

# Ceuta and Melilla Fences: a EU Multidimensional Border?

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## Abstract

*Fences of Ceuta and Melilla are an appropriate model to study to what extent governments could harmonize between stated purposes and hidden objectives. Although, Spanish government has constantly stated that fences of the two enclaves aim only to stop irregular migration, comprehensive view of various aspects of the issue leads us to conclude the existence of other objectives behind this policy. Spain's policy of fencing the two enclaves' borders reflects a contradictory process in the region. While Mediterranean sphere has witnessed during the last two decades an increasing number of cultural and economic cooperation projects, new real and virtual walls have being built in the region to achieve "Fortress Europe". The paper tries, first, to show the controversial aspects of Ceuta and Melilla fences as the EU southern border. Second, it aims to highlight the changing roles of the two enclaves' Fences.*

## Introduction

In the past, nations viewed walls and fences surrounding their towns and villages from a defensive perspective, as a rampart protecting them from the outside attacks, but dramatic changes in both military doctrine and technology during the last century led to a decline in the strategic and tactic importance of border, whether are fenced or not, as a line of defense. On the other hand, the recent increase in boundary walls and fences along both disputed and undisputed bounders show a totally opposite trend to some globalist and trans-national perspectives on a "Borderless World", "The End of Geography", "A World without Sovereignty", "The End of the Nation-State" and so on.

Thus, although the interactions between globalization and ICTs technologies are theorized in terms of virtualization of trans-border and trans-national flows, nation-state has never ceased to strengthen its territorial aspects. Even if in many cases it can be argued that the reinforcement of nation-state's borders is based on security requirements, recent history has demonstrated that states used to hide their real goals behind security issues.

One of the key aspects of traditional notion of sovereignty was the right of states to control exclusively movements of people across international boundaries, and

to expel undesirable aliens and immigrants. This authority has become in question not only because of all types of globalization flows (people, money, ideas, information...), but also because of great intellectual efforts to re-theorize the notion of nation-state and its components, including the concepts of sovereignty and territorial borders.

Fences of Ceuta and Melilla are an appropriate model to study to what extent governments could harmonize between stated purposes and hidden objectives. Spanish government uses the challenge of irregular immigration as an argument for reinforcing the fences of the two enclaves; nevertheless, relevant reports assert that the number of irregular immigrants crossing to Spain through the two towns or elsewhere has intensified during the last two decades despite the construction of the fences in early 1990s. The rule is that the more border surveillance measures are intensified, the more irregular immigrants find new ways to cross international borders clandestinely.

Ceuta and Melilla reflect a long history of interactive relations between Morocco and Spain. These relations have fluctuated between coexistence and confrontation according to shifting regional circumstances and the balance of power in the Mediterranean region.

Spanish existence in North Africa dates back to an era dominated by intensive struggle between Christians and Muslims for territorial control not only in the Iberian Peninsula but also in the whole Western Mediterranean. The Spanish term "*reconquista*" refers to this long period from 718 to 1492 ended by so-called in Islamic history the "fall of al-Andalus"; however, ambitions of "*reconquista*" wars were not limited to recover only Iberian Peninsula, but rather to expand Christian control to Western North Africa.

Ceuta and Melilla are two most important enclaves in Northern Morocco controlled by Spain since the end of "*reconquista*". Melilla was the first to fall under Spanish rule in 1497, and Ceuta, which had been seized by Portugal in 1415, was transferred to Spain under the Treaty of Lisbon in 1668.

Ceuta and Melilla like all medieval cities were surrounded by high and thick stone walls to protect and defend them from invaders and all kinds of external attacks, because both towns had been for a long time the epicenter of the conflict between Mediterranean powers. If ancient walls had not been a disputed issue between Morocco and Spain since they were accepted as a principal defensive strategy of the old world order, today building new fences and extending or renovating the existing ones on the border of the two enclaves provoke political and juridical differences between the two countries.

Apart from Ceuta (19.4 km<sup>2</sup>) and Melilla (13.4 km<sup>2</sup>), Spain is still controlling some tiny islands<sup>1</sup> considered by Morocco, based on historical and geographical reasons, as integral parties of its territory.

The year of 1986, with Spain's entry into the EC (later EU), was a turning point in the history of the two towns and other islands controlled by Spain in Northern Morocco, because since this year all of them have been considered as EU territories.

A remarkable development of these territories occurred in 1993, when the fencing of the enclaves' perimeters started on the pretext of preventing irregular immigration. As it has been relatively easy to cross this first fence, the construction of a more secure system started in autumn 1995<sup>2</sup>. Starting this year Spanish government has not ceased to strengthen and renovate these fences by using new advanced technologies including infrared cameras.

In 2005, Spanish government built a third fence next to the two deteriorated existing ones, in order to completely seal the border outside of the regular checkpoints. Europeanization of the two enclaves' fences is a new aspect of the issue by partly financing the Spanish project. For instance, the European Union contributed £200 million to the construction of the razor wire border fence around Ceuta, and it assumed 75% of the costs of the first project from 1995 to 2000.

