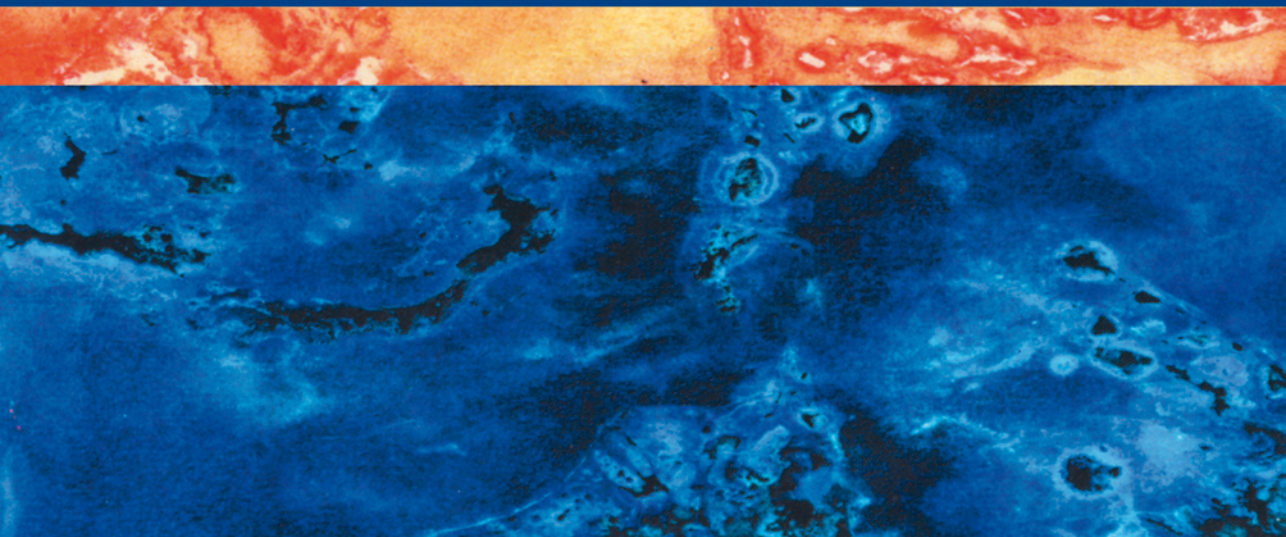


THE EUROPEAN FORTRESS: SCHENGEN, CEUTA AND MELILLA



Jaume Castan Pinos



INSTITUTO DE ESTUDIOS CEUTÍES - 2019

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**THE EUROPEAN FORTRESS:
SCHENGEN, CEUTA AND MELILLA**



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Finally, I would like to dedicate this book to my family. In particular, to Séamus, Roger and Lola.

PREFACE

This book is the result of several years of work. It was written in Ireland, as part of my doctoral research for *Queen's University Belfast*. The last details have been polished in Sønderborg (Denmark), where I have combined this task with the classes of International Politics which I have the pleasure to teach at the *University of Southern Denmark*. I have adapted the original text aiming at transcending the academic confines so that the book can be enjoyed by academic readers as well as by non-specialists. This spirit is inspired by the wise words of Uruguayan writer, Eduardo Galeano, who stated that social scientists tend to write cryptically forgetting that 'hermetic language is not always the inevitable price of depth'.

The research that has made possible this publication has led me to long yet pleasant days and nights in libraries and archives as well as to interesting books and articles. I must admit that it has also led me to tedious official documents. Thanks to this book, I have had the opportunity to live in Ceuta, Melilla and Morocco for months, being in contact with the *object* of my study. As the reader will be able to observe, the main source of information has been interviews conducted by the author. They strengthen the arguments and offer direct witnesses of the analysed phenomena. To a certain extent they also give meaning and 'life' to the words I write. Formally, 43 men and women have been interviewed. Informally, hundreds have contributed, unknowingly, through conversations in the streets, busses, trains and bars.

Through the process of attempting to understand and comprehend the narratives from the different actors in Ceuta, Melilla, Rabat, Nador and Tetouan, I have developed a profound fondness towards those places and their inhabitants. I have also discovered that I am not the only one in that situation. According to my experience, those who more passionately love Ceuta and Melilla¹ are the ones who more appreciate the Moroccan, Berber, Rifian cultures...and vice versa. One of the goals of this book is to transmit to the reader the interest, passion and affection towards the places named above.

1. Antonio Bravo, José Luis Gómez Barceló, Adolfo Hernández, Vicente Moga among many others.

I would like to finish this preface with an anecdote that illustrates the prejudices and ignorance towards this part of the world. In 2009, I landed in Belfast after spending a few months of hard work in the enclaves and Morocco. At the security check, a British border officer realises that my passport has over 40 Moroccan stamps (from the Ceuta and Melilla borders). He asks me the obvious question: 'What were you doing there?' My answer is sincere and succinct: 'a study on borders'. Apparently, my honesty is highly suspicious since he brings me to a contiguous room to interrogate me. After checking my luggage scrupulously, a long questioning begins with the same question being repeated tenaciously: 'did you smuggle some substance into the UK?' After denying it over and over again, I come up with the idea of jesting in order to relax the atmosphere: 'Yes, I have smuggled something: knowledge!' My humour does not please the officer at all but he reluctantly lets me go due to lack of success in his search. I felt like a hunter being hunted, trapped by borders, my object of study. This trivial anecdote shows that, as the following pages will argue, we cannot undervalue the relevance of borders.

I hope that one day the border officer will come across with this book.

Sønderborg, 25th May 2012

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CHAPTER 1

INTRODUCTION

1.1. First words

Ceutans and Melilleans (rightfully) complain that their cities do not appear in the Spanish maps and that politicians, journalists and academics often forget that the Spanish 17 ‘Autonomous regions’ are complemented with two autonomous towns. At a European level, the lack of knowledge about these enclaves is, logically, more prominent. It is therefore not surprising that my British, German and Danish colleagues are puzzled when I tell them that there are two European territories in mainland Africa. Another legitimate complaint is that journalists from mainland Spain only pay attention at Ceuta and Melilla when there is tension and problems at the borders. This book aims to tackle both grievances. Firstly, it will attempt to ‘put Ceuta and Melilla in the map’, in the Spanish as well as in the European one. By conducting a rigorous academic analysis of the border realities of both enclaves, the book is also intended at going beyond the journalist reports that simplify and distort a reality that is highly complex.

Ceuta and Melilla are two Spanish coastal-enclaves located in Northern Africa that constitute the only territories in mainland Africa belonging to an EU member state and, as a result, the only land border between the two continents. This book will use the term cities and enclaves indistinctively to refer to Ceuta and Melilla. The term ‘enclave’ has political connotations since Morocco has used it to highlight the colonial situation and the usurping of these territories from Morocco (Zurlo, 2005, p.138). In this book, however, the concept is used academically following Vinokurov’s conceptualisation (2007), and, as a result, without political connotations. In addition, the term ‘enclave’ has been used in previous academic studies about Ceuta and Melilla (Driessen, 1992; Gold, 2000; Ferrer Gallardo, 2006, 2008; Berramdane, 2008). It is worth noting that the exact term is ‘semi-enclaves’ since both territories are surrounded by another state but

also by the sea. Acknowledging this and for the sake of simplicity, I will refer to Ceuta and Melilla as enclaves

In 1995 they became autonomous towns and their statutes of autonomy state clearly that the enclaves are an integral part of the Spanish nation within its *indissoluble unity*. Both enclaves became European cities by treaty when Spain joined the European Community in 1986. One of the most salient effects of Europeanization has been the re-marking of the Spanish southern border by the EU, thereby transforming the economic and political relations in the region and leading to several border challenges, which will be addressed in this book (Driessen, 1998, p.119). The creation of a sophisticated system of wired fences in Ceuta and Melilla, in the mid-1990s, was intended to prevent one of these challenges; migration coming primarily from sub-Saharan countries.

This book aims to study the role of these enclaves as EU border lookouts, as they are on the *front line* of the migration route between Europe and Africa. In effect, one of the most relevant contributions that this book aims to bring is to connect the study of the border in Ceuta and Melilla with the European dimension, that is, with the European policies that affect the enclaves. For instance, this study will concentrate on the impact on the enclaves of policies against illegal migration, such as Schengen, and the 'neighbourhood policies', such as the European Neighbourhood Policy (ENP).

In addition to their importance as territories constituting the Southern EU gate, research on the Spanish enclaves becomes necessary due to the lack of comprehensive studies on the borders of these two territories, and more specifically on migration issues. Some publications in the past have concentrated on both cities. A significant number have focused on the territorial dispute between Spain and Morocco (Lazrak, 1974; Rézette, 1976; Lería, 1991; García Florez, 1999; Cajal, 2003; Ballesteros, 2004; Zurlo, 2005; Berramdane, 2008). Moreover, various authors have studied the relationships between the different communities integrating the enclaves (Driessen, 1992, 1999; Planet, 1998; González Enríquez, 2007). Historical aspects have also been the focus of numerous studies (Chérif, 1996; Bravo and Fernández, 2005; Bravo and Sáez Cazorla, 2003, 2005; Cámara Muñoz, 2005; Carmona Portillo, 2007).

However, border challenges and, more specifically migration have in the main only been covered by journalistic chronicles and reports, and by a few academic authors. Soddu (2002) and Zurlo (2005), for instance, covered migration issues descriptively and consequently lacked in-depth analysis. Gold (2000) and Ferrer-Gallardo's (2006, 2008) analysis of the phenomenon of migration in the enclaves in terms of its repercussions for the EU has been the most relevant thus

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far. Nonetheless, important events, such as the 2005 crisis, when 14 migrants were killed attempting to cross the fences, have occurred since the publication of Gold's study. Ferrer-Gallardo concentrates primarily on geographical aspects of migration in Ceuta and Melilla, lacking a political insight of the phenomenon. In any case, the vital importance of the only Euro-African land border, represented by Ceuta and Melilla, is not reflected in the exiguous number of studies focusing on that border.

In seeking to understand these processes I aim to contribute to debates in the study of borders as well as to challenge the idea of the EU as (exclusively) a bridge builder. Indeed, borders can be conceptualised as barriers, bridges, resources, and symbols of identity (O'Dowd, 2003, p.14). As will be scrutinised in the following chapters, Ceuta and Melilla are interesting case studies because the four definitions of the border provided by O'Dowd apply to them. They play a crucial role as identity symbols (as will be examined in chapter 3 and 4), they are visibly barriers (see chapter 6), particularly after the erection of the fences in the mid-1990s, but they are also bridges (see Chapter 5), and to a certain extent they are also resources (as chapters 5 and 7 will explain) for various actors: Spain, Morocco, the enclaves, and citizens on both sides of the border.

Due to the multidimensional character of their borders, Ceuta and Melilla can be conceptualised as 'border of borders'. The term 'border of borders' means that they are not only a border between two countries, but also a border between the EU and Africa along with the other significant historical, economic and societal divides that this entails (Driessen, 1996, 1998; Donnan and Wilson, 1999; Gold 2000; Ferrer-Gallardo, 2006). They are the only EU territories in Africa and, as a result, are a magnet for potential migrants. A report conducted by The UK House of Lords, for instance, warned that Ceuta and Melilla should be taken into account when designing border policies as the 'problems they [Ceuta and Melilla] raise are often wholly disproportionate to their length' (2008, p.15).

Ceuta and Melilla are also relevant because the physical frontiers and the fences are a reminder of the border significance, since they are being reasserted through ambitious state efforts to regulate the transnational movement of people (Andreas & Snyder, 2000, p.2). This reassertion of borders is in sharp contrast with de-territorialisation discourses, which argue that borders are losing importance. Because of their geographical location and the fortification policies carried out at their land border perimeters, Ceuta and Melilla are a prime manifestation of the EU as a 'hard border'.

At this point, it is necessary to pose questions that will enhance our understanding of the complex border realities of Ceuta and Melilla. What is the relation

between the enclaves and the concept of ‘Fortress Europe’? How does the special border regime² of the enclaves affect the ‘Fortress’? Which factors explain the construction of a 6 metre high fence in the perimeter of both enclaves? Finally, aside from the border challenges connected with migration issues, the enclaves are also affected by a bilateral territorial dispute between two states: Spain and Morocco. In effect, Ceuta and Melilla are particularly interesting as a result of their semi-enclave character, which implies that Morocco, which claims that both cities are colonised by Spain, lies around and behind them. As a result, they influence the bilateral relations between Spain and Morocco disproportionately when one considers the size of their population and their territory. It is therefore essential to determine: what is the importance of Morocco in the securitization process?

To answer these questions, the author has made a comprehensive analysis of the literature on the Spanish-Moroccan relations, the concept of Fortress Europe, the borders of Ceuta and Melilla and articles and books devoted to the theorization of borders. In addition, migration and border policies (national and supranational), relevant to the enclaves, have also been scrutinised. Finally, the author has conducted fieldwork for four months in Ceuta-Tetouan, Melilla-Nador, Rabat and Madrid, where he has been able to observe the reality on the ground, visiting archives and libraries³, talking informally with citizens of Ceuta, Melilla and the neighboring Moroccan towns, and interviewing forty-three relevant and representative actors.

Table 1.1: Interviewees by origin and position

	Officials	NGO	Journalists	Academics	SSFF	Migrants	Total
Spain	4	1	2	1	3		11
Morocco	4	3	1	1			9
Locals	7	8	1	1			17
EU	3	1					4
Others						2	2
Total	18	13	4	3	3	2	43

As table 1.1. shows, there is an imperfect balance of interviewees by origin, since those from the enclaves were prioritised. The balance between Spain (11)

2 This regime or Schengen exceptionality will be explained in the following chapters.

3. Like the archives in Ceuta and Melilla, the Army Library in Ceuta or the *Bibliothèque Nationale du Royaume du Maroc* in Rabat.

and Morocco (9) is nearly even. In terms of the position occupied by the interviewee, the majority of them (as originally intended) are officials (18), followed by NGO members (13), journalists (4), academics (3), security forces (3) and migrants (2).

1.2. Structure

The book will be structured in eight chapters.

This chapter (Chapter 1) introduces the topic and provides the research questions which will be answered in the subsequent chapters. The chapter also succinctly explains the methodological tools which were used to conduct this research.

Chapter 2 will complement the previous chapter by establishing the theoretical framework on which the book is based, as well as introducing the main topics that will be scrutinised more comprehensively in the following chapters. In order to reach this objective, it will be necessary to conceptualise borders and the notion of the state in the 21st century and to analyse the effects of Europeanization and globalisation processes. Subsequently, the emphasis will be put on the Europeanization of the EU external borders and how this process has led to a securitization trend which has underpinned the idea of ‘Fortress Europe’.

Chapter 3 will first of all provide a succinct overview of the enclaves’ history, focusing on their historical trend to fortify their perimeters and arguing that there is a *continuum* between past fortifications and the current border fences. Chapter 4 will analyse the bi-national border between Spain and Morocco and will examine the territorial disagreements between the mainland (Spain) and the surrounding state (Morocco) concerning the enclaves’ status. The chapter will also assess the role of Ceuta and Melilla in the bilateral relations between both states.

Chapter 5 will focus on the post-national border that emerged after Spain joined the EU/EC in 1986. This chapter will primarily scrutinise the Schengen border regime and provide evidence to claim that the enclaves have been excluded from it. The final part of the chapter will explain the socio-economic interaction between the enclaves and their Moroccan hinterland, which is possible due to their exclusion from Schengen. The chapter will introduce the ‘selective permeability’ concept, which defines the nature of the border regime in both enclaves.

Chapter 6 is aimed at examining the impact of migration on the enclaves and the consequent policies designated to protect the enclaves’ perimeters from the migration flux. The chapter will explain the origins of the fences, which have entailed the fortification of the land border perimeter of both enclaves and will

analyse the storming of the fences of both enclaves by migrants in 2005, scrutinising the causes and effects surrounding this event.

Chapter 7 will examine the process of externalisation of (EU) border controls, linking it with the cooperation, based on the conditionality clause, offered by the EU through strategies such as the European Neighbourhood Policy (ENP). More specifically, the Chapter will focus on the EU externalisation policy in Morocco and in the role played by this North African state in securing the fences of Ceuta and Melilla. Chapter 8 will evaluate and synthesise the arguments provided in the previous chapters and will discuss the future of securitization in Ceuta and Melilla.

CHAPTER 2

THE SOUTHERN EU BORDER AND ‘FORTRESS EUROPE’

2.1. Borders and territoriality

Before looking at the Ceuta and Melilla borders, it is necessary to carry out a brief explanation of the theoretical framework on which the book is based. In order to understand general border dynamics and to be aware of the current debates concerning borders from different discipline backgrounds, it will be necessary to review previous comprehensive studies focusing on borders and territoriality in the EU (Strassoldo, 1982; Wilson, 1996; O’Dowd & Wilson, 1996; Gillespie, 2000; O’Dowd, 2003; Anderson *et al.*, 2003; Houtum, 2003; Williams, 2006). The de-bordering and re-bordering processes, which will be central to the present study, have been the focus of several analyses in the recent past (Castells, 1997; Albert, 1999; Jukarainen, 1999; Ó Tuathail, 1999; Paasi, 1999; Andreas & Snyder, 2000; Rumford, 2006). As will be explained in the following paragraphs, some accounts stress the openness and permeability of borders as part of a globalisation trend while other accounts emphasise the processes of securitized re-bordering.

Furthermore, the specificities of borderlands and enclaves have been analysed by various authors (Alvarez, 1995; Wilson & Donnan, 1998; Donnan & Wilson, 1999; Rosler, 1999; Vinokurov, 2007). More specifically, a considerable number of studies have dealt with Spanish-Moroccan border affairs, some of them focusing on the border challenges of Ceuta and Melilla (Rezette, 1976; Driessen, 1992, 1996, 1998; Planet, 1998; Gold, 2000; Soddu, 2002, 2006; Cajal, 2003; Ballesteros, 2004; Zurlo, 2005; Ferrer-Gallardo, 2006). The particular challenge posed by migration for the West is scrutinized by authors from different paradigms (Mortimer, 1990; Buzan, 1991; Huntington, 1996; Andreas & Snyder, 2000; Wihtol de Wenden, 2002; Houtum & Struver, 2002). The human flow, along with the terrorist threat and

issues related to cross-border crime is, in effect, one of the crucial preoccupations of border policy-makers world-wide

De-territorialisation versus re-territorialisation

What are the effects of globalisation on borders? The answer to this question is of paramount importance but, unfortunately, it is not easy to provide a simple response. In fact, the answer will very much depend on the academic paradigm that we identify with. Over the past few decades there has been a passionate debate over the (loss of) importance of political borders and their future, as financial and industrial borders gradually disappear, and the flow of information signals the end of state monopoly.

Deleuze and Guattari created the term *de-territorialisation* in their book *Anti-Oedipus* (1972) to refer to the process of global communities being embedded in local communities and the consequent decline of ties between culture and place. According to the interpretations of Paasi (1999) and Ó Tuathail (1999), de-territorialisation means globalisation applied to national boundaries. The paradox is that de-territorialisation processes are often accompanied by re-territorialisation processes which redress the former (Albert, 1999; Anderson *et al.*, 2003).

During the 1990s there was a sort of de-territorialisation, or ‘borderless world’ euphoria which tended to dismiss borders as increasingly irrelevant to the human experience (Andreas & Snyder, 2000). During this decade the idea that borders were becoming increasingly fuzzy became tremendously popular among academics (Giddens, 1990; Camilleri and Falk, 1992; Castells, 1997; Jokarainen, 1999; Ohmae, 1999, Bauman, 2001). Castells, for instance, stated that flows of capital, goods and services, technology, and communication, along with attempts by the state(s) to achieve global power through developing supranational institutions, was undermining its sovereignty and, therefore, were key factors in the de-territorialisation process (1997, p.272). In this academic context, Ohmae, a free market liberal, popularised the concept of *borderless world* (1999).

Furthermore, Giddens noted that nation-states are becoming less sovereign in terms of control over their own affairs, partly due to the fact that nation states never had to bear so many responsibilities as they do nowadays (1990, p.66). Consequently, it seemed that the nation-states were too big to be sensitive to the needs of local settings, but they were too small to address those issues that stretch beyond its territorial confines (Donnan & Wilson, 1999, p.156). Several authors, therefore, argue that global transformations have diminished the economic and military significance of borders.

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However, precisely due to this loss of effective control on key areas of government, boundary and territory are now used by states as opportunities to demonstrate their authority and consequently to reassert state limits (Blake, 2000, p.2). This fact explains why all contemporary states seem to be concerned with boundary delimitation (Blake, 2000, p.3). In effect, it is not only that borders have not been removed, it also seems that it is very unlikely to happen in the foreseeable future (Williams, 2006, p.2). As a matter of fact, despite globalisation and changes of power relations and the meaning of sovereignty, the state is still the ideal form of organisation of nations (Paasi, 1999, p.20).

It is evident that states need to cooperate and coordinate policies when dealing with new global issues, because, if they act individually, they are very unlikely to be successful. The integrated management of external borders and the creation of the European Border Agency Frontex can be seen as examples of coordination between member states. However, responsibility for the control of external borders *still* lies with (member) states⁴. This emphasis in policing the border, however, leads to contradictions that have been highlighted by scholars (O'Dowd & Wilson 1996; Anderson *et al*, 2003; Houtum, 2003; Rumford, 2006). Indeed, while the permeability of borders in terms of goods, capital and services has become an unstoppable process, securing and policing external borders targeting migrant workers and refugees in the EU is more salient than ever.

Paradoxically, the main targets of this enhanced security policy are not terrorists, or criminal gangs, but migrant workers who provide the necessary labour force that compliments the free flow of capital and goods. According to Houtum, borders act as a strategic means to filter, immobilise, and exclude the discomfiting flows of people (2003, p.54). What seems clear is that 'boundaries persist despite the flow of personnel across them' (Barth 1969, p.9). Williams also agrees that territorial borders will not disappear because their role in delimiting sovereignty appears unchanged (2006, p.30). Similarly, Wilson and Donnan assert that 'the world of expanding de-territorialised identity politics is a world of many more, and in some case stronger states' (1998, p.2).

4. As the Frontex webpage states. Available at: http://www.frontex.europa.eu/more_about_frontex/ (accessed 01/03/2012).

States and borders as a source of conflict

Borders are inextricably linked to the state's existence as well as reminders of its past (O'Dowd & Wilson, 1996; Williams, 2006). As borders are a *conditio sine qua non* for their existence, states will legitimise, protect, and use them as instruments of state policy to promote their national interest. As Wilson and Donnan note: '(S)tates establish borders to secure territories which are valuable to them because of their human and natural resources, or because these places have strategic and symbolic importance to them' (1998, p.9).

According to O'Dowd: '(B)orders are ubiquitous human constructions, an inevitable outcome of the range and limits of power and coercion' (2003, p.15). It seems obvious that since state borders are human creations they are vulnerable to human transformations, usually conducted by force of arms. Mellor points out that, change in frontiers has mostly been attained through war (1989, p.74). Indeed, in the vast majority of the cases, territorial borders have little to do with geographical borders but with struggles for power, wars, religion, identities, and the expansion and decline of different empires, among other historical processes.

In the cases of Ceuta and Melilla, this point is particularly relevant as both territories were conquered amidst the *Christian reconquista*, which brought an end to Muslim rule in the Iberian Peninsula and the consolidation of the Castilian (Spanish since 1492) and Portuguese kingdoms. Thus, the geographical border (the Mediterranean Sea) between Spain and Morocco does not coincide with the current territorial borders due to the Muslim decline/Christian expansion which took place in the 15th century.

In a similar way, Mellor and Williams have both stressed that contemporary territorial borders are (still) inherently a source of trouble and a constant potential cause of friction between neighbours that political leaders have to consciously attempt to overcome (Mellor, 1989, p.74; Williams, 2006, p.22). Chapter 4 will show that, despite Spain and Morocco having a positive constructive relationship, Ceuta and Melilla still constitute a cause for friction between these states. Anderson *et al* would add that territoriality is prone to generating conflict because of its finite and fixed character which encourages zero-sum thinking (2003, p.7). Acknowledging the arguments presented above, Hansen remarks that, threats and insecurities not only potentially undermine the state, but 'they constitute the state' (2006, p.34). In other words, security is an ontological necessity for the state and, consequently, the identity of the state depends on threats, insecurity and conflict. One of the logical consequences of this perennial presence of conflict is a trend towards securitisation, even in places like the EU, which have been free of violent conflicts between states for decades.

2.2. Securitization and Fortification

Why has security been stressed?

In order to comprehend the consolidation of borders in the current context, we need to understand the reasons that explain the importance that has gained the idea of securitization in recent years.

Tekofsky points out that recognising the primacy of safeguarding the security of its citizens is one of the essential tasks of any state (2006, p.1). According to the Hobbesian argument, men cede their rights and freedoms to the Leviathan (the state) in return for their protection. In Hobbes' words: 'And lastly the motive, and end for which this removing and transferring of Right is introduced is nothing else but the security of a mans person' (1651/1996, p.93). As a supranational organisation composed of nation-states, it can be argued that protecting the security of its citizens is also an essential task for the European Union.

David Newman argues that, in the post 9/11 context the securitization discourse and the stress on resealing borders has gained much more ground compared to the 1990s, when the emphasis was on 'opening borders' (Newman, 2008). The study of borders consequently has also been refocused and more attention is now paid to the process through which borders can be more rigidly controlled (Newman, 2006, p.149). This control, nonetheless, is not 'military oriented' as it was with the national frontiers, but more connected with 'new security concerns' such as terrorism, drugs smuggling, people trafficking, asylum seeking, etc (Walters, 2004, p. 678). As will be examined in Chapter 3, the fortifications protecting Ceuta and Melilla at present (the fences) differ from the fortifications in previous centuries in the sense that the new ones are aimed at 'new security concerns', whereas the previous were 'military oriented'

9/11 was obviously a key event but, in the Spanish and European context, the 11 March 2004 attacks in Madrid were also a turning point and have been of paramount importance in developing a security strategy in the European Union (Apap, 2004, p. 6; Council of the European Union, 2004a, 2004b). Not surprisingly, fourteen days after the attacks on the Spanish capital the Council of the European Union issued the "Declaration on Combating Terrorism" in which the Council stated the need to strengthen border control in order to tackle terrorism (Council of the European Union, 2004). The declaration also encouraged the creation of a European Border Agency (Frontex), improved customs cooperation, and the use of biometric technology in order to store information (finger prints, retina scan) about third country nationals as well as EU nationals (Apap *et al.*, 2004, p.6).

It should be noted that ‘jihadist terrorism’ has also affected the enclaves of Ceuta and Melilla to a certain extent. For instance, according to an analysis of jihadist communiqués since 2005 carried out by Jordán, ‘the liberation’ of both Spanish enclaves has been mentioned in eight communiqués posted on the internet (2009). Similarly, Reinares warns that the terrorist threat is especially significant for Spain since there have been expressions of hostility by prominent al-Qaeda leaders concerning the ‘Spanish occupation of Ceuta and Melilla’ (2007, p.3). Furthermore, according to Jordán, two terrorist attack attempts were aborted by the police in Ceuta in March 2005 and December 2006 (2009). Finally, in December 2006, the Spanish Police carried out *Operation Duna*, which ended with the detention of eleven terrorist suspects in Ceuta (de la Corte, 2007). According to the Security Forces interviewed in Ceuta, after *Operation Duna*, the terrorist issue has ceased to be a major problem in the enclave⁵.

Illegal migration is another relevant factor which explains the renewed stress on security. The European Security Strategy Paper (Council of the European Union, 2003a), a document approved by the Council, addresses key security challenges affecting the neighbourhood, including migration: ‘Neighbours who are engaged in violent conflict [...] dysfunctional societies or exploding population growth on its border all pose problems for Europe. [...] Our task is to promote a ring of well governed countries’ (Council of the European Union, 2003a, pp. 7-8). Likewise, the Schengen *acquis* (article 17) encourage member states to ‘take complementary measures to safeguard internal security and prevent illegal immigration by nationals of states that are not members of the European communities’ (Official Journal of the European Union, 2000, p.15). The attempts by thousands of migrants to cross the border in Ceuta and Melilla in 2005 prompted the commission’s technical mission to ‘underline the urgency of stepping up EU efforts to combat illegal migration coming from Africa towards the EU’ (European Commission, 2005b, p.8).

Therefore, the need to control illegal immigration and international terrorism ensures that the European external borders remain as effective barriers to free movement (Blake, 2000, p.17). Apart from these external factors, that is, the terrorist threat and its responses, and the migration flow, there is another factor that is usually less scrutinized even though it has played a pivotal role in contributing to the securitization of the border. The Europeanization of the border is a factor *per se* (an internal one), which has contributed to this securitization. It entails the disappearance of EU internal borders meaning the delegation of the border policy from the inner states of the EU to the outer states. Put briefly, ‘Fortress Europe’

5. Andrés Carrera, author interview, Ceuta, 30 March 2009. Juan Amado, author interview, Ceuta, 30 March 2009.

entails a trend towards tightened external border controls due to European internal free movement (Geddes, 2000, p.17). It might appear that as a result of internal free movement the Spanish enclaves of Ceuta and Melilla have become the gates of Europe, and that once they have entered the enclaves migrants are able to circulate freely all over the EU. However, in order to avoid that situation and facilitate the interaction between the enclaves and their Moroccan hinterland, both enclaves were excluded from the Schengen agreement.

How do we conceptualise ‘Fortress Europe’?

The emphasis on the security aspects of the border policies through a gradual process of Schengenization⁶ has given rise to the idea of ‘Fortress Europe’, by way of analogy with the enclosed medieval (European) political space. Walters argues that the Mediterranean frontier is the area of Europe where the idea of edge and limit of territory materialises more than anywhere else (2004, p.691). This notion of ‘Fortress Europe’ has been defined by Rumford as a combination of internal mobility with an impermeable external shell (2006, p.160).

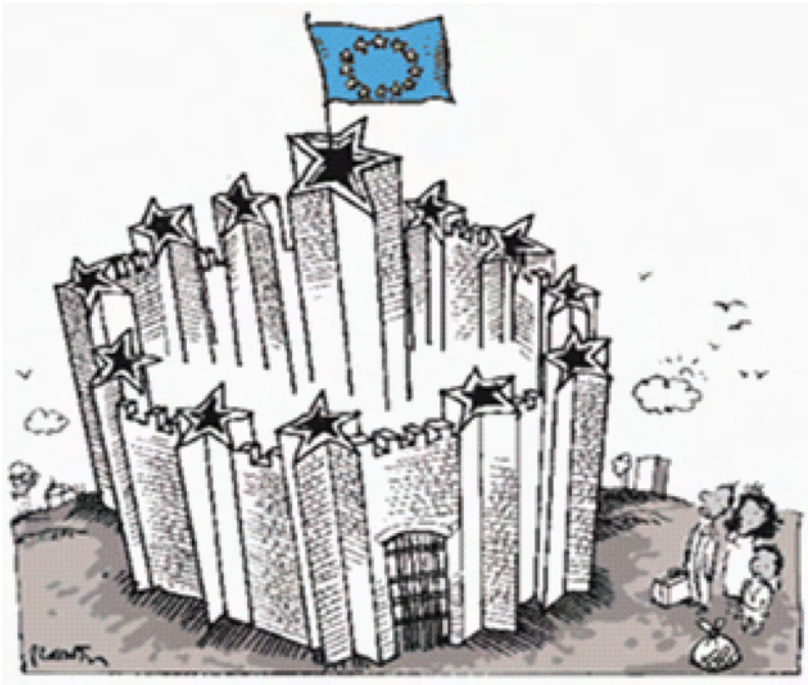
In the particular context of this study, ‘Fortress Europe’ is understood not only as a conceptual product resulting from this combination, but also as a concept deriving from the securitization implemented in the external borders of the EU and, more specifically, from the fortification policy that characterises the border perimeters of Ceuta and Melilla. This book will examine the different dimensions of the concept of ‘Fortress Europe’ and will apply them to the cases of Ceuta and Melilla. The first dimension is the most significant and blatant: the security approach and the border fortification aimed at stopping illegal migrants. The other two dimensions that will be scrutinised will be the economic (North/South) dimension and the historical dimension, that is, the relevance of the fortification practice in previous centuries. By analysing these three dimensions, I will be able to establish the connection between the enclaves and ‘Fortress Europe’.

