Morocco at the European Neighbourhood Policy: the settlement of a privileged relationship[1]

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Abstract

The current article analyses the EU–Morocco relationship in the framework of the European Neighbourhood Policy (ENP) during its first five years. The aim is to prove that Morocco has settled a privileged relationship with the EU due to its collaboration in the migration and security field.

The paper analyses the unilateral European conception of the migration and security policy and its implementation within the bilateral framework of the ENP in the Euro-Moroccan relations.

At the same time, the Moroccan strategies to consolidate the privileged relationship by cooperating in some fields and not in others are examined.

Keywords: migration, security, Morocco, international relations, European Neighbourhood, Euro-Mediterranean Partnership, MENA.

Resumen

Este artículo analiza las relaciones UE-Marruecos en el marco de la Política Europea de Vecindad (PEV) durante sus primeros cinco años. El objetivo es probar que durante este periodo Marruecos

consiguió consolidar una relación privilegiada con la UE como consecuencia de su colaboración en los ámbitos de política migratoria y seguridad.

El artículo analiza la concepción unilateral de la política migratoria y de seguridad por parte de la UE y aplicación dentro del marco bilateral de la PEV en el caso euro-marroquí. Igualmente, nos aproximaremos a las estrategias marroquíes con el fin de consolidar la relación de privilegio a través de la cooperación selectiva en ciertos ámbitos y no en otros.

Palabras clave: migraciones, inmigración, seguridad, Marruecos, relaciones internacionales, vecindad europea, Asociación Euromediterránea, MENA.

Introduction

The arrival of the European Neighbourhood Policy (ENP) was seen by Morocco as an opportunity to develop a fully bilateral relationship with the EU: the kind of partnership that it had always wanted, in the form of bilateral interlocution, not leaning or depending on the relationship with other regional countries. Thus, this initiative was happily welcomed by delegated minister Fassi Fihri, highlighting that King Mohamed VI in 2000 had already proposed a bilateral relationship in the framework of a more flexible Euro-Mediterranean Partnership (EMP) (Fernández-Molina, 2015).

Why is the ENP different? The ENP offers a bilateral relationship to the partners in the progression towards some commonly agreed achievements. Before this, the design of the Euro-Mediterranean Partnership (EMP) did not allow the possibility of asymmetrical relationships among the countries of the partnership.

This paper focuses on the period 2005–2010 between two critical junctures: the launching of the ENP, a process of global political reorganisation of the European policy towards its southern neighbours, and the beginning of the Arab revolts, which changed the way in which the region was perceived. We assert that, during this five-year period, Morocco was capable of settling a privileged relationship with the EU that had already started with the EMP (Morocco was already the biggest beneficiary from the MEDA's fund allocation), taking advantage of the bilateral possibilities of the new framework.

To focus on the reasons behind this relationship, four topics emerge as being especially politically relevant to the evaluation of the progress: democracy, human rights, security, and migration. The literature has explored the democracy and human rights fields widely and discarded them as relevant to an explanation of this progress (Bicchi, 2009; Cavatorta et al., 2008; Fernández Molina, 2013; Govantes, 2013, 2018). The lack of relevant progress in the promotion of democracy has been evinced by some of the most relevant democratic indexes, not only in Morocco but in the entire South Mediterranean neighbourhood (Bertelsmann Transformation Index, 2005-10; Economist Unit Index of Democracy, 2005–10; Freedom House, 2005–10).

Hence, this paper focuses on the topics of security and migration, considering them to be more able to justify this quality relationship. These topics have an extraordinary strategic interest for the EU, but, contrary to the former, do not affect the internal political dynamics of Morocco, only its foreign policy.

Subsequently, we propose the following hypotheses:

1) Morocco succeeded in consolidating a privileged relationship within the ENP.

2) There is a strong correlation between Morocco's cooperation in the security and migration fields and the quality of the relationship with the EU.

To analyse the proposed hypotheses, we propose a review of the scientific literature, statistical data, and legal literature as well as interviews in the field. The aim is to verify these hypotheses through an understanding of the construction of the European migration policy as the main dimension of the security policy, its institutionalisation within the ENP, and Morocco's role in it.

To approach the subject, historical institutionalism (Hall & Taylor, 1996; March & Olsen, 1984; Sewel, 1996) is taken as the main theoretical approach. The institutionalist approach is applied mainly to the ENP and to the institutionalisation of the migration policy within the EU. This choice is based firstly on the fact that the ENP and the EU decision making are strongly conditioned by institutionalised procedures and secondly on the fact that Morocco uses the institutionalised procedures to try to exert an effect on the EU decision process.

The paper is organised as follows. Section 1 provides an overview of the European security policy until 2005. Section 2 presents the migration policy of the EU, focusing on its institutionalisation and its external and internal dimensions. Section 3 analyses Morocco's policy in the fields of migration and security policy in the ENP. Section 4 develops the discussion, and, finally, the conclusions bring the threads together and project future developments.

Overview of the European security policy until 2005

The level of security awareness of the EU was low until the 11 September terrorist attack. The attacks in Casablanca (Morocco) in 2003 and Madrid (Spain) in 2004, with the implication of Moroccan and other North African nationals, officially set the Mediterranean space as an 'area of strategical interest' (International Institute for Strategic Studies, 2004). These attacks had a direct impact on the reinforcement of the Schengen measures of internal security and the introduction of security features into the Euro-Mediterranean relations.

