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Morocco's Experience of Migration as a Sending, Transit and Receiving Country

by Mehdi Lahlou



ABSTRACT

If Morocco appears to be Africa's gateway to Europe, it is a gateway that until today has been used primarily by Moroccans – more than 3 million Moroccans currently live in EU countries such as France, Spain and Italy. The number of other nationalities entering Europe through Morocco has seldom exceeded 20,000 annually and was no more than 7,300 in 2014. Thus, while Morocco is a country of migrant departure, it is only a minor host/transit country for migrants in search of better living conditions outside of their region of origin. Such a configuration has been the basis of recent Moroccan migration policy.

Morocco | Migration | Spain | European Union

keywords

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Introduction

Since the beginning of the 1960s Morocco has been a country of emigration thanks to a convergence of needs between certain European countries (France and Belgium in particular) and its own economic and social policies. Since the beginning of the 1990s, it has further developed into a transit country for sub-Saharan migrants on their way to Europe, and today is becoming a receiving area for immigrants, not only from sub-Saharan regions but also from countries in economic crisis, such as Spain, or in civilian war, such as Syria or Libya.

Thus, while Morocco remains a significant emigration area, especially when considering the number of Moroccans living abroad (about 4 million people from a population of 34 million),¹ it also continues to be a transit area, but to a lesser extent than at the beginning of the twenty-first century, and has become – even if this is not yet clearly reflected in official figures – a default destination for Africans and host country for Europeans in search of job opportunities.

This progressive evolution between 1992 and 2014 induced a parallel change in Moroccan migration policy, especially with regard to transit migration and the position of immigrants. Before it accepted the fact that irregular migration through its territory was a serious political issue, Morocco experienced a period of “non-migration-policy” between the beginning of the 1990s and 2002/2003. This period was marked by the rise of transit migration, mostly irregular or illegal migration, towards Spain and other European Union countries, to which the Moroccan

¹ Exactly 33.8 million inhabitants according to the first result of the general census of September 2015. See Haut-Commissariat au Plan du Maroc, *Note sur les premiers résultats du Recensement Général de la Population et de l'Habitat 2014*, 16 March 2015, http://www.hcp.ma/Note-sur-les-premiers-resultats-du-Recensement-General-de-la-Population-et-de-l-Habitat-2014_a1516.html.

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government showed a relative indifference, partly because it considered that the new form of migration was of little concern to people and was unlikely to be long-lasting, and also because it considered that Spain found certain benefits from the migration flux it received.

With this in mind, one can nevertheless outline three periods with their respective and complementary political migration approaches. The first period ran from 2002/2003 to 2005. This short period saw progressive changes in EU migration policy, between 2002 (in Seville, Spain) and 2003 (in Thessaloniki, Greece). It includes, on Moroccan side, the adoption by Morocco of its first law on migration at the end of 2003 with the will to reduce irregular migration from the country and to reinforce the fight against human trafficking between north-west Africa and Spain. This period was especially marked by the dramatic events recorded at the borders of the cities of Ceuta and Melilla during the summer of 2005. Moroccan authorities also proposed at that time more significant security cooperation with Europe to carry out the same objectives.

The second period ran from mid-2006, after the Euro-African intergovernmental meeting on migration held in Rabat in July of that year,² to the end of 2010. During these years, the number of irregular migrants crossing through Morocco decreased to its lowest level since 1990.

The third period started at the end of 2010, with the beginning of the "Arab spring" and the great transformations in terms of regional security that it caused in the south and east Mediterranean, from Tunisia to Turkey. After having strongly decreased to the end of 2010, the migration flux started to increase again (mainly from Tunisia, Libya and Egypt), initially slowly between 2011 and 2012, then more markedly from 2013, with, in particular, a large influx of Syrian refugees.

Whereas flows of irregular migrants from Morocco have changed little since this date, from 2008 a significant number of Syrian refugees arrived in the country, along with many European migrants – in particular Spanish – seeking to flee the economic and social crisis in their home countries. In response to this situation, and also to change the image of the country concerning conditions for receiving irregular migrants, in September 2013 the authorities announced a new migration policy. This embraced a process of "exceptional regularisations" of almost 45,000 migrants by the end of 2014 and the adoption of a series of laws relating to the same topic. But by 31 December 2014, fewer than 18,000 irregular migrants had been regularised and the promised laws were still under discussion, as will be discussed below.

² The first Euro-African ministerial conference on Migration and Development was held in Rabat on 10-11 July 2006. For more information see the Rabat Process website: <http://www.processusderabat.net>.

