



The Fat is in the Fire:
Migration as a Diplomatic Tool within Libya and Tunisia
Before and After the Arab Spring

Master Thesis

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Abstract

The Central Mediterranean route mainly from Libya and Tunisia to Italy and Malta is the deadliest migratory route. Not only do many migrants and refugees pass away through their efforts to reach EU shores, but also with regards to their hosting in the North African countries many dangers await their fate. These dangers include arbitrary detention and inhumane conditions in detention centres in Tunisia, and possible violence, starvation, torture, rape and even slavery in Libya. Evidently, the refugee and migrant populations in both countries have a lack of protection and rights. Thus, in this thesis, it will be investigated how the development of migration and asylum policy in both countries after the Arab Spring can be explained. Through historical and causal narrative, it will be demonstrated that migration and asylum policy within both countries has followed a path-dependent trajectory. Whereas the Arab Spring and subsequent political transition in both countries could have pushed the countries to establish a new form of migration management. It will be demonstrated that due to political polarization the practice of the dictatorial regimes in which migration was used as a diplomatic tool was reinforced. Through the analysis of migration and asylum policy both before and after the Arab Spring the study aims at filling the historiographic gap with regards to migration and asylum policy, as well as offer an explanation for the neglect of refugees and migrants within both countries which could lead to possible prevention.

Key words: Arab Spring, cooperative, coercive, migration diplomacy, path-dependence

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List of Abbreviations

AMU	Arab Maghreb Union
CMR	Central Mediterranean Route
EU	European Union
EUTF	EU Trust Fund for Africa
GDP	Gross Domestic Product
ICJ	International Commission of Jurists
ICRC	International Committee of the Red Cross
IMF	International Monetary Fund
IOM	International Organization for Migration
LNA	Libyan National Army
OTE	Office for Tunisians Abroad
PLO	Palestine Liberation Organization
RCC	Revolutionary Command Council
RCD	Democratic Constitutional Rally
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WB	World Bank

1. Introduction

1.1 The Central Mediterranean Route: rights and treatment of refugees and migrants

The Central Mediterranean migratory route (CMR), mainly from Libya and Tunisia to Italy and Malta, is one of the most used and deadliest routes when travelling to the European Union (Belson). According to data acquired by IOM in 2016 alone, 181 436 refugees and migrants were recorded in Italy travelling this route (“Mediterranean Migrant Arrivals”). It is estimated that annually around 80 000 refugees and migrants reach Italy’s southern islands and Malta from Libya and Tunisia (Hamood 19). These Italian islands, such as Lampedusa and Pantelleria, can be reached by boat in one day from Tunisia and within two or three days from Libya. However, the number of arrivals this year is undoubtedly lower, with 21 955 arrivals in Italy and Malta up to June 2021 (“Migration flows”). This is explained by a decrease in numbers and a stricter migration policy in both countries. For example, in the last weekend of March 2021 alone 1 000 refugees and migrants were apprehended by the Libyan coast guard and sent back to the shore (“Nearly 1,000 Migrants”). However, there are major concerns regarding the refugees and migrants currently situated in Libya and Tunisia. Since the Arab Spring, human traffickers have thrived, especially in Libya. Here, Sub-Saharan African refugees and migrants, in particular, are subjected to torture, rape, assassination, detention and subsequently sold as slaves (Didier et al 2). However, systemic human rights violations have also been observed in Tunisia regarding refugees and migrants, such as its migration detention centres (Badalič 92). Different reports published by Amnesty International last year also point out to the insufficient protection of rights for refugees and migrants in both countries. For example, in the Libyan case it is demonstrated that the refugee and migrant populations are trapped in a horrific cycle of abuses (“Libya: New Evidence Shows”). Furthermore, within Tunisia arbitrary detention and inhumane conditions within the detention centres have remained a huge issue (“Everything You Need”). However, when dialogues between the EU and both countries are examined, it can be observed that the EU reinforces these restrictive border policy measures (Perrin 86-7; Natter, *Tunisia’s Migration* 2). Even more alarming, as Greenhill describes in her book, the large refugee and migrant populations within these countries are often used as political bargaining chips when in dialogue with other states such as those within the EU (*Weapons of Mass Migration* 12). Due to the asymmetry in capabilities weaker states often use refugees and migrants as political pawns within the negotiating process (Greenhill, *Engineered Migration* 64-5).

This raises questions as to how migration and asylum policy were developed in both countries in recent times.

1.2 Research Question, Sub Questions and Relevance

Thus, in this thesis the question that will be investigated is:

How can the development of migration and asylum policy in Libya and Tunisia after the Arab Spring be explained?

Sub questions:

1. To what extent or in what form were migration and asylum policies developed under the dictatorial regimes in both countries before the Arab Spring?
2. How did the Arab Spring constitute a period of change regarding migration and asylum policies in both countries?
3. What has caused the shift or reinforcement of migration and asylum policies in both countries after the Arab Spring?

This thesis will demonstrate how legacies of the past shape migration and asylum policy. Within these legacies it can be observed that migration was used as a diplomatic tool to achieve political goals rather than taking into account the rights and freedoms of those affected. Already in 1984 Teitelbaum captured the intrinsic link between migration policy and foreign policy. As he argued that states can use migrant groups as a means to foreign policy goals (Teitelbaum 438). However, while the link between migration and foreign policy has long been established, there is a lack of research explaining what this link entails (Tsourapas, *Migration Diplomacy* 2367). Additionally, there are few historiographic accounts of migration and asylum policy within scholarly work (Glynn 7-9). This studies therefore aims at filling these gaps within literature. However, filling a literary gap is not the primary aim of this research. The relevance of the literature lies in the fact, that through the historical analysis of migration and asylum policy in both countries, it can be identified where it went wrong with regards to the protection and rights of refugees and migrants. As Machiavelli stated, ‘‘Whoever wishes to foresee the future must consult the past’’ (222). The importance of the research thus comes from the need to foresee the future and anticipate how to prevent the neglect of refugees and migrants within Libya and Tunisia. The following chapter will thus start by consulting the past, examining the legacies of Qaddafi and Ben Ali especially with regards to their ideology and diplomacy, after which a brief description of the current political landscape in both countries will be provided.

2. Contextualisation: Legacies of the Past

2.1 Coming to Power and Ideology

2.1.1 The Libyan State of the Masses

On the first day of September 1969, Muammar al-Qaddafi and his co-revolutionaries overthrew king Idris by staging a military coup (Totman and Hardy 1). For the first four months, Libyans were kept in the dark with regards to who the revolutionaries were. However, after those four months, it became clear that there were twelve revolutionaries who had formed the Revolutionary Command Council (RCC). As the identities of the RCC were revealed, it became apparent that the revolutionaries, unlike the unpopular King Idris, came from humble backgrounds. The RCC members were either born into lower middle class or lower-class families. The majority grew up in small tribes, similar to its extended circle of free unionist officers (Pargeter 61). Qaddafi, in this regard, was not different from the others, who grew up in a Bedouin family, a nomadic Arab tribe. Due to the humble backgrounds of most RCC members, they were met with enthusiasm, as in the minds of Libyans, they were distant from the privileged and corrupt upper class linked to the monarchy. Despite this enthusiasm, Qaddafi immediately turned to Egypt to enhance security forces to prevent a counter coup, as he saw President Nasser and his nationalist revolution as a big inspiration. Furthermore, from the beginning, Qaddafi started to differentiate himself from the other revolutionaries, either by side-lining the RCC or by bringing in free unionist officers from the outer circle whose loyalty he could count on. This caused for many disputes between the RCC and Qaddafi. In 1973 after another dispute with the RCC and proposed resignation, Qaddafi, on the contrary, announced his new five-point programme that, according to him, would save the revolution and inspire mobilisation amongst Libyans. The programme would be replacing existing legislation with new revolutionary laws, eradicating all anti-revolutionary sentiments, erasing the established bureaucracy and bourgeoisie, arming citizens in order to protect the revolution, and establishing a cultural revolution that would wipe out all ideas that oppose the Qur'an (Pargeter 61-79). The five-point programme was the first step towards the concept of people power. The programme marked the turn in which the revolution came to be equated with Qaddafi and his ideology which was economically left but culturally right as well as shaped by the Qur'an. In that same year, Qaddafi published his 'Third Universal Theory' in which this ideology of Islamic Socialism was described and presented as a solution for the third world, what we would now describe as developing countries. Hence, the importance of

the theory lay in the fact that the theory offered the spreading of Qaddafi's ideology in the international arena. Between 1975 and 1981, Qaddafi consolidated his ideology by publishing the 'Green Book'. In this short book, Qaddafi sets out his proposed solutions regarding politics, the economy, and societal issues by proposing; direct democracy, economic socialism and further outlining the 'Third Universal Theory' as a social basis. In 1977 Qaddafi formalised his political system as described in the 'Green Book' and declared the dawn of a new age; the Jamahiriya, which meant the state of the masses. Libya would from then on be called the Socialist People's Libyan Arab Jamahiriya with Qaddafi as the leader of the revolution (Pargeter 80-92).

