

# Between peace and prosperity -

Fishy motives behind EU policy-making efforts in Western  
Saharan waters?

# Abstract

In 2019, the EU and Morocco implemented the Sustainable Fisheries Partnership Agreement (SFPA). The agreement gives EU vessels right to fish not only in Moroccan waters, but also in waters adjacent to the occupied territory of Western Sahara. The SFPA followed on several rulings from the EU Courts, ruling previous trade agreements between the EU and Morocco illegal in their inclusion of the Western Saharan territory given its occupied status. The thesis here aims to analyze how the EU motivated to once again enter a trade agreement including Western Sahara, aiming for a better understanding of the way it here engages in the context of interstate, protracted conflict. The thesis utilizes a theoretical framework arguing that the EU's external action is guided by a combination of self-interests and internalized values, where contextual features leads to adjustments and prioritizations between the two. Conducting a qualitative analysis of ideas of EU documents regarding the SFPA, the thesis finds that while the EU aimed for combining its interests and values, prioritizations were inevitable made. While some of the values were complied with, the economic and security interests were prioritized by the EU's main institutions in the case of the SFPA.

*Key words:* EU foreign policy, Western Sahara, Morocco, occupied territory, Sustainable Fisheries Partnership Agreement, analysis of ideas.

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# Abbreviations

AA	–	Association Agreement
CJEU	–	Court of Justice of the European Union
CoEU	–	Council of the European Union
EEAS	–	European External Action Service
EGC	–	European General Court
EU	–	European Union
EUGS	–	Global Strategy for the European Union’s Foreign and Security Policy
ICCPR	–	International Covenant on Civil and Political Rights
ICESCR	–	International Covenant on Economic, Social and Cultural Rights
ICJ	–	International Court of Justice
IHL	–	International Humanitarian Law
MENA	–	Middle East and North Africa
MEP	–	Members of the European Parliament
MINURSO	–	United Nations Mission for the Referendum in Western Sahara
NPE	–	Normative Power Europe
SFPA	–	Sustainable Fisheries Partnership Agreement
TEU	–	Treaty on European Union
TFEU	–	Treaty on the Functioning of the European Union
UN	–	United Nations
UNCLOS	–	United Nations Convention for the Law of the Sea
UNGA	–	United Nations General Assembly
VCLT	–	Vienna Convention on the Law of Treaties

# 1 Introduction

The EU is an actor that political scientists has long tried to understand; as a peace project, an organizational pioneer, a common market, and to a growing extent, also an actor on the global arena. Although new superpowers are emerging the EU is still a global power, and it has taken significant steps towards a larger engagement in global affairs for instance by engaging in peacebuilding and civilian operations around the world. The foreign policy of the EU stretches over a wide range of themes and engages with practically all parts of the world, being regulated by the Treaty on European Union (TEU) and treaty of The Functioning of the European Union (TFEU). The overall vision of EU foreign policy and in the neighboring regions in particular is the achievement of peace and prosperity, features that are perceived as interlinked in the globalized world (TEU art. 8 & 21). The strategic and practical responsibility of the foreign policy belongs largely to the European External Action Service (EEAS), created as an outcome of the Treaty of Lisbon from 2007 (EEAS, 2019a). It lays out a Global Strategy for the European Union's Foreign and Security policy (EUGS) (EEAS, 2019a). However, the main EU institutions – the European Commission, the European Parliament and the Council of the European Union – are, as in all EU policy-making, responsible for proposing, amending and voting on the proposals, where the Court of Justice of the European Union (CJEU) and its constituent Courts are mandated to ensure coherence with EU law (European Union, 2020).

However, the EU's efforts in uniting peace and prosperity through its foreign policy was challenged in the case of the Sustainable Fisheries Partnership Agreement (SFPA) with Morocco put forward by the European Commission in 2018, an agreement that included Western Saharan waters (European Commission, 2018a). The trade agreement allows European vessels to fish in the foreign waters in exchange for financial compensation to the Moroccan state. It is part of the overarching trade deal called Association Agreement (AA) between the EU and Morocco. What is puzzling is that preceding EU-Morocco trade agreements that included Western Sahara have been ruled illegal because the area is regarded as occupied territory in international law on EU and UN level alike (Van der Loo 2018:2), and thus the EU had to balance the economic gains of the SFPA with compliance with international law and acting for peace.

Western Sahara has for decades been defined by the UN as a 'non-self-governing territory to be decolonized'. When the territory was to be decolonized by Spain in 1963, Mauritania and Morocco interrupted the process, both claiming their right to

the territory. The ICJ ruled that the claims lacked legitimacy and reaffirmed the right to self-determination of the Western Saharan people, the Sahrawis (ICJ, 1975), and in 1979 the UNGA declared the Polisario Front to be the legitimate representative for the group (UNGA Res. 34/37; Simon 2014:258). While Mauritania no longer claim the territory, Morocco does, and this dispute led to the Western Saharan War that lasted until 1991. To establish and keep a ceasefire the UN employed the peacebuilding mission of MINURSO that is to organize a referendum in the territory – something that is yet to happen (Hummelbrunner & Pickartz 2016:21-22). The right to self-determination warranted by the ICJ highlights the right of a people to freely determine their future political status and form an independent state, but also their sovereign right over natural resources, defined in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – both ratified by Morocco and the EU (Hummelbrunner & Pickartz 2016:28-29).

## 1.1 Aim and research question

Given the historical background and the EU's principles of 'peace and prosperity' guiding the foreign policy, it is puzzling that a deal including the occupied territory and its natural resources was implemented by the EU in 2019, thus demanding further analysis. This thesis analyzes what role the aim of combining values and interests had in the chosen manner in which the EU engaged itself in its relations with Morocco as an occupational power and part of interstate (although rather frozen) conflict. It analyzes if and how the two features were seen as possible to apply in practice in the context of occupation and conflict, and how eventual prioritizations among them were made. The chosen field of research has a high relevance for understanding the complex power dynamics of contemporary conflict. Although the EU might not be an explicit actor in the conflict over Western Sahara, its course of action being a power to reckon with on the global arena could shed light on the power dynamics of international support or neglect of conflict. The analysis also contributes to the understanding of the EU's contributions to international peace and helps understanding also the limits and possibilities of the EU's engagement in cases of international conflict.

The research question reads; *How did the EU institutions motivate the SFPA as contributing to its interests and values, considering its inclusion of the occupied territory of Western Sahara?*

Next, the thesis outlines the theoretical framework utilized for the analysis, and thereafter discusses the method used. Then follows an analysis of the motives of the respective EU institutions, the results of which will then be further discussed.

## 2 Theoretical framework

The thesis places itself within the theoretical debate on the driving factors behind EU foreign policy, a sub-theme to the discussion on the EU's role as a peacebuilder and in global politics. The field has grown in parallel with the increased transferring of foreign policy making and peacebuilding efforts to the EU level from the individual member states (Hill, Smith & Vanhoonacker 2017:4-6). The debate centers around two arguments: that the EU is an interest-driven actor, or that it is guided by its values. After outlining the perspectives respectively, the thesis will argue that they are best combined when analyzing the motives put forward in the process of EU foreign policy making, in this case the SFPA.

