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Reinventing a broken wheel: what the EU-Tunisia Deal reveals over Europe's migration cooperation

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What the EU-Tunisia Deal Reveals over Europe's Migration Cooperation

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Reinventing a Broken Wheel

On 16 July, the European Commission and the Tunisian government signed a new strategic partnership on migration, sparking outrage by European parliamentarians, researchers and civil society actors given Tunisia's autocratic turn since 2021 and the recent flaring up of racial and xenophobic violence.

Under the memorandum of understanding (MoU), the EU will provide Tunisia with around €100 million for migration control measures, as well as a €900 million macro-financial aid package covering areas such as trade, investment and energy cooperation. In return, Tunisia will cooperate on border security and the return of Tunisian citizens who irregularly arrive or stay in Europe, but President Saied has also made clear that Tunisia has no intention of becoming Europe's border guard by taking back third-country nationals.

The deal is emblematic of the blind spots of trans-Mediterranean migration cooperation over the past decades: First, a growing reliance on informality and symbolic politics at the expense of accountability; and second, a persistently Euro-centrist perspective that overlooks the dynamics South of the Mediterranean, with dire policy consequences.

What does the deal mean for Tunisia?

The themes, promises and dynamics around this 'new' strategic partnership are all but new. Since the 1995 Association Agreement, migration has been a cornerstone of EU-Tunisian relations. The most recent 2014 Mobility Partnership between the EU and Tunisia's then-democratic government contained strikingly similar goals to the one negotiated this year: externalizing border controls, incentivizing migrant returns, leveraging the migration-development nexus and facilitating limited legal migration opportunities.

Over the past decades, countless measures have been announced to "solve the migration problem" across the Mediterranean, but few have been successfully implemented. So why should it be different this time? To understand why the deal will likely not lead to more returns, less irregular and more legal migrants, one needs to understand migration as an essential ingredient for socio-economic development on both

sides of the Mediterranean, and thus pay attention to the complex political dynamics on migration not only in Europe but also in Tunisia. However, in European media and political discussions, the interest structures and power dynamics around migration in 'third countries' such as Tunisia remain black boxes. Why did Tunisia's government agree to this deal? Why now? And what does it mean for Tunisia's citizens and migrants?

In fact, over the past six months, Tunisia has undergone a radical transformation with regards to its political treatment of immigration: On 21 February, Tunisian President Saïed held a speech in front of the National Security Council in which he claimed that "*there is a criminal plan to change the composition of the demographic landscape in Tunisia and some individuals have received large sums of money to give residence to sub-Saharan migrants.*" His speech unleashed unprecedented xenophobic violence and racial tensions across Tunisia, ranging from raids of migrant homes and violent attacks on the streets to hasty departures across the Mediterranean and police-led expulsions of migrants to the desert, in some cases leading to their death.

The anti-immigration, nationalist-populist register of Saïed borrows from well-known far-right discourses in Europe and North America. But it is important to note that this is a novelty in Tunisian politics. So, how come that immigration has suddenly been politicized by President Saïed? And will Saïed's discursive alignment with Europe 'solve' the decade-long deadlock on migration securitization across the Mediterranean? Likely not. However, examining these questions brings a missing piece to the puzzle of trans-Mediterranean migration cooperation.

As I argue in my recent book, the Euro-centrism dominating migration debates blinds Europeans about what is at stake for their 'cooperation partner', in this case Tunisia's government but also citizens. It also misguides policy strategies by privileging informality and symbolic politics over accountability and transparency.

The perils of informality and symbolic politics

The EU-Tunisia migration deal indeed exemplifies the rise of informal, soft law policy tools and the dominance of symbolic politics in European migration cooperation, with risks not only for the migrants targeted but also for European citizens at large.

As the German newspaper Die Zeit revealed in early August, the deal – spearheaded by 'Team Europe', i.e. the EU Commission President Ursula von der Leyen, Dutch PM Mark Rutte and Italian PM Giorgia Meloni – has bypassed standard legal procedures. In particular, the MoU has not respected articles 16 and 218 of the Treaty on the Functioning of the EU (TFEU), which require the consultation of the European Council and Parliament before signing a MoU with a third country. This has created discontent within other European institutions and EU foreign ministries and underscores the politically fragile nature of this deal. While the primary contention surrounding the deal is procedural, Germany, along with Luxembourg and Ireland, also expressed concerns about its human rights implications.

The sidestepping of legal procedures is indicative of EU leaders' intent to avoid prolonged internal debates and gridlocks around migration, and instead to secure quick symbolic gains. Yet, while these *ad-hoc*, symbolic politics might provide short-term political benefits – showcasing action towards political constituencies without sovereignty loss or substantive commitments –, they bear five main perils:

First, a legal risk: Where decisions are made outside of legal frameworks, they become difficult to monitor, evaluate, and ultimately prevent judicial review by the Court of Justice of the EU (CJEU). The fact that, in 2017, the CJEU declared that it lacked jurisdiction to legally scrutinize the EU-Turkey statement on migration due to its non-binding nature is a worrying example. The reliance on soft law thus undermines the institutional credibility and legal accountability of European migration policies.