The current situation of the two towns' fences, according to a report made by the European Commission in October 2005, is as follows:

- The external land border of Melilla is characterised by an approximately 10.5 km double border fence divided into three sectors. The outer fence has a height of 3.5 metres; the inner fence reaches 6 metres in some places. Both fences are equipped with barbed wire in order to prevent irregular immigrants from climbing the fence. The installed surveillance system consists of 106 fixed cameras for video surveillance and an additional microphone cable as well as infrared surveillance<sup>3</sup>.
- At the external land border of Ceuta (7.8 km of double border fence, divided into three sectors) 316 policemen and 626 Guardia Civil officers

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<sup>1</sup> Moroccan rocky islands that are still controlled by Spain or are in a *Status Quo* are follows: the Chafarine Islands (las Islas Chafarinas), Badis Peninsula (Peñón de Vélez de la Gomera), Nekor Island (Peñón de Alhucemas), and the Parsley Island (la Isla Perejil or Laela).

<sup>2</sup> Stefan Alscher, "Knocking at the Doors of 'Fortress Europe': Immigration and Border Control in Southern Spain and Eastern Poland", Humboldt University, Berlin, Germany, Working Paper 126 (November 2005), p.10.

<sup>3</sup> European Commission, *Report of Technical Mission to Morocco*, "Visit to Ceuta and Melilla on Illegal Immigration", 7<sup>th</sup> October–11<sup>th</sup> October 2005, p.70.

are currently deployed. Except for 37 installed movable cameras along this border line, the technical equipment used for border surveillance is the same as in Melilla. In addition, helicopters are used for surveillance of the external border after the recent massive attacks<sup>4</sup>.

In pursuit of the strategy of separating Spanish-controlled enclaves in North Africa from Morocco territory, the Spanish government allocated in the beginning of 2009 an important budget to renovate and strengthen razor-wire fences surrounding Ceuta and Melilla.

This paper tries, first, to show the controversial aspects of Ceuta and Melilla fences as the EU southern border. Second, it aims to highlight the changing roles of the two enclaves' Fences.

## **I- Fences of Ceuta and Melilla: A Controversial EU Border**

Fencing Ceuta and Melilla borders has stimulated many complicated and unresolved questions between Spain and Morocco. The seriousness of these questions lies in their transitivity and interdependence because they do not stop at the Moroccan-Spanish border, but rather they extend beyond bilateral relations between the two countries.

### **1- A Fault Line between two Different Spheres**

Fences of Ceuta and Melilla are not just land border between two neighboring countries, but furthermore they are built upon “a complex amalgamation of clashes and alliances”<sup>5</sup> representing a “multi-faceted fault line” between two countries (Spain and Morocco) that were also respectively the ex-colonizer and the ex-colonized, two peoples (Spaniards and Moroccans), two nations (Westerns and Arabs), two religions (Christianity and Islam), two continents (Europe and Africa), two regions (Western Europe and Maghreb Arab), and so on. Indeed, the fences around the two enclaves, as the first European walls that were built after the destruction of the Berlin wall, are “a stark and literal reminder of the cultural, political and economic barriers that remain to be overcome between Europe and its Mediterranean neighbors”<sup>6</sup>. However, these frontiers are not necessary similar to Huntington's fault lines of war and conflict, but on the contrary, the Mediterranean has been for a long time a sphere of coexistence and interaction.

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<sup>4</sup> European Commission, “Visit to Ceuta and Melilla on Illegal Immigration”, *ibid.*, p.70.

<sup>5</sup> Xavier Ferrer-Gallardo, “The Spanish-Moroccan Border Complex: Processes of Geopolitical, Functional and Symbolic Rebordering”, *Political Geography* 27 (2008), p.303.

<sup>6</sup> Peter Gold, *Europe or Africa?: a Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla* (Liverpool: Liverpool University press, 2000), p.144.

Concerning the cultural aspect of this border between Spain and Morocco, it is noteworthy that the beginning of the 21<sup>st</sup> century has witnessed an increase of cultural misunderstandings especially between the Muslim and Western worlds. There are many factors that induce the current cultural tensions between the two worlds: immigration, terrorism, foreign policy of some western countries toward Muslim World (Iraq, Palestine, Afghanistan...), meaning of freedom of speech and media especially in the West (cartoon crisis), restraints and restrictions on the religious freedom in the two worlds (prohibition and obstruction the exercise of some religious rites and aspects like the headscarf...). These misunderstandings have become some times crucial and critical, reflecting the vulnerability of the relationship between the two worlds.

In fact, some scholars, politicians and activists in the two nations focus on these tensions to show only one side of the coin. For example Samuel Huntington's thesis (*Clash of Civilizations*) predicted that cultural factors would be the fundamental source of current and future conflicts. According to Huntington, "differences among civilizations are not only real, they are basic. Civilizations are differentiated from each other by history, language, culture, tradition and most importantly from religion"<sup>7</sup>. Huntington concluded pessimistically that "the clash of civilizations will dominate global politics. The fault lines between civilizations will be the battle lines of the future"<sup>8</sup>. According to José Maria Aznar, the former Spanish Prime Minister, the clash between the two nations began since the VIII Century. Aznar said, in a lecture delivered at Georgetown University on September 21<sup>st</sup>, 2004, that Spain's long battle against terrorism started as early as 711, when Muslims, led by Tariq Ibn Ziyad, invaded Spain. He further argued that the terrorist acts which struck at Madrid on March 11<sup>th</sup>, 2004, did not begin with the Iraqi crisis, but with the fall of al-Andalus<sup>9</sup>. Such extremely arbitrary and biased version of history ignores the greatest part of peaceful and cooperative relations that had been in the region for more than 12 centuries.

