

**Report on the Situation of Refugees in Morocco:  
Findings of an exploratory study  
October 2002**

**Channe Lindstrom**  
Forced Migration and Refugee Studies Programme,  
American University of Cairo

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## **Abstract**

This report examines the refugee situation in Morocco in recent years. It argues that the refugee situation in Morocco is of interest to academics and professionals in the field who is working on forced migration and refugee issues, especially in view of the lack of literature and field research of Morocco refugee situation. The position/status of refugees in Morocco is of great interest to the Forced Migration and Refugee Studies (FMRS) Programme at the American University of Cairo, Egypt (AUC).

Firstly, unlike most countries in the region, Morocco has set up a governmental body charged with determining refugee status, and must thus be seen as translating international legal obligations into domestic legislation. The strengths of domestic refugee legislation are examined, as are the obstacles to its effective implementation.

Secondly, the problem of illegal immigration into Morocco as a country of transit towards European destinations is one of the major problem facing Morocco today. The European Union is placing the government of Morocco under increasing pressure to put in place stringent border controls and deport any illegal aliens on Moroccan territory. This is of great consequence to the refugee population of Morocco; measures targeted to combat illegal immigration adversely affect refugees. It is an, therefore, an apt time to examine the efforts being made and the problems encountered when seeking to protect and assist refugees in Morocco, as much may be learnt for the experiences of other countries.

## Map of Morocco



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# ONE: INTRODUCTION

*“The policy of asylum in Morocco was first based on the Islamic law of asylum and the African traditions and customs of receiving aliens. Since independence, Morocco has become party to most international and regional instruments relating to refugees and human rights. Moreover, it has its own domestic legislation on refugees”*

- Elmadmad (1992: 29)

## **1.1 Introduction**

The Kingdom of Morocco,<sup>1</sup> a North African country located in the Maghreb, has a population of 27 million. According to its constitution, Morocco's official language is Arabic and its state religion is Islam, although up to two-thirds of Morocco's population are ethnic Berbers. Morocco was ruled as a French and Spanish protectorate for 44 years, until it gained independence in 1956. King Hassan II, whose family has held power in Morocco for over 400 years, has ruled since 1961.

Morocco is party to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 New York Protocol as well as the 1969 Organisation for African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. Moreover, it has enacted domestic legislation relating to the status of refugees. Yet, significant problems that hinder the full protection of refugee rights exist.

The status of refugees in the Kingdom of Morocco is of interest to scholars in the field for various reasons. While Morocco itself does not host a large number of refugees, it has nevertheless set up a governmental body charged with determining refugee status. Secondly, the problem of illegal immigration into Morocco as a country of transit towards European destinations is one of the major problem facing Morocco today. The European Union is placing the government of Morocco under increasing pressure to put in place stringent border controls and deport any illegal aliens on Moroccan territory. As various actors noted, the boundary between an economic migrant and a refugee are often blurred. In any event, measures targeted to combat illegal immigration adversely affect refugees.

There is a general lack of information and academic literature on the situation refugees face in the Arab World, a fact which provide the impetus for this report. Reports have been written on the same subject (Yemen, Djibouti, Mauritania) and another is in the process (Turkey). This report provides an overview of the actors that affect refugees in Morocco. The fieldwork also aimed at identifying individuals and institutions working with refugees and bringing their attention to the possibility of cooperating with like-minded institutions, such as the American University in Cairo (AUC), to further their knowledge and the refugee cause. Box 1.1. below outlines the threefold purpose of fieldwork in Morocco.

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<sup>1</sup> The Kingdom of Morocco will hereafter be referred to simply as ‘Morocco’.

- 1 To investigate/provide an overview of the *general* situation pertaining to refugees in Morocco. In particular;
  - to identify the relevant laws pertaining to refugees (Chapter 3)
  - to understand the real affects of these laws (Chapter 4)
- 2 To identify contacts to build a network for research and advocacy regarding refugee issues, as part of a larger network throughout the Arab region and Africa.
- 3 To promote the AUC Forced Migration and Refugee Studies Programme among professionals working in the refugee field, including, among others, UNHCR and NGO staff, government officials, academics and students.

*Box 1.1 The threefold purpose of fieldwork in Morocco*

**1.2 Outline of the report**

The main body of the report pertains specifically to aim one above. Aims two and three of the fieldwork in Morocco are outreach-oriented. Consequently, instead of dedicating a chapter to these aims, all contacts with whom communication was made in the pursuit of these latter two aims are compiled into an appendix at the end of the report (see Appendix B: Contacts – Morocco).

Chapter 2 discusses the methods employed and the limitations and advantages that are inherent of this type of qualitative research.

The remainder of the report - Chapters 3 and 4 – outlines the findings of aim one. Chapter 3 examines the sources of refugee law in Morocco in order to provide a framework for understanding the treatment of asylum-seekers in the Kingdom.

Chapter 4 begins by outlining the demographic make-up of refugees in Morocco. It proceeds to discuss their socio-economic situation in order to understand the real affects of international and national law and the extent to which refugee rights are protected.

The report concludes, in Chapter 5, by summarizing the findings of the investigation, discussing their implications and identifying areas for further research.

## TWO: METHODS

### 2.1 Introduction

Preliminary internet-based and library research took place in Cairo in order to uncover any information relating to the status of refugees and internally displaced persons in Morocco and to establish contacts with any institutions with a mandate to assisting and protecting refugees, i.e.

- Intergovernmental organisations (e.g. UNHCR)
- Non-governmental organisations (e.g. UNHCR implementing partners)
- Civil society (e.g. academics, mosques, churches, newspapers)
- Government officials and the judiciary

General demographic and socio-economic indicators were obtained, as were reports on the human rights situation in the country, and contacts were established prior to arrival with the United Nations High Commissioner for Refugees (UNHCR), Professor Elmadmad and Bahija Jamal.<sup>2</sup> Except for documents published by the UNHCR, no literature was found on the particulars of the legal, social or economic conditions of refugees in Morocco.

Speaking of ‘refugees’ in Morocco posed difficulties, and I was warned by various actors on several occasions to discontinue collecting information on refugees as the ‘refugee’ terminology carried with it associations to the dispute over the territory of Western Sahara. Please note that it is beyond the scope of this report to examine the situation of this territory. This report focuses on the situation of asylum-seekers and refugees in the two major urban centres of Morocco: Rabat and Casablanca. It was anticipated that refugees also could be found in Tangier in the north but, for reasons explained below, this author did not succeed in accessing this refugee population.

The following sections describe how contacts were established with both refugees and actors in the field.

### 2.2 Refugees

Temporal and geographical constraints deemed it necessary to limit this study to Rabat, Casablanca and Tangier, where the governmental institutions and most of the NGOs are located. It was initially difficult to gain access to the urban refugee population of Rabat and Casablanca as these two urban centres host thousands of economic migrants as well as political asylum-seekers. Nevertheless, I gained access via *sessions* at Caritas in Rabat to asylum-seekers, whose claim with the UNHCR was pending as well as those who had been rejected. On these three occasions, I spoke to around 30 individuals, both individually and in groups.

A few telephone numbers of recognised refugees were provided to me by the UNHCR. Once I had established contact to these refugees, they readily referred me to friends and acquaintances resident in Rabat and Casablanca, who had fled from their home country to Morocco. Semi-structured interviews were held with individuals, families and groups of the refugee population from Sierra Leone, Liberia, Angola, Central Democratic Republic of Congo, Goma, Ivory Coast. Two focus-group sessions were held with eight refugees from Liberia and three refugees from

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<sup>2</sup> Professor Elmadmad is Professor in Law at the Faculty of Law, Hassan II University. She further presides over the Migration and Humanitarian Laws Study and Research Centre in Morocco. Lastly, she holds the position as UNESCO Chair on Migration and Human Rights. Bahija Jamal is a post-graduate student researching the refugee legislation with particular regard to female refugees.

Sierre Leone. I met the refugees – around 20 individuals - in their homes and in coffee houses in Rabat and Casablanca. It was intended to further investigate the situation of refugees in Tangier as well, but despite having gained contact to Caritas in Tangier, it was not possible for me to speak with any of the refugees. The attempt to clamp down on illegal immigration into Europe made it impossible for me to gain confidence of the only NGO that might provide some services to refugees residing in Tangier.<sup>3</sup> Nevertheless, a primary objective of this study was to provide a general overview of the socio-economic issues refugees encounter. Having identified the refugees and their places of settlement in Casablanca and Rabat will facilitate future research.

### **2.3 UNHCR**

Prior to arrival, contact with the UNHCR representative in Morocco was sought via e-mail, and I was able to secure an interview with the Senior Liaison Officer on the first day of my stay in Morocco. In-depth interviews were conducted not only with the Senior Liaison Officer, but also with the honorary delegate, the national administrator and the interviewer/interpreter who all provided much useful information regarding the status determination procedure and the general situation of refugees in Morocco, including the attitudes of the government towards refugees. The Senior Liaison Officer further expressed interest in the short courses on international refugee and human rights law offered at the AUC.

