

Morocco's 'Advanced Status': Model or Muddle?

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>> A year and half since its inception, the 'advanced status' (AS) of partnership between the EU and Morocco is about to undergo its first major overhaul. Putting some flesh on the skinny frame of the *statut avancé* will be the challenge for EU-Moroccan relations in 2010.

The regrettable episode of Morocco's dealings with Saharawi activist Aminatou Haidar in late 2009 has led many in Europe to ask whether Morocco actually deserved an upgrading of its relations with the EU. Haidar was expelled illegally by the Moroccan authorities from Western Sahara and eventually spent 32 days on hunger strike on Spanish territory, before Morocco finally had to give in to massive international pressure and allowed her to return. Spanish and French media, parliamentarians and NGOs were outraged over both Morocco's false human rights discourse and their own governments' apparent helplessness in putting meaningful pressure on the Moroccan authorities. At least, the Haidar case has opened many eyes as to how the Moroccan regime's PR lines about human rights and democratic reform are to be interpreted. However, these insights have not had any immediate consequences for EU policies towards Morocco.

WHAT BENEFITS?

The advanced status was granted to Morocco by the EU in October 2008 via the adoption of a generally formulated roadmap, and is an important issue for the EU-Morocco summit in Granada on 6-7 March. Though falling short of designing a relationship that

HIGHLIGHTS

- The key challenge for EU-Moroccan relations in 2010 will be to put some flesh on the advanced status's bones.
- Southern European member states must abandon their self-centred slide-rule mentality and value the 'advanced status' as a forward-looking attempt to tie Morocco to Europe.
- In order for the 'advanced status' to fully develop its potential, Morocco must commit to an advanced and measurable level of political and economic reform; and EU member states must start releasing those incentives that are most attractive to Morocco.

»»»»» includes 'everything but institutions' (as hastily claimed by some EU leaders), the AS foresees a substantial intensification of bilateral diplomatic and trade relations between the EU and Morocco. These include enhanced political dialogue and cultural and human exchanges, trade liberalisation, a general rapprochement of the Moroccan economy to the standards of the EU's internal market, Morocco's participation in community programmes and ad hoc alignment with EU foreign policy statements. Maybe the most exciting feature is Morocco's decision to align a considerable part of its legislation with the EU's body of laws (*the acquis communautaire*), and to sign up to the Council of Europe's conventions open to non-members. EU bureaucrats believe that by 'getting Morocco into the European machinery', it will be irreversibly tied to Europe. This strategy, which is in principle similar to the process of conversion that EU enlargement candidates have to face, is deemed more promising than simply 'pointing the finger at them'.

Arguably, many of the areas of enhanced cooperation covered in the 'roadmap' towards an advanced status are not real novelties, or rather vague, or indeed both. Translating these general declarations into a framework of precise, measurable, coherent actions that allow for thorough monitoring of progress will be key for the status's success.

For Morocco, the main benefit of this status is twofold: being singled out as the EU's closest partner in the Mediterranean, and boosting the Moroccan economy. For the EU, important factors include Morocco's symbolic choice for Europe, opening up Morocco's market for EU exports, and Morocco's cooperation on key European interests such as energy, migration, organised crime and counter-terrorism. Improving Morocco's record in the area of democratic governance and human rights is also stated as high on the EU's list of priorities. More generally, the EU sees Morocco as a sort of 'buffer' against the numerous security threats emanating from Sub-Saharan Africa.

The concrete value added by the granting of the 'advanced status' compared to the previous arrangements has been meagre. So far it has above all taken the symbolic meaning of a political label that singles out Morocco as a reform champion and key EU ally in the southern Mediterranean. The Moroccan regime has been advertising this trophy considerably in the region, and the EU has deliberately let it do so. Beyond this symbolic coronation, however, the EU must now ensure that its key interests – including central commitments on advanced political reforms – are being anchored in a detailed, measurable roadmap worthy of its name.

