



COVID-19 And Intra-African Migration Fluxes: Food Insecurity and Its Consequences

The impact of COVID-19 on migration from Sub-Saharan Africa to Tunisia.

By

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The COVID-19 global pandemic is still resulting in harsh consequences for all countries affected, yet in already vulnerable countries impact is harsher. This paper will focus on one of the pandemic's most dangerous repercussions: the worsening of food insecurity, specifically in Sub-Saharan African countries, including the Democratic Republic of Congo (DRC) and Sudan, and what it entails for migration towards North Africa. Some of the most significant waves of migration occur every year in Africa, precisely from Sub-Saharan Africa to Europe transiting through North African countries. Since the 1990s, Europe, the principal destination of many African migrants, became highly aware of this and started outsourcing border control to its southern Mediterranean neighbors in exchange for development aid support and limited privileges for their respective nationals. What used to be a transit migration is slowly transforming into a permanent, intra-African one.

POLICY BRIEF
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RETHINKING
SECURITY IN
2020 SERIES

KEY TAKEAWAYS

- > The COVID-19 pandemic is likely to worsen food insecurity in the world, with Sub-Saharan Africa being the most-at risk region.
- > Post COVID-19, 73 million Africans are expected to be affected by acute food insecurity.
- > Due to the EU's extending border externalization policy, North African countries have transformed from transit to receiving destinations.
- > Tunisia as a receiving country lacks the most basic legal, bureaucratic, and socio-economic capacities to guarantee a decent livelihood for Sub-Saharan African migrants.

Food Insecurity and COVID-19 in DRC, Sudan, and Other Sending Countries

According to the fourth annual Global Report on Food Crises¹, the current number of human beings at risk of starvation is 135 million. This number is expected to double post-COVID, with an estimated 265 million people at risk of famine across the world.² Some of the main causes of food insecurity include conflict, environmental disasters, economic crises, diseases, and displacement. The region most at-risk is the African continent.

The report classifies five phases of food insecurity³:

- **Phase 1:** Minimal/None
- **Phase 2:** Stressed
- **Phase 3:** Crisis
- **Phase 4:** Emergency
- **Phase 5:** Catastrophe/Famine

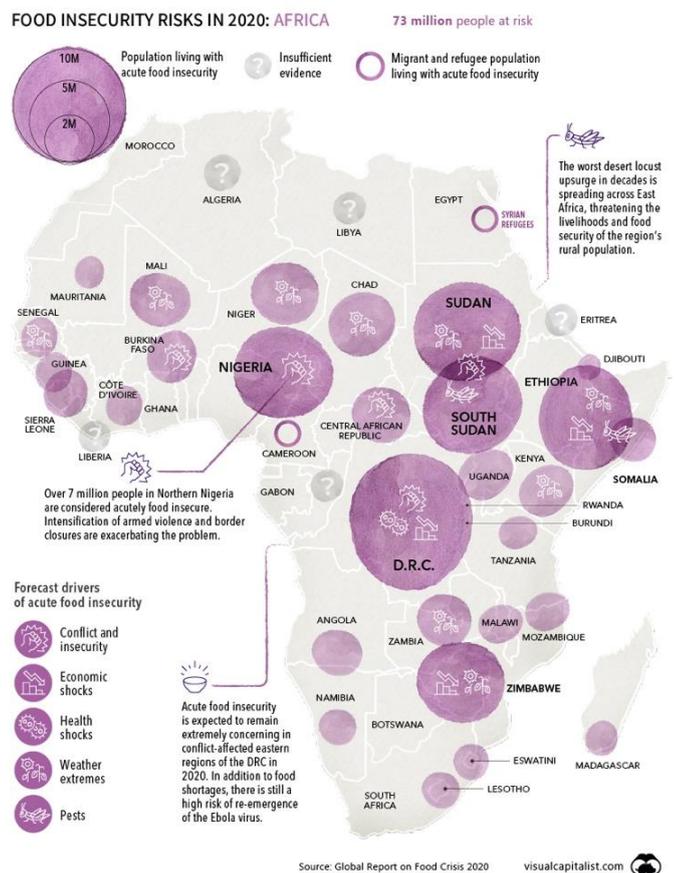
This Integrated Food Security Phase Classification (IPC) states urgent measures should be undertaken starting from the ‘crisis’ phase.

