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Irregular Migration in Morocco: A Case for
Constructionism

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Abstract

Separated by only 14 kilometers of water from Spain, Morocco has become a common destination for many sub-Saharan irregular migrants trying to reach Europe. With a large population of these migrants, Morocco has had to make important decisions on how to manage its irregular migrant population. However, the terrible conditions and regular violations of human rights that irregular migrants in Morocco are subject to lead one to ponder the role that international relations has and the extent to which human rights is a consideration in the policymaking of irregular migration. Applied to the three primary theories of international relations, liberalism, realism, and constructivism, I come to the conclusion that the latter has the greatest explanatory value when applied to the case of irregular migration in Morocco.

Key Words: Irregular Migration, Human Rights, Morocco, International relations

Introduction

An Irregular migrant is “a person who does not possess legal status in a transit or host country” (Stylianios, 2022). Today, it is estimated that between 5-8 million irregular migrants coming from Africa live in an EU country (Reifeld, 2015, 34). For reasons ranging from educational or economic opportunity to the escape of prosecution or unlivable circumstances, leaving their homes to reach Europe is seen as a worthwhile endeavor for many of these people. However, due to strict quotas and long, selective application processes, many Sub-Saharan Africans resort to migrating to Europe illegally. Depending on where in Africa migrants are departing from, common paths or lines of travel will vary. That being said, Morocco is a common transit destination for many of these migrants, particularly those leaving from Western African countries. After crossing the Sahara, migrants from countries like Niger, Mali, and Senegal will often remain in Morocco until they can cross over to Europe (Cherti & Grant, 2013, 2). Very often, however, these irregular migrants have longer than anticipated stays in Morocco and are grossly mistreated both by the state and society. This mistreatment that tends to have serious social, political, and economic consequences for migrants raises serious questions about the extent to which human rights are a consideration in policymaking on matters of irregular migration.

Through my research, I will attempt to better understand the identity and experience of irregular migrants in Morocco. Specifically, I want to explore the question: To what extent does the belief in human rights, as defined by the United Nations, dictate how irregular migrants in Morocco are treated? In an international system heavily defined by borders, one’s rights are often directly tied to the rights one is granted by their state. However, irregular migrants do not

have this same protection due to their illegal status and need to hide from the state in which they reside. The 1948 Declaration of Human Rights, however, would grant irregular migrants certain protections simply because they are human. Lack of evidence of these protections existing for irregular migrants however suggests that despite common acceptance of the idea that humans should have protections on the basis of being human, the reality is that individuals are more often protected due to their belongingness to a certain state. I believe that this is an important subject due to the complexity surrounding the topic of illegal migration that it reveals and the questions it raises: How does Morocco protect migrants' basic human rights without endorsing illegal behavior? What international pressures does Morocco experience in its policy-making decisions concerning irregular migrants? What are the social, political, and economic implications of being an unwelcome resident in a country? While clear answers to these questions do not exist, I hope to learn more about the prevailing values and ideas that inform the treatment and mistreatment of irregular migrants in Morocco. I am therefore interested in studying the presence of irregular migrants from the migrant's perspective and the state's perspective.

These questions relating to irregular migrants are all highly relevant to Morocco. Morocco is a North African country whose proximity to Spain makes it highly attractive to irregular migrants hoping to reach Europe. Tangier, one of Morocco's northern cities, is only separated by 14 kilometers of the Mediterranean Sea from Spain. Exact estimates of the presence of sub-Saharan African irregular migrants in Morocco will vary due to the lack of documentation involved in irregular migration, but it is estimated that between 50,000 and 100,000 irregular migrants are currently in Morocco with thousands more moving to Morocco every year (Cherti & Grant 2015, 9). Coming from countries including, but not limited to, Senegal, Côte D'Ivoire, Cameroon, and Mali, there are various push and pull factors that draw migrants to Morocco.

Although for most of these migrants, the goal is to stay in Morocco temporarily until they are able to move to Europe, this often does not happen. Due to stringent immigration laws in Europe and heavily secured borders, many migrants end up staying in Morocco or even returning to their home country.

Given the multinational nature of this matter, the policies Morocco implements to address its irregular migrants are both highly influenced by and influential to other countries. European countries, many of whom are concerned with the spread of irregular migrants in their own countries, have put pressure on Morocco over the years to implement policies to restrict the proliferation of irregular migrants in Morocco. However, highly restrictive policy also hurts Morocco's diplomatic relationships with its neighbors in sub-Saharan Africa. Another dimension that is taken into consideration in drafting policy has been Morocco's public image in the media.