In Europe, the almost ritual media debates over whether or not enhanced cooperation with Morocco might lead to an inappropriate increase of EU money to Morocco, or to an uncontrollable influx of Moroccan workers and agricultural products, damaging Spanish or French tax payers' interests, are at this stage largely unfounded. Unlike the additional funds given to neighbouring Eastern countries under the 'Eastern Partnership', no additional financial commitments have so far been made to Morocco for the sake of the AS. However, it is likely that Morocco will receive some reasonable additional assistance in the future. The integration of Morocco into the European internal market will happen little by little, making sure to protect EU market sensitivities. In fact, the greatest risks in the short term are likely to be borne by Morocco itself, such as the risks inherent in opening up markets too quickly to EU exports in areas where Morocco is not competitive. Spanish fears are great that their country will shoulder most of the costs of the necessary period of adaptation for the economic integration of Morocco into EU markets. However, such considerations lose sight of the fact that Spain, as Morocco's second biggest commercial partner after France, will also be among those to gain most significantly from this integration in the longer run.

A 'NEW NEIGHBOURHOOD' LABORATORY

More importantly, Southern European member states must begin to leave behind their self-centred

slide-rule mentality and look at the AS from a wider European perspective. In spite of its relative lack of substance to date, the AS is more than just a technical upgrading. Being the first country to be granted this new status under the European Neighbourhood Policy (ENP), Morocco becomes a key EU foreign policy laboratory in which the Union hopes to develop a new, more attractive formula for its relations with neighbouring countries in the South where EU membership is not an option.

Enlargement has been the EU's main foreign policy tool and its biggest success story. Its underlying formula of ensuring lasting peace, prosperity, democracy and security through inte-

gration has been the EU's one congenial legacy. The big, juicy carrot, of course, has always been EU membership. The incentive of belonging to a space as economically and politically attractive as the EU has been able to trigger in-depth processes of reforms in candidate countries from Portugal to Poland. But what incentives can be offered to those countries that are not eligible for membership? The

ENP was the first attempt to find a suitable formula to answer this question. Over time, however, it turned out that the incentives offered by the ENP were not strong enough to induce the kind of deep-level reforms that are necessary for greater integration. To varying degrees, the Southern Mediterranean countries from Syria to Morocco seem stuck in an authoritarian stasis. In this light, Morocco's 'advanced status' is also an attempt to re-draft the EU's success formula in the more reluctant parts of its neighbourhood. Getting these Southern Mediterranean

countries on board economically and politically should be among the most pivotal interests of every European citizen.

PROGRESS, OF SORTS

So what has become of the SA since its inception in October 2008? Overall, beyond a plethora of meetings, little appears to have moved. EC diplomats point to the political signal of the first EU-Morocco summit; the constructive political and security dialogue in areas of common interest such as migration, traffic and counter-terrorism; and to the fact that Morocco is the first non-EU country to become a member of the Council of Europe's North-South Centre. Some of the measures foreseen in the SA are arguably very complex, most notably the step-by-step adoption of large parts of the EU's legal *acquis*, which is a massive task that will require a lot of time and effort. A year and a half after the granting of the *statut avancé*, however, the general declarations and the generous public discourse have been filled with only a few concrete, measurable commitments, timetables and benchmarks.

Most notably, the overdue in-depth reforms of the Moroccan political institutions, insinuated by the Royal Palace on numerous occasions, remain pure discourse. Legal reforms, while valuable in themselves, are being voided of meaning by the absence of the rule of law in Morocco. Some improvements in the area of women's and children's rights hardly sufficed to cover up the recent backlash against the free press, civil society and free assembly. Although the European Commission increasingly stresses the features of this structural time bomb in its various writings on Morocco, including undesired effects on key EU interests, these assessments unfortunately do not appear to meaningfully inform EU policy-making. Ironically, the first EU-Morocco summit in Granada, intended to celebrate Morocco's status as an 'advanced' EU partner in the Mediterranean, follows the closure of the pioneer of Morocco's

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»»»» independent press, the political magazine *Le Journal*, just a few months earlier. This and numerous other examples indicate that solemn speeches are not enough anymore for a Kingdom that wants to be perceived as 'advanced'.

