

Human Mobility Through Closed Borders:
The Impact of Morocco's European and
Algerian Relations on Sub-Saharan Immigration

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Abstract

In order to understand the domestic matters of any country, it becomes necessary to not only engage in the workings of its internal structures, but to also examine how its relations with foreign powers are shaping its function as a state. As is the case with Morocco, the sub-Saharan immigration that has become of prime concern to many during recent years, due to a growing and universal fear of the 'other' as a threat to nationhood, has not only had an impact on Morocco as a country to this day, but also continues to shape Morocco for the future. This research aims to examine the ways in which Morocco's foreign affairs, in terms of historical, political, and economic ties, have affected its domestic engagement with sub-Saharan immigration. Morocco's relations with both the European Union and Algeria have had a profound impact on Morocco's ability as a state to cope with the relatively new phenomenon of sub-Saharan immigration, and due to Morocco's weak institutional capacity, has further challenged Morocco in its development into a nation-state.

In order to conduct my research, I began by visiting the town of Oujda, located at the Algerian border through which the majority of immigrants pass; it is here that sub-Saharan immigrants are installed in camps. I contacted a law professor at the Oujda University, who had written much on my area of interest and was furthermore involved with the Moroccan Organization of Human Rights. Professor Amarti was incredibly helpful to me from the moment I arrived in Oujda, from informing me as to the workings of his organizations, to familiarizing me with the town of Oujda. I also contacted Hicham Baraka, president and of the Moroccan NGO ABCDS, who informed me that due to the tight security crack-down within Oujda, it would be difficult for him to host

me for a short internship in his office. In thanking him for his response, I wrote that I would be traveling to Oujda even so, and that I would greatly appreciate even ten minutes to speak with him. When I arrived in Oujda, Baraka called me to offer his help with my research. The remainder of my stay in Oujda surpassed all of my expectations due to his hospitality and willingness to physically show me the plight of sub-Saharanans at this closed border, and the tense situation that presently exists here. Concerning my methods of research when I returned to Rabat, I did my best to talk with as many people I could and make contact with immigrants themselves, as well as association leaders and members. The interviews I conducted took place in Rabat's administration buildings, cafes, and parks (in some cases, the only place where talk with an immigrant without papers would not compromise his situation), as well as the poorest neighborhoods and the homes of these immigrants. I did not include the true identity of certain people in my final paper, as some of those I spoke are presently living in illegal, vulnerable, or compromising situations within Morocco. Though these persons' names have been changed, their accounts remain untouched.

The hospitality and openness I received in Oujda was similar to what I met in Rabat. My research in Rabat could not have been accomplished without the willingness of all of those who helped me in this Independent Study Project—be they my advisor, members of non-governmental organizations, association, leaders and members, or refugees, asylum seekers, and immigrants themselves. These people not only helped me to expand my knowledge of the subject, but also taught me the utmost generosity. I will forget neither the time, effort, and energy of those who helped, nor the willingness of

certain individuals to share stories that are in some cases no easy feat to recount to anyone, much less a complete stranger. To these people, I am truly grateful.

There are without a doubt some obstacles that I encountered during my research period. The first of these was the boundary of time that existed to complete this project. While a month appears to be a significant amount of time for such a project, I found that the logistics involved and time needed during field research limited my study's scope. As a result of the time constraint, I was not able to research all of the aspects of sub-Saharan immigration as I would have liked to. Immigrants in Morocco possessing legal papers do hold a presence among Moroccan society, and confront difficulties in regards to working, discrimination, and establishing identity here that are worthy topics of research. I came to the conclusion, however, that I would focus solely on the illegal immigrants, asylum seekers, and refugees, as these groups of people best pertain to my thesis. Another obstacle that I encountered was remaining completely neutral in the writing of this report. I found it rather difficult in conducting my research, to not slant my opinions on the behalf of the immigrants, asylum seekers, and refugees I spoke with. The conditions in which they live are by no means easy, and as a human being, I could not help but feel for their desperate situations, while maintaining the perspective of a researcher. With this perspective, I was not limited to recognizing the gravity and frequency of the human rights violations that take place within Morocco as a result of external pressures. This perspective allowed me acknowledge that while Morocco does not possess strong institutions to improve the present situation, the ability to make influential changes in Morocco rests in the mind of each and every Moroccan who even considers briefly the issues that surround sub-Saharan migration into Morocco.

Morocco's constantly changing migration dynamic has drastically altered its fundamental structures of policy, its foundations, and its society. The European Union's plan to form political agreements with Morocco in order to cease large illegal migration flows is at the expense of Morocco's rather weak infrastructural capacity, and furthermore at the expense of the human rights of many of these immigrants. Morocco's relations with both the European Union and Algeria have had a profound impact on Morocco's ability as a state to cope with the relatively new phenomenon of sub-Saharan immigration, and due to Morocco's weak institutional capacity, has further challenged Morocco in its development into a nation-state. Following the high number of illegal migrants crossing into Europe, it became the European Union's goal to externalize the immigration issue to countries from which these immigrants arrived, and Morocco was a prime state with which to enforce this goal through forging agreements that bestowed financial aid on Morocco in return. Morocco's attempt to uphold such agreements has been challenged, however, by its relations with Algeria, a transit country for sub-Saharan immigrants entering Morocco and one that has a history of turbulent relations with Morocco. With growing pressure from the European Union to control the influx of sub-Saharan immigrants into Morocco, has led to an increasingly tense situation for migrants at both the borders with other countries and within the borders of the Moroccan state. Not only does Morocco lack the infrastructure to best grapple with such changes presently, but it also faces grave problems in the future if such a tense phase within the course of its development is not soon addressed in a productive and supportive manner.