### 2.1 Literature review

The majority of the literature suggests that the EU foreign policy and engagement for international peace and security is guided *either* by the organizations' self-interests *or* its values (Van Schaik & Schunz 2012; March & Olsen 1998; Manners 2002; Hyde-Price 2008), and the theoretical debate have thus been fierce although rather binary in nature. This section will outline and examine respective theory to lay out the ground for why they work best combined.

#### 2.1.1 The EU as an interest-driven actor

The first strain of theory argues that the EU is an interest-driven actor. To best understand the EU's behavior in international relations, the theory suggests a rational, rather realist approach where the EU "behaves in line with a logic of consequence and reasons on the basis of instrumental calculations concerning its self-interest – that is, in defense of its very own benefit" (Van Schaik & Schunz 2012:171). Strategic interests are here seen as the guiding motive for EU external action, where it is seen as caring little of how its policies might affect others as long as the chosen path is self-beneficial. The theory is supported broadly by two types of arguments, departing from very different standpoints. The first category consists of support for the theory and its claims in itself, that the interest-driven way of action is the most logical and reasonable way of acting for any actor within the international system, given its conflictual and competitive attributes (Hyde-

Price 2008:36). The claim is here – more or less straightforwardly put – that the opposing value-driven theories are naïve in their analysis of the global world order, being too trustful of the possibilities for peace, cooperation and politics based on values rather than self-interests (*Ibid.*). The EU cannot and should not refrain from pursuing the interests of its citizens simply to act ‘nicely’ in the anarchic international system (Hyde-Price 2008:43). Of course, the interest-driven perspective sees cooperation as admirable, but still assumes self-interest to be the guiding principle of negotiations, policy design and action (March & Olsen 1998:949; Smith 2016). Related is the claim that to best protect its self-interests, the EU should only engage for international peace to the extent that it is beneficial and legitimate. Smith (2016:456) argues that when the EU has tried to put forward idealistic propositions for global peace in its foreign policy over the last years, for instance in the EUGS, it has only hurt the Union more, as it has not had the power, the economic muscles nor the internal support (often conceptualized as internal legitimacy) to carry those out. Lack of such legitimacy has been illustrated for instance by the public dissatisfaction leading to Brexit. Given this and the many external threats that the EU is facing, it should now more than ever focus on living up to the interests of its own citizens, that is a secure and economically stable Europe (Smith 2016:456).

The second type of argument is of an empirical nature. Here, support for the theory is drawn from how that EU *de facto* has acted when constructing its foreign policy, where self-interest is concluded to have been the main driver. One such example is the EU’s engagement in peacebuilding and democracy promotion in its neighboring regions (Galantino & Freire 2015:7-8). Here, the increased capacity building of EU civilian and military engagement in peacekeeping missions, civilian operations, projects of law enforcement and good governance are seen as serving a strategic security interest of the EU. Pänke (2019:108-109) and Huber (2015) here point towards facts such as how the European Council has expressed a strategic security interest of promoting “a ring of well governed states” around the EU in order to mitigate perceived threats to European peace and stability, recalling for instance the recent Ukrainian crisis and the Arab spring having both caused great instabilities and conflict close to the EU border. Similarly, the expansion of Frontex following the perceived threat of the migration flows coming into Europe are presented as examples of EU as guided by strategic interest (Mungianu 2016:2), a motive that thus seems to be growing in prominence and becoming more explicit in the EU foreign policy making.

Also, when analyzing the EU’s international trade policies, self-interest is rather unsurprisingly often put forward as an explanatory factor for the policies made (Meunier & Nicolaïdis 2017:210-211). These strategies are often perceived by critical voices as unfair or unbeneficial towards the other part of the agreements as profitability and economic development for the Union are the features with the greatest importance (Siles-Brügge, 2014:128). While further discussion on the



level of veracity in the above-mentioned critique of the EU as an interest-driven actor is beyond the scope and aim of this thesis, the claim illustrates how parts of the argumentation does not necessarily consider it to be the *right* course of action. Rather, it is often part of a critique of the EU being too selfish in its foreign policy. In sum, the theory argues that strategic interests as security and economy – whether ‘good’ or not – guide the EU’s external action, and that peace and international stability plays a role only if it benefits the EU internally.

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<b>EU’s key interests in foreign relations</b>	Security
	Economic Development

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### 2.1.2 The EU as a value-driven actor

On the contrary, a strain of theory has grown in prominence of the EU as driven by values, also conceptualized as norms or ethics (Whitman 2013:172). While the conceptualizations have some differences as discussed in greater detail below, they all argue that the EU is best understood as an actor that “follows a logic of appropriateness: it decides and behaves in accordance with norms that it has internalized and that it considers to be the most appropriate in a given context” (Van Schaik & Schunz 2012:171). Departing from a constructivist school of thought, actions guided by formulated values are perceived to function as creating and reaffirming the actor’s identity (March & Olsen 1998:951; Andreatta & Zambenardi 2017:85; Huber 2015:133). Fostering ‘good’ international norms is perceived to be the main route towards a stable and peaceful global order, as actors gain more in cooperating and find synergetic relations (March & Olsen 1998:951). The perspective here criticizes the interest-driven approach for overlooking the possibilities of win-win situations and for underestimating the power of norms in shaping and changing behavior (Manners 2008). The key norms of the EU’s foreign policy were first theorized by Ian Manners (2002:243) in the ‘Normative Power Europe’ (NPE) framework and outlined below.

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<b>EU’s key values in foreign relations</b>	Peace
	Liberty
	Democracy
	Rule of law
	Respect for human rights and fundamental freedoms

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Manners' conceptualization of norms builds directly upon the EU treaties (*Ibid*) and are thus not claimed to be 'good' in themselves but guiding for the EU foreign policy. Manners (2002:242-244) argues that the EU is following and internalizing the norms, but also wishes to be an agenda-setter and a driving force in shaping the norms on the global arena (Manners 2008), for instance through peace operations and civilian missions. Some have argued that all actors have internalized values guiding their actions on the global arena to some extent, and that the EU is not in any way unique (March & Olsen 1998:951). While this might very well be the case, the thesis does not find the argument convincing in turning down the value-driven theories; rather its explanatory value increases if norms guide all actors in the international system. However, questioning the real-world impact of the Normative Power Europe might very well be subject for analysis (Forsberg, 2011:1184). Here, Aggestam (2008:3) makes an important comment and critique of Manners' 2002 conceptualization of NPE in her development of Ethical Power Europe. While Manners has an intuitionist focus on what the EU *is* – a normative power – Aggestam takes on a functionalist approach, analyzing what the EU *does* abroad in terms of norm/ethics-driven implementation and behavior to increase the practical value of the theory.

