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EU-Morocco : a win-win partnership?

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Table of Contents

Table of Contents

About the Author :	4
Introduction	5
ECJ Clash and the Renewal of Relations	6
The EU and the Southern Neighborhood: Limited partnership	7
Morocco & the ENP: Learning Leverage	8
What kind of deal?	11
Conclusion	13

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Introduction

Introduction

On 27 June 2019, The EU and Morocco released a joint statement after the Association Council outlining priorities and themes for closer cooperation in the years ahead.¹ This opens the way for a deepening of cooperation across a range of areas over the coming months. The rhetoric from both sides favors a strong and comprehensive partnership and the roadmap is ambitious in its scope, yet this is achieved largely by glossing over differing political values, ensuring that the relationship remains technocratic and largely transactional.

The partnership between the EU and Morocco is one of the most advanced partnerships within the Southern neighborhood of the European Neighborhood Policy (ENP). It includes one of the EU's most advanced trade relationships outside of Europe, as well as a range of initiatives including parliamentary exchanges, cooperation on security and migration, and EU assistance under the European Neighborhood Instrument (ENI) which amounted to around €200 million per year between 2014-2017.²

The holding of this Association Council is an important sign of the mending of the relationship between the two side that was strained in recent years, following the European Court of Justice (ECJ) rulings in 2015 and 2018 that the Association and Liberalization Agreement (which covers agricultural, agro-food and fisheries products), and a separate fisheries agreement, were not applicable to the Western Sahara, over which Morocco claims sovereignty.³ Needless to say, even before that the relationship was troubled.

1 Déclaration conjointe de l'Union européenne et du Maroc suite à la 14^{ème} réunion du Conseil d'Association UE-Maroc (2019). *Conseil de l'Union Européen*. 27 June 2019. Accessed via : <https://www.consilium.europa.eu/fr/press/press-releases/2019/06/27/joint-declaration-by-the-european-union-and-the-kingdom-of-morocco-for-the-fourteenth-meeting-of-the-association-council/>

2 Morocco. *European Commission – Trade*. Accessed via : <http://ec.europa.eu/trade/policy/countries-and-regions/countries/morocco/>. Morocco. *European Neighbourhood Policy And Enlargement Negotiations*. Accessed via : https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/morocco_en

3 Judgement of the General Court (Eighth Chamber) (2015). *InfoCuria - Case-law of the Court of Justice*. 10 December 2015. Accessed via : <http://curia.europa.eu/juris/document/document.jsf?jsessionid=E5B20E5CD0A6405F1DB78F0D627FB5DC?text=&docid=172870&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=2421736>. The Fisheries Agreement concluded between the EU and Morocco is valid in so far as it is not applicable to Western Sahara and to its adjacent waters (2018). *Court of Justice of the European Union*. 27 February 2018. Accessed via : <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-02/cp180021en.pdf>

The EU has consistently sought to promote Morocco's increased economic integration into the European Single Market, and it also considers Morocco an essential ally on security and counter-terrorism cooperation and on preventing irregular migration to Europe. However, the EU's partnerships with Southern neighbors were limited in ambition, even in the case of Morocco that for many decades sought a much closer relationship. On the other hand, Morocco, realizing the limits of the existing relationship, began to focus greater political and diplomatic energy on building relationships in Africa and further afield. It also started to use its growing leverage on security and migration to demand greater economic cooperation and knowledge sharing, whilst adopting an increasingly defiant tone towards anything it sees as political meddling.

ECJ Clash and the Renewal of Relations

Following the ECJ December 2015 ruling, Morocco briefly suspended diplomatic contact with the EU Delegation in Rabat⁴ and relations remained uneasy until January 2019, when an amended version of the Liberalization agreement was adopted by the European Parliament, allowing once more for the inclusion of the Western Sahara and marking a moment of renewal for EU-Morocco relations. An amended Fisheries agreement was adopted soon after.⁵ While campaigners representing the Polisario Front swiftly proceeded to lodge legal challenges at the ECJ against the inclusion of the Western Sahara in the new agreements, the decision of the European Parliament was lauded by Moroccan authorities and media and was perceived as a success of Moroccan diplomacy. During a visit to Rabat in January, HR/VP Mogherini declared: "We are now both looking for a qualitative leap in our relations to build a partnership with regional scope... which lives up to our expectations... and that allow us to achieve our common goals both in the Mediterranean and in Africa."⁶

4 Mogherini heads to Morocco after EU ties suspended (2016). *Euractiv*. 4 March 2016. Accessed via : <https://www.euractiv.com/section/global-europe/news/mogherini-heads-to-morocco-after-eu-ties-suspended/>

