

The Formation of Morocco's Policy Towards Irregular Migration (2000–2007): Political Rationale and Policy Processes

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ABSTRACT

The factors that influence the formation of transit states' policies towards irregular migration have been insufficiently analysed. The case study in this article therefore investigates why and how Morocco, at the interface of Euro-African migration flows, created a policy towards irregular migration at the beginning of the twenty-first century. This article shows that Morocco's policy, rather than being a by-product of European migration policies, was the authorities' strategic response to the country's complex geopolitical environment that aimed at restoring Morocco's pivotal role in the region via irregular migration control. By retracing the three-phase inverted agenda-setting process that occurred between 2000 and 2007, this article shows why and how irregular (transit) migration was set on Morocco's political agenda, transformed into a new area of public intervention and progressively framed as a national public problem.

POLICY IMPLICATIONS

- Morocco's irregular migration policy, unlike that of receiving states, is less guided by national-electoral than by geopolitical considerations. Migratory flows considerably impact Morocco's regional negotiation capital; but while strengthening relations with Europe remains a top priority, Morocco's cooperation with African states is increasingly important.
- Framing irregular migration as an exterior threat by stigmatizing sub-Saharan transit migration and concealing irregular national emigration is crucial for Moroccan authorities to assure popular adherence to restrictive policies.
- Civil society activism on migration is an important democratization vector in Morocco. However, selective state responses create a labour division between a state-run border-control and civil society-run integration measures.

INTRODUCTION¹

Until the twenty-first century, the Moroccan authorities turned a blind eye to irregular migration and refused to address the issue politically despite its daily occurrence. Every year, an estimated 10,000 to 15,000 sub-Saharan migrants entered Morocco; and 15,000 to 20,000 people, both Moroccans and foreigners taken together, irregularly emigrated to Europe.² After decades of concealing the phenomenon, the Moroccan authorities in 2003 radically changed their attitude by enacting “Law n°02–03 relative to the entry and stay of foreigners in Morocco and to irregular emigration and immigration” (BO 5162, 2003). Introduced by the Moroccan government on 5 February 2003, the bill was voted through parliament on 5 June with 60 votes against two, entering into force as law on 11 November. The law enacted surprisingly restrictive reforms. It criminalized irregular im- and emigration as well as its assistance³ and doubled the number of permanent border guards to 8,000, thereby completely breaking with the former, rather lax attitude. The law also created the Direction of Migrations and Borders Surveillance (DMBS) within the Ministry of Interior (MoI) and prompted the elaboration of a “National Strategy on Combating Illegal Migration”. So far, the factors determining transit states’ policies towards irregular migration have been insufficiently analysed by academia. The present article therefore attempts to start filling this research gap by investigating the above-mentioned policy change and asking why and how Morocco suddenly transformed irregular migration into an area of public intervention.

So far, political science literature (Belguendouz, 2003, 2009; Lahlou, 2011; Khachani, 2010a) considered the 2003 law to be a by-product of European migration policies aiming at implementing techniques of “remote control’ [...] to deter immigration by regulating embarkation at or near the point of origin” (Zolberg, 1999: 73). Although Europe played an undeniable role in Morocco’s policy-formation process, this Eurocentric approach neglects Morocco’s autonomy as a political actor and undermines the multifaceted geopolitical context in which the Moroccan authorities elaborated their policy. Challenging the prevailing view according to which “public policies on irregular migration discussed in the southern Mediterranean region can only be understood in light of European policies” (Belguendouz, 2009: 1, tba), this research shows that European pressure was only one out of several factors within Morocco’s policy-making process. Qualitative research methods were used to investigate this process and hence, this article essentially stems from 32 interviews⁴ conducted in October 2011

¹ All non-English quotes have been translated into English by the author and are referred to by the acronym tba.

² Irregular migrants residing in or transiting Morocco, yearly estimates, 2000 – 2010

Source	Year	Estimation
ILO (Lahlou, 2002)	2002	15,000 – 20,000
European Commission (2005)	2005	10,000
Ministry of Interior, Morocco (CARIM, 2009)	2007	15,000
UNODC (2010)	2008	15,000
UNHCR (2010)	2010	10,000 – 15,000

³ Irregular migrants, when intercepted at the border, can be punished by an imprisonment of one to six months and/or a fine ranging from 2,000 to 20,000 dirhams. People assisting irregular migrants can be punished by an imprisonment of six months to three years and a fine between 50,000 and 500,000 dirhams (BO 5162, 2003).

⁴ 4. Interviewees included high-level civil servants from the Moroccan Ministry of Interior, Ministry of Foreign Affairs and Cooperation, Ministry of Justice, Hassan II Foundation for the Moroccans Living Abroad, Council of the Moroccan Community Abroad (CCME), National Council for Human Rights (CCDH), as well as from the

and January 2012 with Moroccan governmental officials, representatives of national institutions, international organizations and NGOs in Morocco, as well as from primary sources gathered online and in the field.

