this day. As part of this process, a new constitution was adopted in 2014, which abolished the authoritarian presidential system and formally transformed Tunisia into a parliamentary democracy. The government, which was thereby designated to be the de jure more powerful part of the executive branch of the political system, is now elected by parliament and no longer appointed by the head of state. The freely elected President of the Republic has executive authorities only in the areas of foreign, defense and national security policies; however laws adopted by parliament must be signed by the President to come into effect.

In the legislative term from 2014 to 2019, President Béji Caïd Essebsi and Prime Minister Youssef Chahed repeatedly competed for authority; Essebsi proactively interpreted the provisions of the Constitution, spurred by the fact that the text of the Constitution is not unambiguous. Since the newly created Constitutional Court is still not completely appointed yet and, thus, not able to fulfill its duties (the parliament repeatedly failed to fill the posts due to the two-thirds majority required for the appointment of judges), constitutional ambiguities such as an unresolved clarity about the executive distribution of power between the presidency and the government remain evident to this day and undermine the political transition.

However, the country has made progress since 2011 in terms of human rights and civil liberties. Freedom of assembly, freedom of the press and freedom of expression are largely guaranteed, and political parties can freely be established and registered. Women's rights have also improved, although significant gaps between respective legislation and its application in reality are persistent. Since 2019, the women's rights movement in the country has once again massively mobilised in public and, among other things, has called for tougher and more consistent actions against violent assaults and sexual harassment. The crimes of

Ben Ali and his predecessor Habib Bourguiba are being dealt with by a transitional justice system that was set up after 2011. However, the work of the 13 court chambers, specifically set up for the transitional justice process, is constantly being sabotaged by authorities and state bodies.

The improvements regarding civil liberties and human rights are by no means set in stone. They are systematically thwarted by political forces formerly close to Ben Ali, who increasingly and outspokenly lobby for the return of a strong state and advocate for the replacement of the parliamentary system by a presidential republic. This is fueled further by widespread popular opposition to political parties, which, nine years after the revolution, are widely discredited and considered incapable of tackling Tunisia's economic and socio-economic problems. Parliamentarians and parties from all political camps are accused of being engaged primarily in power struggles or disputes over government posts, and of neglecting urgent social and economic problems. Since the 2019 parliamentary elections, the state apparatus and legislative and executive branches of government have been paralyzed in an unprecedented manner. Not before four months after the elections, the parliament was able to agree on a new government. The chamber is strongly fragmented and due to the highly politicized atmosphere of the political sphere, upcoming elections are not estimated to lead to a more homogeneous parliament. Therefore, any government can only rely on very weak parliamentary majorities for the foreseeable future.[3] Thus, Tunisia's government has only a limited capacity to rule effectively regarding domestic, foreign and economic matters.

The economic situation has been increasingly tense for years, and socio-economic distortions in the economy and society have worsened further since 2011. Tunisia is highly dependent on trade with Europe. While three-quarters of all exports are shipped to Europe, the regular exchange of goods and services with Algeria accounts for only 4.4% of the volume of trade, and for only 1.5% with Libya. The Maghreb (Morocco, Algeria, Tunisia, Mauritania, and Libya) is one of the least integrated regional economic areas in the world. Although Tunisia is now calling more outspokenly for stronger regional economic cooperation, there is a lack of appropriate initiatives to translate these demands into effective changes and, thus, reduce dependency on imports from Europe. Tunisia and the EU have already been negotiating for years on a free trade agreement (ALECA), which would link the country even closer to the European market. The current draft of

the agreement is - in case the agreement comes into effect in its current form - likely to cause disastrous consequences for the agricultural, manufacturing, and industrial sectors in Tunisia.

Although Tunisia's structural reforms imposed under a loan agreement with the International Monetary Fund (IMF) have massively fueled socio-economic distortions in recent years, the country has achieved relative macroeconomic stability in 2019. Government debt rose from 41% in 2010 to almost 77% in 2018 but fell slightly in 2019 for the first time in years.[4] The state budget is running a high deficit, while inflation stood at over six percent in 2019. In 2018, 22% of government spending went into debt service. The austerity policy imposed by the IMF dictates subsidy cuts and tax increases which have been regularly met with protests, especially in marginalised regions.[5] Tunisia's economic situation remains equally dependent on tourism, which acquires foreign currency revenues and provides hundreds of thousands of jobs. The sector recovered gradually after the 2015 terrorist attacks in Tunis and Sousse, though the coronavirus crisis in 2020 led to a complete halt of tourism and to an unprecedented drop of foreign currency influx. The repercussions of the pandemic for tourism, the formal and informal labor market, and the macroeconomic performance of Tunisia as a whole are estimated to significantly accelerate the economic crisis.

In the Kasserine province in the Southwest of the country, violent extremist groups continue to operate, while several thousand Tunisians have joined the so-called Islamic State in Syria and Iraq (but also extremist groups operating in Libya). Also because of fears that their return to Tunisia could once again fuel the activities of extremist groups in the country, Tunisia intensified its security cooperation with the EU and the US. In the so-called 'war against terrorism', Tunisia is relying on even closer cooperation with the US within the framework of training and equipment aid programs such as the ICCM (International Counterterrorism and Countering Violent Extremism Capacity-Building Mechanism) or the ATA (Anti-Terrorism Assistance Program), under which the National Guard is trained and equipped.[6]

## **Migratory movement**

For decades Tunisia was above all a country of emigration. In 2014, 12% of the population was living abroad, with about 80% of them residing in Europe. Their

remittances accounted for around five percent of the GDP in 2014, around two billion Euros, and are indispensable for Tunisia's economy.[7] The irregular migration of Tunisians to Europe began in the 1990s and has intensified further since 2011. In 2011 alone, more than 25,000 Tunisians crossed irregularly to Italy. Since then, the number of Tunisians intercepted by the Italian and Tunisian coast guard has declined, but has been strongly on the rise again since 2017. Due to the difficult socio-economic situation and the widespread lack of prospects, especially among young people, the willingness to emigrate irregularly - especially by Tunisians from marginalized regions - remains high.

Since 2015, Tunisia has been an increasingly important transit country for refugees from African countries, a development that has been reinforced by the expansion of the EU border regime in the Mediterranean and the wars in Mali and Libya. The conflict in Libya in particular continues to have direct consequences for Tunisia. Immediately after the outbreak of the war, more than 350,000 people had fled to Tunisia, including almost 100,000 Tunisians who had previously worked in Libya.[8] At the peak of the crisis, more than one million Libyan nationals had fled to Tunisia, though it is unclear how many of them are still residing in Tunisia as of 2020. Tens of thousands of refugees and migrants from third countries, who had been working in Libya before the war erupted, likewise fled to Tunisia. As refugees and migrant workers have been exposed to systematic mistreatment, torture, extortion and disastrous detention conditions in Libya for years, once again, since 2018 they have increasingly been fleeing to Tunisia.