In order to do so, Manners (2008:55) developed his NPE framework by creating three analytical units. *Firstly*, he analyzes whether the EU 'lives by example', meaning to coherently follow the norms and principles it sets up. Not doing so lessens the (normative) legitimacy (Aggestam 2008:6), understood as "perceptions of fairness or, more generally, of an evaluation of the values and norms a certain actor is associated with" (Bengtsson and Elgström, 2012:97). *Secondly*, the EU must 'act reasonably' in its international relations, operationalized as the EU acting responsibly and transparently in its international relations, using instruments as dialogue and diplomacy and not acting reactively with the use of coercive force (Manners 2008:57). While the EU's policies might be 'reasonable' in terms of transparency and clear conditions, the contexts in which norm export takes place are often asymmetrical in power (for instance, poor countries or countries in conflict) and the actors receiving the EU's norms is often, under more or less pressure, expected to change (Björkdahl *et al.*, 2015:3). Critics here point out the problematic resemblances to the concept of cultural imperialism (Aggestam 2008:7). Manners (2008:59-69) attempts to mitigate this critique through his *third* principle, that the EU should aim for policies that are 'other-empowering' and 'does least harm' in its foreign policy, which means not putting the self-interest first in foreign engagement.

Empirical arguments used in favor of this theoretical perspective is for instance the EU's global focus on strengthening human rights by the integration of ambitious human rights clauses in international trade agreements, demonstrating how the EU is willing to favor their key values over economic profit (Velluti 2016:41). Also, the EU's peace missions and enlargement efforts are interpreted

as efforts to strengthen peace and key values in the region. These efforts demand great amounts of economic resources, time and commitment from the EU in creating the locally anchored peaceful transformations in the respective societies they engage with (Laursen 2013:22). Seemingly in contrast with the interest-driven theorizations, the next section will discuss how various motives often seem to interplay in the EU's foreign policy making.

## 2.2 The EU as a pragmatic peacebuilder - towards a new theoretical framework

While the two theories discussed in many ways might appear completely opposite, scholars such as Huber (2015), Pänke (2019), Meunier & Nicolaïdis (2017) and Aggestam (2008) have to a growing extent recognized how both interests and values play a part in shaping the EU's foreign policy and they thus dismiss the notion that the two theories are mutually exclusive. While both perspectives have some explanatory value when analyzing EU foreign policy and global engagement for peace, their suitability as single explanation is questioned, not least due to the explicit aim of the EU to make the foreign policy more integrative. For instance, Pänke (2019:114) and Tocci (2017:54) discuss the creation of EEAS as a foreign affairs department and their Global Strategies as examples of such integration where peace and prosperity are discussed alongside and together. In addition, Meunier & Nicolaïdis discuss how the Lisbon Treaty put trade policy under the general area of the EU's external action, thereby suggesting that "commercial policy was indeed an integral component of the EU's nascent foreign policy" (2017:231).

The key of the theory development is thus the acknowledgement that both theories play important roles in shaping the EU's foreign policy and engagement for peace. Pänke (2019:109) has described this new approach as the EU's 'dual strategy' where he conceptualizes the EU's norms and interests as 'interlocking and mutually reinforcing'. For instance, international trade is simultaneously portrayed both as one of the areas where the EU strongly promotes its self-interests *and* interpreted as an area where the EU promotes its key value of human rights through its international trade agreements. Similar dynamics appear in discussions on EU efforts on securing peace and democracy in its neighborhood, as showed in this chapter. The increased attempts of thematic integration of the EU's global engagement thus makes it relevant to analyze it accordingly.

Acknowledging the EU's attempts to combine the two features is however no way of defining it as always successful or without hindrances. For instance, when examining the integrative approach of the EU, including human rights

conditionality in trade deals, this tool is applied ‘selectively and unevenly’ because of prioritized self-interests (Velluti 2016:41; Gebhard 2017:125). The principles guiding enlargement processes as well as peacebuilding efforts have also been applied inconsistently in Eastern Europe (Whitman, 2013:183). Important here is the contextual analysis in which the interest/value trade-off were made, as it is more likely that a value driven foreign policy can come in place where the security stakes are (perceived as) low (Huber 2015:32). Pänke (2019:101-102) also discusses how “the EU’s external relations have been characterized by a fundamental tension between a long-term reformist agenda and the aim to increase European security in the short term” which can be interpreted as the aim of reforming the global order in line with its values being overruled at occasions by strategic interests. As discussed, according to Manners’ NPE framework, acting ‘unreasonably’ by applying double-standards and acting incoherently can here lower the legitimacy of the EU’s normative power. However, Tocci (2017: 64-65) here notes how the EUGS here leaves room for flexibility and suggests the EU to be realistic about the contextual features; suggesting a ‘case to case’ assessment of the way of action.

Combining the two theoretical perspectives is thus not to claim that both features are equally considered in all policy making processes. What it does is only to analytically *allowing* more complex dynamics to exist than simply ‘either or’, while not doing so would lead to an insufficient analysis only capturing parts of the dynamics and motives in the foreign policy making. In sum, combining the two strains of theory is gaining increased attraction amongst scholars and will be done so also in the thesis. The table below illustrates the final analytical framework. The thesis will now move on to discuss the methodological framework.

**Table 1. Analytical framework**

<b>EU’s key interests in foreign relations</b>	Security
	Economic Development
<b>EU’s key values in foreign relations</b>	Peace
	Liberty
	Democracy
	Rule of law
	Respect for human rights and fundamental freedoms

## 3 Methodology

This chapter outlines and discusses the method and material used for the analysis. The main aim of the chapter is to provide the information necessary for the thesis to be valid and reliable.

### 3.1 Overall approaches

The thesis departs from an interpretivist standpoint, meaning that it strives to provide a better understanding rather than a final explanation of the motives guiding EU foreign policy making (Halperin & Heath 2017:40). Related is the descriptive approach, that is well-suited with the in-depth study conducted of the EU institutions and their perceptions of the SFPA in relation to the Western Saharan conflict. The research conducted is deductive, as it utilizes the theoretical framework on EU foreign policy making when analyzing the case in question (Halperin & Heath 2017:426). While the SFPA is the single case of interest, the thesis has comparative elements in that it analyzes the EU's main institutions respectively (Halperin & Heath 2017:205). This choice is made to increase the thesis' internal validity. By allowing differences amongst the institutions to occur, the thesis here creates a richer and more nuanced picture of the process and motives of EU foreign policy making (George & Bennet 2004:19).

As the research puzzle is concerned with how the EU tried to motivate the agreement *although* preceding agreements have been ruled to be in breach with international law, the thesis must recognize that the case unarguably differed somewhat from the intended 'normal' acting from the EU, that is compliance with international law (TEU, art. 21). The external validity might therefore be understood as somewhat weak, possibly perceived not to say much about other cases (Halperin & Heath 2017:333). The aim is, however, that by choosing to analyze the 'unnormal' acting, the thesis contributes to a greater understanding of the underlying motives and reasons that brought about such behavior. Furthermore, studying a case that challenges previous truths about the EU has a high value in itself, as the reason for all research is to ask new questions that are not built on assumptions of 'common sense' (Gustavsson & Hagström, 2017:639-640). Focusing on a deviant case is thus not a sign of selection bias, rather a well-substantiated attempt to make use of all the advantages that a single-N study offers in terms of reliability and internal validity (George & Bennet, 2004:31-32).