Two main arguments structure this article: (1) Morocco's policy of irregular migration control is the most recent element of its "diplomacy of migrations" (De Wenden, 2010: 13) aiming at restoring the country's role as an important regional player; (2) Morocco's policy towards irregular migration was formed via an inverted agenda-setting process, in which irregular migration was first set on the governmental agenda and subsequently transformed into a public problem. In order to corroborate these two arguments, this article presents the three main steps of Morocco's policy-formation process between 2000 and 2007. Section 1 examines Morocco's historical background in the 1990s and the confluence of geopolitical changes influencing Morocco's decision to set irregular migration on the governmental agenda as a "geographical rent" in regional politics (Bensaad, 2005). Section 2 discusses how irregular migration and sub-Saharan transit migration in particular were framed as national public problems in a top-down politicization process. Finally, section 3 covers the period following the Ceuta and Melilla crisis in autumn 2005, characterized by an unknown dynamism within Moroccan civil society and the transformation of Morocco into the main mediator in Euro-African migration management.

GOVERNMENTAL AGENDA SETTING (2000–2002): A STRATEGIC RESPONSE TO A CHALLENGING GEOPOLITICAL CONTEXT

When the Moroccan authorities set irregular migration on their agenda in 2003, it was neither a socio-demographic issue nor considered a 'public problem' in Morocco. The estimated 20,000 irregular migrants residing in Morocco are, within a national population of 32 million, not only quantitatively but also socio-politically insignificant. The political agenda-setting was therefore not a response to public demand, but, as this article shows, a strategic decision to improve the country's political weight in the region. This assessment corroborates recent research findings according to which "countries of origin, yesterday absent on the international scene, start to pursue a 'diplomacy of migrations'" (De Wenden, 2010: 13, tba), using their "migration policy [as] an indirect instrument of foreign policy" (Thiollet, 2011: 13). For instance, Europe's growing interest in cooperating with third countries on irregular migration control was an opportunity for Morocco to regain its role as a pivotal partner. Substantiating Kingdon's (2003, 179) statement that "the rise of an item is due to the joint effect of several factors coming together at a given point in time", this article shows that Morocco's agenda-setting resulted from the confluence of a particular regional environment, of changing migratory flows and of new national priorities.

United Nations High Commissariat for Refugees (UNHCR) in Morocco, International Organisation for Migration (IOM) in Morocco, EC Delegation in Morocco, European External Action Service (EEAS) and the European Commission (DG Home) in Brussels. To counterbalance the official view, interviews were also conducted with representatives from the Moroccan Association for Studies and Research on Migration (AMERM), Moroccan Organisation for Human Rights (OMDH), Moroccan Association of Human Rights (AMDH), Anti-Racist Defence and Support Group of Foreigners and Migrants (GADEM), LA CIMADE Morocco, the Council of Sub-Saharan Migrants in Morocco (CMSM), the Collective of Sub-Saharan Communities in Morocco (CCSM), and academics from the Mohamed V University in Rabat, the Migration Research Program at the Centre Jacques Berque in Rabat, the INSEA Institute in Rabat and the UNESCO Chair on Human Rights in Morocco.

New, challenging migration patterns

Throughout the twentieth century, Morocco was first and foremost a country of emigration, with 10 per cent of its population, i.e. three million Moroccans, living abroad. This migration pattern was echoed by the government's focus on diaspora policies from the 1970s onwards, a policy area where Morocco gained significant expertise and which was at the heart of its 'diplomacy of migrations'. However, the emergence of new migratory patterns in the 1990s – irregular and transit migration – challenged Morocco's homogenous migration profile and not only triggered the need for policy reform, but also created the opportunity to enhance the diplomatic value of migration issues.

Spain's accession to the EU in 1986 was a key trigger for the emergence of irregular migration flows across the Mediterranean, as Spain's economic take-off in the 1990s transformed the Moroccan-Spanish border into one of the most unbalanced in the world (More, 2004).⁵ Given that Spanish agricultural goods progressively substituted Moroccan ones on the European market, jobs in the agricultural sector were transferred from Morocco to Spain, herewith triggering growing demand for seasonal workers in Spain and prompting increased labour migration across the Strait of Gibraltar. In parallel, the EU tightened its migration regulations and mobility across the Mediterranean became increasingly difficult. For instance, Spain introduced visa requirements for Maghreb citizens on 15 May 1991, and in 1999 elaborated the SIVE (Integrated System of External Vigilance), a sophisticated system to control the new Schengen border between Morocco and Spain. Europe's restrictive political-legal changes partly pushed the growing labour migration flows into irregularity – as a member of the Council of the Moroccan Community Abroad (CCME) accurately said, "clandestine migration has always existed, but it only became illegal in the 1990s."

