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Boats of migrants floating on the sea, photo: shutterstock.com

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Further Externalization of EU Migration Policy: The Reinforced Gatekeeping Role of North African States

Sára Kmeckó

Abstract

The externalization of the migration policy of the European Union has been practiced for several decades. Moving the EU's migration border control outside the EU appears as a guiding principle in the draft of the New Pact on Migration and Asylum presented by the European Commission in the fall of 2020. One of the central elements of the pact is the promotion of migration partnerships with third countries bordering the EU. North African states are the primary focus of cooperation efforts. For non-EU states, collaboration in the field of migration may seem advantageous because they are country-specific and cover many other policy issues that are vital and favorable for them. However, by outsourcing external border security, the European Union puts a significant burden of responsibility on the shoulders of third countries, so it is worth asking whether and how they will be able to meet the tasks and expectations defined in the agreement.

Keywords: Migration Pact, third countries, gatekeeper states, North Africa, Tunisia

Introduction: the externalization of the EU's migration policy

The Treaty of Amsterdam, which entered into force in 1999, enabled the European Union to take the most important steps towards the establishment of a Common European Asylum System (CEAS). According to the terms of the treaty, migration policy was to form part of common EU policy from 2004, breaking with the exclusively intergovernmental arrangement defined in the Maastricht Treaty adopted in 1993. The “communization” provisions of the Treaty of Amsterdam made it possible to begin designating political guidelines for migration subjects. In the Treaty of Lisbon, which entered into force in 2009, the EU made a further effort to create a common system containing uniform legal status and procedures.

Today, migration policy is one of the EU's foreign relations policy areas, in which various cooperation agreements with countries of origin and transit countries play a prominent role. Partnership programs with third countries are tailored policy packages designed to reduce migration pressure on the EU by limiting the number of migrants. The willingness of partners to cooperate is increased by the fact that, in addition to issues concerning migration, the partnership also extends to policy areas beneficial to third countries, including economic and social reforms.¹

Moving EU migration border controls outside the Union is an exercise reflecting decades of failure in common migration policy. As part of its externalization policy, the EU involves the countries of origin and transit as third parties in strengthening the protection of its external borders, while partially transferring the implementation of migration policies to them. In this process, preventing migrants from reaching the territory of member states takes priority over the protection of human rights. This is closely related to the EU's effort to achieve all this by outsourcing responsibility for the management of migration.² Migration cooperation between the EU and third countries is characterized by asymmetry, as the migration agreements created a balance of power in which the EU is the only actor able to define the rules. However, migration agreements can endow individual third countries with opportunities for blackmail if they skillfully exploit their favourable geostrategic position.

The migration crisis of 2015 justified an intensification of the externalization policy. In the context of the uncontrolled migration wave triggered by the events of the "Arab Spring/Islamist Winter" that erupted at the end of 2010, the majority of those applying for asylum in Europe came via Turkey. This necessitated the widely criticized agreement signed between the EU and Turkey in 2016, aimed at outsourcing migration burdens. According to the non-binding declaration, Turkey assumed responsibility for the reception and integration of refugees,³ as well as for keeping the large numbers of migrants beyond the borders of the EU. In exchange for all this, the EU provided financial support and promised to speed up Turkey's EU integration. Former German Chancellor Angela Merkel, one of the main

¹ KILIC 2019, 11–15.

² The practice of outsourcing European border security raises the possibility of EU responsibility for possible human rights violations committed on the territory of third countries. Due to the human rights situation in Libya and migration cooperation with the country, the EU has received a significant amount of sharp criticism. SANTOS VARA – MATELLÁN 2021, 316–321.

³ The official Turkish approach to Syrian refugees staying and living in Turkey continues to be characterized by calls for "harmonious coexistence" instead of integration. The majority of Turkish society supports the return of Syrian refugees and opposes granting them Turkish citizenship. PÉNZVÁLTÓ 2021, 10.

supporters of the agreement, expressed her belief that the EU-Turkey declaration could serve as a model for future EU cooperation agreements to be concluded with North African states to curb migration pressure towards Europe.⁴

Since then, migration agreements with third countries have become even more central. The foreign policy approach based on the involvement of third countries, to mitigate migratory pressure, also plays a special role in the draft of the New Pact on Migration and Asylum presented by the European Commission in September 2020. The present analysis provides a brief overview of the major stages of the externalization of EU migration policy concerning the North African states and also presents the migration agreement concluded between the European Union and Tunisia in the summer of 2023. The importance of the latter is supported by the fact that many people see Tunisia as an experimental state for the cooperation mechanism. Our analysis also covers the expected effectiveness of similar collaboration efforts in the future, as well as the extent to which they can be considered a real or at least short-term solution.