Despite the long Spanish occupation of Ceuta and Melilla, Spanish position on the two enclaves has still marked by doubt and suspicion of a potential Islamic threat whether from inside of the two towns reflected by Muslim population who express from time to time their rejection of the Spanish occupation, or comes from Morocco who has never both officially and popularly recognized the Spanishness of the enclaves.

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<sup>7</sup> Samuel Huntington, "The Clash of Civilizations", *Foreign Affairs*, Vol. 72, No.3 (Summer 1993), p.25.

<sup>8</sup> Samuel Huntington, "The Clash of Civilizations", *ibid*.

<sup>9</sup> Mohamed Larbi Messari, "The Vivid Memories of Al-Andalus in the Discourse on Dialogue among Civilisations",

<http://www.isesco.org.ma/english/publications/Human%20Civilizations/p32.php>

The demographic element in the two cities had not any significant importance until the beginning of 20<sup>th</sup> century. While the number of Muslims is increasing faster than other groups, Spanish community is significantly decreasing because of the move to the peninsula and the low birth rate. That explains the anxiety of some Spanish authors about the growth of number of Muslims not only in Ceuta and Melilla but in the whole Spain. For instance, Herrero de Miñón, who is one of the fathers of the Spanish Constitution<sup>10</sup>, argued in favor of filters on “linguistic and cultural affinity”, with the underlying purpose of excluding Moroccans, while favoring Latin-Americans, Romanians and Slavs. The point seems to be that these migrants do not threaten the notion of Spanishness, as much as Moroccanization does<sup>11</sup>.

Despite this pessimistic view, most people all over the world remain optimistic about the relationships between civilizations and cultures, emphasizing the common denominators of nations that would enhance mutual understanding and trust. The thesis of "Dialogue among Civilizations", as the alternative paradigm, has been proposed by a large number of the world intelligentsia. The latter paradigm states that the diversity of the world's cultures and religions are natural and inherent, and they are elements of the wealth of our planet as well<sup>12</sup>.

The two enclaves have always been open to other Moroccan neighboring cities and areas. Many people of Northern Morocco speak Spanish fluently because of the different kinds of contact with Spaniards. Some of them can be considered as “frontier workers”, they work in the enclaves especially in commerce and construction, and retain their habitual residence in adjacent Moroccan provinces to which they normally return every day or at least once a week. So, the fences enclose Ceuta and Melilla and deepen their isolation from neighboring inhabitants.

There are many factors that may make Moroccan Spanish cultural relations flourishing. Common historical heritage, geographical proximity, social and economic interactions are important factors for the promotion of cultural relations between the two countries. Regardless some long-lasting disputes, especially the situation and the future of the two enclaves, Spain has been for a long time the second economic partner of Morocco, after France.

## **2- Ceuta and Melilla: an Unresolved Issue**

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<sup>10</sup> Miguel Herrero y Rodriguez de Miñón is considered to be one of the seven *fathers* of the Spanish Constitution (1978).

<sup>11</sup> Jaume Castan Pinos, “Identity Challenges affecting the Spanish Enclaves of Ceuta and Melilla”, 2008 European Conference of the Association of Borderlands Studies, pp.76-77. <http://uit.no/getfile.php?PageId=977&FileId=1459>

<sup>12</sup> Said Saddiki, “El papel de la diplomacia cultural en las relaciones internacionales”, *Revista CIDOB d’Afers Internacionals*, núm. 88 (12/2009), p.115.

The dispute between Morocco and Spain over Spanish-controlled territories in North Africa began at the sunset of the 15<sup>th</sup> century and the beginning of 16<sup>th</sup> century, when Spain and Portugal occupied some Moroccan ports. Although, Melilla has been under Spanish sovereignty since 1497 and Ceuta since 1668, Moroccans have never recognized Spanish sovereignty over these enclaves and other rocky islands, and always considered them as integral parts of Moroccan territory.

Since obtaining its independence in 1956, Morocco has never ceased to call for the restoration of all Spanish-controlled territories in Northern Morocco. In its first document submitted to the United Nations as a member of this organization, Morocco provided a list of unresolved territorial disputes with Spain, including the two enclaves. Moroccan government has taken every occasion to recall this attitude. On January 27<sup>th</sup>, 1975, the Mission of Morocco to the UN submitted a memorandum (A/AC-109-475) to the Special Committee on Decolonization requesting to place all territories controlled by Spain in Northern Morocco in the UN list of non-self-governing territories.

Morocco based its request for recovering Spanish-controlled territories in Northern Morocco on historical, geographical, juridical and geo-political reasons. With regard to historical reasons, Morocco is one of the existing oldest monarchies in the world, and it had ruled without dispute its coasts and ports located at Western North Africa, including Ceuta and Melilla. Before the coming of the Europeans, Ceuta and Melilla had never been *terra nullius* ("no man's land"); rather, they were two important Islamic cities in North Africa since the arrival of Islam to the region. For example, in the 15<sup>th</sup> century, Ceuta had over a thousand mosques, 62 libraries, 43 educational institutions and one university<sup>13</sup>. With the Arrival of Moulay Idriss I in Morocco and the establishment of the first Islamic state in Western North Africa in 788, all Moroccan dynasties have exercised sovereignty over the enclaves and all Moroccan Mediterranean coasts from that time on.

Morocco justifies its demands also by invoking the principle of territorial integrity and the decolonization laid down in the Charter of UN. It is worth mentioning that Morocco has been undergone a multinational colonialism throughout European colonial expansion, and it had been divided into some colonies; for that reason Moroccans consider the existence of Spain in North African as a "museum of colonialism".