Added to the phenomenon of irregular labour emigration, Morocco also increasingly experienced the arrival of sub-Saharan migrants seeking to enter the EU. Although migration from sub-Saharan Africa always existed, trans-Saharan migratory flows grew in the 1990s due to political developments within Africa. For instance, a series of civil wars and subsequent economic recessions in West-African countries (Sierra Leone, Liberia, Nigeria, Ivory Coast) led to a substantial increase in refugee migration towards North Africa (De Haas, 2006: 3). In addition, economic-driven migration grew after the Libyan authorities restricted their labour migration rules in 2000. This break with their former open-door policy, which attracted over one million African labour migrants (Migration News, 2000), "resulted in a partial westward shift of trans-Saharan migration routes towards Algeria, Morocco, and Tunisia" (De Haas, 2006: 3).

The confluence of these two evolutions – growing sub-Saharan migration to Morocco and the 'illegalization' of seasonal labour migration towards Europe – radically changed Morocco's migration profile: From the traditional emigration country it had been during the twentieth century, Morocco progressively became a transit country (Wunderlich, 2010: 250). Nevertheless, the scope of this evolution remained limited, as compared to the three million Moroccans living abroad only about 15,000 people irregularly migrated to or from Morocco every year. And although the demographic factor was omnipresent in Moroccan official discourse on irregular migration, Morocco's agenda-setting decision was not a mere reaction to changing migration

⁵ While Spain's GDP per capita was only four times larger than Morocco's in 1970, in 2002, it was already 12.5 times larger (More, 2004).

patterns, but first and foremost the response to a specific political context in which the Moroccan authorities used irregular migration as a ‘geographical rent’ to restore the country’s role in regional politics.

Irregular migration, a ‘geographical rent’ within Morocco’s foreign policy

Morocco’s agenda-setting decision has often been qualified as a ‘bowing to European demands’. And undoubtedly, the EU, in its attempt to implement ‘remote border controls’, pressurized Morocco to cooperate on irregular migration. Despite this, the European variable alone does not offer a comprehensive understanding of Morocco’s policy-formation process. The agenda-setting decision was not only a response to growing pressure from the North, but to a large extent a deliberate move of the Moroccan authorities, in coherence with the country’s national priority to regain its position as a regional player.

Indeed, socio-political changes in Africa and Europe during the 1980s and 1990s had downgraded Morocco to a secondary player in regional politics. In 1984, Morocco left the African Union after an escalation of the Western Sahara conflict⁶ and herewith side-lined itself from African politics. Morocco’s foreign policy turned northwards and crystallized in Morocco’s 1987 application for EU membership, which was rejected for geographical reasons. At the same time, the collapse of southern European dictatorships in the mid-1970s and the fall of the Iron Curtain in 1989 restructured European priorities in terms of economic assistance, human mobility and political support. Occupied with its southern enlargement and eastern neighbourhood, the EU downgraded North-African countries to secondary partners, herewith pushing Morocco into relative geo-political isolation.

However, from the mid-1990s onwards, the EU more offensively engaged in a migration-control agenda and the 1999 Tampere Conclusions turned cooperation with third countries into an essential element of Europe’s “remote control” strategy to manage irregular migration (EU Council, 1999: Point 26). For instance, the EU in its 1999 Action Plan for Morocco requested the conclusion of readmission agreements including third-country nationals, as well as the adoption of visa requirements for West African nationals (JAI 75 AG 30, 1999: 15). Morocco however rejected the Action Plan, considering the requirements an infringement of its sovereignty and voicing its disappointment at Europe’s one-sided proposal which downgraded Morocco to a simple policy instrument instead of considering it an equal partner. Nevertheless, the Moroccan authorities seized the political window of opportunity presented by an increased European interest in irregular migration to push their country back onto the European agenda. Morocco’s emerging interest in cooperating with Europe on irregular migration control was a successful diplomatic move, as Europe’s subsequent 2002–2004 National Indicative Programme (NIP) took into account Morocco’s political and economic priorities and committed €115 million to migration-related projects⁷ (NIP, 2001: 44). This episode is exemplary for Morocco’s

⁶ Since the 1970s, Morocco has claimed sovereignty over the Western Sahara, a region south of Morocco, but faces the opposition of the Polisario Front, backed by Algeria and other African states, who fight for the independence of the Western Sahara (Valluy, 2007: 9).

⁷ €5 million for the creation of a governmental structure that should organize legal emigration towards Europe depending on the demand (via a system of quotas); €40 million to improve border control and hence diminish cross-border crime and irregular migration; €70 million for the economic development of Morocco’s northern provinces which form the main region of emigration (NIP, 2001: 44).

“diplomacy of migrations” and for the authorities’ awareness of policy-linkage opportunities between migration control and the deepening of economic cooperation.