If Morocco appears to be Africa's gateway to Europe, it is a gateway that until today has been used primarily by Moroccans – more than 3 million Moroccans currently live in EU countries such as France, Spain, Italy, Belgium and Holland.³ The number of other nationalities entering Europe through Morocco has seldom exceeded 20,000 annually and was no more than 7,300 in 2014.⁴ Thus, while Morocco is a country migrant departure, it is only a minor host/transit country for migrants in search of better living conditions outside of their region of origin.⁵ Such a configuration has been the basis of recent Moroccan migration policy, especially if one takes into account the particular economic financial and political relations which bind Morocco to the European Union.

This new migration policy was initially founded on the economic and political need for Morocco to maintain a significant stream of regular migration towards Europe. It was also based on the need for Morocco to meet European concerns – more or less important according to the years – relating to the flows of sub-Saharan migrants who transited through Morocco in the hope of reaching Spain and from there other EU countries.

However, this second objective should not be necessarily considered without looking at Moroccan interests in the countries of sub-Saharan Africa. Morocco is willing to have a migration policy for receiving migrants and respecting their rights so that the countries from which migrants leave will continue to support it in its conflict with Algeria over the Western Sahara.

In this article we briefly review the principal steps of the migration policy adopted by the Moroccan authorities since 2003, taking into account the evolution in the field data (from Moroccan sources as well as Europeans sources such as the Frontex agency) and the main decisions taken on the matter by the same authorities.

1. Moroccan migration policy: first step, the Law of 02/03

1.1 Overall framework

For political and financial/material reasons, in the last decades of the twentieth century Morocco did not see any need to change its approach towards irregular migration, which meant that the kingdom became an easy transit space for sub-Saharan migrants bound for Europe (to which they started entering rather easily

³ See Mohamed Berriane (ed.), *Marocains de l'Extérieur 2013*, Rabat, Fondation Hassan II pour les marocains résidant à l'étranger, 2014, <http://www.fh2mre.ma/telechargement/PDF/marocains-de-l%27exterieur-2013.pdf>.

⁴ See Frontex, *Annual Risk Analysis 2015*, 27 April 2015, p. 16 and 19, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf.

⁵ In 2014, more than 86,000 foreigners lived regularly in Morocco. See Haut-Commissariat au Plan du Maroc, *Note sur les premiers résultats du Recensement Général ...*, cit.

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through the cities of Ceuta and Melilla). At that time, and until 2000, it probably considered that the number of irregular migrants transiting by its territory (fewer than 8,000 people) was not significant.⁶ It may also have considered, given its bad relationships with Spain,⁷ that it had no reason to help Spain protect itself from irregular migrants.

However, after that period the Moroccan government began gradually to adopt another approach, closer to European aims and options, in particular for the surveillance and control of its borders – especially in regard to Spain, for which it is the nearest African country.

A first phase signalling the change of the Moroccan migration policy came towards the end of 2002, the year when Morocco and Spain entered into open war as a result of the territorial conflict around the small Perejil Island.⁸

This phase seems followed the decisions taken by the European Council during its meeting held in Seville, Spain, in June 2002. Most probably inspired by Spanish Prime Minister, the European Council make a link, for the first time, between the relations of the European Union with third countries and the migration policy pursued by these countries. Morocco – supposed then to facilitate the passage of irregular migrants through its territory – was clearly the focus in mind. At the conclusion of the Seville meeting, one particular issue was raised: "The European Council urges that any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration."⁹ Further: "The European Council considers it necessary to carry out a systematic assessment of relations with third countries which do not cooperate in combating illegal immigration. That assessment will be taken into account in relations between the European Union and its Member States and the countries concerned, in all relevant areas. Insufficient cooperation by a country could hamper the establishment of closer relations between that country and the Union."¹⁰

⁶ Lucile Barros et al., "L'immigration irrégulière subsaharienne à travers et vers le Maroc", in *Cahier des migrations internationales*, No. 54F (2002), p. 88, http://www.ilo.org/global/topics/labour-migration/WCMS_201832.

⁷ Mainly because of issues of fisheries and agricultural exchanges with Europe. And also in keeping with the animosity of the Spanish government, headed at the beginning of the current century by Prime Minister Aznar (leader of the Popular Party) who was openly hostile to Morocco.

⁸ The island is called Laila by the Moroccans and is situated less than 1 km from Morocco's northern coast.

⁹ See Council of the European Union, *Presidency Conclusions, Seville European Council 21-22 June 2002* (13463/02), para. 33, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/72638.pdf.

¹⁰ *Ibid.*, para. 35.

