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Revolution and International Migration in Tunisia

Hassan Boubakri

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MIGRATION POLICY CENTRE (MPC)

**Revolution and International
Migration in Tunisia***

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Introduction

This report analyzes the evolution of the context for migration in Tunisia and in the region more generally before and since the revolution of 2011. The arrival of thousands of Tunisian migrants on the Italian island of Lampedusa in the days and weeks which followed the fall of the Ben Ali regime raised many questions. Not least there is the problem of what factors pushed so many young Tunisians to leave the country where they had fought for reforms. Why did they not celebrate the downfall of the dictatorship by staying to enjoy the freedoms and dignity, which had been so dearly acquired? Why did they not choose to live their dreams in Tunisia?

The report starts by considering the migration context before the revolution. That context was characterised by political closure and deterioration in the social conditions of the Tunisian population. More particularly, the regime suppressed illegal migration. In this the regime followed the logic of EU policies and the policies of the member states: these, in fact, attempted to harden the conditions of entry and stay for their neighbours from the south. The fight against illegal migrants and reinforced checks at the borders, carried out and supported by the countries of the region like Tunisia, Libya or Morocco, has, since the end of the 1990s, amounted to an outsourcing of EU immigration policy. 2009 and 2010 were, for example, marked by a significant decrease¹ in landings on the European islands of the Central and Western Mediterranean. This fall was due to the broad deployment of European means and measures to fight illegal migration: joint maritime patrols with Frontex (the European Agency of surveillance of external borders) at the forefront; interceptions at sea; attempts to turn back economic migrants, refugees and asylum-seekers towards the countries from which they came; not always secure as Tunisia or Libya at the time, and arrests on the ground and the detention of migrants in around ten detention centres in France, in Italy, in Malta, in Tunisia and Libya, to mention only the area on which we work.

In early 2011, the authoritarian regimes of the southern Mediterranean, the European countries of the northern Mediterranean and the European authorities all agreed on one thing. They believed that the system of surveying external borders through third countries was beginning to bear fruit.

The successive migratory “crises” of winter and spring 2011 have deeply upset the migration balance in the region, in Tunisia and Libya in particular. In fact, they have forced the various players, in particular the EU and its Member States, to re-examine their approaches without changing strategy.

The second part of the report deals with the place occupied by migration issues in the speeches and actions of political society and the CSO (Civil Society Organisations).

The revolution in Tunisia has liberated minds, tongues and political actors. The election of the NCA (National Constituent Assembly) on 23 October, 2011 opened up the path to the participation of the diaspora in these elections. It also allowed parties and political organizations to express their points of view on the type of relations which the nation must have with its “children abroad”. This is one of the aspects of the immigration policy of the new Tunisia, which the representatives of the diaspora have insisted upon.

On the other hand, the CSO has played and still plays a central role and sometimes even a decisive role in the field of migrations and asylum in Tunisia. These changes have allowed the old and the new CSO, to reflect on questions such as: the rights of migrants; the new immigration policy of Tunisia; the manner in which illegal migration is dealt with and controlled; as well as the question of Tunisians who disappeared at sea particularly off the Italian islands.

The setting up of new structures representative of the Tunisian diaspora is subject to sometimes strained debates between immigration associations and the elected Tunisian authorities. The question

¹ The number of arrivals, for example, went down from 36,000 in 2008 to less than 9000 in 2009 and 2010 (Frontex, 2010, 2011)

of migration and asylum also involves the actions of international organisations specialised in human-rights promotion in general and the rights of migrants and refugees in particular.

The third part of this report analyses the evolution and the prospects of migratory relations between Tunisia, on one hand, and the EU and its member States, on the other. The agreement for a privileged partnership between Tunisia and the EU, which was signed 19 November, 2012, is intended to fix the framework in which the sectoral and thematic agreements will be negotiated for the finalisation of a comprehensive free-trade agreement (DCFTA) between the two parties. The Mobility Partnership is part of the sectoral agreements which will be negotiated through 2013. This partnership project represented originally a broad mobilization of CSOs, trade unions, immigration associations and international organizations. These have appealed to the Tunisian government as well as to the European authorities to abandon law-and-order approaches and to replace them with human-rights protection during the negotiations of these agreements. They are supported by voices in Europe which are increasingly numerous and insistent and which are concerned about the surveillance of external borders carried out by the EU (EUROSUR) and their possible effects on fundamental human rights. This type of measure can only reinforce the sanctuarisation of Europe *vis-à-vis* the legitimate needs of mobility and the circulation of third-country nationals in the Mediterranean towards EU member states.

1st Part. Migration Context in Tunisia Before and After the Revolution

I. Migration context in Tunisia prior to the revolutions in Tunisia and Libya

In this report, we restrict ourselves to presenting the evolution of the migration context in Tunisia and in the three years (2008-2010) which preceded the uprisings in Tunisia and Libya.

The year 2008 witnessed an increase in the number of arrivals on the Italian island of Lampedusa, namely 31,250 people, against 12,184 people in 2007. Put, in other terms, there was a 154.8% growth in one year. 86% of those who came to Lampedusa were irregular arrivals by sea in Italy and a little less than half (45.6%) of the 68,613 persons who arrived by sea were recorded for the whole of the Mediterranean (all countries included). If the involvement of sub-Saharan migrants remained constant and stable until 2007, things changed in 2008, the year in which those represented 60% of all migrants who landed at Lampedusa (Italian Ministry of Interior & office of the High Commission of the United Nations for Refugees (UNHCR) in Italy, 2009).

In 2008, for the first time, Tunisian irregular migrants were ranked first among the migrants who had landed in Lampedusa: 6,762 migrants (including 52 women and 184 minors). They were followed by Nigerians (6,084 migrants, including 1,787 women and 351 minors)², then Somali and Eritrean migrants. Tunisians thus represented, in 2008, two thirds of North African nationals (i.e. the Maghreb and Egypt) who arrived on the island. In 2007, Tunisians (1100 migrants) had been ranked fourth among the migrants who landed at Lampedusa, far behind the Eritreans (2000 people), who were followed by the Moroccans, then Palestinians. How can this explosion in the number of Tunisians who landed at Lampedusa be explained?

The bloody repression of the uprising in the Gafsa mining area is key here. The uprising lasted for six months (January-June 2008). The sentencing of tens of activists and local and regional leaders by the courts (Chouikha, L. & Gobe, E. 2009) reinforced the despair and frustration of younger Tunisians, particularly in the mining area. As of summer 2008, various unchecked rumours led to massive illegal departures on the part of the young from this region. This involved a double illegal crossing of borders towards Lampedusa. The first illegal crossing was of the land borders between Tunisia and Libya to

² Sources: High Commission Office of the UN for Refugees (UNHCR) in Rome; 2009.

go to Libya,³ while the second, was maritime and involved boarding boats going towards Lampedusa from the Libyan coasts. The smuggling networks operated from the Tunisian South and from the Libyan cities and small port towns (Zouara, Sorman, Sabratha, Zaouiya... etc), located between the Libyan capital Tripoli and the Tunisian border in the west. These played an important role in the organisation of illegal crossings and migrant traffic. The statistics provided by the Tunisian consular authorities in Tripoli⁴ confirm that the disinherited Tunisian areas of the south and the interior are those from which the largest number of illegal migrants came (Embassy of Tunisia at Tripoli, 2008). In fact, almost all (86.6%) Tunisian migrants in Libya came from the interior and western regions of Tunisia. Two thirds (67%) came from the six governorships located in the south (Médénine, Tataouine and Gafsa) or in the mid-west (Kasserine, Sidi Bouzid and Kairouan). A minority (17.7%) came from the north-west (the governorships of Kef, of Jendouba, Siliana and Béjà).

2009 got off to a tragic start not far from the Tunisian capital with the disappearance off Tunis of thirty young Tunisians from the northern suburbs of Tunis (Goulette and Kram)⁵.

At the beginning of this same year, one thousand migrants held on the Italian island of Lampedusa, escaped from the detention centre of the island (called “*Centro di identificazione ed espulsione*”: Identification and expulsion centre). They then organized a march towards the Town Hall of the island to protest against the conditions and the duration of their detention. A majority of the thousand were from the 6700 Tunisians who landed on Lampedusa in 2008.

In reaction to this tense situation, the then Italian Minister of Interior travelled to Tunis. There he signed, with his Tunisian counterpart, an agreement⁶ for the readmission, by Tunisia, of the 1,200 Tunisian illegal migrants from Italy.

In reaction, in the following days, a thousand migrants held in the centre, including 863 Tunisians, revolted⁷: they felt that they were being targeted by this agreement.

³ From 2006 the Tunisian authorities applied administrative measures prohibiting the passage of youths less than 35 years towards Libya, whether they were Tunisians or foreign nationals³. These measures would have been motivated, according to non official sources, by: The fact that a large number of Tunisian and young foreign nationals cross the border towards Libya to join the setting off points for illegal passages towards the Italian coast. Let us recall that 6,762 Tunisians and 2,040 Moroccans had landed at Lampedusa in 2008. In 2007, 1,900 Moroccans had done the same thing. In 2005 and 2006, each year, 15,000 North African nationals (Egypt, Tunisia, Algeria, Morocco) had landed on the Italian coasts. If it is possible that a number of these migrants had left from Tunisian coasts, it is also probable that another part had crossed the Tunisia-Libya borders towards Libya, to later cross towards Malta and especially towards the Italian islands (Sicily and Lampedusa).

Unofficial information circulated in 2007-2008 that a certain number of Tunisian youths joined the Iraqi resistance, going from Libya then from other countries, to arrive in Iraq.

Other information, still unofficial but plausible, circulated claiming that Tunisian youths had been identified (some among them are dead) among the fundamentalist “combatants” of the Palestinian camp of *Nahr el Bared* in Lebanon, who had in 2008, faced off against the Lebanese army for 2 months.

⁴ Illegal Tunisian migrants were stopped by the Libyan authorities in Libyan territory (land and sea), or were expelled by Italy towards Libya (because this was the last country from where they came before their arrest in Italy or their interception *en route* to Italy across the sea).

⁵ Associated Press; AFP. 19 January 2009

⁶ Interior Ministry, Rome, Press Communiqué, 28 January 2009.

⁷ A part of the centre has been burnt down and 60 were injured. Italian civil society associations, Tunisian associations in France (FTCR: Federation of Tunisian Citizens of the Two Banks), as well as the Higher Committee (Tunisian) of Human Rights and Fundamental Freedoms (close to the government) spoke up against what had happened. They denounced the bad treatment and violence on the part of the forces of Italian law and order and the illegality of the collective expulsion of irregular migrants conducted by the Italian authorities. The Tunisian League of the Human Rights (an independent NGO based in Tunisia) has, for its part, denounced the attack on the dignity of the migrants by the Italian authorities and has paid tribute to the solidarity of Italian residents on Lampedusa with the migrants. (Agencies : AP, AFP, Reuters, TAP, DW, 19/20 February 2009).

The protests and confrontations of January and February on Lampedusa were the result of the evolution of the politico-migratory context in Italy and in the Tunisia-Libya-Italy migration triangle. This had evolved because of the tightening of Italian immigration control following the re-election of the coalition government, led by the then Prime Minister S. Berlusconi in April 2008.

To confirm that it was tightening its immigration policy, the Italian government adopted a new law in July 2009⁸ criminalising the illegal entry and stay of migrants (Agencies: AFP, AP).

This new law makes illegal entry or stay in Italy an offence punishable by a fine of 5,000 to 10,000 Euros. Any person having voluntarily rented out accommodation to an illegal immigrant knowing his/her situation is liable for up to three years of prison.

The stay of the illegal immigrant in the retention centres could in addition be extended by up to six months, against two months before the law.

The law also authorises Italian mayors to organise “patrols of unarmed citizens” to “reinforce safety in the streets”.

This authoritarian evolution of Italian law on migration was done in a context of the generalized tightening in the treatment of “illegal immigrants”. The European and Italian reconciliation with the Libyan regime over migration, resulted in a rapid fall in migrants landing on the Italian coasts, up until the start of the conflict in Libya, 17 February 2011. In fact, this fall was illusory as we will show in the continuation of this report.