But the emerging cooperation on irregular migration was not quick and effective enough in the eyes of the European country that was most affected by migratory movements from Morocco: Spain. Having signed a readmission agreement in 1992 (Spanish Government, 1992: art.1), problems soon arose over third-country nationals, as “from 1999 to 2004, the Moroccan government rejected all 6,420 requests from the Spanish government for readmission of citizens from third countries” (Garces-Mascareñas, 2012: 170). In this context, Spain adopted a punitive approach towards Moroccan migrants by favouring migrants from Eastern Europe and Latin America (Alscher, 2005: 13). Also, Spain advocated Morocco’s uncooperativeness on the European scene – with success: In 2002, the Seville Council Conclusions introduced a “migration conditionality” for cooperation agreements, where by “any future cooperation, association or equivalent agreement which the European Union concluded with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration” (EU Council, 2002: 10). Spanish-Moroccan relations reached their negative climax in summer 2002, when sovereignty claims over the island of Perejil/Leila incited Spain to recall its ambassador in Rabat and to deploy air and navy forces on the island. The imminent crisis was quickly resolved, but relations remained tight until the Moroccan government, on 16 January 2003, presented the first draft of its new migration law in parliament. The instrumental value of the law was highlighted by the Minister of Interior, stressing that “Law 02–03 is part of the attempt [...] to respect Morocco’s commitments towards its partners in the fight against emigration” (Le Matin, 20 December 2003: tba). The law showed its effect. Two weeks later, on 30 January, Morocco and Spain re-established their respective ambassadors in Madrid and Rabat (Valluy, 2007: 10f).

As outlined in this section, the Moroccan authorities set irregular migration on their agenda at the beginning of the twentieth century in response to a constraining regional context. After some years of relative isolation both from its European and its African neighbours, Morocco seized the opportunity of an increased European interest in irregular migration control to re-establish its regional position. As Bensaad (2005: 9, tba) writes, “Maghreb states, after having refused to talk about this topic, now highlight the strong presence of migrants on their territory, as well as their proximity with Europe, out of a desire to assert migration as a ‘geographical rent’”. Irregular migration thus became a crucial topic for Morocco’s “diplomacy of migrations” and reciprocally, geopolitical considerations were, from the very beginning on, an essential factor in Morocco’s policy decisions on irregular migration. Nevertheless, no policy is sustainable if it is not integrated into national politics. It is therefore crucial to shed light on the way in which the Moroccan authorities created social adherence to the new policy via a deliberate politicization of irregular migration.

TOP-DOWN POLITICIZATION (2003–2004): FRAMING⁸ IRREGULAR MIGRATION AS A NATIONAL PUBLIC PROBLEM

When Morocco enacted its new migration law in 2003, neither irregular nor transit migration were politicized issues in Morocco: In 2002, the International Labour Organisation (ILO) highlighted that “neither political parties present in the Moroccan parliament nor syndicates nor Moroccan civil society associations take into consideration the topic of irregular migration” (Lahlou, 2002: 130, tba). On the contrary, irregular emigration was a socially tolerated phenomenon, serving as a structural variable of income for many Moroccan families. Therefore, “restricting the movement of their citizens [as does the 2003 law] is unpopular with their local populations, affects their socioeconomic conditions and can cause unfavourable changes to the political climate for the regimes in power” (Wunderlich, 2010: 251). In order to prevent this, the Moroccan authorities legitimated (1) their concern about irregular migration by inscribing it into the broader national interest and (2) their restrictive stance by framing irregular migration as a solely sub-Saharan problem, herewith overshadowing the sensitive topic of Moroccan irregular emigration.

Legitimizing public action via the national interest

Interviews and primary sources showed that the legitimation discourse enacted by the Moroccan authorities emphasized the coherence between the 2003 law and two national policy priorities: Morocco’s general reform mood and Moroccans’ growing desire for national security after the 2003 terrorist attacks in Casablanca.

When Mohammed VI succeeded his father King Hassan II on 30 July 1999, Morocco engaged in an era of relative political openness. With his new concept of authority “requir[ing] an administration in direct contact with citizens and a treatment of their problems on the ground, by involving them in the elaboration of appropriate solutions” (King Mohammed VI, 1999: tba), King Mohammed VI showed his will for democratization and for the inclusion of civil society in the policymaking process. To legitimize the 2003 law, the authorities therefore framed it as a progressive reform. For instance, Minister of Justice Mohamed Bouzoubaa emphasized in parliament on 5 June 2003 that the law’s main aim was “to review and update the legislation relative to the entry and stay of foreigners in Morocco” (Parliament of Morocco, 2003: 1239, tba) and the Chief of the DMBS, Mr. Sghir, presented the law as an opportunity to introduce international dispositions and human-rights protections (Sghir, 2008: 96, tba).

