



TRADE AS A TOOL OF MIGRATION GOVERNANCE AND THE LIMITS OF NORMATIVE POWER IN EU-TUNISIA RELATIONS

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ABSTRACT

With the rise of globalisation, the management of labour migration has entered the realm of trade relations. In this context, this article examines how migration-related objectives are embedded and operationalised through trade-based conditionality in EU-Tunisia relations. It asks how trade instruments, particularly within the framework of bilateral trade agreements, contribute to governing labour mobility beyond the boundaries of migration law and policy.

A combined methodological approach based on critical discourse analysis and qualitative content analysis is applied to EU-Tunisia trade-related documents, particularly the Euro-Mediterranean Association Agreement and two chapter proposals from the Deep and Comprehensive Free Trade Agreement negotiations concerning trade and sustainable development, and services and investment. Coding is structured around four forms of external conditionality: positive and negative conditionality, each examined through political and economic dimensions.

The results indicate a clear predominance of positive political and positive economic conditionality. Market access, regulatory cooperation, and liberalisation commitments are closely associated with expectations concerning regulatory approximation and political dialogue. Labour mobility therefore emerges as governed through a hybrid logic, merging trade liberalisation with external relations objectives and norm-based conditionality.

In conclusion, the paper nuances interpretations of EU external action based solely on normative power by showing the parallel relevance of market-based leverage and regulatory approximation. Tunisia's position in migration management for the European Union adds further complexity to this conclusion by reflecting the asymmetry of negotiations and the possibility of reversed conditionality.

Keywords: Conditionality, EU external relations, EU-Tunisia Relations, Labour migration governance, Normative power Europe

1. INTRODUCTION

1.1. Background of the Issue

Relations between Tunisia and the European Union deepened further following the ratification of the EU-Tunisia Association Agreement in 1995. The transition from the cooperation agreement of 1976, which focused primarily on trade exchanges, to a formal association agreement illustrates the broadening scope of Euro-Mediterranean relations. Beyond the liberalisation of trade, the association agreement incorporated political dialogue, economic cooperation, and social dimensions, reflecting the growing importance of regulatory alignment and governance issues within EU-Mediterranean non-member countries. Notably, provisions called for the harmonisation of norms and regulations across several sectors, including transport, telecommunications, customs administration, and financial services. The agreement also addressed practices considered to distort competition, such as state monopolies, subsidies, and preferential treatment for public enterprises. Its social dimension encompassed dialogue on social issues and identified priority areas for collaboration, including the promotion of gender equality in development, the strengthening of social services, and initiatives aimed at addressing migration pressures. In particular, cooperation mechanisms were designed to support regional development policies intended to reduce migration, facilitate the reintegration of irregular migrants, and consolidate the rights of expatriate workers.¹

The agreement largely reaffirmed the principles of the General Agreement on Trade in Services and included a rendezvous clause requiring the parties to reassess, after a period of five years, the possibility of further liberalisation in the areas of services and establishment². In line with this provision, negotiations on services and establishment were launched between Tunisia and the European Union in 2008. However, as a result of the limited progress, parties agreed to incorporate these issues into a broader negotiating framework under the proposed EU-Tunisia Deep and Comprehensive Free Trade Agreement. In this sense, The DCFTA initiative represents a new phase in EU-Tunisia economic relations, moving beyond conventional trade liberalisation toward deeper forms of economic integration centred on regulatory approximation and the objectives of the EU's neighbourhood policy. It is within this evolving institutional architecture that the paper

¹ Jbili, A.; Enders, K., *The Association Agreement Between Tunisia and the European Union, Finance & Development*, Vol. 33, No. 3, 1996, p. 18.

² Ghanmi, E.; Van der Loo, G., *What Kind of Future for the EU-Tunisia DCFTA?*, in: Cohen-Hadria, E. (ed.), *The EU-Tunisia Privileged Partnership – What Next?*, European Institute of the Mediterranean, Barcelona, 2018, pp. 58–83.

examines how migration-related objectives are embedded and operationalized through trade-based conditionality.

1.2. Literature Review

1.2.1. Economic migration governance through trade instruments

With economic globalization, states increasingly integrate mobility into long-term development strategies, viewing migrant labour as a productive resource in destination countries and as a vehicle for remittances, skills acquisition, and investment in origin states. This economic framing situates migration governance within broader processes of market integration. Trade regulation increasingly shapes domestic labour and market access rules, extending its influence into areas traditionally associated with migration control.³ As a result, labour mobility becomes partially embedded within trade-related regulatory frameworks. Under the General Agreement on Trade in Services (GATS), Mode 4 defines mobility narrowly as the temporary presence of natural persons in the territory of another World Trade Organization Member for the purpose of supplying a service. It explicitly excludes access to the general labour market, permanent migration, and measures relating to citizenship or long-term residence. The Annex on the Movement of Natural Persons confirms this limitation: labour as such falls outside the scope of GATS. The regime therefore regulates cross-border service provision, not employment migration in the classical sense.

The Annex on the Movement of Natural Persons furthermore provides that requiring a visa for nationals of one Member but not another is not considered to “nullify or impair” benefits under a specific commitment.⁴ A closer reading of Article 2 of the Annex, reveals that it addresses measures relating to permanent employment, thereby situating long-term labour market access outside the scope of Members’ specific commitments. Article 4, by contrast, clarifies that measures concerning temporary entry and stay remain subject to an important qualification. It introduces a non-nullification and non-impairment condition, according to which Members must not apply such measures in a manner that undermines the commitments they have undertaken. Consequently, even where immigration or temporary employment measures formally fall within domestic regulatory competence, they may be subject to challenge under the dispute settlement

³ Chaisse, J.; Meng, L., *Labor Migration in a Globalized World: The Human Journey's Challenges for International Law and Policy*, *Emory International Law Review*, Vol. 31, 2016, p. 49.

⁴ Annex on Movement of Natural Persons Supplying Services Under the Agreement, General Agreement on Trade in Services (GATS) (1994), Annex 1B, 1869 U.N.T.S. 183.

mechanism.⁵ As the footnote clarifies, visa requirements alone are not considered nullifying or impairing; however, the associated administrative procedures could potentially be construed as such. This interpretation must be read alongside the progressive liberalization principle. In line with this principle, higher levels of liberalization are expected, as stipulated by Article XIX, to be progressive throughout periodical negotiations.⁶ Therefore, access to markets, movement of natural persons and further establishment of the principle of national treatment shall be facilitated through these rounds.

