

HUMAN SMUGGLING AND TRAFFICKING ECOSYSTEMS
– NORTH AFRICA AND THE SAHEL

2022 SERIES



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME

TUNISIA

GROWING IRREGULAR MIGRATION
FLOWS AMID WORSENING
POLITICAL FRAGILITY

Matt Herbert

JULY 2022

ACKNOWLEDGEMENTS

This paper is part of a series of briefs published by the Global Initiative Against Transnational Organized Crime (GI-TOC)'s Observatory of Illicit Economies in North Africa and the Sahel. This brief would not have been possible without the continuous support and advice of Mark Micallef, Tasnim Abderrahim and Jalel Harchaoui. The GI-TOC publications and communications teams have been key collaborators, ensuring that the exacting standards of delivery are met.

The author would also like to acknowledge the dedicated efforts of a large number of local researchers engaged by the GI-TOC across the region. While we will not name them for their safety, they have our profound gratitude and respect for the excellent work they do under difficult circumstances.

The research for this report was supported by funding under the North Africa and the Sahel and Lake Chad windows of the European Union Emergency Trust Fund for Africa. The contents of this report are the sole responsibility of the GI-TOC and do not necessarily reflect the views of the European Union.

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INTRODUCTION

For Tunisians, 2021 was a difficult year. A COVID-19 surge caused over 20 000 deaths. Economic challenges deepened, both at the national level, with a damaging default on the horizon, and for average citizens, who faced a contraction in job opportunities and earnings. Rising prices, notably for food, further challenges Tunisians and has fuelled discontent within the country.

Against this context, President Kais Saied moved to seize near complete control over government on 25 July, when he suspended Parliament and began to rule largely by decree. Since that point, Saied has functionally abrogated the 2014 constitution and announced a political roadmap that, if successful, would lead to a referendum on a new constitution and legislative elections to be held in mid to late 2022.

In response to Saied's seizure of control, Speaker of Parliament Rached Ghannouchi warned that absent a restoration of democracy, 'Over 500 000 Tunisian migrants could try to reach the Italian coasts in a very short time.' In response, Saied claimed his political opponents were paying young Tunisians to embark for Europe, in order to damage Tunisia and its relations with Europe.

These statements miss a broader reality, however: the same economic and social crisis that enabled Saied to seize power has also fuelled the most substantial wave of irregular migration to Europe since 2011. The wave began in March 2020, well in advance of Saied's moves, though it accelerated substantially in 2021. In 2020, Tunisia witnessed a spike in irregular migration, with Italian and Tunisian authorities intercepting a total of 26 488 individuals. This was triggered by deteriorating socio-economic conditions that were further exacerbated due to the COVID-19 pandemic.¹ Irregular migration from Tunisia to Europe in 2021 surged past the high levels recorded in 2020, reaching the highest point since the months immediately after the 2011 revolution. In 2021, at least 23 328 irregular migrants were intercepted by Tunisian authorities, following on 11 789 caught in 2020. Italian authorities registered a similar rise in interceptions of migrants leaving from Tunisia totalling 20 218 in 2021, compared to 14 685 individuals in all of 2020.

Roughly two-thirds of the migrants intercepted by Tunisian authorities were Tunisian, compared to three-quarters of apprehensions by Italian authorities. This matches long-standing dynamics of Tunisians accounting for the majority of departures from the Tunisian coast, as has been observed since 2011.² The number of foreign migrants transiting the country also increased, with Tunisian and Italian authorities intercepting a total of 11 318 foreign migrants in 2021, compared to 4 235 in 2020. This spike was in part driven by a broader increase in the number of irregular migrants, largely hailing from sub-Saharan countries, who arrived to live and work in Tunisia.³

Meanwhile, irregular movement along land borders with Algeria and Libya was limited, in comparison to levels observed in other North African and Sahel countries. However, since the beginning of the COVID-19 pandemic, the level of cross-border migration increased, further signalling Tunisia's growing role as a transit country. The majority of interceptions of land-border crossings occurred along the border with Algeria.

While the current migration wave is unconnected from the country's political crisis, there is a risk that if Saied is unable to arrest the country's economic challenges and if initial euphoria around Saied's moves slowly changes to disillusionment, conditions could fuel a further rise in migration. This risk is compounded by an economic crisis, linked in part to the war in Ukraine, which is likely to worsen in the second part of 2022. Despite this, there is little indication that the government is working to prepare Tunisians for the possibility of further deterioration.

This brief is part of the latest round of publications emerging from GI-TOC research on human smuggling and trafficking in Libya, Tunisia, Morocco, Niger, Chad and Mali.

Since 2018, the GI-TOC has undertaken monthly monitoring of human smuggling and trafficking in North Africa and the Sahel. The first report of the project, 'The human conveyor belt broken', published in early 2019, described the fall of the protection racket by Libyan militias that underpinned the surge in irregular migration between 2014 and 2017. The second report of the project, 'Conflict, coping and COVID,' published in early 2021, detailed the evolution of human smuggling and trafficking in the face of Libyan conflict and the region-wide COVID-19 pandemic, underscoring both the disruption of the system and its broader continuity.



A demonstration against the COVID-19 lockdown in Tunis, January 2021. *Photo: Nacer Talel/Anadolu Agency via Getty Images*

Rather than a single report covering trends and dynamics in 2021, the GI-TOC is publishing a series of briefs, each covering a single country as well as a regional overview brief. These build on the previous reports, mapping smuggling and trafficking, as well as the political and security dynamics that impacted and influenced the irregular transport of migrants in 2021. The series of briefs underscores the rebounding importance of smuggling from and through Libya, Tunisia, Niger, Chad and Mali and the ways in which dynamics are intensifying as the COVID-19 pandemic ebbs and a rough peace is maintained in Libya.