The European States began to deal directly with the Libyan regime over migration questions after: the lifting of the embargo on Libya; the normalisation of relations between this state and the Western countries; and the resumption of economic exchanges. Libya, a transit country for more than a decade, thus passed from being pariah to strategic partner of the EU and its member states. This collaboration was concretised by the setting up of joint Italian-Libyan patrols in Libyan and international waters from 2008. This reinforced other forms of actions intended to help the government of Kadhafi to deal with the populations from the south who sought to migrate towards the North.

From the point of view of Italy, the European Union, and their Libyan partner, 2009 was “exemplary”. Hundreds of people were stopped at sea whilst their boats moved towards the Italian or Maltese coasts. Without caring to find out whether some of the migrants on board needed protection, these were systematically sent to Libya⁹. There they were placed in detention or deported towards their country of origin without any concern over the risks that they would incur there. These risks included civil war, in countries like Somalia (Human Rights Watch, 2009)¹⁰, or persecution for those who were suspected of opposition to regimes, e.g. in Eritrea and Ethiopia. The same approach was adopted *vis-à-vis* Tunisia and Morocco, countries which fully adapted their immigration policy to EU objectives. Interpellations of international organizations (in particular UNHCR and NGOs, including Human Right Watch, Amnesty international, the International Federation for Human rights (IFHR), Migreurop, Fortress Europe, etc)) on human rights and the rights of migrants, were ignored by the leaders of the countries concerned.

2009 and 2010 thus saw a drop in the number of landings on the Italian coasts. The final numbers stood at about 10,000 migrants/year on an average, less than one third of the number recorded in 2008, for example. In fact, in one of its reports, three months before the outbreak of the Arab revolutions, the

⁸ Repubblica Italiana, Gazzetta Ufficiale, Supplemento ordinario, N° 128, Leggi ed Altri Atti Normativi, Legge 15 luglio 2009, n° 94.

⁹ Italy has managed to organise outsourcing patrol operations along the Libyan coast. It signed with Libya in February 2009, an agreement to carry out joint maritime patrols and to improve expulsion procedures by Italy, of irregular migrants to Libya (Associated Press Agency, 10 February 2009).

¹⁰ Human Rights Watch. 2009. Pushed back, pushed around. Italy’s forced return of boat migrants and asylum seekers, Libya’s mistreatment of migrants and asylum seekers. 92p.

European Agency for the management of external borders (Frontex) specified that the flows of illegal migrants in the central Mediterranean (Italian and Maltese coasts) had dropped significantly. In fact, they talked of a two thirds fall between the first three quarters (January-September) of 2009 and the same period of 2010, 2,895 migrants, instead of 9,578 the year before (Frontex, 2010).

As to Tunisians, according to Italian and European sources, only 115 irregular landings were recorded during the last quarter of 2009. In 2010, only 711 landings on the Italian coasts were indicated (Italian Ministry of Interior & Frontex, 2009, 2010).

The EU, with its FRONTEX, and the North African governments could estimate at the end of 2010 that the undesired crossing of the external borders of Europe was all but resolved. It was certainly in the process of being controlled, thanks to the policing role which had been taken up by Mediterranean third countries.

The outbreak of the “Arab revolutions” has radically changed migratory affairs on the southern bank of the Mediterranean and has upset the plans and agendas of the main players of the migration scene in the Euro-Maghreb region.

II. Migrations after the revolutions in Tunisia and Libya

Soon after the flight of the former Tunisian president Ben Ali and the collapse of his regime, an unprecedented outflow of young Tunisian migrants began; migrants who for years had kept a watch for the slightest opportunity to head north.

1. “Massive” departures of young Tunisians towards Lampedusa

Initially the port-city of Zarzis (South-east Tunisia, not far from the Tunisian-Libyan borders) became a “migration hub”. Here thousands of young migrants departed towards Europe, initially coming from various localities and zones of the south-east. 6,300 departures were recorded in 15 days (from January 15 to January 30, 2011), from Zarzis and its surroundings. This was an average of 400 departures *per day* (Chouat, M. & Liteyem, B. 2011).

The catchment area of these migrants, as well as the zones and departure points, were quickly extended to other regions and ports of the country like Sfax, the Sahel and Cap Bon. The shipments were organised in the ports or from the coastlines between these ports, openly and publicly: hence its absolutely massive character. In less than three months (January-March 2011), 20,258 Tunisians arrived in Lampedusa (Frontex, Report of the first quarter 2011).

Table 1: Geographic origin of the migrants having departed from Zarzis between January and April 2011

Zarzis	9000	40.6
Mahdia	2745	12.4
Sid Bouzid	2670	12.0
Ben Gardane	1768	8.0
Gabès	1500	6.8
Kasserine	1495	6.7
Tataouine	1054	4.8
Others	823	3.7
Sfax	634	2.9
Kairouna	500	2.3
Total	22189	100.0

Source: (Chouat, M. & Liteyem, B. 2011)

Several reasons explain the massive and instantaneous character of departures:

- Security relaxation consecutive to the fall of the regime. A part of the domestic security forces (police, national guard...) deserted the police stations, which had become a target of attacks and violence during the revolution. The army remained for weeks the main visible force of law and order on the territory and in its waters. This is what explains the massive character of departures on board boats of any size. For several weeks, migrant traffickers operated in broad day light, at any time¹¹. The only interventions recorded were those of soldiers who prohibited the departure of overloaded boats or sent back overloaded boats that had succeeded in taking off. For comparison, it is worth recalling the extraordinary deployment of legal, logistical and human solutions set up by the Tunisian authorities to counter illegal migration by sea, prior to the revolution (Boubakri, H. 2009)
- The existence of a large pool of potential migrants mainly composed of university graduates who had not been able to use their skills on the Tunisian job market. The proportion of unemployed graduates as a part of all the unemployed has accelerated since the early 2000s. In fact, it has more than doubled from 14.4% in 2005 to 32% in 2010 (INS, 2011). If the unemployment average in this category of the young was 23%, in 2010 there were great differences between the regions. The governorships of the interior were the most affected: 46.5% at Gafsa, 40% at Sidi Bouzid and 38.5% at Kasserine and Tataouine.
- Unemployment and job insecurity also extend to other groups of young people with little or no training, having left school at the legal minimum age (16 years).
- The unemployed are frustrated at not having found employment to match their skills. But then too those with job insecurity are not ready to accept difficult and demeaning daily work in exchange for wages that do not allow them to live decently or to provide for the needs of a family: many have to put off starting a family as a result.
- To these two categories, one can add a third category: that of the hundreds of thousands of young people and adults who work in business and economic sectors where job insecurity is the norm. They live with short duration contracts or as seasonal workers. These have been the main victims of the world economic crisis, triggered in 2008, which has particularly undermined the EU economy, the principal partner of Tunisia. These workers are mainly employed in industries and the offshore services, outsourcing for foreign companies, tourism, agriculture and the local informal sector. The average earnings of a subcontracting worker varies between 180 and 270 Tunisian dinars (1 dinar is equivalent to approximately 0.55 Euros) (UGTT, 2008)

The people belonging to these social groups are likely to seek to improve their incomes by working in countries with higher wages. The paths of legal entries towards these spaces are extremely limited: most can arrive in the north only by illegally crossing the borders.

- The traditions of illegal migration: this migratory field was facilitated by the existence of a market for illegal migration. The south-eastern region of Tunisia, bordering Libya, has always been a zone of crossed mobility, of dealings and trafficking of all kinds. In migration terms, this region was thus often traversed in the past by two types of migrant flows. First, land flows, crossing the border to go and work in Libya (in the 1970s and 1980s). Second, before the fall of the Libyan regime, migrants entered the country in order to join the networks of traffickers who organise departures towards the Maltese and especially Italian

¹¹ Sihem Benseldine, President of the CNLT (National Council for Freedom in Tunisia), an NGO banned under Ben Ali, sees in these massive departures the hands of the Tunisian president's wife, who was present at the time in Libya. Leila Ben Ali would have sent, with the help of Gaddafi (before the outbreak of the rebellion in his country), a large number of boats that had taken on board thousands of Tunisian migrants crossing to Lampedusa. The goal was to make Italy and Europe regret their "inaction" in favour of the Tunisian regime during the revolution pushing them to "act" against the same revolution.

coasts. Gradually, this cross-border region became the “hub” for smuggling on the part of Tunisian-Libyan networks, the principal “operators” of illegal migration towards Italy, typically from the Libyan coasts (Boubakri, H. 2009, Mabrouk, M. 2010). The pool of migrant recruitment to these networks was not limited to the south-east. Rather, the pool covered all Tunisia and even beyond, stretching out towards Algeria and Morocco. These networks also included migrants from sub-Saharan Africa countries.

- To these flows of illegal migration, we can add the exchanges and the transactions related to the informal economy, licit and illicit, which also generate, on their side, flows of people that cut across or are added to those related to migration.
- To finish, the telecommunication resources and organisation acquired by these networks are crucial in understanding their success: namely the rapid mobilization of the migrants, right after the fall of the Tunisian regime.

Moreover, the beginning of the Libyan conflict in February 2011 resulted in a massive exodus of hundreds of thousands of foreign workers from Libya, including Tunisians. This meant many illegal departures by sea route towards Italy especially. In fact, on the one hand, the Tunisian workers who fled Libya had arrived in Tunisia in a political, social and economic crisis. They had in general gone to Libya to avoid poverty, unemployment and job insecurity. Their return signifies the end of an opportunity and sometimes the end of the resources for a whole family. The discussions and observations made in Tataouine and in Italy in March and May 2011 have shown that some of the migrants who had returned from Libya had joined the thousands who had sailed for Lampedusa

The lesson drawn from the meetings of the focus groups organised during the preparation of this report¹² shows that three quarters of young people are thinking of migrating. One finds in this group all the socio-professional categories: unemployed, workers, employees, independents, students, graduates ... etc

The remaining quarter, which does not plan to migrate, are all students or university graduates who are conscious of the obstacles and difficulties which surround any migration project: departure, travel and arrival.

For certain young students, the plan to leave for Europe is put together to improve their education and their chances of integration on the job market. Some of these young people plan to return to the country at the end of their studies or after a few years of professional experience abroad.

Conversely, those who are young and less-well educated (primary or middle level education), or less qualified, plan to migrate, or even to re-emigrate often permanently. These are people who encounter many difficulties settling down after failed professional experiences: temporary or seasonal work, unsuccessful attempts to create an income source, micro-projects in difficulty ...

Other moderately educated or qualified young Tunisians, consider migration a temporary solution, a temporary professional passage, to reconstruct and build their lives. These know all too well about the obstacles and difficulties which they may encounter, especially once they arrive in Europe.

Discussions have shown that some young graduates or those who are involved in vocational training and do not have a job do work. However, their jobs do not correspond to their education: e.g. painting, building or tourism, or they are in parallel trades where income is low or irregular. These young people consider such activities as stopgaps until they find a job that matches their skills. This exposes them to psychological and professional instability which can last for years. This instability prevents them from investing in the future (starting a family, constructing or acquiring a house...).

¹² These meetings were held in southeast Tunisia (border region of Libya) and in the city of Sfax. They included a score of young men and women ranging in age from 22 to 33 years, belonging to different occupational categories (unemployed, labourers, apprentices, independents, students and graduates ...)

A European visa is perceived by all potential migrants as an insurmountable obstacle. It becomes the focus of frustration and resentment and consequently justifies illegal migration.

Debates are conducted on the need for the State to defend the “dignity” of its nationals and their right to enter Europe. Some students and young graduates support a political discourse by calling on the Tunisian authorities not to yield to European pressures and to demand the liberalisation of circulation between Tunisia and EU countries. On the other hand, two of the young people who took part in the debates presented a radical speech calling for Europe to be Islamized so that it can be reached freely.

2. The reaction of the public authorities, in Europe and Tunisia, to the departures of Tunisians towards Italy.

The massive landings of Tunisian migrants, followed a few weeks later by the delivery of a temporary residence permit by Italy, have triggered, two moments of diplomatic tension. The first of these points of tension was between Tunisia and Italy, and the second was between France, on the one hand, and Italy and Tunisia, on the other.