## 3.2 Qualitative analysis of ideas

Being interpretivist in nature, the thesis utilizes a descriptive qualitative analysis of ideas. Concerned with uncovering the subjective (Halperin & Heath 2017:49,425), the method is well-aligned with the aim to conduct an in-depth analysis of values and interests that motivated the EU institutions to include the Western Saharan territory in the SFPA. A descriptive qualitative analysis of ideas does not place its main focus on details of individual arguments put forward in the text but analyses the overall themes, ideas and values given to a specific fact or feature in the text, and how this idea is constructed in the material (Bergström & Svärd 2018:138-139). This is the reason the method is favored over an analysis of arguments. Using such a method would risk being too narrow in scope, as it places the focus on technical aspects of how the arguments are constructed, aiming to identify logical fallacies (Boréus 2018:94-95). Instead, what will be closely examined in the material by conducting an analysis of ideas is the ideas and possible contradictions and unclarity in the material in relation to theorizations of the EU's interests and values as guiding the external action. The analysis will be conducted from an institutionalist standpoint, as the method considers ideas of groups and institutions guiding larger societal actions being the most relevant, as opposed to the ideas of individuals (Bergström & Svärd 2018:138-139).

While process tracing was initially considered as an alternative method with more of an explanatory approach (Halperin & Heath 2017:89-90), the thesis finds qualitative content analysis to be better fitted. Firstly, from an epistemological standpoint, using process tracing would constitute a breach from the hermeneutic nature of the thesis since the method is positivist in nature (Halperin & Heath, 2017:89-90). Secondly, even if the epistemological standpoint were to change, the intertwined policymaking processes in all member states and EU level makes it extremely difficult to outline a clear trace of the whole process in a comprehensive manner, given the limited scope of the thesis. While pursuing this course of action, the thesis also recognizes the potential political conflicts that may have taken place on national levels regarding the case in point. However, as foreign policy is a responsibility of the EU to a growing extent (EEAS, 2019a), setting the course policy-wise with a larger impact than any member state alone could, the thesis here conducts externally valid research by analyzing the EU level. However, all qualitative analysis of ideas suffers a risk of being too vague and abstract and therefore more unreliable (as opposed to a well-conducted process tracing) (Bergström & Svärd 2018:165-167). The thesis will avoid these common pitfalls by carefully conceptualizing and operationalizing the themes of the research, as discussed in greater detail below.

### 3.3 Conceptualization and operationalization

This section makes explicit the conceptualizations and operationalizations that the thesis constructs and uses for analyzing the material with the aim of increasing the thesis' validity and, as a second step, the reliability of the findings (Halperin & Heath 2017:148-149). Table 2 summarizes the central concepts in the theoretical framework as used in the research.

<b>Table 2. Conceptualizations</b>	
<i>Feature in EU's Foreign Policy</i>	<i>Conceptualization</i>
<b>Security</b>	A condition and context where the life and well-being of the EU or its citizens is not perceived at risk.
<b>Economic development</b>	Actions, features and measures that benefits and strengthens the EU economically.
<b>Peace</b>	A context with absence of violence and with equal participation in society, social justice and cohesion, equal access to resources and the embracing of diversity and tolerance.
<b>Liberty</b>	The state of freedom within society from oppressive restrictions imposed by authorities regarding way of life or political views.
<b>Democracy</b>	Government by the people; system of governance where power is vested equally in the citizens and exercised by representatives elected in free and fair elections.
<b>Rule of law</b>	System of 'government by law'; all persons and institutions being accountable to national and international law, that is fairly applied and enforced.
<b>Respect for human rights and fundamental freedoms</b>	Compliance with adopted charters on Human Rights, and not engaging in or supporting activity that does not cohere with adapted protocols.

Here, it is important to revisit the interpretivist nature of the thesis. While it analyses the data utilizing the conceptualizations made in Table 2, the result is not a calculation of, for instance, whether the suggested fishing agreement actually led to the economic development for the EU, but instead of the *idea* of such – if and how it was put forward as a motive in the material. While operationalization of the concepts used is important for both the validity and reliability in any study by defining how the concept is recognized in the data (Halperin & Heath 2017:153-

154), the thesis' qualitative nature requires a careful adjustment of providing a clear enough definition while allowing the material to 'speak', since not all complex ideas can be transformed into a single definition or code (Bergström & Svärd, 2018:152). An operationalization that is too strict would not allow the nuances and layers of the material to be visible, while having no form of systematizing how to conduct the research would impact negatively on the validity and reliability. What will be done to balance the risks is to create indicators that are clear, but sufficiently flexible.

Here the thesis draws upon the work of Lindberg (2017) by using his three types of indicators when analyzing the material. *Value statements*, expressing normative preferences and overall goals; *Descriptive statements*, expressing ideas and understandings of reality and what measures could be used for impacting and changing those; and *Prescriptive statements*, specifying what measures and actions should be taken in a given context. The indicators will be interpreted qualitatively and in relation to each other, as suggested by Lindberg (2017:103). By doing this, the thesis can uncover the relations between the EUs overall goals and what is actually put forward as course of action and thus examine the dynamics, power relations, adjustments, and possible institutional conflicts that took place in the policy making process regarding the SFPA. Questions asked are:

- How does the material reason around the concepts - what are the overall goals?
- Are the concepts perceived practically possible to combine, or seen to be clashing in implementation in the given context? If so, how are prioritizations made?
- Based on the above, what course of action is chosen? What reasons are put forward for it, especially in terms of benefits and disadvantages for the self and others?

The indicators support the reliability since they allow the thesis to discover and analyze the motives guiding the EU foreign policy both on an abstract and on a more practical level, covering the whole range of the concepts without losing internal validity. Furthermore, they allow a nuanced analysis of how interests and values might interact on the three levels, thereby being well-aligned with evaluating the theoretical framework arguing that this is often the case. Another way the thesis assesses reliability is to conduct the analysis at several occasions and cross-check the results (Halperin & Heath, 2017:328). To sum up, the thesis ensures high validity by conducting a single-N study allowing for rich and nuanced analysis (as discussed in 3.1). The reliability is supported by clear conceptualizations and operationalization of concepts, where the material is also cross-checked. The level of methodological transparency is supported also with a discussion on the material used, to which the thesis turns next.



## 3.4 Material

The thesis here provides a discussion on the material chosen and outlines on what grounds it is included. The chosen research question naturally limits the scope of the primary data to only include documents related to the SFPA. This allows for a deeper analysis since the material is clearly defined and ensures a high validity and helps in avoiding selection bias of the material (Halperin & Heath, 2017:330). As the thesis pursues an institutionalist approach, the primary data will mainly consist of documents from the principal EU institutions. From the European Commission, the proposal and its annexes, including the Report on the Benefits for the Western Saharan People will be analyzed. From the European Parliament, preparatory documents as statements from the topical rapporteurs and final report from a Parliamentary preparatory mission and visit in Western Sahara 2018 will be analyzed. The Council of the European Union's final statements will also be analyzed, and finally the voting results from the Council and Parliament will also be considered briefly. As secondary data, material regarding preceding rulings from the European Court of Justice and agreements between the EU and Morocco will be used also to outline the legal and political context in which the SFPA was implemented. Scholarly articles, UN documents and reports about the case will be used to further deepen the analysis and the succeeding discussion. This material serves as a bridge between the empirical data and theory and contributes also with insights of the political context, which is important to better understand the interests and values that were at play during the implementation process of the agreement.

