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“Trapped between borders”

The human cost of the EU’s externalized migration governance in Libya
and Tunisia

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Abstract

The EU has externalized its migration governance towards third countries to stem the flows of migration. The efforts include the establishment of an Emergency Trust Fund for Africa alongside cooperation with Libya and Tunisia, where migrants are subjected to abuse, exploitation, and racism. This thesis explores the relation between the EU's externalized migration governance and the human rights conditions African migrants face in Libya and Tunisia. Existing research has examined the EU's externalization, however, there has been limited focus on human rights outcomes in comparable contexts. This thesis addresses this gap by employing *most similar system design* and utilizing *process tracing* to analyze how the policies impact human rights in Libya and Tunisia since 2015, focusing on African migrants. The findings highlight how the EU's initiatives contribute to human rights violations in both cases. In Libya, it contributes to a cycle of abuse as it enables militia groups to detain migrants through abusive methods. In Tunisia, racial discrimination towards black African migrants is institutionalized by the government whilst the EU has intensified its migration partnership. In sum, the EU effectively incentivizes actors in Libya and Tunisia who violate human rights.

Keywords: *EU externalization, Libya, Tunisia, Migration Governance, Human Rights, African Migrants, EU Emergency Trust Fund (EUTF)*

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Glossary

Term	Definition
Third country	A country that is not a member of the EU
Transit-country	A country through which a migrant pass
EUTF	The EU Emergency Trust Fund for Africa
SAR	Maritime search and rescue
LCGs	Libyan Coast Guards
TCG	Tunisian Coast Guard
HRW	Human Rights Watch
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organization
IO	International Organization
CSO	Civil Society Organization
MoU	Memorandum of Understanding

1. Introduction

This study aims to unpack the relation between the EU's externalization efforts and the human rights conditions African migrants face in Libya and Tunisia.

In order to prevent African migrants from entering the shores of Europe, the EU has imposed an externalization of migration policies towards third countries. The overall aim of the EU is to stem the flows of migrants and asylum-seekers before even setting foot on European territories. This includes bilateral and multilateral policies with third states in order to facilitate the return of migrants, and transit countries to outsource border controls and hereby potentially close the route (Frelick, Kysel & Podkul, 2016:193 & 206). The political upheavals in the Middle East and North Africa in 2011, the so-called 'Arab spring', serves as a starting point for a new wave of migrants trying to reach the shores of Europe. International migration and people entering Europe was not a new phenomenon, but the amount of people that forcibly had to flee the democratic uprisings in states like Tunisia, Egypt, Syria and Libya changed the landscape.

Today, research has shown that there are more explanatory factors that serve as motives for African migrants on their route to Europe. In addition to factors as violence, poverty and hunger, people are now driven by motives such as better education, the possibility to find a job in order to send back money and possibly reunite with their spouses or family members. These motives seem to triumph the life-threatening journey and all the risks that a migrant faces while trying to reach Europe (Mafu, 2019 :2-4). Libya, due to its geographical coastal location, and its richness in oil, has been a popular destination for migrants to thereafter try to enter Europe through the Mediterranean Sea. This has engaged different criminal actors in migrant smuggling, and after the violent overthrow of Muammar Gaddafi in 2011, the state was left in an uncontrolled vacuum.

Several reports claimed that revolutionary militias in addition to 'official' Libyan institutions took control over detention centers to imprison and control migrants (Baldwin-Edwards & Lutterbeck, 2019:2243-2248). Furthermore, many migrants have forcibly been put to labor and sold at open markets. It is not unusual that the captivated ends up abused or shot to death. Overall have the conditions been described as *dehumanizing* (Kah, 2019:26-34). Starting from 2022, the amount of migrant departures from Tunisia to Europe arose drastically with an over-representation of Sub-saharan Africans. Hereby, Tunisia joined Libya as a major

migrant destination- and transit-country (Strik & Robbesom, 2024:206). Additionally, the conditions for migrants within Tunisia are also criticized as several reports witness racism towards black Africans, abuses by Tunisian authorities and a failure to provide safety (Human Rights Watch, 2023). Many see a speech by Tunisian President Kais Saied as a pivotal moment in the deteriorating conditions for migrants in the country, during which he labeled them as 'criminals' and accused them of being part of a 'conspiracy' to alter Tunisia's demographics (Strik & Robbesom, 2024:206).

Despite numerous documentations on human rights violations within Libya and Tunisia, European states and its institutions continue to cooperate with both countries (Amnesty International, 2021 & Human Rights Watch, 2023).

Furthermore, during an international summit on migration between European and African leaders in 2015, the 'Emergency Trust Fund for Africa' was established. The 2.5-billion-euro fund focuses on source- and transit countries, whereas Libya and Tunisia are major receivers, and the assets are intended to cope with the 'root causes' of migration (Baldwin-Edwards & Lutterbeck, 2019:2252). As international obligations imply, the European states are obligated to protect migrants from unsafety. In relation to this, some claim that the EU's policies in fact makes the migrant more unsafe. (Frelick, Kysel & Podkul, 2016:193-198).

This study will shed light on the cases of Libya and Tunisia. Both countries share many similarities, including their status as North African nations, their roles as key transit countries for migrants, and being recipients of EU aid through the EUTF. However, they vary in terms of human rights outcomes (Varieties of Democracy Institute, n.d.). Existing research has extensively examined migration governance and EU policies but has paid limited attention to the varying human rights consequences in comparable contexts and particularly looking at Libya in relation to Tunisia. By employing a most similar system design, this study seeks to address this gap by analyzing the impact of EU externalization policies on human rights violations in Libya and Tunisia from 2015 onwards. This study will answer the following research question - ***How does the EU's externalized migration governance impact the human rights of African migrants in Libya and Tunisia from 2015 to the present?***

Moreover, this study makes several contributions. First it uses the concept of '*complex interdependency*' outlined in Hahonou & Olsen (2021) combined with Bisong's (2020) theory of *local exclusion* leading to internal tension. This will be outlined in the theoretical section.

Since the dependent variable is human rights, I will incorporate this perspective into the theoretical framework, which no previous research has done thereby adding nuance. Empirically, I provide a comparative in-depth analysis of Libya and Tunisia using process tracing.

I interpret human rights as it is declared in the ‘Universal Declaration of Human Rights’ (United Nations, 1948), including: the right to security, liberty and life. This thesis particularly highlights the non-refoulement principle outlined in the ‘1951 Refugee Convention’ which involves a prohibition to return any individual to a place where they may face prosecution or violence (United Nations High Commissioner for Refugees, 1951).

Since this thesis focuses on African *migrants* in general, and hereby those who may not be entitled to international protection or are classified as *asylum-seekers* or *refugees*, it is important to outline the differences.

A refugee is someone who flees the risk of serious human rights violations or prosecution in their home country while an asylum-seeker is someone who has left but is not legally seen as a refugee since they await their asylum process. There is no internationally recognized definition of what constitutes a *migrant*, but I chose to interpret it as someone who left their country of origin because of political unrest, poverty, violence, natural disasters or in order to find work, to study or reunite with family members (Amnesty International, n.d.).

1.1 Significance and aims of the study

The aim of this thesis is to critically unpack and explore the EU’s externalization of its migration policies in two key North African transit countries: Libya and Tunisia. There will be a particular emphasis on highlighting the situation for African migrants within the two countries.

Furthermore, this study will build on the work of Hahonou and Olsen (2021) and Bisong (2020) by examining the interdependencies between the EU and actors within Libya and Tunisia in terms of migration control through EU aid, while incorporating a human rights perspective. Bisong’s (2020) work will be used to include internal contextual factors and hereby explore the consequences of the EU’s policies ‘on the ground’.

Moreover, by employing a human rights perspective while analyzing EU-Libya and EU-Tunisia relations, this study will offer insights on potential contradictions between the EU’s official objectives and outcomes for human rights.

The contribution implies adopting a two-case approach, focusing on Libya and Tunisia, which will enable comparative insights into various conditions. Since both countries are key partners within the EU's Emergency Trust Fund for Africa (EUTF) and serve as critical transit-countries for migrants attempting to reach Europe, it is crucial to investigate the implications that these policies may have on migrants. Hereby, the thesis contributes to broader discussions on the EU's migration governance and aid in third countries. Furthermore, this study holds particular significance as it sheds light on a pressing humanitarian crisis, with more than 212,000 migrants attempting to cross the Mediterranean from the coasts of these countries in 2023 alone in addition to 3,105 reported deaths or disappearances (IOM, 2024). This symbolizes an urgent need for increased attention, not only from the general public but also within the academic research field.

This study contributes to the literature on the EU's migration externalization in third countries (Nshimbi & Moyo, 2016; Gürkan & Coman, 2021; Spijkerboer, 2022). Additionally, it contributes to research examining the EU's Emergency Trust Fund for Africa and its implications for human rights (Martins & Strange, 2019; Bisong, 2020; Hahonou & Olsen, 2021; Gross-Wyrtzen & El Yacoubi, 2024).

1.2 Disposition

The structure of this thesis is organized as follows: firstly, a section of previous research will outline relevant findings from studies on the EU's externalized migration governance in third countries, underlying drivers alongside normative implications for human rights. Secondly, the two theoretical frameworks that this study draws from will be described, following the third section which cover the methodology and research design of this thesis. Thereafter, I outline the EU's Emergency Trust Fund for Africa in-depth since it lays the groundwork for the analysis section. Thereafter, I introduce the 'Case of Libya' followed by the 'Case of Tunisia'. This is followed by a comparison section and thereafter a discussion together with the conclusion.

2. Previous research

The literature on the EU's externalization of its migration policies can be categorized into two primary strands: one focusing on the effectiveness and outcomes of these policies (Nshimbi & Moyo, 2016; Hahonou & Olsen, 2021; Bisong, 2020; Cuttitta, 2020), and the other addressing the normative implications for the EU's identity and the underlying drivers of externalization (Spijkerboer, 2022; Gürkan & Coman, 2021; Martins & Strange, 2019; Spijkerboer, 2018). Scholars analyzing effectiveness often critique the security-focused framing of migration, arguing that this approach legitimizes the outsourcing of migration management to third countries. Conversely, researchers examining the normative implications contend that the EU's externalization approach reflects a 'crisis' in its identity, particularly concerning its commitments to human rights and democratic values. This perspective posits that the EU's strategies, with the aim to stop migration flows, risks undermining the very principles upon which the Union was founded.

2.1 The EU's external migration governance

The EU's use of militarization and physical barriers in order to contain and stem migration flows - in particular African migrants - has contributed to creating a "Fortress Europe". Scholars like Nshimbi & Moyo (2016) argue that this strategy is not an effective response to the so-called "migration crisis" since migrants will only find new ways of entering the shores of Europe. In turn, it has fueled human smugglers and illegal techniques that often lead to deaths (Nshimbi & Moyo, 2016:309). Following this claim, Hahonou & Olsen (2021) analyzed the consequences in Niger, an important partner within the EU's migration externalization, and demonstrated that the policies led to internal instability. The EU-influenced ban on migration transportation fueled illegal and dangerous routes, and a dissatisfaction among internal stakeholders who previously earned money on migrant smuggling (Hahonou & Olsen, 2021:883). However, scholars stresses the need to understand the externalization not in terms of its effectiveness, but rather in terms of 'European soft power' (Spijkerboer, 2022; Gürkan & Coman, 2021; Martins & Strange, 2019; Spijkerboer, 2018).

Today, the EU has established a new framework for managing migration flows in the era of globalization. Some scholars point to historical similarities with its colonial past, suggesting

that externalization represents a nuanced form of the global North's power extraction (Spijkerboer, 2022:2901-2902). A key event within this research field is the EU-Turkey deal in 2016 which could demonstrate a crisis for the EU's normative identity. For instance, Gürkan & Coman (2021) examine the EU's response to the so-called refugee crisis in 2015, by using the EU-Turkey deal as a case, and present a distinction between normative arguments and the actual policy-outputs. This could in turn lead to criticism about the EU's credibility of its external activity (Gürkan & Coman, 2021:293). Moreover, the policies towards third countries include interfering with their domestic governance which in turn could undermine the local interests of the populations. Hereby the EU projects its own interests on African societies which puts its normative identity, as a Union built upon democratic and human rights values, at stake (Martins & Strange, 2019:199-201).