2.1.2 The Tunisian National Pact

On the seventh day of November 1987, Zine El Abidine Ben Ali ousted President Bourguiba by staging a constitutional coup. Ben Ali used the Tunisian constitution as his basis for the coup, taking article 57 under which, in case the head of state is incapable of carrying out his or her duties, the prime minister must take over (Ware 592). The constitutional coup, which can be characterised by its quietness and in which no blood was shed, is representative for the time Ben Ali was in power (Sorkin). Whereas quietness and tranquillity are not words to describe Qaddafi, Ben Ali, similar to Qaddafi, on the morning of his constitutional coup also highlighted Tunisian solidarity with its Arab brothers and emphasised the North African, Arab, Islamic and Mediterranean identity of the country as well as greater unity between the Maghreb countries (Ware 592). Through his coup, Ben Ali also became head of the ruling party renamed the Democratic Constitutional Rally (RCD) the following year. In that same year, 1988, during a congress of the RCD, Ben Ali was granted full control over the party and subsequently the state. Exactly one year after the constitutional coup, he revealed the 'National Pact', which recognised the central role of Arab and Islamic tradition within Tunisian society, which previous President Bourguiba had been accused of hiding (Perkins 194). In this vein, the president declared the need for stronger bonds between Tunisia and its fellow Arab countries, specifically the countries of the Maghreb. The pact also highlighted the significance of Islamic reform and modernism. Apart from national identity, the three other main topics addressed in the National Pact were the political system, economic growth, and foreign policy. With regards to politics, the National Pact emphasised the importance of democratic principles and political plurality. The pact is rather unclear concerning economic growth, again stressing the importance of a democratic society that can foster economic growth and modernism (Anderson 253-6). Within the pact, Ben Ali's balancing of, on the one

hand, Islamic traditions and, on the other hand, democratic principles, becomes apparent. Within his foreign policy objectives, this balancing is also evident, which will be addressed below.

2.2 Fostering Diplomatic Relations

2.2.1 People Power beyond Libya

As previously stated, Qaddafi was met with enthusiasm when he seized power over Libya (Pargeter 61). This was due not only because he represented a clear partition from the elitist monarchy but also because of his emphasis on Arab nationalism and subsequent people power beliefs. Qaddafi viewed himself as a revolutionary leader of global magnitude and thus was determined to project his ideology beyond the country's borders. Evidently, the first arena Qaddafi was determined to project his ideology and views was the Arab world, as Arab nationalism had brought about his revolution in the first place and was at the heart of his coming to power and discourse. As his dream of Arab unity also fitted his discourse, it would also strengthen his popular legitimacy within Libya (Pargeter 118-9). With the death of Egyptian President Nasser in 1970, who had been at the forefront of Arab nationalism, Qaddafi felt he was his only possible successor who could represent and continue the Arab nationalist battle. Similar to his boundless beliefs in his theories and book, Qaddafi believed he was the chosen one to succeed in unifying the Arab world. Their shared historical, cultural, ethnic, geographic, political, and linguistic features, better said their shared identity, made the Arab world an obvious target for Qaddafi (Pargeter 120-1). As of his first speech in 1969 after the revolution, Qaddafi emphasised the Arab identity of the country, calling Libya the 'Libyan Arab Republic'. Additionally, within his five-point programme Qaddafi in 1973 announced his cultural revolution. This cultural revolution meant a restoration of Arab and Islamic principles (Obeidi 46). However, after the defeat in Israel in 1967, Arab nationalism was declining, and many Arab leaders, rather than seeking union, wanted solidarity. As Qaddafi grew frustrated with his failures in creating Arab unity, he turned to opposing other Arab leaders. Qaddafi became increasingly hostile to his fellow Arab leaders, often lashing out at them in Arab summits and belittled the Arab league by calling it a talk shop. In particular, he overtly opposed the conservative monarchies of the Gulf region, blaming them for not defending the Palestinians in Israel (Pargeter 127).

Agitated by the lack of willingness of other Arab leaders to unify the Arab states, Qaddafi turned to Sub Saharan Africa, which he viewed as fertile land which allowed for the spreading of his ideology. With the end of the Cold War, he saw an opportunity in the power vacuum created by the absence of superpower aid to Africa. By the end of the 1980s, Qaddafi thus stated that the Arab states had failed in their support for the creation of the Arab nation and turned towards pan-Africanism with Libya as its leader instead. In 1998 Qaddafi publicly denounced pan-Arabism while praising pan-Africanism with the recurrent slogan of ‘‘Africa for Africans’’ (Paoletti, *Migration* 221). Whereas unifying the Arab states would have strengthened Qaddafi’s domestic legitimacy within Libya, spreading his ideology in Sub Saharan Africa was more about transcending his leadership and revolution beyond Libya (Pargeter 127-8). This was already apparent when Qaddafi introduced his Third Universal Theory in 1973, which was already a step in the region’s direction, supposedly reaching out and offering a solution for third-world countries such as in Sub-Saharan Africa (Pargeter 81). Thus, it can be observed that Qaddafi, from the start of his rule, wanted to foster stronger bonds with African countries, but that the Arab world at first offered more promise. Although Qaddafi turned to pan Africanism only after trying pan Arabism, from the moment the dictator seized power, he had actively exercised his diplomatic power and energy into African countries, especially regarding breaking ties with Israel. In 1973 Qaddafi had managed to convince nearly thirty African states to break ties with the country (Pargeter 128). Furthermore, in 1979 when the third part of his Green Book was published called ‘The Social Basis of the Third Universal Theory’, Qaddafi dedicated a specific section to the prevailing quality of Sub-Saharan Africans. Within this section, Qaddafi briefly explains his views on how slavery has instilled the need for vengeance and triumph within Sub-Saharan Africans, which will lead to their re-emergence in the international arena (Al-Gaddafi 33-4). Thus, in the 1990s, Qaddafi turned to pan-Africanism. Not only did Sub Saharan Africa offer an arena in which Libyan petro-dollars could do well, but it also provided an opportunity for Qaddafi to obtain more power (Pargeter 128). Unlike the Arab states, Qaddafi viewed Sub Saharan Africa as a region where he could get things done, where he could be in charge and demand the results, he wished to see.

From the beginning of the 1980s, the relations between Libya and Western countries became increasingly strained. Under the Reagan administration, relations between Libya and the US had crumbled (Pargeter 137). Tensions were exacerbated when two Libyans in 1991 were accused of the Lockerbie bombing. As Qaddafi did not want to give in to Western demands

and deliver the suspects, in 1992, an embargo was imposed on Libya (Pargeter 152-6). Although Libya mainly focused on fostering diplomatic relations with Arab and African countries during this period, this policy started to shift from the 2000s onwards. As Perrin points out, the regional approach exhaustively advocated by Qaddafi began to make way for a more bilateral approach (81). This was also the case with regards to relations with European countries, as Qaddafi predominantly focussed on collaboration with Italy as a way to collaborate with the wider EU.

2.2.2 The Tunisian Economic Miracle

While in the first year of the Ben Ali regime, little concern was given to foreign policy, after the victorious elections of 1989, this changed. Inspired by the integration process observed within Europe, Tunisia and the other Maghreb countries also searched for ways to cooperate, leading to the creation of the Arab Maghreb Union (AMU). Throughout the Arab world, the Tunisian government scaled up its efforts in fostering strong bonds, especially with oil-rich countries of the Arabian Peninsula for their possible investment (Perkins 196-7). However, the invasion of Iraq into Kuwait in 1990 caused Ben Ali to be in a compromising position. Although Ben Ali was a strong defender of creating better ties with the rest of the Arab world, he withdrew from supporting Saudi Arabia's proposal to develop a multinational military army containing the EU and US. Ben Ali expressed that intra Arab issues required intra Arab solutions, thus opposing the inclusion of the EU and US.