### **2.4 Non-governmental organizations and civil society**

The UNHCR has no implementing partners in Morocco, although negotiations have been underway for several years with the Red Crescent in order for the organisation to implement the assistance function of the UNHCR. The UNHCR is planning to work with some NGOs on micro-credit schemes (Interview: Brandt, UNHCR, 11.10.02). No other organisation in Morocco has a specific mandate relating to refugees but both national human rights- and development organisations were contacted in order to put the refugee situation in context. I made contacts with Caritas, the Moroccan Organisation for Human Rights, the Moroccan Association for Human Rights, Amnesty International, and the Moroccan Red Crescent. The current situation of refugees – and illegal immigrants in particular - in Morocco were discussed, as were the objectives, successes and problems of the NGOs.

The Faculty of Law at the University Hassan II in Casablanca hosts the Migration and Humanitarian Laws Study and Research Centre (CERMEDH) as well as a Graduate Program in Migration and Law. The programme offers a graduate degree where students are taught the legal and normative aspects, as well as the causes and consequences of both voluntary and forced migration. This degree is authorised by the Ministry of Higher Education. The programme aims at providing theoretical and practical postgraduate teaching in the field of population movements and training lawyers specialising in migration. The programme is part of the UNITWIN/UNESCO Forced Migration Network which includes five Arab, African and European universities.

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<sup>3</sup> Refugees are known to reside in Tangier, but because of the precarious political situation, Caritas is not authorised to give out any details of the assistance they provide to this population. Caritas provides open sessions two times a week, but many refugees cannot approach their offices in daylight and use alternative means to contact Caritas in order not to be rounded up by the police. Caritas told of a ‘Sister of Calcutta’ who provides help to this population, but she categorically refuses to speak to anyone, researchers and journalists alike, in order to protect the confidentiality of the population she purports to serve (Interview: Telechea and Rossa, Caritas, 23.10.02).

Professor Khadija Elmadmad is the only academic in Morocco who has been working on the situation of refugees in Morocco, and her work has been instrumental in developing Section 3 on the legal and administrative framework for dealing with refugees in Morocco. Professor Elmadmad is the Chair of the Migration and Human Rights UNESCO UNITWIN Network. This programme began in 1991 with the aim of promoting higher education in southern countries and developing networks and cooperation agreements between institutions in higher education. The AUC is part of this network.

Contact was also established with the editor-in-chief at *'Le Matin du Sahara et du Maghreb'*, who provided a useful context the situation for both refugees and immigrants in Morocco, and further allowed me to gain access to their achieves. However, no articles was found on the situation of refugees in Morocco.

## ***2.5 Government***

Contacts with the Office of Refugees and Stateless People of the Ministry of Foreign Affairs (Bureau des Réfugiés et Apatrides),<sup>4</sup> the Ministry of Interior and the Human Rights Commission were sought via the honorary delegate of the UNHCR but due to the re-organisation of government following recent general elections, all were exceptionally busy, and therefore largely unable to meet with me. I was only granted two short sessions with a representative of the Office of Refugees and Stateless People.

## ***2.6 Conclusion***

The absence of UNHCR implementing partners or any other civil society actors mandated to assist refugees proved the greatest obstacles to the efficient achievement of the three objectives. No human rights association knew of anyone working with refugees, continually referring to them as illegal immigrants rather than refugees. Many were of the opinion that Morocco did not host any refugees. However, much valuable information was gained from speaking with asylum-seekers and refugees. The political climate of the government who was reorganising following recent elections meant that particular institutions proved difficult to 'break into'. The next chapters detail the results gathered relating to the objective of investigating the general refugee situation in Morocco.

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<sup>4</sup> The Office of Refugees and Stateless People (Bureau des Réfugiés et Apatrides) will hereafter be referred to simply as the 'BRA'.

## THREE: SOURCES OF THE LAW

### 3.1 Introduction

The international and national legislation that codify refugee law and the administrative framework in Morocco will determine refugees' legal status and actual treatment by the Government. Thus, in order to understand the types of problems that refugees face in Morocco, it is necessary to understand this legal and administrative framework.

Section 3.2 examines the international sources of refugee law to which Morocco is obligated while section 3.3 considers the national sources of refugee law. This section derives primarily from discussions with Professor Elmadmad, and her work on asylum in Morocco. The Government's administrative framework that deals with refugee affairs is examined in section 3.4. Section 3.5 concludes the chapter by noting that the framework instituted by the Moroccan government is a necessary but insufficient element in the protection of refugee rights.

### 3.2 International sources of refugee law

On 7 November 1956, Morocco signed onto the 1951 Geneva Convention relating to the Status of Refugees (that France had signed earlier on its behalf) and it ratified the associated 1967 New York Protocol on 20 April 1971. On the same day, Morocco ratified the 1969 Organisation for African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. Although Morocco withdrew from the Organisation of African Unity in 1982 because the OAU officially recognised the Polisario Front, it has not denounced the OAU Refugee Convention and is therefore still legally bound to it (Interview: Elmadmad, University Hassan II, 16.10.02). It is also signatory to various other international human rights treaties which articulate a respect for refugee rights (see Box 3.1).

- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on Civil and Political Rights
- Convention on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Elimination of All Forms of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child

(UNDP 2002: 162)

*Box 3.1 Other international human rights treaties ratified by the Kingdom of Morocco*

### 3.3 National sources of refugee law

The policy of asylum in Morocco used to be based on the Islamic law of asylum and the African traditions and customs of receiving aliens. The consideration of refugees as ‘favoured foreigners’ was codified into the Law on the Civil Conditions of Foreigners of 1913. Since independence, the government of Morocco has not only signed but also ratified all the major international and regional legal instruments relating to refugees and human rights, as shown above. Ratification of the 1951 Geneva Convention indicates the Government’s compliance to governing refugee affairs within the framework of this treaty and its 1967 Protocol. Article 31 of the Moroccan Constitution of 1972 stipulates that all ratified international conventions become part of the Moroccan legal system and take precedence over other laws. That is, international law must be applied to domestic law; it need not be passed as national legislation before it can take effect (Elmadmad 1992:32). It thus represents the first step towards translating international commitment into practicable national policy.

The government passed ordinance No. 2.57.1256 of 29 August 1957, which promulgated domestic legislation governing refugee affairs and established the Bureau of Refugees and Stateless Persons (BRA) to deal with the acute problem of Algerian refugees (see Appendix C). The BRA is under the authority of the Ministry of Foreign Affairs. The main function of the BRA is to assist and protect refugees. The Ordinance provides for the granting of asylum according to the 1951 Convention and its 1967 Protocol, and to issue refugees with what is necessary for them to assume civil life, i.e. identification papers and permits to reside and work on Moroccan territory. The Ordinance further foresees the creation of an Appellate Authority (Commission de Recours) to re-examine rejection of requests for asylum. The Authority is to be chaired by the Minister of Justice and is to consist of representatives of the Ministry of Foreign Affairs, the UNHCR, and the BRA.

However, no significant steps have been taken to create a *comprehensive* national refugee legislation: no steps have been taken to the effect of establishing the Appellate Authority thus far and Moroccan domestic law on refugees is quite vague and does not specify the procedures to be followed in determining refugee status. According to the Ordinance, an application for asylum might be submitted at the border. However, UNHCR Morocco recounted no referrals to their office by the border police nor had any refugees interviewed gone through this particular trajectory of referral. One has reason to believe that many asylum-seekers are rejected at the border according to Article 12 of the Ordinance relating to Immigration of 15 November 1934, which states that “all persons who have entered Morocco by illicit means... shall be expelled”. Given the fact that many refugees flee their countries of origin without any documentation, they are bound to be adversely affected by this law targeted at illegal immigration. The number of refugees rejected at the border or at airports is unknown, as are the principles and procedures, if any, of refugee status determination. In this regard, it should be noted that if it is indeed a matter of practical policy to reject asylum-seekers at the border without providing them with an opportunity to submit their claim for asylum to the Moroccan authorities, Morocco is breaching its obligations under international law: “The OAU Convention obliges states not to reject persons at the frontier. In fact, Article 2(3) of the Convention spells out that rejection at the frontier is tantamount to *refoulement*<sup>5</sup>. With this provision, the OAU Convention widened the scope of *non-refoulement* for refugees in Africa and made it absolute” (Vendirame et al., forthcoming).

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<sup>5</sup> ‘No person shall be subjected by a member state to measures such as rejection at the frontier, return or expulsion which would compel him to return or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article 1, paragraphs 1 and 2 [the refugee definition]’.

Article 9 of the Moroccan Constitution guarantees all citizens the right to freedom of movement and residence anywhere in the Kingdom. This right is extended to aliens who are legally present in the national territory, and thus applies to recognised refugees. Further, refugees have the same status as nationals in the spheres of employment, education and health. The Moroccan Law on Social Security (Ordinance of 22 December 1959) grants refugees the same rights as Moroccan nationals. According to the Law on Employment (Ordinance in effect from 8 November 1958), a foreigner needs a contract and an authorisation from the Moroccan authorities to be employed in the public or private sector. According to Elmadmad (1992) this permission is generally given to refugees. However, the more recent situation of refugees as examined in Chapter 4 paints a different picture of refugee reality in Morocco. Most refugees recognised by the UNHCR are not granted status by the BRA and are therefore unable to access the rights enshrined in domestic legislation.