Beyond specific commitments, two general obligations govern the movement of natural persons under the GATS: most-favoured-nation (MFN) treatment and transparency. According to the most-favoured nation (MFN) obligation, a state shall require immediate and unconditional treatment for service suppliers and services to all other countries based on their 'likeness'. In principle, MFN establishes non-discriminatory market access conditions; in practice, however, the regime incorporates multiple layers of flexibility that significantly qualify its reach in mobility-related contexts. In fact, exemptions are permitted under the opt-out approach.⁷ Article II paragraph two permits Members to maintain exemptions at the entry into force of the WTO Agreement. New Members acceding to the WTO may similarly list exemptions in their Protocols, thus proving that mobility-related commitments are rather politically negotiated. Other exemptions are statutory in nature and can be explained by economic and labour market integration allowed under article V. Other exemptions, include security exceptions under Article XIVbis, frontier zone exceptions or even preferential treatment for least developed countries under article IV paragraph 3.⁸

Preferential Trade Agreements are a unique type of agreement, in the sense that some might provide rules on migration while others do not.⁹ A typical example in this regard is the North American Free Trade Agreement (NAFTA), which introduced the Trade NAFTA visa category allowing high-skilled Canadian and Mexican citizens to work temporarily in the United States. PTAs constitute in-

⁵ Schmitz, J., *The Temporary Movement of Natural Persons in the Context of Trade in Services: EU Trade Policy under Mode 4 (WTO/GATS)*, in: Panizzon, M.; Zürcher, G.; Fornalé, E. (eds.), *The Palgrave Handbook of International Labour Migration*, Palgrave Macmillan, London, 2015, pp. 415–440.

⁶ Delimatsis, P., *Article XIX GATS: Progressive Liberalization*, in: Wolfrum, R.; Stoll, P. T.; Feinäugle, C. (eds.), *WTO – Trade in Services*, Leiden, 2008, pp. 427–444.

⁷ Annex on Article II Exemptions, General Agreement on Trade in Services (GATS) (1994), Marrakesh Agreement Establishing the World Trade Organization, 1869 United Nations Treaty Series 183.

⁸ Wolfrum, R.; Stoll, P. T.; Feinäugle, C. (eds.), *WTO—Trade in Services*, Koninklijke Brill NV, Leiden, 2008, pp. 92–107.

⁹ Chaisse, J.; Meng, L., *Labor Migration in a Globalized World: The Human Journey's Challenges for International Law and Policy*, *Emory International Law Review*, Vol. 31, 2016, p. 49.

stitutionalised exceptions to the most-favourite-nation principle. In fact, the proliferation of PTAs has generated a layered trade architecture in which preferential regimes coexist with, and sometimes displace, MFN-based multilateralism. As a result, an increasing share of international transactions is governed by selective commitments. However, most of the rules regarding labour mobility in the PTAs, are criticized for establishing fast-track entry and remaining heavily skewed toward professionals and specialty occupations. Low-skilled labour mobility is rarely liberalised under trade agreements.¹⁰

Despite the political sensitivity of labour mobility, the European Union have scheduled broad commitments under Mode 4. The commitments not only reflect the importance of services trade in the EU, but also illustrate the tension between trade liberalisation objectives and the regulatory autonomy of the states.¹¹ A key characteristic of the EU commitments is their horizontal structure. This is explained by the fact that Mode 4 commitments typically apply across multiple sectors because immigration authorities regulate entry primarily according to the purpose of stay, skill level and employment status rather than according to sectoral activity. The European Commission generally distinguishes between three main categories of service suppliers: intra-corporate transferees (ICTs), business visitors (BVs), and contractual service suppliers (CSSs), with the recent category of independent professionals (IPs).¹²

Empirically, however, EU commitments remain strongly concentrated in high-skilled categories of labour mobility. At the conclusion of the Uruguay Round, the majority of commitments across WTO members, concerned specialists and professionals linked to foreign investment or commercial presence. In practice, this means that many Mode 4 commitments are functionally linked to Mode 3 commercial presence, allowing multinational firms to transfer key personnel necessary for the establishment and operation of subsidiaries abroad. As a result, mobility commitments largely serve the needs of multinational service providers rather than facilitating broader labour mobility.¹³ The high-skills' highlight by The

¹⁰ Panizzon, M., *Temporary Movement of Workers and Human Rights Protection: Interfacing the 'Mode 4' of GATS with Non-Trade Bilateral Migration Agreements*, *Proceedings of the Annual Meeting (American Society of International Law)*, Vol. 104, 2010, pp. 131–139.

¹¹ Opinion of the European Economic and Social Committee on the General agreement on trade in services (GATS) — Mode 4 negotiations (movement of physical persons) [2005] OJ C 286/06.

¹² Tans, S., *Ensuring the return of Mode 4 service suppliers without admitting them in the first place?*, EU Migration Law Blog, Available at: [<https://eumigrationlawblog.eu/ensuring-the-return-of-mode-4-service-suppliers-without-admitting-them-in-the-first-place/>], Accessed 15 March 2026.

¹³ Schmitz, J., *The Temporary Movement of Natural Persons in the Context of Trade in Services: EU Trade Policy under Mode 4 (WTO/GATS)*, in: Panizzon, M.; Zürcher, G.; Fornalé, E. (eds.), *The Palgrave*

EU commitments seems practically easier with the removal of economic need test and the requirement of a university degree. Managers and specialists may therefore enter the EU temporarily when their presence is deemed essential to the functioning of an enterprise. The bypassing of a university degree requirement means that eligibility may be determined by managerial responsibilities or by the possession of specialised knowledge essential to the company's operations. Nevertheless, for categories not linked to establishment, such as contractual service suppliers or independent professionals, a degree or equivalent technical qualifications are required.¹⁴

1.2.2. Normative Power Europe in the context of trade

Although the European Union lacks statehood in the Westphalian sense, it has emerged as a paradigmatic case of a civilian power. Its influence is most visible in domains where soft-power instruments, such as diplomacy, and institutional co-operation, carry more weight than coercive means. As Howorth argues, the EU's institutional fragmentation is often interpreted as a strategic weakness; however, this very dispersion of authority has enabled the Union to project a distinctive regulatory and normative influence.¹⁵ The EU's global actorness is grounded more in its capacity to externalize legal norms, institutional models, and governance practices. Therefore, operationalising what has come to be known as a normative power. In this sense, the concept of Normative Power Europe refers to the European Union's capacity to shape international norms, through the diffusion of principles grounded in its own historical experience, legal foundations, and political identity. As presented by Manners, it is the EU's ability to define what is considered normal in global affairs through ideational influence. This includes the promotion of peace, democracy, rule of law, and human rights in its external actions.¹⁶

Scholars increasingly argue that EU trade policy has long been subject to politicization and more recently, to geopoliticization.¹⁷ Drawing on De Wilde's framework,

Handbook of International Labour Migration, Palgrave Macmillan, London, 2015, pp. 415–440.

¹⁴ *Ibid.*

¹⁵ Howorth, J., *The EU as a Global Actor: Grand Strategy for a Global Grand Bargain?*, *Journal of Common Market Studies*, Vol. 48, No. 3, 2010, pp. 455–474.

¹⁶ Manners, I., *Normative Power Europe: A Contradiction in Terms?*, *Journal of Common Market Studies*, Vol. 40, No. 2, 2002, pp. 235–258.

