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Migration Flows as an Instrument of Political Pressure: The case of Morocco

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Abstract

The phenomenon of the so-called weaponization of migration – that is, the recourse to migratory flows as a mechanism of political pressure by third States – raises two problems: first, this threat is not included in Security Strategies; second, the EU’s response against the weaponization of migration is not coherent, as the comparison between the cases of Belarus and Morocco shows. So, we must clarify the reasons for Morocco’s particularities, especially in its relations with Spain.

1. Introduction

Traditionally, irregular immigration flows have been viewed as a threat in the different Spanish and EU Security Strategy documents as part of illegal trafficking by organized crime. But nowadays we can see countries like Morocco, which has used immigration flows to Ceuta, Melilla and the Canary Islands to exert pressure on Spain to support its Western Sahara policy. First, it renders it necessary to determine whether irregular immigration is linked to organized crime, exclusively, in Security Strategies. Second, the phenomenon of migratory pressure, and in particular the case of Belarus and Morocco, suggest the need to modify Security strategies in order to consider not only the non-State actors traditionally responsible for irregular migration flows but also third countries that are using it as an instrument of political pressure (“Weaponization of migration”). Finally, in the last three years, we have experienced migration crisis at the external borders, so we must clarify the EU response in the case of Morocco, especially in relation to the EU reaction to the Belarus crisis.

2. Irregular immigration as a threat to security?

After the end of the Cold War, the concept of security in International Society moved decisively away from the threat of armed attack by one State against another one and returned to multilateralism and a system of Collective Security.

International and European context

In the **International** context, this return to multilateralism is evident both in the UN Charter and in the [Report](#) issued in 2004 by the UN’s High-level Panel on Threats, Challenges and Change at the request of the Secretary-General. This Report also highlights the emergence of a number of new security threats and risks of an economic and social nature. These include poverty, infectious diseases, environmental degradation, inter-State conflicts, internal conflicts and civil wars, genocide and other atrocities, biological, chemical, radiological and nuclear weapons, terrorism and transnational organized crime. These new threats and risks have diverse origins but are interconnected in such a way that several may emerge at the same time or be a consequence or manifestation of others, with effects at internal, regional and global level.

As regards irregular immigration, according to the aforementioned UN Report, this must be placed in the context of Transnational Organized Crime. Reference is made, for example, to the 2000 Palermo Convention on Transnational Organized Crime, and specifically to its three Protocols, including the Protocol against the Smuggling of Migrants by Land, Sea and Air. Transnational organized crime poses a clear threat to international peace and security insofar as it endangers the safety of humans and obstructs the State’s fundamental obligation to maintain the rule of law. Furthermore, organized crime feeds off the illicit trafficking of drugs and humans and incites corruption in States. Also, [Frontex](#) and [Europol](#), have estimated that

more than 90% smuggling of migrants in the EU is managed by organized crime.

The European Union is pursuing the same line as that taken at international level, highlighting irregular immigration, linked to Organized crime, as a threat to European security. Thus, the [Global Strategy for the EU's Foreign and Security Policy](#) of June 2016 emphasizes the need for an integrated response through the interaction of all available internal and external security instruments to address threats that include, among others, organized crime and external border management. This reference to the "external borders management" must also be seen in connection with two clear strands of the [Security Union Strategy](#), namely the need to adopt a new [Action Plan to Combat Migrant Smuggling](#) and the equal need to ensure the security of external borders and tackle cross-border crime, notably through the strengthening of [Frontex](#). This latter leads to two observations: security measures at external border controls are being improved and irregular migrants are being criminalized. This evidences the link being made between irregular immigration and illicit trafficking carried out by organized crime, as is also reflected in the [EU Strategy to tackle Organized Crime \(2021-2025\)](#), which explicitly includes "migrant smuggling". Meanwhile, the new [European Union Maritime Security Strategy](#) (EUMSS) views cross-border organized crime – which encompasses, among others, Illegal trafficking of migrants – as a threat to security. So, for example, the arrival of massive migratory flows on the coasts of a State can overwhelm its infrastructures and border management systems, as happened recently in the Canary Islands and Ceuta.