While Ben Ali gained support at home for his withdrawal, he paid a heavy price for it with regards to his diplomatic relations with the EU and the US. American economic and military aid was severely reduced, and the number of European tourists in 1991 dropped by a third (Perkins 198). Furthermore, the hosting of the Palestine Liberation Organization (PLO) and its headquarters in Tunisia until 1993 made matters worse (Sorkin). However, around 1993, US expenditures and EU tourists had resumed. The ever-promoted economic reform and modernism, in particular moving away from the socialist economy to a more liberal economy focussed on privatisation initiatives, had made Tunisia, according to the International Monetary Fund (IMF) and World Bank (WB), a star pupil. Subsequently, in 1995 an association agreement was signed between Tunisia, which was the first country to do so, and the EU, which allowed for trade liberalisation and collaboration. Already amid the 1990s, this had resulted in the fact that the EU provided 70 percent of Tunisian imports, and 80 percent of its exports were transferred to the EU. Thus, the European countries became the most crucial partners for the Tunisian regime (Perkins 198-203). Ben Ali has, therefore, mostly taken a

pro-western stance in his foreign policy but continuously emphasising the Arab and Islamic identity. The economic development had led many to believe in the 'Tunisian economic miracle', which was actively propagated by the Ben Ali regime to foster domestic as well as international legitimacy (Cavatorta and Haugbølle 188). As Cavatorta and Haugbølle demonstrate, other ways through which Ben Ali strengthened his legitimacy was through myths of democratic gradualism and secularism, all in order to appease foreign allies and be accepted by its western partners (182).

2.3 The Turn of the Decade: Political Polarization

As Fraihat argues, the political regimes of Tunisia and Libya after the Arab Spring can primarily be characterised by its polarisation (5). For example, as Ottaway showcases, after the 2011 revolution, Tunisia's previous party system, which RCD entirely dominated, made room for an actual multi-party system in which all smaller parties who had previously been disregarded were allowed to have a say. However, the ease of registration, together with an absence of a minimum vote threshold, has resulted in an overabundance of parties leading to political polarisation within Tunisia (Ottaway). This political polarisation has recently caused a political crisis within Tunisia in which current president Kais Saied has disposed of the prime minister and suspended the parliament (Borges). Also, in Libya, a political crisis emerged although directly after the Arab Spring. The revolution protests in 2011 caused a civil war to break out. Through this civil war, many militias were formed who seized power over different territories. In 2014 another civil war broke out, resulting in the country breaking into two factions (Weise). On the one hand, there is the chairman of the Presidential Council and prime minister, Fayeze al-Sarraj, who is internationally recognised by the UN. On the other hand, there is Libyan military officer and commander of the Libyan National Army (LNA), Khalifa Haftar, who is supported by the United Arab Emirates (UAE), Egypt, Russia, Saudi Arabia, Jordan, and France (Weise). While this brief explanation of political polarisation in both countries does neither encompass the exhaustive list of political changes within both countries nor the severity of the political crises. It showcases that while a clear ideology can be observed during the dictatorial regimes after the Arab Spring, this is no longer the case both within Libya and Tunisia. However, the subsequent chapters will demonstrate how authorities used migration both in the old and new regimes as a diplomatic tool for aims related to migration or other purposes. The next chapter, therefore, will first elaborate on the theory of migration diplomacy.

3. Theoretical Framework: Migration Diplomacy

3.1 Gap in the Literature

Although much attention is given to how migration affects domestic politics, there is limited research investigating how migration is used in international politics as a diplomatic tool by states (Tsourapas, *Migration Diplomacy* 2367). The literature identifies that migration is used as a foreign policy tool; however, there still remains a lack of research with regards to the relationship between diplomacy and migration. Moreover, most research is focused on host states in the West, although the majority of migration flows are occurring in the Global South (Tsourapas, *Migration Diplomacy* 2367). Not only are the countries within this thesis understudied, but as demonstrated by Glynn also with regards to the historiography of migration and asylum policies, a significant gap remains to be filled (7). In the fields of political science, philosophy, geography, international relations and law, migration and asylum policy are extensively researched. Thus, what is apparent is that often scholarly work on migration and asylum lacks the contextualisation of historical trends. The result might be that crucial developments are neglected as the scene was not properly set. Thus, comprehensive historical scholarly work researching asylum and migration with a long-term perspective is necessary to fill this gap in the literature. As the renowned American sociologist Charles Tilly stated, explanatory political science needs to be based on thorough historical analysis (Glynn 7-9). Multiple recent examples illustrate the relevance of migration diplomacy today. The most evident example is the EU-Turkey Statement and how Turkish president Erdogan threatened to open Turkey's borders to Greece and Bulgaria if a deal could not be struck. Another example also in relation to the Syrian civil war is King Abdullah II of Jordan, who in 2016 declared that Jordan was at its breaking point due to the large influx of Syrian refugees, after which a donor conference in London was held with the result of donating 1.4 billion in aid to Jordan within two years (Adamson and Tsourapas 114-7). One more recent example is the influx of more than 8 000 people from Morocco into Ceuta, Spain, in May 2021 as a reaction from Rabat after Spain granted a Western Sahara independence leader to get treatment against Covid-19 in the country ("Spain: 8000 Arrivals"). The most recent example is the opening of the border between Belarus and Lithuania after the EU imposed sanctions on Belarus for changing an aeroplane's course to arrest an opposition activist in Minsk (Shotter). Although, as demonstrated, there are many examples in which the management of migration has been used as a diplomatic tool by states, still little attention has been given to the relation between migration and diplomacy (Adamson and Tsourapas 114-5).

The next section will elaborate on the theory of migration diplomacy, demonstrating how migratory flows across national borders affect the diplomatic relations between states and can be used as a tool by states to shape ties to their advantage.

3.2 Migration Diplomacy

Many different scholarly works, such as those written by Tsourapas, Adamson and Tsourapas, Thiollet, and Akçapar, highlight that while migration and asylum policy have been thoroughly researched, migration and asylum policy in connection to diplomatic relations has been understudied. As Tsourapas states, migration diplomacy can be defined as the use of diplomatic tools, processes, and procedures to control migratory flows as a means to aims related to migration or other aims (*Migration Diplomacy* 2370). In the article by Adamson and Tsourapas, the scope of migration diplomacy is further specified through 3 conditions (116-7). First, migration diplomacy concerns state actions and examines how cross border migration is connected to state diplomatic goals. Secondly, it must be noted that a state's migration diplomacy does not encompass its entire migration policy but only those elements of migration policy that are related to their foreign relations. Thus, migration diplomacy specifically focuses on how states use the management of cross border migration in their international relations or how their international relations are used as a means to migration-related aims. Lastly, migration diplomacy demonstrates the importance of cross border migration management as an international matter. As previously stated, migration diplomacy focuses on state actions, as states in modern times have a monopoly on the legitimate means of movement. The control and maintenance of national borders forms part of state sovereignty, and thus within the theory, the emphasis is on states (Adamson and Tsourapas 116-7). Migration diplomacy often involves states in which the power relationship is asymmetrical. In the article by Greenhill, it is argued that often weak states use the manipulation of migration flows as a strategy to obtain more power vis a vis stronger state (*Engineered Migration* 41). Weaker states often employ this strategy when they lack capacity in other areas and, with the manipulation of migration, try to enhance their bargaining power (Greenhill, *Engineered Migration* 41). In this sense, migration diplomacy is formed not only by state interests but also by the existing power dynamics between different states. States' interests and position are often connected to whether they are considered a country of origin, transit, or destination. Migration diplomacy is not always used as a means to obtain migration-related goals but can also be used for other aims. As Adamson and Tsourapas state, often, to obtain other aims within migration diplomacy states make use of issue linkage (120-

1). Issue linkage can be defined as the simultaneous bargaining on two or more topics with the aim of achieving joint settlement (Tsourapas, *Migration Diplomacy* 2370). Within migration diplomacy, migration is thus often linked to other goals such as enhancing security, obtaining economic interests, or increasing a state's soft power. Migration diplomacy can be divided into cooperative and coercive migration diplomacy. Whereas cooperative migration diplomacy represents the act by a state to affect migration flows as a reward, coercive migration diplomacy represents the act by a state to alter migration flows as a punishment (Tsourapas, *Migration Diplomacy* 2370-1). Another way to put it is to say migration diplomacy can be divided into two situations: zero-sum and positive-sum strategies. Similar to economics, within a zero-sum strategy, only one party will benefit from the situation. Within a positive-sum strategy, both parties will benefit, not necessarily distributed evenly, but a situation of mutual gains is created (Adamson and Tsourapas, 121-2). Cooperative and positive-sum strategies could be reinforced through intergovernmental agreements, for example, on return and readmission. Ways through which coercive and zero-sum strategies could be strengthened is for example through the use of expulsions of foreign nationals or opening national borders for transit migration. Threats of or actual forced displacement is thus a way in which states exercise coercive migration diplomacy. This has often led to the use of refugees and migrants as bargaining chips as a means to obtain certain goals (Greenhill, *Weapons of Mass Migration* 12). On the other hand, as Thiollet demonstrates using the example of Arab regional integration politics, cooperative migration diplomacy can be an important feature for regional integration (105). Within international relations theory, especially within realist tradition, international migration would fall under low politics and would not be considered in foreign or national security policy analyses. However, migration in relation to foreign and security policy within the Middle East and North Africa is highly important as the world's highest ratio of migrants compared to the national population can be identified in this region (Thiollet 103). Furthermore, there are limited within case studies in scholarly work on migration that examine how migration processes can become intertwined with diplomatic relations. More specifically, when migration negotiations develop into migration diplomacy (Akçapar 1). As Tsourapas indicates, examples of migration diplomacy tools are creating laws on immigration, reaching out to diaspora, establishing policies on secondment, arranging readmission agreements, and setting up expulsion regulations (*Migration Diplomacy* 2370). To keep the focus on interstate relations within this thesis, these tools have been summarised into three main categories: the encouragement or discouragement of migratory flows, international agreements, for example on return and readmission, and

expulsion regulations. The next section will elaborate on each of these migration diplomacy tools and what they entail.

