

# The Morocco/EU Advanced Status: What Value Does it Add to the European Neighbourhood Policy?

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## Introduction

In a joint document adopted during the seventh meeting of the EU-Morocco Association Council in October 2008, the European Union (EU) and Morocco announced their decision to notably strengthen their relationship under the advanced status requested by Morocco within the European Neighbourhood Policy (ENP). The granting of advanced status ratified a range of proposals presented and discussed in regular meetings held by an *ad hoc* working group formed at the sixth meeting of the Association Council entrusted with making the “advanced status” a reality.

The partnership ties between Morocco and the EU have been actively forged in an attempt to provide a better perspective of the growth of the European Union through its successive expansions yet remain attentive to the geostrategic developments that have characterised the region. The two partners decided to reexamine the contractual framework that linked them and to map out the future of their partnership and open up new opportunities to promote, within the ENP, values such as openness, progress and prosperity and to move towards a “privileged partnership” capable of genuinely contributing towards the emergence of a renewed Euro-Mediterranean order.

Morocco's request for advanced status was not an attempt to stand out from the rest or to gain exclusive rights, but rather to contribute to the new form of governance that is required in the Euro-Mediterranean space. In a context shaped by a newly emerging

geoeconomy, growing security challenges, and an increasing interweaving of strategic interests, Morocco and the EU have renewed efforts within the Euro-Mediterranean space to develop a renewed approach to forging neighbourhood ties to effectively address the challenges of globalisation, to capitalise on assets, and to overcome collective security challenges and threats.

## Morocco's Advanced Status: A Road Map Rooted in the EU/Morocco Action Plan

The mutual commitments outlined in the joint document represent a road map for the progressive, sustained development of bilateral relationships in the political, economic, financial, and human fields and for facilitating Morocco's involvement in certain community programmes and agencies. The partners consider that the advanced status should strengthen political cooperation between Morocco and the EU, thereby allowing each of the partners to focus more closely on their respective strategic priorities, and facilitate the gradual integration of the Moroccan economy into the EU interior market through the provision of adequate financial support.

This status will give a new impetus to cooperation between the EU and both Morocco and other ENP countries in the near future, notably in terms of reinforcing political dialogue and joint decision-making mechanisms and lending greater visibility to the partnership. In brief, the actions contemplated represent a road map for the progressive construction and strengthening of bilateral relations between the EU and Morocco. One may, however, question the added value offered by the advanced status in terms of the commitments undertaken within the framework of the ENP and the corresponding action plan.

*Political and Strategic Dialogue:  
One Potential Area of Added Value*

The political dimension of the commitments undertaken by Morocco and the EU in the joint document provides added value to the political dialogue channels already in place. Morocco and the EU have also envisaged a series of concertation processes and actions such as an EU-Morocco Summit, meetings in New York between the Moroccan Minister of Foreign Affairs and the EU High Representative for Common Foreign Security and Policy (CFSP), meetings between the Moroccan Minister of Foreign Affairs and his European counterparts, sector-specific ministerial meetings, and the participation of the Ambassador and/or high-ranking officials of the Kingdom of Morocco in certain EU Council committee and working group meetings.

Nonetheless, such proposals form part of an agreement in principle to hold meetings on an *ad hoc* basis, outside the framework of regular EU Council ministerial meetings or multilateral activities held by the United Nations and other international organisations. The objective is to enhance bilateral coordination but specific concertation processes –to be established by mutual consent and on a case by case basis– have yet to be defined.

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Within the context of these reinforced relations, parliamentary institutions have been called on to create a European Parliament-Moroccan Parliament joint interparliamentary committee, whereby the Moroccan Parliament would be allowed to attend the Parliamentary Assembly of the Council of European as an observer. Another commitment announced was the organisation of regular reinforced political

dialogue meetings. Thematic meetings will also be organised between Morocco and the EU (Secretary General of the Council/Commission). While the nature of these meetings has not been decided, they will probably deal with the issues of democracy, human rights, and collective security.

A framework agreement for Morocco's participation in civil and military crisis management operations has also been negotiated with a view to strengthening Morocco-EU dialogue in the context of the European Security and Defence Policy (ESDP). Within this agreement, Morocco would support CFSP statements on a case-by-case basis. In the area of security, the EU and Morocco have decided to strengthen cooperation in the fight against international terrorism. Nonetheless Morocco considers that terrorism should not divert attention from the real challenges facing the region, namely the establishment of lasting peace, social and economic development, democratic consolidation, and the fostering of cultural and human approximation. In the area of judicial cooperation and the promotion of human rights, the joint document contemplates the creation of an agenda for the updating and harmonisation of the conventional framework and the establishment of specific institutes and border control mechanisms.