A formal explanation for the change of Moroccan migration policy – from a *quasi*-absence of regulation to strong border control – was provided three years later in an interview with King Mohamed VI for the Spanish newspaper *El País*, on the eve of the visit by Spain's king and queen to Morocco in January 2005. On this occasion, the new Moroccan king said: "We are aware of the fact that this immigration represents a danger for Spain. The same also applies to Morocco, as half of the Sub-Saharan candidates of illegal emigration end up staying in Morocco, and Spanish public opinion should know that. The various Spanish governments have always asked Morocco to grant the necessary attention to this issue. We have always done so."¹¹

1.2 The Law of 02/03

Morocco's change of political approach towards migration was immediately enshrined in new migration legislative procedures. In early January 2003, the Government of Rabat (constituted in November 2002) proposed a law on emigration and illegal immigrations in Morocco. This law was unanimously adopted by the Moroccan Parliament in the aftermath of the terrorist attacks in Casablanca on 16 May of the same year.¹²

Inside Morocco there were many vested interests with the most important African countries of emigration (Senegal, Mali, Democratic Republic of Congo-DRC, Nigeria, etc.), and so the Moroccan authorities never advanced the existence of a link between migration and terrorism. What was highlighted in their migration policy was the "fight against the networks of traffic of the human beings." However, the terrorist attacks in Casablanca created a shockwave in Morocco, and this shock was quickly used to push through the adoption of the first law on migration in modern Morocco. Yet, in spite of the government's commitment to an official anti-terrorism policy since May 2003, the Moroccan authorities did not announce the arrest of any irregular migrants within the framework of the dismantling of terrorist networks.

The text which has subsequently come to be known as the Law 02-03 and which came into force in November 2003 was initially described by certain Moroccan lawyers and defenders of human rights as "emergency legislation." However, as the

¹¹ Jesús Ceberio and Ignacio Cembrero, "Se ha restablecido el respeto mutuo entre España y Marruecos", in *El País*, 16 January 2005, http://elpais.com/diario/2005/01/16/internacional/1105830001_850215.html.

¹² The law which deals officially with the "Entry and stay of foreigners into the Kingdom of Morocco, irregular emigration and immigration" was adopted unanimously on 22 May 2003 by the Moroccan Parliament, a few days after the first terrorist attacks in Casablanca which occurred on 16 May, killing 45 people. See *Law 02-03* (Morocco Official Bulletin No. 5162 of 20 November 2003), <http://www.refworld.org/docid/3ae6b4ed5c.html>. See also Khadija Elmadmad, "La nouvelle loi marocaine du 11 novembre 2003 relative à l'entrée et au séjour des étrangers au maroc, et à l'émigration et l'immigration irrégulières", in *CARIM Analytic and Synthetic Notes*, No. 2004/01 (2004), <http://hdl.handle.net/1814/11690>.

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law does not respond to any internal logic, it may be considered in particular as a Moroccan-European co-sovereignty law inasmuch as it falls primarily within the will of the EU to protect itself from illegal migration bound from one of its major passage points towards Europe.

This law marked a turning point in Morocco's management of migration, especially irregular migration, and particularly from sub-Saharan Africa. Another reason for its being initially termed "emergency legislation" was the regional and international geopolitical context in which it was tabled for discussion and the expeditiousness which marked its adoption, all occurring in the same month of January 2003, in the Government Council and then in the Ministers' Council.

It represents in particular an update of penal sanctions, most of which date back to the colonial era, and registers a marked repressive turn in regard to human trafficking networks. In that sense, article 50 of the Law 02-03 applies to illegal emigration from Morocco and provides for fines of DH 3,000 to 10,000, imprisonment terms of one month to six months or one of these two sanctions against any person who illegally leaves Moroccan land, sea or air borders, notwithstanding the relevant provisions of the Penal Code.

The new law provides also for "waiting areas" at ports and airports where rejected aliens are kept pending their expulsion (Art. 38). It also deals with the expulsion clause in its Article 25 which stipulates that expulsion may be pronounced by the administration if the presence of a foreigner on the Moroccan territory constitutes a serious threat for public order. It is pronounced against the foreigner by Decision of the General Director of the National Police and notified to the foreigner by a police or gendarmerie officer, with a grace deadline to leave the territory. It may be executed ex-officio by the administration (Art. 28).

Article 26 of the same law, however, enumerates a long list of eight categories of foreign people who cannot be subject to expulsion measures, among which one can note female foreigners who are pregnant and minors.¹³ But these provisions, based on a sort of human rights approach, may be cancelled by those of Article 27 which provides for expulsion in cases of "pressing necessity for public security."