Over half of the population concerned by food insecurity, 73 million individuals, is located in Sub-Saharan Africa. The DRC is the most vulnerable country with more than 15 million individuals exposed to food insecurity, mainly due to the country’s ongoing eastern conflict and a risk of Ebola re-emergence. IPC points to certain populations classified in the fourth, ‘emergency’ phase in the DRC. This phase entails that “households either: • Have large food consumption gaps which are reflected in very high

acute malnutrition and excess mortality; OR • Are able to mitigate large food consumption gaps but only by employing emergency livelihood strategies and asset liquidation.”⁴

Sudan is also at significant risk with 5.9 million people having reached ‘crisis’ phase of exposure to food insecurity.⁵ Similarly to the DRC, certain Sudanese have already reached the emergency phase.

The presence of Congolese nationals in Tunisia is non-negligible. In the latest quantitative study by the Forum Tunisien des Droits Économiques et Sociaux (FTDES), 14.20 % of respondents originate from the DRC.⁶ According to the same 2019 study, 12.50 % of the respondents were Sudanese.⁷



¹ <https://docs.wfp.org/api/documents/WFP-0000114546/download/>

² <https://www.visualcapitalist.com/covid-19-global-food-insecurity/>

³ Ibid.

⁴ [https://docs.wfp.org/api/documents/WFP-](https://docs.wfp.org/api/documents/WFP-0000114546/download/)

0000114546/download/, p.20.

⁵ <https://www.visualcapitalist.com/covid-19-global-food-insecurity/>

⁶ <http://ftdes.net/rapports/subsahrianstates.en.pdf>

⁷ Ibid.

Tunisia's Labor Policies and Other Insufficient Provisions for Migrants in Transit

North African countries, specifically Tunisia in this paper's case, have been consistently delaying the implementation of protective legal and bureaucratic measures for irregular migrants. In response to increasing pressure linked to Europe's border externalization process, Tunisia maintained a highly restrictive labor code for foreigners as to prevent migrants from obtaining work permits, thus pushing them towards the precarity of the informal sector.

The legal framework governing labor in Tunisia is based on a quasi-explicit "national preference" logic^{8,9}. However, foreigners are far from being equally discriminated in the access to the legal labor market as this exclusion of non-Tunisian nationals disproportionately affects Sub-Saharan African migrants.

Foreigners' access to the labor market is regulated by two highly restrictive legislations: the 1968 law on foreigners' condition¹⁰, and the 1966 that promulgated the Labor Code¹¹, supplemented by the 1996 legislation having modified certain dispositions of the Labor Code¹².

In addition to the necessity of navigating an archaic bureaucratic system in order to obtain the documents necessary for entry and residence¹³, the 1968 law provides in its Article 23 that every

foreigner that does not request a resident permit, or its renewal once expired, risks one year in prison and cumulative fines.¹⁴ These fines do not have a ceiling.

Moreover, in order to legally obtain a job, the residence permit has to be supplemented by an authorization attesting the non-existence of national competences in the mentioned fields.¹⁵ The 1966 law regulating labor in the country also introduced major restrictions to the work of foreigners, specifically article 258 paragraph 2 providing that any foreigner who wants to exercise salaried work of any kind must be granted an employment contract and a residence permit marked 'authorized to exercise salaried work in Tunisia', reiterating no foreigner can be hired in a field in which Tunisian competences are available.¹⁶

This "irregularity-producing machine" as qualified by Vincent Geisser¹⁷ has dramatic consequences on "overstayers" that find themselves quasi-sequestered in the country, having to accept the most precarious, difficult and/or dangerous jobs in order to save enough money to be allowed to leave the territory.¹⁸

Another noteworthy restriction concerns the right to mobility guaranteed by Article 14 (a) of the International Labor Organization (ILO)'s Convention 143 on Migrant Workers¹⁹. The Convention establishes a distinction between the momentary restrictions to the free choice of work and the right to geographic mobility that has to be protected regardless of the length of stay or

⁸ French term sourced back to rightist figure Jean-Yves Le Gallou and referring to restrictive migration laws.

⁹ Nasraoui, "Les travailleurs migrants subsahariens en Tunisie face aux restrictions législatives sur l'emploi des étrangers."

¹⁰ Parlement de la République de Tunisie, "Loi N° 1968-0007 Du 8 Mars 1968 Relative à La Condition Des Étrangers En Tunisie."

¹¹ Parlement de la République de Tunisie, "Loi N° 66-27 Du 30 Avril 1966, Portant Promulgation Du Code Du Travail" (Journal Officiel de la République Tunisienne, 1966), [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44414/61784/F839958379/TUN-44414%20\(2\).pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44414/61784/F839958379/TUN-44414%20(2).pdf).