Studies within this field have also attempted to move beyond euro-centric research to shed light on the local and African narratives on migration. Similar to Hahonou & Olsen (2021) but with a different angle, Bisong (2020), reveals how the EU's externalization process in West Africa has influenced an anti-EU approach within civil society organizations favoring a liberal approach to the free movement of people across the region. Moreover, the study shows how projects included in the EUTF often fail to address local incentives and therefore can indirectly contribute to internal tensions in partnering countries (Bisong, 2020:233-234). Following a focus on the local impact of the externalization of migration policies, such as border controls in third countries, Gross-Wyrtzen & El Yacoubi (2024) explores its connection to the racialization of black migrants. The study highlights how the EU's externalization of border management contributes to the racial and social exclusion of African migrants in Morocco. While the findings are specific to the EU-Morocco context, they offer valuable insights for broader discussions at the intersection of racial studies and EU externalization policies (Gross-Wyrtzen & El Yacoubi, 2024:4-7). Spijkerboer (2018), argues that migration control as a political field is used to legitimize the discrimination and subordination of non-western nationalities. In order to explore the legitimization of the externalization process, it is important to first understand the underlying racial discrimination as part of the expansion of migration laws into the policy fields of housing, healthcare and labor markets within the EU (Spijkerboer, 2018:467-468).

Following the studies discussing the paradigm shift with third parties functioning as European border guards, research has shown the EU migration policies' lack of public accountability.

Migration policies have become depoliticized in relation to the securitization framing, and therefore key debates and consultations have simply been removed from the policy process (Casas-Cortes, Cobarrubias & Pickles, 2015:15). Furthermore, there is also an emphasis on the importance to understand the reasoning behind the EU's externalization and the including mechanisms to stem migration flows. Similar to Bisong's (2020) research on the lack of integration with African perspectives leading to internal tension, studies reveal that the majority of African migration movements occur *within* the continent. This implies that intra-African mobility is high but that the EU's policies tend to ignore this fact and socially constructs every migrant as 'on their route to Europe'. The EU's migration externalization projects a euro-centric view on migration in African third countries (Casa-Cortes et al., 2015:15).

International organizations (IOs) and non-governmental organizations (NGOs) play a crucial role in the implementation of the EU's external migration policies and are therefore important to analyze. Cuttitta (2020) stresses the unforeseen effect of the IOs and NGOs humanitarian assistance, such as providing health aid and nutrition to migrants, as it contradicts the EU's aims. Healthier migrants are more likely to attempt the sea crossing to Europe, contrary to the intended outcome of externalization policies (Cuttitta, 2020:8). Spijkerboer (2022) shed light on the dependency aspect, since the organizations are dependent on EU funding and refer to them as the EU's 'contractors'. He further explains that, despite the potential inefficiency of the policies themselves, the EU effectively establishes international norms and advances its 'global political project' by involving IOs and NGOs (Spijkerboer, 2022:2902-2903).

However, it is important to stress that they can also serve as counterweights to the EU and advocate for a more humanitarian approach, with UNHCR being a prominent actor in this regard (Lavenex, 2016:568). Important to highlight is also the emphasis on concerns regarding NGOs ability to conduct Search and Rescue (SAR) operations. This is the result of a discursive shift that took place in 2016 where they were accused of operating as "taxis" to migrant smugglers. After being accused of contributing to irregular migration to Europe, several trials have taken place alongside restrictions, directly obstructing rescue efforts for people in distress. Findings indicate that the claims cannot be supported by any scientific evidence (Cusumano & Villa, 2020:37-38).

This thesis aims to contribute to the field of research investigating the EU's externalization of its migration policies in third countries while incorporating a human rights lens. Furthermore, the focus on the EUTF using Libya and Tunisia as cases in order to explore potential

contradictions between EU objectives in relation to the situation for African migrants in both countries remains an overlooked topic.

In this thesis I argue that there exists a ‘complex interdependency’ (Hahonou and Olsen, 2021) between the EU and Libya together with Tunisia. Moreover, as the EU’s externalization policies excludes local perspectives this leads to internal tension (Bisong, 2020). This thesis argues that the human rights violations experienced by African migrants in Libya and Tunisia are influenced by the EU’s externalization policies.

Furthermore, this thesis seeks to fill a theoretical and empirical gap in the study of the EU’s externalization of migration policies in the cases of Libya and Tunisia while contributing to the work of Hahonou and Olsen (2021) and Bisong (2020). By adopting a human rights perspective, it seeks to bring nuance to the understanding of the EU’s policies and its impact while in-depth comparing Libya and Tunisia.

3. Theoretical framework

This study situates itself in the growing body of research on the externalization of migration governance. However, internal and contextual factors within third countries, particularly those impacting the human rights of African migrants in both Libya and Tunisia, remains an overlooked topic. In order to explore how the EU's externalization of its migration governance in Libya and Tunisia impacts human rights, with a particular focus on African migrants, I will draw on the theoretical frameworks of Hahonou and Olsen (2021) and Bisong (2020).

Hahonou and Olsen (2021) introduces the concept of 'complex interdependency', which explains the relationship between the EU and its African partners. This involves the EU's reliance on cooperation from third countries incentivized through aid and international legitimacy. However, the EU's approach often disregards local perspectives, creating internal tensions and resistance within these states. These tensions stem from an unequal resource distribution (Hahonou & Olsen, 2021:879).

Bisong (2020) on the other hand emphasizes the EU's exclusion of local populations from the decision-making process. The third states' governments and 'elites' are incentivized by the EU through increased aid. Moreover, the anti-free movement policies often disregard local perspectives, leading to internal tension (Bisong, 2020:218-219)

3.1 Complex interdependency

The first theoretical framework this study builds on is outlined by Hahonou & Olsen (2021) and referred to as 'complex interdependency'. This concept explains the mutual, thus unequal, reliance between the EU and third countries in the context of migration governance.

As the EU is dependent on the third countries' governments to implement their externalized migration control policies, the African counterparts simultaneously leverage on EU cooperation. For instance, they consolidate their regime power, secure financial aid and enhance their legitimacy on the international stage. However, similar to a carrot-and-stick approach, the EU has for instance cut certain aid provisions to those countries that were not actively cooperating with its migration governance. Furthermore, countries that effectively implemented their policies were rewarded with increased aid, and for instance visa-related benefits (Hahonou & Olsen, 2021 :877; Bisong, 2020:226).

In terms of the claim that third countries enhance its international legitimacy through implementing EU migration policies, this is connected to aspects of fighting irregular migration and terrorism which goes hand in hand with the EU's norms. When countries in North Africa and the Middle East officially states their commitment in these areas, it results in increased support from the West and in turn strengthened their regimes' power and attempt to survive (Hahonou & Olsen, 2021:878).

Hahonou & Olsen (2021) further highlight the aspect of internal allocation of resources within many African states. In contrast to states governed by Weberian legal-rational principles, the public distribution of resources within many African societies are bound to informal and strongly personalized patronage networks (Hahonou & Olsen, 2021:877-879)

Hereby, the EU's objectives to cooperate with Libya and Tunisia on migration management could be weighted to the countries own incentives and benefits to strengthen their EU-relation. For instance, following the theoretical concept of 'complex interdependency', Libya and Tunisia could be motivated by factors such as gaining financial assets, increased international legitimacy and regime survival. In Libya, the fragmented political landscape amplifies this complexity. Various non-state actors and militias - some nominally linked to the government - benefit directly or indirectly from EU funds allocated for migration management (Amnesty International, 2021 & Human Rights Watch, 2019).

The funding chain illustrates the EU's reliance on local actors who may have conflicting interests or operate in ways that violate human rights standards. This includes practices such as detaining migrants under inhumane conditions in facilities overseen by the Libyan Ministry of Interior but effectively controlled by militias (Amnesty International, 2021 & Human Rights Watch, 2019).

In Tunisia, where the political environment is more centralized and stable, corruption is still an alarming fact, which impacts how EU aid is utilized. This creates a dependency loop where the Tunisian government benefits from EU funding to bolster its international legitimacy and domestic power, while local actors within the migration control framework exploit these funds for personal gain.

This highlights how the EU's reliance on externalization policies can canalize systemic issues within partner countries, further complicating the relationship between migration management and human rights. It further showcases how the EU prioritizes stemming migration flows

towards Europe from the African continent over preventing serious human rights violations. The 'complex dependency-chain' benefits the 'elites' and the African governments together with the EU, but unintentionally it impacts the human rights of migrants as it criminalizes them and the forces who contain them constantly use violent methods.

3.2 Local exclusion and internal tension

Secondly, the other theoretical framework this study employs is Bisong's (2020) emphasis on local exclusion leading to internal tension. This implies that EU funding in fact can create new internal tensions within their African counterparts, and hereby in Libya and Tunisia.

Even though there is a valid point to shed light on the underlying motivations of the third countries' governments, including actors related to the governments, to implement the EU's migration policies, this excludes the local populations' perspectives. Relevant to this theoretical framework is the fact that there exists a strong local resistance within third states where the EU's policies are implemented, with the aim to call for avoidance of external pressure. Therefore, could the EU's externalization of its migration policies to third states also be viewed as a power extraction (Bisong, 2020:221).

Building on the concept of corruption and the personalized allocation of resources in many African states which were described within the work of Hahonou & Olsen (2021), tensions can arise in several contexts. For instance, local 'elites' such as military and police forces, benefit from the influx of financial resources, which reinforce their power and influence. Meanwhile, other local actors who previously relied on the informal economy linked to migrant smuggling face economic losses due to the disruption caused by the EU's migration policies.

These individuals may include not only those directly involved in the transportation of migrants but also those who indirectly benefited from the trade, such as owners of roadside restaurants near transit hubs or vendors selling items like SIM cards and mobile phones. This reallocation of resources and disruption of informal networks can lead to economic grievances and resentment, further exacerbating internal divisions and potentially fueling new forms of unrest or instability.

Another important aspect included in this theoretical framework is the local attitude towards free movement of people which often is present within African societies. Bisong (2020) shed light on the discourse around migration in Western Africa where the principle of free inter-regional movement has been dominant. The EU influenced policies, whereas the EUTF functions as a tool to stem migration, directly undermines this. Regardless of whether

migrants intend to move solely within the region or aim to reach Europe, the latter destination always remains a relevant consideration leading to violent containment (Bisong, 2020:218-219).

The outlined examples of how the EU imposed migration policies, by excluding local perspectives, leads to internal tension illustrates an unequal relation between those benefiting from EU collaboration vis-à-vis those who are disadvantaged by it. In the cases of Libya and Tunisia, it is evident that this internal tension manifests in distinct ways.

Building on these theoretical implications, I argue for moving beyond a Eurocentric approach, examining how the EU's security-driven approach to migration conflicts with internal perspectives - not only regarding the financial dynamics of the smuggling system but also in terms of normative values. Expanding the theoretical frameworks to include two key North African transit countries, Libya and Tunisia, will provide valuable insights. By incorporating a human rights lens, the study will offer a nuanced angle, analyzing the alignment between the EU's stated objectives and the conditions faced by African migrants in Libya and Tunisia.

4. Methodology

4.1 Case selection

This paper will employ a two-case study approach focusing on Libya and Tunisia. These countries were selected for several reasons, primarily their critical roles as transit countries for migrants attempting to reach Europe via the Mediterranean Sea. In 2023, reports indicated an alarming rise in migration attempts, with approximately *212,000 migrants* embarking on the journey from the coasts of Libya and Tunisia. Additionally, over *3,105 individuals* were reported dead or missing, highlighting a persistent humanitarian crisis (IOM, 2024).

This underscores the urgent need to analyze the migration dynamics and policies affecting these two nations.

Furthermore, both Libya and Tunisia are key partners in the EU's external strategy towards third countries and hereby significant recipients of financial aid through the EUTF (European Union, 2015). Despite contextual similarities such as both being part of the 'Arab spring', their geographical location, Islam as main religion, Arabic as the official language, recipients of EUTF as well as being key transit-countries for migrants attempting to reach Europe, they differ in their internal political landscapes. Libya still lacks a legitimate unified government, leading to ongoing instability and internal conflicts. Tunisia, while also facing challenges, has a functioning government under President Kais Saied, albeit one that has been criticized for violent political repression (Human Rights Watch, 2023 & 2024).

Varieties of Democracy (V-dem) measures human rights in terms of 'civil liberties' whereas they understand it as liberal freedom. Further exemplified by the absence of physical violence committed by government actors in addition to the absence of constraints of private liberties and political liberties by the government. The scale they use is an interval from 0-1, low to high. In the latest measurement from 2023, Libya scored 0.32, and Tunisia scored 0.72, highlighting a significant disparity. However, this contrasts sharply with Sweden's notably high score of 0.96 (Varieties of Democracy Institute, n.d.).

