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The Illegal Migration in the Mediterranean: The Case of Tunisia

Hassen EL ANNABI

Migration is described as illegal or irregular when it comes to a “cross-border human movement involving people who enter and / or remain in a country of which they are not nationals, without authorization, without papers required and therefore in breach of its national laws.”¹ This phenomenon is not new in the Mediterranean. But from the late twentieth century, it has grown following several events: the 1973 oil crisis, the institution of the visa in the Schengen area in 1990, the attack of 11 September, 2001; the revolutions of the Arab spring in 2011, not counting the violence and conflict in Afghanistan, Eritrea and Mali, bad governance in the country of departure, and even climate change.

Illegal migration in the Mediterranean went up three main ways²:
- The Road East (Greece, Cyprus, Bulgaria, Romania). Since 2000 and until 2014, nearly three million migrants entered Europe illegally via this route. The number of detained migrants has tripled in the space of a year. Indeed, during the period from the first quarter 2014 to first quarter 2015, increased from 2,900 to 10,500 individuals.
- Route of the Centre (Libya, Italy, Malta, Tunisia) which became, since 2013, the first channel of illegal migration. There, the number of detections of illegal crossing of border amounted to over 134,000 between January and September, 2014, that is to say, six times more than in 2013 and twice more than in 2011.
- The Western route (Spain, Portugal, Morocco, Senegal, Sahara) which is experiencing pressure at the present time especially from African countries which have troubles.

For a long time, the question of illegal migration called to mind the host countries, particularly European countries because they are caught between a need for labor and the fight against illegal immigration. Thus, several organizations of research and coordination of migration policies have been created to solve this difficult equation. We can mention, in

¹ Mabrouk (Mehdi), Voiles et sel. Culture, foyers et organisation de la migration clandestine en Tunisie. Tunis, Sahar, 2005, p. 34.
particular, the Academic Network for Legal Studies on Immigration and Asylum in Europe (Odysseus) which was founded in 1998 and which depends on the Institute of European Studies of the University of Brussels; also the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), which was established in 2004; and also the European Migration Network (EMN), a French network created in 2008.

In contrast, the countries of departure of illegal migrants are very poorly equipped in research organizations on illegal migration. Just there are here and there academic research groups or more or less tolerated solitary researchers and who work on a shoestring. This is mainly due to the political factor. In these countries generally undemocratic, the central government considers the issue of irregular migration as a state secret and therefore it does not encourage research in this area, gives no official data, and sometimes prohibits research simply. Also, in the absence of scientific and independent investigations, our knowledge of the illegal migrants profiles, also factors of their departure on the networks of smugglers and the outcome of the journey, dwell hypothetical. That said, the fact remains that the available literature on illegal migration in general is rather abundant.

From available research we will try nevertheless to present certain information in the file regarding the Tunisian case.

The context of the Tunisian illegal emigration

The factors of Tunisian illegal emigration are, here as elsewhere, many and complex. We can distinguish two periods, before and after the Arab revolutions in 2011, particularly that of Tunisia.

1) The tradition of Tunisian illegal emigration

Illegal emigration is not a recent phenomenon in Tunisia. It dates back to the 1970s, specifically the first oil crisis in 1973. Europe then began to move towards the regulation of legal immigration, which caused a development increasingly large irregular trips. But if this phenomenon grew afterwards, that’s because of the development of unemployment and of job insecurity. Unemployment exists in Tunisia since the Independence. During the last fifty years, the overall unemployment rate has often oscillated between 15 and 17%, the lowest rate being that of 2004 with 13.9% and the highest rate of the 1967, with 30%.

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This was mainly due to the inability of various economic policies to reduce this problem: first, the policy of collectivization in the 1960s, on the other hand, the asynchronous development model adopted in the 1970s that postulates the lag in development between regions; finally, the policy of anarchic privatization which had no global development strategy during the Ben Ali period. Since 2011, the situation became more critical because of the large disturbances that followed the revolution. According to the National Institute of Statistics, the unemployment rate was in 2014-2015 around 15% and 30% in terms of graduates of higher education\(^5\), knowing that 69% of unemployed are aged under 30 and that gross inequalities between regions, since regions within the country are much more affected by unemployment than the areas along the coast\(^6\).

It must be said that the policy of the Tunisian government on illegal emigration has long suffered from a legal vacuum because of the absence even in the legislation of the concept of “illegal emigration”\(^7\). So what this type of migration remained more or less tolerated by the state. It was only since early 2000 that the situation changed after Tunisia has ratified the United Nations Convention on the fight against transnational organized crime and also the additional protocol on the fight against illegal migration. This resulted in a secure locking Tunisian borders with the Organic Law of February third, 2004 which modified and completed the Act of 14 March, 1975 relating to passports and travel documents\(^8\). Thus, the sanctions applicable to irregular entries and exits have they been hardened. Instead of one month in prison, the sanctions amounted to three years imprisonment and a fine of 8,000 dinars (about 4,000 euros).