## **The Tunisian “Harga” - lack of prospects and a faltering transition**

The Tunisian “harga” (Arabic for “burn”, meant is the burning of the border) to Europe intensified especially in the years before the revolution and once again since 2017. Italian authorities counted about 25,000 irregular arrivals of Tunisians in 2011. The number of arrivals of Tunisian nationals in Italy decreased significantly between 2013 and 2016. Since 2017, the numbers have been strongly on the rise again. In 2018, Tunisia ranked second in the list of countries of origin, and in 2019, with almost a quarter of the total of 11,471 people arriving irregularly in Italy, it is by far on top - even if arrivals registered in Italy have more than halved in absolute figures compared to the previous year.[9] Figures in

January and February 2020 show an even further increase, though the outbreak of the corona pandemic significantly decreased irregular migration movements from Tunisian shores in the months that followed. The main reasons behind the continuous movement of the Tunisian harka are mainly socio-economic and economic. In 2018 and 2019, the unemployment rate in Tunisia stood at 15%, whereas youth unemployment exceeded 35%. While jobs in the informal economy are usually precarious and poorly paid, even university graduates often cannot find jobs that match their qualifications. Around 260,000 graduates were unemployed at the end of 2018.

The disillusionment with the popular uprising of 2011 is also pushing people out of the country. In many regions, the political transition was linked with the hope that not only the political situation would improve, but also the economic and socio-economic prospects for broad strata of society. However, since 2011, no government has been able to close the income gap, effectively tackle unemployment, make the distribution of social investments more equitable, or remedy infrastructural deficits in marginalised regions. Moreover, social struggles in Southern Tunisia (which had already begun in the Ben Ali era) for economic development, infrastructural and social investment, or for channeling a fair share of profits from raw materials extraction (especially the phosphate industry) to these regions have so far failed to translate into considerable improvement. The environmental destruction caused by phosphate, salt or oil and gas extraction in Southern Tunisia further deprives communities of their livelihoods. For example, the massive pollution of soil, air and the sea in the Gabès region caused by phosphate processing has destroyed the fishing sector throughout the province and contaminated entire areas and suburbs of Gabès with highly toxic substances.[10]

## **The Libyan crisis and changing migration movements in Tunisia**

Attempts of irregular crossings to the Italian islands of Sicily, Lampedusa and Pantelleria take place in almost all coastal regions of Tunisia. Until 2015, crossings from Tunisian soil had been almost exclusively fueled by Tunisian nationals. Between 2011 and 2015, Tunisian authorities counted only three to five per cent non-Tunisians on boats that had been intercepted. Between 2016 and 2018, this figure rose to nine to eleven percent, and stood at 33% in 2019. The

vast majority of people on the move living in Tunisia have been entering the country via Libya. Tunisia's coast guards repeatedly intercept boats that have set sail in Libya and drifted into Tunisian waters due to engine failure or bad weather conditions. However, the majority of people fleeing to Tunisia are entering the country via its land border with Libya (mostly at the two official border crossings in Ras Jedir and Dehiba or in the no man's land in between).

Since the end of 2018, migratory movements from Libya to Tunisia have intensified significantly. In the first eleven months of 2019, 724 people rescued or intercepted at sea have been referred to the UN refugee agency UNHCR - in 2018, this figure stood at only 290.[11] Whereas the UNHCR counted only 79 new registrations in 2015, this figure rose to 296 in 2017, 579 in 2018 and 2,048 in 2019. At the end of 2018, the UN authority counted around 1,200 refugees and asylum seekers under its mandate, though this figure rose to 4,494 in March 2020.[12] The majority of those are Syrian nationals (38.3%), followed by people from the Ivory Coast (28.3%), Sudan (6.5%) and Eritrea (5.5%). The increasing number of refugees and asylum seekers living in Tunisia is linked to the conflict in Libya and, in particular, the ongoing battle over the Libyan capital Tripoli which strongly intensified in April 2019 (and again in December 2019). At the same time, the so-called Libyan Coast Guard, which is being massively supported with equipment and training by the EU, expanded its activities and intercepted more than 9,000 people at sea in 2019 and returned them to Libya. The war in the North African state, which has been actively fueled by Turkey, Egypt, Russia as well as the EU and some of its member states, and the diminishing chances of successfully crossing the Mediterranean, is increasingly forcing people who are on the move to flee to Tunisia.

Meanwhile, the government in Tunis has been setting up preemptive measures to tackle a possible upcoming increase in the number of refugees who are fleeing the war in Libya. In cooperation with UNHCR and the International Organization for Migration (IOM), the government drafted a contingency plan in 2014 in order to be prepared for the case that the war in Libya triggers a significant number of refugees and people on the move to Tunisia. In addition to emergency arrangements in South Tunisian cities, the plan includes the establishment of a refugee camp for up to 25,000 people (or even up to 50,000 people, according to other accounts) in the South Tunisian province of Tataouine in a desert region near the Libyan border. Tunisian authorities are trying to avoid the establishment

of such a camp for multiple reasons, yet the government already launched respective preparations on the ground in order to avoid a scenario similar to what had occurred when the Libyan war originally broke out in 2011.[13]

Early that year, hundreds of thousands of people crossed the Tunisian border within a few weeks, causing challenges for South Tunisian provinces as the arrival of those people was badly managed by authorities. State bodies did not appropriately respond to this increased number of people as the ousting of Ben Ali in early 2011 had evoked a political vacuum not only in Tunis but also on a regional and local level, leaving municipalities and regional governments in a state of uncertainty and instability. Therefore, local communities in the governorates of Médenine and Tataouine stepped in instead in a self-organised manner and provided arriving refugees with food, medical aid and shelter for weeks (predominantly Libyan nationals were supported, though meanwhile third country nationals were struggling for weeks). In February 2011, local authorities and UN organisations had erected the Choucha refugee camp near the border town of Ben Guerdane, where about 18,000 people (mostly from third countries) were hosted at the peak of the crisis in partly chaotic conditions until the camp was officially closed down in mid-2013.

Due to the recent escalation of the war in Libya, Tunisian authorities are once again preparing for a significant change of migration movements in the region and a possibly increase in arrivals of refugees. Tunisia's authorities have reacted quickly to the intensified clashes in the Libyan war since December 2019 and significantly increased the military's presence at the border. Local media sources have already recorded a rise of regular and irregular border crossings by third country nationals coming from Libya in early 2020. However, this trend did not last, and authorities and the UNHCR have since stated that the number of new arrivals from Libya had not changed compared to previous figures. Tunisian authorities and UN agencies such as UNHCR are regardless on alert and have taken preemptive steps to prepare for a possible rising number of people in 2020.