## 4 Analysis

This chapter analyzes the motives guiding the main EU institutions in regard to the inclusion on the occupied Western Sahara in the SFPA. To provide a richer understanding, a brief legal contextualization of the SFPA will first be presented. Thereafter, analyses of the ideas from EU respective institution will follow.

### 4.1 The case in context

While Western Saharan waters have at times been included in previous agreements between the EU and Morocco (European Commission 2020) this has been contested several times both politically and legally, making an analysis of the motives behind the SFPA extra interesting. In 2011, the European Parliament voted against a suggested fisheries agreement including Western Sahara on the basis that it was unclear how it would benefit the Sahrawi people (Simon 2014:255). Also, the European General Court (EGC) and the CJEU have ruled against earlier agreements on the basis of Western Saharan inclusion (Van der Loo 2018:2). Central in all rulings have been the fact that the territory is under occupation, which has implications for resource extraction by a third party from the area.

In 2015, Polisario Front sued the EU for including Western Sahara in a trade agreement with Morocco in case T-512/12. The Court found the agreement to breach international law regarding the principles of self-determination in IHL and EU law alike and annulled the parts of the agreement that regarded Western Saharan territory (Hummelbrunner & Prickartz 2017). In its ruling, the ECG referred mainly to the principles of the TEU, stating for instance that the EU's external action "shall be guided by respect for the principles of the UN Charter and international law" (TEU art. 21(1)). The Council appealed the EGC's decision and brought the case to the CJEU (case C-104/16 P). While the CJEU also concluded that Western Sahara cannot be included in any agreements between the EU and Morocco given its occupied status, it dismissed that it had ever been, since international agreements in accordance with Article 29 VCLT 'naturally' only covers the territory over which a state has full, sovereign control, thus not including occupied territories such as Western Sahara (UN 1969; Hummelbrunner & Prickartz 2017). The CJEU here avoided that the agreement had *in practice* been applied to occupied territory and ducked "potentially valid accusations

relating to the violation of fundamental principles of EU-law and international law” claimed by Polisario Front (Hummelbrunner & Prickartz 2017).

Similar rulings followed in 2018 (case C-266/16), where the previous Fisheries Partnership Agreement was brought up. Here, the Council and the Commission argued that Western Sahara being occupied did not hinder the agreement by referring to UNCLOS (1982), stating that in non-independent territories “provisions concerning rights and interests under the UNCLOS shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development”. The EU institutions also referred to a statement by the UN legal counsel, given in 2002 when he was to investigate the legality of contracts for resource extraction from Western Sahara, signed only by Morocco. While he concluded these agreements “not in themselves illegal”, future agreements disregarding “the interests and wishes of the people of Western Sahara would be in violation of the principles of international law” (UNSC 2002).

The CJEU here found that the agreements had indeed not been proven to benefit neither the rights and interests nor the well-being and development of the Sahrawi people (CJEU 2018). The Court also referred to UNCLOS paragraphs 55 and 56 “as only including waters adjacent to the territory of a state as internationally recognized, thereby excluding the waters adjacent to Western Sahara” (Hummelbrunner & Prickartz 2018). Western Sahara being occupied was thus proven a strong legal argument, where the Court prioritized the EU’s key values of rule of law and human rights over the economic benefits of the agreements. This contextualization of the centrality of Western Sahara’s occupied status and the decade-long legal disputes and discontent that preceded the SFPA is necessary for understanding the thin line between interests and values it balanced on in order to be accepted and perceived legitimate. After having outlined this, the thesis will now analyze what motives were put forward for the SFPA.

## 4.2 Initial steps towards the SFPA – The Commission’s proposal

Following the ordinary legislative procedure, the Council authorized the Commission in 2017 to start negotiations with Morocco and draft the SFPA, including Western Saharan waters (European Commission 2018b). The Council had two prerequisites for the authorization: that the Commission should investigate the impact of the agreement in Western Sahara “considering in particular its advantages for local people”, and that “the people concerned by the Agreement must have been adequately involved’ (*Ibid.*). While not explicitly stated, it is reasonable to think that the prerequisites attached were responding to

the CJEU ruling of previous fisheries agreements as *not been proven to benefit* the Sahrawi people (CJEU 2018). Furthermore, the Parliament's dismissal of the 2011 agreement (see 4.1) also pointed towards a lack of proof of the benefits for the Sahrawi people, demanding agreements that were better aligned with the key values of rule of law (explicitly referring to Western Sahara) and to be more economically and ecologically beneficial for all parties (European Parliament 2011). As a result, the process towards the SFPA was defined by extensive preparatory work from the Commission, which indicates that it was of utmost importance to the EU. The thesis will now analyze the material from the Commission. The scope of the section is motivated by the fact that the Commission's material later serves as the basis for the reasoning both of the Council and the Parliament.

#### 4.2.1 Interests and values in the eyes of the Commission

Starting out by analyzing the value statements, the Commission's main goal with the SFPA is to "ensure the sound management and sustainability of fisheries resources from the ecological, economic and social point of view" (European Commission 2018b:1). It also aims to utilize the SFPA to protect the economic interests of European companies and consumers (European Commission 2018b:11), highlighting the economic interest and long-term economic benefits of the agreement (European Commission 2018b:5,11). Similarly, the inclusion of Western Sahara is discussed largely in terms of (mutual) economic interests. Here, another value statement is the aim that the SFPA will support the growth of the Western Saharan economy, making the fisheries sector more competitive and raising levels of salaries and employment, all done in a sustainable manner in terms of natural resource management (European Commission 2018c:1-2). The socioeconomic development for Western Sahara is also emphasized (European Commission 2018b:4).

The Commission also makes clear references to its values, notably respect for human rights and international law. While the Commission argues that the SFPA considers the EU's "objectives on respecting democratic principles and human rights" (European Commission 2018b:4), it also aims to separate the SFPA from the sensitive question of occupation and its implications for key values as peace and liberty. The UN led peace process in Western Sahara is in focus and seen as the only feasible way towards a resolution of the dispute over the occupied territory, in which it will not intervene nor take sides (European Commission 2018b:4). While having consulted organizations in Western Sahara during the drafting process of the SFPA to seek consent for the agreement, the Commission explicitly states that the consultation process did not regard the question of Western Sahara's final status, rather the economic practicalities.

This is motivated by referring to the agreement as essentially (socio-)economic in nature (European Commission 2018b:3). The Commission's apolitical view of the SFPA is visible also when discussing the Polisario Front's refusal to participate in the consultation process; the organization having said that they perceive this as consolidating and legitimizing Moroccan sovereignty over their territory (WSRW 2019a). Here, the Commission concludes the absence of consent from the legitimate representative for the Saharawi people as that "they were opposed in principle to amending the agreement, largely for general political reasons unrelated to the agreement itself" (European Commission 2018c:34). Thus, the Commission's value statements show that it, although it recognizes its key values, downplays its role and ability to contribute to peace, democracy and liberty for the Saharawi people. Instead, the goal is to contribute to economic development benefiting the people concerned, recognizing the economic interests at play.