Methodology

This brief is based on the GI-TOC's field monitoring system. During 2021 – the reporting period for this study – local field researchers spread across Tunisia collected data through semi-structured interviews with smugglers, migrants, community members, security-force officials, politicians, NGO personnel, international observers and others.

Finally, open-source data relevant to human smuggling and trafficking was systematically collected and analyzed on a weekly basis. This open-source data was used to formulate questions and inquiry areas for field research and validate field interviews collected by researchers.

Care has been taken to triangulate the information detailed. However, the issues detailed in this brief are inherently opaque and the geographic areas covered often remote, volatile or difficult to access. Because of this, the brief should be viewed as a snapshot, which will feed into future reporting and analysis from the GI-TOC that is planned to capture the rapidly evolving dynamics in Tunisia and across the broader region.



IRREGULAR MIGRATION FROM TUNISIA REACHES HIGHEST LEVEL SINCE 2011

In 2021, irregular migration from Tunisia to Europe surged past the high levels recorded in 2020, reaching the highest point since the months immediately after the 2011 revolution. Between January and December, Tunisian security and defence forces intercepted at least 23 328 irregular migrants in the country's littoral areas and offshore, compared to 11 789 in 2020. A similar, though less substantial, surge was registered by Italian authorities, with interceptions between January and December totalling 20 218, compared to 14 685 individuals in 2020.⁴

This trend is part of the same migration wave that began in May 2020. Though migration levels in 2020 hit a nadir in December of that year, this proved fleeting with activity reaching levels substantially above the historical norm in January and February 2021, with 1 314 irregular migrants intercepted, compared to 690 in 2020, and 167 in 2019. While there was some oscillation in March and April, partly due to bad weather and high windspeeds, levels remained high throughout the year.

In notable contrast to much of 2020, during the first months of 2021, Tunisian forces consistently reported higher interceptions than Italian forces, supporting the Tunisian government's claim (detailed below) to have heightened enforcement efforts.

The high point of the surge was reached in July and August, with interception levels by both Tunisian and Italian authorities slowly declining over the next couple of months. This decrease was mainly seasonal, with autumn months often registering a slow decline due to worsening weather.

However, it also coincided with the seizure of power by Tunisian President Kais Saied (see below), and his promise to step up efforts to counter irregular migration, which led to increased patrolling and interceptions, primarily by the national guard and navy. A prohibition on the use of non-commercial boats, implemented in late July and lifted on 8 September, functionally halted movement via yachts and other pleasure craft, which are used by some smugglers to transport well-heeled passengers. It is likely that these measures did act as a break on departures, though only to a degree.

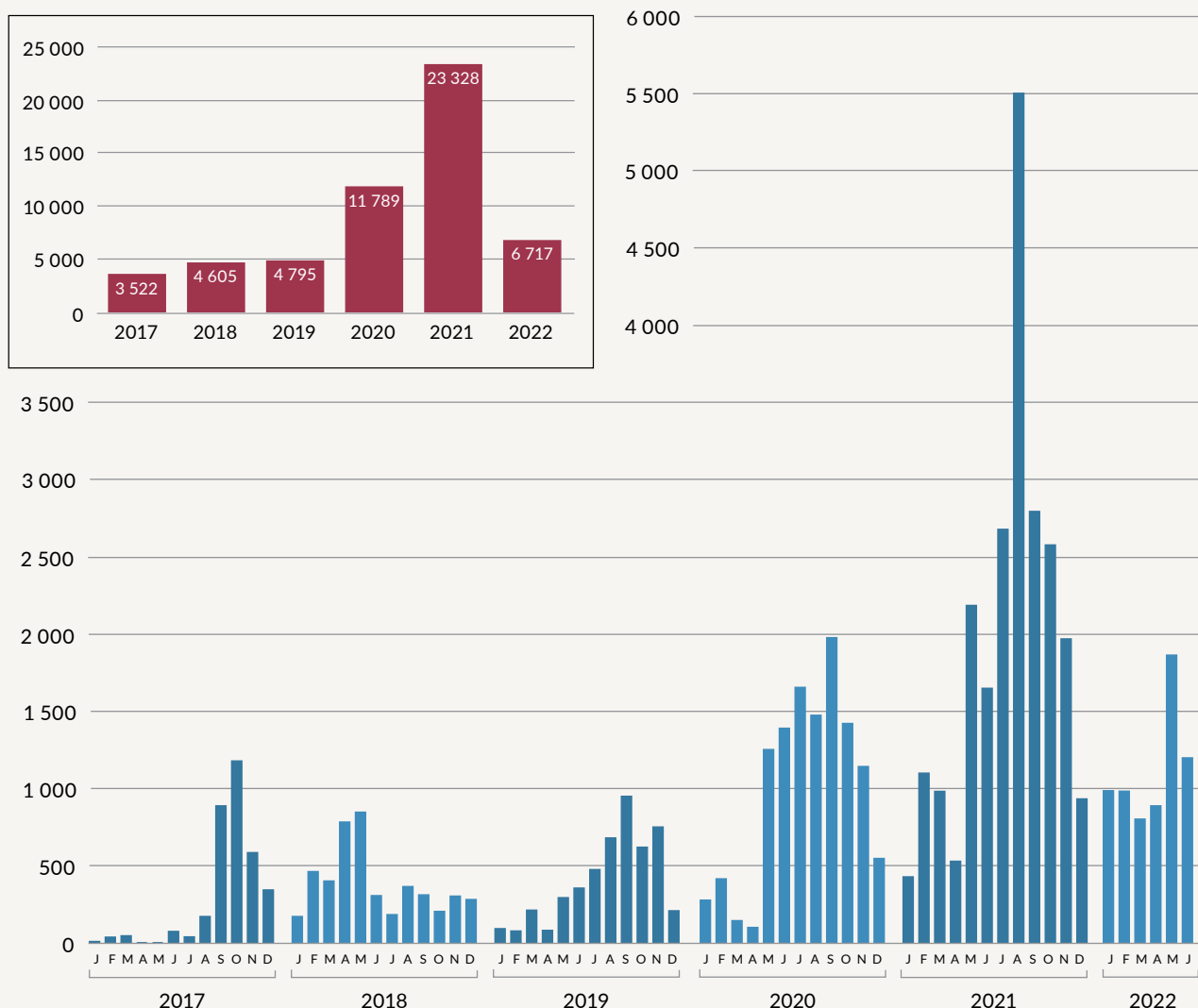


FIGURE 1 Total number of interceptions by Tunisian security and defence forces by month, 2017-2022.