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<sup>13</sup> R. Rezette, *The Spanish Enclaves in Morocco* (Paris: Nouvelles Editions Latines, 1976), p.27. Cited in Gerry O'Reilly, *Ceuta and the Spanish Sovereign Territories: Spanish and Moroccan Claims* (Durham: International Boundaries Research Unit, Dept. of Geography, University of Durham, 1994), p.2.

Linking the future of Ceuta and Melilla to those of Gibraltar was adopted by Morocco for a certain period especially in the 1960s and 1970s. This perception was known in Morocco as the “Hassan II’s doctrine”, which means that the resolution of the issue of Spanish-controlled areas in Northern Morocco is linked to the resolution of the Gibraltar question<sup>14</sup>. The Spanish government indicated to the King Hassan II in 1960s that some prospect of ceding the two enclaves to Morocco existed once Gibraltar was returned to Spain<sup>15</sup>. Hassan II declared on November 25<sup>th</sup>, 1975, that “... some time in the future, England will logically restore Gibraltar to Spain. If the English restore Gibraltar to Spain, the later should restore Ceuta and Melilla to us”<sup>16</sup>. However, in the mid-1980s, Morocco decided to separate the future of Ceuta and Melilla from the question of Gibraltar. In 1987 the late Hassan II stated: “My attitude towards Ceuta and Melilla is that is a question of an anachronistic situation which cannot be compared to that of Gibraltar, given that Gibraltar is in Europe. Gibraltar is under the control of a European power, allied through the EC and NATO to Spain”<sup>17</sup>.

Morocco does not leave any opportunity to communicate its position on the two enclaves and other rocks to its interlocutors. This position was included in Morocco’s memorandum to the EC when they signed the cooperation agreement by stating that this agreement did not mean recognition of the situation of Ceuta and Melilla (memorandum of 28 May 1988). Before that time, Morocco’s Mission to the EC informed the Secretariat-General of the European Commission a similar memorandum regarding the status of the enclaves on the occasion of the Spain’s accession to the EU.

One of the strongest moments of this issue at UN framework was on September 7<sup>th</sup>, 1988, when Abdellatif Filali, Moroccan Foreign Minister at that time, addressed the General assembly in New York. He placed his remarks in the context of the importance of stability and security in the Mediterranean and good relations with the European Community, stating that “it is imperative to resolve the dispute concerning the enclaves of Ceuta and Melilla and other small Mediterranean islands under Spanish occupation, in order to prevent this anachronistic situation -a consequence of earlier times- from threatening the

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<sup>14</sup> Mohamed Larbi Messari, “The Current Context of a Moroccan Claim to Ceuta and Melilla”, *Dafatir Siyassiya*, No. 107 (December 2009) (in Arabic).

<sup>15</sup> Robert Swann, “Gibraltar: The Cheerful Mongrel”, *New Society*, 5 (127), (4 March 1965), p. 7. Cited by Robert Aldrich and John Connell, *The last Colonies* (Cambridge: Cambridge University Press, 1998), p.226.

<sup>16</sup> *Maroc-Soir* (26 Novembre 1975), cited by Robert Rézette, *The Spanish Enclaves in Morocco* (Paris: Nouvelles Editions Latines Publishing, 1976), p.146.

<sup>17</sup> Robert Aldrich and John Connell, *The last Colonies*, op.cit., p.226.

essential harmony which should prevail over the relations between the two countries situated on either sides of the Strait of Gibraltar<sup>18</sup>.

King Hassan II proposed in January 1987 to set up a joint committee of experts to discuss the future of Ceuta and Melilla, but unfortunately Spain government did not make any official response, and has until now refused to enter into any negotiation with Morocco about the two towns. On March 3<sup>rd</sup>, 1994, on the occasion of the 33<sup>rd</sup> anniversary of the Throne Day, Hassan II called once again to establish a committee of experts, and he reaffirmed Morocco's inalienable rights to the enclaves. In September 1997, the former Moroccan Prime Minister, Abdellatif Filali, in his speech at UN General Assembly stated again that the enclaves as "Moroccan towns under Spanish occupation" and called for a solution which follow example of the Hong Kong and Macao.

For his part, King Mohammed VI did not hesitate in a speech on July 30th, 2002, to reaffirm explicitly the necessity to put this critical issue in the dialogue with Spain, and renew his father's proposal to establish a Moroccan-Spanish joint committee for finding a solution to the problem of all areas controlled by Spain in Northern Morocco.

A critical moment threatened the relations between Morocco and Spain took place on November 6<sup>th</sup>, 2007 when the King of Spain, Juan Carlos, visited Ceuta and Melilla. Morocco strongly condemned this visit, which was viewed by King Mohammed VI to have "counter-productive" effects that could "put in danger" how relations evolve between the two countries, and said it showed the Spanish government's "flagrant lack of respect for the mission and spirit of the 1991 Treaty of Friendship and Cooperation" between the two neighbouring countries.

### **3- Europeanization of Ceuta and Melilla Fences: a Paradox of EU Foreign Policy**

Territorially, on the basis of the Schengen agreements, EU External Border refers to the frontiers between member and non-member states. But strategically, according to new European policies concerning the externalization of EU Migration Management, some analysts state that common EU borders cannot be anymore considered as just a geographical issue, rather they are "located where the management strategy begins"<sup>19</sup>. In this sense, during last years "Africa's sub-Saharan countries have become EU's southern border"<sup>20</sup>. Anyway, in a strict

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<sup>18</sup> *EL Pais*, 8 October 1988. cited in Peter Gold, *Europe or Africa?*, op.cit., p.13

<sup>19</sup> Pablo Ceriani *et al.*, "Report on the situation on the Euro-Mediterranean borders", Work package 9: University of Barcelona (27 April 2009), p.2.