¹⁷ Meunier, S.; Nicolaidis, K., *The Geopoliticization of European Trade and Investment Policy*, *Journal of Common Market Studies*, Vol. 57, No. 6, 2019, pp. 103–113; Schimmelfennig, F.; Leuffen, D.; Rittberger, B., *The European Union as a system of differentiated integration: interdependence, politicization and differentiation*, *Journal of European Public Policy*, Vol. 22, No. 6, 2015, pp. 764–782; De Wilde, P.,

politicization can manifest in three distinct domains: within political institutions, decision-making processes, or specific policy issues. In the context of this paper, politicization is understood primarily at the level of issue-specific contestation. It refers to “an increase in the salience and diversity of opinions on specific societal topics”.¹⁸ When particular issues attract heightened public attention and competing societal demands for policy intervention, they are considered politicized in this sense.

The politicization of trade policy has been studied in terms of causes and consequences.¹⁹ It was also proven not to be a recent phenomenon in trade related policy discussions in the EU.²⁰ The Treaty of Lisbon²¹ marked a turning point in the European Union’s Common Commercial Policy by making the pursuit of the Union’s external action principles and objectives a constitutional obligation, as mentioned by article 207 TFEU.²² Hence, it redefined the legal and normative foundations of the Common Commercial Policy by embedding non-commercial objectives into the Union’s external trade policy. This normative shift is furthermore supported by the Article 21, paragraphs (1), (2) and (3), of the Treaty on European Union, which requires that all external actions, including trade, reflect

No Polity for Old Politics? A Framework for Analyzing Politicization of European Integration, *Journal of European Integration*, Vol. 33, No. 5, 2011, pp. 559–575.

¹⁸ De Wilde, P., *No Polity for Old Politics? A Framework for Analyzing Politicization of European Integration*, *Journal of European Integration*, Vol. 33, No. 5, 2011, pp. 559–575.

¹⁹ While early research focused predominantly on ‘bottom-up drivers’, such reactions of those negatively affected by liberalization or identity-based opposition to integration, recent studies emphasize the strategic role of political entrepreneurs, civil society actors, and EU institutions in shaping both the intensity and trajectory of politicization. Importantly, politicization is not treated as a mere reaction to globalization. It is a process where actors can also attempt to depoliticize contested issues or reframe them in ways that legitimize trade policy choices. See: Dür, A.; Hamilton, S. M.; De Bièvre, D., *Reacting to the politicization of trade policy*, *Journal of European Public Policy*, Vol. 31, No. 1, 2024, pp. 1–19.

²⁰ Trade has historically been a site of political contestation, both at the intergovernmental level, where member states have clashed over the scope and content of EU trade mandates, such as the cultural exception and resisted the gradual shift of trade powers from national governments to EU institutions. Public protest is also not new: civil society groups were already actively mobilizing in the late 1990s, for example during the campaign against the Multilateral Agreement on Investment and the large anti-globalization protests at the 1999 WTO meeting in Seattle. What has changed more recently is not the existence of politicization, but its visibility. Politicization, thus, became only more apparent, especially after the Lisbon Treaty gave the European Parliament a greater role in trade policy-making. See: Meunier, S.; Nicolaidis, K., *The Geopoliticization of European Trade and Investment Policy*, *Journal of Common Market Studies*, Vol. 57, No. 6, 2019, pp. 103–113.

²¹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community [2007] OJ C306/01.

²² Article 207 TFEU, Consolidated version of the Treaty on the Functioning of the European Union [2012] OJ C326/01.

the Union's core values and "which it seeks to advance in the wider world".²³ Notably, Article 21(3) expands the scope of this obligation to encompass the external dimensions of internal EU policies, thereby reinforcing the coherence between internal policies and external action.

The European Union's trade governance toolkit in its external relations is extensively analysed through the lens of conditionality. Conditionality in this case, serves for promoting non-trade values within trade and association agreements.²⁴ As outlined by Saurugger and Terpan, the legal weight of this tool can manifest in the normative change that may occur at the level of a policy, act, or norm, involving a hardening of soft-law or an enforcement of a soft obligation.²⁵ It can be understood, as the practice of tying the provision of benefits, mostly in form of financial assistance, to the adoption of particular policies, reforms, or the achievement of specific objectives.²⁶ The actions of the aid recipient may be shaped by the promise of incentives or the threat of reduced or withdrawn support, a dynamic known in the literature as positive or negative conditionality. Positive conditionality refers to the promise or granting of additional benefits in exchange for compliance with specified norms or reforms. This might include trade liberalisation measures, increased development aid, or preferential market access. Therefore, the logic underpinning positive conditionality is the alignment of compliance. On the other hand, negative conditionality operates through the threat or imposition of penalties in response to non-compliance. Negative conditionality, as a result, presumes that the cost of non-compliance must outweigh the political or economic cost of policy change for the mechanism to be effective.²⁷ Conditionality can also be distinguished according to its substantive focus: political or economic. Political conditionality typically requires the fulfilment of criteria related to democracy, rule of law, or human rights. In contrast, economic conditionality is often tied to

²³ Article 21 TFEU, Consolidated version of the Treaty on the Functioning of the European Union [2012] OJ C326/01.

²⁴ Martines, F., *EU Political Conditionality as a Tool for the Promotion and Protection of Non-trade Values in Non-EU Countries*, in: Velluti, S. (ed.), *The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations*, Springer, Cham, 2020, pp. 97–167; Becker, P., *Conditionality as an Instrument of European Governance – Cases, Characteristics and Types*, *Journal of Common Market Studies*, Vol. 63, No. 2, 2025, pp. 402–419.

²⁵ Saurugger, S.; Terpan, F., *Normative transformations in the European Union: on hardening and softening law*, *West European Politics*, Vol. 44, No. 1, 2021, pp. 1–20.

²⁶ Becker, P., *Conditionality as an Instrument of European Governance – Cases, Characteristics and Types*, *Journal of Common Market Studies*, Vol. 63, No. 2, 2025, pp. 402–419.

²⁷ Martines, F., *EU Political Conditionality as a Tool for the Promotion and Protection of Non-trade Values in Non-EU Countries*, in: Velluti, S. (ed.), *The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations*, Springer, Cham, 2020, pp. 97–167.

macroeconomic reforms, structural adjustment, or compliance with labour and environmental standards, often employed by international financial institutions.²⁸

As argued by Francesca Martines, conditionality-setting in the context non-trade provisions, poses a question on the legitimacy of the EU to conclude them. It can be stated that this competence of the EU does not emerge from a general competence but sector-specific rules.²⁹ In the Context of trade policy and the EU's external agreements, article 208 TFEU on development cooperation and Article 217 TFEU on association agreements are thus recognized as legitimate legal bases for such clauses. That is insofar as they align with the broader objectives of aligning EU external with the EU values, including human rights and sustainable development. In Opinion 2/15 on the *EU-Singapore Free Trade Agreement*, the CJEU offered clarification regarding the competence of the EU to include sustainability-related obligations in its trade agreements. The main logic under which the court argues is that what falls within the scope of the Common Commercial Policy falls under the exclusive competence of the EU under Article 3(1)(e) TFEU. Central to the Court's reasoning was the finding that provisions, relative to trade and sustainable development, function as trade-related commitments. Specifically, the obligations to implement these obligations are presented as preconditions to ensuring fair and sustainable trade, and did not constitute autonomous social or environmental regulation.³⁰