The Italian authorities had shouted “invasion” with the first waves of migrants. Observing the difficulties of the new Tunisian authorities to control the Tunisian coastline, especially after the start of the Libyan conflict and the massive exodus of immigrant workers from Libya towards the south of Tunisia, the Italian authorities went as far as to advocate the participation of Italian forces in the monitoring of the Tunisian coasts. These suggestions from the Italian Minister of Interior raised an outcry in Tunisia and were denounced by the authorities, the media and civil society organisations

The Italian authorities, initially surprised by the magnitude of arrivals, adopted an evolutionary approach, dictated by complex and contradictory considerations.

Three factors decided the manner in which Italy managed this migration crisis:

- Internal political considerations linked to the tightening of the migration discourse in Italy and to the competition between the political groupings to attract the sympathy of fringes of public opinion; this includes in particular fringe groups who are sympathetic to these hostile towards immigrants and these of the extreme right. While letting the number of migrants landing on Lampedusa swell, the Italian government wanted to make these migrants an instrument of pressure for its European partners with respect to its public opinion.
- Considerations related to the search for greater co-operation with the Tunisian authorities: financial support from Italy for the new Tunisian authorities for a better control of flows of departures.
- Considerations for relations with the European partners of Italy as regards the coordination of migration policies. The Italian government has, from the start of this migration crisis, called on the European Commission and other members of the European Union, and in particular France and Germany, to share the “burden” of illegal migration. The two countries refused to reply to the Italian request, which led Italy to override the refusal of its European partners.

In fact, in early April 2011, the Italian Prime Minister paid a visit, much covered in the media to Tunisia, accompanied by his Foreign Affairs and Interior Ministers. He returned two days later to Tunisia to initial an agreement with the Tunisian authorities on the temporary regularisation of the Tunisians who had arrived in Italy between 15 January and 5 April, 2011. He did so in return for a promise that they Tunisian authorities would try harder to control illegal departures.

Pursuant to this agreement, Italy undertook to deliver a “temporary residence permit” which was valid for six months to Tunisians who arrived in Italy before 5 April, 2011. This agreement envisaged also the immediate repatriation of Tunisians landing after this date.

The effects of this Italian measure triggered marked diplomatic tensions between France and Italy. France, especially, denounced Italian “laxity” and refused the entry into France of Tunisians who benefited from the temporary residence permit granted by Italy. They even blocked and turned back an Italian train transporting these emigrants to the border station of Ventimiglia. France blames its Italian neighbour for not complying with the rules of the Schengen Treaty. Those stipulate that immigrants must present a valid passport and sufficient resources to be able to remain in the country of destination. They must then return to their country.

It is also worthwhile noting that this Italian decision, and the French reaction were based on an understanding that the two partners did not declare publicly but which everyone admitted: it is generally supposed that the majority of emigrants landing in Italy have family and social ties in France (56% of the Tunisian immigrants abroad reside in France). Italy knew all too well that the delivery of a temporary permit would enable them “to get rid” of these migrants. France, meanwhile, knew that it would end up accommodating them, which would threaten its policy for refusing illegal emigration.

In any case, the migration wave of the first quarter of 2011 deflated very quickly in the second quarter (4300 arrivals) compared to the first quarter (20,258 arrivals) (Frontex, 2011).

The signature of the agreement of readmission of 5 April between Tunisia and Italy dissuaded potential migrants. Tunisia undertook to readmit all the Tunisian migrants who had left after signing the agreement.

Other internal and external factors in Tunisia favoured this fall in numbers:

- Many accidents at sea and sinkings which resulted in the disappearance of hundreds of migrants. Thus, in 3 days (from March 13 to March 15), out of 1,623 migrants who arrived at Lampedusa on board of 21 boats, 816 migrants, on board of 12 boats, were rescued at sea. 35 migrants disappeared in sea in the night of March 13.
- The resumption and the reactivation of surveillance of the coasts and the ports by the coastguards and the Tunisian navy from the second week of March 2011. On 15 March, hundreds of migrants were intercepted and brought back to Tunisia. They set sail from several points of the Tunisian coasts of Ben Gardanne in the south to the region of Mahdia in the north, via Zarzis, Djerba, Sfax, etc.
- The precariousness of the living and staying conditions of thousands of migrants who had arrived since January and who were detained for weeks in the administrative detention centres or reception centres managed by Caritas or the Italian and French NGOs. The migrants probably quickly understood that Europe was the dreamed of land of opportunity they had imagined. On 21 March, 5,400 migrants were crammed onto Lampedusa, almost as much as the resident population on the island.
- French strengthening and tightening of controls on the borders with Italy to prevent the entry of Tunisian migrants who had obtained temporary residence permit delivered by the Italian authorities.

At the time when Tunisian flows towards Europe began to stabilize as from April 2011, the outburst of the Libyan conflict generated new and unprecedented migration waves.

In fact, a month after the fall of the Tunisian regime and the first migration wave bound for Italy, and at the time when the Tunisian State began to reorganise and could have taken control of the ports and the coasts, Tunisia found itself confronted with one of the greatest migratory and humanitarian crises of the last decades: migrants fleeing the Libyan conflict at the end of February 2011.

3. The massive exodus of foreign workers towards Tunisia.

This conflict caused the exodus of hundreds of thousands of migrant workers from Libya. More than half crossed the Tunisian border while the remainder were distributed between Egypt and other neighbouring sub-Saharan countries (especially Niger and Chad). The importance of the crossings towards Tunisia is explained by the configuration of Libyan territory: more than two thirds of the population, the cities and the productive apparatus are located in the west of the country, between the Gulf of Syrte and the border with Tunisia. Consequently, a good part of foreign labour was also concentrated in this part of Libya.

At the start of the struggles, 17 February, 2011, between the Libyan government and its adversaries (the National Council of Transition), several governments called on their nationals who worked in Libya to leave the country. Developed countries and certain developing countries (like China or Turkey) could quickly evacuate their nationals directly from Libya or from the border zones with Tunisia and Egypt. But the vast majority of foreign migrant workers, had no such assistance and lacked means¹³. They had to flee the violence under difficult and risky conditions.

This crisis concerned 120 nationalities and affected four principal categories of migrants and people displaced because of the conflict:

- The group of nationals from adjoining countries (including approximately 80,000 Tunisians, but also natives of Egypt, of Algeria, of Chad, of Niger and Sudan) who could only return to their respective countries under often painful and risky conditions.
- Some other nationals of these same countries found themselves cut off from land routes home and had to cross borders towards the nearest country. During the first three months following the outbreak of the conflict, 86,000 Egyptians, 14,000 Sudanese, 12,000 Chadians and 1,240 Algerians had to go through Tunisia before being repatriated.
- The nationals of third countries not bordering Libya who had to go through Tunisia or Egypt to get home.
- The Libyans who had to cross borders especially Tunisian and Egyptian for refuge, to seek treatment, to get supplies, etc

In three months (end of February - end of May 2011), 885,000 people, including Libyans, crossed the borders towards the neighbouring countries, half of whom went towards Tunisia: 185,000 nationals of third country, 48,500 Tunisians and 208,000 Libyans entered Tunisia across the border with Libya. Egypt recorded on its part the entry of 308,000 people (including 98,000 Egyptians, 75,500 third-country nationals and 134,500 Libyans). The neighbouring countries of the sub-Saharan Africa accommodated principally their own nationals: for example, 66,000 Nigeriens and 28,000 Chadians returned home (IOM, 2011.1)¹⁴

In an assessment published at the beginning of October 2011, the IOM advances the figure of 722,000 migrant workers having left Libya since the start of the conflict: 313,000 entered Tunisia and 230,000 entered Egypt. The remainder was distributed between Niger (83,000) and Chad (52,000) (IOM, 2011.3)

¹³ 2 to 2.5 millions foreign nationals worked and lived in Libya according to the estimates of Libya and international organisations (OIM, 2011). African nationals were the most common: around one million Egyptians, a half-million Sudanese, as many Chadians and may be as many Nigerians (PLIEZ, Olivier, 2004, 2003, 2002)

¹⁴ Since they are border crossings recorded by the IOM, these figures are almost certainly gross underestimates and it is very likely that a much larger number of sub-Saharan nationals have returned home because of suspicions surrounding this category of migrant workers in Libya, namely the idea that they are mercenaries or that they work for the government forces.

This major humanitarian crisis mobilised the new Tunisian authorities, in particular the army, which contributed to the management of these flows and to the organisation of the major part of these populations towards their countries of origin. Despite the political instability which followed the revolution, the Tunisian population was also mobilised to supply and assume responsibility for the needs of these refugees. Calls for solidarity were sent through the Tunisian media: collections of food were organised in supermarkets across the country. Indeed, one could observe, for several weeks, on the main road which connects the capital to the south, an endless stream of convoys conveying food, mattresses, medicines and volunteers (Boubakri, H. & Potot, S. 2011.1)

Thanks to this spontaneous and massive surge in the Tunisian populations and civil society in the first weeks of the crisis, humanitarian organizations (UNHCR, IOM, International Red Cross and Crescent, NGO, etc) took over and were involved in the relief, the assistance and the repatriation of the migrants and the refugees.

Table 2. Migrants of third countries who arrived by the borders with Libya and were repatriated towards their country of origin (March-April 2011).

Africans			Asian		
Nationalities	People	%	Nationalities	People	%
Egypt	85850	61.3	Bangladesh	27780	70.8
Sudan	13857	9.9	China	4520	11.5
Chad	11905	8.5	India	3708	9.5
Morocco	8450	6.0	Filipino	2450	6.2
Ghana	7589	5.4	Thailand	382	1.0
Mali	6940	5.0	Pakistan	329	0.8
Niger	2567	1.8	Nepal	35	0.1
Algeria	1240	0.9	Yemen	7	0.0
Nigeria	871	0.6	Syria	6	0.0
Guinea	388	0.3	Jordan	5	0.0
Ethiopia	299	0.2	Total	39222	100.0
Guinea Bissau	106	0.1			
Total	140062	100.0			

Source: Chouat, M. & Liteyem, B. 2011; as per IOM.

For a period of a little under a year (January-September 2011), Tunisia had to manage, several waves of exodus coming from Libya: the Tunisians who were immigrants there, foreign workers and Libyans. It thus accommodated, lodged, looked after and repatriated hundreds of thousands of refugees.

Most foreign workers who arrived from Libya were rerouted towards their country of origin. But 3,000 to 4,000 refugees and asylum-seekers remained at the Tunisian-Libyan border in the camps arranged by international organizations, including UNHCR. The refugee camp of *Choucha*¹⁵, installed in tents in the open desert, is inhabited by Somalis, Eritreans, Palestinians and nationals of other countries who refuse to return to the countries in crisis, which they sometimes managed to escape at the peril of their lives.

¹⁵ According to statements by a spokesperson for the UN High Commissioner for Refugees in Tunis, about 3,500 refugees and asylum-seekers registered in the Choucha camp. UNHCR could only ensure 610 relocations in Europe and America since spring 2011, and rejected only 5% of requests for refugee status (TAP. Agency February 15, 2012).

After the first two migration waves in winter 2011 (exodus of Tunisians towards Italy and the exodus of foreign migrant workers towards Tunisia from Libya), two other waves have grown since the spring of the same year.

4. The forced exile of Sub-Saharanans towards Italy

This third wave corresponds to the exodus towards Italy and Malta by sea, primarily of sub-Saharan migrants, among whom refugees and asylum-seekers. These were very often pushed to exile either by the partisans of regime in retaliation against European governments: members of the coalition who led the war against the regime, or out of fear of exactions and abuse coming from the partisans of the NCT which suspected the sub-Saharan nationals of mercenary activities. The first landings were announced in spring 2011. In six months (April-September 2011) 26,000 landings with migrants coming from Libya were recorded at Lampedusa and 1,530 in Malta (FRONTEX, IOM. 2011).