<sup>20</sup> Pablo Ceriani *et al.*, Report on the situation on the Euro-Mediterranean borders, op.cit, p.3.

territorial sense, Ceuta and Melilla fences represent the *de facto* southern frontier of EU.

Since the adaptation of the Schengen Agreement in 1985 which allowed free movement for EU citizens within the member states, the control of external European Community borders has no longer been a national matter of each European state independently but rather a common European problem. Therefore, after joining the European Community in 1986, Spain has been compelled, according to its European commitments, to tighten its border control measures.

As the Spanish government has started its Action Plan for sub-Saharan Africa (2005-2008) -known also as “Africa Plan”- to control immigration influxes, Europeanization of immigration policies became a key element in its own agenda.

Stopping and preventing irregular immigration, which remain the principal stated objective of building the fences of Ceuta and Melilla, led ultimately to the involvement of the EU in financing this project. Spain is always backed politically and financially by EU in its policy concerning the imposing a status quo in North Africa as a part of its “Fortress Europe” strategy. While in the 1990s, the EU pressed Spain to control its borders, nowadays it is Spain that is increasingly pressing the EU to consider border control as a European issue<sup>21</sup>, in order to get more financial and political support. For example, the cost of the first fencing project around Ceuta (1995-2000) came to a total of 48 Mio. Euro – whereas the EU financed about 75% of the costs<sup>22</sup>. Undoubtedly, financing the fences of the two enclaves is the key aspect of Europeanization of this question.

One of the major criticisms of this EU global approach to migration is that the management of trans-Mediterranean migration does not need unilateral initiatives made only by EU and its members whatever their effectiveness, but rather it requires a comprehensive solution taking into account, first, the human rights of immigrants and, second, the complexity of the trans-national irregular migration, and third, the interests and conception of transit countries, especially Morocco.

On the other hand, building the fences around the enclaves takes place in a paradoxical context. Today, the Mediterranean sphere is pulled in two different directions: one is towards more complementarity and integration, and another to delineating more tangible and intangible boundaries.

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<sup>21</sup> Ricard Zapata-Barrero and Nynke De witte, “The Spanish Governance of EU Borders: Normative Questions”, *Mediterranean Politics*, Vol. 12, No.1 (March 2007), p.89.

<sup>22</sup> Stefan Alscher, “Knocking at the Doors of Fortress Europe”, *op.cit.*, p.11.

Concerning the first direction, Mediterranean basin has been for centuries a space of coexistence between the people on both sides, acting as a bridge between them regardless their ethnic, cultural and religious traditions. On the basis of this vision, EU and its Mediterranean partners started, since the collapse of the Berlin Wall in 1989, thinking and talking about many important projects of cooperation and partnership between the countries of the two shores. This process culminated with the Conference of Barcelona in 1995 that brought together EU member States and 10 Mediterranean partners (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey).

In the Barcelona Declaration, the Euro-Mediterranean partners established the three main objectives of the Partnership:

1. Political and Security Objectives: Definition of a common area of peace and stability through the reinforcement of political and security dialogue.
2. Economic and Financial Objectives: Construction of a zone of shared prosperity through an economic and financial partnership and the gradual establishment of a free-trade area.
3. Social, Cultural and Human Objectives: Rapprochement between peoples through a social, cultural and human partnership aimed at encouraging understanding between cultures and exchanges between civil societies.

After more than a decade from the Barcelona Declaration, French President Nicolas Sarkozy launched the Union for the Mediterranean initiative which was approved by an international conference took place in Paris on July 13<sup>th</sup>, 2008, gathering Leaders from the 27 EU nations and their 16 Middle East and North Africa partners. Although, the Union for Mediterranean intends, according to its founders, to reinforce the Euro-Mediterranean Partnership, it is seen by many commentators as the failure of the Barcelona process.

With regard to the relationship between Morocco and EU, Morocco is always considered by Europeans as an important ally, a credible interlocutor and an effective intermediary between Arab and Western Worlds. Recognizing political and judicial reforms made by Morocco during the last years, EU granted it an “advanced status” in October 2008. Morocco is the first country in the southern Mediterranean region to benefit from the advanced status in its relations with the EU. This status allows to Morocco to be more than a partner but less than a member, and as Moroccan Foreign Minister Taieb Fassi Fihri, quoting the words of Romano Prodi<sup>23</sup>, put it “the new status gives Morocco everything except the institutions”.

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<sup>23</sup> The Former President of the European Commission

The question may be asked: to what extent could the Mediterranean countries reconcile their national interest related to the classical notion of sovereignty and *realpolitik* theory, with the external pressures imposed both by a “globalizing” world and the significant development in international human rights law (especially international law of migrant workers and refugees)? Concerning the subject of this paper, another challenge arises from the disputed sovereignty over Spanish-controlled territories in Northern Morocco. Enclaves like Ceuta and Melilla for Morocco or Gibraltar for Spain may be always “a stone in one’s shoe”<sup>24</sup> for the surrounding states. Hence, without resolving the situation of these territories peacefully and bilaterally, it will be difficult to expect a complete success of cooperative projects taking place in the region, rather it will be always a hindrance to achieving a stable and long term partnership, mainly between Spain and Morocco.