The existing literature provides three main analytical foundations: the governance of labour mobility through trade instruments, the normative dimensions of EU external trade policy, and the conditionality mechanisms embedded in association and trade agreements. Yet significant gaps persist at their intersection. First, scholarship on Mode 4 largely centres on labour mobility as an explicit, positively scheduled commitment. Which allows examining who is included, at what skill level, and under what sectoral conditions. What remains underexplored is how migration governance operates not through direct liberalisation commitments but through its implicit embedment in the broader architecture of trade and investment specifically in privileged partnerships such as the one of Tunisia with the EU. Second, while the conditionality literature has thoroughly examined political and economic conditionality as mechanisms for promoting democracy, human rights, or macroeconomic reform, it has paid comparatively little attention to how

²⁸ Becker, P., *Conditionality as an Instrument of European Governance – Cases, Characteristics and Types*, *Journal of Common Market Studies*, Vol. 63, No. 2, 2025, pp. 402–419.

²⁹ Martines, F., *EU Political Conditionality as a Tool for the Promotion and Protection of Non-trade Values in Non-EU Countries*, in: Velluti, S. (ed.), *The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations*, Springer, Cham, 2020, pp. 97–167.

³⁰ Opinion 2/15 (EU-Singapore Free Trade Agreement) [2017] ECLI:EU:C:2017:376.

different conditionality logics, such as positive, negative, political, and economic, converge around migration-specific objectives within a single bilateral framework. Third, EU-Tunisia relations have been studied in the context of the European Neighbourhood Policy and migration externalisation, but the Association Agreement of 1995 and the DCFTA negotiations have not been systematically analysed as sites of migration governance through the specific lens of trade relations and conditionality logics. This paper addresses these gaps by qualitatively analysing how migration is embedded, rather than explicitly scheduled, in EU-Tunisia trade relations. By applying a conditionality coding framework to these instruments, the research disaggregates the legal and normative mechanisms through which the EU governs Tunisian migration within a trade relationship, thereby contributing a more granular and legally grounded account of migration-trade nexus governance than the existing literature currently offers.

1.3. Research Questions and Methodology

The study examines how economic migration is governed through trade-based instruments in EU-Tunisia relations. It investigates how migration-related objectives are embedded and operationalized through trade-based conditionality. Therefore it aims to answer the following research question: How does trade-based conditionality embed and operationalize migration-related objectives in EU-Tunisia relations?

In order to answer this question the paper adopts critical discourse analysis and content analysis to examine relative instruments to in EU-Tunisia trade relations. Critical discourse analysis is used to identify how trade and migration are framed within legal and policy documents, paying attention to the language through which obligations, incentives, and regulatory expectations are constructed. Qualitative content analysis complements this by systematically coding the selected corpus in order to identify recurring forms of conditionality and their patterns of co-occurrence across documents. The codes rely on the nature and types of conditionality as explained by the literature³¹ and conceptualised in table 1. Regarding the nature of conditionality, a provision is coded as positive when it conditions the granting, maintenance, or expansion of a benefit, upon compliance with a specified norm or reform. These benefits include for example preferential market access, financial assistance, or enhanced cooperation. The operative textual marker is

³¹ See: Becker, P., *Conditionality as an Instrument of European Governance – Cases, Characteristics and Types*, *Journal of Common Market Studies*, Vol. 63, No. 2, 2025, pp. 402–419. And See: Martines, F., *EU Political Conditionality as a Tool for the Promotion and Protection of Non-trade Values in Non-EU Countries*, in: Velluti, S. (ed.), *The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations*, Springer, Cham, 2020, pp. 97–167.

the conditional extension of an advantage. A provision is coded as negative when it explicitly or implicitly reserves the right to suspend, restrict, or withdraw an existing benefit in response to non-compliance, or when it establishes an obligation whose breach triggers a remedial or safeguard mechanism. The operative marker is the conditioned withdrawal or restriction of what has already been agreed. Where a provision contains both logics, for instance, offering additional benefits for compliance while reserving restrictions for non-compliance, it is coded for both.

Regarding the substantive dimension, a provision is political when its primary regulatory object concerns governance arrangements, institutional reform, legal approximation, human rights, labour standards and international law obligations. Conditionality is economic when its primary regulatory object concerns market access rules, trade liberalisation, regulatory standards for goods, services or investment. These criteria are applied at the level of individual provisions, not at the level of entire chapters, in order to preserve analytical granularity.

Table 1. Typologies and Dimensions of External Conditionality

External Conditionality			
Types		Nature	
Positive conditionality	Negative conditionality	Political conditionality	Economic conditionality

Source: Author

Migration often intersects with trade in services and particularly the movement of persons in services provisions. Furthermore, migration related objectives can be found in debates on combatting the root causes of irregular migration, and promoting sustainable development.³² Based on this logic, the study analyses the available documents published by the European Commission on the DCFTA with Tunisia, in the areas of trade and investment and Sustainable Development.³³ Added to these documents, the paper offers a legal and political analysis of the text of the Euro-Mediterranean association agreement between the EU and Tunisia.³⁴ Overall, documents were selected on the basis of their legal and policy relevance

³² Lavenex, S.; Fakhoury, T., *Trade Agreements as a Venue for Migration Governance: Potential and Challenges for the European Union*, Delmi Report 2021:11, Stockholm, 2021.

³³ European Commission, *Services and investment*, CIRCABC, Available at: [https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/a451788b-3eeb-41c0-877f-734aaf733a8f/details], Accessed 15 March 2026. European Commission, *Sustainable development*, CIRCABC, Available at: [https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/b8a5d5b6-0887-407b-a690-9d9c8f4f66ee/details], Accessed 15 March 2026.

³⁴ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part [1998] OJ L97/2.

to the governance of migration through trade instruments. The Association Agreement is the foundational bilateral framework, and the DCFTA documents is the most recent and comprehensive expression of the EU's regulatory ambitions in the relationship. The analysis focuses on provisions that explicitly or implicitly govern the movement of persons, establish conditionality mechanisms, or embed migration-related objectives within trade and development frameworks.