In March 2022, the EU adopted the [Strategic Compass](#), which represents its security and defence strategy. The threats to European security identified in this document include, among others, terrorism, violent extremism, organized crime, hybrid conflicts and the instrumentalization of irregular migration. The *Strategic Compass* also underlines the need to coordinate all available instruments related to internal security (Area of Freedom, Security and Justice) and external security (Common Security and Defence Policy). The example cited is the European Union's [Sophia/Irini](#) naval operation off the coast of Libya.

The case of Spain

The link between irregular migration and organized crime emerges also in the Spanish legal and policy context. Indeed, the [Maritime Security Strategy of 2013](#) already considered irregular immigration by sea and migrant smuggling a serious threat to security and linked it to transnational organized crime. More recently, this has been recognized in the [National Security Strategy of the Kingdom of Spain of 2021](#), which equally identifies these acts as a threat to and a "challenge" to security. These acts are a transnational dimension and associated with international cross-border criminality, and they require a collaborative response at a national level - deploying various law enforcement agencies that are difficult to coordinate - and international cooperation, especially with countries on the southern Mediterranean. On this last point, it is worth noting that difficulties sometimes arise in terms of international

cooperation between African countries and European ones. These are essentially due to different visions of security and problems with implementing strategies, indicating the need for political rapprochement and operational cooperation.

Concerning Spain's National Security Strategy, this document highlights the need for improved collaboration with the Maghreb to tackle common threats such as terrorism and organized crime but also stresses the importance of external border surveillance and control. As for irregular migratory flows, the National Security Strategy inevitably links these to the criminal organizations involved in human smuggling and trafficking. It is therefore proposed that risk scenarios and preparedness and response plans be drawn up, including specific plans for the most chronically affected areas such as the Strait of Gibraltar and the [Spanish cities, islands and rocks in North Africa](#). However, there is a surprising lack of coherence between the overall National Strategy and what was envisaged in the [National Security Report 2021](#). This latter document cites the management of migratory flows as an area of national security that is separate from the fight against organized crime; it even goes so far as to consider the fight against irregular immigration as being one of the principal strands of the EU's future migration policy.

3. Third States' use of immigration as an instrument of political pressure

The reality is that irregular immigration is managed by organized crime (non-State actor). However, irregular migration flows have also been used by State actors for a very specific purpose, namely, to exert political pressure against a country or a group of countries to achieve a pre-determined goal. In Europe, this refers essentially to the migration crises between, on the one hand, Morocco and Spain, with incidents in the Canary Islands at the end of 2020 and in Ceuta in May 2021, and to the Belarusian border in the second half of 2021 on the other. It should also be noted that instrumentalization of immigration by State actors is not a new phenomenon: [Greenhill](#) and [Steger](#) have reported up to eighty cases between 1953 and 2017, including the war in Yugoslavia, the crisis in Albania in 1997, and the Syrian refugee crisis on the border between Turkey and Greece with Syrian refugees. The goal of the so-called strategy of weaponization of migration is to force the targeted State(s) to act against its will or to provoke an unforeseen and undesired scenario. Let's now focus on the two crises recently arisen at the external borders of the European Union.

At the Eastern borders, in Autumn 2021 a crisis emerged at the Belarusian border with Poland, Latvia, and Lithuania. This is a consequence of the fact that the EU had imposed sanctions on Belarus in response to the lack of freedoms and electoral fraud in the re-election of the Belarusian dictator, Lukashenko. In turn, the Belarusian government first attracted migrants to its territory (mainly Syrians and Afghans) and then directed them towards the eastern European borders through fabricated irregular migration flows as a means to exert political pressure on the European Union. In reaction, the EU has adopted several measures, among others, new and heavier sanctions against the Lukashenko regime, diplomatic statements, and