5 EU-Morocco Agreement on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement (Resolution) (2019). *European Parliament*. 16 January 2019. Accessed via : http://www.europarl.europa.eu/doceo/document/TA-8-2019-0016_EN.html?redirect

MEPs adopt new Fisheries Partnership with Morocco including Western Sahara (2019). *European Parliament*. 12 February 2019. Accessed via : <http://www.europarl.europa.eu/news/en/press-room/20190207IPR25218/meps-adopt-new-fisheries-partnership-with-morocco-including-western-sahara>

6 Un nouveau chapitre dans la coopération entre l'Union européenne et le Maroc (2019). *European External Action*

The EU and the Southern Neighborhood: Limited partnership

EU and member state officials repeatedly refer to the importance of the EU-Morocco relationship.⁷ Yet, the very structure of the ENP in the Southern neighborhood has functioned to limit potential integration with the Southern neighborhood, even with more ambitious partners such as Morocco. Unlike the countries of Europe's Eastern neighborhood, the countries of the Southern neighborhood cannot aspire to sign association agreements and access the same levels of structural funds as the Eastern neighbors, while the pace of visa liberalization for Southern neighbors has been extremely slow, except in the case of Israel.⁸

The main advances in the Southern neighborhood have tended to focus on trade liberalization, and on narrow economic development and technical assistance. Indeed Morocco has one of the most developed commercial relationships with the EU. This includes a Free Trade Area, established in 2000, liberalizing two-way trade in goods, the Association and Liberalization Agreement mentioned above, the establishment of a bilateral dispute settlement mechanism, and the beginning of negotiations to establish a Deep and Comprehensive Free Trade Agreement (DCFTA) in 2013.⁹ This has been accompanied by growing security collaboration between Morocco, the EU and its member states.¹⁰

However, migration has dominated much of the European agenda in recent years and this impacts its relations with Morocco. While the numbers of people crossing to Europe from Morocco are small when taken in the context of glo-

Service. 18 January 2019. Accessed via : http://eueuropaeas.fpfis.slb.ec.europa.eu:8084/headquarters/headquarters-homepage/56808/un-nouveau-chapitre-dans-la-coopération-entre-lunion-européenne-et-le-maroc_en (Quote translated by author).

7 For example : Un nouveau chapitre dans la coopération entre l'Union européenne et le Maroc (2019). *European External Action Service*. 18 January 2019. Accessed via : http://eueuropaeas.fpfis.slb.ec.europa.eu:8084/headquarters/headquarters-homepage/56808/un-nouveau-chapitre-dans-la-coopération-entre-lunion-européenne-et-le-maroc_en

8 In contrast see : Visa liberalisation with Moldova, Ukraine and Georgia. *European Commission Migration & Home Affairs*. Accessed via : https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en

9 Morocco and the EU (2016). *European External Action Service*. 10 May 2016. Accessed via : https://eeas.europa.eu/delegations/morocco/4347/morocco-and-eu_en

10 Anthony Dworkin and Fatim-Zohra El Malki (2018). The southern front line: EU counter-terrorism cooperation with Tunisia and Morocco. *ECFR*. 15 February 2018. Accessed via : https://www.ecfr.eu/publications/summary/the_southern_front_line_eu_counter_terrorism_cooperation.

bal migration figures,¹¹ the Western Mediterranean route became the key transit route to Europe in 2018 and early 2019. Over the recent months, Spain; which already works closely with Morocco on this front, has consistently advocated for deeper EU-Morocco cooperation on migration as well as greater financial support in order to prevent migrants reaching Spain.¹² As the EU de facto out-sources migration management to Morocco and its neighbors, it has remained publicly silent on Morocco's sometimes poor treatment of migrants and refugees, whilst increasingly funding initiatives that aim to export European norms around migration and asylum management.¹³

Even though the documentation of the ENP consistently refers to democracy and human rights, the European Union's cooperation with Morocco on this theme is limited to relatively technical or symbolic gestures, as elsewhere in the Southern Neighborhood. This includes parliamentary exchanges between the Moroccan and EU parliaments, bilateral technical consultations, including human rights, and support for the NGO sector. Thus, while the EU lauded Morocco's new constitution in 2011 and the perceived advance of democratization in the country, it has since remained publicly silent on important questions of democracy, human rights and rule of law. This was particularly notable following the repression of the protest movement in the Rif, known as the Hirak and miner's protests in Jerada, and the harsh sentences meted out to the Hirak leaders in summer 2018, and recently upheld by the Appeal Court in Casablanca in April 2019.