Moroccan nationality is governed by Ordinance 1.58.250 of 6 September 1958 and is attributed either by affiliation, *juris sanguinis*, to all children born to a Moroccan father, or a Moroccan mother and an unknown father; or by birth on Moroccan soil, *juris solis*, to children of a Moroccan mother and a stateless father, or born to unknown parents (UNCERD 2002). This law further enables a refugee to become a Moroccan citizen after living five years in Morocco. However, children born by refugee women does not have the right to Moroccan nationality, a practice which contravenes the Convention on the Rights of the Child (Interview: Brandt, UNHCR, 11.10.02).

A foreigner who commits a crime is subject to two kinds of measures: (1) indictment in conformity with the Moroccan Penal Code and according to the conditions stipulated in the Code of Penal Procedures; and (2) expulsion from Morocco after having been found guilty (Ordinance of 16 May 1941). In accordance to Article 33 of the 1951 Convention, a refugee should not be expelled to a country where he/she fears persecution. According to the United Nations Committee on the Elimination of Racial Discrimination, all Moroccan judges trained in recent years are graduates of the National Institute for Judicial Studies, where they undergo 3 years of study heavily focused on human rights law and the rule of law, and it must therefore be assumed that the judiciary possess a thorough knowledge of refugee law, in particular the principle of non-refoulement (UNCERD 2002).

### **3.4 Conclusion**

The government of Morocco has instituted domestic legal measures to deal with refugee affairs and has as such demonstrated commitment to managing asylum affairs in accordance with international standards of refugee protection and asylum law. Yet, laws and administrative structures are necessary but insufficient elements in ensuring the protection of refugee and asylum-seekers' rights. Laws must be implemented and administrative structures used effectively. The following sections examine whether this has been the case in Morocco by examining the status of refugees and asylum-seekers in the Kingdom.

## FOUR: THE STATUS OF REFUGEES IN MOROCCO

*“You ask me if I want to leave Morocco? I am not even thinking about it; I am thinking about what my children are going to eat tonight”*

- Refugee, 16.10.02

### 4.1 Introduction

The following sections discuss the present situation of urban refugees in Morocco in order to understand, *inter alia*, the extent to which the legal-administrative framework examined in Chapter 3 affect the socio-economic conditions of refugees. Section 4.2 details the demography of Morocco’s refugee population. Section 4.3 describes the refugee status determination procedures of the UNHCR and the BRA. Section 4.4 examines the current socio-economic situation of refugees in Morocco by considering the different aspects of their lives (financial assistance, housing, work, education, and health care). Section 4.5 examines the extent to which refugees find themselves in a situation of insecurity due to discrimination and the threat of detention and deportation. Section 4.6 concludes the chapter with a summary of the findings.

This chapter is primarily based on semi-structured interviews with individuals, families and groups of urban asylum-seekers and refugees in Casablanca and Rabat between 11 October – 28 October 2002. The author spoke to asylum-seekers and refugees from Sierra Leone, Liberia, Angola, Central Democratic Republic of Congo, Goma, Ivory Coast, and the Sudan. Two focus-group sessions were held with eight refugees from Liberia and three refugees from Sierra Leone. I met the asylum-seeking population – around 30 individuals - in the compound of Caritas Rabat; recognised refugees – around 20 individuals – were interviewed in their homes and in coffee houses in Rabat and Casablanca.

### 4.2 Refugees in numbers

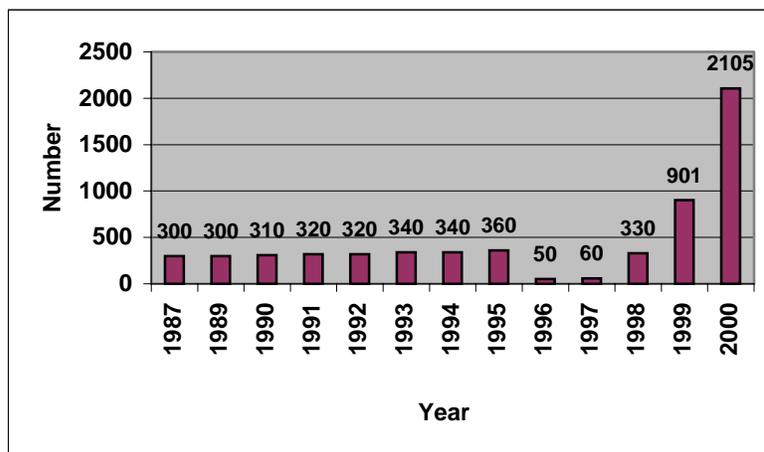


Figure 4.1 Number of UNHCR Recognised Refugees (Elmadmad 1992, UNHCR 1998ab, 1999, 2000)

As shown in Figure 4.1, the number of refugees recognised by the UNHCR remained stable in the late 1980s and early 1990s. The reasons for the significant drop in numbers in 1996-98 are unknown. The refugee population has increased in recent years, from 330 recognised individuals in 1999 to 2,105 recognised individuals in 2001. 1,600 of these individuals have been granted status according to the 1951 Geneva Convention while 505 have been recognised under the 'mandate' of the UNHCR (UNHCR 2000). None had been recognised under the 1969 OAU Convention, although the UNHCR National Administrator relates that both Conventions are being used when determining refugee status (Interview: Majnoun, UNHCR, 16.10.02). As shown in Section 4.3 below, there exists significant differences between the number of refugees recognised by the UNHCR and the BRA. The figure above should therefore not be considered as exhaustive or definitive.

Some recognised refugees have come to Morocco as students and applied for refugee status as they found themselves unable to return home because of the outbreak of violence in their countries of origin. This is particularly the case for refugees from Congo, Sierre Leone, Liberia, and the Sudan. There is a UNESCO-sponsored student exchange scheme between Morocco and Liberia, which sees the arrival of fifteen Liberians in Morocco every year, all of whom are likely to apply to the UNHCR for refugee status (Interview: refugee, 28.10.02). Most refugees from sub-Saharan countries have entered Morocco via the border with Algeria where border controls are lax. A few refugees had walked through the desert from Mauritania. No refugees interviewed had entered Morocco via air, a fact which suggests that stringent controls are in place at airports. Airport liaison officers are posted in all airports in Morocco (Interview: Alaoui, Le Matin du Sahara, 18.10.02).

In 2000, 24 out of 143 asylum-seekers were recognised as refugees by the UNHCR. Although this figure is too small to generate valid statistical data, it set the recognition rate at 24% (UNHCR 2000). This figure, however, excludes the unknown number of refugees judged to possess a 'manifestly unfounded' claim for asylum in the initial screening process or those refugees not allowed entry at the border because of lack of valid documents. This number might be significant as most people that this author spoke to, including the UNHCR, were of the opinion that the majority of asylum-seekers in Morocco were but economic migrants on their way to Europe (e.g. Interview: M'jid, UNHCR, 16.10.02; Interview: Alaoui, Le Matin du Sahara, 18.10.02). The figure further excludes those 7-800 pending cases whom the UNHCR is unable to contact at present (Interview: Brandt, UNHCR, 11.10.02) as well as those refugees who possess a valid claim for asylum but who are not aware of the existence of the UNHCR. Some refugees are known to have approached the office up to three years after initial entry into Morocco for this reason (Interview: Tassi, UNHCR, 17.10.02). The Executive Director of Amnesty International also related that most of the refugees approaching the offices of Amnesty had to be informed of the existence of the UNHCR.

Interviews at Caritas further revealed that a significant number of people with a valid claim for asylum had not approached the offices of the UNHCR because it was widely believed that the UNHCR deports people: "Some people went to the UNHCR, and when they were rejected [at initial screening or following adjudication of claim] the police intercepted them and deported them within days. This has happened to five people I know. The UNHCR is just another arm of the Moroccan police force. They don't want to help us" (Interview: refugee 21.10.02). Although it must be assumed that these events were merely incidental, it has nevertheless deterred a significant number of refugees from applying for protection and assistance at the UNHCR.

There is no statistical nationality breakdown of refugees registered at the UNHCR in Morocco. However, the UNHCR lists the nationalities currently registered with the office: Afghanistan,

Algeria, Angola, Armenia, Bosnia, Brazil, Bulgaria, Burundi, Cameroun, Chad, Czech Republic, Ethiopia, Iraq, Liberia, Libya, Mauritania, Poland, Russia, Rwanda, Sierre Leone, Somalia, Sudan, Syria, Yugoslavia (UNHCR 1998b). According to the refugees, there are around 25 Sierre Leonean refugees and 14 Liberian families (33 individuals) currently residing in Rabat. Representatives of the other refugee nationalities were not aware of the number of refugees from their respective countries of origin.

A 1987 survey at the BRA shows a partial nationality breakdown of the approximately 900 refugees recognised by the BRA at the time. While one-third originate from Eastern Europe, more than 20% are from other African countries. There are only a few Arab refugees relative to the total population (see Figure 4.2).

