

EMIGRATION, TRANSIT AND HOST COUNTRY

MIGRATION IN MOROCCO

Helmut Reifeld

In Morocco too, various forms of migration have been a “normal” part of social history for centuries. They primarily reflect the human survival instinct, due to which “homo migrans” has evolved to be dynamic, adaptable and creative. As has been the case in the past, migration can still be both the consequence and the cause of changing living conditions. It is therefore also always an indicator of political, economic, social or environmental changes, which prompt people to seek new opportunities or even just the chance to survive elsewhere.

Morocco is one of the countries that have been very strongly affected by inward, outward and transit migration. The two main directions of travel are north to south and vice versa. People’s journeys begin and end in many places in Africa as well as Europe. Only during certain phases were the migratory movements directed almost exclusively towards the north; these phases were always followed by waves in the opposite direction. Morocco has been a host country not only for people from Spain and France but also for many other Europeans for centuries. It is estimated that the population of the Maghreb has included 15 per cent of people of European descent from long before the colonial era. Constant immigration of tens of thousands of mostly impoverished southern Europeans has been an everyday phenomenon in Northern Africa.¹ As regards Germany,



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1 | Excellent on this topic: Julia A. Clany-Smith, *Mediterraneans. North-Africa and Europe in the Age of Migration 1800 – 1900*, Berkeley, 2012. On the historic “normality” of migration in Europe, Asia and Africa: Michael H. Fisher, *Migration: A World History*, Oxford, 2014.

there were probably more Germans living in Morocco at the beginning of the 20th century than vice versa.²

Neither the Mediterranean nor the Sahara has ever proved an insurmountable obstacle for these migratory movements. For people from the Sahel, but also from areas further south, there have always been many routes north through the Sahara towards the Mediterranean coast and from there possibly onwards to the European coasts. As certain routes have become less safe or more strictly controlled, others have become all the more attractive. Some routes that were known to nomads or slave traders in the past are being rediscovered by people smugglers and human traffickers. As Libya, the Sinai and the Middle East are becoming less safe, people are turning their eyes towards the Maghreb. As a country forming a link between North Africa and Europe, Morocco remains a center of various migratory movements.

MOROCCANS IN EUROPE

Throughout the 20th century, Morocco was one of the most important countries from which people emigrated to Europe. Most of them were drawn to France and the francophone Benelux countries, but others went to Spain, and a few highly skilled people even to the USA or Canada.³ Approximately one-tenth of the Moroccan population has temporarily or regularly worked abroad. Money transfers back to Morocco have been and still are of great significance to the Moroccan economy. One section of the population that demonstrated great mobility through the centuries is that of the Moroccan Jews, who frequently acted as middlemen in trans-Saharan trade while maintaining their own establishments in Gibraltar, Marseilles and London. This trade also entailed frequent large-scale migratory movements, which did not come to an end until World War II. After the State of Israel was founded in 1948, almost all 250,000 Jews who had lived in Morocco until that time emigrated to Israel.

2 | On the presence of German people in Morocco see Gunter Mai, *Die Marokko-Deutschen 1873-1918*, Göttingen, 2014.

3 | On the topic generally see: Hein de Haas, "Focus Migration. Länderprofil Marokko", HWWI Hamburg, 2009, http://hwwi.org/uploads/tx_wilpubdb/LP_16_Marokko_01.pdf (accessed 14 Jan 2015).

The French colonisation of Algeria from 1830 triggered a particularly strong surge in migration as it produced a significant rise in the demand for labour, resulting in continuous shuttle migration until the Algerian War (1954 to 1962). During both World Wars, France was suffering from massive labour shortages, resulting in the recruitment of large numbers of foreign workers, mainly from Algeria and Morocco. Some 126,000 of the Moroccan men who remained in France served in the French Army during World War II and in the wars in Korea and Indochina.⁴ The 1973 oil crisis put a sudden stop to this trend, not only drastically reducing further immigration from Morocco, but also, most importantly, leaving those who had already gained a foothold on the safe side: in Europe. While the recruitment stop did end the circular migration, it simultaneously resulted in an increase in permanent immigration, because from that time onwards there was a clear increase in demands for family reunification as well as in the citizenship applications this entailed.



Serving France: Moroccans were recruited into the French army, both during the two World Wars as well as the Indochina War. Here a picture of a Goumier in World War II. | Source: Unknown © in: Peter Caddick-Adams/Monte Cassino, *Ten Armies in Hell*, Oxford University Press, 2013.

4 | Cf. *ibid.*, p. 2.

The introduction of the visa requirement in Italy and Spain further hampered the opportunities for Moroccans to find work in Europe.