In 2003, the EU developed its new security strategy with the *European Security Strategy* (ESS) (EU Council, 2003). The ESS contemplates, as the key threats to the EU's security, terrorism, the proliferation of weapons of mass destruction (WMDs), regional conflicts, state failure, and organised crime. To deal with these threats, the EU is improving its strategies to confront them, considering that they cannot be faced exclusively by military means but require a multifaceted intervention. Among these measures, we can highlight the actions for tracking the funding of terrorist activities, the promotion of democracy, and the impulse for effective multilateralism, including the United Nations (UN), the North Atlantic Treaty Organization (NATO), and regional organisations.

Regarding the south Mediterranean space, the ESS remarks on the necessity of a safe and democratically well governed Mediterranean neighbourhood and the solution of the Middle Eastern intraregional conflicts, especially the Israeli–Palestinian conflict. In relation to the transfer of these priorities to the Euro-Mediterranean cooperation, it is worth mentioning that security topics were practically absent from the Euro-Mediterranean summits until 2002. At the Valencia summit in 2002, justice and interior (JAI)-related topics gained remarkable importance that they had never had before (Echevarría, 2005; Khader, 2010). The EU had changed its priorities, and the South Mediterranean partners (SMPs) adapted to these changes.

From then on, the new generation of Euro-Mediterranean Association Agreements contained clauses on security cooperation related to counter-terrorism. These clauses were signed with non-

democratic countries, some of them with serious shortages in human rights protection, which have received several criticisms, especially regarding the disadvantages of this cooperation.

Hanggi and Tanner (2005) pointed out the case of Algeria, which received carte blanche for its security sector as well as its arms trade and defence policies. These authors also called attention to the fact that placing the priority on security was detrimental to the respecting of human rights. They presented the example of Morocco's management of the Casablanca bombing in 2003, which concluded with more than 2,000 people being randomly arrested and 17 people convicted to death (Human Rights Watch, 2004).

The 2005 Euro-Mediterranean Summit of Barcelona launched a new strategy based on the global approach to security issues.[2] The security policy of the ESS was added to the EMP through the first (political and security partnership) and third (social, cultural, and human partnership) pillars. The first pillar focuses on measures to promote democracy and human rights and the third pillar on the implementation of political security through the border control. The incorporation of the migration policy into the third pillar means the de facto creation of a fourth pillar concerning migration (El Qadem, 2010; Ferrero, 2008) and the recognition of the future role of migratory flows in the future relationship of the EU with the SMPs.

These are the two axes proposed to apply the security measures of the ESS through the ENP. Due to the space limitation and the priority elements of the current proposal, the following pages will focus firstly on the migration policy – considered mainly as a piece of the European global security policy – and secondly on general security issues.

Migration policy of the EU

The beginning of a project of a common migration policy in the EU started with the Schengen Agreement. This agreement, signed in 1985 by five EU Member States,[3] established a customs union implying the suppression of internal borders as part of the recognised free circulation of people, goods, and services.[4] The border suppression implied greater cooperation on border control and amongst the police corps.

Although the Schengen Agreement entered into force in 1995 for the five founding members plus Spain and Portugal, it became communitarian after the Amsterdam Treaty (1997). It entered into force for almost all the EU Member States in January 1999. After the communitarisation, the Schengen borders became practically the EU's borders.

Soon afterwards, the European Council of Tampere decided to implement the readmission principle as a key element of the international relations with third countries (Khader, 2010). Following Tampere, there was a brand new approach to the migration policy; several measures were applied in a logic of linking security and border control. In the new conception, the action concerning migration was developed on two axes as a home policy and as a foreign policy.

The conception of the migration policy as a new communitarian home policy included measures for self-protection comprising biometric control, intelligence cooperation, and the creation of the agency for border control, FRONTEX. The conception of the migration policy as part of the foreign policy included externalisation of part of the migration and asylum competences through political

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[2] Euromediterranean Partnership (2005), 10th Anniversary Summit, Barcelona, 27–28 November 2005 – five-year work programme.
[3] The Schengen Agreement was signed on 14 June 1985 by Belgium, France, Germany, Luxembourg, and the Netherlands.
[4] Further information is available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al33020

and economic incentives (Khader, 2010; Schulmann & Le Clève, 2012; Weber, 2009; Wintoh de Wende, 2005).

1. Migration policy as a home affairs policy

The communitarisation of the Schengen Agreement brought the EU a feeling of border vulnerability due to the fact that any individual succeeding in passing through an external border of the EU can circulate easily throughout the EU territory. Connected with this feeling of vulnerability, the EU has adopted several measures to control migratory flows characterised by unilateralism[5] and the use of technological progress, like the application of biometrics to border control (Khader, 2010; Schulmann & Le Clève, 2012).

In line with this approach, some of the measures adopted in the first years were the following. In 2000, the EU launched EURODAC,[6] a system for controlling asylum applicants through fingerprint control and the use of biometric data. In 2001, the EU hardened its visa policy towards the Middle East and North African (MENA) countries. The negotiation of readmission agreements with third countries started to include visa conditions (Nikiel, 2012). In 2004, the EU launched the European Border and Coast Guard Agency (FRONTEX)[7] as the ultimate mechanism to organise the border control among its members (Casella-Colombeau, 2012). In 2006, the Schengen border code[8] was approved to regulate the legal aspect of integrated border management and the rules for crossing the EU's external borders. In 2007, the EU created Rapid Border Intervention Teams (RABITs)[9] to ease the reinforced assistance for a limited time in border areas to deal with urgent situations concerning a large number of illegal migrants (Khader, 2009). In 2008, the new Visa Information System (VIS)[10] was launched.

