

Morocco's Accession to ECOWAS: The Migration Perspective

Introduction

The past few years have witnessed the Trafficking of Ghanaian illegal migrants to the Middle East and North-Africa (MENA) for labour and sexual exploitation. This has been a worrying human security issue for the governments of Ghana and states in the MENA region. The experiences of trafficked illegal Ghanaians in cities of Arab states are very complicated and crucially, non-documentation has rendered Illegal migrants from Sub-Sahara Africa vulnerable to sexual and labour exploitation

Globally, Trafficking in Persons have attracted from the Human Rights Council. The international community, having recognized that trafficking in persons is a violation of fundamental human rights, have pursued legal and policy reforms. Nevertheless, Trafficking in Persons still operate unabated.

According to the International Labour Organization (ILO Report), titled, "Profits and Poverty: The Economics of Forced Labour", two thirds of the estimated total of US\$ 150 billion; US\$ 99 billion stems from commercial sexual exploitation, while the other US\$ 51 billion is as a result of forced economic exploitation from domestic work, agriculture and other economic activities. Again, according to the United Nation's International Organization for Migration (IOM), there have been about 600% increase in the potential sex trafficking victims from Africa to Gulf States.

Fraudulent recruitment agencies are reported to have recruited young women to the Gulf States to notable states like Kuwait, Qatar and Saudi Arabia to do non-existent jobs.

Continuously, the Ghanaian media have reported stories of Ghanaian girls and women trafficked to Gulf States to work as house maids. These stories are often that of abuse, injuries and death. Radio and Television stations in Ghana have aired Ghanaian girls and women narrating their harrowing ordeals suffered mainly in the Middle Eastern States, Qatar, Kuwait and Saudi Arabia. The Daily Graphic on the

15TH July, 2017 reported of how the Ghana Immigration Services (GIS) intercepted 150 young Ghanaian women who were being trafficked to the Gulf states through neighboring Togo to work as housekeepers.

The report revealed that the said victims were between ages 18 and 28 and were mostly students promised of a good social and financial prospect in the Middle East.

The International Organization for Migration (IOM) in 2016 expressed concerns about the increasing reports of Ghanaian female migrants who were being abused in the Middle East. The organization reported that about 2,000 Ghanaian women departed to work in the Middle East between September 2014 and January 2015 alone. About 350 of them have returned since from countries like Kuwait and Jordan with cases of inhumane working condition, physical and emotional torture, as well as sexual exploitation. Also, the Minister for Gender, Children and Social Protection during an address at the 8th Annual Salon Academy of the National Association of Beauticians and Hairdresser in Accra spoke about the Government of Ghana's concern about the increasing reports of Ghanaian women migrants being abused in the Gulf States and other countries.

Protection of Victims of Trafficking.

The protection of migrants, particularly sex trafficked migrants from sub-Saharan Africa by governments of MENA states leaves little to be desired. This is compounded by the fact that, most Anti-trafficking laws around the world are silent on the buyer of commercial sex provided by victims of trafficking.

However, the Syrian law remains the only Arab law that provides the liability of purchasers, users or clients. In this regard, the law explicitly states that anyone who has knowledge of the act of trafficking and benefits materially or morally from the services provided by victims of trafficking shall be subjected to imprisonment from six months to two years in addition to a fine. Syria's legal position on this is laudable. Though this law is preventive, it is not sufficient. The protection of the victim is imperative per international protocols on the protection of human trafficking.

However, generally, the model law of the Arab league is largely limited to criminalization and not protection.

The Model Law of the Arab league is limited to criminalization and does rarely covers protection of trafficking victims. Except in Article 12, which states that the competent authorities shall adopt measures to ensure protection of victims, to those who report the crimes stipulated in the law, and of those who are affected by these crimes, including witnesses, experts and members of their families. For instance, the Egyptian law uses the term "defendant" instead¹. The U.A.E. law is totally silent as to the protection of victims². Nonetheless, Article 14 of the Model Law to Combat Human Trafficking of the Gulf States Cooperation Council (GCC) provides for a number of protective measures to be taken during investigation or trial.