2. RESULTS

2.1. Migration Management Through the EUAA and DCFTA

The adoption of the EU-Tunisia Association Agreement shall be situated within the broader framework of Euro-Mediterranean relations initiated under the Barcelona Process. It does not constitute a mere commercial agreement as it forms a part of a wider regional policy through which the European Union sought to stabilize its southern neighbourhood through economic integration, political dialogue, and regulatory approximation. The preamble of the agreement is particularly revealing in this regard, as it refers to “the importance of the traditional existing links” between Tunisia, the European Community, and its Member States, as well as to the “common values” shared by the parties. Therefore, the agreement reflects more than diplomatic continuity: it situates bilateral cooperation within a historical narrative shaped by a colonial past and asymmetrical interdependence, while promising political and economic integration in the “the community of democratic nations”.³⁵

The invocation of shared values in the agreement also signals the normative vocabulary through which the EU framed its Mediterranean policy during the 1990s. Alongside commitments to liberalization, the agreement reflected the emerging external projection of the EU's own internal market model. Yet this normative framing coexisted from the outset with strategic concerns linked to regional stability as migration became progressively associated with socio-economic issues and later, in the post-2001 atmosphere, with security risks. Later in 2004, the European Neighbourhood Policy, reinforced the idea that economic integration and regulatory convergence would contribute simultaneously to development and to the containment of mobility pressures. Financial instruments supporting Tunisia's adjustment to liberalization were therefore framed as a means to address the socio-economic conditions identified as root causes of irregular migration.³⁶

³⁵ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part [1998] OJ L97/2.

³⁶ Langan, M., *The moral economy of EU relations with North African states: DCFTAs under the European Neighbourhood Policy*, *Third World Quarterly*, Vol. 36, No. 10, 2015, pp. 1827–1844.

Among the stated objectives of the Association Agreement is the establishment of a framework for political dialogue intended to contribute to “peace, security and regional development,” as provided in Article 4. The latter, gives the agreement a scope extending well beyond trade liberalization as the political dialogue remains open-ended, allowing cooperation to expand into broader domains of external governance with the evolvement of priorities and “regional developments”. In retrospect, this flexibility anticipated later developments within the European Union’s external action, particularly the consolidation of migration-related concerns under the emerging Area of Freedom, Security and Justice. The open structure of dialogue also reflects a soft-law preference in which cooperation is progressively shaped through consensus and negotiation rather than precisely binding obligations. Within this framework, the chapter concerning migrant workers introduces an initial rights-based approach through the principle of equal treatment. Tunisian workers legally employed in a Member State are granted treatment equivalent to that of nationals of the host state with regard to working conditions, remuneration, and dismissal, while Tunisia is reciprocally required to accord the same treatment to nationals of Member States employed on its territory. At first sight, these provisions suggest a social dimension within the agreement and appear consistent with the EU’s normative discourse on labour protection. However, this protection remains narrowly circumscribed as Article 69 explicitly excludes persons residing or working irregularly from the scope of these guarantees, thereby making access to labour rights conditional upon a regular status. Therefore, the allocation of rights in this sense does not emanate from labour or employment relationships themselves but from conformity with the admission control requirements.

A closer reading of Article 71 reveals that migration is addressed through three analytically distinct categories: the living and working conditions of migrant communities, migration in broader terms, and irregular migration. This differentiation implies that migration is treated as a set of policy areas, relevant to labour integration, migration opportunities and readmission and irregular migration. The reference to migrant communities concerns social integration and protection, while irregular migration introduces a control-oriented dimension. Between these two, the broader category of migration appears to designate regulated or desirable forms of mobility, including potential legal pathways linked to labour and development cooperation. The approach of selective and desired forms of migration appears to be confirmed with the focus on capacity-building and the provision of trainings besides scientific research incentives. From this perspective, the agreement repeatedly reorients migration-related cooperation toward developmental axes in areas identified as sources of emigration, while maintaining a control-focused approach relative to the entry requirements and the regular status of TCNs.

Article 71(a), for example, links migration pressures to employment creation and vocational training in regions from which migrants originate. The same logic extends to subsequent provisions referring to poverty reduction, public health, and social improvement. In this sense, the Association Agreement articulates an early external governance model in which migration is managed simultaneously through selective labour protection based on the legal status of immigrants, and the prioritization of irregular migration as an object of bilateral cooperation.

In conclusion, the migration-related provisions of the Association Agreement reveal a model structured by two interdependent rationalities. The first is developmental: migration pressures are approached through employment generation, vocational training, poverty reduction, and social improvement in regions identified as sources of emigration. The second is control-oriented: labour-related protections are granted only within the boundaries of legal residence and lawful employment, while irregular migration is jointly combatted.

It is possible to note that this model illustrates how the external dimension of migration management progressively became a multi-pillar component of Euro-Mediterranean relations, linking socio-economic cooperation to concerns traditionally associated with internal security.³⁷

Analytically, this reflects an early form of politicization of migration within EU external relations: economic cooperation is no longer treated as an autonomous objective, but as an instrument expected to produce stabilizing effects on mobility. Trade expansion, development support, and regulatory cooperation were already framed, in the Seville European Council Conclusions of 2002, not only as instruments of partnership, but also as mechanisms for reducing migratory pressures.³⁸ In this sense, the agreement anticipates a policy logic that later became central in EU external migration governance: addressing the root causes of migration through external economic cooperation, while preserving asymmetrical control over access to mobility and rights.

The shift towards the Deep and Comprehensive Free Trade Area reflects a broader transformation in the EU's trade agreements, where economic agreements are no longer limited to tariff reduction but increasingly incorporate "deep" and "comprehensive" dimensions. In this sense, the "deep" dimension refers to the progressive incorporation of the partner country into parts of the EU internal market

³⁷ Geddes, A., *Europe's Border Relationships and International Migration Relations*, *Journal of Common Market Studies*, Vol. 43, No. 4, 2005, pp. 787–806.

³⁸ Council of the European Union, Presidency Conclusions, Seville European Council 21 and 22 June 2002, 13463/02, POLGEN 52, Brussels, 24 October 2002.

through the alignment of national legislation with selected components of the EU *acquis*. In the services chapter, the movement of persons is addressed through the categories traditionally associated with trade in services, particularly those corresponding to cross-border provision, commercial presence, and the temporary movement of natural persons supplying services. The proposed provisions cover business sellers, business visitors for establishment purposes, contractual service suppliers, independent professionals, and intra-corporate transferees. Hence, the horizontal approach to mode 4 related to the presence of services suppliers noted in comparative EU FTAs³⁹ is quite similar in the current proposal. The commitment under mode 4 seems to follow as well a utilitarian approach by focusing solely on the labour itself and investment. Less attention seems to be given to the mobility of persons, especially as Tunisia's aspirations build high hopes on the category of independent professionals in ICT. As a result, the apparent opening created by services liberalization does not amount to general labour market access.

Other issues to be highlighted in the proposal concern the social rights of migrant workers. In fact, the draft states that all domestic labour and social security rules of the host party continue to apply, including provisions relating to minimum wages and collective agreements. Consequently, temporary mobility with the services liberalization under the DCFTA does not generate an autonomous social regime at the bilateral level. An additional restriction appears in the clause excluding commitments on entry and temporary stay where the intention or effect would be to intervene in labour disputes, influence collective bargaining, or affect employment outcomes in contexts of conflict between employers and trade unions.⁴⁰ Which could mean by reading further into it, that mobility is accepted only insofar as it remains detached from social conflict and domestic industrial relations.