In 2008, the popular uprising in the Gafsa mining basin, which lasted six months and was punished severely, has certainly strengthened the despair and frustration of Tunisian youth. It enabled the activation of networks of smugglers who operated from Libyan port cities (Zouara, Sabrata, Zaouia, etc.). So, the hardening of control over the borders was able to reduce a lot the number of illegal emigrants traveling in 2009/2010\(^9\).

The changes, often unpredictable, of the Libyan political Gaddafi’s time with regard to the Tunisian immigration in one hand, and the policy of the European Union in the other hand have also played an important role in the context of the Tunisian illegal migration. Tunisian-Libyan relations have gone through periods of cooperation and good neighborliness in which Libya welcomed many Tunisian immigrants and periods of crisis during which Libya deported tens of thousands of Tunisian workers, promoting Tunisian emigrants to other destinations.

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\(^5\) Beta.ins.tn/fr (National Institute of Statistics).
\(^6\) Ben Hamida (E.), op. cit.
\(^7\) For information which follows, see Mabrouk (M.), op. cit., p. 113-116.
\(^8\) Journal Officiel Tunisien, Loi Organique, Nos. 2004-6 (February 3, 2004).
This was the case in 1976, as a result of the abortion of the project of union between the two countries. This was also the case with the revolt of Gafsa in 1985. The improvement of political relations between the two countries with the arrival of Ben Ali to power in 1987 significantly reduced illegal emigration to Europe for the benefit of migratory movement to Libya. This situation was confirmed by the air embargo imposed on Libya by the United Nations in 1992. Ben Ali and Gaddafi closed eye on the networks of illicit flows of people and goods that grew so much across borders. However, the revolution in Tunisia and Libya in 2011 came overturn this situation. The crisis of government in both countries has created an uncontrollable movement of illegal emigration to Europe.

In terms of migration policy of the European Union, we can say that it is characterized by closed borders, from 1985, with the Schengen agreements. The Dublin Convention in 1990 on the conditions for examining applications for asylum, on the one hand and the agreements of The Hague in 2004 harmonizing the fight against illegal immigration, on the other hand, had turned Europe to a fortress. Following the election of Silvio Berlusconi as head of government in Italy in April, 2008, the European’s position of the vis-à-vis countries of illegal immigration hardened. Indeed, a new law is passed in Italy in July 2009, which criminalized illegal immigration and punished by a fine of 5,000 to 10,000 euros.

2) The Tunisian revolution and the new context of illegitimate emigration

At the end of 2010, the European Union and Maghreb governments were believing that the illegal immigration problem is being contained. But the outbreak of the revolutions in Tunisia and Libya will radically change the situation. The day after the flight of Ben Ali and the collapse of the Tunisian regime, illegal departures resumed. 15 days (from 15 to 30 January 2011), 6,300 departures are recorded, at 400 per day. In less than three months, 20,258 Tunisians landed in Lampedusa. The bursting of the Libyan conflict in February 2011 has resulted in a massive exodus of hundreds of thousands of foreign workers from Libya, including Tunisians. This has encouraged illegal departures by sea, especially in the direction of Italy.

In April, 2011, an agreement was finally reached between Italy and Tunisia. The agreement states that Italy agreed to regularize the situation of illegal immigrants who arrived before 5 April. In against part, the Tunisian government must control the flow of illegal emigrants.

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11 Jobard (F.), «Schengen ou le désordre des causes», Vacance, no. 8, 1999.
12 Journal Officiel des Communautés Européennes (August 19, 1997).
13 Berramdane (A.) and Rosso (J.), La politique européenne d’immigration, Paris, Karthala, 2009.
15 Boubakri (H.), op. cit.
16 Frontex, report 2011, 1st trimestre.
17 Boubakri (H.), op. cit.
The migration wave began to fall, but accidents at sea and shipwrecks were becoming more frequent. In 2012, a new ministry, the State Secretary for Immigration and for Tunisians Abroad, was created in Tunisia in order to find a balance between the legal, political and strategic constraints of illegal emigration.

For their part, civil society and political parties in Tunisia were more and more interested in the humanitarian dimension and the treating the root causes of illegal emigration. But, the problem was always posed.

In reality, the hardening of positions did not really affect the plans of potential migrants, quite the contrary. Lacking information on legislation and remaining, in addition, imbued with fatalism and probabilism, the candidates to illegal emigration, called «harrags» (those who burn borders) remained inclined to transgress the law.18

**Homes and methods of illegal emigration**19

The Tunisian illegal emigration is traditionally done by the eastern coast. Three homes remain very active, namely the North East, Central East and South East.