This development could be seen taking place simultaneously in many European countries, and the previous fixation on France belonged to the past. It was above all the introduction of the visa requirement in Italy and Spain in 1990 and 1991 respectively that further hampered the opportunities for Moroccans in particular to find temporary or long-term work in Europe. Irregular entry now turned into an obvious alternative for Moroccans as well for the first time. Particularly in Italy and Spain, the continuing demand for unskilled workers on the irregular labour markets produced a surge in illegal entry. Once Algeria had taken the unilateral decision to close its border with Morocco once again in 1994, migration from Morocco to Europe experienced a further rise, and Germany also became increasingly attractive as a destination country.

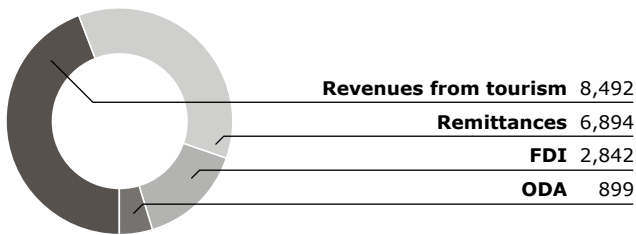
Morocco has been making special efforts for decades to keep tabs on its citizens living abroad. Their number is estimated to be around five million and they have been referred to officially as *Marocains résidents à l'étranger* (MRE), although the designation *Marocains du Monde* has been gaining popularity of late. The fact that they are and remain Moroccan is a fundamental part of the Moroccan self-image and of the identity of the Cherifian Kingdom that goes back over 1,000 years. In 1990, a special government department was even established to cover MRE affairs, and according to article 163 of the new 2011 constitution, the tasks involved were assigned to the *Conseil de la communauté marocaine à l'étranger*. Significantly, this council forms part of the group of institutions that are tasked to guarantee the enforcement of human rights. Its remit is not only to keep the MRE informed about political developments in Morocco, but to strengthen their feeling of national identity as well.

There are two main reasons why Morocco denies the MRE the possibility of relinquishing their Moroccan citizenship. First, there are the extensive money transfers made by the MRE back to Morocco, which have always played a key economic role. For decades, they exceeded income from tourism, and they still far exceed direct foreign investment or the income from development cooperation (see Fig. 1). Secondly, government leaders hope they can thereby

ensure the future return of the MRE. To this end, the government not only regularly sent information and performed monitoring, it also dispatched teachers to provide Arabic and Koran lessons. The MRE are not allowed to join trade unions or political parties nor integrate in any other way. The hope is that this will prevent them from becoming an external factor influencing Moroccan politics and thereby effectively turning into a type of “opposition” operating from outside.

Fig. 1

Ratio of remittances, FDI, revenue from tourism and ODA in 2012 (million U.S. dollars)



Sources: The World Bank, <http://data.worldbank.org/indicator/ST.INT.RCPT.CD> (accessed 18 Feb 2015); The World Bank, “Bilateral Remittance Matrix”, 2012; The World Bank, <http://data.worldbank.org/indicator/BX.KLT.DINV.CD.WD> (accessed 18 Feb 2015); OECD, <http://stats.oecd.org/Index.aspx?datasetcode=TABLE2A> (accessed 18 Feb 2015).

This policy has elicited criticism from many EU countries for some time as it is counter to their efforts to foster integration. The Netherlands in particular has been reluctant early on to integrate teachers sent from Morocco into their education system and to even allow these imams to enter the country. In 2005, the Dutch government put forward a request for the MRE living in the Netherlands to be allowed to relinquish their Moroccan citizenship, at least those of the third generation; but Rabat rejected this request.⁵ This strict and illiberal application of citizenship legislation, based on the principle of descent, is of central significance to the Moroccan understanding of state legitimacy. Be it with or without dual nationality, Morocco is one of the most important countries of origin for many EU states. Not only do Moroccans form the largest group of migrants from Africa, they are also the national group that

is most widely dispersed in Europe. They also represent the second-largest group from non-EU countries after migrants from Turkey.

Table 1
Moroccan migrants worldwide

Country	Number of Moroccan migrants	Country	Number of Moroccan migrants
France	840,985	Tunisia	6,439
Spain	778,451	Denmark	6,420
Italy	475,783	Sweden	6,242
Israel	245,574	Norway	6,123
Belgium	172,682	Jordan	4,926
Germany	108,442	Senegal	3,194
USA	84,496	Others (Europe)*	7,221
Canada	45,465	Others (Asia and the Pacific)**	2,660
Saudi Arabia	20,584	Others (Latin America)***	1,439
United Kingdom	12,940	Others (Africa)****	2,927
Switzerland	10,580	Others (Total)	14,247

* Austria, Greece, Finland, Hungary, Ireland, Poland, Portugal, Slovakia, Czech Republic; ** Iraq, Philipines, Japan, New Zealand; *** Uruguay, Chile, Venezuela, Bolivia, Ecuador, Peru, Panama, Dominican Republic, Honduras, Mexico; **** Egypt, Central-African-Republic, Sudan, Mauritania.