Yet the chapter on Trade and Sustainable Development simultaneously reaffirms the parties' commitment to the objectives of the 2030 Agenda for Sustainable Development, particularly with regard to labour protection and environmental governance.⁴¹ At the normative level, this chapter incorporates the now-standard EU trade policy language linking market integration to sustainable development

³⁹ Schmitz, J., *The Temporary Movement of Natural Persons in the Context of Trade in Services: EU Trade Policy under Mode 4 (WTO/GATS)*, in: Panizzon, M.; Zürcher, G.; Fornalé, E. (eds.), *The Palgrave Handbook of International Labour Migration*, Palgrave Macmillan, London, 2015, pp. 415–440.

⁴⁰ Article 4.1, European Commission, *Services and investment*, CIRCABC, Available at: [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/a451788b-3eeb-41c0-877f-734aaf733a8f/details>], Accessed 15 March 2026.

⁴¹ Article 1, European Commission, *Sustainable development*, CIRCABC, Available at: [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/b8a5d5b6-0887-407b-a690-9d9c8f4f66ee/details>], Accessed 15 March 2026.

commitments, including references to internationally recognized labour standards and the obligation not to weaken domestic protection in pursuit of competitive advantage.⁴² From this angle the EU's discourse seems contradictory. On the one hand, the chapters on services and investment promote broad market opening through expanded commercial access, regulatory facilitation, and investment protection mechanisms designed to deepen liberalization. On the other hand, the movement of natural persons supplying those services remains confined to defined categories and temporary admission. Mobility is therefore treated not as an equivalent dimension of liberalization, but as a carefully filtered exception attached to commercial activity. That is to say that, although the admitted categories of service providers are generally not subject, in principle, to full economic needs tests under the trade framework, their actual entry remains conditioned by domestic labour migration regulations maintained by Member States. In practice, national labour market considerations may still operate through administrative requirements, sectoral reservations, qualification controls, or authorisation procedures that restrict effective access.

2.2. Conditionality design in migration-related clauses in the EMAA and DCFTA

The European Union's trade governance toolkit in its external relations is extensively analysed through the lens of conditionality, which serves as a key mechanism for promoting non-trade values within trade and association agreements. Conditionality may be understood as the practice of tying the provision of benefits to the adoption of particular policies, reforms, or the achievement of specific objectives. It can be classified into four categories: positive or negative, each with either an economic or political orientation. Its use depends on the objective pursued in influencing the behaviour of the partner country. In EU–Tunisia relations, conditionality reflects the requirements imposed by the EU for Tunisia's compliance, whether political or economic in nature.

Positive conditionality links compliance to a compensatory benefit, whereas negative conditionality implies a cost in cases of non-compliance. To illustrate this for example, a case of positive conditionality is when the EU's support of structural policies in Tunisia to restore financial equilibrium and enhance social welfare, is tied to the condition of applying the suggested adjustment programme proposed by the EU and the FMI. Successful application suggests, therefore, support from the EU to national financial institutions and welfare support, as presented in ar-

⁴² *Ibid.*, Art. 3 and 4.

ticle 76 of the EMAA.⁴³ Another recent example from the DCFTA includes the need to cooperate on commercial and political aspects related to sustainable development, labour and environmental standards as a precondition to deeper trade cooperation.⁴⁴ Negative conditionality; on the other hand, do not include direct punishments per se, however they establish the limits of actions of the parties. For instance, in the DCFTA, respecting fundamental human rights and labour standards, is recognised as a precondition to establishing trade relations. However, the condition is built on a negative obligation, which is not using lower labour standards and working conditions as a comparative advantage. As such “the parties recognise that violation of principles and fundamental rights at work can neither be invoked nor utilised as a legitimate comparative advantage, and that labour standards cannot serve protectionist commercial objectives”.⁴⁵

Negative political conditionality, which usually implies reduced cooperation and lower flexibility, appears less prominent because of Tunisia’s role as a transit country in EU migration management, which makes cooperation necessary. By contrast, positive political conditionality emerges as the most frequent form across the documents as shown by table 2, indicating that the EU’s migration cooperation relies primarily on legal and political incentives. This includes for example facilitated access for selected categories of workers to the EU market. These incentives, however, remain conditional upon political compliance, particularly regarding national migration governance, readmission commitments, and broader alignment with the EU *acquis*. For instance, the Euro-Mediterranean Association Agreement explicitly states that relations “between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles which [...] constitute an essential element of the Agreement”, thereby conditioning the continuation of cooperation on political and normative requirements. The EMAA also links cooperation to migration control objectives through provisions allocating priority in the bilateral relations to “(a) reducing migratory pressure, in particular by creating jobs and developing training in areas from which emigrants come; (b) resettling those repatriated because of their illegal status under the legislation of the state in question”. Similarly, the DCFTA in the

⁴³ Article 76, Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part [1998] OJ L97/2.

⁴⁴ Article 14, European Commission, *Sustainable development*, CIRCABC, Available at: [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/b8a5d5b6-0887-407b-a690-9d9c8f4f66ee/details>], Accessed 15 March 2026.

⁴⁵ Article 4 (8), European Commission, *Sustainable development*, CIRCABC, [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/b8a5d5b6-0887-407b-a690-9d9c8f4f66ee/details>], Accessed 15 March 2026.

Trade and Sustainable Development chapter conditions deeper cooperation on compliance with internationally recognised labour standards, including the effective implementation of ILO core conventions, labour inspection systems, occupational safety measures, and decent working conditions. In this case, conditionality has another layer that demands broader convergence with EU and international human and labour rights.

Positive economic conditionality is also recurrent, especially in the trade context, where compliance is linked to deeper liberalisation and expanded market access. This is particularly visible in the DCFTA services and investment chapter, where the parties commit to facilitating the temporary admission and stay of business visitors, intra-corporate transferees, and professional sellers within sectors covered by negotiated commitments. The chapter adds further in this regards that the sectoral commitments should not maintain discriminatory restrictions such as the economic needs tests and quotas on the number of foreign business visitors or transferred employees. However, temporal limits exist on the maximum period of stay and employment of the existing categories. At the same time, the EMAA connects financial and technical assistance to broader economic restructuring objectives, including industrial modernisation, financial sector reforms and regulatory approximation especially when it comes to the establishment of investment protection frameworks.