Focus on migration cooperation with North African states

Although the agreement concluded between the EU and Turkey in March 2016 is considered an important milestone in curbing irregular migration,⁵ it did not bring a halt to migratory pressure on Europe. Since 2016, there has been a significant change mostly in the high influx of migrants on individual irregular migration routes: today, migrants generally try to reach Europe via the Central Mediterranean instead of the Eastern Mediterranean route. According to Frontex data, 93% of illegal border crossings registered at the external borders of the EU in the first nine months of 2017 took place on this route.⁶

Furthermore, North African countries are traditionally regarded as countries of origin, however, due to the political and economic instability resulting from the “Arab Spring/Islamist Winter” series of events that erupted at the end of 2010, as well as certain negative trends in the social sphere, they have since become significant migration transit countries. These changes have led European decision-makers to focus their attention on the central Mediterranean. After the migration agreements concluded with the countries of origin did not prove sufficient to deal

⁴ GOULARD 2016.

⁵ While 885,583 people reached Europe via the Eastern Mediterranean route in 2015, this number had dropped to 42,319 by the end of 2016. EUROPEAN COUNCIL 2023.

⁶ FRONTEX 2018.

with the problem, the European Union was forced to develop deep migration cooperation with the states located along the southern Mediterranean coast – especially Libya and its neighbors – because the vast majority of irregular migrants who reach the shores of Europe via the Central Mediterranean route start their journey by sea from Libya, which since 2011 has had an uncontrolled coastline of about 1700 km.



Figure 1 The central role of Libya in the Central Mediterranean migration route (UNHCR 2017, 1.)

The failure of the EU return system: the designation of North African states as safe third countries

Due to efficiency problems in the EU return system, the idea of settling irregular migrants returned from Europe in third countries that were considered safe, including North African states, came to prominence as early as the mid-2010s. This proposal was supported by Hungary, Austria, and Germany, among others. As a result, one of the constant but rarely applied elements of the readmission

agreements concluded by the European Union has acquired a new meaning. The so-called “Third-Country National” or TCN clause allows irregular migrants to be sent back to the third country through which they entered the territory of the European Union. The clause is usually opposed by the third states in question, given the political sensitivities involved, and is used only sporadically as a result of various legal concerns.

The clause also gained great importance because the countries of origin are reluctant to take back irregular migrants returning home from Europe. Although it is expected that individual states will readmit their citizens, based on customary international law, in most cases migrants are not readmitted. Since the 1990s, the EU has added a readmission clause to its agreements with third countries to strengthen the obligation upon countries of origin. (EU agreements are parallel to and take precedence over bilateral readmission agreements concluded by individual member states.) Nevertheless, due to the difficulties of cooperation with the countries of origin, the number of irregular migrants returning home from Europe voluntarily or through deportation remains low, at only around 20%.

This lack of political will can be traced back to the fact that individual states try to prevent the readmission process in different ways, especially if their citizens do not have an official travel document. In the examined period from 2014 to 2018, the largest number of non-returned irregular migrants, in terms of country of origin, came from Afghanistan, Morocco, Pakistan, Iraq, Algeria, Nigeria, and Tunisia. Regarding the effectiveness of readmission agreements, it can be said that the EU achieved only moderate success in the period between 2015 and 2020,⁷ and the failure⁸ of the EU’s return policy acts as an incentive for people considering irregular migration.

The European Commission therefore put forward a new proposal⁹ for the revision of the EU return directive in 2017. In this context, the EU assured North African countries of its support, realizing the need to develop a more effective migration policy, as part of which the deficiencies¹⁰ that have been evident in the North

⁷ EUROPEAN COURT OF AUDITORS 2021, 7–11, 17, 22–23.

⁸ Nevertheless, it is worth noting that the European Union has achieved significantly greater success in recent years with regard to readmission mechanisms that apply “soft law” and do not have legally binding force. In the case of mechanisms that apply a more practical approach, it is worth highlighting the rules established in the basic treaties and by the EU-Turkey declaration, by bypassing the Court of Justice of the European Union, and the migration agreement between the EU and Afghanistan that entered into force in 2016. SANTOS VARA 2019, 21–23, 28, 33.