Source: IOM, "World Migration Data", 2010, <http://iom.int/cms/en/sites/iom/home/about-migration/world-migration.html> (accessed 18 Feb 2015).

CEUTA, MELILLA AND TRANSIT MIGRATION

It was not until the late 1990s that Morocco, which had previously represented primarily a classic emigration country, developed into one of the most important transit countries. In the course of this development, the character of the migration underwent continuous change. Some impulses came from the civil wars and political unrest in many

Central African countries. Libya's anti-immigration policy also significantly contributed to pushing many migrants towards Morocco. Today, one of the most frequently travelled routes leads from Niger and Mali across

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Tamanrasset, one of the largest oases in southern Algeria, to the town of Maghnia in northern Algeria and from there illegally across the closed border to Oujda on the Moroccan side. Unless the migrants attempt to cross the Mediterranean directly by boat, they will then mainly be drawn to the two Spanish exclaves of Ceuta and Melilla as potential gateways to Europe.

The motivation of these migrants is complex. Most of them are young, male and single. They come from large families, have a good education, frequently even a degree, and often an idealised picture of Europe. Sylvia Bredeloup, who has been doing research on and analysing the motivation of the francophone migrants from Sub-Saharan Africa for many years, describes them primarily as "adventurers".⁶ They are escaping miserable life conditions, where they see no hope for their life chances to improve – be it primarily for economic or possibly also political reasons. While it is fraught with uncertainty, the possibility of migration offers them many potential opportunities to build a new life. In view of these prospects of a new start, the risks the venture entails represent part of the challenge of having to assert themselves anew every day and persevere. Earning money is not the prime objective but more a means to an end. In this scenario, where people feel they have little to lose, migration temporarily opens up a new sphere of freedom, combined with a new feeling of solidarity and the dream of one's own personal Eldorado – an "illusion biographique"⁷.

Against this backdrop, gaining sight of Ceuta or Melilla has a strongly energising effect. Since the EU created the visa-free Schengen Area and has stepped up its efforts to control its external borders ever more strictly, these two Spanish exclaves on the Moroccan Mediterranean coast

6 | Sylvie Bredeloup, *Migrations d'Aventures. Terrains Africains*, Comité des travaux historiques et scientifiques, Paris, 2014.

7 | Pierre Bourdieu, "L'illusion biographique", *Actes de la recherche en sciences sociales*, vol. 62, no. 62-63, 1986.

have turned into particularly attractive destinations for refugees and migrants. They effectively form the only land border that a North African country has with Europe. As twice the number of people head for Melilla than for Ceuta, the border there already comprises two, and in some areas three, fences a little over a meter apart. The two outer fences are six meters high, the middle one up to three meters. Morocco has promised the construction of a fourth outer fence behind a three-meter-deep ditch, work on which has already begun. The construction of this fence system has become a symbol of the "Citadel of Europe" since 2005.⁸ There are three ways for the migrants or refugees to try to enter Melilla despite the fortification: either cross the fence, go around it via the sea or use the official border crossing.



The exclaves Ceuta and Melilla can also be reached by sea, which the refugees in this picture succeeded to do. | Source: Asier Solana Bermejo, flickr ©①②.

8 | Cf. on this topic, for instance: Brot für die Welt/medico international/Stiftung PRO ASYL (eds.), *Im Schatten der Zitadelle. Der Einfluss des europäischen Migrationsregimes auf "Drittstaaten"*, Berlin/Frankfurt a.M., 2013, <http://medico.de/themen/menschenrechte/migration/dokumente/eu-migrationsregime-im-schatten-der-zitadelle/4567> (accessed 14 Jan 2015).

Crossing the Fence System

When choosing the first option, groups of migrants have been making attempts for years to cross the three fences simultaneously at irregular intervals, unexpectedly and in the largest possible numbers. In Melilla, those who succeed are generally accommodated in the CETI reception center.⁹ Those who fail will initially be busy tending to their injuries before preparing for another assault, possibly the very next day. The greater the number of people attempting simultaneously, the greater the chance of success for a few. The younger, stronger and more agile they are, the more likely they are to succeed.¹⁰ A sizable number have already paid with their lives. Far in excess of a thousand migrants are living in the woods and the hills around Melilla; some have been there for years. Only few are tolerated in Nador, the small Moroccan town located directly on the border.

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During the mass run ons over the last two years, an average 200 to 500 migrants a month succeeded in gaining “illegal entry” this way. The pressure on the border fortifications fluctuates. An attempt made in 2014 to strengthen the external fence with “anti-climb” metal mesh has proved ineffective. Many doubt that the recently started construction of an additional fence including a ditch by Morocco will reverse this trend; it is also doubtful whether the funds provided for this purpose by Madrid will be adequate. In any case, the extraordinary funding of ten million euros approved by Brussels is not intended exclusively for enhancing the border fortifications but also for the reception center and for the repatriation of migrants.