¹³ According to a dispatch of the AFP French news agency released on 1 February 2005, the Moroccan police arrested (the same day) in Rabat 190 prospective illegal emigrants, including a group of 50 women comprising a Beninese national who was five months pregnant and two children below 3 years of age. All 190 emigrants were taken to Oujda and sent back beyond the Moroccan-Algerian border. See Mehdi Lalhou, "Les migrations irrégulières entre le Maghreb et l'Union européenne: évolutions récentes", in *CARIM Research Reports*, No. 2005/03 (2005), p. 26, <http://hdl.handle.net/1814/6278>.

1.3 Institutional framework

In between the discussion of what will become Law 02-03, its promulgation and the above interview of King Mohammed VI with *El País*, the Moroccan authorities have established an institutional and operational framework which they deemed able to strengthen their initiatives in the area of migration and to meet in a better way the interests of the country's new special partnership with the EU and its improved relations with Spain.

At the institutional level, the establishment in November 2003 of the Directorate of Migration and Border Surveillance (DMBS)¹⁴ and the Migration Observatory was aimed, according to the Moroccan public authorities, at "rationalising the working methods, sharpening analysis tools and optimising the deployment of operational surveillance units at the infiltration points of illegal migrants,"¹⁵ as well as federating the reflection of all the parties concerned with the migration problematic. In this sense, the fight against illegal migration in Morocco benefited from a genuine impulse on the part of the king for whom "fighting human trafficking networks must be considered a priority in government action."¹⁶

At government level, the operational application of the migration policy depends directly on the Ministry of the Interior. The Ministry for Foreign Affairs seems to have only a minor advisory role, and the Ministry of Justice is seldom involved.

The efforts undertaken by Moroccan authorities to meet European expectations in terms of reducing the number of migrants from Morocco to Europe seemed to have borne fruit by the end of 2005 (as shown in Table 1). This is probably also due to the entry into force of the SIVE – the control system that Spain established since 2002 in the southern Iberian peninsula and then off the Canary Islands, close to Morocco but also to Mauritania and Senegal – and the means implemented by the Frontex agency, established in October 2004, to help protect the external borders in the southern part of Europe.

Thus, Morocco settled into a position of relative comfort compared with previous years, with a decreasing number of migrants (as indicated above) since 2005, announcing a new migration period.

¹⁴ Since 2003, the DMBS which depends closely on the Ministry of the Interior is the institution officially responsible for the fight against the irregular emigration and immigration. However, this institution does not have special forces of police. Those are mobilised, where necessary, within the lawful forces.

¹⁵ "7.000 hommes pour lutter contre l'émigration clandestine", in *Le Matin*, 14 June 2005, <http://www.casafree.com/modules/news/article.php?storyid=2489>.

¹⁶ On 10 November 2003 the king chaired a meeting devoted to migration and border surveillance. See "SM le Roi Mohammed VI préside une séance de travail consacrée à la question de la migration et de la surveillance des frontières", in *AtlasVista Maroc*, 11 November 2003, <http://www.avmaroc.com/actualite/roi-mohammed-a6019.html>.

Table 1 | Evolution of the irregular migration from Morocco, 2000-2011

Years	Moroccans	Foreigners	Total
2000	9,353	15,056	24,409
2001	13,327	13,100	26,427
2002	16,034	15,363	31,397
2003	12,493	23,851	36,344
2004	9,353	17,252	26,605
2005	7,914	21,894	29,808
2006	7,091	9,469	16,560
2007	6,619	7,830	14,449
2008	4,651	8,735	13,386
2009	2,672	7,531	10,203
2010	Nd	10,223	10,223
2011	Nd	12,929	12,929

Source: Moroccan Ministry of the Interior cited in APDHA 2010.¹⁷

Note: For Moroccans' irregular migration in 2009, see ETF 2009.¹⁸ For foreigners' irregular migration in 2009-2011, see OHCHR 2012.¹⁹

2. Moroccan migration policy, second period: lower migration pressure

The year 2006 seems to have constituted a crucial moment between two periods and two countries, Morocco and Spain. Table 2 shows for that year a transfer of migration corridors towards the south, more close to Sahelian space, more particularly between Mauritania (until the month of June 2006) then Senegal (as from the summer of the same year), and the Canary Islands. Such a transfer constituted a continuation of the events that had taken place following violent attempts carried out by hundreds of migrants to access Spanish enclaves of Ceuta and Melilla, north of Morocco, during the autumn 2005 and which had then led to a quasi-total looping of the barriers bordering these same towns.²⁰

The strong reduction in irregular migration from Morocco from 2005 and the shift in 2006 of migration routes further south of its borders – to Mauritania and Senegal

¹⁷ Asociación Pro Derechos Humanos de Andalucía (APDHA), *Human Rights on the Southern Frontier 2009*, Sevilla, APDHA, June 2010, p. 28, http://www.apdha.org/webanterior/media/InformeFS2009_eng.pdf.