⁹ EUROPEAN COMMISSION 2017.

¹⁰ HANLON – HERBERT 2015.

African border security architectures for many decades would be eliminated, and the cross-border exchange of information between Africa and Europe, as well as the North African states, will be increased. As part of this, the supply lines of human trafficking networks were also to be dismantled. The strengthening of capabilities related to protection and humanitarian assistance to asylum seekers was also formulated as an expectation. Efforts to quickly conclude negotiations on readmission agreements with Algeria, Morocco, and Tunisia were also an important element of the proposal. According to the proposal, the North African states must readmit not only their citizens staying illegally in the territory of the European Union but also asylum seekers of other nationalities whose applications have been rejected by the EU.

The outsourcing of the protection of the EU's external borders gave the North African countries an important role as gatekeepers. For the North African states, the EU provides the financial support to carry out the above-mentioned tasks, as well as introducing trade concessions and applying incentives related to the facilitation of visa application procedures. According to the cooperation – which the EU calls a “new result-oriented Migration Partnership Framework” – the European Union is striving to establish targeted cooperation frameworks with the countries in question, and placing special emphasis on cooperation with Libya, which is still on the brink of civil war. The proposal adopted at the Malta Summit and further migration plans based on the EU-Turkey agreement were already harshly criticized by various NGOs who pointed out that concerning Libya, which is considered a safe third country, there is a contradiction between respecting the human rights standards professed by the EU and the provisions set out in the proposal, which call these same values into question.¹¹ However, these collaborative efforts brought results, at least until 2020: in 2019, the number of migrants reaching Europe illegally fell to 14,003, representing a 13-fold reduction compared to the 2016 data.¹²

In addition, in 2018 the European Union also attempted to create regional disembarkation platforms.¹³ The most significant difference between these facilities and the system consisting of reception stations (hotspots), which is one of the key elements of European migration management, is that, unlike hotspots, the regional disembarkation platforms were not intended to be established within the territory

¹¹ ABDERRAHIM – KNOLL 2017.

¹² EUROPEAN COUNCIL 2023.

¹³ As early as 2016, Hungary was calling for the establishment of a similar facility in Libya. According to the proposal, all migrants trying to reach Europe would have had to wait for the assessment of their asylum application in this facility. At the time, the proposal was rejected by Libya's Government of National Unity and the European Commission. BBC, 2016.

of the member states, but beyond the borders of the EU. It was envisaged that both the UNHCR and IOM would have contributed to the operation of these facilities. According to the concept, the separation of those entitled to asylum from economic migrants would have taken place at centers established in North African countries. The former would have been distributed among the member states, while the latter would have been sent back to their countries of origin. By these means, the EU would have attempted to further pass on the responsibility for migratory pressure, but the proposal was immediately rejected by Morocco, Algeria, and Tunisia for reasons of security, domestic and foreign policy.¹⁴ There are several reasons for this lack of receptiveness among North African countries: since the host states would have been responsible for the long and complex process of returning ineligible asylum seekers to their countries of origin, they would have taken on unwanted problems. In addition, public opinion in these North African countries would not have supported the establishment of these facilities either.¹⁵

The tasks allocated to the North African states in the New Pact on Migration and Asylum

In September 2020, the European Commission presented the draft of the New Pact on Migration and Asylum, which generated heated debate. With the re-regulation¹⁶ of the asylum and migration provisions, substantial progress was made only in the summer of 2023. Sweden, which took over the presidency of the Council of the European Union from the Czech Republic, listed migration as one of the priorities of its presidential term. In the Council of the Interior and Justice of the EU, the ministers agreed on the new pact on June 8, and at the meeting of the Council on June 30, the member states voted for the package of regulations, though it was rejected by Hungary and Poland. The Commission intends to implement the package of regulations before next year's European Parliament elections, but this will also require ratification by the European Parliament. The continuation of legislation related to the pact on migration is also treated as a priority task by the current Spanish presidency. (It is worth noting that, depending on the outcome of the Spanish elections in July, changes in government policy are conceivable, which may have a significant impact on the realization of the goals set by the Spanish presidency.)

Political decision-makers in the EU have identified North Africa as a key element in the management of the migration crisis on several occasions over the past decade.