3.3 Migration Diplomacy Tools

One way through which migration diplomacy can be exercised is through the encouragement or discouragement of migratory flows. How states can make use of this tool is through border management. Border management can be defined as the management of rules connected to the authorised as well as the unauthorised movement of persons and goods ('Key Migration Terms'). Thus, tools mentioned by Tsourapas such as creating laws on immigration, reaching out to diaspora, and establishing policies on secondment would all fall under border management. Through border, management states can either abide by or defy diplomatic relations with regard to migratory flows. Evidently, border management could both be used for coercive as well as cooperative strategies. Another tool used to obtain migration-related aims or other aims through diplomacy is by using expulsions. An expulsion can be defined as the formal act of a state to expel a non-national from its territory ('Key Migration Terms'). Expulsions are a clear example of coercive migration diplomacy as states use this tool as a zero-sum strategy to obtain the sole benefits. A tool that can be considered cooperative migration diplomacy is the signing of international agreements on return and readmission. Readmission can be defined as the acceptance of a state of the re-entry or return of a person within its territory. Readmission agreements are inseparable from return and cooperation ('Readmission'). Through return and readmission agreements, states can exercise their power often to achieve aims not related to migration. As previously demonstrated through issue linkage, states can strengthen their power in the international arena in other areas while negotiating migration-related agreements. These three tools will be used to examine whether the theory of migration diplomacy applies to the cases of Libya and Tunisia.

In this chapter, the theory of migration diplomacy was investigated, and the tools used. This theory can offer an explanation for the neglect of human rights of refugees and migrants within the two countries, as migration mainly was used to obtain foreign policy aims. From this theoretical framework, a hypothesis can be deducted; migration and asylum policy within Libya and Tunisia were used as diplomatic tools both before and after the Arab Spring leaving the rights and freedoms of those affected unchanged. The research design and methodology of how the analysis will be carried out, using the three migration diplomacy tools, will be explained in the next section.

4. Research Design and Methodology

4.1 Timeframe and Tools

In order to answer the research question Libyan migration and asylum policy during and after Mu'ammār Al-Qaddafi was in power (1969-2011) will be examined, Tunisian migration and asylum policy during and after Zine El Abidine Ben Ali was in power (1987-2011) will be investigated, as well as EU migration and asylum policy will be researched. However, different news media outlets and NGO reports will be used to get a clear picture of what was and still is happening on the ground. The thesis will thus be a historical analysis of migration and asylum policy of the main departure countries on the CMR to Europe. The time frame in which the thesis is set is thus from 1969 until 2021. The tool that will be used to explain the development is that of path dependency. As described by Lange, path dependence has two central components: critical juncture and long-term reinforcement (69). In the thesis, it will be argued that the critical juncture was the Arab Spring in 2011, in which both Qaddafi and Ben Ali were ousted from their positions in power. It will be argued that in 2011 the absence of a dictator in both countries pushed the countries onto a new political trajectory, also in terms of migration and asylum policy, significantly different from the previous one. This critical juncture could have allowed for greater agency, change, and thus the strengthening of human rights and treatment. However, the instability and political polarisation observed after the Arab Spring has prevented radical change resulting in the long-term reinforcement of the usage of migration as a diplomatic tool. Subsequently, this has prevented the enhancement of policies directed towards the protection of refugees and migrants. Especially in terms of migration policy, it is observed that after the Arab Spring, EU funding and presence become relevant regarding the situation of refugees and migrants in both countries (Badalič 88; Perrin 86).

4.2 Methods

As Lange describes, within-case methods and causal narratives will be the main methods used throughout the thesis as they are mainly used to examine path-dependent processes (70). The causal narrative will allow for the tracing of a causal sequence, analysing the factors that cause the Arab Spring to be a critical period of change in both countries and investigating the reasons for the reinforcement and reproduction of migration diplomacy. A causal narrative thus covers all critical elements of path dependence, including before the critical juncture, during the critical juncture, and after (Lange 70). Lange defines narrative as a story of one or

more events, through narrative analysis the evidence collected is organized chronologically in order to outline what has happened (43). In order to make use of the method of causal narrative, within this research first evidence has been compiled, after which it has been analysed and presented as a sequential account. Thus, by using narrative analysis the causes of the usage of migration diplomacy will come to the fore. Causal narrative in this sense is highly appropriate for the study executed, as it analyses the dynamics and causes of big processes and thus provides substantial insight into causal mechanisms (Lange 43-4).

However, the findings established through this method are mostly particular to the cases of Libya and Tunisia. As a primary within-case method, historical narrative will be used. It will be argued that what has reinforced the path-dependent trajectory is political polarization, through which powerful national and regional actors could maintain the status quo, in this case, the use of migration as a diplomatic tool (Adamson and Tsourapas 124). It will be shown that through the usage of migration diplomacy tools such as encouragement or discouragement of migratory flows, agreements on return and readmission, and expulsion regulations, the previous and current regimes used migration diplomacy as a means to secure foreign policy concessions and material gains disregarding those affected (Tsourapas, *Migration Diplomacy* 2370).

The indicators that will be examined throughout this study to investigate the path-dependent processes with regards to migration diplomacy within the two countries are border management, bilateral or multilateral readmission agreements, and expulsions. These three tools will be examined throughout the period of analysis, with a particular focus on the Arab Spring as the critical juncture, to determine whether this offers an explanation for the neglect of those affected. To investigate these three tools of migration diplomacy, scholarly work, newspaper articles, NGO reports, policy briefs, international agreements, and written or verbal contributions by state authorities will be investigated. Additionally, current debates regarding migration and asylum policy within Libya and Tunisia will be examined to trace the path-dependent process. Furthermore, in order to structure the analysis first a description of the different migration diplomacy tools used during a time period will be given, after which the reasons for utilizing that migration tool will be analysed. Migration diplomacy can be divided into two strategies: cooperative and coercive migration diplomacy. It will be displayed that whereas in Libya, more coercive migration diplomacy was applied, within Tunisia, a more cooperative migration diplomacy strategy was used to cater to the interests of the authorities. It could be argued that whereas return and readmission agreements fall under cooperative migration diplomacy, expulsions are more a tool of coercive migration policy,

and the management of migratory flows could be used for both of the strategies. However, the two distinctions of migration diplomacy are often intertwined (Tsourapas, *Migration Diplomacy* 2371). By examining these different tools during different periods, the research does not only research the commonalities between migration and asylum policies before and after the Arab Spring but could also identify the problematic nature of specific policies either initiated by the countries themselves or pushed by external actors. Furthermore, through this analysis, the research aims at filling the historiographic gap with regards to migration and asylum policy. Additionally, the study adds to the expansion of the theory on migration diplomacy and could display how refugees and migrants are used to obtain foreign policy objectives and goals.

4.3 Considerations and Limitations

The research covers a period of roughly 50 years, as the pre-revolution period represents 80 percent of the timeframe and in order to do justice to the changing environment during the dictatorial periods, within the analysis considerable effort will be put into properly setting the scene. Similarly, within the pre-revolution period the length dedicated to the historiography of migration and asylum policy in both countries depends on how long the dictators were in power. As Qaddafi was in power for 42 years and Ben Ali for 23 years there is much more historical information that has to be described with regards to the Libyan case. Furthermore, as the pre-revolution period has become history, a larger number of sources were available. However, with regards to the post-revolution period and the political crises in both countries source availability was limited. With regards to the three indicators, border management, readmission agreements, and expulsions, it must be noted that not all three migration diplomacy tools were employed by the different authorities in both countries. Additionally, it must be noted that readmission agreements only become relevant by the end of the 1990s, when Tunisia signed its first readmission agreement with the EU (Suber, 3-4). Moreover, this study examines migration diplomacy in which states are the subject of research (Adamson and Tsourapas 116). However, this does not imply that within this study migration is understood as a practice under the sole control of states. As Mainwaring clearly states ignoring refugee and migrant agency is highly problematic (444-5). The belief that states, or state authorities can solely control migratory flows neglects the agency of refugees and migrants and the intricate decision-making migration requires (Mainwaring 444-5). However, due to the limited scope of the research, within this thesis those tools that can be used by states will be the focus.

