EU Externalization Policies and their Impact on Migrants in Morocco

Introduction

On 28 September and the night of 6 October 2005, hundreds of Sub-Saharan African migrants collectively attempted to climb the barbed wire fences of the two Spanish exclaves Ceuta and Melilla on the Moroccan border in a desperate attempt to cross the border. Many managed to reach Spanish ground but over 100 migrants were caught and severely injured when they fell from fences and got stuck in the barbed wire. Several migrants were hit by bullets from border guards and 11 migrants died during these events (Goldschmidt 2006, Schapendonk 2011). This was the first time that such a mass assault on the borders of Europe had occurred. The fact that it happened then was not a coincidence. In fact, it presented a desperate attempt on migrants’ side to circumvent the increasingly effective border controls which had been established by both the Moroccan government and the EU in the years preceding the event. This made it impossible for migrants to leave Morocco for Europe or return to their countries of origin.

The events had severe policy implications for both migrants and governments. On the one hand, they were followed by unprecedented levels of violence employed by Moroccan police and military forces against irregular migrants (MSF 2005, Yene 2010). There is also evidence that migrants were simply ‘banned’ from the territory in Morocco to ‘dissuade’ them from returning and attempting again to cross the border to Spain. Human rights organisations in Morocco had made public that the government organised mass deportations of migrants into the Algerian
desert and to the southern provinces in the desert of Morocco during this time. On the European side, the events triggered the development of the first draft of the Global Approach to Migration (GAMM) by the European Commission and its rapid implementation (Collyer 2010). The GAMM emerges in subsequent years through three policy initiatives between European and African states which involve a great number of sending nations in Africa, so-called ‘transit countries’ in the Maghreb and destination countries in Europe. The initiatives are primarily geared to manage migration from South to North, with emphasis being put particularly on increased border control to prevent irregular migration (Collyer 2010). They have been accompanied by a great number of measures to externalize border controls and migration management to African host and origin countries. Through the GAMM, the EU effectively extended its effort to externalize controls and migration management by transferring it not only to so-called transit states in Africa but even also to origin countries.

Sub-Saharan African migrants’ desperate actions to escape forced immobility in Morocco in 2005 and beyond can therefore be said to have significantly shaped European migratory policies in Africa. Instead of preventing irregular migration, however, the policies have had quite different and adverse effects. Streiff-Fénart and Segatti (2011) show, for example, how recent containment policies aimed at regulating immigration flows toward Europe have profoundly altered the dynamics of migration in Africa. The impact of these policies is apparent in the redefinition of the routes, itineraries and actors of migration. The Moroccan case furthermore shows how they have had devastating effects on the rights of migrants and their possibilities to realize a dignified life plan. Sub-Saharan African migrants have severely restricted access to social, economic and political rights in Morocco and very often do not have the financial capital to compensate. This is because migrants without work contracts or money to invest in the country generally face difficulties in acquiring residency or work permits. Most undocumented migrants in Morocco are therefore living in precarious circumstances. The increased efforts geared to the criminalization of migrants wishing to enter the European Union have therefore had important existential consequences for the migrants concerned and I will focus on this in subsequent chapters.

The number of migrants with Sub-Saharan African origins in Morocco has been estimated at around 40,000 people (Khachani 2014, IOM 2017). Compared to other migrant populations which are also resident in Morocco, such as foreign university students (Woldegiorgis & Doevenspeck 2015, Natter 2016) or pensioners from Spain, France and Germany (Khachani 2010), they are actually a minority within the total
migrant population. Given this fact, it is quite interesting that a relatively small number of people have received so much policy attention in the last two decades from both national and international actors and institutions while suffering such devastating consequences from it. As we will see in the remainder of this chapter, this is understandable one takes into account that the difficult situation of Sub-Saharan African migrants in Morocco is simultaneously connected to a set of important national and international policy concerns in the European Union, such as border security, economic development policies and human rights. The Moroccan case therefore provides an interesting example of how international, national and local policy interests in migration management merge and produce forced immobility and rightlessness for particular groups of people outside European borders while simultaneously the claim for a moral polity of rights that guides migration management is still alive in international migration policy (Faist 2018b).