Most of the migrants who are captured either between the fences or directly after crossing the last fence are handed back through gates in the fence intended for this purpose to the Moroccan border guards, the Menahia, who “re-admit” them without any formal readmission application

9 | Centro de Estancia Temporal de Inmigrantes (CETI), which was originally designed to house 480 people, now houses up to 2,400 people after appropriate building measures.

10 | As reported by the head of the Guardia Civil in Melilla in a discussion with the author, the record for the fastest crossing of the fences caught on camera was a mere minute.

formalities. Some migrants hold out on top of the fence for hours in the hope that the Guardia Civil will eventually give up, which will improve their chances of making it to the other side. These standoffs frequently involve violent confrontations between the police and the immigrants as well as injuries. Although this way of entering Spanish territory is controversial in terms of legality, Madrid has declared it to be a form of “incomplete entry”.



The Moroccan border guards, the Menahia, are posted within sight of the fence system surrounding Melilla, in order to “readmit” refugees. | Source: © KAS Morocco.

In mid-December 2014, the Spanish parliament passed a law giving explicit permission to the Guardia Civil to deport “illegal immigrants” directly back to Morocco, as they have been doing in the past. This was meant to establish legal certainty for the Spanish police, particularly seeing that it is under constant scrutiny. Previously, the police frequently had to take action even without adequate legal authority, and there had been repeated expressions of public opinion stating that it was not proper to burden the police with this responsibility without legal backup. At the same time, one cannot fail to notice that the Spanish prefer to leave violent intervention to the Moroccan border guards. This goes particularly for preventative measures carried out in the camps near the border, the destruction of those camps as well as the removal of migrants and their expulsion into the no-man’s land of the Moroccan-Algerian border under

cover of darkness. By the time these same people are pushed back another 50 kilometers the next day at the latest, it must be clear to everybody that this situation is unacceptable under international law and particularly from a humanitarian point of view.

Those migrants, on the other hand, who have succeeded in getting beyond the border fences, are in principle entitled to stay at the reception center. However, as this center is already hopelessly overcrowded and some people have lived there for years, 1,600 immigrants from Sub-Saharan countries as well as 700 Syrian refugees were taken directly to the Spanish mainland during the first six months of 2014, where they were then released with the instruction to leave the country.

Reaching the Exclaves by Sea

The second way to enter Ceuta or Melilla is by swimming or by boat. However, these attempts are frequently thwarted due to collaboration between the Guardia Civil and the Moroccan Navy as the boats or the swimmers are picked up before they reach Spanish territorial waters and are taken back to the Moroccan mainland.

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It has become virtually impossible to cross the Strait of Gibraltar directly or to cross to the Canary Islands in view of the effective monitoring of the Spanish maritime borders and the collaboration with the African countries of origin. Under these circumstances, many risk the journey across the Mediterranean particularly at times when they can assume they will be rescued by the Spanish. When over 2,000 migrants made such an attempt on 11 and 12 August 2014, almost all of them were successful in being picked up by Spanish sea rescue vessels and being taken to the Spanish mainland. On these two days, the Moroccan sea rescue forces were out of action. More than any other example, this incident illustrates the extent to which Spanish border security relies on Moroccan support.



British territory: Hardly any refugees are able to reach the peninsula of Gibraltar south of Spain due to effective monitoring of the maritime borders. | Source: IamRender, flickr ©110.

Beni-Enzar Border Crossing

The third and final opportunity of crossing the border illegally is provided by the main border crossing of Beni-Enzar. Attempts to pass this crossing directly have only proliferated relatively recently. After numerous migrants had succeeded in hiding away in cars or vans, the Guardia Civil started using pulse detectors; although these are very reliable in spotting “blind passengers”, they can only be used in cases of justified suspicion.

A much more promising opportunity – particularly for Syrian refugees – is offered by the groups of hundreds of Moroccans who use this border crossing on a daily basis and are not always subjected to strict checks. This goes back to the right to abode for the two exclaves that Spain granted to the inhabitants of the immediate neighbouring towns of Tetouan (near Ceuta) and Nador (near Melilla) in 1868. Since then, the proportion of inhabitants of Moroccan descent among the inhabitants has risen to 38 per cent in Ceuta and to 43 per cent in Melilla. An Additional Protocol to the Schengen Agreement stipulates that no visas for

the European mainland will be issued to these Moroccans.¹¹ While the two exclaves represent a legacy of the colonial past from a Moroccan perspective, this arrangement does offer many jobs and trading opportunities – including illegal ones.¹²

That said, this way of crossing the border without a visa has turned into a special opportunity for the Syrian refugees, whose numbers have increased steadily since the autumn of 2013. As they are not easily distinguished from the Moroccans – unlike the migrants from Sub-Saharan Africa – they try to blend in among the commuters and porters, who pass through the border crossings in the hundreds, in the early hours of the morning. This ploy tends to be successful when the migrants have a stolen or superficially forged passport, and it occasionally even works without an ID. If they make it to the reception center, they can immediately apply for refugee status.