5. Analysis: Migration and Asylum Policy before and after the Arab Spring

5.1 Form of Migration and Asylum Policy under the Dictatorial Regimes

1. To what extent or in what form were migration and asylum policies developed under the dictatorial regimes in both countries before the Arab Spring?

5.1.1 Qaddafi the Coercer of the South

5.1.1.1 Pan-Arabism: 1970s until 1990s

Border Management – Although Qaddafi came to power in 1969 and Libya was comparatively late in its development as a transit country, many foreign workers migrated to Libya from the start of the 1970s (Tsourapas, *Labor Migrants* 391). There were many reasons why foreign workers migrated to Libya; its proximity to countries of origin with regards to migration, its easily accessible border, the ample wealth that poured into the country due to its oil riches while at the same time being labour poor, but especially its often relaxed immigration controls first for Arabs and later for Africans (Tsourapas, *Labor Migrants* 391). From the military coup in 1969 until the 1990s, Libya sporadically had an open-door policy mainly focused on Arab workers, especially from neighbouring countries such as Egypt and Tunisia (Fruehauf 244). For example, in 1971, Libya struck an agreement with Tunisia, which facilitated the migration of Tunisian nationals to Libya. From the refugees and migrants situated in Libya, Tunisia rapidly became the main country of origin together with Egypt (Tsourapas, *Migration Diplomacy* 2372-3). Most of the refugees and migrants living in Libya were Arab at the beginning of the 1970s, 90 percent to be exact. In this regard, Qaddafi also made an effort to arrange bilateral agreements on migration with other close countries such as Algeria and Morocco, mainly focussed on migrant rights. From the 1980s onwards, various immigration laws gave clear preference for Arab nationals compared to other nationalities. In 1980 law n°18 was introduced, which defined what constituted an Arab national and improved the access of Arab nationals to the Libyan nationality (Perrin 79). In 1987 through law n°6, Qaddafi opened Libya's borders to all Arab nationals as well as granted Libyan nationality to every Arab residing within the country below the age of 50 (Paoletti, *Migration* 217). The law also allowed Arab nationals to enjoy similar rights and duties as Libyans. In law n°10, announced in 1989 concerning the freedom to enter and live in the Jamahiriya, it was explicitly stated that Arab nationals would enjoy favouritism with regards to work access (Perrin 80). Apart from law n°10 in 1989, Qaddafi also signed the Treaty establishing the Arab Maghreb Union (AMU) as well as the Four Freedoms Agreement with Egypt in 1990, opening its borders (Paoletti, *Migration* 217-8).

Expulsions –Already in the midst of the 1970s, it can be observed that the open-door policy towards Arabs started to shift. Many Egyptians were expelled from Libya during this time; for example, in March 1976 alone 3 000 Egyptians were expelled, and throughout that year, almost 14 000 Tunisians (Tsourapas, *Migration Diplomacy* 2374; Paoletti, *Migration* 218). It is estimated that between 20 000 and 100 000 Egyptians were expelled in 1985 only (Tsourapas, *Migration Diplomacy* 2375). Similarly, as described in the New York Times of that year, roughly 30 000 Tunisians were expelled (Schumacher). However, the vast number of expulsions was not only targeted at neighbouring Arab states, as in 1995, a third of the Sudanese living in Libya, approximately 70 000, were expelled from the Libyan territory. In that same year, 10 000 Mauritians were expelled from the country. It is estimated that in the year 1995, around 200 000 expulsions were executed by the Libyan government. Among the expelled were roughly 1 000 Palestinians who were brought to the border with Egypt. However, Qaddafi's initial plan was to expel 30 000 Palestinians (Paoletti *Migration* 219-25).

Form of policy – Qaddafi's form of migration and asylum policy targeted at Arab nationals clearly falls under migration diplomacy. Qaddafi used migratory flows as a way to achieve his ideological and diplomatic aims. To start off with border management, it is evident that at the beginning of the 1970s, when Qaddafi had just come into power propagating his revolution, humble background, and Arab heritage, he purposefully opened Libya's borders, first to neighbouring countries and later to all Arab nationals, as a way of putting into practice Arab nationalism and unity. By practising this open-door policy, he wanted to inspire unity and emphasise the commonalities between Arab nationals. For example, by opening the borders to all Arab nationals and giving them the same rights and duties as Libyans, Qaddafi actively pursued territorial as well as political unity. From the moment Qaddafi had taken over Libya, the Arab identity of the country was accentuated, not only by changing the name to the 'Libyan Arab Republic' but also by announcing the cultural revolution in which a restoration of Arab and Islamic principles was propagated (Obeidi 46). Thus, Qaddafi's border management in the 1970s and 80s facilitated the realisation of Qaddafi's ideological and diplomatic aims. The open-door policy facilitated not only Arab unity but also stimulated an influx of migrants who adhered to Arab and Islamic principles bolstering his cultural revolution. However, the expulsions of Arab nationals observed from the mid-1970s until the mid-1990s seem to be in stark contrast to this ideological and diplomatic aim of Arab unity. Yet, the expulsions observed in these 20 years can also be traced back to Qaddafi using migratory flows as a diplomatic tool to intimidate those Arab countries who were not aligning

with his cause of Arab unity. For example, by the end of 1970, Anwar al-Sadat was elected as Egypt's new president. Through the years, the relations between Egypt and Libya went downhill, Qaddafi criticising Sadat for not representing pan-Arabism like his predecessor Nasser (Tsourapas, *Migration Diplomacy* 2373). As Qaddafi grew frustrated by Sadat's lack of support for Arab unity, he lashed out against him using migration policy. Similarly, in 1976 when a new prime minister was elected in Tunisia, Hedi Nourira, who openly opposed Qaddafi, as well as against the backdrop of the failure to unify Libya and Tunisia, he struck back by expelling many Tunisians. In a similar vein, as a reaction to the deterioration of relations with Sudan, Qaddafi instigated the expulsions of Sudanese migrants (Paoletti, *Migration* 218-9). These expulsions often went hand in hand with torture and abuse (Tsourapas, *Migration Diplomacy* 2373-4). However, what turned the tide in the 1990s was the backing of the UN arms and air embargo by many Arab countries (Fruehauf 244). Through the expulsions, it can be observed that for Qaddafi, this constituted a betrayal to Arab nationalism and his ideology. As Perrin states, those who sought rapprochement with Israel were especially targeted (82). The disloyalty from his fellow Arab leaders thus meant that instead of exercising cooperative migration diplomacy, Qaddafi turned to coercive migration diplomacy, in which he affected migration, in this case instigating expulsions, as punishment.

5.1.1.2 Pan-Africanism: the 1990s and the beginning of the 2000s

Border Management - Whereas in 1973, Sub-Saharan African migrants and refugees accounted for 3 percent of the labour force in Libya, in 1995, this was ten folded to 34 percent. Those with an African passport were welcome to stay in Libya without a visa for three months and were given quick access to residency and labour contracts. Through this, African labour migration to Libya was promoted (Paoletti, *Migration* 218-21). In 1998 Qaddafi took a leading role in creating the Community of Sahel-Saharan States, first called COMESSA and later CENSAD. The establishment of this community was mainly aimed at creating a shared space in which migrants could move freely (Paoletti, *Migration* 220-1). Furthermore, in the early 2000s, Qaddafi announced that Sub-Saharan African 'brothers' would be granted access to the private and public sectors of agriculture, construction and sanitation services. Although Qaddafi had not completely adopted a closed-door policy towards Arab nationals, within his communication, a clear emphasis on African workers was put (Perrin 80-1). For example, in various speeches and visits to Sub-Saharan African countries, Qaddafi promoted migration to Libya (Paoletti, *Migration* 221).

Expulsions - However, expulsions under Qaddafi were not necessarily restricted to Arab nationals; hundreds of thousands of African migrants and refugees were expelled during his era. For example, in 2000, between September and October, more than 6000 Nigerians and Ghanaians were expelled from Libya (Paoletti, *Migration* 222). Other nationalities of those expelled were refugees and migrants from Chad, Niger, Gambia, and, as previously mentioned, Sudan (Johnson).