Several crisis and preparation meetings in the context of the contingency plan have already taken place in January 2020 between Tunisian authorities, UNHCR and other UN organizations and NGOs. In February 2020, the Governor of Tataouine announced the opening of a "temporary" refugee camp in the municipality of Remada in the South Tunisian governorate of Tataouine to "provide logistical support for refugees until the crisis in Libya eases". The camp



is due to be set up in an area called Bir Fatnasseyya between the cities of Tataouine and Remada in the middle of the desert and near a restricted military area (about 70 kilometers away from the Libyan border).[14] The basic infrastructure of the camp is already being prepared, though since the the Governor of Tataouine's announcement in February, no news has been published about the current state of the construction work on the ground. No official accounts about the purpose of the camp have been made by authorities ever since.

The main road between Tataouine and Médenine was upgraded and extended in early 2020. In a statement, the Tunisian human rights organisation FTDES (Forum Tunisien pour les Droits Economiques et Sociaux) criticised the lack of transparency of the authorities regarding the contingency plan, the choice of the location (the camp is to be set up in the middle of the desert) and the EU policy in Libya, which had aggravated the Libyan crisis, and pointed out that Tunisia lacks a clear legal framework for people on the move in general and for refugees in particular.[15] Although the Tataouine governor stated that "there is no way to transform this camp into a platform for the resettlement of migrants", the opening of the camp might pave the way for the EU to further push Tunisia for a more comprehensive cooperation on border externalisation policies and provide incentives for the Tunisian government to turn the camp into a permanent entity at a later stage.

Due to the executive power vacuum in Tunis following the 2019 parliamentary elections and the economic repercussions of the coronavirus pandemic (due to the shutdown of Tunisia's tourism sector, the country is in dire need of loans and foreign aid), Tunisia is more vulnerable for being successfully pressured by the EU to cooperate more closely on border externalisation policies. Since 2018, the EU and its member states have been calling for the establishment of "hotspots" or "regional disembarkation platforms" in North Africa in order to carry out asylum procedures outside European soil and further restrict migration movements in the Mediterranean. All North African governments had initially rejected the proposals. Tunisia's then-President Essebsi also outspokenly opposed the disembarkation platform scheme; however, the intensifying war in Libya and Tunisia's dependency on foreign aid due to the Covid-19 crisis could force the government in Tunis sooner or later to give in and allow the establishment of said hotspots or disembarkation platforms.

## **Legal status and everyday situation for people on the move living in Tunisia**

The everyday situation for refugees living in Tunisia is precarious, and their legal status unclear due to the absence of a distinct legal framework. Arbitrary policies by authorities, social and economic exclusion, inadequate support by UNHCR and local or international NGOs, xenophobic and violent attacks, and the inherent risk of being arbitrarily detained and deported by Tunisian authorities undermine the rights of people on the move living in the country. Tunisia has ratified the 1951 Geneva Convention and its additional protocols, and Article 26 of the Tunisian Constitution guarantees the right to asylum, though only for political reasons.[16] Asylum recognition procedures have been completely outsourced to the UNHCR. A draft asylum law prepared in 2016 by the Tunisian Ministry of Justice with the assistance of the UNHCR has not yet been put up for a vote in the Tunisian Parliament as the country's political class avoids the implementation of a national protection system, in order to counter the EU's attempt to further shift protection responsibilities to Tunisia. However, the government systematically uses the subject as a bargaining chip in its relations with the EU.

Refugees are de facto excluded from formal employment in Tunisia, as people living irregularly in the country cannot apply for a residency, which is a prerequisite for obtaining a work permit. Although the influential Tunisian trade union confederation UGTT (Union Général Tunisienne du Travail) is committed to granting migrant workers from other African countries the same rights as Tunisians in the construction and agricultural sectors, the necessary reforms of labour and residency legislations are unlikely to be implemented any time soon.[17] Recognized refugees as well as people on the move and refugees without a UNHCR protection status are, therefore, forced to work in the informal sector and are almost without exception precariously employed, usually poorly paid and exposed to the arbitrary treatment of employers.

Irregular entry and exit, residence without valid papers, and overstaying a visa are prohibited in Tunisia by a decree from 1968, and are subject to imprisonment and fines. A decree issued in 1975 and modified in 2004 and again in 2015 prohibits the entry and exit aside from official border crossings for Tunisians, and allows the authorities to expel and imprison foreigners when they cross the border irregularly. If third country nationals are arrested during irregular entry

attempts, they are usually registered by the National Guards (usually fingerprints are taken, in some cases photos as well), detained for a period of up to 16 days and later released and transferred to the Tunisian Red Crescent (TRC). The TRC accommodates immigrants in south-eastern Tunisia in shelters or apartments and refers them to UNHCR or IOM. If people arriving from Libya or Algeria can present an identity document issued by UNHCR offices in other countries, they are usually released after registration procedures and an interrogation, and are also referred to TRC.

The Red Crescent is the implementing partner of IOM and operates two IOM-funded shelters for people on the move in Médenine and Zarzis in southern Tunisia, where people can usually stay for up to 60 days before being asked to leave the facilities (however, due to a lack of alternatives, many people often stay much longer, but do not receive food vouchers, medical care or other support after exceeding the 60 day threshold. People considered vulnerable by TRC, are hosted for longer periods).[18] Theoretically, people who wish to apply for asylum should be referred by TRC to UNHCR - but in practice these referrals are not conducted in a timely manner and repeatedly lead to significant waiting periods, sometimes exceeding months. Until 2019, TRC was also the implementing partner of UNHCR, running one UNHCR-funded shelter in Médenine and two in Zarzis. Due to long-lasting problems with the timely payment of rent for apartments and the punctual distribution of food vouchers, the Tunisia office of UNHCR gradually replaced TRC with CTR (Conseil Tunisien pour les Réfugiés) - de jure an independent Tunisian organisation, established in 2017, but de facto a satellite organisation entirely financed by UNHCR - as its implementing partner.

Despite this operational realignment, reports about inadequate sanitary conditions in UNHCR shelters and the insufficient provision of food, medical care or blankets continue to emerge on a regular basis.[19] A new UNHCR-funded shelter in Tataouine for 80 people has been completed, but has not yet been opened by the local authorities (one account states that this shelter is expected to be opened once the contingency plan is triggered). In March 2019, the emergency shelter "Al Hamdi" in Médenine was closed due to severe overcrowding and disastrous hygienic conditions after the visit of Tunisian government officials. The lack of accommodation in the city remains evident ever since. There is also a lack of accommodation in Tunis. IOM runs a shelter for people on the move in Mégrine in the south of the capital, while UNHCR and CTR accommodate several dozen

refugees and asylum seekers (mainly minors) in hotels or apartments. In December 2019, at least 130 asylum-seekers had to sleep on the streets and were not receiving an adequate amount of food vouchers or medical and psychological care from UNHCR and its partner CTR, reports FTDES.[20]