SECURITY INTERESTS VERSUS HUMAN RIGHTS

The pressure on Ceuta and Melilla from transit migrants from Sub-Saharan Africa has increased continuously since around 2000. In 2013, the number of illegal entries stood at just under 5,000; during the first six months of 2014, the figure had already risen to 4,176. According to the Moroccan Ministry of the Interior, there are currently between 35,000 and 40,000 irregular transit migrants present in the two exclaves, looking for a way to cross over into Europe.¹³ The country has thereby unintentionally

11 | Cf. "The Schengen acquis – Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen on 19 June 1990, to which the Italian Republic acceded by the Agreement signed at Paris on 27 November 1990", *Official Journal of the European Communities*, vol. 43, L 239, 22 Sep 2000, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2000:239:TOC> (accessed 21 Jan 2014).

12 | Cf. Xavier Ferrer-Gallardo/Ana Planet-Contreras, "Ceuta and Melilla: Euro-African Borderscapes", *Agora Magazine*, Apr 2012, <http://agora-magazine.nl/wp-content/uploads/2012/10/2012-4-EuroAfrican-Borderscapes.pdf> (accessed 14 Jan 2015).

13 | On this topic see: "Immigration. C'est maintenant ou jamais", *Telquel*, no. 634, 9/2014, pp. 23-29.

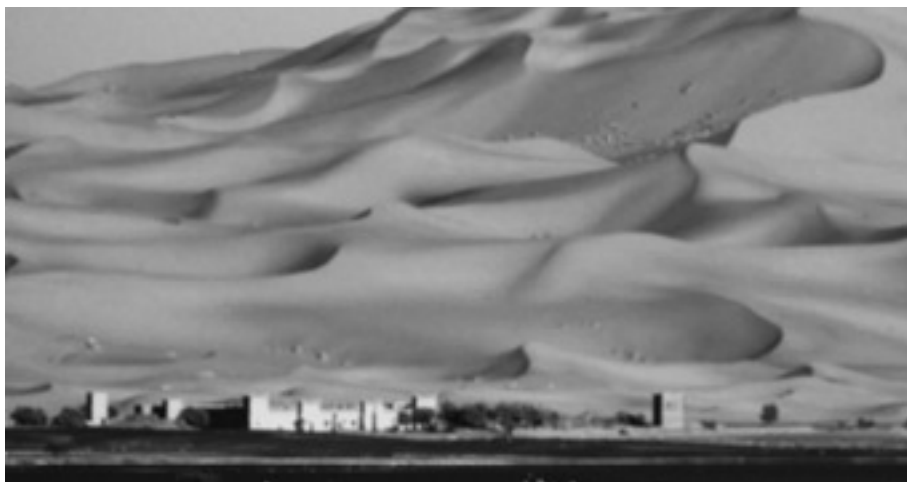
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turned into a host country for transit migrants staying for an indeterminate period. However, the living conditions of these migrants in the vicinity of the two exclaves do not only create major legal and particularly human rights problems for Morocco. They illustrate that the situation as a whole does not predominantly represent a security issue but a humanitarian one. Not only do these people suffer acute hardship; they are excluded and exploited, harassed and frequently ill-treated. Many sides carry responsibility for the situation. Although international and Moroccan human rights organisations are working on the ground with a great deal of commitment, there are limits to what they can do to ameliorate the situation. Since most EU countries drastically tightened their immigration laws in the 1990s, the criminalisation of irregular migrants has been on the increase.

By contrast with the Syrian refugees, it is difficult to determine in the case of the migrants from Sub-Saharan countries as to whether they fled from persecution and life-threatening circumstances. According to estimates, this may apply to half of them under strict application of the rules of the 1951 UN Refugee Convention. But there are no reliable figures. The Moroccan authorities therefore generally treat them as "economic migrants" heading for Europe. Although Morocco signed the Geneva Refugee Convention in 1951, it also deports asylum seekers as "illegal economic migrants". Even people with recognised refugee status have rarely been granted the opportunity of obtaining a residence permit.