*A Comprehensive and Deeper Free-trade Agreement: Everything but Job Mobility*

The road map for advanced status reflects the wish to create a common economic space characterised by a greater integration of the Moroccan economy into the EU market. This goal is to be realised through the development of joint actions in four key cross-cutting areas: the alignment of Morocco's legal system with the EU acquis, the conclusion of a comprehensive and deeper free trade agreement, cooperation in economic and social development, and participation by Morocco in Trans-European Networks and sector-specific cooperation schemes.

Adapting Morocco's legal system to the EU's acquis will, in all likelihood, be a long and costly process, requiring considerable investment in the environment, health, job safety, and public health and the modernisation of many sectors. Efficient administrative structures and trained staff will be required to adopt community regulations in areas such as consumer protection, phytosanitary and veterinary regulations, and border control. The sheer scale of the work required in the area of legislation, administration, and financ-

ing and the political hurdles that need to be overcome explain why Morocco has called for technical cooperation and transition periods.

The joint document mentions the need to finalise a deeper free trade agreement that will allow for the free movement of goods (via tariff and non-tariff measures), services, capital, and the temporary movement of people for professional purposes. The trade negotiations underway (liberalisation of trade in agricultural products and services, right of establishment, etc.) fall within this framework and should address the need for the progressive implementation of commitments that are asymmetrical in nature.

During the negotiations between Morocco and the EU on the liberalisation of agricultural trade, Morocco reiterated its commitment to progressing towards a genuine partnership based on a gradual and controlled opening up of markets that is in tune with Morocco's socioeconomic situation. One cannot fail to notice, however, that these negotiations have essentially addressed issues such as the speed and means by which agricultural markets should be opened up, with little attention paid to the challenges and limits that would be caused by an abrupt opening of these markets. For Morocco, the issues at stake are of an economic, social, and environmental nature, while for the EU, they are linked to competition from Mediterranean countries, which can be resolved through effective market-based regulation and management.

The liberalisation of services looks likely to be more complex than that of goods as services are generally not cross-border in nature but characterised by proximity between suppliers and clients and the movement of persons. The market has many shortcomings in this respect and the implementation of competition rules is also a major challenge. The heterogeneous nature of services makes it difficult to establish a common framework, meaning that the opening up of this market will need to be adapted to the particularities of each subsector if the changes envisaged are to be successfully brought about.

According to the joint document, among the areas to be developed in order to make the deeper free trade agreement a reality from an operational perspective are access to public markets, the facilitation of market access for industrial products, the movement of capital and payments, health and phytosanitary measures, intellectual and industrial property rights, competition policy, and consumer protection. The list is not exhaustive and it will be supported by an alert or rapid consultation mecha-

nism for measures that have an impact on trade and investment.

Cooperation in the implementation of the global approach to migration is most certainly the least developed part of the road map. While the EU recognises the importance of cooperation in this area, it has stated that it will only move forward when the negotiations on the readmission agreement have been successfully concluded. Morocco has called for the readmission agreement "package" to include a visa facilitation agreement, reinsertion actions devoted to readmission, a mechanism to promote legal migration, and technical and financial support for the implementation of the agreement. The EU has not yet given indications on the content of this readmission package. Given this context, Morocco considers that it cannot make any more concessions at this stage of the negotiations. In view of the fact that there are currently no legal voids as Morocco has bilateral agreements with EU Member States with the largest Moroccan communities, a wait-and-see approach seems to be the policy adopted by both parties on this issue.

#### *EU Programmes and Agencies: Selective Participation Subject to Conditions*

In June 2007, the Council of Europe authorised the European Commission to officially initiate negotiations with a pioneer group of countries (Israel, Morocco, and Moldavia) regarding their participation in community agency activities and programmes. Within this context, Morocco suggested a phased approach that would allow it to secure balanced participation in three areas: interior market/justice, freedom and security/CFSP. It also proposed the establishment of new funding mechanisms which could, for example, form part of the thematic cooperation platform implemented with the ENP.

Specifically, Morocco wishes to participate in the following agencies: the European Aviation Safety Agency (EASA), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Eurojust, and the European Union Institute for Security Studies (EUISS). There are also plans for the country's gradual integration into the Rapid Alert System for Food and Feed (RASFF) and for the development of cooperative ties with the European Environment Agency (EEA) and the European Maritime Safety Agency (EMSA). Four community programmes seem to have drawn the particular attention of Morocco: the Competitiveness and Innovation Programme (CIP), Customs 2013 (2008-

2013), the Single European Sky ATM Research (SESAR) Programme, and the Marco Polo Programme. Morocco would like to receive financial support from the EU to participate in the above agencies and programmes. The EU could cover part of the costs required, subject to arrangements that have yet to be agreed on. On a more fundamental note, Morocco's participation in EU agencies and programmes depends on the country's implementation of policies and laws that are compatible with the aims of these agencies and programmes. Within this context, the negotiations on the EU-Morocco Association Agreement will be intensified in order to define a framework agreement that will allow Morocco to participate in community programmes.