Meanwhile, in 2019, UNHCR's Tunisia office was repeatedly criticised for operational deficiencies, which appear to be systematic, such as the inadequate provision of food, shelter and medical care for the people under its mandate, as well as an inadequate case management - as was its partner CTR. Appointments for Refugee Status Determination (RSD) interviews are often scheduled by UNHCR with significant delays, sometimes exceeding months, and reportedly conducted in a hasty manner. Likewise, the absence of professional translators for registration and RSD interviews was slammed. UNHCR appears to regularly contract refugees and asylum seekers as translators - a practice that severely contradicts the confidentiality and impartiality standards required for personnel involved in such interviews.[21] Notifications are usually issued in French and in exceptional cases also in English - even in the case of people who do not understand French or English. UNHCR ID documents issued for refugees and asylum seekers are repeatedly renewed with significant delays (which increases the risk of people under the mandate of UNHCR of being arrested, detained and deported by Tunisian authorities), while refugees and asylum seekers are often only sporadically and insufficiently informed by UNHCR and CTR (or TRC before 2019) about asylum procedures in general and the progress of individual asylum claims. In 2019, there have been at least two suicide attempts in UNHCR shelters in South Tunisia. In April 2019, a 21-year-old Ethiopian national died of a heart attack in a UNHCR shelter in Zarzis. While UNHCR claims he was granted immediate assistance, people living in the shelter at the time told migration-control that the man had repeatedly asked for medical help due to chest pain before being admitted to a hospital a week after he initially requested assistance.

However, UNHCR's Tunisia office stated that it strictly adheres to operational guidelines and standards and fulfills its obligations towards refugees and asylum seekers. At the same time, the agency's capacities are limited due to the lack of resettlement places provided by states considered to be safe as well as the lack of insufficient funding. In 2018 and 2019, only 11 and 27 people respectively were recognized by UNHCR as refugees and resettled from Tunisia. In 2019, the funding gap in the estimated budget stood at 28%. The lack of support by

UNHCR, other UN bodies, and NGOs involved in the care and support of people on the move, increasingly creates an endemic frustration and lack of prospects among those who are in dire need of support, and continues to fuel the alarming trend of irregular returns to Libya since 2018.

Meanwhile, in 2019 protests by refugees and asylum seekers against UNHCR, its operational shortcomings, the inadequate supply of food and medical care and long waiting times erupted in Egypt, Niger and Tunisia. In 2019, Tunisia saw several demonstrations against the insufficient support of the UN body in front of the UNHCR headquarters in Tunis and in the proximity of the Ibn Khaldoun shelter in Médenine. On 20 June 2019, Tunisian police forces used batons and tear gas to disperse a peaceful protest by refugees and asylum seekers. Several protesters were injured and at least 25 people temporarily arrested. 13 of them remained behind bars for several days and stood trial until all charges had been dropped in late 2019. While UNHCR implicitly justified the intervention by security forces in a statement,[22] FTDES strongly condemned the police violence against the peaceful march.[23]

## **Detention and deportation practices of Tunisian authorities**

Tunisia had already been actively involved in EU border externalisation policies under Ben Ali, and arrested and expelled people on the move on a regular basis. Tunisian authorities' arbitrary detention and expulsion practices against people on the move were already established before 2011 and are still being applied today. Police forces continue to conduct targeted controls of immigrants in public places, at train stations or on construction sites (many refugees and people on the move work as day laborers in the construction industry) and detain them if they cannot present ID documents issued by UNHCR. Such documents issued by the UN body for refugees and asylum seekers are usually accepted by Tunisian authorities as a proof of identification and considered a partial protection against detention and deportation. However, arbitrary practices are widespread in the security apparatus. People whose asylum claims have been rejected by UNHCR or refugees without a valid UNHCR ID are therefore at risk of being arbitrarily detained in police controls, and subsequently deported to their home countries or expelled to Algeria or even Libya.

Authorities run an unknown number of informal detention centres for immigrants (foreigners are also detained in regular prisons, including facilities in Tunis, Sfax or Gabès and the Harbour prison in Médenine). Under the rule of Ben Ali, Tunisia ran at least 13 informal detention facilities exclusively used for foreigners. It is unclear how many of these facilities, officially called “reception and orientation centres”, are still in use as of today. Authorities in Tunis allegedly also use rental apartments to detain people on the move ahead of deportations or expulsions. Furthermore, there are said to be at least seven informal detention centres for immigrants (other sources speak of up to 12), which are allegedly located in police stations, airports or border posts. In 2019, a total of 1,059 people were temporarily detained in the notorious Wardia detention centre in Tunis and in Ben Guerdane near the Libyan-Tunisian border alone. The majority of them, around 55%, have been imprisoned for irregular border crossings. In 2019, 36.2% of the detainees were of Algerian origin, 16.2% from Sudan and 14.5% from the Ivory Coast. In 2018, 29.3% came from the Ivory Coast, 15.7% from Algeria and less than one percent from Sudan.

While the Ben Guerdane center is a formally run facility, the legal status of Wardia remains unclear. The detention centre, which has been used exclusively for foreigners since 2011, is a legal entity run by the Ministry of the Interior. Wardia and other similar facilities receive funding from the government earmarked for so-called “social rehabilitation institutions”, according to a report by FTDES.[24] However, the establishment of Wardia is not mentioned in publicly available official documents or on the website of the Ministry of the Interior. Therefore, Wardia operates in a legal loophole while its mission and purpose remain opaque.[25] Wardia is de facto a pre-deportation facility, since almost all detainees are being deported to their country of origin or expelled to Algeria or Libya. UNHCR maintains a “close working relationship with the centre of Wardia” and claims that upon request they are “regularly informed of persons in need of international protection and asylum seekers” detained in Wardia. The latter’s deportation or expulsion is halted until asylum procedures with the UNHCR are finalized, and authorities accompany people with the intention of claiming asylum to UNHCR’s local office for registration and then release them, UNHCR tells migration-control upon request. However, numerous other accounts indicate that the vast majority of people detained in Wardia are not granted access to UNHCR to file protection claims.

Those whose requests to approach UNHCR are refused and those who are unable to pay for a “voluntary” return flight to their home country and the outstanding fees for exceeding the permitted length of a visa (20 Tunisian dinars per week, the equivalent of 6.50 Euros) are dependent on external assistance to pay those expenses in order to be released from the facility and are subsequently forced to leave the country. When a person detained in Wardia agrees to a “voluntary” return, IOM reportedly facilitates the payment of travel expenses while the Tunisian Ministry of Finance cancels the outstanding visa fees. According to testimonies, IOM as well as the local branch of Caritas assist with the necessary procedures. Anyone who refuses such a de facto forced return to their home country faces an overland expulsion to neighboring countries.