In addition to embedding the 2003 law into the political context of reform, the authorities also benefited from an unexpected event that facilitated the public approval of the law’s restrictive dispositions: On 16 May 2003, twelve suicide bombers blew themselves up in five symbolic places in Casablanca, killing 33 civilians within a few hours (INA, 17 May 2003) and triggering an increased security desire within the population. As Grindle and Thomas (1991: 73) write, “crisis allows the state to take on more autonomy from societal actors and [...] to consider larger issues such as ‘the national interest’”. Indeed, the 2003 attacks provided the Moroccan authorities with the opportunity to frame their new, restrictive attitude towards migration as a sovereign decision

⁸ The concept of ‘framing’ has been attributed to the work of Erving Goffman, especially in his 1974 book *Frame analysis: An essay on the organization of experience*.

made in the national interest – an interviewee within the DMBS said: “Our policy follows a double logic. First, assuring our internal security through locking our borders. This policy is not made to please the EU, but responds to an internal concern. If we work, it’s first of all for us. But this policy is also about guaranteeing regional security. We must, as a credible state, assure regional security. This is our strategic position.” The security-impregnated context facilitated a quick and quasi-unanimous enactment of the 2003 law and silenced criticism that had emerged within civil society or in parliament. For instance, a debate initiated in May 2003 by the Moroccan Association of Studies and Research on Migration (AMERM) on the lack of legal protection for migrants was drowned in the chaos surrounding the Casablanca attacks – a member recounts: “The debate had no impact. We were overtaken by the terrorist attacks.” Also, criticism raised within the parliament was overheard. All 23 amendments, 18 put forward by the Party of the Unified Socialist Left and five by the Justice and Development Party, were rejected and the law was voted through in its original form by 60 votes to two (Parliament of Morocco, 2003). But in addition to enacting a new legislation, authorities introduced a novel framing of Morocco’s migration profile on the domestic policy scene, transforming Morocco into a transit country and irregular migration into a sub-Saharan problem.

Sub-Saharan transit migration, a national public problem

As Lahlou (2011: 15, tba) observed, “migration policies of Maghreb governments have radically changed since the beginning of the twenty-first century. Originally centred on their national’s migration towards European countries, they progressively focused on the ‘management’ of transit migration from sub-Saharan Africa towards the EU.” In order to justify this new focus on transit migration, the Moroccan authorities enacted a media strategy which (1) framed Morocco as a transit-state victim of its geographical position and (2) equated irregular migration with sub-Saharan transit migration, herewith overshadowing the sensitive topic of Moroccan irregular emigration.

As interviews showed, the discourse of high-level civil servants was dominated by geographical determinism. As a member of the National Council for Human Rights (CCDH) highlighted, “Morocco’s specificity is to be a victim of both its history – with the two Spanish enclaves on Moroccan territory that are important pull factors for irregular migration through Morocco – and its geography, with the only 14 km wide Strait of Gibraltar separating Morocco from Europe.” Framing Morocco as a victim of its geographic position enabled the Moroccan authorities to present irregular migration as an exterior threat. For instance, El Mostapha Sahel, Minister of Interior, emphasized on 7 May 2003 that “the fight against irregular immigration is one of the governments’ priorities of action. The government, aware of the danger irregular migration presents, has mobilized all human and material means necessary to fight against this plague which has negative repercussions on economy and society” (MAP 072058 in Belguendouz, 2009: 19, tba). This geographical determinism also allowed the authorities to instrumentalize Morocco’s national resentment against Algeria by accusing its neighbour of participating in the traffic of migrants, despite the fact that the Moroccan-Algerian border had been closed since 1994. In this spirit, a pro-governmental newspaper wrote in 2004 that “thousands of clandestine migrants have declared to the Royal Police that ‘Algerian customs authorities facilitated [them] the access to Moroccan territory via the trafficking channels they