The European Union began to establish agreements with Morocco that would not only strengthen its relationship with Morocco, but would further aid in combating the

illegal immigration that was of great concern to Europeans. The European Commission, a legislative branch of the European Union, decided to implement a balanced approach of agreements with the countries of Northern Africa. This plan resulted in the European Neighborhood Policy, whereby the EU established agreements with countries at its borders yet not part of the EU. The policy gives countries financial aid in exchange for accepting certain reforms, such as those governing human rights and immigration. The European Union's vision of enlarging its own sphere was completed in 2004 with this policy. The European Union and Morocco signed an Association Agreement in 2000 as part of this European Neighborhood Policy, thereby declaring that Morocco would commit to certain economic, social, and humanitarian reforms. Specifically, in signing the Association Agreement, Morocco's established that it would be willing to facilitate further dialogue with these countries in combating the growing problem of illegal immigration (Mrabet). In exchange, the European Union gave Morocco certain trade benefits and financial aid.

Under the umbrella of this Association Agreement, the European Commission and Morocco drafted an Action Plan, stating therein that it "has a time frame of three to five years. It will enable a more targeted implementation of the instruments provided for in the Association Agreement between the EU and Morocco and will support the Moroccan objective of bringing its economic and social structures more in line with those of the Union" (Action Plan). Among the goals for Morocco set in place by the Action Plan are those to "prevent and combat illegal migration to and via Morocco" (Action Plan 2.4; 48). Concerning management of the Moroccan border, the Action Plan highlights the desire to "strengthen organizational and institutional capacity for border control and

surveillance of entry and exit areas” (Action Plan 2.4; 51). Despite aiming to strengthen the ‘institutional capacity’ necessary for border control, it remains to be seen where the European support thus far has been in helping Morocco implement such objectives. In September of 2002, the European Commission met with representatives from Morocco, as well as those from Egypt, Tunisia, and Algeria, to begin dialogue on the subject of migration, with the goal of established political agreements. After reviewing the conclusions drawn from ten European experts’ visit to Morocco, the European Commission decided that the “answer was more cash incentives and the promise of a less belligerent relationship through the creation of an EU-Moroccan monitoring commission to examine the problem as equals” (Fekete). The prospect of a more level bargaining field with Europe, combined with financial inducement, spurred Morocco to adopt further measures that were compliant with Europe’s visions of externalizing the immigration situation to other countries.

In order to further prove Morocco’s willingness to maintain these agreements with the EU, Morocco adopted Law 02-03 on November 11, 2003. This law, “relative to foreigners entering and staying in the Kingdom of Morocco, and to illegal emigration and immigration,” in theory preserves Europe’s hopes for Morocco’s method in addressing illegal immigration and emigration. Some, however, feel as though this law does not function well within Morocco. Mohammed Amarti, professor of Law at the University Mohammed I in Oujda and member of The Moroccan Organization for Human Rights (OMDH) feels as though “there is very often not strict respect for this law. In my opinion, it is very restrictive and based on repression. I feel as though this law should be revised and made better; the law right now is inspired by pressure from Europe”. Morocco’s

lacking institutional power to carry out the objectives set forth by Law 02-03 have resulted in officials' ability to interpret the law as they see fit, or in some cases to completely disregard its intentions. As a result of this disregard for the law, there have been numerous and grave violations of the rights of sub-Saharanans on Moroccan soil. Article 26 of this law, concerning the expulsion of immigrants, excludes the expulsion of pregnant women, minors, and refugees. Despite the vulnerable situation of these people, this article is one that Moroccan police frequently disregard during police raids, for example. Abraham, a Cameroonian living in Rabat without legal papers, explains, "I left Rabat for the bush of Fnideq (Moroccan city near the border of the Spanish enclave Ceuta), where I was caught with others, including pregnant women, and brought to Tangier to stay in a prison cell for five days...then we were brought to Oujda (Moroccan border-town), and then to 'no-man's land.'" 'No-man's land' refers to the desert border between Algeria and Morocco, in which there are drastically high temperatures in summers months, and freezing temperatures during the winter months. The harsh conditions for those already vulnerable, such as pregnant women, multiply when considering the amount of lawlessness here as a result of the criminal groups at this desert area (Violence and Immigration 14). The various occasions in which the rights of pregnant women, refugees, and children are not considered by Moroccan authorities proves a complete disregard for Article 26 of the law 02-03 that protects these people.

Violations of Moroccan law 02-03 since its adoption have left immigrants in precarious and at times life-threatening situations. Despite these violations, there is evidence of authorities' recognition of this law, and of improvement in respecting its articles. Pasteur Willy Bayanga, an immigrant from the Democratic Republic of the

Congo, along with other sub-Saharan immigrants of all nationalities, founded the first organization in Morocco for ‘les sans-papiers’—those without legal papers. He expressed that the work of ‘Le Conseil des Migrants Sub-Sahariens du Maroc’—The Council of Sub-Saharan Migrants of Morocco—in Rabat, along with various other vocal associations that are concerned with the rights of illegal immigrants in Morocco, have started to cause some changes. Bayanga explained to me that: “Before 2004, these [basic human rights] were constantly violated. There were no associations to stop this cruelty. The first thing to do is to denounce these violations, as women especially need to be protected. Today, there have been less women and children as part of the police raids than before.” In certain cases such as these, denunciations of migrant treatment—by media, associations, and government officials—have led to increased awareness of the violations of this law within Moroccan borders. Because Morocco must continue to prove its interest in upholding human rights to the European Union standards, closer adherence to the law has come under recent attention. Despite the challenges faced in implementing Law 02-03 within Morocco’s borders, caused by the lack of infrastructural institutions to effectively enforce the law among Moroccan authorities, there has been gradual improvement concerning migrant treatment.