¹⁸ European Training Foundation (ETF), *Migration et compétences au Maroc. Résultats de l'enquête 2011-12 sur la migration et le lien entre compétences, migration et développement*, Turin, ETF, 2013, p. 16, http://www.etf.europa.eu/web.nsf/pages/Migration_and_skills_Morocco.

¹⁹ UN Office of the High Commissioner for Human Rights (OHCHR) Committee on Migrant Workers (CMW), *Consideration of reports submitted by States parties under article 73 of the Convention. Initial reports of States parties due in 2004: Morocco* (CMW/C/MAR/1), 1 November 2012, p. 60, <http://undocs.org/CMW/C/MAR/1>.

²⁰ The two lines of barbed wire which skirted the two cities had in particular been raised by October 2005 of 3 meters to reach a total height of 9 meters. They had been separated then from Morocco by trenches, returning the whole of the insuperable border.

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more specifically – implies that Moroccan migration policy and the country's active partnership with Spain made transit through its territory extremely difficult, whether through the Mediterranean Sea or the South Atlantic Moroccan waters.

Table 2 | Immigrants arrested on arrival in Spain (southern & maritime borders), 2001-2014

Years	Canary Islands	Balearic Islands	Ceuta & Melilla	Total
2001	4,105	14,412	4,969	23,486
2002	9,875	6,795	Nd	16,670
2003	9,388	9,788	Nd	19,176
2004	8,426	7,249	Nd	15,675
2005	4,715	7,066	5,566	17,347
2006	31,678	7,502	2,000	41,180
2007	12,478	5,578	1,553	19,609
2008	9,181	4,243	1,210	14,634
2009	2,246	5,039	1,108	8,393
2010	196	3,436	1,567	5,199
2011	340	5,101	3,343	8,784
2012	173	3,631	2,841	6,645
2013	196	3,041	4,235*	7,472
2014	296	4,256	7,485*	12,037

Source: Spanish Ministry of the Interiors.²¹

Note: *From Syria: 2013 = 273; 2014 = 3,305.

Based on these elements, it seems that Morocco – which was accused at the end of 2005 by civil society in Morocco and Europe and some part of the press in sub-Saharan Africa, to have opted for a migration policy totally and recklessly out of kilter with the European policy “of outsourcing the management of migration flows”²² – gradually improved its political and diplomatic position on the issue through a series of approaches including, *inter alia*:

- The involvement during the autumn of 2005 of the ambassadors of some African countries with many of the migrants being returned to their areas of origin in decisions and procedures related to their citizens. This includes particularly Senegal and Mali. The ambassadors of these two countries have subsequently been constantly consulted in the case of new operations of

²¹ Spanish Ministry of the Interiors, *Balance de la lucha contra la inmigración ilegal*, various years, <http://www.interior.gob.es/prensa/balances-e-informes/balances-e-informes>. For 2001-2008 data, see also APDHA, *Human Rights on the Southern Frontier 2009*, cit., p. 8.

²² Morocco had then been shown to be become the “gendarme of Europe in Africa”, as it, 1) adopted a law (Law 02-03) on the foreigners regarded as being of European inspiration; 2) mobilised security forces made up of several thousands of people to protect its borders and those of Spain from flows of irregular migrants coming from Africa; 3) transferred to their countries of origin, during the autumn 2005, several thousands of irregular migrants, at the request of the Spanish authorities. See Mehdi Lahlou, “De la ‘directive retour’ au ‘pacte sur l’immigration’, la forteresse Europe se construit face au Sud”, in *Recueil Alexandries, Collections Reflets*, octobre 2008, <http://www.reseau-terra.eu/article834.html>.

- repatriation of migrants “voluntarily returning to their homes” with the support of the International Office of Migration (IOM).
- The increasing visits of the king of Morocco to some African countries of origin of migrants, including Niger and Senegal.²³ One of the most important visits was the one made in February 2006 to Gambia, Congo and the DRC to convince those countries to take on board the idea already launched in Rabat and Madrid of a Euro-African governmental meeting on migration to be planned in 2006.²⁴
 - The political and diplomatic involvement of the Algerian authorities, which, after having argued for a long time that they were not concerned by migration transiting through Morocco, begun to strengthen as of the end of November/early December 2005 the checkpoints along their borders with Mali and Niger and send back several hundred sub-Saharan migrants to their countries of origin. An article published on 5 December 2005 stated that “the Algerian authorities launched a vast operation of deportation aiming several hundred of illegal African immigrants settled in a region nearby the Moroccan borders. This operation, which was launched on December 3 in the evening, applies to illegal immigrants who were living in inhumane conditions on the shores of Oued Jorgi in the Daïra of Maghnia. This *no man's land* hurriedly established at the end of the Nineties at the Algerian-Moroccan hosted some 2,500 illegal sub-Saharan migrants according to the authorities (Algerian).”²⁵
 - A slight improvement in the conditions of treatment and transportation of migrants returned to their countries of origin, especially after the huge mistake committed by the Moroccan authorities when trying to expel through the desert more than 700 migrants arrested in September/October 2005 on the borders of Ceuta and Melilla.
 - At the same time, an attempt to better explain the new Moroccan official policy on irregular migration, especially through authorities directly in charge of implementing this policy on the ground.
 - Relations between the Moroccan Government and the local representative of the High Commissioner for Refugees seem to have improved and reached a non-explicitly stated agreement according to which UNHCR would act with all available means to ensure that migrants residing in Morocco – that is, those prevented from crossing over to Europe – would benefit from some formal warranties, and the Moroccan authorities would act so as to ensure the number of migrants accepted on its territory (in the framework of a tacit sharing of