The efforts of EU countries to secure their borders against illegal migration are imposing a great burden on non-EU countries such as Morocco. A number of individual studies produced by Bread for the World, medico international and Pro Asyl document the frequently inhumane conditions under which migrants and refugees try to survive in the southern neighbouring countries. The aid organisation Médecins Sans frontières (MSF, Doctors Without Borders) has presented a well-researched and documented study on this issue with special reference to the situation around

Melilla.¹⁴ In this study, the doctors from MSF draw on their extensive experience from years of providing medical assistance to the migrants and asking them questions in the process. The most important finding of the study is that the longer migrants have already stayed in Morocco, the greater their injuries and their traumas, their exclusion and discrimination. They are highly exposed to violence on a daily basis and often to open xenophobia and covert racism as well. Although cooperation between the Spanish and Moroccan police is very close, the rights of migrants and even of refugees are frequently ignored. Police activities regularly entail human rights violations, and health standards must also be described as dire. Over half of all illnesses were caused by these precarious living conditions.



Deportation into no-man's land: Many refugees that were deported to Morocco are abandoned in the desert. If the same person is picked up several times, authorities tend to release them deeper into the wilderness. | Source: Bachmont Fotografia, flickr ©.

The study focused specifically on the extent of physical abuse: over 90 per cent of the victims of violence were over 15. According to the survey, approximately 60 per cent of this abuse is meted out by the Moroccan security forces. 63

14 | Cf. Médecins sans Frontières, "Violence, Vulnerability and Migration: Trapped at the Gates of Europe. A report on the situation of sub-Saharan migrants in an irregular situation in Morocco", Mar 2013, <http://aerzte-ohne-grenzen.de/sites/germany/files/attachments/2013-03-trapped-at-the-gates-of-europe.pdf> (accessed 14 Jan 2015).

per cent of all respondents confirmed that they had been physically abused, in 92 per cent of cases knowingly and intentionally. Many suffer from long-term health problems, feel stigmatised and find themselves reduced to begging.

Women in particular, for whom the permanent threat of deportation is frequently more worrying than for men, are finding themselves subjected to a state of fatal dependence and live in constant fear. 94 per cent of the victims of physical abuse are female and six per cent male. Mortality among young mothers and infants is far above the Moroccan average. The woods in the Gourougou Mountains within sight of Melilla are almost exclusively inhabited by men, while the women try to find shelter in Nador. But there are no safe places for them there either, let alone opportunities for legal employment.

The woods in the Gourougou Mountains within sight of Melilla are almost exclusively inhabited by men, while the women try to find shelter in Nador.

Where nationality is concerned, 32 per cent of the victims came from the Democratic Republic of the Congo, 30 per cent from Nigeria, nine per cent from Cameroun and smaller percentages from other countries. When comparing these figures for victims to the figures about national origin, it is clear that migrants from Nigeria and from DR Congo become victims much more frequently than those from other countries as they make up only 16 per cent and, respectively, six per cent of overall migrant numbers. The relative numbers of victims among people from the francophone countries of Mali, Senegal and Ivory Coast (which are considered friendly) are significantly lower by comparison.¹⁵ As regards the practice of deportation, 68 per cent of respondents stated they had been expelled at least once into the no-man's land on the border to Algeria; 80 per cent of them more than once; 16 per cent over ten times (including pregnant women and infants). However, numbers decreased strongly in 2014 in view of national and international protests. Instead, people are increasingly being taken to the large cities of Casablanca, Rabat and

15 | Cf. *ibid.*, particularly p. 12 et seq. and 23 et seq. After this report had been published, the organisation MSF left Morocco by way of protest. Cf. Médecins sans Frontières, "Morocco: Sharp Increase in Violence Against Migrants", 14 Mar 2013, <http://doctorswithoutborders.org/news-stories/press-release/morocco-sharp-increase-violence-against-migrants> (accessed 14 Jan 2015).

Fes. It was the same objective that prompted the eviction of migrants from camps in the Gourougou woods around Melilla on 10 February 2015, when a total of 1,200 people, mainly women and children, were removed and brought to various locations in Morocco. The Ministry of the Interior justified this police action by stating that the catastrophic conditions within these encampments had made the evacuation imperative for humanitarian reasons.¹⁶ However, it is obvious, though, that the human misery and the human rights violations this entails are alarming. The extent of this conflict between the security aspects on the one hand and human rights on the other represents a new phenomenon in Morocco.



Low deterrence: The fence systems are operated at great material and personnel expenses. Still, it does not prevent refugees from crossing the barriers and reaching European soil. | Source: © KAS Morocco.

At the national borders of the two exclaves, the security interests of the EU and the aspirations of large numbers of migrants stand in seemingly irreconcilable contradiction. So far, the security interests have by no means proved to be gaining the upper hand. Many “improvements” to the design of the fence system have so far failed to fulfil

16 | Cf. “1.200 migrants subsahariens expulsés du camp de Gorougou près de Nador”, *HuffPost Maroc*, 12 Feb 2015, http://huffpostmaghreb.com/2015/02/12/immigration-clandestine_n_6667156.html (accessed 19 Feb 2015).

expectations. In many cases, the extensive deployment of material and human resources appears not to produce the desired deterrent effect. Even the frequently violent action by the security forces, which on occasion has even involved the use of fire arms with lethal consequences, has only served to exacerbate the humanitarian dilemma and only ever caused a brief decline in the attempts to gain illegal entry, if any. The Spanish authorities have now prohibited the use of rubber bullets and irritants at sea after migrants drowned subsequent to such a barrage in February 2014.

