

# EU-Morocco Relations: Stuck Between Law and Politics?

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Brief Analysis

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**If Washington and its European partners fail to remediate ongoing disputes over trade rights and Western Sahara, they may leave room for Russia and China to assert more influence in the kingdom.**

**A** recent ruling by the Court of Justice of the European Union (CJEU) is complicating relations between two key U.S. partners. Issued on October 4, the [ruling \(https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240170en.pdf\)](https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240170en.pdf) annulled EU-Morocco trade agreements on fisheries and agricultural products because they included Western Sahara, a disputed region that Rabat and, notably, the United States consider part of Moroccan territory. Noting that such agreements require the consent of the local population, the decision was a blow to the EU and Rabat and a symbolic victory for the Polisario Front, the Sahrawi liberation movement that initiated the legal battle.

At first glance, this development may appear to create an opportunity for increasing U.S. investment in Morocco. More likely, however, the ruling will push Rabat further into the arms of China and Russia unless further action is taken, giving officials on both sides of the Atlantic a keen interest in breaking the legal deadlock. For the EU, this means ensuring that its trade agreements meet the CJEU's conditions. Washington can play a key role as well by advocating more strongly for a UN-led resolution on Western Sahara.

## A Judicial Blow to Growing Political Support

**A**s things currently stand, the ruling places judicial obligations on the EU that could contradict the deepening political and economic ties that many member states have established with Morocco. In recent years, the two countries with the deepest ties—Spain and France—have shifted their positions on Western Sahara much closer to Rabat's, reinforcing the growing European support for the kingdom's 2007 proposal that would grant autonomy to the region under Moroccan sovereignty. (At least twenty EU member states officially support this plan.)

The day the court ruling was announced last fall, European Commission president Ursula von der Leyen and former

high representative Josep Borrell issued a joint statement [noting \(https://www.eeas.europa.eu/eeas/morocco-joint-statement-president-von-der-leyn-and-high-representative-vice-president-borrell\\_en\)](https://www.eeas.europa.eu/eeas/morocco-joint-statement-president-von-der-leyn-and-high-representative-vice-president-borrell_en) that “the EU firmly intends to preserve and continue strengthening close relations...in all areas of the Morocco-EU Partnership.” Two weeks later, the top national officials who compose the European Council unanimously [reaffirmed \(https://www.consilium.europa.eu/media/2pebccz2/20241017-euco-conclusions-en.pdf\)](https://www.consilium.europa.eu/media/2pebccz2/20241017-euco-conclusions-en.pdf) the “high value the European Union attaches to its strategic partnership with Morocco.” This show of support partly explains Rabat’s measured reaction to the ruling, with the Moroccan Foreign Ministry [stating \(https://diplomatie.ma/en/statement-42\)](https://diplomatie.ma/en/statement-42) that the kingdom “does not consider itself in any way concerned by the decision.” In contrast, when the European Court of Justice annulled a free trade agreement with Morocco in 2016 for reasons similar to those put forth by the CJEU, Rabat [suspended diplomatic relations \(https://www.washingtoninstitute.org/policy-analysis/eu-morocco-and-western-sahara-chance-justice\)](https://www.washingtoninstitute.org/policy-analysis/eu-morocco-and-western-sahara-chance-justice) with the EU. The latest reaction signals the kingdom’s confidence that its diplomacy has scored major points on the Sahara topic since then.

## A U.S. Economic Opportunity?

Four years ago, the Trump administration’s recognition of Moroccan sovereignty over the Sahara provinces raised Rabat’s political expectations on the issue and spurred other countries to reevaluate their own positions. Although the Biden administration was [ambivalent, if not hostile \(https://www.washingtoninstitute.org/policy-analysis/us-support-morocco-no-mistake-biden-should-reaffirm-it\)](https://www.washingtoninstitute.org/policy-analysis/us-support-morocco-no-mistake-biden-should-reaffirm-it), toward this shift, it did not reverse course (due in part to the decision’s role in launching Moroccan normalization with Israel).

As Trump’s next administration prepares to take office, there is every reason to believe it will pursue concrete action to further his recognition of Rabat’s sovereignty. For one, it will presumably open a real consulate in the provincial capital of Dakhla as promised in 2020 (a consular presence was established but [remained virtual \(https://ma.usembassy.gov/announcement-of%E2%80%AFnew-virtual-presence-post-for-western-sahara/\)](https://ma.usembassy.gov/announcement-of%E2%80%AFnew-virtual-presence-post-for-western-sahara/)). Trump’s return could also unlock lucrative investment opportunities for U.S. companies. Although Washington signed a free trade agreement with Morocco two decades ago and has no current legal impediments to foreign direct investment in Western Sahara, the expected boom in American investment [never materialized \(https://www.washingtoninstitute.org/policy-analysis/us-morocco-fta-after-twenty-years\)](https://www.washingtoninstitute.org/policy-analysis/us-morocco-fta-after-twenty-years). Under the Biden administration, potential investors may have been hesitant to strike deals in Western Sahara over concerns that Trump’s 2020 decision would be rolled back; those fears will now dissipate.

Yet any spike in U.S. economic ties will necessarily be limited by the fact that the EU is Morocco’s [largest trade partner and foreign investor \(https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/morocco\\_en\)](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/morocco_en) by far, due to geographical proximity and other reasons. Moreover, any massive investments in Western Sahara (whether European or American) will require assurances about the territory’s security—a factor that will remain uncertain so long as its political status remains unresolved.

