3. The Fences of Ceuta and Melilla

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The fences of Ceuta and Melilla provide a model by which it is possible to study the extent to which governments’ stated purposes and hidden objectives align in the establishment of territorial boundaries. The Spanish government uses the challenge of irregular immigration as an argument for reinforcing the fences of the two enclaves even though reports insist that the number of irregular immigrants crossing to Spain via these two towns or elsewhere has increased since the construction of the fences in the early 1990s. This suggests that the more border-surveillance measures are intensified, the more clandestine ways of crossing international borders will be found.

Ceuta and Melilla reflect a long history of interactions between Morocco and Spain. These relations have fluctuated between coexistence and confrontation according to changing regional circumstances and the balance of power in the Mediterranean region. A Spanish presence in North Africa can be traced to the era dominated by an intensive struggle between Christians and Muslims for territorial control not only in the Iberian Peninsula in the whole of the Western Mediterranean region. The Spanish term “Reconquista” refers to this long period between 718 to 1492 that ended with what Islamic history calls the “fall of al-Andalus”. However, the ambitions of the “Reconquista” wars were not limited to the reclamation of the Iberian Peninsula only, but included the expansion of Christian control into Northwest Africa.

This chapter is drawn, with permission from the publisher, from my article, “Les clôtures de Ceuta et de Melilla: Une frontière européenne multidimensionnelle”, Études internationales, Vol. 43, No. 1 (2012), pp. 49–65.
Ceuta and Melilla are two of the most important Spanish-controlled enclaves in Northern Morocco following 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. Both towns had been longstanding epicenters for the conflict between Mediterranean powers. As a principal defensive strategy of the old-world order, the ancient walls had not been a disputed issue between Morocco and Spain. Building new fences and extending or renovating the existing ones on the border of the two enclaves today, however, has provoked political and juridical differences to emerge between the two countries.

Apart from Ceuta and Melilla, Spain controls a few small islands\(^2\) that are considered by Morocco for historical and geographical reasons to be integral parts of its territory.

The year 1986 was a turning point in the history of the two towns and other islands controlled by Spain in Northern Morocco. As part of Spain’s entry into the European Economic Community (later, the European Union), they also became EU territories.

A remarkable development occurred in these territories in 1993 when, under the pretext of preventing irregular immigration, these enclaves’ perimeters began to be marked by fences. As these initial fences were relatively easy to cross, the construction of a more secure system was begun in autumn 1995.\(^3\) From that time, the Spanish government has continued to reinforce the fences physically and through the use of advanced technologies, like infrared cameras.

In 2005, the Spanish government built a third fence next to the two deteriorated ones already in place, in order to completely seal the border from penetration apart from at designated checkpoints. The European Union contributed financially to the project, introducing a new dynamic.

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\(^2\) Morocco’s rocky islands still under Spain’s control, or in a status quo, are: the Chafarine Islands (las Islas Chafarinas), Badis Peninsula (Peñón de Vélez de la Gomera), Nekor Island (Peñón de Alhucemas), and the Parsley Island (known also as la Isla Perejil, Tura or Laela).

\(^3\) Stefan Alscher, “Knocking at the Doors of ‘Fortress Europe’: Immigration and Border Control in Southern Spain and Eastern Poland”, working paper No. 126, Humboldt University, Berlin, Germany (November 2005), p. 10.
It gave £200 million for the construction of the razor-wire border fence around Ceuta, and it assumed 75 percent 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 characterized by an approximately 10.5-kilometer 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.

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4 Map data © 2017 Google.
Fig. 3.2 Fence of Melilla (28 February 2009). Photo by Miguel González Novo, CC BY-SA 2.0.6

Fig. 3.3. Fence of Ceuta (15 June 2012). Photo by Mario Sánchez Bueno, CC BY-SA 2.0.7

6 Source: Wikimedia Commons, https://commons.wikimedia.org/wiki/File%3AGarita_de_vigilancia_en_la_frontera_de_Melilla.jpg
7 Source: Wikimedia Commons, https://commons.wikimedia.org/wiki/File%3ACeuta_border_fence.jpg
At the external land border of Ceuta (a 7.8 kilometer-long, double-border fence, divided into three sectors) 316 policemen and 626 Guardia Civil officers 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.\textsuperscript{8}