economic and operational measures. Also, in accordance with the art. 78.3 TFEU, the EU has proposed emergency regulations and an amendment to the Schengen rules in the case of non-European Union Member States instrumentalizing immigration. Irrespective of their real effects, these proposed [measures](#) were presented *ad hoc*, without taking into account the possibility to apply e.g. the 2001 Directive on temporary protection (which, on the contrary, has been quickly and unanimously activated in the case of Ukrainians fleeing the war). Given their nature and scope, these proposals have already been criticized by the European Parliament and several NGOs because they could impair the fundamental rights of migrants (including the right to seek asylum and the protection against refoulement and collective expulsions). At the same time, emphasis has been placed on the idea of reinforcing Europe's external borders by increasing security measures, but without considering the individual needs of each immigrant, including in terms of international protection. At the moment, the proposals are still under discussion at the EU institutions.

At the western borders, since the second half of 2020, a migratory crisis has been developing between Spain and Morocco, with the arrival of immigrants to the Canary Islands; however, much more shocking was the arrival, assisted by the Moroccan security forces themselves, of almost 10,000 immigrants to [Ceuta](#), mostly minors, in 24 hours in May 2021. All this situation was intended to bolster Morocco's demand that Spain expressly and publicly support its position on the future of Western Sahara for the former colony to become an autonomous Moroccan territory and without a process of self-determination. In this case, despite harsh condemnatory statements by the EU authorities, no action or measures similar to those planned for the border with Belarus have been proposed. Moreover, it seems that Spain has preferred to maintain the incident at a bilateral level because of the complex political bilateral relationship, even going so far as to reject – at least in the case of Ceuta – executive EU support on the ground through the activation of a Frontex operation.

The crisis seems to have stabilized following the [Joint Spanish-Moroccan Declaration](#) of 7 April 2022, in which Spain has finally opted to give its political backing to Moroccan interests, considering “the Moroccan independence initiative, presented in 2007, as *the* most serious, realistic and credible basis for resolving this dispute”, despite Spain's obligations as the *de jure* administering power of Western Sahara and the commitment under international law to promote the self-determination of the Sahrawi people. This new controversial – an illegal – Spanish position has been reaffirmed in the last [High-Level Bilateral Meeting](#) in last February 2023. In fact, since the Joint Declaration of April 2022, there has been a drastic reduction in the arrival of migrants to Spain. Bilateral diplomatic dialogue has also resumed and cooperation between the two countries has improved.

4. Conclusion

Some conclusions can be drawn. First, there is a clear link between irregular immigration flows and organized crime, as reflected in both national and European security strategies. Anyway,

there are examples in international relations of irregular migratory flows being used to exert political pressure by third States. This latter is reflected in the Spanish government's 2021 National Security Report, in the E EU's *Strategic Compass* of March 2022, and even in NATO's [Strategic Concept](#) of June 2022. This indicates the need to redefine the migration phenomenon in Security strategies, in order to expressly include the instrumentalization of migratory flows by third States as a threat.

Second, the lack of EU's action to the Morocco crisis is due to several factors: the bilateral Spanish-Moroccan relationship has always been very complex, and it is essential for the fight against terrorism and illicit trafficking. In addition, there are geo-strategy elements, given the situation of the Canary Islands and Ceuta and Melilla, far from the continent, and the fact that, especially in the case of the Spanish cities, they are the only European external borders with Africa, more affected by migratory flows, and these threats can impact more strongly in national infrastructures and the international protection system. Nevertheless, Spain has always sought a bilateral relationship rather than a European one with Morocco, which weakens it politically. In this point, we must consider the position of the Spanish Constitutional Court, which states that the migration issue requires supranational and non-national solutions.

Finally, in accordance with the coherence in external action, common measures should be taken by the EU against States that use migrants as instruments of political pressure, in any field and in any circumstances. In particular, solidarity measures and the control and management of external borders, through e.g. Frontex, but also the implementation of temporary protection for migrants. Anyway, the EU must take into consideration the special situation on western external borders, especially in the case of the weaponization of migration.

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