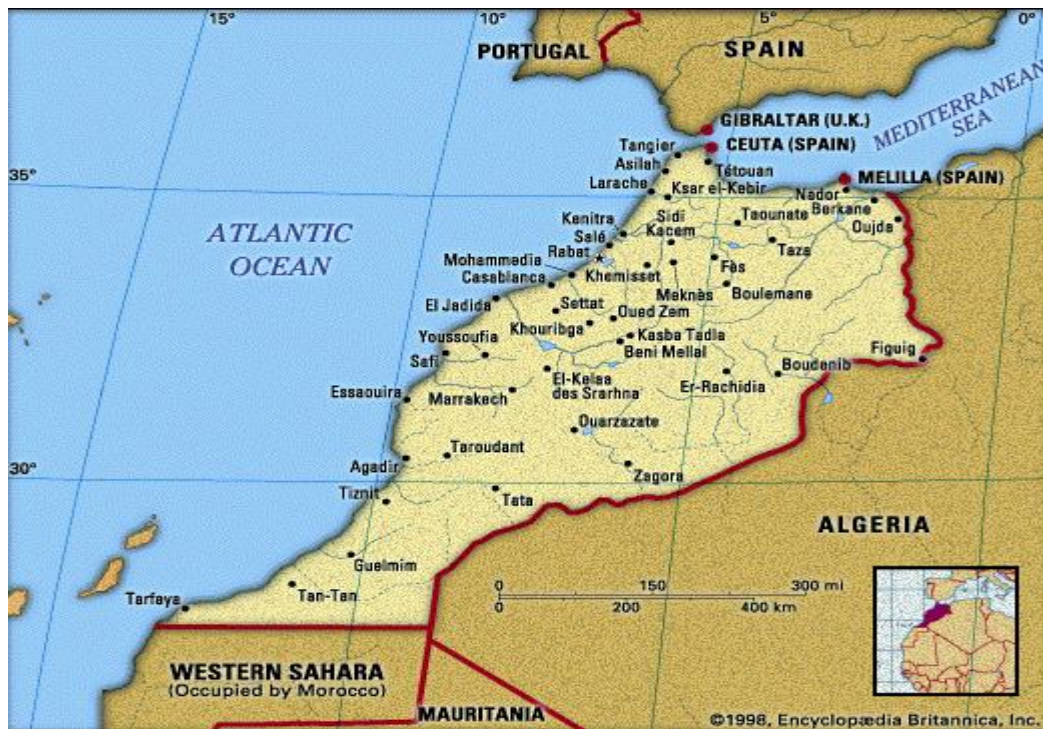


Spanish-Moroccan Border: Regional Profile

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The map of the casus-study



Geographic location

The border between Spain and Morocco is essentially a wet border (see map above). On the one hand it is comprised by the waters of the Strait of Gibraltar, which separate the Iberian Peninsula from the African continent; and on the other by the fragment of Moroccan Atlantic coast which lies opposite to the Canary Islands. Though, this predominant wet border landscape is altered by the boundaries between the enclaves of Ceuta and Melilla and their hinterlands, which form the Spanish-Moroccan land borders in the Maghreb. Apart from Ceuta (19,6 Km² with a land perimeter of 8 km), Melilla (12Km² with a land perimeter of 11 km) and the Canary Islands (7.446,62 Km²), also the Alborán Island (7,1 Km²) the *Peñón de Vélez de la Gomera* (2,2 Km²), the *Peñón de Alhucemas* (1,4 Km²) and the Chaffarine Islands (Congreso 4,5 Km², Isabel II 2 Km², Rey 0,6 Km²) complement the contested and less obvious geography of the Spanish-Moroccan border. From 1986 onwards, these territories are also part of the European Union.

The border between Spain and Morocco can be understood as a border of borders. Beyond the territorial line between two nation-states, the Spanish-Moroccan border also marks the limits between, Christianity and Islam, Europe and Africa, the former colonizer and the former colonized, EU territory and non-EU territory, prosperous north and impoverished south. A wide range of geographical, historical,

political, social, cultural and economical categories face each other on the Spanish-Moroccan border landscape.

Often, visual representations of the Spanish-Moroccan border are condensed into the metaphorical image of the Pillars of Hercules on the two shores of the Strait of Gibraltar -Gibraltar on the one hand, and Ceuta's Monte Hacho, on the other. Not without a reason, due to its symbolism the Mediterranean-divide dimension of the border is especially marked in the collective imaginary. However, the border between Spain and Morocco goes beyond the Herculean divide. It is configured by an extra set of border fragments, which confer an anomalous character to the border scenario.