For years, Tunisian authorities have been repeatedly expelling people of various nationalities to neighboring Algeria and Libya. People detained in Wardia are usually transferred to the province of Kasserine, abandoned in the proximity of the border and are subsequently forced to enter Algeria irregularly. Algerian police forces have repeatedly arrested those expelled from Tunisia on the Algerian side of the border and forced them back to Tunisia. Meanwhile, Tunisian authorities also executed expulsions of third country nationals to Libya, but so far only a few cases have been confirmed by NGOs or the media. In August 2019, Tunisian authorities had arrested 36 people from Ivory Coast in Sfax and then abandoned them in the desert near the border to Libya.[26] After the group was able to contact local NGOs with the only mobile phone which was not confiscated by the authorities, a part of the group was brought back to Tunisia by the National Guard (the other part of the group is said to have crossed the border into Libya). Since 2019, reports about refoulements at the Libyan border by Tunisian authorities are increasingly emerging.

Meanwhile, there is still no adequate clarification of the opaque disappearance of hundreds of Algerian nationals in Tunisia. Between 2007 and 2009, several boats which had embarked in Eastern Algeria were intercepted by the Tunisian Coast Guard, and their passengers, who were predominantly Algerian, were brought to Tunisia. After their detainment was confirmed, in some cases to their respective parents, they disappeared. Up until today, the Tunisian state denies its responsibility for the disappearance of up to 400 Algerian nationals. In the eastern Algerian city of Annaba, a group of lawyers and a collective of families of the disappeared are advocating to shed light on the disappearance of these

people to this day; however Algerian and Tunisian authorities consistently remain silent. A complaint submitted by lawyers to the UN Commission on Human Rights was approved in 2017. So far, however, the investigations are stuck and there have been no revelations about the fate of those people who disappeared more than a decade ago.[27]

## **EU projects**

The EU and its member states - above all Italy - have been cooperating with Tunisia on border control and migration policies since the 1990s. Since 2011, however, they have been expanding their cooperation in an unprecedented manner with regard to sealing off European and Tunisian borders, the prevention of irregular migration from Tunisian soil, the repatriation of Tunisians, and the development of aid measures to reduce the irregular migration for socio-economic reasons from the country. Although the number of Tunisian nationals arriving in Italy has fallen sharply since 2011, more than a third of those who have arrived in Italy irregularly between mid-2018 and mid-2019 had set sail from the Tunisian coast.[28] Thus the EU is increasingly putting pressure on Tunisia to integrate the country even further into the EU border regime, and to restrict irregular migration movements through and from Tunisia in the long term.

Up until today, the legal basis for the relations between the EU and Tunisia is the Association Agreement[29], which came into force in 1998 and which already explicitly provides for the fight against “illegal” migration and an expansion of repatriation procedures of Tunisian nationals. The first action plan of the “Privileged Partnership”, signed by the respective authorities in Brussels and Tunis in 2012 and set up for four years (2013 to 2017), also includes measures to combat irregular migration and organised crime related to migration. The protection of refugees and the adoption of an asylum law in Tunisia are also part of the suggested projects,[30] which are intended to contribute to further outsource protection responsibilities to Tunisia through the adoption of a national asylum system. The “Mobility Partnership” signed in 2014 (which also contains clauses on repatriation) acts as a decoy for the Tunisian government, which for years has been calling for an expansion of legal migration opportunities for Tunisians to Europe. The main beneficiaries of this agreement are likely to be well-qualified Tunisian workers, who might be needed in the European labour market. To present the Mobility Partnership as a concession to Tunisia is,



therefore, misleading.

The “European Neighbourhood Policy” (ENP) and the “European Neighbourhood Instrument” (ENI) remain the main funding mechanisms for EU projects in Tunisia. Around 2.5 billion Euros have been disbursed to Tunisia within these frameworks between 2011 and 2018 (including budget support, loans and funds to support the political transition).[31] The EU is also providing targeted support for state bodies relevant to migration and border externalisation policies, but also for the establishment of specialized departments in ministries or authorities with the aim of streamlining Tunisia’s government apparatus in terms of migration and border externalisation policies. In addition to the social, foreign and interior ministries, the Ministry for Development and International Cooperation is also a key partner for the EU. Partners benefiting from EU funds and contracted for the implementation of corresponding projects include UNHCR, IOM, the UN Office on Drugs and Crime (UNODC), French and German development aid organisations such as Expertise France, AFD (Agence Française de Développement) or GIZ (Gesellschaft für internationale Zusammenarbeit) as well as civil society organisations and European authorities such as the German and Italian ministries of the interior.[32]

Meanwhile, other funds and projects are disbursed and implemented in a complementary manner through the EU Trust Fund for Africa (EUTF).[33] So far, the EUTF has only launched one program exclusively targeting Tunisia with a total budget of 12.8 million Euros, which promotes the operationalisation of Tunisia’s “National Migration Strategy”. This strategy is intended to support the Tunisian government’s “migration management”, to expand assistance and protection schemes for refugees, and to prevent irregular migration. Other components of the program financed by the EUTF aim to improve the socio-economic conditions of the Tunisian population, the integration of refugees and the reintegration of deported or repatriated Tunisians in the country. The data collection capacities of the Tunisian statistical authority are also supposed to be expanded.[34] The implementing partners of this EUTF project, which is designed solely for Tunisia are Expertise France, the Office Française de l’Immigration et de la Intégration (OFII), IOM, Mercy Corps and GIZ. In addition, Tunisia is participating in eight regional projects financed by the EUTF. These include projects for the protection and integration of refugees and the reintegration of deportees, as well as programs aimed at expanding so-called “voluntary” return

programs. However, the majority of EUTF funds flowing to Tunisia are channeled into projects to strengthen border security and control capacities of Tunisian authorities as well as providing training and equipment for Tunisian law enforcement agencies.

## **EU-supported border management operations in Tunisia**

Since 2011, the EU and its Member States have been trying to develop, modernise and professionalise Tunisia's border management and control capacity in an unprecedented manner. Corresponding projects and programs are financed and implemented both by the EU and the EUTF, as well as within the framework of bilateral agreements. What appears to be an opaque and chaotic patchwork of projects funded by countless European governments and financed by numerous supranational and national funds is, in fact, a systematic attempt to hermetically seal off Tunisia's external borders as quickly as possible. A central stakeholder in this field, charged with the implementation of relevant projects, is the Vienna-based International Centre for Migration Policy Development (ICMPD). According to its website, ICMPD is active in more than 90 countries and explicitly praises its expertise in border management, prevention of irregular migration, returns and re-admissions and human trafficking.[35] The organisation acts as a hinge between the EUTF, the EU and European governments as well as partners in third countries - in this case Tunisia - and is one of the central implementing partners of EUTF projects in the entire region.

The most important project implemented by the ICMPD in Tunisia is the "Border Management Program for the Maghreb" (BMP-Maghreb), which is funded with a total of 55 million Euros and aims at combating irregular migration in Morocco and Tunisia and strengthening the "border management capacities" of relevant authorities in both countries. 20 of the 55 million Euros of the project funds are earmarked for Tunisia - 70% of which, according to the ICMPD office in Tunis, will be invested in the procurement of equipment and infrastructure alone. The Tunisian project partner is the Ministry of the Interior. On the European side, the Italian Ministry of the Interior is playing the leading role in the project, alongside ICMPD. In addition to the BMP-Maghreb, ICMPD has been commissioned to implement the EUROMED "Migration IV Programme".[36] The aim of this project is to strengthen North-South and South-South dialogues and regional cooperation

mechanisms on migration policy issues.