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

In addition to these two physical fences, the digital surveillance of irregular immigration is now a central part of the Spanish government’s policy. The Integrated System of External Surveillance (SIVE)\textsuperscript{9} is one of the largest surveillance systems in Europe aimed at monitoring the Spanish maritime areas targeted by irregular immigrants. The SIVE was first applied in 1999 around the strait of Gibraltar, where the majority of irregular immigrants were arriving at that time. The Spanish government has subsequently extended the SIVE to the east and to the west to cover respectively the whole of Cadiz province in 2004, the entire Andalusia coast in 2005, and, finally, the Canary Islands. The SIVE has been implemented through the gradual addition of border-control and -management technologies, including long-distance radar systems, advanced sensors that can detect heartbeats from a distance, thermal cameras, night vision cameras, infrared optics, helicopters and patrol boats.

Spain’s virtual fence, similarly to the American one, required a large budget funded partly by the EU. For the period 1999 to 2004, the SIVE was allocated 150 million euros, which translated into about 1,800 euros per immigrant intercepted during the five-year period in question.\textsuperscript{10} This elevated cost was justified by the necessity to adapt to the standards demanded by the EU.\textsuperscript{11} Despite the high financial and logistical costs, Spain’s virtual-fence system has not achieved significant results in preventing irregular immigrants from risking their lives by

\textsuperscript{8} I\textsuperscript{bid.}
\textsuperscript{9} Sistema Integrado de Vigilancia Exterior.
\textsuperscript{11} As the former Spain’s Minister of the Interior, Jaime Mayor Oreja, stated in a comment on the program.
sailing across the Mediterranean and the Atlantic Ocean on rickety boats from remote western African beaches in Senegal and Mauritania. Jørgen Carling argued that the development of SIVE has not only led smugglers to adopt new routes but has also resulted in technical and organizational changes on the part of the smugglers.\(^{12}\) Carling explained this conclusion, based on some previous studies, on four points: First, smugglers have developed new boats purpose-built for smuggling, rather than relying on fishing boats. Second, in order to increase their profit, smugglers double the number of passengers on each journey through the use of larger \textit{pateras} and rubber boats (zodiacs). Third, they organize collective journeys to include a group of \textit{pateras} which spread out when they approach the coast. This makes it difficult for the Guardia Civil to intercept all the boats that have been detected by the SIVE. Fourth, the SIVE program makes the journey of immigrants, especially those who lack nautical skills, more dangerous, while the smugglers run no additional risk of arrest by Spanish authorities.\(^{13}\) Additionally, in reaction to sophisticated virtual-control systems applied in the western Mediterranean and in the Atlantic Ocean, immigrants try to reach European soil from eastern Maghrebi coasts (from Algeria, Tunisia, and Libya) especially via the Italian islands of Lampedusa, Pantelleria, Linosa and mainland Sicily. Moreover, it must be stressed that irregular immigrants who enter Spain, as well as other host countries, by sea are heavily outweighed by immigrants entering via other channels.

This chapter, first, demonstrates controversial aspects of the Ceuta and Melilla fences as a southern border of the EU. Second, it highlights the changing roles of the two enclaves’ fences.

**Fences of Ceuta and Melilla: A Controversial EU Border**

Fencing the borders of Ceuta and Melilla 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


\(^{13}\) Ibid., p. 327.
border, but rather they extend beyond bilateral relations between the two countries.

A Fault Line between Two Different Spheres

The fences of Ceuta and Melilla are not just a land border between two neighboring countries, but they are built upon “a complex amalgamation of clashes and alliances”\(^\text{14}\) representing a “multi-faceted fault line” between Spain and Morocco. The two countries represent an ex-colonizer and an ex-colonized, respectively, two peoples (Spaniards and Moroccans), two nations (Westerns and Arabs), two religions (Christianity and Islam), two continents (Europe and Africa), and two regions (Western Europe and Arab Maghreb). 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”.\(^\text{15}\) However, these frontiers are not necessarily similar to Huntington’s fault lines\(^\text{16}\) of war and conflict. On the contrary, the Mediterranean has been for a long time a sphere of coexistence and interaction.