Morocco & the ENP: Learning Leverage

The EU is an important partner for Morocco given its geographical proximity and the scale of its economic and human ties with the EU. The EU continues to be Morocco's most important economic partner by a large margin, re-

11 64,298 migrants arrived in Spain from Morocco in 2018, compared with 27,834 the previous year.

12 Maria Martin (2019). España redobla la presión en la UE para dar más fondos a Marruecos. *El País*. 25 May 2019. Accessed via : https://elpais.com/politica/2019/05/24/actualidad/1558721313_924409.html

13 Interview with EU officials, Brussels, 15 February 2019. Telephone interviews with EU official, 20 June 2019. Interviews with Spanish officials, Madrid, 25-26 March. I also wrote about this in more detail in Chloe Teevan (2018). Morocco, the EU, and the migration dilemma. *ECFR*. 19 November 2018. Accessed via : https://www.ecfr.eu/article/commentary_morocco_the_eu_and_the_migration_dilemma

presenting 59,4% of its trade in 2017, including 64,6 % of its exports.¹⁴ EU countries also accounted for at least 70 per cent of FDI into Morocco in 2018.¹⁵ Furthermore, the Moroccan diaspora in the EU represents an important human tie, as well as an important source of remittances, which globally represent 6.2 per cent of Moroccan GDP, with the majority coming from the EU.¹⁶

However, having for decades sought a more ambitious relationship with the EU, a change in Morocco's attitude towards the EU and wider foreign policy has been visible since 2008. The combination of the economic crisis in Europe and the lack of perspective regarding its relationship with the EU led to a shift in Morocco's rhetoric and a growing multilateralism in its policies, most notably encapsulated by its Africa Policy. At the same time, in its relations with Europe, Morocco has become increasingly demanding on the economic front and less willing to concede on the political front, demanding instead a relationship on an equal footing. This reflects Morocco's sense of growing leverage, its increasing political and diplomatic self-confidence as a result of its widely touted Africa policy and deepening relations with other regional and global powers such as China and Russia.

This shift in positions is notable in two speeches delivered on behalf of Moroccan King Mohammed VI outlining Morocco's vision for the relationship with the EU. The first at the 2010 Morocco-EU Summit in Grenada, soon after signing an agreement of "advanced status" in 2008, called for more comprehensive cooperation in development across a wide range of fields in order to complement the deepening trade relationship, strengthen diaspora politics and enhance social relations through education, while emphasizing Morocco's intention to consolidate democracy.¹⁷

14 Morocco Trade Picture (2019). *European Commission*. 7 May 2019. Accessed via : http://ec.europa.eu/trade/policy/countries-and-regions/countries/morocco/index_en.htm

15 Author's own calculations. Based on : Investissements directs étrangers au Maroc : Recette par Pays (2019). *Office des Changes, Maroc*. Accessed via : <https://www.oc.gov.ma/fr/etudes-et-statistiques/series-statistiques>

Migration and Remittances. Recent Developments and Outlook (2019). *Knomad - World Bank Group*. April 2019. p. 16
20. Accessed via : <https://www.knomad.org/sites/default/files/2019-04/Migrationanddevelopmentbrief31.pdf?fbclid=IwAR0LojKV3GdQUzujL1YwZSJnf1-vxbKdhrGPYFmYMHCAdnXO-E9Xuyh3zLQ>

17 Discours de Sa Majesté le Roi au 1er Sommet Maroc-UE Grenade (2010). *Royaume du Maroc Ministère des Affaires Etrangères et de la Coopération Internationale*. 7 March 2010. Accessed via : <https://www.diplomatie.ma/Politique/C3%A9trang%C3%A8re/MarocetlUnioneurop%C3%A9enne/tabid/138/vw/1/ItemID/221/language/en-US/Default.aspx>

Nine years later, at this year's EU-Arab League Summit, the King's speech has grown more assertive. Regional security had replaced reference to democracy, and the speech emphasized the principle of sovereignty and the importance of non-intervention in domestic affairs. There is also a growing emphasis on the economic inequalities inherent in the relationship between the EU and its Southern neighbors, including, for example, the trade imbalances that favor Europe. Furthermore, whereas in 2010 the Moroccan King "pleaded" for greater European support to development, by 2019 the King's language has remarkably changed as he speaks of Europe's "responsibility" to aid development in the Arab world. He also calls for the common management of questions of migration and counter-terrorism by means of an integrated approach based on shared responsibility and common development.¹⁸ It is perhaps significant that this speech was delivered against the backdrop of on-going socio-economic contestation across Morocco, which has led the Moroccan government to deliver a series of promises regarding the provision of jobs, education, healthcare, decentralization of investments, and much more.