1) **The North East**

This area extends from Bizerte to Nabeul through the Gulf of Tunis and the region of El-Haouaria and Kelibia. The advantage in this area is the proximity of certain Italian islands, such as Pantellaria, which is located 60 km from Nabeul. But the proximity of Tunis does that this area is often very controlled. However, the ports of La Goulette, Bizerte and Radès provide opportunities to illegal emigrants to infiltrate merchant ships and more exactly the containers. This is a way cheap used, mainly by the poor youth. Often, moreover, candidates to illegal emigration who live near ports are tempted by using big ships. Obviously, these “harrags” must have accurate information about the functioning of the port, ship destinations, the control device, the profile of the master, etc. It’s even better if they have the basics of foreign languages and if they can count on the complicity of dockworkers and port employees.

2) **The Central East**

This is what is called “The Great Sahel”. This area especially includes major coastal cities such as Sousse, Monastir, Mahdia and Sfax, but also a large number of villages of farmers and fishermen. Often, recruited in the areas of fisheries, construction or tourism, when not unemployed, the harrags have the dream to land a day in the island of Lampedusa, which is located at 167 km from Ras Kapoudia, which is the most advanced Tunisian coast. Unlike other homes, failures of migration operations are more numerous here, because, often,

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18 Mabrouk (M.), *op. cit.*, p. 119.
19 For all this chapter, see Mabrouk (M.), *op. cit.*, p. 124-158.
migrants are organizing their own to buy a boat or a zodiac and lead their trip. They may also have to do to smugglers and in this case they rely on intermediaries. The success of the operation is far from guaranteed, but if the failure is at the appointment and if they return unharmed, they do not hesitate to start again.

3) The South East

This area extends from the boundary of the region of Sfax to the Libyan sea borders, including the important port of Gabes and the island of Jerba. Here, the border crossing is either by sea or by land via Libya. This area has the distinction of being long a region of economic and human exchanges with a particularly large informal sectors. The illegal trade is quite traditional in this area, because it has always been a safety valve capable of absorbing as well social violence that rural migration; capable also to reduce unemployment and provide income sources for inhabitants of deprived regions. But the phenomenon has increased especially in the years 2005-2010 due to the development of corruption in the president and his family circle. Obviously, the security vacuum that followed the Tunisian revolution and the chaos caused by the war in Libya have favored different types of traffic including the organization of illegal migration. It must be said that the 2004 Tunisian law on this issue has pushed emigration candidates to go through Libya.

The procedure of clandestine emigration: individuals, solidarity and networks

The procedure of illegal emigration varies from one area to another and from one period to another. The candidate can count on his family, or the support of friends and neighbors. He can be also included in a group.

1) Illegal emigration and proximity solidarity

At the base of illegal emigration project there is often an individual failure, either at school or at work. Unemployment and idleness can obviously lead to worse, namely drug, delinquency, or even suicide. To avoid the worse situations, the family encourages children to seek their fortune elsewhere. So, the family circle (mother, sisters) can play an important role in collecting information on the travels’ price and the organization of the trip. The family may even make an effort to provide the necessary financial assistance. Parents are sometimes forced to sell an inheritance, jewelry, some cattle, etc. The borrowing is not excluded either. Ultimately, this involves three levels of family solidarity which correspond to three

generations: brothers, sisters and cousins eventually for providing the information, parents for giving money and grandparents for seeking, through prayer, of the divine blessing, which is not little because everyone is aware of the importance of the issue and of dangers surrounding the project.

However, it is quite surprising how family solidarity can be fast and efficient when it comes to illegal emigration and how this family solidarity is weak and ineffective when it comes to helping the young to ride a small business. In fact, in the latter case the family doesn’t feel concerned, because for her the State bears the task of finding a solution to youth unemployment.

2) Travel arrangements

The candidate to illegal emigration can not lead alone his own project, unless he manages to sneak into a commercial vessel. In fact, travel arrangements can be made essentially of three ways: either by autonomous groups, or as part of small and medium associations, or in the frame of cross-border networks.

a- Travels in autonomous groups

A “harrag” of the Grand Sahel region (region of Chebba), whose name begins with the letters M and B, testifies the procedure of autonomous groups. He said: “The first time it was I who proposed the project to a friend; without hesitation, he agreed, in turn, he proposed to his friend that has a motor to come with us. Another buys fuel, the other arrives with a compass, the fourth provides the fishing vessel. I contacted a friend who owns a car to transport material, he helped us when we accepted his nephew with us (...). At night we walked up the engines and we left Douiret” (forest area near Mahdia).