Some scholars have dismissed the concept of ‘Fortress Europe’ as misleading and imprecise. Bigo, for instance, has argued that ‘Fortress Europe’ is not an emerging reality but rather a concept that should be interpreted in terms of a discursive field and, consequently, that (European) policies regarding security and migration are ‘symbolic’, that is to say, mere declarations aimed at having a dissuasive effect (Bigo, 1998, p.158). Geddes partly agrees, suggesting that the notion of ‘Fortress Europe’ has become more associated with a politics of symbols rather than state

6. Schengenization in this thesis will be understood as a form of securitization in the particular context of the external EU borders.

capacity to control immigration (2000, p.16). Leonello Gabrici, spokesperson of Justice and Home Affairs (European Commission), has dismissed the concept of 'Fortress Europe' arguing that it 'belongs to the realm of science fiction' and that there is no such thing as an impregnable fortress nowadays (cited in Kasasa, 2001, p.31). It is indeed an odd fortress considering that hundreds of thousands of third country nationals cross the border of EU member states every year (Geddes, 2000, p.15), and the thousands of Moroccans that cross the borders of el Tarajal (Ceuta) and Barrio Chino and Beni Enzar (Melilla).

Figure 2.1: 'Fortress Europe' Cartoon



Le monde, 21/06/2003

However, the idea of constructing an exclusive zone of order and safety by effectively policed borders continues to shape policy-making under the internal security-agenda (Berg and Ehin, 2006, p.60). The idea of fortress is, therefore, more than a mere cliché or metaphor since it has political implications. Snyder points out that: 'as the military and economic functions of the border lose some of their

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significance, the traditional police function of borders has been reasserted both in Europe and North America' (2000, p.219). In the European case, the reassertion of the border is intrinsically linked with single market liberalisation, in the sense that the removal of internal borders due to market liberalisation elicited an EU policy response with a strong security emphasis at the external frontier (Geddes, 2000; Berg and Ehin, 2006).

Some scholars have argued that migration encourages western states not only to construct physical barriers but also, and most importantly, to emphasise 'its differentiation from the society whose members it seeks to exclude' (Buzan 1991, p.448). Likewise, Mortimer also stresses the 'dangers' of large waves of immigration from Muslim countries to Europe, which inevitably pushes Europe to emphasize as sharply as possible the distinction between itself and the Islamic world (1990, pp.12-13). In his controversial *Clash of Civilisations*, Huntington explicitly mentions Spain as a country that is being threatened, in demographic terms, by their neighbours in the Maghreb, whose population has increased at ten times the rate of Spain's (1996, p.120). One problem with this interpretation is that the fences of Ceuta and Melilla do not distinguish between a Christian Cameroonian and a Muslim Senegalese.

The Mediterranean as the southern gate of the fortress

'Fortress Europe' cannot be understood *in vacuo*, it needs to be understood in the context of the so-called mass migration that Europe has experienced over the past decades. Originally, the concept was designed to describe the restrictive Western Europe immigration policies towards Eastern European migrants (see Geddes, 2000; Grabbe, 2000; Zielonka, 2002). However, at present, the idea of 'Fortress Europe' fits better in the Mediterranean context due to the predominance of security policies in the EU southern border. Not surprisingly, King points out that the Mediterranean remains the most problematic fringe of Europe (1998, p.109).

Therefore apart from the 'Fortress', new (and similar) metaphors such as 'new wall of shame', the 'gold curtain', the 'European wall' or 'Europe's Rio Grande' have been created with the purpose of conceptualising the North/South divide represented by the Mediterranean (Montari and Cortesi, 1995; Driessen, 1996). Indeed, like the river 'Rio Grande', which forms part of the border between Mexico and the U.S., the Mediterranean sharply divides two completely different economic and social systems (King, 1998). Hence, the Mediterranean Sea has become a stepping stone towards Europe for potential migrants coming mainly from Sub-Saharan Africa and the Maghreb.

Suddenly places known for their beauty and pleasant weather, like the Canary Islands, Andalucía, Lampedusa, Malta, several Greek islands, and, the central case of this book, Ceuta and Melilla⁷, have been in the limelight for reasons that had nothing to do with tourism but rather immigrants arriving in small fishing boats. These locations have witnessed thousands of Africans arriving, most of them subsequently being deported or living in a legal limbo, and the less fortunate dying at sea or on the fences of Ceuta and Melilla. The Mediterranean has, therefore, played a significant role in putting pressure on governments, both EU and national, to implement congruent immigration policies, tightening border immigration controls. The process of European integration, which has led to the abolition of internal borders and the reinforcement of external ones (Schengen), has deepened the Mediterranean divide between the North and the South and has encouraged Southern mistrust:

‘[the Mediterranean] is not only a political, demographic and economic divide, but also an ideological and moral frontier, increasingly perceived by Europeans as a barrier between democracy and secularism on the one hand and totalitarianism and religious fanaticism on the other’ (Driessen, 1998, p.100).

Russell King (2000, pp.8-11) and Anthony Geddes (2003, pp.151-152) provide a comprehensive explanation of the factors that explain migration in southern European countries, outlined with some contributions from the author:

- Diversion effects: unlike North Western Europe, Southern European countries lacked mechanisms and legislation to control migration up until the 1990’s. As chapter 6 will explain, this lack of resources, legislation, and mechanisms of control were highlighted in the early 1990s in Ceuta and Melilla, and caught the Spanish government completely unprepared to deal with the successive migration crises which took place in the enclaves. As a result, North Africans turned Southern Europe from a transit zone into a ‘waiting room’, and subsequently a permanent destination (King, 2000, p.8).
- Geography: Southern European states are relatively close to the North African coast, which makes it possible to travel illegally by boat: only 14 km separate Northern Morocco from Southern Spain. In the case of the enclaves, they are located in African territory, and, therefore, there is no natural border between the enclaves and the African continent.

7. Even though they are geographically in the southern shore of the Mediterranean, they are politically in the North and as a result are a target for migrants trying to reach Europe.

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Furthermore, it is also possible to travel legally (as tourists) due to the centrality of cities like Athens, Rome, and Barcelona (Geddes, 2003, p.151).

- History: it is important to acknowledge the historical interaction (including colonial ties) between both sides of the rim (King, 2000, p.9). In the case of Spain and Morocco, and more particularly Ceuta and Melilla and their Moroccan hinterland, the historical ties are of paramount importance.
- Economic development of southern Europe: this rapid economic development has created labour market shortages (Geddes, 2003, p.152). This fact has entailed these countries no longer exporting migrants, instead they receive migrants at the same levels/rate as the rest of Western Europe. For instance, in the period 2000-2007, Spain became the main destiny of migration in the EU, accounting for nearly 38% of total migration into the EU (González & Sorroza, 2009).
- Demography: the low-birth rate in Northern Mediterranean countries contrast with the high-birth rate in the Southern rim, making the Mediterranean Sea a sharp demographic frontier (Geddes, 2003, p.152).

Analysing the nature of contemporary borders is essential for the purpose of this book since, in order to understand the concept of 'Fortress Europe' and 'sharp borders', it is necessary to take into account the context of borders being reasserted and remade through ambitious state efforts primarily aimed at regulating the transnational movement of people (Andreas, 2000, p.2). In the case of Ceuta and Melilla, the construction of the fences, which completely surround their land borders, was one of the steps towards the securitization of the Spanish frontier. This book argues that, through the fences and the different tightening controls implemented in Ceuta and Melilla, the enclaves have become the material representation of 'Fortress Europe'.

CHAPTER 3

THE BILATERAL BORDER: CEUTA AND MELILLA AMIDST THE SPANISH- MOROCCAN RELATIONS

A Point of vital strategic importance in the entrance to the Mediterranean, the control of the Ceuta's Peninsula has been coveted by every nation with interests in the region. Therefore, since ancient times, its rulers tried to protect [Ceuta] from the interests of rival powers by ensuring their defence through fortification works (Ceuta's Museum)

3.1. Brief description of the Spanish territories in North Africa

The Spanish territories in North Africa comprise two enclaves (Ceuta and Melilla), a small fort on the Mediterranean Coast (Peñón de Vélez de la Gomera (2.2km²), and several islands (Alboran Island (7.1Km², Chaffarine Islands⁸ and Alhucemas Islands⁹). Ceuta (18.5km²) and Melilla (12.4km²) were known as *presidios*¹⁰*Mayores*, whereas the rest of the territories were labelled as *presidios menores* (minor garrisons). All of these territories were considered *Plazas de Soberanía* (sovereign enclave) until the approval of the Spanish Constitution, in 1978. The first time that Ceuta and Melilla were legally referred as cities is in the

8. It comprises Isla del Rey Francisco (0.6 km²), Isla del Congreso (4.5 km²) and Isla de Isabel II (2 km²).

9. It comprises Peñón de Alhucemas (14 km²), Isla de Tierra (5 km²) and Isla del Mar (5 km²).

10. Military garrisons used as penitentiaries. It literally means 'major garrisons'. It should be noted that hundreds of Cuban patriots were jailed in those garrisons during the 10 year war (1868-1878) and the Cuban war of Independence (1895-1898).

1978 Spanish Constitution¹¹. Currently, their Statutes of Autonomy (1995) label them as *ciudades autónomas*, that is, autonomous cities.

Figure 3.1: Strait of Gibraltar Map



Due to the lack of political significance of the *presidios menores*, this study will mainly focus on the civilian inhabited territories, that is, Ceuta and Melilla. Indeed, even though some of the islands (*Presidios Menores*) were inhabited in the past, currently they are under the control of the Spanish Army and consequently they are used as military garrisons and exclusively inhabited by Spanish Army personnel. For this reason, these territories were excluded from the 1995 Statutes of Autonomy, which were granted to Ceuta and Melilla (Zurlo, 2005, p.18). It should be noted that along with Ceuta and Melilla, all of these territories are claimed by Morocco (García Florez, 1999, p.26).

3.2. A product of the Spanish Reconquista

After the conquest of the kingdom of Granada in 1492, the Catholic Kings prolonged their conquests to North Africa in order to create fortifications which would deter future Muslim attacks, protect Spanish trade in the Mediterranean

11. Since 1912 they were known with the peculiar expression ‘Plazas de Soberanía’, which manages to retain a subtle military reference; ‘plaza’, which as well as meaning a square, can be translated as garrison. Due to this military connotation, the expression ‘plaza’ is generally rejected nowadays (Zurlo 2005, p.139). The expression was also used during the Franco regime.

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from Berber piracy, and allow a potential expansion into African territory. This defensive character may be explained by the fact that Ceuta was the springboard to the Iberian Peninsula used by the Arabs¹² in 711 (García Flórez, 1999, p.24).

‘The occupation of Ceuta, Melilla and other parts of North Africa was aimed at creating an advanced frontier against the expansion of Islam. For centuries the function of Ceuta and Melilla was, precisely, to impede the materialisation of threats on the Spanish southern coast’ (García Flórez, 1999, p.255)

Mohamed Chérif agrees that Ceuta was the key to Andalucía and that, as a result, it is because of Ceuta that Islam was able to keep its long-lasting presence in the Iberian Peninsula (1996, p.201). Similarly, Lería argues that the Portuguese and Spanish conquest of Ceuta and Melilla was of paramount importance in terms of cutting Muslim supplies in North Africa and that, by doing so, Spain and Portugal assured that no future Muslim invasion of the Iberian Peninsula would ever take place (2006, p.139).

Abun-Nasr points out that the Spanish penetration into Maghreb by the Catholic Kings had the ultimate project of bringing the Crusades to the other side of the Mediterranean (1971, p.159-161). However, the Spanish focus in North Africa changed with the ‘discovery’ of America and the numerous Spanish interests in Europe (Serna, 2001, p.281). As a result, Ceuta, Melilla, and the rest of the Spanish territories in North Africa were there purely as a defensive strategy (i.e. stopping the Ottoman expansion). According to Berramdane, the enclaves also served Spanish interests since they prevented the British gaining naval power on the Mediterranean, especially after Gibraltar was conquered in 1704 (2008, p.238). Ferrer-Gallardo has labelled these territories as ‘borders of contraction’, which are in clear contrast with the Iberian mobile borders of the *reconquista* (2006, p.4). Spanish colonial penetration was, therefore, ruled out.

Ceuta was conquered in 1415 by Portugal, in the midst of the Moroccan civil war and the decadence of the Marinid dynasty (López García, 1991, p.165). Some authors have argued that Ceuta became Spanish in 1580/1 when the kingdoms of Spain and Portugal united under Philip II (Planet, 2007, p.393). Nonetheless, as the former Spanish ambassador in Rabat, Alfonso de la Serna, points out, laws and administration remained under Portuguese governance and the city was still administered by Portuguese governors (2001, pp.286-287). Therefore, it can be

12. The Muslim ruling in mainland Spain lasted almost eight centuries (711-1492).

concluded that the city became Spanish *de iure* in 1668, when Portugal recognised the Spanish rule of Ceuta under the Treaty of Lisbon¹³.

Melilla, on the other hand, has belonged to Spain since 1497, when it was conquered by Pedro de Estopiñán, commander of the troops of the Duke of Medina Sidonia¹⁴. It should be noted that, when Melilla was occupied it was empty of Muslim troops and its fortifications had been destroyed due to internal conflicts (Abun-Nasr, 1971, p.161). Finally, it is important to bear in mind that the conquest of Melilla was encouraged by a papal bull, dated 12 November 1494, by Pope Alexander VI. This bull required 'the faithful to help the Catholic Monarchs with their persons and property in their African crusade' (Abun-Nasr, 1971, p.161).

3.3. A history dominated by fortification

The history of Ceuta and Melilla could not be understood without examining their varied fortifications. Evidence shows that, in most periods, the cities have implemented defensive strategies to protect themselves against the enemy. In Melilla, for instance, it is believed that the origins of the fortified constructions trace back to the Phoenician and Carthage period (700-100 BC), becoming an *oppidum*¹⁵(enclosed fortified site) in the Roman Period (Fernández Uriel, 2005, pp.238-239). In Ceuta, the walls were first erected in the 6th Century AD by the Byzantine Emperor, Justinian the Great, who ordered the construction of large walls in order to make the city impregnable (Garrido Parrilla, 2001, p.1).

The next prominent fortification project took place in the 10th Century, when Córdoba's Caliph, Abd-al-Rahman III ordered the construction of a powerful stone wall in Melilla in 927 (Bravo and Sáez, 2003, pp.26-27). In Ceuta, the Caliph reconstructed and reinforced the walls in 957 (Carmona Portillo, 2007, p.21). According to Bravo and Sáez, from then on Ceuta and Melilla became the 'keys' to the security of the Strait for Cordoba's caliphate (2003, pp.26-27). During the different Muslim kingdoms and dynasties, that were to control the cities after the collapse of the caliphate of Cordoba in 1031, the practice of fortification continued, although with variable intensity. Thus, between the 9th and the 11th Century,

-
13. The union between Portugal and Spain ended in 1640. After Portugal seceded, Ceuta (1641) decided to remain loyal to the Spanish King, Philip IV. As a result, in 1656 Ceuta was granted the status of 'noble and loyal' by King Philip IV (Carmona Portillo, 2007, p.52).
 14. In fact, Melilla had belonged to the duke of Sidonia until 1556, when it was fully incorporated under the Spanish Crown (Serna, 2001).
 15. Pliny the Elder referred to Melilla (Russadir in Roman times) as "'*Rhyssadir, oppidum et portus*'", that is, "'Russadir (Melilla), fortified site and port'" (Fernández Uriel, 2005, p.232).

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Melilla had a moat surrounding its land border (Gonzalbes, 2005, pp.273-274), and at the beginning of the 13th Century, the Almohades built an Albarrana tower¹⁶ and reconstructed its fortification. However, as Melilla's importance lessened due to feuds between Muslim dynasties (Almohades and Merinites) in the 14th and the 15th centuries, its walls were neglected (Bravo and Sáez, 2003, p.27).

With the Christian conquest of Ceuta (by Portugal in 1415) and Melilla (by Spain in 1497) the practise of fortifying experienced a sudden reinvigoration in both enclaves. The reasons for this resurgence in security lie in the numerous threats that Ceuta and Melilla experienced in this period: pirates, privateers, and the Turks as well as the permanent threat of North African Sultans (Bravo, 2005, p.344; Cámara, 2005, p.315). Moroccan sultans subjected the enclaves to numerous sieges: the Muley Ismail siege in Ceuta (1692-1721) and Melilla (late 17th century and early 18th century) and the Sidi Mohamed ben Abdllah siege in Melilla (1774-1775), being the most prominent (Serna, 2001, p.295).

Consequently, fortification, which appears to be a *condition sine qua non* for the survival of both enclaves, was a common practice in both enclaves. According to Carmona Portillo after the Portuguese conquest, Ceuta's perimeter was reduced due to defensive needs (2007, p.45). Moreover, the Portuguese began replacing the ancient medieval fortresses with bastioned Renaissance fortresses in 1543, which could match the new defence needs, that is, protecting the enclave from the North African Sultan's artillery (Gonzalbes, 2008, pp.34-35). The Royal walls (see Figure 3.3), the bastion's flag, and the bastion's high breastplate constitute the core of the fortification system built by the Portuguese in the enclave between 1543 and 1549 (Garrido Parrilla, 2001, p.6). Ceuta's defence line was consolidated in the 17th and 18th centuries with several bastions, ravelins and counterguards (Garrido Parrilla, 2001, p.6).

In Melilla, building began on the Spanish fortification system in the mid-16th century (1549-1556) using the Renaissance style, as in Ceuta (Bravo and Sáez, 2005, p.350). This first 'enclosure'¹⁷, which was primarily concerned with the enemy coming from the sea, was followed by bastioned fortifications in the 17th and the 18th centuries, which were more focused on land threats posed by the growing power of Moroccan Sultans such as Muley Ismail and Ben Abdallah (Cámara, 2005, p.334). The different fortified enclosures (see table 3.1), in which every fortress

16. Albarrana towers can be defined as detached towers built outside the fortified walls, placed along curtain walls and connected with the fortification through a bridge (interview with Vicente Moga 21/04/2009). This type of tower was first used by Muslim Kingdoms in Spain in the 12th Century, but it was later adopted by Christian builders.

17. In Melilla, the different defensive fortification lines receive the name of enclosures.

was defended by another fortress meant that it was practically impossible for the enemy to conquer the enclave (Cámara, 2005, p.337).

Figure 3.2: Royal Walls in Ceuta with the Flag's Bastion in second term



Source: Photography by author

Table 3.1: The fortified enclosures in Melilla

	Period of construction	Style	Defence purpose
1st	Mid-16th century	Renaissance	Sea threat: pirates and Turks
2nd	Late 17th/early 18th century	Bastioned	Land threat: Moroccan Sultans
3rd	Early 18th century	Bastioned	Land threat: Moroccan Sultans
4th	Late 18th century	Bastioned	Land threat: Moroccan Sultans
5th	Mid and Late 19th century	Neo-Medieval	Territory expansion

Source: Elaborated by the author, based on Bravo 2004; Bravo and Sáez 2005; Cámara 2005

3.4. 1860: New fortresses to protect new territory

In October 1859, Spain declared war on Morocco with the purpose of installing military fortifications in Ceuta's outer perimeter. As Mohamed Benahoud puts it: 'Spain needed more territory in order to be able to defend Ceuta, for that reason, they were looking for a war which allowed them to expand their territory'¹⁸. Spain was eventually victorious and the Treaty of Peace and Friendship¹⁹ which ended the Tetouan War in 1860, allowed Ceuta and Melilla to extend their territories significantly. Ceuta, for instance, increased its territory from 3.5km² to the current 18.5km². However, with this extension the old fortified perimeters became ineffective and a necessity for new fortresses emerged.

Figure 3.3: Camello's tower in Melilla (1909)



Source: Severiano Gil²⁰

In Ceuta, the construction of the new fortification line, whose main purpose was to patrol the new border perimeter and to prevent potential attacks, took place in 1860, shortly after the armistice (Ascorra Montserrat and Fernández Ahumada, 2006, p.79). Conversely, in Melilla, the process of fortification of the new perimeter suffered several complications, such as the constant attack by Rifean

18. Mohamed Banahoud, author interview, Tetouan, 12 March 2009.

19. It was signed on 26th of April 1860. Art.2 states that Ceuta will enlarge until the suitable point where it can guarantee its complete security and protection for its garrison (Olmedo, 2008, p.19). Melilla gained territory a few months earlier under the Tetouan Agreement, signed on 24th August 1859, whose article 2 stated the enlargement of Melilla's jurisdiction (Bravo, 2004, p.121) .

20. This picture is reproduced with the kind permission of the author.

rebels, which delayed the works until 1881 (Bravo, 2004, pp.122-125). In both cases neo-medieval techniques of fortification were used (Ascorra Montserrat and Fernández Ahumada, 2006, p.79). This can be explained by the fact that the attack tactics of the enemies attempting to conquer the enclaves resembled medieval tactics: irregular troops in large numbers armed with light weaponry (swords) but lacking heavy artillery (Martínez and Gufermina, 2008, p.61).

Thus, the neo-medieval fortification defence system constructed in the newly established perimeter in Ceuta between 1860 and 1894 consisted of two forts and eight conic frustum towers. Melilla's defence system, built between 1881 and 1894, is based on four forts, seven conic frustum towers and five entrenchments (Bravo, 2004, p.119). In Melilla, these 19th century fortifications constitute the, so called, 'fifth enclosure'. As can be observed from table 3.1, Melilla has had to use fortification strategies in every century (except the 20th) since it was conquered in 1497. Similarly, Ceuta has been fortified in the 16th, 17th, 18th and the 19th centuries.

3.5. The fences, a continuum of the fortification strategy?

Fortification has been an inherent pattern over the past centuries with the exception of the 20th century. Due to geostrategic and geopolitical factors, no fortresses were constructed during the 20th century²¹ and the fortresses from the previous centuries have lost importance (particularly after the establishment of the Spanish Protectorate in Northern Morocco in 1912) and, as a result, some of them have been destroyed, with others kept as tourist attractions. As has been explained above, the central reason for the fortification conducted in the previous centuries was the protection of the enclaves from territorial threats, mostly from Morocco. In other words, the main *raison d'être* of the different fortification systems has been the military defence of Spanish sovereignty over the enclaves. In this sense, Gómez Barceló states that:

'Ceuta has always been a door, a bridge, a scouting party, a rearguard. Our city [Ceuta] arose at a geographic point of communication between two continents. Our history is full of North-South and South-North invasions. As a result, we [Ceuta] are a frontier guard'²².

21. As a matter of fact, the forts of Triana (1901) and Hipódromo (1906) in Melilla were constructed in the 20th century. However, as they were planned as part of the defence system constructed between 1881 and 1894, they are not considered as 20th century constructions.

22. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

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In historical terms, the frontier guard role seems clear after examining the history of the enclaves and the history of its fortifications. Therefore, the historical dimension is of crucial importance for the ‘Fortress Europe’ argument since, as this section as shown, being protected European fortresses has been the leitmotiv of the enclaves in the past centuries. At this point, it is crucial to ask: is there a link between this historical frontier guard role and the current sealing off of the border by the fences built along the land border perimeters of both enclaves? Melillan historian Vicente Moga recognises that the sealing of the border has been a common pattern in Melilla’s history, and that this process is not yet concluded, as he notes: ‘If we consider it from a historical perspective, the city has always grown through enclosures and fortresses: we have five different enclosures from five different moments in history (see table 3.1). We can even say that the fence constitutes the sixth enclosure’²³.

According to Enrique Delgado, the Schengen security requirements are the primary factor for returning to Ceuta and Melilla the role of lookout played in the previous centuries. He refers to the fences built in the mid-1990s as ‘walls but of a different nature, to which we should add the “administrative wall”’²⁴. Similarly, Severiano Gil, personnel chief of the Spanish Army in Melilla, admits that Melilla is seen as a fortress due to the securitization of the border and that the ‘transparent barbed-wired fence is more solid than the stone walls of the 16th century since, unlike at present, Spain could not then rely on the support of a greater entity [the EU], which would be concerned if the new wall were broken’²⁵.

Thus, despite the fact that there are elements which suggest a historical *continuum* in the fortification process of the enclaves from the previous walls to the current fence, there are also significant differences in terms of nature and purposes. Thus, the previous fortification initially had the main aim of defending the enclaves from sea and land threats from the Ottoman Empire and pirates initially, and Moroccan sultans and Rifian rebels subsequently (Bravo, 2004; Bravo and Sáez, 2005; Cámara, 2005). There was, therefore, a logic of ‘war and peace’, where the defence of the Spanish sovereignty of the enclaves and their territorial integrity was the main goal for Spain.

For several centuries Moroccan sultans threatened the very existence of the enclaves by besieging and attacking them with heavy artillery or light guns. These

23. Vicente Moga, author interview, Melilla, 21 April 2009.

24. Enrique Delgado, author interview, Melilla, 21 April 2009.

25. Severiano Gil, author interview, Melilla, 19 June 2009.

threats can be connected to the concept of the geopolitical border developed by William Walters (2002, pp.563-565). Hence, for centuries the Spanish-Moroccan border in Ceuta and Melilla seemed to correspond with Walters' (2002, p.563) definition: 'the border is a crucial factor of war and peace, a potential line of confrontation where armed forces are arrayed'. However, at present, as Andreas argues, the traditional military role of the border has lost much of its significance (2003, p.81).

The main goal of the current fences is not to protect the enclaves against a Moroccan military invasion but to stop the (mainly Sub-Saharan) migration flux into the enclaves. As Andreas puts it: 'the new walls [built in the West] are designed not to keep people in or to keep militaries out, but to deter a perceived invasion of 'undesirables'' (2000, p.1). Thus, while military invasions have ceased to be a primary security anxiety in most parts of the world (despite the *Perejil* incident in July 2002, the enclaves are not an exception) unwanted migrants have become the leading factor in the list of the state concerns (Andreas, 2000, p.1).

According to Bravo, the fence perfectly fits with the political objectives of the EU (and the capitalist system), which focus on the control on its external borders in order to avoid destabilizing factors such as mass migration: 'If Europe opens its walls, millions would enter: the survival of the capitalist system, which attempts to avoid radical changes, would be at stake'. Bravo emphasises the importance of the European dimension of the fence by arguing that it is not only a Melillean wall but also a European one²⁶. Former Moroccan minister of communication, Larbi Messari, agrees by noting that: 'the walls [the barbed wired fence] that have been erected to stop migration are an effect of Europeanization. Europe puts pressure on Spain to impede the entry of Sub-Saharans and assists Spain to reinforce the wall'²⁷.

This dimension can be seen in the fact that the EU funded a considerable part of the costs of the construction of the fence (Gold, 2000, p.132). Furthermore, the fence is in clear correlation with EU concerns regarding protection of its external borders. Article 63a of the Treaty of Lisbon encourages the EU to: 'develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows [...] and the prevention of, and enhanced measures to combat, illegal migration and trafficking in human beings'.

26. Antonio Bravo, author interview, Melilla, 16 June 2009.

27. Larbi Messari, author interview, Rabat, 9 April 2009.

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In this sense, the fences of Ceuta and Melilla, that is, the 20th and 21st century fortifications are apparently more connected with Walters' notion of Biopolitical Border. Hence, the fences can be seen as a practice which is an integral part of the EU hardened external frontier, together with police cooperation, the Schengen Information System (SIS), Frontex, visas requirements, and so on (Walters, 2002, p.572). In short, they are part of the (institutional) machine aimed at controlling the EU's external borders, even the borders of those territories, like the enclaves, excluded from Schengen. The fences, therefore, are more connected with the Schengen aims and practices than with the needs (protection of sovereignty and territory) of the previous centuries to fortify.

In this sense, Vaughan-Williams argues that the concept of biopolitical borders 'unties an analysis of the operation of sovereign power from the territorial confines of the state and relocates such analysis on the context of a global terrain that spans 'domestic' and 'international' space' (2009, p.117). However, despite the fact that the new walls in Ceuta and Melilla are less connected to the territorial confines of the state than the walls erected in previous centuries, they, similarly to Schengen, highlight the historicity of borders 'revealing the contingency of the configuration of sovereignty, territory, and population associated with the modern state' (Vaughan-Williams, 2009, p.576).

3.6. Succinct analysis of the population in the enclaves

Population is one of the necessary factors required to consolidate the influence of a state over a territory. Thus, the historical fortresses in Ceuta and Melilla were strengthened with Spanish military personnel for centuries, and as a result, the enclaves have always had a significant military presence. As Cajal notes, Ceuta and Melilla were mainly inhabited by military personnel until the end of the 19th Century (Cajal, 2003, p.157). In the 15th Century in Ceuta, the whole population were Portuguese knights. The percentage of military personnel has been progressively decreasing since, even though it has always remained significant.

Table 3.2:Population in Ceuta 1745

	Garrison	Civil Population	Convicts	Total
Ceuta	3,500	3,496	500	7,496

Source: Table by author based on Zurlo (2005, p.40)

Table 3.3: Population in Ceuta and Melilla 1847

	Garrison	Civil Population	Convicts	Total
Ceuta	2,555	2,210	2,131	6,896
Melilla	1,500	198	400	2,098

Source: Table by author based on López García (1991, p.171)

Thus, in 1745, for instance, almost half of the 7,500 inhabitants of Ceuta were Spanish soldiers, a similar percentage was civilian, and the rest (around 6%) were exiled or convicts. A century later, in 1847, a third of Ceuta's dwellers were civilians and a similar number were soldiers, whereas a considerable 30% were felons. In contrast, the percentage of soldiers in Melilla was much greater (71%), with civilians accounting for less than 10%. However, at the end of the 19th century the nature of the population had drastically changed, to the extent that the civil in Melilla doubled the garrison personnel in 1896 (see table 3.4). This represents a significant change compared to only fifty years earlier when the military personnel represented over two thirds of the enclave population.

Table 3.4: Population in Melilla 1896

	Garrison	Civil Population	Convicts	Total
Melilla	3,026	6,515	473	6,515

Source: Table by author based on Planet (1998, p.25)

One of the reasons used to explain the demographic boom experienced by the enclaves at the beginning of the 20th Century is the extension of the territory in 1859 and 1860. There are other factors that explain this increase in the enclaves' population. Ana Planet argues that, unlike other parts of the country, the increase in the population in the late 19th century is due to the arrival of military personnel and their families, who came mainly from Andalucía, together with convicts (1998, p.24). Furthermore, the fact that they became free ports in 1863 contributed to the consolidation of the enclaves as modern cities (and not only military garrisons) by bringing trade and traders to their ports. In Melilla, where the population grows 445% between 1900-1910, the boost of the population can be explained by the exploitation of the Rif mines (López García, 1991, p.171). Vicente Moga, president of the archive in Melilla, claims that the cities became bigger during the Spanish

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Protectorate in Morocco (1912-1956) because they were the main justification for the Spanish presence in Morocco²⁸.