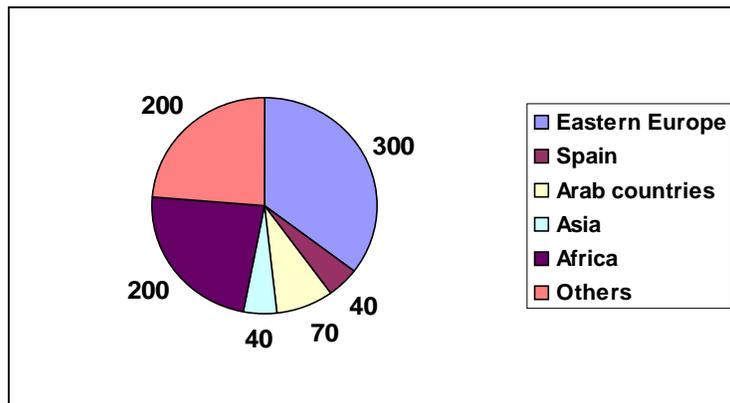


Figure 4.2. Nationality breakdown of BRA Recognised Refugees (Elmadmad 1992: 31)

### 4.3 Refugee Status Determination

The academic literature on the legal framework for refugees does not fit neatly with the fieldwork findings of this author with regard to refugee status determination procedures. This section seeks to expose some of the apparent contradictions between theory and practice by detailing the partly overlapping status determination procedures of the BRA and the UNHCR, and the ways in which these impact on refugee rights.

As shown in Chapter 3, the Moroccan domestic law pertaining to the status of refugees does not specify the procedures to be followed in determining refugee status. According to the law, a refugee may apply to the BRA directly. If the asylum-applicant is not known to the UNHCR already, the BRA insists that a parallel application is made to the UNHCR (UNHCR 1998b). However, according to the BRA, a refugee needs to be recognised by the UNHCR before the application for asylum will be considered by the BRA, a fact confirmed by the honorary delegate of the UNHCR (Interview: Poste, BRA, 14.10.02; Interview: M'jid, UNHCR, 16.10.02). Nevertheless, the Senior Liaison Officer estimates that there are around 2,000 refugee cases recognised by the government, where only half is known to the office (Interview: Brandt, UNHCR, 11.10.02). This correspond to the research results of the late 1980s: "In 1987, some 900 were officially registered as refugees. Only 300 of the refugees were known to the UNHCR office in Casablanca as it has to intervene to help them with administrative procedures, or sometimes to provide them with medical or financial assistance (Elmadmad 1992:31). It might be assumed that

the refugee status determination practice has changed in recent years, and that procedures currently in force places an obligation on part of the refugee to apply to and gain recognition from the UNHCR before approaching the BRA with an application for asylum.

Following repatriation of Algerian refugees in the beginning of the 1960s, the UNHCR established a honorary representation in Casablanca in 1963 (Holborn 1975:1019-22). Until recently, no status determination was carried out by the office in Casablanca. It merely served an administrative function. The Protection Officer was based in Geneva and all refugee status determination was carried out on instructions from Geneva, i.e. the representation in Morocco would interview the refugee and submit the testimony to Geneva who then would send back more questions and further points of clarification until a decision had been reached on the case (Interview: Brandt, UNHCR, 11.10.02). With irregular intervals, Geneva would send a mission to Morocco in order to deal with asylum applications more expeditiously. In particular, a 2000 mission recognised many Liberian refugees collectively. Needless to say, this process created considerable delay in status determination and the refugees interviewed reported to having waited from 3 months to 5 years for a decision. No reasons for rejection were issued at the time, nor were refugee informed of their right to appeal, although many did so on their own initiative.<sup>6</sup>

2002 saw the arrival of a permanent UNHCR Senior Liaison Officer in Casablanca. Since then, the status determination procedure seems to have undergone many changes to the better. Refugee status determination is carried out by two persons: the senior protection officer and the interviewer/interpreter. An initial screening process is undertaken by the office; those refugees who are not deemed 'manifestly unfounded' applicants are registered onto a database and issued an appointment slip/temporary attestation which is to provide protection during the asylum procedure.

For most of the refugees interviewed, status determination interviews had been postponed up to three times before the first appointment. The average number of interviews among refugee respondents were three interviews. Following final status determination interview at the UNHCR, it usually takes between four months and one year before a decision has been reached on an asylum application.

If a refugee is rejected, the reasons for rejection are now written out in three languages with detailed explanation as to why the individual does not qualify for refugee status. Rejected asylum-seekers are informed that they have the right to appeal if any new information has come to light. The UNHCR also operates a 'third instance' procedure if the applicant is deemed to have severe social and/or psychological problems. However, during the past six months there have been no requests for appeal (Interview: Tassi, UNHCR, 17.10.02).

If a refugee is accepted, the UNHCR issues no official paper or refugee card to recognize this population as refugees, except for a renewable attestation valid for three months, then six months, and then one year at a time. This policy is to ensure that the office has contact with the individual refugee with regular intervals (Interview: Tassi, UNHCR, 17.10.02). The attestation, however, is only a document of protection; it does not necessarily grant refugees the right to resettlement or financial assistance, nor does it mean that the population is viewed as refugees in the eyes of the Moroccan government who has instituted its own status determination procedure (see below).

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<sup>6</sup> One Sierre Leonean refugee applied in 1995, and was accepted on 12 September 2000. Another Sierre Leonean refugee contacted the UNHCR in 1992 and was rejected in 1994 without being given any reasons for this decision, or being informed of his rights to appeal. Nevertheless, he submitted a new application and was called for a second instance interview two years later. He was rejected for the second time in 1997.

Although the UNHCR notifies the Ministries of Interior, Foreign Affairs and National Security when a refugee has been recognised by the office, this attestation is not respected by the law-enforcement authorities (see Section 4.6).

According to the UNHCR 1998 Annual Protection Report, the procedure for determining refugee status by the Moroccan authorities lasts up to three years, an observation confirmed by the UNHCR National Administrator (UNHCR 1998b, Interview: Majnoun, UNHCR 16 October). If the request for asylum is accepted at the BRA, the office passes the request on to the Ministry of Interior for final determination (UNHCR 1998b). Following recognition, the refugee is to obtain his or her residency (*carte de sejour*), a refugee card and a travel document immediately.

However, none of the UNHCR-recognised refugees interviewed had been recognised by the BRA. The UNHCR relates that they inform the BRA following recognition of a refugee, but they do not notify the refugee of the possibility of applying to the BRA, as it is the BRA who is to contact the refugee for further status determination. However, while some refugees have been contacted by the BRA and have had their claim adjudicated, most were not aware of the existence of the BRA, or believed that there was no point to apply, mainly because the chance of recognition is minimal. None of the refugees interviewed were aware of the fact that it is only recognition at the BRA that grants refugees the right to all the economic, social and cultural rights accorded to refugees in Moroccan domestic legislation.

Some claims were rejected by the BRA within a year, others are still waiting for a decision five years after the first interview. If the request for asylum is rejected by the BRA, the authorities notify the UNHCR verbally, often following the insistence on behalf of the latter. The BRA does not notify the refugee directly. No written statement nor any reasons for rejection are issued (Interview: Tassi, UNHCR 17.10.02). It is not known according to what criteria the BRA conducts status determination, despite repeated requests by the UNHCR. The BRA merely relates that the granting of refugee status is a matter of national sovereignty that is not to be subjected to external scrutiny. Some refugees who had approached the BRA on their own initiative were told that “I had to be a political refugee - not just a war refugee....they said that I needed to be a minister in my country in order for them to recognise me (Interview: refugee, 16.10.02).

If a refugee is rejected by the BRA but recognised under the auspices of the UNHCR, he or she is authorised by the Moroccan authorities to stay in the country until the UNHCR has found a ‘durable solution’, i.e. resettlement for the aforesaid refugee (Interview: Brandt, UNHCR, 16.10.02). Meanwhile, the UNHCR-recognised refugee is not granted access to refugee rights instituted in domestic law. Further, as examined in Section 4.5 below, this ‘toleration’ of stay is only partially respected in practice.

#### ***4.4 Socio-economic situation of refugees in Morocco***

The UNHCR does not grant any financial assistance while a claim for asylum is pending except in very exceptional circumstances. The refugees interviewed consistently turned to Caritas Rabat who provides assistance to anyone deemed in need, regardless of legal status. Vaccinations, clothing, blankets, and social counselling are provided free of charge. Further, Caritas sometimes contributes up to 1,000 Dirham (\$100) to cover the cost of rent, and assists some refugees who are willing to return to their countries of origin. According to the Project Coordinator of Caritas Rabat, Caritas is the only organisation who is helping the refugee population in Morocco: “No one is interested in helping the sub-Saharan population in Morocco, only in getting rid of it” (Interview: Soquet, Caritas, 15.10.02).

However, the Sierre Leonean refugees expressed the opinion that priority was given to the French-speaking population and that they themselves had never received assistance from Caritas. Others had been rejected at Caritas once the organisation found out that they had been recognised as refugees by the UNHCR: “Go to the UNHCR and ask for help. You do not need our help anymore, they [Caritas] said, and this despite the fact that my situation did not change at all once I was granted refugee status. I got a small one-off payment of 5,400 Dirham (\$540) but then that was it” (Interview: refugee, 26.10.02).

Following recognition, the UNHCR used to grant some financial assistance. According to one Liberian refugee, financial assistance had steadily increased from \$75 a month in 1996 to \$220 a month in 1999. However, all refugees received a letter in September 2000 notifying them that UNHCR Geneva had decided to stop all financial assistance to urban refugees in Morocco. Since then, a one-off payment varying from \$100-360 had been given to some refugees. No one interviewed during the fieldtrip had received any assistance since April 2001.