¹² Parlement de la République de Tunisie, "Loi N° 96-62 Du 15 Juillet 1996, Portant Modification de Certaines Dispositions Du Code Du Travail" (Journal Officiel de la République Tunisienne, 1996), [\[securite.tn/fr/node/45202\]\(https://www.securite.tn/fr/node/45202\).](https://legislation-</p>
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¹³ Nasraoui, "Les travailleurs migrants subsahariens en Tunisie face aux restrictions législatives sur l'emploi des étrangers."

¹⁴ Ibid.

¹⁵ Nasraoui, "Les travailleurs migrants subsahariens en Tunisie face aux restrictions législatives sur l'emploi des étrangers."

¹⁶ Ibid.

¹⁷ Geisser, "Tunisie, des migrants subsahariens toujours exclus du rêve démocratique."

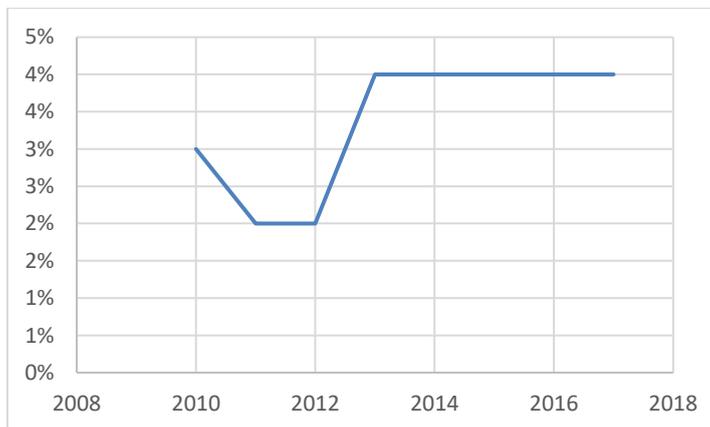
¹⁸ Ibid.

¹⁹ International Labour Organization (ILO), "Convention C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)," 1975, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143.

the nature of the job.²⁰ Yet, Article 259 of the Tunisian Labor Code²² provides that a foreigner is obliged to work exclusively in the governorate and in the profession indicated in her or his work contract. This disposition is in sharp contrast with the principle of equal treatment between national and foreign workers provided for in the Convention.

In 2017, Sub-Saharan African migrants only represented 4% of the total number of foreign workers having obtained a work permit in the country, the lowest compared to all other non-nationals.²³ This rate was as low as 2% in the first two years following the Revolution (2011-12).²⁴

Evolution of the share of regular Sub-Saharan African workers compared to the rest of foreign workers in Tunisia (in %) 2010-17²⁵



Distribution of Regular Migrant Workers per Region of Origin in 2017²⁶

Region	Work Permits Issued	%
Western Europe	2200	40%
MENA	1686	31%

²⁰ Said Ben Sedrine, “Défis à Relever Pour Un Accueil Décemment de La Migration Subsaharienne En Tunisie” (Friedrich Ebert Stiftung, 2018), https://www.fes-mena.org/fileadmin/user_upload/pdf-files/publications/De_fis_a_relever_accueil_de_cent_mig_subaharienne_TN_PROMIG-FES_2018.pdf, p.23.

²¹ It should be noted Tunisia did not ratify the ILO Conventions on migrant workers (C 97 and C 143) and these are evoked as an example of the country’s violation of the international norms of migrant workers’ rights.

²² Parlement de la République de Tunisie, “Loi N° 96-62 Du 15 Juillet 1996, Portant Modification de Certaines Dispositions Du Code Du Travail.”

²³ Ben Sedrine, “Défis à Relever Pour Un Accueil Décemment de La Migration Subsaharienne En Tunisie.”, p.28.

Asia	749	14%
Eastern Europe	395	7%
Sub-Saharan Africa	237	4%
North America	117	2%
South America	79	1%
Australia	7	0%
<i>Total</i>	<i>5470</i>	<i>100%</i>

The Absence of Human Rights Guarantees for Migrants

Although neighboring Libya has continuously made headlines for severe abuses on migrants’ human rights²⁷, migrants are not immune to exploitation and abuse in Tunisia either.