The arrival of Muslim, Jewish (mainly in Melilla), and Hindu (mainly in Ceuta) communities also played a pivotal role in transforming the former military fortresses into cities. The Jewish community (Sephardic), which is composed of around 1,000 people in Melilla and 200 in Ceuta, settled in the second half of the 19th Century arriving from Morocco (Zurlo, 2005, p.41). The Indian Community, 300 members in Ceuta and 70 in Melilla, arrived from India and what is now Pakistan, in the late 19th Century and early 20th Century. This diversity made the enclaves the most cosmopolitan place in Spain during late 19th Century and most of the 20th Century. Today, the fact of being small cities with four cultures is used by Ceuta and Melilla as a tourist attraction²⁹. In practice, however, the main communities in both enclaves are the Christian (of Spanish origin) and the Muslim (North Moroccan in Ceuta and Berber/Rifean in Melilla).

Table 3.5: Evolution of the population in Ceuta and Melilla between 15th Century and 2008

Period	Ceuta	Melilla
15th Century	2,500	*
16th Century	*	645
17th Century	2,900	*
18th Century	7,500	*
1847	7,000	2,000
1900	13,000	9,000
1910	24,000	40,000
1930	51,000	69,000
1970	63,000	61,000
2011	82,376	78,476

Source: author's table based on López García (1991), Cajal (2003), Zurlo (2005) and Instituto Nacional de Estadística (2011)

28. Vicente Moga, author interview, Melilla, 21 April 2009.

29. Slogans such as 'Ciudad de las cuatro culturas', that is, 'City of the four cultures' are common in both cities.

Table 3.6: Population in Ceuta and Melilla 2011

	Garrison + Police Officers	Civil Population	Convicts	Total
Ceuta	4,419	77,657	300 ³⁰	82,376
Melilla	4,369	73,827	303	78,476

Source: Table by author based on INE

The figures of Spanish security forces in the enclaves nowadays are considerably lower than in previous centuries. However, despite this decrease, the numbers of Spanish Army Personnel and Police Forces still remain significant. At present, Melilla has 3,200 Spanish Soldiers and 1,119 agents from the National Police and the Guardia Civil, which represent 18,7% of those employed³¹, that is, 1 in every 5 workers in Melilla is employed in the Spanish Security Forces³² (*Efe*, 10/05/2009; *InfoMelilla*, 5/06/2008). This percentage is similar in Ceuta, where there are 1,169 members of the National Police and the Civil Guard, and 3,200 soldiers (*Efe*, 10/05/2009). 18.6% of the Ceutans are employed by the Security Forces in this enclave.

These high percentages, which have no precedent in any other Spanish territory, are due to the historical necessity of protecting the enclaves against the threat posed by the Moroccan neighbour. These figures also contribute to the depiction of Ceuta and Melilla as European Fortresses, in other words, as highly militarised European enclaves, where security plays a pivotal role.

30. It is estimated that in mid-2013 Ceuta will have a new penitentiary centre that will be able to host 1,700 convicts (Ceutaldia, 15/01/2009).

31. The local police is not included in this percentage.

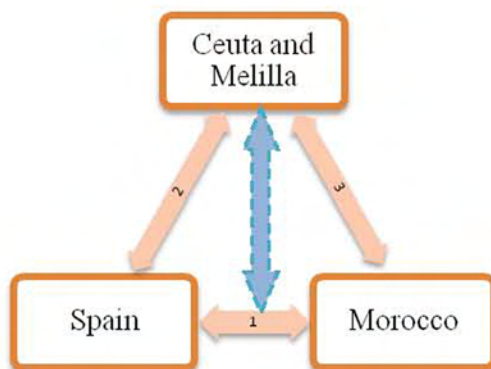
32. These figures were calculated by the author from data from Instituto Nacional de Estadística, *Encuesta de Población activa* (second semester 2011). Available at: <http://www.ine.es/daco/daco42/daco4211/epa0211.pdf> (accessed 11/03/2012).

CHAPTER 4

THE BILATERAL BORDER: CEUTA AND MELILLA AMIDST THE SPANISH-MOROCCAN RELATIONS

Before Ceuta and Melilla became internationally famous due to their migration crises, both were well known by the state they belong to, Spain, and by the state that claims them both, Morocco. This chapter will introduce the historical background of this territorial dispute, and examine the territorial disagreements between Spain and Morocco concerning the enclave's status, as well as the broader relationship between both neighbouring states. By doing so, I aim to show that the Spanish-Moroccan border, as any other border, is historically based.

Figure 4.1: Ceuta and Melilla and the bilateral relationship



Source: Figure by author

The chapter will also highlight that, due to these territorial disagreements, on many occasions both states are caught in, what John Agnew (1994) would identify as, a 'territorial trap'. In the case of Spanish-Moroccan

relationships, such a framework has sabotaged good relations between both states, has impeded cooperation, and ultimately has escalated tensions to the point that a minor military conflict (Perejil) took place in 2002. Finally, it is argued that a conflictual relationship is negative for all the actors involved, but especially for the enclaves, because it exacerbates their isolation and, as a result, is a step towards their fortification.

4.1 The Spanish-Moroccan relationship

Brief summary of the bilateral relations

There have been numerous attempts to conceptualise the nature of the relationship between Spain and Morocco. There is a trend toward likening the relationship to a pendulum that easily oscillates from positive to negative moments³³. This position is outlined by Planet and Hernando de Larramendi who argue that the relationship between both countries is characterised by a ‘cyclic conflictivity’ linked to the territorial disputes (2005, p.408).

Similarly, González del Miño sees the relationship as an imperfect equilibrium, which combines positive periods with periods of open disagreement (2005, p.11). When the context is favourable, there is a tendency to claim that the ‘good understanding’ is the main characteristic, whereas when there are tensions, as in 2002, Morocco is blamed for being a *treacherous brother*³⁴ (Pérez Castro 2009, p.1). What seems clear is that the bilateral relationship is extremely sensitive to the political context.

To understand the current bilateral relationships, it is important to acknowledge that the Spanish-Moroccan relationship traces back along fourteen centuries of shared history, which inevitably has permeated the consciousness of modern politicians from both sides (Gold, 2000, p.4). As Larbi Messari puts it: ‘the bilateral relations still carry the negative effects of past centuries’ (2009, p.108). Hence, despite the shared history, the geographical proximity, and the claims by the Spanish Foreign Minister,

33. Omar Charik, author interview, Nador, 16 April 2009. Omar is the Vice-President of Ascicude-Association pour la culture et le développement (Association for culture and development).

34. A report on Morocco appeared in *El Mundo* shortly after the Perejil crisis (2002), labelling Morocco as ‘El hermano infiel’, ‘the infidel brother’. In this case ‘infidel’ carries the connotation of disloyalty/betrayal, thus the translation in the text as ‘treacherous brother’.

Miguel Ángel Moratinos, that both countries are bound to co-exist, understand, and know each other (*Maghreb Arab Press*, 8/02/2009), the relations between both states have been frequently conceptualised as uneasy, and not ‘normal’ due to the bilateral controversies (Ballesteros, 2004, p.21; López Bueno, 2008, p.33).

It should be noted that both countries share a colonial past that has involved territorial wars (Ifni 1957-58, Sahara, and Perejil 2002), devolutions (Tarfaya 1958, Sidi Ifni 1969, Sahara 1975) and current claims (Ceuta and Melilla) (López Bueno, 2008, p.34). These disagreements, however, have not impeded the signature of several Treaties and Protocols since Morocco’s independence in 1956. One of the most prominent was the *Treaty of Friendship, Neighbourliness and Cooperation* signed in 1991. It should be noted that the Treaty, which is the first between Spain and an Arab country, acknowledges that the historical vicissitudes have been ‘sometimes contradictory’. Significantly, the Treaty omits any explicit mention to Ceuta and Melilla.

The main goal of the Treaty was to create a ‘cushion of interests’³⁵ which could tackle the fragility of the relations. In other words, the absence of a solid network of interests made the bilateral relationship vulnerable to sectoral crises (fishing disputes, Ceuta and Melilla, etc.), and, therefore, a multisectoral network of interests was necessary to cushion the impact of the disagreements (Hernando de Larramendi, 2004, p. 63). As the former Moroccan minister of communication and member of Istiqlal executive (1964-2008), Larbi Messari, put it: ‘Spain and Morocco have managed to establish communication channels so that a single problem does not affect the totality of the relationship’³⁶.

The idea was to create interdependence by diversifying the composition of trade, promote Spanish investment, and engage in cooperation with Morocco (Gillespie, 2005, p.200). As a result of this cooperation, Spain became Morocco’s second economic partner, after France, and the relationship became more stable (Gillespie 2004, p.10). The underlying goal for Spanish involvement in this relationship based on shared interests

35. Colchón de intereses in Spanish. The approach traces back from the mid 80’s (Gillespie, 2004, 2005).

36. Larbi Messari, author interview, Rabat, 9 April 2009.

was to deter Morocco 'from pushing further its irredentists ambitions in relation to the remaining Spanish territorial possessions in North Africa' (Gillespie 2005, p.200). Nevertheless, the structural elements, such as: Ceuta and Melilla, Sahara, fishery, etc., ensure that the *cyclic conflictivity* remains embedded in the diplomatic bilateral agenda (González del Mino, 2005, p.12).

The Perejil conflict: worst case scenario

The small rocky island of Perejil (Toura or Leila for Moroccans) is only 250m off the Moroccan coast and 8km away from Ceuta. It is not inhabited. It is important to note that the Perejil Island was occupied by the Spanish army after the independence of Morocco in 1956 but it was abandoned by the General Command in Ceuta in 1960 (López Olmedo 2008, p.70). Unlike Ceuta and Melilla, its Spanish sovereignty is not granted in any treaty and, therefore, there is no agreement on the sovereignty of the island (López Bueno 2008, p.82). As a result, some authors have argued that it is a 'dead' territory and that Spain's right cannot be justified with past sporadic occupations (Cajal, 2003, p.216).

The small island of Perejil was occupied on the 11th of July 2002 by twelve members of the Moroccan *gendarmérie*. This act came as a surprise due to the island's unoccupied status, and the operation's lack of personnel (López Olmedo, 2008, p.73). The Moroccan authorities justified this occupation on the basis that they were fighting illegal immigration, smugglers, and other illegal activities (Moroccan Foreign Ministry Communiqué, 2002). As Gillespie points out, this seems implausible since the Gendarmes raised two Moroccan flags as soon as they reached the island (2004, p.8). On the 17th of July, under the operation Romeo-Sierra, 75 members of the Spanish Legion successfully conquered the island (López Olmedo, 2008, pp.74-75). The incident was eventually resolved without any bloodshed (López Olmedo, 2008, p.91). The Spanish army left the island on the 20th of July, after nine successive days of military occupation. Two days later, the foreign ministers of both countries agreed a joint declaration in which they agreed to return to the *status quo ante* (Moroccan Foreign Ministry Communiqué, 2002).

Causes of the crisis

The 2002 conflict in Perejil illustrates how potentially dangerous the structural elements of the Spanish Moroccan relationship, mentioned above, can be. The entire 2001-2003 period, not only the conflict itself, represents a visible manifestation of the failure of the cushion of interests' strategy (Hernando de Larramendi 2004, p.63). It was without a doubt the most serious bilateral crisis between Spain and Morocco in recent years. Giles Tremlett describes it as 'the first military invasion of western European soil since the second world war' (*The Guardian*, 13 July 2002).

During the 2001-2003 period, the bilateral relations were dominated by tension and disagreements. The Perejil incident was preceded by numerous successive disputes which damaged bilateral relations. Cajal has labelled 2002 as an *annus horribilis* for the Hispano-Moroccan relationships (2003, p.216). Larramendi argues that the failure of the fishing negotiations in April 2001 triggered the disputes (2004, p. 64). Shortly afterwards during that summer, the Spanish authorities asked Morocco to cooperate in order to stop the continuous flow of 'cayucos' on to the Spanish southern shore. Indeed, Spanish interior ministry officials took the view that Rabat could regulate the flow of migrants at will (Gillespie, 2004, p.3). Western Sahara was another crucial disagreement: in 2001 the Baker (I) Plan, which offered limited autonomy but did not contemplate self-determination and consequently was backed by Rabat, was discussed within the UN. Morocco considered Spain to be the last remaining obstacle to the plan to succeed, due to the Spanish support to the Polisario Front³⁷(Gillespie, 2004, p.4).

After a series of mutual accusations concerning illegal migration and the Sahara issue, in October 2001, Morocco withdrew its ambassador in Madrid, Abdesalam Baraka. Further tensions arose in November when the Moroccan government granted licenses to US ('Kerr-Macgee') and French ('Total') companies to conduct oil drilling explorations off the Western Saharan coast (Moré, 2007, p.46). Subsequently, in January 2002, Spain granted 'Repsol', a Spanish company, nine exploration permits between the Canary Islands and Moroccan coasts.

37. Pro-Independence Western Saharan insurgent group.

This concession of licenses fuelled sovereignty tensions between both countries³⁸. On the 31st of January 2002, the Moroccan Foreign Minister, Mohamed Benaissa, sent a diplomatic envoy to the Spanish Embassy in Rabat complaining that this concession of oil licenses was ‘unacceptable’ and invited Spain to suspend its application (*Abc*, 1/02/2002). Amidst the Perejil crisis, on the 19th of July 2002, Benaissa blamed the oil exploitation licenses granted by Spain off the Canary Islands, and the ‘occupation’ and smuggling activities in Ceuta and Melilla, for the eruption of the conflict on the small rocket island (*El Mundo*, 22/07/2009).

The effects of Perejil

One of the most remarkable consequences of the incident was the role played by the EU, which backed Spain in its territorial disputes with Morocco. Even though at the very early stages of the conflict, the EU (along with NATO) declared that Perejil was a bilateral problem, pressure from the Spanish Government demanded a more unambiguous attitude (Miguez, 2002). This forceful shift arrived shortly afterwards, on the 13th of July, when Romano Prodi, the President of the Commission, telephoned the Moroccan PM, Abderaman Yusufi who promised to ‘work to find a rapid solution’ and to ‘avoid making the conflict more dramatic’ (*The Guardian*, 15/07/2002). In similar terms, July 14th, the Danish Presidency of the Council, expressed solidarity towards Spain urging Morocco to initiate immediate withdrawal of troops from Perejil’ (Miguez, 2002; Vidal, 2004).

Even though at first glance it might not seem directly connected with the enclaves, on a closer examination it is clear that this incident was powerfully linked with the enclaves of Melilla and particularly Ceuta. First of all, it is geographically connected since Ceuta is just 8km away from the small island. The Spanish General, López Olmedo, who was in charge of the operation states: ‘Our activity was not only aimed at re-conquering or occupying Perejil, it was also aimed at the immediate defence of the territory of

38. Oil explorations have been a constant cause for friction. However, when relations between both countries are better, they do not lead to major conflict. In August 2004, Morocco signed a contract with British companies which included waters surrounding Melilla, the Alborán Island and the Chaffarines. After the Spanish government complained, the contract was suspended (Moré, 2007, p. 47).

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Ceuta. [...] Our main mission and concern was to protect Ceuta and its population [...]. It was very clear to us that the defence of Perejil meant the defence of Ceuta' (2008, pp.61-63).

Under these circumstances, three ships from the Spanish navy were sent to Ceuta and Melilla in order to 'restore the confidence of the dwellers' (Vidal 2004, p.504). Severiano Gil notes that despite the distance between Perejil and Melilla, the conflict had tremendous repercussions for Melilla³⁹. Not surprisingly, just three weeks after the incident had begun, July 30th 2002, the Moroccan king stated that Morocco had the 'legitimate right' to 'demand' that Spain 'end the occupation of Ceuta, Melilla and the surrounding islands' (*El Mundo*, 31/7/2002). Gómez Barceló, the official historian of Ceuta, argues that if Spain gave up Perejil, Ceuta and Melilla would follow and, as a result, the army intervention was a relief for the citizens of the enclave⁴⁰.

Amongst those Moroccans writing on the topic, and those interviewed by the author, there is no agreement on how to assess the outcome of the crisis. Mohamed Maazouzi claims that it represents a Spanish diplomatic victory since, by accepting its retreat and the return to the *status quo ante*, Spain has achieved something that it never had before: recognition (2004, p.224). Ignacio Cembrero states that considering all the solutions that Aznar had available to solve the crisis, the Spanish PM chose the most humiliating and offensive for Morocco, and more specifically for the Moroccan monarch, Mohamed VI (2006). Hassan Mettaich, coordinator of the 'Groupment de Communes' (Association of Local Councils) in the Greater Nador Area, however, is much more optimistic because he claims that the incident brought the question of Ceuta and Melilla to the international arena:

'Morocco seized the opportunity in order to internationalise the question of Ceuta and Melilla and we achieved it. Aznar was the big loser because he fell into our trap [...]. We knew the Spanish would react that way. Our cause obtained the support of most Arab and Muslim countries⁴¹'.

Indeed, the Arab League (15/07/2002), Organisation of the Islamic Conference (16/07/2002), and individual Arab countries showed solidarity towards

39. Severiano Gil, author interview, Melilla, 19 June 2009.

40. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

41. Hassan Mettaich, author interview, Nador, 17 April 2009.

Morocco in the Perejil conflict but no explicit mention was made by those countries or organisations to the status of Ceuta and Melilla. Notably, the only Arab/Muslim country to explicitly support Spain was Algeria.

In conclusion, the incident seems to prove that territorial disputes-including those of Ceuta and Melilla- are still a cause for potential frictions between the two states. It showed how easily the bilateral context can become militarised. In addition, as in the Balkans a decade earlier, it also showed the weaknesses of the Common Foreign Security Policy (CFSP) in remedying a conflict at the gates of southern Europe (Gillespie, 2004, p.10). The inefficacy of EU diplomacy is highlighted by the fact that U.S. intervention was necessary (and vital) in order to solve a territorial problem between an EU member state and an EU neighbour. The success of the Washington involvement was evidenced with the crucial intervention of Colin Powell through ‘telephone diplomacy’.

4.2. The role of Ceuta and Melilla in the bilateral relationship

It is worth noting that Ceuta and Melilla are the only Spanish territories which are claimed by another state, which nonetheless presents itself as a ‘friend’ (Zurlo, 2005, p.7). Ceuta, as a zone of contact and confrontation, has played a capital role in the relations between Spain and Africa (Chérif, 1996, p.201). Since the Franco regime Spain has consistently pursued a policy of friendship towards the Arab world (Knapp, 1977, p.333). Some argue that this friendly policy is put in jeopardy by its claims to the territories of Ceuta and Melilla. Both enclaves are indeed the cause for most of the frictions between Spain and Morocco. As Vinokurov has noted, the existence of the enclaves of Ceuta and Melilla has a powerful negative impact on the bilateral relations between Morocco (the surrounding state) and Spain (the mainland) (2007, p.180).

Cajal blames Ceuta and Melilla for jeopardising the role of Spain as a bridge between Europe and the Arab world/Morocco (2003, p.114). Likewise, Mohamed Benahoud asserts that Ceuta and Melilla do not contribute positively to Spanish-Moroccan relations⁴². Hassan Mettaich goes even further when he argues that, relations between the two countries can never be constructive while the occupation of the territories of Ceuta and Melilla continues⁴³. Hence, Ignacio Cembrero, *El Pais* correspondent in Morocco, argues that despite the good relationship between both countries, the territorial dispute cannot be solved because

42. Mohamed Benahoud, author interview, Tetouan, 12 March 2009.

43. Hassan Mettaich, author interview, Nador, 17 April 2009.

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of the lack of will from either party⁴⁴. Ceuta and Melilla contribute to the lack of political and institutional fluidity between Morocco and Spain. Gallardo argues that this lack of fluidity ‘must be interpreted in the light of a long-running tradition of geopolitical suspicion’ which has its roots in the Spanish *reconquista* (2010, p.5).

Therefore, the wishful intentions of making Ceuta a bridge between Morocco and Spain, as expressed by Mohamed Ali, the leader of the main Muslim party in Ceuta (UCDE), appear completely implausible, at least in the foreseeable future. He also regrets that Ceuta and Melilla do not take part in bilateral summits⁴⁵. Although this claim is shared by most of the local politicians and civil society in both cities, it seems unlikely to occur as Morocco is highly unlikely to ever accept their presence as it would constitute a patent humiliation⁴⁶.

Ceuta and Melilla have, therefore, been excluded from the bilateral relationship. Benahoud warns that both governments may exploit this issue, thus hiding some of their internal problems behind the territorial conflict over the enclaves. He argues that both governments use Ceuta and Melilla when they want to put pressure on the other⁴⁷. However, since Spain is the keeper of the *status quo*, and Morocco the state with claims over the enclaves, the latter seems to use the enclaves in this manner more often.

García Flórez argues that Morocco uses the claim over the Spanish enclaves as a tool to put pressure on Spain (1999, p.107). In effect, it would appear that if Morocco was to recover them, it would lose a precious bargaining tool. A metaphor is often used to describe the situation: Morocco uses Ceuta and Melilla as hostages in order to blackmail Spain, but it does not want to release the hostages because it benefits far more by using the hostages as bargaining tools than from the value of the hostages in themselves.

In order to continue the scrutiny of the role of Ceuta and Melilla, it will be necessary to explain the Moroccan claim and the counterclaims used by Spain to maintain the *status quo*, as well as to present the approaches followed by both states concerning the enclaves.

44. Ignacio Cembrero, author interview, Madrid, 4 June 2009.

45. Mohamed Ali, author interview, Ceuta, 25 March 2009.

46. From interviews with local officials and representatives from the civil society in Ceuta and Melilla.

47. Mohamed Benahoud, author interview, Tetouan, 12 March 2009.

Moroccan claim over Ceuta and Melilla

Due to the limits of this book, rather than comprehensively analysing the main arguments from both sides, a brief summary of them is provided, as well as their refutations. For a more in-depth discussion and analysis of the Moroccan and Spanish perspectives see Lazrak (1974), García Flórez (1999) and Ballesteros (2004).

Ceuta and Melilla are unanimously referred to by the press and the Moroccan government as '*les villes occupées de Sebta et Melilla*' (the occupied towns of Ceuta and Melilla). A similar language is also used by the Moroccan Monarch Mohammed VI, which in a communiqué expressing his aggravation at the visit of the Spanish Moroccan monarchs to Ceuta and Melilla refers to them as 'Moroccan occupied towns' and states the fairness of the Moroccan permanent claim (Communiqué King Mohammed VI, 6/11/2007). This unanimity coincides with the answers from the interviews that the author conducted with Moroccan citizens, who shared views similar to that expressed in Maazouzi's statement: 'Morocco cannot tolerate on its territory enclaves stolen by a foreign country, 48 years after its independence' (2004, p.214). Similar views were given by most Moroccan interviewees:

'For Moroccans, Ceuta and Melilla are provisional borders, one day they will return to our homeland'⁴⁸.

'Ceuta and Melilla are Moroccan cities geographically and historically, they are victims of Spanish colonialism'⁴⁹.

Indeed, one of the main arguments used by Morocco in its territorial claim to reclaim Ceuta and Melilla comes from the geographical perspective, since neither enclave has any continuity with the rest of Spanish territory (López Bueno, 2008, p.92). Rézette argues that the enclaves are hindrances to Morocco's free exercise of sovereignty over its own territory (1976, p.132). The geopolitical argument was developed by one of the founders of the *Istiqlal* Party, Alal-El Faasi, who has argued that, after achieving independence, Morocco's aim had to be to re-conquer its 'natural frontiers' (Zurlo, 2005, p.132). Adolfo Hernández refutes this view by stating that Spain, like Turkey, is a bi-continental state divided by the Mediterranean⁵⁰.

As Ballesteros points out, at first, the nationalist idea of territorial integrity was defended primarily by some political parties (*Istiqlal* being the

48. Larbi Messari, author interview, Rabat, 9 April 2009.

49. Ali Nasseh, author interview, Tetouan, 6 April 2009. Nasseh is the director of the Moroccan newspaper *Akherkhaber*.

50. Adolfo Hernández, author interview, Madrid, 3 March 2009.

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most categorical), whereas shortly after achieving independence the claim was adopted by Moroccan officials and by the Moroccan monarchy (2004, p.34). In this context, on May 15th 1956, Mohamed V stated: ‘Moroccan territory is an indivisible whole, our objective is the independence of Moroccan territory within its historical borders and its reunification’ (Ministère de l’Information, 1955-57, p.315). Morocco has frequently drawn comparisons with Spain’s claims on Gibraltar and has tried to link the fate of the enclaves with the negotiations between Spain and the UK over the future of Gibraltar (Rézette, 1976; García Flórez, 1999; Gold, 2000; Ballesteros, 2004). However, one of the main differences between both cases is that, unlike Ceuta and Melilla, Gibraltar belongs to the list of *non-autonomous territories* to be decolonised according to the UN Special Committee on decolonization.

The second set of arguments, which are comprehensibly detailed by the Moroccan jurist Rachid Lazrak, are juridical in nature. According to Lazrak, Ceuta and Melilla are clear examples of European colonialism (1974, pp.125-126). Indeed Morocco makes use of the ‘decolonisation right’ issued by the UN resolutions 1514 and 1541 (Zurlo, 2005, p.133). The 1541 resolution from December 14th 1960 establishes that a colony is a ‘territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it’. Hence the geographic separation is recognised as an element in favour of decolonisation. However, as claimed by Ballesteros, Spain did not include Ceuta and Melilla as ‘non-autonomous territories’, nor has the UN ever questioned this list given by Spain in 1960 (2004, p.195). In addition, Morocco did not question the list until January 1975, that is, fifteen years after it was submitted by Spain.

Proponents of the Moroccan position argue against the Spanish perspective that the occupation of the enclaves was peaceful. They highlight the fact that the occupation of both cities was not peaceful and, as shown in previous paragraphs, that it has been contested since their occupation by Sultans and Rifean tribes, and maintained only thanks to an ever present armed force constantly under attack (Rézette, 1976, pp.132-133). Likewise, Lazrak points out that Morocco can claim that the Spanish enclaves are colonies due to the fact that: ‘(N)o historic title, regardless of its antiquity, [...] even if it is recognised by the international law will be able to efface the original sin that entails a conquest carried out by force’ (1974, p.221).

Spanish arguments

The Spanish position (at least currently) is straightforward: Ceuta and Melilla belong to Spain since it was constituted as a state (Planet and Hernando

de Larramendi, 2005, p.408). Lería (1991, pp.95-103), García Flórez (1999, pp.136-141), Cajal (2003, p.191) and Ballesteros (2004, pp.103-179) provide the different arguments that support the Spanish thesis over the enclaves, which are the following:

- Antiquity of the conquest (conquest right) and non-existence of Morocco when the enclaves were conquered
- Treaties signed by Moroccan Sultans recognising the Spanish sovereignty
- Spanishness of the dwellers
- Political and administrative link between Spain and the enclaves

Firstly, Ballesteros argues that Ceuta and Melilla were conquered before the existence of the Kingdom of Morocco as a political entity (2004, pp.103-144). Indeed, according to García Flórez the first ‘modern’ Moroccan state dates back to the 17th Century (1999, p.136). Morocco refutes this by claiming that Morocco exists since the 9th Century, founded by the Idrissi dynasty. Accepting that point, Ballesteros adds that the antiquity of the conquest should also be taken into account (2004, p.104). Thus, according to the author, Ceuta was Moroccan for 332 years (1083-1415) and Spanish for 432 (1580⁵¹-2012⁵²), whereas Melilla was Moroccan for 417 years (1080-1497) and Spanish for 515 (1497-2012). As the institutional propaganda in Melilla highlights, this city became Spanish 279 years before the US gained its independence.

Spain, therefore, claims the uninterrupted and peaceful occupation of those territories for several centuries (Zurlo, 2005, p.129). Spain claims that the territory wasn't inhabited (*res nullius*). This is true in the case of Melilla, whose inhabitants had left the enclave shortly before Pedro de Espiñan conquered it, but not in the case of Ceuta, which was conquered by force by Portugal in 1415. In addition, the second Spanish argument is that there are up to 15 treaties where Morocco recognises the Spanish sovereignty over Ceuta and Melilla, the islands and the rocks (García Flórez, 1999, p.137). The first treaty where Morocco explicitly recognised sovereignty over the Spanish enclaves was the Treaty of Peace and Trade of 1767 (Ballesteros, 2004, p.145; López Bueno, 2008, p.87).

51. The figure would be lower (344 years) if we consider, as it was argued in previous paragraphs, that Ceuta became Spanish *de iure* in 1668 (De la Serna 2001, p.285-286).

52. The figure has been updated replacing the original date of 2004 (the year Ballesteros' book was published).

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Other treaties were to follow stating similar recognitions⁵³, but certainly the most significant was the Joint Spanish-Moroccan declaration on April 7th 1956, which guaranteed Moroccan independence. In this declaration both governments expressed their ‘will to respect the territorial unity of the [Spanish] empire, which are guaranteed by the International Treaties’ (Declaración conjunta hispano-marroquí, 7/04/1956). Even though it does not explicitly mention the enclaves, it has been interpreted as a *de facto* recognition of the *status quo* in Ceuta and Melilla (García Flórez 1999, p.137). Lazrak dismisses this argument based on International Treaties on the grounds that the Treaties were signed under coercion and that they were systematically violated by Spain (1974, p.201).

Finally, several Spanish authors have highlighted the fact that the majority of the population was of Spanish (and European) origin for centuries as an argument for supporting the Spanish view (García Flórez, 1999; Ballesteros, 2004; López Bueno, 2008). The Moroccan response to this argument is that the enclave dwellers are a ‘group of colonisers, subjects of the colonial power’ (Lazrak, 1974, p.247). The situation nowadays differs substantially with both Spanish and Moroccan arguments given above. In effect, according to the figures from the Union of Muslim Communities in Spain (UCIDE), in 2011 the Muslim population in Ceuta was 34,894 and in Melilla 38,966 (UCIDE, 2012, p.7). The overwhelming majority of those Muslims are from Moroccan origins. If we compare these figures with the total population of the enclaves, we can observe that the Muslims are the majority in Melilla (49.6%), and due to higher birth rate, they are a potential future majority in Ceuta (42.4%). Despite the demographic change, there have been no repercussions on the legal status of the enclaves.

Spain’s cautious approach

Apart from assuring its national sovereignty, Spain has to be very cautious to not provoke Morocco. Therefore, it cannot treat the enclaves in the same way as other parts of the country because a relationship with an important partner is at stake, as well as the stability of the region (Gold, 2000, pp.166-167). Aside from this cautious approach, some authors argue that Spain places too great emphasis on reaffirming the Spanishness of the enclaves, and not enough on considering the (economic) future of the enclaves (Pérez Castro, 2009, p.1).

53. Most notably the Treaty of Peace, Friendship, Navigation, Trade and Fishery (1799), the Convention of Larache (1845), the Convention of Tetouan (1859), the Treaty of Peace and Friendship of Tetouan (1860), etc.

The exception to this cautious approach would be the Perejil Crisis, analysed in previous sections, with its harsh Spanish military response. The cautiousness, however, can be seen in the reluctance that Spanish Prime Ministers and the Spanish king had had in visiting both enclaves. In fact the only Spanish PMs who visited the enclaves in more than thirty years of democratic governments were Adolfo Suárez (in 1980) and Rodríguez Zapatero (in 2006)⁵⁴. However, the visit which provoked the most annoyance amongst Moroccans was, undoubtedly, the visit of the Spanish monarchs to both enclaves in November 2007.