#### 4.2.2 Combining interests and values – the Commission's understandings of reality

As indicated above, the Commission tried to pursue its self-interests and, to some extent, simultaneously promoting its values through the SFPA. In the descriptive statements, a combination of the two features are perceived as possible by the consultation process discussed, described to having ensured benefits for all parties. Confident in the outcome of the consultations, the Commission ensures that "the agreement provides guarantees for a fair geographical distribution of the socio-economic benefits" (European Commission 2018b:3). The consultations focused on analyzing the SFPAs contributions to sustainable growth and advantages for Western Sahara (European Commission 2018c:16-18), and the Commission here describes how according to Morocco, some 45.000 jobs in Western Sahara depend directly or indirectly on exports to the EU (European Commission 2018b:23). The Commission regards Morocco – although being the occupational power – as the only actor which the EU could engage in a trade deal covering Western Sahara, as "no other entity could guarantee the sustainable exploitation of those resources and the management and monitoring of the funds of the sectoral support available for the territory of Western Sahara and its population" (European Commission 2018b:2).

While the expected positive economic impacts for Western Sahara by the SFPA are thus clearly outlined, there is little focus on its potential disadvantages and clashes with the EU's key values. For instance, while the Commission is well aware of the widespread feeling that Morocco's activities in Western Sahara will restructure society by "further violations of the right to self-determination of our people [...] by the illegal occupation of our homeland by Morocco that we suffer on a daily basis" (WSRW 2019a), it acknowledges that some actors that participated in the consultation process were satisfied with the SFPA. The

Polisario Front's unwillingness to legitimize the consultation process is not further considered (European Commission 2018c:34), and despite the critique, the Commission's understanding is that it "took all reasonable and feasible measures in the current context to properly involve the populations concerned" (European Commission 2018b:5). It does not elaborate on if and how values as democracy, liberty and human rights could have been strengthened if Polisario Front's opinion had been considered, or what their consent could have meant for the legitimacy of the SFPA. The option of not including Western Sahara altogether is dismissed because it would hamper economic development in the area, thus affecting the population negatively. Economic development is here understood as a human right, as the Commission highlights the need for such development for ensuring decent education and healthcare (European Commission 2018b:30–31) and therefore seen as legitimizing factor for the SFPA.

#### 4.2.3 Chosen course of action – benefits for whom?

The Commission prescribes the SFPA as the right course of action, arguing that "continuing legal uncertainty surrounding trade with Western Sahara would seriously hamper socio-economic development, as already evidenced" (European Commission 2018c:15), concluding that it is better to do something than nothing. As the Commission's aim with the SFPA is, as stated, of economic nature, it does not aim to work with its values as human rights in terms related to the question of occupation. However, it expresses support for Morocco in strengthening human rights on a general level (European Commission 2018b:6). Choosing this course of action is motivated by implying that a 'neutral' position towards the dispute over Western Sahara can increase the EU's chances of exerting their values in the long term, as the Commission hopes that the SFPA will improve bilateral relations with Morocco and that Western Sahara can be better discussed if Morocco does not feel questioned (European Commission 2018d:3-4). In sum, the economic perspective of the Commission is described to be shared with consulted stakeholders in Western Sahara. As the SFPA ensures compliance with the socio-economic sections of the human rights framework, the Commission perceives that its interests can be pursued without abandoning key values and that difficult prioritization between them does not necessarily have to be made.

### 4.3 The CoEU- Promoting neutrality by adopting the SFPA?

The SFPA was approved by an overwhelming majority in the Council of the European Union (CoEU 2019). This section outlines the motives behind the decision.

#### 4.3.1 Interests and values – prioritizing neutrality

By and large, the value statements expressed by the Council resemble those expressed by the Commission, to which the Council refers repeatedly. In addition to recognizing the economic interests as a main feature of the SFPA, the Council explicitly relates the SFPA also to its security interests, as it “forms part of the comprehensive partnership covering economic, political and security matters and the fight against irregular migration, including its root causes” (CoEU 2018b:2). The Council also reaffirms its support for the UN led peace process, which the Council hopes will “allow the self-determination of the people of Western Sahara” (CoEU 2018a:3) and furthermore reasons that “there is nothing in the terms of the Fisheries Agreement or of the Implementation Protocol thereto which implies that it [the Council] would recognize the Kingdom of Morocco’s sovereignty or sovereign rights over Western Sahara” (CoEU 2018a:5).

However, in descriptive statements, the Council describes the SFPA as neutral in regard to the question of occupation and Western Sahara’s final status. Not taking sides in the conflict, they however allow for Morocco to insert formulations in the SFPA where Morocco still claims itself as the ruler over the Western Saharan territory (CoEU 2018b:2). The Council here seems to decide to ‘agree to disagree’ with Morocco on the question of the Western Sahara dispute. Here, Sweden stands out in objecting the SFPA and not accepting the description of ‘neutrality’, arguing that implementing the SFPA despite lack of consent from Western Saharan organizations as Polisario Front favors Morocco’s perspective of the conflict (Sveriges Riksdag 2019). All other Member States here voted in favor of the description that the SFPA aligns with art. 21 TEU, that international affairs are guided by “democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the UN Charter and international law” (TEU, art. 21).

#### 4.3.2 The CoEU’s course of action

The Council prescribes clear paths of actions for ensuring benefits for all parties that are subject to the SFPA. In its prescriptive statements, it states that measures will be taken to ensure ‘fair distribution of the use of funds’, for instance by setting up a committee for ensuring practical fulfillment (CoEU 2018b:19). The committee shall also be “a forum for the amicable settlement of any disputes regarding the interpretation or application of this agreement” (CoEU 2018b:20). Here, the Council prescribes that the committee shall consist of representatives from “the parties” to the agreement (*Ibid.*); it thus remains unclear whether Western Saharan stakeholders will be represented in the committee or if in practice they will be represented by Moroccan officials. Since the SFPA is signed

only by the EU and Morocco, it can be assumed to be the latter. Another directive prescribed by the Council is that the EU will “*continue to step up* its efforts in support of the [peace] process, initiated and pursued under the auspices of the United Nations” (CoEU 2018a:6). While being a clear expression of the Council’s values, it is unclear how the ‘stepping up’ will be carried out in practice. Overall, the Council prescribes how the SFPA shall be implemented in accordance with human rights and democratic principles (CoEU 2018b:11). In sum, it can be concluded that the Council promotes the idea of ‘neutrality’, and that its interests and values can be combined without hindrances in the SFPA.

## 4.4 The politics of interests and values in the European Parliament

The European Parliament voted for the SFPA with 415 in favor, 189 against and 49 abstentions (European Parliament 2019a). While the voting results indicate clear support for the SFPA, the material shows a somewhat more fragmented situation in the Parliament, open to recognize the political nature of the SFPA.