Spain

Spain covers a total area of 504.782 km² (499.542 km² land; 5.240 km² water) and its population is approximately 40'5 million. Its territory is divided in 17 autonomous communities and 2 autonomous cities*; Andalucia, Aragon, Asturias, Balears (Balearic Islands), Ceuta*, Canarias (Canary Islands), Cantabria, Castilla-La Mancha, Castilla y Leon, Catalunya, Comunitat Valenciana, Extremadura, Galicia, La Rioja, Madrid, Melilla*, Murcia, Navarra, Pais Vasco (Basque Country).

Spain-EU

Although formal negotiations started in 1977 and a CEE-Spain commercial agreement existed since 1970, Spain did not join the European Community until 1986. The Spanish territory became part of the Schengen area in 1991. Up until the 2004 EU enlargement Spain has been one of the countries which have been more highly assisted by the EU structural funds. Since the signing of the Barcelona Declaration in 1995, the developing of the Euro-Mediterranean Partnership has been a priority within Spain's foreign policy.

Morocco

Morocco covers a total area of 446.550 km² (446.300 km² land; 250 km² water) and its population is approximately 33 million. Its territory is divided in 15 regions; Grand Casablanca, Chaouia-Ouardigha, Doukkala-Abda, Fes-Boulemane, Gharb-Chrarda-Beni Hssen, Guelmim-Es Smara, Laayoune-Boujdour-Sakia El Hamra, Marrakech-Tensift-Al Haouz, Meknes-Tafilalet, Oriental, Rabat-Sale-Zemmour-Zaer, Souss-Massa-Draa, Tadla-Azilal, Tanger-Tetouan, Taza-Al Hoceima-Taounate.

Morocco-EU

Morocco and the European Community first established diplomatic relations in 1960, when a commercial agreement was concluded. In 1976 a first co-operation agreement was signed. The EU-Morocco Association Agreement which entered into force on 1 March 2000 now forms the legal basis of EU-Morocco relations. The association agreement establishes in more detail the specific areas in which the Barcelona process objectives can be developed bilaterally with Morocco. Morocco is one of the leading beneficiaries of community assistance among Mediterranean partners. Since 1995, € 1,1 billion has been committed. Trade with the EU is being liberalised in accordance with the provisions of the Association Agreement.

The European neighbourhood policy is expected to go beyond the current association and offers Morocco a deepening of the political relationship and the prospect of a significant measure of economic integration through gradual integration in the EU internal market. The EU has launched an Action Plan that, within a timeframe of three to five years, will enable a more targeted implementation of the instruments

provided for in the Association Agreement between the EU and Morocco. This Action Plan entails:

- Pursuing legislative reform and applying international human rights provision;
- Negotiation of an agreement on liberalising trade in services;
- The development of a climate conducive to foreign direct investment, growth and sustainable development;
- Cooperation on social policy with the aim of reducing poverty and vulnerability and creating jobs;
- Support for the education and training system, scientific research and information technologies as crucial factors in the country's economic development;
- Effective management of migration flows, including the signing of a readmission agreement with the European Community, and facilitating the movement of persons in accordance with the acquis, particularly by examining the possibilities for relaxing the formalities for certain jointly agreed categories of persons to obtain short-stay visas;

Spain-Morocco

In 1912 Morocco became a protectorate of France and Spain. Whereas the central area of Morocco was under French colonial rule, the Spanish geographical spheres of influence were the northern part of the country and, in the south, the area covered by today's Western Sahara. Morocco gained its independence in 1956. However Spain did not withdraw from Western Sahara until 1975, after the 'Green March' promoted by King Hassan II. Ever since, the status of Western Sahara has been under stake, and simultaneously claimed by Morocco and the Polisario Front (Sahara Independentists). Since 1956 Ceuta, Melilla and the rest of Spanish possessions on the North-African are also contested territories, the sovereignty of which is claimed by Morocco.

The claims of sovereignty made by Morocco have always depended on the extent to which Morocco has felt able to use it as a tool to its advantage. Spain has never made any concessions in the direction of transferring sovereignty to Morocco, its main justification being that the towns were Spanish long before the establishment of the Moroccan state (P. Gold, 2000: 2-6). The Spanish-Moroccan sea boundaries around the enclaves and opposite to the Canary Islands also constitute a cause of bilateral disagreement.

The nature of Spanish-Moroccan post-colonial relations has been constantly oscillating. Geographic, historical and cultural proximity have traditionally merged with notions of distrust, geopolitical conflict and religious opposition. In regard to this, it is often said that 'Spain and Morocco are two neighbours condemned to understand each other'. Current Spanish-Moroccan bilateral relations develop within the framework of the Treaty of Friendship and Good Neighbourhood signed on 1991. However,

diplomatic relations between the two countries have not always been fluent. With the colonial heritage always in the rear-view mirror, the main elements of recent Spanish-Moroccan disagreement have been: the Western Sahara conflict; the negotiations on EU-Morocco fishing agreements; the management of migration flows; and the status of Ceuta and Melilla.