Therefore, through my research on irregular migrants in Morocco, I will take a multidimensional approach where I will analyze the relationship between irregular migrants and the state of Morocco. In doing this, I will detail both the identity and experience of irregular migrants in Morocco as well as Morocco's policy on irregular migration in the broader international context. I will then analyze these relationships in relation to theories of international relations to demonstrate that immigration policy for these irregular migrants is driven primarily by self-interest.

Majoring in Political Science and Arab Studies and having coursework in areas of international relations, comparative politics, and MENA (Middle East & North Africa) politics, I believe that this research topic will be of great relevance to my studies. Moreover, a subject so multifaceted demands the careful and holistic analysis that Davidson's liberal arts education has prepared me for. Also, as I am currently doing a semester abroad in Morocco and interacting

with illegal migrants and NGOs representing them, I feel that I am well positioned to collect accurate and comprehensive information on the subject. The topic is therefore well in line with my academic pursuits and interests. Moreover, having traveled to a foreign country seeking better educational and career opportunities, the topic of migration is personally interesting to me.

My research on this matter will primarily be informed by academic journals, policy briefs, and previous discussions with irregular migrants and NGOs in Morocco working with these migrants. There currently exists a rich literature of analysis on Moroccan migration policy and the incentives driving it. Recent literature, in particular, emphasizes the shift in attitudes and incentives underlying King Mohammed VI's sweeping reforms to migration policy in 2013. Previously, Morocco's migration policy had been driven primarily by security concerns and allegiances to its European neighbors to the North. However, recent shifts to a more humanitarian approach, while still restrictive, provide more protections for irregular migrants and demonstrate efforts to protect migrants' basic human rights.

Literature Review

Throughout my research, I will be relying on a wide range of historical, political, and philosophical literature. On the subject of irregular sub-Saharan African migration to Morocco, there is a large literature concerning the historical development of this trend. Using policy briefs like *The Myth of Transit: Sub Saharan Migration in Morocco* and research reports including *Emigration, Transit, and Host Country: Migration in Morocco*, I aim to better understand the trend of irregular migration in Morocco. Push and pull factors for journeying to Morocco, the challenges of the journey and life in Morocco, and the long-term impacts irregular migration has had on Morocco are all detailed. While there exists a rich body of qualitative research, accurate

quantitative research is scarce. Due to the informal procedures that irregular migrants rely upon to reach and stay in Morocco, it is very difficult to obtain accurate statistics about much of their activities. Numerical estimates therefore of the activities of this population, therefore, remain limited and imprecise. Nonetheless, there is consensus that there are between 50,000-100,000 irregular migrants in Morocco and that these numbers are growing.

Politically, there also exists a detailed account of the development of Moroccan policy towards irregular migrants over the years. With academic journals including *Immigration and Pensée d'Etat: Moroccan migration policy changes as transformation of 'geopolitical culture'* (Myriam Chetri and Michael Collyer), *Telling histories of the present: postcolonial perspectives on Morocco's 'radically new' migration policy* (Leslie Gross-Wyrtzen & Lorena Gazzotti), and *Morocco's Experience of Migration as a Sending, Transit and Receiving Country* (Mehdi Lahlou), a timeline of policy developments is detailed clearly. Accounts of meetings, statements from policymakers, and speeches from political figures explain the reasoning behind policy changes from a political perspective. I will also be relying on analyses from political analysts and academics for explanations of the underlying motivations of policy changes. Although international political pressure and economic incentives with the topic of irregular migration policy are indeed present, they are rarely mentioned by politicians to the public. It is therefore important to my research to rely on both information from government officials and non-governmental actors.

Lastly, I will be using the rich literature on political philosophy to see if the case of policy on irregular migrants in Morocco is reflective of any one theory of international relations. Primarily relying on research papers like *Do International Human Rights Treaties Improve Respect for Human Rights?* and *Hard and Soft Commitments to Human Rights Treaties*, I will

attempt to learn more about the extent to which human rights play a role in international policy-making outside of the Moroccan context. Although there is limited literature that directly assesses the case of irregular migration in Morocco to political theory, applications of political theory to similar situations do exist. Applying the same principles seen in similar situations therefore should be unproblematic.

Therefore, working within the constraints of having limited quantitative data, my research will contribute to the existing literature on overt and underlying incentives driving the development of Morocco's policy toward irregular migrants. In doing so, I will explain the living conditions for irregular migrants in Morocco that said the policy has resulted in, and then tie the overall case study of irregular migration policy in Morocco to the existing body of literature on theories of international relations and the role of human rights in policymaking.