Table 3. Evolution of number of arrivals on the European maritime borders (*) of principal African nationalities, Tunisians included, during the four quarters of 2011

Period Nationalities	1 st quarter	2 nd quarter	3 rd quarter
Tunisians	20258	4298	3374
Nigerians	57	3105	3156
Ghanaians	47	2079	584
Maliens	18	1868	551
Ivoirians	76	1086	-
Somalis	420	756	-
Egyptians	321	658	-

(*) For the Africans, it mainly concerns arrivals on the Italian islands of Lampedusa and Sicily. Source (Frontex. 2011.3)

As the Libyan coasts are no longer monitored, the organized crossing networks of the Mediterranean are numerous and vigorous. Departures from the Tunisian coasts continue, are increasingly difficult because of tighter controls, particularly following the agreement signed between Tunisia and Italy in April 2011. Voyages from the Libyan coasts have, however, risen since March 2011. These networks flourished after the fall of the Libyan regime and the end of the external stage of the conflict, i.e. the end of NATO air strikes in October 2011, and especially following the increasing instability in Libya after that date, even if the NCT reaffirmed its “commitment to the fight against illegal migration”, in the same logic of the policy initiated by the Gaddafi regime.

5. The exile of the Libyan families in Tunisia

The fourth migration wave has mainly been made up of Libyan families who had fled the fighting and the NATO bombardments. Since the beginning of spring, thousands arrived every day on Tunisian territory: for example, 20 and 21 June, 6,700 people.

During summer 2011, when the fighting had intensified and affected the big cities of the North-West of Libya, more than 100,000 members of Libyan families were accommodated by the Tunisian population and civil society organisations. This number continued increasing as the fighting approached Tripoli and the big coastal cities of the west, between Misrata and the Tunisian border.

The border regions and the southern Tunisian regions in particular have been at the forefront in welcoming the Libyan refugees. If one goes by the data collected from humanitarian organizations, such as UNHCR, the cities and localities of the governorships of the south accommodated 80% of the

refugees, most in modest conditions. However, tens of thousands of other families and individuals who were better off settled in the coastal big cities of the Centre and the North of the country (Greater Tunis, Nabeul, Sfax, Sousse, etc).

Table 4. Families taken refuge in Tunisia recorded by the UNHCR on their arrival in the Tunisian cities and localities. (State at July 10th, 2011).

Regions	Families	%	Individuals	%
Tataouine	3893	47.9	21141	51.0
Medenine	2529	31.1	11941	28.8
Gabès	810	10.0	4256	10.3
Sfax	725	8.9	3008	7.3
Gbilli	165	2.0	1070	2.6
Total	8122	100.0	41416	100.0

Source: UNHCR, 2011.

If most Libyans who took refuge in Tunisia returned to their country after the fall of the regime, hundreds of thousands of others, including relations and beneficiaries of the dictatorship, remained in Tunisia¹⁶. The free movement of people between the two countries does not currently permit an accurate estimate of their number. What is sure is that a new category of “refugees” was born in Tunisia: “Pro-Gaddafi” who fear for their life or who risk being tried if they returned to their country. Perhaps some will remain in Tunisia¹⁷, the wealthy are already trying to obtain refugee status in Europe and North America. Intertribal, and interregional violence and hunting for “blacks” continues, and has even intensified in Libya, paving the way to the exile in Tunisia of new refugees, who will return there as tourists but included in the daily flows of Libyans who circulate in both directions between the two countries.

2nd Part: Migration, politics and civil society after the revolution

I. Migration and politics after the revolution

One of the fruits of the Tunisian “revolution” for Tunisians Residing Abroad (TRA) was the election, for the first time in the history of Tunisia, of their representatives to the Tunisian Parliament: the National Constituent Assembly (NCA).

¹⁶ Public statements of Tunisian officials put the figure at 500,000 Libyans who lived in Tunisia at the end of May 2012. On 25 December, 2012, the Libyan Moustapha Abdeljalil, former president of the National Council for Transition (NCT), said “[...] We must not forget that Tunisia still hosts about 600,000 Libyans, who are our brothers [...]” (Daily El Maghrib, Tunis, Dec. 25, 2012, p. 18) this figure deserves to be checked because it is indisputable that a portion of this population is close to the old regime. It is equally true that another portion would have preferred domicile in Tunisia to get away from the instability in Libya post the fall of the old regime.

¹⁷ A Tunisian association for the defence of Libyan refugees has been created. It is run by lawyers who have defended the Libyan government, dignitaries adopted by the Tunisian authorities in the weeks which preceded the fall of the regime. An examples is Khouildi Lahmidi (who was part of the inner circle of Gaddafi) and Baghdadi Mahmoudi who was finally extradited from Tunisia.

Out of 217 seats in the Assembly, 18 were reserved for TRA in 6 electoral constituencies abroad. 152 candidates were presented for an impressive number of lists (parties, coalitions and independent lists).

Table 5. Allocations of seats reserved for TRA according to constituencies and electoral registers

Constituency	Seats provided	Candidates	Parties	Coalitions	Independent lists
Paris (France 1)	5	48	17	3	29
Marseilles (France 2)	5	25	11	1	14
Italy	3	23	10	0	13
Germany	1	16	6	1	9
Canada	2	20	6	1	9
Abu Dhabi	2	20	8	3	9
Total	18	152	58	9	83

Source: ISIE (Higher Independent Authority for the Elections). 2011

As within Tunisia, the Islamist party Ennahdha was the first recipient of the vote winning half the seats. It obtained one third of the votes in France, 43% in Germany, 50% in Italy, 35% in America and the rest of Europe and 46% in the Arab world.

1. Creation of the Secretary of State for Migrations and Tunisians abroad (SEMTE).

A Ministry in charge of Migration and Tunisians abroad had been asked for for years by researchers and specialists in emigration in Tunisia (Ben Jemia, M.; Boubakri, H.; Chakir, H. 2004) as well as by the representatives of the Tunisian diaspora (FTCR/Meeting of immigration. 2011). Finally, this demand was concretised following the elections of the National Constituent Assembly, 23 October 23, 2011. **A Secretary of State for Migrations and Tunisians abroad (SEMTE)** was created under the supervision of the MSA (Ministry for Social Affairs). The name of the new Secretary Of State is Houcine Jaziri¹⁸.

One of the first issues faced by the Secretary of State was the “harragas” file. A mission was appointed in January 2011 to follow-up this file and above all to collect information and data relating to the “missing migrants” lost during sea crossings between January and April 2011, as well as Tunisian migrants held in irregular detention centres in Europe and especially in Italy and France. On the Governmental side, the SEMTE mobilised the Ministry of Foreign Affairs (Secretary of State for European Affairs) and the consulates of Tunisia (social consuls and attachés) to collect data relating to irregular migrants who left after the revolution, as well as data relating to those who disappeared during these crossings. _Help from families was also needed to provide information about their missing relatives. The Ministry of the Interior was requested to collect the fingerprints of major migrants, holders of national identity cards. These fingerprints were presented to the Italian Ministries of Foreign affairs and Interior for identification. On the other hand, missing minors could not be identified due to lack of fingerprints. This is why only a portion of the migrants (i.e. adults) were identified by the Italian authorities. The families of the missing migrants organised associations to find their relatives in detention centres or to learn the fate of missing family members. They did so with the assistance of Italian and Tunisian civil society groups: these included the Tunisian League of Human Rights, CeTuMA (Centre of Tunis for Migration and Asylum) and the FTDES (Tunisian Forum of Economic and Social Rights). This is what explains the campaign conducted these last weeks to make

¹⁸ Houcine Jaziri was the spokesperson of the Ennahdha party in France and head of the list of candidates of this same party in the first constituency in France (France 1) for the elections of the National Constituent Assembly (NCA) of 23 October 2011.

the two governments redouble efforts to find survivors, to identify prisoners and to allow families to mourn whose relatives are confirmed missing.

Skills related to migration and to Tunisians abroad have been dispersed among several government departments: Ministry of Interior, Ministry for Foreign Affairs, Ministry of social Affairs, Ministry of Employment and the Ministry of International Cooperation. A circular is being prepared to gather as many of these skills under the supervision of SEMTE as is possible.

The SEMTE also seeks to lay the groundwork for a new way of managing migration based on “[...] clarification of its competences and its mission for better serving the Tunisian community abroad in collaboration with the authorities concerned, civil society and international organizations [...]” (OTE, 2012)¹⁹.

- The reform of institutions and of mechanisms related to migration and Tunisians abroad: Office of Tunisians Abroad, social attachés with consulates abroad, spaces of family and the new generations; teaching Arabic, etc.
- The establishment of new bodies such as the Advisory Council of Tunisians Abroad, the Agency for Migration and Development, the National Observatory of Migration responsible for identifying and collecting data relating to the Tunisian colony abroad as well as studies intended to throw light on the decisions of the government on this subject.
- The establishment of an interactive database connecting the various stakeholders in Tunisia and abroad for coordinated management: Secretary of State, Office of Tunisians abroad, Regional delegations of Tunisians abroad, social attachés abroad, other relevant government departments, etc.
- The establishment of mechanisms intended to plan and organise the migration of skilled workers and of graduates and the mobilization of Tunisian skills abroad to involve them in the conception and implementation of actions and state programs of development. Technical collaboration, i.e. the expatriation of civil servants and government officials (secondment) to countries which import labour (especially the Gulf countries and Libya), is also part of the objectives of this expected reform.
- Revision of agreements between Tunisia and European countries (agreements of readmission, agreements on migratory flows). The Tunisian Secretary of State speaks of the need “to resume dialogue” (OTE, 2012) (idem) on this subject. During several visits undertaken in the principal Tunisian migration countries (France, Italy and Germany), he emphasized the need for an approach to irregular migration related to development.

2. The place of Tunisians Residing Abroad (TRA) in the programs of the political parties for the elections of 23 October, 2011

The election of representatives of Tunisians Residing Abroad to the NCA led most of the Tunisian political parties to devote a more or less important space in their campaigns to TRA, although it can be assumed that the TRA are not a priority for these parties. Most political parties seek to acknowledge more or less extensive political rights to TRAs.

Practically all parties acknowledge TRAs full political rights, including the right to dual nationalities. However, the “Ennahdha” party, the first party represented in the NCA, does not admit some rights to those with dual nationality: e.g. candidature to the Presidency of the Republic.

¹⁹ Interview with the new Secretary of State after its appointment (January 2012):
http://www.ote.nat.tn/ote_ar/index.php?option=com_content&task=view&id=253&Itemid=1

Most parties ask for the creation of a ministerial structure (Secretary of State or Ministry) responsible for TRAs.

They also demand a permanent representation of the TRAs in the Parliament through the inclusion of this representation in the new constitution. The Maghrebi Liberal Party proposes the establishment of a “permanent parliamentary committee, open to all political parties represented in the Tunisian National Assembly, dealing with the specific problems encountered by Tunisian citizens living abroad. The Tunisian citizens and also the representatives of numerous associations of Tunisians abroad can directly arraign the representatives of this commission [...]”²⁰

Political parties are also unanimous in demanding the establishment of a TRA Representative council so that their representatives sit on the governing board of the Office of Tunisians abroad (Ettakattol Party).

The “Afek Tounes” party goes still further by demanding the right of TRAs to participate in local votes (elections, referendums) in their regions or their original communes. It also proposes a breakdown of Tunisia into eight regions including a “World Region” which includes TRAs.

The “Ettakottol” party suggests the establishment of remote voting (by Internet) so that TRAs who are far away from the polling stations can take part in elections.

The “Maghrebi Liberal Party” suggests the appointment of an Ombudsman responsible for liaising between the Tunisian government and the TRAs.