Ten years later, these measures adopted under the conception of building a bunker within Europe had not succeeded in reducing the legal or illegal migratory flows (Khader, 2010). Paradoxically, the EU officially aimed to promote legal and ordered immigration, but it focused its efforts on illegal migration and lacked a clear legal migration model (Ferrero & Pinyol, 2008).

Regarding the visa policy, the EU elaborated a list of countries that require entry visas to access the territory linked to a security risk, political reasons, or a terror threat (Bigo & Guild, 2003). All the countries on the list are underdeveloped countries (Weber, 2009), including all the North African ones. Due to this general imposition of visas in the Maghreb, a large number of human trafficking mafias emerged to take advantage of the document falsification possibilities.

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[5] The EU missed the chance to take advantage of the multilateral (EMP) and bilateral (ENP) frameworks to design a common strategy with the South Mediterranean partners.
[6] Council Regulation (EC) No. 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.
[7] Council Regulation (EC) No. 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.
[8] Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).
[9] Regulation (EC) No. 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No. 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers.
[10] Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

Regarding the FRONTEX border control, it lacks global planning, acting frequently through fast intervention mechanisms in 'hot areas' via RABITs (Ritaine, 2012). This author equally asserts that dramatisation of the land border has occurred, with insufficient attention being paid to the fact that the majority of the illegal flows involve people entering legally through the airports and overstaying.

2. Migration policy as a foreign affairs policy

The greatest novelty of the migration policy after Tampere (European Council, 1999) is its use as part of a wider foreign policy towards third countries. Within this conception, the highlight is the readmission agreements, which are planned to be applied as a general rule to every agreement signed by the EU with third countries. This is explicitly addressed in the conclusions document of the Tampere European Council:

> The Amsterdam Treaty conferred powers on the Community in the field of readmission. The European Council invites the Council to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries. Consideration should also be given to rules on internal readmission.

Logically, the readmission agreements are the keystone of the externalisation policy, but there are other policies in the same direction that complement it. More remarkable are the policies for externalising some of its duties regarding border control and asylum demands to third countries.

The migration policy as a tool of the foreign policy is used by the EU in all its political agreements, including the EMP or ENP, and in its bilateral relations with every southern Mediterranean country.

2.1 Readmission agreements

A readmission agreement is a juridically binding action based on reciprocal obligations between the EU and the third countries to facilitate the return of illegal migrants to their country of origin or to the country from which they entered. It is considered to be a fundamental tool to fight illegal migration within the EU framework (Charles, 2007).

Before the Tampere European Council in 1999, this procedure was already used bilaterally with some countries. Tampere's line of generalising its use in foreign relations was deeply rooted in the *Proposal for a comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union*[11] and at the Seville European Council in 2002.

After 1999, the EU or its Member States on a bilateral basis signed a wide network of readmission agreements with third countries. The compensation offered by the EU to its counterparts were generally visa-related, such as job offers for certain categories of workers or measures for the better integration of nationals living abroad (Fajardo Gallardo, 2007). Nevertheless, the EU did not succeed in signing global readmission agreements with Morocco or Algeria.

The readmission agreements are logically asymmetrical. Therefore, there has always been a debate regarding the incentives for third countries to accept an agreement of this nature or the risks of expelling migrants to countries that are not respectful of human rights.

Human Rights Watch (HRW) (2009) and Migreurop (2012) have frequently reported the defencelessness situation of migrants after they are deported to third countries. They have

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[11] *Official Journal* C 142 of 14 June 2002.

reported the frequent use of torture and the non-respect of human rights, showing special concern for children (HRW, 2009). Regarding Morocco, several cases in which migrants have been abandoned in the desert next to the Algerian border have been reported (Weber, 2009).

In line with this, Charles (2007), in a report on the demand of the Human Rights Subcommittee of the European Parliament, pointed out that these agreements do not guarantee the respect of human rights of the Geneva Convention. She emphasised the risk of torture, presenting the cases of Russia and Ukraine formerly reported by ACNUR,[12] and the lack of guarantees of human rights in Morocco and Algeria, which had ongoing negations.

2.2 Externalisation of border control or asylum duties to third countries

After the Tampere (1999) and Seville (2002) European councils, a new policy was launched on the basis of the delocalisation of the border, which Weber (2009) called the emancipation of the classic linearity of borders. After a pilot experience in 2004 with the creation of several detention centres in the Maghreb, Libya, and Mauritania, in October 2004, Libya signed an agreement with Italy for the construction of new centres and the evacuation of migrants towards these centres in exchange for economic compensation (Wihtol de Wenden, 2005). Despite the complaints of NGOs regarding the terrible living conditions of the migrants, Berlusconi and Gaddafi renewed this agreement for 25 years in 2008 (Rodier, 2012).