Methodology

Initially, I had hoped to rely on a mix of observational research, interviews, and research into existing literature to carry out my research. Already, through visiting Manos Solidarias, Delegation Diocesaine des Migration (DDM), and other NGOs working with irregular migrants as part of the SIT curriculum, I had, without knowing, already conducted some observational research that would become central to my research. Nevertheless, I did not know at the time what I would be researching. I was therefore looking forward to carrying out more observational research specific to my research goals.

Moreover, by immersing myself in the existing literature, I hoped to gain a deeper understanding of the general experience of irregular migrants, both in terms of the day-to-day living conditions and long-term aspirations. My expectation was always that the bulk of my

research would derive from the existing literature. I was, however, hoping to use the knowledge gained from this research to inform my interviews by allowing me to ask more meaningful questions and ones that the existing literature does not answer. My interviews were meant to be held remotely with representatives from Manos Solidarias and DDM. I felt that their extensive experience working with irregular migrants gave them valuable insight into the irregular migrant situation in Morocco and gave them the ‘on the ground’ perspective that can be difficult to find in academia. The semi-structured interviews held would all be translated and recorded with the written consent of the interviewees. The consent form provides that the name and title of the interviewees would be mentioned in the research, but that they are entitled at any point to not answer questions asked and withdraw from the research completely if they choose to do so. However, the plan to carry out these interviews did not go as expected. Because the research I am carrying out is both being supervised by SIT and Davidson College, Institutional Review Board (IRB) approval from both institutions is necessary. I quickly received the IRB approval from SIT, but delays in the approval process from the Davidson College IRB have made carrying out interviews for my research unfeasible at the moment. While the absence of interviews in my research may detract from the depth of the research, I do not expect it will have an impact on the scope of the research or my ability to address my hypothesis. Moreover, hoping to continue this research after leaving Morocco as my capstone project for my Arab Studies major at Davidson College, I hope to be able to carry out the interviews later on when the interview procedure is approved by the Davidson College IRB. In this case, the information from the interviews would not contribute to this research paper, but only to my capstone research for Davidson College. Regarding observational research, the meetings with various NGOs in different cities in Morocco working with irregular migrants have given me a strong foundation for my research. Being

exposed to both NGO leaders discussing their work with migrants and even migrants sharing some of their personal experiences, early exposure to the subject of irregular migration provided me with a strong foundation that became greatly constructive to my research. Opportunities for naturalistic observation, however, are limited by the lack of visibility necessary for irregular migrants' safety.

Limitations of the Study

As indicated above, one limitation has been not performing interviews. However, one limitation that I did not expect to anticipate, but did indeed encounter was the confrontation of my own biases. The criteria for being an irregular migrant is simply not having legal status within a transit or host country. Therefore, European tourists staying in Morocco past the expiry of their tourist visas or westerners coming to work in Morocco without the necessary documentation for example would all be considered irregular migrants. Despite the criterion for being an irregular migration being racially non-discriminatory, the subconscious mental tendency many people in Morocco, including myself at times, have is to associate irregular migration with sub-Saharan Africans. Simply put, Africans in Morocco are visibilized and received as being irregular migrants simply because they are black. Socially, the consequences of this are the mistreatment of black people by Moroccans carrying the assumption that there will be no legal ramifications because the targeted group is unprotected by the law as well as the general racism that derives from believing a certain person is 'undeservedly' in your country.

While the tendency to associate black people with irregular migration did not cause me to mistreat anyone, I found myself, at the beginning of my research, assuming that the naturalistic

observation of Morocco's African population could yield meaningful insight into the irregular migrant population in Morocco. While the presence of a large population of sub-Saharan African irregular migrants does explain the tendency to make this association it does not justify it. Mental repetition and reaffirmations of ideas we carry about groups of people are ultimately what breed stereotyping and even racism. Therefore, it is essential that when making such an association, we as researchers recognize why we made it and actively be aware of our biases when presenting information. Therefore, recognizing the problems associated with observing African populations to derive information about irregular migrants allowed me to reflect on my duty as both a researcher and a visitor of a foreign country.

Findings

Life in Morocco

There are various routes irregular migrants take to reach Morocco, each with its dangers. These routes all include traveling through the Sahara, long distances walking on foot, and dangers posed by both a harsh environment and lack of protection. Furthermore, upon reaching Morocco, life for many of these Africans remains difficult as a result of various political, social, and economic challenges.

