

ELITE

MIGRATION
in the SERVICE of AFRICAN DEVELOPMENT
Essays in honour of Professor Aderanti Adepaju

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Edited by

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Migration Law and Migrants' Rights: An Underdeveloped Branch of Law – the Moroccan Experience

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Introduction

In Africa – as is also generally the case in other regions – studies on migration have developed relatively recently and have attracted researchers and academics from different disciplines.

Some African institutions and some African scholars have been spreading knowledge, training and research in migration studies from the outset. Professor Aderanti Adepaju has contributed a great deal to the development of action, training and research in various fields and notably in migration studies, indeed he could be considered 'Africa's doyen of migration scholarship'. This collective book, written on 'migration in the service of African development' in honour of this great African scholar, comes at an appropriate time.

At present, migration studies in general are relatively well developed in the African continent, but legal studies are still

an underappreciated and underdeveloped branch of these studies. As stated in the presentation of the project of this book, 'migration scholarship in Africa has attracted scholars from different disciplines, among them geography, economics, demography, sociology, anthropology and statistics'. Remarkably, Professor Adepoju, too, has become involved with legal studies on migration, together with some of his colleagues, and some lawyers from universities and specialised institutions in Africa and elsewhere and has published on migrants' rights (notably Atsenewa & Adepoju, 2009). It seems, nevertheless, that there is still a lot to be done regarding the legal aspects of migration.

Legal studies on migration concern migration law with its two branches: law regulating population movements, and law protecting migrants. The first branch includes all laws and regulations relating to entry and sojourn in a given country, and to emigration, as well as sanctioning of any unauthorised immigration, sojourn or emigration. This first branch of migration law is mainly domestic and is based on the concept of the sovereignty of states, and their discretionary power to open or close their borders. It should however normally refer to International Law and to universal and regional legal instruments regarding migration and migrants' rights. The second branch deals mainly with migrants' rights. It aims at protecting all kinds of migrants - internal and international, voluntary and forced, regular and irregular. It is embodied particularly in international legal instruments such as conventions, treaties, declarations and recommendations. States agree to these by ratifying them and undertaking to introduce them into their domestic legislation.

Among the first academic institutions to have introduced legal studies on migration was the Oxford Refugee Programme (which later became the Oxford Refugee Centre) in England, the Postgraduate Programme on Migration and the Law, and

the UNESCO Chair of Migration and Human Rights - the latter two both at **Hassan II University** in Casablanca, Morocco. The International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees were among the first specialised institutions to have developed studies on migration law.

Following the African states' tradition of becoming party to most international instruments relating to human rights and migration, Morocco has ratified a number of international conventions concerning migration and human rights. Since the 1990s, Morocco has been one of the few countries in the world to have initiated legal migration studies by creating specific training and research programmes on migration law - initiated thanks to a collaboration between Oxford University and Casablanca University.

Morocco has contributed, in one way, to the international development of legal migration studies. Today it is among the few African countries to have trained specialists in migration law, to have organised national and international academic meetings relating to the discipline, and to have produced publications on this theme.

This chapter, written in honour of Professor Aderanti Adepoju, describes, first, this great African scholar's work in the field of migration studies in general (especially with regard to legal migration studies), and then specifically on the history and development of legal migration studies and research in Morocco since the 1990s.

Adepoju's contribution to studies and action in the field of migration

Professor Aderanti Adepoju has contributed extensively to the development of migration studies both inside and outside Africa and was the initiator of many specialised publications on migration. He has headed many academic institutions