¹⁴ EUROPEAN INSIGHTS 2018.

¹⁵ ABDERRAHIM 2019.

¹⁶ DOBÓ – MARSAI 2023.

However, the migration agreements concluded in previous years only brought success in the short term. This is shown by the fact that since 2020, the number of people arriving in the EU via the Central Mediterranean route began to increase again. According to Frontex data, nearly 36,000 irregular migrants arrived via the Central Mediterranean route in 2020, two and a half times more than in the previous year. This process, contrary to the interests of the EU's security and defense policy, has intensified in the past two years: in 2021, nearly 68,000 irregular migrants reached the external borders of the EU via the Central Mediterranean route, and this figure rose to more than 105,000 in 2022. By May 2023, almost half as many people had arrived as in the whole of the previous year.¹⁷ Therefore, it can be assumed that the number of irregular migrants from North African states trying to reach Europe will continue to rise.

| Year | Number of irregular migrants |
|------------------|------------------------------|
| 2017 | 118 962 |
| 2018 | 23 485 |
| 2019 | 14 003 |
| 2020 | 35 628 |
| 2021 | 67 724 |
| 2022 | 105 561 |
| 2023 (until May) | 50 318 |

Table 1 The number of irregular migrants entering the territory of the European Union via the Central Mediterranean route between 2017 and 2023¹⁸

Being keenly aware of these negative trends, the European Union realized that to curb irregular migration more effectively, it would have to cultivate closer cooperation with the North African states. Therefore, one of the key initiatives of the New Pact on Migration and Asylum is the further development of migration-related partnerships with North African states, which are both transit and origin countries. For the Commission to be able to reach an agreement with the North African states – and so that the processing of migrants heading Europe could be done outside the borders of the EU – in recent months, several high-ranking EU officials and member state leaders have visited the Arab countries along the southern coast of the Mediterranean. The European Union has so far concluded a migration agreement with Tunisia and plans to conclude similar agreements with Morocco and Egypt in the future.

¹⁷ EUROPEAN COUNCIL 2023.

¹⁸ Data source: EUROPEAN COUNCIL 2023.

Tunisia

Tunisia, like other North African states, is traditionally considered a country of origin when it comes to migration. The Tunisian state, considering its national economic interests, explicitly supported its own citizens' search for employment in Europe, because by these means they were able to reduce domestic unemployment. In terms of migration, however, a significant change took place in the 1990s. After the adoption of the Schengen Agreement, citizens of North African countries could only work in Europe with a visa. Since the desire of North Africans to work in Europe did not decrease, this contributed to the growth of irregular migration from North Africa to Europe. The first illegal routes were formed in Tunisia and Libya when the drug- and arms-smuggling networks active in economically deprived regions, which were informally tolerated by the state, diversified their activities and started to engage in human trafficking. Thanks to their successful activities, an increasing number of migrants from sub-Saharan countries also crossed these routes, and by the beginning of the 2000s, the region was considered an important transit area.¹⁹

Close migration cooperation between the EU and two third countries, Tunisia and Libya, as well as between these two states, began as early as the beginning of the millennium and achieved considerable success. The reason for this is that the leaders of the two North African states, yielding to European political and diplomatic pressure, were ready to cooperate with European member states to curb irregular migration to Europe and, at the same time, to protect the EU's external borders. However, this favorable cooperation, at least from the point of view of European security interest enforcement, ended in 2011, after the North African states were no longer able to fulfill their previous role as gatekeepers due to increasing political instability and an emerging power vacuum. As a result of deficiencies in the border security architecture, these North African states were no longer able to stop irregular migrants heading north from sub-Saharan countries, which significantly contributed to aggravating the European migration situation, which is still awaiting a solution.