## II- Changing Roles of Ceuta and Melilla Fences

Although, Spanish government has constantly stated that fences of the two enclaves aim only to stop irregular migration, comprehensive view of various aspects of the issue leads us to conclude the existence of other objectives behind this policy. Moreover, the stated and hidden objectives of this policy are not fixed, but rather are changing due to regional circumstances, national interests, balance of power, and the nature of relations between Morocco and Spain.

### 1- Preventing Irregular Immigration: Towards “Fortress Europe”?

The fences of the two enclaves can be considered as a form of externalizing the problem of irregular migration. EU member states have initiated during the last two decades<sup>25</sup> plenty of projects and initiatives aimed at exporting internal migration and asylum problems to the other neighboring countries and in particular the countries geographically closest in order to relieve the burden of undesired immigration in Europe<sup>26</sup>.

Contrary to the integration process and “open door” policy led by the Euro-Mediterranean partners during the last two decades, there is an exclusive process

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<sup>24</sup> The description of the enclaves as a “stone in shoe” is used by Peter Gold in his book entitled: *A Stone in Spain’s Shoe: the Search for the Solution for the Problem of Gibraltar* (Liverpool: University Press, 1994). See also Evgeny Vinokurov, *A Theory of Enclaves* (Lanham, MD: Lexington Books, 2007), p.3.

<sup>25</sup> The so-called “external dimension” of EU immigration and asylum policy was not formally embraced by the European Council until October 1999. See Christian Boswell, “The ‘external dimension’ of EU immigration and asylum policy”, *International Affairs* 79, (2003), p.620.

<sup>26</sup> Ounia Doukouré & Helen Oger, *The EC External Migration Policy: The Case of the MENA Countries*, Research Reports 2007/6, European University Institute, RSCAS (2007), p.3. [http://www.eui.eu/RSCAS/e-texts/CARIM-RR\\_2007\\_06.pdf](http://www.eui.eu/RSCAS/e-texts/CARIM-RR_2007_06.pdf)

by which EU member states practice a strict policy and “close door” towards the movement of people from non-European countries. Saskia Sassen described eloquently this paradox: “Economic globalization denationalizes national economies; in contrast, immigration is renationalizing politics. There is a growing consensus in the community of states to lift border controls for the flow of capital, information, and services, and more broadly, to further globalization. But when it comes to immigrants and refugees, whether in North America, Western Europe, or Japan, the national state claims all its old splendour in asserting its sovereign right to control its borders. On this matter there is also a consensus in the community of states<sup>27</sup>”.

The recent forms of transnational immigration and their consequences are seen by many observers, as a sign of erosion of fundamental elements of nation-state. Moreover, all governments especially in Europe and North America, believe that this transnational immigration is a direct threat to national sovereignty and socio-economic stability, so, they have been attempting strictly not only to control or organize immigration flows, but instead to stop it by passing strict immigration laws and building border walls and fences.

Despite all efforts made by governments to control trans-national flows, the number of people crossing international borders every day regularly or irregularly, with the intention to stay temporary or permanently outside their home land has been rising gradually.

Today, more people live outside their country of origin than any time in history. According to UN Population Division, in 2005, 191 million people, representing three per cent of world population lived outside their country of birth. The equivalent figure in 1960 amounted to 75 million people or 2.54 per cent of the world population. Sixty per cent of the world's immigrants currently reside in more developed regions. Most of the world's immigrants live in Europe (64 million), followed by Asia (53 million), and Northern America (44 million)<sup>28</sup>.

With respect to international irregular immigrants, it is impossible to obtain correct data about them because of their clandestine and irregular situation. The International Labour Organization estimated that there are roughly 20 to 30 million unauthorized migrants worldwide, comprising around 10 to 15 per cent

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<sup>27</sup> Saskia Sassen, *Losing Control?: Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996), p.63.

<sup>28</sup> UN Population Division, *Trends in Total Immigration Stock: the 2005 Revision* (February 2006), p.1.

[http://www.un.org/esa/population/publications/immigration/UN\\_Migrant\\_Stock\\_Documentation\\_2005.pdf](http://www.un.org/esa/population/publications/immigration/UN_Migrant_Stock_Documentation_2005.pdf)

of the world's immigrant stock<sup>29</sup>. Each year an estimated 2.5 to 4 million immigrants cross international borders without authorization<sup>30</sup>.

In European context, since the closure of Europe for almost every form of immigration, location of Morocco and Spanish-controlled enclaves in North Africa has turned them into important points of departure of irregular immigration flows into European countries at the northern shore of the Mediterranean (Spain, Italy, and France). The majority of these immigrants are increasingly from Sub-Saharan Africa countries. They intend to use Morocco as a transit route, but difficulties in entering Europe, whether through sea or Ceuta and Melilla, likely result in longer stays in the “transit country” which become in many cases as a “host country”. A large number of irregular immigrants failing or not venturing to enter Europe build some time on Moroccan territory near Ceuta and Melilla temporary settlements as a “third nation” or a “waiting room”; a new place where irregular immigrants cannot reach their Eldorado, nor can return to their home countries.

Morocco finds itself, as a transit country, in a crucial situation between a rock and a hard place. It has been during the last two decades under the pressure of EU to control its territorial boundaries and stop the flows of sub-Saharan immigrants who intend to enter to Europe through Moroccan costs or Ceuta and Melilla enclaves. On the other hand, Morocco faces a growing demand from national and international human rights groups to provide more protection to irregular immigrants crossing or settling on its territory.