The road map reflects the priorities outlined in the EU/Morocco Action Plan and its content is coherent with the goals and principles of the ENP. The ENP opened up new partnership opportunities, particularly in terms of advancing towards a significant degree of integration and providing Morocco with the opportunity to participate in the EU market and to play an increasing role in key EU policy events and programmes against a background of renewed political cooperation achieved through reinforced political dialogue. During the seventh meeting of the EU-Morocco Association Council, an *ad hoc* group was formed to develop this matter further and prepare proposals for the next meeting. While it was specified that these proposals should be feasible to implement in the short term no deadlines were set. The Association Council simply instructed different sub-committees and work groups to ensure that the different technical measures outlined in the joint document were followed up. The consideration that will be given to these proposals by both parties starting at the beginning of 2009 will shape the nature and form of the instrument set to take over from the EU's neighbourhood action plan and possibly, the Association Agreement: today's Morocco.

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### **Advanced Status: a Course to be Adapted at Will?**

Advanced status should be seen as a means of extending cooperation to the EU's southern and eastern neighbours and to other countries involved in the ENP. Numerous initiatives undertaken in 2008 seem to confirm this view.

#### *Jordan and Tunisia Follow in Morocco's Footsteps*

Jordan and the EU signed an Association Agreement in 2002. Six years later, in November 2008, Jordan submitted a request for advanced status in order to speed up its cooperation with the EU. Jordan is following in Morocco's footsteps in its pursuit of becoming more "euro-compatible" in sectors such as transport, energy and the environment, for which Amman hopes to receive EU funding.

Tunisia has also expressed interest in strengthening its partnership with the EU in the same spirit as the advanced status that has been granted to Morocco. Tunisia is the country that has made the greatest progress in the implementation of the free trade area by eliminating all tariffs for industrial products on January 1st, 2008, two years before the anticipated date. Bilateral negotiations with the EU regarding the progressive opening up of services and the right of establishment were launched in March 2008, and negotiations have also taken place regarding the liberalisation of trade in agricultural products, processed agricultural products, and fishery products. While dialogue on the issues of democracy and human rights was pursued and strengthened by sub-committees entrusted with this task, the objectives established in this area, particularly those relating to freedom of association and expression, were not achieved.

During the seventh meeting of the EU-Tunisia Association Council held in November 2008, Tunisia and the EU decided to form an *ad hoc* committee to define a framework and objectives for a reinforced partnership that would confer Tunisia advanced status in its relations with the EU.

Discussions were initiated in 2008 to draw up a road map for the granting of this status within the framework of the ENP. This objective should be approached in the same spirit as that which led to the reinforcement of the partnership between the EU and Morocco. Tunisia is also preparing to join the Venice Commission (the Council of Europe's advisory body on constitutional matters) as a preliminary step to the implemen-

tation of greater status in the Council of Europe and the European Parliament.

### *The Case of Israel: The Confirmation of the Strategic Dimension*

At the end of 2007, the Israeli government, in an unofficial document delivered to the EU, requested the granting of special status within the framework of the ENP. The State of Israel wished to become involved in numerous community policies and programmes as well as in Council meetings dealing with the economy, the environment, energy, and security. The request was viewed favorably during the 8th Association Council meeting between the EU and Israel on June 16th, 2008. The position adopted by the Association Council drew severe criticism from the members of the European Parliament, not only because of the content of the proposal but also because of the way in which it had been dealt with and the lack of transparency surrounding it. Political groups from all sides agreed on the inappropriateness of opening negotiations in this area in view of the worsening situation and Israel's non-compliance with its commitments under the Annapolis peace process. For the same reasons, on December 3rd, 2008, the European Parliament postponed the vote on widening Israel's participation in community programmes.

Yet, against all expectations, the proposal made by the EU-Israel Association Council was examined by the General Affairs and External Relations Council on December 8th, 2008, which concluded that the Council was determined to upgrade the level and intensity of its relations with Israel with a view to adopting a new instrument to take over from the current ENP action plan. Despite this statement, however, the proposed enhancement of bilateral relations was frozen at the end of April 2009, although this has not prevented the parties from closely cooperating in economic and commercial areas and at a political and even strategic level.