The historical evolution of EU migration policies directed towards Morocco over the last two decades evidences how the EU has effectively coined a very particular understanding of mobility and migrant rights which structures the ways in which the logic of migration management through the intensification and externalization of border controls could be justified. The overview of EU migration management in this chapter therefore serves to highlight the political context in which particular understandings of mobility and migration have come to structure both spatial and temporal migration management tactics which are effectively employed and exported to third countries in order to halt the movement of people, to discipline migrants and to produce immobility and rightlessness.

Through a review of EU policy developments in the region, I next describe how time and space have been used as government tools (Baumann 2000, Andersson 2014a) in migration policies to justify and control both mobility and access to rights for specific migrants in Morocco and represent a new dispositif\(^1\) of migration management, in the Foucauldian sense of the term (Foucault 1977), which helps to legitimize otherwise unjustifiable contradictions in EU migration policies with respect to human rights. I am focusing here on how this has been successful in producing and legitimizing a situation of forced immobility for Sub-Saharan African migrants in Morocco and contributed to the framing of migrants’ rights as a short-term humanitarian concern, rather than a longer-term development issue. I will show how EU policies have effectively contributed to keeping migrants in situations of forced immobility, without any possibility to claim legal settlement in Morocco. In fact, migrants in Morocco have effectively become rightless persons in
international law, without any recognized protection from either national or international entities.

Migration governance: its justifications and its effects on migrants’ rights

Politics of border enforcement are usually accompanied by intensive political efforts aimed at legitimizing and rationalizing these (Streiff-Fénart and Segatti 2011: x). In order to do this, parameters are necessary to define migration as either desirable or undesirable and to make migration projects appear legitimate or else a criminal act of trespass. One way to do this is to classify migrants as ‘legal’ or ‘illegal’ migrants, as forced or voluntary movers or to separate those who are ‘trafficked’ from those who are ‘smuggled’. It is in this sense that migration theory has a great influence on what counts as migration and what does not, what is considered to cause it, and on how migrants are defined and classified into either legitimate or illegitimate movers.

Anderson (2012) shows, for example, how states are framing the right to mobility and stay by linking it to the notion of the ‘good citizen’ who is included in society through rules which link the individual in a particular relationship to the state and the market. By contrast, irregular migrants are ‘non-citizens’, because they cannot fulfil the criteria that would make them eligible to participate in state, market and families. From such a political and social perspective on human mobility, it follows that wealthy tourists, students and businessmen are generally free to move from country to country, while migrants in search of protection or work are controlled and persecuted, because they are seen as a burden to the host society.

These concerns are based more often than not on economic push and pull models of migration (Lee 1969) which are also often at the root of descriptions of Sub-Saharan African ‘transit’ migrants in Morocco and strongly inform EU and Moroccan policy making. Accordingly, migrants are imagined as rational individuals, calculating the risks involved in illegal travel in light of the expectations of high economic returns as successful labour migrants in the country of destination (Chiswick 2008). In policy documents, research and the media, for example, Sub-Saharan African migrants appear to fit the classical description of the male labour migrant, who is determined to reach Europe in search of work (De Haas 2008). However, as we will see in the next chapter, this rarely depicts the complex and multifaceted reality of migration from Africa.

So while such economic perspectives on the migrant are generally misleading, they usually serve to justify containment policies that are
designed to do two things. On the one hand, they are geared towards heightening the cost of migration to impede movement and, on the other hand, they serve to regulate migrants’ settlement in host countries by linking their access to human rights to citizenship. As we will see further on in the chapter, this approach to migration management is characteristic of EU migration governance and usually results in increased border controls and a politics of migration status that differentiates migrants’ access to rights and protection in host countries. De Genova (2004) has termed these processes the legal production of migrant illegality, because the assignment or refusal of administrative status then has the effect of excluding migrants from rights and government protection by leading to criminalization and control, rather than to the protection of people’s rights.