### 4.4.1 Separating interests and values - benefits as different to consent

The value statements and overall aims of the Commission’s proposal of the SFPA (as presented in 4.2.1) were approved by the Parliament. It referred to the economic importance for the EU, and also highlights the economic benefits for Western Sahara without going into depth on the discontent from Polisario Front and its implications for the legitimacy of the SFPA (European Parliament 2019b:8). The Parliament’s approval was guided by the approvals from the two rapporteurs from the Committee of Fisheries and Committee of Budget, both recommending the Parliament to vote in favor of the agreement. In detail, the rapporteurs did so by referring firstly to the economic benefits for the EU, Morocco and Western Sahara where they make explicit the important economic benefits for the EU of including Western Saharan waters where up to 90% of the fish origins. Secondly, the rapporteurs also remarked on the SFPAs positive impacts on social development in Western Sahara and the stated respect for key values as human rights (European Parliament 2019b:7). While the whole Parliament could agree on the value statements in themselves, that the SFPA is indeed economically beneficial for the EU and that (economic) development is very much needed in Western Sahara, a number of MEPs expressed concerns over a clash between the economic interests and the key values of the EU in their descriptive statements. For instance, in a hearing with the Commission of the SFPA as part of the Association Agreement with Morocco, MEPs from 5 out of 8 political groups in the EP criticized that many of the organizations mentioned in



the Commission's consultations in Western Sahara had in fact never been consulted at all, thus making the Commission subject for critique of being selective and not conducting a fair consultation (European Parliament 2018a). Additionally, some MEPs also argued that 'benefits are not consent' in their descriptive statements, stating that while economic development might be good, just, and very much needed in Western Sahara, the two concepts are not synonyms, and economic development is not an evident path towards key values as liberty and peace in Western Sahara (European Parliament 2018a). Although in minority, the group of MEPs (mostly left-winged) impacted on the Parliament's course of action, as seen below.

#### 4.4.2 The Parliament's course of action

Before the voting of the SFPFA, a substantial number of MEPs prescribed a consultation with the CJEU for ensuring the SFPFA's alignment with EU law. The request was denied with 189 in favor, 410 against and 36 abstentions (European Parliament 2019c). This prescriptive statement followed on the dissatisfaction with the Commission's work on investigating the benefits for Western Saharan people discussed above, both in regard to the SFPFA but also the whole Association Agreement (AA). The Parliament here also prescribed and organized its own mission to Western Sahara in order to get a satisfactory understanding of the interests and values that were at stake with the SFPFA (European Parliament 2018b). While the report prescribed the Parliament to vote in favor of the SFPFA, it was later criticized for being biased, following on the revelation that the head of the delegation was later accused of lobbying for Moroccan interests and had to step down from the process following her conflict of interest (WSRW 2018b). The prescribed course of action was thus highly politicized, although ending up favoring the SFPFA.

In sum, the analysis has shown that the EU institutions all highlighted and prioritized the economic benefits for the self and others, seeing the SFPFA primarily in economic terms. The Council also saw the EU's security as reason for entering the SFPFA with Morocco. While all institutions describe some key values as central, some values are disregarded in importance due to the solely economic motive with the SFPFA, and the Parliament was the only actor describing a clash between interests and values. The Commission and the Council prescribed the responsibility for peace and democracy to the UN, supporting their peace process but simultaneously attempting the SFPFA to remain 'neutral' towards Morocco's occupation of Western Sahara. The thesis now turns to the discussion.

## 5 Discussion

In this final chapter, the thesis aims to further discuss the findings and situate them in the theoretical debate. The discussion will end with contextualizing the findings in the EU foreign policy-making and engagement for peace in general.

### 5.1 Interests and values in the SFPA

The analysis of ideas showed how interests and values both guided all the EU institutions in motivating the adoption and implementation of the SFPA, as the two features were discussed alongside each other in the material. The thesis recognizes how the material regarding the SFPA – being a trade agreement – also strives for the inclusion of aspects such as security, concerns for human rights and development; an integrative approach to foreign policy as suggested by the theoretical framework used (Pänke 2019; Meunier & Nicolaïdis 2017). As outlined in the theoretical chapter, the Global Strategy (EUGS) is brought up as an example of the EU’s aim of combining its interests and values (Pänke 2019; Tocci 2017), stating that “Our interests and values go hand in hand. We have an interest in promoting our values in the world. At the same time, our fundamental values are embedded in our interests” (EUGS 2016:13). Although the analysis showed that the SFPA is rather unique in the sense that it is implemented in Western Sahara despite previous legal disputes regarding its geographical scope, the thesis here suggests that the SFPA thus does not stand out as much in its *ambitions* of integrating and aligning peace and prosperity.

However, as suggested by the theory, prioritizations and compromises between the interest and values are likely to occur (Pänke 2019; Huber 2015; Velluti 2016). Indeed, throughout the analysis of the SFPA, the thesis found support for the economic interests being of highest priority for the EU in motivating the SFPA. This shows in the eagerness, especially from the Commission and the Council, to portray and motivate the SFPA solely in economic terms, refraining from fully recognizing the political elements in that it includes occupied territory and that the agreement is being made with the occupational power in question. While the discussion will not repeat all findings as presented in chapter 4, the Parliament’s note that 90% of the fish originates from Western Sahara makes it almost impossible to underestimate the EU’s economic interest of Western Sahara being part of the agreement. Also, the value statement from the Commission that

the concerns brought up by Polisario Front regarding the occupation was of ‘unrelated political reasons’ (European Commission 2018c:34) illustrates the argument that economy was prioritized over further considerations of values. All consequences (notably benefits) of the SFPA in the consultation process and following motives from the Council and the Parliament were also framed as (socio)-economic in nature.

The Council also recognized how the SFPA is part of a partnership aiming to hinder irregular migration. While not explicitly stated in the analyzed material, theory suggests that the EU sees migration increasingly in terms of security; a self-interest trumping values (Mungianu 2016). The SFPA is indeed implemented in a context where Morocco plays a crucial role in the EU security policies as a gatekeeper to the MENA region, where civil unrest, migration flows, and Islamic extremist terrorism has been in focus in the EU foreign policy in recent years (Huber 2015:123-124). A stable situation in the neighboring Western Sahara and a benevolent Morocco could here be understood as a strategic interest and motivation for the EU, where it is willing to contribute greatly financially through agreements such as the SFPA to maintain good relations with Morocco.

This suggestion is enhanced by the fact that the bilateral relations between EU and Morocco worsened when the EU Courts took a stand for Western Sahara’s right to self-determination in ruling previous trade agreements with Morocco illegal due to the occupation (CEPS, 2019). Here, the Commission motivates implementing the SFPA with that it could help moving beyond earlier disputes and improve the relations between the EU and Morocco (European Commission 2018d:3-4). That seems to already have been the case, as the two parties have relaunched the process towards a free trade agreement (Huber 2015:110, 115; Euractive 2019). In short, aligning the SFPA to be acceptable for Morocco seems to have increased the chances for even bigger, future economic interests for the EU.