The proliferation of detention centres was extensive after 2004 on both sides of the Mediterranean. These centres were used as classification centres for channelling the administrative procedures (transiting migrants, asylum demanders, documented migrants, undocumented migrants, etc.) (Ritaine, 2012; Weber, 2009). This role was empowered after the approval of the return directive in 2008.[13]

The use of these external centres frequently occurs without a proper guarantee of human rights protection. This situation also happens in the centres installed within the EU territory. In particular, the Council of Europe's Anti-Torture Committee, after visiting several migrants' detention centres in 2011 and 2012 in Spain, pointed out serious deficiencies. Among them, they declared that the conditions of the detention centres were frequently too similar to the ones found in prisons, requesting the Spanish authorities to create a less restrictive atmosphere. The committee also reported the Spanish Government for presumed racist comments and physical abuse of migrants in the centres (Castro, 2013).

To finish this section, it is necessary to approach another case of the externalisation of the foreign policy to third countries' territory: the immigration liaison officers' network and the measures to force carriers to act as a European migration authority. Immigration liaison officers (ILO) are representatives of the Member States in a third country, their duty being to ease the EU's fight against illegal migration[14] under its consulate supervision. Most of the ILO controls occur at airports and in transit zones in cooperation with local authorities and airline companies (Casella-Colombeau & Clochard, 2012; Khader, 2009).

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[12] Cited opinion by Charles (2007).
[13] Directive 2008/115/EC – common standards and procedures for returning illegally staying non-EU nationals.
[14] Council Regulation (EC) No. 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network, *Official Journal* L 064, 02 March 2004, pp. 0001–0004.

The pressure on carriers (airline, train companies, etc.) to work as a European migration authority is regulated by Council Directive 2004/82/EC.[15] This directive obliges the companies to control the travel documents and visas at origin, denying access if necessary. Carriers are obliged to act as a European migration authority to avoid financial penalties.

Morocco at the ENP

1. Migration policy in the Euro-Mediterranean space prior to the ENP

In 1995, when the Schengen Agreement entered into force for the first seven member states, the Barcelona declaration officially launched the EMP. As previously asserted, the migration policy as a security policy started to be relevant to the EU later, especially after the Mediterranean was officially declared to be an 'area of strategical interest' (International Institute for Strategic Studies, 2004), obliging the partner countries to safeguard the borders leading to the EU (Beauvau, 2004).

Beforehand, in 2000, the migration policy started to gain weight in the EMP. This change was observed in the Euro-Mediterranean Association Agreement (EMAA) between the EU and Morocco (2000). The main aim of this EMAA within the social, cultural, and human partnership was the control of illegal migration entering the EU through the Moroccan border. The new relevance of the topic is not surprising, especially considering that Morocco's border became the main point of access to the EU of sub-Saharan migrants after 2000 (Di Bartolomeo et al., 2009).

The EU, since 2000, has put considerable pressure on Morocco to sign a global readmission agreement (RA) with the EU. This RA would include Morocco's acceptance of third countries' migrants entering the EU from its coasts (EU–Morocco Association Council, 2000, 2001, 2002, 2004). This topic is especially sensitive for Morocco for several reasons, strategically and linked to its foreign policy. The management of other African countries' migrants, returning them to their country of origin, may provoke regional tensions and affect its commercial relations with its neighbours.

Other topics related to the collaboration of Morocco with the EU migration policy within the EMP were not as controversial. The EU, in the EU–Morocco Association councils prior to the birth of the ENP (2000, 2001, 2002, 2004), congratulated Morocco for its effectiveness in border control and for its leadership of the Euro-African summits.

On the other hand, as the migration question became more relevant, it was perceived that the EMP framework did not offer the features necessary for its proper implementation. The EMP was a multilateral framework, which did not allow variable geometry among its partners. These unilateral externalisation measures did not fit accurately into a multilateral framework. Therefore, the arrival of the ENP moved the political and financial action (though the European Neighbourhood and Partnership Instrument – ENPI) to the ENP, which offers the possibility of bilateralism and positive conditionality with every partner.

2. Migration policy of the ENP

With its objective of creating a ring of friends covering the area between the EU and Sub-Saharan Africa (Del Sarto & Schumacher, 2005), the ENP was an ideal framework in which to apply the EU's externalisation policies. The ENP serves this aim appropriately because it was conceived as an

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[15] The Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data.

asymmetrical framework based on positive conditionality. It allows the EU to implement its externalisation policy by negotiating the conditions individually with every southern Mediterranean country through readmission agreements and/or through the externalisation of detention centres (El Qadim, 2010; Weber, 2009; Wihton de Wenden, 2005). The bilateral basis of the ENP is especially interesting to Morocco, which sees this as a possibility to settle a profound bilateral relationship with the EU, not conditioned by third countries.

Moreover, in the 2005–2006 period, €250 million was allocated to assisting the southern Mediterranean countries in immigration and asylum-related actions.[16] From 2007, the political and financial weight of the migration policy moved from the EMP (later the Union for the Mediterranean – UFM) to the ENP after the ENPI replaced the MEDA as the Euro-Mediterranean funding instrument.

In the ENP, the relationship of the EU with every partner is tailored through Action Plans signed bilaterally. An Action Plan establishes measurable objectives in the short and medium terms to be evaluated yearly as part of the so-called 'reinforced political dialogue' (Aliboni, 2005). This fact strengthens the potential power of positive conditionality to change the behaviour of actors through incentives.