All political parties have made specific proposals to improve the mobilisation of TRAs in development terms both regionally and nationally. Among these proposals the following should be mentioned:

- An economic and social agency responsible for promoting the creation of companies and investment in Tunisia. The purpose of this agency, which will be based in Paris, will be to offer assistance to Tunisians and to non Tunisians who wish to invest in Tunisia. This agency should: offer legal assistance to investors and economic operators; “seek partnerships with the big Tunisian banks; seek “business-angels” for financing Tunisian start-ups”²¹; offer technical assistance in collaboration with specialised governmental agencies (Agency of Promotion of Industry and Innovation, Centre of Promotion of Exports...), etc (*Maghrebi Liberal Party*)
- Tax incentives for investments in poor regions and/or on the margins, tax bonus for opening savings accounts for TRAs (*Ettakatol party*).
- Promote investments and real-estate projects launched by TRAs (with the intention of large-scale banking and financial hubs and national loans) (*coalition “Al Kotb”*).
- Creation of legal cells to assist investors from France, Tunisians or French, in Tunisia as well as assisting Tunisian exporters of goods and services to France (*“Afek Tounes” party*)
- Setting up special cells within the agency of promotion of industry and innovation (APII) and the Agency of Promotion of Agricultural Investment (APIA). The APIA will be dedicated to welcoming, orienting and assisting Tunisian economic operators residing abroad (*“Progressive Democratic Party”, PDP*). This party also recommends that Tunisian “skills” abroad can retain non-resident status for 10 years after their return to Tunisia, so that they can get the benefits granted to non-residents (Tunisian or foreign nationals) when they make investments in industry or productive services.

²⁰ <http://observatoirepolitiquetunisien.wordpress.com/2011/10/10/http://www.tunisiensdumonde.com/a-la-une/2011/10/>

²¹ Site of the Tunisian political observatory and Tunisians of the world, op.cit

Other demands of a cultural or social nature were put forward.

The “Ennahdha” party emphasises the obligation “to supervise Tunisians living abroad and strengthen ties with their Arab-Muslim identity as well as with the history and the language of the country, and this through the creation of schools and high schools in the host countries”²².

The “Maghrebi Liberal Party” recommends actions which would improve the management and the cultural and educational services for the children of TRAs, including the “launching of a comprehensive program in the field of academic support, academic and university guidance counselling, encouraging the teaching of Arabic and religious education...”²³

The party “Afek Tounes” calls for the strengthening of language learning, of history of the Arab Moslem culture of Tunisia for children of TRAs, as well as the creation of an arts centre for Tunisian artists and creators.

The “Ennahdha” party focuses on the international dimension of migration of Tunisians while advocating “the organization of migration through bilateral and regional agreements with the countries concerned of the Mediterranean region in order to ensure the rights of migrants”²⁴.

3. Points of view of political parties on departures after the revolution

Most representatives of political parties who were interviewed claim not to have been surprised by the departures of young Tunisians after the fall of the Tunisian regime. However, some say they that were surprised by the magnitude of the departures.

“The mobility of the people and the issue of “illegal” migration are considered as a phenomenon which is continuous regardless of the uprisings of the people. The events of 14 January did not change anything. The migration flows of the young are explained by the lack of border control and the absence of security. Moreover the people who left were already potential migrants; the proof of this is the speed and the magnitude of their departures. The events of 14 January facilitated the departure of these young people, in view of their social and economic conditions [...]. Migration after 14 January was no different from migration before...” (Nadia Chaabane, member of the Constituent Assembly, representing the Democratic Pole (PD). “El Kotb Eddimokrati).

“There are objective reasons. These people are looking for a job. They have benefitted from the total lack of surveillance and security on the borders. But this is a flow which has caused a lot of negative consequences, whether it is for the country of departure or for the country of destination (note: Italy). These consequences are serious for both societies; the original and the host society. Confusion also affected families. Conflicts between families generated racial discrimination and even murder and torture” (Kacem Aafia, Assistant general secretary of the UGTT (Tunisian General Union of Labour) in charge of international cooperation and emigration).

3.1 Handling by the Tunisian government of the rush of young Tunisians who arrived in Italy between January and March 2011

Some leaders of political parties whom we met were understanding about the way in which the second Tunisian interim government, led by Beji Caid Essebci, Prime Minister, conducted the negotiations with the Italian government. They wished to find a balanced outcome which would spare the two parties embarrassment. The Tunisians who arrived in Italy between 14 January and 4 April, 2011

²² Op.cit,

²³ Op.cit,

²⁴ Op,cit,

(approximately 25,000 people) were provisionally regularised through six-month residence permits. The Tunisian government then undertook to readmit any Tunisian migrants who would arrive in Italy after this date.

“I think that this is an interim solution while waiting to find a concrete solution. Italy and Tunisia have agreed on this intermediate solution which stopped the process of return of these young people in a brutal manner. This is a temporary solution. We need to see the agreement over the longer term. (Nadia Chaabane, member of Constituent Assembly, representing Democratic Pole. “El kotb eddimokrati”)

Other representatives of political parties or trade-union organisations were more reserved and more critical. This is particularly the case of the UGTT and the POCT (Communist Workers’ Party of Tunisia).

“The position of the Tunisian government is never clear. I do not remember exactly, but if it is about encouraging migrants to return in exchange for a little money, then this has little to do with the dignity of the Tunisian citizen and national sovereignty in international forums. Working conditions and human dignity for our fellow citizens should be required from countries which want to invest in our country. Human-rights should be respected [...]” (Representative of the UGTT).

“The agreement is neither fair nor equitable. In Tunisia, despite the economic crisis and associated social-political events, hundreds of thousands of refugees were welcomed. However, European countries treated our citizens in an unworthy and inhumane manner. The agreement of Essebci did not change much and, as of today, families do not know if their children are still alive or if they are dead.” (Representative of the POCT).

The UGTT seems to have the most elaborate point of view on the prospects of migration of the Tunisians and on the manner of treating disorganised migration.

“Disorganized migration has social and economic causes, and logically it is necessary to address the causes and not the consequences. As long as the causes are not addressed, the phenomenon will persist.” (Representative of the UGTT).

Other representatives of political parties admit their inability to propose innovative solutions or ideas to address the phenomenon of unorganized migration.

“It is the responsibility of the government and not political parties. Nevertheless, we tried to support and to listen to these people...”. (POCT).

“We admit that we did not do much for these young people. Moreover it is the responsibility of the government. There is a study centre in France within the party which deals with Tunisian migrants and the problems of integration. I think that it is responsibility of civil society and the present government in the first place. In the best case, we can provide recommendations to the government as a party” (Haraket Echaab).

3.2. Attitudes of France and Italy

Some representatives of the parties of the extreme left (POCT) and Arab nationalists (Haraket Ecchaab) denounce the “brutal and inhumane treatment of young Tunisians on their arrival in Europe”²⁵.

“[...] Foreigners who come to our country sometimes do not even carry their identity cards on them and yet, we accommodate them in a very respectful manner. Europeans hold double talks with regard to the universal values of human rights.” (Representative of Haraket Echaab).

²⁵ Op; cit,

The Representative of the Democratic Pole (el Kotb Eddimokrati) is more moderate: “France should support the democratic transition of Tunisia with regard to these migratory flows. France and Italy should allow these young people to enter and facilitate vocational training instead of asking them to return to Tunisia. And then we could have a more intelligent and more humane answer”.

3.3. Extended mobility

There is a general agreement on the mismatch between freedom of movement of goods and capital and the increasing restrictions applied on the circulation of people. Most interviewed personalities challenge the distinction between “legal” and “illegal” migration. The term “unorganized migration” is preferred to other names (illegal, clandestine, etc) (Representatives of the UGTT, and of the POCT: Communist workers’ Party of Tunisia). The representative of Haraket Echaab (Movement of the People) considers even the term “illegal migration” to be a “discriminatory description of regular mobility, whose origins are related to domination and colonial exploitation”.

However, the president of the Islamist party “Ennahdha”, who topped the elections 23 October, 2011, wanted to reassure his European partners by stating that “[...] Europe would soon no longer have “to be worried” about “illegal immigration” coming from Tunisia. We say to Europe that illegal immigration will no longer bother you. We will no longer give you our graduates as a gift. Tunisia needs all its sons and, in a few years, it will be a country which attracts talent rather than turning talent away” (AFP Source. October 28, 2011).

3.4. What is the migration strategy for Tunisia? What are the relations with its European neighbours?

In this area too, all parties unanimously agree that Tunisia is not the “guardian” of European borders. “We do not have to be soldiers or policemen of Europe. This role-play should be stopped...” (Democratic Pole). “[...] Europe demands that Tunisia be its police officer and its soldier on the borders, which is illogical. The problem of illegal migration is not a problem only for Tunisia. This applies to all partner countries whether they are the countries of origin or host countries. Moreover, it is not only the Tunisians who migrate towards Europe from Tunisia, there are also Africans” (POCT).

The UGTT is on the same wavelength.

PD (Democratic Pole) emphasizes the need to take into account the absence of a genuine Community immigration policy and emphasises too the need to apply the Tunisian-French bilateral agreement of 28 April, 2008 in terms of the training and welcoming of graduates.

The representative of the PD thinks that demographic reasons will lead Europe to revise its discourse on migration. “Employers’ organizations and the business community seek a larger opening in terms of the European job market for Tunisian labour, cheaper and more flexible than the European workforce”. It calls for a “fair and humanitarian treatment of migrants by protecting their economic and social rights in Europe.” It considers that co-operation and partnership between Tunisia and Europe are the appropriate frameworks to establish these principles.

On the other hand, it casts doubt on the policy of the current government which wants to export Tunisian labour towards the Gulf States “for fear that Tunisians are treated as a second or third order category”. It focuses on the “need for giving preference to internal solutions with the country as the creation of enterprises and activities and a proactive employment policy”.

The POCT resumes the rhetoric on the contribution of migrants to the development and the rise of European economies: “We must also remember that there are Tunisian skills in different areas, scientific, academic, cultural and intellectual...” Its representative emphasises the need for freedom of movement between Tunisia and Europe and, in the meantime the need “to negotiate the best conditions and the recruitment procedures for Tunisian labour in European countries based on equality and partnership.”

The UGTT rejects the visa system, while admitting the need for checking identities at European borders. But it apparently adopts a more pragmatic attitude on the need for organizing migration in consultation with the relevant partners: trade unions, employers, the European and Tunisian governments. It emphasises the obligation of “the legitimate government, resulting from free elections organized thanks to the revolution, to defend its citizens living abroad”.

3.5. Attitudes to refugees and law on asylum

All political parties talk of the need for the humane treatment of refugees. They point to the way in which Tunisia welcomed hundreds of thousands of foreign workers and refugees, and Libyan refugees. They focus on the role played by civil society organizations in this humanitarian “outburst”.

But it is El Kotb Eddimokrati (the Democratic Pole) who shows its determination to promote the enactment of a law on asylum in Tunisia: “All the countries should do it, it is necessary to open the possibility of asylum for all and I think that it is an obligation for all countries, including Tunisia. And of course Tunisia must sign this law on asylum; we must organize the issue of migration in Tunisia. Moreover, there are Algerians who have resided in Tunisia for generations who only have residence permits. However, we must address the issue of how to accommodate and treat refugees. There are international conventions that must be adhered to”.

Haraket Echaab is resolute and considers that it is also a debt which Tunisia must honour: “We would like Tunisia to sign this law on asylum and welcome the refugees and the convicted persons. Tunisia is grateful to those who have welcomed Tunisian refugees and asylum-seekers during the period which preceded the revolution”.

II. Migration and Civil Society After The Revolution

1. Civil Society Organizations (CSO).

One of the major results of the Tunisian revolution has been the freeing of Tunisian civil-society organisations (CSO). Associational life, including politics, was closely controlled by the Ben Ali regime. There were more than 6,000 associations, but these were TGOs (truly governmental organizations), completely subject to the political authorities and in particular to the Ministry of Interior.

In the area of migration and asylum, the Tunisian government allowed virtually no expression or independent action by persons or unofficial organizations. All matters relating to this area were managed: by the Ministries (Interior, Foreign affairs and Social Affairs); by the Office of Tunisians Abroad (OTE); by the party of government, the RCD; and by its “cells” and “associations” in the cities and regions where there were Tunisian migrants abroad. The political control of the Tunisian diaspora abroad was the main mission of these organizations and these structures²⁶.