However, all three institutions also constructed some of the motives for the SFPA in terms of supporting key values such as human rights and rule of law, and values thus had at least some importance and influence in the process of drafting the SFPA. Utilizing Manner’s (2008) framework for assessing to what extent values were considered in the analysis, the thesis finds that while the EU institutions tried to *live by example* by reaffirming their commitment to human rights, compliance with international law and respect for the UN led peace process in order to create legitimacy for the SFPA, they here focused only on selected values. For instance, the material analyzed highlights the SFPAs contribution to human rights as economic development, leading to better education and healthcare. While this is, as argued in the material, indeed positive for the people concerned, the SFPA is attempted to be separated from other aspects of values, such as peace, liberty, democracy and the right to self-determination as stated in international law. As argued in the material from the Parliament, benefits are not equal to consent, and

while diplomatic language is not surprising in such a high profiled trade agreement as the SFPA, the selectivity amongst the values is striking. When it comes to *acting reasonably*, the EU and especially the Commission aimed for inclusiveness, transparency and dialogue, where the consultations conducted in Western Sahara aimed to level the power asymmetry in the relations. However, as the analysis showed that the opinion from Polisario Front was completely disregarded, the Parliament's claiming that many of the 'consulted' stakeholders in Western Sahara were in fact never consulted, and the rapporteur accused for lobbying for Moroccan interests lowers the level of reasonability even though the aim might have been there. Related is the last principle of being *other empowering*. While the EU here claimed to empower the Western Saharan citizens with expected socioeconomic benefits resulting from the SFPA, simply ignoring Polisario Front, being the legitimate representative for the Sahrawis according to the UN is hard to interpret as 'other empowering' by the EU, as partly recognized by the Parliament.

Instead, the ambition of taking a 'neutral' standpoint led the Council to accept Morocco formulating claims over the Western Saharan territory in the SFPA. While compliance with the values is the primary important feature for the value-driven theories, the thesis here finds that the EU does not succeed neither in being 'other-empowering' nor aiming (at least in the analyzed material) to change or influence Morocco's norms and actions regarding Western Sahara. An actor driven by values would, according to theory, here have strived to be a driving force in exerting its values in the SFPA (Manners 2008; Manners 2002:242-244). Here, the thesis finds it most fruitful to discuss what the EU *does* in terms of value exertion, as the analysis of the SFPA showed that the internalized values - what the EU *is* - was not equally featured in this case of EU foreign policy-making. All in all, while the SFPA is motivated as adhering to some of the EU's key values, the institutions (except for parts of the Parliament) simultaneously tries to separate the SFPA from a discussion on values. The thesis argues that this is not possible because all actions taken by the EU – firstly the motives for the SFPA and secondly the prioritizations made between interests and values are political choices, as there is no such thing as a 'neutral' policy.

These results from the analysis highlights an interesting contradiction as brought up in the theoretical framework. It recognizes and allows for prioritizations between interests and values in the EU foreign policy making, for instance by referring to the EUGS' promotion of flexibility and contextual assessment (Tocci, 2017: 64-65). At the same time, it also promotes coherent action from the EU in its foreign policy, moving away from the history of applying its key values 'unevenly and selectively' (Gebhard 2017:125). Tocci (2017: 64-64), once again turning to the EUGS, notes that it here tries to establish a 'bottom line' of what is acceptable action for the EU in its international relations. However, the analysis showed how elemental aspects such as adherence to international law seems to

have been overruled by the EU before when it comes to including Western Sahara in trade agreements, compromising the EU's ambition to act coherent. Thus, there seems to be some unclarity in how the EU can legitimately act 'coherent, but flexible', seemingly leaving the Union at a crossroad in deciding how to construct its foreign policy in situations where its interests and values are not easily combined. It is this theoretical and empirical unambiguity that the SFPA and the EU's treatment of the conflict in Western Sahara must be understood.

## 5.2 Western Sahara and beyond

Because of the rather complex situation outlined above, it is difficult to draw general conclusions on the wider impact of the EUs prioritizations of self-interests; to include Western Sahara in the SFPA. Worth discussing is whether the SFPA is to be seen as a landmark agreement, allowing for the EU to act similarly in future trade agreements including occupied territories. To some extent this might depend on the outcomes of the SFPA as aimed for by the commission, but the lack of data on whether the SFPA has had the intended impact on the socioeconomic development in Western Sahara makes it too early to draw any firm conclusions. However, these outcomes are in some way, at least for the Polisario Front, secondary as they have constantly seen all unconsented EU activity in the area as further cementing Morocco's occupation and as plundering of natural resources (WSRW 2019a). Seeing the situation first and foremost in terms of the right to self-determination, the Polisario Front will therefore not surprisingly once again sue the EU for pursuing trade deals in the occupied territory (WSRW 2019b).

Thus, socio-economic support alone as suggested from the SFPA does not seem enough for stabilizing the political conflict in Western Sahara. Instead, the sensitive question of self-determination is still central in the conflict and the tense situation remains (Security Council Report 2020). Here, the MINURSO still has an equally limited mandate, overseeing the ceasefire and a possible future referendum (MINURSO 2020). While some progress was made in 2018/19 by the UN where roundtable meetings between Morocco and Western Saharan officials were held, progress once again seems to have stalled (Security Council Report 2020). The EU's support for the UN led peace process is, as stated in the SFPA, intact (EEAS 2019b). The EU has for instance contributed bilaterally to the MINURSO mission with technological solutions "which will enhance early warning of possible violations or threats to the ceasefire" (UNSC 2019:6). While positive for the capacity building of MINURSO, the short time passed since the implementation of the SFPA makes it unclear whether this is what is meant by the EU 'continuing to step up' its support for the UN peace process as stated by the Council (CoEU 2018a:6), or if it will later strive to exert more of its value-driven

power on UN level; seeking global influence as envisaged by Manners (2002). Here, the thesis suggests further research to compare the EU's 'national' action with actions on UN-level to closer examine the alignment and possible incoherence between the two levels in the EU's treatment of the Western Saharan conflict, providing even more insight into how the EU uses its tools available for peacebuilding in this case of protracted conflict.

Similarly, the thesis sees a value in comparing the prioritizations and adjustments between interests and values made in regard to the SFPA with other cases of EU foreign policy making in its role as peacebuilder and global power. As already discussed in this section, what role the SFPA will play in the construction of future trade agreements is crucial for other occupied territories and countries in conflict. The thesis therefore suggests further studies on motives behind EU trade- and foreign policy-making in other unfree territories such as Crimea and Palestine. As this thesis has showed that implementation of trade agreements such as the SFPA – however motivated rhetorically – can play an important role in de/legitimizing occupation and injustices depending on their prioritizations of interests and values, the thesis believes that the EU's engagement in international trade should continue to play an important role in the field of peace and conflict studies, as the concept of peacebuilding is continuously widening in the same pace as the global politics of war and peace is becoming increasingly complex.

## 6 Conclusions

To conclude, this thesis has analyzed the EU's motives for implementing the SFPA with the inclusion of the occupied territory of Western Sahara, finding that self-interest was the guiding motive. The EU also considered its key values to some extent, as it tried to combine its interests and values in motivating the SFPA. However, the analysis showed that the values were integrated selectively, as the EU institutions prioritized its interests over recognizing how the SFPA has a political impact in the conflict over Western Sahara, seeing the agreement solely as economic in nature. The thesis has here contributed with constructing a combined theoretical framework that allows for a deeper understanding of how the EU's interests and values interact in its foreign policy making in a case of protracted conflict and illegal occupation. This thesis has started to map out the prioritizations between interests and values and thus the limit for EU's value-driven engagement for peace.

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