Concerning the cultural aspect of this border between Spain and Morocco, it is noteworthy that the beginning of the twenty-first century has witnessed an increase in cultural misunderstandings, especially between the Muslim and Western worlds. There are many factors that contribute to the current cultural tensions between the two worlds: immigration, terrorism, foreign policy of some western countries toward the Muslim World (Iraq, Palestine, Afghanistan…), the meaning of freedom of speech and media especially in the West (e.g., the cartoon crisis), restraints and restrictions on the religious freedom in the two


\(^{16}\) Samuel Huntington argued in his famous book *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996) that the modern conflicts take place between two or more identity groups (usually religious or ethnic) from different civilizations. He alleged civilizational fault lines replaced the political and ideological boundaries of the Cold War.
worlds (e.g., the prohibition and obstruction of the exercise of some religious rites and aspects like the headscarf). These misunderstandings have become sometimes 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 of the “Clash of Civilizations” argued that that cultural factors are and would continue to 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, religion”.\(^\text{17}\) 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”.\(^\text{18}\) According to José Maria Aznar, the former Spanish Prime Minister, the clash between the two nations began in the eighth century. Aznar said, in a lecture delivered at Georgetown University on 21 September 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 Madrid on 11 March 2004, did not begin with the Iraqi crisis but with the fall of al-Andalus.\(^\text{19}\) Such an 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, the Spanish position regarding the two enclaves is still marked by doubt and suspicion. It anticipates a potential Islamic threat that will come either from inside of the two towns — reflecting the expressions of rejection of the occupation voiced by the Muslim population — or from Morocco, which has neither officially nor popularly recognized the Spanishness of the enclaves.

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18 Ibid.
The demographics of the two cities has not carried significance until the beginning of twenty-first century. While the number of Muslims is increasing faster than other groups, the Spanish community is gradually decreasing because of relocation to the peninsula and a low birth rate. This shifting population explains some of the anxiety Spanish authors express about the growth of the number of Muslims not only in Ceuta and Melilla but in the whole of Spain. For instance, Herrero de Miñón, who is one of the fathers of the Spanish Constitution, argued in favor of immigration policies that filter applicants for their “linguistic and cultural affinity”, with the underlying purpose of excluding Moroccans and favoring Latin-Americans, Romanians and Slavs. The point seems to be that these immigrants do not threaten the notion of Spanishness as much as Moroccanization does.

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’s intelligentsia. It states that the diversity of the world’s cultures and religions are natural and inherent and that they are elements that contribute to the wealth of our planet.

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, but 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 increase their isolation from neighboring inhabitants.

There are many factors that suggest Moroccan-Spanish cultural relations are flourishing. Common historical heritage, geographical

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20 Miguel Herrero y Rodriguez de Miñón is considered to be one of the seven fathers of the Spanish Constitution (1978).
proximity and social and economic interactions are important factors for the promotion of cultural relations between the two countries. Disregarding long-lasting disputes, including the current situation and the future of the two enclaves, Spain has been for some time the second most important economic partner of Morocco, after France.

Ceuta and Melilla: An Unresolved Issue

The dispute between Morocco and Spain over Spanish-controlled territories in North Africa began at the sunset of the fifteenth century and the beginning of sixteenth 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. The Moroccan government has taken every occasion to reiterate their position. On 27 January 1975, the Permanent Mission of Morocco to the UN submitted a memorandum (A/AC-109–475) to the Special Committee on Decolonization requesting that all territories controlled by Spain in Northern Morocco be placed on the UN list of non-self-governing territories.

Morocco bases its request for recovering Spanish-controlled territories in Northern Morocco on historical, geographical, juridical and geopolitical grounds. 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 fifteenth century, Ceuta had over a thousand mosques, 62 libraries, 43 educational institutions and
1 university. 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.

Morocco also justifies its demands by invoking the principle of territorial integrity and decolonization laid down in the Charter of the UN. It is worth mentioning that Morocco underwent colonialism under multiple countries during the period of European colonial expansion, and it had been divided into several colonies; for that reason, Moroccans consider the existence of Spain in North African as a “museum of colonialism”.