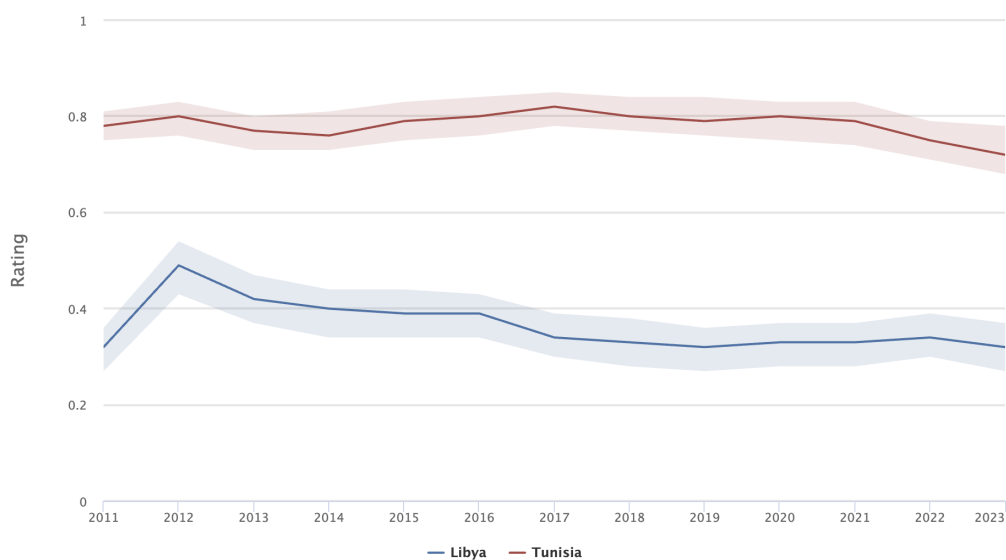
This further motivates the case selection in terms of exploring differing human rights outcomes in connection to the EU's externalization process. The similar variables are presented below in Table 1, alongside the human rights indicator operationalized as 'civil liberties', which is further illustrated in Table 2.

Table 1. Most Similar System Design: Libya and Tunisia

Libya	Tunisia
Population: 6,888 million (2023)*	Population: 12,46 million (2023)*
Sunni Islam as the main religion	Sunni Islam as the main religion
North African country	North African country
Arabic as official language	Arabic as official language
Both countries were part of the 'Arab Spring'	Both countries were part of the 'Arab Spring'
Transit-country for migrants	Transit-country for migrants
BNP per capita: 7 329,98 USD (2023)*	BNP per capita: 3 895,39 USD (2023)*
Aid recipient EUTF (392.1 million €)*	Aid recipient EUTF (22.8 million €)*
Freedom House global score (0-100): 9 (not free)*	Freedom House global score (0-100): 51 (partly free)*
V-dem civil liberties score (0-1): 0.32 *	V-dem civil liberties score (0-1): 0.72 *

* The World Bank * EU Trust Fund for Africa: Annual report (2023) * Freedom House (2024) * V-dem (2024)

Table 2. Civil liberties index (V-dem)



* V-dem institute (n.d.)

4.2 Research design

This study follows Gafuri & Muftuler-Bac's (2021) case selection by using *most similar system design* together with process tracing in order to analyze the two cases. It follows the concept of *most similar system design* to discover potential varieties between the outcomes in Libya vis-à-vis Tunisia (Gafuri & Muftuler-Bac, 2021). Process tracing is a qualitative research method used to explore the sequence of events and the connections between them. It focuses on identifying key pieces of evidence to better understand the pathways and processes that may contribute to specific outcomes, providing a nuanced perspective on a complex phenomenon (Collier, 2011:824). Moreover, there is a clear distinction between using a deductive approach prior to an inductive one (Trampusch & Palier, 2016:439). However, it is possible to incorporate both a deductive and inductive approach which this thesis does as it uses the theoretical frameworks of Hahonou & Olsen (2021) and Bisong (2020), while also learning throughout the process tracing. This paper aims to understand the EU's role in outsourcing its migration governance to Libya and Tunisia where migrants face human rights violations and combining an inductive and deductive approach enables me to provide a comprehensive understanding. This implies a theory-building approach with potential new empirical insights alongside building on already existing relevant theoretical frameworks.

Process tracing is employed as the primary method to deepen the understanding of how different events and outcomes are interconnected and to identify the pathways that shape these developments. However, there are several differing explanations of what constitutes this type of method, and it has even been criticized for becoming a "buzzword" (Trampusch & Palier, 2016:440-441). This makes it especially important to clarify my interpretation and use of it and showcase how the study intends to inductively examine key chain of events in order to contribute to the understanding of the human rights violations migrants face in Libya and Tunisia. Furthermore, process tracing in comparison to quantitative research methods, where the researcher focuses on statistical inferences and correlations, enables the study to include unpredictable explanations that otherwise would be overlooked (Collier, 2011:824).

Additionally, the use of process tracing enables an in-depth exploration of the connections and pathways that could influence specific outcomes, providing a nuanced understanding of the relationships between events (Trampusch & Palier, 2016:448). Thus, this method is suitable to answer the proposed research question - *How does the EU's externalized migration governance impact the human rights of African migrants in Libya and Tunisia from 2015 to the present?*

4.3 Data collection

To conduct the process tracing, this study will rely on collection of qualitative data and evidence. The process tracing will be isolated to a time frame spanning from 2015 until today due to the significant shifts in EU migration policies that began around this period, particularly with the establishment of the Emergency Trust Fund for Africa (EUTF). Certain projects and agreements prior to 2015 could also be included if relevant to both cases. The primary sources will include EU official agreements, policy papers and reports. In addition, secondary sources including reports from humanitarian NGOs, with a specific emphasis on Amnesty International and Human Rights Watch, will enable a broader understanding of the situation ‘on the ground’ for migrants in Libya and Tunisia. Key events, and hereby the collection of official documents and reporting on certain events, will be chosen in relation to turning points or historical relevance and follow a chronological sequence. Furthermore, the NGO reports on human rights violations will reveal significant outcomes to include in the relevant sequence of events. The choice of NGO reports, and hereby the emphasis on Amnesty International and Human Rights Watch, is explained due to their high activity and vocality on the situation for migrants in Libya and Tunisia, alongside the need for independent sources, since the EU has motivations to present its policies in a more favorable light.

To triangulate the analysis, I will include two interviews with relevant actors. The interviewees include the Director General of a European maritime-humanitarian organization whose mission is to save people in distress in the Central Mediterranean Sea. The organization was founded by citizens who believed that the EU has failed to prevent people from losing their lives at sea. This will be referred to as ‘Interviewee 1’. The second interviewee, referred to as ‘Interviewee 2’, involves a senior Middle East and North Africa researcher and an Associate Director at a prominent international human rights organization. This person has extensive experience from documenting human rights violations, particularly in Libya.

This will enable the analysis to gain insightful knowledge of the situation ‘on the ground’, including first-hand accounts from rescued migrants, highlighting their personal stories and perspectives on human rights violations experienced within the countries.

The interview guide will combine both inductive and deductive approaches, incorporating pre-determined questions while allowing for the development of additional questions throughout the process. Moreover, both interviews will be held digitally. The interviews will be categorized as ‘elite’ semi-structured interviews. There are several

conflicting views regarding whom and which category should be considered an ‘elite’. This study will draw from Mbohou & Tomkinson (2022) to understand it as *political*. By this I mean that a person is considered an ‘elite’ when they are in a position of power and have societal influence on the general public (Mbohou & Tomkinson, 2022:3).

4.4 Analysis method

The primary analysis method of this study is document analysis, while the two interviews are used as a secondary method in order to triangulate the analysis and hereby enhance the validity and robustness of the conclusions.

Document analysis is a rather underused approach in research compared to methods such as surveys or interviews. Explanations to this involve the overarching urge to interact and create own data. However, the use of pre-existing data is very similar to this approach thus less time consuming. In this case, it is especially appropriate since the ethical obstacles in terms of this sensitive subject hereby gets resolved. Moreover, this approach includes a variety of documents such as books, newspapers, policy documents and reports (Morgan, 2021:65-67).

Furthermore, documents are categorized as either *public*, *private* or *personal*. This study will focus on public documents such as policy statements and press releases from the EU, as well as reports from organizations like Human Rights Watch and Amnesty International (Mogalakwe, 2009:46).

This study uses *thematic analysis* as a form of document analysis. It is highly flexible and not tied to a specific theoretical framework. Its adaptability allows researchers to explore patterns and themes and therefore provides valuable insights (Morgan, 2021:73). It could further be explained in terms of its objectives to identify and interpret ‘themes’ in qualitative data. The method’s flexibility enables researchers within different disciplines to use it in their studies. The main goal is to identify ‘themes’ and ‘meanings’ in relation to the proposed research question. Important to stress is that this method moves beyond summarizing the data content, into interpreting the most relevant aspects given the conceptual frameworks. Moreover, could the research question be developed during the process (Clarke & Brown, 2017:297-298).

When striving for trustworthiness in thematic analysis, it is important to ensure transparency and provide a clear description of the process. Furthermore, its advantage of being

considered a flexible approach could lead to uncertainty and a lack of consistency throughout the process, and thereby potentially jeopardizing the results. This can be solved by providing a clear understanding of what kind of perspective, and framework, that guides the thematic analysis. Hereby, is the section of previous research and the theoretical frameworks highlighted in this study important (Nowell, Norris, White, & Moules, 2017:1-2).

There are also risks associated with this choice of data connected to thematic analysis, since potential biased documents could jeopardize the reliability. Thus, it is important to consider factors such as credibility, authenticity, representativeness and meanings when selecting the documents (Morgan, 2021:70 & Mogalakwe, 2009:52-54).

Since the EU's policy documents generally reflect a positive outlook on their migration governance, while NGO reports adopt a more critical - activist position- this enables me to approach the analysis with a balanced and nuanced perspective. By integrating both views, I can provide a comprehensive evaluation of the policies, capturing both official justifications and the critiques surrounding their impact on migrants' situation in Libya and Tunisia.

To ensure trustworthiness and transparency in the process, my first step will involve familiarizing myself with the data. This will be followed by a detailed analysis of the official EU documents and NGO reports in order to identify specific themes and patterns. By adopting this structured approach, I aim to provide a clear and coherent understanding of the data, which aligns with the methodological principles that emphasize thoroughness and consistency in qualitative research (Nowell et al., 2017:3). Moreover, using an inductive approach in my thematic analysis enables me to focus on the context relevant to my research question while gradually developing a deeper understanding of the data throughout the process.

The following section will provide an outline of the EU Trust Fund for Africa (EUTF) and its historical background to offer crucial contextual insights into the two cases.

5. EU Emergency Trust Fund for Africa

The EU Emergency Trust Fund for Africa stems from 2015 when an unprecedented number of migrants and refugees arrived at the European shores due to issues such as conflicts, poverty, human rights violations and political and economic insecurity. As a response, the European Council arranged an international summit and called for cooperation with African countries to address the root causes of migration in order to stem the flows and enhance stability in the African region. The overall ambition was to establish a "shared responsibility" between countries of origin, transit, and destination (Council of the European Union, 2015). This was emphasized by former European Council President Donald Tusk in his opening remarks at the Valletta Summit in November 2015:

"Europe is taking its responsibility—saving lives, welcoming refugees and those entitled to international protection, offering more organized routes for legal migration, and dismantling criminal organizations. We need our African partners to help us better address our common challenges. We have no choice but to be partners in this." (Donald Tusk, November 11, 2015).

During the summit, the European Council officially launched the “Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa”, generally known as the EU Emergency Trust Fund for Africa (EUTF). With a minimum of 1.8 million euros, the fund includes projects within countries in the Sahel region, the Lake Chad area, the Horn of Africa and the North of Africa. Hence, both Tunisia and Libya are essential partners and recipients of funding from the EUTF in exchange for, among several objectives: their cooperation in preventing irregular migration. For instance, projects can include efforts to enhance employment rates, improve education and health services, impose governance efforts such as the rule of law and establish an effective readmission process for migrants (European Commission, 2015).

The EUTF functions as a package deal whereas specific projects, related to the overall aim of preventing migration flows, are funded within the partnering African countries. However, even though the fund *de facto* works as a tool for implementing the EU’s objectives into third states, the projects in official EU documents are often framed as a-political and technological. Relevant to stress is also the concept of labeling it as an ‘emergency fund’, since the term indicates special mechanisms such as less transparency of the policy process in addition to the

possibility to choose an implementing partner without the usual competition from others (Spijkerboer, 2022:2895-2898). The projects are selected through proposals sent to the Operational Committee, which consists of members of the European Commission and contributing Member States. There is also a Strategic Board, based on representatives from the Commission, Member States and other contributing donors, who sets the Global Strategy for the fund. The EUTF consists of donations from Member States and additional donors, together with official funding from for instance the *European Development Fund*, the *Development Cooperation Instrument* and the *European Neighbourhood Instrument* (European Commission, 2015).