However, the changing migration context in Tunisia and in its geographical environment (the Maghreb, sub-Saharan Africa, the Mediterranean) and especially the evolution of the migration function in Tunisia, all contributed to an increase in the complexity of migration management and migrant populations. Consequently, the government should have left this area open to individual and collective initiatives. In this way, it would have been able to tackle this migration issue through public debates and media initiatives, insofar as all the Tunisian regions and social categories are directly or indirectly affected by migration.

²⁶ Major cases of corruption and abuse of power in Tunisian diplomatic missions abroad are under investigation and review by Tunisian justice. This process will continue as part of the Independent transitional justice being formed by the National Constituent Assembly (NCA)

An impressive²⁷ number of CSOs thus came into being after 14 January 2011, the date of the fall of the Ben Ali regime.

In the field of migration and asylum, two types of CSO groups occupied public space in Tunisia.

Old associations of Tunisian immigration, close to the left and secular circles, located in the main destination countries (France, Italy, Spain, Belgium, Netherlands, Germany). These included groups such as the FTCT (Federation of Tunisian Citizens of the two Banks), the ADTF (the Democratic Association of Tunisians of France) and the UTIT (Union of Tunisian Immigrant Workers). These were all able to access the Tunisian public space and join forces with the CSO of Tunisia (old and new) in migration actions, advocacy and events.

CSOs established in Tunisia were, in turn, divided between the old (in existence prior to 14 January, 2011) and the new. As we mentioned above, before 2011 there were no specialized organizations, active in the migration field. They were organizations of a general character which had included, when they could, migration in their actions. We can mention in this regard the LTDH (Tunisian League of Human rights), the UGTT (Tunisian General Union of Labour), the ATFD (the Tunisian Association of Democratic Women) and the AFTURD (Association of Tunisian Women for Research and Development). Only the UGTT started to organize annual conferences on migration issues from 2007 onwards²⁸.

After 14 January, two movements were recorded in this area of CSOs active in migration in Tunisia itself. There was, on the one hand, the creation of new organizations and, on the other, the involvement of old organizations in the actions, programs and events related to this field.

Among the organizations created after 14 January the following may be noted:

The FDES (Tunisian Forum of Economic and Social Rights), which carries out actions intended to support and defend the causes of refugees and asylum-seekers in the refugee camp at Choucha, on the Tunisian-Libyan border. The Forum also staged and supervised demonstrations with the families of those missing at sea. This became particularly important after the accidents and sinkings at sea in March 2011 and at the beginning of September 2012²⁹.

CeTuMA (Tunis Centre for Migration and Asylum) staged demonstrations and advocacy actions and proposals on how to promote the rights of migrants, refugees and asylum-seekers. It also proved interested in the principles guiding the establishment of a new immigration policy based on good migration governance³⁰.

Other organisations have emerged such as the Association of Victim Families of Clandestine Immigration (AFVIC) "HARQA", which has not been able to develop independent actions. It is the

²⁷ If one refers to the number and type of organizations who participated in "The meeting of associations of Tunisians Abroad", organized by the SEMTE (Secretary of State for Migration and Tunisians Abroad) on 9 July, 2012, one realizes that 9 out of 10 organizations were born after the revolution, are based abroad, and according to their programs and labels, they claim to themes revolving around Arab-Muslim identity, teaching Arabic, religious education, etc.. A majority of the members of these associations suggest that they are close to the Islamist party "Ennahda".

²⁸ It is the "Department of International Relations and emigration" which organized the conferences of 2007 ("New orientations of migration in the Mediterranean region") and that of 2008 ("The migration of skills of countries of the South: Causes and Consequences ")

²⁹ "MigrEurop" is part of the European NGOs that support FTDES.

³⁰ The CeTuMA joined other partners (University of Sousse-IRD-URMIS, EuroMed Network of Human Rights, Heinrich Böll Foundation ...) to organize three regional conferences:

* "Rethinking migration: for free movement in the EuroMed space." TUNIS, 31 Oct 1-Sep, 2011

* "The role of Tunisian civil society in protecting the rights of migrants, asylum seekers and refugees." Zarzis. 25-26 November 2011.

* "Which immigration policy of Tunisia? Issues and Challenges." Tunis. 11-12 November 2012

UNHCR. Newsletter. Tunis. April 2012.

link between families of those who disappeared and the FTDES when it takes actions relating to sinkings and disappearances at sea or to the detention of Tunisian migrants in Italian centres. Lastly, a Tunisian branch of France Terre d' Asile was created and joined forces with UNHCR in its actions towards refugees and asylum-seekers.

Other organisations offer material aid to migrants, such as Caritas (Archdiocese of Tunis) and the Tunisian Red Crescent

2. International organizations active in the field of migration in Tunisia

If the Tunisian revolution led to the birth and development of CSO activities in Tunisia, it also opened up Tunisia to many international organizations. These were able free themselves from any abusive political or administrative control, which they had suffered under the former regime.

Among the old organizations we can mention UNHCR (High Commission of the United Nations for Refugees) and the IOM (International Organization for Migrations), which developed numerous programs and partnerships relating to migration and asylum.

UNHCR supports the Ministry of Justice in the development of a new Tunisian law on asylum and organizes training cycles for magistrates and police staff in identification of refugees and asylum-seekers at border stations³¹.

The IOM for its part has proceeded with the implementation of numerous technical assistance programs and some pilot programs in co-development, work migration and support for dialogue on migration (IOM, 2012)³².

Other autonomous organisations include the European foundations already established in Tunisia before the revolution. There is, for example, the Friedrich Ebert or Konrad Adenauer German Foundations. These could also develop their activities by dealing with human rights, democracy, corruption, free elections and illegal migration: themes that they had had to previously avoid.

Other organizations or foundations prohibited under the former regime were able now to establish their offices in Tunisia and conduct varied activities in the field of migrations and asylum.

The first of these organizations was REMDH (Euromed Network of Human rights). A working group on migration and asylum (GTMA) has long existed within this network and has conducted campaigns and advocacies for the defence of human rights of migrants, refugees and asylum-seekers, in the south and north of the Mediterranean. The network also conducted surveys on this subject in various regions and countries bordering the Mediterranean.

³¹ UNHCR. Newsletter. Tunis. April 2012.

³² Among these projects, we can mention (IOM, 2012):

- Dialogue on Migration in the Western Mediterranean;
- Involving Tunisian Youth for Achieving the OMDs (JEM);
- Study on the contribution of Tunisians living abroad in the social and economic development of Tunisia (TIDO);
- Joint program of support from the United Nations in the national response to AIDS 2009-2011;
- Integrated Programme of Migration and Development in Tunisia;
- Promotion of Development of Emigration areas in Tunisia - PROJECT "Migration and Micro Credits";
- Reconciliation of Systems for the shared management of migration;
- Strengthening institutional capacities of Tunisian educators to better integrate professional and socio-cultural Tunisian potential migrants;
- Stabilise Communities at Risk and Strengthen Migration Management in Support of Transitions in Egypt, Tunisia and Libya;
- Information System on the labour market and migration of labour.

Other organisations have recently brought migrations and asylum under their purview because of the increasing presence of these themes in human rights and Euro-Mediterranean relations. We can mention in this respect OXFAM and the Heinrich Böll Foundation, each of which have just set up a branch in Tunis.

The High Commission of United Nations for Human Rights (UNHCR) opened an office in Tunis a few months after the fall of the former regime.

At the beginning of 2012, a special reporter of the United Nations for the human-rights of migrants was appointed to conduct investigations into the management of the external borders of the European Union in the Mediterranean region. Four countries were selected for these investigations (Tunisia, Turkey, Greece and Italy). Tunisia was the first country visited from 3 June to 8 June, 2012. In his mission report³³, the reporter emphasises that “most regional initiatives in migration coming from the EU are focussed on border controls and disregard important matters, like the facilitation of mobility and regular migration [...]”. He asks the European authorities to develop a “more balanced policy of co-operation on migration with Tunisia. This must override the only security questions and develop new initiatives, within the framework of a true partnership which is centred on respect, protection and promotion of human rights of migrants [...]”. He encouraged the Member States of the EU “to place the human rights of migrants at the heart of the execution of bilateral agreements with Tunisia relating to migrations”. The special reporter considers that it is the duty of these Member States “to take all necessary measures to rescue migrants in distress in the Mediterranean even by the rescue of ship and the boarding of passengers and their landing in a sure port”.

He has also made recommendations to the Tunisian authorities, centred on “the need for protection of all human rights of each, including migrants, regardless of their status”. He also encouraged them “to guarantee the human rights of anyone who is on the Tunisian territory or under the control of the Tunisian authorities, including migrants”, to guarantee that “all migrants deprived of their freedom can quickly contact their family and a lawyer, which should be provided free if necessary and finally to decriminalize irregular passage at the borders”. He also asked the Tunisian government to accelerate the creation of a “national procedure for the recognition of refugee status in conformity with the international standards”.

3. Fields of activity of the CSO

Three principal themes dominated the actions of the CSO:

- Support for the victims of illegal immigration and advocacies against European policies on migration
- The establishment of new relations between Tunisia and its diaspora abroad
- Advocacies and demonstrations of support for refugees and asylum-seekers in the Choucha camp

3.1 Support for the victims of illegal immigration and advocacies against European policies on migration

Following on from the massive waves of young Tunisians on the island of Lampedusa in the weeks which followed the fall of the regime, Tunisian and European CSOs, domiciled in Tunisia or abroad, have supported the migrants who were detained in the detention centres in Italy. They led protests against the detentions, the deportations and the expulsion of these migrants by the Italian and French authorities. They also denounced the pressures exerted by European countries on Tunisia to “fight

³³ <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12231&LangID=F>

illegal migration”. There was a press conference to denounce the visit of the then Italian Prime Minister in April 2011, a protest against France and Italy developing certain provisions of the Schengen convention in order to restrict third-country nationals from moving freely within the European space.

However, relations between the Tunisian authorities and the CSO have slowly worsened since summer 2011 for two reasons:

a) Differences on the management of migration, such as relations with European countries and illegal migration

Certain CSOs criticised the Tunisian government for not keeping its distance with respect to the migration policies of EU Member States. They also criticised it for not having conducted serious investigations into the disappearance of migrants at sea or in Italy³⁴. The Tunisian government, initially, agreed to the request of the associations to intervene with the Italian authorities in order to determine the fate of missing persons. A special subcommittee on illegal migration was formed by the new secretary to inquire into the disappearances at sea and also into the Tunisian prisoners in the Italian and French centres. The Tunisian Ministry of Interior, publicly delivered a personal database of approximately 300 missing migrants which was presented to the Italian authorities. Only half of the migrants sought were recognized by the Italian authorities as having been identified on their arrival. For political reasons, perhaps, associations like the FTDES and the AFVIC had hardened their tone and criticized the government for its lack of “seriousness” in the investigations into the missing.

The shipwreck of a boat transporting 130 to 140 migrants off the Italian island of Lampedusa in the night of 6 September 2012 shocked public opinion in Tunisia. Only 56 migrants were saved, which means that 70 to 80 migrants drowned. Demonstrations and sit-ins in front of the Ministries of Interior and Foreign affairs were organised by the families and the close relations of the missing, supported by certain organizations like the FTDES and the AFVIC. Most migrants came from the poor suburbs of Tunis (Jbel Lahmeur, Kabbariya), from interior towns (the Fahs) or even from poor neighbourhoods of Sfax. The head of the smuggling network, with his assistant, who organized the voyage, were arrested and placed in the justice system.

The Ministry of Justice announced the reactivation of the provisions of the organic law of February 2004³⁵ concerning action against officials in charge of smuggling and human trafficking. The application of this law has been suspended immediately after the revolution.

The Tunisian and Italian governments announced the creation of a technical committee of inquiry into the causes, the course and the consequences of this sinking. The investigation was designed primarily to “establish the identity of the remains drawn from the waves or rejected on the beaches to respond to the distress of the families...”³⁶. In addition, the two governments announced the revision of bilateral agreements on migration to give them a “global dimension taking into account the causes which push young Tunisians to risk their lives at sea” (Ibid)

Gray areas persist around this sunken ship: why were the drowned not rescued in a well supervised zone which was intensely scanned by radars? Who smuggled or helped smuggle the migrants? Were there crimes and violence committed on board against travellers before and during

³⁴ In particular, the case of "Liberty 203", a Tunisian navy ship hit, 10 February, 2011, in the Tunisian territorial waters off the coast of Zarzis, intentionally according to some witness, a boat of Tunisian migrants leaving for Lampedusa. The accident resulted in the drowning of twenty. Despite complaints from the victims' families, supported by the CSO, no trial has yet taken place.