Irregularity

One of the most defining features of being an irregular migrant in Morocco is the perpetual state of irregularity. Without legal documentation for being in Morocco, migrants are stuck in a 'sans papiers' status that can be very limiting for migrants' opportunities for social and economic advancement. "An undocumented person has nothing in Morocco, he can do nothing. Before anything and for everything here, they start by asking you for your documents. If you

want to work, they ask you for your documents”” says an interviewed migrant in a study carried out by IPPR (Cherti & Grant, 2013, 32). Upon reaching Morocco, many migrants have exhausted most of their resources and need regular income. However, it is very difficult for migrants to find employment because they do not have their documents. To explore new opportunities, one often has to travel. However, with internal security checks between cities, most migrants experience serious limitations on their freedom of movement (Cherti & Grant, 2013, 33). Moreover, due to a lack of documentation, migrants do not have access to basic services including healthcare, public education, and even police protection, putting them at perpetual risk of abuse and exploitation (Cherti & Grant, 2013, 34).

Therefore, without basic rights and freedoms that would normally allow one to improve upon their situation and the constant need to remain out of sight from the authorities, irregular migrants are often stuck in a perpetual state of destitution.

Economic inopportunity

Without the appropriate documentation, it is difficult for irregular migrants to find formal employment. Consequently, many migrants are forced into the informal sector. Generally speaking, this involves hard labor such as agriculture or construction and involves very poor pay (Cherti & Grant, 2013, 37). Moreover, knowing that many migrants are desperate and not legally protected by the state, Moroccan employers often use this knowledge as leverage over irregular migrants to pay them lower wages. ““My friends, they are never paid well. The Moroccan is paid 100 dirhams and the migrant 50, for the same work. And you are forced to do so. If you do not work, you do not eat.”” says an interviewed Cameroonian migrant (Cherti & Grant, 2013, 38). Moreover, with no ties to the state, migrant workers do not receive employer-sponsored healthcare or the ability to hold their employer accountable for any injustices endured on the job.

Many of these physically demanding jobs can include dangerous work. If a migrant however is injured on the job even as a consequence of poor safety conditions, the migrant has no recourse other than continuing to work or leaving to find other work. Given the serious challenges that finding work presents for irregular migrants, many are forced into sex work or begging to provide for themselves (Cherti & Grant, 2013, 39).

Racism and Exploitation

Despite varying situations and living conditions among different migrants, racism continues to be a common experience among all sub-Saharan migrants. Beyond derogatory terms and insults directed at migrants because of their race, the negative perception of the sub-Saharan African community has significant practical consequences as well. Perceived negatively and not protected by the law, migrants often find themselves at the mercy of employers, landlords, and other individuals whom they rely on. Without legal protection, migrants are often underpaid by employers. ““One Arab man employed me in construction. But he paid me 40 dirhams, and that can’t take me anywhere. A day job like building is supposed to be 100 or 150, but he treated me like that because I am black ... I can’t work for 40 dirhams. I pay 50 euros for rent.”” (Cherti & Grant, 2013, 43). Moreover, upon discovering that a migrant does not have their documentation for being in Morocco, landlords will often overcharge migrants or provide inhospitable housing conditions by cutting water and electricity (Cherti & Grant, 2013, 43). With lower wages and higher living costs, subsistence is frequently a challenge for irregular migrants.

Civil Society

While migrants will dispute the efficacy of civil society in Morocco, a large number of civil society organizations (CSO) that work with irregular migrants exist in Morocco. Generally speaking, these organizations work to promote the basic rights of migrants and increase their

access to basic services like education, healthcare, and civil status. There exist Moroccan NGOs such as Groupe Antiraciste d'Accompagnement et de Défense des Etrangers et Migrants (GADEM) or Association Marocaine des Droits Humains (AMDH), migrant organizations such as the Council of Sub-Saharan Migrants in Morocco (CMSM), and international organizations, most notably Caritas and Medecins Sans Frontiers that all play an important role protecting and assisting migrants. While international organizations tend to be better funded than local organizations, limited financial resources and a large population of in-need migrants limit the extent to which CSOs can help the irregular migrant community. Moreover, while support from civil society organizations for irregular migrants is mostly tolerated in Morocco, the state does not provide any public funding for these organizations due to the illegality of irregular migration. Furthermore, the lack of government oversight or an official national platform has given way to a disconnected body of CSOs resulting in overlapping and uneven distribution of services delivered in an ad hoc fashion (Cherti & Grant, 2013, 41).