Phase two of the “Integrated Border Management Program”, funded by the German Foreign Office[37], promotes the implementation of a “coordinated national policy of integrated border management” by establishing inter-agency training centres in Northern and Southern Tunisia, and supports Tunisian authorities (border police, national guard, Ministry of Finance, customs) with trainings.[38] Phase one of the project was funded by the EU and Switzerland and included the “development and piloting of an Integrated System for Maritime Surveillance (ISMariS), a software solution platform”, allowing “for the integration of data collected from all available sources of the involved Maritime National Guard units and for displaying it on a map related to the monitored area”. According to the EU Commission, the system was still in development as of April 2020.[39] The ISMariS platform appears to be a key instrument to systematically monitor and control Tunisian waters, upgrade the involved authorities with a sophisticated surveillance tool and to thereby enhance the Coast Guards ability, to detect and intercept migrant boats in the Mediterranean.

Tunisia also participates in the EUTF-funded “Better Migration Management II” program,[40] EUROMED “Police IV” (which includes information exchange with Europol and cyber-surveillance)[41] and the UNODC regional project “Dismantling Criminal Networks Operating in North Africa” program. The latter is scheduled to start in 2020 and aims at expanding interception capacities of border control authorities at central border crossings and in cities which are important for smugglers.[42] The project, formally labeled as part of the fight against human trafficking and smuggling, aims to strengthen regional cooperation and to support Tunisia through training in the prevention and combating of cybercrime. In terms of technical assistance, UNODC is working with trainers from Italy, France and the UK within this program and is cooperating with Germany in the area of detection capacities for forged documents and certificates. In this context, Germany supplied relevant equipment and financed training and education programs in Tunisia.

## **German-Tunisian security cooperation regarding migration control**

In terms of security cooperation, Tunisia also cooperates bilaterally with several

EU states, above all Italy, Germany, the UK and the US. Since 2015, the British Foreign Office has been financing a program supporting a reform of the security sector in Tunisia.[43] Within this framework, training measures are carried out for Tunisian authorities. In the fiscal year 2018/2019, around 2 million Euros have been made available for this scheme, implemented by the British Ministry of Defense and the UN Development Program (UNDP). Meanwhile, Germany has been intensifying its efforts to cooperate more closely with Tunisia's security apparatus since 2012 and is providing support through extensive equipment and training assistance schemes. In 2015, the German Federal Police set up a project office in Tunis while the Federal Government signed a security agreement with Tunisia in 2016.[44] Within the framework of the training and equipment assistance program, the German Federal Police and the Federal Office of Criminal Police (BKA) are cooperating with the Tunisian Coast Guard, several departments of the Ministry of the Interior, the National Guard and the border police. Projects include the establishment of a joint regional coordination centre for the National Guard and the border police, the establishment of three police schools and an extensive equipment supply (37 off-road vehicles, 20 minibuses, five trucks, two motorised inflatable boats, 26 quads, protective vests, thermal imaging cameras, binoculars, night vision equipment, digital cameras, emergency power generators, IT equipment, 100 mobile AFIS fingerprint readers and four stationary terminals plus software).[45]

The German government provided funds to modernize border posts on the Tunisian-Algerian border and supplied equipment for mobile electronic border surveillance systems for monitoring and controlling the Tunisian-Libyan border (for which, in an initial project phase, five mobile radar systems including long-range cameras worth seven million Euros have been procured). The German government is also cooperating with the US in installing a fixed electronic border surveillance system on that border. The border crossings Ras Jedir and Dehiba and the area in between are reportedly already equipped with respective surveillance equipment. Furthermore, a trench stretching from Ras Jedir to Dehiba, equipped with barbed wire over a length of around 350 kilometers, has been erected. The project is to be expanded and, when completed, installed along the entire Tunisian-Libyan border from Ras Jedir to Borj Al-Khadra.

## Tunisia's restrictive migration control at sea

Tunisia's coast guard has been systematically modernised for years with training measures and the provision of equipment and thus has been gradually integrated into the EU border control regime. Already under Ben Ali, Italy supplied patrol boats to the Tunisian government and urged authorities to monitor the coasts more closely and prevent irregular departures towards Italy. In cooperation with a private Tunisian company, the Tunisian government has set up its own production line for patrol vessels in 2015. Until 2018, three locally manufactured boats have been built in Tunisia.[46] Since 2012, the US government has supplied at least 26 patrol boats and 13 radar systems, which have been installed on Tunisia's coasts and are intended to expand the surveillance capacities of Tunisian authorities.[47] Since 2011, the Tunisian government has generally continued to seal off and monitor its coast, and this has repeatedly caused fatal incidents and resulted in clear breaches of international law while preventing boats from leaving Tunisian waters. In 2011, a Tunisian patrol boat rammed a boat with 120 passengers near the Tunisian coast; only 98 people survived and were rescued. A Tunisian court awarded compensation to the parents of the dead or missing several years later.[48] Following a similar incident in 2017, eight bodies were recovered, and 20 people are considered missing.[49]

In two cases, authorities refused to allow boats in distress to enter Tunisian ports, thus provoking a confrontation with European governments (about the responsibility of those rescued at the expense of people in distress). In July 2018, Malta, France and Italy had refused to allow the "Sarost 5" and its 40 passengers to approach a Tunisian port for disembarkation. Tunisia, too, initially prohibited the passengers from entering the country, but eventually allowed the boat to enter the port of Zarzis.[50] In May 2019, a similar case made international headlines. After the Egyptian tugboat "Maridive 601" had rescued a total of 75 people in the Mediterranean who had set sail in Eastern Libya, authorities refused to allow a disembarkation of its passengers in a Tunisian port. Three weeks later, the boat was allowed to enter the port of Zarzis. Tunisian authorities apparently only allowed the boat to enter a Tunisian port after the majority of the passengers had agreed to a "voluntary" return organised and facilitated by IOM.[51] However, it remains questionable whether the repatriation of 32 people from Bangladesh can be considered voluntary, as relatives of the people affected later told several newspapers that they have been threatened with the withdrawal of

food and medical care if they do not agree to a “voluntary” return.