Second, a geopolitical credibility issue: Where there is little legal commitment from European actors, especially when it comes to tangible visa facilitations or legal migration opportunities, there are fewer incentives for 'partner countries' such as Tunisia to live up to promises made on return or border control.

Third, the continuation of counterproductive measures: With little accountability and monitoring, potentially unintended policy effects also remain out of scrutiny. For instance, studies have shown that efforts to 'combat' human trafficking through more border security are counterproductive, as they push migrants to take longer, more dangerous and more costly routes. This, in turn, fuels the professionalization of trafficking networks and increases their profits, instead of preventing human exploitation.

Fourth, a distortion of perceptions: Relying on symbolic politics risks decoupling political narratives on migration from migration realities on the ground. This distorts perceptions about what the policy issue that requires governing actually is. For example, efforts devoted by European policymakers to govern irregular migration are disproportional considering that it constituted less than 10% of Europe's annual immigration over the past 15 years (with the exception of 2014-2016).

Lastly, *ad-hoc*, symbolic politics also bear a democratic risk: By mediatizing that 'something is done' about immigration without following up on implementation, policymakers risk exacerbating feelings of loss of control among European citizens. This might trigger a vicious circle where politicization first breeds symbolic responses, which in turn amplifies public dissatisfaction and ultimately allows populist-nationalists to capitalize on this discontent.

Communicating to European citizens that migration is not "a problem to be solved" but an intrinsic part of human development that needs to be carefully governed would strengthen European democracy and leadership accountability. It would also make Europe's leadership less vulnerable and more credible in front of its external partners.

The blind spots of Euro-centrism

These external partners are often absent in European debates on migration cooperation and control. The lack of attention to socio-political power dynamics around migration South of the Mediterranean is problematic, as it blanks out what is at stake for 'cooperation partners', how policy proposals are received and what dynamics will inform their (non-)implementation.

In Tunisia, like in many countries of the so-called 'Global South', immigration has largely been a non-issue, with politicians more concerned about emigration. Under the former authoritarian regime of Ben Ali (1987-2011), immigration was a taboo topic. At the same time, securitizing irregular migration and cooperating with EU countries on border controls allowed Ben Ali to bolster Tunisia's image as a reliable partner for the EU while increasing the state's surveillance capacities. However, little was done to effectively halt Tunisians and sub-Saharan Africans from leaving for Europe, given the crucial role migrant remittances play for Tunisia's population.

In the context of Tunisia's 2011 revolution, freedom of movement was initially seen by Tunisian leaders as part of the newly gained civil and political liberties. Political elites returning from European exile were keen to draw on their own experience as emigrants to improve the situation of immigrants on Tunisian territory. However, the rights of immigrants were soon relegated to the background, with economic and security issues taking over the political agenda. Although a section of Tunisia's very active civil society continued to lobby for migrant rights, there were no notable revisions to Tunisia's immigration policy. Overall, immigration remained depoliticized, as leaders feared that the issue could exacerbate national identity debates and undermine Tunisia's democratic progress.

Why then has immigration suddenly been politicized by President Saied in February this year? Does this indicate an alignment of Tunisia with Europe's migration control agenda? No. The recent migration deal does not symbolize, as is often portrayed, Tunisia's surrender to European pressures on migration externalization. Quite the contrary – the current developments showcase how easy it has become for political leaders worldwide to exploit nationalist-populist anti-immigration rhetoric for their own political gains. With Saied actively dismantling Tunisia's democratic achievements since 2021, the nationalist-populist recipe of scapegoating migrants and international institutions comes in handy to wage an identity war as a way to distract Tunisians from the government's economic and political mismanagement.

Nationally, the deal offered a window of opportunity for Saied to position himself as Tunisia's strongman and to bolster the country's security apparatus through large-scale European funding. Internationally, it allowed Saied to play on the fears and hopes of European leaders seeking to "solve the immigration problem".

Europe's relentless attempts at securing cooperation on migration control have thus progressively turned immigration from a non-topic in Tunisia into a foreign policy asset and, more recently, into a nationalist-populist policy tool. However, the politicization of immigration in Tunisian domestic politics will – in the long run – make it rather more difficult for Europe to cooperate with Tunisian actors on migration. In fact, while the discursive alignment of Saied with Europe's (far-)right leaders looks 'promising' for the latter at first sight, the substantive alignment primarily concerns the crack-down on 'undesired' migrants. When it comes to defining who qualifies as 'un/desired' and how Tunisia can secure emigration opportunities for its citizens – vital for the country's economic and political stability – positions are likely to rapidly diverge.

Reframing the debate

The recent migration deal may symbolically serve the low-cost, high-gain instrumentalization of migration for nationalist-populist agendas on both sides of the Mediterranean. However, it is unlikely to significantly alter EU-Tunisian migration cooperation on the ground. Instead, it will probably exacerbate the perils of informalization and symbolic politics by distorting perceptions, undermining Europe's geopolitical credibility, eroding legal and democratic accountability for migration policy, and ultimately failing migrants, Tunisian and European citizens alike.

To remedy this, a frank conversation on migration cooperation that acknowledges migration as a crucial ingredient for socio-economic development on both sides of the Mediterranean is urgently needed.

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