The European Union continues to implement a number of strategies in the realm of the Mediterranean, especially in Morocco, in order to strengthen Morocco’s capacity to hinder the flow of illegal immigration, yet the success of such programs without sufficient institutional support in Morocco remains to be seen. In July of 2006, with the support of the European Commission, members of the European Union and other European states met with 25 African countries and several organizations, including the

African Union, in Rabat, Morocco, to discuss lasting solutions to migratory challenges. The Rabat conference ended with the adoption of a plan of action and a political declaration “to bring concrete, effective, durable solutions to the challenge of migratory flows thanks to a communal, global, and equal approach.” This Action Plan reinforced much of the previous dialogues on controlling illegal immigration, while also highlighting the importance of “cooperation between judicial and police operations, and aid to victims.” The conference’s focused approach to the migration challenges brought about necessary dialogue, yet within the institutional frame of the Action Plan, failed to establish measures in securing solid institutions within Morocco and other African countries to support the previously-mentioned clauses regarding immigration.

The European Union and Morocco strengthened their partnership on October 13, 2008, at the 7th Session of the Association Council’s meeting in Luxembourg, when Morocco was granted ‘advanced status’ within the realm of the European Neighborhood Policy. Measures approved by both Morocco and the EU included those “in political and security matters, the preparation of a comprehensive and deeper free trade agreement, the gradual integration of Morocco into a number of EU area policies, and the development of people-to-people exchanges.” The European Union granted Morocco the first ‘advanced status’ within the European Neighborhood for its continued reforms in approaching European visions and policies. While it seems as if this status has advanced Morocco’s ties with Europe, there is doubt that Morocco is ready to engage in the implications of this position. In considering Morocco’s ability to carry out such reforms implied in the ‘advanced status’, Khadija Ryadi, president of the Moroccan Association of Human Rights (AMDH) feels that “in the advanced status granted by the EU to

Morocco, the European side failed to turn the agreement into a mechanism which makes Morocco acknowledge its obligations, turn them into laws, and respect them...the human rights struggle will not take place through the EU; rather, it is a domestic affair” (Cherkaoui). Echoing her thoughts on the unbalanced approach regarding trade and immigration policies between the European Union and Morocco in awarding an advanced status to Morocco, Hicham Rachidi, a member of the Antiracist Group of Accompaniment and of the Defense of Foreigners and Migrants in Morocco (GADEM) expressed concern of the results of this advanced status on immigration in Morocco. “This accord represents a pragmatic approach of immigration, that’s to say that the EU is going to close its eyes to the repressive practices of Morocco,” while gaining through “undeniable economic advantages” (Plasse). Based on the present situation of immigrants in Morocco, and the numerous human rights violations that have occurred over recent years within its borders in order to abide by previous accords signed with Europe regarding illegal immigration, the ‘advanced status’ is one that has altered the European and Moroccan relationship; the effectiveness of such a change will be seen in the ways such status impacts the increasingly urgent state of sub-Saharan immigration in Morocco. Furthermore, in the basic exchange of trade opportunities with Morocco for Morocco’s recognition of its responsibility to combat illegal immigration, the European Union augments pressure in externalizing its own difficulties with immigration to the Moroccan state.

Morocco has tightened security, commenced harsher defensive tactics, and bestowed greater power to authorities in order to carry out Europe’s sweeping reforms for strict border control. Morocco has enacted these efforts in the absence of institutions to

monitor and support such actions. Closing the eastern border of Morocco against sub-Saharan immigrants has resulted in a number of human rights violations, which further challenge the ability of Morocco's infrastructure to address humanitarian issues. Funded by the European Union, Morocco's efforts to block the passage of immigrants has transformed Oujda from border town to place of residency for these sub-Saharan migrants, where they have installed temporary camps. Less than 15 km from Algeria, at a border that has been closed officially since 1994, Oujda is not only hosts immigrants who have recently crossed the Algerian border, but is also the return point for those immigrants gathered by Moroccan police during raids within other Moroccan cities (Mokhliss). To compound the situation in these camps—one of scarce food and blankets during Oujda's freezing winter, and the shelter of mere plastic tarps—is the constant fear of police raids in the name of 'sustaining security' here. Because Moroccan police aim to prevent these immigrants from going further into Morocco, they conduct frequent and unannounced police raids to make arrests, resulting in injuries and even deaths among the estimated 1700 to 2000 sub-Saharan immigrants within Morocco (Mokhliss). The Moroccan group Doctors Without Borders' (DWB) study of cases from 2003 to 2005 revealed that 52% of all cases of violence against sub-Saharan immigrants was committed by Moroccan security forces; criminal groups, human-trafficking networks, and Spanish security forces represented the remainder of violence perpetrators (Violence and Immigration 8). DWB provides medical help for these immigrants, and further help on the terrain—be it in the form of blankets, food, or spreading awareness of their plight—comes largely from the only Moroccan NGO to work with the sub-Saharan immigrants at the border, the Béni Znassen Association for Development, Culture, and

Solidarity (ABCDS).