Long Term Options

Most sub-Saharan African migrants venturing on the dangerous journey to reach Morocco illegally have the long-term aspiration of reaching Europe. Contrasting the inopportunities and/or political turmoil in their home countries, Europe is seen by migrants as a land of social and political freedom. However, after experiencing the struggle of getting to Morocco, living in Morocco, and realizing the significant challenges of reaching Europe, the allure of Europe, for some migrants, fades with time. Therefore, while some migrants that reach Morocco still try to reach Europe, a sizable percentage of them choose to remain in Morocco or even return to their home country.

Staying in Morocco is not the desire of most irregular migrants. With harsh living conditions, frequent exploitation, and perpetual insecurity, the life of an irregular migrant in Morocco is riddled with challenges. Nevertheless, many migrants end up staying in Morocco for several years or even life. With very high financial costs and personal risk associated with journeying to Spain or back home, many migrants feel that staying in Morocco is their only option. However, not all migrants feel this obligation to stay. After some time living in Morocco, some migrants have an ambiguous or even positive attitude towards life in Morocco. Whether through integration, finding favorable living conditions, or personal reasons, some migrants develop an acceptance of life in Morocco.

Others still choose to continue trying to reach Spain. While often being a dangerous and often expensive journey, There are two ways an irregular migrant can reach Spain: by water or by land. Traveling by water, most migrants will leave from Tangier which is separated from Spain by only a 14 km stretch of water using boats, rafts, or even swimming (Lahlou, 2018, 2). However, joint efforts from the Moroccan navy and Guardia Civil (one of Spain's national police forces) to monitor these waters and prevent any illegal activity effectively stop thousands of illegal migrants every year from crossing over to Spain (Reifeld, 2015, 41). To avoid detection, migrants often rely on more difficult and dangerous routes, and many die in the attempt of crossing every year. Other migrants who are caught are sent back to Morocco where they are either arrested or released, usually further inland. The other option is attempting to reach Spain by land by entering Ceuta and Melilla. The two Spanish exclaves lie on the northern shores of Morocco and are a common destination for migrants trying to enter Spain. Both cities however are highly fortified with militarized borders. Therefore, migrants trying to cross over the fences not only face the danger of climbing several high walls with "anti-climb" metal mesh but the

threat of violence from the border patrol (Reifeld, 2015, 39). Therefore, each carrying their risks and dangers, migrants that attempt to reach Spain by land or sea face significant barriers to entry.

Lastly, some migrants choose to return to their home countries, rather than staying in Morocco or attempting to reach Spain. The primary reasons irregular migrants leave their home countries are inopportunities and turmoil, with the desire for a better life underlying both these reasons. Therefore, some migrants choose to return after the political turmoil in their country has passed or they feel it is now safe to return. Others sometimes find economic opportunities back home and therefore return for work. However, the essential ultimate requisite for returning home is the belief that life in Morocco is worse than life would be at home. Therefore, alongside the pull factors mentioned above, that would prompt one to return home are push factors like difficult living conditions or discrimination that often drive migrants to leave Morocco (Cherti & Grant, 2013, 3).

Policy on Irregular Migration

Large-scale irregular migration to Morocco as a transit for reaching Europe began in the mid-1990s. In the year 2002 alone, Moroccan authorities made 60,996 arrests for irregular migration attempts (Stylianou, 2017). With no formal framework to handle this issue, Morocco's immigration policy was not up to date with this recent trend. In 2003 however, Morocco implemented its first law on irregular migration. Law 02-03 "criminalized irregular migration, imposed strong sanctions for supporting and organizing it, increased border control capabilities, and set in motion regular raids of migrant settlements" (Stylianou, 2017). Despite this policy being very restrictive, it still did not completely prevent irregular migrants from reaching Morocco. It did, however, make the journey to Morocco and life in Morocco significantly more

difficult. With several accounts of human rights violations of irregular migrants in Morocco reaching mainstream media, the U.N. Special Rapporteur on the human rights of migrants reached out to the Moroccan government in 2004 with its concerns about the living conditions of irregular migrants in Morocco. Pressure on Morocco from the UNHCR, other local and international NGOs, and human rights activists persisted for years (Stylianou, 2017). Although there were minor developments in Morocco's treatment of irregular migrants in the years following 2004, significant policy change only came in 2014 with Morocco's National Strategy on Immigration and Asylum (NSIA) (Uzelac, 2020, 9). This new policy that is regularly described by the Moroccan government as a humanistic policy involved three major changes: "(1) an exceptional regularization process for immigrants, carried out in 2014 (this operation benefited nearly 45,000 migrants); (2) extended power for the UNHCR to grant the right of asylum to a greater number of asylum seekers in Morocco; (3) new laws allowing for better integration of migrants and asylum-seekers into Moroccan society, as well as increased emphasis on the fight against human trafficking and traffickers" (Lahlou, 2018, 7). The primary objectives of these reforms were facilitating integration, establishing an institutional and regulation framework, and managing irregular migration in a manner consistent with migrants' human rights. Although the SNIA was signed in 2014 and has benefited thousands of migrants since, it has not yet been written into legislation, meaning that irregular migration in Morocco is still under the legal regulation of Law 02-03 (Lahlou, 2018, 8).