Nevertheless, the UNHCR does provide an allowance to the most vulnerable of the refugee population. Temporary financial assistance is granted single-headed households, students, the elderly and the sick. The assistance ranges from 800-2,500 Dirham a month (\$80-250) to cover the cost of living, such as rent, food, tuition fees and medical expenses. According to the UNHCR, applications for such financial assistance can be submitted to the office in person every Thursday (Interview: Tassi, UNHCR, 17.10.02). However, none of the refugees interviewed were aware of this system and recounted several incidents where they had been turned away from the UNHCR and asked to come again some other time. This ‘go and come back’ practice has placed considerable financial burdens for the refugees residing in Rabat.<sup>7</sup> There are no criteria set up for the financial assistance, nor are there any fixed amounts applying to different groups; it depends on the number and nature of requests submitted by the refugees. Priorities, however, are medical emergencies as well as the welfare of women and children (Interview: Tassi, UNHCR, 17.10.02).

The UNHCR must be commended for keeping in regular touch with the refugees, firstly via the renewable attestation but also by providing a psycho-social counselling service to refugees in severe distress. Refugees approach the office to speak of problems of not only a financial but also of a more intimate personal nature, and it is the policy of the office always to welcome and grant time to these refugees in need of some psychological assistance (Interview: Tassi, UNHCR 17.10.02).

Local integration is favoured as a ‘durable solution’ by the UNHCR, despite the fact that many refugees are not recognised by the BRA and therefore not able to access the rights accorded to refugees on Moroccan territory. Although Belgium and Canada have resettled around 10 individuals in the past few years and some embassies have been contacted with a view to resettle more refugees, the UNHCR Senior Liaison Officer stressed that the UNHCR does not wish to start a high-profile resettlement program: “We do not wish to attract refugees to Morocco. Most refugees are likely to use Morocco as a transit to Europe, and the Moroccan authorities are already under considerable pressure from the European Union to clamp down on immigration into the Union from Morocco” (Interview: Brandt, UNHCR, 11.10.02).

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<sup>7</sup> One refugee related that it took him one month to save the 50 Dirham (\$5) needed to cover the transportation from Rabat to Casablanca.

#### **4.5 Access to Work, Education and Health Care**

*“UNHCR said that they could do nothing to pressurise the authorities to issue documents [residence permits]...Since UNHCR stopped providing financial assistance, it does not mean anything to me to be a refugee. Tell me what difference it makes in my life”*

- refugee, 26.10.02

In accordance with Article 17 of the 1951 Geneva Convention, the Government of Morocco grants refugees the right to work. Permitting recognised refugees to work appears, on the surface, to be a progressive policy. How else are individuals to sustain a livelihood for themselves and their dependents? It also appears as an example of where international law has been realised at the national level. Yet, this section illustrates the fact that, because only very few refugees have been recognised by the Government of Morocco despite having been recognised by the UNHCR, most refugees are excluded from exercising this right.

In order for a refugee to obtain a work permit, s/he must be in possession of a residence permit. However, the vast majority of refugees are unable to obtain residence permits from the authorities, presumably because they have not been recognised by the BRA. Those few who had obtained a residence permit had only done so with delays of up to four years (Interviews: refugees 17.10.02-28.10.02). Those refugees who had managed to obtain a residence permit related that when they wanted to renew the permit, they had been told that they could only renew it only after obtaining a work permit, or proof of income. Only one Sierre Leonean refugee had been able to obtain a work permit, and this only by virtue of having married a Moroccan woman. Hence, most refugees find themselves in a catch-22 situation: UNHCR recognition does not equal the right to residency in Morocco, which is needed to obtain a work permit, and vice versa.

In addition to the discouraging problems of obtaining a work permit, the UNDP Arab Human Development Report (2002: 158) set the unemployment rate in Morocco at 17.8%. Unofficial estimates, however, set the figure significantly higher at 30% (Interview: Elmadmad, University Hassan II, 16.10.02, Interview: Alaoui, Le Matin du Sahara, 18.10.02). Consequently, the vast number of both refugees *and* Moroccans work in the informal sector. These jobs included street-vending, cleaning and parking cars and construction work. Only six out of the fifty asylum-seekers and refugees interviewed were engaged in regular income-generating activities.

The majority of the refugee population in Rabat is concentrated in two of the more marginalised quarters (Sale and Side Musa). In Casablanca, the refugee population is scattered in the outskirts of the city. Some refugees lived in apartment in fairly good conditions while other reportedly lived in abhorrent conditions, sleeping on the floor. Rent ranges from 1,000 Dirham (\$100) for a one-bed flat to 3,000 Dirham (\$300) for a three-bed apartment. One refugee reported eleven people living together in two rooms for 2,000 Dirham a month (\$200). Because of the problems to generate income, most refugees are unable to afford the cost of rent. While some refugees are assisted financially by their neighbours, three refugees had been put on court by their landlords for failing to pay their rent for eight months.

Unlike the right to work, access to the rights of education and healthcare do not require permits. As signatory to the 1951 Geneva Convention, Article 22 on ‘Public Education’ requires Morocco to accord refugees the same treatment as nationals with respect to elementary education and the same treatment as ‘aliens’ with respect to secondary and further education. Moreover, Article 24

on 'Social Security' states that refugees must be accorded the same treatment as nationals in this matter.

Upon recognition, the UNHCR refers, at the expense of the office, the individual refugee to a doctor for a medical assessment. If any medical conditions are found, the individual will be referred to a specialist. In cases of serious medical emergencies, the UNHCR provides financial assistance. For example, a women with a terminal illness is currently being treated in hospital; her stay and her medicine is paid for by the office (Interview: Tassi, UNHCR, 17.10.02). Although emergency assistance at the public hospitals are free, access to both health care and education depend entirely on whether one can afford the costs. The difficulties encountered in attaining employment, however, generally mean that refugees find it difficult to afford these costs.

One Liberian refugee, the father of 11 children, told the author that none of his children attended school because they are not proficient in either French or Arabic. They cannot afford the tuition fees required to place them in private schools. Another refugee receives 1,000 DH (\$\$\$) to help with tuition fees but relates that this assistance is insignificant as the real expenses amount to 72,000 DH for his three children.

In summary, the obstacles to obtaining work permits arise from the absence of *implementation* of the national legislation that define these refugee rights. That is, the failure of the BRA to grant refugee status to refugees recognised by the UNHCR renders national legislation obsolete in many cases. In turn, the inability to work hinders people's abilities to access education and healthcare, rendering them dependent on the limited services provided by the UNHCR.

#### ***4.6 Prevalence of discrimination, detention and deportation***

*"It is the first time I have gone out in three months. I am afraid to be caught by the police. They once deported me to the border with Algeria after having torn my [UNHCR] attestation apart. I had no money to bribe them"*

- refugee, 28.10.02

Regardless of nationality, all asylum-seekers and refugees interviewed asserted that racism and cultural intolerance are prevalent among the Moroccans towards foreigners (Interviews: refugees, 17.10.02-28.10.02). Some refugees alleged that discrimination is the primary reason for their socio-economic difficulties in Morocco. Refugees asserted that their children have been subject to racism in Moroccan schools by both teachers and other students alike, because of the colour of their skin and the lack of fluency in French and Arabic. Some refugee children are significantly older than their classmates because of interruptions of their education, sometimes for several years, another source of significant discrimination.

Refugees told stories of harassment on the streets, by civilians and police alike. A few refugees related that they had not been outside their house for more than three months because of the threat of confrontation with the police, and had only come to Caritas on the day of the interviews to ask for medical assistance. Several refugees testified that they had been beaten on the streets without any provocation. "The Moroccans see no difference between a refugee and an illegal immigrant. All Black African are perceived as taking their jobs, cars, women, what have you. They spit at you on the street, and they provoke you into a fight" (interview: refugee, 28.10.02). One instance was reported where a Liberian refugee had gone to the BRA to enquire the progress of his

application with the office, he alleged that: “somebody told me that I had no right to be here [the office of the BRA]. It was the premises of the Moroccan government, and they told me to leave, ‘get lost, you animal’, he said” (Interview: refugee, 21.10.02).

The UNHCR attestations are issued to the effect of regularizing residence and providing protection for the refugee population. However, it was widely reported that these attestations are not respected by the law-enforcement authorities who has had no training in refugee affairs (Interview: refugees, 17.10.02-28.10.02). More than half of the refugee population interviewed had been in detention from between 12 hours to 12 days. Human Rights Watch has reported that Morocco's record with regard to pre-trial detention remains unenviable, as abuses such as prolonged incommunicado detention, torture and ill-treatment continue to occur (HRW 1995).<sup>8</sup> In 2000, the Moroccan Organisation for Human Rights (OMDH) appealed to the Interior Minister to implement a series of proposed measures, including measures reinforcing individual protections against torture through the full implementation of the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment and ending illegal punitive detention measures by local authorities. According to the OMDH, torture in detention largely continues to escape the notice of the judiciary (US Dept of State 2001). However, none of the refugees interviewed had been tortured in detention.