Form of Policy – While different authors such as Perrin or Paoletti rightfully argue that apart from political considerations, the turn to pan-Africanism was also highly motivated by internal economic considerations such as attracting cheap labour. The form of migration and asylum policy towards Sub-Saharan Africans also clearly demonstrates how Qaddafi used migratory flows to affect his external relations. As a way to discard his fellow Arab countries and to reward Sub Saharan states for their support during the embargo period, Qaddafi opened its borders to Sub Saharan African migrants and refugees (Bob-Milliar and Bob-Milliar 70). However, although the perceived Arab betrayal may have tilted the balance towards Sub Saharan countries, Qaddafi was invested in creating closer ties with African countries from the start of his leadership. That is why in his Green Book, he announced the re-emergence of Sub-Saharan Africa (Al-Gaddafi 33-4). The turn to pan-Africanism and the openness regarding border management were thus not far from his ideological and diplomatic aims in the first place. However, the power vacuum left within Sub-Saharan Africa after the Cold War offered the right opportunity to transcend his leadership and ideology. It is thus not surprising that the amount of Sub-Saharan African migrants and refugees significantly increased in the 1990s. The creation of CENSAD and a subsequent space in which refugees and migrants could move freely, similar to his intentions of Arab unity, where thus ways in which Qaddafi utilised migration policy as a means to aims related to his ideological ambition of African unity with Libya as its leader. In a similar vein, in 1999, Qaddafi called for the creation of the African Union (Okhonmina 88). However, in the 2000s, Qaddafi's migration diplomacy became increasingly coercive, as demonstrated by the mass expulsions of Sub-Saharan Africans. Although not generated necessarily by Qaddafi's discontent with regards to creating African unity, this transition can mainly be explained by increased pressure from the EU, especially Italy. In light of this, it is estimated that tens or hundreds of thousands of migrants and refugees were expelled from Libya. Thousands of the expulsions were financed by the Italian government (Fruehauf 244). However, internally within Libya, there was also increased resentment and racism towards Sub-Saharan African migrants. In 2000 anti-African riots arose in Libya caused by the regime deliberately feeding anti-migrant racism. The result

was the expulsion of thousands of Sub-Saharan African migrants as well as 130 African migrants losing their lives (Tsourapas, *Migration Diplomacy* 2376). From the 2000s onwards, Libyan migration policy has thus shifted its focus on migration from an opportunity to a threat as a way to appease both internal and external pressures. Repressive measures such as arbitrary detention and hundreds of thousands of expulsions were indicative of this shift (Paoletti, *Migration* 222).

5.1.1.3 Relations with the EU: the 2000s

Border Management - With the turn of the century, the open approach to border management with regards to African migrants and refugees started to shift. Increasingly migration started to be addressed as a security issue within Libya, similar to its European counterparts. In the early 2000s, Qaddafi gradually opened Libya's borders to Italy, allowing many migrants and refugees to move to the EU. In 2004 alone, approximately 10 000 migrants and refugees had arrived in Lampedusa (Tsourapas, *Migration Diplomacy*, 2377). However, with the lifting of the embargo, Libya adopted new measures to reduce what came to be known as irregular migration to and from Libya. In March 2004, this led to the amendment of law n°6, which had opened the borders, to law n°2, which established harsh penalties such as imprisonment for irregular migration or assistance (Paoletti, *Migration* 222). From this year onwards, Libyan law clearly separated Libyans from refugees and migrants. First, Qaddafi explicitly made a distinction within his migration policy to be more accessible to those countries he had bilateral agreements with. However, in 2007 he declared that all refugees and migrants would be required to obtain a visa to come to Libya, with a few Arab exceptions, and would be excluded from free health and educational services (Perrin 81). Due to this change in law, migration within Libya became increasingly informal, and thus it was stated that irregular migration since 2007 had seen a tremendous increase. For example, between 2007 and 2008, 37 000 foreign nationals were stranded on Italian islands who had departed from Libya (Tsourapas, *Migration Diplomacy* 2377). Due to these, new legal requirements were installed to regulate the acceptance of migrants and refugees, correspondingly facilitating the irregular migration discourse. Similar to law n°2, in 2010 law n°19 was introduced which focused on combatting illegal migration` (Perrin 81).

Expulsions – In a report provided by Human Rights Watch, it is estimated that Libya, between 2003 and 2005, expelled roughly 140 000 foreign nationals. This encompasses both migrants and refugees as Libya had no asylum law distinguishing between the two groups. Due to discrepancies between data provided by the Libyan government and the European Commission, the exact number of expulsions is unknown (Field).

Readmission agreements – Although not publicly available, as Paoletti demonstrates, there is enough evidence that points to the fact that Libya and Italy in the early 2000s had concluded informal readmission agreements, with different Italian ministers affirming this (‘‘Relations among’’). Especially between 2004 and 2006, readmission flights from Sicily to Libya were an apparent feature of migration policy. In 2004 approximately 1 350 foreign nationals were sent back to Libya and another 1 876 in 2005 (Paoletti, ‘‘Relations among’’).

Form of Policy – For all three indicators; border management, expulsions, and readmission agreements, it is evident that they were used as diplomatic tools by Qaddafi in his relationship with EU countries. Whereas with regards to the Arab world and Sub-Saharan Africa, a precise ideological aim is related to the migratory practices, with regards to EU countries, what can be observed is this clear practice of a weaker state using issues of migration as a way to obtain more power within the international arena. Issue linkage in this regard is an apparent feature of Qaddafi’s migratory practices. For example, the gradual opening of Libya’s borders, allowing thousands of individuals to move to Italy in 2004, is directly linked with Qaddafi pushing EU countries to lift the embargo imposed on Libya. Thus, what can be observed is that coercive migration diplomacy was used to obtain economic aims. In that same year, when the embargo was lifted, after exhaustive bargaining from Italy, the discourse on irregular migration used by EU countries was adopted and banned by law within Libya. As Qaddafi did not want to sever ties with African states, the official Libyan position was that the severe penalties introduced for irregular migration were a consequence of the pressure put on Libya by Europe, particularly Italy and Malta (Tsourapas, *Migration Diplomacy* 2376). The increasingly restrictive border management Qaddafi employed marks the turn away from his pursuit of unification and, as Perrin describes, showcases a form of de-ideologisation (81). For example, from those expelled in 2003, the majority was Egyptian, with many also from Nigeria, Sudan and Ghana roughly, thus encompassing both Sub-Saharan as Arab nationals (Field). Furthermore, readmission formed a significant part of the cooperation between Italy and Libya, and although characterised as cooperative migration diplomacy, Libya was mainly reaping the benefits from this cooperation. As Paoletti showcases through the readmission agreements, Qaddafi gained financial and material resources, gained reputation, and dominated the negotiation process by forcing Italy to apologise for its colonial past in 2008 or asking the EU for 5 billion euros for migration management (‘‘Relations among’’).

5.1.2 Ben Ali the Co-operator with the West

5.1.2.1 Arab Solidarity: Beginning of the 1990s

Border Management – As previously mentioned, although Ben Ali paid little regard to foreign policy within the first year of his rule, in a similar vein, migration policy was not the first item on his agenda. However, with the creation of the AMU in 1989, Tunisia distinguished itself by allowing visa-free entrance into its territory to other treaty members (Schöfberger 358). While the AMU treaty already visualised a free movement of goods, services, and persons, mimicking the EU integration process. None of the other members has enforced this vision. The treaty also elaborated on the possible freedom of establishment, allowing foreign nationals to carry out their economic activity within another AMU member (Schöfberger 358). Additionally, as one of the first countries to engage in diaspora politics, Tunisia already in 1988 had established the ‘‘Office for Tunisians Abroad’’ (OTE), among other tasks offering support in case of return (Natter, *Revolution* 8).

Form of Policy – Whereas Qaddafi was a strong advocate for Arab unity, Ben Ali instead promoted Arab solidarity. This is also visible in his form of migration policy. Rather than promoting unification, he chose to show solidarity to those Arab brothers with whom he had formed a union without demanding the same from them. In the fashion of his general diplomatic strategy, Ben Ali, through tranquillity, wanted to inspire Arab solidarity. Although only a small example, his border management does constitute cooperative migration diplomacy as through issues of migration Ben Ali spread his view of the importance of Arab solidarity. Furthermore, by opening Tunisia’s borders to the other AMU members, Ben Ali welcomed migrants who also were devoted to Arab and Islamic traditions, which was a central component in his National Pact (Perkins 194). By establishing the OTE and allowing Tunisian emigrants to vote as one of the first decisions of his rule, Ben Ali sought to gain internal as well as external legitimacy through issues of migration. The new stance towards emigrants abroad was a way to demonstrate Tunisia’s supposed democratic and political opening (Natter, *Revolution* 9). As within his National Pact, the importance of democratic principles and political plurality were emphasised; through this act, Ben Ali signalled the critical role of both solidarity and democracy within his ideology to other Arab and EU countries in which most Tunisian emigrants were situated. On the other hand, reaching out to diaspora also served to keep a grip on possible dissidents from abroad, which could reduce both internal and external legitimacy (Cassarino 109).