Irregular Migration, Diplomatic Relations, and Economic Incentives

As irregular migration to Spain through Morocco began growing in numbers in the mid-1990s, irregular migration policy became an increasingly important topic of discussion in Spanish-Moroccan diplomacy. With an increasing sub-Saharan African migrant population

entering Spain illegally, Spain sought to limit irregular entry into their country through the fortification of Ceuta and Melilla in 1993 and increasing Guardia Civil's presence on Spain's southern border (Reifeld 2015, 40) . However, effective measures to limit irregular migration into Spain required cooperation with Morocco, given the country's convenient location for migrants trying to reach Europe. However, cooperation between Spain and Morocco was not only important for Spain but for Morocco as well. With Approximately 4.5 million Moroccans living outside of Morocco (more than 10% of the population) and 85% percent of expatriates living in Europe, Morocco has and had a major interest in maintaining healthy diplomatic ties with the EU (Reifeld, 2015, 34). Therefore, as Spanish-Moroccan tensions continued to escalate in the late 1990s and early 2000s, Morocco eventually implemented Law 02-03, its first policy directly addressing irregular migration, which criminalized irregular migration and consequently eased Morocco's tensions with Spain and Europe (Cherti & Collyer, 2015, 592). European influence on irregular migration in Morocco is further demonstrated through the provision of financial incentives. In 2006 for example, the EU channeled 67 million Euros to strengthen border control in Morocco thus demonstrating how the EU can use financial incentives to extend its border policy to other countries (Cherti & Grant, 2017, 2). While Law 02-03 and Morocco's increased border protection did make the entry of irregular migrants to Spain through Morocco more difficult, it did not stop thousands of sub-Saharan Africans from attempting to reach Spain through Morocco every year.

Because there was still a large number of irregular migrants reaching Morocco, but increased difficulty in reaching Spain, one unintended consequence of this policy was Morocco's gradual transformation from being only a transit country to being a host country of a large irregular migrant population as well. Discrepancies between the estimates of migrants reaching

Morocco and those entering Ceuta and Melilla indicate that Morocco was becoming a land of forced settlement for many (Lahlou, 2018, 10). Furthermore, due to Morocco's hostile treatment of their growing migrant community, affirmed by Law 02-03, Morocco increasingly received negative media coverage condemning their behavior. Moreover, pressures from the United Nations and Amnesty International on Morocco due to their noncompliance with treaties including the 1951 Geneva Convention and the Universal Declaration of Human Rights further incentivized Morocco to revise its policy (Laube 2020, 83).

The timing of Morocco's policy revision in 2014 with the National Strategy on Immigration and Asylum demonstrates Morocco's sensitivity to its reputation. Domestically, Morocco's 2011 protests where outcries against human rights violations, in part, resulted in the drafting of a new constitution were in the recent memory of Moroccans. Internationally, the EU Mobility Partnership had just been signed as a response to the negative publicity emanating from Morocco and European countries' mistreatment of migrants (Uzelac, 2020, 9).

Furthermore, since adopting the SNIA, the EU has channeled large amounts of money into Morocco to promote integration programs for migrants and incentivize the adoption of more progressive domestic laws to improve the treatment of migrants. "Between 2014 and 2018, the EU channeled at least €232m to Morocco (excluding regional cooperation projects), which was intended to capitalize on this progressive policy momentum. In 2019, this cooperation was boosted by a further €389m." (Uzelac, 2020, 9). While simply labeled as 'aid', it is commonly speculated that the EU's incentives in providing this funding are making North African countries like Morocco more hospitable to irregular migrants to deter migrants from continuing their journey to Spain. Therefore, while international politics can never be understood

unidimensionally, it is important to note significant diplomatic and economic incentives behind the policy Morocco chooses to adopt to address its irregular migrant population.