²³ According to statement given by Senegal's ambassador in Rabat, to *Aujourd'hui le Maroc* on 28 October 2005, “The repatriation of Senegalese took place in excellent conditions. With the support of Morocco, which chartered a plane especially for this purpose, we organised the voluntary return of a total of 1,021 Senegalese. About 60 Senegalese remain grouped in Nador and we are currently organising their repatriation in relation with the Moroccan authorities.” See “Il faut un plan Marshall pour l'Afrique!”, selon l'ambassadeur du Sénégal au Maroc”, in *Aujourd'hui le Maroc*, 28 October 2005, http://www.avomm.com/_a101.html.

²⁴ Zakariya Tanjaoui, “Moroccan King tours Africa to give new impetus to South-South cooperation”, in *Middle East Online*, 14 March 2013, <http://www.middle-east-online.com/english/?id=57531>.

²⁵ APS, “Algérie: des centaines d'immigrés clandestins en cours de reconduite à la frontière”, in *AgenceNews*, 5 December 2005, http://fusion.editions-genex.com/articles/20051205142403/algerie_des_centaines_dimmigres_clandestins_cours_reconduite_frontiere.html.

responsibilities for the migration "burden" between EU countries and all North-African countries) does not exceed a given "threshold." This implies tighter border control and the possibility to proceed sporadically to huge expulsion operations.

- A stronger rapprochement with Spain, France and the European Union in general, explaining in particular that Morocco was/is "victim of its geographical position" and that the migrants were only on its territory on their way to Europe. This resulted, in particular, in a significant convergence of views between Moroccan and Spanish officials, whose common interests *vis-à-vis* the EU, Algeria and sub-Saharan countries of departure were increasingly emphasised – at least more than before the attempts to force passage to the cities of Ceuta and Melilla in autumn 2005 and even more compared to the climate of animosity prevailing in the relationships between Morocco and Spain, especially between the summer of 2001 and the end of 2002.

3. Moroccan migration policy, third step: managing economic crisis and "Arab spring" effects, under human rights pressure

As indicated in Figure 1, the number of irregular migrants using the western Mediterranean route, including Morocco with its two sea coasts, increased to 7,842 in 2014 from only 5,003 in 2010. But the 2014 figure is still well below the figures reached between 2001 and 2005, even if the total number of irregular migrants which arrived to Europe in 2014 has almost tripled by comparison with 2013, increasing from 107,365 to 283,532.²⁶

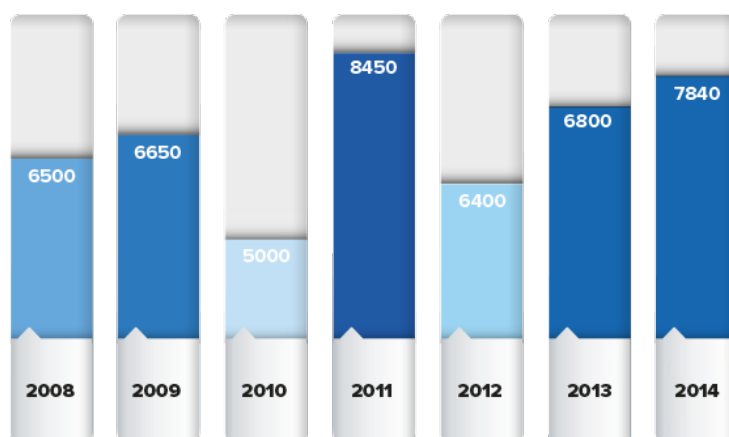
That means that the controls all along the Moroccan borders are still rigorous, confirming the "will" of Morocco to continue to adapt its migration policy to that of Europe. This will has been reinforced by the "advanced status" granted by the EU to Morocco on October 2008 as by the "mobility partnership" linking Moroccans to Europeans since April 2013, even if the final targets of this partnership are not yet clear.²⁷

²⁶ In April 2015, Frontex published figures of illegal immigration in Europe for the year 2014. According to its data, the number of illegal immigrants in the EU almost tripled in 2014 compared with the previous year, an increase of 164 percent. The first migration route remains the sea. Over 170,000 irregular migrants arrived in Italy and more than 50,000 in Greece. See Frontex, *Annual Risk Analysis 2015*, cit., p. 12 and 19.