The particular understanding of migration which is at the root of these containment policies serves the interests of states, rather than migrants. The situation in which migrants in Morocco find themselves as a result recalls worrying aspects of our recent European history. The situation of effective rightlessness, in which migrants are unable to claim a legitimate right to leave Morocco or to settle there, recalls the situation of the stateless as described by Arendt (1958). Arendt uncovers in her analysis of stateless persons after World War II how universal human rights are in effect worth nothing if one has been denied effective government protection through the national laws applicable in the country of refuge. She highlights the double standards by which nation states actually determine through citizenship laws what human rights are worth in practice at any given place and time, while claiming their universal and indivisible nature in theory (Bowring 2011: 191). Even though migrants in Morocco are generally not stateless in the legal sense of the term because they retain formal citizenship of their country of origin, they are nevertheless deprived of their rights in a way similar to the group of stateless people referred to by Arendt. According to Arendt (1958: 294), rightlessness entails the loss of home, or ‘a distinct place in the world’ where one is judged by one’s actions and opinions and, secondly, ‘the loss of government protection and legal standing’. This critical stance regarding the applicability of international human rights theory is still useful for the analysis of the human rights of migrants in Morocco.

The tools used to implement and justify containment policies: space and time

On first sight, it appears that efforts to relocate border controls in countries outside the EU, which is generally understood as processes
of externalization of border control (Betts 2011), is above all a matter of governing through space (Baumann 2000), because it relies on the extension of EU power to control borders and to select and choose candidates for legal mobility far into Africa.

However, policies of selection, management and containment of migrants through administrative categories are not only regulated through space, but equally by exerting control over and through time (Tazzioli 2018: 15, Fontanari 2019). In fact, as Andersson (2014a: 2) has rightly stated, time has become a multifaceted tool in the fight against illegal migration in the EU. This is not only visible in the ways in which control technologies are becoming swifter but also by producing people who are waiting in limbo for indeterminate periods of time without being assigned any clear administrative status. In the following, I will show that such externalization policies do not only imply the spatial relocation of border control outside the frontiers with the EU and within Morocco, but also affect the transformation of temporal borders and settlement options with which migrants are confronted. In this way, EU migration governance actually not only affects migrants’ mobility options, but also profoundly alters the frames of reference available to them to organize their lives in space and time when they are ‘trapped’ along the way. Both spatialized and temporalized forms of migration control are contributing to forced immobility and to rightlessness.

The two subsections below describe how the European Union’s externalization policies of migration control, together with Morocco’s migration politics, have contributed to Sub-Saharan African migrants’ long stays in precarious administrative conditions and without access to rights and services in the country. It will become evident that the policies have shaped the lives of migrants in two fundamental ways: First, by producing migrants’ forced immobility as a distinct phase in the migration process; second, by creating a time of crisis, in which migrants’ access to rights and services is converted into a humanitarian issue to be relieved in the short term rather than treated with a longer-term perspective.

Externalizing migration management in space: producing forcibly immobilized migrants as a distinct phase in the migration process

In order to understand that forced immobility is produced through migration policies and is not a natural feature of migrants’ journeys, it is important to recall that Sub-Saharan African migration has existed in Morocco for centuries and is not a new phenomenon (De Haas 2008); likewise Moroccan migration to Europe. However, before the 1990s
either Morocco nor the European Union had a coherent immigration policy with reference to Sub-Saharan African migrants or, for that matter, Moroccan would-be migrants. Border controls were sporadic and rules to distinguish regular and irregular migration were often not enforced through effective policy instruments. The first significant policy measures between the European Union and Morocco to change this state of affairs dates to the beginning of the 1990s in relation to the Moroccan–European partnership treaty. At this time, EU migration policy towards Morocco was primarily directed to prevent the irregular migration of Moroccan nationals to Spain and other European countries (European Commission 1998, De Haas 2008, Belguendouz 2009).

Generally speaking, migration policy becomes visible in the partnership treaty through the inclusion of two types of measures: on the one hand, those that are designed to prevent unwanted migration, and on the other those designed to promote wanted migration. In the first category we usually find measures to combat illegal migration and trafficking, and everything related to the recruitment of labour migrants falls into the second category. Refugee and asylum protection is a third element of migration policy but is a marginal part of the European partnership treaty (Collyer 2010).