After the departure of President Zin el-Abidine Ben Ali, who had ruled Tunisia since 1987, in early January 2011, the country's border control collapsed. Due to the confusion caused by the "Jasmine Revolution", the state was not able to devote sufficient attention to curbing irregular migration from the Tunisian coast to Europe. For this reason, in 2011, the number of illegal migration border crossings originating from Tunisia on the coast of Italy showed a 40-fold (4.192%) increase compared to the previous year (from 652 to 27,982). Thanks to the migration

¹⁹ TRIANDAFYLLOU – MAROUKIS 2012, 33; HERBERT 2019, 5–7.

agreements between the European Union and Tunisia established after 2011, however, a significant decrease in irregular migration from Tunisia to Europe was observed until 2020.²⁰

The intensification of migration pressure, beginning in 2020, led to several closely related economic and social factors (previously inherited economic problems, COVID-19, a shrinking middle class, government failures, and the war in Ukraine). The severity of the situation is illustrated by the fact that in 2022 the Italian authorities arrested more irregular migrants traveling from Tunisia than in 2011. Compared to 2021, 15,000 more irregular migrants to Europe were arrested by the Tunisian authorities near the coast and in the Mediterranean. It is also worth mentioning changes in the composition of irregular migrants from Tunisia to Europe over the last three years. Among irregular migrants with Tunisian nationality, an increasing proportion are children, women, and family groups. In addition, last year the authorities arrested nearly four times as many irregular migrants from sub-Saharan Africa than during the preceding year.²¹



Figure 2 The main irregular migration routes starting from Tunisia (HERBERT 2022, 10.)

²⁰ In this regard, the year 2017 was an exception, as the Tunisian dinar lost 30% of its value against the euro. This led to a temporary increase in the number of irregular migrants with Tunisian citizenship. Italian authorities apprehended more than 11,000 illegal Tunisian migrants between 2017 and 2018. By comparison, in 2011, more than 28,000 irregular Tunisian migrants were registered on Italian shores. Another reason for the decrease is that a significant number of irregular Tunisian migrants left for the Middle East instead of Europe and joined various extremist organizations there (the “foreign fighter phenomenon”). HERBERT 2022, 6.

²¹ ABDERRAHIM 2023b, 13–17; 20–21.

In Tunisia's domestic politics, the migration situation, especially concerning foreign irregular migrants leaving Tunisia for Europe, had little prominence in political debates for many years. Irregular migration involving Tunisian citizens was in general only discussed during elections or in the case of shipwrecks with significant losses of life, and parliamentary parties did not otherwise seek to make it a public issue. However, even when it finally did become part of the domestic political discourse, this was framed almost exclusively in the context of individuals' destinies.²² Still, starting from the second half of 2022, the problem came to increasing prominence on the domestic political agenda. In his speech at the February 2023 meeting of the Tunisian National Security Council, President Kais Saied called on the government to take urgent action, both militarily and diplomatically, against the arrival of foreign citizens seeking to migrate through Tunisia. In his speech, he also expressed his conviction that the migration of sub-Saharan citizens to Tunisia posed a threat to the country's demography by leading to a change in the country's Arab identity.²³

For years, the Tunisian president has refused to accept the role of guardian of EU borders for Tunisia. However, a significant change took place in the summer of 2023 regarding the official Tunisian position, when months of negotiations resulted in the conclusion of a strategic agreement between Tunisia and the European Union on July 16. At the signing of the pact in Tunisia, Dutch Prime Minister Mark Rutte, who had in the meantime been voted out of office, and Italian Prime Minister Georgia Meloni were also present. The agreement covers the following five areas: macroeconomic stability, economy and trade, the green energy transition, people-to-people relations, and migration and mobility. Of these, the most prominent is the enhancement of migration-related efforts. In addition to guaranteeing border security, the main goal of the agreement is to curb irregular migration by intensifying the fight against people-trafficking networks. According to the agreement, the EU is to disburse a total of more than one billion euros of financial aid to Tunisia, which has become one of the main points of departure for migration to Europe. Of this, 105 million euros have been set aside for curbing irregular migration.²⁴

This support establishes the financial conditions for Tunisia to build an asylum system and a buffer zone capable of effectively protecting the EU's external borders. This places a huge burden and responsibility on the North African country. Through the construction and operation of an effective border protection system, European

²² HERBERT 2022, 31.

²³ ABDERRAHIM 2023b, 10–11.

²⁴ ZAWYA 2023.

states – in particular Italy – have an interest in designating Tunisia as a safe third country in the long term, to which irregular migrants from Tunisia and other African countries who are heading from Tunisia to the EU can be returned, and where – a plan which has been on the agenda since 2018 – removal centres could be developed to process the large numbers of people trying to reach Europe.