As part of the EUTF, the project “Support to Integrated border and migration management in Libya” was officially launched in July 2017 and indicates a primary focus on capacity-building for Libyan authorities in their maritime surveillance. For instance, the project included support to organize facilities to coordinate operations and included the provision of speedboats. It also led up to the declaration of a Libyan Search and Rescue Region. However, even though the stated objective, to reduce the number of migrants arriving in Europe together with removing the number of deaths at the sea was accomplished, the consequences for the people who were rescued was severe. Women, men and children were put in detention centers, officially controlled by the Libyan Ministry of Interior, where they faced horrific ill-treatments (Amnesty International, 2020). Similar to EU-Libya relations regarding migration control, Tunisia is also a recipient of funding through the EUTF. In relation to border management, which includes support to the Tunisian Coast Guard, significant emphasis is placed on designating Tunisia as a 'safe third country' to enable the relocation of migrants. However, migrants intercepted and relocated in Tunisia face serious human rights abuses, or are directly transferred to Libya, and this implies that EUTF-related projects in fact undermine international laws such as “protection against threats to physical safety or freedom” (Human Rights Watch, 2023).

In contrast to the cases explained above, where EU-funding went directly to national authorities within both Libya and Tunisia, most of the implementing actors of EUTF projects consist of UN agencies alongside development agencies. This approach has been viewed as a means to enhance legitimacy and as a tool through which the EU, via development agencies and UN organizations, reinforces the linkage between development and migration control. Furthermore, it enhances and legitimizes the EU’s direct influence and policy priorities within sovereign African societies (Spijkerboer, 2022:2894 & 2899).

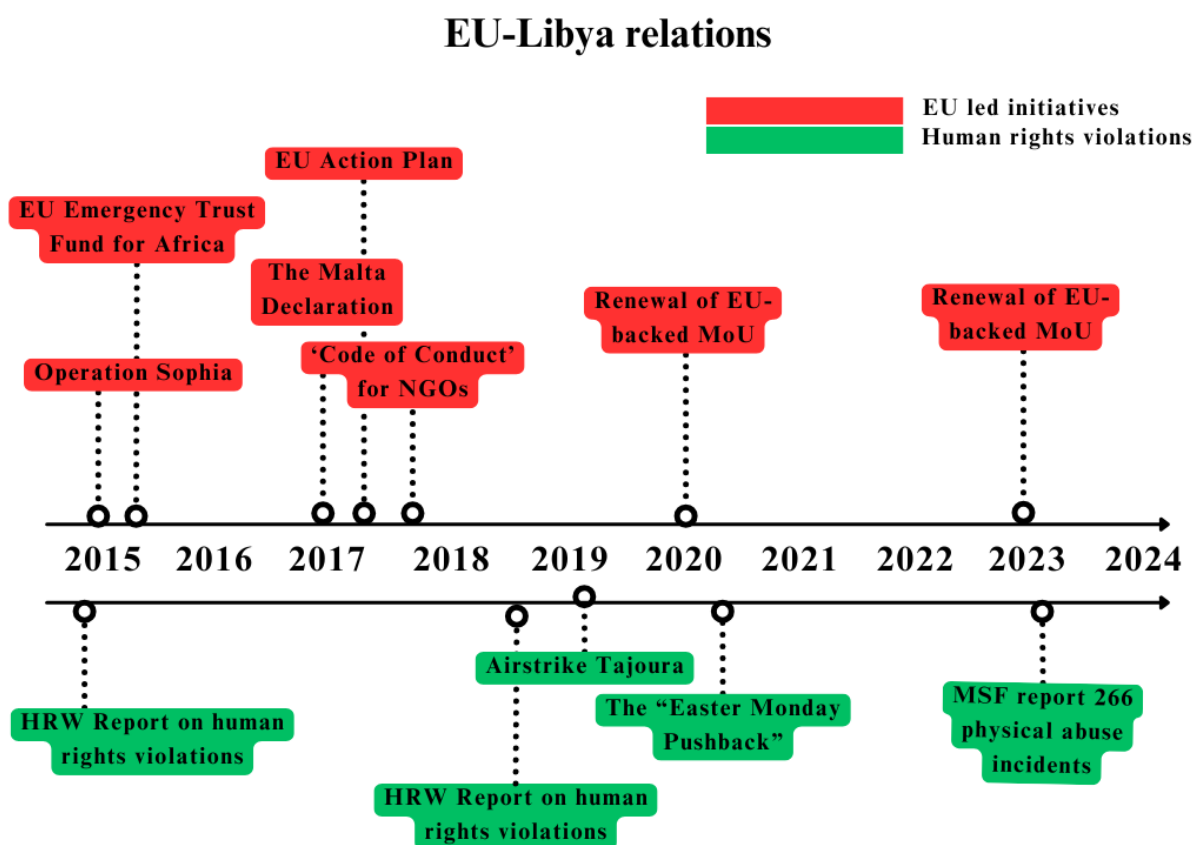
Based on this knowledge, the EUTF exemplifies the concept of 'complex interdependency', as outlined by Hahonou & Olsen (2021). This dynamic is evident in the mutual reliance between the EU and its African partners. The EU depends on the cooperation of Libya and Tunisia to enforce border controls and curb migration toward Europe. In return, these African states receive financial support and enhanced political legitimacy through their association with the EU. Moreover, framing the migration management as a “shared responsibility” between the EU and the African transit-countries further illustrates the unequal power extraction since the policies represent a euro-centric view on migration as a security threat towards Europe (Council of the European Union, 2015). The exclusion of local perspectives, outlined in Bisong (2020), could also be recognized within the EUTF in for instance the overrepresentation among UN agencies together with European development agencies as implementing partners of the projects. Framing the projects as a-political further emphasizes this claim since that implies neglecting insights from local actors and reinforces a top-down approach (Spijkerboer, 2022:2894-2895). The EU's support through the EUTF to Libyan and Tunisian authorities, while excluding considerations of migrants' voices and the human rights abuses they face, reflects an unequal and unethical power dynamic.

This overall section provides a robust foundation for understanding the context of the EU's externalization process and its bilateral relations with Tunisia and Libya. Moreover, this groundwork enables a more in-depth analysis of each case, focusing on specific agreements between each country and the EU. The analysis will begin with the case of Libya, following the case of Tunisia, and conclude with a comparative approach.

6. Case of Libya

In this section, I apply process tracing to shed light on the EU’s migration externalization in the case of Libya and how it has impacted human rights for African migrants. The EU-led initiatives will be outlined in a chronological order such as: *Operation Sophia*, *The Malta Declaration*, *Code of Conduct for NGOs* and the *EU-backed Memorandum of Understanding*. This will be followed by a discussion on its impact on human rights, and thereafter the theoretical frameworks of ‘complex interdependency’ (Hahonou & Olsen, 2021) and local exclusion (Bisong, 2020) will be explored.

Figure 1: This figure illustrates a timeline of significant events in EU-Libya relations concerning the EU’s migration policies, alongside documented human rights violations from 2015 to today.



6.1 Operation Sophia

As a response to the high number of deaths in the Mediterranean Sea, the EU launched a military operation with the ambition to prevent migrants from drowning and primarily to combat illegal migrant smuggling. The European Union Naval Force Mediterranean (EUNAVFOR Med), later known as 'Operation Sophia' to honor a rescued migrant who gave birth to a baby named "Sophia" onboard a rescue ship, officially launched in June 2015. Initially, the operation tasked EU naval forces with the authority to board, search, seize, and redirect vessels suspected of being involved in migrant smuggling networks on the high sea. In 2016, the operation evolved to also include training of the Libyan Coast Guards (LCGs) and Navy, in addition to contributing to the United Nations' arms embargo off the coast of Libya (EEAS, n.d.). Operation Sophia is part of the EU's overall efforts to partner with countries of origin and transit to address the root causes of migration. This is partly done by disrupting the business model for migrant smugglers on the high sea. Moreover, it is part of the EU's crisis management and a further call to establish a sense of 'shared responsibility' (EU Naval Force Med, 2017).

However, LCGs staff who are being trained by the EU, consists of former revolutionary military personnel and were recruited to join the forces after 2012. Furthermore, there is a lack of capacity and conditions in terms of being able to conduct efficient rescue operations. This could be exemplified in terms of inadequate software skills together with limited language abilities, also concerns of unsuitable boats and fuel shortages. As Italy, the most invested EU member state in this matter, strengthened their cooperation with the training and material support to the LCGs, it became known that the number of interceptions at sea arose. Nevertheless, the rate of deaths per attempted crossing also saw a significant increase (Human Rights Watch, 2019). There has also been published footage of the LCGs vessel 'Ras Jadir', which Italy had supplied to the LCGs in 2017, showing how they in the Maltese Search and Rescue zone threw objects on a boat filled with migrants. Their actions further included firing shots in the water near the boat. Regardless of the evidence of the event, no one was held accountable (Amnesty International, 2021).

Moreover, in a report issued by the House of Lords European Union Committee it was stated that the naval mission had failed its attempts to 'disrupt the migrant smuggling networks on the high sea'. The ships were also accused of being unsuitable for humanitarian assistance efforts.

The report further argued that the migrant smugglers adapted their business approach to instead rely on the EU's rescue efforts and hereby provided migrants with unsafe boats intentionally (House of Lords European Union Committee, 2017). As a response, the EU started to downscale its search and rescue missions (SAR), and in turn withdraw its ships on the sea. The operation officially ended in March 2020, and it was replaced by 'Operation IRINI'. EUNAVFOR MED IRINI focuses on surveillance tasks with its official primary aim to enforce the UN arms embargo on Libya (European Council, 2020).

6.2 The Malta Declaration

In the beginning of 2017, the EU stated its continuing efforts to address migration flows in the Central Mediterranean. The Malta Declaration includes enhanced cooperation with Libya, and especially the LCGs, in order to stem the flows. This aligns well with the general objectives of Operation Sophia, but it distinguishes in terms of a shift to focus on local aspects such as extended cooperation with actors *inside* third countries. The Declaration is hereby a symbol for further efforts of the EU's externalization, and a key component here is 'capacity building'. The EU recognizes the need for stabilization in Libya in order to address smuggling activities. Moreover, it outlines the extension of Operation Sophia's task to train and equip the LCGs and hereby calls for a mobilization. The Malta Declaration was initiated during an informal summit for EU leaders. Ahead of the summit in Malta, EU officials invited the Prime Minister of the Government of National Accord of Libya, Fayeza Mustafa al-Sarraj to Brussels to discuss EU-Libya relations (Council of the European Union, 2017). Federica Mogherini, the EU High Representative for foreign affairs and security policy, stated after their meeting that:

“On migration, we have a good cooperation based on the work we are doing in particular for the training of the Libyan coastguards and navy with [EUNAVFOR MED] Operation Sophia, which is going very well and that would allow the Libyan authorities to control more effectively – not only for migration purposes but also for security purposes – their territorial waters.” (Federica Mogherini, 2017, February 2).

Following the criticism outlined in the previous section, relevant to stress is hereby the principle of non-refoulement which is included in the 1951 Refugee Convention that the EU is bound to respect. The principle of non-refoulement dictates that no individual should be sent back to a place where they are at risk of persecution (United Nations High Commissioner for

Refugees, n.d.). The actions of the EU-backed LGCs goes in direct conflict with this principle according to several testimonies of those intercepted by the LCGs, protesting forced returns to Libya and expressing fear of detention. This further highlights the inhumane conditions within the country. For instance, the Libyan forces, on November 20th, 2018, used tear gas and rubber bullets to forcibly remove 80 people who had been rescued in compliance with an Italian command since they refused to disembark the boat for ten days. This resulted in several people being injured (Human Rights Watch, 2019:24-25). According to the senior Middle East and North Africa researcher, everyone who gets intercepted by the Libyan Coast Guards, is being pushed back into imprisonment. Apart from that, the human right to seek asylum also gets neglected since it is not possible to do that on the high sea. Hence there are people migrating from Libya with fundamental protection needs and rights (Interviewee 2, personal communication, November 27, 2024). In terms of whether the stated human rights violations could be directly linked to the EU's externalization policies, the senior Middle East and North Africa researcher stated that:

“If it was not for Frontex, and other EU bodies, that directly collaborate with the different coast guard forces, they would not have the ability to go and intercept boats. Here we have seen violations directly by the coast guard forces - in approaching boats in very reckless maneuvers that endanger lives, in the physical violence against migrants and asylum-seekers, when they arrest them at high sea, beating of asylum seekers and inhumane treatment.” (Interviewee 2, personal communication, November 27, 2024).