The cooperation between the EU and Morocco in the migration field will be analysed through the dissection of the EU–Morocco Action Plan (AP)[17] and the subsequent evaluation progress reports by the EU. The AP introduces the migration policy in the Cooperation in Justice and Home Affairs (CJHA) section. Other topics of this chapter are the fight against money laundering and organised crime. The positioning of the migration policy within this section projects a criminalised perception of the phenomenon related to a security-related perspective on the topic.

In the AP, the conclusion of a readmission agreement with the EU is included among the main priorities of the document. The EU offers in exchange flexibility towards Moroccan citizens in the visa policies.

Among the actions in the migration field proposed in the AP, we can highlight the following:

- Updating of the Moroccan legislation regarding asylum and refugees rights.
- Effective management of migration flows, collaborating with the EU and neighbouring countries.
- Prevention of illegal migration to and via Morocco through the signature of a readmission agreement with the EU.
- Readmission of migrants from Morocco, states, and third countries through the signature of a readmission agreement with the EU.
- Dialogue on visas and the strengthening of border management taking advantage of the MEDA funds allocated.[18]

Table 1 summarises the progress of every topic related to the migration policy in the ENP's follow-up reports (European Commission, 2006, 2008a. 2009, 2010, 2011).

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[16] The Aeneas programme, a programme for financial and technical assistance to third countries in the area of migration and asylum in 2004–2006.
[17] Plan d'action UE/Maroc. DG E V, UE-MA 2702/05.
[18] The MEDA programme allocated €40 million to Morocco for border control during the period 2004–2006.

Table 1: Progress on immigration related subjects on ENP follow-up reports (2005-10)

TOPICS	2006	2007	2008	2009	2010
Readmission agreement (RA)	The EU announced that a RA with Morocco will be signed in the short term. A negotiation on visas was started.	The EU regretted the non-signature of the RA after three negotiation rounds. No further negotiations on visas.	The negotiation on the RA showed no progress. No negotiations on visas.	Similar to the former session	Similar to the former session
Border control	The EU congratulated Morocco for border control. The EU launched a training activity for Moroccan border control forces. Additional 67€ million allocated for this border control.	The EU congratulated Morocco for border control and cooperation with the EU. More funds were allocated. Morocco collaborate actively with the biometric passport preparations.	The EU congratulated Morocco for border control and cooperation with the EU.	Similar to the former session. The EU pointed out the good result of the border cooperation with Spain.	The EU congratulated Morocco for its border control. The border cooperation with Spain continued. Strengthening of border control through the launch of the Training center on migration and border control launched.
Asylum	Negotiations launched with Morocco and the UNHCR,[19] but there is no legislative or regulatory framework on refugees in Morocco.	Morocco completed an agreement with the UNHCR. Nonetheless, not a single person is recognised or attended as refugee in Morocco.	Despite the agreement with UNHCR, not a single person is recognised or attended as refugee in Morocco. People registering via the UNHCR were protected.	Similar to the former session	Similar to the former session
Other topics	The EU supports Morocco's Conference of Rabat with origin, transit and destination countries.	EU regrets Morocco's non-ratification on ILO[20] Convention on migrations. A Working group on migration & social affairs boost legal migration through information campaigns created.	First working group meeting in Marrakech to promote legal migration.		The EU links the high unemployment rates in Morocco with its emigration to Europe. Morocco approach European legislation on residence permits for migrants living in Morocco.

Source: Author's elaboration from ENP Morocco's follow-up reports (2005-10)

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[19] United Nations High Commissioner for Refugees
[20] International Labour Organisation

The general tone of the reports can be considered to be positive, with permanent statements regarding Morocco's leadership on the global approach in the Euro-Mediterranean scene. The reports focused mainly on three topics: the readmission agreement, border control, and Morocco's asylum policy.

Regarding the RA, the EU pressured Morocco to sign an RA that would include the management of third countries' nationals. This was permanently unashamedly linked to the visa policy; when the RA progress was blocked, there were no longer negotiations on visas. It seems as if Morocco had taken a strategic decision not to sign a global RA with the EU. Therefore, no progress on this topic has been made since 2007. The signature of the Advance Status did not unlock Morocco's position regarding this topic.

Vis-à-vis the border control, this topic was evaluated very positively in every single follow-up report. Morocco made an effort to stand out in this policy, offering means and collaboration with the European authorities. Especially significant is Morocco's collaboration with Spanish authorities in the Civil Guard's Integral System for External Watch (SIVE in Spanish) (Weber, 2009), in RABIT missions, or in directly co-watching the border with Spain in common joint patrols. All the reports pointed out the success of Morocco's border management in lowering the number of migrants crossing the Moroccan border and dismantling human trafficking networks.

The asylum policy evaluation showed Morocco's contradictions regarding asylum and refugees' protection. Morocco signed an agreement with the UNHCR, but it does not recognise the refugee status or attend to any demand. Contrarily, when the UNCHR recognised refugees registered through its offices in Morocco, it collaborated closely with the UNCHR in its follow-up.

Other important topics tackled were the leadership of Morocco in the global approach and the active promotion of legal migration. Regarding this first topic, the EU remarked on the success of the 2006 conference in Rabat in bringing together countries of origin, transit, and destination for co-leadership on migration management.