Morocco linked the future of Ceuta and Melilla to that of Gibraltar for a certain period of the 1960s and 1970s. This approach was known in Morocco as “Hassan II’s doctrine”, which means that the resolution of the issue of Spanish-controlled areas in Northern Morocco should not be dissociated from the settlement of the Gibraltar question. The Spanish government indicated to King Hassan II in the 1960s that there was a prospect of ceding the two enclaves to Morocco once Gibraltar was returned to Spain. Hassan II declared on 25 November 1975, that “sometime 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”. However, in the mid-1980s, Morocco decided to separate the future of Ceuta and Melilla from the question of Gibraltar. In 1987, King Hassan II stated, “My attitude towards Ceuta and Melilla is that this is a question of an anachronistic situation which cannot be compared to that of Gibraltar, given that Gibraltar is in Europe.

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Gibraltar is under the control of a European power, allied through the EC and NATO to Spain”.27

Morocco does not leave any opportunity to communicate its position on the two enclaves and small islands 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, the Diplomatic Representation of Morocco to the European Communities informed the Secretariat-General of the European Commission a similar memorandum regarding the status of the enclaves on the occasion of Spain’s accession to the EU.

One of the strongest incidents regarding this issue of a UN framework came on 7 September 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 essential harmony which should prevail over the relations between the two countries situated on either sides of the Strait of Gibraltar”.28

King Hassan II proposed in January 1987 that a committee of experts be set up to discuss the future of Ceuta and Melilla, but, unfortunately, Spain’s government did not officially respond and continually refused to enter into any negotiation with Morocco about the two towns. On 3 March 1994, on the 33rd anniversary of Throne Day, Hassan II called once again for the establishment of 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 before the UN General Assembly, underscored the position, referring

to the enclaves as “Moroccan towns under Spanish occupation” and calling for a solution following the example of Hong Kong and Macau.29 For his part, King Mohammed VI did not hesitate in a speech on 30 July 2002 to reaffirm explicitly the necessity to enter into dialogue with Spain about this critical issue. He also renewed 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.

On 6 November 2007, a visit to Ceuta and Melilla by the King of Spain, Juan Carlos, threatened relations between Morocco and Spain. Morocco strongly condemned this visit, which was viewed by King Mohammed VI as having “counter-productive” effects that could “put in danger” future relations between the two countries. He said that 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.30

Europeanization of Ceuta and Melilla Fences: A Paradox of EU Foreign Policy

On the basis of the Schengen Agreement, the EU “External Border” refers to the frontiers between member and non-member states. But some analysts state that, according to new European policies concerning the externalization of EU Migration Management, common EU borders can no longer be considered simply as a geographical issue. Rather, they are “located where the management strategy begins”.31 In this sense, in recent years, “Africa’s sub-Saharan countries have become EU’s southern border”.32 In a strict territorial sense, however, the Ceuta and Melilla fences represent the de facto southern frontier of EU.

29 Ibid., p. 25.
32 Ibid., p. 3.
Since the adoption of the Schengen Agreement in 1985 which allowed the free movement of EU citizens within member states, the control of external European Community borders was no longer a matter for each European state to resolve independently but a common European problem. Therefore, after joining the European Community in 1986, Spain was compelled, according to its European commitments, to tighten its border control measures.

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

Preventing irregular immigration, which remains the principal stated purpose for 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 the EU in its policy concerning the imposition of a status quo in North Africa as a part of its “Fortress Europe” strategy. During the 1990s, the EU pressed Spain to control its borders; nowadays it is Spain that is increasingly urging the EU to consider border control as a European issue in order to get more financial and political support. For example, the cost of the first fencing project around Ceuta (1995–2000) totaled EUR 48 million, 75 percent of which was financed by the EU. 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 immigration is that the management of trans-Mediterranean migration does not need unilateral initiatives drawn up by EU and its members, regardless of their effectiveness. Instead, it requires a comprehensive solution that takes into account the human rights of immigrants, the complexity of irregular trans-national migration and the interests and conception of transit countries such as Morocco.