6.3 Code of Conduct for NGOs

Following the Malta Declaration, the European Commission proposed an Action Plan in July 2017 in order to accelerate their externalization efforts and showcase their support for the Italian government (European Commission, 2017). Jean-Claude Juncker, former President of the Commission, stressed that:

“The dire situation in the Mediterranean is neither a new nor a passing reality. We have made enormous progress over the past two and half years towards a genuine EU migration policy but the urgency of the situation now requires us to seriously accelerate our collective work and not leave Italy on its own.” (Jean-Claude Juncker, 2017, July 4).

In addition to enhanced funding to Libyan authorities to promote capacity-building, advance readmission processes and strengthen border control measures, the EU requested Italy to draft a 'Code of Conduct' for NGOs conducting SAR-operations (European Commission, 2017). This request came in response to the increased involvement of NGOs in rescue operations across the Mediterranean, which the organizations did as a direct result of the EU's failure to manage the crisis. The operations, starting in 2014, were first conducted in cooperation with the Italian authorities, but that took a dramatic turn in 2016. From late 2016, a discursive shift took place which indicated the criminalization of NGOs conducting SAR-operations accusing them of operating as "taxis" for the migrant smugglers. This also goes hand in hand with claims of rescuing missions contributing to the "pull factor" (Cusumano & Villa, 2021:24-27).

The British organization Statewatch published a leaked version of a draft on Italy's proposal to the "Code of Conduct" for NGOs carrying out search and rescue in the Mediterranean and published it on July 11th, 2017. The proposal stated, among other requirements, an 'absolute ban to enter Libyan waters' and an 'obligation not to obstruct the search and rescue operations by the Libyan Coast Guard' (Statewatch, 2017). As part of Italy's attempt to criminalize NGOs conducting SAR-missions, Italian authorities issued a warrant for the seizure of the rescue ship *Iuventa* in August 2017. This event is generally known as the "Iuventa case" (Iuventa Crew, n.d.).

The Italian prosecutors accused the humanitarian workers on board of the rescue ship for collaborating with migrant smugglers in terms of information sharing on the migrant boat's exact location. In addition, also for rescuing migrants, that were according to them, not in a state of distress. However, even though the "Code of Conduct" has no legal implications, and the fact that the Italian Coast Guard stressed that NGOs active in SAR-operations followed the authorities' instructions, it did lead to a delegitimization of humanitarian NGOs (Amnesty International, 2021). In April 2024, a judge stated that the rescuing operations conducted by the ship *Iuventa*, owned by *Médecins Sans Frontières* and *Save the Children*, did not constitute a crime. This legal process marks the most expensive, and most time-consuming procedure ever initiated against a non-state SAR-operation (Iuventa Crew, 2024).

Even though Italy clearly obstructs the NGOs ability to conduct SAR-operations, while interviewing the Director General of the European maritime-humanitarian organization, concerns were expressed regarding the non-actions of the Maltese authorities as even more alarming:

“Clearly, things are being put to prevent us from patrolling like we did before, having the possibilities to do several rescues and go and disembark people, but at the same time they [Italy] are still allowing us to disembark and they are still picking up the phone when we need continuation, Malta is not doing that at all.” (Interviewee 1, personal communication, November 6, 2024).

6.4 EU-backed Memorandum of Understanding

Officially signed in Rome 2017, a Memorandum of Understanding on further collaboration between Italy and Libya regarding ‘irregular migration’ was established and supported by the EU. The commitment includes technical and financial support to Libyan authorities, such as the LCGs, with the initial aim to prevent migrants reaching European shores. In turn, migrants get intercepted and returned to detention centers in Libya. Moreover, The EU is involved by contributing with financial aid through the EUTF (Presidenza del Consiglio dei Ministri, 2017). The deal was renewed in 2020 and once again in 2023 despite severe criticism from several human rights organizations (Amnesty International, 2021 & Human Rights Watch, 2022).

The EU’s border agency Frontex has also been accused of collaborating with the LCGs as it assists the Libyan authorities with aerial surveillance. Human Rights Watch has launched a report indicating that the surveillance information in fact is vital for the Coast Guards’ ability to intercept migrants. Furthermore, the report implies that this is part of the EU’s general strategy to outsource its responsibility and remove any legal obligations that would otherwise apply in case of physical contact with migrants in distress (Human Rights Watch, 2022). The senior Middle East and North Africa researcher explained how NGOs have been asking for specific vetting mechanisms, whereas you evaluate someone’s suitability for a particular role. In this case there are reasons to be concerned of the potential empowerment of people in the Libyan Coast Guard forces, or other non-state actors for that matter, who have been engaged in serious human rights abuses. Normally the EU would vet, and measure, if a group of people they are going to collaborate with have committed serious human rights crimes in the past, but with the case of the collaboration with the Libyan Coast Guard forces, there is a lack of transparency in this matter (Interviewee 2, personal communication, November 27, 2024). The senior researcher further stated that:

“Likely because these standards don’t exist and these questions are not asked. When you are subcontracting, basically more or less subcontracting third countries to do the work that you

don't want to do, then maybe, maybe you are not asking these questions...but maybe you should." (Interviewee 2, personal communication, November 27, 2024).

6.5 Human rights violations in Libya

In Human Rights Watch's report from 2019, they stipulate that the EU's externalization policies are contributing to the human rights violations migrants face in Libya. While visiting detention centers in 2014, HRW could confirm that the situation for migrants was severe. Documentations of torture, masscrowding and lack of healthcare went public. In July 2018, revisits to detention centers proved that the conditions prevailed. In interviews, migrants told the researchers that they have been beaten, raped and tortured. Moreover, migrants are forced to pay bribes to the guards, or even forced to unpaid labor (Human Rights Watch, 2019).

A key event, later claimed to be viewed as a war crime, is the airstrike against the Tajoura DCIM detention centre in Tripoli in July 2019. The airstrike resulted in the killing of at least 51 refugees and migrants, alongside injuring several others, and was conducted by the Libyan Arab Armed Forces. The situation in the Tajoura centre before the attack was described as horrific and a witness told Amnesty International that: *"Tajoura was harder than all the other prisons; you had absolutely no freedom... You didn't have a voice."* (Amnesty International, 2021:21). As the event invoked international criticism, the former Minister of Interior, Fathi Bashagha, commanded to close the center in August 2019. However, reports on migrants being intercepted at sea in September witnessed their deportation to Tajoura, in addition to being put to forced labor (Amnesty International, 2021). Interviewee 2 confirmed this, stating, *"To my knowledge, the detention facility was used even after the attack"* (Interviewee 2, personal communication, November 27, 2024)). Furthermore, the senior researcher explained that usually when the Interior Minister claims that they are closing a detention facility, this only indicates that they are no longer responsible for it:

"I am not aware of a single place in Libya, when the Interior Minister says, 'we closed the place', it just means that we are no longer responsible for this. It just means that an armed group or the militia, which is anyways the case, controls it." (Interviewee 2, personal communication, November 27, 2024).

Another key event, later known as the 'Easter Monday pushback', took place between 10 and 15 April 2020 and involved an unlawful pushback of 51 people on the Mediterranean executed

by the Maltese authorities. Alarms about the boat in distress went out to authorities in Libya, Italy, Malta and Tunisia, and after consistently ignoring them, Maltese maritime authorities eventually coordinated the operation. However, 12 people had already lost their lives and since the ones still alive were not allowed to disembark in Malta, they got pushed back to Libya and later put in a detention center in Tripoli (Amnesty International, 2021). There have been several documentations concerning the violent treatment migrants face from the LCGs while intercepted at sea. A patient that MSF treated in 2022 described their interaction with the Libyan authorities like this:

“The water was coming into the boat, and it was going lower under the water. Two brothers, a Malian and a Guinean, drowned like this. The Libyans didn’t go into the water, and left their bodies there. They took us again to the prison.” (Médecins Sans Frontières, 2024:13).

There are further concerns regarding the disembarkation process in Libyan ports, where migrants are located after being intercepted at sea. In ports in Tripoli, Libyan authorities dismissed migrants the opportunity to connect with present humanitarian assistance and transferred them back to detention centers. Hereby, migrants are dismissed of fundamental rights, such as the right to seek international protection (Amnesty International, 2021). Moreover, the EU’s efforts to delegitimize humanitarian NGOs conducting SAR missions can also be interpreted as contributing to human rights violations. For instance, cases of criminalization such as the ‘Iuventa case’ highlights attempts to obstruct these missions, further limiting the NGOs abilities. The EU does not operate its own SAR-mission, which means that individuals who could potentially be rescued are left without assistance. The Director General of the European maritime-humanitarian organization argue that:

“The lack of search and rescue operations is preventing a proper system where people in distress at sea can be rescued. We still have a lot of deaths at sea. Clearly the NGOs are not enough to cover this area and the scope of this issue, and it is something that is clearly known as well.” (Interviewee 1, personal communication, November 6, 2024).

Following the reports from HRW and Amnesty International, MSF could also conclude that migrants lack access to fundamental health care, and are exposed to torture, rape and severe ill-treatments. From January 2022 to July 2023, they could document reports on 266 physical

abuse incidents. Moreover, it is also common that migrants commit suicide inside the detention centers (Médecins Sans Frontières, 2024).

The overall objective of the EU's migration externalization has been accomplished with a decrease in the number of migrants reaching Europe from Libya. However, the human cost paid by migrants intercepted and detained in detention centers, nominally run by Libya's internationally recognized Government of National Unity, remains severe. This is a direct outcome of the EU's containment strategies and its collaboration with Libyan authorities, which have resulted in migrants becoming trapped within Libya's borders while facing several human rights abuses (Amnesty International, 2020). It is also relevant to look at it from a macro-perspective, since there is no reasonable explanation, other than being financially incentivized, to why the inhumane detention facilities exist. There is no clear objective for Libya as a state, or for the various armed groups committing the abuses, to detain people and keep them in the country. Interviewee 2 stressed that, *"These prisons really only exist because of these agreements with the EU"* (Interviewee 2, personal communication, November 27, 2024). The senior researcher further specified that:

"This entire prison system is really only kept alive by these groups, again who are incentivized by the European Union. So, I say...that the European Union and other Member States are complicit in the very serious violations against migrants and asylum seekers for these reasons." (Interviewee 2, personal communication, November 27, 2024).

Moreover, it is safe to say that the EU's objective to stem the flows of migrants from Libya takes precedence over their commitment to safeguard fundamental human rights, such as the right to seek asylum, freedom from physical violence, and an access to humane treatment. The overall political discourse surrounding this humanitarian crisis is very different from that of the early days of the so-called migrant crisis in 2015, when many EU leaders called for humanitarian action. According to Interviewee 1, *"You have peaks, such as when Alan Kurdi was found on the beach... EU leaders were like 'never again'. Almost ten years after, you have hundreds of Alan Kurdis dying on the shores but now it is ok..."* (Interviewee 1, personal communication, November 6, 2024).

6.6 ‘Complex interdependency’

Hahonou & Olsen’s (2021) concept of ‘complex interdependency’ applies to the Libyan case, where the dependency chain includes the Libyan government’s financial incentives to collaborate with the EU on migration in exchange for aid, extending to the various armed groups that intercept and detain migrants. These armed groups not only benefit financially from sources such as EU aid but also collaborate with smugglers, which serves as a major source of income for these actors (Interviewee 2, personal communication, November 27, 2024). It is also known that in many detention facilities, the people in charge are colluding with the smugglers and human traffickers in a way where they abusively force them to pay for their freedom, and usually by blackmailing their families to send money. Interviewee 2 explained that, “*We know of situations where people are held literally hostage, beaten and forced to get their families to send money to the smugglers so that they are let out*” (Interviewee 2, personal communication, November 27, 2024).

This further illustrates the cycle of abuse, where EU aid indirectly becomes a contributing factor to exploitation and violence in Libya. Within this framework, the ‘complex interdependency’ can be observed as a system where EU funding, intended for migration management, simultaneously enables armed groups to gain power, secure financial assets, and engage in activities such as smuggling, causing instability and committing human rights abuses. The EU hereby relies on local abusive Libyan actors to control migration flows, and they simultaneously rely on EU aid to enhance their power and secure logistical support.

The complexity could be further elaborated into the EU’s stated objective of externalizing its migration governance - ‘to disrupt the migrant smuggling business’ - as their aid paradoxically ends up in the hands of armed groups who collude with the smugglers and hereby maintains their business.

6.7 Local exclusion and internal tension

Bisong’s (2020) framework of local exclusion provides a valuable lens to understand the human rights implications of the EU’s externalization of its migration governance in Libya.