MOROCCO AS A NEW HOST COUNTRY

Morocco has always been encouraging the immigration of skilled workers and students. An asset is the country's political stability and its positive economic development.

Playing host not only to traders and investors but also to migrants and refugees is not a new phenomenon for Morocco. Ever since gaining its independence, the country

has encouraged the immigration of skilled workers and students. By contrast with the other countries in Northern Africa, Morocco can boast political stability and positive economic development. The birth rate has declined to an impressive degree. Economic growth and demand for labour are stable. Progress has been made in the development of free-trade zones. To most migrants coming from the Sub-Saharan region, Morocco itself no doubt seems a rich country.

Today, some 74,000 legally registered foreigners live in Morocco, some even with a work permit. 32,000 of these are Europeans (21,000 French citizens alone), including a relatively large number of wealthy industrialists and well-known politicians as well as large numbers of pensioners for whom the – currently still – low cost of living is the determining factor. The second largest group are 28,000 Africans (including some 11,000 Algerians), followed by 9,000 Asians as well as persons from the remaining regions of the world.¹⁷ Besides this group of legally registered people from other countries, there are 35,000 to 40,000 foreigners who live in the country illegally, almost exclusively in the large cities. Morocco was not their ultimate destination. Few of them are on the authorities' radar, some are tolerated, most are ignored. This group includes those

17 | Cf. Consortium for Applied Research on International Migration, *Report 2010*.

who had already succeeded in crossing the borders around the two exclaves, but were then deported to Morocco *sin impresos* (without formalities).¹⁸ Morocco officially refuses to readmit these people stating there is no proof that they did indeed come from Morocco. Although Morocco has ratified the readmission agreement, applications under that agreement tend to remain unanswered.

Not least to deescalate this precarious situation and to create a positive image for his country internationally, the King had a new asylum and immigration policy announced in September 2013, the main aim of which is supposed to be the legalisation of a considerable number of illegal migrants from Sub-Saharan countries. The motivation for and objectives of this measure were complex. Firstly, the Conseil National des Droits de l'Homme (CNDH) had published a report on the precarious human rights situation and drafted a number of recommendations.¹⁹ Secondly, the government wanted to reduce the pressure on the two exclaves as the country had given the EU an undertaking that it would secure the EU borders. Furthermore, Morocco is receiving support for this policy from the International Organization for Migration (IOM) as well as from other international organisations and thereby also an opportunity to further improve its international reputation.

The CNDH had drafted a number of far-reaching recommendations for the implementation of this project, ranging from providing legal aid in the event of disputes in the workplace to training the responsible administrative staff to a differentiated prohibition of the use of force of any kind. In addition, more specific recommendations were issued for employers, trades unions and government institutions. Since the beginning of 2014, there have been "Foreigners' Offices" located throughout

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18 | In relation to the assault of 15 Oct 2014, for example, the Moroccan press reported eight people being readmitted, while no application was supposedly approved after the larger assault by approximately 400 migrants on 17 Nov 2014.

19 | Cf. CNDH, Conclusions et recommandations du rapport: *Etrangers et Droits de l'Homme au Maroc: Pour une politique d'asile et d'immigration radicalement nouvelle*, Rabat, 2013. See also: Matthias Kaspers, "Marokko – neuer Vorreiter in der Migrationspolitik", KAS Country Report, Jan 2014, <http://kas.de/marokko/de/publications/36735> (accessed 14 Jan 2015).

the country, which not only have an advisory function, but also accept applications for residence permits. According to unofficial figures, these offices received some 27,000 applications in total in 2014, approximately 10,000 of which were approved. In view of the stringent qualification criteria (either a Moroccan spouse, an employment contract existing for a minimum of two years, having lived Morocco for at least five years, or particular health issues), this proportion seems astonishingly high.

By early 2014, the Moroccan authorities had already granted residence permits to 850 of those whose refugee status had been confirmed by the UNHCR.

While it is too early to carry out a critical evaluation of the realisation of this project, it appears that the terms for admission have, on the whole, been interpreted generously in the case of asylum seekers. By early 2014, the Moroccan authorities had already granted residence permits to 850 of those whose refugee status had been confirmed by the UN Refugee Agency (UNHCR). During negotiations on immigration issues between Morocco and the EU in December 2014, Rabat promised to accelerate the issuing of residence permits, while Brussels promised appropriate financial support.