On the other hand, the building of fences around the enclaves takes place in a paradoxical context. Today, the Mediterranean sphere is being pulled in two different directions: one toward more complementarity

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34 Stefan Alscher, “Knocking at the Doors of ‘Fortress Europe’: Immigration and Border Control in Southern Spain and Eastern Poland”, p. 11.
and integration and the other toward the delineation tangible and intangible boundaries. Concerning the first direction, the 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 have begun, 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.

More than a decade after the Barcelona Declaration, then-French President Nicolas Sarkozy launched the Union for the Mediterranean initiative which was approved by an international conference that took place in Paris on 13 July 13 2008. Leaders from the 27 EU nations and their 16 Middle East and North Africa partners participated. Although the Union for the 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 the 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 in recent years, the EU granted it an “advanced status” in October 2008. Morocco is the first country in the southern Mediterranean region to benefit from such “advanced status” in its relations with the EU. It raises the status of Morocco to something more than a partner but less than a member, and as Taieb Fassi Fihri, former Moroccan Foreign Minister, quoting the words of Romano Prodi, put it “the new status gives Morocco everything except the institutions”.

The question may be asked: to what extent could the Mediterranean countries reconcile their national interest in 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 pertaining to migrant workers and refugees)? Concerning the subject of this chapter, another challenge arises from the disputed sovereignty over Spanish-controlled territories in Northern Morocco. The enclaves of Ceuta and Melilla may be for Morocco, just as Gibraltar is for Spain, an ongoing “stone in one’s shoe”. 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.

**Changing Roles of Ceuta and Melilla Fences**

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

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35 The former President of the European Commission.
Preventing Irregular Immigration: Towards “Fortress Europe”

The fences of the two enclaves can be considered as an externalization of the problem of irregular migration. EU member states have initiated several projects and initiatives in the last two decades that are aimed at exporting internal migration and asylum problems to neighboring countries and, in particular, to countries geographically closest in order to relieve the burden of undesired immigration in Europe.

Contrary to the integration process and “open door” policy led by the Euro-Mediterranean partners in the last two decades, there is an exclusive process by which EU member states practice a strict policy of “closing the door” towards the movement of people from non-European countries. Saskia Sassen eloquently describes 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 splendor in asserting its sovereign right to control its borders. On this matter, there is also a consensus in the community of states.

The recent forms of transnational immigration and their consequences are seen by many observers as a sign of erosion of the fundamental elements of the 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. Thus, they have been attempting not simply to control or organize

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immigration flows but instead to stop them 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 by regular or irregular channels, with the intention to stay temporarily or permanently outside their home land, has been rising gradually.  

Today, more people live outside their country of origin than at any time in history. According to the UN Population Division 244 million were living outside their country of origin in 2015, up from 222 million in 2010 and 173 million in 2000. Nearly two thirds of all international migrants live in Europe (76 million) or Asia (75 million). North America hosted the third largest number of international migrants (54 million), followed by Africa (21 million), Latin America and the Caribbean (9 million) and Oceania (8 million).

Spain is the seventh largest host country in the world with 6.9 million immigrants. It was also ranked seventh among countries in the world with the highest remittance-sending rates, with USD 12.6 billion being sent in 2010. An important proportion of these remittances were transferred to Morocco, as the eighteenth-highest receiver of remittances of the world’s countries. In the same period, Morocco received USD 6.4 billion from its expatriates all over the world. With respect to international irregular immigrants, it is impossible to obtain accurate data about them because of their clandestine and irregular situation. The International Labour Organization estimates, however, that there are roughly 20 to 30 million unauthorized migrants worldwide, comprising around 10 to

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41 Ibid.

15 percent of the world’s immigrants. Each year, an estimated 2.5 to 4 million immigrants cross international borders without authorization.

Since western European countries adopted strict immigration policies, Morocco and Spanish-controlled enclaves in North Africa have turned into important points of departure of irregular immigration flows into European countries on the northern shore of the Mediterranean, namely Spain, Italy and France. Needless to say, the fences of Ceuta and Melilla were built to prevent Sub-Saharan African immigrants, not Moroccans, for two reasons. First, according to the Agreement on the Accession of Spain to the EU, inhabitants of Tetouan and Nador, two Moroccan provinces adjacent to Ceuta and Melilla, became exempted from visa requirements and enabled Moroccans to cross the enclave’s border but not to enter mainland Spain. Secondly, Moroccans from outside these two provinces can be expelled if they overstay their visa period or enter the enclaves illegally under the Agreement of Return signed between Morocco and Spain in 1992.