Following this visit, the Moroccan monarch, Mohammed VI, recalled the Moroccan ambassador in Madrid and strongly condemned the visit, warning the Spanish authorities 'to face up to their responsibilities for jeopardizing the future of the relations between the two countries' as well as accusing them of causing a 'serious breach of the letter and the spirit of the 1991 Friendship, Neighbourliness and Cooperation treaty' (Communiqué King Mohammed VI, 6/11/2007). The visit was interpreted by the Moroccan press as a 'colonial provocation' (*Aujourd'hui le Maroc*, 6/11/2007), or as a gentle way 'to wound the Moroccan people' (*Le Matin du Sahara*, 5/11/2007). Apart from the official reaction, several demonstrations were held in different Moroccan towns and on the borders with Ceuta and Melilla.

Ceuta's official historian, Gómez Barceló understands the prudent approach on the grounds that Morocco has elements of pressure such as terrorism, drug trafficking, and especially migration, in which Spain needs Morocco to cooperate⁵⁵. The alteration of the Spanish position towards the Western Sahara (from auto-determinist to backing Morocco's views) can be seen as a good example of how significant Moroccan cooperation is. In the case of Ceuta and Melilla, the leader of the main trade union in Ceuta (Comisiones Obreras), Juan Luis Arostegui claims that there is no symmetry between the interests of Spain and Morocco and the interests of Ceuta and Melilla, because the enclaves cannot be put before the geopolitical and geostrategic interests that involve the bilateral relation with Morocco⁵⁶. While it is true that the relations with Morocco are of great importance to Spain, it is also true that the different Spanish governments have sought a balance between the bilateral interests and the defence of the cities and their *Spanishness*. Such equilibrium, however, has not always been possible.

54. Former Spanish PM from the Conservative Party (Partido popular), José María Aznar, visited the enclaves twice in 2000 and 2004 but not as PM but as a candidate during the Spanish general election campaign.

55. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

56. Juan Luis Arostegui, author interview, Ceuta, 23 March 2009.

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Finally, it is important to underline certain differences that exist between the Spanish political parties the Partido Popular (PP) and the socialist party (PSOE). The PP MP for Ceuta, Francisco A. González, for instance, claims that the PSOE is more reluctant to support Ceuta and Melilla⁵⁷. The PSOE, nevertheless, is better perceived in Morocco. In relation to the approach of the Spanish parties towards Morocco, Benahoud states that ‘the conception of the relations, their [the Spanish government] views and their attitudes vary immensely depending on who is in power: PP or PSOE. PSOE is more liberal and the PP more military oriented’⁵⁸. Similarly, Charik argues that there is more tension when the PP is in power and more relaxed relations when the PSOE is in power⁵⁹. Despite the difference between the two main parties, there are also elements of ‘national interest’ shared by both, for instance, the goal of preserving the Spanish territorial integrity.

The Moroccan approach

Ceuta and Melilla are not the only problem for Morocco in terms of territorial integrity. As noted by Icham Rachidi, the Sahara is the fundamental territorial priority for Morocco⁶⁰. According to the weekly magazine *Tel Quel* (issue 368), Morocco spends 3% of its Gross Domestic Product on keeping Western Sahara. These costs include not only military spending (nearly €10million per day) but also diplomatic lobbying, subsidies, civil servants, etc. Hence, Omar Charik affirms that Morocco does not want to create any further dispute over Ceuta and Melilla as it has enough problems with the Sahara issue. Therefore, according to Charik, Morocco (like Spain) approaches the enclave issue from a moderate position⁶¹.

As seen above, another territory which is linked to the Ceuta and Melilla issue is Gibraltar, since Morocco claims that a restoration of Spanish sovereignty in the British enclave would leave Spain without grounds to keep the disputed territories. Deceased Moroccan monarch, Hassan II, stated in 1976: ‘(T)he day that Spain recuperates Gibraltar, no superpower will allow Spain to control the two doors of the Strait of Gibraltar [...]. In that moment, logically, Spain will return Ceuta and Melilla’⁶² (quoted in González Campos, 2004, p.14). Consequently,

57. Francisco Antonio González, author interview, Ceuta, 20 March 2009.

58. Mohamed Benahoud, author interview, Tetouan, 12 March 2009.

59. Omar Charik, author interview, Nador, 16 April 2009.

60. Icham Rachidi, author interview, Rabat, 12 June 2009. Rachidi is the president of Gadem (NGO).

61. Omar Charik, author interview, Nador, 16 April 2009.

62. Hassan made the speech in Paris on November 29th 1976. The parallel drawn with Gibraltar were recurrent in many of his speeches concerning Ceuta and Melilla. A year earlier on 25th

Rachidi claims that there is no clear strategy by Morocco other than waiting until the Gibraltar issue is resolved⁶³.

Just as in Spain, where the approach is different depending on which party is in power, the Moroccan approach changed significantly when Mohammed VI came to the throne in 1999. As anticipated by Gold, the death of his father, Hassan II, had a potentially profound impact on Spanish-Moroccan relations, and, as a result, on the Moroccan approach towards Ceuta and Melilla (2000, p.27). During Hassan II's reign (1961-1999), Morocco pursued a policy of 'active claim', which has been broken down by García Flórez in three phases (1999, pp.42-106):

1956-1963: Internationalization: This phase begins with the independence of Morocco and ends with the independence of Algeria. During this phase Mohammed V and Hassan II tried to bring the question of Ceuta and Melilla (and other North African territories such as Ifni, Tarfaya, and the Sahara) to international forums such as the Non-aligned Movement and the Organization of African Unity.

1974-1987: Bilateralization⁶⁴: After nine years of official silence, in 1974 the claim over the Sahara reappeared, and Morocco used international forums (such as the UN Assembly in 1975) to claim Ceuta and Melilla. During this phase, Morocco began to link the enclaves' dispute with other issues such as Gibraltar and the fishing agreements. This phase culminated in January 1987 with the proposal of a 'committee of experts' by Hassan II in order to negotiate the return of the enclaves to Morocco. Spain rejected the proposal *ipso facto*.

1994-1995: Cooperation: During this phase, cooperation (see the 1991 *Treaty of Friendship, Good Neighbourliness and Cooperation*) was combined with renewed territorial claims. The main reason was the controversial imminent approval of the Statutes of Autonomy in Ceuta and Melilla. García Flórez also argues that internal Moroccan

November 1975 (five days after the Spanish dictator, Francisco Franco, died) he declared: 'I believe that one day in the future, England, logically, will return Gibraltar to Spain and Spain will return Ceuta and Melilla [...]. Ceuta and Melilla belong to us and will be returned (just like Gibraltar should be returned to Spain)' (González Campos, 2004, p.13).

63. Icham Rachidi, author interview, Rabat, 12 June 2009.

64. In November 1975 the Moroccan 'Green March' took place, in which approximately 350,000 people (mostly civilian) carried out a Moroccan 'invasion' of the Western Sahara (Tel Quel, issue 368 -11-17th April 2009- (accessed 8/11/2009)). As a result, the Agreements of Madrid, where Spain ceded the territory to the Moroccans without any formal concession, were signed.

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conflicts and instability are key to explaining the fact that Morocco renewed its claims (1999, p.44).

In the view of Francisco Antonio González, Morocco uses Ceuta and Melilla to divert the attention from internal problems and, consequently, they need 'an external enemy to keep social peace and stability'⁶⁵. According to the Spanish interpretation, the sovereignty claim is useful for Morocco because, while they hold this claim, they can request other things in exchange, arouse the nationalist passions and 'present themselves as victims of Spanish colonialism'⁶⁶. Therefore, it appears that the current status benefits both sides, and, as a result, is very unlikely to change in the foreseeable future.

In brief, there is a general agreement that, with the exception of the 2001-2003 period, the bilateral relationship has substantially improved with the reign of Mohammed VI. The new monarch has only highlighted the dispute over Ceuta and Melilla in times of crisis: Perejil 2002 and the visit of the Spanish monarchs in 2007. The monarch's advisors have repeated on several occasions that the enclaves are not a priority, even though that does not imply that Morocco has abandoned its territorial claims (Cembrero 2006, p.223). In brief, as suggested by a local Melilla journalist, Enrique Delgado, Mohammed VI seems to be pursuing a low profile policy in relation to the claims to the two enclaves, compared to the more active strategy played by Hassan II⁶⁷. What appears clear is that, as José María Campos puts it, 'in both cases there is awareness that a worsening in the bilateral relations would be harmful for both states'⁶⁸.

It is not a coincidence that, since the restoration of the Spanish democracy, every single Spanish PM has chosen Rabat as a destination for its first diplomatic trip abroad: Felipe González (socialist party), José María Aznar (conservative), José Luis Rodríguez Zapatero (socialist) and Mariano Rajoy (conservative). Despite the different leaders, parties and ideologies, they have all started their diplomatic baptism in Morocco. These visits illustrate the symbolic importance the Spanish government allocates to the bilateral relationship with the southern neighbour. They also show that the national interest in relation to Morocco has no

65. Francisco Antonio González, author interview, Ceuta, 20 March 2009.

66. Valeriano Hoyos, author interview, Ceuta, 20 March 2009. Hoyos is the president of the CETI in Ceuta.

67. Enrique Delgado, author interview, Melilla, 21 April 2009. Enrique Delgado is a freelance journalist and the President of Cocissfra (Colectivo ciudadano para la supresión de los símbolos franquistas).

68. José María Campos, author interview, Ceuta, 1 April 2009. Campos is responsible for the department of social sciences in the 'Instituto de Estudios Ceutíes'.

party boundaries. It is noteworthy to highlight that there has been no mention, in any of these diplomatic visits, of the territorial disputes. If symbols are significant in International Relations, in the bilateral relations between Spain and Morocco, they are of paramount importance. When these symbols are dominated by *bonne entente* and courtesy, future of the relations looks bright.

4.3 Contemporary status of the enclaves

The role of the EU in the bilateral border

The post-national border, in other words, the border that emerged in Ceuta and Melilla after Spain joined the EC in 1986, will be scrutinised in the following chapters. Before engaging in an analysis of the post-national border, however, it is important to highlight the effect that the EU has had in shaping the national border and in consolidating the *status quo*.

Firstly, it is necessary to note that the EU has been a priority for Morocco in terms of foreign policy due to cultural and historical ties, cooperation, trade, and political aspirations. Hence, Morocco demanded the opening of negotiations with the EC in 1963, which concluded in a commercial agreement in 1969. On July 20th 1987, Morocco applied for EC membership but it was rejected on the basis that it does not belong geographically to Europe. In 1996, after the Barcelona Process, an association agreement was signed between the EU and Morocco and finally in 2008 Morocco was granted an advanced status by the EU, which will mean the deepening of free trade agreements and a gradual integration into EU policies without becoming a member (Pérez Castro, 2009, p.4).

Spain has played a crucial role in defending Moroccan interests in the EU. For instance, on the day that Morocco was granted the advanced status in the EU, the Spanish Foreign Minister, M.A. Moratinos, declared it was an historical day and that Morocco was a country ‘whose future had to be linked with the EU’ (*El Pais*, 14/10/2008). In terms of Spanish-Moroccan relations, the former Moroccan minister of communication, Larbi Messari, claims that the EU has had the ability to rationalise the dialogue and the relationship between Spain and Morocco⁶⁹. The EU effect therefore should make the Spanish-Moroccan relations:

‘more rational and, possibly, free them from the archaisms that characterise, until the present moment, our bilateral relationship [...] more

69. Larbi Messari, author interview, Rabat, 9 April 2009.

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Europe [...] less consequences from the colonial time (Larbi Messari, 2009, p.132)’.

As for Ceuta and Melilla, Maazouzi has argued that the EU has not made any statements regarding the juridical-political problems concerning the enclaves and therefore ‘the mitigation remains intact and Morocco keeps its inalienable rights’ (2004, p.222). However, even if it is true that the EU avoids engaging with this matter, whenever it does, it shows unambiguous support to the Spanish thesis. As the Chief of Political Affairs in the EU Commission delegation in Morocco, Jérôme Cassiers notes:

‘The EU is very clear on this issue (sovereignty in the enclaves): Ceuta and Melilla are part of Spain. Spain is a member state and our language is very clear in that respect. We can facilitate the relations between two countries: they have improved in the last few years. Our aim is to develop these relations despite the territorial problems’⁷⁰.

In accordance with the statement given by the Commission official, Berramdane argues that the accession of Spain to the EC in 1986 entailed the integration of these territories into, what was then, the EC: ‘(I)t represents recognition *ipso jure* by the EU of the Spanish sovereignty over the enclaves’ (2008, p.242). Berramdane also criticises the fact that when Morocco signed the association agreement with the EU in 1996, it did not issue a declaration stating its position on Ceuta and Melilla and accepted without any reservation the domain of application of the agreement (which included Ceuta and Melilla) (Berramdane, 2008, p.243).

Hence, today Ceuta and Melilla are officially part of the EU. However, there are important exceptions which are stated in article 25 of the “Treaty of accession of Spain and Portugal to the European Communities”. According to article 25, Ceuta and Melilla are excluded from the Customs Union, the Common Agricultural Policy (CAP), and from the common fiscal policy (because they do not apply the national tax (VAT)), and, as will be argued in chapter 4, they are also excluded from Schengen. The enclaves, however, have been receiving substantial funding from the European Social Funds (ESF) and the European Regional Development Fund (ERDF).

For the enclave dwellers, the EU is perceived in a very positive way. Gómez Barceló considers that entering into the EU (and displaying the EU flags in Ceuta and Melilla) was extremely important in order to guarantee the current *status quo* as well as to reassure the local population that Ceuta had not only a present but

70. Jérôme Cassiers, author interview, Rabat, 9 June 2009.

also a future⁷¹. Similarly, Aróstegui regards the EU as the only asset which can guarantee the Spanishness of the enclaves because the EU is more powerful than Spain in terms of pressuring Morocco. According to Aróstegui: '(I)f Morocco understands that a good constructive relationship with Europe is more significant than the sovereignty over Ceuta and Melilla, we can enter a new normalised dimension'⁷².

According to Larbi Messari, Ceuta and Melilla represent a nuisance for the EU⁷³. However, it could be argued that this nuisance is derived not so much from the fact that Spain has territorial disagreements with a neighbour, but from the boost the implementation of measures to protect the Spanish enclaves has given to the debates on 'Fortress Europe' and the ammunition it has given to those who criticise the inhumanity of EU migration policies.

Legal status

López Olmedo points out that the 1978 Constitution, which legalised the restoration of democracy in Spain, clarified the legal status of the enclaves, which was even more consolidated with the statutes of autonomy in 1995 (2008, p.27).

The Spanish constitution played a significant role: it gave institutional status to the cities, and it grants a Member of Parliament for each enclave (Article 68.2 of the Spanish 1978 Constitution) and two Senators (Article 69.4 of the Spanish Constitution). Finally, the constitution includes the Fifth Provisional Regulation, which envisages that both towns can establish themselves as autonomous communities⁷⁴ (Berramdane, 2008, p.242). This allowed the enclaves to consolidate themselves as separate entities and not as part of Andalucía, as they had been viewed during the Franco Regime (Gold, 2000, p.36).

The process was not easy however. As García Flórez notes, the first draft of the Spanish Constitution did not mention Ceuta and Melilla and even denied the enclaves the possibility of joining Andalucía (1999, p.170). The inclusion came thanks to the fight of enclave representatives such as García Margallo. The fact that they were eventually recognised and explicitly mentioned (they are the territories that are mentioned the most times) in the final version of the Constitution

71. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

72. Juan Luis, author interview, Ceuta, 23 March 2009.

73. Larbi Messari, author interview, Rabat, 9 April 2009.

74. As envisaged in article 144 of the Spanish Constitution.

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meant that ‘both cities were integrated, abetted and protected by the Constitution’ (Hernández, 1995, p.12).

Thus, the Constitution enabled Ceuta and Melilla to achieve autonomy like any other Spanish ‘autonomous community’. Nevertheless, the process was much more complicated than in any other community and they did not become autonomies until 1995, which is in sharp contrast with the rest of the Spanish regions. García Flórez identifies three main difficulties, which are also shared by Adolfo Hernández, the editor of the Autonomy Statutes⁷⁵:

1. Specific geographical, political and economic situation of the enclaves.
2. Political rivalry between the two main parties (PSOE and PP) which made problems to find a consensus.
3. Pressure from Morocco not to modify the *status quo*, and bilateral relations between Spain and Morocco.

(García Florez, 1999, p.187)

The last point is particularly significant since Spain had the incompatible goals of a) satisfying the demands of autonomy of the enclave dwellers, and b) not upsetting Morocco by granting autonomy to the enclaves. The formula which finally succeeded (towns with autonomous status in contrast to the rest which are autonomous communities) is a clear reflection of the political acrobatics that the Spanish government had to deploy. In practice, being ‘towns with autonomous status’ means that the enclaves have a limited form of autonomy and as a result, unlike other Spanish regions do not have legislative powers. Despite this limited scope in terms of power, the statutes of autonomy have served to stress the Spanish rule in both territories since both statutes note that enclaves are ‘an integral part of the Spanish nation within its indissoluble unity’⁷⁶.

According to Gold the fact that they are not a proper autonomous community has left the enclaves with the sense that they were not treated equitably (2000, p.52). The differentiation between Ceuta and Melilla and all other Spanish autonomous regions can be explained with the cautious approach, explained in previous paragraphs, deployed by Spain in relation to Morocco, particularly when there are sensitive issues involved. Some authors consider this approach towards the enclaves as a clear example of *realpolitik* (Vinokurov, 2007, p. 61). The fact that

75. Adolfo Hernández Lafuente, author interview, Madrid, 3 March 2009.

76. Article 1 of both Statutes; Estatuto de Autonomía de Ceuta (Ley Organica 1/95) and Estatuto de Autonomía de Melilla (Ley Orgánica 2/95).

Ceuta and Melilla are European enclaves which are not geographically in Europe also explains the unique status given to the enclaves.

The dwellers' view

As in the case of Gibraltar⁷⁷, the vast majority of the enclave dwellers in Ceuta and Melilla, regardless of their ethnicity, support the Spanish rule in Melilla and Ceuta. According to Serna this reality cannot be ignored (2001, p.316). However, unlike in Gibraltar, no referendum has been conducted in Ceuta and Melilla to ascertain the views of the residents on the political future of the enclaves. Therefore, the only way to determine these views is to analyse the election results.

As can be observed from tables 4.1 and 4.2, the Spanish right-wing Partido Popular (PP) obtains comfortable majorities in both cities. The other 'mainstream' Spanish party, the socialist party (PSOE), obtains extremely poor results compared with the results in mainland Spain. For Francisco Antonio González, MP for the PP in Ceuta, the huge gap between both parties can be mainly explained by the fact that the PP is seen by the electorate as the only party which staunchly defends Spanish sovereignty in Ceuta and Melilla while the PSOE is seen as hesitant and 'soft' on that matter⁷⁸.

Another particularity of the political context in the enclaves is that, in both enclaves, the main opposition party is a local so-called Muslim party⁷⁹ (CPM in Melilla, UDCE in Ceuta). However, it is important to note that a significant amount of votes from the Muslim community go to the 'National parties', that is, the PP and the PSOE. Both parties have included members of the Muslim community in their ranks since the early 1990's. As López Bueno asserts: 'if they (Muslims in Melilla) were politically motivated solely on the basis of their creed, their weight in the (Melilla) Assembly would be higher than the 22% that Coalición por Melilla⁸⁰ [...] obtained in 2007' (2009a, p.12).

77. In the 2002 referendum, 99% of the Gibraltarians (with a turnout of 87.9%) rejected to share sovereignty with Spain (*BBC news*, 8/11/2002).

78. Francisco Antonio González, author interview, Ceuta, 20 March 2009.

79. They receive this name because an overwhelming majority of their members belong to the Muslim community, not because they use Islam as a political ideology (Planet, 1998, p.124). In fact, the religious question does not appear in their political programmes.

80. As seen above, Muslims account for 49% of the population in Melilla.

Table 4.1: Local elections in Ceuta 2003-2011

	PP	UDCE²	PSOE	PDSC
2003	19	3	2	1
2007	19	4	2	-
2011	18	4	3	-

Source: Spanish Ministry of Home Affairs

Table 4.2: Local elections in Melilla 2003-2011

	PP	CPM	PSOE	PPL
2003	15	7	3	-
2007	15	5	5	-
2011	15	6	2	2

Source: Spanish Ministry of Home Affairs

It is crucial to note that the so called ‘Muslim parties’ are concerned with ending the discrimination and marginalization suffered by the Muslim community but do not have any claims concerning the sovereignty of the enclaves (Planet 1998, p.125). Mohamed Ali, the leader of the UDCE, asserts that the Moroccan claims are harmful for Ceuta and that they do not represent the views of the Muslim community in Ceuta⁸¹. In fact, the only party in the enclaves which has openly advocated for the ‘return’ of Ceuta and Melilla to Morocco has been the Partido Socialista de los Trabajadores in Ceuta, but they have never achieved any representation. Cembrero claims that, rather than the arguments based on Treaties and conquest rights, the main reason to justify the fact that Ceuta and Melilla belong to Spain is the acceptance of the ‘Spanishness’ by their citizens-both Christians and Muslims⁸².

Vinokurov points out that if Muslims become a majority, the prospect of sovereignty transfer will become imminent (2007, p.98). This assertion has been proven to be thus far false since Muslims already constitute the majority in Melilla without any impact on altering the sovereignty status of this enclave. Gómez

81. Mohamed Ali, author interview, Ceuta, 25 March 2009.

82. Ignacio Cembrero, author interview, Madrid, 4 June/2009.

Barceló strongly disagrees with Vinokurov, arguing that, despite the mistrust of some Christians towards the Muslim loyalty, the Muslim community is eager to defend the Spanish character of both towns⁸³. This mistrust was summarised by the ex-president of the Spanish Parliament, Federico Trillo, when he disapproved the election of the first Muslim President of Melilla (from the CpM party) claiming that ‘it is better for Ceuta and Melilla to be governed by parties that can guarantee the *Spanishness* of both territories’ (*El País*, 13/08/1999). Rather than guaranteeing the Spanishness of the enclaves, those attitudes jeopardise it since they alienate, stigmatise and practically accuse of sedition a whole community.

Spain ought to accept that the majority of the population is of Muslim (and Moroccan) origins in Melilla and soon that will be the case in Ceuta. Considering the percentage of Muslims in primary schools, this trend will increase in the next generations. Bearing this in mind, Madrid has two options: accept the Spanishness of the Muslim population in the enclaves or, otherwise, follow the alienation path suggested by Trillo which would eventually lead to renouncing to the Spanishness of Ceuta and Melilla. This issue deserves special attention as it has a special relevance for the future of the enclaves but, unfortunately, it goes beyond the scope of this book. Future studies about the enclaves could, therefore, engage in the compatibility between the variables of ‘Spanishness’ and ‘Muslim community’. The challenges of Ceuta and Melilla, however, are not limited to sovereignty issues. As a result, the following challenges will focus on the challenges derived from the post-national border.

83. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

CHAPTER 5

THE SCHENGEN REGIME AND ITS EXCEPTIONALITIES IN CEUTA AND MELILLA

5.1. What is Schengen?

Evolution and conceptualization

It is often forgotten that Schengen was agreed and implemented outside the legal framework of the EU/EC (Walters 2002, p.561). Indeed, the Schengen agreement (1985) which was aimed at applying the principle of free movement of people was signed by Benelux, West Germany and France (Apap & Carrera *et al*, 2004, p.3). In June 1990, the Implementing Convention, whose main goal was ‘to abolish checks on the movement of persons at internal borders by transferring checks to external frontiers’ was signed by most of the members of the EU (Spain signed the agreement in 1991 and fully implemented it in 1995) (Walters, 2002, p.561). In 1995, the Schengen Convention entered fully into force and, as a result, checks and surveillance at the external borders of the EU member states that were part of the convention have been governed by the uniform common principles mentioned above.

In May 1999, part of the Schengen Protocol was introduced into the legal framework of the EU, which means that the EU has a *de facto* external border (Occhipinti, 2008, p.151). Article 62(2)(a) EC provides the legal basis for the EU border regime, that is to say, the Schengen Border Regime. Aside from that, since Amsterdam, all new EU member states have to adopt in full the Schengen *acquis* (Monar, 2005, p.147). However, this development has led to an anomalous situation whereby not all EU states participate in the Schengen area but some non-EU members do. At present, all members of the EU are members of the Schengen

space, except for Cyprus, Romania, Bulgaria, the UK and Ireland⁸⁴. On the other hand, EFTA members Iceland, Switzerland and Norway fully apply the provisions of the Schengen *acquis*.

Schengen has been enhanced during recent years due to:

- Full Integration in the Schengen Area of the 10 countries that joined the EU in 2004⁸⁵, with internal borders lifted with and between them.
- The development of a new information system, SIS II
- The developing of a Border Management Agency (FRONTEX) in 2005
- Biometric identifiers integrated in identification documents from 2005
- Development of an effective visa policy through the Visa Information System

Finally, the adoption of the Directive 2008/115/EC ‘on common standards and procedures in Member States for returning illegally staying third-country nationals’ might be seen as the last step towards the consolidation of the Schengen Regime.

The Spanish General Director of Internal Affairs, Adolfo Hernández, claims that the reason why the EU has finally tackled migration is because the problem has become too big to be overlooked⁸⁶. He argues that, due to the common Schengen border, the fact that the southern border is being *invaded* affects Belgium and Holland as much as it affects Spain. As explained in chapter 2, the Schengen *acquis* has meant the delegation of border policy from the inner states of the EU to the outer states. But, as argued by Hernández, the inner states are as interested as the outer ones in controlling the border because after the Southern border there are no more barriers. Put simply, in Schengen every state becomes responsible for the overall security of Schengenland. Thus, the removal of internal borders has necessarily implied a hardening of the EU external border. In Casier’s words:

84. Since both countries are members of the EU and they are voluntarily excluded from the Schengen *acquis* through opt-outs, the UK and Ireland have a completely different status compared to non-EU members from Eastern Europe or the Mediterranean region who are *externally* excluded. Hence, despite not ending border controls with other EU states, they participate in police/judiciary cooperation (both are provisions that also form part of the Schengen *acquis*) and in the Schengen Information System.

85. With the sole exception of Cyprus.

86. Adolfo Hernández, author interview, Madrid, 3 March 2009.

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‘The disappearance of internal borders inevitably means that external borders are reinforced and obstacles are placed between the EU and third countries [...]. As internal borders disappear and free movement within the passport-free Schengen zone becomes easier, the external borders are reinforced, better secured and harder to cross’ (2008, p.21)

Schengen can be seen as the first successful collective EU response to tackle potential challenges derived from the abolition of internal borders between the signing members. It is also perceived as a great success (perhaps one of the greatest of European integration together with the adoption of a single currency). However, this initiative has become contentious recently and some European states such as France and Italy have demanded a reform of the Schengen Protocol (*BBC news*, 26/04/2011). The controversy emerged amidst the ‘Arab Spring’ when 26,000 Tunisians and Libyans arrived in Southern Italy and the former Italian PM granted them with 6 months residence permits. The North-African migrants travelled mainly to France, which caused a brief but intense diplomatic crisis between both neighbours. Sarkozy’s (2012) electoral campaign promise/threat to leave Schengen should be read in this context.

Denmark went a step further when the former conservative-populist coalition decided to reinstall national border controls from May to October 2011 (*The Guardian*, 12/05/2011). These reactions show how some member states, especially those who are far from the Southern EU border, continue viewing the Schengen acquis (and the elimination of internal borders) with suspicion. Despite the crises, Schengen has hitherto survived.

Are Ceuta and Melilla in Schengen?

Having introduced the main characteristics of the Schengen Regime, which govern the EU external borders, it is crucial to ask the question: ‘Are Ceuta and Melilla in Schengen?’

Intuitively, perhaps, the external borders of the European Union should be the borders of Member States with non-Member States. Legally speaking, this is not the case (Tekofsky, 2006, p.2). Thus, despite the fact that some authors have stated that Ceuta and Melilla belong to Schengen (Zurlo, 2005; López Olmedo, 2008; Pérez Castro, 2009), if we delve further into the details, it appears clear that they are excluded. In the Final Act to the Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement (Official Journal of the European Union, 2000, p.73) it seems clear that both cities are excluded.

Figure 5.1: Specific regime for Ceuta and Melilla

In short, the specific regime stipulated in this document means that:

- *The citizens from the adjacent Moroccan provinces do not need a visa to enter Ceuta and Melilla.*
- *Those citizens from other Moroccan provinces still need a special visa (visado multiple limitado), which allows them to travel to the enclaves but not the rest of the Spanish territory.*
- *As a result of the former, Spain shall maintain checks (identity and documents) on sea and air connections between the enclaves and mainland Spain.*

This last point is extremely significant as it means that Ceuta and Melilla are regarded by Spain as a non-Schengen territory, and as a result, they become a double border; on the one hand with Morocco and on the other hand with Schengen. As, Jérôme Cassiers, the political advisor of the Commission Delegation in Morocco argues: ‘Ceuta and Melilla are not Schengen borders, you cross the Schengen borders in the Spanish peninsula. They have a specific status, governed by specific provisions; they are not fully EU borders frontier-wise’⁸⁷.

Hence, the non-Schengen character of Ceuta and Melilla can be seen in all the regulations concerning Schengen and external EU borders. The Schengen Border Code (EC Regulation No. 562/2006), for instance, states in its article 36 that, ‘the provisions of this Regulation shall not affect the special rules applying to the cities of Ceuta and Melilla’. A similar statement is used in article 15 of the Regulation (EC) No 1931/2006 from the Council and the European Parliament, which lays down rules on local border traffic at the external land borders.

The fact that the provisions of the Schengen Border Code (SBC) regulation do not affect Ceuta and Melilla means that, for example, the flights between Melilla or Ceuta and mainland Spain are not considered ‘internal flights’⁸⁸ according to the definition provided by the SBC. Equally, Ferry connections between the enclaves

87. Jérôme Cassiers, author interview, Rabat, 9 June 2009.

88. According to article 2.3 of the EC regulation 562/2006, an internal flight means ‘any flight exclusively to or from the territories of the Member States and not landing in the territory of a third country’.

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and mainland Spain cannot be considered ‘regular ferry connections’⁸⁹ like other Ferry routes such as those between the Balearic Islands and mainland Spain. In the enclave case, the Spanish National Police has to maintain passport controls, because both enclaves are excluded from Schengen.

The fact that Ceuta and Melilla are not Schengen territories is connected with the nature of securitization and has a vital impact on this book’s argument. Previously, it has been argued that the Schengen Bio political border was linked to the flanking measures to compensate internal free movement. However, since the enclaves are excluded from Schengen, the fences and other security measures at the fence cannot be understood merely as bio political borders or as flanking measures to compensate internal free movement. Therefore, the local and the national components become crucial to understanding the erection of the fence in Ceuta and Melilla. As chapter 5 will show, the fences were erected by the Spanish government to respond to the local crises in Ceuta and Melilla derived from irregular migration.

Why do Ceuta and Melilla not belong to Schengen?

After demonstrating that both enclaves are not Schengen territories, it is crucial to explain the reasons for their exclusion. First of all, it should be noted that the decision was taken by the Spanish authorities, as argued by Luis Dey⁹⁰. Secondly, the exceptionality is strictly linked with Morocco. In effect, in 1988 it was announced that under an EC directive, Moroccan citizens would have to apply for visas to enter Spain (Gold, 2000, p.11). The visa requirements, which came into force in 1991, can be seen as an EU strategy to fight against illegal immigration from North Africa, prior to the implementation of the Schengen agreement in 1995.