5.1.2.2 EU Solidarity: End of the 1990s and 2000s

Border Management – By the end of the 1990s, Ben Ali became a proactive player within informal interstate exchanges on migration matters. These dialogues instigated by the EU focused mainly on, promoting selective legal migration, reducing illegal migration, and curbing the mobilisation of diaspora (Cassarino 104). In response to these dialogues, Ben Ali passed law 2004-6 addressing smuggling and irregular migration. Many groups objected to this law as it made assistance to irregular migration, either voluntary or involuntary, criminalised. For example, the penalties given for only the assistance of irregular migrants and refugees amounted to 4 years in prison and an almost 4000 euro fine. Additionally, those who failed to report information they had acquired regarding irregular migrants and refugees could face three months in prison and a 200 euro fine (Badalič 92-3). Whereas in earlier years, migration management was generally defined by bilateral agreements, law 2004-6 signified a change as it was the first immigration law to be passed in decades (Natter, *Revolution* 12). Although tight border controls can mostly characterise Ben Ali's migration management, it can be observed that at moments migratory flows to Italy increased throughout the 2000s (Lixi).

Readmission agreements – Tunisia signed its first readmission agreement with Italy in 1998. The agreement was meant to observe and reduce irregular migration from Tunisia to Italy (Suber 3-4). As the EU increasingly considered migration a security issue, readmission became a way to facilitate the EU discourse of irregular migration. In 2003 a second readmission agreement was struck between Italy and the Ben Ali regime, which also promoted coordinated border management and police training (Suber 4). However, Italy was not the only country with which the Ben Ali regime cooperated with regard to readmission. In 2008 Tunisia signed an agreement of concerted migration management together with France. This agreement was meant to advance cooperation on readmission (Natter, *Revolution* 13). A year later, the Ben Ali regime signed yet another bilateral agreement with Italy on readmission as the number of Tunisian nationals within Italy had starkly increased since 2008 (Cassarino 110). In this regard, 2008 marked the first year Tunisian nationals constituted the main country of origin amongst the refugees and migrants in Italy, which is also the case in recent years. For example, in 2008, roughly 30 000 Tunisians had migrated to Lampedusa, which was almost three times as much as the previous year (Boubakri 2).

Form of Policy – Whereas with regards to Arab solidarity Ben Ali's migration diplomacy was rather subtle when the relationship with the EU is examined, the use of migration as a diplomatic tool by the Ben Ali regime becomes evident. It is no coincidence that the Ben Ali regime started to cooperate on migration issues by the end of the 1990s. As in 1998, the association agreement between the EU and Tunisia entered into force which would create an area of free trade (Perkins 203). This agreement makes specific reference to migration in article 69 (3) in which it is stated that issues regarding migration matters shall be discussed. Furthermore, in article 71, it is established that collaboration on reducing migratory flows forms a priority ('EURO-Mediterranean agreement'). The association agreement thus showcases how through migration diplomacy and issue linkage, the Ben Ali regime could reach its economic aims. The dialogues held were thus part of the agreement. However, by cooperating on issues of migration, Ben Ali also maintained its external legitimacy. As Cassarino argues, the frequent dialogues on migration caused links of interdependence which were utilised by the Ben Ali regime to obtain other political goals (104). Such as growing its international credibility and legitimacy by displaying itself as competent in its border management. Through its border management and external legitimacy, the Ben Ali regime could mask the social discontent within the country and even reinforce its control over society. This is, for example, apparent with the introduction of law 2004-6, which on the one hand caused an environment of fear which the Ben Ali regime could capitalise to further silence society, and on the other hand, served to accommodate the request of its EU partners to implement precise legal steps to reduce irregular migration (Cassarino 104-6). The strategic use of migratory flows throughout the 2000s was a way in which the Ben Ali regime could establish new agreements with strategic EU partners such as France and Italy on, for example, readmission (Lixi). The readmission agreements established with EU partners were also a way in which the Ben Ali regime used migration as a diplomatic tool as a means to other aims, in this case, to economic growth. As unemployment within Tunisia was a significant issue, many Tunisians were stimulated to move abroad to lift the employment burden and boost further remittances, which came to form around four percent of its GDP (Natter, *Revolution* 7). By cooperating on the return of foreign nationals, the Ben Ali regime could negotiate on an annual quota of work permits for Tunisian nationals in EU countries. For example, this in 1998, resulted in a yearly quota of 3 000 work permits for Tunisian migrants in Italy and a quota of 9000 annual work permits in France in 2008 (Badalič 87-8). Readmission was also used as a way to silence dissent abroad after the 2008 uprisings.

5.2 How the Arab Spring constituted a Period of Change in Both Countries

2. How did the Arab Spring constitute a period of change with regards to migration and asylum policies in both countries?

The Arab Spring started with the Jasmine Revolution in Tunisia at the end of 2010, which was largely unexpected by the outside world, due to Ben Ali's exhaustive efforts to establish external legitimacy. However, due to high unemployment and lack of political freedoms, internally political discontent had risen to unprecedented levels (Natter, *Revolution* 2-3). As Natter demonstrates, from the beginning the revolution and migration were intrinsically connected (*Revolution* 3). The economic crisis of 2008 had resulted in less European tourists traveling to Tunisia as well as less Tunisian nationals being able to move to Europe due to tighter border controls. This had decreased both job prospects at home and abroad. The effects of the revolution on migration were two-fold. Firstly, due to the absence of the security apparatus there was no effective border management leading to a spike of both emigration and immigration. Secondly, civil society activism after the revolution saw a tremendous increase, including activism on refugee and migrant rights (Natter, *Revolution* 3). The new political trajectory, in which Ben Ali no longer held a monopoly on the means of movement, could have allowed for change with regards to migration and asylum policy. The fall of the border regime and increase in civil society activism could have paved the way for a new form of migration management based on protection rather than diplomacy, however the following section will explain why this was not the case. After protests were sparked in Tunisia, the uprisings spread to other countries including Libya. While earlier in the year protests had already started, as a response to political corruption and lack of housing, substantial protests arose in February 2011 (Mainwaring 442). Anti-government militias took over the second biggest city, Benghazi, in a matter of days and the civil war started. This had detrimental effects on the migrant population who were living in Libya. Both the Qaddafi regime and the anti-government militias regarded the Sub-Saharan African migrant population as mercenaries (Mainwaring 442-3). The EU during this time continuously emphasized the invasion of foreign immigrants into EU territory, yet most of the individuals fleeing Libya should have been described as refugees needing protection. Although the country experienced another civil war in 2014 and political unrest is still an apparent feature of Libya today, already within the Constitutional Declaration of 2011, established by anti-Qaddafi forces, reference is made to the rights of foreigners ('The Draft Libyan Constitution'). This could have paved the way for a new trajectory in terms of migration management, regrettably this has not been the case.

5.3 The Reinforcement of Past Migration and Asylum Policies and Practices

3. What has caused the shift or reinforcement of migration and asylum policies in both countries after the Arab Spring?

5.3.1 Libya: Reinforced Erratic Coerciveness

Border Management – The end of Qaddafi’s dictatorship had caused tremendous political unrest within Libya. Hundreds of thousands of refugees and migrants fled the country in 2011 (Perrin 83). What can be observed is that in terms of border management, the Libyan regime, after the revolution, has been selective in allowing entrance into the country, especially with regards to neighbouring countries such as Egypt. However, in general, it can be observed that in the post-revolution period, Libyan border management can mainly be characterised by reducing irregular migration from Libya to Europe (Perrin 84). Both law n°2 and law n°19, established by the Qaddafi regime, are still in place. Within these laws, the penalties for irregular entrance, stay or exit, and assistance of are described. However, while these laws are still in place, they are not formally implemented, allowing the Libyan regime to arrest, imprison or expel a refugee or migrant at any time (Perrin 84-8). Especially imprisonment has become a standardised practice adopted by the regime. In 2017 with the signing of the Memorandum of Understanding with Italy, Libya formalised its efforts of reducing irregular migration from Libya to Italy (Nakache and Losier).

Expulsions – Although prohibited by international law, expulsions within Libya have been carried out also after the revolution. For example, in mid-March 2013, more than a hundred Egyptians were expelled from Libyan territory. By late March, this had escalated to more than 400 Egyptians being expelled per day. The expulsions were based on alleged documentation fraud, and even health-related issues were mentioned as a basis (Tsourapas, *Labor Migrants*, 390-1). Furthermore, last year expulsions from Libya again saw an increase, with Amnesty International stating that in 2020 more than 5 000 refugees and migrants were expelled from eastern Libyan territory (‘Libya: New Evidence Shows’). Similar to 2013, health-related issues such as the spreading of Covid-19 were the basis for the mass expulsions carried out by the Libyan regime.