Spanish efforts to build and strengthen fences around Ceuta and Melilla have been faced with great opposition not only from Morocco since it does not recognize Spanish sovereignty over these enclaves, but also from some European diplomats and human rights organizations. The significant development in this context is the increasing awareness among some European statesmen of the ineffectiveness of such separation fences, according to a European diplomat: “Illegal immigration is a growing problem, but we can’t just build a wall around the EU. We need to encourage economic development in other countries, through both trade and aid, so that people have better opportunities in their own countries. At the same time we have to balance firm but fair immigration policies with a compassionate attitude to refugees and

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<sup>29</sup> International Labour Office, *Towards a Fair Deal for Migrant Workers in the Global Economy*, International Labour Conference, 92<sup>nd</sup> Session (Geneva: International Labour Office, 2004), <http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/meetingdocument/kd00096.pdf>

<sup>30</sup> The Global Commission on International Immigration, *Immigration in an Interconnected World: New Directions for Action* (October 2005), p.85., <http://www.gcim.org/en/finalreport.html>

asylum seekers. It's a fine line to walk"<sup>31</sup>. The former European Commissioner for Justice, Freedom and Security, Franco Frattini, for his part, said "Europe cannot become a fortress" and "must do all it can to avoid sending this kind of negative message to other countries. (...) measures like building higher and higher fences will not resolve the problem of unwanted immigration"<sup>32</sup>.

The central question, in this context, is whether the new measures adopted by Spanish government can prevent desperately poor people from sub-Saharan Africa from attempting to enter Europe through Ceuta and Melilla or through another track, whatever the cost may be, even at the risk of their lives. Today, there is unanimity among researchers that the only effective solution of irregular immigration is to reduce economic crises in developing and underdeveloped countries; support and encourage political reforms taking place in origin immigration countries especially in Africa; and to stop all social disturbances and civil wars that have been the main causes of both regular and irregular migration.

In sum, militarization of Ceuta and Melilla borders and building new fences in an attempt to stop or at least reduce the number of irregular immigrants remain an impractical solution and would simply lead them to cross elsewhere and find new migratory routes to the Spain by boat through Canary Islands for example from Mauritania or Senegal. Trying to stop irregular migration is like trying to catch water by one's hands; the more you press on the water the more it slips between your fingers. Furthermore, irregular immigrants who reach Spain from Ceuta and Melilla are always the minority compared to all immigrants living in Spain in an irregular situation, and moreover, the majority of them entered legally by ports or airports and then they have overstayed their visas.

## **2- A Relative Geopolitical Importance**

Geopolitical dimensions of Spanish existence in North Africa are very significant not only for Spain but also for EU. Since the entrance of Spain in the EC (now EU) in 1986, the enclaves' fences in Northern Morocco became the unique EU borders with an Arab nation. Moreover, Spain is the only Mediterranean country that could control the two shores of the Mediterranean, because of its existence in North Africa. EU is aware of this unique strategic position as both an intercontinental bridge between Europe and Africa, and as lighthouse to control the whole western Mediterranean Sea. This explains why

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<sup>31</sup> Christian Science Monitor, August 1998. Cited in Shelagh Furness, "Brave new Borderless State: Illegal Immigration and the External Borders of the EU", *IBRU Boundary and Security Bulletin*, (autumn 2000), p.100.

<sup>32</sup> Tito Drago, "SPAIN: From the Berlin Wall to Ceuta and Melilla", <http://ipsnews.net/news.asp?idnews=30546>

EU members support or at least remain silent toward the Spanish occupation of these territories.

This geopolitical importance decreases with regard to NATO, because when Spain joined the organization in 1981 the enclaves were explicitly assigned outside the alliance defensive area. The NATO members and particularly USA were not willing to sign up for the defense of the territories in North Africa, as it would have caused the risk of escalating into a wider conflict on the Middle East<sup>33</sup>. Furthermore, the involvement of NATO in the issue of the two enclaves does not make sense at least in the medium term because of the Morocco's strong ties with the most influential countries in the NATO alliance especially France and US. Moreover, the cooperation of Morocco is crucial for NATO projects in the region. This can be explained for example by the meeting of the North Atlantic Council in Rabat April 7, 2006, and the Morocco's contribution to "Operation Active Endeavour"<sup>34</sup>.

It is argued that international Straits do not concern only their coastal states, but it is vital for the whole of the international community as well. So, it is difficult to imagine that any state in the world would accept that one country can control the two shores of the Strait of Gibraltar. This will happen when Spain restores the Rock of Gibraltar, without giving up the Spanish-controlled territories in North Africa to Morocco.

The words of Jaime De Pinies, who was for a long time a Spanish diplomat and served as president of the UN General Assembly (1985-1986), are still valuable today when he said in 1990: "On the day we can restore the sovereignty of Gibraltar to Spain, it would be hard to imagine that the international community will accept that we control the two shores of the Straits"<sup>35</sup>. This conception has often been stressed by Morocco. In this context, King Hassan II argued that "the day Spain comes into possession of Gibraltar, Morocco will, of necessity, get Ceuta and Melilla. No power can permit Spain to possess both keys to the same straits"<sup>36</sup>.

### **3- Perpetuating the Current Status Quo: the Long-Term Goal**

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<sup>33</sup> Gerry O'Reilly, *Ceuta and the Spanish Sovereign Territories Spanish and Moroccan Claims*, op.cit., p.19.