## Russia and China Poised to Jump on Western Sahara

Although Morocco’s engagement with Moscow and Beijing has traditionally been limited, the CJEU ruling could push the kingdom into the arms of these Western competitors. Officially, both countries remain closer to neighboring Algeria and do not support Rabat’s 2007 autonomy plan. Yet they have been quietly ramping up their interests in Morocco, including in Western Sahara, eyeing local resources and investing in the coastal fishing sector. For example, Russia recently [renewed a four-year fishing agreement \(https://fishnews.ru/news/51371\)](https://fishnews.ru/news/51371) with Rabat, while China will probably scale up its presence on Morocco’s coasts based on their 2023 memorandum of understanding on sea fishing. Beijing is also looking to invest in Saharan green hydrogen projects, signing [a memorandum of cooperation \(https://www.esi-africa.com/renewable-energy/solar/morocco-new-joint-venture-proposed-for-green-hydrogen-plant/\)](https://www.esi-africa.com/renewable-energy/solar/morocco-new-joint-venture-proposed-for-green-hydrogen-plant/) in 2023 with Morocco’s Gaia Energy Company and the Saudi firm

Ajnan Brothers.

The prospect of Trump returning to power could make Moroccan cooperation with China more complicated if he pressures U.S. allies to limit their economic relations with Beijing. Yet Rabat will likely do whatever it can to work with any partners—including China—who are willing to advance sectors that have been publicly prioritized (<https://www.morocoworldnews.com/2023/07/356743/full-text-of-king-mohammed-vi-s-24th-throne-day-speech>) by King Mohammed VI, including green hydrogen.

## Momentum to Relaunch UN Negotiations?

On both sides of the Atlantic, the Polisario Front has essentially lost the narrative battle over Western Sahara. The few U.S. representatives who previously denounced recognition of Moroccan sovereignty will no longer spend political capital on the issue.

Elsewhere, Algeria declined to participate in the Security Council's November vote to renew the mandate (<https://press.un.org/en/2024/sc15882.doc.htm>) of the UN Mission for the Referendum in Western Sahara (MINURSO). Algiers maintains that it is not a party to the long-festering conflict over the territory—a stance that has the major advantage of avoiding direct confrontation with Morocco.

Yet neither Algiers nor the international community should use this “empty chair” position as an excuse to avoid taking a more active role in resolving the dispute. On the contrary, it is in Algeria's interest that the Polisario Front negotiate a resumption of good-faith discussions under the UN's aegis. Returning to the negotiating table is all the more urgent given last month's reports that the Polisario has vowed (<https://www.bloomberg.com/news/articles/2024-12-15/rebels-vow-to-ramp-up-fight-against-morocco-over-western-sahara>) to intensify its armed struggle.

To further this goal, Morocco should take UN envoy Staffan de Mistura's recent hint (<https://www.morocoworldnews.com/2024/10/365840/un-envoy-for-western-sahara-signals-resignation-admits-failure-of-mediation>) and provide more details on its 2007 autonomy plan. This initiative remains the most credible basis for a solution and could revive serious talks at the UN.

## Policy Implications

In the wake of the CJEU ruling, the European Commission is expected to issue its conclusions on EU-Morocco trade early this year. Given Washington and Europe's mutual interest in breaking the current stalemate, officials would be wise to consider the following steps:

**Carry out a more robust consultation process with the people of the Western Sahara to make trade agreements acceptable to the CJEU.** The court's ruling left a door open for the EU by noting that this expression of local consent need not be explicit. International law has long recognized that states have a duty to foster development in non-self-governing territories like Western Sahara as long as the projects are developed in close consultation with and to the benefit of the local population. This means that the European Court of Justice may consider new commercial agreements lawful if they are established through a more robust consent-gathering process.

During her confirmation hearing last year, Dubravka Suica, the EU commissioner responsible for the Mediterranean region, expressed hope (<https://www.europarl.europa.eu/news/en/press-room/20241029IPR25036/hearing-of-commissioner-designate-dubravka-suica>) that the union would conclude a strategic partnership with Morocco similar to those reached with Egypt and Tunisia. This boost in relations could also be the right moment to update the EU's position on Western Sahara, taking into account Europe's growing consensus on the issue.

**Push toward a clearer, more dynamic UN resolution process in close coordination with Morocco.** The United States has been heavily involved (<https://www.washingtoninstitute.org/policy-analysis/north-africa-era-great>

**power-competition-challenges-and-opportunities-united-states)** in international mediation efforts over Western Sahara and is the current penholder for the MINURSO peacekeeping mission. In that capacity, it should urge UN officials toward actions and statements that clarify what the parties must do to move the process forward rather than obfuscate the issue.

In October, de Mistura seemed to muddy the waters **by proposing (<https://www.reuters.com/world/africa/un-envoy-proposes-western-sahara-partition-plan-2024-10-17/>)** that Morocco and the Polisario Front divide Western Sahara. It is unclear why he put forth an idea that was certain to be rejected outright by both parties—perhaps he sought to incentivize the parties to come up with a more realistic proposal themselves.

In any case, definitively resolving this issue under the UN’s aegis is crucial to meeting the shared U.S.-European goal of building deeper trust and economic relations with Morocco. It is also of paramount importance to the strategic goal of keeping Rabat as far away from Beijing and Moscow as possible. For its part, Morocco would likely welcome an opportunity to close the issue in time for this November’s fiftieth anniversary of the “Green March,” when the late King Hassan II orchestrated a mass demonstration to assert sovereignty inside Western Sahara following the departure of Spanish troops.

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