NOTE: Data for 2022 covers January through June only.

SOURCE: GI-TOC monitoring

The decline recorded in the autumn should be seen as relative only to the extraordinarily high levels recorded in the summer. In both September and October, Tunisian forces intercepted substantially more migrants than in any month in 2020. Even in November, when the Tunisian Interior Ministry ceased reporting on individual migration interceptions, probably causing an undercount on interceptions, 1 969 arrests were recorded, substantially more than the level recorded the previous November.



Photo: Alberto Pizzoli/AFP via Getty Images

Furthermore, interviews in coastal areas indicated that departures remain high, suggesting that the 2020/21 surge is likely to continue into 2022. One contact interviewed, in Sfax governorate, noted in November that because the weather in that month remained relatively good, there had been only a slight seasonal dip in departures. He did note a change in nationalities departing from Sfax, traditionally the main point of embarkation for foreigners: 'These last weeks, the majority of migrants [have been] Tunisians, with foreigners – sub-Saharan, in particular – diminishing,' he said.

In Nabeul governorate, a smuggler interviewed indicated an increase in departures in November, almost exclusively involving Tunisian migrants. In comparison to earlier in the year, a growing number of families, including women and young children, had left from Nabeul in that month, he explained.

Similarly, while smugglers interviewed in Mahdia in December 2021 reported that bad weather had driven departures down, very high interest in migration remained. A young prospective migrant noted: 'Many of my friends have already left for Italy and successfully got there all safe and sound. Now they are having a good life while I'm stuck in here without job or money. I have already tried to migrate two times, but I was caught and brought back to this hole. I won't give up until I join my friends.'

Smugglers in Nabeul and Mahdia were mixed in their assessment of the likelihood that security efforts could stymie movement. In Nabeul, a smuggler explained that the coastguard and national guard had increased their activities under orders from Saied: 'Things are now getting more strict and more dangerous,' he said, noting that interceptions at sea had risen.

In Mahdia, however, smugglers were generally dubious about the ability and intention of the government to control movement and showed little concern that they would be affected.

The government might be trying to look severe and more resolute to stop us from working, but no one can close the sea. We use the sea to offer freedom to our kids. They should have the right to leave this country if they want to.

INTERVIEW WITH A SMUGGLER IN CHEBBA, DECEMBER 2021



TUNISIANS LEAD THE SURGE TO EUROPE

Attempted departures along the coast were overwhelmingly undertaken by Tunisian nationals in 2021, a continuation of longstanding trends. Since 2011, Tunisians accounted for the majority of departures from Tunisian shores.⁵ Of the 23 328 migrants intercepted by the Tunisian government, roughly two-thirds were Tunisian. Italian apprehensions were even more lopsided, with Tunisians constituting three-quarters of migrants.

Nonetheless, the level of foreign irregular migration also grew substantially in comparison to 2020. Between January and December 2021, Tunisian and Italian authorities together intercepted 11 797 foreign migrants embarking from Tunisia to Europe, compared to 4 235 in 2020.

Most foreign migrants leaving Tunisia were from francophone West Africa, especially Côte d'Ivoire and Guinea (Conakry), though nationals from Nigeria, the Democratic Republic of Congo, Senegal and Rwanda were also reported. Interviews in 2020 and 2021 suggested that most foreigners who transit Tunisia do so slowly, arriving legally via air travel and only attempting to travel to Italy after living and working in Tunisia for months or even years.

For instance, one Ivorian migrant, who was caught at sea in September, explained: 'I lived in Tunisia for three years, first in Zarzis, then Sfax, then in Kebili working in a factory. [My time in Tunisia] was a bit difficult because it was not something stable, but with time, I was able to get food and shelter. Then things got hard, and I decided to advance.'

The pandemic has shifted the way in which foreign migrants get to Tunisia, especially in respect to the use of land-based routes from Algeria. However, even with these changes, the pattern of foreign migration to the country remains largely stable. There is little indication of new nationalities seeking transit via Tunisia or of migrants coming to the country with the intention of leaving for Europe immediately. Nonetheless, a risk exists that this will change as Tunisia's role as a major hub for irregular migration is consolidated.

Migrants leaving for Europe in 2021 did so via three main avenues: human-smuggling networks, self-smuggling and stowaway attempts. These avenues for departure largely mirrored dynamics in 2020, though with some differentiation in pricing and modality.

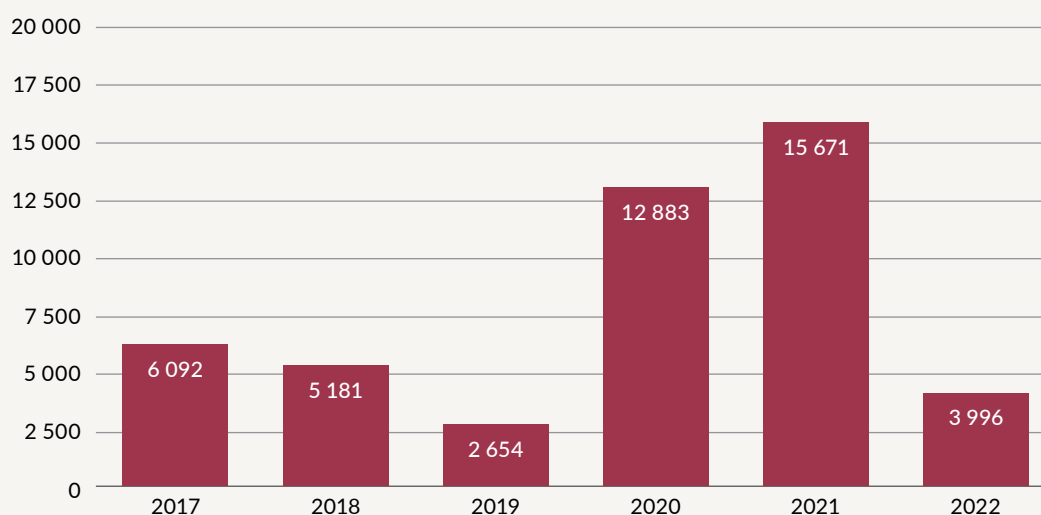


FIGURE 2 Total number of Tunisians disembarked by Italian security forces, 2017–2022.