Sub-Saharan African immigrants who intend to use Morocco simply as a transit route may find that the “transit country” becomes a “host country” if they face difficulties entering Europe, whether by sea or through Ceuta and Melilla. For some time, a large number of immigrants failing or not venturing to enter Europe have built temporary settlements as a “third nation” or a “waiting room” on Moroccan territory near Ceuta and Melilla; it is a place where seekers live who cannot reach their Eldorado nor can they return to their home countries.

Since 2005, thousands of sub-Saharan-African migrants have tried to climb over the fences of Ceuta and Melilla using makeshift ladders. Some of them died in these tragic attempts to reach the two enclaves. These events have deeply shocked the public and require a collective, trans-national approach to tackle. Although these events implicated transit countries, especially Maghreb countries, the EU and Spain continue to give preference to unilateral and security initiatives based on the militarization of EU territorial and maritime borders despite

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repeated demonstrations of their inability to cope with trans-national flows of irregular immigrants. Its “calculated” involvement of the transit countries as one of the forms of the externalization of borders control suggests that the EU intends to make them gendarmes or buffer zones.

Morocco as a transit country, finds itself in a crucial situation between a rock and a hard place. For the last two decades it has been under EU pressure to control its territorial boundaries and stop the flows of sub-Saharan immigrants who intend to enter to Europe through Moroccan coasts or the 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 faced 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 one 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 asylum seekers. It’s a fine line to walk.  

The former European Commissioner for Justice, Freedom and Security, Franco Frattini, 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.  

The central question in this context is whether the new measures adopted by the Spanish government can prevent desperately poor people from sub-Saharan Africa from attempting to enter Europe through Ceuta and Melilla or through another route, whatever the cost may be, even at the risk of their lives. Today, there is unanimity among researchers that the only effective solution to irregular immigration is to reduce economic crises in developing and underdeveloped countries; to support and encourage political reforms in origin 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.

To sum up, the militarization of Ceuta and Melilla borders and the building of new fences in an attempt to stop or at least reduce the number of irregular immigrants remain an impractical solution. Such obstructions would simply lead them to cross elsewhere and to find new migratory routes to Spain by boats through the Canary Islands, for example, from Mauritania or Senegal. Trying to stop this kind of migration is like trying to catch water in one’s hands; the more you press on the water the more it slips through your fingers. Furthermore, irregular immigrants who reach Spain from Ceuta and Melilla are a minority of all immigrants living in Spain irregularly, and the majority of these entered legally by ports or airports but have overstayed their visas.

A Relative Geopolitical Importance

The geopolitical dimensions of a Spanish presence in North Africa are very significant not only for Spain but also for the EU. Since the entrance of Spain into the EU, the enclaves’ fences in Northern Morocco became the EU’s only borders with an Arab nation. Moreover, Spain is the only Mediterranean country that could control the two shores of the Mediterranean, because of its presence in North Africa. The EU is aware of this unique and strategic position as both an intercontinental bridge between Europe and Africa and as a lighthouse to control the whole western Mediterranean Sea. This explains why EU members support or at least remain silent toward the Spanish occupation of these territories.

This geopolitical importance is less significant to NATO because, when Spain joined the organization in 1981, the enclaves were explicitly assigned outside the alliance defensive area. NATO members,
particularly the U.S., were not willing to defend territories in North Africa as such behaviour risked escalation into a wider conflict in the Middle East. Furthermore, the involvement of NATO in the issue of the two enclaves does not make sense, at least in the medium term, because of Morocco’s strong ties with influential countries in the NATO alliance, namely France and the U.S. 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 being held in Rabat on 7 April 2006 and by Morocco’s contribution to “Operation Active Endeavour”.