According to the UNHCR, deportation is not a systematic policy on part of the Moroccan authority (Interview: Brandt, UNHCR, 31.10.02, Interview: Celine, Caritas, 21.10.02). The General Secretary of the Moroccan Red Crescent asserted that refugees only have security problems if criminalizing themselves (Interview: Badreddine, Red Crescent, 14.10.02). However, this statement is hotly disputed by the refugees themselves. Asylum-seekers in Morocco who had either never sought UNHCR protection for reasons explained above or who have, but have been rejected, join the ranks of illegal migrants living in a state of limbo. Fearing persecution in their country-of-origin, they are unable to return. While the UNHCR does not deliver them to the authorities for deportation, they do fear the daily possibility of detention and deportation from Morocco.

This fear is real. Many asylum-seekers, whose status is not yet legalised, are detained only until an adequate number of ‘illegal immigrants’ have been collected (1-200), and they are then deported to the border with Algeria. Instances of deportation number anywhere between 20-300 every month (Interview: Telechea, Caritas, 23.10.02). Moreover, at least six UNHCR-recognised refugees from Liberia and Sierre Leone were known to have been deported in this year (Interview: refugee, 28.10.02). Only two cases were known to the UNHCR, and these were allegedly deported on charges of posing a threat to national security. The UNHCR, it was said, could not intervene in matters relating to the national security of Morocco.

When deporting refugees to the border with Algeria, the government of Morocco does not directly violate its obligations under international law, in particular the *non-refoulement* principle of the 1951 Geneva Convention. Article 33 states that: ‘No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a

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<sup>8</sup> In a spirit of increased awareness of the importance of respecting human rights, Morocco has engaged in a policy to incorporate human rights into general education and the training of certain officials working in the executive and judicial branches. Human rights principles are thus taught in the Royal Police College, Royal Gendarmerie Colleges Command, Royal Gendarmerie Officer Training School and Royal Military Academy (UNCERD 2002). Whether this education includes the teaching of the rights enshrined in international refugee law is unknown.

particular social group or political opinion.’ By deporting refugees to Algeria, the refugees do not face immediate persecution in their country of origin. It is an open question as to how effective this semi-systematic policy of deportation is. Some asylum-seekers related that they had been subject to deportation more than twenty times: “Unless you can bribe your way out, “they just leave you in the desert to die”. These asylum-seekers had all made their way back into Morocco.

#### ***4.7 Conclusion***

This chapter has examined the ways in which the Moroccan legal and administrative framework in place to protect and assist refugees have failed to protect the majority of refugees on Moroccan territory, and all of the refugees interviewed. Because very few refugees are recognised by the BRA, most refugees are unable to access the rights accorded them as refugees. The UNHCR has been unable to ensure that refugees are issued a right of residency following recognition by the office, which in turn impedes the ability of refugees to take up gainful employment. Most refugees were living a hand-to-mouth existence on the margins of Moroccan society, without financial assistance, without prospects for the future, and with a real fear of detention and, ultimately, deportation. Although the enactment of national legislation with respect to refugees is the first step in realising refugee rights in a national context, the case of Morocco shows that these laws must lay down procedures for determining refugee status and for implementing the rights enshrined in these laws.

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## **FIVE: CONCLUSION**

### ***5.1 Introduction***

This study has detailed the findings of three weeks’ fieldwork into the general situation of refugees in Morocco. In particular, it examined the sources of refugee law in Morocco (Chapter 3) and the socio-economic condition of refugees and asylum-seekers (Chapter 4). This chapter concludes the report. Section 5.2 discusses the primary aim of this study and the rationale behind this aim. It concludes with a summation of the study’s main findings and identifies its central contributions to the literature on refugees in Morocco and the Arab world. Section 5.3 concludes the report with some implications for further research.

### ***5.2 Summary***

The primary aim of this study was to investigate the general situation of refugees in Morocco. The absence of any comprehensive literature on this topic provided the rationale for the study. The study focused on identifying the main actors and issues faced by these actors with regards to refugee affairs in Morocco. It is hoped that this study and the contacts that were made through it will open the way for future research and advocacy towards better protection of refugee rights.

Chapter 3 pointed out that Morocco is signatory to the relevant international treaties that espouse a commitment to protection of refugee rights. The chapter also discussed the fact that Morocco has enacted domestic legislation relating to the status of refugees.

Chapter 4 examined the numbers of refugees in Morocco, before proceeding to examine the main issues that refugees brought up during the course of fieldwork. The study found that for most refugees, the refugee rights enshrined in Moroccan legislations is of little effect in reality as most UNHCR-recognised refugees are not granted refugee status by the Moroccan authorities.

### ***5.3 Implications***

The refugee situation in Morocco is of interest to academics and professionals alike in the field of forced migration because the Kingdom provides an example where domestic legislation has been enacted, but is insufficient in affording rights to its refugee population. An examination of the *general* situation in the context of a void in academic literature on the matter, however, has proven that greater research is necessary.

Longer-term research into the Moroccan's Government's capacity and willingness to assume responsibility for implementing and further defining refugee legislation would be highly valuable. Theoretically, Morocco's status as an underdeveloped country means that it possibly faces problems as large as, if not greater those faced by governments worldwide. Consequently, research would provide insight into the problems faced by many governments and such research may contribute to policy recommendations for other nations that are host to refugees.

More structured research into the prevalence of discrimination and detention in Moroccan society towards refugees would be valuable, as many refugees interviewed asserted that it constitutes one of the largest problems they face. As local integration is the most common 'durable solution' offered by the UNHCR, the existence of these problems needs to be addressed. Lastly, it would be interesting to conduct research on the number of people who are prevented from entering Moroccan territory and applying for asylum.

## **Appendix A. Logbook**

### **11 October**

- Luc Brandt, Senior Liaison Officer, UNHCR

### **12 October**

- Abdellah Oualladi, President, Moroccan Organisation for Human Rights

### **13 October**

- Bahija Jamal, Post-graduate Student, Hassan II University

### **14 October**

- Bensaoud Badreddine, Secretary General, Moroccan Red Crescent
- Ziane Poste, Desk Officer, Bureau des Réfugiés et Apartrides, Ministry of Interior
- Visit to the Mauritanian Organisation for Human Rights

### **15 October**

- Janine Soquet, Project Coordinator, Caritas Rabat
- Salah Abdellaoui, Executive Director, Amnesty International Morocco

### **16 October**

- Visit to Hassan II University: Faculty of Law, Migration and Humanitarian Laws Study and Research Centre (CERMEDH) and Research and Training Programme on Migration and Law
- Mohamed Mjid ,Honorary Delegate, UNHCR
- Aïcha Majnoun, National Administrator, UNHCR
- Khadija Elmadmad, Professor, Faculty of Law, Hassan II University

### **17 October**

- Marouane Tassi , interviewer/interpreter, UNHCR
- Visit to Caritas Rabat
- Interviews with asylum-seekers and refugees in Rabat

**18 October**

- Abdel Rahman Ben Amr, President, Moroccan Association of Human Rights
- Hassan Alaoui, Editor-in-Chief, Le Matin du Sahara et du Maghreb

**21 October**

- Habiba, Protection Officer, Moroccan Organisation for Human Rights
- Visit to UNDP
- Celine, Project Assistant, Caritas Rabat
- Interviews with asylum-seekers and refugees in Rabat

**22 October**

- Visit to Red Crescent Tangier

**23 October**

- Ramona Telechea, Project Coordinator, Caritas Tangier
- Maria Rossa, Project Assistant, Caritas Tangier

**24 October**

- Interviews with refugees in Rabat

**25 October**

- Luc Brandt, Senior Liaison Officer, UNHCR

**26 October**

- Interviews with refugees in Casablanca

**27 October**

- Meriem Afellat, Graduate Student, Hassan II University
- Latifa Nojibi, Graduate Student, Hassan II University
- Khadija El Abdellaoui, Graduate Student, Hassan II University

**28 October**

- Ziane Poste, Desk Officer, Bureau des Réfugiés et Apartrides, Ministry of Interior
- Interviews with refugees in Casablanca

## APPENDIX B. Contacts of Individuals and Institutions Morocco: October 2002

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### *Amnesty International*

**Full Name:** Salah Abdellaoui  
**Job Title:** Executive Director  
**Address:** Place d'Angleterre  
Rue Souissra  
Immeuble No.11, Appt. No. 1  
L'Océan, Rabat  
**Tel:** +212 (0) 37 20 77 25 / 37 72 82 33  
**Fax:** +212 (0) 37 72 82 34  
**E-mail:** [Admin-ma@amnesty.org](mailto:Admin-ma@amnesty.org)  
**www:** [amorocco@sections.amnesty.org](http://amorocco@sections.amnesty.org)

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### *Caritas Rabat*

**Full Name:** Janine Soquet  
**Job Title:** Project coordinator  
**Address:** 10 Rue Assafi  
Archevêché de Rabat, BP 258 RP  
10001 Rabat  
**Tel:** +212 (0) 37 75 59 57  
**Mob:** +212 (0) 61 10 21 25  
**Fax:** +212 (0) 37 26 38 04  
**E-mail 1:** [caritas.maroc@marocnet.net.ma](mailto:caritas.maroc@marocnet.net.ma)  
**E-mail 2:** [mamyja@caramail.com](mailto:mamyja@caramail.com)