Table 2. Frequency of Codes

Type	Frequency	Percentage
Negative Economic Conditionality	3	8.33%
Negative Political Conditionality	5	13.89%
Positive Economic Conditionality	11	30.56%
Positive Political Conditionality	17	47.22%

Source: Author

The coding distribution demonstrates that political conditionality remains dominant in foundational provisions of the Association Agreement, whereas the DCFTA introduces denser economic and regulatory conditionality through services liberalisation and legislative approximation. Economic conditionality in the DCFTA is equally positive and negative. This adds an affirmative layer to conditionality, as many obligations are framed in terms of facilitating market access and economic integration, while simultaneously prohibiting regulatory practices that could restrict liberalisation. For instance, several provisions concerning the temporary movement of business persons and investors require each party to permit the admission and temporary stay of business visitors, intra-corporate transferees, and sales representatives. The draft agreement further discourages the mainte-

nance or adoption of discriminatory numerical quotas and economic needs tests that would limit the number of foreign service suppliers or employees that investors may temporarily employ.⁴⁶

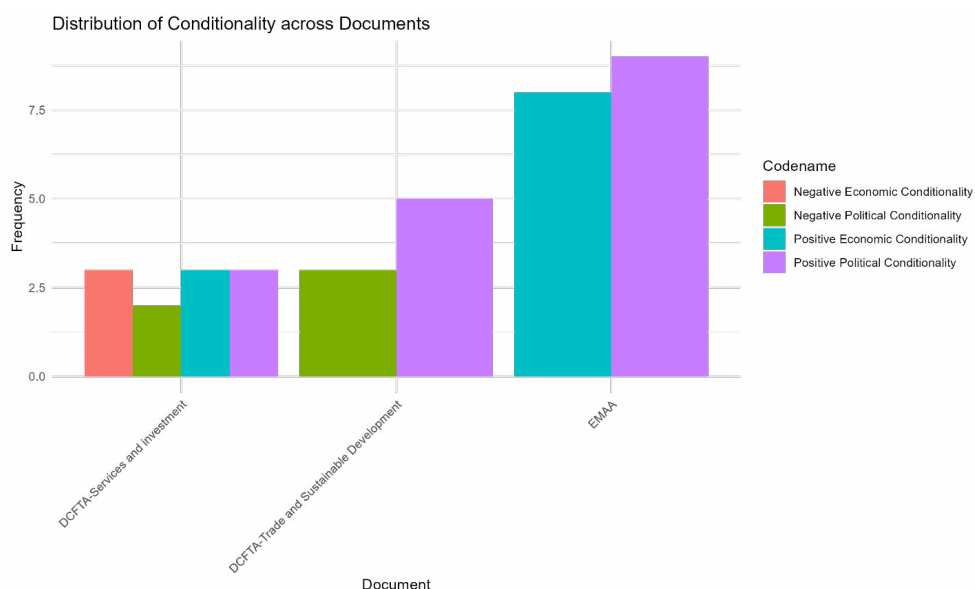
At the same time, these benefits are accompanied by negative economic conditionality in the form of explicit prohibitions on certain practices. Article 4 on market access, prevents parties from imposing conditions on investors such as mandatory technology transfers, restrictions linking imports to exports, or obligations to recruit a specified proportion of domestic workers. Such provision illustrate negative conditionality because they operate through obligations not to adopt or maintain specific regulatory measures.⁴⁷ While they ultimately seek to facilitate investment and economic integration, they do so by constraining the policy autonomy of the parties. Examples of political conditionality on the other hand, in the DCFTA, include the non-applicability of commitments regarding the temporary entry and stay of business persons where such entry seeks to interfere with labour disputes or collective bargaining processes.⁴⁸ Hence, we see for instance the presence of all types of conditionality in the services and investment chapter proposal. However in the chapter related to trade and sustainable development is only focused on political conditionality indicating a focus on sustainable development policies especially relative to labour standards and environmental standards.

⁴⁶ Article 12 and 18, European Commission, *Services and investment*, CIRCABC, Available at: [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/a451788b-3eeb-41c0-877f-734aaf733a8f/details>], Accessed 15 March 2026.

⁴⁷ Article 4, European Commission, *Services and investment*, CIRCABC, Available at: [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/a451788b-3eeb-41c0-877f-734aaf733a8f/details>], Accessed 15 March 2026.

⁴⁸ Article 4, European Commission, *Services and investment*, CIRCABC, Available at: [<https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/a451788b-3eeb-41c0-877f-734aaf733a8f/details>], Accessed 15 March 2026.

Figure 1. Distribution of Conditionality across documents



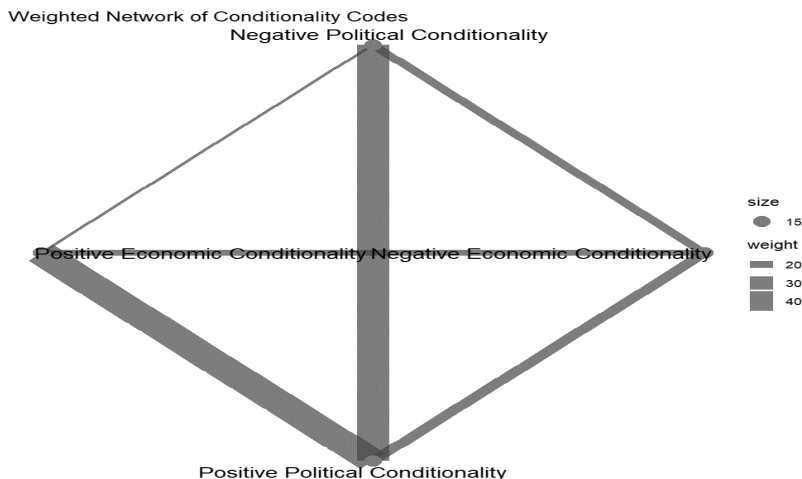
Source: Author

Conditionality types do not operate independently. In many instances, the distinction between political and economic conditionality remains primarily analytical, given that trade negotiations inherently combine political and economic dimensions. In this context, a strong co-occurrence appears between positive political and positive economic conditionality, as shown by Figure 2. Connections between positive and negative codes are weaker, while co-occurrence between the two negative forms remains limited, suggesting that punitive or coercive mechanisms are more isolated and context-specific. The frequent co-occurrence of positive political and positive economic conditionality reflects the broader logic of EU external governance, whereby economic benefits are linked to institutional reforms and regulatory convergence. Several examples from the Association Agreement illustrate this pattern. Provisions on support for Tunisia's structural adjustment programmes combine economic objectives, such as restoring financial equilibrium and promoting growth, with political and social objectives related to governance reforms and social welfare. Similarly, cooperation in the financial sector is linked not only to economic restructuring but also to the adoption of common rules, supervisory mechanisms, and regulatory standards.⁴⁹ The same over-

⁴⁹ Article 76, Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part [1998] OJ L97/2.

lap is visible in provisions encouraging the establishment of legal frameworks for investment protection and double taxation agreements, where market-oriented objectives are pursued through legal and institutional reforms. Even the political dialogue provisions demonstrate this interdependence, as cooperation on peace, security, and regional development is explicitly connected to broader economic development objectives within the Euro-Mediterranean partnership.⁵⁰ The results also show a significant link between negative political and positive political conditionality. This connection reflects a normative logic in which political dialogue is simultaneously encouraged and bounded by political requirements that define both expected conduct and prohibited practices. In the trade context, such requirements relate to non-discrimination principles such as national treatment and most-favoured-nation treatment, the regulation of entry and stay of independent professionals, and the prohibition of lowering fundamental rights standards as a source of comparative advantage. A recurrent example is the parallel reference to the obligation to comply with fundamental rights and labour standards, alongside clauses prohibiting their non-enforcement or neglect, as illustrated in Articles 3 and 4 of the Trade and Sustainable Development chapter. Together, these co-occurrences suggest that conditionality in EU–Tunisia trade relations functions less as a set of isolated incentives or sanctions and more as an integrated governance mechanism in which economic integration, regulatory approximation, and normative commitments mutually reinforce one another.