Morocco's discourse towards the EU has crystalized, dropping references to democratization and taking an increasingly self-confident tone in order to make the partnership deliver as much as possible within the limits of the ENP. Morocco's response to the ECJ rulings provided one clear example of how Morocco, despite its relative size and power, manages to punch above its weight in its relations with the EU. Morocco thus showed a willingness to limit cooperation with the EU—albeit not with member states - until the issue was solved in a manner that protected Morocco's national interests. European concerns about last (2018) year's rising migration numbers through the Western Mediterranean have provided Morocco with additional leverage in negotiating greater development support, particularly given the EU's increased tendency to link development aid and trade with migration cooperation.¹⁹

18 Discours de SM le Roi Mohammed VI au premier Sommet arabo-européen (2019). *Royaume du Maroc Ministère de la Culture et de la Communication*. 25 February 2019. Accessed via : <http://www.maroc.ma/fr/discours-royaux/discours-de-sm-le-roi-mohammed-vi-au-premier-sommet-arabo-europeen>

19 See North of Africa page of the *European Commission EU Emergency Trust Fund for Africa*. Available via : https://ec.europa.eu/trustfundforafrica/region/north-africa_en

What kind of deal?

There has been much speculation about the EU cutting a Turkey style deal with Morocco, but in light of the much smaller numbers of migrants entering the EU from the Western Mediterranean this seems unlikely. Furthermore, despite the willingness of the Moroccan government to use active diplomacy when deemed necessary, Morocco is more interested in using its leverage with the EU to develop a wide-ranging relationship between equal parties. This is exactly what the Joint Statement promises, setting out a new “partnership for shared prosperity” and “a partnership of equals” that is to be structured across four areas (shared values; economic convergence and social cohesion; shared knowledge; political consultation and security cooperation) and two crosscutting axes (environment and climate; migration and mobility).²⁰

There is a clear sense throughout the statement that the EU is accepting the responsibility to assist Morocco’s development, not simply through traditional aid projects, but through a more flexible approach to trade and through exchanges of knowledge and technology. Beyond this, the priorities outlined also include multiple areas of importance to Morocco’s soft and hard diplomacy. The inclusion of environment and climate change as a crosscutting theme will allow Morocco to reinforce its role as a green leader, while the commitment to foreign and security cooperation in the Sahel and West Africa has the potential to further enhance Morocco’s growing influence in the region.

It is also likely that European concerns about migration will make the EU more receptive to increasing technical and budgetary support to Morocco when a new strategic framework is elaborated to start in 2020. Concerns about migration are also evident in the focus on inclusion and opportunities for youth that is evident throughout almost all of the areas of cooperation, most notably in the focus on shared knowledge and skills. Visa facilitation, which is one of the EU’s main points of leverage with Morocco, will be linked to the reopening of nego-

²⁰ Press Release, Joint declaration by the European Union and Morocco for the fourteenth meeting of the Association Council, *European Commission*. 27 June 2019, Accessed via: <https://www.consilium.europa.eu/en/press/press-releases/2019/06/27/joint-declaration-by-the-european-union-and-the-kingdom-of-morocco-for-the-fourteenth-meeting-of-the-association-council/>

tiations around a Mobility Partnership, which Morocco had called off in 2015, and which the EU is eager to resume.

These negotiations sought to link closer cooperation on migration management with easier access to visas for Moroccan citizens. Morocco previously walked away from these negotiations due to disagreements around the EU's request that Morocco should accept the return of third-country nationals. In order to restart these negotiations, both parties are likely to agree to greater flexibility in how the negotiations are structured, particularly as Morocco does not want to be seen as Europe's policeman.²¹

It is worth mentioning that Morocco's "political stability and the reforms it has undertaken" are highlighted as reasons why Morocco is a key partner for the EU in the region. The statement also makes reference to shared values of democracy, human rights and rule of law. On this front of democratization and human rights, no solid initiatives are elaborated on, and unsurprisingly references to regional challenges and insecurity are far more present throughout the statement. It states a joint commitment to multilateralism and favors continued cooperation on counter-terrorism, on dealing with criminal networks, and on peace and security in the Sahel and further afield, with the possibility of Morocco participating in EU CSDP missions. Thus, the commitment to security and counter-terrorism cooperation once more appears to be prioritized than the attachment to shared political values.