The autonomous group here consists of a small group formed in the heat of the action and whose members are united by a commitment to succeed the operation. They share between them a few essential values: friendship, solidarity and sharing. A group in which responsibility is shared and where no real hierarchy appears.

b- Travel within networks

By definition, the network implies “the succession of states to cross and a number of formalities to accomplish before achieving a result.” These steps are more or less long and complex.

- Small networks: the testimony of a young 22 year old, M.D. and having the level of primary education, illustrates how to organize the trip as part of small chains. He said: “The first time it was I who organized everything: we were six, I gathered the group, they were all from the

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22 *Le Petit Robert*: «Filière»
same neighborhood. I collected money and bought the engines. I was the leader in a way, since I was the only one who knows the sea”. So the action, here, has three stages: the choice of candidates, collecting money and buying equipment for the travel. Each of these steps requires special qualities. Note that the group leader is an experienced person who has knowledge of the sea and, in addition, has a unifying qualities. He acts in the area, which means that he enjoys a certain reputation for honesty and resourcefulness among his neighbors and friends. But he can not rely only on his experience or his sixth sense, he must also learn about all the details: the weather, the beach, the security apparatus, the quality of material, etc. Generally, he is paid back, because he can be exempted from participation in costs.

- The middle networks have the appearance of fairly well structured organizations. The middle networks have the appearance of fairly well structured organizations. Already, the number of operators at borders (ten or beyond) is not small. Because the network needs recruiters, carriers, owners of houses, and also a technical group, the pilot, and smugglers, the division of labor is important. The first quality required at all levels is professionalism. Recruiters, called “Jallabas” (people that identify and attract candidates) are the first to go into action. Their knowledge of society (by frequenting cafes, hammams, souks, etc.) allows them to detect those willing to leave. Candidates must leave their homes several days or weeks before the departure date to be housed elsewhere.

The candidates to illegal emigration are therefore placed discreetly in make shift dwellings near the beach and are monitored to prevent eakage or disputes. Meanwhile, material is transported by small batches, usually in public transport, thanks to accomplices. The technical team includes the driver and possibly a mechanic. He has the task of driving the boat to the Italian coast, then come back for a new operation. It remains to say that this rule is not always respected, since some drivers prefer to stay in Italy. Behind all this organization there are smugglers. These brains of the operation are obviously the least known because they maintain very little contact with the intermediaries. Their role is to prepare the ground, advance funding and ensure success of the operation at all stages.

- Cross-border networks: They are found mainly in the Southeast area. They have been developed thanks to the embargo on Libya, which was declared by the United Nations in 1990. The embargo has first fostered the emergence of a clandestine trade, although tolerated by the Tunisian and Libyan authorities, merchandise transiting through Libya to the great souk of the Tunisian border town of Ben Guerdane for landing few hundred km. further north to El Jem, a strategic city where whole hangars have been developed to store and sell all kinds of goods through parallel trade. This traffic has been developed in a quite particular context, but did not end with the lifting of the embargo. Meanwhile, it even changed of dimension with the entry into action of very influential families in the state apparatus who are part of Ben Ali’s entourage. The experience gained will be used later in the area of illegal emigration. Indeed, the secure locking of the Tunisian coast, starting in 2004, will allow the illegal trafficking
networks to use the knowledge they have acquired in order to now engage in activities related to illegal immigration.
- The cross-border networks not only meet the needs of the local population. They operate over a very wide territory, especially in 2011-2012, thanks to the lack of security which has encouraged the arrival of hundreds of thousands of migrants from subsaharian area and other countries of north Africa. So this border area became a real continental shelf of the illegal emigration.

It must be said that since 2015, migratory activities in this area is in diminution on the Tunisian side, because the security has been greatly strengthened within the framework of the fight against terrorism and smuggling.

**Conclusion**

What has been gained so far of the revolution in Tunisia is freedom of expression. Thus the debate over illegal emigration which was forbidden until 2011 became public. Today, this debate contrasts the civil society to the state. The first request to place this issue in the context of the general economic and social policy and not to forget the protection of human rights relating to the free movement of people. As for the state, it remains obsessed with security logic. The debate is revived with the signature on 3 March, 2014, of a joint statement between Tunisia and the European Union which considers, one more time, that administrative control is the main solution to the illegal emigration problem.

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23 Ben Jemia (M.), and Ben Achour (S.), *Plaidoyer pour une réforme des lois relatives aux migrants, aux étrangers et à la nationalité en Tunisie*, Sousse (Tunisie), CETUMA et Réseau Euro-méditerranéen des droits de l’homme, December 2014.
Areas of illegal migration in Tunisia

Methods of illegal migration in Tunisia