The annex of the conclusions issued by the council contained guidelines on how to strengthen the structures required to continue political dialogue with Israel. The measures consist of initiating negotiations at a ministerial level, giving Israel greater access to the EU Political and Security Committee, systematising and extending informal strategic consultations, deepening thematic exchanges, encouraging Israel to meet CFSP requirements, implementing practical cooperation mechanisms relating to the European Security

and Defence Policy, facilitating the integration and involvement of Israel in multilateral scenarios, and strengthening interparliamentary dialogue.

Indeed, Israel had requested the strengthening of political partnership relations on a scale that has not been achieved by any country to date within the framework of the ENP. This reinforced cooperation would involve three annual meetings between EU and Israeli foreign affairs ministers and allow the EU to invite a senior Israeli diplomat to a meeting of EU ambassadors on security issues during each EU rotating presidency. The EU has stated that it is ready to consider the possibility of inviting Israel to participate in civil missions conducted within the framework of the ESDP at least once a year and to hold informal dialogue sessions on key strategic matters.

As far as international and community laws are concerned, it would be deplorable if the State of Israel was awarded practically the same status as that enjoyed by EU Member States while continuing with the stepped-up construction of colonies, the maintenance of blockades in Palestinian areas, notably in the Gaza Strip, and the violation of human rights on numerous fronts.

### *The Eastern Partnership: The Most Advanced Status of All?*

EU partners in Eastern Europe and the Southern Caucasus are also seeking to intensify their relations with the EU. On June 19 and 20, 2008, the EU Council invited the European Commission to prepare a proposal for an Eastern Partnership (EaP), emphasising the need for a differentiated approach respecting the character of the ENP as a single and coherent policy framework.

The communication outlined proposals focusing on the implementation of an EaP based on a deep and unfailing political commitment from EU Member States. Association Agreements, negotiated with partners, would provide a new contractual frame superseding existing partnership and cooperation agreements.

Three areas in particular provide these negotiations with a deeper dimension than the relations between Morocco and the EU within the framework of Morocco's advanced status. First of all, the EU would offer its eastern partners mobility and security pacts. In other words, once visa facilitation and readmission agreements were effectively implemented, the EU would commit itself to initiating dialogue on visa-free travel. The EU would pursue a targeted opening



of the EU job market to citizens of partner countries, as well as measures to facilitate circular migration, within the framework of mobility partnerships.

Secondly, the EU would support regional development within the EaP based on a memorandum of understanding on regional policy with partners proposed by the Commission. This cooperation platform, which would receive additional funding, would form part of a framework of pilot regional development programmes modelled on EU cohesion policy addressing local needs in terms of infrastructure, human capital, and small and medium-sized enterprises. The Commission also proposed direct cooperation between EU regions and partner countries in addition to the extension of cross-border cooperation to borders between partners financed by the ENP instrument.

Finally, the EU would establish a multilateral EaP framework at four levels, with biennial meetings of EaP heads of state or government, annual spring meetings of Ministers of Foreign Affairs from the EU and EaP countries, sector-specific ministerial conferences, and the establishment of four thematic platforms based on the following key cooperation areas: democracy, good governance, and security; economic integration and convergence with EU policies; mutual support and energy security mechanisms; and contacts between people. Each platform would adopt a set of realistic, periodically updated, core objectives—with a corresponding work programme—and review progress.

## Conclusions

Will there be just one form of advanced status for all or will the EU take an approach that will lead to an increasing differentiation between ENP partners that might threaten the coherence of this policy? Will this coherence not be further threatened by an increas-

ingly individualised treatment of ENP partners? To a certain extent, each partner seeks to acquire a personalised *ad hoc* status that will reinforce its relations with the EU, but to the detriment of the regional cooperation that the ENP is designed to help achieve.

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The granting of an increasing number of *ad hoc* statuses is a potential problem. Should the EU encourage this approach and create à-la-carte agreements? And if so, would there still be a need for the ENP? Would it still be a source of substantial added value? Encouraging the granting of differentiated, individualised advanced statuses could undermine the solidarity that already exists between neighbouring countries and ultimately defeat the objective of regional cooperation. Indeed, regional cooperation may be an invaluable tool for fostering development and autonomy within the EU's neighbouring countries and it could also help to resolve frozen conflicts. In brief, while the fact that the ENP is adaptable to individual situations, such a differentiation between countries might also cause the rupture of the ENP, which is at risk at increasingly resembling a mosaic of agreements and instruments and also a reflection of a neighbourhood that is advancing at different speeds. This will inevitably lead to an eventual trade off between differentiation and an ENP that is characterised by a single, coherent framework.