Morocco's Accession to ECOWAS and Migration

In lieu of the clamor for the protection of ECOWAS migrants and trafficked persons, Morocco's accession to ECOWAS arouses a significant perspective to this, particularly in the free movement of citizens of West Africa and her new legal and policy direction role to protect the human rights of Illegal migrants and from ECOWAS states.

In a press release, dated February 24, 2017 from the Ministry of Foreign Affairs and Cooperation of the Kingdom of Morocco issued by His Majesty King Mohammed VI informed Her Excellency Ellen Johnson Sirleaf, then President of Liberia and

¹ Law No. 64 of 2010 (Law Regarding Combating Human Trafficking), *Al-Jarida Al-Rasmiyya*, May 2010 (Egypt).

² Law No. 51 of 9 Nov. 2006 (Combating Human Trafficking Crimes) (U.A.E.).

Chairperson on the Economic Community of the West African States (ECOWAS), of the Kingdom of Morocco's intent to join the Regional Economic Community of West African States (ECOWAS)³.

The request issued by the King of Morocco came after Morocco's re-adhesion to the African Union in January 2017. It is clear that Morocco intends to benefit from all the advantages that comes with being the dual observer of ECOWAS and the largest investor in Africa. From a regional perspective, this is reflective of Africa as a strategic global issue and the importance of the continent in the priorities of Morocco's foreign policy. However, Morocco's diplomatic interests come with a social responsibility in equal breadth which ECOWAS will have to consider.

³ See press release from the Ministry of Foreign Affairs and Cooperation of the Kingdom of Morocco: Morocco informs the President-in-Office of ECOWAS of her desire to join this regional group as a full member, Rabat 24.02.2017. Available online at <https://www.diplomatie.ma/English/English/Language/English/tabid/136/vw/1/ItemID/14476/language/en-US/Default.aspx>.

Morocco's challenge in her accession to ECOWAS is her commitment to certain sensitive aspects of integration policy such as immigration referred to in Article 59 of the Revised Treaty and covered by Protocol A / SP.1 / 5/79 signed in Dakar on 25 May 1979 with a view to promoting the free movement of persons who are nationals of the member countries. This is reflected in the respect of the principle of the abolition of visas, citizens' entry fees, residence and establishment, adoption of the ECOWAS passport and identity card.

In this context, Morocco has regularized and integrated thousands of sub-Saharan migrants into its territory. It is a good way to prove its Africanism, especially since the country has secular ties of cooperation with West African states like Mali, Senegal and Mauritania with exemption from entry visas. In addition to immigration policy, Morocco will then commit itself to joining the Common External Tariff (TEC) in force in the West African space since January 2015, to fiscal policies with a view to adopting a common currency by 2020. It is will be expected by ECOWAS states that Morocco takes up diplomatic role by asserting her migration policy or acting as the middle man of ECOWAS states and the MENA region for the protection of West African migrants and victims of trafficking from West Africa.

This paper will attempt to explore Morocco's accession to ECOWAS from a migration perspective.

Examining Morocco's Migration Policy for the Protection of Trafficked West African Migrants.

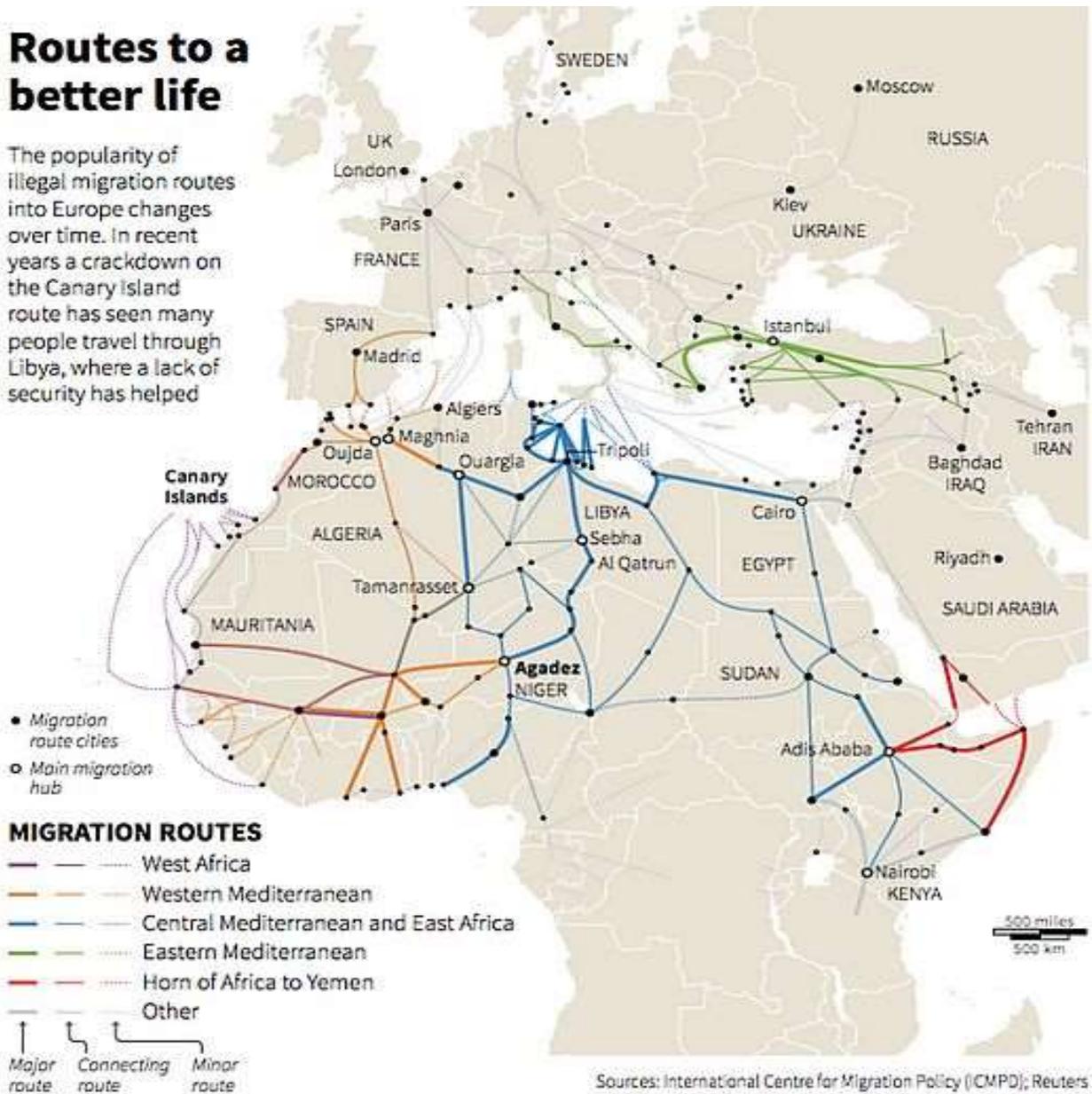
Historically, Morocco is known as a country of emigration and an important crossing point for migrants from Sub-Sahara Africa to the Middle East and North Africa (MENA) region, with Europe, the common destination for both migration flows. Since the 1990s, however, Morocco has become a destination for migrants as well. Reasons for these migration flows range from political unrest, civil war and economic down turns in some West African countries to the eruption of ethnic violence and the mass deportation of immigrants in Libya in 2000, a country where most immigrants had the opportunity to work⁴.

Figure 1: Main migration routes to, through and from Morocco

⁴ Özge Bilgili and Silja Weyel, "Migration in Morocco: History, Current Trends and Future Prospects

Routes to a better life

The popularity of illegal migration routes into Europe changes over time. In recent years a crackdown on the Canary Island route has seen many people travel through Libya, where a lack of security has helped



Source : International Centre for Migration Policy and Reuters.com:

The number of irregular migrants using the western Mediterranean route, including Morocco with its two seacoasts, increased from 5,003 in 2010 to 10,231 in 2016⁵ (See Figure 2.) Morocco thus has emerged as a key migration transit country⁶

Nevertheless, quite a large sum of irregular migrants who arrive in Morocco fail to complete their journey to Europe. Some abort their journey altogether while the rest at least delay their attempt to reach Europe due to the intensity of securitization policies implemented by Moroccan and Spanish border authorities. Operations that are carried out by Moroccan authorities' thwart irregular migration of which resulted in 60,996 arrests alone in 2002⁷ Approximately a decade later, Morocco became the first Mediterranean country to sign a Mobility Partnership with the E.U intended to promote a "global approach to migration and mobility"⁸

Decision by irregular migrants to remain in Morocco seems to be one that was a matter of necessity. Partly due to their fear for the high probability of arrest in Morocco or Spain which could lead them to deportation to their countries of origin. Also, irregular migrants inability to meet the financial demands of human traffickers organizing their passage to Europe express that remaining in Morocco is a preferred option to returning home in spite of the difficulties they are likely to face.

The socio-economic and political conditions present in Sub-Saharan region continue to motivate irregular migrants to Morocco. It is difficult to get the number of migrants from sub-Saharan Africa.

⁵ Mehdi Lahlou, "Morocco's Experience of Migration as a Sending, Transit and Receiving Country," Istituto Affari Internazionali, Working Paper No. 15 (2015): 1-19, accessed March 22, 2017, <https://www.iai.it/sites/default/files/iaiwp1530.pdf>.

⁶ Michael Collyer, "States of insecurity: Consequences of Saharan transit migration," Centre on Migration Policy and Society, University of Oxford, Working Paper No. 31 (2006): 1-32, accessed March 22, 2017, https://www.compas.ox.ac.uk/media/WP-2006-031-Collyer_Saharan_Transit_Mi...

⁷ Gabriela Rodríguez Pizarro, "Report of the Special Rapporteur on the Human Rights of Migrants: Migrant Workers, Visit to Morocco," U. accessed March 22, 2017, N. Economic and Social Council - Commission on Human Rights, E/CN.4/2004/76/Add.3 (2004): 1-21, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G04/102/84/PDF/G0410284.pd...>

⁸ General Secretariat of the Council of Europe, "Joint declaration establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and its Member States," June 3, 2013, accessed March 21, 2017, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/ne...>

Approximately, 27,332 migrants were identified of which, 80 percent were identified as citizens of non-Arab African countries⁹

Morocco's Migration Policy and What it means for Trafficked Victims.

Being at the centre for migration between Africa and Europe, it is expected of Morocco to address the phenomenon of irregular migration with a systematic human security approach. The approach should aim not only at limiting the influx of irregular immigrants but managing it in the most humane way, with a focus on human rights protection.

Morocco's law on irregular migration, enacted in 2003, criminalized irregular migration with stringent measures, increased border control capabilities and set in motion regular raids of migrant settlements¹⁰ However the U.N Special Rapporteur on human rights of migrants brought up a change in legal framework with respect to illegal migration and migrants.

The Government of Morocco concerns regarding the situation and living conditions of illegal migrants, particularly those of Sub-Sahara Africa. Nevertheless, little was done regarding the inhumane treatment of Illegal migrants despite constant call by civil society groups in Morocco.

A report by Morocco's National Human Rights Council issue of a seminal report detailing clashes between migrants and Moroccan Police forces prompted King Mohammed VI to develop a humanitarian national migration policy, the first of its kind in the region.

The Moroccan government instituted a process for the regularizing of migrants' status by providing them legal status for one year of about 25,00 migrants. Nevertheless, international human rights organizations in Morocco have continued to document the widespread ill-treatment of irregular migrants¹¹ the citation is the foot note 12

However, in December, 2016, Morocco launched a second regularization campaign at about three months into the implementation phase, the number of applications exceeded expectations¹²

⁹ Francoise De Bel-air, "Migration Profile: Morocco," Migration Policy Center – European University Institute, Issue No. 5, (2016): 1-15, accessed March 22, 2017, [https:// cadmus.eui.eu/bitstream/handle/1814/41124/MPC_PB_2016_05.pdf?sequ...](https://cadmus.eui.eu/bitstream/handle/1814/41124/MPC_PB_2016_05.pdf?sequ...)

¹⁰ Francoise De Bel-air, "Migration Profile: Morocco," Migration Policy Center – European University Institute, Issue No. 5, (2016): 1-15, accessed March 22, 2017, [https:// cadmus.eui.eu/bitstream/handle/1814/41124/MPC_PB_2016_05.pdf?sequ..](https://cadmus.eui.eu/bitstream/handle/1814/41124/MPC_PB_2016_05.pdf?sequ..)

¹¹ United Nations High Commissioner for Refugees (U.N.H.C.R.), "2017 Planning Summary: Operation Morocco," Global Focus – U.N.H.C.R. (2017): 1-2, accessed March 22,

¹² Morocco to Launch Second Campaign of Illegal Immigrants Regularization," Morocco World News, December 12, 2016, accessed March 21, 2017, <https://www.morocroworldnews.com/2016/12/203588/morocco-launch-second-campaign-illegal-immigrants-regularization/>; and "Over 18,000 Sub-Saharans Seek to Regularize Their Immigration Status in Morocco, Morocco World News, March 9, 2017, accessed March 21,

Morocco's new position as a country of destination does not differentiate her from protecting illegal migrants and trafficked persons.

Morocco may have made significant headway; however, it is clear that the country's migration policy is incomplete.

The government of Morocco is undergoing a transformation of her migratory policy. This is as a result of CNDH thematic report titled "Foreigners and human rights in Morocco: For a completely new asylum and immigration policy on the living conditions of migrants, trafficked persons and refugees in Morocco.

CNDH recommended the need for a new framework to deal with illegal migrants with respect to United Nations agreements and global treaties. Similarly, the report revealed the inhumane treatment towards irregular migrants which includes racism and aggression and the absence of basic human and civil rights. The report also emphasized how Morocco's actions may serve as best practices for countries sub of the Sahara with similar problems¹³

After the report was published, King Mohammed VI requested the government to elaborate a new global policy in relation to migration and asylum-related questions in the implementation of humanitarian approach to conform to the international commitments engagements of Morocco and respecting the rights of immigrants¹⁴

The new framework birthed four commissions to implement these reforms: Firstly, an ad-hoc committee was entrusted with the adaptation of national laws concerning migration to align them with international conventions signed by Morocco. For a while, three law projects elaborated concerning Immigration, Trafficking of Human Beings and Asylum. The second ad hoc Committee was created to see to the verification of files of refugees that were recognized by UNHCR to regularize their current status. This resulted in the recognition of 608 refugees by the Moroccan government and expedition of residency permits.

The third ad hoc committee saw to the establishment of the review criteria, on case basis of the legal status of illegal migrants in Morocco with a priority to vulnerable humanitarian cases and foreigners

¹³ CNDH, 2013

¹⁴ Royal speech, 2013.

that engaged in regular professional activity. Finally, was an inter-ministerial committee set up for Morocco's diplomatic relations that consulted for the setting up of the proposals of Morocco's methods in dealing with migration and a prospective collaboration with international partners in the implementation of the new policy. In addition to this, Morocco's new government appointed a Minister for Migration Affairs with portfolio, Moroccans Residing Abroad¹⁵

Diplomatic advantages and prospective challenges

It is expected of Morocco to gain important political privileges through the use of this new policy, particularly with diplomatic connections with home countries of migrants from Sub-Sahara Africa having expressed interest in joining ECOWAS. Morocco's new initiative with other African countries, particularly, ECOWAS states, addressing the need to foster "South- South co-operation as an alternative for the future of all Africa. Morocco has demonstrated interest in Sub-Sahara Africa and widely recognized for her social and economic exploits and her political stability.

Morocco's new policy seems to be canvassing Morocco as a destination point rather than a crossing point to the Northern Mediterranean. Nevertheless, the new migration policy continues to face challenges. The issuing of migration cards to illegal migrants does not seem to have resolved the problem of but clamour for the observation of basic human rights by Moroccan residents which has not been smooth sailing.

Challenges

Morocco's new migration legal and policy framework represents a shift from its previous restrictive migration policy and its unwillingness to acknowledge its migrant communities. In lieu of this, national and international organizations that advocated for the rights of irregular migrants welcomed the implementation of an "exceptional" regularization procedure for irregular migrants in Morocco in 2014.

The failure of the regularizing campaign of 2014 to wipe the slate clean, raised concerns. About a thousand irregular migrants remain undocumented due to the required conditions for the regularization proved inconsistent with the real conditions which irregular migrants live in Morocco.

¹⁵ (Malakooti, 2015)

As a result, migrants were not able to prove they had lived in Morocco in five years, the primary qualification for residency permit, passports and employment contract.

There is a policy contention regarding Morocco's policy regarding her readiness to deal with new migrants from ECOWAS states. This is because the regularization process was supposed to be exceptional and a one-time only event. However, Morocco launched an "exceptional" regularization campaign started on 15 December, 2016 which continued until 15th December, 2017 with the same eligibility criteria of that one in 2014.

Also, are concerns regarding the employment rates of the applicants for resident permits. It is reported that only 5.4 % of the regularized migrants had a work permit. This could be attributed to Morocco's high poverty rate and economic conditions that make it difficult for immigrants and refugees to stay in the country. Granting resident permits is thus not enough. Integrating them into the labour market is thus not a simple matter.

The next issue has to do with the integration of immigrants into the society. The integration of immigrants presents the challenge for legal and policy reforms regarding diversity and integration. Regularization should therefore aim at providing social inclusion of migrants. This however depends on the effectiveness of Moroccan domestic integration policies.

The border control by Spanish Guardia Civil and Moroccan forces has increased Morocco's burden due to the increase in resident stock of irregular immigrant. As a result, human rights of migrants could be compromised using Morocco as a merely a country of transit with no intention to regularize migrants from Sub-Saharan Africa. Morocco faces a daunting challenge, in this regard, this is because, due to her economic challenges it may be unable to regularize large numbers of citizens from Sub-Saharan Africa and the poor treatment may hamper their prospects of acceding to the ECOWAS region.

Another challenge Morocco faces is her limited resources to host large numbers of immigrants from Sub-Saharan Africa whose their initial intention is to cross through the Kingdom to the 'Eldorado' in Europe and not to settle down permanently in Morocco. This challenge could affect Morocco's strong interest to maintain good relations with Sub-Saharan countries and continuing poor treatment of African nationals on Moroccan soil might harm strategic political and economic relations with Sub-Saharan countries.

Conclusion

Morocco's strong interest in acceding to ECOWAS has its own challenges from a migration perspective. Morocco has long been a transit country for illegal migrants hoping to enter Europe.

Morocco's legal and policy framework to regularize legal immigrants has from a migration perspective shifted her from a transit to a destination point.

But does Morocco have the economic strength and integration laws and policies to ensure the successful integration of migrants into their labour market and communities. Having this to deal with, a compromise in the humane treatment of Sub-Saharan migrants may jeopardize her quest to accede to ECOWAS.