However, having to apply for visas was a very sensitive issue for Rabat, particularly because it meant that Moroccans would not be able to enter what they considered their own territory, that is, Ceuta and Melilla. Consequently, as Planet argues, the Schengen exceptionalities were implemented in order not to

89. According to the article 2.4 of the EC regulation 562/2006, a “regular ferry connection” ‘means any ferry connection between the same two or more ports situated in the territory of the Member States, not calling at any ports outside the territory of the Member States and consisting of the transport of passengers [...].

90. Luis Dey, author interview, Rabat, 9 June 2009.

upset Morocco, that is, in order to respect the complex bilateral relations⁹¹. The director of Fhimades, (a trans-border organisation comprised of representatives of Melilla and the neighbouring Nador province and aimed at developing border cooperation between Melilla and Morocco) José María López Bueno, argues that the exceptionality is not surprising since it just acknowledges a situation which has been taking place for decades; trans-border interaction⁹². In other words, this flexibility should be understood in the context of historical interaction between the enclaves and their hinterland. Thus, the exceptionality (or exclusion from Schengen) allows a trans-border interaction that would have been torpedoed if Ceuta and Melilla had remained in Schengen like the rest of the Spanish territory. In this case again, we see how the particular geographical location of the enclaves plays a crucial role in their interaction with the hinterland, and as a result, with their relationship with the rest of Spain and the EU. As Luis Dey notes:

‘They [the enclaves] are not included due to the flexible nature of the border. Therefore, the residents of neighbouring areas are allowed to travel freely; creating a Schengen border would have made the border crossing more complex, perhaps create more problems than it would solve’⁹³.

The economic factor, which will be scrutinised later in this chapter, also serves to explain the exceptionality. It has been argued that the economic viability of the enclaves depends on their interaction with their hinterland (Ferrer-Gallardo, 2006, p. 10). According to Ceuta’s Economic regional minister, Guillermo Martínez, the visa exemption for Moroccans from the adjacent provinces to Ceuta and Melilla, and the consequent interaction with the hinterland, are extraordinarily positive for Ceuta and for the local economy⁹⁴. Hassan Mettaich goes further stating that, the enclaves facilitate the entrance of Moroccans because they could not survive without their Moroccan hinterland. He concludes that ‘If the borders were closed down, Ceuta and Melilla would be economically strangled’⁹⁵.

91. Ana Planet, author interview, Madrid, 5 March 2009. Ana Planet lectures in the Department of Arabic Studies in the Autonomous University of Madrid (UAM). She is the author of *Melilla y Ceuta: Espacios-frontera hispano-marroquíes*.

92. José María López Bueno, author interview, Melilla, 19 June 2009.

93. Luis Dey, author interview, Rabat, 9 June 2009.

94. Guillermo Martínez, author interview, Ceuta 30 March 2009.

95. Hassan Mettaich, author interview, Nador, 17 April 2009.

5.2. Economic factors

The economic factors can be divided into two main dimensions: the economic dimension of the Spanish-Moroccan border and the internal economic dimension of Ceuta and Melilla.

Economic context in Ceuta and Melilla

It is crucial to introduce the main characteristics of the economies of the enclaves to understand their dependency towards the border and their exclusion from Schengen. As will be argued in the following sections, the economic survival of both enclaves highly depends on their interaction with Morocco. The enclaves' economies have structural weaknesses such as the dependency on the public sector, the concentration on the service sector, unemployment and, finally, the black economy. These weaknesses will be briefly explained in the following paragraphs.

Table 5.1: Public Sector workers

Media Española	21.1%
Ceuta	57%
Melilla	48.5%

Source: author based on Encuesta Población Activa 2011 (INE)⁹⁶

Table 5.1 shows that one of the main differences between the enclaves and the rest of the Spanish autonomies is the high percentage of public workers. According to the 2011 Active Population Survey from the Spanish National Institute of Statistics, the Spanish national average of Public workers is 21.1%. In Melilla, however, this percentage is considerably higher at 48.5%, whereas in Ceuta the figure is even higher, 57%. Thus, employment is concentrated on the services sectors as table 5.2 illustrates. This concentration is similar to the Spanish average though in the case of the enclaves it is more pronounced.

96. See: <http://www.ine.es/jaxiBD/tabla.do> (accessed 28/03/2012).

Table 5.2: Employment by sector in Ceuta and Melilla 2011

Activity	Spanish Average	Ceuta	Melilla
Agriculture and fishery	4.20%	-	-
Industry	14.10%	1.90%	1.90%
Construction	7.70%	7.10%	4.70%
Services	74.00%	91.00%	93.40%
Total	100.00%	100.00%	100.00%

Source: author based on Encuesta Población Activa 2011 (INE)

These figures can be explained by several factors, for instance, the fact that due to their small size (Ceuta is 18.5km² and Melilla is 12.4km²), both enclaves have no agricultural sector and very limited industry. Another factor which needs to be taken into account is that, due to the need to defend themselves from (mainly) Moroccan attacks, both cities have been historically (and still are) a common destination for Spanish police officers (approximately 1,200 in each enclave) and army personnel (3,250 soldiers in each enclave). Perez Castro blames the enormous weight of the public sector for the concentration of both economies on the services sector (2009, p.2).

Table 5.3: Unemployment rate in Ceuta and Melilla

	2008	2011
Ceuta	18.76%	29.16%
Melilla	19.04%	28.13%
Spain	10.44%	22.85%

Source: author based on Encuesta Población Activa 2008 y 2011 (INE)⁹⁷

Unemployment is another structural weakness of the economy in Ceuta and Melilla. The percentage of unemployment in both enclaves tends to be significantly higher than the average in Spain. Table 5.3 exemplifies how in 2008, before the global financial crisis affected Spain, unemployment in both enclaves was considerably high, nearly doubling the Spanish average. In the fourth trimester of 2011, the difference between the cities and the national average has decreased but unemployment in both enclaves is close to 30%. The high rate is accompanied

97. See: <http://www.ine.es/jaxiBD/tabla.do> (accessed 28/03/2012),

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by another phenomenon which is equally worrying; the underground economy. Hence, a report conducted by an independent consultant in Melilla identifies the unemployed as one of the groups⁹⁸ most likely to participate in the underground economy (ZIES, 2008, pp.9-10).

The ZIES report estimates that the black economy represents around 24% of the total economy in Melilla (2008, p.160). Guillermo Martínez, the regional economy minister in Ceuta admits that the figure is similar in Ceuta⁹⁹. The report defines underground economy as the ‘set of activities or transactions conducted outside the regular channels of the market’ (ZIES, 2008, p.7). It should be noted that this percentage includes illegal workers, prostitution, drug trafficking, etc. However, border smuggling or trans-border trade is not included since the goods smuggled in the border are legally purchased in the enclaves.

According to the ZIES study, the black economy percentage is significantly high in Melilla due to several factors: a largely unqualified workforce; its frontier character, which attracts trans-border Moroccan workers who will work without a contract: and the fact that most of the enterprises are small and dedicated to activities such as catering, trade, or construction, which have a higher degree of informality (ZIES, 2008, p.82).

In short, the main economic weaknesses of Ceuta and Melilla are the following: structural unemployment, strong dependency from the public sector and more specifically from the services sector, which provokes a lack of diversification of the economic activity and, finally, the black economy. In addition to these factors, there is another attribute of the enclave’s economies: the dependency towards the trans-border trade. The cause of this trade lies, among other reasons, in the border inequality, that is in the economic dimension of the bilateral border.

Economic dimension of the bilateral border

After seeing the main characteristics of the enclave’s economies it is necessary to highlight the differences in terms of wealth between both sides of the Spanish-Moroccan border. It can be argued that Ceuta and Melilla represent the dividing line between the rich countries in the North and the poor countries in the South, in other words, a demarcation line between poverty and richness (Zurlo, 2005, p.7). The global

98. The study also argues that the Muslim community is also more likely to be involved in the underground economy; they represent the 46% of the population but they are responsible for 70% of the underground economy (ZIES, 2008, p.82).

99. Guillermo Martínez, author interview, Ceuta 30 March 2009.

financial economic crisis affecting Spain since 2008 and the emergence of the Moroccan economy may potentially narrow the gap in the future but, until now, the differences keep being substantial. A considerable number of interviewees have underlined the inequality of the border as one of the main characteristics of the Spanish-Moroccan border¹⁰⁰. As Moga notes, the border in Ceuta and Melilla not only delimits territory but it also delimits areas with a substantial economic imbalance¹⁰¹.

With the intention of elucidating the significance of the inequality of the borders in Ceuta and Melilla, it becomes necessary to contrast these imbalances with the rest of the land borders of the world: to do so, it is necessary to calculate the economic disparity of all the existent land borders. The table below has been conducted using the methodology employed in Iñigo More's study, *La vida en la frontera* (2007), which consists of dividing the GDP per capita of the richer neighbour by the GDP per capita of the poorer one. The obtained figure represents a ratio which shows the times that the wealthier country is richer than its neighbour.

Table 5.4: Most unequal borders in the world in 2010

GDP (nominal) per capita 2010	
1 Libya-Niger	28,99
2 Angola-Dem. Rep. Congo	23,27
3 Congo- Dem. Rep. Congo	16,82
4 South Africa-Mozambique	16,53
5 Oman-Yemen	15,11
6 Kuwait-Iraq	14,62
7 Botswana-Zimbabwe	13,66
8 Libya-Chad	12,98
9 Saudi Arabia-Yemen	12,67
10 South Africa-Zimbabwe	12,24
11 Argelia-Niger	11,64
12 Spain-Morocco	10,70
13 Israel-Egypt	10,42
14 Israel-Syria	10,36
15 Equatorial Guinea-Cameroon	10,01

Source: Adapted by author from International Monetary Fund (IMF)¹⁰²

100. Yonaida Sellam, Vicente Moga, Icham Rachidi, Anne-Sophie Wenders, Adolfo Hernández and Ignasi Guardans.

101. Vicente Moga, author interview, Melilla, 21 April 2009.

102. World Economic Outlook Database, September 2011: www.imf.org/external/pubs/ft/weo/2011/02/weodata (accessed 25/10/2011). The following borders do not appear on the

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As can be observed from Table 5.4, almost all of the unequal borders listed consist of intra-Asian and intra-African borders. This fact is due to, among other reasons, pariah and semi-failed states such as Yemen, Iraq or Zimbabwe, and the location of rich countries such as Israel or oil exporters such as Libya, Saudi Arabia, and Oman in poor areas. It should be noted that the only EU state in the table is Spain, which is not surprising considering that it is the only EU state with territories in mainland Africa. Other external EU borders, such as Greece and Albania (6.74), Romania and Moldova (4.28), and Poland-Ukraine (3.90) are significantly less unequal than the Spanish-Moroccan border. Spain is 10.7 times richer than its neighbour and this frontier is the 12th least equal border in the world. This difference, however, is reduced to 6.04 if we consider the purchasing power parity¹⁰³ (PPP). These dissimilarities are significant if we compare them with another border which is often wrongly defined as *the most unequal border in the world*: the border between the U.S and Mexico. The disequilibrium in this case is noticeably lower in nominal terms (4.45) as well as in PPP terms (3.18).

Table 5.5: Historical Evolution of the Spanish-Moroccan border

1980	1985	1990	1995	2000	2005	2010	2015 ¹⁰⁴
6,17	7,80	12,49	12,13	11,12	13,33	10,70	9,14

Source: author based on data from World Economic Outlook Database (FMI)

Table 5.5 shows that the disparity between Morocco and Spain increased considerably in 1990 due to the accession of the latter to the EC/EU. In subsequent years the differences were stabilised, reaching their peak in 2005, coinciding with the *real estate boom* in Spain. Since 2005, we can observe a steady decrease of the border inequality, confirmed by the IMF predictions for 2015. Despite this reduction of the disparity, the border disequilibrium remains significant.

Lastly, certain trends can be identified in most unequal borders: a) territorial conflicts, and b) migration from the poorer to the richer neighbour (Moré, 2007, p.27). Both factors contribute to a third trend: c) fortification of the border, which is conducted by the richer neighbour and which serves the purpose of securitizing

table due to lack of data from the IMF: South Korea-North Korea, Israel-Occupied territories and Russia-North Korea.

103. This indicator eliminates the distortions derived from the differences in the cost of living in different countries.

104. IMF estimation.

the border and deterring illegal migrants. Moré highlights a further common pattern in unequal borders: the smuggling of goods from the richer to the poorer neighbour (2007, p.40). All these factors are relevant to a certain extent in Ceuta and Melilla. As shown in chapter 4, there are tensions between Spain and Morocco derived from territorial claims over the enclaves. In the enclaves, there is also a significant problem related to migration, although most migrants are not Moroccan nationals but Sub-Saharanans who use Morocco as a stepping stone towards Ceuta and Melilla or continental Europe. The migration challenge has prompted the sealing of the border with a highly protected 6.1m double (treble in Melilla) border fence. These two interconnected phenomena -migration and fortification- derived from the North-South dimension. Finally, as section 5.4 will scrutinise, the enclaves are also affected by another phenomenon which is common in unequal borders: smuggling.

5.3. Effects for the enclaves' borders from being non-Schengen territories

It has been argued that there are three main factors that explain the exclusion of the enclaves from Schengen: economic survival, geographical location, and bilateral relations with Morocco. This section will analyse the consequences for the enclaves in terms of facilitating cross border interaction between Ceuta, Melilla, and their hinterland. In order to conduct this analysis, it will be necessary to focus on the selective permeability of the borders in the enclaves and their exceptional border typology. Finally, the atypical trade or smuggling, as well as other border challenges, will be scrutinised.

The principle of selected permeability applied in Ceuta and Melilla

The principle of selective permeability was conceptualised in chapter 2 as the combination between fortification and securitization on the one hand and a flexible border dimension based on pragmatic considerations. This combination produces a border with differential filtering, depending on the origin of the border-crosser. The selective permeability also shows that the coexistence of two contradictory trends: debordering and rebordering. In the case of Ceuta and Melilla, the selective permeability regime is formalised in a declaration attached to the Schengen *acquis*, which states that the citizens from the Moroccan provinces adjacent to Ceuta (Tetouan) and Melilla (Nador) are exempted from visa requirements for entering the enclaves (Official Journal of the European Union, 2000, p.73). The only document they need when they cross the border is a passport or an ID. The obvious result

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of these exemptions is that they facilitate the movements of the citizens of Nador and Tetouan across the border (Berg and Ehin, 2006, p.65). It is important to note that Moroccans from the adjacent provinces are allowed to cross during the day but they have to leave the enclaves at night, otherwise, their situation would be considered illegal and they would be expelled¹⁰⁵.

Moroccans from outside these two provinces, however, remain subject to the ordinary visa requirements. Therefore, Moroccans who are not from Nador or Tetouan may apply for a one year residence permit, '*visado multiple limitado*', which allows them to enter and exit the enclaves. However, the visas (like the exemption of visas for Moroccans from the adjacent provinces) are only valid for Ceuta and Melilla and do not permit access to the rest of the Spanish territories¹⁰⁶. The fact that the enclaves' local governments, Ceuta in particular, are asking for an extension of the visa exemptions for all Moroccan citizens is proof that the enclaves urgently need Moroccan traders (and tourists) for their economic survival (Castan Pinos, 2009b, p.70).

Thus, the economic dependency, among other factors, leads to a selective permeability of the border. The Spanish Consul in Nador, Fernando Rau, argues 'selective permeability' is not enough as the border should be completely permeable for Moroccans as otherwise the two parts become segregated: 'the border should be at the port and at the airport'¹⁰⁷. According to the Spanish Consul, the sovereignty in the enclaves should remain Spanish, but acknowledges that a significant percentage of the population has Moroccan roots and, consequently, is connected with the Moroccan environment. Thus, he remarks that, the populations from both sides of the border(s) form a natural osmosis that is often jeopardised by two factors: Spanish obsession with security and the Moroccan claim.

Hassan Mettaich, the coordinator of local councils in Nador, complains that the selective permeability is not always respected by the Spanish Police since 'some days they ask just for the ID (Carté d'Identité Nationale), others for the Passport and if there is a demonstration or a local festivity in Melilla, they even ask for a visa'¹⁰⁸. Mettaich also claims that the agreement should be respected by both parties. The Spanish Consul in Nador, Fernando Rau, recognises that there

105. Juan Amado, author interview, Ceuta, 30 March 2009. Amado is Secretary General of Secretary General in Ceuta of the Unified Association of the Spanish Guardia Civil.

106. In fact, the Protocol clearly states that Spain shall maintain checks (on identity and documents) on sea and air connections departing from both enclaves and having as their destination the Spanish territory.

107. Fernando Rau, author interview, Nador, 19 June 2009.

108. Hassan Mettaich, author interview, Nador, 17 April 2009.

has been an historical maltreatment by the Spanish police of Moroccan citizens crossing the border. He is aware that on some occasions the Spanish police have asked for visas from Nador citizens¹⁰⁹. As a result he argues that: ‘there needs to be a change in the ways the Spanish National Police operates [on the border]’¹¹⁰.

The way in which the Spanish security forces operate, denounced by Mettaich and Rau, on the enclave borders has recently fuelled the bilateral tensions between Spain and Morocco. In July/August 2010, alleged racist abuses and physical violence committed by the Spanish Security Forces against Moroccan nationals in this border crossing in Melilla prompted the Moroccan Foreign Ministry to issue five different statements calling upon the Spanish authorities to provide accurate answers on this matter (*El Mundo*, 7/08/2010; *Maghreb Arab Presse*, 9/08/2010). These apparent minor incidents at the border have the potential to destabilise the bilateral relations between Spain and Morocco. In effect, the July/August 2010 incidents sparked a diplomatic conflict that had to be resolved through a telephone conversation on the 11th of August 2010 between Moroccan King Mohammed VI and Juan Carlos I, King of Spain (*Maghreb Arab Presse*, 11/08/2010).

It is important to note that, despite the general satisfaction towards the ‘Schengen exceptions’, on the Spanish side not everyone is satisfied with the ‘selective permeability’ regime in operation in Ceuta and Melilla. Andrés Carrera, secretary general of the main Spanish National Police Trade Union, claims that due to the selective permeability applied at the border, Ceuta and Melilla are becoming less Spanish¹¹¹. He makes this claim based on the border controls which a Spanish citizen going to mainland Spain coming from the enclaves, has to pass through at the airport (or port) as if he/she was coming from a foreign destination. He explicitly disagrees with Rau, arguing that border controls should be placed at the border with Morocco (and not between the enclaves and mainland Spain) and by doing so, Ceuta and Melilla would be fully Schengen and EU territories.

Border crossings in Ceuta

This section focuses on the different border entry points between Ceuta, Melilla and Morocco, paying special attention to the numerous exceptions that Spain had to conduct in order to accommodate the interests of all actors involved, particularly Morocco. Due to the fence perimeters erected in both enclaves in the

109. He adds that another practice which cannot be tolerated is passports being ripped up by Spanish Border officers.

110. Fernando Rau, author interview, Nador, 19 June 2009.

111. Andrés Carrera, author interview, Ceuta, 30 March 2009.

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mid-1990s, smugglers have had to cross through the established crossings and, as a result, they have become chaotic, overcrowded and, on some occasions, lethal. Before the fences, smugglers crossed at any point of the border. According to Juan Amado, the authorities had literally no control of the smuggling activity before the fences were erected¹¹².

In Ceuta, there are currently three border crossings in operation; El Tarajal, El Biutz and Benzú.

El Tarajal/Bab Sebta is the main border crossing point. It is the only border where Spanish citizens are able to cross to Morocco and it is also a crucial point in terms of cross-border trade or smuggling. Both Ceutan and Moroccan citizens complain that this border is often overcrowded with long queues which deter interaction from both sides of the border. Until July 2005, all the *porteadores*¹¹³ had to enter Ceuta through this crossing point. The industrial estate of 'El Tarajal', which is situated just a few metres away from the border, provides the *porteadores* or smugglers with the goods that they introduce into Morocco. The industrial estate is widely criticised for causing agglomeration, for storing goods rather than producing them and for giving a bad reputation to the city¹¹⁴.

Figure 5.2: Industrial estate of el Tarajal



Source: author

112. Juan Amado, author interview, Ceuta, 30 March 2009.

113. It literally means 'porter'. Morocco considers them smugglers.

114. Jesús Gámiz, author interview, Ceuta, 24 March 2009. Gómez is a journalist in the local radio station 'Onda Cero'

On 28th July 2005, Biutz border crossing, which is exclusively a pedestrian crossing, was opened (both the Spanish and the Moroccan governments supported its construction) in order to ease the long queues in el Tarajal and also in order to compensate the closing of the Benzú (3) crossing in 2004. Biutz crossing, which is open from Monday to Thursday (8am-1pm), directly connects the industrial estate of Tarajal and Morocco. Andrés Carrera criticises this new crossing for being illegal and for serving the only purpose of satisfying the interests of the businesspeople from the Tarajal industrial estate¹¹⁵. In effect, Biutz is exclusively an exit point (Ceuta-Morocco) for *porteadores* who had previously entered from El Tarajal.

Figure 5.3: View of El Bioutz from el Tarajal



Source: author

According to a Spanish National Police report, the number of *porteadores* crossing this crossing point in 2005 was between 1,500 and 2,000 every day (Policía Nacional, 2009). However, this figure has dramatically increased in the recent years; in 2009, the figure of smugglers is around 8,000 per day (which carry out at least two or three crossings a day each). The report identifies the causes for the failure of this relatively new border crossing; the number of smugglers, the big size of the packages that they carry and the obstructive attitude of the Moroccan border officers. Consequently, the police report concludes that the Biutz border crossing is the main threat for the security forces in Ceuta.

The Biutz crossing is criticised at both sides of the border. On the Moroccan side, Benahoud¹¹⁶ complains that the Biutz border is ‘inhuman’ due to the ‘animal treatment’ that the *porteadores* have to experience. Similarly, Dounia Rochdi, res-

115. Andrés Carrera, author interview, Ceuta, 30 March 2009.

116. Mohamed Benahoud, author interview, Tetouan, 12 March 2009.

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possible for cooperation and external affairs in the Tetouan local government, labels the border in Biutz as ‘shameful’ and in contradiction to the good neighbourhood discourses delivered by Spanish politicians¹¹⁷. On the Spanish side, Gómez Barceló acknowledges that Biutz gives a bad reputation and a bad image to Ceuta¹¹⁸. Mohammed Ali, leader of the main Muslim political party, Unión Democrática Ceutí (UDCE), views it as a ‘disaster’¹¹⁹.

Andrés Carrera’s analysis is much more categorical. He argues that Biutz, due to its nature (as solely an exit point for goods and Moroccan citizens, not a border crossing), is illegal. He complains that the role of the Spanish National police is restricted to controlling prevention of entry; they are unable to control the goods¹²⁰ and the identities of those who exit. As a result, he concludes that Biutz should be closed down because of its irregularity, its illegality, and because of the dangers of having an exit border point with no control on the goods that pass through the border¹²¹. The death of two Moroccan *porteadoras* in Biutz, as a result of a human stampede caused by overcrowded border crossings in May 2009, gave expression to the criticisms of the different actors explained above.

Benzú is situated at the other extreme of Ceuta, its main problem in terms of security was that it was a very small crossing point. Benzú/Belyounech was a crucial border crossing point for goods and *porteadores* until 2004, when it was closed down following the advice of the Spanish Guardia Civil, who argued that it needed to be closed on the basis of security reasons (Policía Nacional, 2009). From 2004 on therefore, Benzú has only operated as a passage for the citizens of the Moroccan town of Belyounech, who are allowed to cross on ‘humanitarian grounds’¹²². By opening this *sui generis* border crossing, Spain allows the citizens of Belyounech to cross in order to facilitate their entry into Ceuta (otherwise they would have to go to the crossing point of el Tarajal) and to provide schooling in Ceuta for the children of Belyounech.

As a result, interaction between the Moroccan village of Belyounech and Ceuta, particularly the Benzú area, is of paramount importance. This interaction was witnessed by the author, during an informal conversation with the Guardia Civil in

117. Dounia Rochdi, author interview, Tetouan, 6 April 2009.

118. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

119. Mohamed Ali, author interview, Ceuta, 25 March 2009.

120. The Spanish Guardia Civil (Civil Guard) has responsibility for Customs. There is currently no Guardia Civil in Biutz.

121. Andrés Carrera, author interview, Ceuta, 30 March 2009.

122. Andrés Carrera, author interview, Ceuta, 30 March 2009.

charge of the Benzú pass¹²³, when dozens of Belyounech citizens were crossing the border to attend a funeral of a friend/relative from Benzú (Ceuta). Belyounech, as with other Moroccan border towns, has experienced a drastic boost in their population in the past few years. Carrera and Barceló argue that the problem with this population increase is that many Moroccans from outside Belyounech, including smugglers and criminals, have registered in this village in order to take advantage of the benefits that this city enjoys in terms of cross-border privileges¹²⁴.

Border crossings in Melilla

Melilla has three operational border crossings; Beni-Enzar, Barrio chino, and Farhana. Similar to Ceuta, the nature of the border crossings responds to the necessities of the trans-border trade and the necessity of interaction between both sides.

Beni-Enzar could be compared to Ceuta's Tarajal as (until 2008) it channelled the entire tourist, commercial, and labour movement from both sides. Until June 2008 it was the main border crossing, representing 75% of the total flow. According to a report conducted by Fhimades¹²⁵(2006), which is the only formal trans-border initiative between representatives of Melilla and the neighbouring Nador province (López Bueno, 2008, p.302), 10,000 pedestrians and 5,000 vehicles crossed the border every day. The report estimates that there are four people on average for every vehicle. Therefore, the total figure was approximately 30,000 people per day. However, the pedestrian figure is significantly lower since June 2008, when pedestrians/*porteadores* were transferred to the border in El Barrio Chino in order to ease the vehicle crossing in Beni Enzar (*Diario Sur*, 14/6/2008). The Spanish government spent €350,000 in Beni Enzar in 2008 with the purpose of equipping the border in order to meet the challenges that represent the thousands of daily crossings.

The border crossing point of El Barrio Chino is exclusively pedestrian and like Biutz in Ceuta is open from Monday to Thursday. The rest of the days, the border traffic takes place through Beni Enzar. Before the June 2008 restructuring of the border only 1,500 pedestrians a day crossed the border in El Barrio Chino (Fhimades, 2006). As will be discussed in the following section, far from solving the problems at the border, these new border crossings are the focus of border

123. The Guardia Civil, who will remain unnamed, was not authorised to be formally interviewed.

124. Andrés Carrera, author interview, Ceuta, 30 March 2009.

125. There is no equivalent in Ceuta.

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tensions; avalanches, riots, agglomerations and, most dramatically, deaths of *porteadores*.

The border crossing point of Farhana is similar to the crossing point of Benzú in Ceuta, since its main aim is to resolve communication problems between Melilla and the population of the neighbouring Moroccan city of Farhana. According to the Fhimades report, around 10,000 pedestrians and 1,750 vehicles cross the border on a daily basis (2006). There have been complaints that this crossing point suffers constant agglomerations, and calls by local business organisations to open the border crossing of Mariguari in order to ease the traffic and facilitate trade between the neighbouring Moroccan villages and Melilla (*Melilla Hoy*, 16/03/2009).

Chaos at the border

The vast majority of the interviewees from Ceuta, Melilla and their Moroccan hinterland described the border crossings with a similar statement: ‘the border is chaos’¹²⁶. The three members of the security forces that were interviewed agreed that the border crossings, unlike the border perimeter or fence that had brought security to the enclaves, were a focus of chaos and insecurity which was extremely difficult to control for the security forces¹²⁷.

Andrés Carrera criticises the infrastructures of the border for being unable to cope with the massive flux of the border¹²⁸. He blames the Schengen exceptionality, which facilitates permeability by allowing Moroccans from the adjacent provinces to enter the enclaves without a visa, for the chaos at the border crossings; ‘it is literally impossible to exhaustively check 30,000 passports per day¹²⁹, especially when there are only 14 police officers¹³⁰ per shift in charge of this passport control point’. Similarly, Juan Amado highlights the difficulties of controlling the border by checking individual vehicles and pedestrians because of the extent of daily traffic across it, and the scarce number of Guardias Civiles to conduct these operations: ‘in the Tarajal [border crossing] we check all the vehicles superficially but we put

126. Interviews which took place between February and June 2009.

127. Andrés Carrera, author interview, Ceuta, 30 March 2009 (Spanish National Police), Juan Amado, author interview, Ceuta, 30 March 2009 (Spanish Guardia Civil) and, Severiano Gil, author interview, Melilla, 19 June 2009 (Spanish Army).

128. Andrés Carrera, author interview, Ceuta, 30 March 2009.

129. The National Police is in charge of passport controls whereas the Guardia Civil is in charge of the control of goods introduced in the border.

130. In Melilla, since February 2009 the figure has increased to 110 police officers plus 12 anti-riot police (*DiarioSur*, 16/4/2009).

more emphasis on those people or vehicles which appear suspicious to us, we need to rely on our intuition'¹³¹.

The complaints issued by the security forces interviewed are in accordance with the demonstrations organised by members of the Spanish National Police in Melilla in February 2009. The agents complained about the insecurity in the border after several months of avalanches and riots at the border of Beni Enzar (Melilla) which left 18 officers injured (*El País*, 31/01/2009). These concerns were shared by Guardias Civiles in Ceuta. In effect, in a monthly meeting¹³² held by the Unified Association of the (Spanish) Guardia Civil (AUGC) on 30/03/2009 in Ceuta, most of the Guardias Civiles who were working at the border of El Tarajal complained about the stress that they suffered as a result of working at the border¹³³.

Furthermore, several people have been killed in the recently reconstructed crossing points of El Biutz (Ceuta) and Barrio Chino (Melilla) as a result of stampedes: on the 17th of November 2008, five months after the crossing was reopened as the main crossing point for pedestrians, a woman (a *porteadora*) was killed and several people were injured due to an avalanche in El Barrio Chino (*El País*, 18/11/2008). Similarly, as noted above, two Moroccan *porteadoras* died in El Biutz, as a result of an avalanche in May 2009 (*El País*, 25/05/2009). The situation in those crossing points, therefore, remains far from ideal.

The several incidents at the border in late 2008 early 2009, which provoked the closing of the Beni-Enzar border for a few days, forced the State Security secretary, Antonio Camacho, to appear in the Spanish congress to provide solutions to avoid incidents in the mentioned border. Those solutions came in the form of funding in order to improve the border infrastructures in Beni Enzar as well as increasing the number of National Police officers working on the border from 95 to 110 (Congreso de los Diputados, 4/03/2009).

In brief, the daily chaos affecting the border crossings of both Ceuta and Melilla on a daily basis has a greater impact for the enclaves than the sporadic migration crisis. The chaos at their borders, caused by the high numbers of Mo-

131. Juan Amado, author interview, Ceuta, 30 March 2009.

132. The researcher is deeply grateful to the president of AUGC in Ceuta for allowing him to attend this meeting as an observer.

133. They complained about: the working conditions, the long hours, the lack of personnel, the stress that results from being at a border which is crossed by thousands of people on a daily basis, the abuse they receive by some of the Moroccan *porteadores* and the lack of recognition of their task by the central government. They also highlighted that the Guardia Civiles who work at the border are much more likely to take sick leave.

roccan smugglers/porteadores is, however, necessary for the economic survival of both enclaves.

5.4. Smuggling: the perverse effect of selective permeability

Smuggling or ‘atypical trade’?