Reinforcement – Similarly, as during the Qaddafi regime, what can be observed is that the post-revolution administration reinforced the practice of using migration as a diplomatic tool. Although Perrin argues that the exclusion of ‘neighbours’, such as Egyptians, in Libyan border management signalled a turn through which private companies broke away from the logic of recruiting according to proximity (84). There is another much more apparent reason why Egyptian nationals were excluded from entrance into Libya and even expelled in 2013. After the revolution, as a means to solidify the transitional process, the General National Congress, representing the legislative power in Libya, turned its efforts to the extradition of ancient regime members of the Qaddafi era of which most had fled to Egypt (Tsourapas, *Labor Migrants* 390-1). The Congress regarded the extradition and trial of the ancient regime members as a necessary step towards a genuine political transition. However, the Egyptian authorities denied the requests for extradition, stating that many legal obstacles prevented them from accepting. As a response, in early 2013, Libya closed its borders to Egyptians as a means to change Egypt’s extradition policy. As the closed borders did not result in any leniency from the Egyptian authorities, the Congress shifted its strategy to expulsions which did have the intended result. The Egyptian authorities arrested the ancient regime members in order to extradite them to Libya (Tsourapas, *Labor Migrants* 390-1). The compliance of Egyptian authorities resulted in the reopening of borders. This constitutes a clear example of coercive migration diplomacy in which Libya affected migratory flows, in this case, expulsions, as a means to punish Egypt for not complying with its demands. With regards to relations and agreements with EU countries, it can be observed that similar to the Qaddafi regime, migration is used as a diplomatic tool as a means to aims mainly related to economic support. Even during but also after the revolution in Libya, EU pressure to regulate Libyan borders continued (Perrin 85). Thus, by emphasising increased efforts to reduce irregular migration, the Libyan regime tried to legitimise itself internationally, especially in the EU arena. This is also evident with regards to the signing of the Memorandum of Understanding with Italy, which the Fayez al-Sarraj government utilised as a way to legitimise its authority through cooperation and agreements on migration, which were subsequently reinforced both internally and externally (Perrin 87-8). Additionally, through continued alleged efforts of irregular migration reduction, Libya received substantial amounts of support through the EU Trust Fund for Africa (EUTF) and through the memorandum. For example, through which Italy offered 200 million euros in aid (Nakache and Losier). Due to the political unrest, the different Libyan governments could reinforce the usage of migration as a diplomatic tool to obtain legitimacy and economic support.

5.3.2 Tunisia: Reinforced EU Cooperation

Border management – The fall of the Ben Ali regime and subsequent fall of border controls resulted in 28 000 Tunisians fleeing to Italy, which compared to previous years was more than fifteen times as many Tunisian nationals (Natter, *Tunisia's Migration* 6). The substantial rise in both legal and irregular migration from Tunisia to the EU in 2011 led to instant responses from EU countries. For example, Tunisia and Italy quickly established an accelerated agreement in April of that year. Italy would provide 200 million euros in aid in exchange for Tunisian collaboration with regards to border management and readmission (Zardo 84). Migration and border management were prioritised concerns through the post-revolution period, which was still addressed as a state of emergency similar to before the Ben Ali regime fell. Tunisia and the EU held many multilateral talks in which a joint action plan was discussed. By the end of 2013, the new Tunisian regime under the presidency of Moncef Marzouki established the joint declaration for a mobility partnership with the EU (Zardo 85-7). Through Marzouki's presidency, there was much emphasis on migration; 18 Tunisian nationals abroad were assigned parliamentary seats, the State Secretary for Migration and Tunisians Abroad was established as well as the National Migration Observatory. While through these examples, it can be observed that the post-revolution government was adopting an open approach to Tunisian emigrants abroad, at the same time, the approach to immigration was kept restrictive for example, the fine for irregular entry or stay in Tunisia became twice as much (Natter, *Tunisia's Migration* 7-8).

Readmission agreements – Both the accelerated migration agreement with Italy in 2011 and the mobility partnership with the EU in 2013 included provisions regarding readmission. Within the accelerated agreement in exchange for collaboration on readmission, Italy offered to give Tunisians who had arrived in Italy before the fifth of April a work permit valid for six months. Tunisian nationals who had arrived after the fifth of April were to be immediately returned to the country (Suber 5). Italy has actively engaged bilaterally with the Tunisian government in ensuring, on the one hand, the securitisation of the Tunisian border and on the other hand, improving readmission from Italy back to Tunisia. Although many executive changes have characterised the post-revolution period, as Suber states, all of them have indicated their willingness to cooperate with Italy on return (5). Furthermore, also within the mobility partnership with the EU, specific reference is made to readmission cooperation ('EU and Tunisia Establish Their Mobility Partnership').

Reinforcement – While the cooperation with the EU on migration matters could have been based on mere need or could have been a clear sign of democratic transition, this section will elaborate on how Tunisia’s cooperative migration diplomacy towards the EU constitutes a reinforcement of migration practices adopted before the Jasmine Revolution. With the fall of the Ben Ali regime, Tunisian society experienced a proliferation of political freedoms. These freedoms provided the basis for institutional and civil society dialogue and diversity on matters of migration. The freedom of association law introduced in 2011 resulted in the establishment of many associations defending dignity, freedom, and human rights also for migrants and refugees (Natter, *Tunisia’s Migration* 7). As stated by Natter, in this regard, a clear clash can be observed between Tunisian civil society calling for increased migrant and refugee rights and the EU calling for an ever-restrictive migration policy from the Tunisian government (*Tunisia’s Migration* 7-8). On the one hand, a balancing of internal legitimacy and, on the other hand, external legitimacy was thus needed. Through the EU joint declaration for a mobility partnership, it becomes clear to which side the Tunisian government navigated. Although civil society had actively denounced the mobility partnership and, in particular, its part on readmission, the Tunisian government nonetheless established the agreement (Zardo 85-7). This constitutes a clear form of migration diplomacy in which, similar to the old regime, the Tunisian government used issues of migration as a way to gain external legitimacy, similar to Ben Ali disregarding the costs of internal legitimacy. The doubling of the fines for irregular migration, diaspora outreach, and the subsequent establishment of institutions that could support Tunisians abroad are other clear examples of the use of migration management as a means to aims related to external legitimacy, to appease EU partners in order to obtain their support and gain their aid. By 2012 the EU still constituted Tunisia’s leading trade partner, with although lower than in the 1990s, still 70 percent of Tunisian exports shipped to the EU. More importantly, the EU was the largest donor within Tunisia, responsible for allocating more than 400 million euros to the country from 2012 to 2013 (Zardo 80). The same year in which the mobility partnership was discussed and signed. Thus, the migration cooperation on border management and readmission with the EU has also served an economic end apart from gaining external legitimacy. For example, in 2017, more than 1.5 billion euros in remittances was sent from Tunisian emigrants, most of them located in the EU (Lixi). Through work permits, like those introduced by Italy in 2011, these remittances were kept constant. Thus, due to the persistent political instability and polarisation within the country, the government of Tunisia was able to utilise migration management as a diplomatic tool as a means to external legitimacy and economic gains.

6. Conclusion

Ten years ago, political uprisings erupted in Tunisia and Libya as a response to the lack of political freedoms and rights within the countries. Although declarations of democracy and human rights were made after the revolutions, the refugee and migrant population within both countries have not enjoyed much protection. Within this thesis an explanation was sought for the development of migration and asylum policy in Libya and Tunisia after the Arab Spring. In order to explain this development migration and asylum during the dictatorial rules were first examined. It was demonstrated that both in the Qaddafi as well as the Ben Ali regime migration and asylum were highly politicised and connected to the ideological ambitions of the different dictators. For Qaddafi these ideological ambitions included the creation of unity, first within the Arab region, and later with the Sub-Saharan African countries. Rather than seeking unity Ben Ali had Arab solidarity as one of his ideological ambitions. It was demonstrated that through migration diplomacy tools such as open border management the dictators tried to realize their ideological ambitions. However, while Ben Ali was rather subtle and open with regards to border management, it was shown that Qaddafi through tools such as expulsions coerced states into submission. With the turn of the century, it can be observed that both regimes turned their efforts mostly to establish migration deals with the European Union. Yet again not without underlying diplomatic and economic goals. Similarly, as in the 1990s Ben Ali's migration diplomacy could be characterized as cooperative, while Qaddafi's migration diplomacy could be characterized by erratic coerciveness. Through migration tools such as restrictive border management and readmission both regimes used migration management as a means to other aims. These aims included the gaining of reputation and financial resources. The ousting of both dictators, the fall of their border regimes, the increase in civil society activism and declarations of the establishment of foreigners' rights after the Arab Spring, show that the countries moved onto new political trajectories significantly different than the previous regimes. This could have fostered another form of migration management focused on protection rather than diplomacy. However, through this thesis it has been demonstrated that, due to the instability and political polarization after the Arab Spring, the usage of migration as a diplomatic tool has been reinforced. Likewise, Libyan authorities have intentionally affected migration as punishment, whereas Tunisian authorities have mostly affected migration as a reward to other states. Similar to the dictatorial regimes it was demonstrated that the different political authorities within Libya and Tunisia have used migration as a way to obtain economic support and international recognition.

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