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### *Caritas Rabat*

**Full Name:** Celine  
**Job Title:** Project assistant  
**Address:** 10 Rue Assafi  
Archevêché de Rabat, BP 258 RP  
10001 Rabat  
**Tel:** +212 (0) 37 75 59 57  
**Fax:** +212 (0) 37 26 38 04  
**E-mail:** [caritas.maroc@marocnet.net.ma](mailto:caritas.maroc@marocnet.net.ma)

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### *Caritas Casablanca*

**Address:** Eglise Notre Dame de Lourdes  
Rond-point d'Europe  
20100 Casablanca  
**Tel:** +212 (0) 22 26 35 37  
**Fax:** +222 (0) 25 29 09 60

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### *Caritas Tangier*

**Full Name:** Ramona Telechea  
**Job Title:** Project Coordinator  
**Business Address:** 55, Sidi Bu Abib  
Tangier  
**Tel:** +212 (0) 39 93 63 82 / 10 28  
**Tel (private) :** +212 (0) 39 94 86 93  
**Mob :** +212 (0) 65 12 53 94

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### *Caritas Tangier*

**Full Name:** Maria Rossa  
**Job Title:** Project Assistant  
**Business Address:** 55, Sidi Bu Abib  
Tangier  
**Tel:** +212 (0) 39 93 63 82 / 10 28  
**Tel (private):** +212 (0) 39 94 86 93  
**Mob:** +212 (0) 65 12 53 94

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### *Le Matin du Sahara et du Maghreb*

**Full Name:** Hassan Alaoui  
**Job Title:** Editor in Chief  
**Business Address:** 88 Boulevard Mohamed V  
Casablanca  
**Tel:** +212 (0) 22 30 12 71  
**Fax:** +212 (0) 22 26 29 69  
**Mob:** +212 (0) 65 15 57 38  
**E-mail:** [Alaoui@lematin.ma](mailto:Alaoui@lematin.ma)

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### *Migration and Humanitarian Laws Study and Research Centre Centre d'Etudes et de Recherches en Migration et Droits Humains (CERMEDH)*

**Full Name:** Khadija Elmadmad  
**Job Title:** President  
**Business Address:** BP 5026  
Maarif  
Casablanca 2010  
**Tel:** + 212 (0) 36 59 37 / 23 07 03  
**Fax:** + 212 (0) 25 02 01  
**Mail:** [Cermedh@yahoo.fr](mailto:Cermedh@yahoo.fr)

Funded by a group of academics and practitioners to developing discussion on legal, political, sociological and economic aspects of migration and humanitarian law

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***Ministry of Justice***

**Address:** Place Mamounia  
Rabat  
**Tel:** + 212 (0) 37 73 29 41 / 42  
**Fax:** + 212 (0) 37 73 07 72

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***Ministry of Foreign Affairs***

**Address:** Rue Franklin Roosevelt  
Rabat  
**Tel:** + 212 (0) 37 76 44 14 / 15 28 / 21 83  
**Fax:** + 212 (0) 37 76 55 08 / 46 79  
**Mail:** [mail@maec.gov.ma](mailto:mail@maec.gov.ma)

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***Ministry of Foreign Affairs  
Bureau des Réfugiés et Apartrides  
Direction of Consular and Social Issues***

**Full Name:** Ziane Poste  
**Job Title:** Desk officer  
**Address:** Essada Building  
Hassan II Street, 2<sup>nd</sup> floor  
Rabat  
**Tel:** +212 (0) 37 76 44 64 / 18 / 87 ext. 340

---

***Moroccan Association for Human Rights***

**Full Name:** Abdel Rahman Ben Amr  
**Job Title:** President  
**Address:** Avenue Allal ben Abdellah  
Passage Karakchou  
Escalier B, 4ieme etage  
**Tel:** +212 (0) 37 73 09 61  
**E-mail:** [amdhl@elanonline.net.ma](mailto:amdhl@elanonline.net.ma)

---

***Moroccan Organisation for Human Rights  
Organisation Marocaine des Droits Humains (OMDH)***

**Full Name:** Abdellah Oualladi  
**Job Title:** President  
**Business Address:** 8 Rue Ouargha, Appt. 1  
Residence Volubilis  
Rabat-Agdal  
**Private Address :** Avenue Hassan II  
Passage Tazi, Escalier B  
1ere etage  
**Tel 1:** +212 (0) 37 77 00 60  
**Tel 2:** +212 (0) 22 27 98 30  
**Fax:** +212 (0) 37 77 46 15  
**Mob:** +212 (0) 61 16 12 9  
**E-mail:** [omdh@mtds.com](mailto:omdh@mtds.com) or [omdh@maghrebnet.net.ma](mailto:omdh@maghrebnet.net.ma)  
**www:** <http://www.omdh.org>

---

***Moroccan Organisation for Human Rights  
Organisation Marocaine des Droits Humains (OMDH)***

**Full Name:** Habiba  
**Job Title:** Protection Officer  
**Address:** 8 Rue Ouargha, Appt. 1  
Residence Volubilis  
Rabat-Agdal  
**Tel:** +212 (0) 37 77 00 60  
**Fax:** +212 (0) 37 77 46 15  
**E-mail:** [omdh@mtds.com](mailto:omdh@mtds.com) or [omdh@maghrebnet.net.ma](mailto:omdh@maghrebnet.net.ma)  
**www:** <http://www.omdh.org>

---

***Red Crescent Rabat***

**Full Name:** Bensaoud Badreddine  
**Job Title:** General Secretary  
**Address:** Ex-Palais Mokri  
Youssofia  
BP 189, Rabat  
**Tel:** +212 (0) 37 65 08 98 / 32 80  
**Mob:** +212 (0) 66 27 29 94  
**Fax:** +212 (0) 37 65 2 80  
**E-mail:** [CrM@iam.net.ma](mailto:CrM@iam.net.ma)

---

***Red Crescent Tangier***

**Address:** 6 Rue Mansour Dahabi  
Tangier  
**Tel:** +212 (0) 39 94 69 76 / 25 17  
**Fax :** +212 (0) 39 94 31 00

---

***Refugee***

**Full Name:** Soclo Philip (Liberia)  
**Address:** Hay Arrahma Secteur B  
Rue Port Said no. 80  
Salé, Rabat  
**Mob:** +212 (0) 61 59 24 19

---

***Refugee***

**Full Name:** Mohamed Swary (Liberia)  
**Address:** Sidi Moumen  
171 Rue Kadissa  
Hay Al Qarya  
Casablanca  
**Tel:** +212 (0) 63 62 80 40  
**Mob:** +212 (0) 68 38 19 20

---

***Refugee***

**Full Name:** Jalloh Alpha Abdallah (Sierre Leone)  
**Address:** Salé, Rabat  
**Mob:** +212 (0) 37 69 39 89

---

***Refugee***

**Full Name:** Adam Sherif, Liberia  
**Address:** Salé, Rabat  
**Mob:** +212 (0) 65 98 47 35

---

***Refugee***

**Full Name:** Sheriff Mamo (Liberia)  
**Address:** Salé, Rabat  
**Mob:** +212 (0) 70 35 29 92

---

### ***UNESCO Chair: Migration and Human Rights***

**Full Name:** Khadija Elmadmad  
**Job Title:** Coordinator  
**Business Address:** Faculty of Law, Economics and Social Science  
BP 5026  
Maarif  
Casablanca 2010  
**Tel:** + 212 (0) 36 59 37 / 23 07 03  
**Fax:** + 212 (0) 25 02 01  
**Mail:** [info@migration.ma](mailto:info@migration.ma)  
**www:** <http://www.migration.ma>

The Migration and Human Rights UNESCO Chair has emanated from the UNESCO UNITWIN (North/South twining between universities) and the Chair Programme, through its Forced Migration Network. This programme has started in 1991 with the aim of promoting higher education in southern countries and developing networks and cooperation agreements between institutions in higher education.

---

### ***United Nations High Commissioner for Refugees (UNHCR)***

**Full Name:** Luc Brandt  
**Job Title:** Senior Liaison Officer  
**Address:** 21 Rue de Moineaux  
Casablanca  
**Tel:** + 212 (0) 22 25 33 14 / 31 / 36  
**Fax:** + 212 (0) 22 25 36 48  
**E-mail:** [morca@unhcr.ch](mailto:morca@unhcr.ch)

---

### ***United Nations High Commissioner for Refugees (UNHCR)***

**Full Name:** Aïcha Majnoun  
**Job Title:** National administrator  
**Address:** 21 Rue de Moineaux  
Casablanca  
**Tel:** + 212 (0) 22 25 33 14 / 31 / 36  
**Mob:** + 212 (0) 61 18 80 82  
**Fax:** + 212 (0) 22 25 36 48  
**E-mail:** [morca@unhcr.ch](mailto:morca@unhcr.ch)

---

### ***United Nations High Commissioner for Refugees (UNHCR)***

**Full Name:** Marouane Tassi  
**Job Title:** Interviewer/interpreter  
**Address:** 21 Rue de Moineaux  
Casablanca  
**Tel:** + 212 (0) 22 25 33 14 / 31 / 36  
**Fax:** + 212 (0) 22 25 36 48  
**E-mail:** [morca@unhcr.ch](mailto:morca@unhcr.ch)