Within the government period of Spanish Prime Minister Aznar, bilateral disagreement reached its zenith. It was exactly on July 2002 with the so-called crisis of the Perejil Island, a small island in the Mediterranean Sea, 2000m off the coast of Morocco, 5 km from Ceuta. The island has been under Spanish control since 1668, but is claimed by Morocco. It was occupied in July 2002 by Moroccan police troops, who were evicted without bloodshed by Spanish naval forces, who soon after withdrew from the Island. Moroccan authorities expressed their concern that smugglers and terrorists were using the island (T. Lehtinen, 2005; 10). The diplomatic climate cooled down gradually after the incident.

Currently, bilateral relations between the Spanish government lead by Zapatero and Morocco seem to be smooth and a priority for both actors. Spanish minister of foreign affairs, Moratinos, has underlined Spain's interest in providing Morocco with an advanced status in its relations with the EU. Spain is, after France, the second investor in Morocco. The present-day harmonic atmosphere has enabled an upgrading of the cooperation in the field of the fight against terrorism and illegal trafficking of drugs and human beings. This has been translated into an increase of border controls by Morocco on the Mediterranean and Atlantic coasts, and remarkably in Ceuta and Melilla – illegitimate borders in the eyes of Morocco.

Securization

During the last years, in order to prevent the illegal entrance of immigrants, security controls have been reinforced all along the Spanish-Moroccan border with financial assistance of EU institutions. The Spanish-Moroccan liquid border is electronically sealed off by the SIVE (*Sistema Integrado de Vigilancia Exterior*; Integrated System of External Surveillance), which allows the monitoring of the illegal immigration gates of the EU-Morocco border. The SIVE has been gradually implemented by means of fixed and mobile radars, first along the coasts of Andalusia, and later in the Canary Islands. Border controls are highly technologically developed, and even comprise sensors now being able to detect heartbeats from a distance. However, despite the SIVE the number of people trying to reach the Spanish coasts on board small fishing boats is not decreasing at all. The first remarkable consequence of the implementation of the SIVE was the change in the trajectories of many of these small boats. Increased surveillance carried with it alternative and more dangerous immigration routes through un surveilled fragments of the Strait of Gibraltar. After the early implementation of the SIVE, alternative routes through the Atlantic Ocean, departing from Moroccan, Mauritanian and Senegalese coasts towards the Canary Islands, have become recurrent.

Particular efforts have been done as well in the reinforcement of the land perimeters of the North African cities of Ceuta and Melilla. These Spanish enclaves have triggered large immigration flows, a situation that escalated in the fall of 2005, when the enclaves witnessed large scale and coordinated attempts of immigrants to cross the border by forcing their way through the barbed wire fences, when at least 11

people died.¹ These events have led politicians and media to speak of “attacks on the border” and of the “invasion” of immigrants, placing the issue at the forefront of the Spanish and European political agenda. The securization measures implemented after the events of the fall of 2005 comprise the installation of a third metal fence and the increase of its height up to 6 metres. The Spanish authorities have also renovating the Agreement of Return with Morocco (dated from 1992) in order to be able to expel not only Moroccan nations, but also other “illegal” immigrants that have used Morocco as transit country (Presidencia del Gobierno, 2005a and 2005b).

Within the framework of the EU-Morocco Association Agreement, a comprehensive dialogue was launched on migration issues as from 2002. It is based on mutually agreed objectives and priorities, and on joint responsibility and shared interests. Besides this structured global agenda, which comprises for example discussions on opportunities for legal migrants, visa facilitation and negotiations on a readmission agreement between Morocco and the European Community, this dialogue also identifies targeted technical assistance and exchanges of expertise with Morocco. After a EU technical mission to Ceuta and Melilla at moment of “avalanches”, the European Commission reports that it will intensify cooperation with Morocco to control its borders², start similar cooperation with Algeria and develop a comprehensive migration policy for the main countries of origin and transit in sub-Saharan Africa, aimed at signing Readmission Agreements (European Commission, 2005a and 2005b)

Mobility through Spanish Moroccan Land Borders (Ceuta and Melilla)

Ceuta and Melilla are situated on the North Western Mediterranean coast of the African continent, approximately 300 km apart from each other. They border on the Moroccan provinces of Tetuan and Nador respectively. Melilla is Spanish since 1497, representing one of the fortresses established along the coast to prevent further invasion of the Spanish peninsula by the “Moors”, who had been expelled five years earlier after a presence of nearly eight centuries. Ceuta had been seized by Portugal in 1415, but was transferred to Spain under the Treaty of Lisbon in 1668 (P. Gold, 2000).