NOTE: Data for 2022 covers January through June only.

SOURCE: Italian Ministry of Interior

Human-smuggling networks remained an important avenue for Tunisian migrants, and the sole option for foreign migrants, wanting to cross irregularly to Europe. The networks were, and remain, relatively cheap, though specific pricing varied by governorate. In Nabeul for example, interviews in autumn of 2021 found that prices for Tunisians started at TND1 500 (€461), while smugglers in Sfax and Mahdia reported higher prices of at least TND2 000 (€615). In all three governorates, smugglers and prospective migrants reported options that command higher prices, going up to TND6 000 (€1 846), depending on the condition and power of the boat, and the number of other migrants on board.

For foreigners, the prices were often substantially higher. In Mahdia, for example, they ranged between TND5 000 and TND7 000 (€1 538–€2 154), while in Sfax, the main embarkation point for foreigners, the asking price averaged between TND4 000 and TND5 000 (€1 231–€1 538).

Overall, in 2021 the human-smuggling system in Tunisia remained largely atomized, with a large number of networks operating all along the coast. In Nabeul, for example, a smuggler explained in September that ‘in every small town in my governorate, there is at least one main network and other smaller networks.’⁶ In Mahdia, at least 25 separate networks were reportedly operating.

Mostly, Tunisian networks were small groups, involving a handful of members who operate in a very small area.

In big networks there is the main fisherman, the owner of the boat, the captain that drives the boat, and a medium who recruits people for the crossing. In a big network, there could be more than one medium, and in some cases up to 10 people in all in the network. In smaller networks there is the captain, [who] usually is the owner of a small boat or has a boat that he stole. In these cases, it is usually just him alone or with one medium.

INTERVIEW WITH SMUGGLER IN NABEUL, SEPTEMBER 2021

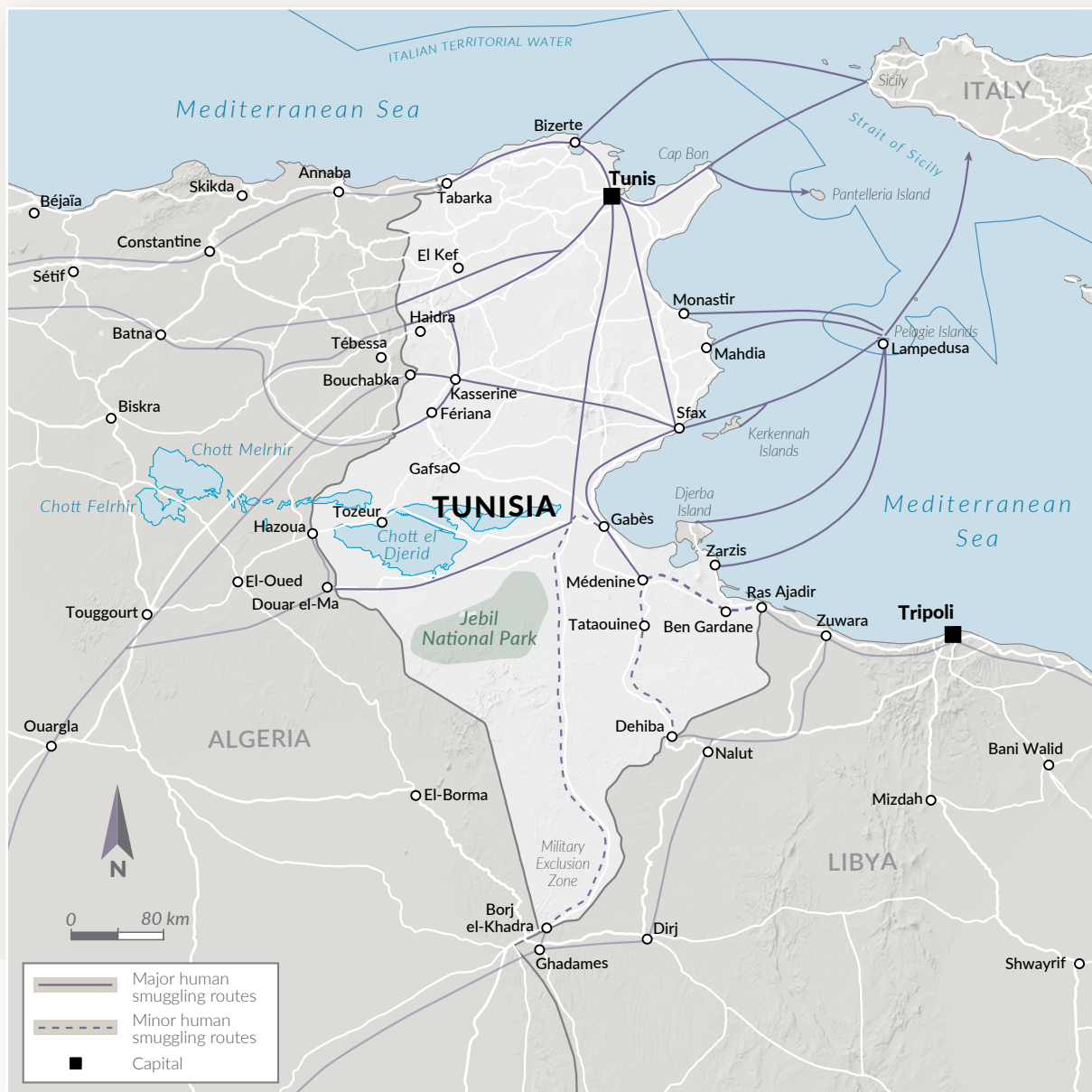


FIGURE 3 Tunisia, showing main irregular-migration routes.