The EU made this financial support conditional on Tunisia coming to an agreement with the International Monetary Fund on the finalization of a loan program that has been under negotiation for two years. However, Tunisia, laboring under a severe economic crisis²⁵ and heavily indebted, is expected to remain ineligible for the IMF's nearly two-billion-dollar rescue package. Regarding the economic problems in Tunisia, Josep Borrell, the High Representative for Foreign Affairs and Security Policy, considered the situation of the North African country to be extremely worrying – according to his statement, Tunisia is on the brink of economic and social collapse. Tunisia's public debt to GDP ratio is currently at around 80%. The country applied for the IMF bailout package in 2021, but the president continues to reject its conditions, which include the privatization of state assets. In his opinion, fulfilling the conditions imposed by the IMF would entail selling the country and further worsening the standard-of-living crisis affecting the Tunisian people.²⁶

The long-term implementation of the migration goals laid down in the pact concluded between the European Union and Tunisia in July is highly questionable because several factors hamper cooperation between the two entities. The amount to be disbursed based on the agreement is not considered significant – it is dwarfed by the twenty-billion-dollar worth of financial support offered to Tunisia and Egypt by the G8 after the “Jasmine Revolution”. With Tunisia facing structurally deep economic and social problems, the amount offered this summer is unlikely to be enough to remedy the problems. Considering this, the extent to which Tunisia will be able to establish effective and well-functioning border protection is highly questionable.

²⁵ Over the last decade, the country's leadership has not developed an adequate solution to overcome its profound economic and social problems. For this reason, the number of people living below the poverty line currently amounts to around half of the country's population, nearly 6 million people. The inflation rate (10%) and the unemployment rate (15%) remain high. As a result of these severe economic difficulties, the degree of “brain drain” is also significant, meaning that a significant percentage of the most highly qualified workforce leaves the country every year. Since 2014, 2,500-3,000 engineers have left Tunisia every year, including 90% of recent graduates. A similar trend can be observed among doctors. ABDERRAHIM 2023b, 5–8.

²⁶ It may be easier to understand the position of the Tunisian president if we recall that as a result of the Structural Adjustment Programs (SAPs) imposed on the country by the IMF and the World Bank in the 1980s, which were meant to lead to economic liberalization, both food prices and the unemployment rate increased significantly. The resulting situation led to riots that claimed many lives. ELDIN – SALIH 2013, 187.

The agreement was also heavily criticized. Some of these criticisms relate to the fact that Tunisia does not differentiate between the status of migrants on its territory, even though the country has signed and ratified the 1951 Geneva Convention relating to the status of refugees. Refugees in Tunisia need a residence permit to live and work legally in the country. Asylum seekers' applications are processed by the UNHCR, but the Tunisian authorities do not recognize its judgments. Furthermore, the country still does not have a migration strategy. Tunisia began developing a national migration strategy after the "Jasmine Revolution", but ratification is still pending. In the absence of this, Tunisia does not have a legal framework for regulating the status of asylum seekers and refugees on its territory.²⁷ According to estimates, the number of sub-Saharan migrants in Tunisia is between 30,000 and 50,000. Several NGOs have highlighted the human rights violations committed by the Tunisian authorities, typically against sub-Saharan migrants, and the ruthless actions taken against them.²⁸ According to the Commissioner for Human Rights of the Council of Europe, Dunja Mijatovic, it is questionable whether the agreement is compatible with human rights standards, and therefore recommends the inclusion of human rights safeguards in the agreement.²⁹ Criticisms of the agreement also center on the methods by which the Tunisian president, who is considered an autocrat, wields power. As is well known, since 2021 Kais Saied has been governing Tunisia through presidential decrees, referring to Article 80 of the Tunisian Constitution. Following the dissolution of the government, the suspension of the parliament, and a referendum held in the summer of 2022, the powers of the president were further expanded. Given the developments of recent years and the political transformation since 2011, Tunisian democracy is considered by many to have been a failed experiment.³⁰

One can only hope that the financial instruments offered by the European Union will indeed give Tunisia a stake in the longer-term fight against irregular migration to Europe. The extent of Tunisia's willingness to cooperate may, however, be called into question. For Tunisia, which is in a favorable geostrategic position, the agreement contains the potential for extortion, which is why it is expected that it will be able to negotiate even greater financial support from the European Union in the future by taking advantage of its favorable bargaining position. Even as early as 2017, European decision-makers began to suspect that the Tunisian leadership

²⁷ ENSARI ET AL. 2023, 19.

²⁸ PARIKH 2023.

²⁹ COUNCIL OF EUROPE 2023.