However, Morocco is not the only one not doing its homework and still needing to match discourse with action. EU member states need to demonstrate much more firmly and consistently that Morocco's practical commitment to an advanced level of political reform and human rights protection is at the heart of the EU's expectations from an 'advanced' partner. And, in spite of official EU discourse claiming the contrary, so far EU member states have in practice not been able or willing to provide incentives strong enough to increase their leverage over Morocco in this regard. Beyond measures that scratch no more than the surface of authoritarian rule, the ENP has so far failed to trigger the systemic political reform necessary to safeguard human rights and the rule of law from the arbitrary decisions of a small number of unaccountable palace inhabitants. Struggling to find an effective formula to induce reforms in the Southern Mediterranean, EU member states tend to forget that it is them that are reluctant to pay a price for this investment in Europe's future security and prosperity.

NO PAIN, NO GAIN

What Morocco wants has been well known for years. The opening of the EU internal market for Moroccan agricultural products and visa facilitation for Moroccan workers rank highly on its list. Yet for many years now, these have been precisely the things that protectionist European leaders are reluctant to promise. In December 2009, the two sides concluded four years of negotiations with an EU-Morocco agri-food and fisheries agreement that opens Moroccan markets in these sectors to 45 per cent of the value of EU products, and foresees a further opening to 70 per cent over the next ten years. In turn, the opening of the EU's market to Moroccan

agri-food exports will be opened to 55 per cent of the value of Moroccan products. However, tariff-rate quotas and import schedules have been maintained for a number of products – notably those where Morocco would be most competitive in the EU market – in order to address the 'sensitivities' of the ailing EU agricultural producers. Put simply: EU exporters get wide access to Moroccan markets while Morocco is still not allowed to freely sell its cheap agricultural products in the EU because European politicians need to protect Spanish tomatoes and French courgettes. European agricultural protectionism is a highly complex issue and of course understandable, yet it is also a factor that substantially reduces EU leverage in negotiations with Morocco over other EU interests. Needless to say, the primacy of member states' national interests over long-term EU ones is not something specific to the ENP, and will hardly improve as long as the EU does not solve its general leadership crisis.

Aside from member states' reluctance to provide the most attractive incentives, the EU's concept of granting an 'advanced status' to presumably 'advanced' neighbouring partners is not yet fully developed. The idea is fairly raw and currently appears to be implemented largely through trial and error. While the AS is being sold by the European Commission as a mature, next generation version of a Neighbourhood Policy based on the principle of differentiation, the overarching rationale for this 'ENP 2.0' is difficult to discern. There are no official criteria concerning what a country needs to be entitled to an 'advanced status'. With declarations of interest by countries as diverse as Jordan, Israel, Egypt and Tunisia on the table, the EU would be well advised to quickly define just what, in its eyes, makes a partner country 'advanced'. At the same time, most of these potential AS candidates have but a blurred idea of what exactly they would desire from such an upgrade. This suggests that not the explicit choice of Europe or a desire to enhance relations in concrete issues of cooperation have triggered these countries' requests, but merely the political label attached to it. This

should worry the EU, and make it all the more keen to speed up efforts to kick-start the pioneer AS with Morocco.

In July 2010 the old EU-Morocco Action Plan – a catalogue of concrete reform measures Morocco committed itself to implement in exchange for a set of EU incentives – will expire. The new Action Plan that is currently being negotiated will contain both items remaining from the old one and new items stemming from the ‘advanced status’. A common structure for the new Action Plan has already been negotiated, but the devil is in the details that remain to be agreed. In February 2010 the European Commission’s representative in Morocco, Eneko Landaburu, urged the Moroccans to put in place a framework of convergence to concretise and fill the AS with meaning before it loses its credibility: ‘If you do not act quickly, the discourse about the advanced status will collapse like a soufflé’. But this fragile ‘soufflé’ is being cooked on both sides of the Strait of Gibraltar. If the bubble of AS discourse is not very quickly filled with concrete, measurable commitments from both sides, the concept risks being discredited. It would be a shame if this promising example of forward-looking policy design ended up being put *ad acta* as just another EU paper tiger.

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