## **Italy’s border externalization policy in Tunisia**

Italy has been by far the most important European stakeholder regarding the outsourcing of the EU’s border regime to Tunisia since the late 1990s and has been massively expanding its cooperation with Tunisia since 2011. As early as 1998, the governments in Tunis and Rome signed an agreement on police cooperation and a repatriation agreement in which both countries agreed to readmit their own citizens as well as third-country nationals (with the exception of people from member states of the Arab Maghreb Union) who had crossed their respective territories. The agreement entered into force in 1999 and has been the basis for police training measures carried out by Italian authorities for Tunisian law enforcement bodies until today. Since 2000, both governments have increasingly coordinated their border control measures in the Mediterranean, and reports of push-back operations have first emerged in 2003.[52]

After more than 25,000 Tunisians irregularly arrived in Italy in 2011, the government in Rome intensified its efforts to significantly expand its migration related cooperation with Tunisia. In the same year, both countries signed a protocol (its content is still not fully known) aiming at expanding the bilateral exchange of information. Italy agreed to provide additional training schemes for Tunisian security bodies, to supply them with equipment and to open a nautical training centre in Tunisia. Part of the agreement was also to enforce regular deportation flights from Italy to Tunisia.[53] In the initial agreement, both parties agreed on a weekly quota of 30 persons, yet since 2017 up to 60 Tunisians have been deported every week from Palermo to Enfidha in two charter flights weekly. In 2017 and 2018, 1,916 and 1,907 Tunisians respectively have been repatriated from Palermo to Enfidha.

Italy has also increased its equipment aid for Tunisia and provided Tunisian law enforcement authorities with vehicles, IT equipment and patrol boats. Since 2012, Italy has handed over at least twelve such boats to the Tunisian navy or the coast guard.[54] In 2017, Italy set up the “Italian Fund for Africa”, a fund created specifically for projects related to migration control in Africa, from which IT equipment and 4×4 vehicles for Tunisian authorities are to be financed. Access to the Fund’s resources is no longer only restricted to the Italian Ministry of Foreign Affairs, but also granted to the Italian Ministry of the Interior, which has become

the most important Italian state actor regarding migration and border externalisation policies and combating the root causes of flight.[55]

Rome's policy in Tunisia is based on two main axes. On the one hand, Italy's government wants to revise its deportation agreement with Tunisia and cancel the weekly quotas that have been in force up until today, thus accelerating and expanding repatriations of Tunisian nationals from Italian territory. On the other hand, Italy is trying to classify Tunisian ports as "safe" in order to pave the way for the disembarkation of refugees and people on the move intercepted in the Mediterranean in Tunisia. Negotiations on an extension of the previous agreements with Tunisia reportedly took place on a ministerial level during the UN General Assembly in New York in November 2019. In return for upgrading the status of Tunisian ports as "safe", Rome is said to have offered Tunisia additional economic aid.[56]

## **Development cooperation as a means of controlling migration**

Another key pillar of European migration and border externalisation policies in the Mediterranean and Africa is development cooperation. Within this framework, the living conditions of citizens of the respective countries and refugees living there are to be improved in order to create incentives for them to stay and, thereby, reduce irregular migration attempts to Europe. In Tunisia, development aid schemes play a crucial role in this context, as the majority of Tunisians migrate irregularly to Europe for socio-economic and economic reasons. However, the policies of the EU and its member states are contradictory on this issue. While immense amounts of money are being channeled to Tunisia through development aid projects to improve the living conditions of citizens and to provide young people with prospects regarding future employment, the EU continues to push Tunisia to sign a free trade agreement. Negotiations on ALECA have still not been concluded, though in case the agreement is adopted in its current form, the treaty is likely to cause a devastating damage to Tunisia's economy and, thereby, to threaten entire sectors of the latter - with the possibility of unprecedented consequences for migration dynamics in the Tunisian society.

The Association Agreement between the EU and Tunisia, which came into force in

1998, already contains stipulations in which the EU is supposed to promote job prospects for young people and to improve general living conditions in the country in order to create incentives for them to stay in Tunisia and not to leave (*“reducing migratory pressure, in particular by creating jobs and developing trainings in areas from which emigrants come”* and *“improving living conditions in poor, densely populated areas”*). Since 2011, development aid activities of the EU and its member states - but also of Switzerland and the US - have been expanded on an unprecedented scale. Also relevant in this context are projects that have been and are continuing to be launched and implemented under the pretext of promoting democracy or the political transition. Key actors in this regard are French governmental development aid bodies such as AFD and Expertise France as well as the German GIZ. While the US aid body USAID only opened a fully-fledged project office in Tunisia in 2019[57], Switzerland has been a key player in bilateral development aid cooperation in Tunisia for years. The Swiss Agency for Development and Cooperation (SDC) implements the “Global Programme on Migration and Development” (GPME)[58] in Tunisia, Algeria, Morocco and Egypt, and closely coordinates its activities with other Swiss authorities such as the Federal Office for Migration as well as international organizations such as the World Bank. The SDC has concluded a migration partnership with Tunisia,[59] which includes assistance schemes for returnees and projects for the reintegration of deportees, projects for the protection and support of vulnerable migrants, assistance for the development of the state’s capacities for migration management and lobbying for the adoption of the Tunisian asylum legislation.

GIZ maintains one of its largest project offices in the world in Tunisia, and has once again massively increased its staff and activities in 2019. One of its key projects in Tunisia is the “Centre d’orientation et de reconversion professionnelle” (CORP, Migration Consultancy Centre), which was set up in cooperation with the German-Tunisian Chamber of Commerce (AHK). With this center, GIZ intends to close the gap between demand and supply on the Tunisian labour market. [60] CORP is not only supported by German funds, but also cooperates within the framework of an EU-funded and IOM-implemented project on job creation.[61]



# What role do NGOs play?

In addition to numerous national and international governmental or semi-governmental organisations and authorities, there are also countless local and international NGOs active in the field of migration, providing direct help and support for refugees and lobbying for the rights of refugees in the country. While international NGOs and human rights groups such as Amnesty International or EuroMed Rights[62] mainly focus on human rights issues in their statements and public interventions, Tunisian human rights groups such as FTDES are trying to find a balance between advocating for the rights of refugees and tackling the consequences of the EU's border externalisation policy for Tunisia.

In Tunisia, UNHCR and IOM cooperate not only with the Red Crescent and CTR in providing direct aid to refugees and people on the move, but also with a large number of governmental and private organizations. Respective projects are partly long-term agreements and partly project-based. UNHCR, for example, has for years relied on close cooperation with the semi-governmental IADH (Institut Arabe des Droits de l'Homme), which is mandated by UNHCR to provide lawyers to people in need of legal advice due to ongoing judicial procedures in Tunisia.[63] While the IADH, founded in 1989, presents itself as an independent organisation, it is de facto closely connected to Tunisian authorities and state-controlled civil society entities. Its supervisory bodies also include representatives of several UN agencies such as UNHCR and UNDP - a setting severely undermining IADH's alleged independence.

Terre d'Asile Tunisie, a local branch of France Terre d'Asile, has been active in Tunisia since 2012 and cooperates, among others, with UNHCR, CTR and student organisations in EU-funded projects. It runs the "Maison du Droits et des Migrations"[64], a centre for events and conferences in the north of Tunis, offers counseling and limited medical care to people on the move and finances emergency and transitional accommodation for refugees (although with only eight places, as of December 2019). Like the majority of European organisations operating in Tunisia, Terre d'Asile Tunisie is structurally dependent on EU funding and closely linked to UNHCR and its partner organisations.