The report for 2010 brings out some new elements: an approach to Moroccan migrants to the EU and the creation of a new training centre for better border control. The first one is quite a novelty; the EU linked the growing unemployment rates in Morocco with the emigration of its nationals, especially among the urban and most educated people. This is quite remarkable, because, until now, Morocco had been treated mainly as a transit country. This is the first report in which the migration flows of Moroccan nationals were directly approached.

3. General security-related policies of the ENP

As pointed out at the beginning of this paper, the security policy established in the EES was based mainly on two axes, democracy promotion and migration management, and did not approach a global collaboration on other topics. This section will address the pure security policies, like military and institutional cooperation, which were applied on a bilateral basis through the ENP to the EU–Morocco relationship.

The report on the implementation of the EES (European Commission, 2008), revising the first five years, pointed out the value of the bilateral cooperation with Morocco. It highlighted especially the cooperation in the fields of the Common Foreign and Security Policy (CFSP) and the External Security and Defence Policy (ESDP).

The topics proposed in the framework of general security are very broad. Among them, we can note the following as the central ones:

- Strengthening the political dialogue and cooperation on foreign policy and security.
- Strengthening regional and international cooperation, including police dialogue and collaboration with the CSDP.
- Cooperation in the counter-terrorist policy.
- Cooperation to avoid the proliferation of weapons of mass destruction.

Table 2 summarises the progress of every topic related to general security in the ENP follow-up reports (European Commission, 2006, 2008a, 2009, 2010, 2011).

As in the previous case, the general tone of the reports is very positive, highlighting the availability of Morocco for any type of cooperation regarding security issues. The reports mainly emphasised three topics: cooperation on the CFSP and ESDP, the fight against money laundering, and the participation in the United Nations (UN) counter-terrorist policy.

Concerning the CFSP and ESDP cooperation, the EU highlighted Morocco's enthusiastic implication in the CFSP and ESDP discussions. It equally underlined Morocco's historical participation with national troops in the operation ALTHEA, being the only African country ever to have participated in a European military deployment (Marsou, 2008; Soler i Lecha, 2009). Morocco's commitment to the Euro-African dialogue and particularly to the Sahel negotiations was equally significant for the EU.

In relation to the fight against money laundering, the reports detailed the evolution of the topic throughout the years: from lacking regulation prior to 2006 to regular collaboration on a bilateral basis with the EU in 2009 and 2010. Regarding the participation in the UN initiatives, there was an implicit comparison of the commitment of the EU to UN initiatives and the case of Morocco. The EU pressured Morocco to follow the UN initiatives, and Morocco was frequently reluctant to participate in initiatives related to the respect of human rights. Another important topic approached is the reinforcement of the EU–Morocco counter-terrorist collaboration after the emergence of a new threat in the region, the birth of Al-Qaeda in the Islamic Maghreb.

Table 2:   Progress on general security related subjects on ENP follow-up reports (2005-10)

REPORTS TOPICS	2006	2007	2008	2009	2010
cooperation in the CFSP and the ESDP	The EU highlights Morocco's commitment implication on the CFSP and the ESDP discussions. Morocco supported dialogue with the European Political and Security Committee (PSC). Morocco took part in the ALTHEA military operation.	Similar to the former session.		Political and security dialogue EU-Morocco. Morocco took a leading role in the Euro-African dialogue. Sahel negotiations: Morocco proposed the necessity of signing a strategical agreement.	Similar to the former session Morocco offered the EU its cooperation on the global counter-terrorist strategy in the Sahel.
Fight against money laundering and terrorism funding	A bill to fight money laundering was launched, but not approved.	Morocco approves new legislation to fight money laundering.	The EU praised Morocco for the approval of the law.	EU-Morocco bilateral meeting on money laundering. A list of related crimes was accorded. The EU encouraged Morocco to complete the legislative framework with regulations.	The EU and Morocco created a unit for financial information processing. In January 2011, Morocco approved a new law to fight money laundering.
United Nations Counter terrorist policy	Morocco ratified the UN convention against organised crime, not ratifying additional protocols on migration, weapons and human trafficking.	Morocco did not ratify the additional protocols.	Morocco does not ratify the Rome Statute of the International Criminal Court.	Similar to the former session. Morocco adhered to the third protocol against the illicit manufacturing of and trafficking in firearms.	Morocco ratified additional protocols on UN convention against organised crime. Morocco did not ratify the Rome Statute.
Other topics		Strengthening of EU-Morocco cooperation on counter-terrorism after the creation of terrorist group Al-Qaeda in the Islamic Maghreb.	The EU praised the Morocco's counter-terrorist measures	Morocco cooperated with Euromed Justice II y Euro-Med Police II.	

Source: Author's elaboration from ENP Morocco's follow-up reports (2005-10)

Discussion

The current section will provide a discussion regarding the proposed hypotheses. Concerning the first hypothesis, Morocco has succeeded in consolidating a privileged relationship within the ENP. The first distinctive element to highlight is the fact that the EU awarded Morocco Advance Status (AS) in 2008. In real terms, this status may be considered almost as symbolic recognition in the ENP without direct political effects, because the ENP was already a bilateral framework. Nonetheless, this AS is relevant regarding the quality of the relation, as it clearly distinguishes Morocco from the other partners. It points out that the relationship is a privileged one, in that Morocco was the only eastern or southern partner to receive this recognition until Tunisia obtained a similar status in 2012 (EU–Tunisia Association Council, 2012). This new status was made firstly publicly visible in the Grenade bilateral summit in 2010, which was the ever bilateral meeting between the EU and an Arab country. This meeting was attended by the rotating EU president Mr. Rodriguez-Zapatero, the President of the European Council, Mr. Van Rompuy the president of the European Commission, Mr Barroso and Moroccan Prime Minister, Mr. El Fassi, with the striking absent of King Mohammed VI who keeps a much lower international profile than his father Hassan II (Hernando de Larramendi, 2013). The meeting did not add additional contents to the pathway of the AS, but the fact of taking place was already a success for Moroccan diplomacy. After the meeting, the President of the European Council supported Morocco's commitment to the EU in a public statement (President of the European Council, 2010).