²⁷ On 13 October 2008, Morocco became the first country in the southern Mediterranean region to be granted advanced status, marking a new phase of privileged relations. "The Advanced Status is reflected in the willingness to strengthen political dialogue, cooperation in the economic, social, parliamentary, judicial and security fields and in different sectors, namely agriculture, transportation, energy and environment. It also aims at the progressive integration of Morocco into the EU single market as well as at increasing legislative and regulatory convergence. Financial cooperation plays an essential support role in the success of this special relationship". See the European Commission webpage on *International Cooperation and Development: Morocco*, http://ec.europa.eu/europeaid/countries/morocco_en.

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Figure 1 | Illegal border crossings on the western Mediterranean route (sea and land)



Source: Frontex webpage on *Western Mediterranean route*, <http://frontex.europa.eu/trends-and-routes/western-mediterranean-route>.

This agreement has four global objectives. One is “to manage the movement of persons for short periods and legal and labour migration more effectively, taking into account, with regard to the latter, the labour market of the signatories” and “to combat illegal immigration, networks involved in the trafficking and smuggling of human beings, and to promote an effective return and readmission policy while respecting fundamental rights, the relevant legislation and ensuring the dignity of the people concerned.”²⁸ Neither Moroccans nor Europeans are yet completely satisfied with its application, however. The Moroccans because they estimate that the conditions for obtaining the visas for the Schengen space to which they are subjected are still too restrictive; the Europeans, because, after 16 rounds of negotiation, they have not yet obtained from Moroccans the “readmission agreement” they have been requesting for years.²⁹

With this in mind, and probably as a reaction to a BBC documentary broadcast on 4 September 2013, where Morocco was accused of “human rights breaches over migrants,”³⁰ on 10 September 2013 king Mohamed VI held a meeting with his Minister of Home Affairs and some human rights representatives (among the National Council of Human Rights – CNDH) to initiate a new “migration and

²⁸ Council of the European Union, *Joint declaration establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and its Member States* (ST 6139 2013 ADD 1 REV 3), 3 June 2013, p. 4, <http://data.consilium.europa.eu/doc/document/ST-6139-2013-ADD-1-REV-3/en/pdf>.

²⁹ Moroccans no doubt consider that it is one of the last cards which remains in their hands in their global negotiations with Europe. Another consideration is that it is the sort of agreement which would be very expensive for them financially and politically to implement.

³⁰ Paul Mason, “Morocco accused of human rights breaches over migrants”, in *BBC News*, 4 September 2013, <http://www.bbc.com/news/business-23959892>.

asylum policy" for foreign residents in the kingdom, especially illegal migrants.³¹ This announcement was regarded as another turning point in Morocco's human rights approach to irregular immigrants, mainly sub-Saharan from countries like Mali, Senegal, Niger, Nigeria, Côte d'Ivoire and Guinea, but also refugees from Libya and Syria. The new migration policy was to comprise three main elements:

1. an exceptional regularisation activity for immigrants, carried out in 2014 (this operation was to benefit nearly 45,000 migrants);
2. larger powers to be given to the UNHCR to grant the right of asylum to a more significant number of asylum-seekers in Morocco;
3. new laws allowing a better integration of migrants and asylum-seekers into social life in Morocco, as well as a more marked fight against human trafficking.

By the end of 2014 – the final date of the exceptional regularisation operation – the number of the validated requests for regularisation reached 17,916 out of a total of 27,332³² – that is to say a 65 percent rate of satisfaction and just over a third of the 45,000 regularisation announced as a target of the operation.

Concerning asylum, the UNHCR has recognised relatively few refugees in Morocco. There were 643 UNHCR-recognised refugees among 2,937 asylum-seekers with pending cases.³³

Concerning the other objectives of the "new initiative," the Ministry in Charge of the Moroccans Living Abroad and Migration Affairs worked out, only at the end of 2014, a "National Strategy on Immigration and Asylum." Such a strategy, adopted by a Government Council held in December 2014, has as its vision to ensure a better integration of the immigrants and a better management of the migration flux within the framework of a "coherent, overall, humanistic and responsible policy."³⁴ This strategic vision is founded on three main objectives:

- to facilitate the integration of the new regularised immigrants;
- to set up and to raise an adapted institutional and regulation framework;
- to manage the migration flux in respect of human rights.