The increase in security-force activity in mid to late 2021 reportedly led to a shift by Tunisians towards the use of smaller smuggling networks. A smuggler from Nabeul explained: 'Now people don't use big networks, as often it is too dangerous, and people could easily get caught.'

Foreign migrants, however, continued to rely on larger networks – in particular, those located in Sfax. These networks often pack migrants onto wooden fishing boats for the voyage from mainland Sfax (primarily around Jbenyenna and Sidi Mansour) to Lampedusa. While most smuggling networks utilized relatively small boats, with only a dozen or two passengers on each, foreign migrants embarking from Sfax routinely departed on vessels carrying 70 to 100 passengers, and in some cases as many as 200. Such overcrowded boats, which are often in poor condition, run a greater risk of capsizing; this has led Sfax to become the country's epicentre of migrant shipwrecks and drownings, a trend that began in 2017.

Over the course of 2021, at least 175 migrants who had departed from Sfax drowned in six separate incidents. Nearly all the victims were sub-Saharan Africans. Only two mass-casualty shipwrecks occurred outside of Sfax in 2021. On 17 October, a vessel with 32 Tunisian migrants sank off the coast of Mahdia governorate, killing 25.⁷ In the second incident, a vessel sank off Djerba island, in Medenine governorate, on 16 December, killing five and leaving three missing.⁸

There is little indication that the shipwrecks, off either Sfax, Mahdia or Medenine, had a deterrent effect on would-be Tunisian migrants. For foreigners, embarking from Tunisia remains relatively safe in comparison to the risks faced in Libya. For Tunisians, the risk of death was, and continues to be, fairly low. Even the sinking off Mahdia appears not to have dented the market for smuggling in that governorate, with one local smuggler explaining away the incident as bad luck, noting: 'He was a successful captain but for this specific trip he unfortunately got a bad motor, otherwise, he could've made it to Italy.'

Human smugglers are not the only means Tunisians had for reaching Europe in 2021. As the GI-TOC reported in 2020, self-smuggling has emerged as a common means for Tunisians.⁹ In self-smuggling, groups of migrants pool their resources and autonomously buy or steal a boat and motors, departing on their own for Europe.

There is little indication that self-smuggling waned in 2021, with migrants from littoral areas regularly mentioning their interest in the approach. It remained, however, a method that is only really used by Tunisians; there was limited indication that foreign migrants employed the approach, though this began to change in 2022.

Tunisians perceived self-smuggling to be both a safer and a surer way of reaching Europe, with many smugglers regarded as dishonest and liable to sell out migrants to security forces. The practice is often seen as safer, with the potential for security forces to intercept migrants substantially reduced, given that most steps in the process are legal. The one exception is the purchase of the boat. Tunisian regulations require boat buyers to receive an authorization before purchasing leisure or fishing boats. Migrants circumvent this by purchasing vessels clandestinely from boat owners or through boat agents. To avoid any legal consequences, boat sellers often report vessels sold to migrants as stolen after the migrants' departure. In some cases, however, the theft is genuine, with GI-TOC contacts noting in 2020 that boat theft had emerged as a substantial concern in coastal areas of Sfax and the Kerkennah Islands.

Finally, stowaway attempts on commercial vessels were relatively common throughout 2021. At least 446 individuals were intercepted by Tunisian security forces in or at the perimeter of commercial ports, primarily in the greater Tunis area. Often, stowaway attempts involve relatively large groups, with security forces frequently catching two or three dozen individuals in a single night.

An abortive stowaway attempt led to the prosecution, in autumn 2021, of the head of the national guard unit in Sidi Hassine, in greater Tunis. The official in question reportedly agreed to provide



Migrant vessel that capsized off Sfax, March 2021.
Photo: Screenshot from video issued by the Tunisian Defence Ministry

a group of prospective migrants with badges allowing them to access La Goulette port in return for €6 000 per person. The case, which began in 2019, is a rare instance of security forces prosecuted for collusion in a migration attempt, though GI-TOC interviews underscore that such corruption is an important facilitating factor in irregular migration from Tunisia.

Irregular migration across Tunisia's land borders with Algeria and Libya remained very limited in 2021 in comparison to levels recorded by other countries in North Africa and the Sahel, with Tunisian authorities reporting only 352 interceptions in the first 10 months of the year (a period for which sufficient data is available). Nonetheless, since the COVID-19 pandemic reached the region in March 2020, the level of cross-border migration did increase. Furthermore, because of Tunisia's growing role as a transit country, these land routes are likely to see further growth in 2022 and 2023.

Despite the large number of irregular migrants in western Libya, most detected attempts to cross Tunisia's land borders in 2021 occurred along the Algerian border. The majority of interceptions occurred in north-western Tunisia, in the governorates of Kasserine (in municipalities such as in Fériana, Thala, Hydrah, Bouchabka and Foussana), Kef (near Kalaat es Senam), and Jendouba (near Tabarka, Ain Draham, and a seaborne route from Algeria). However, routes through the southern Tunisian governorates of Tozeur and Kebili grew throughout the year. In Tozeur, most migrants were detected entering Tunisia around Hizwa, which sits between the Tunisian town of Nefta and the Algerian town of Taleb Larbi. Another key corridor is around the small village of Matrouha, in Kebili, which is located on the border, close to the Algerian village of Douar el-Ma.