To implement these measures effectively, Moroccan migrants were classified through a range of administrative, institutional and legal measures as either illegitimate migrants, who were imagined as illegal or trafficked, or ‘legitimate’ migrants, who were refugees and labour migrants. However, the latter two categories were largely ignored in policy measures, making ‘legitimate’ migration a contingency, rather than the general axis of policy making. The great effectiveness of subsequent migration controls to deter illegitimate Moroccan migrants resulted in the number of African migrants intercepted at Spanish borders increasing from year to year, while the number of Moroccan nationals decreased (Belguendouz 2009). From 2000 onwards, this started to provoke strong policy reactions from both Spain and the European Union, despite the relatively small proportion these migrants represented of the total number of irregular migrants in Spain (Azkona 2011) and within Morocco (De Haas 2008).

The measures implemented during the next decade by the European Union suggested that migrants from Sub-Saharan Africa and Moroccan nationals needed to be deported, criminalized or persecuted by the police, rather than integrated as worthy citizens into host communities. A particularly powerful example of this approach is the creation by EU member states of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). FRONTEX was created as an
independent body tasked with operational coordination in the field of border security among member states (European Commission 2004). The organization played a particularly important role in European migration policy developments because it operationalized the intention to convert border control in the Mediterranean region into a policy priority (Belguendouz 2009, Collyer 2010). FRONTEX (2012) maintains that it primarily assists member states’ governments in maximizing efficiency and cost-effectiveness in deportations while also ensuring respect for the fundamental rights and human dignity of returnees. However, it is disputed whether it has really helped to diminish fatalities in crossings by irregular migrants or indeed diminish the number of crossings attempted. Instead, there is evidence to suggest that FRONTEX has contributed to the change of routes. Whereas before 2005 most migrants attempted to cross the Strait of Gibraltar, in more recent years they have increasingly used the much longer and more dangerous sea routes from Mauritania and the Western Sahara to the Canary Islands. This not only increased the costs of the journey for migrants, but also the risks involved in leaving Morocco as this route involves overland travel in particularly dangerous regions that are prone to conflict (Carling 2007).

So, while EU border enforcement policies did contribute to forced immobility, they did not in themselves hinder onward migration altogether. What did shape forced immobility in profound ways was the efforts of the EU to involve the Moroccan state in measures to sanction, deport and criminalize irregular migrants on Moroccan soil. In this way, the EU successfully changed the spatial processes of migration control and migration management by transferring it outside its own borders. As one of the first states in the Maghreb region, Morocco responded to the concerns voiced by EU member states regarding the changing migration dynamics in the region by reforming its migration policies. In order to do this in line with EU requirements, the government of Morocco accepted financial means, personnel and infrastructure to improve the policing of its own borders with Europe. Another set of measures included the reformation of the country’s legislative measures. Until November 2003, Morocco’s legislation regarding immigration was restricted to a handful of Dahirs (Royal Decrees) from the time of the Spanish and French protectorate, dating back to 1934–49 (GADEM 2009b). In 2003 the new law abrogated all Dahirs from the colonial period and replaced them with new regulations (Royaume du Maroc 2003). However, the content of the new regulations was not necessarily adapted to the specifics of the Moroccan migratory reality and its political and economic context. The content of the law has been substantially based on contemporary French immigration law – in places it is an exact copy of it (Belguendouz 2009). Most of these legislative
elements of migration governance which have been introduced since then in the country have been devised and elaborated in close cooperation with the European Union, the United Nations High Commissioner for Refugees (UNHCR) and European states like Spain and France. It is therefore important to analyse the evolution of Moroccan migration policy in the context of European migration management, in order to understand its particular features as well as its intended and unintended effects for Sub-Saharan African migrants. As a result of these changes, Sub-Saharan African migrants who arrived in Morocco with tourist visas or no visas at all had almost no possibility to regulate their stay there, and had to face sanctions and prohibitions relating to their participation in the job market or in finding accommodation. As irregular migrants, it became almost impossible for them to stay in the country in dignified conditions (see Chapter 4), and their lack of residency rights made them prone to criminal prosecution by the police and border officials.

In 2005, the emergence of the GAMM marked a clear move from a former ‘dual’ migration approach, which was characterized by bilateral agreements between Morocco and European countries, towards a multilateral migration approach which attempted to unify policy responses to migration across the EU and beyond (Pinyol 2008). In this sense, the Global Approach to Migration has gone a step further in producing forced immobility as a distinct phase in the migration process because now mobility controls and migration management could be introduced in countries of origin as well as in a range of ‘transit countries’ along the way, and not only in those directly bordering the EU. In the past ten years since the beginning of the international policy processes which the GAMM initiated, neither the Moroccan state nor the European Union made significant progress in promoting legal migration channels from Africa to Europe (Collyer 2010). The fact that refugee policies have never been strong on the international agenda in these meetings is another case in point in this context. There is evidence to suggest that there are large numbers of potential asylum seekers in Morocco who choose not to file a claim or do not know how to do so (Wender 2004, Collyer 2010). It was not until 2004 that the EU recommended the implementation of an asylum system, which has still not come into being. However, international pressure finally led to Morocco assigning legal representation to the UNHCR in 2007. Since then, the UNHCR has been in charge of Morocco’s determination processes for refugees.

The analysis of EU migration policy developments in 2000 presented above reveals that the phenomenon of Sub-Saharan African migrants in Morocco has been understood by international policy makers primarily as a security problem when migrants attempt to access otherwise closed
borders through land or sea routes that seem little controlled (Wender 2004, Belguendouz 2009, GADEM 2009b, Collyer 2010, Gabrielli 2011). In this way, the situation in ‘transit countries’ such as Morocco served as a trigger to justify the EU’s need to assist African countries in order to implement increased border controls and to tighten their migration regimes in order to allow for the implementation of European-inspired immigration and mobility policies. However, Gabrielli (2011: 4) is right to argue that, in practice, the extraterritorialization of migration control in transit areas has tended to displace the Euro–African migration border even further south on the African continent, and has aimed to transfer the responsibility of migration control to African states.

The migration–development nexus: migrants as humanitarian crisis victims

A second feature of EU politics with regard to Sub-Saharan African migrants’ situation in Morocco is the focus on crisis management and humanitarian relief, rather than support for sustainable and long-term development measures which would facilitate migrants’ settlement in the country and focus on their access to social, economic and political rights. Generally speaking, humanitarian aid is designed to save lives and alleviate suffering during and in the immediate aftermath of emergencies, whereas development responds to ongoing structural inequalities, particularly systemic poverty and unequal access to rights for different groups in any given society. Development is generally understood as a long-term endeavour aimed at reversing unjust social relations.

Questions of how the international community of states should be made accountable for upholding the social, economic and political rights of stranded migrants in countries at the ‘fringes of Europe’ (Düvell 2006) has not been the subject of much policy debate in the EU. Even though the cross-cutting nature of migrants’ human rights in all areas of intervention is highlighted (European Union 2018), policy measures focus predominantly on the need to combat human rights violations against migrant rights to life in cases of trafficking or smuggling (Cuttina 2017). Thus, migrants’ rights to life is used as an underlying rationale to ‘humanize’ border control policies by constructing irregular or vulnerable migrants as victims who need immediate relief aid, rather than as individuals with rights that states have the responsibility to uphold (Fassin 2012, Tiktin 2016).

While the EU is voicing the need for effective integration of migration into national development and poverty reduction plans in middle and low income countries in order to guarantee their social, economic and cultural
rights (European Commission 2013: 8), a review of policy documents shows that the EU generally remains silent on the concrete responsibilities it sees for itself to protect the social and economic rights of vulnerable migrants and would-be migrants in low and middle income countries outside the EU. In fact, the EU itself admits that it needs to deepen its understanding of the social and economic consequences of migration for development, especially in sectors such as health, education, employment and agriculture (European Commission 2013: 12). This confirms that policy makers generally view migration as an issue that needs to be controlled, largely neglecting the political questions of migrants’ rights and the obligations of national, regional and international actors to protect them when they have been successfully stopped from crossing borders (Hujo 2013).

A review of the development programmes implemented in Morocco by the EU in the past confirms this because poverty reduction measures for migrants on Moroccan soil is rarely mentioned at all. From 1996 to 2006, the EU’s financial support for Morocco’s economic transition towards a possible European membership in the future was mainly implemented and financed through the MEDA (Mésures d’Accompagnement or Accompanying Measures) programme, which aimed to increase competitiveness by developing the private sector and promoting good governance. According to the EU, the programme focused primarily on the implementation of the Association Agreement aimed at boosting jobs and growth and reducing poverty (European Commission 2012). Meanwhile, significant funds from the MEDA programme have targeted the stated goal of immigration reduction. Of the total MEDA aid budget of €426 million for 2000–2006, €115 million (27 per cent) are being spent on the control of illegal immigration and rural development programmes. In this sense, MEDA has been one of the first policy instruments in Morocco that links migration control to the funding of socioeconomic development initiatives in sending countries (Papadopoulou-Kourkoula 2008, Belguendouz 2009, Collyer 2010). However, I have found no evidence that as a part of this goal significant funds were allocated to reduce social and economic exclusion of immigrants in Moroccan society during that time.

The new policy instrument Euro-Mediterranean Partnership (EUROMED) replaced MEDA from 2007 onwards. It sets the framework for cooperation between Morocco and the European Union and incorporates activities relating to fostering the links of migration and development, fighting illegal migration and trafficking, as well as promoting the asylum policies and the protection of stateless persons in Morocco. EUROMED clearly recognizes for the first time the need to tackle migrants living in poverty in Morocco. But again, the budget distribution
confirms that most weight has been put on border enforcement and migration control, rather than on the promotion of legal migration or the improvement of access to social and economic rights for migrants already living in Morocco. European funds channelled through the programme increasingly finance capacity building of Moroccan coastguards and other security forces with the aim of detecting and deporting irregular migrants (Papadopoulou-Kourkoula 2008, Collyer 2010).

While integration through development does not appear to feature prominently on the EU agenda, there is evidence to suggest that the EU is particularly interested in framing the situation of stranded migrants in Morocco as a humanitarian crisis which requires the community of states to assist the Moroccan state in urgent relief programmes. Instead of investing in the long-term integration of migrants into Moroccan society, individual member states of the EU, and the EU itself, have channelled increasing amounts of funding over the past two decades through NGOs to finance short-term humanitarian relief programmes for Sub-Saharan migrants in Morocco. This, in turn, has led to the emergence of non-state actors being involved in providing humanitarian relief to stranded and vulnerable migrants in border areas and has contributed to the establishment of a veritable migration–rescue industry (Andersson 2014a). The interventions in Morocco consisted particularly in the provision of temporary shelters and emergency healthcare in migrants’ self-erected camps in border areas, as well as in short-term emergency support for particularly vulnerable groups such as women and children in the cities. Meanwhile, programmes geared to increase migrants’ longer-term economic, social and political participation in Moroccan society are still scarce.

Fassin (2012) has argued that such a humanitarian lens is complicit in the governance of migration generally and serves strategic ends. In fact, it is a useful tool to justify the inherent contradiction which exists between the general moral claim in the current world polity (Faist 2018a) to uphold universal human rights for everyone and the unwillingness of states to take responsibility for the protection of the rights of non-citizens outside the confines of the nation state. In difference to development, humanitarian relief is often framed in political discourse as apolitical – a neutral act of solidarity for people in need (Nyers 2006). Thus, humanitarian aid can be framed as a voluntary act of support for non-citizens, rather than as a responsibility to be claimed from the international community of states. Framing the situation of stranded migrants as a humanitarian crisis rather than a human rights violation provides the EU with a discourse which activates a dispositif of helping, and avoids an explicit political, spatial and temporal contextualization of assistance (Fleischmann & Steinpichler 2017). In short, by limiting support to migrants in so-called transit
countries to short-term interventions, the political responsibilities of the international community in terms of the protection of migrants’ human rights become reduced to migrants’ right to bare life (Ticktin 2011).5

In addition, such an approach rests on a temporary understanding of rights which forgoes any long-term vision of change or necessary power struggles to achieve this change. Short-term interventions to protect migrants in crisis entail a certain arbitrariness and uncertainty in the provision of international assistance and make it possible to delegate this task to non-state actors on the national level. This is particularly worrying in contexts with limited democratic government structures, such as in Morocco.