control” (Le Matin, 9 August 2004: tba). An interviewee within the Ministry of Foreign Affairs corroborated this: “Whatever the effort made by Morocco, the migratory pressure will always persist because Algeria does not do anything”. In front of the population, the transit-country frame was therefore useful to justify the restrictive policy: “Reversing the image of the victim, Maghrebi official discourse now presents local societies as the victims of invading migratory flows and, relaying Europe’s security discourse, the foreigner as a threat” (Bensaad, 2005: 9, tba). But despite the fact that irregular migrants came from a variety of countries, it was the sub-Saharan migrant that became stylized in Moroccan official discourse as “the” foreigner.⁹ As Pian (2009: 80, tba) highlights, “the security-approach to migration is also echoed by Moroccan media that participate in the criminalization process of sub-Saharan citizens.” Articles on salary-dumping joined those on sub-Saharan woman spreading AIDS or on the growth of trafficking networks. Titles such as “The black locusts invade Northern Morocco” (Ashamal, 6 September 2005, tba) or “Security service reports ring the alarm: Weapons and Al Qaida cross the desert with caravans of illegal migrants” (Al Ahdath Al Maghribia, 11 January 2007, tba) were recurrent, and in an article entitled “Warning note for those who rent to Africans”, Al Nahar Al Maghribia (6 February 2007, tba) published the following: “Some of the African women engage in popular prostitution whose price does not exceed five dirhams. [...] The low price of a sexual act with Africans increases the numbers of AIDS victims – condoms are not used since their price is higher than the price of the sexual act itself”. This media strategy reframed the debate within Moroccan society: Irregular migration was no longer associated with the failure of Morocco’s social and employment policies to provide opportunities for the country’s youth, but with problems related to security and foreign policy. Eventually, this focus on sub-Saharan transit migration not only facilitated public adherence to the new restrictive stance, but also concealed the issue of national irregular emigration. As Kreienbrink (2005: 212) accurately writes, “passing the act was combined with a change in interior policy due to which [irregular] migration, after years of almost total concealment, suddenly became a topic in Morocco’s national media. The media however focused much less on Moroccans than on Sub-Saharan immigrants.”

This section showed that authorities enacted a two-fold politicization strategy in order to present the new, restrictive policy as a coherent move responding to Morocco’s national imperatives – i.e. reform, national security and the fight against irregular transit migration. Set on the governmental agenda as a geographical rent in regional politics, irregular migration was herewith transformed by Moroccan authorities into a public problem in a top-down approach. But the incidents at the borders of Ceuta and Melilla in autumn 2005 disrupted the state’s policy-formation monopoly and introduced two new variables into the policy-making game: civil society and the international scene.

⁹ This deliberate will to frame irregular migration as a sub-Saharan problem despite the demographic reality on the ground becomes evident when one looks at numbers. As Khachani (2010b, 6, tba) notes, “labour inspectors have recently counted nearly 3,000 irregular immigrants belonging to 45 nationalities including English, Lebanese, Saudis and Koreans. But the Chinese and the French remain the most numerous. [...] Nevertheless, the most visible irregular presence is that of sub-Saharan Africans.”

MULTI-LEVEL POLICY DYNAMICS (2005–2007): CRISIS, A WINDOW OF OPPORTUNITY FOR NEW POLICY ACTORS

As Grindle and Thomas (1991: 73) write, “crisis presents an opportunity for bringing about significant changes in public policy”. The Ceuta and Melilla incidents in autumn 2005, where around 1,400 migrants tried to climb over the three-metre-high fences surrounding the two Spanish enclaves in northern Morocco and at least 12 migrants were shot by border guards¹⁰ (Migreurop, 2006: 96–98), corroborate this: Following the incidents, the Moroccan authorities “turned to nationwide raids and arrests of immigrants in cities and makeshift camps in the forests around Ceuta and Melilla” (De Haas, 2006: 5), raised the number of border guards from 8,000 to 11,000 agents (Sghir, 2008: 94) and, together with Mali and Senegal, installed an air-bridge repatriating around 3,000 irregular migrants back to their countries of origin (Lamlili, 2005: 51). The crisis attracted world-wide media attention, shed negative light on Morocco and turned the situation into “the dirtiest affair that Moroccan diplomacy ever had to face” (AFP, 12 October 2005), thereby allowing new actors to enter the policy-making scene.

A new, challenging domestic context: dual bottom-up politicization

The Ceuta and Melilla crisis generated growing societal interest in irregular migration, which crystallized in two major trends: (1) Morocco’s civil society started to pressurize authorities to adopt a more rights-based approach towards irregular migration and (2) growing xenophobia within Morocco’s population pushed authorities to emphasize the country’s status as a transit state and to reject any integration measures.

Although some associations (AMERM, AFVIC) had already worked on irregular migration at the turn of the twenty-first century, the 2005 events prompted an unprecedented activism within civil society: In autumn 2005, the Council of Sub-Saharan Migrants in Morocco (CMSM) was created; existing human rights organizations such as the Moroccan Association of Human Rights (AMDH) started to integrate irregular migration in their work and Moroccans created local, politicized initiatives such as the Anti-Racist Defence and Support Group of Foreigners and Migrants (GADEM). A GADEM member recounted that the association’s creation “was a result of the 2005 events. During two weeks, we accompanied the buses that were leaving for the desert with the migrants that had to be returned. We found out that medical support was there, but that there was no organization supervising the respect of the legal procedures of these expulsions.” All these initiatives criticized the security-driven official policy for not including protective or integrative measures and called for more migrants’ rights in Morocco. For instance, a GADEM member said: “It is normal that a migration policy has a security aspect – we should not be fools – but there also has to be a social, economic, educational aspect.” Interestingly, the authorities did not silence the criticism – as had been the case in 2003 – but openly responded to it. In 2006, for instance, the national television channel 2M organized a debate between Moroccan and African policy-makers, civil society and academics on irregular migration through

¹⁰ Three main crossings took place in autumn 2005. On 28 August, around 300 migrants tried to cross into Melilla, one migrant being shot by border guards. During the night of 28 September, given the 2005 Moroccan-Spanish summit the day after, approximately 600 sub-Saharan migrants tried to cross the fence surrounding Ceuta – at least five were shot and hundreds injured. The deadly series of crossings ended during the night of 5 October, when another 500 migrants tried to cross the Melilla fence and six of them were killed by border guards.

