

Country: Kingdom of Morocco

Commission: ICJ (International Court of Justice)

Case: The balance between EU/Frontex border security and the respect for international law and migrant rights.

The Kingdom of Morocco appears before this Court as a sovereign nation situated at the vital crossroads of African-European migration. While Morocco maintains a strategic partnership with the European Union, we view with deep concern the increasing "securitization" of borders. The fundamental issue is that the EU, through its agency **Frontex**, has increasingly sought to externalize its border controls, effectively shifting its legal and humanitarian obligations onto transit states like Morocco. We contend that border management can never justify the suspension of international legal standards.

In recent years, Frontex operations have expanded in scope and intensity. Morocco observes that:

1. **Pushback Practices:** Evidence from international observers suggests that Frontex has been involved in or facilitated "pushbacks," which deny migrants the right to seek asylum.
 2. **Externalization of Risk:** The EU's policy of "outsourcing" border control places an undue administrative and humanitarian burden on Morocco, often without providing the necessary legal framework to protect the individuals involved.
 3. **Lack of Accountability:** Frontex operates in a "legal gray zone" where it is difficult to hold the agency accountable for human rights violations occurring during joint operations at sea or near our territorial waters.
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1. **The Principle of Non-Refoulement:** Under Article 33 of the **1951 Refugee Convention**, the EU and Frontex are prohibited from returning individuals to territories where they face threats to their life or freedom. "Silent pushbacks" at sea constitute a direct violation of this customary international law.
 2. **Extraterritorial Jurisdiction:** We argue that when Frontex exercises "effective control" over migrants—even outside EU physical territory—the **European Convention on Human Rights (ECHR)** and the **UN Convention on the Law of the Sea (UNCLOS)** remain fully applicable.
 3. **Right to Life and Dignity:** The right to life is non-derogable. Safety protocols must prioritize "Search and Rescue" (SAR) over "Interception and Deterrence."

The Kingdom of Morocco requests the Court to:

1. **Define the Legal Responsibility** of Frontex for human rights violations occurring during coordinated missions.
2. **Mandate Transparency** and independent monitoring of all Frontex operations to ensure they comply with the UN Charter.
3. **Reiterate the Duty of Shared Responsibility**, ensuring that the EU does not use third-party states to bypass its own international asylum obligations.

Morocco remains committed to a humane and orderly migration policy. However, security cannot be purchased at the cost of human dignity. The "balance" the EU seeks must not be tilted toward a "Fortress Europe" mentality that disregards the very international laws it heluuuuped create.