In a collective statement endorsed by several Libyan civil society organizations (CSOs), the European Union's continued efforts to strengthen cooperation with Libya on migration were criticized. For instance, the EU’s stated efforts to improve the return process of migrants was

especially questioned due to the unsafe situation in Libya. The recent crackdown on human rights activists and CSOs calls for action together with the improvement of legal and safe migration routes to Europe (EuroMed Rights, 2023).

This critique points to a significant lack of local inclusion in the EU's policy process, or perhaps more concerningly a disregard of the pledges from Libyan CSOs. Building on Bisong's (2020) theory on local exclusion, this dynamic illustrates how excluding local perspectives exacerbates internal tension. On one hand, human rights activists and members of CSOs call for an end to EU support for Libyan authorities, particularly regarding activities such as intercepting migrants at sea. On the other hand, Libyan actors who benefit financially from EU collaboration are eager to sustain and expand these agreements.

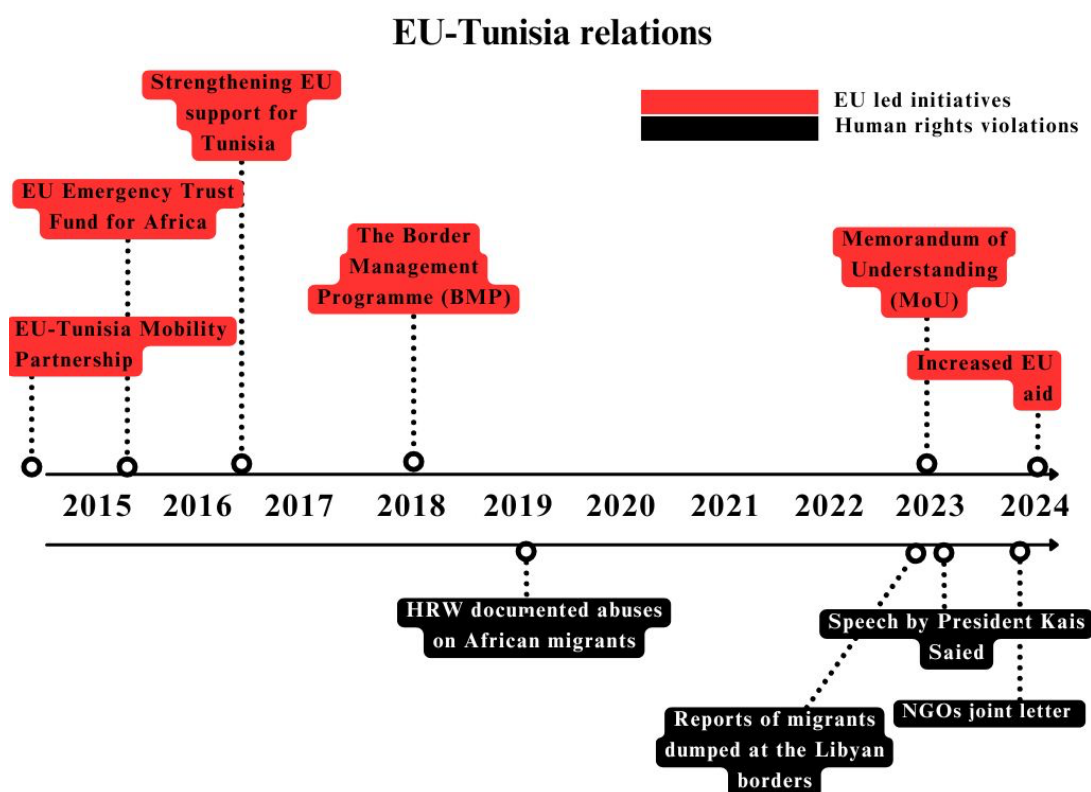
Furthermore, this illustrates a power imbalance present in EU-Libya migration cooperation: local voices advocating for human rights and an end to EU-support which are sidelined, and those who profit from the agreements - government officials, armed groups, and smugglers - are empowered. The African migrants pay the highest price as they are the ones subjected to the cycle of abuse.

The following section will introduce the case of Tunisia.

7. Case of Tunisia

In this section I apply process tracing to analyze the EU’s externalized migration governance in Tunisia and how it impacts human rights for African migrants. Like the previous section the EU-led initiatives will be outlined in a chronological order following: *The EU-Tunisia Mobility Partnership, Strengthening EU support for Tunisia, the Border Management Programme for the Maghreb region and the Memorandum of Understanding*. This will be followed by a discussion on its impact on human rights, and thereafter the theoretical frameworks of ‘complex interdependency’ (Hahonou and Olsen, 2021) and local exclusion (Bisong, 2020) will be explored.

Figure 2: This figure illustrates a timeline of significant events in EU-Tunisia relations concerning the EU’s migration policies, alongside documented human rights violations from 2015 to today. Although the EU-Tunisia Mobility Partnership was established prior to 2015, it remains relevant to the context of these developments.



7.1 EU-Tunisia Mobility Partnership

In March 2014, the European Union announced the official launch of the EU-Tunisia Mobility Partnership. The aim of this partnership was to increase their cooperation on migration management, border controls and facilitate legal migration. The EU highlighted its support to Tunisia's democratic transition and their economic development, with a particular emphasis on migration management. Moreover, the partnership included stated objectives and mutual efforts to combat migrant smuggling and human trafficking (European Commission, 2014). Former EU Commissioner for Foreign Affairs stated that:

“Through this Partnership, the EU and Tunisia will not only develop their bilateral relations in the fields of migration, mobility and security, but will cooperate together to better meet the challenges faced in the Mediterranean.” (Cecilia Malmström, 2014, March 3).

Most of the projects related to migration in Tunisia are supported through the EUTF, while other programs are funded through the European Neighborhood Instrument (ENI). As part of the overall objective within the EUTF, to address the root causes of irregular migration, certain initiatives include promoting youth employment in several disadvantaged areas, alongside socio-economic improvement (European Union Emergency Trust Fund for Africa, n.d.). Relevant to stress is also the country's refusal to adopt a common Asylum Pact even though they are a party of the 1951 UN Refugee Convention. This implies that the migrants, or potential asylum-seekers, that cross or stay in Tunisia irregularly are criminalized and could therefore be put in detention (Amnesty International, 2024).

The EU-Tunisia Mobility Partnership, officially signed in 2014, illustrates the EU's aims to combine a focus on enhanced border security while simultaneously promoting socio-economic development. This partnership also marks a pivotal moment for the EU's externalization of migration governance as investments such as surveillance technologies, capacity-building and improved border infrastructure, leads to a policed migration landscape (European Commission, 2014).

7.2 Strengthening EU support for Tunisia

Following the launch of the EU-Tunisia Mobility Partnership, the EU wanted to further strengthen their partnership with Tunisia and stipulated their continuing efforts under the European Agenda on Migration in June 2016. Hereby, they focused even more on projects involving support to their border management, developing the readmission process and better facilitating the returns of Tunisian migrants. The EU stressed their support in Tunisia's efforts to establish and effectively implement a national migration and asylum policy. Furthermore, Tunisia received over EUR 200 million in 2016 and most of this funding was focused on migration-related efforts. By embedding migration-related funding within a larger framework of socio-economic development and security sector reform, the EU signaled its commitment to a holistic approach (European Commission, 2016).

The announcement was followed by a visit in Tunis from the former EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini. During the meeting, Mogherini stressed the growing ties between the partners and underlined their common values (EEAS, n.d.). She further stated the EU's commitment to address the situation in the Mediterranean sea alongside the urgency occurring in Libya: *"It's very important to work together for the stability of the Mediterranean, which is also a European sea"* (Federica Mogherini, November 4, 2016).

7.3 Border Management Programme for the Maghreb region

As part of one of the stated objectives within the EUTF - *to improve migration management in countries of origin, transit and destination* - the EU together with the Italian Ministry of Interior launched the 'Border Management Programme for the Maghreb region' (BMP Maghreb) in 2018. The BMP was implemented in Tunisia and Morocco. The overall objective of the initiative was to combat irregular migration alongside preventing the vulnerabilities that are associated with this, such as instability and ill-treatments. This was explained to be done through for instance capacity-building and supporting the rule of law. However, the programme placed a strong emphasis on border-related activities, including the protection, monitoring, and management of borders while ensuring lawful travels and trade (European Commission, 2021).

Moreover, the initiative "Maritime Surveillance & Integrated Sea Border Surveillance System in Tunisia" is a key component of the broader Border Management Programme (BMP) in Tunisia. Its primary goal is to strengthen the capabilities of the Tunisian maritime border agency, the Garde Nationale Maritime. This initiative also involves several other Tunisian authorities as key implementing partners, with the Ministry of Interior serving as the main beneficiary. As part of this, the Tunisian Coast Guard and Navy are involved in various projects aimed at improving maritime security and migration management. Actions are described as 'Support to increasing the Tunisian Search and rescue capabilities at sea', 'Support to upgrading the GNM's training academy' and 'Provision of land-based equipment such as vehicles and heat detecting equipment to combat people smuggling as well as accompanying training' (European Commission, 2021). However, tendencies show that black African migrants are being particularly targeted while intercepted at sea and thereafter detained. The system differs from Libya, where everyone is automatically put in prison, but in Tunisia there is clearly one specifically targeted group (Interviewee 2, personal communication, November 27, 2024). Interviewee 2 further outlined the situation as:

"Usually when the Coast Guards, the Tunisian Coast Guard forces, that are state-forces, we consider them to be a state force and not a non-state actor...when they intercept boats and bring them back to Tunisia there is no automatic detention for everyone. We have seen over a certain period of time, during the summer, that more people were being detained than usual and that black African migrants were targeted." (Interviewee 2, personal communication, November 27, 2024).

Interviewee 1 paints a similar picture as testimonies by rescued migrants from Tunisia includes stories where migrants have been dumped at the Libyan borders. The Director General of the European maritime-humanitarian organization stated that, *"I mean we have testimonies of people who were dumped at the border within Libya, left without food and without water"* (Interviewee 1, personal communication, November 6, 2024).

7.4 Memorandum of Understanding on a strategic and global partnership

On July 16, 2023, the EU and Tunisia signed a memorandum of understanding (MoU) on "a strategic and global partnership between the European Union and Tunisia". In addition to

objectives such as enhanced trade between the parties and to support socio-economic reforms, a special focus includes the fight against irregular migrants and disrupting the migrant smugglers' business (European Commission, 2023). The European Commission's President Ursula von der Leyen declared in a press statement that:

"The tragic shipwreck a few weeks ago, in which many people lost their lives, was yet another call for action. We need to crack down on criminal networks of smugglers and traffickers. They are exploiting human despair, and we have to break their reckless business model. So we will work with Tunisia on an Anti-Smuggling Operational Partnership." (Ursula von der Leyen, 16 July, 2023).

The MoU reiterates previous initiatives, but with an increase in aid designated to Tunisian border management in addition to enhanced provision, training and technical support and the support of Tunisian Search and Rescue operations. The EU announced that they will offer over 100 million EUR in funding for this. Important to stress is that a MoU is not legally binding and should be viewed in terms of a framework for cooperation (European Commission, 2023). Moreover, the agreement could be viewed as a response to the recent influx of migrants trying to reach Europe through the Central Mediterranean embarking from Tunisia which now is the main country of departure, followed by Libya (Frontex, n.d).

However, Amnesty International responded to the signing of MoU with several concerns regarding the neglect of human rights principles. They accused the European Commission of turning a blind eye towards the situation for African migrants in the country. Meanwhile the European Commission signed this deal with Tunisia's President Kais Saied, a report showed how the Tunisian security forces dumped hundreds of migrants and asylum-seekers in the desert border area by Libya, leaving them stranded without any water or food (Amnesty International, 2023). This information aligns closely with the accounts shared by the Director General of the European maritime-humanitarian organization, which also highlights testimonies of migrants being abandoned at Libyan borders (Interviewee 1, personal communication, November 6, 2024).