Most migrants crossing from Algeria are sub-Saharan Africans – including Guineans, Somalian, Senegalese, Ivorians and Sierra Leoneans – though Syrians and, to a lesser degree, Moroccans are also known to use the route.

The growing movement of migrants between Algeria and Tunisia appears to be driven by both increasing demand and growing economic need within the Tunisian smuggling community. Interviews with arriving migrants indicated that there is greater interest among the migrant community in Algeria as a result of growing economic challenges and security risks in Algeria. Many of them had become unemployed after the COVID-19 pandemic hit. Some also indicated that Algeria's deportation policy, in which migrants are rounded up in northern Algerian cities and deported to Niger, had influenced their decision to enter Tunisia.

On the Tunisian side of the frontier, rising demand for cross-border movement led local smuggling networks, which had been active in the contraband of other types of commodities, to adapt their operations. These decisions were shaped by the pandemic. The arrival of the COVID-19 virus, and border closures and other mobility restrictions imposed by Tunisia and Algeria to counter its spread, badly affected the cross-border commodity-smuggling system. With border crossings closed, many smugglers who previously moved goods through these points, either lost business or shifted to more clandestine smuggling, involving fuel, people and drugs. As one man in Kasserine noted: 'People are taking more risks now because of the hard conditions brought on by COVID.'

Most human smugglers operating in north-western and southern Tunisia remain somewhat active in other forms of contraband, occasionally transporting migrants to supplement their revenue. It is likely that human smuggling across the Tunisia–Algeria border will continue to expand, given Tunisia's growing visibility as a transit country. The economic needs of the region, which have largely driven the multi-generational boom in commodity smuggling, are unlikely to improve in the near to medium term, suggesting that local interest in facilitating human smuggling will continue to be high.



Photo: Khaled Nasraoui/picture alliance via Getty Images



A TROUBLED YEAR BIRTHS A POLITICAL EARTHQUAKE

As the tempo of irregular migration from Tunisia broke records in 2021, the already fractious political landscape in the country entered an unprecedented crisis, with Saied moving to assert near complete control over the Tunisian government. The precise reasons for the surge in irregular migration and the popularity of Saied's moves among the Tunisian public differ, yet both are rooted in longstanding failings of the government and economy, dynamics that have been stressed past breaking point by the fallout from the COVID-19 pandemic. The duration and evolution of Tunisia's political crisis is likely to have a strong influence on the country's socio-economic and political dynamics, and so will greatly affect migratory pressures in the second half of 2022 and beyond.

The crisis began on 25 July 2021, when, in a night-time address broadcast on the national TV channel Wataniya 1, Saied, surrounded by military and security officials, proclaimed a 30-day period of exceptional measures under Article 80 of the 2014 constitution.

In the address, Saied announced three immediate actions:

- The suspension of parliamentary activity for the duration of the emergency;
- the dismissal of Prime Minister Hichem Mechichi, with Saied temporarily assuming the executive role (though with the promise to appoint a new prime minister); and
- a revocation of parliamentary immunity and the prosecution of MPs under investigation.

Saied's invocation of Article 80 provoked immediate controversy. The article, which is designed to address immediate threats to 'national integrity, security or independence of the country and hindering the proper functioning of the public powers', requires that the president consult with the prime minister and the parliamentary speaker. In the wake of Saied's announcement, Prime Minister Mechichi and Speaker Rached Ghannouchi claimed such consultation did not occur.

Ghannouchi rejected the president's actions and went as far as to label the events a coup. This was echoed by other leaders within the Ennahda political party, which Ghannouchi heads. The framing of events as a coup has been disputed, not just by Saied's supporters but also by various Tunisian legal scholars and professional associations.



Soldiers of the Tunisian army guard the entrance of the parliament building during a protest a day after Tunisian President Kais Saied sacked the prime minister and suspended the parliament, 26 July 2021.

Photo: Khaled Nasraoui/picture alliance via Getty Images

The ability of parliamentary leaders to constitutionally contest the president's actions are, however, functionally non-existent. Nominally, under the 2014 constitution, disputes between branches of government are meant to be resolved via referral to the Constitutional Court. This court was supposed to have been created in 2016, but its judges were not appointed, and it is thus non-operational. Because of this, there is no constitutional check on the president's powers, whether on Article 80 or later decrees issued by him.

Within the first 30 days of Saied's invocation of Article 80, a number of politicians were arrested and, in some cases, prosecuted or jailed. Prior to 25 July 2021, several Tunisian parliamentarians faced legal charges or had been sentenced to incarceration. In the wake of Saied's abrogation of parliamentary immunity, at least nine MPs were arrested or detained. The cases included a mix of old charges and new complaints filed in the wake of 25 July and run the gamut from defamation and corruption to sexual harassment. One MP, Yassin Ayari, was arrested in his house and imprisoned at the orders of a military court, which sentenced him to three months of detention for defaming the military in June 2018.

The Interior Ministry also implemented mobility restrictions on a number of political figures, former government officials and businesspeople. Travel bans were also announced against others, including officials from the national carrier, Tunisair.

In the immediate wake of Saied's actions, public support was extremely high, largely due to perceived public health and social failures by the previous government. In particular, for much of the first half of 2021, the government's response to the recent COVID-19 wave was by often contradictory approaches, which did little to arrest the sharp spike in illness and death. A Health Ministry spokesperson claimed on 8 July 2021 that 'the health system has collapsed'. Furthermore, during the pandemic, economic challenges mounted for ordinary Tunisians, with many workers losing their jobs or moved to reduced hours, and very little hiring going on.

Economically, the situation throughout 2020 and 2021 became progressively worse, with little evidence of successful government efforts to arrest the decline. As one interviewee noted, 'The measures taken by the government do not relate to the needs of poor people.'

More broadly, social frustrations with the prime minister and parliamentarians have been rising for years, given the inability of the political class to improve the economic and social situation in the country.