³⁵ Organic law no. 2004-6, of February 3, 2004, modifying and supplementing law no. 75-40 of 14 May, 1975, relating to passports and travel documents (JORT no 11 of 6 February, 2004. pp 252-253).

³⁶ TAP (Tunis Africa Press) Agency. 13 September, 2012

the sinking? These unresolved issues have led some influential civil society organizations (LTDH, UGTT, FTDES) to demand an independent commission of inquiry. This commission would include the authorities, the CSOs concerned and representatives of families of victims, which the Governmental authorities still reject today.

b) What are the relations between Tunisia and its resident diaspora abroad: differences in the composition of representative bodies of Tunisians abroad

Shortly after the fall of the regime, organised and political activists opposed to Ben Ali besieged offices, residences and buildings occupied by the close relations of the regime in the principal immigration countries of Tunisians: France, Italy, Belgium, Switzerland, etc. These included cells and associations of the single party which ruled Tunisia (RCD), now dissolved, buildings of fictitious associations all subject to the regime, etc. All these buildings were used to spy on and control the Tunisian community abroad. A large number of documents and records were seized and were examined by the commission against corruption and nepotism and by the courts.

In addition, Tunisian immigrant organisations, especially those in Europe (associations, federations and collectives), set up “Tunisian immigration conferences”³⁷. These were “to reflect on drafting a list of demands which would be given to the Tunisian authorities produced by the revolution” (Ibid).

In the months which followed the regime change and until the elections of 23 October, 2011, these organizations, through their representatives, took part in the political transition³⁸ and worked with the participation of the Tunisian communities throughout the world in the electoral campaign.

After the elections and the coming of the Troika³⁹ to power, the new authorities, tried to co-opt these organisations abroad. The authorities did so especially through the Secretary of State for Migration and Tunisians abroad (SEMTE), involve them in the definition of a new immigration policy and a new approach of relations between Tunisia and its nationals abroad. But relations cooled over a matter of months for objective and partisan reasons. In fact, the different aspects affects the composition of the CCTE (Advisory Counsel of Tunisians abroad), the new authority which put forward the earlier demands of the Tunisian community worldwide. Some activists were involved in the electoral campaign of October 2011 and stood as candidates with the parties of the democratic left and the secular parties. But the members of the Constituent Assembly elected on these lists were a minority, the majority having been obtained by parties of the Troika. Therefore, these organisations now cannot control the conditions of formation of the CCTE. They suspect that the new power, dominated by Islamists, is willing to “flood” the CCTE which is projected by new foreign-born associations, and which are close to it, at the expense of the old organizations. These old organisations claim a right to positive “discrimination” in their favour. They see this as their right because of their long fight against dictatorship in Tunisia and for the defence of rights of Tunisian and Maghreb migrants in France. This cannot be said of the new organizations which they compare to the old fabric of ONGs close to the RCD⁴⁰. The FTCT and the organizations which are close to it (UTIT, ADTF,

³⁷ Tunisian immigration conferences 2011. Paris. 7 May, 2011 :

http://www.citoyensdesdeuxrives.eu/better/index.php?option=com_content&view=article&id=2539:les-tunisiens-a-letranger-sorganisent-pour-la-defense-de-leurs-droits-creation-du-comite-de-coordination-provisoire-de-limmigration-tunisienne-a-letranger&catid=193:tunisien-nes-a-letranger&Itemid=163

³⁸ Representatives of the Tunisian communities around the world and of these associations have sat on the HCPRTD (High Commission for the Protection of Revolution and Democratic Transition), which served as an interim legislative body between March and September 2011.

³⁹ Three parties formed the new government after the elections of the NCA: the Islamist party Ennahda, the CPR (Congress for the Republic) and the FDTL (Democratic Forum for Labour and Freedoms) called "Ettakatol".

⁴⁰ No public stance of these new organizations was recorded with respect to government policies followed since the formation of the new government or with respect to civil liberties issues that have arisen in recent months.

ATTS... etc) ended up boycotting the recent consultations organized in Europe by SEMTE for the establishment of the CCTE.

In fact, as of March 2012, i.e. hardly three months after the formation of the new government, relations had become strained between these associations and the Tunisian authorities. It is enough to visit the websites of these associations⁴¹ to see their hostile attitude to the authorities. They blame their lack of firmness for threats and attacks which affect civil liberties, freedom of the press, religious liberty, women's rights, threats of Salafist groups and their call for hatred and religious intolerance. They often join forces with the CSOs of Tunisia⁴² and the UGTT over public positions on the issue of fundamental freedoms and conditions of democratic transition in Tunisia (freedom of the press, independence of the judiciary, transitional justice, etc).

3.2 Advocacies and demonstrations of support for the refugees and asylum-seekers in the Choucha camp

Some Tunisian and international CSOs established in Tunisia included the defence of rights of refugees and asylum-seekers of Choucha camp in their activities.

The FTDES, CeTuMA, the LTDH and the REMDH thus organized seminars, conferences and press conferences to publicise the obligations of the Tunisian government, UNHCR and the Member States of NATO which waged the war on Gaddafi.

At the end of 2011, the number of people falling under the jurisdiction of UNHCR in Tunisia reached 4,670 refugees and/or asylum-seekers. Between February and December 2011, some 3,500 refugees were recorded and recognized by UNHCR and they have all applied for relocation. More Than 15 countries have responded positively to these demands or introduced replacement procedures.

Two issues have been widely debated and discussed by the CSOs:

- Procedures for recognition of the status of refugees by UNHCR. Approximately 300 refugees did not attain this status, which has posed and which still poses the problem of their status in Tunisia, insofar as they do not want to and they cannot return to their country of origin, where they risk life and safety. Tunisia not having a law on asylum, cannot offer a legal framework to regularize their situation and so offer the right to legal residence. The current state of these rejected asylum-seekers is a situation of lawlessness in Tunisia.
- Delays in the relocation of recognized refugees. On 1 September, 2012, more than 2,000 refugees had joined the countries of relocation. Hundreds of others waited for the end of procedures (UNHCR. 2011.2012).

However, UNHCR in Tunis has just announced the closing of the Choucha camp in June 2013 without being sure whether the situation of the refugees or asylum-seekers remaining in the camp would be settled before this date.

There is a growing mobilisation of CSOs in order to meet the needs of refugees and asylum-seekers from the camp

⁴¹ <http://www.citoyensdesdeuxrives.eu/> ; <http://www.atf-paris.fr/>;

⁴² LTDH, FTDES, ATFD...

3rd Part. Migrants in relations between Tunisia and its European partners: evolution and prospects

I. The evolution of negotiations between Tunisia and the EU.

The issue of illegal migration came up again between Tunisia and the European Union and its Member states following the fall of the Tunisian regime and the wave of massive departures towards the island of Lampedusa.

From the beginning of 2011 (January-February), following the landings of tens of thousands of migrants coming from Tunisia and Libya, consecutive to the revolution in Tunisia and the war in Libya, the European Union and its Member states responded to these arrivals.

Italy was the first to approach the interim authorities (Prime Ministers, Ghannouchi and Caid Essebsi), to make Tunisia strengthen its border controls and readmit its nationals who had arrived at Lampedusa (cf 1st part, chapter II, paragraph 2).

As of May 2011, preliminary discussions began between Tunisia and the EU⁴³.

The European Commission proposed on 24 May, 2011 a dialogue with Tunisia, Egypt and Morocco to establish a new framework for co-operation in the management of migration, mobility and security⁴⁴.

Meetings of the European authorities took place in June 2011 to formalize this proposal⁴⁵: the meeting of the Ministers of Interior on 9 June, Foreign Ministers on 20 June then heads of government on 24 June. These meetings led to the proposal for a “Partnership for Tunisia-EU mobility”⁴⁶

An international conference was organized on 13 and 14 July, 2011⁴⁷ on the topic: “The role of migration in supporting the development process in Tunisia after the revolution”.

In this context, a meeting of the Tunisia-EU joint Task force was held in Tunis on 28-29 September, 2011. Its objective was the coordination and especially the mobilisation of efforts in favour of the country and its democratic process⁴⁸

On 18 November, 2011, the European Commissioner for Home Affairs, Cecilia Malström, issued a press release⁴⁹ where she emphasised the principles of this partnership in project (“facilitate legal migration and prevent illegal migration and human trafficking”).

At the end of December 2012, the European Commissioner for Enlargement and European neighbourhood policy, Stefan Füle, reaffirmed the commitment of EU towards Tunisia and confirmed

⁴³ http://eeas.europa.eu/delegations/tunisia/documents/press_corner/discours_icmpd_13_juillet_2011_fr.pdf

⁴⁴ In fact, the idea of a partnership for mobility between the EU and third neighbouring countries was launched in 2007. (Commission Communication of 16 May 2007: [COM\(2007\) 248](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:FR:PDF); <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:FR:PDF>)

⁴⁵ http://eeas.europa.eu/delegations/tunisia/documents/press_corner/discours_icmpd_13_juillet_2011_fr.pdf

⁴⁶ The EU defines the partnership for mobility thus: "These initiatives consist in a specific and concrete offer of dialogue and cooperation between the European Union and its Member States in the areas of immigration law, as well as migration and development in exchange for greater cooperation in third countries in the area of fight against illegal immigration and readmission."(source: http://eeas.europa.eu/delegations/cape_verde/eu_cape_verde/political_relations/partnership_mobility/index_fr.htm)

⁴⁷ By the Diplomatic institute for education and studies (IDFE) under the Tunisian Ministry of Foreign Affairs, in collaboration with the International Centre for Immigration policy Development (ICMPD) (<http://www.icmpd.org/Ongoing-Projects.1640.0.html>)

⁴⁸ http://www.eeas.europa.eu/tunisia/docs/20110929_taskforce_fr.pdf
http://eeas.europa.eu/delegations/tunisia/documents/press_corner/cp_bernardino_leon_fr.pdf

⁴⁹ eeas.europa.eu/rapid/press-release_IP-11-1369_en.htm

that “the EU has [...] decided that Tunisia should be the first recipient of the SPRING program” (program to support partnerships, reforms, and inclusive growth for the countries of the southern neighbourhood region). He also proposed initiating discussions with Tunisia over a mobility partnership and a comprehensive and deep free-trade agreement which should multiply exchanges and mobility opportunities for Tunisian citizens and businesses. The objective is to establish a privileged partnership between the European Union and Tunisia...”⁵⁰

The first visit abroad of the new Tunisian leader after the elections of October 2011 was to Brussels on 2 February, 2012. The leader committed the country to pre-established reciprocal commitments with the EU as recorded before and after the change of government on 14 January, 2011.

In the joint statement issued at the end of this visit, one of the priorities adopted by the two parties was “the resumption of negotiations for the finalization of a privileged partnership which will cover, through a new action plan, all the areas of mutual interest. The action plan will focus in particular on the strengthening of political cooperation, support for democratization, as well as a progressive integration within the internal market of the European Union and will offer multifaceted support of the EU (institutional, financial,...). In order to ensure a more effective coordination of all actions being implemented by the European Union and to enter the field of Education and Employment Policy, and to go hand in hand with the participation of Tunisia in the European space of innovation and research, a dialogue and concrete actions will be established between the EU and Tunisia, in particular within the framework of the subcommittee “social affairs and migrations” [...]. Continued dialogue on migrations, mobility and security, launched in October 2011, *inter alia*, in view of the conclusion of a Partnership for mobility [...]”⁵¹

In a long communication from the High Representative of the EU for Foreign Affairs and Security Policy, dated 15 May, 2012 (JOIN (2012) 14)⁵², emphasis was placed on the context in which negotiations are arranged with third countries of the southern neighbourhood, including Tunisia. It is recalled that partnership agreements for mobility were already signed with countries of the Eastern neighbourhood (Armenia, Georgia and Moldova). Action plans for the liberalization of visa procedures are engaged with Moldova and Ukraine. Readmission agreements were signed with Georgia, Moldova and Ukraine. Others are being negotiated with Armenia and Azerbaijan. On the southern shore of the Mediterranean, negotiations over mobility partnership agreements have been underway with Morocco and Tunisia since October 2011. Egypt has so far refused to take part in these talks, while the EU is presently approaching Jordan hoping to sign a partnership agreement for mobility.