The same Ministry announced three projects of law relative to asylum, immigration and the fight against human trafficking were elaborated under the coordination of

³¹ Even if official spokesmen and public media attached this initiative to a report on the issue of irregular migration published by the CNDH, some observers were to link this initiative to the BBC documentary.

³² See the Rabat Process webpage *Towards a new Moroccan immigration policy*, <http://www.processusderabat.net/web/index.php/news-and-events/towards-a-new-moroccan-immigration-policy>.

³³ UNHCR, *Morocco Factsheet*, 1 April 2015, <http://www.unhcr.org/4c907df39.pdf>. See also Human Rights Watch, *Abused and Expelled. Ill-Treatment of Sub-Saharan African Migrants in Morocco*, 10 February 2014, p. 48, <http://www.hrw.org/node/122527/section/10>.

³⁴ See *Conseil de gouvernement du jeudi 18 décembre 2014*, <http://www.maroc.ma/fr/actualites/conseil-de-gouvernement-du-jeudi-18-decembre-2014>.

the Interdepartmental Delegation to the Human rights.³⁵ But no one knows exactly (at the end of March 2015) what these projects of law contain or when they will be discussed by the government or when they could be presented to Parliament.

Conclusion

The year 2010 was remembered by a net decrease in irregular migration, in the east, the south and in the western Mediterranean. This decrease, attested to in particular by the data published by Frontex, is largely the result of reinforced border controls across the whole of the Mediterranean area, of greater involvement of the Maghreb countries in those controls and also of the opening to a significant degree of other migration corridors along the eastern coast of Africa.

The events related to the Arab spring, marked by numerous changes to policy and security plans, produced – *inter alia* – a certain movement along the borders of countries like Tunisia, Libya and Egypt, and caused a strong exodus of sub-Saharan migrants from Libya as well as the departure of several hundreds of thousands people following the outbreak of civil war in Syria.

According to Frontex, the third quarter of 2013 “saw a massive upswing in irregular migrants arrivals in the Central Mediterranean. This, combined with sustained detections in the Ionian and Eastern Aegean Seas, meant there were more detections of illegal border-crossing at the EU maritime borders than during the height of the 2011 ‘Arab Spring’.”³⁶

This report is confirmed by the fact that the most serious migrant ship wrecks in the Mediterranean took place between the summer and the autumn 2013, whereas Morocco, affected only marginally by the Arab spring, recorded more migrant arrivals and departures of migrants between 2012 and 2013 (from sub-Saharan countries, particularly) than between 2008 and 2010.

This seems to confirm that as long as are countries in deep economic and social crisis, or where national and international conflicts are rife, or where natural disasters have taken place which will oblige African or Arab populations to seek a better life outside (in Europe, for example), the problem of irregular migration will continue.

This also confirms that even if countries like Morocco, operating at the edges of the EU, do all they can, collaborating with European migration policy, that will not be enough to reduce irregular migration to the EU without the global adoption of a

³⁵ Ibid.

³⁶ Frontex, *Irregular Arrivals Were at Record High in the Third Quarter of 2013*, 31 January 2014, <http://frontex.europa.eu/news/irregular-arrivals-were-at-record-high-in-the-third-quarter-of-2013-qZCQJR>.

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new approach to security, financial, economic and social conditions in departure and transit countries.

Thus, migration management to, in and from the Maghreb needs to be conducted as part of a coherent and multilateral approach. In this context, Moroccan migration policy must be conducted in partnership with sub-Saharan countries of departure, including when it is a question of signing readmission agreements with countries whose citizens can neither pass to Europe nor profit from conditions of legal stay in Morocco.

Moreover, without Moroccan-Algerian co-operation, Morocco's eastern border will remain a strain, even if the two countries complete the "walls of protection" which they decided to set up between their respective territories. One must also bear in mind the sensitive borders that Algeria shares with Niger and Mali, since it is likely that a migration node is tied there which relates to Sahelian and Euro-Mediterranean spaces.

Europe should not leave the Italians alone to deal with irregular migration from Libya and Tunisia, nor should it leave Spain and Morocco alone in dealing with irregular migration from Africa. Today it is more necessary than ever before – given the security situation in the Maghreb, in many areas in Africa and the state of poverty which is still very high in many sub-Saharan countries – that the European Union, along with the USA, Canada, China, Japan, the Gulf states and other countries should join forces to prevent Africa from becoming a continent that most young people want to flee from, whatever the conditions.

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