After Spain joined the European Union in 1986 the territorial dispute regarding the status of Ceuta and Melilla persisted. Despite the new European Union dimension acquired by the enclaves, the discrepancies basically kept on being discussed (or non-discussed) at a bilateral level. In contrast, the borders between the enclaves and Morocco clearly became of EU concern and their management visibly acquired an EU dimension.

After Spain joined the Schengen Agreement in 1991 tight border controls started to be implemented. The adoption of visa requirements for Moroccan citizens in 1991 had a remarkable impact on Spanish-Moroccan border dynamics. The control mechanisms were reinforced and the patterns of cross-border mobility were

¹ According to the Spanish and Moroccan authorities, five immigrants died on 29 September 2005 at the border of Ceuta when some 700 migrants stormed the fence and 6 died at the border of Melilla the 6th of October 2006 when some 400 stormed the fence. (EFE, 06-10-2005)

² The European Commission has agreed with Morocco on a 40 million euro project to reinforce border control by providing equipment and training of the European border control agency FRONTEX, next to providing up to 14 million euro for combating trafficking and smuggling of human beings (European Commission, 2005a: 9-11).

significantly altered. From that moment onwards, Moroccan citizens were not allowed to cross the new Spanish/Schengen -Moroccan border without a visa.

The particular characteristics of the enclaves, which are absolutely dependant on the cross-border interaction with their hinterlands, implied that the Schengen regime was put into practice in a selective mode. The impermeabilization of the land perimeters was conducted with an eye put on the future sustainability of the enclaves. In this context the enclaves were given status of 'frontier zone', providing special provisions for bilateral trade between the two Spanish cities with the neighbouring Moroccan provinces Tetuán y Nador and allowing Moroccans who regularly entered the enclaves to require only a passport for a maximum 24-hour stay (P.Gold, 2000: 11). Special provision was made for allowing for continuation of the bilateral local border traffic agreements between Spain concerning Ceuta and Melilla and the neighbouring Moroccan provinces. An exception to the Schengen regime was to enable the daily cross-border flow of 'desirable' migrants (workers, consumers, smugglers) within the general scenario of border stoppage to non-EU citizens. In the case of Ceuta, Moroccan citizens from the neighbouring region of Tetouan are allowed to enter the enclave without the visa requirement, for a period of up to 24 hours. The same border regime is deployed in Melilla. Those who inhabit the area of Nador are also allowed to cross back and forth the Melilla border. At the same time, Spain continues to carry out controls on persons travelling from these two towns to mainland Spain to ensure that they satisfy the conditions laid down in Article 5 of the 1990 Convention.

With their new status Ceuta and Melilla became key gateways for would-be illegal immigrants to the EU. Their land perimeters were to be readjusted to the new situation. Spain's EU access carried with it the implementation of a rethought border regime. The construction of barbed-wire border fences, starting in Ceuta (7,8 km) in 1993 and in Melilla (10,5 km) in 1996 marked the first steps towards a stricter control of the whole Spanish southern border, within "Plan Sur" during the Aznar administration. Spain has also signed several Agreements of Return with countries of origin to repatriate irregular immigrants. The Spanish and Moroccan governments in 1992 negotiated a readmission agreement for migrants who entered Spain "illegally", without a permit (Presidencia del Gobierno, 2005c). Meanwhile the European Union is working on Community Readmission Agreements. The new (ambiguous) EU status of the African enclaves and the militarization of their land perimeters borders entailed a certain symbolical detachment of the enclaves with respect to their hinterlands. Paradoxically, this detachment happens together with the permanence (or even increase) of the old patterns of cross-border interaction of Ceuta and Melilla and their Moroccan *arrière-pays*.

In the year 1995 Ceuta and Melilla officially became Autonomous Cities within the Spanish juridical framework. It is also in 1995 when Process of Euro-Mediterranean Partnership was initiated in Barcelona, one of the main goals of which is the establishment of a Free Trade Area between the EU and its Mediterranean neighbours. By the target year of 2010, the lowering of the barrier effect of the Euro-Mediterranean borders is expected to reconfigure once more the frontier circumstances of Ceuta and Melilla. This is presumably to impinge notably on the network of economic interest associated with the smuggling activity.

The ambiguous autonomy status of the enclaves, the practice of the immigration law and the problem of undocumented immigration illustrate that the enclaves continue to be unresolved post-colonial territories. The mutual interdependencies between Spain and Morocco are too important from a security as well as economic perspective (in terms of aid, trade, investment and the Algerian gas pipeline) to really put in danger the

sovereign status of the territories of Ceuta and Melilla. The signing of bilateral and regional agreements, like the Treaty of Friendship, Good Neighbourliness and Cooperation in 1991 and the Euro-Mediterranean Partnership of 1995 confirm the peaceful political cooperation between both countries (P. Gold, 2000: 16-31, 166-167).

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