Applying Irregular Migration in Morocco to Theories of International Relations

Political thinkers have long sought to understand how states interact with one another. There is consensus that the central goal of any state in an international system is the promotion of national interest, however conceptions of how states do so vary. While several theories and variations of theories of international relations have emerged over the past century, I will be assessing the case of irregular migration in Morocco through the lens of the three fundamental theories: realism, liberalism, and constructivism. Each of these theories has strengths and weaknesses in its ability to accurately capture the irregular migration policy in Morocco that I will explain. However, I will argue that constructivism is most applicable in this situation.

Realism

Realism posits that how nations interact with one another is a reflection of human nature. However, the conception of realism that the founder of realism, Hans J. Morgenthau, had was one of self-interested egoism and all humans being power-hungry (Antunes, 2018). Therefore, according to realist theory, international relations can be characterized by individual states fighting for power. Furthermore, because all states will seek to maximize their relative power, the primary objective of any state is self-preservation through continually gaining power (Antunes, 2018).

There are four central assumptions to the theory of realism. Firstly, the principal actor in international relations is the state. While other interest groups like international organizations may exist, they have little power because states will always prioritize their national interest first.

Secondly, a state will always act per its national interest: power maximization and increasing relative power. Thirdly, all states are rational actors, and finally, states live in a constant state of anarchy and are in constant competition with one another (Antunes, 2018).

There is indeed explanatory value to this theory when related to the case of irregular migration in Morocco. As explained above, developing political and economic interests seem to have heavily influenced Morocco's policy towards irregular migrants over the years. While it is likely that human rights concerns were at least a consideration, the promotion of national interest was undoubtedly the central motivator of migration policy. Therefore, the prioritization of national interest over human rights in policymaking can also be explained by the realist principle that human nature is based on self-interest.

However, there are shortcomings to this theory's ability to explain irregular migration policy in Morocco. While realism supposes that the states are the principal actors in international relations and other interest groups have little power, pressures from the media and international organizations like the UNHCR and Amnesty international played a significant role in Morocco's 2014 policy reform. Secondly, realism posits that because power is relative, states will compete, rather than cooperate. However, Spain and Morocco cooperated in their joint effort to manage their irregular migrant population, despite there being underlying motives behind their cooperation.

Liberalism

Contrary to realism, liberalism emphasizes international cooperation rather than competition as a means of nations promoting their individual interests. Centered on the moral argument that the highest goal of any state is protecting citizens' rights to life, liberty, and

property, liberalists believe that, in a highly interconnected global economic system, cooperation is the best means of increasing social and economic power (Meiser, 2018).

In their influential piece, *The Nature and Sources of Political Order* (1999), Daniel Deudney and G. John Ikenberry outline three interlocking factors through which the liberal order can be understood. Firstly, the power of international organizations and systems transcends the power of any individual state. This means that international organizations like the United Nations that pool resources for common goals can exert significant influence over states' international affairs. Secondly, increased economic interdependence since the establishment of the World Trade Organization and the International Monetary Fund in the 1944 Bretton Woods Conference has largely contributed to reduced international conflict. The rationale is that the significant benefits of international trade have made the consequences of a trade disrupting war increasingly costly and that states have more to gain from mutually beneficial trade and cooperation. Lastly, international norms that favor democracy, human rights, and political accountability strongly incentivize nations to act in accordance with these norms because a state's noncompliance with these norms can risk its exclusion from the global economic system (Meiser, 2018).

Concerning irregular migration policy in Morocco, this theory succeeds in accounting for the pressure that nations experience to comply with international norms. This is evident from the role negative media coverage and pressure from the UNHCR and Amnesty International played in shaping Morocco's 2014 policy reform. Moreover, the global economic interdependence described by Deudney and Ikenberry has also played a significant role in Morocco's compliance with the EU's policy agenda toward irregular migration. With 85% of Morocco's expatriates living in Europe, money transfers made from expatriates to Morocco account for a larger share of the GDP than Morocco's whole tourism sector (Reifeld, 2015, 34). Lastly, Morocco's

cooperation with Spain in managing their irregular migrant population can also be explained by liberalism. However, liberalism here fails in one central aspect central to accepting the theory. The belief that international organizations that promote international norms have more power than states in influencing international affairs does not apply to the case of Morocco and Spain. While pressures to conform to standards of human rights and democracy did play a role in shaping policy, policy towards irregular migration continues to infringe on migrants' human rights, but less overtly. The SNIA outlined measures Morocco would take to regularize and integrate their migrant population. However, it was never written into legislation, thus giving Morocco flexibility to this day on how it manages its irregular migrants. Consequently, human rights violations on the grounds of the right to no discrimination, right to the law, right to asylum, and many more continue to be violated regularly. Therefore, while international organizations do exert some influence on states' international affairs, Morocco's ability to circumvent international norms of human rights demonstrates that the state is ultimately in control.