Human Rights Watch expressed similar concerns pointing to the outline of the MoU and its exclusion of guarantees that Tunisian authorities are to take accountability and prevent human rights violations towards migrants. Based on several reports of the abusive actions of the Tunisian police, military, national guard and the coast guards, concerns were also raised towards the potential of EU aid ending up, directly or indirectly, in their hands (Human Rights

Watch, 2023). Following these concerns, and ahead of a European Council meeting held between 26 and 27 October 2023, to discuss further cooperation with third states on the EU's externalization of its migration policies, several NGOs shared a joint letter to the EU leaders. Amnesty International, EuroMed Rights and Human Rights Watch urged the Council's discussions to involve reconsideration of EU-Tunisia collaboration on migration. President Saied's power consolidation and the undemocratic development in Tunisia, along with disagreements over the deal, led to his decision to return 60 million EUR. This reflects the instability and strained nature of the partnership between Tunisia and the EU, as both sides grapple with conflicting interests leading to political tensions (Amnesty EU, 2023). The European Ombudsman, whose task is to investigate complaints on poor administration by EU institutions, issued a case on 13 September 2023 (Strategic Initiative SI/5/2023/MH) based on concerns regarding the MoU. The case focused on the lack of respect for fundamental human rights and compares this to the EU-Turkey statement whereas concerns on the human rights impact were raised. Similarly, the MoU was adopted without a proper evaluation of potential human rights outcomes particularly considering official reports highlighting the dire situation for migrants (European Ombudsman, 2023).

Amnesty International also accused the EU of a lack of transparency while discussing and finalizing the MoU. The Commission excluded the European Parliament, parliaments of Member States and representatives from CSOs in the process. This could be interpreted as a strategic choice since it was well known that this agreement could lead to an increase in human rights violations in Tunisia (Amnesty International, 2023). However, in a press release from March 2024, the European Commission announced their continuing efforts to collaborate with Tunisia alongside a disbursement of 150 million EUR. The aid is meant to support Tunisia's economic development and is an integrated pillar of the MoU (European Commission, 2024).

7.5 Human Rights violations in Tunisia

The public speech delivered by Tunisian President Kais Saied on February 21, 2023, significantly worsened the human rights landscape in the country. However, the situation for black Africans in Tunisia was already severe, but as the President accused them of trying to 'change the demographic composition' and hereby fueled a racist conspiracy theory, reports on violations and abuses increased (Human Rights Watch, 2023). As MSF conducted several rescue missions between 15 and 16 July in the Central Mediterranean the same year, they got

to take part in horrific testimonies from survivors. A 32-year-old woman was thrown out of her home after the president's speech and got told from the homeowner that *"The president has said, you Africans must go home. We cannot host Africans anymore"* (Médecins Sans Frontières, n.d.). A similar analysis is presented by the senior researcher, who sheds light on the issues within the EU-Tunisia borderland. Black African migrants are particularly targeted while intercepted by the TCG and thereafter put in detention. This is regarded as a direct outcome from the prevailing political climate within the country. Interviewee 2 further highlights that, *"In Tunisia, the last few years, particularly under this current President, Kais Saïd, we have seen that the situation has really peaked in terms of abuses and in terms of the hateful rhetoric against specifically black African migrants"* (Interviewee 2, personal communication, November 27, 2024). In July 2024, Amnesty International's Secretary General visited the country to on a first-hand basis investigate the human rights situation in Tunisia. In a summarized press statement, she expressed major concerns on the normalization of mass deportations at the border land, violent interceptions, arrests and abuses due to racist profiling. Moreover, an intensification of arrests and abuses towards human rights activists advocating for migrants' rights is also happening (Amnesty International, 2024).

In terms of the crackdown on Tunisian civil society members, the senior researcher shares a similar picture and hereby confirms the previous statement, *"We are now seeing very worrying tendencies where the Tunisian police are arresting human rights lawyers and members of civil society who work on migration related issues"* (Interviewee 2, personal communication, November 27, 2024). A survivor rescued by the MSF onboard its SAR-vessel Geo Barents pledged that, *"Tunisia is not a safe country for the black people. I call on the European Union and the international community never to deport migrants. It's like sending them back to the mobbing."* (Médecins Sans Frontières, n.d.).

Following these developments, several NGOs released a joint statement highlighting that Tunisia should not be seen as a 'safe country'. The people rescued or intercepted at sea should therefore not be forced back, especially black migrants. The EU's support to Tunisian search and rescue operations, as outlined both in the BMP Maghreb-project and the MoU, exemplifies how migration control triumphs respect for international human rights principles (Amnesty International, 2024).

7.6 ‘Complex interdependency’

The concept of "complex interdependency" (Hahonou & Olsen, 2021) is evident in the strengthened relationship between the EU and Tunisia. This dynamic, driven by Tunisia's emerging role as the primary country of embarkation for migrants, illustrates a form of dependency whereas financial incentives, legitimacy and power motivates Tunisia's government to stem migration towards Europe. In turn, the EU is dependent on Tunisia to intercept, detain and close its borders. The Director General describes EU-Tunisia relations on migration as:

“It is the deal like ‘We give you money and material in exchange you do whatever you have to do to keep people in your country’. And since Tunisia is not exactly economically booming, I mean, so it is a system that is being deliberately put in place also by EU institutions.” (Interviewee 1, 2024, November 6).

7.7 Local exclusion and internal tension

Following Gross-Wyrtzen & El Yacoubi's (2024) findings from their study on the EU-Morocco borderland whereas the racialization of ‘blackness’ in terms of ‘otherness’ fueled internal tension between the socially constructed local groups, similar tendencies could be found in the Tunisian context (Gross-Wyrtzen & El Yacoubi, 2024:4-7). However, the post-speech period could be interpreted as an intensified reinforcement of pre-existing racial biases since discrimination towards the black community already was a fact. A worsened social and political environment in Tunisia together with the EU's migration policies, which reinforces the government's power, are putting the lives and safety for migrants at a huge risk (Médecins Sans Frontières, n.d.). In a joint statement several humanitarian organizations, both local and international, advocated for the fact that Tunisia should not be regarded as a ‘safe third country’ enabling the returns of migrants. Since the EU has continued their support for migration control in Tunisia, these voices have been sidelined in the policy discourse (Amnesty International, 2024).

This further illustrates how the EU-Tunisia cooperation on migration excludes local voices. The Tunisian civil society has been vocal in their attempts to call for a reevaluation of the EU imposed policies which they mean prioritize border control over ensuring that principles of human rights are respected (Amnesty International, 2024). The EU's migration policies have

not only failed to protect migrants, but also contributed to internal tension as the racialized hierarchies are fueled by the Tunisian government's attempt to target black African migrants. Once again are the African migrants the ones who are forced to pay the highest price, and particularly the black migrants.

The following section will explore key similarities and differences between the two cases highlighting the most significant insights derived from the analysis.

8. Comparing EU-Libya and EU-Tunisia relations on Migration: Human Rights

Libya and Tunisia are similar in terms of causing severe concerns regarding the inhumane situation for migrants in both countries. Human rights violations occur on a regular basis whereas migrants are intercepted, detained, abused and often forced to unpaid labor (Amnesty International, 2020: Amnesty International, 2024: Human Rights Watch, 2022: Médecins Sans Frontières, 2024). The key difference here is the automatic detention for every migrant in Libya, regardless of their potential refugee-status (Amnesty International, 2021: Human Rights Watch, 2019). In Tunisia, black Africans are particularly targeted while those considered as ‘non-black’ are more prone to bribe their way out or are simply not abused on the same institutional basis. This condition intensified after Kais Saied's speech in February 2023 (Amnesty International, 2024: Human Rights Watch, 2023). However, this is also the case in Libya where the senior researcher describes it as follows:

“As a Syrian or as someone else you are able to negotiate your way out of prison much easier, but for people from Eritrea, Somalia, South Sudan and other African countries the treatment is more targeted towards them. You have less of a chance to be released immediately.” (Interviewee 2, personal communication, November 27, 2024).

This implies that racialized ideas are present in both Libya and Tunisia, but in Tunisia due to the President’s public statement the narrative is more institutionalized.

Furthermore, the ‘complex interdependency’ (Hahonou & Olsen, 2021) could be found in both cases thus it is formalized in different ways. Implemented through *Operation Sophia*, stated in the *Malta declaration*, included in the *EU-backed MoU* between Italy and Libya, and overall a significant part of the EUTF is the support to the Libyan border management. This exemplifies a dependency chain whereas the Libyan Coast Guards, which is considered as non-state actors and not a single unit, receives funding, material and training from the EU in exchange for controlling the flows. The various actors who control the detention facilities, such as armed groups, smugglers and Libyan authorities, gain both financial incentives and enhanced power through the EU-Libya collaboration on migration (Human Rights Watch, 2022: Amnesty International, 2021).

Within the Tunisian case the ‘complex dependency’ is more institutionalized since its government is more centralized. President Saied’s government is the actor that benefits the most from the EU’s externalization policies on migration. Following Tunisia’s recent role as the main country of embarkation, it mirrors the EU’s increased efforts to strengthen EU-Tunisia relations. The Director General describes the EU’s strategy as, *“They [The EU] are doing with Tunisia exactly what they have done with Libya and what they have been trying to do with Turkey before.”* (Interviewee 1, personal communication, 2024, November 6). Moreover, the senior researcher at the international human rights organization expresses distinct criticism towards the EU’s policies in both Libya and Tunisia where it is safe to say that it has not made the situation for migrants any better. Interviewee 2 highlights that:

“I have not seen that the situation for African migrants and asylum-seekers, who are in Libya or Tunisia has become any better. I have not seen that anything that the EU says, any of the guarantees that they get from any government, that any of this is reflected in the reality of how people are treated, and this incredible cycle of abuse that they are thrown back into every time they get intercepted” (Interviewee 2, personal communication, November 27, 2024).

As several NGOs together with local CSOs raised their voices and expressed concerns regarding the situation for migrants in both countries, nothing of this has been translated into the EU’s decision to externalize its migration policies (EuroMed Rights, 2023; Amnesty International 2024). The lack of local inclusion (Bisong, 2020) could hereby be found in both cases. Furthermore, this illustrates the EU’s primary objective to by any means stem the flows of migration and particularly migrants embarking from the shores of Libya and Tunisia, regardless if the actors they collaborate with violate human rights. Interviewee 1 states that:

“We [The EU] know exactly what is happening in Libya and we know exactly what is happening in Tunisia. We can’t play the ‘We didn’t know card’. We have testimonies from hundreds of thousands of people, we know exactly what is happening.” (Interviewee 1, 2024, November 6).

9. Conclusion and Discussion

To conclude, the analysis demonstrates that the EU's externalization of its migration policies severely impacts human rights in Libya and Tunisia within the timeframe of 2015 to the present.

Evidence for the Libyan case highlights the fact that the country lacks a central government which in turn enables several armed groups to fight over resources and control. Consequently, the militia groups use the detention facilities whereas migrants face violence, exploitation and inhumane conditions, to gain resources.

Moreover, the Libyan Coast Guards play a prominent role as they intercept and forcibly detain migrants that are trying to cross the Mediterranean towards Europe, often using violence. The EU, and particularly Italy, collaborates directly with them mainly through the EUTF framework.

The 'complex interdependency' (Hahonou & Olsen, 2021) highlights the chain of dependency that begins with EU aid and extends to Libyan authorities and various armed groups. EU aid combined with militias controlling detention facilities whilst colluding with smugglers, enables these groups to exploit incentives for leverage. The EU in turn is dependent on these actors to stem the flows of migration.

Furthermore, the EU's externalization of its migration policies impact human rights in Libya especially in terms of empowering actors that consistently violate human rights. It further impacts human rights for African migrants since it contributes to the cycle of abuse as it incentivizes the actors to contain migrants. The policies originate from the aim to stem migration from the African continent towards Europe, and this euro-centric view is thereafter implemented through migration deals with third countries.

From a macro-perspective, this study concludes that the migrants are being abused because of the EU's desire to close its borders.

Even though the concept of local exclusion leading to internal tension (Bisong, 2020) could be found in the Libyan case, it is more evident in the case of Tunisia. As black African migrants face greater levels of abuse in Tunisia in contrast to the non-blacks, significant divisions between social groups are further intensified. The EU's migration policies could not bear responsibility for this since this is a racialized idea that has been present before EU-Tunisia

relations were strengthened. However, the EU incentivizes the government that institutionalizes these racial narratives and fails to hold the Tunisian government accountable. The EU's objective, regardless of the local discriminatory context it fuels, exacerbates internal tension in Tunisia. 'Complex interdependency' (Hahonou & Olsen, 2021) is also evident in the Tunisian case as Tunisia's government gains legitimacy and resources through its cooperation with the EU and its efforts to control migration towards Europe.

The findings from the NGO reports confirms the alarming situation for African migrants in both countries and illustrates an ignorance from the EU regarding this matter. My findings align with studies highlighting the EU's externalization in terms of 'European soft power' (Spijkerboer, 2018: Spijkerboer, 2022: Gürkan & Coman, 2021: Martins & Strange, 2019). In accordance with these scholars, I interpret the EU's externalization policies in Libya and Tunisia as projecting euro-centric objectives on two sovereign states regardless of the internal context, or what it means for human rights outcomes. This reinforces an unequal power balance.