There are other figures pointing out the consolidation of the privileged relationship, like the high level of funding obtained by Morocco through the MEDA, ENPI, and European Investment Bank (Natorski, 2008). Moreover, Morocco was the only African partner to participate in the CFSP and ESDP and EU military deployments as well as being the leading country in the Euro-African meetings.

The second hypothesis, the correlation of this privileged partnership with Morocco's cooperation in the security and migration fields, will be developed next. Regarding the migration policy, Morocco is aware of the potential of migration management to consolidate a privileged position. Morocco is the main entry point of illegal migrants from sub-Saharan Africa; being able to control these flows and internal stability make it trustworthy to the EU.

For El Qadim (2010), the management of these transiting flows as well as its geographic situation, what she calls its 'geographic asset', make Morocco especially strong in negotiations with the EU and its Member States. Morocco presents itself as a necessary partner and the most committed one to managing the migratory flows. Contrary to this position, Belguendouz (2005) perceived Morocco as a victim of the guardian role assigned by the EU.

The author's position lies between the two. The migration policy since the Schengen Agreement has been a unilateral communitarian position not counting the countries of origin or of transit. This position of externalising the migration policy was imposed on the South Mediterranean partners through the existing cooperation framework: the EMP and later the ENP. Within the ENP, Morocco adopts a collaborative attitude, meeting all the EU's requirements, including the RA in the Action Plan, to consolidate its privileged position within this bilateral framework.

Morocco uses its 'geographic asset' and its commitment to migration management to become an indispensable, trustworthy partner. It takes advantage of all the dimensions of the negotiations, collaborating as a model student, with the exception of the global RA. Morocco collaborates actively with the externalisation policy by building retention centres and frequently using police

stations as temporary detention centres, in which the human rights of migrants are frequently not respected (Migreurop, 2012).

Regarding the EU's human rights protection in its migration policy, analyst Gemma Pinyol[21] (interview with the author, 2015) pointed out the contradictions between the real practice and the official speech. In her opinion, the EU applies a *realpolitik* logic in its migration policy. Regarding the case of Morocco, the author highlighted the following:

> "The tolerance to human rights violations helps their perpetuation. Nonetheless, for the EU is important Morocco's frontier guardian role between the EU and the extremely complex Sub-Saharan Africa region".

Morocco also collaborates in externalisation duties with police cooperation agreements signed with the EU Member States, like Portugal in 1999 or France in 2001. These agreements are more flexible and adaptable than the RA (Cassarino, 2007). Regarding the RA, the situation is particularly atypical. Morocco refuses to sign a global readmission agreement with the EU, despite the extreme pressure from the EU, especially since 2000. However, Morocco has signed a bilateral readmission agreement with Spain, a readmission protocol with France, and identification protocols with Belgium and the Netherlands.

Nonetheless, the bilateral readmission agreements with Spain have worked irregularly. The provisional readmission agreement signed in 1992[22] did not enter into force until 1996, and it was not applied to third countries' citizens until 2004. In March 2007, Morocco and Spain signed a new agreement to replace the provisional one, which never entered into force (El Qadim, 2010).

It seems clear that Morocco prefers bilateral agreements with every EU Member State to a global RA. Morocco is afraid that this type of agreement will harm its capacity to manoeuvre in negotiations and lose control of its migration policy (El Qadim, 2010).

After the AS, Morocco encountered more pressure to sign the RA. However, it succeeded in dealing with the pressure, reinforcing its position and avoiding potential blockages in its partnership with the EU. To settle this position, Morocco chose to act as a model student in all the remaining dimensions of the migration policy, also keeping a very high level of political initiative (Fernández Molina, 2013; Khader 2009). Examples of this position are the acceptance of detention centres in its territory and the collaboration with Spanish authorities in joint border patrols or with the Civil Guard's SIVE system.

Some diplomatic sources contacted by the author minimised the relevance of the non-signature of the global RA. French diplomat Guillaume Henry (interview with the author, 2013)[23] played down the risks of the non-signature of the agreement, praising the EU's flexibility. Henry pointed out that the signature of the RA was originally an unnegotiable requirement in the AS negotiation, but, finally, the EU was able to concede. Spanish diplomat Juan Prat y Coll (interview with the author,

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[21] Gemma Pinyol is a political analyst specializing in migration policies. She was the cabinet chief at the State Department of immigration and emigration of the Spanish Government (2010–2011).

[22] Acuerdo entre el reino de España y el reino de Marruecos relativo a la circulación de personas, el tránsito y la readmisión de extranjeros entrados ilegalmente (1992). *Boletín Oficial del Estado*, A-1992-8976, 25 February 1992.