According to James Anderson, borders have the perverse effect of triggering ‘short-term, opportunistic and more questionable ‘arbitrage’ activities, ranging from trading on tax and price differences to smuggling and associated forms of crime’ (2001, p.9). Ceuta and Melilla represent no exception. However, one of the unique elements of the Spanish-Moroccan border is that smuggling is made possible because of the selective permeability of the border produced by the Schengen exclusion of the enclaves explained above. Without these exceptions, Moroccan smugglers would not be allowed to enter the enclaves and consequently smuggling would not take place. Therefore, the Spanish authorities not only permit this activity but they also make it legally plausible through the visa exemptions given to citizens of the Moroccan provinces of Nador and Tetouan. Another unique aspect of the Spanish-Moroccan border is that on the Moroccan side this illegal transfer of goods is denounced as smuggling, while in the enclaves’ it is defined as trade or ‘atypical trade’.

This disagreement in conceptualising the same phenomenon is extremely significant: smuggling is illegal, trading is not. Nonetheless, it should be noted that both parties have comprehensive arguments which justify their positions. Morocco considers the trans-border trade illegal for the simple reason that the goods that enter Morocco from Ceuta or Melilla¹³⁴ have not paid customs rights, and, as a result, it represents unfair competition for Moroccan goods¹³⁵. Fouad Zaim argues that Ceuta and Melilla are the focus of smuggling and the hub of all sorts of traffic (1992, p.85). Likewise, a 2002 report by the American Chamber of commerce in Morocco found that the vast majority of smuggled goods enter Morocco through Ceuta and Melilla (Amcham, 2002). It is important to note that the issue of smuggling is also affected by the territorial trap, that is, by the territorial disagreements between Spain and Morocco over both enclaves. Thus, as argued

134. In the case of Ceuta, all goods constitute smuggling according to Morocco because there is no Customs border. The situation is different in Melilla, where a Customs border was established in 1866. As a result, some goods are imported/exported legally between Melilla and Morocco. However, similarly to Ceuta, illegal trade is still of paramount importance.

135. Mohamed Benahoud, author interview, Tetouan, 12 March 2009.

by Planet, the negative effects of smuggling are used by Morocco as an argument to support its claims over Ceuta and Melilla (1998, p.80).

The negative image of smuggling presented by Moroccan officials, however, is not shared by all Moroccans. Thus, in 1995-1996, the Moroccan government launched a campaign¹³⁶ to eradicate smuggling by making the Moroccan population aware of the dangers that this illegal trade entailed (Zurlo, 2005, p.94). As part of this campaign the Moroccan authorities conducted a survey on the attitudes of Moroccans towards smuggling. The results of the survey were striking; 77% of the respondents thought that smuggling created employment, 65% recognised that they had bought smuggled goods, and a surprising 50% viewed this activity as not being illegal (Planet, 1998, p.82). These responses highlight some hidden truths; smuggling sustains thousands of families in Northern Morocco, smuggled goods are sold all over Morocco (not only in the North), and, finally, there is a manifest tolerance by Moroccans (especially Moroccan border guards) towards smuggling.

On the other hand, Ceuta, Melilla and Spain deny that the atypical border trade can be considered as smuggling since there is no possibility to pay the customs tariffs because Morocco refuses to set a Customs border with Ceuta for reasons connected with the non-recognition of the Spanish sovereignty of the enclave (Campos Martínez 1997, 2005). This argument continues by noting that ‘when there is no possibility to pay [the custom tariff], it becomes impossible to avoid the commercial transactions and human relations on both sides of the border’ (Campos Martínez 1997, p.121). The second part of the argument is that the goods that are smuggled into Morocco are legally acquired in the enclaves¹³⁷ (Campos Martínez, 2005, p.140). In effect, it appears that the enclave traders who legally sell their goods to the Moroccan smugglers do not commit any crime.

The Spanish central government does not consider the atypical trade in the enclaves as smuggling. On the contrary, the trans-border trade in Ceuta and Melilla is acknowledged, recognised and regularised in the *Real Decreto*¹³⁸ 1802/1995 which states:

‘The cities of Ceuta and Melilla are located in an atypical environment where, because of their frontier character, there are special trading characteristics: on one hand, the fact that the commercial distribution [...] does not always target the Spanish territory as required by law but, in

136. This campaign had a tripartite slogan; ‘smuggling steals your health’, ‘smuggling steals your money’ and ‘smuggling steals your jobs’ (Planet, 1998, p.81).

137. The local tax, IPSI, is paid in all goods acquired by smugglers.

138. Literally, it means ‘Royal Decree’. It is the equivalent of a government bill or directive.

part, is directed to residents of Morocco, who acquire those objects in Ceuta and Melilla to bring them to the mentioned country; this means that part of the distribution conducted in the above cities finally goes to a third country. On the other hand, the difficulty in quantifying the flow of those goods to the third country [lies] in the absence of a Moroccan office where the shipments could be reported’.

Despite this official recognition, it remains unclear whether this frontier trade constitutes smuggling or not. Some Spanish academics and journalists do not hesitate in labelling this atypical trade between the enclaves as smuggling (Moré, 2007, pp.61-65; Cembrero, 2006, pp.233-238). Hence, the ‘lack of Customs border’ argument applies for Ceuta but does not apply for Melilla, which possesses a custom border and, regardless, the illegal frontier trade is as prominent as in Ceuta. Therefore, in this book, the illegal trade phenomenon will be referred to as atypical trade and smuggling, interchangeably, since it is a combination of both: atypical trade in relation to the enclaves, smuggling in relation to the Spanish-Moroccan border. Perhaps, a new term could be used with the aim of describing the specificities of this trade in Ceuta and Melilla: atypical smuggling.

What is the impact of ‘atypical smuggling’?

First of all, it should be highlighted that it is very difficult to quantify the exact figure that smuggling represents since the available statistics are always approximate. However, as stated by Moré, despite the margin of error, the figure is extremely relevant for understanding the (economic in this case) influence of Ceuta and Melilla in the North of Morocco and in the Spanish-Moroccan trade (2007, p.61).

According to a survey conducted by the American Chamber of Commerce in Morocco smuggling in the borders of Ceuta and Melilla generates an approximate figure of 15 billion DH¹³⁹ (€1,326 million¹⁴⁰) (Amcham, 2002). This figure is similar to the estimations of the former Economy minister and Director of the Moroccan border Agency, Abderrazzak el Mossadeq, who valued this illegal trade at €1,500 million. In 2005, the former economy councillor in Ceuta, Luis Carreira, was the first politician in the enclaves to provide a figure for the border trade, €1,000 million¹⁴¹ (Cembrero, 2006, p.233). The Strategic Plan in Nador estimates

139. DH stands for Dirham, the Moroccan national currency.

140. Estimated with the exchange rate (www.xe.com) on 12/12/2009; €1=11.3 Moroccan DH. Every other €/DH equivalence in this book will be based on this exchange rate.

141. It is important to note that if we take the illegal trade into account (and assuming that the given figures are accurate), Spain would become the main trade partner for Morocco (*El País*,

the value of the border trade on a daily basis (only in Melilla); 28 million DH (€2.5 million). Based on this daily figure, the study calculates that the maximum figure of the border trade in Melilla is 10.330 billion DH (€913 billion) (Plan Estratégico Nador, 2004-2008, p.78).

Despite the divergent figures presented above, it seems clear that atypical trade or smuggling plays a crucial role in the economies of both sides of the border. According to the Chamber of Commerce in Ceuta, this illegal border trade generates 70% of the economic activity of the city (Cembrero, 2006, p.233). Similarly, 80% of the products which Melilla imports through its port end up entering Nador (Plan Estratégico Nador, 2004-2008). The impact on the Moroccan side is also prominent: smuggling generates 45,000 direct jobs in Morocco according to the American Chamber of commerce (Amcham, 2002) and 400,000 indirect jobs according to Cembrero (2006, p.234). Similarly, according to the Moroccan interior ministry, this activity supports (directly and indirectly) the 25% of the population in the Nador province (López Bueno, 2008, p.270).

Smuggling entails multiple negative consequences for the Moroccan economy, such as: unfair competition: curbing the creation of new industrial units; discouraging external investors; and destroying legal jobs (Planet, 1998, p.80). The American chamber report estimates that for every smuggler job, there are ten legal jobs destroyed or not created (Amcham, 2002). Benahoud identifies other inconveniences of smuggling for Morocco: tax evasion, the flight of capital towards Ceuta and Melilla, and, most importantly, it obstructs other economic alternatives¹⁴². Moré scrutinises the obstructive impact of smuggling in the legal economic relations:

‘Smuggling inhibits formal economic relations; it makes them impossible, condemning these neighbours to an underground relationship [...]. Smuggling produces the conditions that increase smuggling, becoming the dominant form of relationship in unequal borders (2007, p.64)’.

However, if all the consequences for Morocco were negative, how could we explain the benevolence and the permanent blind eye shown by the Moroccan border and local authorities? Thus, it is important to note that smuggling has also significant benefits for Morocco. The MP for Ceuta, Francisco Antonio González, hypothesizes that if there has not been a social revolution in Northern Morocco it is thanks to the positive influence of Ceuta and Melilla, which act as a ‘social balm’¹⁴³. The

15/07/2008).

142. Mohamed Benahoud, author interview, Tetouan, 12 March 2009.

143. Francisco Antonio González, author interview, Ceuta, 20 March 2009.

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counsellor to the Moroccan Prime Minister, Fouad Zaim summarises the reasons for the passivity of the Moroccan authorities and the reasons why the Spanish enclaves function as a ‘social balm’ for the Northern provinces of Morocco:

‘[Smuggling] constitutes the only resource for thousands of families. It [...] plays a role, for now irreplaceable, of *social decompression* in a region where employment is exceptionally rare [...] 20,000 smugglers is less critical than 20,000 thieves and robbers’ (Zaim, 1992, pp. 54-55).

The Schengen exceptions that allow economic interaction between the enclaves and Morocco are therefore crucial for the enclaves’ economic survival, but are also of enormous importance for the Moroccan hinterland.

Impact of smuggling for the adjacent provinces

López Bueno highlights another positive outcome of smuggling for Moroccan border cities like Nador: it has allowed these cities to build a commercial and logistic structure that they would not otherwise have¹⁴⁴. In this sense, Moré notes that smuggling could not take place without a wide logistic infrastructure which supports the smuggling activity (2007, p.62). Hence, the city of Nador, which used to be a reception point for smuggled goods, has now become a central distribution point (see figure 4.7) for smuggled goods for the whole Western and North-Western Morocco (Plan Estratégico Nador, 2004-2008, p. 73). At the North-eastern side, Fnideq, Ceuta’s neighbouring city with a population of 53,000 represents a similar case to Nador.

Figure 5.4: Distribution of smuggled goods through Melilla



Source: Adapted by author from Plan Estratégico de Nador 2008

144. José María López Bueno, author interview, Melilla, 19 June 2009.

Thus, the Moroccan border towns of Fnideq and Nador are considered to be the uncontested kings of the ‘parallel market’ with their massive souks¹⁴⁵ (Zaim, 1992, p.60). In Fnideq, the Souk Al Massira has 1,320 stalls that sell mainly smuggled goods from Ceuta (Zaim, 1992, p.60). In Nador, according to the Plan Estratégico 2004-2008, the smuggled goods are largely sold in the Souk Ouled Mimoun (44%), the commercial complex (26%), the market of the Grand Maghreb (9%), the ‘Joutia’ and the covered market (4.5%). The goods smuggled in the Ceuta/Fnideq border, like the goods smuggled in the Melilla/Nador border, can subsequently be found in other Moroccan cities such as Tetouan (42km from Fnideq) and Ksar-el-Kébir (178km from Fnideq).

Furthermore, goods smuggled at the borders of Ceuta and Melilla can also be found in distant cities such as Rabat and Casablanca. The commercial influence of Ceuta and Melilla in the Moroccan hinterland is explained by Zaim with the example of the souks: ‘The entire Mediterranean Morocco [...] is under the commercial influence of the Spanish enclaves: in the west, there is no village without its *souk Sebta*¹⁴⁶, in the east there is no town without its *souk Melilla*’ (1992, p.61).

Consequently, it is not surprising that “‘the open air bazaar” that constitutes Melilla is oriented particularly towards the Moroccan internal market’ (Berriane & Hopfinger, 1999, p. 106). The Moroccan government acknowledges the commercial influence played by the Spanish enclaves, stating that it is not possible to talk of ‘the commercial structure of Nador and its province without considering Melilla and its impact on the regional economy’ (“Moroccan Interior Ministry Report”¹⁴⁷, cited by López Bueno, 2008, p.270). As a result of this impact, the population in Nador has experienced an unprecedented boom in recent years from 20,000 inhabitants in 1960, to 215,575 in 2005.

According to Hassan Mettaich, this increase in the population can be explained by a significant flux of internal migrants from the interior regions of Morocco since the 1990’s due to the drought problems in these central regions. Mettaich claims that a very high percentage of these internal migrants become smugglers as it is the easiest way to make quick money¹⁴⁸. Berriane and Hopfinger argue that when they arrive to border towns like Nador, the original intention of those migrant families is not to be involved in smuggling (1999, p.109). Nonetheless, they note

145. Markets or bazaars.

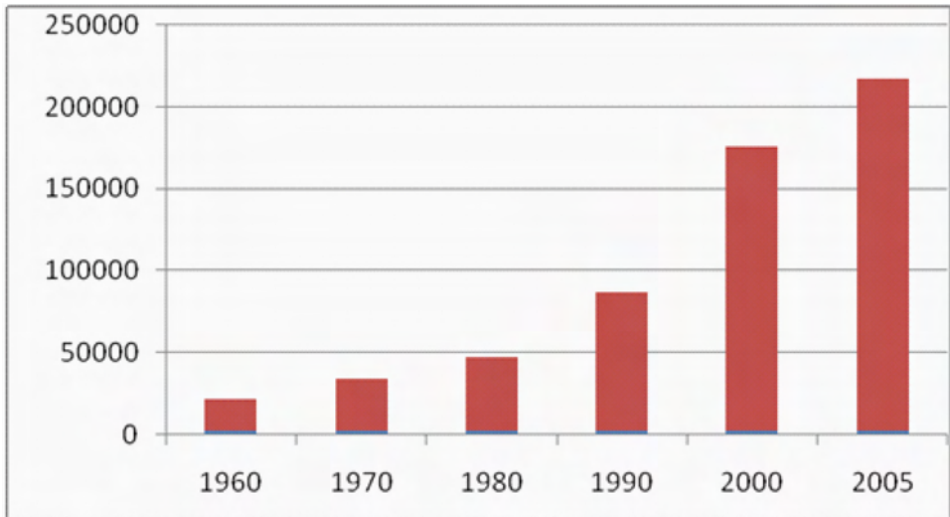
146. Sebta is the Arabic name of ‘Ceuta’.

147. The original report is: Ministère de l’Intérieur, Direction de l’Urbanisme de l’Aménagement du Territoire et de l’Environnement. *Schéma Directeur d’Aménagement de l’Aire Urbaine de Nador 1985-2005*. Section B6. 2; pages 3-4.

148. Hassan Mettaich, author interview, Nador, 17 April 2009.

that, because of the circumstances of those families (poor, rural, high illiteracy), smuggling becomes an attractive (if not the only) option. Having said that, not all smugglers come from other Moroccan regions, since there is a considerable number that come from Nador (Zaim, 1992, p.54).

Figure 5.5: Population in Nador 1960-2005

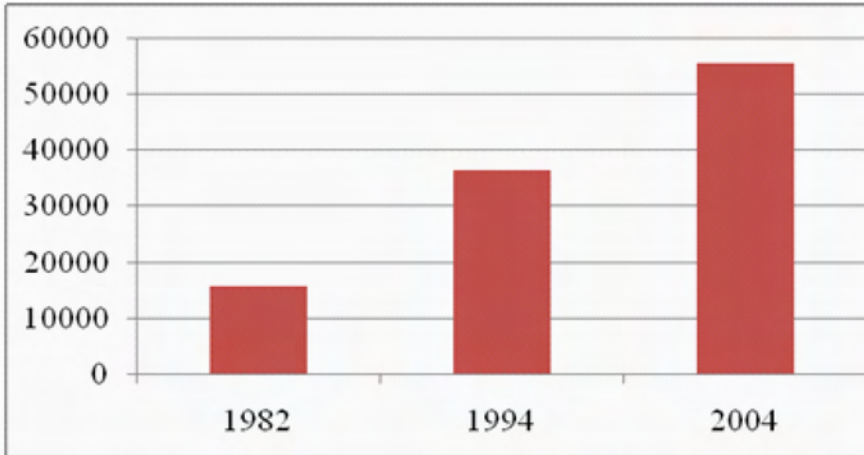


Source: Adapted by author from López Bueno (2008, p.272)

Fnideq, the other Moroccan village bordering a Spanish enclave (Ceuta) represents a similar case to Nador. In 1982, it had 13,613 inhabitants, whereas in 2004, the figure was almost quadrupled with 53,526 inhabitants¹⁴⁹. This spectacular increase cannot be understood without acknowledging the Schengen exceptionalities enjoyed by the citizens of the province of Tetouan (which includes the prefectures of M'diq and Fnideq). The privileges enjoyed by the citizens of the province of Tetouan (as in the province of Nador) have encouraged internal Moroccan migration since being registered in this province means being able to cross the border, in other words, being able to work (usually illegally) in Ceuta and smuggle at the border. Not surprisingly, Fnideq has been conceptualised as a city-warehouse and a mere artificial appendix of Ceuta (Zaim, 1992, p.59).

149. Haut Commissariat du Maroc, *Récensement de la population et de l'Habitat 2004*. Available at: <http://www.hcp.ma/Profil.aspx> (accessed on 19/11/2009)

Figure 5.6: Evolution of the population of Fnideq (1982-2004)



Source: Adapted by author from Recensement Général de la Population et de l'Habitat (RGPH)¹⁵⁰

Therefore, the 'selective permeability' policy implemented in the borders of Ceuta and Melilla has a major impact on the Moroccan hinterland in terms of demographics, social development, logistic infrastructure and in providing a significant boost for the regional economy.

The end of smuggling?

The economic model, which has relied on atypical trade/smuggling from Moroccans from the adjacent provinces, applied by the cities of Ceuta and Melilla is likely to change in the near future with the liberalisation of trade between Morocco and the EU (*abc*, 5/11/2007). This liberalisation will potentially threaten the economy of both enclaves since they will no longer be able to benefit from their tax free status. According to the political adviser of the Commission delegation in Rabat, Jérôme Cassiers, the day that the 'Free Trade Agreement [between the EU and Morocco] will come into force, the smuggling problem will be completely solved'¹⁵¹.

150. Haut Commissariat du Maroc, *Recensement de la population et de l'Habitat 2004*. Available at :<http://www.hcp.ma/Profil.aspx> (accessed on 19/11/2009).

151. Jérôme Cassiers, author interview, Rabat, 9 June 2009.

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Another factor which may potentially threaten smuggling in the enclaves (particularly in Ceuta due to its proximity), as noted by Ali Nasseh, is the Free Zone Port of Tanger-Med¹⁵². Former Moroccan minister Larbi Messari argues that the creation of this immense port and the large investments in the Nador area conducted by the Moroccan monarch, Mohammed VI, are aimed at reducing and eventually neutralising the dependence of the Nador and Tetouan provinces (and the North of Morocco in general) to Ceuta and Melilla¹⁵³. According to the Moroccan government ‘the port complex is intended to become one of the major trans-shipment platforms in the world’ and its ‘industrial-park is expected to generate around 300,000 job opportunities within 20 years’ (*Maghreb Arabe Presse*, 7/01/2009).

Figure 5.7: Subsistence smuggler in Fnideq



Source: author

The statement by Ali Nasseh that the enclaves will not survive without smuggling seems to be exaggerated. Planet, for instance, argues that the enclaves have always managed to adapt to different situations and have always survived the challenges they faced¹⁵⁴. However, it seems clear that as shown below, the atypical trade or smuggling is of crucial importance for the economy of the city

152. Ali Nasseh, author interview, Tetouan, 6 April 2009.

153. Larbi Messari, author interview, Rabat, 9 April 2009.

154. Ana Planet, author interview, Madrid, 5 March 2009.

and its disappearance would have unprecedented negative consequences, the possibility of which have prompted studies focusing on economic alternatives for the enclaves (López Bueno, 2008; Pérez, Castro, 2009). According to the leader of the main Muslim party in Ceuta (UDCE), Mohammed Ali, the city cannot afford the abolition of the atypical trade since: 'this trade is a very important contribution to our battered economy, which scarcely has any internal resources'¹⁵⁵.

Nonetheless, not everyone agrees with the fact that smuggling will die out due to the Tanger-Med port and the abolition of tariffs between Morocco and the EU in 2012. The president of PROMESA¹⁵⁶ and Fhimades, López Bueno, optimistically believes that 'the atypical trade will not disappear, it will just modify evolving into, for example, products more oriented to services'¹⁵⁷ since a border 'always offers opportunities'¹⁵⁸. Ignacio Cembrero points out that, despite the reduction of tariffs between Morocco and the EU (reduction of 70% in 2009), and despite the construction of the port in Nador, smuggling has continued to be prominent in both enclaves. He admits his surprise regarding the fact that smuggling still exists despite the low profitability of most of the smuggled goods: 'If it has been able to survive until now, despite the low profitability, smuggling will not cease to exist in the near future'¹⁵⁹. Antonio Bravo believes that the *atypical trade* will continue in one way or another due to its deep roots in the cities and to the border inequality:

'atypical trade has always existed in Melilla, it is inherent to the city due to the unequal border. It cannot be avoided; both states are unable to stop it... It will only come to an end when both sides of the border have similar economic levels'¹⁶⁰.

Summing-up

Despite the self-exclusions of the UK and Ireland, the temporary suspensions and the numerous controversies, Schengen constitutes the first success of the co-

155. Mohamed Ali, author interview, Ceuta, 25 March 2009.

156. Governmental organisation aimed at promoting investment in Melilla. PROMESA stands for 'promoción económica de Melilla', that is, economic promotion of Melilla. A similar organization exists in Ceuta; PROCESA.

157. Such as citizens from the adjacent provinces accessing the public hospitals in Ceuta and Melilla.

158. López Bueno, author interview, Melilla, 19 June 2009.

159. Ignacio Cembrero, author interview, Madrid, 4 June/2009.

160. Antonio Bravo, author interview, Melilla, 16 June 2009.

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Collective EU response to the challenges that stem from the elimination of internal borders. In 1999, Schengen ceased to be a laboratory for the EU policy-making and became a fundamental part of the EU. However, the Schengen borders do not strictly correspond with the EU borders, as the case of Ceuta and Melilla shows. As explained in Chapter 4, due to their geographical location and the implications for the relations with Morocco, Spain cannot treat its North African enclaves of Ceuta and Melilla as the rest of its territory. As a result, both cities were excluded from Schengen. Hence, because of their geographical location, the enclaves have been held up as a good example of Schengen flexibility (Apap and Tchorbadjyska, 2004, p.6).

This exclusion has created the paradox of selective permeability, which responds to the commercial needs of the Spanish enclaves whose economies heavily rely on the atypical trade or smuggling which is conducted by Moroccans from the adjacent provinces. The smuggling from Ceuta and Melilla is formally criticised by the Moroccan authorities but is tolerated since it provides a 'social balm' which employs thousands of Northern Moroccans. The different forms of relationships established between both sides of the border seem to confirm Berriane & Hopfinger's statement that: 'The existence of an international border between the towns of Nador and Melilla has never prevented the establishment between the two entities of intense commercial relations. As a result, they cannot live without each other' (1999, p.105).

Finally, this chapter has shown that the *fortresses* of Ceuta and Melilla are not impregnable barriers, since they allow for 'selective permeability', as the examples of the Moroccan citizens of Tetouan and Nador have shown. Nonetheless, as will be scrutinised in the next chapter, there is a less permeable side in the 'selective permeability' principle for all those who are not from the adjacent Moroccan provinces and who remain fully excluded from the European *fortresses*.

CHAPTER 6

MIGRATION IN CEUTA AND MELILLA: SCHENGENIZATION WITHOUT SCHENGEN¹⁶¹

6.1. Schengenization effects in Ceuta and Melilla

Concentric circles of Europeanization

In the specific context of migration policy, Europeanization, which has been conceptualised as ‘the impact of the EU on its member states’ (Ette & Faist, 2007, p.14), has shaped Spanish migration policies since 1985, with the re-marking of the Spanish southern border in the Mediterranean (Driessen, 1998, p.119). The top-down dimension of Europeanization, that is the impact of European policy within member states, has been prominent for Spain (Bulmer and Radaelli, 2004, p.4). It is important to note that Spain’s migration policies were based on European recommendations (on combating irregular migration) even before these recommendations became common regulations (Fauser, 2007, p.139). This commitment to Europeanization can also be seen in the fact that, unlike other EU states, Spain joined the Schengen area in the early 1990s voluntarily.

Spain has also played a crucial role in the bottom-up dimension, that is, the attempt by member states to make their national agenda part of the European agenda of Europeanization (Barbé *et al.*, 2007, p.1). A good example of bottom-up Europeanization carried out by Spain is the Spanish Presidency of the EU Council, during the first semester of 2002, which was used by Spain to make the EU agenda more Spanish by including amongst others, migration issues (Powell 2003; Fauser 2007). Hence, at the Seville Summit, in June 2002, the Spanish Presidency raised

161. This chapter is the most important of the book in qualitative and in quantitative terms. In a way, it represents the essence of this book since it tackles the roots of Fortress Europe and its manifestations in Ceuta and Melilla. It could be said that the rest of the chapters are subordinated to this one. Therefore, it is not surprising that the current chapter is the longest.

the necessity of an EU Plan against illegal migration, which included an integrated management of EU borders.

A second example of bottom-up Europeanization is illustrated by the informal EU council summit held at Hampton Court on 27 October 2005, which was convened by the then UK Prime Minister Tony Blair as a result of Spanish pressure. Hence, according to González and Sorroza, Spain intended to ‘Europeanize the response to the crisis’ of Ceuta and Melilla, which occurred weeks earlier (2009, p.15). This informal summit mandated a paper on migration that was subsequently presented to the Council of the EU; *The Global approach to migration: Priority actions focusing on Africa and the Mediterranean* (Council of the European Union, 2005b). In short, the Spanish *stamp* can be recognised in this Council document.

In the previous chapter, it was argued that, due to the exceptionalities applied to Ceuta and Melilla these Spanish territories were excluded from Schengen. However, the fact that they are not Schengen territories does not imply that they are not EU territories. Therefore, it is necessary to distinguish between the Schengen area and EU territories. The concentric circles of Europeanization used by Faist and Ette provide a useful explanation (2007). Thus, the situation of Ceuta and Melilla could be compared to other EU territories such as the French overseas territories or Greenland, and, arguably, to EU states which have excluded themselves from Schengen (the United Kingdom and the Republic of Ireland). Consequently, these states and territories belong to the category ‘European Union’ but are not Schengen territories unlike most of the EU states and territories. On the other hand, the category ‘neighbours’ applies to all those countries like Morocco that do not belong to either the EU or Schengen, that is, the countries that have been excluded from the EU club and, as a result, from internal movement. The three different categories are visually explained by a concentric circle differentiating the degree of the European border integration (see figure 6.1).

As will be explained in this chapter, Ceuta and Melilla have a border with Schengen at their ports and airports, and a border with neighbouring Morocco. The term Schengenization was conceptualised in Chapter 2 as a by-product of Europeanization in the sense that absence of border control among members has led to the reinforcement of common external borders. Despite not being Schengen territories, the border between the enclaves and Morocco is challenged by a phenomenon which is strictly linked with being part of the European Union, in other words, a price to pay for being in the EU: illegal migration. The security measures implemented at the enclaves’ borders by the Spanish government in order to stop the entry of illegal migrants, which include watchtowers, motion sensors, barbed-wire fences, and so on, are the best evidence of Schengenization.

Figure 6.1: Concentric circles representing the different levels of ‘Schengen integration’



Source: Adapted by author from Faist and Ette (2007)

The arrival of migration in Spain

Historically, Spain has been a country of emigration. First, in the nineteenth century, millions of Spanish travelled to Latin America to escape extreme poverty. It is estimated that 5.4 million Spaniards left the country between 1882 and 1930, heading predominantly to Latin American countries (Alscher, 2005, p.6). Subsequently, in the second half of the twentieth century, the vast majority of Spanish immigrants chose Western European countries such as Switzerland, France, or Germany. It should be noted that these migration trends continued until the seventies. Only a couple of decades later (following accession to the EU and the resulting economic prosperity), Spain had become a host country for migration. Carrera’s account is a good illustration of this rapid transformation:

‘We [Spanish] had been migrants in our own country or abroad for centuries, now that we have begun returning from other countries, we have found sub-Saharan immigration. The transition has been sudden¹⁶²’.

162. Andrés Carrera, author interview, Ceuta, 30 March 2009.

Thus, the effect of the EU has been of paramount importance in terms of triggering the transition from a 'migration exporter' to a 'migration importer' country. In 1985, a year before Spain joined the EC, the foreign population was 240,000 (0.6% of the total), most of whom were retirees from EC countries (Fauser, 2007, p.136). At present, the figure for migrants is considerably different; according to the National Institute of Statistics (INE), in 2012, there were 5.75 million migrants in Spain, representing 12.1% of the total population¹⁶³.

During the years before the 2008 crisis the figures were unprecedented for a country like Spain. In 2006, the largest numbers of migrants (24%) in the EU were recorded in Spain, which received 840,000 of the 3.5 million who settled in the EU (Herm, 2008). In 2012 the majority of those migrants (58%) came from non-EU countries, mainly Morocco (13%) and Latin America (26%). Similarly, in the period 2000-2007 Spain became the main destiny of migration in the EU, exceeding traditional receivers such as the UK and Germany, thus accounting for nearly 38% of total migration¹⁶⁴ into the EU (González & Sorroza, 2009). As a result of the 2008 crisis, there is a gradual increase of Spanish emigrants travelling abroad and consequently currently there is a duality emigration/migration taking place. For a more comprehensive analysis of this duality it will be necessary to have further temporal perspective.

A report by the European Commission centred on Ceuta and Melilla, echoes the dramatic population growth in Africa (which is not accompanied by economic growth) and the possible impact of such growth for both cities autonomy in terms of migratory pressure (European Commission, 2005b, p.4). As a result, territories in the Mediterranean such as Lampedusa, Malta, Cyprus, some Greek islands, the Canary Islands, Andalucía, and Ceuta and Melilla have gradually become the Southern EU border, which has the potential of being 'peacefully invaded' by African migrants, as pointed out by Adolfo Hernández¹⁶⁵. Nevertheless, despite the social alarm created by images of small boats trying to cross the Strait of Gibraltar, and Sub-Saharanans trying to climb the fences in Ceuta and Melilla, the vast majority of the (illegal) migration flow enters Spain through airports and the (Schengen) border with France (Iglesias and Becerra, 2007, p. 205).

In order to tackle both types of migration, MEP Ignasi Guardans claims that there is a need for a common European policy of migration which would enhance

163. Avance de la explotación estadística del Padrón 2012, *Instituto Nacional de Estadística*. Available at: <http://www.ine.es/prensa/np710.pdf> (accessed 2/05/2012).

164. Of the total 12,283,000 migrants who settled in the EU during this period, 4,660,000 chose Spain as their destination (González & Sorroza, 2009).

165. Adolfo Hernández Lafuente, author interview, Madrid, 3 March 2009.

the protection of the common external borders¹⁶⁶. The recently ratified Treaty of Lisbon (article 63a) tries to tackle migration by encouraging the EU to: ‘develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows [...] and the prevention of, and enhanced measures to combat, illegal migration and trafficking in human beings’.