President Hicham Baraka founded ABCDS in 2005 with other activists to give emergency help to immigrants in Oujda camps and to fight for human rights on their behalf through raising awareness of their deplorable conditions. When asked about the purpose of these police raids, Baraka responded, “The Moroccan police attack the immigrants in the forests of Oujda at 4:00, at 5:00 in the morning. They burn blankets, jackets, and why? ... The problem now is that Morocco is playing the policeman of Europe. [Europe] wants to block the immigrants in Morocco... but it doesn't know just how many are dying.” I visited a camp in Oujda with Baraka one night after Baraka got word that there was an immigrant, Joseph, seriously injured by the Moroccan police in a recent struggle. The walk to the camps from his office was long and indirect; Baraka explained that the new strategy of Moroccan police is to follow Baraka to be aware of his interaction with the immigrants and to know of their whereabouts (I myself was later followed from his office; Baraka explained that I would be mistaken for a European journalist writing a story on the immigrants' situation that would reflect poorly on the Moroccan authorities and the Moroccan state). Baraka went to shake hands with the Joseph, who pulled a bloody and very swollen hand away from him and simply nodded his head. That night there were no MSF members in Oujda, for they were in Rabat, and therefore Baraka promised to bring him a doctor (who would assume many risks in visiting the camps) the next day. Bringing Joseph to the hospital is impossible, Baraka explained to me, as the police at the hospital door demand to see nationality papers of any black person who enters. He considered the t-shirt that Joseph was wearing on this freezing cold night, and promised to bring Joseph a jacket when he returned the next day.

Later, Patrick emerged from the crowd of concerned and curious friends around us, and began speaking with me after I incessantly assured him that I was not a journalist (the immigrants here greatly fear cameras that might reveal their identity). He said, “The Moroccan authorities here took everything from me: my money, my passport, my dignity.” I spoke with Miriam, a Congolese asylum-seeker, in her home located in a poor neighborhood of Rabat. As her 3-year-old daughter, born in Morocco, played around us in their small room, I asked about her experience as a pregnant woman during her time in Oujda. “Oujda was not very easy,” she said, “we were very mistreated. There is nothing there, we had no blankets; we had no house to live in there. There are not many words to say about it, but it is very hard.” Not only do these immigrants face everyday risks, but they also live in fear of the unannounced police raids, in which immigrants are arrested and driven back to Oujda. On July 26th 2007, for example, there was a police raid in Oujda in the early hours of the morning, in which those installed in the camps, both illegal immigrants and asylum seekers—around 450—were gathered by Moroccan forces and forced to the border. Among this group were reported at least 6 women and 4 children, one of them only 4 years old (Communiqué). The European impact on enforcement of these police raids became clear in October of the same year, in which massive police raids, “arresting more than 450 migrants and leaving several people seriously injured...took place just two days after Nicolas Sarkozy’s first state visit to Morocco” (ABCDS). The everyday risks that these immigrants face—be it from Moroccan police, poor shelter and clothing, lack of food, or criminality— further reinforce the grave impact of Morocco’s closed borders on humans themselves. What was previously a temporary situation for immigrants in Oujda has now become a

permanent one, for they cannot move forward, but cannot return home either (a result of threatening Algerian authorities on Algeria's border). NGO's and various other organizations work to denounce such treatment and offer aid, yet there is reluctance within the Moroccan government to recognize the gravity of the situation. Morocco has enforced the closed borders that became necessary in agreements with the European Union, yet has not constructed necessary institutions to attend to the significant human rights violations here.

Morocco's own relationship with Algeria has not only created complications for Morocco in enforcing border control tactics corresponding to European Union demands, but has exposed Morocco's institutional weakness in addressing relations that are of great historical and present significance to sub-Saharan immigration. When I asked Fatima, a Moroccan student at the University of Mohammed V in Oujda, what she thought of the immigrants in camps surrounding her school, she answered, "they're not doing anything here," she said, "they can't work, and they just live here with nothing. They should go back where they came from." While returning these immigrants to their respective home countries is a plausible solution for the current immigrants who cannot continue past Oujda, Moroccan authorities' continued attempt in this effort has been neither successful nor within the bounds of human rights regulations. Whether the Moroccan police arrest sub-Saharan immigrants during police raids within cities, or carry out raids in the camps of Oujda, these immigrants ultimately find themselves in the 'no-man's land' between Algeria and Morocco. Abraham told me that Moroccan police, the 'gendarmierie,' arrested him a total of five times during his successive attempts to cross the sea from Fnideq to Ceuta. Some instances he was arrested after swimming the 5 km that separates

Fnideq from this Spanish province, and others he was caught before leaving the Fnideq shore. All of these arrests, however, resulted in his department to a prison of Tangier or Tetouan, followed by his expulsion to Oujda and then to ‘no-man’s land.’