[23] Guillaume Henry, when the interview was conducted, was responsible for the French Euro-Mediterranean policy at the Foreign Affairs Ministry.

2015)[24] strongly stressed that Morocco did not have an obligation to sign an RA and that it will never sign one. He emphasised that Morocco accomplishes its border control duty perfectly, accusing the EU of applying unilateralist logics.

The fact is that the non-approval of the RA did not have a direct effect on the quality of the relationship between the EU and Morocco. Morocco's border control is necessary to keep the sub-Saharan migratory flows under control, and Morocco is aware of this power.

In accordance with El Qadim (2010), Morocco chose to keep the dialogue open using an *issue linkage* strategy, linking its collaboration to other elements in which it is interested. With this strategy, Morocco succeeded in becoming a prominent partner, receiving additional funding for border control and for the development of the northern areas of the country, the main transiting path of sub-Saharan migrants.[25]

Regarding general security issues, considering Morocco's geographical position facing both the Atlantic and the Mediterranean, it is remarkable for European security. This fact reinforces the international position of Morocco regardless of its poor economic development. Morocco is a keystone for regional and European security (Boudchiche Boucetta, 2008); and according to the Spanish diplomat Juan José Escobar[26] (interview with the author, 2013), an unstable Morocco is a major threat to the regional and EU security.

At the same time, the EU perceives Morocco as a stable, liberal, multi-party system, with a monarchy that is deeply engaged in fighting terrorism. Therefore, it is a regime that is hostile to terrorist groups and a desirable model to export for the EU and the United States (Escobar, interview with the author, 2013; Prat y Coll, interview with the author, 2015; Zimeray[27], interview with the author, 2013).

Conclusions

To conclude, it seems clear from the empirical analysis that the good cooperation and the singled-out interlocution established between Morocco and the EU is directly linked to the progress of cooperation in the migration and security field. The success is based on the long-term trust between the parties as well as the bilateral possibilities offered by the ENP.

On the other hand, Morocco occupied a strategic position to become the EU's leading partner in the region. Morocco acted like a loyal model student in most topics, not risking losing its power of negotiation with the signature of a readmission agreement.

Morocco succeeded in the recognition of its singularity as a partner with the offer of an AS, a real success of Moroccan diplomacy, as Escobar pointed out (interview with the author, 2013) since Morocco sought this type of political relationship. The European validation enabled Moroccan

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[24] Juan Prat y Coll is a Spanish diplomat; he was the European Commission's General Director in charge of Mediterranean and Middle Eastern Affairs when the EMP was launched.

[25] European Commission, *Reference document for financial and technical assistance to third countries in the area of migration and asylum*, AENEAS Programme, 2004–2006.

[26] Juan José Escobar is a Spanish diplomat; when the interview was conducted, he was Special Mission Ambassador for Mediterranean Affairs.

[27] François Zimeray is a French diplomat; when the interview was conducted he was Ambassador for Human Rights.

authoritarian elites to settle, using the AS in internal propaganda (Agence Maghreb Presse, 2011; Journal du Maroc, 2010). It also helped to fortify Morocco's African agenda and push aside the Saharan conflict on the European agenda, which is a major axe of Morocco's foreign policy besides strengthening its relationship with the EU (Hernando de Larramendi, 2013)

Morocco succeeded in obtaining the leadership on the main strategic interest for the EU, which gives it more weight in the relationship with the EU that it would be expected considering its economic position within the region. Morocco used its geographic and stability assets to become the only fully trustworthy partner in the region for the EU, obtaining the subsequent political benefits.

Regarding the maintenance of this relationship after the Arab upheavals, the basis of the EU relationship did not change after the Arab Spring in 2010 and 2011. The upheavals were not as important in Morocco, and the current political regime was never at risk. The *20 February Movement* that led to the Moroccan upheavals did not question the legitimacy of the Monarchy, and it was deactivated, especially after the constitutional reform in 2011 (Desrues, 2011; Fernández-Molina, 2011).

The fact that the EU granted Tunisia a 'privileged partnership' (EU–Tunisia Association Council, 2012) may suggest that there is competition for the leadership of the relationship with the EU between the two countries. This point is, in fact, unrealistic.

It is unlikely to expect that Tunisia will replace Morocco as the EU's regional reference. Tunisia is concentrating on consolidating democracy, and it is suffering from political instability and profound disaffection among its citizens (Hernando de Larramendi & Govantes, 2018). It cannot offer the EU the 'stability asset' that Morocco is offering. On the other hand, Tunisia's authorities do not trust the EU authorities as much. The relationship is currently rebuilding after a cooling period in the aftermath of the revolution (Tasnim et al., 2018) after the EU did not support the pro-democratic upheavals at the first moment and the French government publicly offered its help to Ben Ali to overthrown them (Govantes, 2018).

Regarding the leadership of Morocco in the migration and security areas, this leadership remains and has probably been stronger in the last years, after some of the flows have moved from the east to the west side of the Maghreb because of Italy's new unilateralist migration policy of closed ports. Moreover, the model of externalisation of the border established between Morocco and Spain served as a model for the agreement between Germany and Turkey during the refugee crisis (Ferrero, 2016). This implies that the EU would not have the legal powers to condemn potential human rights violations towards migrants on Turkey's soil.

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[28] EU: European Union, ENP: European Neighbourhood Policy, EMP: Euro-Mediterranean Partnership, O: Others

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