Constructivism

Constructivists see the world as being socially constructed, meaning that it is not the direct pursuit of material interests like money, resources, and land that dictates foreign policy (Theys, 2018). Instead, it is the historical, cultural, and social belief systems that influence foreign policy. A commonly referenced example to understanding constructivism is how the United States would be less threatened by the United Kingdom having 500 nuclear weapons than North Korea having 5 nuclear weapons. In this case, it is not the nuclear weapons themselves that are the source of distress and therefore foreign policy, but the ideas and beliefs that the United States has about North Korea that dictate their policy (Theys, 2018). "Constructivists

argue that agency and structure are mutually constituted, which implies that structures influence agency and that agency influences structures. Agency can be understood as the ability of someone to act, whereas structure refers to the international system that consists of material and ideational elements” (Theys, 2018). Therefore, constructionists believe national interest and foreign policy can both be defined and redefined based on changing ideas.

More than other theories, the theory of constructivism effectively explains Morocco’s action and policy toward its irregular migrant population. Firstly, the evolution of policy on irregular migration can be well understood in relation to the changing incentives Morocco has experienced at different times. As a consequence of increasing tensions between Morocco and its valued European allies, Morocco’s Law 02-03 effectively improved relations with Spain and Europe: allies whom Morocco saw great value in appeasing. With time, pressures to respond to criticism from the media and international organizations led Morocco to increasingly emphasize public image and played a large role in the adoption of the SNIA. Changing emphases, therefore, demonstrate the extent to which ideas can change over time and inform foreign policy. Furthermore, just as the perception of irregular migrants as a threat informs policy that treats this population as threatening, a perception of irregular migrants as humans deserving of protections based on inalienable rights or even assets that can be incorporated into the economy and society would yield dramatically different policies. While education levels vary among migrants, the majority are literate and many have A-level education and some even higher education. Therefore, while no theory of international relations can be definitively proved, there is strong reason to believe that the changing ideas states carry about their national interests and the attitudes with which states perceive irregular migrants provide a strong framework for understanding the development of Morocco’s policy towards irregular migrants.

Conclusion

Drawn by the opportunity of a better life, tens of thousands of sub-Saharan Africans have attempted to reach Spain through Morocco through irregular migration in the last three decades. Historically, both Spain and Morocco have treated irregular migration as a threat to security and have therefore created unwelcoming conditions for migrants. Furthermore, due to the difficulty of moving within Morocco and significant barriers to entry for reaching Spain, many migrants end up staying in Morocco for several years or even life while subject to hostile living conditions. Without the appropriate legal documents for being in Morocco, migrants experience significant challenges finding work, getting access to basic services including legal protection and education, and are subject to great exploitation.

Morocco's policy on irregular migration has done little thus far to protect the human rights of irregular migrants in Morocco. Due to diplomatic incentives, economic motives, and pressures from the international community, policy reforms have been made to promote the regularization of irregular migrants in Morocco. While these policies have improved life for some irregular migrants in Morocco, the benefits of this policy change have not reached much of the population of irregular migrants in Morocco who continue to frequently be subject to human rights violations.

In trying to relate the case study of irregular migration policy in Morocco to the different theories of international relations, I found that realism, liberalism, and constructivism all had some explanatory value. It was ultimately constructivism, however, that I found had the greatest explanatory power. I found the emphasis on the power of changing beliefs and ideas to influence

foreign policy to be particularly applicable to the development of policy on irregular migration in Morocco.

Recommendations for Further Study

Throughout my research, I came across a rich body of literature on the matter of irregular migration in Morocco. Existing literature extensively covered the politics, economics, social impact of migration. However, two areas where the literature could be expanded upon are the role of North Africa at large in irregular migration to Europe and the amount of literature written in English. When reading about Morocco's role as a transit state, I came across sources describing Algeria, Tunisia, and other North African countries as transit states as well. However, given these countries' central role in irregular migration, I believe that a focus on these countries as key actors in irregular migration compared to just transit states would yield valuable insight. United, these North African countries have a significant role in irregular migration and thus more attention should be directed to North Africa's role in transit migration as a united body. Secondly, I would hope to see more literature in the future on the subject written in English. Many of the sources available, especially primary sources, were in French. While there was an extensive literature from various academics and international organizations, many primary sources that give unique and valuable insight were written in French.

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