The EU delegation in Tunisia met representatives of Tunisian civil society in June 2012 to consult them on negotiations between Tunisia and the EU for the privileged partnership agreement. The partnership for mobility was one of the topics discussed along with other areas of co-operation. The representatives of the CSO stressed the lack of transparency of the EU as well as the Tunisian authorities, which did not send the reference documents to representatives in advance.

Representatives of the EU, including Stefan Füle, Commissioner for Enlargement and the Neighbourhood Policy, had promised to hold a second round of consultations on key thematic components (political cooperation, economic cooperation, mobility, etc). But this promise of thematic workshops was not kept. The EU delegation in Tunisia and the Tunisian Ministry of Foreign Affairs did, however, end up organizing jointly, on 5 November, 2012, a new day of consultation with the CSO on privileged partnership, in which the signing of the political framework agreement was announced for 19 November in Brussels. Negotiations on the partnership agreement took place from the beginning of 2013 as part of the negotiations on the Comprehensive and Deep Free-trade agreement (ALECA). The mobility partnership will be negotiated within this framework. CSO

⁵⁰ http://eeas.europa.eu/delegations/tunisia/documents/press_corner/stefanfule_1an_dec_fr.pdf

⁵¹ http://europa.eu/rapid/press-release_MEMO-12-62_fr.htm?locale=fr

⁵² http://ec.europa.eu/world/enp/docs/2012_enp_pack/delivering_new_enp_fr.pdf

representatives stressed the need to involve them in the various expected stages of the negotiation process. A document of recommendations and proposals for principles guiding the negotiations on the mobility partnership were prepared and distributed both to the EU and the Tunisian authorities. The recommendations also touch bilateral agreements of migration managements between Tunisia, on the one hand, and Italy and Switzerland on the other.

II. Management of the negotiations by the Tunisian Authorities

On the Tunisian side, files relating to mobility and migration in these negotiations are in the hands of two government departments:

- The Secretary of State for European Affairs/MFA (Ministry For Foreign Affairs);
- The Ministry of the Interior.

Even if SEMTE (Secretary of State for Migrations and Tunisians abroad) competences perfectly cover the migration field, this department contributes only marginally to these negotiations. It is not systematically associated with it, although it is regularly asked to express its points of view on the main issues. The SEMTE was apparently not associated with the symposium organized on privileged partnership agreement on 5 November 2012. The Secretary of State has, however, done much following on from the ship sinking on the night of 6 September, 2012. He was associated with the visit of the Tunisian delegation to Italy for the investigation into this ship loss.

The public statements of some members of the Tunisian government (in particular the Minister for Culture and the Secretary of State for Migrations) suggest that this partnership agreement on mobility would never be signed by Tunisia. At least this agreement would not be sign in terms of their version proposed by the EU. But these leaders do not seem to be the key players of these negotiations.

Thus, Mehdi Mabrouk, sociologist and current Minister for Culture, had stated that “Tunisia would never agree to play the role of police in the Mediterranean, a role played formerly by the deposed Tunisian and Libyan regimes [...]”⁵³.

Houcine Jaziri, Secretary of State for Migrations and Tunisians Abroad expresses his disappointment with the result of the co-operation between Tunisia and the EU in migration: “Great principles born from the Barcelona conference, even multilateral and bilateral agreements on the management of migration flows and human mobility, Tunisia only kept short-lived promises, of non-operational co-operation frameworks [...] Today that we are closer to these countries, culturally, politically and economically, we can expect better things [in our relationship with the EU, especially with regard to the mobility and movement of people], given the strong partners that we have become [...]”⁵⁴

However, we did not identify any critical stance expressed publicly by officials from the Ministries for Foreign Affairs or the Interior *vis-à-vis* the European approach in this area, even if some suggest that Tunisia has “tough” negotiators capable of defending its interests.

The Ministry of Interior maintains its tradition of silence from the former regime and refuses any public position, any statement and even any participation in meetings or conferences on migration, particularly in terms of immigration policy and illegal migration.

In addition, non institutional players abroad began reacting to the logics which these draft agreements imply on migration and mobility between the EU and the countries of the southern neighbourhood (Tunisia and Morocco).

⁵³ TAP (Tunis Africa Press) agency. 28 September, 2012: Illegal migration. Tunisia refuses the role of police of the Mediterranean.

⁵⁴ Declaration at the opening of the international conference called “What is the immigration policy of Tunisia: stakes and challenges” held by the CeTuMA, the REMDH and the Heinrich Böll Foundation. Tunis. 16-17 October, 2012

Finally, Tunisia and the EU signed on 19 November, 2012 the political declaration of a privileged partnership. The two parties have still not made the text of this declaration public, two months after its signature. Apparently in an attempt to soften the EU's position, the SEMTE (Secretary of State for Migrations and Tunisians abroad) held, on 26 and 27 December, 2012, a national conference called "Immigration policy of Tunisia: Challenges and Prospects". One of the major themes of this conference related to relations with Europe and strategic issues.

The recommendations made in this meeting cut across the demands of the CSO and those of the preceding meetings: the need for respect for the rights of migrants regardless of their status; refusal of readmission of nationals to third countries by Tunisia; separation of clauses concerning the development related to the rules of mobility of persons between Tunisia and the EU; balance of agreements as to the obligations of the two parties. Tunisia should sign only obligations to which Member states are also subject.

III. The point of view of academic and alternate circles

1. The counter-proposal of the DIIS: for "a good" Partnership for Mobility

We can announce the proposal put forth by the DIIS (Danish Institute for International Studies) titled "The 'right' Mobility Partnership between the European Union, Morocco and Tunisia"⁵⁵. There it calls for a greater internal solidarity and greater shared responsibilities between the Member states hosting migrants and refugees. It is in favour of a revision of the approach of the EU with more interest being shown towards human rights [*"the management of flows of paperless migrants should not have more weight than the manner in which they are treated"*]. Sitting down and generalising on good practices in the migration management, inside the EU as well as in third countries of the neighbourhood, must be a fundamental objective of dialogue for the partnership agreement. The criminalisation of migrants in countries like Tunisia and Morocco must be abolished. The obligations of non-repression should be respected and reaffirmed. The authors of the note also ask the Member states of the EU to ratify the United Nations agreement for the protection of the rights of all migrant workers and the members of their families (the convention of 1990). They also ask that the Member States respect their obligations in relation to international instruments such as the Geneva Convention, the Universal declaration of human rights, the Convention of children's rights, and that they respect the recommendations of the European Commissioner in charge of Justice, freedoms and safety.

The DIIS proposes that standardised European mechanisms of visa delivery be established in Tunisia and in Morocco in order to centralise and harmonise the procedures. It also proposes that a mechanism of updating of data of the labour market in each member country be coupled with the visa procedure in order to facilitate the mobility of economic migrants. These should no longer be limited to graduates and to the highly-skilled. Their numbers should be extended to other labour categories without university or professional education.

The facilities and the benefits granted to third countries as regards mobility, co-operation and assistance should no longer be subject to the conditionality of "good" co-operation with these countries in terms of border controls and migration flow monitoring. On the contrary, conditionality must relate to the respect of migrants' human rights.

Some alternative media and political circles close to the Green members of the European Parliament are working to influence the European policy here in a direction which is more humane and less security-oriented. They also understand the need to put human rights at the heart of migration policies and to make them more flexible. In this way the mobility conditions for migration between the EU and its eastern and southern neighbours would not be hardened still further.

⁵⁵ http://www.diis.dk/graphics/Publications/Policybriefs%202011/mobility%20partnership_web.pdf

2. EUROSUR the European project risks the infringement of fundamental human rights

The Heinrich Böll (Heinrich Böll Stiftung) Foundation, in partnership with the European Free Alliance (Greens in the European Parliaments) has just completed a study titled “Borderline: The EU's New Border Surveillance Initiatives. Assessing the Costs and Fundamental Rights Implications of EUROSUR and the “Smart Borders” Proposals”⁵⁶. It is a document that discusses new initiatives in the EU for border surveillance, called “EUROSUR”⁵⁷, and its impacts on fundamental rights. EUROSUR is, to some extent, a roadmap aimed at strengthening the surveillance of external borders against irregular migration and transnational criminal networks. In practice, this mechanism is intended, once fully implemented, to allow Frontex, thanks to an arsenal of sophisticated technology (drones, satellites, radars, air and maritime surveillance, etc), to detect migrant vessels leaving the North-African coasts and to track them in the Mediterranean (Ska Keller, 2012)⁵⁸

Tunisia will necessarily be involved in EUROSUR. It will be called to contribute to the fight against illegal migration and against cross-border crime through information exchange and border check coordination to block migrants’ departures. The idea is that it is part of a new system of border control being set up, called “*Seahorse Mediterraneo*”, of which the stakeholders are Italy, Malta, France, Algeria and Tunisia. Egypt refused to join the scheme. It is, in fact, the fourth such regional arrangement involving the Member states of the EU, since three other networks are already operational in and around the Canary Islands, the Baltic Sea and the Black sea.

The main criticism of this European project lies in the fact that it will further buttress “Europe Fortress”, which will affect the obligations of the EU as regards human rights. It will strengthen the diffuse negative image within Member States, and even within the European Commission, on irregular migrants who are seen as a threat to the internal security of Europe.

EUROSUR will also strengthen the outsourcing of border controls towards third countries in the neighbourhood. There is then a danger that they will break the obligations of the EU and its Member states in terms of international instruments of protection and respect for human rights. This new mechanism has no obligations for the Member States or Frontex in terms of search and rescue at sea. Further it does not comprise mechanisms of control and regulation of surveillance and border-control operations by European countries or by associated Non-Member States from the point of view of their respect of human rights and personal data collected within the framework of surveillance devices.

Conclusion: Tunisia’s migration “projects”

Three major projects have been underway in Tunisia since 2011 and they are to be taken forward in the coming months.

- The establishment of an immigration policy based on good migration governance regardless of the origin or the destination of the flows or their contents. This policy affects Tunisians residing abroad as well as foreign nationals who come or live in Tunisia. Relations with the diaspora and the reform of the consular service are part of the missions assigned to SEMTE (Secretary of State for Immigration and Tunisians abroad). The mobilisation of diaspora savings and the establishment of an Agency for migration and development are part of the planned actions to improve the involvement of the diaspora in the development of zones of origin.

⁵⁶ http://www.boell.de/downloads/DRV_120523_BORDERLINE_-_Border_Surveillance.pdf

⁵⁷ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Establishing the European Border Surveillance System (EUROSUR): http://ec.europa.eu/home-affairs/doc_centre/borders/docs/eurosur%20final.pdf

⁵⁸ <http://www.greens-efa.eu/fr/une-europe-sous-surveillance-7679.html>

- The reorganisation of structures and organizations responsible for the management of migration issues and, in particular, the coordination of their actions in order to avoid conflicts in jurisdiction and the duplication or overlapping of any interventions. Competences as regards labour migration (or what is referred to as “international work”) are dispersed between several agencies and government departments, whereas it is an area where Tunisia is well positioned to be able to respond quickly and with quality requirements that can be expressed on the labour markets of destination countries (in particular in Europe, Libya and in the Gulf countries).
- The definition of a clear policy and principles establishing the framework for negotiations and future partnerships with the European Union and its member countries in the areas of mobility and movement of people: visa policies, professional migration, association of Tunisia in the European debate on mechanisms and means of fight against illegal migration and against smuggling of migrants, etc. Tunisia must place the respect of its international obligations and those of its European partners as regards fundamental human rights and the dignity of migrants at the centre of any immigration policy.

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