---

### ***United Nations High Commissioner for Refugees (UNHCR)***

**Full Name:** Mohamed Mjid  
**Job Title:** Honorary delegate  
**Address 1:** 21 Rue de Moineaux  
Casablanca  
**Address 2 :** 13, Rue de Blida  
Casablanca  
**Tel 1:** + 212 (0) 22 25 33 14 / 31 / 36  
**Tel 2:** + 212 (0) 22 26 65 36  
**Mob:** + 212 (0) 61 19 65 64  
**Fax:** + 212 (0) 22 26 65 49

---

### ***United Nations Development Programme (UNDP)***

**Business Address:** Angle Avenue Moulay Hassan et Rue Moulay Ahmed Loukili  
Casier ONU  
Rabat, Chellah  
**Tel 1:** + 212 (0) 37 70 35 55  
**Fax:** + 212 (0) 37 70 15 66  
**Mail :** [Registry.ma@undp.org](mailto:Registry.ma@undp.org)

---

### ***United Nations Children's Fund (UNICEF)***

**Full Name:** Raja Berada  
**Business Address:** 1, Rue Beni Bouayach  
Angle Avenue Imam Malik  
Souissi, Rabat  
**Tel:** + 212 (0) 37 75 97 41 / 42 / 43 / 45  
**Fax:** + 212 (0) 37 75 97 60  
**Mail :** [rabat@unicef.org](mailto:rabat@unicef.org)

---

### ***Universite Hassan II Ain Chock***

**Full Name:** Khadija Elmadmad  
**Job Title:** Professor  
**Business Address:** Faculte des Sciences Juridiques, Economiques et Sociales  
Route El Jadida  
BP 8110  
Oasis, Casablanca  
**Home Address :** Boulevard Ghandi  
Residence El Mansour  
Imm. 12, Appt. 08  
Casablanca 20101  
BP 5039  
**Tel 1:** + 212 (0) 22 30 705  
**Tel 2:** + 212 (0) 23 65 937  
**Mob:** + 212 (0) 61 31 1 042  
**Fax:** + 212 (0) 22 50 201  
**Mail:** [khadijaelmadmad@yahoo.fr](mailto:khadijaelmadmad@yahoo.fr)

***Universite Hassan II Ain Chock***  
***Research and Training Programme on Migration and the Law***

**Address:** Faculte des Sciences Juridiques, Economiques et Sociales  
Route El Jadida  
BP 8110  
Oasis, Casablanca 20101  
**Tel 1:** + 212 (2) 23 07 05  
**Tel 2:** + 212 (2) 36 59 37  
**Fax:** + 212 (2) 25 02 01  
**Mail:** [migdroit@yahoo.fr](mailto:migdroit@yahoo.fr)

The programme aims at providing theoretical and practical postgraduate teaching in the field of population movements and training lawyers specialising in migration. The programme includes theoretical and practical courses, specialised seminars and training. These are provided during two academic years. The programme is part of the UNITWIN/UNESCO Forced Migration Network which includes five Arab, African and European universities.

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***Universite Hassan II Ain Chock***

**Full Name:** Bahija Jamal  
**Job Title:** Doctoral student  
**Business Address:** Faculte des Sciences Juridiques, Economiques et Sociales  
Migration and Humanitarian Law Research and Study Centre (CERMEDH)  
Route El Jadida  
BP 8110  
Oasis, Casablanca  
**Home Address :** Andalus 4, Rue 17, No. 43-45  
Casablanca  
**Tel:** + 212 68 40 84 83  
**Mail:** [jbahija@hotmail.com](mailto:jbahija@hotmail.com)

Bahija Jamal is writing her Phd on the International Law on the Protection of Refugee Women in Arabic

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### *Universite Hassan II Ain Chock*

**Full Name:** Meriem Afellat  
**Job Title:** Graduate student  
**Business Address:** Faculte des Sciences Juridiques, Economiques et Sociales  
Migration and Humanitarian Law Research and Study Centre (CERMEDH)  
Route El Jadida  
BP 8110  
Oasis, Casablanca  
**Home Address :** Appt. 29 Immeuble 1  
Ferme Brontonu  
Casablanca 20100  
**Tel:** + 212 (0) 65 70 05 76  
**Mail:** [afellatmeriem@hotmail.com](mailto:afellatmeriem@hotmail.com)

Meriem Afellat is writing her master's thesis on migration in the Arab World, with particular emphasis on Libya, Morocco, Tunisia and the Gulf States. 80% of Arab migration is towards Europe; her thesis is concerned with the remaining 20% within the Arab World.

---

### *Universite Hassan II Ain Chock*

**Full Name:** Khadija El Abdellaoui  
**Job Title:** Graduate student  
**Business Address:** Faculte des Sciences Juridiques, Economiques et Sociales  
Migration and Humanitarian Law Research and Study Centre (CERMEDH)  
Route El Jadida  
BP 8110  
Oasis, Casablanca  
**Mail:** [Khadijaelabdellaoui@yahoo.com](mailto:Khadijaelabdellaoui@yahoo.com)

Memoire "le legislation Marocaine relative à le migration et let droits de étrangers au Maroc"

---

### *Universite Hassan II Ain Chock*

**Full Name:** Latifa Nojibi  
**Job Title:** Graduate student  
**Business Address:** Faculte des Sciences Juridiques, Economiques et Sociales  
Migration and Humanitarian Law Research and Study Centre (CERMEDH)  
Route El Jadida  
BP 8110  
Oasis, Casablanca  
**Home Address :** Dar Lamane  
Hay Mohammadi  
BP 35627  
Casablanca  
**Mail:** [Najibi2000@yahoo.fr](mailto:Najibi2000@yahoo.fr)

Latifa Nojibi is researching on the international legal protection of internally displaced people.

## Appendix C. Moroccan Refugee Legislation

### **Décret no. 2-57-1256 du 29 août 1957 fixant les modalités d'application de la convention relative au statut des réfugiés signée à Genève le 28 juillet 1951**

This is the official text of the Decree as published in the Bulletin officiel No. 2341, dated 6 September 1957. The annex mentioned in article 3 of the Decree is omitted here. It was modified by the Decree No. 2-84-846 dated 28 December 1984.

**Article 1 :** La protection juridique et administrative des personnes visées par la Convention de Genève du 28 juillet 1951 relative au statut des réfugiés est assurée par le bureau des réfugiés et apatrides, placé sous l'autorité du ministre des affaires étrangères.

**Article 2 :** Le bureau des réfugiés et apatrides:

- reconnaît la qualité de réfugié à toute personne qui relève du mandat du Haut Commissaire des Nations Unies pour les réfugiés ou qui répond aux définitions de l'article premier de la Convention de Genève signée le 28 juillet 1951;
- délivre aux personnes ci-dessus visées les pièces nécessaires pour leur permettre soit d'accomplir les divers actes de la vie civile, soit de faire appliquer les dispositions de la législation interne ou des accords internationaux qui intéressent leur protection;
- authentifie les actes et documents qui lui sont soumis.

**Article 3 :** Les actes et documents établis par le bureau des réfugiés et apatrides ont la valeur d'actes authentiques. Leur établissement donne lieu au paiement de droits de chancellerie dont le montant est fixé au tableau annexé au présent décret. Exonération partielle ou totale du paiement de ces droits pourra être accordée aux personnes indigentes.

Les droits de chancellerie sont acquittés par les intéressés au moyen de timbres fiscaux apposés par le bureau des réfugiés et apatrides sur les documents et actes qu'il établit.

**Article 4 :** Il est institué une commission de recours, comprenant:

- le ministre de la justice ou son représentant, président;
- le ministre des affaires étrangères ou son représentant;
- le représentant du Haut Commissariat des Nations Unies pour les réfugiés auprès du Gouvernement marocain.

**Article 5 :** La commission des recours est chargée:

(a) de statuer sur les recours formés par les personnes auxquelles le bureau des réfugiés et apatrides aurait refusé de reconnaître la qualité de réfugié;

(b) de formuler un avis quant à l'application des mesures prévues par les articles 31, 32 et 33 de la convention du 28 juillet 1951, et sur recours formé par les personnes tombant sous le coup de ces mesures, soit à la demande des autorités marocaines compétentes. Les recours formés en cette matière sont suspensifs d'exécution, sauf en cas d'urgence constatée par la décision qui ordonne la mesure.

**Article 6 :** Les recours doivent être formés dans un délai de trente jours dans les cas visés au paragraphe (a) de l'article 5, et dans un délai de cinq jours dans les cas visés au paragraphe (b) du même article. Le délai court à compter du jour suivant la notification de la mesure contestée ou l'expiration du délai de six mois constituant décision implicite de rejet.

Ils sont déposés au bureau des réfugiés et apatrides ou peuvent être adressés sous pli recommandé avec demande d'avis de réception. Le bureau des réfugiés et apatrides assure le secrétariat de la commission.

Les décisions de la commission sont motivées. Elles sont définitives.

Les décisions sont notifiées au requérant par lettre recommandée avec demande d'avis de réception.

**Article 7 :** Par dérogation aux dispositions du premier alinéa de l'article 6, le délai ne court qu'à compter de la date de publication du présent décret au Bulletin officiel, en ce qui concerne les recours dirigés contre les décisions notifiées aux intéressés avant cette date.

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