First of all, according to Moroccan Law 02-03, those arrested as illegal immigrants in Morocco must be brought to the border of the country of his nationality, to a country that has granted him a travel permit, or to a country that will legally accept him.” Every time that Abraham, as well as countless other immigrants, are expelled to the border—whether it be through police raids or isolated arrests—there is proof that Moroccan authorities have not stayed within the limits of article 29 of this law. Secondly, those repelled to this ‘no-man’s land’ are further subject to inhumane treatment, for “the area is rife with Moroccan, Algerian, and Nigerian criminal groups whose primary goal is to attack sub-Saharan immigrants and rob them of the few possessions they have managed to hold onto during their arrest (Violence and Immigration 11). Women are subject to even more vulnerable conditions here. Chantal, a refugee living presently in Rabat, explained, “After the police raids, we were taken to Magnia [at the Algerian front] by the Moroccan police. The Moroccan police violate many women here. When we are left at the border, there is also much trafficking. I saw Nigerians with groups of 20 women prostitutes. The women are always most vulnerable.” If the immigrants decide to continue past ‘no-man’s land’ and into Algerian territory, they are met with threatening Algerian police forces. In an interview with journalist Cérise Marechaud, Congolese refugee Béту Blanchard Hitumbé reflected that “when we arrived here [at the border] the Algerian and Moroccan military fired in the air to disperse us. With us, there was an asthmatic [person] and a five-month pregnant woman, who had

just lost her baby. Four women were violated. And many more disappeared” (Marechaud). Patrick, one of the immigrants essentially trapped in Oujda, told me “I want to go back to my country, but I can’t even do that! I’m not a soccer ball, I can’t just be tossed back and forth! I don’t want to stay here in Oujda, but if I try to leave, the Algerians just fire at me, and I’m forced to return.” While the frequency of *refoulements* (repulsions) to the border are great—some migrants have crossed and re-crossed this border up to 30 times—a study done by ABCDS found that 97% of immigrants who arrive at this border return to Oujda (Mokhliss). Thus, the sub-Saharan immigrants contained in Oujda essentially have no other option but to establish their homes in these camps, at the mercy of police raids on the camps, but free from the dangers of ‘no-man’s’ land.

It is clear that the relations between Algeria and Morocco have drastically altered the situation in Oujda thus far, and that improvement on the humanitarian front rests in the hands of those looking to improve relations between the countries. That which is perceived as a simple solution to the detention of sub-Saharans in Morocco—to bring them back to Algeria—becomes further complicated by Algeria’s reluctance to accept these immigrants. Algeria’s decision to use police forces against immigrants trying to enter their borders is one that has historical grounds, political motivation, and humanitarian consequences. Historically, before 2004, Algeria denied responsibility for the influx of illegal sub-Saharan immigrants into Morocco and subsequently into Europe. In November of 2004, Algerian security forces publicly announced that Algeria had stopped an average of 5,000 sub-Saharan immigrants since 2001, and that these migrants no longer transited through Algeria. While this would leave Mauritania as the remaining

transitory country into Morocco, followed by their passage over the Western Sahara, a 2005 report revealed that the majority of immigrants did not use such a route. According to Moroccan police monitoring the security of Southern Morocco, 90% of foreign immigrants stopped in the Sahara come from the north of Morocco and passed through the Algerian-Moroccan frontier, and a minority come from Mauritania (Lahlou).

In blatantly denying any responsibility to the migrants entering Morocco, Algeria has attempted to exploit immigration in order to fulfill its personal objectives. In various matters surrounding Moroccan and Algerian relations, Algeria hoped to gain advantage within the eyes of the European Union by denying any role in Morocco's influx of illegal sub-Saharan immigrants. For example, the long-disputed territory of the Western Sahara is one such impediment to peaceful relations between Algeria and Morocco. In refusing to accept responsibility in the situation of immigration, Algeria hoped to place itself in a favorable position within the fight for the Western Sahara. In an article released by BBC news in 2005, Moroccan Foreign Minister Mohammed Benaissa refuted the Polisario Front's accusations that Morocco had left immigrants stranded at the Algerian desert border, stating that the "accusations were propaganda orchestrated by the Polisario Front and its ally, Algeria...the campaign Algeria is launching against Morocco to divert attention away from the real issue, the Sahara issue" (Harter). The Polisario Front, fighting for Western Saharan independence, stands against Morocco, who annexed the Western Sahara territory in 1975. As is this case with such public accusations, the fluid lines drawn between Algeria and Morocco's shared immigration issues and their external relations have caused even greater obstacles to addressing the humanitarian treatment of sub-Saharan immigrants.

Without strong institutions within Morocco to forge positive cooperation with Algeria in addressing the issue of sub-Saharan migration, there is presently no concrete effort to share responsibility for this issue. In addition, Algeria itself has continued to remain on the outskirts of the present dialogue between Morocco and the European Union. Lucile Dumas, president of the association ATTAC Maroc, explained to me that as of 2005, Algeria signed its own Association Accord with the European Union, whereby in exchange for 10 million Euros, Algeria was to deport immigrants in its borders to the southern border of the Sahara, near Mali. Additionally, Algeria adopted its own law concerning illegal immigration. Despite the agreements made between Algeria and the European Union to reduce illegal sub-Saharan immigration, there is recent evidence of Algeria's reluctance to address the migration issue, and most specifically, to converse with Morocco of this issue.

At the July 2006 Euro-African conference on Migration in Development in Rabat, 30 European state members, 28 African state members, and international and regional organizations convened to write an action plan and policy declaration regarding these issues. Algeria boycotted this conference, stating that it condemned the developed countries of Europe "satisfying the growing needs of their own economies" and refused to be the "police officer of Europe" in regards to immigration control (Benchabane). In addition, the element of Algeria's refusal to accept immigrants back through its borders has complicated relations between Morocco and Algeria. Many perceive this tight Algerian security, coined by the phrase "human ping-pong" game between Algeria and Morocco, to be a result of Algerian's wish to further disrupt Morocco's efforts in combating sub-Saharan immigration. Nonetheless, there is also the view that both Algeria

and Morocco are attempting, in their respective ways, to uphold the EU plan for immigration; this is seen in Morocco's continuous *refoulements* to the border and Algeria's ability to reject these immigrants. According to Lucile Dumas of ATTAC Maroc, "the problem lies in the money incentives given to both Morocco and Algeria in the name of 'developing' Africa. "The more money there is sent to Morocco, the more repressive the conditions of immigration are at the border. But the development of Africa shouldn't be conditioned on harsher border controls," she explained, in an interview with me. While the motives of each Morocco and Algeria in responding to European pressure regarding sub-Saharan immigration may not be clear now, it is apparent that there are many obstacles preventing peaceful solutions. Furthermore, Morocco has made little success in positively confronting Algeria in order to cooperate on migration efforts.

Morocco's relations with both the European Union and Algeria have shaped many decisions that the Moroccan state has made within its own borders to address the immigration of sub-Saharans, and have furthermore revealed Morocco's lack of institutional power to effectively grapple with this complicated phenomenon. Immigrants entering Morocco before the tight crackdown on border controls had greater freedom to move onwards from Oujda, while presently it has become nearly impossible for migrants to leave Oujda and continue to Rabat (a common destination). When buying a train ticket in Oujda, Hicham Baraka told me, sub-Saharans are quite often asked to prove their legality with a '*carte de séjour*' or with a student identity card, based solely on their skin color. During his train ride from Oujda to Rabat, the controller asked Pasteur Willy Bayanga for his ticket, then proceeded to demand Bayanga's national papers, which—despite much much dispute—he refused to show (Bayanga 249). This enforcement at the

train station has led a number of immigrants to either walk the route of the train from Oujda to Rabat (a distance of roughly 600 km), or to hang onto the outside of the train during the ride. On my own train passage back to Rabat, five young men clung to the outside of the train, only to be driven off by guards at the train's first stopping.

In signing the 2004 "Financial Convention Relative to the Administration of the Controlled Frontiers Between Morocco and the EU," Morocco agreed to the objectives concerning border control integrated by the EU. In return for 40 million Euros, one of Morocco's plans under this agreement was to agree to enforce joint implementation of Spain's SIVE, the 'Integrated Surveillance of Exterior Vigilance,' (started by Spain in 2002) which includes patrol on the Mediterranean waters. In the beginning of 2005, one of the workers for SIVE stated that "Of 100 migrants that take the sea illegally, 95 are stopped and five are probably dead." In addition to interception on the waters, arrests at the border of Ceuta, the Spanish territory in northern Morocco, and Melilla, are also quite common. Cameroonian native Abraham explained to me that between 2005 and 2008, following five attempts between 2005 and 2008 to reach Spain, he was arrested, and after stays in Tangier and Tetouen prison cells that included "a small piece of bread, no water, and an empty plastic bottle to [function as a toilet]", was *refouled* to 'no-man's land.' Abraham's accounts reflect the statement of Professor Amarti in Oujda, that "Morocco has moved from a transit country for migrants to one that now is hosting immigrants." As Abraham is presently living without papers in Rabat, it is clear that the conditions of *refoulement* from one border to the next are neither humane, nor effective in dissuading migrants' desperate attempts to reach Europe.

With Morocco's changing identity, from that of transit country sending Moroccan

emigrants to Europe, to one that is essentially hosting sub-Saharan immigrants, there has been further need to create institutions in order to effectively incorporate such a population within the domestic plans for Morocco. In addition, there has been reluctance within Morocco's policies to establish a firm difference between the status of an illegal immigrant, an asylum seeker, and a refugee. There is an undeniable population of sub-Saharanans living presently in Morocco, which establishes Morocco as a host country more than a temporary place of residency. While walking the streets of one of Rabat's poorest neighborhoods, Taqadoum, Abraham and I greeted many of his friends who live as he does amongst Moroccans here. Abraham explained that he rents a home from a Moroccan family, one that is twice as high as it would be if he were Moroccan. He pointed to children playing on his street as we walked, and asked himself out loud why they weren't in school. I passed along the same question during an interview with a program manager of the UNHCR (United Nations High Commissioner for Refugees) in Rabat, who answered that there could be any number of reasons for this lack of schooling. He first cited that although refugees are given the opportunity to attend Moroccan public school, at times there is fear among sub-Saharan refugees to enroll their children for fear of 'Islamization,' the lacking means of transportation to a from school, a language barrier, or the problems that arise from a difference in the educational level between a Moroccan youth and refugee child of the same age. It becomes clear that strengthening the Moroccan government's own involvement with the HCR, the only present Moroccan institution governing not only determination of refugee status, but also implementing a series of programs to best aid the refugees living presently in Morocco.

The HCR has been present in Morocco since 1965, and in July of 2007 the HCR

and the Kingdom of Morocco signed an agreement stating that the Kingdom of Morocco would agree to permit the HCR to act as a representation of its international mission and mandate as it applies to the Geneva Convention of 1951. As of September 2008, the HCR has recognized 877 refugees and there are 369 asylum seekers (Note Explicative). The HCR in Morocco has implemented a number of projects in order to facilitate the support of refugees, and continues to work with the Kingdom of Morocco in order to further enforce the proper treatment of this group. The HCR's broad projects include offering language help, education for school children, and access to medical facilities in Morocco. One such front on which the HCR has made progress is with regards to recognition of refugee status. When an asylum seeker is granted this status, he is given a magnetic card to prove this status; as of 2008 a magnetic card, harder to falsify and to destroy, replaced the previous papers that had been used in 2007. This was of special importance, for Chantal explained to me that during the December raid of 2006 in Rabat, she was gathered up with other illegal immigrants she was living with, and *refouled* to the border, despite her refugee status and this clear violation of Moroccan law 02-03. "They police broke down our door in December, at three in the morning. They gave us no time to dress, no time to gather our things. You show them your paper, and they told me they didn't recognize it. We were put on buses to Oujda. By the time we got there, it was the day time, so the HCR could come and help the refugees back to Rabat." The police destroyed the refugee papers during the raids. She brought out her magnetic card to show me, saying that it still won't protect her from being arrested and taken to prison in the event of another police raid—the police "pretend they don't recognize it." Following arrest, however, the card will prove to members of the HCR who arrive at prison that

these refugees should not be *refouled* to the border.

Another project of the HCR in Morocco is to work with refugees on small micro-projects that could help them earn a living while in Morocco, although such work is confined to the informal sector of Morocco. The Moroccan state's refusal to grant refugees necessary documentation that would enable them to work in the formal sector, a *carte de séjour*, represents further reluctance on Morocco's part to integrate this population into society. When refugees and illegal immigrants cannot find work in the informal sector, whether artisan or construction work, they must look elsewhere. Chantal explained to me that there are many women she knows, living in Rabat, who are "obligated to prostitution" in order to feed their families and take care of their children; there are others who work as maids in Moroccan homes, and have been abused and impregnated under such conditions, yet have no other way to turn. As a result, the HCR continues to instill dialogue with the Moroccan government about the aid that a *carte de séjour* would provide to these refugees. In addition, the HCR continues to collaborate with international and Moroccan organizations to create awareness on behalf of the refugees living in a vulnerable situation. These organizations offer medical and educational support, and some are concerned with awareness raising about the presence of refugees in Morocco (Note Explicative).

Concerning the recent increase in efforts to hold sub-Saharan immigrants within Moroccan borders, I asked this HCR employee if the closed borders enforced by Moroccan police had any relation to the present determination of refugee status in Morocco, and the number of refugees living in Morocco. He answered that there is not a correlation here, for the HCR's work in distinguishing refugees from illegal immigrants is

governed by strict adherence to the criteria set forth within the Geneva Convention, and does not relate to the number of migrants entering Morocco. There are those who doubt that there is no correlation between border control and the refugee status grants in Morocco, including Lucile Dumas of ATTAC Maroc, who feels as though “The HCR is playing a game right now...with borders more closed, and more pressure from Europe, there is no longer the right to asylum—which can only function in an open circulation world. The job of the HCR is to protect refugees, not to go in the direction of the EU at all times.” Miriam’s situation in Rabat seems to echo this statement, for when I asked her what she hopes to see in her future, she answered, “I want to live in peace, so when there is peace in my country [of the Democratic Republic of Congo], I will return. I do not want to stay here, but I cannot go back to war.” Miriam explained to me that she had applied for refugee status with the HCR, yet had been denied based on her first interview with their office. In waiting to hear if her application has been reviewed again, she and her daughter live in an illegal. Francois Crepeau, author of *Droit d’Asile – De l’Hospitalité aux contrôles migratoires*, supports the view that there is a correlation between European goals and the number of refugees recognized. Crepeau writes that there is an apparent change in the HCR’s rhetoric over recent years, one that has gone from promoting the “right to flee” to the “right to stay.” Furthermore, in his thesis on the HCR, Michael Barutciski writes that “certain skeptical analysts consider that it is not by chance that the HCR, which is financed principally by rich countries, is interested in ‘internal displacement’ at the same time as the policies of immigration and migratory control become more and more severe (Valluy 31-32). The financial support from European countries is one that appears to have had a profound impact on the HCR’s role

in Morocco.

While waiting for her application to be reviewed by the HCR, Miriam has found work by cutting hair of other migrants in her Rabat neighborhoods, who have formed a tight-knit community. Because the protection offered by the HCR is not universal for all immigrants entering Morocco, a number of immigrants have found support amongst themselves to organize and raise awareness of their plight. Pasteur Willy Bayanga and others founded the "Council of Sub-Saharan Immigrants in Morocco" in order to create a structure for those without papers that "makes concrete the necessity for male and female immigrants in Morocco to take between their hands their own destiny, and the defense of their elementary rights (Bayanga 10)." Bayanga explained to me that of the many concerns facing those without papers is that they are not often aware of the rights they possess, an area which his council hopes to improve upon. As the limited support of the HCR is only for refugees, the remaining support for sub-Saharan migrants comes from their own cohesion.

The desperate situation of refugees such as Chantal and asylum seekers such as Miriam, highlights the flaws of the Moroccan government in working effectively with the only official institution collaborating on behalf of refugees. Morocco does not to this day have a legislative body within its government, present in a number of countries, to collaborate with the HCR's work, which is present in a number of other countries. Due to its absence, the Rabat bureau has discretion over both registering the asylum seekers and in recognizing their refugee status according to the mandate in line with the Geneva Convention. Nonetheless, the HCR must continue to foster dialogue with the Moroccan government about the importance of achieving this legislative body in order to further

make progress regarding Morocco's treatment of refugees. Still others feel as if the responsibility for the lack of prime functionality of the HCR within Morocco lies with the European Union, who first encouraged accords between the UNHCR and Moroccan government. Mehdi Lahlou feels as though the EU's purpose in installing such an institution was not for the best protection of refugees. In an interview, Mehdi Lahou stated, "the HCR's intervention in Morocco, which is to protect the rights of these refugees, more represents a way for the European Union to effectively cover the true objectives of the European Union in externalizing the immigration from its own borders, than a true concern for the rights of these refugees." In order to best protect the interests of the refugees, it appears as if further dialogue must arise regarding functionality of the HCR that is optimal for Morocco, and not solely in the interests of the European Union.