To further conclude how the EU's externalization of its migration policies impact human rights for African migrants in Libya and Tunisia, eight key aspects are to be found.

Firstly, as the EU-backed policies implies increased control and criminalization, the migrants are forced to take more dangerous routes. This makes them more vulnerable to violence and exploitation whilst fueling a more innovative strategy from the smugglers. This supports Nshimbi & Moyo's (2016) study which claims that the EU's strategy to stem migration flows, particularly in Africa, in fact fuels human smugglers and illegal techniques which potentially leads to deaths.

Secondly, the non-refoulement principle, which is bound to international human rights law, and indicates that no human should be forcibly returned to a state where they face violence, is violated. Mainly through the EU's funding and training of both Libyan- and Tunisian Coast Guards.

The third aspect includes the human right to seek asylum (United Nations High Commissioner for Refugees, n.d.). Migrants attempting to reach Europe embarking from Libya or Tunisia could have international protection rights, but while intercepted at sea the possibility to seek asylum gets disrupted. This could also be connected to the EU's support to the Coast Guard units together with the migrants forcibly being detained, especially in Libya.

Fourthly, mentioned above is the empowerment of the various non-state actors who intercepts, controls and abuse migrants in both countries. An internal ‘complex interdependency’ (Hahonou & Olsen, 2021) chain is particularly evident in Libya, whereas claims also point to the fact that armed groups collude with migrant smugglers. This makes the EU’s initiatives and its objectives paradoxical.

The fifth aspect illustrates the internal tension within Tunisia whereas black African migrants are being institutionally discriminated. The President's speech intensified this situation in the beginning of 2023, nonetheless the EU keeps collaborating with his government and hereby indirectly contributes to this abusive setting. This aligns with Gross-Wyrtzen & El Yacoubi’s (2024) findings of the EU’s contribution to racialization of black Africans in the Moroccan borderland.

The seventh aspect involves the non-decision of the EU to establish a unified SAR-system alongside its efforts to prevent NGOs from continuing to perform their rescue missions. As the EU requested Italy to establish a ‘Code of Conduct’ for NGOs, the ‘Iuventa case’ illustrates how these regulations have been implemented in practice. This demonstrates how NGOs are being obstructed from their core mission to save as many lives as possible at sea. Moreover, in accordance with the findings from Cusumano & Villa (2020) as they conclude that no evidence could be found for the accusations of NGOs operating as taxis for the human smugglers, the juridical outcome of the ‘Iuventa case’ further supports this claim.

Lastly, there is a lack of accountability when it comes to human rights violations performed by Libyan or Tunisian actors. The EU is not transparent in terms of a functioning vetting mechanism as they collaborate with questionable actors. Moreover, there has been no signs of a judicial process addressing accountability for the actors responsible for the ongoing human rights violations against African migrants in Libya or Tunisia.

Furthermore, it is relevant to look at the findings from Gürkan & Coman’s (2021) study using the EU-Turkey deal 2016 as a case. Their study highlights a contradiction between the normative arguments of the deal and the *de facto* outcomes of promoting stability and ensuring human rights. This aligns with my findings focusing on the EUTF. One of the Emergency Fund’s main pillars is to enhance stability, and according to the empirical findings this is not what is evident ‘on the ground’ in neither Libya nor Tunisia.

In Libya this has been the case since 2011, but in Tunisia the internal tension has intensified for black African migrants meanwhile EU-relations have enhanced. Another key objective within the EU’s collaboration with Libya and Tunisia is to ‘disrupt the model for

migrant smugglers' (European Union Emergency Trust Fund for Africa, n.d.). I argue, in line with the findings from the analysis, that this situation represents a paradox: the actors who receive EU aid, whether indirectly or directly, are often implicated in collusion with the smugglers to secure even more resources for their livelihood. This reflects a dynamic whereas EU support can inadvertently reinforce the very structures it seeks to disrupt.

Limitations of this study includes the absence of local perspectives in the data collection process. For instance, the interviews with actors from two relevant NGOs enriched the analysis and triangulated the results, but it could be further improved with input from Libyan and Tunisian respondents. However, the unsafe setting in especially Libya complicates this matter since it is difficult to reach local organizations. Moreover, the recent crackdown on Tunisian civil society could make it dangerous for human rights spokespersons to participate in this type of study, and this is a major ethical obstacle.

The respondents I selected represent a clear stance against the EU's migration policies, and this could potentially incorporate biased perspectives into the analysis. Therefore, it could also be favorable to interview EU-leaders and include a different perspective. However, the dependent variable for this study is human rights and therefore I chose to particularly focus on this aspect.

The findings may be difficult to generalize, since the two countries are both located in North Africa and serve as key countries for embarkation towards Europe. On the other hand, since the findings aligned with Gürkan & Coman's (2021) study on EU-Turkey relations, this could be an indication that the findings could be applicable to countries from more regions.

Following limitations regarding the case selection, it could be further problematized in terms of the employment of *most similar systems design* since the different political contexts within the two countries are very contrasting. These differences may impact the results and could potentially obstruct the validity. However, this was taken into consideration throughout the process tracing and within the analysis.

The choice to use thematic analysis as it allows for a flexible approach could also lead to a biased interpretation. The use of dual-sources, EU official documents and NGO reports, in my data collection aimed to counter this potential limitation.

Lastly, suggestions for future research includes an urge to more closely incorporate local voices and preferably from migrants who have personal experiences from these settings together with NGO personnel working 'on the ground'. The research field on the EU's externalized migration

governance, the EUTF together with human rights, could be enriched by quantitative studies since a large number of cases allows for generalizable results. A comparison between for instance Libya or Tunisia towards Turkey could provide valuable insights as the analysis showed that there are several similarities in terms of the EU's initiatives.

Although this topic involves significant ethical considerations, it should not deter researchers from continuing pursuing new studies. On the contrary, research is essential in order to develop more effective and sustainable policy solutions, and particularly to evaluate the risks of potential human rights violations as outcomes.

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Appendix

Interview guide 1:

1. Why is your organization, SOS Mediterranean, needed?
2. From your point of view, in terms of the people your organization is rescuing- How would you describe the situation for African migrants in Libya and Tunisia?
3. What are your thoughts on the EU's migration policies, such as supporting both the Libyan Coast Guard and the Tunisian Coast Guard to prevent migrants from reaching the European shores? Do you think that their policies have directly contributed to the unsafe situation for migrants?
4. Has the situation for African migrants on the Mediterranean Sea changed over time? Is the situation for them better today than it was for ten years ago or is it worse?
 - a. Why do you think it has changed?
5. How would you describe the possibilities in terms of being able to conduct your SAR-work?
 - a. From a historical perspective, is it worse today or better than ten years ago? What consequences has it led to?
6. From an inside-perspective, if you have been in contact with people with personal experiences from being a migrant or refugee in Libya and Tunisia, what have their pledges been? Or is there any specific message that you will never forget towards the general public but also towards EU-leaders?

Interview guide 2:

1. Can you describe Human Rights Watch work with documenting human rights abuses on migrants in Libya and Tunisia?
 - a. What kind of challenges do you face in your work?
1. To be concrete - how would you describe the situation for African migrants in Libya and Tunisia? And are there any particular patterns or trends that you have observed?

2. Has the situation for the migrants changed over time? If so, why do you think it has changed?

4. What are your thoughts on the EU's externalization of its migration policies, such as supporting both the Libyan Coast Guard and the Tunisian Coast Guard in order to prevent migrants from reaching the European shores?
 - a. Do you think that their policies have directly contributed to the unsafe situation for migrants?

5. What specific human rights violations have you documented that you believe are directly linked to EU externalization policies?

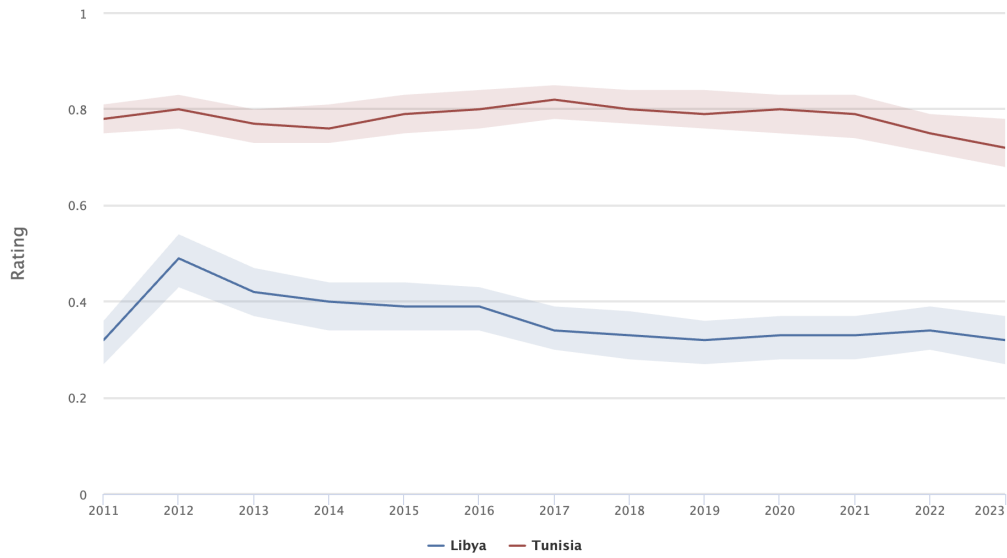
6. If you have been in contact with people with personal experiences from being a migrant or refugee in Libya and Tunisia, what have their pledges been? Or is there any specific message that you will never forget towards the general public or towards EU-leaders?

Table 1:

Libya	Tunisia
Population: 6,888 million (2023)*	Population: 12,46 million (2023)*
Sunni Islam as the main religion	Sunni Islam as the main religion
North African country	North African country
Arabic as official language	Arabic as official language
Both countries were part of the 'Arab Spring'	Both countries were part of the 'Arab Spring'
Transit-country for migrants	Transit-country for migrants
BNP per capita: 7 329,98 USD (2023)*	BNP per capita: 3 895,39 USD (2023)*
Aid recipient EUTF (392.1 million €)*	Aid recipient EUTF (22.8 million €)*
Freedom House global score (0-100): 9 (not free)*	Freedom House global score (0-100): 51 (partly free)*
V-dem civil liberties score (0-1): 0.32 *	V-dem civil liberties score (0-1): 0.72 *

* The World Bank * EU Trust Fund for Africa: Annual report (2023) * Freedom House (2024) * V-dem (2024)

Table 2:



V-Dem Institute. 2024. *V-Dem Institute*. University of Gothenburg. Retrieved November 10 2025. From: <https://v-dem.net/>.

Figure 1:

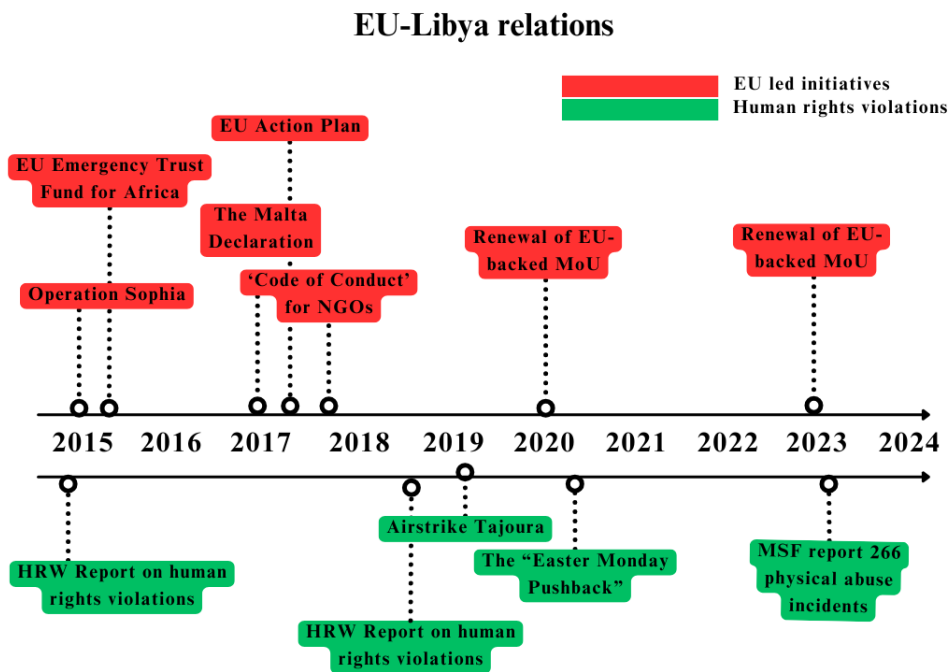


Figure 2:

