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Displacing Guilt and Delegating Violence: The EU's Ethical Failure on Externalization and Migration Management in Morocco

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To my father, whose decision to leave everything behind and start anew in Italy gave us more than just a passport: it gave us privileges, dignity, and a voice. His sacrifice spared us the fate so many still face and inspired me to stand for those who cannot.

To my father, who will not be present at the ceremony but will watch from above.

ABSTRACT

This thesis critically interrogates the European Union's strategy of externalizing its borders through migration agreements with Morocco, analysing the legal frameworks, political dynamics, and human rights implications that underpin this partnership. Framed by a growing body of critical migration scholarship, the study explores how Morocco, a country lacking a comprehensive national asylum system and consistently criticised for grave human rights violations, has come to play the role of one of Europe's southern gatekeepers. Through an in-depth examination of bilateral and multilateral agreements, such as the EU-Morocco Mobility Partnership, the European Neighbourhood Policy, and the EU Emergency Trust Fund for Africa; this research illustrates how European migration governance relies on the delegation of border control to third countries, effectively displacing responsibility for violations occurring beyond its territorial borders.

The thesis argues that this model of migration control has resulted in the systemic abuse, racialization, and marginalisation of Sub-Saharan migrants in Morocco. As evidenced by widespread reports and field data, these migrants are subjected to arbitrary detention, forced displacement, and racialised violence, at the hands of Moroccan authorities acting with the financial and political backing of the EU. Events such as the 2022 Melilla massacre, the Ceuta mass pushbacks, and ongoing police raids and deportations are not isolated incidents, but rather manifestations of a broader structural dynamic wherein human rights are subordinated to securitarian and geopolitical interests. By analysing these developments through a human rights lens, the study exposes how the EU's strategy enables violations to be outsourced to Morocco, allowing the EU to conceal its role behind a partner state while evading direct legal accountability.

Ultimately, this thesis contends that the EU's outsourcing of border control to a non-EU country that fails to meet European human rights standards represents a dangerous erosion of legal norms and moral responsibility. It calls into question the coherence of the EU's proclaimed commitment to human rights and reveals the paradox of a migration regime that, in attempting to manage mobility, reproduces violence, inequality, and legal impunity at its margins. In doing so, the thesis not only exposes the ethical and legal contradictions at the heart of EU-Morocco cooperation but also contributes to broader debates on mobility justice, racialised borders, and the externalization of Europe's migration regime.

TABLE OF ABBREVIATIONS

AMDH Moroccan Association for Human Rights (Association Marocaine des Droits Humains)

CNDH The National Human Rights Council of Morocco (Conseil National des Droits de l'Homme)

ECCHR European Center for Constitutional and Human Rights

ENP European Neighbourhood Policy

EU European Union

EUTF EU Emergency Trust Fund for Africa

FRONTEX European Border and Coast Guard Agency

GAMM Global Approach to Migration and Mobility

IOM International Organization for Migration

MP Mobility Partnership Agreement

NGOs Non-governmental Organization(s)

SADR Sahrawi Arab Democratic Republic

SIVE Integrated External Surveillance System

SNIA National Strategy on Immigration and Asylum

UNHCR United Nations High Commissioner for Refugees

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1. CHAPTER ONE: INTRODUCTION

Since its establishment in 1993, the European Union's migration policies have been predominantly characterised by border control and restriction (De Haas et al., 2020b). In addition to legislative frameworks aimed at regulating migration, the EU has reinforced its external frontiers through the construction of physical barriers designed to prevent irregular entry. A notable example of this securitisation strategy is the fortification of the borders surrounding Ceuta and Melilla in Morocco, which serve as highly militarised entry points to EU territory (Ferrer-Gallardo & Gabrielli, 2022). This approach highlights a fundamental contradiction within the EU's normative framework: while it presents itself as a global champion of democracy, human rights, and freedom of movement, it simultaneously enforces restrictive measures that systematically deny these very rights to individuals attempting to enter from beyond its external borders.

A central component of the EU's migration governance is the policy of border externalization, a strategy through which the responsibility for migration control is outsourced to third countries. This procedure entails collaboration between the EU and neighbouring transit countries, such as Morocco, Turkey, Libya, and Tunisia, to curb the influx of migrants before they reach European territory (Üstübcü & İçduygu, 2018). Such an approach, widely employed by Western democracies, seeks to regulate migration flows extraterritorially, preventing unauthorised arrivals. It is operationalised through bilateral and multilateral agreements with transit states, which, in exchange for financial, political and logistical support, are tasked with intensifying border surveillance, establishing detention facilities for migrants, and implementing stricter migration control measures (Casas-Cortes et al., 2015). By externalizing its migration management, the EU not only distances itself from direct accountability for human rights violations occurring along migration routes but also reinforces a securitised approach that prioritises deterrence over the protection of fundamental rights.

Morocco, due to its strategic geographical position, has become a crucial actor in this process, serving as both a transit and a destination country for migrants, particularly from sub-Saharan Africa. The EU has provided Morocco with financial and diplomatic incentives in exchange for stricter border enforcement and cooperation on migration governance, thus creating an active and crucial partnership (Faustini Torres, 2025; International Organisation for Migration, 2017; Ferrer-Gallardo & Gabrielli, 2022). The reinforcement of EU-Morocco migration control agreements has

led to significant political, legal, and humanitarian consequences. While these agreements have been justified as necessary for maintaining border security, they have also resulted in documented human rights violations, including arbitrary arrests, forced displacements, and violent crackdowns on migrant communities (Jiménez-Alvarez et al., 2021; Salami, 2014).

Furthermore, it could be argued that Morocco has leveraged its role as a migration gatekeeper to advance its diplomatic interests, particularly concerning its claim over Western Sahara, illustrating how migration can be instrumentalised as a political tool (Cañas, 2022). Over the past ten years, the economic agreements between Europe and Morocco have been numerous and of varying economic significance. Such agreements have all pursued the same objective: strengthening cooperation mechanisms between the European Union and Morocco, particularly in areas such as border management support and enhanced police cooperation, including joint investigations (Faustini Torres, 2025). However, the EU's enthusiasm for Morocco's collaboration was briefly tempered in May 2021, following a significant migration influx in which over 8000 migrants crossed into the Spanish enclave of Ceuta between May 17 and 18 (Ferrer-Gallardo & Gabrielli, 2022). This event was directly linked to diplomatic tensions between Madrid and Rabat, arising from Spain's decision in late April to provide medical treatment to Brahim Ghali, the leader of the Sahrawi independence movement, the Polisario Front (Ferrer-Gallardo & Gabrielli, 2022). In response, the EU suspended financial aids to Morocco, which were intended to last until 2027. Nonetheless, increased migratory pressure, both maritime routes towards Europe and crossings into the Spanish enclaves of Ceuta and Melilla, prompted the EU to resume its migration-related political relations with Morocco. The prompted resuming of the collaboration can be directly linked to migration diplomacy, the phenomenon where migration control is used as a diplomatic tool (Adamson & Tsourapas, 2019). This illustrates the extent to which migration is weaponised and politicised within EU-transit country relations.

1.2 OBJECTIVE OF THE STUDY

Interrogating the externalization of EU borders and its impact on migrant rights is considered critical to understanding the broader implications of contemporary migration policies. Thus, this thesis aims to explore the legal frameworks governing EU-Morocco migration cooperation, assess the human rights implications of these policies, and analyse Morocco's role as both a security partner and a political actor in migration governance. This thesis seeks to answer the overarching

question **(a)** *What is the relationship between externalization practices and the protection of human rights in migration governance?* It does so by focusing empirically on Morocco as a case study, and asks the following more specific sub-questions: **(b)** *What legal frameworks and agreements underpin EU-Morocco border externalization, and how have they evolved over time?* and **(c)** *In what ways has Morocco's role as an EU migration partner led to human rights violations at its borders and within the country?* This structure allows for a case-specific analysis that also contributes to a broader theoretical debate on the compatibility, or lack thereof, between externalization policies and the principles of universal human rights.

By addressing these questions, this case study research aims to provide a comprehensive analysis of the legal, political, and human rights dimensions of EU-Morocco migration governance. It is crucial to explore the present topics as the EU-Morocco border externalization agreements present a complex interplay between security policies, human rights considerations, and geopolitical interests. While these agreements are framed as cooperative efforts for migration management, they have been criticised for contributing to systemic human rights abuses. Reports from NGOs and international bodies have documented instances of violent border repression, illegal pushbacks, and the instrumentalisation of migration for political leverage. Therefore, a thorough analysis of the evolution of bilateral agreements between the European Union and Morocco, examined through a human rights lens, is essential to fully comprehend the complexity of the phenomenon. Such an inquiry is crucial for exposing and addressing systemic issues before they escalate to the critical and widely condemned conditions observed in Libya.

1.3 METHODOLOGY

This thesis adopts a case study research method, which is particularly well-suited for investigating complex contemporary phenomena within their real-life context (Yin, 2018). Specifically, the study utilises both descriptive and explanatory case study designs. The descriptive element allows for a detailed account of the policies, practices, and actors involved, while the explanatory component seeks to uncover the causal mechanisms and underlying dynamics that shape these developments (Yin, 2018). This dual approach is appropriate given the thesis's aim to both map and critically analyse the interactions between the European Union and Morocco on migration governance. As Yin (2018) emphasises, case studies are most effective when “how” and “why” questions are posed,

especially in circumstances where the researcher has little control over events and the focus is on a contemporary set of interactions.

This research method choice allows for an in-depth examination of legal frameworks, political negotiations, and human rights violations within a specific geopolitical context. The research will draw from both primary and secondary sources to construct a comprehensive analysis of migration governance and human rights violations. Primary sources will include Moroccan legal documents, EU-Morocco agreements and treaties, Spain-Morocco cooperation, reports from non-governmental organisations, official EU reports, and relevant legal cases. These sources will provide direct insight into the policies and legal mechanisms shaping migration control in Morocco. Secondary sources, such as academic literature, policy analyses and media reports, will complement the primary data by offering critical interpretations, theoretical perspectives, and historical context.

This methodological framework not only facilitates a rigorous examination of how migration policies are developed and implemented in a specific country but also highlights the broader socio-political consequences of border externalization. By adopting this comprehensive approach, the study contributes to the academic discourse on migration management and its implications for human rights, while also informing policy discussions aimed at achieving a more balanced and ethical governance framework.

1.4 STRUCTURE AND TERMINOLOGY

This thesis is structured into six main chapters, each addressing interrelated aspects of the research topic to ensure a comprehensive analysis of the human rights consequences of externalization practices. The organisation follows a logical progression, beginning with an overview of the research context, moving through a theoretical and empirical analysis of EU-Morocco migration governance, and concluding with an analysis of the human rights violations within the Moroccan territory due to the externalization of the European borders. Thus, the first chapter, the introduction, establishes the background and justification for the study, highlighting the significance of EU migration policies and Morocco's role as a key partner in externalized border control. It presents the research problem, outlines the central questions guiding the study, and defines the objectives of the research. The second chapter provides a critical review of the existing literature relevant to the study. It introduces the theoretical framework underpinning the analysis, drawing on securitisation theory, border externalization theory, and instrumentalisation of migration theory. This section also

offers an overview of Morocco's evolving migration landscape, Morocco's legal framework concerning irregular immigration and emigration, and an overview of the Moroccan occupation of Western Sahara, as this situation is fundamental in shaping the migration diplomacy between the EU and the Kingdom.

The third chapter examines the development and implications of Morocco-Spain & EU-Morocco migration agreements. Firstly, it will be explored Spain's pivotal role in shaping EU migration governance through its agreements with Morocco, focusing on border fortifications in Ceuta and Melilla and Spain-Morocco security cooperation. Consequently, the chapter provides a historical overview of key bilateral and multilateral treaties, including the 2015 EU Emergency Trust Fund for Africa, the Mobility Partnership and the European Neighbourhood Policy. The fourth chapter addresses the actual consequences of Morocco's role as a European gatekeeper. To do so, an in-depth analysis of human rights violations such as forced detention, deportation and disappearance will be presented, illustrating how these practices are strongly embodied within Moroccan authorities with the support of the EU. Following, it will be demonstrated through two instances of mass violence in Ceuta and Melilla, how the weaponisation and instrumentalisation lead to severe human rights violations, well documented by international organisations. Lastly, it will be presented how racism and marginalisation of sub-Saharan migrants are negatively affecting the daily lives of the people on the move.

Chapter five will finally present an evaluation of the paradox of EU-Morocco migration agreements, exploring the incoherence between the EU's proclaimed commitment to human rights and the restrictive border control measures it funds and supports. This chapter further considers how Morocco has leveraged its role in migration governance as a diplomatic bargaining tool, particularly concerning its claims over Western Sahara. The discussion also assesses potential future pathways to balance border security with human rights obligations, proposing policy recommendations for more ethical and sustainable migration governance. To conclude the chapter, it will present a critical analysis demonstrating the inherent incompatibility between externalization practices and the effective protection of the human rights of people on the move. Lastly, chapter six will summarize the findings of the thesis.

Furthermore, it is essential to clarify the terminology which the present thesis will utilise to refer to the people on the move. Both conceptually and practically, the terms asylum seeker and migrant present significant differences (Carling, 2023). The term migrant refers to an individual who leaves their country of origin in search of employment and better living conditions (De Haas et al., 2020b).

In contrast, a refugee, as established by the 1951 Geneva Convention, is someone who flees their home country due to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion (De Haas et al., 2020b). A refugee is outside their country of citizenship and, due to this fear, is unable or unwilling to avail themselves of the protection of their country of origin. Therefore, what distinguishes a migrant from a refugee is the element of persecution, which is a necessary condition for obtaining refugee status. In the present thesis, the term migrant(s) will be used as an umbrella term to include all the people on the move (e.g. asylum seekers, refugees, economic migrants, etc.), with no regard of whether they would be considered eligible for international protection or not. This is because, in contemporary society and the political landscape, all categories of people on the move are equally affected by border externalization practices and the instrumentalisation and weaponisation of migration.

2. CHAPTER TWO: THEORIES

2.1 CONCEPTUAL AND THEORETICAL FRAMEWORK ON HUMAN RIGHTS

This thesis employs a comprehensive human rights framework to examine the consequences of externalization practices in the context of migration, with particular attention to Morocco. While the normative dimension of human rights, as articulated in legal instruments such as the Universal Declaration of Human Rights (1948), Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, is foundational, it is equally essential to ground the analysis in a nuanced theoretical understanding of what constitutes “human rights.” This section explores several conceptual traditions and scholarly contributions that inform the meaning, legitimacy, and contestation of human rights in contemporary migration governance.

The natural law tradition provides one of the earliest and most enduring justifications for human rights. Rooted in Enlightenment thought, this approach posits that human rights are inherent, inalienable, and derived from the moral nature of human beings rather than from positive legal enactments (Raz, 1986). Joseph Raz (1986) expands this view by framing human rights as moral rights that function as constraints on state sovereignty. He contends that these rights carry political weight precisely because they serve to limit the coercive power of the state. Raz’s (1986) conceptualisation is particularly pertinent to the critique of externalization practices, which often involve the exercise of state-like authority beyond national borders without corresponding accountability. Such practices, while possibly lawful under bilateral or regional agreements, may nonetheless violate moral rights and thus be illegitimate from a normative standpoint (Raz, 1986).

Contrasting sharply with the natural law tradition, the political conception of human rights emphasises their institutional role in international affairs. Charles Beitz (2009) argues that human rights are not metaphysical truths but normative standards that regulate the behaviour of states and justify international concern or intervention. According to Beitz (2009), the legitimacy of a human rights claim lies not in its moral origin but in its practical function within global political practice. This perspective sheds light on the disjuncture between the universal rhetoric of human rights and the selective enforcement mechanisms surrounding migration governance. Externalization strategies, including the outsourcing of migration control to third countries, are often designed to deflect responsibility while maintaining the appearance of compliance with international norms. As

Beitz (2009) suggests, such mechanisms reflect the political character of human rights enforcement and expose the vulnerability of rights claims when they lack robust institutional backing.

Adding a more pragmatically grounded dimension, James Nickel (2007) conceptualises human rights as standards necessary for securing a minimally decent life, grounded in fundamental human interests. His approach bridges moral and political theories by focusing on the action-guiding nature of rights and their capacity to generate concrete obligations. For Nickel (2007), feasibility, universality, and justifiability are critical criteria for evaluating the legitimacy of rights claims. This framework is especially relevant to the examination of externalization, which often results in the denial of basic necessities such as food, shelter, medical care, and legal remedies. From an interest-based perspective, these outcomes are not merely unfortunate by-products of policy but constitute clear violations of rights rooted in shared human needs (Nickel, 2007). Furthermore, Nickel's emphasis on economic and social rights challenges the marginalisation of these rights in migration discourse and underscores their centrality to human dignity.

A further critical lens is provided by Marie-Bénédicte Dembour (2010), who identifies four distinct schools of thought in human rights theory: natural, deliberative, protest, and discourse. Her typology illustrates the conceptual plurality that defines human rights thinking and highlights the ideological tensions that inform their application. Of particular relevance to this thesis is the protest school, which views human rights not as static entitlements but as tools of resistance used by marginalised groups to contest structures of domination. This perspective is especially salient in the context of externalized migration control, where migrants often lack legal recognition yet continue to assert claims to dignity and protection. Dembour's (2010) framework enables a deeper interrogation of the structural exclusions embedded in contemporary migration regimes and the ways in which "human rights" can function both as an emancipatory discourse and as a mechanism of selective inclusion.

Hannah Arendt's (1951) seminal critique of the "right to have rights" further enriches the theoretical analysis. Arendt (1951) observed that the effective enjoyment of rights is contingent upon membership in a political community. Stateless persons and refugees, by lacking such membership, are often rendered rightless despite the formal universality of human rights. This insight exposes a foundational paradox: rights are proclaimed as universal, but their realisation is dependent on political belonging. In the context of externalization, this paradox is manifested in the deliberate prevention of migrants from reaching state territory, thereby excluding them from legal and political spaces where rights can be claimed and enforced. Arendt's (1951) analysis compels a confrontation

with the structural violence embedded in contemporary border regimes and the ways in which legal non-entry is used to deny migrants access to protection.

Lastly, the tension between universalism and cultural relativism remains a crucial theme in human rights theory, particularly in migration contexts. Jack Donnelly (2003) defends a robust universalist position, asserting that although the expression and implementation of rights may vary across cultures, the core content of human rights is universally applicable. He argues that all individuals, regardless of nationality, legal status, or cultural background, possess inalienable rights by virtue of their humanity. Similarly, Philip Alston (2001) emphasizes the indivisibility and interdependence of civil, political, economic, social, and cultural rights. He challenges the compartmentalization of rights, which often leads to the marginalization of social rights in migration governance. This theoretical position aligns with the thesis's normative claim that deprivation of healthcare, education, legal status, or safe asylum access represents not a policy divergence but a breach of universal human rights standards (Alston, 2001; Donnelly, 2003).

Taken together, these theoretical perspectives provide a multidimensional understanding of human rights that is both critical and constructive. They illuminate the normative, political, and practical dimensions of rights and enable a rigorous analysis of how externalization practices undermine the ability of migrants to access protections to which they are entitled. By engaging with these conceptual frameworks, the thesis situates human rights not merely as legal instruments but as dynamic and contested constructs that shape, and are shaped by, the political realities of global migration.

2.2 THEORETICAL FRAMEWORK

The idea of Europe as a fortress is becoming increasingly entrenched, coinciding with the advancement of various processes aimed at fortifying both its internal and external borders (Jünemann et al., 2017). This fortress-like image has dominated much of the discourse surrounding the so-called migrant crisis. The construction of extensive barriers, fortifications, and surveillance systems across European territory conveys a clear and persistent message to migrants: entry is strictly restricted. Individuals of non-European origin seeking to enter and establish residence in Europe are required to obtain a visa. Given that a large proportion of migrants aiming to enter the European Union originate from countries classified by the Union as economically disadvantaged and unstable, their visa applications are likely to be denied. Consequently, their only remaining means of entry into the fortress is through irregular border crossings (Jünemann et al., 2017). On the

other hand, individuals who are wealthy enough can buy citizenships to access Europe, for instance, through the Maltese ‘Citizenship by Investment’ scheme, where people can obtain citizenship by investing a minimum of € 750,000 after being a resident for 1 year or €600,000 after being a resident for three years (Surak, 2024). This double standard of access to Europe for non-EU people demonstrates that the concept of Europe as a fortress is extremely valid and contemporary for specific migrant groups. European states, bolstered by the growing influence of xenophobic far-right parties, have responded to a crisis that is not only economic but also deeply tied to identity by linking migration to terrorist attacks in Europe, crime, and the instability of the Union, reinforcing segregationist and securitisation approaches toward immigrants (Eriş & Öner, 2021; Kinnvall, 2014). For instance, migration should be considered primarily a political phenomenon, as the receiving states increase their power by defining migration as an opposition and threat to the sovereignty of the state, influencing the population’s perception (Adamson, 2006).

The Copenhagen School analyses the issue of security from a constructivist perspective, focusing on the study of securitisation, namely, the process through which a particular issue comes to be perceived as a security threat (Stritzel, 2014). According to the Copenhagen School's theoretical framework, for an issue to be considered a security problem, its mere objective existence is not sufficient: it must also be subjectively perceived as such. A given issue becomes securitised when it is presented as an existential threat to a referent object, to the extent that it justifies the adoption of emergency measures and actions that fall outside the ordinary limits of political processes (Balzacq, 2011). Securitisation, therefore, represents an extreme form of politicisation, initiated by securitising actors such as political leaders, bureaucracies, and governments (Stritzel, 2014). These actors in power perceive and present a given threat as so vital and urgent that it legitimises even a potential violation of established rules. Thus, securitisation is the process by which an ordinary political issue is transformed through discursive acts, constructing new security threats. The objective of securitisation is to create the conditions for legitimising, or delegitimising, certain actions, thereby circumventing the bureaucratic regulations that would otherwise apply (Stritzel, 2014). In the sphere of migration, this can include measures such as pushbacks, human rights violations at the borders, and the externalization of borders to countries outside the European Union. Within this framework, the securitisation of migration phenomena emerges.

The term securitisation indicates the process through which the comprehension and definition of a particular phenomenon, in this case immigration, along with its repercussions and the policies or courses of action deemed appropriate to address it, are shaped by an argumentation of internal security maintenance (Buzan et al., 1998). Authors have defined securitisation as the process

through which an issue comes to be conceived as a security problem (Buzan et al., 1998). When an issue becomes securitised, it leads to specific ways of addressing it, typically through threat identification, defence mechanisms, and state-centred solutions. Initially, Buzan and colleagues (1998) defined security as a "speech act," referring to a particular form of linguistic representation that frames an issue as an existential threat. The concept of securitisation suggests that certain issues are not inherently security problems but become so through a process of social construction. Thus, securitisation serves as a tool employed by power holders to exert control over a given issue. In other words, securitisation is the process through which an issue is transformed into a security concern, irrespective of its objective nature or the actual relevance of the alleged threat (Balzacq, 2019). This concept of securitisation has been deeply applied by European political leaders as they have framed immigration as an existential threat to individuals, society, and state sovereignty, portraying it as a challenge to national identity, social cohesion, stability, and welfare (Balzacq, 2011).

This process of social construction, highly used by politicians to frame migration as a threat to the nation's security, led to the development of the externalization of the borders. In modern international law, the border is understood as a physical, static, and linear space: it is the territorial boundary within which sovereignty exists, ultimately shaping the State itself. This theoretical framework, however, contrasts sharply with the current reality in the Central Mediterranean, where, in the context of migration, borders appear instead as fluid, constantly shifting, and tied less to the geographical boundaries of States and more to the status of individuals. Here, the border loses its territorial connotation and becomes functional (Balzacq, 2011). For instance, the functional border that separates migrants from European territory no longer corresponds solely to the physical boundaries of EU member states but also includes spaces beyond them, where border management and control policies are effectively implemented. The term externalization of borders is now widely used in international law to describe this phenomenon, whereby destination states of migratory flows manage them extraterritorially (Balzacq, 2011; Balzacq, 2019). This occurs by shifting control procedures outside their own territory or transferring the responsibility for migration management to third parties, whether state or non-state actors. Externalization relies on destination states employing new and sophisticated legal instruments and agreements aimed at physically distancing the management of migratory flows from their territory and, consequently, from their jurisdiction. Authors have argued that a key objective of this process is to assign responsibility for human rights violations against migrants to externalized entities (Lemberg-Pedersen, 2015). These measures are commonly referred to as pull-back operations (or push-back by proxy) since they

physically prevent migrants from entering destination states by detaining them in transit countries (Lemberg-Pedersen, 2015). Thus, by avoiding direct contact between the authorities of the destination state and the migrants, states seek to evade legal responsibility for any violations of international law committed against migrants, shifting accountability exclusively to transit states or international organisations whose officials carry out the pull-back measures. In this way, European governments aim to maintain control over the European territory while ensuring internal security through externalized controls, further reinforcing the concept of "Fortress Europe." For instance, the externalization of border control and refugee rights can be defined as the set of economic, legal, military, and cultural actions, primarily extraterritorial, carried out by state and supranational actors, with the indispensable support of additional public and private entities, aimed at preventing or hindering migrants (including asylum seekers) from entering a given state's territory (Üstübici & İçduygu, 2018). Externalization is thus a complex mechanism involving multiple actors who, despite performing different roles, contribute to achieving the same objectives. These actors include EU institutions, individual member states, certain non-EU states (in particular, for the purposes of this study, Morocco), the United Nations High Commissioner for Refugees (UNHCR), and the International Organisation for Migration (IOM) (Üstübici & İçduygu, 2018).

However, the mechanism of border externalization is not a recent phenomenon. The practice has expanded in both scale and scope, particularly as states and the European Commission began concluding readmission agreements for individuals in an irregular migration situation. More recently, the remote-control approach has assumed a central role, particularly after 2011, in response to destabilising geopolitical events such as the Arab Spring and the Syrian and Libyan civil wars (Balzacq 2019). These conflicts gave rise to two of the most significant migration routes towards Europe: the Central Mediterranean Route, linking the Libyan coast with Italy and Malta and the Eastern Mediterranean Route, also known as the Balkan Route, connecting the Middle East to Northern Europe via the Balkans (Idemudia et al., 2020). Despite the urgent need for the European Union to develop a coordinated action plan for migration management, this did not translate into a more humanitarian and open-minded approach towards migration flows. Instead, the EU has continued to prioritise border control and return policies over strengthening solidarity within the Union (Lemberg-Pedersen, 2015). This approach is clearly demonstrated by one of the key externalization measures used to address the 2015-2016 refugee crisis: the EU-Turkey Joint Action Plan of March 2016 (Oltean & Iov, 2017). Under this agreement, all irregular migrants arriving from Turkey to the Greek islands and coast were to be sent back. In exchange for Turkey's cooperation, the EU agreed to resettle Syrian refugees from Turkey on an individual basis, ease visa

restrictions for Turkish citizens, provide six billion euros in aid to Turkey for Syrian refugee communities and resume EU accession dialogue with Turkey (Oltean & Iov, 2017). This agreement significantly reduced migration flows and later served as a model for managing migration crises in the following years. Nonetheless, even prior to this incident, a major precedent in border externalization can be identified in the Benghazi Treaty, ratified between Italy and Libya in 2009 (Mancini, 2018). This treaty established a bilateral collaboration on the control of irregular migration, addressing both historical colonial issues and defining a joint strategy for migration containment in the Mediterranean. The agreement introduced joint Italian-Libyan maritime patrols, leading to Italy's direct involvement in a series of high-sea pushback operations in 2009 (Mancini, 2018). During these operations, migrant boats were intercepted by Italian and Libyan authorities and forcibly returned to Libya, marking a significant moment in the history of European migration policies.

Mass migration is currently used as a non-conventional instrument by states and non-state actors to pursue political and strategic objectives. This phenomenon, known as the weaponisation of migration, represents a discreet form of power exertion, thus one that is not directly violent yet capable of producing significant and destabilising effects (Greenhill, 2010; Lebrun et al., 2024). This paradox could be regarded as a direct consequence of the practices of externalization. The weaponisation of migration not only raises concerns related to security and human rights but also highlights the challenges associated with managing migratory flows, which can be manipulated for geopolitical purposes. The growing adoption of this strategy has led several states, particularly the members of the European Union, to strengthen their defence mechanisms by incorporating the concept of migration instrumentalisation into their legal frameworks to protect member states from such threats (Lebrun et al., 2024). The instrumentalisation of migration could also be regarded as a militarisation of migration, as it is a fundamental element of contemporary hybrid warfare, in which structural vulnerabilities are exploited through non-violent strategies, such as the manipulation of migratory flows. Researcher Kelly Greenhill (2010; 2016), one of the leading scholars who introduced the term, defines the militarisation of migration as the strategic use of population movements for political or military purposes, employing threats or direct actions. While this practice was initially associated with States, it now also involves non-state actors. Moreover, Greenhill (2010) has described coercively instrumentalised migration as a tool used by one state to gain an advantage over another by provoking mass forced migrations. This phenomenon aligns with Mary Kaldor's (2007) theory of "new wars," which characterises modern conflicts as those primarily targeting civilians rather than combatants. To exert coercive power, a well-orchestrated

staging is essential. In this sense, rather than a mere migratory crisis, what is presented is a theatricalization of chaos: migrants are allowed to pass and then turned back. Thus, this staging, which includes severe human rights violations and casualties, serves as a coercive reminder of the potential consequences for states that choose to adopt externalization policies. While border deaths function as a warning of what could happen to those who dare to cross, the theatrics of chaos are intended to remind European governments of the repercussions they may face if political support is withdrawn.

This thesis is grounded in a multidisciplinary theoretical framework that draws from critical security studies, political theory, and human rights scholarship to understand the complex processes of border externalization in the European Union, particularly in the case of Morocco. However, to fully grasp the ethical and political implications of these practices, this framework is further expanded to incorporate normative political theory, particularly the critiques advanced by Seyla Benhabib (2004), Etienne Balibar (2002), and Jack Donnelly (2003). These theorists offer a deeper conceptual interrogation of the contradictions between sovereign state power and the universalism of human rights, illuminating the structural tensions embedded in contemporary migration governance. Ultimately, these theorists will be key to understanding the moral limits of externalization.

Benhabib's (2004) analysis is crucial for understanding the moral paradox at the heart of externalization: while liberal democracies uphold the ideal of universal human rights, they simultaneously reserve the right to exclude non-citizens from the political community. This sovereign logic, according to Benhabib, clashes with the inclusive ethos of human rights, particularly when border control is outsourced to third countries where legal oversight is weak and rights are effectively suspended. Etienne Balibar (2002) further elaborates this contradiction by highlighting what he calls the scission of liberal democracies: the split between the internal application of democratic principles and their denial at the borders. In Balibar's (2002) view, borders are not peripheral to democracy but constitutive of its exclusions. They are the sites where the limits of equality and liberty are violently enforced, often through practices that remain invisible to domestic publics. The externalization of European borders, particularly to countries like Morocco, exemplifies this dynamic: the EU preserves its image as a rights-based polity by displacing the coercive and exclusionary aspects of migration control onto foreign territories. Finally, Jack Donnelly's (2003) work on the universality and institutional realisation of human rights adds a critical legal dimension. While affirming the moral universality of rights, Donnelly (2003) underscores that their practical enforcement is contingent upon political and legal

institutions. When states externalize border control, they also externalize responsibility, creating zones of impunity where rights claims become null or unenforceable. Even when agreements contain human rights clauses, their implementation is often subordinated to geopolitical interests and security concerns.

Together, these theorists provide the normative and philosophical underpinnings of this study's critique of externalization. Their work challenges the compatibility of externalized border control with the foundational commitments of liberal democratic states and calls into question the legitimacy of a migration regime that systematically excludes, displaces, and instrumentalises vulnerable populations. By integrating these perspectives with securitisation theory and the notion of Fortress Europe, this thesis aims to provide a comprehensive analytical framework to interrogate external migration policies and their impact on fundamental rights.

2.3 THE TRANSFORMATION OF MOROCCO'S MIGRATION DYNAMICS

The Maghreb has gradually transformed its character from a region of emigration to a transit and destination zone for numerous migrants from sub-Saharan African nations. For instance, over the past few decades, Morocco has undergone a profound transformation in its migration dynamics, evolving from a traditional country of emigration to a crucial transit hub and, more recently, a receiving country (Berriane et al., 2015). Historically, due to the economic challenges and political instability, Morocco was predominantly a country of origin, with large waves of emigration to Europe, particularly to France, Spain, Belgium, and the Netherlands (Berriane et al., 2015). This large-scale legal emigration started in the mid-20th century, under the scheme of the 'guest workers', as European countries were in need of migrants to compensate for the labour shortages (Natter, 2014). However, following the Oil Crisis in 1973, European countries tightened immigration policies as there was no more need for workers, leading to the diminishing of legal pathways of migration, and the increasing of irregular migration attempts (Natter, 2014).

By the late 20th century, Morocco had also become a major transit country for sub-Saharan African and Syrian migrants seeking passage to Europe (Berriane et al., 2015). Several factors contributed to this shift, including Morocco's geographic proximity to Spain, the reinforcement of EU border controls in other Mediterranean transit countries such as Libya and Tunisia, the presence of the only physical border between Africa and Europe (Ceuta and Melilla), and the increasing securitisation of European migration policies. Thus, the strengthening of border enforcement in traditional migration

routes redirected migratory flows toward Morocco, where many migrants found themselves in limbo: unable to continue their journey to Europe while reluctant to return to their countries of origin. As a result, Morocco also becomes a country of destination. For instance, many sub-Saharan African migrants who initially intended to transit through Morocco have opted to remain, integrating into local communities and labour markets, particularly in urban centres such as Casablanca, Rabat, and Tangier (Berriane et al., 2015; Norman, 2016). Consequently, Morocco should be regarded as an integral component of the intra-continental migration phenomena, having evolved into a semi-permanent or permanent destination for African migrants. All of these phenomena combined have led to Morocco becoming a key player in migration governance, negotiating agreements with the European Union to control irregular migration in exchange for financial and diplomatic incentives.

It is difficult to gather consistent and up-to-date data on migrants in Morocco, as reports are often contradictory and outdated. In addition to the legal migratory flow, which includes students from other African countries, the irregular migratory flow encompasses a significant proportion of the population on the move. Many migrants from sub-Saharan Africa are fleeing political and economic crises and aspire to reach Europe, although, without a visa, many become stranded at border crossings. A 2015-2016 survey conducted by the Université Internationale de Rabat and the Université Hassan II de Casablanca found that the majority of sub-Saharan migrants in Morocco are male (74%), highly educated, and have an average age of 28 (Lowe et al., 2020). Additionally, data from the 2021 report by the High Commissioner for Planning (HCP) identifies the primary countries of origin of migrants in Morocco. The largest migrant communities originate from Côte d'Ivoire (16.7%), followed by Senegal (15.9%), the Republic of Guinea (13.2%), the Democratic Republic of Congo (10.1%), Cameroon (8.7%), Mali (4.9%), and the Central African Republic (2.3%), with migrants from other African countries collectively accounting for 15.1% of the total migrant population (Lowe et al., 2020). Recent thorough data reveal that in 2020, Morocco accommodated around 103,000 international migrants, encompassing both regular and irregular migrants, refugees, and asylum seekers (IOM Morocco, 2024). Other data estimates that around 700,000 migrants from Sub-Saharan countries are living irregularly in Morocco (Es Siddiki & El Kirat El Allame, 2024). It is therefore evident that Morocco is increasingly becoming not only a transit country but also a destination country for African migrants. Although, compared to European countries, migration to Morocco remains limited, the average annual increase in migration is nonetheless approximately 10% (Es Siddiki & El Kirat El Allame, 2024). Taking into account Morocco's migration policy of reception, implemented since 2013, which will be discussed in detail

in chapter 2.2.3, as well as the evolution of its foreign policy in Africa, this trend suggests that long-term African migration to Morocco is likely to grow significantly over the next two decades.

2.4 MIGRATION ROUTES THROUGH MOROCCO

Morocco's strategic geographical position makes it a crucial node in several migration routes to Europe. Migrants seeking to reach European territory primarily use three key routes: the Western Mediterranean route, the Western African route, and the land or sea crossings into the Spanish enclaves of Ceuta and Melilla (De Bel-Air 2016; Idemudia et al., 2020). The Western Mediterranean route is one of the most frequently used pathways, involving sea crossings from North Africa to Spain. This route has exhibited fluctuating migration trends over recent years, reflecting a complex interplay of geopolitical, economic, and security-related factors. The data from Frontex covering the period from 2019 to 2023 highlights the shifting dynamics of irregular migration through this corridor, influenced by border control measures, smuggling networks, and broader regional developments (International Organization for Migration, 2023). In 2019, the Western Mediterranean corridor was the second most frequently used migration route to Europe, with 23,969 detections. Moroccan and Algerian migrants accounted for nearly half of those intercepted, while the nationalities of the remaining individuals remained unspecified. In 2020, detections declined to 17,228 migrants, a 28% decrease compared to 2019. This drop can be largely attributed to the COVID-19-related restrictions implemented across North Africa, particularly in Morocco, which led to a diversion of migratory flows toward the Western African route to the Canary Islands. In 2021, the number of detected arrivals rose slightly to 18,466 cases, with Algeria remaining the primary departure point. Contrastingly, 2022 witnessed a decline in migratory pressure, with detections decreasing by approximately 20% from the previous year. Despite this reduction, North African migrants continued to dominate the flow, while there was a significant increase in the number of Sub-Saharan African and Syrian nationals attempting the journey.

The Western African route, which leads to the Canary Islands, has gained prominence in recent years, particularly following the reinforcement of security measures along the northern Moroccan coast due to the EU externalization of the borders practice. This route is considered one of the deadliest, as it requires navigating the Atlantic Ocean for long distances, often in overcrowded and unseaworthy vessels. Frontex's report on the trend of departures from this route between 2017 and 2023 shows a significant fluctuation in the number of detected departures from Morocco over the

past decade (IOM, 2023). In 2023, Morocco was the second most significant departure point for migrants on this route, following Senegal. The overall increase in arrivals to the Canary Islands, rising by 161% compared to 2022, was driven by growing instability in West Africa. In 2022, detections dropped by 31% compared to 2021, yet two-thirds of migrants still departed from Morocco. While, in 2018, half of all detected migrants departed from Morocco, signalling its growing role in this route. Before this surge, crossings were lower due to joint surveillance efforts under agreements between Spain, Senegal, and Mauritania. Despite this overall decrease, more than two-thirds of the detected migrants departed from Morocco or transited through its territory. This underscores Morocco's ongoing role as a primary launching point for those seeking to reach Spain via this route.

Finally, the Ceuta and Melilla route represents the only land border between Africa and the European Union. Migrants seeking entry into these Spanish enclaves attempt to climb fortified border fences or swim short distances, but they are frequently met with violent pushbacks and human rights violations. These crossings are heavily securitised, with both Spanish and Moroccan security forces enforcing strict controls. Irregular entries by land into Ceuta and Melilla peaked in 2018 at approximately 6,800 migrants, before plummeting to under 2,000 in 2020 following intensified COVID-era restrictions (Statista, 2025). In mid-May 2021, the IOM documented that approximately 9,000 individuals entered Ceuta over just 48 hours, among them roughly 1,500 children aged 7–15 (IOM, 2021); a figure corroborated by Spanish government figures reported by Reuters (2021), which identified 1,500 minors among an 8,000-strong wave of migrants entering the enclave. In 2022, arrivals reached around 2,289, marking a 24 per cent increase from the previous year (InfoMigrants, 2023). However, by 2023, crossings declined significantly, with a 75 per cent drop in land entries (Anadolu Agency, 2023). In 2024, arrivals rebounded to an estimated 2,647 by land (2,531 in Ceuta and just 116 in Melilla) with an additional 49 sea arrivals, of which 28 in Ceuta and 21 in Melilla (Asylum Information Database, 2025). Notably, Melilla recorded its lowest land entries since the early 1990s (113 total, –30 per cent from 2023), while Ceuta experienced a large uptick (+137 per cent) amid heightened bilateral surveillance (Atalayar, 2025; El País, 2025). These fluctuations reflect shifting border enforcement, bilateral cooperation, and broader regional and diplomatic pressures.

2.5 MOROCCO'S MIGRATION POLICIES

Historically, Morocco's migration policy primarily focused on managing its diaspora. However, over time, the policy agenda has broadened to encompass a wider array of migration-related issues. As irregular migration routes connecting Morocco and Europe grew increasingly trafficked, by both Moroccan nationals and a rising number of transit migrants, the Moroccan authorities initially adopted a lenient stance (Natter, 2014). This permissive approach, however, was reversed in 2003 with the enactment of Law 02-03, Morocco's first comprehensive migration legislation since gaining independence. This law addressed the entry and residence of foreigners, as well as irregular emigration and immigration, and introduced a restrictive, security-oriented framework. It imposed criminal penalties for both undocumented migration and its facilitation, including substantial fines and prison sentences for both migrants and smugglers (Jiménez-Alvarez et al., 2021; Tittel-Mosser, 2018). The decade following the adoption of Law 02-03 was marked by a highly securitised and often arbitrary enforcement approach, which subjected irregular sub-Saharan migrants to precarious living conditions, frequent police operations, and the persistent threat of expulsion (Natter, 2018; Jiménez-Alvarez et al., 2021). Nonetheless, this period also saw the emergence of a robust network of civil society actors and scholars who denounced the state's repressive migration practices and advocated for more humane and inclusive policies (Alioua et al., 2017). Following the 2011 wave of Arab Spring protests, Morocco initiated constitutional reforms that emphasised democratic principles and strengthened the protection of human rights. The revised constitution explicitly guaranteed equal fundamental rights for foreigners and Moroccan citizens alike and enhanced the powers of the National Human Rights Council (CNDH), which emerged as a vocal proponent of migrants' rights (Jiménez-Alvarez et al., 2021). The CNDH published a landmark report urging the government to undertake a comprehensive overhaul of its migration and asylum policies (Conseil National des Droits de l'Homme, 2013; National Human Rights Council, 2014). In apparent response to this pressure, King Mohammed VI announced the launch of a new, more inclusive migration policy later that same year.

The CNDH recommendations included revising existing legislation in accordance with international human rights norms and establishing institutional mechanisms to support migrant integration. By December 2014, the government implemented the National Strategy on Immigration and Asylum (SNIA) and launched two exceptional regularisation campaigns, one in 2014 and another in 2017 (Jiménez-Alvarez et al., 2021; IOM, 2017). The first campaign, initiated in January 2014, aimed to regularise the status of 45,000 undocumented migrants. To this end, 83 administrative offices were established nationwide, and 3,000 officials were deployed to manage the process (Carrera et al.,

2016; IOM, 2017). Over the course of the year, 27,649 applications were received, 80% of which were from migrants originating in non-Arab African countries. Approximately 18,000 of these were approved initially, and that figure later rose to 23,096 after the eligibility criteria were expanded (Kingdom of Morocco, 2018). A second campaign began in December 2016, framed not merely as a regularisation effort but as an integration initiative. It attracted 28,400 applications, over 20,000 of which had been approved by October 2018 (Alioua, Ferrié, & Reifeld, 2017).

The SNIA also led to the drafting of three legislative proposals: one addressing human trafficking, another on asylum, and a third on migration. Furthermore, it is crucial to underscore that the SNIA's objectives extend beyond legal status regularisation. The strategy is structured around four core pillars: regularising irregular migrants, promoting their integration into Moroccan society, reforming the national legal framework governing immigration and asylum, and enhancing international cooperation (Jiménez-Alvarez et al., 2021). In alignment with Morocco's international obligations, the SNIA technically seeks to guarantee migrants' access to fundamental rights. These include the right to public healthcare, education (particularly for children), lawful employment through work permits, and international protection (Jiménez-Alvarez et al., 2021; JAMAL, 2021). Regarding healthcare, the SNIA calls for equitable access for migrants and Moroccan citizens alike. A national health strategy for migrants was formulated in consultation with civil society stakeholders but has yet to be formally adopted, primarily due to a lack of interministerial consensus. In 2015, a convention was signed to provide regular migrants from low-income households access to basic secondary and tertiary healthcare services from which they had previously been excluded. However, implementation has been hindered by the absence of concrete administrative directives, leading to regional disparities in healthcare provision.

Concerning education, the SNIA promotes the inclusion of migrant and refugee children in both formal and informal education systems (JAMAL, 2021). It outlines initiatives aimed at easing enrolment and minimising access barriers. To register, migrant children must obtain authorisation from the Regional Directorate of Education and submit it to school administrators. Although the enrolment process typically requires multiple documents, a 2019 circular allowed students to register using a sworn statement when documentation is lacking. Furthermore, several evaluations of the National Strategy for Migration and Asylum noted significant variability in the circular's application across different regions. In terms of employment, the SNIA delineates three objectives: improving regular migrants' and refugees' access to employment, encouraging entrepreneurial initiatives among them, and addressing labour market shortages. While some progress has been observed, important limitations persist. Access to formal employment, self-employment, and related

services remains contingent upon holding a residence permit that authorises work. In contrast, undocumented migrants are confined to the informal sector and remain ineligible for most employment-related services. Moreover, certain public sector professions (including law, medicine, and academic positions in public institutions) remain off-limits to non-citizens (JAMAL, 2021).

For instance, the shift toward a more humanitarian approach to migration in Morocco, embodied in the SNIA, has attracted considerable academic attention. While the strategy marked a groundbreaking step in the region, positioning Morocco as the first North African country to propose a legal framework for the protection of migrants and refugees, its implementation has revealed significant shortcomings. Although the SNIA was initially welcomed by both European and African partners and served to enhance Morocco's international image, as demonstrated in the previous paragraph, the strategy has largely failed to meet its stated objectives in practice. Scholars and human rights organisations have noted that despite its progressive language, the policy suffers from fragmented institutional coordination, insufficient legal reforms, and inconsistent application on the ground (JAMAL, 2021; Jiménez-Alvarez et al., 2021; Benjelloun, 2024). As a result, the promise of a more humane and rights-based migration governance model remains largely unfulfilled, highlighting a persistent disconnect between policy design and implementation. Yet, despite Morocco's ratification of the 1951 Geneva Convention, a revised legal framework for asylum and migration remained pending. Law 02-03 continues to serve as the dominant legislation regulating foreigners' entry and residence, as well as irregular migration, despite repeated concerns from both domestic and international observers. Aside from the highly publicised regularisation initiatives, the broader vision of the new migration policy has yet to be fully realised (GADEM, 2018a). In practice, access to rights such as healthcare, education, and employment remains inconsistent, and implementation of the SNIA's legal reform agenda has stalled. Of the three proposed laws, only the anti-trafficking legislation has been enacted thus far (Alioua et al., 2017), leaving the outdated Law 02-03 in force.

With regard to refugees, it is the UNHCR that continues to register asylum seekers and conduct interviews to determine refugee status, as today Morocco still lacks a national asylum system. All positive cases are submitted for validation by the Moroccan Bureau for Refugees. According to data published by the UNHCR (2024), Morocco hosted a total of 18,878 individuals, including 9,094 refugees and 9,784 asylum-seekers. These individuals were distributed across 81 localities throughout the country, reflecting the broad geographical scope of displacement. The largest refugee population originated from Syria, accounting for 5,399 individuals, representing the majority group. This was followed by substantial numbers from Guinea (2,405), Senegal (1,956),

and Sudan (1,484), illustrating the diverse origins of displaced populations residing in Morocco. Other notable countries of origin included Côte d'Ivoire (1,223), the Central African Republic (1,066), Yemen (551), and Cameroon (541), among others. Smaller populations came from the Democratic Republic of the Congo, South Sudan, Palestine, and Chad, with 2,315 individuals categorised under “Others,” indicating a wide array of less-represented nationalities. This distribution underscores Morocco’s increasingly prominent role as both a destination and transit country in regional and global migration dynamics. Despite the presence of a national migration and asylum strategy, the integration and protection of these populations remain subject to significant systemic and institutional challenges.

2.6 THE WESTERN SAHARA

Western Sahara is a largely desert coastal strip located at the southwestern edge of North Africa, between Morocco, Algeria, and Mauritania. Today, it is divided by a wall of sand and stone into “occupied territories” (approximately 80%) and “liberated territories” (the remaining 20%). More precisely, the territory comprises 200,000 square kilometres facing the Atlantic Ocean, de facto occupied and controlled by Morocco, and approximately 66,000 square kilometres controlled by the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Polisario Front), also known as the self-proclaimed Sahrawi Arab Democratic Republic (SADR) (Smith, 2018; Campos-Serrano & Rodríguez-Esteban, 2017). This political organisation is recognised by the United Nations as the principal and most prominent representative of the Sahrawi people, who inhabit the region and are entitled to participate in a referendum in accordance with the principle of self-determination. The SADR, for its part, holds “observer” status at the UN General Assembly and has been a member of the African Union since 1984.

The conflict surrounding the recognition of the Sahrawi people, the Polisario Front, and the sovereignty of the SADR over Western Sahara originated in the broader context of decolonisation from Spanish rule (Smith, 2018; Campos-Serrano & Rodríguez-Esteban, 2017). It has since evolved into a dispute that is both dynamic and enduring, encompassing local, regional, and international dimensions. Spanish colonisation of Western Sahara began in 1884 and lasted until 1974. In 1965, the United Nations issued its first call (Resolution 2072XX) for Spain to initiate the decolonisation process in Western Sahara. This was followed by six additional resolutions up to 1973, all of which not only demanded the liberation of the region but also urged Spain to organise a referendum under

UN supervision to enable the local population to freely exercise their right to self-determination (Smith, 2018; Campos-Serrano & Rodríguez-Esteban, 2017). In 1974, Spain announced the beginning of the decolonisation process and preparations for the self-determination referendum. However, concurrently with this announcement, Morocco expressed its opposition to the referendum and signalled its intention to invade the territory. Meanwhile, Mauritania also began to assert historical claims over Western Sahara.

Consequently, Spain abandoned the Sahrawi people to their fate, signing in 1975 the Tripartite Agreement with Morocco and Mauritania (from which Mauritania withdrew in 1979). This agreement marked Spain's disengagement and the partitioning of Western Sahara, assigning the southern portion to Morocco and the northern part to Mauritania. With the onset of Moroccan military occupation, the war started, accompanied by the construction of a 2,700 km sand wall and the mass displacement of the Sahrawi population to refugee camps in Tindouf, Algeria (Smith, 2018; Campos-Serrano & Rodríguez-Esteban, 2017). In 1991, following nearly sixteen years of warfare, a United Nations-mediated ceasefire was reached, which has since effectively frozen the front lines, leaving Morocco in control of the territories where most of the region's subsoil resources are located (Smith, 2018; Campos-Serrano & Rodríguez-Esteban, 2017). Despite the ceasefire, both parties have continuously sought to internationalise the issue, often leveraging and manipulating the foreign policy strategies of their respective allies and partners to advance their own positions. Western Sahara is widely regarded as the last remaining African colony still awaiting independence.

3. CHAPTER THREE: EU-MOROCCO MIGRATION AGREEMENTS AND THEIR IMPLICATIONS

3.1 MOROCCO-SPAIN BILATERAL AGREEMENTS

Spain's accession to the European Union in 1986 and its subsequent entry into the Schengen Agreement in 1991 had profound consequences on the mobility of the Moroccan population toward Spain (Ali, 2024). One of the immediate effects was the introduction of a visa requirement for Moroccan nationals. From that point onward, Spanish authorities prioritised integration into the European free movement area, to the detriment of the historical migratory route linking Spain and Morocco. This decision was not driven by internal migration management concerns or pressure on the asylum system, but rather by demands from Northern EU member states for more effective border control (De Haas et al., 2020b). Like all EU member states, Spain had to confront the so-called Schengen dilemma: on the one hand, the system promotes the free circulation of citizens within Europe; on the other, it requires the reinforcement of shared external borders (Ali, 2024; De Haas et al., 2020b). As a result, much of the migration flow to Spain became irregular, further complicating the circular migration patterns that previously characterised movement between the two countries.

In response, Spain progressively developed a new migration policy centred on externalization. The key components of this strategy include the fortification of external borders, the establishment of surveillance and interception mechanisms for irregular movements, and the signing of agreements with third countries (Ali, 2024; Collyer, 2007; Baqués-Quesada, 2023). A tangible outcome of this approach has been the construction of physical barriers around the Spanish enclaves of Melilla and Ceuta in Morocco: Spain's and the EU's only terrestrial border with Africa. These enclaves represent the shortest crossing point between the two continents, a route that was once open and accessible. After joining the EU and instituting visa requirements for Moroccan nationals, the metal fences erected around Melilla and Ceuta came to symbolise the divide between Europe and the Global South.

Although these enclaves are now "sealed," they remain among the principal entry points into Europe for sub-Saharan migrants and refugees. Every year, thousands of migrants from the Maghreb and sub-Saharan Africa attempt to cross the border, hiding in vehicles, swimming along the coast, or scaling the fences, in pursuit of a better life. The first barriers were erected in Ceuta in 1993 (7.8 km) and in Melilla in 1996 (10.5 km) (Baqués-Quesada, 2023). Initially, rudimentary in

structure, the fences were relatively easy to cross. Over time, they have been successively reinforced and upgraded at significant cost, partially financed by the EU. The enclaves gained global attention following the mass border storming attempts of October 2005, during which 14 people lost their lives and many others were injured (Soddu, 2006; Collyer, 2007). The events served as a pretext for further militarisation of the border on both sides. These incidents are not isolated; attempts to breach the enclave borders have never ceased. Even the doubling of fence height, from 3 to 6 meters, and the installation of barbed wire and spiral razor tubes, strongly criticised by numerous non-governmental organisations, have not deterred such efforts.

Thus, the Spain-Morocco border has become an increasingly securitised and supervised zone. A key instrument of this development is the “Sistema Integral de Vigilancia Exterior” (SIVE – Integrated External Surveillance System), deployed since 2002 (Collyer, 2007; Ali, 2024). Spain became one of the first EU member states to adopt high-tech border surveillance measures to manage irregular migration. SIVE now covers 7,000 km of coastline, from the Portuguese border to Catalonia, including the Canary and Balearic Islands, using ships, helicopters, radar, and thermal cameras to detect boats, ships, and movements associated with irregular migration, trafficking, and illegal fishing (Collyer, 2007). This system served as a precursor to more ambitious strategies promoted by the European Commission in its 2008 “Border Package,” which included the use of biometric databases, expanded responsibilities for FRONTEX (the European Border and Coast Guard Agency, established in 2004), and the creation of a satellite surveillance system known as EUROSUR (Kalkman, 2021). These instruments, along with the full implementation of SIVE, are believed to have altered migratory routes, pushing them away from the Strait of Gibraltar and toward the Canary Islands. This shift meant that during the early 2000s (particularly between 2002 and 2006), migrants increasingly undertook longer and riskier journeys by sea, departing from Morocco, Mauritania, Senegal, or Cape Verde. The sight of migrant corpses washing up on the Canary Islands, where many Europeans vacation, sparked moral and political concern earlier than in other parts of the Mediterranean.

Such pressures incentivised Spanish authorities to deepen cooperation with southern neighbours in migration surveillance and control. Over the past few decades, Spain has formalised a series of international agreements with third countries as part of its broader migration diplomacy. A paradigmatic example is the long-standing partnership between Spain and Morocco, often cited as a “model practice.” In 1992, the two countries signed a bilateral readmission agreement (Ali, 2024). A decade later, in the early 2000s, as Morocco transitioned into both a transit and destination country, Moroccan authorities intensified border controls in exchange for Spanish technical and

financial support. Joint initiatives to control migration routes were approved and implemented. To foster cooperation with third countries, Spain employed various incentives, particularly development aid. The Spanish government explicitly identified such cooperation as a prerequisite in its first Africa Plan (2006–2008). Moreover, in 2005, Spain supported the launch of the EU’s “Global Approach to Migration and Mobility” (GAMM), which aimed to integrate migration governance with foreign policy and development cooperation (Ali, 2024). These policies led to a dramatic decrease in migration flows. In 2016, only 672 migrants reached the Canary Islands, compared to over 30,000 in 2006 (Ali, 2024). Spain, therefore, implemented a relatively swift and effective mechanism for drastically reducing arrivals through externalization practices. For these reasons, the Spanish model has attracted significant interest from other EU member states. However, it is crucial to recognise that externalization strategies have not addressed the root causes prompting migration. Moreover, their implementation carries a significant cost, not only financially, but also in terms of serious human rights violations against migrants, who are often illegally expelled, arbitrarily detained, and denied necessary protections.

3.2 THE DEVELOPMENT OF EU EXTERNALIZATION PRACTICES & EU-MOROCCO MIGRATION CONTROL AGREEMENTS

Since 2015, with the increasing number of migrants entering and seeking asylum in the EU, the Common European Asylum System entered a period of deep dysfunction (Ali, 2024). The European political landscape was highly fragmented on issues of asylum and migration, and appeared incapable of reaching a consensus on the necessary reforms. Since 2005, the European Union has progressively established formal agreements and frameworks with third countries to enhance the governance of migration flows and asylum systems. One of the earliest comprehensive strategies was the Global Approach to Migration and Mobility (GAMM), introduced in 2005 and subsequently revised in 2011 (Ali, 2024). GAMM served as the overarching framework for the EU’s external migration policy, promoting cooperation between the EU and non-EU countries across a broad spectrum of migration-related issues. Its scope encompassed both regular and irregular migration, the prevention of human trafficking and migrant smuggling, the reinforcement of refugee protection, the promotion of migrants’ rights, and the strategic use of migration as a driver of development (European Commission, 2011).

Consequently, to GAMM policy, in response to the intensifying migration challenges, the EU launched the European Agenda on Migration in 2015 (Ali, 2024). This agenda was conceived as a dual-purpose instrument: first, to introduce immediate responses to the unfolding humanitarian and border management crisis; and second, to lay the groundwork for a longer-term, sustainable migration management strategy across the Union (European Commission, 2015). Furthermore, the evolving complexity of migration dynamics led to the proposal of the New Pact on Migration and Asylum in 2020, which came to an end in 2024 (Ali, 2024). This pact aimed to establish a more balanced and coherent European asylum and migration policy. It introduced a comprehensive set of legislative and policy measures intended to foster a more equitable, efficient, and resilient migration system. The Pact sought to guarantee humane conditions for individuals arriving in Europe, ensure legal certainty, and foster a shared responsibility model among member states, grounded in solidarity and adherence to human rights principles (European Commission, 2020).

Finally, following four years of negotiation and refinement, the Pact culminated in the adoption of a Common Implementation Plan by the European Commission in June 2024, with an operational launch scheduled for June 2026 (European Commission, 2024). This implementation plan delineates the concrete actions required to render the new regulatory framework functional across all member states, reflecting the EU's commitment to a harmonised approach to migration governance. The revised framework is structured around four key pillars: the fortification of external borders through rigorous screening processes, the acceleration of asylum decisions via unified and transparent procedures, the operationalisation of solidarity mechanisms among EU states, and the integration of migration policy into broader international partnerships (European Commission, 2024). A particularly critical aspect of the fourth pillar involves the intensification of externalization practices and the securitisation of migration control. This includes heightened efforts to prevent irregular departures, dismantle smuggling networks, and streamline cooperation on return and readmission protocols. These measures reflect the EU's sustained reliance on third countries as partners in migration management, often through policies that critics argue externalise border controls and may risk undermining migrant rights. Morocco will continue to play a pivotal role within this externalization framework, even in the Pact that will start to operate in 2026, as the European Commission explicitly referenced ongoing cooperation with the Moroccan government in its efforts to combat migrant smuggling (European Commission, 2024). This partnership exemplifies the EU's strategic use of diplomatic and financial tools to bolster third-country capacity in managing migration at its periphery.

Thus, the EU sought to resolve some of the problems triggered by consistent irregular migration flows by intensifying efforts toward the externalization of its borders. An approach that, up until 2015, had seen limited success at the EU level, but which is now highly functional and profitable. As previously noted, such efforts had largely been driven by individual Member States, such as Spain with Morocco and Italy with Libya, seeking bilateral cooperation with countries of origin or transit (Idemudia et al., 2020). The bilateral agreements between the EU and Morocco, however, precede the so-called migration crisis. Over the years, a series of agreements of varying duration were concluded with the stated aim of supporting Morocco's development through investment and institutional assistance. Beneath these development-oriented objectives, however, lay the EU's underlying interest in controlling migration flows. This section will focus on explaining and assessing the outcomes of three key agreements: the European Neighbourhood Policy (ENP), the Mobility Partnership Agreement (MP) and the EU Emergency Trust Fund for Africa (EUTF). These particular agreements have been selected for analysis because, within their policy frameworks, migration management is explicitly stated as a core conditionality for EU financial support to the Kingdom of Morocco.

European Neighbourhood Policy

In 2004, the European Union established the European Neighbourhood Policy (ENP), which laid out a new framework for relations between the EU and its southern Mediterranean neighbours. The ENP sought to promote sustainable development by encouraging political and economic reforms through the principle of political conditionality (Calcan, 2020). Based on an incentive-based approach, it rewarded countries that adopted the principles of democracy, good governance, the rule of law, and respect for human rights, encouraging them to align with European standards without offering the prospect of EU membership. Following the introduction of the ENP, the EU-Morocco Action Plan was launched in 2005 to identify strategic priorities for the country's development, such as legislative reforms and attention to human rights, reducing unemployment, combating terrorism, and controlling migratory flows (Calcan, 2020).

Morocco has consistently demonstrated a positive attitude toward the commitments undertaken through these agreements, which led, in 2008, to its recognition as having "Advanced Status", a designation indicating a more favourable condition than that of a standard EU partner (Calcan, 2020). The ENP foresaw the formulation of five-year plans to achieve the objectives of the partnership. The 2013–2017 Action Plan addresses cooperation in combating organised crime, with particular focus on asylum, border management, citizen mobility, migration policy and international

protection (Calcan, 2020). This final point encompasses both migration from Morocco to the EU and migration into Morocco from sub-Saharan Africa. Regarding the former, there was a clear intention to enhance access to legal migration channels, provide facilitated visa issuance conditions, ensure readmission to the country of origin, and support social and professional reintegration in the case of voluntary return. Thus, selected legal migration of Moroccans to Europe was encouraged, while voluntary return was supported through reintegration programs. As for the management of migrants within the Kingdom, Morocco committed to strengthening its institutional framework on the right to asylum following international norms and to implementing the principles of the 1951 Geneva Convention and its 1967 Protocol. Especially regarding procedures for identifying migrants in need of international protection, applying the principle of non-refoulement, recognising the consequences of refugee status, and enhancing public policies aimed at fostering the integration of migrants into the country (Calcan, 2020).

This agreement, which contributed to the enhancement of Morocco's political standing, was not underpinned by externalization practices per se. Instead, as it will be explained in the following chapters, it was smartly used by the EU to introduce the concept of human rights standards in the Kingdom. As outlined in Section 2.1, the European Union's strategy of externalising migration governance became operational with the implementation of the EU-Turkey Joint Action Plan in 2016. Nonetheless, the ENP is essential for understanding the evolving dynamics of EU–Morocco cooperation.

Mobility Partnership Agreement

The European Commission's first step, in 2005, was an attempt to establish a political framework for cooperation with third countries through the GAMM. The most structured bilateral cooperation protocols within this framework are the Mobility Partnerships, mainly with neighbouring states, and the Common Agendas for Migration and Mobility, which are open to countries not necessarily in geographic proximity (den Hertog, 2016). Within this framework, the EU employs various platforms for political cooperation on migration and asylum in order to preserve order and reinforce the dominant narrative of "Fortress Europe." The EU has concluded Mobility Partnerships with three African countries: Morocco, Tunisia, and Cape Verde (den Hertog, 2016; Limam & Del Sarto, 2015).

On 7 June 2013, Morocco became the first Mediterranean country to enter into a Mobility Partnership (MP) with the European Union through the signing of a joint declaration (Limam & Del

Sarto, 2015). This partnership represents an evolution of longstanding bilateral migration control agreements between Spain and Morocco, now increasingly embedded within broader European legal and institutional frameworks. Notably, the declaration establishing the partnership does not constitute a legally binding instrument; its implementation depends on the political will and commitment of the EU, its Member States, and Morocco (den Hertog, 2016). The dominant focus of the initiative lies in the reinforcement and operationalisation of mechanisms aimed at curbing irregular migration. By endorsing the Mobility Partnership, the signatory parties expressed their intention to conclude a readmission agreement obliging Morocco to accept not only the return of its own nationals but also individuals from third countries, primarily sub-Saharan African migrants, who transited through Moroccan territory before entering or residing irregularly within the EU (den Hertog, 2016).

According to official data published by the Council of the European Union (2021), since the operationalisation of the EU–Morocco Mobility Partnership in 2019, approximately 35,000 Moroccan nationals were issued return decisions from EU member states, ranking Morocco first among three countries in this regard. Of these, 29% were effectively returned. Between 2014 and 2019, around 10,000 Moroccans were returned annually, representing between 5% (in 2016) and 7% (in 2019) of total returns from the EU. In contrast, data concerning the readmission of third-country nationals remain unavailable, as negotiations between the EU and Morocco on this issue continue to be unresolved and fragmented (Council of the European Union, 2021). Furthermore, the partnership anticipates the establishment of a working arrangement between Morocco and Frontex, the European Border and Coast Guard Agency (Limam & Del Sarto, 2015). Given the prevailing conditions in Morocco in those years and nowadays, such a readmission framework raises serious concerns regarding the protection of migrants' rights, potentially exposing individuals to inhumane or degrading treatment (Carrera et al., 2016). These concerns have been repeatedly voiced by Moroccan civil society organisations and the Moroccan National Human Rights Council, particularly in relation to the situation of sub-Saharan migrants who remain stranded in the country.

The Moroccan Law 02-03, which criminalises irregular migration, combined with the absence of a robust asylum framework and a xenophobic socio-political climate, has resulted in a hostile environment for migrants, which has in several instances, led to fatal outcomes (Frontiers, 2013; Collyer, 2007). While the European Commission presents the Mobility Partnership as a tool to improve the governance of human mobility and deepen cooperation on migration between the EU and Morocco, the provisions in the joint declaration appear to prioritise migration management over genuine mobility. The emphasis placed on Morocco's role in combating irregular migration,

alongside the negotiation of a readmission agreement, illustrates this orientation. Although the agreement purports to be consistent with fundamental human rights frameworks, including the 1951 Refugee Convention and its 1967 Protocol, as well as the right to leave any country, certain measures envisioned within the Mobility Partnership clearly challenge the practical realisation of these rights.

The MP's broader strategy of externalising migration controls situates readmission agreements as essential tools for managing irregular migration. These agreements often require partner countries not only to accept the return of their own nationals but also individuals who merely transited through their territory (den Hertog, 2016). Negotiations on such agreements between the EU and Morocco have long attracted criticism from human rights perspectives. The EU has used financial and political incentives to encourage Morocco to enhance migration control efforts over both its own citizens and third-country nationals perceived as undesirable within the European context. Law 02-03 and its associated policies have contributed to the securitisation of Moroccan migration policy and to a climate of increasing hostility towards migrants. The law introduced penalties, including fines and imprisonment, for irregular entry, stay, or departure, directly contravening the right to leave any country, including one's own, as recognised under international law. Thus, the implementation of the MP in a country regulated by a discriminatory migration law (Law 02-03) has led to an increase in several human rights violations.

Since the MP agreement, Moroccan authorities have committed substantial resources to identifying and detaining irregular migrants, often subjecting them to identity checks and arrest, even in cases where valid documentation is presented (Carrera et al., 2016). This crackdown has also extended to civil society actors advocating for migrant rights, fostering a climate of intimidation. According to the UNHCR, incidents of arrest and subsequent release of refugees were on the rise (Carrera et al., 2016). This aggressive enforcement regime, described by some as a "hunt for foreigners," continues to adversely impact the daily lives of migrants in Morocco (Carrera et al., 2016). Despite certain policy reforms ostensibly aimed at fostering a more humane migration approach (SNIA), coercive practices have persisted. Although Moroccan law theoretically regulates the detention and expulsion of foreigners, its application is marked by significant discretionary power. Procedural safeguards such as access to legal counsel, interpreters, and avenues for appeal are largely absent in practice. Moreover, despite Article 29 of Law 02-03 explicitly prohibiting the expulsion of vulnerable individuals, collective expulsions, including those of refugees, minors, pregnant women, and individuals with health conditions, have been routinely documented (Médecins Sans Frontières, 2013).

It is clear that the Mobility Partnership fails to take into account Morocco's multifaceted role as a country of origin, transit, and destination for migrants, nor does it adequately consider the country's domestic human rights context. Instead, it primarily serves the interests of the European Union, with limited regard for the adverse human rights implications. One of the most significant shortcomings of the partnership is the absence of a co-decisional and co-responsible implementation framework. The agreement was framed by a donor-recipient dynamic, creating a structurally imbalanced relationship. In theory, the initiative might have yielded positive outcomes if it had led to the enforcement of international conventions concerning migrant and refugee rights, with particular attention to vulnerable populations, including women and children. However, the Mobility Partnership arguably provides a policy template that encourages Moroccan authorities to continue repressive border practices and internal crackdowns on migrants. In exchange for curbing irregular emigration, Morocco has been granted economic benefits, regardless of the human rights violations incurred. The ongoing inhumane treatment of migrants in Morocco, including instances resulting in loss of life, has yet to elicit any substantive response or condemnation from the EU or its Member States, raising questions about their complicity and shared responsibility (Amnesty International, 2024; Le Mond, 2024).

To conclude, the underlying philosophy of this agreement was to reward countries that cooperated in the readmission of rejected asylum seekers and irregular migrants through concessions on visa issuance and legal migration channels. However, it was precisely the rigidity of the EU and its Member States concerning regular access to Europe that hindered the effectiveness of these partnerships (den Hertog, 2016). In fact, the limited visa facilitation offered under the partnership is restricted to narrowly defined categories, such as vocational trainees, students, researchers, and business professionals. Broader mobility opportunities or pathways for regular migration are conspicuously absent. Visa liberalisations were not addressed, and the provisions resemble bargaining tools used to advance negotiations on readmission, rather than a substantive shift in the EU's migration strategy. The framing of mobility within this context appears narrowly economic and selectively beneficial to EU Member States.

EU Emergency Trust Fund for Africa

Following a sharp increase in deaths in the Mediterranean and the limited success of the GAMM, in April 2015, the European Council emphasised the need to invest in the external dimension of European migration policy, calling for tangible cooperation. In May 2015, the European Commission proposed a new plan, the European Agenda on Migration, that placed the process of

externalization at its core (Gazzotti et al., 2023). Although some tools were drawn directly from the GAMM experience, the new EU policy no longer promoted the positive link between migration and development, instead prioritising the fight against irregular migration and portraying the migratory phenomenon in critical terms: as a problem rather than an opportunity. The next step in building deeper cooperation with African countries came with the Valletta Summit in November 2015, which brought together 62 heads of state and government from both the EU and African countries (ZICHI, 2018). The implementation deadline for the EU Emergency Trust Fund for Africa (EUTF) was set for the end of 2025; however, the EUTF ceased awarding contracts for project implementation at the end of December 2021 (Gazzotti et al., 2023). Priority areas of intervention discussed during the summit included addressing the root causes of irregular migration, enhancing cooperation on legal migration and mobility, strengthening the protection of migrants and asylum seekers, preventing irregular migration, migrant smuggling, and human trafficking, and improving cooperation on return, readmission, and reintegration (Gazzotti et al., 2023; ZICHI 2018). In practice, however, European leaders repeatedly underscored the two main objectives of EU–Africa cooperation: the rapid and substantial reduction in irregular arrivals to the EU, and the increase in returns of irregular migrants (Benjelloun, 2024; Calca, 2020).

One of the most notable outcomes of the Valletta Summit was the launch of the EU Emergency Trust Fund for Africa, aimed at addressing the root causes of instability, illegal migration, and forced displacement in Africa. The fund had a total value of over €234 million committed between 2015 and 2021, with more than 89% of contributions coming from the EU and approximately 11% from Member States and other donors (European Commission, 2023; Gazzotti et al., 2023). As of September 2019, the EUTF for Africa had financed 210 projects. Of the total budget, 22% was allocated to migration management, 13.5% to interventions related to peace, security, and policies to prevent and combat violent extremism, 63% to development cooperation, and 1.5% to research and monitoring. More recent data from 2023 regarding the specific investments in Morocco reveal a marked shift in the allocation of funds: 12% was invested in protection and community stabilization, 7% in support of labour migration, 4% in migration governance (including voluntary return assistance), and a substantial 77% in border management (European Commission, 2023; Gazzotti et al., 2023). This significant reallocation clearly illustrates the EU’s shift from promoting local support and development to prioritising externalization practices, thereby reaffirming the EU’s overarching priority: the protection of its borders over the safeguarding of the human rights of people on the move.

The actual implementation of the EUTF raises numerous critical issues. First, the fund is mainly financed through the European Development Fund (Gazzotti et al., 2023). However, eligible projects must have a clear link to the theme of migration. Linking development goals with the objective of migration management shifts the focus and priorities of funding towards artificial or marginal concerns within local contexts, ultimately undermining their effectiveness. Moreover, the Fund primarily favours a group of African countries not selected for development purposes, but rather because they are key actors in the EU's goal of curbing irregular arrivals, Morocco being a case in point. Additionally, the Fund pays minimal attention to local civil society organisations, whose involvement could have a far more sustainable and effective impact on local development. Second, the decision-making process regarding the allocation of the Fund is dominated by European actors. As a result, African counterparts have limited influence over the nature of the initiatives being financed. This dynamic constitutes a breach of the Paris Declaration on Aid Effectiveness, raising serious concerns about mutual trust and the willingness to engage in genuine partnerships. Third, the EUTF has done little to promote regular migration channels or mobility between European and African countries, contrary to the action plan laid out at the Valletta Summit (ZICHI, 2018). Fourth, the strategies financed through the EUTF involve a range of political and ethical issues directly related to human rights. These include cooperation with regimes that lack democratic legitimacy, as well as projects that raise serious concerns regarding their impact on fundamental human rights. For instance, persistent human rights violations, addressed in detail in the following paragraphs, occur at the highly fortified and militarised borders of Ceuta and Melilla.

4. CHAPTER FOUR: MOROCCO'S ROLE AS A GATEKEEPER

To this point, one could start to wonder what are the empirical consequences of this long-lasting collaboration characterised by decades of renewed and advanced agreements. In other words, in what ways has Morocco's role as an EU migration partner led to human rights violations at its borders and within the country? In 2018, following the closure of the Turkish migration route and the shutdown of Italian ports, the EU and, particularly Spain, witnessed a renewed increase in arrivals via Morocco (European External Action Service, 2019). That year alone, over 65,000 migrants reached Spain without significant interference from Moroccan authorities. Only after further negotiations with Spain and the EU in 2019, and following certain financial promises, did Morocco resume patrolling the coastline and the areas surrounding the Spanish enclaves of Ceuta and Melilla, resulting in a 45% decrease in departures (European External Action Service, 2019). These figures demonstrate Morocco's crucial role as a gatekeeper, as one migratory route is monitored and closed, another opens. Europe, fearful of migration flows, secures the cooperation of Maghreb countries at any cost, both financially and morally. Many of Morocco's actions in fulfilling its gatekeeping role infringe upon the fundamental rights of migrants. Structural violence and discrimination persist within the Kingdom, highlighting the stark contrast between official narratives presented by the EU and the everyday reality experienced by migrants in Morocco. Essentially, EU-promoted migration policies and, for instance, the SNIA have become a tool to maintain an institutional façade that pleases European partners, without any genuine commitment to effectively ensuring the humane treatment of migrants on Moroccan territory. Thus, to answer the research question (c) of the present thesis in a single sentence: *the extent of the human rights violations in the country due to the externalization practices is enormous and documented.*

The externalization of borders, which entails outsourcing border control and migration policy enforcement to third countries, results in enormous violations of fundamental human rights. These include the right to liberty and personal security, the prohibition of collective expulsions, the ban on torture and inhuman or degrading treatment, the right to life, and the right to truth for the families of the disappeared (UNHCR, 2024). This chapter focuses on incidents and events that substantially illustrate the systemic nature and diversity of human rights violations. Particular attention is given to forced disappearance, detention, and deportation, which are examined as interconnected violations, where the occurrence of one often leads sequentially to the others. Subsequently, the chapter provides a detailed analysis of the Melilla massacre and the mass crossing in Ceuta, offering concrete examples of how such violations are perpetuated within the Kingdom. Finally, instances of

xenophobia and discrimination are presented to convey the challenging daily realities faced by Sub-Saharan migrants.

4.1 FORCED DETENTION, DEPORTATION AND DISAPPEARANCE

Deportation and detention within the Moroccan migration context function as specific tools of border control and mechanisms to block movements toward the European Union. Deportation by Moroccan authorities, usually followed by deprivation of liberty, occurs systematically in a climate of indiscriminate violence that often leads to injuries and even death among those fleeing (Amnesty International, 2024; Global Detention Project, 2021; Justice and Human Rights Forum, 2022; Le Monde, 2024; El País, 2024; United Nations Committee on Enforced Disappearances, 2024; Washington Post, 2024). Border-crossing attempts are met with punitive measures by police, including arrest under Law 02-03, which is followed by incarceration, sometimes in unofficial detention centres, despite official denials of their existence (United Nations Committee on Enforced Disappearances, 2024). Among these punitive practices are internal collective deportations, used to push migrants away from border zones. These informal practices, not supported by Moroccan law, are therefore illegitimate. Combined with the violent repression of border-crossing attempts, frequently conducted with the direct support or cooperation of Spanish authorities, these measures are among the primary causes of forced disappearances within Morocco's migration landscape, as well as violations of other fundamental human rights. The legal definition of enforced disappearance is based on three essential elements: the deprivation of liberty, the direct or indirect involvement of the State, and the concealment of the fate or whereabouts of the person (Gazzotti, 2021). Moroccan practices meet all of these criteria. Migrants are arrested by state agents or individuals acting with their consent, detained in facilities, often informal, denied the ability to communicate with the outside world, and "disappeared" through forced transfers that make it impossible to trace their location (Gazzotti, 2021; Global Detention Project, 2021).

Therefore, the phenomena of disappearances, detention, and deportation into rural areas in the Moroccan migration context cannot be understood without considering the broader process of European border externalization. Morocco, receiving substantial EU funding for immigration management, acts as an advanced border guard. In this context, the detention of individuals residing irregularly on Moroccan territory, as permitted under Law 02-03, facilitates the occurrence of enforced disappearances. These systematic and violent disappearances become part of a migration control system in which the invisibilization of migrants becomes a deliberate strategy. The

modalities of detention and deportation observed in Morocco often evolve into instances of enforced disappearances, characterized by the absence of legal safeguards and violations of fundamental rights (Amnesty International, 2024; Global Detention Project, 2021; Justice and Human Rights Forum, 2022; Le Monde, 2024; United Nations Committee on Enforced Disappearances, 2024). Families of the detained are systematically denied information regarding the fate or whereabouts of their loved ones. Even in major cities, sub-Saharan Africans face daily document checks, arrests and deportations to border areas. While officially these stops are meant to verify individuals' legal status, in practice, they frequently amount to unlawful arrests. These operations are conducted by uniformed military personnel or by individuals in civilian clothing who do not identify themselves as state agents, creating legal uncertainty and vulnerability for those detained (Global Detention Project, 2021). Possessing documentation, such as UNHCR certificates meant to guarantee residency and free movement, does not prevent arrest (Global Detention Project, 2021). Reports confirm that even individuals with regular legal status fall victim to these practices and that police officers often confiscate or destroy refugee documents (Global Detention Project, 2021). During document control, sub-Saharan individuals are routinely threatened with arrest and deportation, often accompanied by extortion attempts as officers demand bribes for release, typically ranging from 100 to 200 Moroccan dirhams (approximately €10–€20), the equivalent of one to three days' wages (Global Detention Project, 2021).

Detentions following apprehensions during border crossing attempts occur in clear violation of the fundamental rights of the individuals detained. This is evident from the fact that, for both Moroccan and sub-Saharan nationals, no notification of arrest or detention is provided to their families (Global Detention Project, 2021). This practice is embedded within a broader context of structural deficiencies in the system for locating missing persons in Morocco. The procedure for reporting a missing person is carried out at police stations and consists merely of the completion of a paper form containing basic personal information and the place of disappearance (Global Detention Project, 2021). Such reports are neither transmitted to competent authorities nor followed by any substantive investigative action on the part of law enforcement. Even in cases where a missing person is, in fact, being held in custody, families often face significant barriers in accessing this information, including from police officers themselves. Furthermore, the Global Detention Project report (2021) indicates that when detainees are transferred between facilities, neither the transfer nor the new location is communicated to the legal counsel, who is thus impeded in carrying out an effective defence due to the lack of access to such critical information. In the case of arrests involving sub-Saharan nationals, an additional challenge lies in the frequent misregistration of

personal data. This issue stems from both administrative inefficiencies and from the tendency of migrants to provide false identities out of fear that truthful disclosure may result in negative consequences for their migratory plans, including the risk of deportation (Global Detention Project, 2021; Amnesty International, 2024). Such circumstances severely hinder the ability of lawyers and family members to locate individuals, as they are often unable to identify their clients or relatives in the official lists of detainees.

The Universal Declaration of Human Rights enshrines the rights to life, liberty, and personal security (Article 3), and further asserts that no one shall be subjected to arbitrary arrest, detention, or exile (Article 9). The United Nations Working Group on Arbitrary Detention, composed of independent experts who investigate cases of arbitrary arrest and detention, defines deprivation of liberty as arbitrary when migrants, refugees, or asylum seekers are subjected to prolonged administrative detention without access to administrative or judicial review or to effective remedies (United Nations Working Group on Arbitrary Detention, 2018). As early as 2013, during an official visit to Morocco, the Working Group reported having received numerous complaints concerning mass arrests and acts of violence in the context of police raids and the detention of migrants and asylum seekers, particularly in the northern regions of the country (United Nations Human Rights Council, 2014). Since 2013, the incidence of forced detention has increased, mostly due to the process of border externalization.

4.2 THE WEAPONIZATION OF THE MIGRANTS: THE MELILLA MASSACRE & THE CEUTA MASS CROSSING

The Melilla Massacre

The events of June 24, 2022, at the Melilla border crossing between Morocco and Spain represent one of the most severe incidents of border violence due to externalization practices in recent European history (Human Rights Watch, 2023). Official sources report at least 23 deaths and 77 injuries; however, human rights organisations estimate that the actual death toll may be higher, with at least 37 fatalities and over 70 individuals still unaccounted for (Human Rights Watch, 2023). The Moroccan Association for Human Rights (AMDH) has documented 77 cases of enforced disappearances related to this incident (Human Rights Watch, 2023). The tragedy was extensively documented through testimonies from survivors, activists, and official recordings from Spanish and Moroccan border authorities (Wintour, 2024; Amnistia Internacional Portugal, 2022). These sources

provide a detailed reconstruction of the events, highlighting multiple violations of fundamental human rights by both Moroccan and Spanish authorities.

In the weeks leading up to the incident, migrants and asylum seekers, primarily from conflict zones such as Sudan, South Sudan, and Chad, had established informal encampments in the forests surrounding Nador, particularly on Mount Gourougou (Amnistia Internacional Portugal, 2022). These camps were subjected to frequent and increasingly aggressive raids by Moroccan security forces. According to AMDH, between April and June 2022, there were 31 documented raids in the 84 days preceding June 24 (Amnistia Internacional Portugal, 2022). These operations involved the destruction of personal belongings, the confiscation of food and water supplies, and the use of tear gas and physical violence to disperse the inhabitants. Survivors reported that these raids created a climate of constant fear and psychological stress, exacerbated by the lack of access to basic necessities. The deliberate targeting of essential resources, such as the closure of public water taps, further marginalised these communities and intensified their vulnerability.

Through the detailed report of Amnesty International (Amnistia Internacional Portugal, 2022), and the video created by the Light House international investigative nonprofit newsroom (Lighthouse Reports, 2022), it is possible to reconstruct the event in detail. On the morning of June 24, approximately 2000 individuals descended from Mount Gourougou intending to cross into the Spanish enclave of Melilla via the Barrio Chino border crossing. Despite passing near a Moroccan auxiliary forces barracks, the group encountered no resistance until reaching the border fence around 9:00 AM. At this point, Moroccan forces launched a coordinated assault involving the use of tear gas, rubber bullets, and physical force. This initial confrontation resulted in several fatalities due to asphyxiation and trauma. The most lethal phase occurred around 10:30 AM, when authorities created a bottleneck effect, confining migrants into a space of approximately 200 square meters. This tactic led to a deadly crush, with individuals piled atop one another, resulting in numerous deaths and injuries. Despite the severity of the situation, emergency medical assistance was delayed. Only four ambulances were initially present, and priority was reportedly given to the removal of bodies over the treatment of the injured. The final ambulance departed around 9:00 PM, leaving many wounded without adequate care for hours.

In the days following the incident, approximately 500 migrants were subjected to forced transfers to various regions within Morocco, some as far as 890 kilometres away (Amnistia Internacional Portugal, 2022). These relocations hindered efforts to monitor the well-being of the individuals involved. Reports indicate that at least one person died during these transfers, and 65 migrants were

arrested, with others remaining unaccounted for (Amnistia Internacional Portugal, 2022). Efforts to identify the deceased were obstructed by Moroccan authorities, and AMDH reported difficulties in accessing morgues and obtaining information about the victims. On June 26, AMDH discovered preparations for the burial of 21 individuals in the Sidi Salem cemetery without proper identification procedures (Amnistia Internacional Portugal, 2022). Public outcry prevented these burials, highlighting attempts to conceal the true scale of the tragedy. The United Nations Working Group on Enforced or Involuntary Disappearances has expressed concern over the 77 reported disappearances associated with the incident (United Nations Human Rights Council, 2023; Amnistia Internacional Portugal, 2022). Human Rights Watch and Amnesty International have called for independent investigations into the actions of Moroccan and Spanish authorities, citing the use of excessive force and the failure to provide timely medical assistance.

The Melilla tragedy underscores the human cost of externalized border control policies and the militarisation of migration management. The events of June 24, 2022, reveal systemic failures in upholding human rights obligations, including the right to life, protection from torture and inhumane treatment, and the right to seek asylum. Subsequent investigations by human rights organisations have highlighted systemic failures in addressing the aftermath of the Melilla tragedy (Human Rights Watch, 2023; Statewatch, 2022; Amnistia Internacional Portugal, 2022). Human Rights Watch (2023) reported that both Spain and Morocco conducted flawed or insufficient investigations, exonerating their security forces despite evidence of excessive force, including the use of tear gas, rubber bullets, and stones against migrants. The organisation emphasised the lack of accountability and the ongoing suffering of victims' families seeking information about their missing relatives. Furthermore, the European Center for Constitutional and Human Rights (ECCHR) criticised the Spanish government's failure to uphold its duty of due diligence. The ECCHR highlighted the obstruction of parliamentary inquiries and the closure of investigations without judicial proceedings, attributing these actions to systemic and institutional racism within the Spanish state (ECCHR, 2023). The organisation called for independent and effective investigative mechanisms to prosecute international crimes and ensure justice for the victims and their families. Amnesty International also condemned the lack of effective, independent investigations by both Spanish and Moroccan authorities. The organisation pointed to the deliberate obstruction of evidence and the denial of access to information for families and local NGOs, emphasising the need for transparency and accountability in addressing the human rights violations that occurred during the Melilla incident (Amnistia Internacional Portugal, 2022).

The Ceuta Mass Crossing

In September 2024, a collective attempt to cross the Ceuta border involved thousands of individuals. This event differently from the Melilla massacre of 2022, was not extensively covered by International Organisations and non-profit human rights organisations, but mainly by Moroccan newspapers and reports on migration flows from the Maghreb. The call for mass migration originated on social media, designating September 15 as the date of mobilisation, during what was already a period of heightened tension at the border. Moroccan authorities had, in fact, reported over 11,300 attempted crossings during the month of August alone (Mixed Migration Centre, 2024). Those attempting to enter the Spanish enclave included young people, many of whom were minors, from North Africa (primarily Moroccans, followed by Algerians and Tunisians) as well as individuals from sub-Saharan Africa (Mixed Migration Centre, 2024). In the days leading up to September 15, they converged on Fnideq, the last Moroccan city before the European border. On that day, the authorities deployed military forces not only in Fnideq but also in preceding urban centres such as Tangier and Tetouan, effectively preventing additional people from reaching the border area (Abderrahim, 2024; Lemaizi, 2024). However, access was granted to media outlets and organisations working on migration-related issues, an important detail that will be further discussed in chapter five. Throughout the day, aspiring migrants attempted to cross the border through various means: some by swimming from Moroccan shores, others by attempting to breach the physical barrier (Mixed Migration Centre, 2024). Law enforcement once again responded with violence, deploying tear gas and physically assaulting migrants (Abderrahim, 2024; Lemaizi, 2024). Notably, a Spanish Guardia Civil helicopter also flew over the Moroccan side of the border in support of the operation. The clashes resulted in dozens of injuries, and as in previous incidents, rescue operations were reported to be slow and inadequate (Mixed Migration Centre, 2024; Abderrahim, 2024; Lemaizi, 2024). In the days that followed, social media platforms circulated images and videos documenting the excessive use of force: these included scenes of minors lying on the floor, wounded on the head (Lemaizi, 2024). The toll of the day also included casualties both from confrontations with the police and from maritime crossing attempts, although the exact number remains unclear. In the days following the events, several bodies were found washed up on Moroccan beaches.

Once again, detention and forced transfers were used as tools of pushback and deterrence. Between September 11 and 16, 2024, a total of 4,455 aspiring migrants were arrested, including 3,795 Moroccans (41 of whom were minors) and 519 foreign nationals, among them 164 Algerians (Morocco World News, 2024). Following the arrests and administrative procedures, journalistic

sources reported that Moroccan authorities placed the migrants on buses and transported them to remote areas of the country, implementing once more the strategy of mass internal deportation of injured individuals.

4.3 STRUCTURAL RACISM AND THE MARGINALISATION OF SUB-SAHARAN MIGRANTS

The issue of racism and systemic exclusion in Morocco cannot be fully understood without addressing the lived realities of sub-Saharan migrants within its borders. The prevailing public discourse, institutional frameworks, and social dynamics reflect entrenched patterns of racialised hierarchies that affect sub-Saharan immigrants, enhanced by the externalization agreements (Buehler et al., 2023). These practices are not isolated or incidental, but rather indicative of a deeply rooted sociopolitical order that normalises exclusion and dehumanisation based on racial and ethnic identity (King, 2020). Racism and racial discrimination in Morocco have a longstanding presence, manifesting both in institutional structures and everyday social interactions. For instance, Black Moroccans are subject to a pervasive form of racism that permeates media narratives, public discourse, and social behaviour (Ouhemmou & Moumine, 2020). Derogatory terms such as '*Azzi*' and '*Kahlouch*' (a racial slur equivalent to "negro") are frequently used in colloquial speech, reflecting a normalized system of dehumanization that elevates "white" Moroccans while distancing them from those with darker skin tones (Buehler et al., 2023). Humiliation and mockery of Black individuals often serve to reaffirm a perceived cultural and civilizational proximity to the West, thus reinforcing colonial hierarchies. These racialised attitudes are not a recent byproduct of immigration trends but are rooted in centuries of hierarchical social structures and state-sanctioned segregationist policies (Buehler et al., 2023). The arrival of sub-Saharan migrants has not introduced new forms of racism, but rather changed the subject of discrimination and intensified pre-existing dynamics that have long governed racial relations within Moroccan society (Menin, 2024).

Consequently, racist attitudes and abuses are also directed at sub-Saharan migrant populations. The mistreatment disproportionately affects Black migrants from sub-Saharan Africa, while Arab migrants (e.g., Syrians) tend to be more tolerated (Buehler & Han, 2021). Since their arrival, sub-Saharan migrants in Morocco have been subjected to a discourse characterised by fear, suspicion, and overt racism (Buehler & Han, 2021). Public narratives often portray them using pejorative and dehumanising labels such as "dirty Blacks," "black locusts," "invaders," or "carriers of disease" (Ouhemmou & Moumine, 2020). These racist tropes are commonly reproduced in both informal

speech and formal media coverage. Instead of providing balanced reporting, Moroccan newspapers have frequently adopted a sensationalist and populist tone, reinforcing societal prejudices and justifying discriminatory practices (Ouhemmou & Moumine, 2020). The lack of critical media engagement has facilitated the normalisation of racism in public perception, contributing to the social exclusion of sub-Saharan communities. Even in contexts where legal frameworks such as the SNIA have, in theory, aimed to improve the status of migrants, the societal perception shaped by media and government continues to hinder genuine integration.

Despite Morocco's poor efforts to regularise the status of some migrants through two exceptional regularisation campaigns, the majority of sub-Saharan migrants remain undocumented. Their status renders them highly vulnerable to systemic marginalisation, as they live in a legal and social limbo where rights are theoretical rather than practically enforceable (Menin, 2024). Irregular migrants, and even those who have recently acquired legal documentation, face significant barriers to accessing formal employment (Buehler et al., 2023). Employers frequently cite economic conditions, such as high unemployment, as justification for not hiring sub-Saharan workers. However, underlying these refusals is a racialised reluctance to integrate foreigners of Sub-Saharan origins into the labour market (Buehler et al., 2023). For instance, Senegalese women are often confined to domestic roles as cleaners for wealthy households, a pattern reflecting colonial and slavery-era stereotypes of Black women as inherently servile (Bendra, 2019; Menin, 2024). These women are routinely subjected to exploitative labour conditions, including underpayment and excessive workloads (Bendra, 2019; Menin, 2024).

Furthermore, access to housing presents another major obstacle for sub-Saharan migrants, especially for those lacking legal status. Excluded from formal rental markets due to legal and financial constraints, many migrants find themselves forced to live in precarious and informal conditions (Menin, 2024). The intensification of surveillance measures, in collaboration with European Union border control policies, has driven many migrants out of urban cities and into forested or desertic areas. These areas, while offering a degree of invisibility, are marked by constant police raids, evictions, and violence as explained in the sub-chapter dedicated to forced disappearance and arbitrary arrest (Menin, 2024). Moreover, attitudes among residents further compound housing insecurity. Landlords frequently refuse to rent properties to migrants, citing concerns that are often rooted in racial bias (Menin, 2024). These tensions have, on several occasions, escalated into violent confrontations. In some instances, disputes between residents and migrants have resulted in fatalities, and landlords have exposed signs with written that renting to

Africans was forbidden, highlighting the lethal potential of institutional and interpersonal racism in the housing sector (France, 2013).

State violence against sub-Saharan migrants has become increasingly prevalent in recent years, particularly in response to border-crossing attempts. Notably, in 2018, at a time when Morocco was receiving significant funding from the EU Emergency Trust Fund for Africa and under the Morocco Action Plan for migration management, a wave of police brutality was recorded. Following an attempt by hundreds of migrants to cross into Ceuta, 116 individuals who succeeded in breaching the border were immediately deported back to Moroccan territory (Amnesty International, 2022). Seventeen of them were later convicted of unlawful migration and violence against law enforcement, receiving two-month prison sentences and monetary fines (Amnesty International, 2022). Additionally, according to the same Amnesty International report (2022, four refugees and at least 14 asylum-seekers who were registered in Morocco were forcibly moved to the southern part of the country, including minors. Such actions illustrate the extent to which Morocco has become an outsourced frontier for European migration control. The externalization of EU borders has effectively militarised Moroccan territory, transforming it into a site of repression and racialised policing. Migrants are not only criminalised for their movement but are also subjected to systemic violations of their rights, often without legal recourse or public accountability.

The experiences of sub-Saharan migrants in Morocco reveal a complex and deeply entrenched system of racialised exclusion that operates at multiple levels: legal, institutional, social, and spatial. While migration policies such as SNIA and regularisation campaigns have attempted to address some aspects of this exclusion, the persistent racism embedded in public discourse, administrative practices, and societal attitudes undermines these efforts. Morocco's role in the European border regime further complicates the situation, as the country becomes both a destination and a buffer zone where human rights are routinely compromised for the sake of geopolitical agreements. The marginalisation of sub-Saharan migrants is not simply a consequence of undocumented status or economic precarity but is fundamentally shaped by historical legacies of racism and contemporary policies of securitisation and externalization of the borders.

5. CHAPTER FIVE: THE PARADOX OF EU-MOROCCO MIGRATION AGREEMENTS

The incidents in Melilla (2022) and Ceuta (2024) serve as emblematic examples of Morocco's strategic approach to border governance and its instrumentalisation and weaponisation of migration. In both instances, large numbers, ranging from hundreds to thousands, of migrants managed to reach the highly securitised border zones, despite the persistent and visible deployment of Moroccan security forces in these areas. The response from authorities was notably delayed and became evident only at the final stages of these crossings, manifesting as a violent and disproportionate intervention at the physical barriers separating Morocco from the Spanish enclaves (Lighthouse Report, 2022). In the Ceuta episode, the situation was particularly striking due to the presence of journalists and human rights observers on the ground. These actors played a crucial role in documenting and disseminating evidence of the events, which included excessive use of force and violations of international human rights standards. Their testimonies brought significant attention to the dynamics at play and exposed the calculated nature of Morocco's border enforcement strategy. This pattern of behaviour points to a deliberate demonstrative tactic aimed at Spanish and European authorities. By allowing mass movements toward the European Union's external borders (only to suppress them through severe and costly measures), Morocco appears to be sending a dual message: first, to emphasize the scale and persistence of migratory pressure toward Europe, and second, to showcase its own capacity to act as a bulwark against irregular migration, albeit at great human rights cost.

These actions must be understood within the broader framework of Morocco's foreign policy, in which irregular migration is employed as a form of geopolitical leverage. In ongoing negotiations with European countries, migration has become a bargaining chip used to extract political and economic concessions (Greenhill, 2016). These include demands for enhanced mobility rights for Moroccan nationals in Europe, favourable terms in agricultural and fisheries agreements (particularly relevant in EU-Morocco trade relations), and, most notably, support for Morocco's claims over Western Sahara. The European Union's continued reliance on Morocco as a gatekeeper of its southern border has thus created a complex interdependence of migration diplomacy. In this context, human rights concerns and international legal norms often become subordinated to *realpolitik* and strategic interests, with the lives and rights of migrants caught in the balance.

To further illustrate the use of migration as a diplomatic tool, the Melilla massacre can be used as a concrete example. The events preceding the 2022 massacre are closely linked to the longstanding

and contentious issue of Morocco's de facto occupation of Western Sahara. A key incident occurred on April 21, 2021, when Brahim Ghali, the military commander and sitting president of the Sahrawi Arab Democratic Republic, was admitted to a hospital in Spain after contracting COVID-19 (Oxford Analytica, 2021). Ghali's hospitalisation was carried out under a false identity, at the request of Algeria, a strategic partner of Spain and its principal supplier of natural gas (Oxford Analytica, 2021). This decision triggered a severe diplomatic crisis with Morocco, which viewed the hosting of Ghali as a hostile act. In response, the Moroccan government issued an official statement expressing strong disapproval and warning of imminent repercussions (Ministry of Foreign Affairs, African Cooperation and Moroccan Expatriates, 2021).

These repercussions materialised in the form of what scholars, international observers, and the present thesis have described as the weaponisation of migration. On May 17–18, 2021, approximately 8,000 to 12,000 migrants crossed from Moroccan territory into the Spanish enclave of Ceuta, with Moroccan authorities accused of deliberately loosening border controls (Mixed Migration Centre, 2021). This mass crossing included over 1,500 minors and resulted in a humanitarian emergency, which then led to the violation of the non-refoulement principle by Spain as the government sent back on the following days more than 5,000 people on the move (Mixed Migration Centre, 2021). Similar surges later occurred in Melilla, reinforcing the perception that Morocco was using irregular migration as a political tool (Mixed Migration Centre, 2021). Moroccan Foreign Minister Nasser Bourita subsequently acknowledged that the crisis was indeed sparked by Spain's decision to provide medical treatment to a separatist leader, declaring that *"the root of the problem is a question of trust and mutual respect"* (France 24, May 20, 2021). In the wake of these events, Spain sought to mend diplomatic ties. On March 18, 2022, Spanish Prime Minister Pedro Sánchez sent a letter to King Mohammed VI of Morocco, affirming a significant shift in Spain's stance on the Western Sahara dispute. The letter notably stated: *"Spain considers the Moroccan autonomy initiative to be the most serious, realistic and credible basis for resolving the dispute"* (Díaz, 2022). This declaration was widely interpreted as Spain's de facto endorsement of Morocco's proposed autonomy plan for Western Sahara, in direct contradiction to the Polisario's call for an independence referendum.

Following this diplomatic rapprochement, Morocco sought to reassert its role as the EU's southern border gatekeeper on June 24, 2022. On that day, as explained in detail in chapter four, Moroccan authorities reportedly allowed thousands of migrants to approach and breach the first border fence separating Morocco from the Spanish enclave of Melilla. The subsequent violent crackdown by Moroccan and Spanish forces resulted in dozens of deaths and injuries among the migrants, an

event widely condemned by human rights organisations. This tragic episode can be interpreted as a calculated message to the European Union: Morocco's cooperation in managing migration flows is conditional upon political alignment on key issues, foremost among them, support for its sovereignty claims over Western Sahara. The implication is clear: without such support, Europe may face renewed and uncontrolled migratory pressure on its southern borders.

In response to increasing European Union pressure to curb irregular migration, Morocco has implemented a dual-faceted strategy encompassing both legal reforms and enhanced security measures. Law 02-03 regulates the entry and stay of foreigners, emigration, and irregular migration. While it applies to all foreigners, critics argue that its enforcement disproportionately targets sub-Saharan migrants, reflecting racialised enforcement practices. The law imposes stringent penalties for unauthorised entry and overstay, including fines and imprisonment, without providing clear pathways for regularisation. Notably, Article 17, paragraph 5 conditions the issuance of residence permits to refugees on legal entry, contradicting Article 31 of the 1951 Geneva Convention, which prohibits penalising refugees for illegal entry when they present themselves without delay. Concurrently, Morocco has bolstered its security apparatus to monitor and control migration flows. The Ministry of Interior established the Direction of Migrations and Borders Surveillance, deploying over 10,000 personnel dedicated to border monitoring (Natter, 2014). Despite these measures, Morocco lacks a comprehensive national asylum system. Although the country ratified the 1951 Refugee Convention, it has not enacted domestic legislation to implement its provisions fully. As a result, the UNHCR remains the primary body responsible for refugee status determination in Morocco. Thus, similarly to Europe, the Moroccan approach to the issue of migration was mainly in terms of security measures.

5.1 THE EUROPEAN UNION'S RESPONSIBILITY

The European Union's financial and political support for Morocco's border and migration management has not only rendered it complicit in ongoing human rights violations but has also positioned it as a key architect of a regional system of repression. While the EU officially maintains a normative commitment to the protection of fundamental rights and the promotion of international humanitarian standards, its policies regarding migration governance reveal a profound dissonance between its stated values and its practices. In the pursuit of its political objective to deter irregular migration, particularly from Africa, the EU has adopted a strategy of externalization that prioritises

containment over protection (Faustini Torres, 2025). As a result, the prevention of migration has been elevated to a security imperative, while the human rights of migrants have been systematically subordinated or outright disregarded. This strategic choice has materialised in the form of multi-million-euro funding packages delivered to Morocco under frameworks such as the Emergency Trust Fund for Africa and the broader European Neighbourhood Policy (Gazzotti et al., 2023). These funds have been ostensibly framed as efforts to support “migration management,” “border cooperation,” or “capacity-building.” However, the lived realities of migrants on the ground and the numerous reports from human rights organisations and investigative journalists paint a far grimmer picture. As illustrated through the current case study, Moroccan security forces, bolstered by European resources, have been implicated in widespread abuses, including arbitrary arrests, violent raids on migrant camps, collective expulsions, and the forced displacement of individuals into remote desert areas without access to basic necessities or legal recourse. These actions, rather than isolated incidents, appear to be part of a broader systemic strategy to fulfil the objectives incentivised by EU policy.

The fact that such abuses are recurrent, predictable, and well-documented suggests not just passive complicity but active knowledge on the part of EU institutions. The European Commission, the European External Action Service, and member state governments cannot credibly claim ignorance of the consequences of their funding. Rather, their continued allocation of resources, without meaningful conditionality or human rights safeguards, represents a deliberate trade-off: human rights are sacrificed in favour of political expediency and domestic appeasement. The EU’s willingness to tolerate, and even finance, repression at its periphery reflects a form of border violence by proxy, whereby the EU effectively outsources coercive control to states like Morocco while maintaining plausible deniability within its own borders. Moreover, this reliance on external partners such as Morocco introduces a dangerous form of geopolitical dependency. By empowering Morocco as a migration gatekeeper, the EU has created leverage that Rabat can and does exploit for political and economic gains. This asymmetric relationship erodes the EU’s normative authority and exposes it to transactional diplomacy, where compliance with human rights norms becomes secondary to maintaining strategic migration deals. Indeed, Morocco has shown its capacity to use its role as a buffer state to exert pressure on European countries, as seen during the 2021 crisis in Ceuta, where Moroccan authorities appeared to relax border controls in response to diplomatic tensions with Spain, resulting in a sudden influx of thousands of migrants and violence by the Spanish police.

This dynamic not only undermines the EU's self-image as a normative power but also has corrosive effects on international human rights regimes. By endorsing practices that would be deemed illegal if carried out within EU territory (such as collective expulsions, arbitrary detention, or racialised policing), the EU contributes to the normalisation of legal double standards and erodes the universality of human rights protections. Such contradictions weaken the credibility of European institutions in global fora, where they often purport to advocate for human rights abroad while enabling violations at their own outsourced borders. To conclude, the EU's approach to migration governance in Morocco exemplifies a strategic hypocrisy that prioritises securitisation and deterrence over human dignity and legal accountability. Until European policy is reoriented to uphold, not merely rhetorically but in practice, the rights of all individuals regardless of status, the EU will remain not merely an enabler of human rights abuses but an integral part of the machinery that produces them.

5.2 FUTURE RECOMMENDATIONS: ADVANCING MIGRANT RIGHTS AND PREVENTING HUMAN RIGHTS VIOLATIONS IN MOROCCO

Throughout the current case study, it has been demonstrated that Morocco stands at a critical juncture in its migration policy trajectory. The country's strategic position places it at the nexus of complex migration dynamics. While the country has initiated policies aimed at managing migration humanely, persistent challenges remain due to the role the Kingdom need to adhere to comply with its role of gatekeeper. Addressing these issues is imperative to prevent further worsening of the severe human rights violations that are happening within the territory. Thus, preventing the creation of a Libya 2.0, where the level of human rights violations is beyond imagination. This sub-chapter outlines comprehensive recommendations to improve migrant conditions, uphold human rights, and foster sustainable integration within Moroccan society. By implementing these recommendations, the country can transform its approach to migration, ensuring the protection of human rights and fostering a society that values diversity and inclusion. Proactive measures will not only prevent the deterioration of migrant conditions but also position Morocco as a leader in humane and effective migration governance.

Enact Comprehensive Asylum Legislation

One of the most pressing steps Morocco must take in reforming its migration governance involves the enactment of comprehensive national asylum legislation. Despite being a signatory to the 1951

Refugee Convention and its 1967 Protocol, Morocco currently lacks a fully articulated legal framework to operationalise the rights and protections afforded to asylum seekers and refugees. This legal void has led to a situation in which asylum procedures are ambiguous, and the recognition of refugee status is left almost exclusively to the discretion of the United Nations High Commissioner for Refugees, without a robust state-led mechanism for adjudication or appeal. A coherent national law on asylum would help define and institutionalise transparent procedures for the submission, examination, and appeal of asylum applications. Such legislation should codify timelines, establish competent authorities, and ensure due process in the evaluation of claims, as is in the EU through the Common European Asylum System. In the interim, and pending national determinations, Morocco must recognise refugee status as granted by UNHCR, thereby safeguarding individuals from deportation or arbitrary detention.

Furthermore, any asylum framework must guarantee refugees and asylum seekers access to fundamental social rights, including healthcare, education, and the labour market. Denial of such rights not only exacerbates vulnerability but also contravenes Morocco's international human rights obligations. Ensuring that individuals recognised as refugees, either provisionally or permanently, can access basic services is central to their dignified existence and long-term integration. Such access also alleviates pressure on humanitarian actors and fosters a more stable, socially cohesive environment within host communities. Thus, a national asylum law would provide legal certainty, uphold international commitments, and create a more humane and orderly migration system in Morocco. It would move the country away from discretionary and ad hoc practices and toward a rights-based, transparent, and predictable framework that benefits both migrants and Moroccan institutions.

Enhance Oversight of Detention Practices

The conditions and legality of migrant detention in Morocco remain an area of significant concern, particularly in light of recurring reports of arbitrary detention and substandard treatment within holding facilities (United Nations Committee on Enforced Disappearances, 2024). As highlighted through the thesis, detention is frequently applied in a manner that lacks procedural transparency, raising serious questions about the compatibility of such practices with international human rights standards. The absence of consistent oversight mechanisms and the consistent funding by the EU has allowed for irregularities to persist, including the detention of individuals without clear legal justification, as well as the lack of access to legal counsel or the ability to challenge the legality of their confinement. Improving this situation requires the establishment of robust and independent

monitoring mechanisms tasked with overseeing all sites where migrants are detained. These bodies must be granted unfettered access to facilities and detainees, ensuring that conditions are regularly scrutinised and assessed against established human rights norms. Moreover, the systematic recording of detainee information (such as the reasons for detention, duration of custody, and legal status), should be a mandated administrative practice. Such transparency not only aids in preventing abuse but also ensures that individuals are not subjected to prolonged or unlawful detention without accountability.

Particular attention must also be paid to the treatment of vulnerable groups within detention contexts. The continued detention of children, pregnant women, and individuals with serious medical conditions represents a breach of both Morocco's obligations under international human rights law and general principles of human dignity. A reformed approach must categorically prohibit the detention of such individuals and instead provide for alternative, community-based solutions that prioritise care, protection, and family unity. Ultimately, enhancing the oversight of detention practices is not merely a matter of technical reform but a foundational element in the reconfiguration of migration governance in Morocco. A rights-based detention policy, underpinned by legality, transparency, and accountability, would mark a critical step in preventing abuse, restoring public trust, and aligning national practice with the international norms to which Morocco is committed.

Facilitate Access to Employment

The facilitation of access to stable and dignified employment represents a cornerstone of successful migrant integration, both socially and economically. In the Moroccan context, however, significant obstacles continue to hinder this process, particularly for sub-Saharan migrants, many of whom remain excluded from the formal labour market regardless of their legal status. Although the regularisation campaigns implemented under the SNIA were important steps toward formal recognition, they have not translated into substantive access to employment for a majority of the beneficiaries. A major impediment lies in the lack of recognition and equivalency of foreign qualifications (Jiménez-Alvarez et al., 2021). Many migrants, including highly skilled professionals, are unable to practise their professions or secure employment in line with their qualifications due to bureaucratic hurdles and the absence of clear accreditation procedures. The development of a coherent framework for the evaluation and recognition of foreign academic and professional credentials is therefore essential. Without such a mechanism, Morocco risks wasting

the potential contributions of skilled migrants, while simultaneously relegating them to precarious and informal labour conditions.

Furthermore, as illustrated, discrimination in the workplace remains another pervasive obstacle. Racialised narratives and negative stereotypes contribute to employers' reluctance to hire sub-Saharan migrants, even those with valid residency or work permits. This is especially evident in the case of newly documented migrants, who often face the same exclusions as their undocumented counterparts. To address this, stronger enforcement of anti-discrimination legislation is needed, alongside public awareness campaigns aimed at combating racism and promoting inclusive hiring practices. In essence, improving access to employment for migrants is not only a question of economic utility but also one of social justice and cohesion. It requires an integrated approach that removes legal and structural barriers, addresses discriminatory attitudes, and builds institutional pathways for inclusion. Only by confronting these issues holistically can Morocco move toward a sustainable model of migrant integration that reflects its stated commitments under international and domestic human rights frameworks.

Improving Access to Housing and Public Services

As shown, despite the implementation of SNIA, access to adequate housing and essential public services remains a significant challenge for many migrants residing in Morocco. Despite the partial gains achieved through regularisation campaigns, a large proportion of both documented and undocumented migrants continue to face systemic obstacles when attempting to secure stable accommodation or access healthcare and education. These difficulties are often exacerbated by deeply entrenched patterns of racial discrimination within Moroccan society and the absence of inclusive public policies designed to accommodate the realities of a diverse migrant population. The housing sector, in particular, is marked by discriminatory practices that systematically exclude sub-Saharan migrants from the formal rental market. Migrants are frequently denied accommodation on the basis of their racial background, legal status, or presumed economic precarity. Such practices are not only violations of basic human rights but also contribute to the ghettoisation and marginalisation of migrant communities. In order to redress these patterns, the Moroccan state must actively implement and enforce anti-discrimination measures within the housing sector, ensuring that landlords and real estate actors are held accountable for practices that contravene the principles of equality and non-discrimination.

Equally pressing is the need to guarantee access to public services, such as healthcare and education, irrespective of a migrant's legal status. While Morocco has made some strides in providing access to basic services, the reality is that many migrants, particularly those in irregular situations, remain excluded or face significant administrative and linguistic barriers. To overcome this, public institutions must adopt inclusive service delivery models that are sensitive to the specific needs of migrant populations. This includes offering interpretation services, simplifying bureaucratic procedures, and disseminating clear information on entitlements and procedures in multiple languages. Community-based programs and local NGOs have played a critical role in bridging these institutional gaps by assisting migrants in navigating complex bureaucracies and accessing essential services. However, such efforts remain underfunded and insufficient in scope. A more sustainable and systemic approach would involve formal partnerships between public institutions and civil society actors, with the aim of institutionalising mechanisms that promote social inclusion. Expanding access to housing and services would not only improve the immediate living conditions of migrants but also contribute to long-term social cohesion and national stability.

Addressing Racial Discrimination and Xenophobia

Racial discrimination and xenophobia constitute major impediments to the integration and well-being of migrants in Morocco, particularly those of sub-Saharan origin. These issues are deeply embedded in both social attitudes and institutional practices, and addressing them requires sustained efforts at multiple levels of society. One essential strategy involves the development of targeted public awareness campaigns aimed at dismantling harmful stereotypes and promoting an inclusive national identity that reflects Morocco's evolving demographic reality. Education plays a crucial role in this process. Curricula at all levels of the education system should be revised to include content that fosters intercultural understanding and highlights the contributions of migrants to Moroccan society. Public schools and universities should also serve as spaces for dialogue and encounters between local populations and migrants, helping to build empathy and challenge entrenched prejudices. In parallel, media outlets must be encouraged to move away from sensationalist and racialised portrayals of migrants. Instead, journalism should adopt ethical reporting standards that present balanced narratives, humanise migrant experiences, and resist populist rhetoric.

In tandem with public awareness initiatives, it is imperative to strengthen the legal framework protecting migrants from racial and ethnic discrimination. Although Morocco has ratified various international human rights treaties prohibiting discrimination, the domestic enforcement of these

obligations remains inconsistent and weak. Migrants frequently lack access to legal remedies, and incidents of discrimination or abuse often go unreported or unpunished, in part due to mistrust in institutions or lack of awareness of available recourse mechanisms. An effective anti-discrimination framework must include clear legal definitions of discriminatory acts, as well as specific sanctions for individuals or institutions found in violation of such norms. Moreover, the creation of accessible and confidential reporting mechanisms is essential to ensure that victims of discrimination can come forward without fear of retaliation or deportation. These mechanisms should be supported by public information campaigns that inform migrants of their rights and the procedures available to them. Equally important is the training of law enforcement personnel, judiciary officials, and public administrators in cultural sensitivity, anti-racism, and international human rights standards. Without such training, institutional discrimination is likely to persist, undermining the rule of law and eroding public trust. By embedding anti-discrimination principles within both law and practice, Morocco can reaffirm its commitment to human dignity and social justice and create a more equitable environment for all residents, regardless of origin.

Reframing Migration Agreements Through a Human Rights Lens

Morocco's position as both a country of transit and destination has made it a key actor in international migration governance, particularly in its bilateral and multilateral relations with the European Union. However, the current architecture of these agreements, especially those concerned with border control, often prioritises containment and securitisation over human rights. This approach has led to the externalization of European borders, resulting in practices that place migrants at risk of abuse, detention, and forced returns under conditions that fall short of international legal standards. The idea that externalization practices can be reconciled with the full respect of human rights remains largely utopian, as these mechanisms are fundamentally premised on deterrence, exclusion, and control: principles inherently at odds with the protection of people on the move. Nevertheless, upholding human rights at the borders must remain the central normative objective. Achieving this would require a profound reorientation of political will: states must move away from strategies that construct discriminatory and exclusionary borders, and instead develop international migration and border cooperation agreements grounded in solidarity, accountability, and the primacy of human rights.

Moreover, external funding from the EU, which support border management, should be subjected to rigorous impact assessments to determine whether such resources are contributing to the protection or violation of migrants' rights. The Moroccan government must reject policies and funding

arrangements that foster abusive practices or undermine the safety and dignity of migrants, even if such cooperation is politically or financially advantageous. A rights-based approach to international cooperation would not only enhance Morocco's international credibility but also contribute to a more humane and sustainable model of migration governance in the broader Euro-African context.

Engaging Civil Society in Migration Governance

Civil society organisations have long played an indispensable role in addressing the protection gaps faced by migrants in Morocco. Their work spans humanitarian assistance, legal aid, advocacy, and integration support, often filling critical voids left by state institutions. However, despite their centrality, civil society actors frequently operate with limited funding, uncertain legal status, and insufficient involvement in formal policymaking processes. For migration governance to be both effective and ethical, civil society must be recognised as a legitimate and equal partner in policy design, implementation, and evaluation, a step difficult to achieve in a country where freedom of speech is not guaranteed. Supporting community-based initiatives led by or involving migrants themselves is equally important. These grassroots efforts often have the greatest potential for building trust, fostering resilience, and promoting long-term inclusion. By integrating civil society into a comprehensive and participatory model of migration governance, Morocco can ensure that its migration policies are informed by lived experiences and grounded in a genuine commitment to human rights.

5.3 ON THE MORAL LIMITS OF EXTERNALIZATION

Through empirical and theoretical analysis of the current thesis, it has become evident that the relationship between externalization and the protection of human rights is not only strained but fundamentally antagonistic. Rather than serving as a pragmatic solution to irregular migration, externalization emerges as a political strategy that enables EU states to avoid legal and moral responsibility for rights violations committed in their name, often beyond their borders. At the core of this contradiction lies a troubling ethical dynamic: while the EU claims to uphold universal human rights, it systematically displaces the governance of migration to territories where those rights are the least guaranteed. By funding, training, and diplomatically supporting third-country authorities (many of whom operate in legal grey zones or under authoritarian regimes), EU states construct a protective buffer that shields them from direct accountability. This geographic and legal outsourcing of border violence creates a space where human rights abuses are not only foreseeable

but structurally facilitated. Migrants are subjected to arbitrary detention, unlawful pushbacks, and physical violence, not within the EU, but just outside its gates, where its policies still govern the logic of control.

This structural evasion of responsibility is not incidental; it is integral to the externalization paradigm. The very appeal of outsourcing border control lies in its capacity to render rights violations invisible or deniable, thus preserving the EU's normative self-image while externalizing its repressive functions. In this sense, externalization is not a breakdown of human rights protections but a calculated redirection of responsibility: a deliberate transformation of who enforces Europe's borders, and where, and how. The legal complexity and fragmentation that characterise this model function precisely to obscure lines of accountability, making it increasingly difficult to identify where violations occur and who is responsible for preventing them.

Moreover, the human rights cost of externalization is not confined to specific abuses; it represents a broader erosion of legal and moral norms in migration governance. By turning to third countries to perform acts the EU could not lawfully undertake within its own jurisdiction, Europe undermines the very foundations of its human rights regime. This strategy turns human rights into a selectively applied instrument rather than a consistent ethical commitment. Migrants become subjects of a dual regime: one of legal protection in theory, and containment in practice.

In answering the central research question (a), it becomes clear that the relationship between externalization and the protection of human rights is one of structural incompatibility.

Externalization does not merely fall short of human rights protection; it actively undermines it. The more border governance is externalized, the less visible, less enforceable, and less meaningful human rights become for those subjected to it. What emerges is a form of delegated repression that allows EU states to maintain the appearance of legality while enabling policies that rely on violence, deterrence, and exclusion. Ultimately, the moral limit of externalization lies in its very logic: it is a strategy designed to protect borders at the expense of protecting people. As long as migration governance continues to prioritise control over justice, and externalization remains the dominant model, the full and consistent protection of human rights for migrants will remain an unmet promise.

6. CONCLUSION

The African continent presents a challenge in the governance of both internal and cross-border migration flows. In attempting to respond to these dynamics, European governments, along with international and regional organisations, have often struggled to develop adequate and sustainable solutions. Frequently, these responses have culminated in the adoption of restrictive migration policies that result in systematic violations of the fundamental rights of migrants. Within this context, the European Union finds itself grappling with an increasingly complex and rapidly evolving geopolitical reality: a reality largely shaped by the very externalization policies the EU has actively constructed and perpetuated. As illustrated throughout this thesis, the economic growth and gradual socio-political stabilisation of Morocco have reconfigured its role from a country of emigration to one of immigration and transit. This transformation must be critically understood within the broader framework of EU border externalization, which has led to the redirection and recalibration of traditional intra-African migration routes. The progressive closure of legal pathways into Europe, combined with heightened surveillance and border militarisation, has made the crossing of the Mediterranean not only arduous but exceptionally dangerous. Consequently, this has resulted in the spatial concentration of migrants in specific regions of Morocco, particularly in areas adjacent to the Spanish enclaves of Ceuta and Melilla.

Morocco's 2014 National Strategy on Immigration and Asylum was, at the time of its launch, heralded as a landmark policy initiative among North African states. It promised to strike a delicate balance between the principles of solidarity and the demands of economic development, all while adhering to international human rights obligations. The policy aimed to introduce legislative reforms and pioneer new jurisprudential approaches in the treatment of migrants and asylum seekers on the African continent. However, these ambitions remained largely unfulfilled. Despite initial optimism, only two regularisation campaigns were ever implemented, and the core rights enshrined in the SNIA, such as access to public healthcare, education, lawful employment, and international protection, remain highly restricted and inconsistently applied. These limitations raise serious questions about the genuine intent and efficacy of Morocco's migration governance model. As demonstrated through the current study, it could be argued that the adoption of this new migration strategy should be interpreted not merely as domestic policy reform, but as part of a broader realignment of Moroccan foreign policy in favour of the European Union and to the detriment of intra-African solidarity. King Mohammed VI strategically emphasised Morocco's commitment to international human rights standards and framed the SNIA within a normative discourse that highlighted the country's credibility as a humanitarian actor. In doing so, Morocco

positioned itself as a reliable "gatekeeper" for Europe, tasked with managing migration at the EU's southern periphery. Furthermore, the timing of the SNIA's announcement, just three months after the conclusion of the EU–Morocco Mobility Partnership, further reveals the geopolitical underpinnings of this policy shift. Between 2013 and 2015, several EU statements explicitly acknowledged Morocco as the first country to engage in such a partnership and lauded the nation's efforts to implement it. These statements mirrored the humanitarian rhetoric employed by Moroccan officials and contributed to a carefully constructed narrative portraying Morocco as a model partner committed to upholding migrants' rights. However, this depiction serves more as an illusion than a reflection of actual practices on the ground.

The actions of Moroccan security forces, particularly during the widely condemned incidents at the Ceuta and Melilla borders, which involved mass violence, arbitrary arrests, deportations, and enforced disappearances, reveal a stark dissonance between policy rhetoric and implementation. These events, which have been repeatedly documented by human rights organisations, underscore Morocco's apparent disregard for the very rights it purports to protect. Even more troubling is the EU's ongoing complicity in these abuses. Through substantial financial and logistical support, the EU effectively enables and arguably incentivises, the continuation of human rights violations by outsourcing its border control to a partner that lacks even a national asylum law. This disjuncture between normative commitments and practical outcomes highlights the deeply problematic nature of Europe's externalized migration governance and calls for urgent ethical and legal scrutiny.

This thesis set out to examine three interrelated questions: *(a) What is the relationship between externalization practices and the protection of human rights in migration governance?* *(b) What legal frameworks and agreements underpin EU–Morocco border externalization, and how have they evolved over time?* and *(c) In what ways has Morocco's role as an EU migration partner led to human rights violations at its borders and within the country?* Through a critical analysis of bilateral agreements, migration management strategies, and documented abuses, it becomes evident that the EU–Morocco migration partnership is legally grounded in a patchwork of soft law instruments, financial cooperation mechanisms, and political declarations that have incrementally shifted Morocco from a country of transit to one of enforcement. The bilateral agreements between Spain and Morocco laid the foundation, but subsequent frameworks (including the 2013 Mobility Partnership, funding via the EU Emergency Trust Fund for Africa, the European Neighbourhood Policy, and Morocco's involvement in the New Pact on Migration and Asylum) have deepened this entanglement. These agreements, often formulated without binding human rights safeguards or public transparency, illustrate how the EU has institutionalised border externalization through an

asymmetrical relationship that prioritises control over protection. Addressing the third research question, the evidence presented throughout this thesis underscores that Morocco's role as a delegated gatekeeper has significantly contributed to widespread and systemic human rights violations. From arbitrary arrests, racial profiling, and forced displacements to the denial of access to asylum and due process, sub-Saharan migrants in particular have faced a hostile and often violent environment. These violations are not incidental; they are the direct result of a securitised migration regime that has militarised Morocco's border zones, outsourced surveillance and deterrence, and commodified migrant lives as geopolitical leverage. Despite rhetorical commitments to shared values, the EU's financial and political support of Morocco's repressive migration practices reveals a stark contradiction between its stated human rights principles and its external migration policies. The failure to require a national asylum law or independent monitoring mechanisms as preconditions for cooperation further exemplifies this contradiction. As such, the EU's border externalization strategy not only undermines international legal norms but also entraps migrants in cycles of violence and exclusion, conditions that stand in stark opposition to the very foundations of the European human rights regime. Together, these findings illuminate the deep contradictions within externalization practices and human rights respect. While framed as cooperative development, the evolving EU-Morocco border regime has produced a legal vacuum in which security imperatives override human rights norms. This conclusion calls not only for a reassessment of the EU's migration diplomacy but also for an urgent recalibration of its ethical and legal responsibilities in global mobility governance.

The European Union's ongoing reliance on Morocco as a central actor in its migration containment architecture reveals a deeply troubling paradox at the heart of EU external policy: the conscious outsourcing of border enforcement to a state that demonstrably fails to meet even minimum international standards for the protection of migrants and refugees. The absence of a domestic asylum framework in Morocco, despite the country's ratification of the 1951 Refugee Convention, means that asylum seekers remain without institutional protection, relying almost entirely on the limited capacities of the UNHCR. In such a context, the EU's decision to invest billions of euros into Morocco's migration control apparatus cannot be viewed as a benign effort to manage mobility; rather, it amounts to the strategic empowerment of a regime that has repeatedly and systematically violated the rights of migrants, particularly those from sub-Saharan Africa.

This disjuncture between the EU's normative discourse and its operational practices lays bare a form of neocolonial pragmatism, where geopolitical convenience trumps legal obligations and humanitarian principles. The delegation of gatekeeping responsibilities to Morocco, whose legal

and institutional frameworks are demonstrably inadequate, reveals not only a moral abdication but a profound incoherence in the EU's human rights agenda. It is politically and ethically untenable for the EU to uphold the principles of the European Charter of Fundamental Rights within its territory while actively financing border practices abroad that would be considered illegal and unconstitutional within its own member states. The normalisation of such double standards contributes to the erosion of international legal norms and effectively legitimises the externalization of suffering. Moreover, this policy model is not merely ethically flawed; it is structurally unsustainable. By granting Morocco the role of migration gatekeeper, the EU creates a relationship of mutual dependency that can be, and has been, manipulated for political gain. The Ceuta and Melilla incidents served as a stark reminder of how migration governance, when outsourced without accountability, becomes a transactional tool in broader diplomatic conflicts. In this sense, the EU is not simply exporting border control: it is exporting the conditions for volatility, repression, and human insecurity along its periphery. This strategy also sets a dangerous precedent, inviting other non-EU states to emulate Morocco's model of coercive migration management in exchange for economic and political incentives.

Ultimately, the EU's partnership with Morocco exemplifies the perils of a securitised migration policy devoid of ethical coherence and legal accountability. If Europe is to credibly reclaim its position as a global advocate of human rights, it must first reconcile its external actions with its internal values. This requires abandoning the current logic of externalization and investing instead in genuine regional cooperation that prioritises legal mobility, the protection of asylum seekers, and the development of humane migration systems. Without such a shift, the EU risks not only the integrity of its own legal order but the moral credibility of the international human rights regime it claims to defend.

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