Several human rights organizations’ have pointed to the existence of undeclared migrants’ detention centers. In the post-authoritarian era, Tunisia continued to imprison irregular migrants, although some human rights organizations as well as UNHCR were allowed to visit them in the country’s two recognized “reception and orientation centers”, the Wardia and the Ben Guerdene centers.²⁸ However, these visits remain limited, hindering asylum-seekers’ access to protection.²⁹

Investigations³⁰ point to the existence of ten to thirteen detention facilities in the country, although authorities insist on recognizing only the two aforementioned.

Detained migrants are continuously deprived from their most basic human rights, including the

²⁴ Ibid.

²⁵ Ben Sedrine, “Défis à Relever Pour Un Accueil Décemment de La Migration Subsaharienne En Tunisie.”, p.28.

²⁶ Ibid.

²⁷ <https://www.oxfam.org/fr/node/10679>

²⁸ Ben Sedrine, “Défis à Relever Pour Un Accueil Décemment de La Migration Subsaharienne En Tunisie.”, p.28.

²⁹ Ibid.

³⁰ United Nations Human Rights Council, “Compilation on Tunisia - Report of the Office of the United Nations High Commissioner for Human Rights” (UN Human Rights Council, 2017), <https://www.refworld.org/docid/590c7a0a4.html>.

³¹ United Nations Human Rights Council, “Report of the Special Rapporteur on the Human Rights of Migrants. Addendum: Mission to Tunisia.”

right to seek legal protection.³² The Global Detention Project (GDP) added they are either forced to pay for their own deportation or, if they lack the necessary financial resources, are abandoned in the Tunisian-Algerian Desert.³³

KEY INSIGHTS AND CONCLUSION

› **Sub-Saharan African migrants are caught between what has been qualified as “fortress Europe”³⁴ and Tunisia’s refusal and/or incapacity to guarantee them their most basic rights, including the right to seek work and asylum.**

› **Food insecurity has been worsened by COVID-19 in several Sub-Saharan African communities**

› **Figures do not yet exist to evaluate the pandemic’s impact on intra-African migration. However, it is probable that the suspension of the EU’s external borders, including the right to asylum in multiple European countries, combined with the dire socio-economic consequences of COVID-19, are unlikely to have slowed down migration fluxes.**

As a conclusion, there are very few promising prospects for Sub-Saharan African migrants in Tunisia. Their likeliness to find regular jobs is quasi-inexistent and their exposure to arbitrary detention is very likely. Moreover, the 2004 law criminalizing assistance of any nature to migrants, either it be family, friends or NGOs remains in effect in Tunisia. Hence, a minimum of legal protection should be guaranteed for Sub-Saharan African migrants as they continue arriving in Tunisia. The EU should also assist in this sense and divert its purely border-management approach to a more comprehensive setting including migrants’ protection and integration in their welcoming countries.

³² Badalič, “Tunisia’s Role in the EU External Migration Policy.”

³³ Global Detention Project (GDP), “The Detention of Asylum Seekers in the Mediterranean Region Global Detention Project Backgrounder” (GDP, 2015),

<https://www.refworld.org/docid/556736e24.html>.

³⁴<https://www.theguardian.com/commentisfree/2018/jun/10/sunday-essay-how-we-colluded-in-fortress-europe-immigration>

BIC POLICY RECOMMENDATIONS

Towards the Government of Tunisia:

- > A law to regulate the right to asylum, as inscribed in the 2014 constitution, should be urgently prioritized in parliamentary discussions as to guarantee refugees' most basic rights including the right to work and to seek legal protection.
- > The criminalization of individual and organizations' assistance to asylum-seekers during their application procedures, based on the 2004 legislation on Passports and Travel Documents, should be reconsidered.
- > The practice of undeclared migrants' detention centers should be immediately suspended.

Towards the European Union:

- > The Border Management Program for the Maghreb (BMP Maghreb)'s fund, aimed primarily at equipping and financing Maghreb countries' border securitization, should partially be allocated to the protection and integration of migrants in their receiving countries.
- > The EU's financial assistance towards Sub-Saharan African countries should focus on mitigating the effects of food insecurity. Initiatives such as The Regional Initiative on 'Africa's Commitment to End Hunger by 2025' should be supported.
- > The European Council's regional disembarkation platform in North-Africa should be reconsidered, in the absence of a clear legal setting regulating migrants' screening process for Europe, as this process only exposes them to inhumane treatment.

The BIC is an independent, non-profit, think-and-do tank based in the capital of Europe that is committed to developing solutions to address the cyclical drivers of insecurity, economic fragility, and conflict the Middle East and North Africa. Our goal is to bring added value to the highest levels of political discourse by bringing systemic issues to the forefront of the conversation.



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