Another priority for the EU - that was reflected in the Joint Statement - is the revival of negotiations over a Deep and Comprehensive Free Trade Agreement (DCFTA), allowing for the progressive integration of Morocco into the European Single Market. Negotiations, which began in 2013, were also suspended by Morocco in 2014 in order to carry out an impact study due to concerns about the effects the DCFTA would have on certain sectors and indeed on the wider economy.²² The EU is now seeking to sweeten its offer with the prospect of visa liberalization, which Michael Köhler, Director General for the Southern Neigh-

²¹ Press release : Migration and mobility partnership signed between the EU and Morocco (2013). *European Commission*. 7 June 2013. Accessed via : http://europa.eu/rapid/press-release_IP-13-513_en.htm. Interview with EU officials, Brussels, 15 February 2019. Telephone interview with EU official, 20 June 2019.

²² Ayoub Naïm (2016). Négociations sur l'ALECA : Le Maroc toujours en «stand-by». *LesEco.ma*. Accessed via : <http://www.leseco.ma/economie/53670-negociations-sur-l-aleca-le-maroc-toujours-en-stand-by.html>

borhood at the European Commission, has stated would be essential to the liberalization of services that the DCFTA envisages.²³ EU officials also argue that increased trade is key to development and job creation in the Southern neighborhood, but in Tunisia, where negotiations around a DCFTA are more advanced, there are reservations from multiple economic actors, including from the UGTT, Tunisia's main union, from sectoral organizations representing elements of business and agriculture and from some civil society organizations.²⁴ It is likely that the renewal of negotiations around a DCFTA would also face renewed opposition within Morocco, and it is perhaps on account of this that cooperation on economic governance and development is closely intertwined with the DCFTA in the Joint statement, while there is also a recognition that the rolling out of the DCFTA should be gradual.

Conclusion

Morocco has become much more pragmatic about how to get what it needs from the partnership, whilst also building a more multilateral foreign policy. The combination of the high level of Moroccan trade with the EU, the potential for greater EU technical assistance and budgetary support and the scale of the Moroccan diaspora in Europe all mean that Morocco is likely to continue to invest in this relationship for many years to come, even as the Kingdom's intense international diplomacy has allowed the Kingdom to develop a wider political and diplomatic network. This has given Morocco increased political confidence, but has not yet considerably lessened its economic dependency on the EU. The new partnership offers the promise of further EU investment, development cooperation and knowledge sharing, which will all play a role in fulfilling some of the ambitious development promises made by the Moroccan government since the outbreak of the Hirak since late 2016.

The EU's willingness to now embrace a more ambitious partnership with Morocco is undoubtedly linked with its concerns regarding stability in the Southern neighbourhood, and its desire to prop up a valued partner on security,

²³ Abdelali El Hourri (2019). ALECA : L'Europe veut relancer les discussions avec le Maroc. *Medias24*. 26 May 2019. Accessed via : <https://www.medias24.com/aleca-l-europe-veut-relancer-les-discussions-avec-le-maroc-2386.html>

²⁴ Bettina Rudloff and Isabelle Werenfels (2018). EU-Tunisia DCFTA: Good Intentions Not Enough. *SWP Comment*. Nov. 2018. Accessed via : https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C49_rff_wrf.pdf

migration and trade. It appears to have become more willing to adopt a flexible approach on trade and mobility so as to reopen negotiations in these areas, and the Joint Statement also shows a growing appreciation of the inter-linkages between trade, development, and mobility, which is a major advance from the European perspective. However, it is still questionable whether this approach will really support greater stability in Morocco as long as it treats Morocco's problems as largely social and economic, ignoring the political system that underlies many of these economic failures and that many have lost confidence in. Newly published Arab Barometer data shows that 49 per cent of Moroccan adults polled supported rapid political change, the highest amongst the various countries polled by the Arab Barometer.²⁵ This begs the question whether partnerships driven by a technocratic approach to trade, development and security are truly the best recipe for supporting stability in Morocco, and indeed in the wider Southern neighborhood.

25 Could Morocco see the next uprising, after Sudan and Algeria? (2019). *BBC*. 27 June 2019. Accessed via : <https://www.bbc.co.uk/news/world-africa-48771758>. For further background on recent political context, see : Mounia Bennani-Chraïbi (2017). « **Le roi est bon, la classe politique est mauvaise** », **un mythe à bout de souffle ?** *Tafra*. 17 August 2017. Accessed via : <http://tafra.ma/le-roi-est-bon-bout-de-souffle/>.
Intissar Fakir (2017). Morocco's Islamist Party: Redefining Politics Under Pressure. *Carnegie Endowment for International Peace*. 28 December 2017. Accessed via : <https://carnegieendowment.org/2017/12/28/morocco-s-islamist-party-redefining-politics-under-pressure-pub-75121>.



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