It is because of these dynamics, rather than overt support for Saied's efforts to expand the powers of the presidency, that Tunisians were initially inclined to give Saied the benefit of the doubt.

It soon became clear, however, that Saied had little immediate plan for what came next. With the expiration of the 30-day period of exceptional measures on 24 August, the president took to social media to announce that he had issued a presidential decree indefinitely extending the exceptional measures. Roughly a month later, he went further, announcing a raft of measures extending and deepening his power.

The temporary powers, announced in Decree 117, cover several areas. First, large sections of the 2014 constitution are functionally obviated. While holding inviolable the first and second chapters of the constitution (the preamble and a chapter defining rights and freedoms), Saied's decree declares that the text in the remaining eight chapters is only applicable to the degree that it does not contradict the text in Decree 117. Because there is no Constitutional Court, Saied himself is the arbiter of whether specific clauses in the constitution conflict with his decree. Effectively, Saied claims the right, as exercised through this presidential decree (and presumably any future presidential decrees), to supersede parts of the constitution, even as the 2014 constitution technically remains active and unsuspended.

Additionally, via the decree, Saied has assumed several of the powers normally held by Parliament. This includes the ability to enact legislative 'texts' via presidential decree and the independent appointment of a head of government and cabinet. Decree 117 further notes that presidential decrees are not subject to judicial review, and it abolishes the Provisional Instance for the Review of the Constitutionality of Draft Laws, a quasi-judicial body that vetted proposed legislation for constitutionality.

Critically, while there was considerable debate in the wake of 25 July about whether Saied's actions were constitutional, especially around the suspension of Parliament, there is less ambiguity on Decree 117. One Tunisian lawyer noted to the GI-TOC that the president's actions are clearly unconstitutional: 'The exceptional measures (whatever their extent and duration) are not aimed at "guaranteeing, as soon as possible, a return to the normal functioning of state institutions and service", as Article 80 dictates, but are being used to move to a new constitutional-political situation.'

For much of the rest of the autumn and winter, Saied slowly unveiled new measures and approaches based on Decree 117. On 11 October, for example, he appointed a new government, led by Prime Minister Najla Bouden Romdhane. Though this step had been called for by domestic and international actors since Saied's July moves, the powers of the Romdhane government are limited. 'Technically, there is now a proper prime minister in place, but in fact she won't have any room for manoeuvre,' a Tunisian analyst told the GI-TOC. An international observer was less delicate with his words, noting: '[Romdhane] can't do anything that Saied doesn't first ordain.'

On 13 December, the president unveiled his plan for resolving the political crisis. A new constitution will be developed, and a referendum held on it on 25 July 2022, the first anniversary of Saied's invocation of Article 80. The plan further envisages that parliamentary elections will be held on 17 December 2022. It is likely that until the new Parliament is seated, presumably in early 2023, Saied will continue to hold all levers of power, either via Decree 117 or a follow-on mechanism.

A worsening economic crisis

The political earthquake unleashed by Saied comes as Tunisia is grappling with a growing economic crisis. On 6 October 2021, the board of the Central Bank acknowledged that the deterioration in public finances, coupled with the rise in international energy prices, was likely to compromise the sustainability of Tunisia's public debt. The Central Bank also indicated that the fiscal and economic crisis could engender 'strongly negative repercussions' on the external balances and the Tunisian dinar in the foreign-exchange market.

The risk of default mounted throughout autumn, with US credit agency Moody's downgrading Tunisia's long-term hard-currency and local-currency debt ratings, from B3 to Caa1, on 14 October. The downgrading was largely based on the low probability that Saied would carry out any genuine economic reform, given his focus on his political projects.

By the end of 2022, Tunis needs to raise between US\$3.5 and US\$5 billion to be able to roll over existing hard-currency debts and pay the public-sector wage bill. The International Monetary Fund (IMF) and Tunisia began talks in May for a US\$4 billion loan, though these were stalled before resuming in November.¹⁰ The terms of the IMF package are unclear, though the head of Tunisia's main trade union claimed in mid-December that the government was seeking a 10% reduction in public-sector salaries, a five-year wage freeze, the sale of some public companies, and unspecified subsidy reforms.

If correct, these requirements would place the government in a very difficult position, given the already challenging economic situation faced by many Tunisians and the risk that any additional measures could provoke a rise in social tensions.

While Tunisia has faced worsening economic challenges since the 2011 revolution, these issues have metastasized over the last 20 months. The COVID-19 pandemic and government measures to address it have deeply damaged the economy. The country's GDP has declined 8% since the end of 2019. This contraction has been particularly acute in several employment-heavy sectors, such as hospitality (which declined 35.2% in the second quarter of 2021) and construction (which declined 17.1%). The economic difficulties were also felt deeply in the informal sector, which employs a broad swath of Tunisians.



Photo: Chedly Ben Ibrahim/NurPhoto via Getty Images

Furthermore, prices for basic commodities continued to rise throughout the year. Inflationary pressures coupled with livelihood disruptions caused by COVID-19 restrictions have had a substantial impact on lower- and middle-class Tunisians, with many having to forgo, in full or occasionally, meat and fish, and in some cases key staples.¹¹ As one GI-TOC contact in Kasserine noted in June: 'Before, 10 dinars was enough to make dinner, but now it is not enough to make a simple *ojja* [a Tunisian staple].'

A young Tunisian interviewed in November 2021 assessed that those challenges were still acute, noting, 'Inflation is very high; jumps in vegetable prices in recent weeks have been astronomical.' Food security is not simply an issue for the poor; a number of middle-class interviewees also reported cutting down on their intake of meat and fish or forgoing them altogether.