The Europeanization of migration policies: 1985 Law

Spain introduced its first legislation on migration, the ‘Rights and Freedoms of Foreigners in Spain Law¹⁶⁷’ in 1985. The timing of the law (it came only one year before Spain joined the European Community in 1986) has led several authors to claim that there is a strong link between both facts. Zapata-Barrero and de Witte, for instance, argue that its entry into the EC forced Spain to adopt the 1985 law (2007, p.85). Similarly, Cornelius states that the 1985 migration law was ‘almost entirely the result of external pressure associated with Spain’s entry into the European Community’ (cited in Freeman, 1995, p.895).

Geddes has also acknowledged the impact of the EU in terms of migration policy development on member states, which derives, ‘from adherence to the requirements of ‘Schengenland’ and the normative expectation to restrict ‘unwanted’ immigration that goes with EU membership’ (2003, p.156). However, as noted by Fauser, the 1985 Aliens law itself was connected to Spain’s entry to the European Community but its content was not (2007, p.140). Thus, the European Commission recommendations on migration in 1985 were concentrated on control of labour migration and access to the EC, and crime prevention, whereas the Spanish law focused on the regularization of foreigners with no legal status residing in Spain. The 1985 Law also created an ‘efficient’ expulsion procedure for those residing illegally in Spain.

The law generated tensions in Ceuta and Melilla and unease among the Muslim communities due to the fact that the Muslim population from both towns (who were legally Moroccans) were left neglected. According to the former leader of the Muslim Community in Melilla and current *gouverneur principal*¹⁶⁸ in Morocco,

166. Ignasi Guardans, author interview, Barcelona, 27 February 2009. Guardans was an MEP for the Catalan nationalist party *Convergència i Unió* (CIU) from 2004 until 2009. In December 2005, he travelled with a delegation of the European Parliament to Ceuta and Melilla.

167. LO 5/1985 *Ley Orgánica 7/1985 sobre el derecho y las libertades de los extranjeros en España*. This law will be referred to as ‘the Aliens Law’ or ‘the 1985 law’ from hereon.

168. It could be translated as main governor. The main governor, which belongs to the Moroccan ministry of Interior, supervises the tasks of the provincial governors.

Aomar Duddú, the law was unfair, discriminatory, and unconstitutional, and was the culmination of the abolition of rights of the Muslim communities in Ceuta and Melilla¹⁶⁹. According to Rius Sant with the coming into force of the 1985 Aliens Law ‘the vast majority of the Muslim population which was born in Melilla and had been deeply rooted in the city was subject to being expelled’ (2007, p.69).

It is crucial to note that, according to a 1985 census, there were 27,000 Muslims in Melilla and only 6,000 of them had Spanish nationality (*El Pais* 11/5/1985). The rest possessed either a ‘statistical identity card’¹⁷⁰ (6,500), i.e. a minimal form of documentation which did not allow travel to mainland Spain or claims to unemployment benefits, or were just stateless with no official documentation (Gold, 2000, pp.91-92). In Ceuta, the figure for Muslims was considerably lower; out of the 15,000 Muslim residents in Ceuta, 2,400 were Spanish nationals, 500 possessed the statistical card, and the rest were undocumented (López García, 1993, p.58).

Demands by the enclaves’ Muslims and changes in the law

The demands of the Muslim community in terms of regularization are summarised by Duddú in his controversial ‘Legalise Melilla’ article published in *El Pais* where he writes: ‘concession of Spanish ID [should be allowed] to all Muslims that apply for it and who can demonstrate having been born in Melilla; equally, this option should be offered to Muslims who, without being born (in Melilla) have had their residence in the city for a determinate number of years, for example, ten’ (*El Pais*, 11/5/1985). Demanding the rights, as exposed by Duddú above, and opposing the 1985 law, the Muslim community took to the streets in a massive demonstration (20,000 according to the organisers) in Melilla on the 23rd of November 1986 under the slogan ‘For the [Spanish] Constitution, for Human Rights, [say] no to the [1985] Aliens Law’.

An even bigger counter-demonstration (35-40,000 according to the organisers) was organised on the 6th of December by all the Spanish and local political parties (with the exception of the Communist party) in support of the Aliens Law. Rius Sant argues that the dispute transcended the Aliens law debate and that the

169. Aomar Duddú, author interview, Rabat, 12 April 2009. Duddú was a prominent figure of the Spanish Socialist Party (PSOE-Partido Socialista Obrero Español) until he was expelled in May 1985 due to a letter (Legalise Melilla) published in *El Pais* on the 11th May 1985. He was also the leader of the Civil Rights association in Melilla, *Terra Omnium*, between 1985 and 1987. Most of the leaders of this association were detained in January 1987. Duddú was accused of sedition by a Spanish Judge on the 3rd of February 1987 and has lived in exile in Rabat since (Planet, 1998, p.98).

170. This document was introduced during the Franco dictatorship, in 1958.

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Christian community reaction should be seen as the irrational fear (i.e. Muslims threatening the *Spanishness* of the enclaves) of a society emerging from a colonial past (2007, pp.69-70). What seems clear is that, as noted by Gold, the event marked a split between the two communities (2000, p.96).

In Ceuta, the Muslim community also mobilised itself against the 1985 Aliens Law. The leaders of the Muslim community in Ceuta (Ahmed Subaire and Ahmed Hassan Mohamed) travelled to Melilla on the 29th November 1986 to coordinate the protests in the two enclaves (Gold, 2000, p.95). The movement, however, was divided between those more willing to reach an agreement with the Spanish Government, such as Subaire, who accepted solutions *ad hoc* for the concession of the Spanish nationality, and those, like Mohammed Ali¹⁷¹, who favoured the complete regularisation of the Muslims in the enclave. The latter organised a demonstration on the 1st December 1986 in Ceuta protesting against the agreement reached by Subaire and the Spanish government (Planet, 1998, p.102).

In January 1987, the tensions escalated in Melilla with hunger strikes, riots, and a general strike organised by Duddú. On the 28th January 1987, a group of Muslim women participated in an illegal demonstration that was suppressed by the Spanish national Police with tear gas (Gold, 2000, p.97). The powerful images of Muslim woman being beaten by anti-riot police generated unease in Morocco and, as a result, triggered the Spanish government to act in order to find a solution (Rius Sant, 2007, p.72). Thus, on the 29th of January, the Spanish Ministry of the Interior issued a statement regretting the incident and announcing significant changes concerning the application of the immigration law such as the following: residents with the statistic card would not be expelled and would be allowed to travel to the mainland, Spanish nationality would be given to those who could prove 10 years residence in the cities (Gold, 2000, p.97). As a result, a special *Court for Nationalities*, which granted 13,000 (see table 5.1) citizenships, was created in March 1987 (and was operational until 1990) (García Flórez, 1999, p.220).

Table 6.1 Concessions of Spanish nationality in Ceuta and Melilla

	1986	1987	1988	1989	1990
Ceuta	762	1,674	1,231	1,432	1,243
Melilla	836	3,090	1,890	560	170

Source: López García (1991, p.175)

171. Leader of the Muslim Association of Ceuta. Not to be confused with Mohamed Ali, leader of the political party UDCE.

If one considers the sudden changes in the application of the 1985 Aliens Law in Ceuta and Melilla, it appears obvious that the government did not consider the potential implications that the law could have in the enclaves. According to Rius Sant, with the rectifications and modifications that the law experienced, the Spanish government recognised that they had lacked foresight (2007, p.72). Vicente Moga complains that the 1985 law case shows a common ignorance on the part of Spanish legislators towards the Ceuta and Melilla context¹⁷².

Gómez Barceló sees a strong link between the regularization of the Muslim community and the EU since ‘the Muslim community lived in a limbo which was not reasonable in a European democracy’¹⁷³. Yonaida Sellam argues that through their protests, the Muslim community achieved not only the regularization of their situation but also visibility¹⁷⁴. She also adds that this regularization had a positive effect for the enclaves since the Muslim ‘revolt’ and its achievements instigated a transition from the military garrisons they had been historically, to the dynamic cities they are at present.

Hence, it seems evident that the 1985-87 period was of crucial importance for the nature and future of both enclaves. Enrique Delgado, however, complains that this significance has been deliberately downgraded by the ‘official history’ of the city. Delgado refers to the specific case of Melilla, where a volume focusing on the history of the city was published in 2005, *Historia de Melilla* (Bravo and Fernández, 2005), and not a single mention was made to the Aliens Law, the movement of Muslim citizens that emerged opposing the law, their massive demonstrations demanding civil rights, and the consequences for the city of the regularisations of thousands of Muslims.

The maritime fortress: FRONTEX and SIVE

The changes triggered by Europeanization in Spain are not only of an institutional nature. As seen previously, another inextricable consequence of Europeanization has been a trend towards securitization. This trend, in the context of the EU external borders, is primarily focused on avoiding the entrance of illegal aliens. According to Ferrer-Gallardo ‘the range of legal readjustments associated with the Schengenization of the Spanish-Moroccan border came together with practices of physical reshaping and securitization techniques’ (2006, p.11). Thus, Ceuta and Melilla are the only European territories in mainland Africa, and even if they are

172. Vicente Moga, author interview, Melilla, 21 April 2009.

173. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

174. Yonaida Sellam, author interview, Melilla, 18 June 2009.

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not Schengen territories, they play a pivotal role in securing the maritime borders of mainland Europe, that is, of Schengen Europe. In other words, they are affected by Schengenization without being Schengen. Therefore, the Schengenization in Ceuta and Melilla occurs both at their sea borders with Schengen Europe but also at their land borders with Morocco.

The EU border agency, FRONTEX, has been the greatest achievement in EU border management' (Official Journal of the European Union, 2004). FRONTEX aims to be a 'trustworthy operational Community coordinator and contributor in the field of external border management' by promoting 'cooperation with other border related law enforcement bodies responsible for internal security at EU level' and providing 'particular added value to the national border management systems of the Member States' (Council of the European Union, 2006, p.3). It became operational on 3rd October 2005. Only four days later, FRONTEX experts assisted 'a technical mission of the EU Commission to Morocco and the Spanish cities Ceuta and Melilla' (Council of the European Union, 2006, p.7). Following the Commission's recommendations, FRONTEX compiled a tailored risk analysis on the situation of illegal immigration in Ceuta and Melilla (Council of the European Union, p.7).

In terms of operations, FRONTEX has carried out three different Joint operations involving Ceuta, where the main focus has been on identity checks at its seaport: Minerva 2007, Minerva 2009 and Minerva 2011. These operations are aimed at reinforcing border controls at the Ceuta harbour through human and technical resources (sniffer dogs, heart beat detectors, etc.). The budget from the last operation carried out in Ceuta (Minerva 2011), where 15 countries took part, was €29,000¹⁷⁵.

The agency's main missions are: to coordinate operational cooperation between EU member states in the management of external borders (Articles 1 and 2 of the Regulation); to promote solidarity between member states in the field of external border management (Article 5); to carry out risk analysis (Article 6); to provide training for national instructors of border guards (Article 7); to follow up and disseminate relevant research (Article 8); to provide member states with technical and operational assistance at external borders when needed (Article 10); and to assist member states in organising joint return operations of third country nationals (Article 11).

175. Frontex (2012a), *EPN-Minerva*. Available at: <http://www.frontex.europa.eu/operations/archi-ve-of-accomplished-operations/177> (accessed 04/05/2012).

The institutional jargon of the above paragraph shall be interpreted critically. In effect, the mission of Schengen is to seal the external borders of the EU through state cooperation and militarization of the so called ‘fight against illegal migration’. According to Petra Bendel, FRONTEX entails a strong control aspect with a clear emphasis on the Mediterranean: ‘FRONTEX is expected to implement border management measures in the Mediterranean region’, which will ultimately entail, ‘a surveillance system covering the entire southern maritime border of the EU and the Mediterranean Sea’ (2007, p.39). In other words, by reinforcing the role of borders, the agency’s aim is plainly connected with the principle of re-territorialisation. Vaughan-Williams has argued against the militarization of migration policies in the EU warning of the potential lethal consequences (2011, p.5). Bearing in mind the importance for the EU of this fight/war on irregular migration, it is not surprising that the FRONTEX’s budget has considerably increased in recent years. In 2011, for instance, the agency spent over 118€ million, 30% more than the previous year (FRONTEX, 2012).

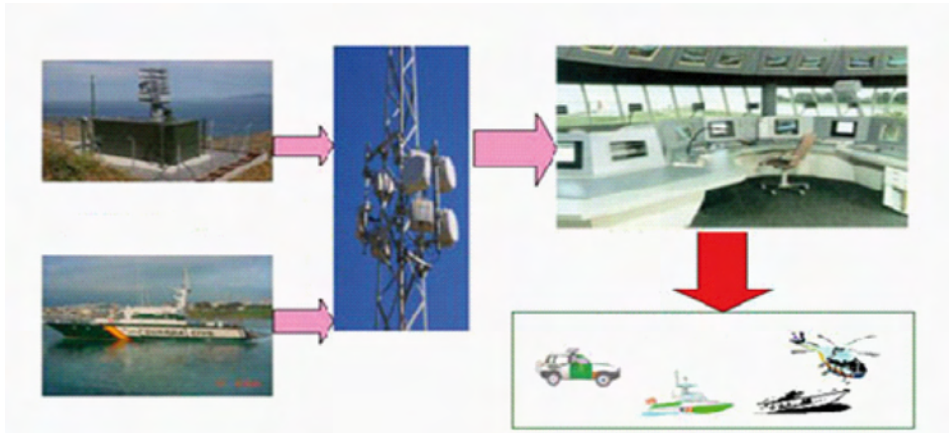
SIVE’s (*Integrated System of External Surveillance*) aims resemble those of Frontex, i.e. sealing off the maritime border targeting illegal migration and drug trafficking (Guardia Civil, 2003). Therefore, similarly to Frontex, SIVE is a good example of rebordering produced by the elimination of internal barriers within the EU. Nonetheless, unlike Frontex, which is an EU Agency, SIVE is a Spanish coastal surveillance system, which concentrates on the Spanish Southern coast and the Canary Islands, and is solely operated by the Guardia Civil (Marine Resources Assessment Group, 2009, p.6). The system was approved in 1999 (although it did not become operational until 2002), and was part of a plan to guarding the southern Spanish borders against *pateras* (small fishing boats used by migrants).

The connection between SIVE and securitization is evident, but a link is also evident between SIVE and Europeanization. This link became obvious when the creation of SIVE was justified by the Spanish Interior Minister, Jaime Mayor Oreja, due to Europeanization requirements: ‘Spain must live up to the standards demanded by the European Union’ (Diario de Sesiones del Senado, 2000, p.5). The Council of the European Union labelled SIVE as ‘a prime example of a custom-built system that has proved itself effective’ and encouraged its extension to other Southern EU borders such as Lampedusa, the Sicilian Channel, and Aegean Sea (Council of the European Union, 2003, p.66).

SIVE operates on a permanent basis through a system of fixed and mobile radars equipped with sensors (which can identify boats at a 10km distance), CCTV, and infrared cameras (which can identify boats at a 5km distance) that transfer the data obtained by secure internet to a provincial centre (Guardia Civil, 2003). There

are two Control centres (Algeciras for the Strait of Gibraltar and Fuerteventura for the Canary Islands) that centralise the data obtained by the sensors and issue orders of intervention to the interception patrols (Guardia Civil, 2003) (see figure 6.2).

Figure 6.2: Operational characteristics of SIVE



Source: Guardia Civil (2003)

It should be noted that SIVE has no specific legal basis, as its *raison d'être* derives 'from the basic mandate of the Guardia Civil' (Marine Resources Assessment Group, 2009, p.6). Thus, many NGO's have criticised SIVE for being an expensive and repressive measure¹⁷⁶ (Carling, 2007, p.325). Thus, the system has come at a cost of €236 million in the period 2002-2008 (*El Pais*, 11/10/2004),¹ plus €25 million in maintenance cost. Gil-Bazo points out that the expansion of SIVE has led to a geographical shift in routes, 'which means that migrants are taking longer routes and therefore spending more time at sea' (2006, p.577). The Guardia Civil, on the other hand, presents SIVE as a humanitarian strategy since its rapid intervention has allowed many shipwrecked migrants to be rescued (Guardia Civil, 2003).

If SIVE is to be evaluated in terms of its ability to reduce the number of unauthorized entries, then we can argue that it has been successful, since 86% (according to Carling's (2007, p.334) estimations) of the vessels are intercepted. In fact, in 2004, the Spanish authorities considered SIVE a complete success (*El Pais*, 11/10/2004). Nonetheless, five years later in 2009, the enthusiasm had decreased

176. See also Migreurop (2004) *SIVEBlindage électronique des frontières espagnoles*.

after the Spanish government had to acknowledge the vulnerability of the radars after some weaknesses were discovered (*abc*, 24/11/2009). For instance, radars are unable to detect small vessels (less than 5 metres long) or vessels made of wood or tyres, and when there are adverse weather conditions they become inoperative (*abc*, 24/11/2009).

Finally, it is illustrative that in the Council of the EU report on maritime borders, the ports of Ceuta and Melilla are mentioned in the introduction: ‘The Spanish ports of Ceuta and Melilla on the North African coast already account for 2.8 million passengers a year. And there is the phenomenon of migration outside ports’ (Council of the European Union, 2003, p.4). It can be inferred that from these two sentences there is an underlying fear concerning the migration phenomenon in both Spanish enclaves and a need to protect the borders between the enclaves and mainland Spain. The report continues ‘the supervision and control of the maritime borders of the European Union and the Schengen States are essential if the aim of controlling 100% of entries is to be credible’ (Council of the European Union, 2003, p.4). As a result of this emphasis on the sea border, the enclaves are fortified not on their border with Morocco but with mainland Spain. This process of double fortification (in relation to Morocco and also mainland Spain) leads to the idea of the double border, which will be analysed at the end of this chapter. In order to understand the alarm expressed by this Council report and the stress on controlling the enclave’s ports, we need to comprehensively examine the phenomenon of migration affecting the enclaves.

6.2. Migration in Ceuta and Melilla

Migration has a special relevance for Ceuta and Melilla due to the fact that, as it has been argued in previous chapters, the Spanish enclaves constitute the only European territories in mainland Africa, and, as such, the only land border between both continents. Their geographical situation, therefore, not only causes tensions with Morocco (as explained in Chapter 3), and prompts smuggling practices (chapter 4) but it also means that both enclaves act as ‘magnets for would-be illegal migrants to continental Europe’ (Gold, 2000, p.120). In this section, I will try to scrutinise the origins of migration, its significance, and its impact on the enclaves. It is crucial to understand these points as the role played by the enclaves is connected with a wider picture; South-North migration, that is, migration between Africa and Europe (Olmedo, 2008, p.22).

It should be noted that despite the numerous studies concentrated on Ceuta and Melilla (Lazrak, 1973; Rézette, 1976; Lería, 1991; Driessen, 1992; Chérif, 1996;

Campos Martínez, 1997, 2004; Planet, 1998; García Flórez, 1999; Gold, 2000; Soddu, 2002; Cajal, 2003; Ballesteros, 2004; Zurlo, 2005; Ferrer-Gallardo, 2006; López Bueno, 2008; López Olmedo, 2008) very few dedicate time to analysing the migration phenomenon in the enclaves (Gold, 2000; Ferrer-Gallardo, 2006) and only Soddu's (2002) book focuses primarily on migration issues. A possible explanation of this lack of studies on migration is that, like in mainland Spain, the phenomenon is relatively new to the enclaves.

The appearance of the phenomenon

The migration flux coming from other African nations such as Algeria, Sub-Saharan Africa, and Asian countries such as Bangladesh, Pakistan and India started to become manifest in the early 1990's¹⁷⁷ (Olmedo, 2008, p.29). It is clear that these illegal migrants are those primarily excluded from the selective permeability policy and the main target of the enclave's fences. According to Amado, the border was not ready for the migratory pressure that emerged at that moment since the migration phenomenon was completely new for both enclaves and for Spain¹⁷⁸. Soddu agrees that this new phenomenon, which created a surprise effect, would have significant implications at an administrative and public order level in the following years (2002, p.48).

The first serious incident connected to Sub-Saharan migration took place in Melilla, on the 12th July 1992¹⁷⁹, when a group of Sub-Saharan asylum seekers held a protest in order to regularise their situation (Rius Sant, 2007, p.99). The protest was suppressed harshly and the migrants were expelled to the Moroccan border, where they stayed (from the 12th until the 27th of July) in a strip of no man's land, as Morocco blocked their repatriation (Gold, 2000, p.125). It should be acknowledged that just five months previous to this episode, on February 1992, Spain and Morocco had signed an agreement on the readmission and repatriation of migrants coming from Morocco, which included not only Moroccan but also third country nationals¹⁸⁰.

177. Pérez González argues that Sub-Saharan migration started appearing in Melilla in 1989 (2005, p.5). Valeriano Hoyos (author interview, Ceuta, 20 March 2009) and Juan Amado (author interview, Ceuta, 30 March 2009) accounted that the first Sub-Saharans were seen in 1990.

178. Juan Amado, author interview, Ceuta, 30 March 2009.

179. At the end of 1991, Sub-Saharan migrants started to concentrate in the Old Hospital of the Red Cross, demanding political asylum to Spain. However, the lack of hygienic conditions forced the Red Cross to ask for an evacuation of the Old Hospital (Soddu, 2002, p.51).

180. Art. 1 of the agreement states that; 'The border authorities of the State [in this case, Morocco] will readmit, after a formal request from the border authorities of the requesting state [Spain],

Pérez González and other Spanish authors (*El País*, 18/02/2003) have severely criticised Morocco for breaking this agreement (2005, p.5). The Moroccan authorities, however, argued that since many migrants had no papers, it cannot be proved that they have entered through Moroccan territory¹⁸¹. Moreover, they also refer to Art. 3 of the Spanish-Moroccan readmission agreement, which states that repatriation will not be admitted if the foreigners have been authorised to stay in the requesting state (Spain) after they entered illegally (Soddu, 2002, p.51). This legal disagreement meant that for two weeks over seventy people were forced to stay in this no man's land, unable to go back to Morocco or Melilla, sleeping under bridges and trees, and receiving mattresses and food from local Melillean NGO's (Rius Sant, 2007, p.100). The dramatic situation led the Spanish Ombudsman, Álvaro Gil Robles, to intervene demanding explanations from the Spanish Ministry of Interior, José Luis Corcuera, and ultimately forcing the transfer of the totality of the migrants to mainland Spain.

The 1992 crisis in Melilla was resolved, but there were more to come. In 1995, Ceuta suffered an episode which bore strong resemblances to the case in Melilla three years previous. Since 1993 a growing number of Sub-Saharan migrants (225) together with a group of Algerians (40) and another group of Kurds (60) were being housed in an abandoned nightclub (in the Old Walls) in Ceuta, hoping to obtain a temporary residence permit which would allow them to be transferred to mainland Spain (Gold, 2000, p.125). It is important to note that it was relatively easy to cross to Ceuta due to the lack of control in the border perimeter and due to Moroccan permissiveness (Soddu, 2002, p.70). Thus, the viability and the prospect of being regularised favoured Ceuta as a preferred route for migrants and people-trafficking mafias.

However, once in Ceuta the chances of being taken across to the Spanish mainland were slim since the Spanish authorities willing to prevent a potential 'pull effect'. Rius Sant blames the legal limbo in which those migrants were living in for two years for the conflict that arose in October 1995 (2007, p.128). In effect, after two years staying illegally in Ceuta, they were neither regularised nor expelled and their asylum petitions were not processed. For instance, in the years 1992, 1993, and 1994, only 41% of the 1,040 expulsion expedients issued by the Spanish authorities were finally materialised (Soddu, 2002, p.73). In this context,

third-country nationals who have illegally entered the territory of the latter if they have entered from the required State [Morocco]' (cited in *El País*, 18/02/2003)

181. Art. 2 states that 'the readmission will be conducted if it is proved, by any means, that the foreigner [...] comes effectively from the required State [Morocco]' (cited in *El País*, 18/02/2003)

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in late September, the Spanish Ombudsman wrote to the Interior Ministry ‘urging that some action be taken to deal with the applications’ of the migrants who were trapped in Ceuta (Gold, 2000, p.125).

On the 11th October, after failing to arrange a meeting with the (Spanish) Government Delegation to demand visas to enter mainland Spain, around 150 migrants provoked the most violent riot in the recent history of the city, resulting in one police officer being shot and over eighty people injured (*El Mundo*, 12/10/1995). The local police and the Guardia Civil used plastic bullets to control the chaos, which was aggravated by the participation of around 200 local neighbours who ‘helped the police’ by lynching migrants¹⁸² (Rius Sant, 2007, p.128). The incidents that occurred in Ceuta on the 11th of October are popularly known in Ceuta as the ‘Ángulo events’.

As a result of these incidents, the image of the city has deteriorated since it was depicted by the Spanish and International media as racist and xenophobic¹⁸³. Valeriano Hoyos, director of the local Temporary Reception Centres for Migrants (CETI), labels the Ángulo events as a shame for the city. Hoyos also argues that the incidents which occurred in 1995 in Ceuta represent a turning point for the city of Ceuta in terms of migration since the tragic incidents prompted the necessity of a) sealing off the border, and b) a centre which could accommodate the migrants who were arriving in the city¹⁸⁴.

The origins of the fences

One week after the incidents of October 11th, on the 18th of October 1995, the Spanish Ministry of Interior, Juan Alberto Belloch (Socialist Party) in a Spanish Parliamentary session used these incidents to justify ‘concrete measures which will be adopted or intensified to tackle the real problems [...] affecting Ceuta. The measures will be the following: Firstly, the sealing off of the border [...]. From tomorrow on we will proceed with the installation of a wire fence all over the

182. The Mayor of the city, Basilio Fernández, declared that the citizens had acted in self-defence as, without their assistance, the police would have been crushed (Rius Sant, 2007, p.129). An association of Spanish progressive judges (Jueces para la democracia) criticised the Mayor’s comments for being racist and considered the police response to the migrants’ demonstration as repressive and unworthy of a democratic state (*El Pueblo de Ceuta*, 19/11/1995).

183. Andrés Carrera, author interview, Ceuta, 30 March 2009. Carrera argues that the image of Ceuta depicted in the media is unfair and unreal. The Moroccan journal, *l’Opinion* (cited in *El Pais*, 19/10/1995) warned that the incidents in Ceuta could jeopardise the security of Moroccans living in the city since they could be the next target of the Spanish Nationalist mob.

184. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

[border] perimeter' (Congreso de los Diputados, 18/10/1995, p.9385). However, the wire fence idea was a continuation of a project rather than a novel one: the project of sealing off the border was approved in April 1992 and work started on it in December 1993 (Soddu, 2002, p.75). The original sealing off idea consisted of a road which would surround the entire border with Morocco, facilitating the permanent patrol of the border by the Guardia Civil¹⁸⁵.

Thus, on the 19th of October 1995, the Spanish Army began to install the posts for the provisional barbed wire fencing which was to be installed in the following months (*El Pais*, 20/10/1995). By 1999, the fence construction and its reinforcement in Ceuta had cost €50 million (*El Pais*, 17/12/1999). In Melilla, the construction of the fence began in 1993 and was then strengthened in September 1996, after a large influx of Sub-Saharaners during that summer (Gold, 2000, p.131). The cost of the fence in Melilla (€12 million) was significantly lower due to the fact that the geographic conditions in this enclave are more favourable than in Ceuta¹⁸⁶.

By 2000, both enclaves were surrounded by a 3.5 metre double high security fences, topped with barbed wire. The security system also included motion detectors, 106 fixed cameras (plus 37 additional moveable cameras in Ceuta) for video surveillance, infrared cameras and numerous control towers (Gold, 2000; Alscher, 2005; European Commission, 2005b). Furthermore, at night the fences are illuminated with powerful halogen spotlights (see figure 5.3) and the road between both fences is permanently patrolled by the Guardia Civil¹⁸⁷. Along with routine patrols, the Headquarters of the Guardia Civil are operational 24 hours a day, which guarantees their immediate intervention in case of alarm (European Commission, 2005b, p.7). By tackling the migration phenomenon in the enclaves through a security approach, the Spanish government crucially contributed to making the enclaves evident manifestations of 'Fortress Europe'. Despite the fact that the enclaves are excluded from Schengen, these border security measures bore strong similarities the Schengenization trend outlined in previous chapters.

It should be noted that, in both cases the construction of the fences was started under the Socialist government of Felipe González, and its reinforcing was carried out by both the conservative government of the Popular Party (PP-Partido Popular) (1996-2004) and Zapatero's (PSOE) Socialist government (2004-2011). It seems very unlikely that the Rajoy government (2011-...) questions the fortification policy. As a result, it can be inferred that both parties have pursued a similar policy

185. Juan Amado, author interview, Ceuta, 30 March 2009.

186. The border between Melilla and Morocco is predominantly flat, whereas the Ceuta's border is characterised by its mountainous relief.

187. Juan Amado, author interview, Ceuta, 30 March 2009.

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concerning the securitization of the border perimeters in Ceuta and Melilla. The double standards of the Spanish politicians, particularly the ones from the socialist party, are easy to spot.

Figure 6.3: Fence in Melilla in 2004



Source: José Palazón¹⁸⁸

Former Spanish PM, José Luis R. Zapatero, strongly criticised the wall between the U.S. and Mexico. In 2007, in an official visit to Mexico, he stated, in reference to the fence in the U.S.-Mexico border, that: ‘there is no wall, regardless of its height, width and length [...] which could impede the dream of a better life’ (*abc*, 17/07/2007). His strong words are extremely surprising if we take into account that under his mandate the fences in Ceuta and Melilla were heightened and reinforced. The double standards of Zapatero also became evident in the Ibero-American Summit¹⁸⁹ of Montevideo in November 2006. At this summit a

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189. The Ibero-American Summit is an annual meeting, whose main purpose is to discuss international challenges and to promote cooperation and regional solidarity, between the Heads of State and Government of the 22 Spanish and Portuguese speaking countries of Europe and Latin America. For more information: <http://www.cumbreiberoamericana.org/cumbreiberoamericana/default.htm> (accessed 1/02/2012).

communiqué against the construction of the wall in the U.S-Mexican border was agreed by all states, including Spain:

‘The Heads of State and Government of Iberoamerican countries believe that building walls is a practice incompatible with friendly relations and cooperation between states. We believe that building walls will not stop illegal immigration [...], incites discrimination and xenophobia, and promotes the emergence of trafficking groups [...]. We strongly call on the government of the United States to reconsider the construction of a dividing wall in [the] America[n continent] (Cumbre Iberoamericana, 2006).

Analysis of the 2005 crisis

Between the 28th of August and the 6th of October 2005, more than a thousand Sub-Saharan migrants attempted to reach Ceuta and Melilla by storming the fences. While a few hundred successfully entered the enclaves (and were subsequently placed in the CETI’s), scores were injured and 14 of them lost their lives, some of them due to wounds from the concertina wire and others (at least four of them) due to gun shots from the Moroccan police¹⁹⁰ (*abc*, 25/10/2005; Amnesty International 2006, p.9). According to Carling, the casualties at the fences of Ceuta and Melilla, which have caused the death of 24 people¹⁹¹ since 2002, represent a new development ‘that makes migrant fatalities an issue also at the land borders’ (2007, p.324). Ferrer-Gallardo claims that the high number of deaths (14) in the autumn 2005 crisis is due to two factors: on the one hand, the desperate practices

190. A report from the Moroccan Ministry of Interior confirmed that four Sub-Saharans had been shot dead in the Melillan border on the 6th of October by Moroccan police officers who acted in ‘self-defence’ (*abc*, 25/10/2005). The Spanish Interior Ministry claimed that the Moroccan police was responsible for at least 2 of the migrants shot dead in Ceuta (*El Pais*, 07/10/2005). Icham Rachidi claims that the shots came from both sides and they were premeditated in order to set an example which would discourage potential migrants (Icham Rachidi, author interview, Rabat, 12 June 2009).