Morocco. But the authorities adopted a selective approach towards pro-migrant associations, praising their social actions and leaving aside their political requests. This led to a division of labour between a state responsible for securing borders and guaranteeing national security and a civil society responsible for the social aspects of Morocco's migration policy – education, health, housing and integration. As a respondent at the CCME highlighted: "It's civil society's role to provide support to clandestine migrants. I do not think that the state will ever take in charge the social aspects of the question." However, civil society's growing pressure forced the authorities to partially adapt their approach. On 20 July 2007, the Headquarter Agreement with UN High Commission for Refugees (UNHCR) was signed and the same year, Morocco's national strategy was updated. Although in practice its impact remained limited, the new 'National Strategy on Combating Trafficking in Human Beings' (DMBS, 2007) now included protective and preventive components.

But the Moroccan authorities also had to take into account growing xenophobia within Morocco's population, a reaction to the increasing visibility of sub-Saharan migrants in Moroccan cities and their stigmatization in the media. As one can read in the publication of the Moroccan Consultative Council on Human Rights (CCDH), "the attitude of Moroccans towards sub-Saharan Africans has evolved from a condescending and distanced – albeit gentle – look into a more recent and malicious form of intolerance" (CCDH, 2006: 38, tba). A recent academic study also shows that sub-Saharans are considered a social and security threat¹¹ by Moroccans (AMERM, 2009). To appease the citizens' fears, the authorities openly refused to qualify Morocco as country of immigration. For instance, the publication of the CCDH (2006: 7, tba) reads: "Northern Morocco has never been the final destination of the sub-Saharan. No more than the Pas-de-Calais is the final destination for the Afghan who wants to reach London by crossing the English Channel." In the same vein, the Moroccan authorities avoided engaging in an active integration policy, making it clear that social policies were primarily concerned with the wellbeing of Moroccan citizens. A respondent at the DMBS clarified: "Concerning integration, we have the same pragmatic approach as every country. There cannot be an open integration policy, as we have economic constraints such as unemployment." The parallel with Europe's attitude in the 1970s and 1980s is striking. Whereas Europe justified the absence of a comprehensive integration policy with the term "Gastarbeiter", Morocco today refers to "transit migrants". The consequences of Europe's experience are known; those of Morocco's attitude will become apparent in the next decade.

While the emergence of an active civil society in Morocco forced authorities to introduce some social aspects in its migration policy, growing popular xenophobia incited authorities to reject the elaboration of a comprehensive integration policy. The 2005 events hence led to a dual bottom-up politicization which simultaneously pushed for looser and stricter migration regulations – a paradox within which the Moroccan authorities had to find their balance. But alongside domestic policy developments, the harsh international criticism of the 2005 incident also obliged Morocco to reposition itself vis-a-vis its European and African neighbours.

¹¹ The study, based on interviews with 1,000 Moroccans, showed that Moroccans were trapped in an ambiguous attitude towards sub-Saharan migrants, alternating between solidarity and rejection, compassion and mistrust, and remained suspicious towards establishing social relations with migrants due to 'the different way of life'. Also, the study showed that sub-Saharan migrants were often associated with illegal work and begging, with criminality and terrorism, as well as with aids and prostitution, and hence considered a danger to society.

Shifting priorities and increasing interdependencies on the international scene

The 2005 crisis revealed that Morocco's policy towards irregular migrants, although elaborated to foster its "diplomacy of migrations", in fact negatively impacted Morocco's image abroad. This awareness prompted a change in Morocco's foreign policy priorities and the authorities re-balanced their position on irregular migration towards their African interests, engaging in a pragmatic policy and positioning Morocco as the EU-Africa mediator on migration management. As Cassarino and Fargues (2006; 106) rightly stress, "measures aimed at restricting flows of immigrants might be counterproductive for political and economic relations between transit and origin countries if [...] not properly managed". Indeed, Morocco's restrictive policy towards sub-Saharan migrants jeopardized Moroccan-African relations – a member of the association LA CIMADE put it in a nutshell: "For Morocco's image abroad, Ceuta and Melilla were a serious blow." To resolve this diplomatic crisis, the Moroccan authorities invited journalists from Western and sub-Saharan Africa to Morocco – with success: "Since then, many sub-Saharan newspapers have become more neutral and more understanding of Morocco's situation as a country of transit" (Lamlili, 2005: 50, tba). Furthermore, the Moroccan authorities openly engaged in a pro-African discourse. For instance, the Director of the DMBS, Khalid Zerouali, said at the end of the television debate on 2M in 2006: "Morocco will always remain loyal to its African roots and will never do anything that damages its relations with African countries and populations" (2M, 2006: tba). Also, a high-level interviewee within the MoI emphasized the strategic dimension of irregular migration control for Morocco's African diplomacy: "Sub-Saharan irregular migration is a diplomatic challenge for Morocco. It should not call into question Morocco's African dimension."