Another important international actor in the field of emergency aid is the Danish Refugee Council (DRC)[65], which is mainly active in Médenine and offers

support for people regardless of their status and who have fallen outside of the mandate of UNHCR or IOM. Until the end of 2019, the DRC distributed, among other things, food stamps, non-food-items and other support services to those in need, but has stopped the program in early 2020 due to a lack of funding.

Also active in Médenine is the NGO Enfants de la Lune, which offers assistance to minors, counseling services and medical care for people in need. It is one of the few NGOs on the ground that consistently tries to keep its doors open for people who need urgent assistance regardless of their status with UN bodies such as UNHCR or IOM. The organisation played a leading role in setting up a local coordination and cooperation platform (Coalition des Associations Humanitaires de Médenine), which today includes a total of nine NGOs and semi-governmental agencies. Enfants de la Lune works closely with the DRC and other international organizations and has received project funding from UNDP, the Swiss SDC, Institut Française and GIZ, which has paid expenses for air conditioning in the center operated by the organization in Médenine as well as a minibus.

## **Who benefits?**

The main direct beneficiaries of the EU's border externalization policy in Tunisia are primarily those companies that supply Tunisia with equipment and surveillance technology. These include the Italian company Cantiere Navale Vittoria[66], which supplied patrol boats, the German company Hensoldt[67], which is specialised in the production of optronic devices, and the French company MORPHO, which produces software for fingerprint scanners. Equally benefiting are all the organizations that carry out projects, training programs and other activities in Tunisia in the area of development cooperation, migration management or border control and which today employ a veritable army of staff in Tunisia. In addition to governmental development aid organizations from Germany and France such as AFD, Expertise France or GIZ, this also includes private NGOs and consultancy organizations such as ICMPD, countless UN agencies (UNHCR, IOM, UNODC, and others), but also Tunisian governmental authorities, which hired new staff and massively expanded their radius of action through EU-funded projects in border management and migration control.

The EU and its member states benefit directly from Tunisia's increased integration into the European border regime not only in terms of migration policy

issues, but also in matters related to security and trade. The increasing control of Tunisia's land borders are de facto gradually sealing them off - a development that also significantly affects the irregular and informal exchange of goods between Tunisia and its neighbors Algeria and Libya. The EU is linking its migration cooperation with Tunisia directly to economic aid, while at the same time putting the country under massive pressure to adopt the ALECA free trade agreement. Signing and ratifying ALECA in its current form would significantly undermine attempts by Tunisia and its neighbouring countries to intensify a regional economic integration in order to reduce their dependence on EU imports and their access to the EU market.

## **Who loses?**

Among the losers of the EU border externalization policy are mainly people on the move and the Tunisian society as a whole. People on the move are repeatedly deported to Algeria by Tunisian authorities, while Algerian security forces regularly and arbitrarily send people back in a similar manner. Playing this kind of ping-pong with people on the move is not only occurring at the Tunisian-Algerian border, but is also practiced systematically by numerous other countries in the region. People on the move, thus, are taken hostage by international and European migration and security policies, while countries such as Algeria or Tunisia tend to imitate these policies and to develop their own narratives to justify their restrictive immigration policies. With its border externalization policy, the EU has set in motion a devastating cycle for hundreds of thousands of people, the end of which is not in sight. International refugee law is further undermined by the militarisation of the EU's externalization policies, the rhetorical delegitimization of flight and migration and the outsourcing of asylum procedures to third countries which are not considered safe.

Meanwhile, the Tunisian population as a whole is taken into collective detention by the increasingly restrictive visa regime imposed by EU governments. The ever more complex and expensive visa application procedures at European embassies are not only causing a growing frustration among Tunisians, but are at the same time preventing a much needed economic, political, social and cultural exchange between North and South.

Strongly and directly affected by the EU's border control policy in Tunisia are the

border communities near the Algerian and Libyan borders as well as the entire fishing industry in Tunisia. For decades, communities near the Libyan and Algerian borders are dependent on informal trade with neighbouring countries (especially importing petroleum products). The militarisation of Tunisia's land borders, the aim of which is also to prevent arms and drug smuggling and human trafficking, deprives those communities of their livelihood. In recent years, there have been repeated violent clashes in South Tunisia - in Ben Guerdane and Dehiba for instance - between security forces and the people dependent on informal trade as their sources of income declined significantly as a result of a more restrictive border regime in the region. Although the Tunisian government repeatedly promised to invest in the affected regions in order to create alternative employment opportunities, so far only little actions have been taken on the ground.

Tunisia's fishing sector is likewise affected by the EU's externalization policy and has been suffering for years from increasingly imposed restrictions to access certain fishing grounds. Tunisian fishermen are not only de facto cut off from the most productive and valuable fishing grounds in the Mediterranean due to the reallocation of maritime fishing zones, but also due to the activities of the Libyan Coast Guard. For years they have been suffering from massive declines in yields, which threatens above all families with small and medium-sized trawlers and thus deprive thousands of families living on Tunisia's coasts of their livelihood.[68]

## **What resistance is there?**

Although Tunisian civil society organisations such as FTDES exist, and NGOs run by immigrants or local activists are certainly mobilising against the EU's attempts to build up Tunisia as an outpost of its border regime and to involve it more closely in EU border externalization policies, their public relations work and actions have so far had only a limited impact. However, the protests and opposition to ALECA in Tunisia, which can hardly be ignored today, exemplify how civil society can build up a broad front against a neo-colonial EU project through consistent awareness raising, conferences and protests. ALECA in its current form is not only rejected by NGOs, activists and opposition parties, but also by the trade union confederation UGTT and parts of the state apparatus. Even more EU-friendly political forces and business associations such as UTICA (Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat) are publicly

opposing the agreement.

The Tunisian government and the state apparatus pursue an ambivalent and sometimes incoherent stance on migration policy issues, as Tunisia tries to keep its options open and resist the all too obvious, neo-colonial attempts to turn Tunisia into a border outpost of the EU. On the other hand, Tunisia's political class has been cooperating extensively with the EU since the late 1990s on border externalization and border control and often uses this issue as a bargaining chip in negotiations with the EU. Due to its immanent political and economic dependency on the EU, the country has no choice but to cooperate with the EU, at least in part, and is vulnerable to blackmail attempts in political and especially economic matters due to the inadequate and dysfunctional regional economic cooperation. At the same time, Tunisian authorities pursue an immigration policy similar to the EU with regard to limiting the presence of people on the move on Tunisian territory by upholding their deportation and expulsion practices and keeping people on the move in a legal limbo through refusing to adopt clear legislations in terms of asylum and labor reform.

## Relevant material and sources

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