Those in positions of responsibility in Morocco know very well, however, that it is not sufficient to merely admit people to add to the labour force. If they stay, they need to be integrated. Many issues relating to this challenge have not even been placed on the agenda, let alone addressed in even the most basic manner: What is the status of the migrants whom Morocco "readmits" grudgingly? What consequences are there from the numerous violent actions from the past? Which responsibilities remain with the local authorities, who were overtaxed and did not show themselves particularly helpful in the past? What special role do political refugees play and what is the role of the increasing numbers of international observers? Particularly the fundamental questions remain unanswered: What does legalisation ultimately imply? What freedoms do these migrants have? What political rights and obligations should they be given?

IS THERE A WAY TO RESOLVE THE SITUATION?

Since Morocco signed the Euro-Mediterranean Agreement with the EU in 1996, which specifically envisages the establishment of a free trade zone, the country has increasingly benefited from cooperation and consequently closer links with the EU. The MEDA program in particular, which controls financial cooperation and is primarily aimed at boosting competitiveness, also includes a provision for funds to support measures to curb immigration.



Calling for attention: During a demonstration in the CETI reception center in February 2015 African refugees draw attention to their hardship. The hope for improving their situation remains often unfulfilled. | Source: Laura Ortiz, flickr ©①②.

From a European perspective, Morocco undoubtedly plays a key role in dealing with the migration problem. As regards the situation in and around Ceuta and Melilla, the European countries rely heavily on the willingness of the Moroccan side to cooperate. While financial compensation is obviously essential, it is not the exclusive determining factor. What is far more important to Morocco is recognition in the international political arena and feasibility in terms of domestic policy. In the long term, the country would like to advance beyond the statut avancé granted by the EU in its foreign relations. It is keen to be accepted as a reliable and solid partner among equals. The way migration problems are handled also plays an important role for Europe in the context of South–South cooperation, which no other North African country has engaged in more actively than Morocco.

On the European side, by contrast, there are no measures in place to control migration in the long term nor is there a coherent policy on refugees with which Morocco could align. The unprecedented extent of irregular migration into and through Morocco requires a migration policy supported by Morocco and Spain, and by extension by the EU, which involves new, joint and sustainable solutions. One point to bear in mind in this context is that Spain was the first

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EU Member State to be confronted with the challenges of irregular migration on a large scale and therefore had to adopt a pioneering role with respect to the new European border policy. The greatest problem proved to be the unlawful deportation of nationals from third countries to Morocco without due process.²⁰ The EU cannot and should not limit itself to merely fend off refugees and migrants. In line with its aim to remain an "area of freedom, security and justice", its migration policy must be democratically legitimised as well as doing justice to standards of human and refugee rights. Above all, no person should be denied the right to be treated with due process. This credibility issue must ultimately also be addressed in partner countries such as Morocco.

The fact that an increasing number of controversial cases are coming before the European Court of Human Rights (ECHR) and the European Court of Justice (ECJ) means that the scope of action of the Member States is shrinking. This relates above all to the ban on deporting migrants. In view of the intended European Neighbourhood Policy, however, the two sides need to join forces in searching for ways to end the precarious human rights situation in the vicinity of the two exclaves because whatever rational explanation for its purpose, there is something surreal about the fence system, which cannot be reconciled with the ethical standards of the two sides. And if one applies the principles of "realpolitik", one should ultimately not forget that Morocco is pursuing its policy primarily in the interest of and under pressure from Europe. It is defending a border that most Moroccans fundamentally do not recognise.

20 | On this topic see: Stefan Luft, "Grenzsicherung der Europäischen Union – ein neuer 'Eiserner Vorhang' im 21. Jahrhundert?", in: Stefan Luft/Peter Schimany (eds.), *20 Jahre Asylkompromiss. Bilanz und Perspektiven*, Bielefeld, 2014, pp. 276-305.

Today more than ever, Morocco is an emigration, transit and host country all at the same time. It is characterised by transnational mobility where these aspects are inextricably linked. The government is making strenuous efforts to regulate this mobility in order to be able to monitor it better and therefore potentially also control it. The government's motivation is not restricted to matters of citizenship and, more than ever before, combatting terrorism; it also involves the character and cohesion of Morocco as a whole. On the one hand, the demand for social integration is still very high on the political agenda. On the other hand, the changes relating to "migration" and "migrants" make it crucial to keep rethinking the arguments about identity and religion as well as the welfare state and the market economy.

In view of its willingness to accept increasing numbers of migrants itself, the migration pressure on the country today can be compared to that on Turkey or Mexico. The hope of convincing the migrants that it may be better for them to return to their place of origin is as surreal as the ever-expanding border fence system. One spokesman for the migrants demonstrated a more realistic view when he gave the following advice to guests from Europe during a discussion in Nador: "You know, to you, Melilla is a problem – to us, it's the solution."²¹

21 | Round table discussion with the author on 27 Nov 2014 in Nador.