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A Powerful Learning Moment

TA hot summer day, somewhere in Morocco. Bright-eyed and bushy-tailed, I arrived for one of my first interviews, this time with an academic. What was I doing here? Well, I was conducting interviews with people in Morocco who have interesting perspectives to add to the topic of EU-Morocco migration control cooperation. I was in the middle of my third year of research, and while by no means an expert on anything, I did already know a bit of what I was talking about. Or so I thought.

I am writing about this eye-opening interview because it proved to be a bit of a gamechanger for me. Perhaps, reading this, you will think: ‘Duh, what did you expect?’, but in my defence, I am a Western legal scholar at heart, having studied only positive law at European universities. Still, I was confident in being an open-minded researcher aware of different perspectives and legal traditions. My interviewee in that case taught me differently.

I was confident in being an open-minded researcher, aware of different perspectives and legal traditions – my interviewee taught me differently.

While I, perhaps naively, spoke of international agreements and non-discrimination of Moroccans and irregular migrants in their access to constitutional rights-protection, my interviewee made me take a step back. (S)he reminded me that this rights-based approach was a Western one through and through that had less bearing in Morocco. The Kingdom, they said, was not a Westphalian state as such – meaning a state in which Western conceptions on how a state is supposed to act, including in the international forum. The country has a history of ‘migration diplomacy’, which may lie at the root of its hesitancy to conclude legally binding agreements regarding

irregular migration. Instead, Moroccan diplomats have a strong strategic approach to negotiate advantageous political arrangements. They seem to prefer this method of flexible cooperation over the conclusion of legally binding agreements. The EU’s motivations in this matter are a completely different discussion altogether.

Another issue I was made aware of is that, for the longest time, Morocco has not had a proper migration law. Under colonial rule, it had had two legal regimes, one applying to Moroccans and a different one for foreigners, chiefly for their French and Spanish colonisers. The region where we met had been under French rule, and my interviewee told me that even today, foreigners are often just thought of as ‘French’ no matter where they really come from. This is because, under colonial rule, all foreigners and their local employees were presumed to be French and thus excused from Moroccan law. As such, Morocco was not used to legislating for foreign migrants and indeed only adopted a migration law in 2003, reportedly after encouragement by the EU. On a side note, this law bears strong resemblance to the French migration law.

What have I learned from all this? Mainly that presuming I am not narrow-minded, and knowing abstractly that different legal traditions exist, cannot compensate for a lack of education. Even worse, I did not even think to look for this information, which, while not ground-breaking, has caused a big shift in perspective for me. Thus, do not rest on your laurels – check your perspective, and check it thoroughly.

How this may be done is a different question. In this context, it seems like a good solution to not only critically search my work for Western concepts, but also to go looking for publications and personal feedback from Moroccan academics who can easily show me the error of my ways. Another option for future research might be collaborative research projects with researchers from diverse backgrounds.

In 2021 worden de columns geschreven door promovendi migratierecht.