It is argued that international straits do not concern only their coastal states but are vital for the whole of the international community. 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, a long-time Spanish diplomat who served as president of the UN General Assembly from 1985–1986, spoken in 1990, are still valuable today: “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”. This notion 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”.

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48 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).


Perpetuating the Current status quo:
The Long-Term Goal

Spain’s policy of building new fences and reinforcing its 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, passing immigration laws and organizing visits by the Spanish King and ministers are key elements of this strategy.

The granting of autonomous status to Ceuta and Melilla, enacted by law on 13 March 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 for Morocco to the effect that any claim to recover the enclaves would complicate the status quo of Spanish occupation. Moreover, this change-of-status involved the inhabitants of Ceuta and Melilla as third parties in the dispute, which further complicates the question of the two enclaves. Some commentators argue that the loosening of ties between the Spanish central government and the two towns by the granting of autonomy might be regarded as a provocation. By increasing the power of a population, it is even more likely to resist incorporation into Morocco than it was the authorities based in Madrid.51 This effort coincides with the Spanish government’s attempt to change the demographic balance between the two communities living in the enclaves by passing immigration and citizenship laws that impose strict conditions to obtain Spanish citizenship or residence permits.

Legislation, especially immigration and citizenship laws, remains an important instrument by which the Spanish government has tried to maintain the status quo of the two enclaves. For example, Spain passed a new immigration law in 1985 in preparation for its entrance into the European Community. According to this law, the majority of Muslims living in the enclaves could only apply for Spanish citizenship after ten

51 Robert Aldrich and John Connell, The Last Colonies, p. 228.
years of residence. Muslim-born residents in the enclaves were unwilling to apply for the necessary identity card because they did not want to be classified as “foreigners” in the land where they were born. In addition, possession of an identity card meant that they would have to wait ten years to apply for citizenship and there would be no guarantee they would acquire it. On the other hand, without this document, they would be liable for deportation.\footnote{Peter Gold, \textit{Europe or Africa?: A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla}, p. 94.}

Fear of the growth of the Muslim population always dominates the Spanish policy and legislation towards the enclaves. It is presumed that such a demographic shift in favor of the Muslim community could alter the current demographic situation and potentially lead to a silent “re-Moroccanization” of the enclaves.

The unprecedented visit of Spain’s King Juan Carlos and Queen Sofia to Ceuta and Melilla on 5–6 November 2007 could be considered as an attempt to “formalize” the current \textit{status quo}. This had been expressed by some right-wing Spanish newspapers. For example, \textit{El Mundo} said in an editorial: “the presence of the King will reaffirm Spanish sovereignty over the two autonomous territories”.\footnote{“Diplomatic row over King’s visit to Ceuta, Melilla”, \textit{Expatica}, 2 November 2007, https://www.expatica.com/es/news/Diplomatic-row-over-Kings-visit-to-Ceuta-Melilla_150251.html} As an attempt to reject the \textit{de facto} policy applied by the Spanish government in the two enclaves, Morocco denounced this visit and recalled its ambassador to Spain. The danger of these fences is that the EU financial support for their construction might be considered as an implicit recognition of their being the \textit{de facto} EU southern border.

\section*{Conclusion}

It is argued in the previous paragraphs that the fences Ceuta and Melilla will continue to influence negatively Morocco’s relations with Spain and the EU. Spain’s policy to fence the two enclaves’ borders reflects contradictory pressures in the region. While the Mediterranean sphere has witnessed an increasing number of cultural and economic cooperation projects in the last two decades, new physical and virtual walls are being built in the region to achieve “Fortress Europe”.
The challenge facing the region is whether the growing economic interdependence and bilateral or multilateral institutional mechanisms will prevent any dramatic conflict, or at least a serious crisis, that can cause a major setback to the ongoing Euro-Mediterranean integration process.

Even if North Africa is not currently a priority within international policy agendas, particularly of the U.S., the Strait of Gibraltar will continue to be one of the most vital gateways for commercial and military vessels. Therefore, regardless of the competition for regional influence in the Strait of Gibraltar and any unrest between Morocco and Spain that may be fuelled by the continued Spanish occupation of Ceuta and Melilla, maintaining the current status quo in the region remains the most acceptable option for all international actors concerned.