Morocco's long-lasting and historical familiarity with migration of peoples is one that has not only has affected its economic, political, and social relations with other countries, but has been likewise greatly shaped by these very relations. In addition, migration has had a profound and deep impact on Morocco's position within the world, in regards to its geographic location in Africa, union with the Mediterranean, and growing responsiveness to the European Union. This established identity, one that was for years characterized by the emigrants living abroad has recently been drastically changed by the influx of sub-Saharan populations immigrating across Moroccan borders, living within its neighborhoods, and beginning to unite and become vocal in their demands for rights. It is clear that the European presence within Morocco has considerably shaped the Moroccan state's methods of coping with such a new phenomenon as sub-Saharan immigration. This presence—be it in the form of accords

signed with Morocco, or in conferences organized between members of the European Union and Morocco—has commenced and sustained Morocco’s efforts for more secure borders, its law and police enforcement throughout the state, as well as its work in incorporating these new persons into society. Algerian’s own relations with Morocco have further complicated Morocco’s dealings on an everyday level with the situation of immigrants in Morocco. These external relations have all contributed to constant, demanding, and surmounting challenges for Morocco in upholding true respect for the rights of these sub-Saharan immigrants. It is clear that thus far, the proper institutions that would effectively aid Morocco in best handling its current position have not yet been created. Furthermore, the few institutions that may today best improve Morocco’s incorporation of sub-Saharan immigrants within their border have yet to be fully developed. As a result, Morocco is a prime representation of a country that is constantly in the process of positively developing amidst much external pressure and emerging domestic issues of great concern to the outcome of this development.

It remains clear to this day that Morocco lacks the necessary institutional capacity to uphold an increasingly important respect for human rights while simultaneously carrying out agreements made with the European Union in respect to combating sub-Saharan immigration. Despite such challenges that Morocco has faced thus far, there are a number of objectives that Morocco could work towards in order to arrive at the most optimal solutions within its own state. First, in regards to its relationship with the European Union, Morocco must engage in agreements with European countries while maintaining a balance that promotes its own interests as a developing nation. Fostering a community within its borders that holds human rights as a priority, while still enforcing

law, should be first to carrying out the wishes of external powers. While Morocco receives financial benefits for enforcement such as border control, it has kept its own interests, such as those establishing strong institutions, secondary to the interests of European nations. On another front, it is clear that Morocco's relations with Algeria have much to gain in for the future, and that more peaceful dialogue between these countries can only aid Morocco's involvement with sub-Saharan immigration. Cooperation with Algeria would be the most beneficial strategy in improving the situation at Morocco's border that is of constant threat to human rights and migrant treatment. These strategies in cooperating with Algeria should be forged on the condition that external issues surrounding Algerian-Moroccan relations, such as the issue of control over the Western Sahara, be excluded. Morocco's implementation of internal institutions for the betterment of external dialogue with nations would be the most effective policy that Morocco could enact in improving sub-Saharan immigration flows.

While it remains one of the most difficult to foster, even among the presence of supporting institutions, establishing a positive dialogue within Moroccan society is one that would yield the most effective results for Morocco in improving the situation of sub-Saharan migration. Based on the contemporary fear of the 'other' as a threat to traditions and unity within a nation, it is clear that Morocco too possesses a reluctance to socially recognize the presence of sub-Saharans in Morocco. To this day, there exists a very entrenched discrimination of sub-Saharan immigrants living amongst Moroccan citizens. Chantal, holding refugee status in Morocco, told me, "[the Moroccan people] call us *azeeah* here, which means monkey... There is money put into Morocco from Europe, but mentality is necessary to address. The color of my skin is important here. In addition to

the importance of movement towards greater cultural sensitivity, Morocco must transform its thinking from the position of a country sending its own citizens as emigrants to Europe, to one accepting incoming immigrants. Such an adjustment does not only have logistical, economic, and political effects on a nation, however. It is clear that this transformation has had a very deep and significant impact on Moroccan society, and its identity amidst other world powers.

In speaking with Mohammed, a member of ABCDS, he best explained to me that this alteration from emigrant country to host country of immigrants must spur Moroccans to examine their own treatment of sub-Saharan immigrants. He said, “Morocco should be concerned about this issue, for when they go abroad to Europe and demand to be treated well, Europe can just say right back to them “look what you’re doing within your own country.” You’re doing the same thing inside your country...it is true, there is a war against the immigrants. The reality of the migration situation within Morocco has caused its people to examine their treatment abroad and the treatment of those within their home borders. It is when such examination yields positive dialogue and mindset, as well as proactive solutions to this migration, that Morocco can only benefit within all pillars of its society. There must first be awareness of this dynamic, followed by acceptance of this new population within Moroccan society. Active measures to defeat the present discrimination must follow in order to better integrate these people into Moroccan culture. Institutions to promote positive dialogue surrounding sub-Saharan peoples in Morocco, while effective in reflecting improvements on a psychological front, are not sufficient. It remains clear that the deepest impact on fostering constructive actions within the social sphere lies in the very mind of every Moroccan confronting such a

modern phenomenon as this migration.

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