³⁰ YERKES – ALHOMOUH 2022.

was deliberately not holding back irregular migrants heading to Europe to extract political and economic concessions.³¹

Morocco

Before the European Parliament elections in the summer of 2024, it is expected that, in addition to Tunisia, the European Union will conclude a strategic agreement with Morocco, which is located on the Western Mediterranean route, and with Egypt, to curb irregular migration to Europe. This is less likely when it comes to the other two states of the North African region (Libya and Algeria). Libya, which is still wracked by civil war, cannot be considered a safe third country for the time being. Algeria, meanwhile, has for some time chosen to regard migration policy mainly as an issue of state sovereignty, and so refrains from establishing closer cooperation with the European Union in this field.

Morocco plays a triple role in the migration system of the Euro-African region since it is an origin, transit, and destination country at the same time. Morocco lies on the West African and Western Mediterranean migration routes, so irregular migration from its territory is directed mainly to the Canary Islands, the European continent, and the territory of the Spanish enclaves in Africa (Ceuta and Melilla). Since 2020, traffic along the two routes has been continuously decreasing, thus Morocco contributes significantly to Europe's security. The effectiveness of the fight against irregular migration and human trafficking networks has been significantly facilitated by the country's migration policy, which shows significant differences compared to the strategy followed by Tunisia. Morocco has also ratified the 1951 Geneva Refugee Convention on the Status of Refugees, but unlike in Tunisia, people living in Morocco who do not have Moroccan citizenship have the same freedoms as Moroccan citizens, as per a 2011 amendment to the constitution. (Nevertheless, it is worth noting that Morocco only partially implements this law in practice.) Moreover, since 2014, Morocco has also introduced a national migration strategy with a humanitarian approach. Migration cooperation between Morocco and the European Union was further strengthened last year.³²

The last change in the field of migration cooperation took place in the spring of 2023, when Olivér Várhelyi, the Commissioner for Neighborhood and Enlargement of the European Commission, announced a program based on five

³¹ ABDERRAHIM 2019, CASSARINO 2023, 25–27.

³² TÁRIK – TÓTH 2023, 1–8.

pillars, worth more than 600 million euros. The migration part of the cooperative agreement seeks to strengthen Morocco's border management system, improve the effectiveness of the fight against human trafficking networks, and increase the number of migrants returning voluntarily.³³ Based on the results of the migration cooperation between the EU and Morocco to date, it can be assumed that after Tunisia, the European Union will also conclude a strategic agreement with Morocco, as the further strengthening of cooperation on migration will be an extremely important area.

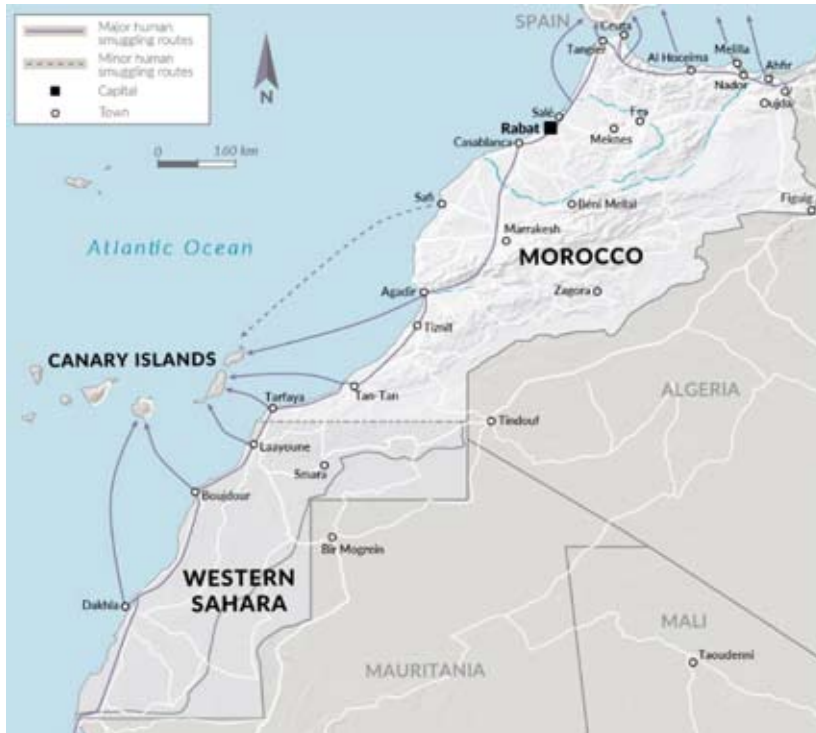


Figure 3 Routes operated by Moroccan human trafficking networks (December 2022)
(ABDERRAHIM 2023A, 8.)