There is little indication that Saied and Prime Minister Bouden are working to prepare the Tunisian public for the possibility that either the IMF negotiations or a default could lead to a further degradation in the living situation for a broad swath of the population. Fundamentally, by taking charge, Saied now 'owns' these economic issues, which had driven much of the frustration against previous governments. Worsening conditions in the country could further fuel irregular migration or social unrest, especially as the euphoria among some Tunisians around Saied's moves seen in the early autumn slowly changes to disillusionment over his ability to address their needs.

As one journalist noted, unlike in previous years, this could lead to 'just chaos for [the sake of] chaos, as people perceive they have nothing to lose, rather than what we saw in 2011 and the years since, which was chaos meant to provoke change.'

A lawyer interviewed in November 2021 noted simply that 'the level of hope for change has decreased since the 25th. Criminality and unemployment are rising. Change is just not going to happen, and a lot of people are trying to leave the country.'¹²



CONCLUSION

For many Tunisians, the period between March 2020 and the present has been one in which things have been taken away from them or put out of their reach. This has bred fear and pessimism. As one woman in Tunis noted to the GI-TOC in June 2021: 'Youth view the situation as only getting worse – they have lost hope.'

This degradation is intimately linked to the tremendous rise in irregular migration by Tunisians between March 2020 and December 2021, in which roughly 53 000 Tunisian nationals have been intercepted by the country's security and defence forces, or by those of Italy. Interviews in Tunisia suggest that a larger number of migrants have arrived in Italy undetected. These dynamics have also driven frustration and anger at a government and governing class that seem uninterested or unable to reverse the deteriorating situation, setting the conditions that enabled Saied to invoke Article 80 and Decree 117 with only limited pushback.

While Saied has spoken regularly since 25 July 2021 about improving economic conditions in the country, addressing food prices, and calming social tensions, the challenges he faces are substantial, and are likely to grow more acute even if the negotiations with the IMF succeed. The situation could potentially become catastrophic if the negotiations fail and other external debt solutions do not materialize.

There has been further political stasis in 2022. Much of Saied's energies have been absorbed in the drafting of a new constitution and the organization of the 25 July referendum. Given the power dynamics between Saied and Bouden Romdhane, absent presidential interest and focus, IMF negotiations have not been concluded and tough decisions on the economy have not been made.

A continuation or worsening of the economic and social status quo is untenable for many Tunisians. This, unfortunately, has occurred in the first half of 2022. Economic weaknesses from 2021 remain and have been exacerbated by a rise in food and oil prices, the conflict in Ukraine and a strengthening of the US dollar, which has impacted international imports and debt payments. Compounding this, a lack of rainfall impacted agricultural production during the same period, threatening rural livelihood options and food prices. There is clearly substantial tension within the Tunisian system, with food being stolen off trucks, bakeries running out of bread, sugar unavailable and worsening shortages of water for large municipalities, all events that in previous years would have individually been unprecedented.

Despite this, protests and youth unrest in the first half of 2022 have been limited. It is unclear why. It may be that the combination of elements – and the lack of a clear alternative for bettering the situation – has led to a frustrated resignation by a lot of the population.



A farmer holds a handful of soil parched because of drought in Tunisia's east central area of Kairouan, October 2021. All four Maghreb states – Tunisia, Libya, Algeria and Morocco – are among the 30 most water-stressed countries in the world. As droughts get longer and more intense in the coming years, farmers will be the first to feel the pinch. *Photo: Anis Mili/AFP via Getty Images*

More darkly, however, it may be that, to date, there has been no clear trigger moment – such as the self-immolation of Mohamed Bouazizi that sparked the 2011 revolution – to transform latent frustration into something more active and directed. However, although nothing has occurred yet, the combination of food seizures by police (done in the name of combatting speculators), generally problematic police behaviour and President Saïed's political moves around his draft constitution (including the replacement of election authorities, dismissal of judges and threats against political figures) are creating a situation ripe for trigger moments to occur.

Any protracted period of protests and unrest may differ, however, in important ways from the past. As one journalist noted in an interview with the GI-TOC in October 2021: 'Unlike previous years, this could lead to just chaos for (the sake of) chaos, as people perceive they have nothing to lose, rather than what we saw in 2011 and the years since, which was chaos meant to provoke change.'

It is likely that unrest would also lead to a diversion of security-force attention, both among the police and the national guard. Given the relatively high level of migrant apprehensions carried out by land-based forces, a lessening of security-force attention in coastal embarkation zones could lead to a substantial increase in opportunities for Tunisian and foreign migrants to depart.

Migrant interceptions, by Tunisian and Italian security forces, in the first half of 2022 are already well above levels recorded during the same period in 2021. The current economic and social trends are likely to drive irregular-migration departures by both Tunisians and foreigners in the second half of 2022 to substantially exceed levels seen in 2021. If the economic situation in the country degrades in expected ways, the migration surge could be significant.

A Tunisian lawyer interviewed in November 2021 noted that 'It's going to be a hot end to this year, as prices increase and people continue to lose their jobs.'¹³ To date, 2022 has been a hot year overall for Tunisians and foreigners living in Tunisia. This is likely to continue and potentially become more fractious and complex in the wake of the 25 July constitutional referendum, with substantial ramifications for the country's European and Maghrebi neighbours.



NOTES

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- 3 Ibid.
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- 5 Mark Micallef et al., Conflict, coping and COVID: Changing human smuggling and trafficking in North Africa and the Sahel in 2019 and 2020, GI-TOC, April 2021, <https://globalinitiative.net/wp-content/uploads/2021/05/GI-TOC-Changing-human-smuggling-and-trafficking-dynamics-in-North-Africa-and-the-Sahel-in-2019-and-2020.pdf>.
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- 11 Matt Herbert, Losing hope: Why Tunisians are leading the surge in irregular migration to Europe, GI-TOC, January 2022, https://globalinitiative.net/wp-content/uploads/2022/01/GI-TOC-Losing-Hope_Tunisia-Report-2021.pdf.
- 12 Interview with a Tunisian lawyer, November 2021.
- 13 Interview with a Tunisian lawyer, November 2021.



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