<sup>34</sup> Morocco and NATO signed in 22 October 2009 in Naples (Italy) a Tactical Memorandum of Understanding (TMOU) for a Moroccan contribution to NATO's anti-terrorism mission (Operation Active Endeavour).

<sup>35</sup> Jaime De Pinies, *La descolonización del Sáhara: un tema sin concluir* (Madrid : Espasa crónica, 1990), p.55. Cited in Mohamed Larbi Messari, "The Current Context of a Moroccan Claim to Ceuta and Melilla", op.cit.

<sup>36</sup> *L'Opinion* (26 novembre 1975), cited by Robert Rézette, *The Spanish Enclaves in Morocco*, op.cit., p.146.

The Spain's policy of building new fences and reinforcing the existing ones occurred in the context of a latent conflict with Morocco over Spanish-controlled territories in North Africa. Fencing the two enclaves is part of a comprehensive strategy which has taken several forms and steps aimed at perpetuating the status quo. Granting autonomous status, immigration laws, and visits of the Spain's King and ministers are the key elements of this strategy.

Granting autonomous status to Ceuta and Melilla by law of March 13<sup>th</sup>, 1995, was a turning point in the modern history of the two enclaves. Since the adoption of this law, Ceuta and Melilla officially became Autonomous Cities within the Spanish juridical framework. The granting of autonomy contains a clear message to Morocco to the effect that any claim to recover the enclaves would face a complicated status quo of Spanish occupation. Moreover, this status involved the inhabitants of Ceuta and Melilla as a third party in the dispute, and then may complicate the question of the two enclaves. Some commentators argue that the loosening of ties between the Spanish central government and the two towns through the granting of more autonomy might be regarded as provocation by increasing the power of a population even more likely to resist incorporation into Morocco than are the authority in Madrid<sup>37</sup>. This effort coincides with the Spanish government attempt to change the demographic balance between the two communities living in the enclaves by passing immigration and citizenship laws that place strict conditions on getting Spanish citizenship, residence permit and family union.

Legislation, especially immigration and citizenship laws, remains an important instrument by which Spanish government has tried to maintain the status quo of the two enclaves. For example in 1985 Spain passed a new immigration law in preparation for entering the European Community. According to the 1985 Immigration Law, the majority of Muslim community living in the enclaves could apply for the Spanish citizenship only after ten years of residence. The Muslim born in the enclaves were unwilling to apply for the identity card because they did not want to be classified as 'foreigners' in the land where they were born; besides, with this card, they would have had to wait ten years to apply for the citizenship with no guarantee of acquiring it at the end. On the other hand, without this document they would be liable for deportation<sup>38</sup>. Fear of the growth of Muslim population always dominates the Spanish policy and legislation towards the enclaves. The reason of this fear is that such a demographic change in favor of the Muslim community could alter the current demographic situation and potentially lead to a silent "re-Moroccanization" of the enclaves.

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<sup>37</sup> Robert Aldrich and John Connell, *The last Colonies*, op.cit., p.228.

<sup>38</sup> Peter Gold, *Europe or Africa*, op.cit., p.94.

The unprecedented visit of the Spain's King Juan Carlos and Queen Sofia to Ceuta and Melilla on November 5<sup>th</sup> and 6<sup>th</sup>, 2007, could be considered as an attempt to “formalize” the current status quo. This had been expressed by some right-wing Spanish newspapers, for example *El Mundo* said in an editorial: “the presence of the King will reaffirm Spanish sovereignty over the two autonomous territories”. As an attempt to reject the *de facto* policy applied by Spanish government in the two enclaves, Morocco denounced this visit and recalled its ambassador to Spain. In fact, the danger of these fences is that the EU financial support of their construction might be considered as an implicit recognition of being the *de facto* EU southern border.

## **Conclusion**

Spain’s policy of fencing the two enclaves’ borders reflects a contradictory process in the region. While Mediterranean sphere has witnessed during the last two decades an increasing number of cultural and economic cooperation projects, new real and virtual walls have been built in the region to achieve “Fortress Europe”.

One could argue, according to the previous paragraphs, that Ceuta and Melilla fences will continue to influence negatively the Morocco’s relations with Spain and EU. Despite this territorial dispute, Spain has been since a long time the second economic partner of Morocco, after France. Moroccan-Spanish trade exchange witnessed between 1998 and 2007 a giant leap of 300 percent to stand at over 5.5 billion Euros (about 8.58 billion U.S. dollars). Furthermore, the two countries signed a Treaty of Friendship, Good Neighbourliness and Cooperation on July 4<sup>th</sup>, 1991, under which both sides agreed seven important general principles as follows: respect for international law, sovereign equality, non-intervention in internal affairs, non-recourse to the threat or use of force, peaceful settlement of disputes, development cooperation, respect for human rights and fundamental freedoms, and dialogue and understanding between cultures and civilizations. Based on these principles, this Treaty intends to maintain relations of friendship, good-neighbourliness and overall cooperation between both sides, and to constitute an appropriate framework for developing new areas of understanding and cooperation.

The challenge facing the region is whether the growing economic interdependence and bilateral or multilateral institutional mechanisms will prevent any dramatic conflict that can cause a major setback to the ongoing Euro-Mediterranean integration process, because of some policies that can be considered as unfriendly acts including consolidating the *status quo* of Spanish-controlled territories in Northern Morocco by building more “bad” walls.