Egypt

In addition to Morocco, the European Union will probably conclude a strategic agreement with Egypt, another country of origin, transit and destination, with the aim, among other things, of reducing irregular migration. Egypt can be a reliable partner of the European Union due to its stable statehood, strong economy and key

³³ EUROPEAN COMMISSION 2023.

role in the region. Due to the country's strict migration policy, irregular migrants heading towards Europe try to reach the territory of the EU from neighboring Libya. According to Frontex data, in 2022, among irregular migrants leaving Libya for Europe, Egyptian citizens were the most numerous.³⁴

In September 2016, Egypt adopted a ten-year national strategy to reduce irregular migration. The strategy imposes severe penalties (fines and imprisonment) for all forms of human trafficking. The rules were further tightened in 2022, and as a result, fines can now be between 20,000 and 500,000 Egyptian pounds. Since the adoption of this resolution, no ship has crossed the sea border between Egypt and the EU carrying migrants.³⁵

The last negotiation between the European Union and Egypt regarding migration issues took place in June 2023, when Josep Borrell, the High Representative of the European Union for Foreign Affairs and Security Policy, visited Cairo. Borrell's visit came after a ship which originally left Egypt empty and later docked in Libya to take on 750 irregular migrants, sank off the Greek coast. Only 104 people survived the tragedy. At the press conference following negotiations, Borrell announced that the EU would support the strengthening of Egypt's border security and the suppression of human trafficking networks through 80 million euros worth of aid. However, it is worth mentioning that such limited financial support will hardly be sufficient for Egypt to be able to detain and return foreign migrants staying on its territory in the long term. Even more so because more than 10% of Egypt's 110 million residents do not have Egyptian citizenship – most are Sudanese and South Sudanese migrants. Considering the possible consequences of the crisis in Sudan that erupted in April, the parties agreed that in the future, the pressure of irregular migration to Europe should be reduced by improving the conditions leading to instability in the region.³⁶

Summary

Attempts to outsource the EU's migration border control beyond the Union's borders have been ongoing for several decades, during which time the EU has involved third countries in the strengthening of its external borders while also transferring responsibility for migration management to them. These states are

³⁴ FRONTEX 2023.

³⁵ MORSY 2023.

³⁶ EL-BEY 2023.

often simultaneously origin, transit, and destination countries. The European migration crisis of 2015 made it necessary to extend and intensify this policy trend. The practice of externalization played a significant role in the management of the migration situation, which is still being resolved.

Thanks to the provisions of the EU-Turkey declaration adopted in 2016, traffic on the Eastern Mediterranean route has significantly decreased. Following changes in the center of gravity of traffic on migration routes, the Central Mediterranean route is currently the busiest. The migration pressure on this route has increased significantly since 2019. In terms of European security policy interests, extremely negative trends are expected to lead to another negative record in 2023. All of this has prompted the EU to establish closer migration cooperation with its southern neighbors. One important element of the New Pact on Migration and Asylum, presented by the European Commission in 2020, is the development of migration cooperation with safe third countries.

The European Union concluded the first agreement with Tunisia, which is located on the Central Mediterranean migration route and is struggling with a serious economic and financial crisis, in July 2023. An important part of this strategic agreement is the strengthening of Tunisia's border security architecture to ensure that as few irregular migrants as possible reach the southern borders of Europe. The pact imposes a significant burden on the Tunisian state, so it is far from certain that the country will be able to comply with the provisions of the agreement in the long term.

Before the European Parliament elections in 2024, the European Union is seeking to adopt a new agreement with two other North African states to likewise have an impact on migration numbers. The agreements to be concluded with Morocco and Egypt are expected to prove more successful, given the results of migration cooperation between the EU and the two countries to date. The probability of this is increased by the fact that compared to Tunisia, Egypt, and Morocco have stronger economies and more stable statehood. Despite all this, the agreement with Tunisia is of enormous importance, as there is an urgent need to reduce the migratory pressure on the southern states of Europe, if only temporarily or in the short term.

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