But next to re-balancing their foreign relations and migration policy towards African interests, the Moroccan authorities re-framed their role in regional migration management. As this article has shown, Morocco's aim behind the agenda-setting of irregular migration was to increase its geopolitical importance and especially its negotiation capital in the region. The 2005 events, although at first a diplomatic disaster, finally allowed Morocco to consolidate its role as an indispensable actor in Euro-African migration management. As the self-appointed North-South mediator, Morocco organized the first Euro-African Ministerial Conference on Migration and Development on 10 and 11 July 2006 in Rabat. Morocco's King Mohammed VI emphasized the ground-breaking, pioneering initiative of the Rabat process by stressing that "the time has come to engage in a sincere and responsible debate over the root causes of irregular migration. [We] have decided to initiate and organize a Euro-African ministerial conference that brings together all countries involved – countries of origin, of transit and of destination – to develop a common approach and to elaborate appropriate and innovative solutions" (King Mohammed VI, 2005: tba). By taking on the mediator's role, Morocco simultaneously satisfied the demands of its northern and southern partners and served its domestic and foreign policy interests. As the CCDH publication (2006: 7, tba) reads: "Morocco has its own interests in Europe and Africa. By following a global policy, our country can find the equilibrium between these diverging interests."

As this section has shown, the 2005 events triggered multi-level dynamics within Morocco's policy-making context. On the domestic scene, irregular migration became politicized in a dual bottom-up approach that altered the former state-society relation and incited authorities to adapt

their political discourse; on the international scene, the Moroccan authorities became aware that their policy was detrimental to their African interests and embraced their role as mediator in Euro-African migration management.

CONCLUSION

The major aim of this article was to provide a clearer understanding of the political rationale and the policy processes that shape the formation of a transit state's policy towards irregular migration. By investigating the Moroccan case, this article has shown that the policy-formation process occurred between 2000 and 2007 in three main phases: (1) the governmental agenda-setting of irregular migration as a "geographical rent" in regional politics; (2) the top-down politicization of (sub-Saharan) irregular migration as a national public problem; (3) the multi-level policy dynamics following the 2005 crisis, leading to both the internationalization and the bottom-up politicization of irregular migration in the Euro-African area.

This article, calling for a less Eurocentric analysis, also revealed that the European factor alone does not allow for a comprehensive understanding of Morocco's decision to politically address irregular migration. Rather, the agenda-setting of irregular migration at the beginning of the twenty-first century was a strategic decision of the Moroccan authorities in the framework of their "diplomacy of migrations" to restore the country's crucial role both in front of the EU and its African neighbours. In this context, the importance of African countries for Morocco's economic and diplomatic standing should not be underestimated.

This article also revealed that, contrary to the widely studied migration policies of receiving states, Morocco's migration policy decisions are less guided by national-electoral strategies than by geopolitical considerations. Torn between wanting to further integrate the European north and wanting to stay loyal to its African partners, Morocco's position remains highly ambiguous. In order to examine whether the predominance of the international variable is a specificity of the Moroccan policy process or a central characteristic of transit states' migration policy making, migration studies would profit from more research on the processes and rationales characterizing migration policies in transit states such as Mexico, Ukraine or Turkey.

Throughout this article, framing and re-framing processes played a crucial role. In order to justify Morocco's new, rather unpopular stance towards irregular migration in front of its population, the authorities actively politicized irregular migration and started a broad media campaign that presented irregular migration from sub-Saharan Africa as a danger and the 2003 law as a solution in coherence with Morocco's domestic policy priorities. The 2005 crisis at the borders of Ceuta and Melilla then challenged the state's monopoly in the framing of irregular migration and triggered a bottom-up politicization – with civil society calling for a more rights-based approach and Morocco's broader population developing xenophobic resentments against sub-Saharan migrants.

Since 2007, Morocco's policy towards irregular migration, although characterized by ambiguous and contradictory domestic and international policy aims, remained relatively stable. However, the political consequences of the 2011 'Arab Spring' – a constitutional change and the election of a new government in Morocco – raise the question of whether and how this changing political

context will impact Morocco's migration policies, regional cooperation and migratory movements in the future.

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