Figure 2. Network of Conditionality



Source: Author

⁵⁰ Article 50, Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part [1998] OJ L97/2.

3. DISCUSSION

The co-occurrence structure of conditionality in EU-Tunisia relations suggests that the legal and policy architecture of mobility governance is not organized through isolated conditions. As proven empirically, the strongest connection identified between positive political and positive economic conditionality indicates that market-related concessions and political expectations are articulated jointly rather than sequentially. At a first glance, the results do not oppose Howorth's argument on EU actorness being based on its normative exportation through its trade and enlargement policies.⁵¹ This pattern reflects broader transformations in international mobility governance under economic globalization, where labour mobility is increasingly regulated through trade policy rather than exclusively through migration law.⁵² This embeddedness explains how mobility is formed in trade contexts, whether analysed under EU commitments or as structured under the General Agreement on Trade and Services. In this sense, the empirical prominence of positive conditionality indicates that mobility commitments remain embedded in service liberalisation rather than framed as a right. A further implication of this embeddedness would mean that access is permitted insofar as it serves service provision, and it remains temporary by avoiding entry into the general labour market. The coding results therefore suggest that bilateral EU practice reproduces this multilateral logic produced by the WTO, but with additional political conditionality relative to the neighbourhood policy context.⁵³

The study, furthermore, aligns with the literature on Normative Power Europe, as proved by the results showing the important weight of positive political conditionality compared to negative forms of conditionality. In the case of Tunisia, political incentives appear closely linked to commitments concerning regulatory approximation and political dialogue. The relatively weaker presence of negative conditionality does not imply the absence of asymmetry. Rather, it suggests that asymmetry is embedded structurally within the design of cooperation itself. Positive conditionality may formally appear cooperative, yet the unequal distribution of bargaining power means that incentives are often attached to specific compliance expectations.

At the same time, the observed co-occurrence between positive political and negative political conditionality reflects how EU normative power does not merely

⁵¹ Howorth, J., *The EU as a Global Actor: Grand Strategy for a Global Grand Bargain?*, *Journal of Common Market Studies*, Vol. 48, No. 3, 2010, pp. 455–474.

⁵² Chaisse, J.; Meng, L., *Labor Migration in a Globalized World: The Human Journey's Challenges for International Law and Policy*, *Emory International Law Review*, Vol. 31, 2016, p. 49.

⁵³ Meunier, S.; Nicolaidis, K., *The Geopoliticization of European Trade and Investment Policy*, *Journal of Common Market Studies*, Vol. 57, No. 6, 2019, pp. 103–113.

promote desirable reforms but also defines limits of acceptable conduct. On the other hand, the lower connectivity of negative economic conditionality further indicates that punitive economic mechanisms are not central in the examined corpus. This may be explained by the fact that trade relations with Tunisia are structured less around explicit economic penalties and more around gradual liberalization conditioned by regulatory adaptation. In this regard, positive economic conditionality functions as an instrument of controlled opening.

Overall, the study confirms the findings of previous literature on the types of conditionality of the EU, granting more for more and less for less.⁵⁴ It suggests further that labour mobility governance, in EU-Tunisia trade relations, reflects a hybrid logic: formally rooted in trade liberalization, politically shaped by external relations objectives, and normatively justified through ideals-based conditionality.

4. CONCLUSION

To synthesise the results, the study shows that conditionality in EU-Tunisia trade relations operates through a hybrid logic in which trade liberalization, political objectives of external relations, and norm diffusion are intertwined. The coding results demonstrate that positive political and positive economic conditionality form the strongest co-occurrence pattern, indicating that access to economic opportunities is systematically linked to political and regulatory expectations. Rather than functioning as separate categories, economic and political conditionality are combined within the same legal and policy instruments, especially where mobility, market access, regulatory approximation, and migration cooperation intersect. The predominance of positive forms of conditionality reflects the broader logic of EU external action often summarized as more for more, whereby deeper cooperation, facilitated mobility, or economic advantages are offered in exchange for alignment with legal and institutional expectations. At the same time, the observed connections between positive and negative political conditionality indicate that this incentive-based structure remains accompanied by implicit limits corresponding to a less for less logic, where non-compliance may reduce further cooperation.

The findings suggest that the EU's external governance toward Tunisia cannot be fully explained through narratives of Normative Power Europe alone. While the

⁵⁴ Becker, P., *Conditionality as an Instrument of European Governance – Cases, Characteristics and Types*, *Journal of Common Market Studies*, Vol. 63, No. 2, 2025, pp. 402–419. And See: Martines, F., *EU Political Conditionality as a Tool for the Promotion and Protection of Non-trade Values in Non-EU Countries*, in: Velluti, S. (ed.), *The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations*, Springer, Cham, 2020, pp. 97–167.

empirical prominence of political conditionality confirms that the EU continues to project legal norms, institutional models, and values such as regulatory alignment and rights-related commitments, the process through which these norms are advanced reveals some gaps. In Manners' terms, normative projection requires coherence, persuasion, and consideration of external consequences. Yet in practice, the linkage of norms to access, trade advantages, and mobility opportunities means that persuasion often operates under materially asymmetric conditions. That is to say that in this context of trade relations, there is a gap between the normative self-representation of the EU and the use of incentives. In fact, The EU's capacity to shape Tunisian regulatory choices derives not only from value-based discourse but also from the gravitational force of the internal market. Therefore, what appears formally as cooperation may also be understood as regulatory adaptation driven by market interdependence.

To nuance the findings, the study does not allow a general conclusion on the state of conditionality in migration management through trade. In fact, Tunisia's strategic importance in migration governance, particularly as a transit and cooperation partner in the Mediterranean, creates bargaining space that limits the automatic effectiveness of EU demands. In this sense, Tunisia can also have a form of reversed conditionality that shape its capacity to delay commitments and impose its cost-benefits calculations. Therefore, the study leaves avenues for future research to explore how conditionality is understood from the perspective of partner countries and how can it be influenced by negotiations asymmetry. Another theoretical exploration for future research is to examine the limits of Normative Power Europe in this context and the possible application of the Market Power Europe in EU-Tunisia trade relations to govern migration matters.

Overall, the contribution of this study lies in showing empirically how conditionality categories co-occur within legal and policy documents and how trade and migration rationales become intertwined through a shared governance logic. By combining document coding with co-occurrence analysis, the study provides a reading of how positive and negative, economic and political forms of conditionality are articulated in practice, in the case of EU-Tunisia trade agreements.

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