**Conclusion: the existential consequences of migration management on the border of Europe for migrants and refugees**

In this chapter, I have shown how the situation of forced immobility and a perception of temporary crisis has been a by-product of the EU externalization policies of migration in Morocco. The emergence of Sub-Saharan African migrants on southern European borders has triggered the development of a specific migration approach by both the European Union and its partner, the government of Morocco. This ‘new’ so-called Global Approach to Migration, devised by the European Union, is characterized by extended efforts to hamper the mobility of Sub-Saharan African migrants as well as Moroccan nationals towards European countries (Collett 2007). I have also described how the EU has collaborated with the Moroccan state to externalize its border controls to the Moroccan mainland through a variety of measures, which include juridical, technical and financial tools. At the same time, however, the EU has also used a temporal conception of migrant rights to successfully limit its responsibility for stranded migrants’ access to rights and services in Morocco by constructing their situation as a humanitarian crisis rather than a development problem. In this sense, EU migration policy in the guise of the GAMM has contributed to discursively frame Sub-Saharan African migrants as rightless beings in Morocco, particularly by concentrating their collaboration with third countries on the effective prevention of mobility and settlement of Sub-Saharan African migrants. I have shown that, in order to do this, the EU uses both spatial and temporal measures which are geared to sanction and prevent particular practices of migration and settlement while promoting others.

For now, it appears that neither development efforts nor migration policies of the EU are actually responding effectively to the new
challenges of migration management in Morocco today. The situation of forcibly immobilized non-citizens in Morocco does not produce binding responsibilities on the international community to act. The social, economic and cultural rights of a population in limbo somewhere in a no man’s land is outside international governance measures. This appears as a paradox, considering that human rights have advanced to the moral polity in migration management globally (Faist 2018b).

The chapter has illustrated that the only way in which migrants’ rights outside the national confines are recognized is through a humanitarian lens. This produces a certain temporality of rights talk in international migration policy. When migrants’ rights are made an international concern, it is mostly in relation to short-term humanitarian relief responses which are geared to protect migrants’ right to life. The much more long-term changes needed to guarantee social, economic or political rights for migrants in other nation states remain an underdeveloped issue in development cooperation and migration policy.

The effects of the GAMM are not only felt in Morocco. Similar effects can be observed in countries like Turkey (Suter 2012), Argentina (Salvio-Vammen 2018) or Sudan (Belloni 2015). It is important therefore to embed the effect of forced immobility on migrants’ lives within a perspective on international policy making and human rights discourse, as well as connected to a temporal perspective on rights, which has the tendency to relieve the international community of states from its responsibilities to uphold the human rights of people who find themselves outside their own national borders

Notes

1 Foucault (1977: 194) defines a dispositif as: ‘a heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical and moral and philanthropic propositions’.

2 Some of the asylum seekers and recognized refugees in Morocco could be compared to de facto stateless persons, because while they are recognized as refugees and asylum seekers by the UNHCR, they are not granted citizenship rights in Morocco. They are therefore no longer able to claim the legal protection of any state.

3 Signed in 1996.

4 In particular, the funds target the northern provinces of Morocco, which were seen as a primary source of poverty, drugs, human smuggling and illegal migration (De Haas 2006).

5 Bare life refers here to Giorgio Agamben’s (1998) use of the term. For Agamben, ‘bare life’ exists outside the political and social dimensions of life. It is just biological survival. The way a life is lived, by which Agamben means its possibilities and potentialities, is eliminated in the concept of ‘bare life’.