191. According to the estimations by the author, which are based on the death list at European borders conducted by the organization ‘United for Intercultural Action’. Available at: <http://www.unitedagainstracism.org/pdfs/listofdeaths.pdf>. (accessed 23/01/2012)
The list is completed with information appeared in Spanish newspapers (*abc*, 2/01/2009; *El Faro de Ceuta*, 10/03/2009). It should be noted that the figure only includes the fatalities due to the fence and not migrants who have drowned in the enclave waters or who have died of asphyxiation hidden in cars or trucks trying to reach the enclaves through the border crossing points. The first of the 24 casualties died in 2002 and the last in March 2009. 18 of them took place in Melilla and the rest in Ceuta.

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of ‘border subversion’ used by Sub-Saharan Africans, and on the other hand, the desperate practices of border control by overwhelmed security forces (2008, p.142). Andrés Carrera, the Secretary of the Ceuta branch of Spain’s Police Trade Union, confirms that the Spanish security forces were overwhelmed due to the 2005 collective storming of the fence by hundreds of migrants¹⁹².

According to Caldwell although the attacks on the fence were not technologically sophisticated, the level of coordination of the *assaults* resembled a military operation (2009, p.55). Moreover, the fact that the attacks on the fences occurred almost simultaneously in Ceuta and Melilla (which are three hundred km away) have led Caldwell to conclude that they were being coordinated using mobile phones (2009, p.55). The annual report of the Spanish Ombudsman also underlines the greater synchronization and organization of the crossing attempts of autumn 2005 compared to previous fence storms (Defensor del Pueblo, 2006). Finally, the EU Parliament report, which stresses that the attempts were spontaneous but well-coordinated, provides an account of the strategies used by migrants:

‘people are divided into three groups: one to attract the attention of the Guardia Civil and one other group, in a different place, jumped over the fence, while the third group was holding the ladders for them’ (EU Parliament, 2006, p.5).

Figure 6.4: Fence in Melilla (October 2005)



Source: José Palazón¹⁹³

It can be argued that the powerful images of hundreds of Sub-Saharan Africans attempting to cross (some of them dying as a result of it) barbed-wired fences,

192. Andrés Carrera, author interview, Ceuta, 30 March 2009.

193. This picture is reproduced with the kind permission of the author.

which protected small European enclaves from African migration, certainly did contribute to the depiction of Ceuta and Melilla as one of the most visually explicit manifestation of ‘Fortress Europe’. As Cembrero notes, the idea of ‘Fortress Europe’ applied to the enclaves emerged when the fences were erected in the mid-1990s but it was emphasised with the massive Sub-Saharan influxes of September/October 2005¹⁹⁴. The 2005 events in Ceuta and Melilla boosted the ‘Fortress Europe’ argument in an unprecedented way due to the fact that deaths at barbed-wired fence are much more spectacular than deaths at the Mediterranean sea, since the fences are manmade, that is, a deliberate state strategy to stop migrants.

Immediate causes of the crisis

This section will not examine the structural causes of Sub-Saharan migration, which are complex and deep-rooted, but the specific reasons for the massive attempts by Sub-Saharan migrants to cross the fences in Ceuta and Melilla in autumn 2005. Why did these *assaults* on the fences come to pass in that particular moment and not before or after? Which factors prompted thousands of migrants to attempt coordinated crossing both in Ceuta and Melilla? The annual report of the Spanish Ombudsman identifies four major causes which explain the exponential increase of crossing attempts in autumn 2005: Moroccan pressure on migrant camps, the prospect of the fence being reinforced, seasonal factors and better organization of migrants (Defensor del Pueblo, 2006, p. 291).

Firstly, there was greater pressure from the Moroccan police on migrants living in the forests situated in close proximity to the enclaves; Gurugú (beside Melilla) and Belyounech (beside Ceuta) since mid-2005. This pressure forced migrants to accelerate their plans to cross to the enclaves. Anne Sophie Wenders agrees that the increase of the repression in the forests was one of the major reasons, as she notes: ‘The immigrant accounts were that the police assaults on the camps were becoming unbearable so they had to act rapidly’¹⁹⁵. Secondly, news about the heightening of the fences from 3.5 to 6.1 meters; work on reinforcing the fences started between July and November 2004 (Presidencia del Gobierno, 2005a). Ferrer-Gallardo sees the heightening of the fence as a decisive factor which accelerated the necessity to cross as soon as possible (2008, 141).

194. Ignacio Cembrero, author interview, 4 June 2009.

195. Anne Sophie Wenders, author interview, Rabat, 12 June 2009. Wenders (from NGO Cimade), together with other NGO’s volunteers, was working on the ground with migrants in the Gurugú and Belyounech forest providing assistance. She is also the author of a report on the camps; Cimade (2004) *La situation alarmante des migrants Subsahariens en transit au Maroc et les conséquences des politiques de l’Union Européenne*.

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Thirdly, seasonal factors should also be considered: the prospect of spending the night out in the open in the forest in the cold Moroccan winter also contributed to step up the decision to cross the fence. As put by Icham Rachidi; ‘there was the feeling in the forests that because of the upcoming winter and the repression, it [the attempt to cross] was a matter of “now or never”’¹⁹⁶. Finally, the Ombudsman report also notes increased organization by certain groups with more systematized strategies to cross (Defensor del Pueblo, 2006, p. 291). Similarly to Caldwell, Severiano Gil, personnel chief of the Spanish Army in Melilla, believes that the storming of the fences was extremely well planned, and exercised using using military tactics¹⁹⁷ (Caldwell, 2009, p.55).

Another factor, linked to the greater pressure by the Moroccan police on migrants, could be added to the causes mentioned in the Spanish Ombudsman report; according to Spanish Intelligence sources, in September 2005, around 30,000 Sub-Saharanans were waiting in Algeria and Morocco to reach the enclaves (European Commission, 2005, p.4). As noted above, several hundred of these migrants were staying in camps in the forests of Belyounech (beside Ceuta) and Gurugú (beside Melilla), before their evacuation by the Moroccan security forces in October 2005.

These camps hidden in the forests, which were a few kilometres away from Ceuta and Melilla, had been a refuge for migrants attempting to reach the enclaves for several years (Migreurop, 2006, p.11). However, the camps gave little refuge to migrants since the Moroccan security forces successively raided the camps on a regular basis from late 2004/ early 2005, and in February 2005, the auxiliary Moroccan Forces based a military camp at the entry of both forests in order to dissuade migrants (Migreurop, 2006, p.11). According to a Médecins Sans Frontières (MSF) report, excessive use of force in the Gurugú and to a lesser extent Belyounech camps, included attacks (by Moroccan security forces) using dogs, helicopters, horses, tear gas, and *ad hoc* alliances with criminal gangs (MSF, 2005a, p.11). Thus, the report estimates that the main perpetrators of violence against (Sub-Saharan) migrants in the Spanish-Moroccan border are the Moroccan security forces, accounting for 52% of the cases, followed by criminal gangs and human-trafficking networks (29%), and Spanish security forces, which account for 15% of the cases (MSF, 2005a, p.8). In September 2005, the repression and the raids in the camps increased before a Spanish-Moroccan Summit in Seville, due to be held on the 29th of September, which had illegal migration as one of its priorities on the agenda (Amnesty International, 2005, p.2).

196. Icham Rachidi, author interview, Rabat, 12 June 2009.

197. Severiano Gil, author interview, Melilla, 19 June 2009.

Some of the migrants who participated in the collective attempts to storm the fence in Ceuta and Melilla in September and October 2005 were interviewed by Migreurop¹⁹⁸ in *Guerre aux Migrants: Le livre noir de Ceuta et Melilla (War on migrants: The black book of Ceuta and Melilla)*. The accounts of these migrants seem to be in accordance with the causes of the 2005 crisis (listed above) identified by the Spanish Ombudsman, which, however, fails to recognise the desperation of migrants who were waiting for several months as a plausible cause:

‘There were several reasons for the decision of the massive attack: the winter was approaching and many feared the harsh cold in the forest, there were also the exasperation of many brothers who had waited for months for crossing, and then especially the police raids since early September, which came every two days’ (Eric S., Guinean, 2/10/2005).

‘Not everyone agreed with the massive attack [strategy] but many people were in the forest for too long without succeeding to pass. There were two days of meetings before the decision [was taken]. We talked about the police attacks, and about the foreseeable cold’ (Moussa, B., Guinean, 1/10/2005).

‘With the increase in police raids since September, people became more and more uncontrollable. Everyone in Belyounech had heard of the massive attacks in Melilla. The idea came like that, little by little’ (Pierre, V., Cameroonian, 3/10/2005).

Effects of the crisis

The importance of the 2005 events has given expression to several academic studies in recent years concentrating on some aspects of the 2005 crisis in Ceuta and Melilla (Soddu 2006; Carling 2007; de Haas 2007; Ferrer-Gallardo 2008; Caldwell 2009). Similarly, several NGO’s (Amnesty International 2005, 2006; Migreurop 2006; SOS Racisme 2006; Hinterland 2008) have published reports denouncing, among other issues, the excessive use of force by border officials and a lack of investigation in to the deaths of the 14 migrants in Ceuta and Melilla in 2005.

At a European level, all the EU institutions rapidly responded to the crisis with different strategies. Spain’s State Security Secretary, Antonio Camacho, noted that the migration problem in Ceuta and Melilla was part of both the Spanish and European agenda (Presidencia del Gobierno, 2005a). It appears clear that the Spanish government attempted to Europeanize the response to the crisis in Ceuta and

198. French-based NGO which focuses on southern EU borders and on migrants’ rights.

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Melilla (González and Sorroza, 2009, p.15). Thus, a few weeks after the tragedy, on 27 October 2005, an informal EU council summit was held at Hampton Court, where heads of state called for a comprehensive approach to tackle migration issues with a special focus on the African region. The significance of Ceuta and Melilla is highlighted in a communication from the European Commission which represents a follow-up to the Hampton Court Council meeting, which notes, 'recent events in Ceuta and Melilla [...] are the clear indication that urgent action is required' (2005c, p.2).

Aside from the Council, other institutions such as the EU Parliament and Commission played an active role. Delegations from both institutions¹⁹⁹ visited the enclaves shortly after the tragic events (The EU commission and EU parliament visited on the 7th-11th October and 7th-9th December respectively). The European Commission visit was aimed at assessing 'the characteristics of illegal immigration from Africa via Morocco to the EU [...] assess[ing] illegal immigration channels by sea and via the land borders [of Ceuta and Melilla] [...] [and] intensify[ing] the cooperation between the EU and Morocco in preventing and combating illegal immigration' (European Commission, 2005b, p.1). The EU Parliament delegation, on the other hand, visited the enclaves with the purpose of obtaining information from the Spanish authorities on the deaths of migrants during the events that took place between the 28th of August and the 6th of October (2006, p.1). One of the members of the EU Parliament delegation, former MEP Ignasi Guardans, concludes that if Ceuta and Melilla want to remain European territories, the fences are indispensable²⁰⁰. From Guardans' statement, it can be inferred that as long as they are European territories the enclaves will have to be European fortresses in need of permanent protection from illegal migration.

At an international level, the United Nations High Commissioner for Refugees (UNHCR, 2005b) sent expert teams to Ceuta, Melilla and Morocco in the weeks following the tragedy. Moreover, following the migration crisis in the enclaves, the UNHRC reinforced its presence in Rabat (UNHCR, 2006, p.273). The UN agency also expressed its consternation at the death of the first migrant during this crisis, who on 28th August 2005, died attempting to jump the fence at Melilla. In response the UNHRC called for immigration control procedures to be in accordance with international human right legislation and the Spanish law (UNCHR, 2005a). In similar terms, former UN secretary General, Kofi Annan,

199. Similarly, a delegation from the EU Parliamentary Group, European United Left, visited Melilla on the 10th October 2005. For more information on this visit see: European United Left/Nordic Green Left (2005) *Lampedusa and Melilla: Southern Frontier of Fortress Europe*.

200. Ignasi Guardans, author interview, Barcelona, 27 February 2009.

issued a statement on the 7th October 2005 where he expressed his deep concerns about the situation of migrants trying to cross from Morocco to Ceuta and Melilla and he urged governments to manage migration more humanely and effectively (UN Secretary-General, 2005).

Militarization of the best protected borders of the EU

Carling argues that the Spanish authorities response to the 2005 crisis was the reinforcement of the border fortification (2007, p.324). However, it should be noted that the militarization and the reinforcement of the Spanish-Moroccan border did not start after the 2005 events. The SIVE system, explained above, monitors the Strait of Gibraltar to detect smugglers and illegal migrants became operational in 2002. In Ceuta, it was implemented in early 2005. Similarly, the double fences in the enclaves were erected in the mid-1990s, and their reinforcement, which was one of the causes of the massive attacks on the fence, began between July and November 2004 (Presidencia del Gobierno, 2005a). Some misguided accounts, particularly among journalists, have argued that the heightening of the fences was a Spanish reaction to the 2005 crisis (*The Guardian Weekend*, 17/04/2010). However, the reinforcement of the border should be understood as a cause rather than as a consequence of the tragic events of 2005. That being said, it is also true that the storming of the fences prompted additional strategies, which led towards a greater fortification of the enclaves.

Even though it might appear paradoxical, the Spanish Ministry of Interior, Antonio Alonso, claimed in a press conference shortly after the last storming of the fence, that the borders of Ceuta and Melilla were the best protected of the European Union (*abc*, 7/10/2005). However, despite being the ‘best protected borders of the EU’, the perimeters of Ceuta and Melilla were proven to be unable to stop the migrants’ crossings on the fences with several hundred migrants managing to enter the enclaves between the 29th of September and the 5th of October. As a result of this failure, the Spanish government was determined to reinforce the enclaves’ perimeters to a larger degree than was originally planned before the 2005 incidents. It should be noted that, even after being reinforced the border fences have still shown signs of vulnerability as seen during a rain storm in the enclaves in autumn 2008 when the fences were partially destroyed, with repair works costing the Spanish government nearly €3.7 million (La Moncloa, 2008).

Table 6.2: Costs of Fence Reinforcement in Melilla (2004-2007)

Fence Reinforcement	Cost
Heightening 4.15 km of fence	€2.48
Heightening 3.3 km of fence	€7.47
Steel cable system	€20.35
	€30.30

Source: Spanish Ministry of Interior

According to the Spanish Ministry of Interior, €30.3 million was spent in Melilla in the reinforcement and heightening of the fence between May 2004 and May 2007, most of the spending was carried out after the 2005 crisis, due to a new steel cable system or third fence, the construction of which was announced on October the 5th. Even though the steel cable system was intended for both Melilla and Ceuta, the construction of this treble fence in the latter had been ruled out hitherto. The third fence installed in Melilla (see figure 5.6), between the two existing fences, consists of a network of steel cables which is 2.5 metres wide and between 1 and 3 metres high. The purpose of this third fence is to reduce the possibilities of crossing the fence without causing injuries to migrants (Presidencia del Gobierno, 2005b). The improved security at the perimeter in Melilla as a result of this, has led to the removal of the lethal concertina wire from the fences in November 2007 (*El Faro de Melilla*, 17/11/2007). In terms of practical implications for ‘Fortress Europe’ it could be argued that the fortress is more visually spectacular but less dangerous for migrants. In Ceuta, however, the concertina wire is still employed in its fences, and led to the death of a Cameroon national in March 2009 who died as a result of his injuries sustained from the wire (*El Faro de Ceuta*, 10/03/2009). Thus far, there has been no progress in that respect.

On the 28th of September 2005, the Spanish Ministry of Interior declared that new motion sensors would be installed to complement the 130 infrared sensors installed in 2004. Further to this, the number of Guardia Civil agents was to be increased in Melilla from 607 to 676 (Presidencia del Gobierno, 2005a). As mentioned in chapter 3, at present, Melilla has 3,200 Spanish Soldiers and 1,119 agents from the National Police and the Guardia Civil and Ceuta, where there are 1,169 members of the National Police and the Civil Guard, and 3,200 soldiers.

A few hours after the Ministry of Interior statement, the Spanish PM, Rodríguez Zapatero, announced that 480 Spanish (regular) soldiers and legionnaires

(240 for each enclave) would be sent to the enclaves to control the borders and to play a dissuasive role (*abc*, 30/09/2005). It was not the first time that the Spanish Army was entrusted to protect the enclaves' borders since, as the Spanish Ministry of Interior noted, on four previous occasions they had to conduct similar duties after the emergence of migration crisis in the mid-1990s. This time, however, the Spanish Army patrolled the perimeter for two and a half months (from 29th September until 13th December) and on some occasions played a greater role than the official 'dissuasive role' they had been sent to perform. Theoretically, in the event of a storming of the fence by migrants, the army was not allowed to detain or touch them. However, in practice, soldiers ended up doing both, as Severiano Gil, Personnel chief from the Spanish Army in Melilla, notes:

'The soldiers were not allowed to arrest, they were only allowed to call the Guardia Civil [to inform them about the presence of migrants] but, in practice, the soldiers detained [migrants] due to the exceptional circumstances. The soldiers were told 'do not touch any Black [person], but do not let them in'. This [order] is very difficult to obey'²⁰¹.

Figure 6.5: Steel cable system in Melilla



Source: *El Mundo*, 22/03/2006

201. Severiano Gil, author interview, Melilla, 19 June 2009.

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The militarization occurred at both sides of the border, since Morocco also played a significant role²⁰². Shortly after the Spanish-Moroccan Summit of Seville, on the 29th September 2005, the Moroccan PM, Driss Jettou, confirmed that 1,000 additional Moroccan security forces would be deployed in Ceuta and 600 in Melilla (Amnesty International 2005, p.3) in order to assist Spain in solving the migration crisis in the enclaves. In addition to the Security forces deployment, 3 Royal Moroccan Gendarmerie helicopters were used to detect migrants attempting to cross the fence (*El Mundo*, 30/09/2005). Furthermore, significantly contributing to evoking the fortress resemblance, the Moroccan government dug a 1.5 metre moat adjacent to the fence on the border with both enclaves after the incidents in October 2005 with the purpose of making the crossing for potential migrants more difficult (*El Mundo*, 29/05/2006). The Moroccan collaboration was also crucial in terms of the (violent) evacuations of the migrant camps of Belyounech and Gurugú.

De Haas, points out that the increasing militarization in both the U.S-Mexico and the Spanish-Moroccan border, has not significantly reduced the migration flux (2007, p.820). However, in the case of Ceuta and Melilla, the fortification of both cities has considerably reduced the migration flux. It could be argued that the fences have been effective as a short term solution since they have alleviated the pressure of these two enclaves. Nonetheless, since they do not tackle the roots of the problem, they only work as a temporary remedy which creates new problems such as the fact that the enclaves become (even more) isolated, and their fences become 'symbols of antagonism, reminding the ones who are in that they are fenced off, and to the ones who are outside that they are not welcome' (Moré, 2007, p.15).

A constructed crisis?

At this point, it becomes relevant to enquire as to what extent the number of migrants attempting to reach Ceuta and Melilla was proportionate to the fortification response that it triggered. In other words, to what extent the 2005 crisis (and previous cases such as the Ángulo incidents in 1995 in Ceuta) represented a real danger for the enclaves, and to what extent was it a constructed threat? In de Haas's view, mass media have a tendency to 'magnify migration-related crises such as the events in Ceuta and Melilla [...] through suggestive and dramatic images' (2007, p.821). Aside from poignant images of Sub-Saharanans attempting to storm the fences, the use of an exaggerated pejorative dramatic language was also common in the journalist treatment of the enclaves' crisis in 2005.

202. This issue will be dealt more extensively in the next chapter.

Thus, expressions such as ‘avalanches’ (*abc*, 29/09/2005; *El País*, 1/10/2005), ‘mass assaults’ (*the Guardian*, 22/09/2005; *El Mundo*, 29/09/2005) or ‘massive assault’ (*Aujourd’hui le Maroc*, 30/09/2005; *El País*, 3/10/2005) were used by Spanish, Moroccan and international newspapers covering the 2005 events in Ceuta and Melilla. The Tangier newspaper *Al Shamal* used explicitly racist language when labelling the Sub-Saharan migrants attempting to reach the Spanish enclaves as ‘Black locusts’ invading Morocco (*Al Shamal*, 12/09/2005, cited by Goldschmidt, 2006). Inés de Frutos²⁰³, Spanish Refugee Coordinator of Amnesty International, blames this alarmist journalistic language of ‘avalanches, invasions and massive assaults’ transmitted by the media for the lack of criticism by Spanish society of the fences.

To a certain extent, this treatment of migrants and migration issues bears a resemblance to the U.S.-Mexico border. According to Heyman and Campbell, shocking accounts of violence, drugs, and illegal smuggling saturate journalistic representations of this American border, which, as they argue, has had a long history of sensationalist journalistic treatment reflecting U.S. uneasiness about its borders (2004, p.206). In this sense, Operation Gatekeeper in California²⁰⁴, which bears resemblance to the militarization of the border in the enclaves during the last two decades, could be seen not only as an attempt to reinforce state control over the U.S.-Mexico border, but also as a ‘political sideshow designed for public consumption to demonstrate the Clinton administration’s seriousness about cracking down on unauthorised immigration’ (Nevins, 2002, p.92).

Some Spanish NGO’s such as PRODEIN and Sos Racismo²⁰⁵ have questioned the media treatment of the Ceuta and Melilla events and the significance of Sub-Saharan migration in Spain: ‘African migration has represented in recent years a minimum percentage of the total entries [of illegal immigrants] in to Spain: the ‘myth’ of massive entries and avalanches of people only prompts social racism, constructed through images and language that serves to justify [...] social alarm’ (Sos Racismo, 2006, p.7). Likewise, José Palazón claims that, in 2005 Sub-Saharan migration was presented as one of the most prominent problems of the EU, when

203. Inés de Frutos, author interview, Madrid, 8 June 2009.

204. Operation Gatekeeper was aimed at sealing the border of San Diego, in California, by increasing the number of Border Patrol agents, rising the budget of border agencies, and constructing a 72 km fence, as well as deploying hundreds of sensors and dozens of infrared scopes (Nevins, 2002, pp.3-4).

205. PRODEIN stands for ‘Asociación por los derechos de la infancia’ or Association for children’s rights. Sos Racismo stands for Sos Racism.

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in reality there were no more than 2,000 Sub-Saharan migrants²⁰⁶ willing to enter Ceuta and Melilla. Palazón blames the ‘media circus’ for constructing a problem which has been transformed into a business, which invests huge sums in security systems²⁰⁷.

The actors’ perception

It is essential to acknowledge the view of the enclave’s dwellers. Among them, the discernment was that, because of their limited territorial space, in 2005 their cities were being invaded by migrants.

‘the perception of the 2005 events from Ceuta and Melilla is that they [the migrants] were assaulting our borders and protection measures in a violent way and that this was completely unacceptable’²⁰⁸.

‘the African disaster is so big that flows [of migrants] are arriving [to Ceuta and Melilla]. The cities [Ceuta and Melilla], which are small with a few square km, cannot cope, they are overflowed [by migration], and as a result, measures had to be taken to control the perimeter. Otherwise, there would be an invasion’²⁰⁹.

It can be argued that the EU shares a similar view with regards to the events of 2005. A Commission document focusing on Ceuta and Melilla stresses: ‘(D) emographically, the African continent is growing quickly. Africa had 221 million inhabitants in 1950 [...] the figure is now 800 million [...]. Projections foresee a population of 1.3 billion in 2025 and 1.75 billion in 2050’. The Commission document concludes that, ‘in the medium term, it is expected that migration pressure will further increase’ and particularly in ‘developed regions, first among them, Europe’ (European Commission, 2005b, p.5). It would appear then, that these fears have motivated policies to increase border security. As argued by Waltz, ‘constancy of threat produces constancy of policy’ (2000, p.29).

The director of the CETI in Ceuta, Valeriano Hoyos²¹⁰, provides an interesting assessment of the fence. He points out that the fences highlight, firstly, the inequality between two continents, made visible by the numerous attempts by migrants

206. It should be noted that this number is in contrast with the figure of 30,000 given by the Spanish Intelligence (European Commission, 2005, p.4).

207. José Palazón, author interview, Melilla, 18 June 2009.

208. José María Campos, author interview, Ceuta, 1 April 2009.

209. Adolfo Hernández, author interview, Madrid, 3 March 2009.

210. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

to enter the enclaves. Secondly, the fences highlight the necessity of Spain and the EU to protect their borders against illegal migration. Finally, he concludes that, at present, and with the current context of inequality and the prominence of migration, there is no alternative to the fences, which have a protective and dissuasive effect. Bob Rharb, a resident in the CETI in Ceuta, however, questions the dissuasive effect of the fence since, as he notes, 'it [the fence] serves as a motivator. There must be something good if they protect it so much'²¹¹. Likewise, President of NGO *Homme et environnement*, Najib Bachiri, believes that the fences have a counterproductive appealing effect, which attracts rather than dissuades people to attempt to get in²¹².

The idea introduced by Hoyos, that there is no alternative to the fence, that is, that the fence is a necessary evil, is shared by many in the enclaves and in mainland Spain. The key question is 'what would happen if the fences disappeared overnight?'²¹³ For Melilla's official historian, Antonio Bravo, the fences are ugly but necessary²¹⁴. Similarly, Francisco Correro²¹⁵, Ceuta's vicar, argues that 'unfortunately, they [the fences] have to be there'. Ceuta's Councillor Mohammed Ali²¹⁶ admits that the fences are not the desired solution but that, under current circumstances, they are the only possible solution. In the same line, Andrés Carrera recognises that 'it is sad [the use of the fences] but they have brought security [to the enclaves]'²¹⁷.

Thus, the question which needs to be answered is: why are the fences a necessity? The immediate answer is, perhaps, that without the fences migration would be out of control in the enclaves, as argued by Luis de Vega, and, as a result, Ceuta and Melilla would not be able to deal with the huge numbers of migrants entering their territories²¹⁸. Guillermo Martínez, Ceuta's regional economic minister, believes that in order to prevent this hypothetical chaotic scenario, 'it became inescapable to adopt the measures to seal off the border [in 1995]'²¹⁹. In short, a physical barrier was needed to control two borders where scores of migrants were

211. Bob Rharb, author interview, Ceuta, 2 April 2009.

212. Najib Bachiri, author interview, Nador, 19/04/2009.

213. The question was rhetorically asked by Jesús Gámiz. Jesús Gámiz, author interview, Ceuta, 24 March 2009.

214. Antonio Bravo, author interview, Melilla, 16 June 2009.

215. Francisco Correro, author interview, Ceuta, 27 March 2009.

216. Mohamed Ali, author interview, Ceuta, 26 March 2009.

217. Andrés Carrera, author interview, Ceuta, 30 March 2009.

218. Luis de Vega, author interview, Rabat, 9 June 2009.

219. Guillermo Martínez, author interview, Ceuta, 30 March 2009.

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trying to get in, posing a challenge to the security forces and to the capacity of the both cities to cope with the foreign population.

David Newman (2006, p.150) put the argument thus: ‘fences and walls do create, for the ruling elites, a manageable situation where the ‘us here’ and ‘them there’ line of binary separation is easier to control’. Moreover, it could be noted that, as in the U.S.-Mexico case, the fences also play a crucial role in symbolic terms. Enrique Delgado agrees that since the fences explicitly delimit the border, they provide a psychological security for the enclave dwellers, which allows them to feel defended²²⁰. The Spanish Consul in Nador, Fernando Rau, puts it in a similar way: ‘Among the Christian population [in the enclaves] there is a feeling of defensiveness, they believe that, in order to defend the Spanishness of Ceuta and Melilla it is necessary to erect a wall since they have a permanent sense of invasion [threat]’²²¹. These fears are profoundly connected with Houtum’s principle of ‘borders of comfort’. According to this scholar, the fence contributes to ‘stabiliz[ing] expectations concerning what is outside us and thereby reducing doubts, uncertainty and vulnerability’ (Houtum, 2003, p.44).

Another underlying element needs to be added to the above explanation: the EU factor. Aróstegui summarises it in a few words when he claims that ‘the fence was erected because Ceuta is the southern border of Europe’²²². Similarly, Severiano Gil claims that the fence is the tax that the enclaves, which he conceptualises as European territorial marks²²³, have to pay for being European territories²²⁴. More explicitly, MP for Ceuta, Francisco Antonio González bluntly states that the reason the fences exist is that in Europe ‘there is not room for everyone’²²⁵. Hence, several interviewees from the enclaves exonerate Ceuta and Melilla from any responsibility in the erection of the fences, claiming that Spain, and not Ceuta or Melilla, with EU economic assistance, ‘built the fences to protect the border and channel the entry [of illegal migrants]’²²⁶. The idea is that the protection of European security are the fences’ main *raison d’être*²²⁷, and that consequently, Ceuta and Melilla are

220. Enrique Delgado, author interview, Melilla, 16 April 2009.

221. Fernando Rau, author interview, Nador, 19 June 2009.

222. Juan Luis Aróstegui, author interview, Ceuta, 23 March 2009.

223. In Spanish ‘marca territorial’ or territorial mark refers to a frontier zone which is highly militarised against the neighbouring country.

224. Severiano Gil, author interview, Melilla, 19 June 2009.

225. Francisco Antonio González, author interview, Ceuta, 20 March 2009.

226. José Luis Gómez Barceló, author interview, Ceuta, 23 March 2009.

227. Antonio Bravo, author interview, Melilla, 16 June 2009.

doing Europe's dirty work²²⁸ by keeping the unwanted away from not only mainland Europe but also the European territories of Ceuta and Melilla.

It is interesting that despite the criticisms from Moroccan NGO's and civil society, and despite the territorial claims of Morocco over Ceuta and Melilla, there has been no official condemnation of the erection of fences by Morocco. On top of that, as seen earlier in this chapter, Morocco has contributed to patrolling and securing the fences.

6.3. The legal and quantitative impact of migration in the enclaves

Strategies to cross

The question now is: How can migrants still reach the enclaves after all the securitization measures taken by the Spanish government since the mid-1990s? Thus, while it is true that the flow has been reduced it is also true that the installation of the fences has forced migrants to endeavour to create new strategies, which are far more perilous. As Benahoud notes, 'there are many ways to cross the border, all you need is €2,500'²²⁹.

Hassan Mettaich and Juan Amado agree that, in general, migrants who try to enter Ceuta and Melilla are those with fewer resources than those with greater means who prefer to take a plane or even a *cayuco* to cross the Strait of Gibraltar²³⁰. However, there is still a price to pay, as the accounts by interviewed migrants confirmed. Gurpreet Singh confirmed having paid, together with 71 of his Indian compatriots, €3,000 (each) for crossing the border of El Tarajal in Ceuta, hiding in a false bottom of a modified car²³¹. According to José Palazón, the local criminal organizations have benefited from the sealing off of the border since with all the security measures their assistance is even more needed²³².

228. José María López Bueno, author interview, Melilla, 19 June 2009.

229. Mohamed Benahoud, author interview, Ceuta, 12 March 2009.

230. Hassan Mettaich, author interview, Nador, 17 April 2009; Juan Amado, author interview, Ceuta, 30 March 2009.

231. Gurpreet Singh, author interview, Ceuta, 16 March 2009.

232. José Palazón, author interview, Melilla, 18 June 2009.

Figure 6.6: Modified car intercepted by the Guardia Civil in Melilla



Source: Spanish Government Delegation Melilla

Alejandro Romero, who has dealt with the cases of hundreds of migrants in Ceuta, concludes that there are five different ways to get to the enclaves²³³:

1. Renting Moroccan Passports: As explained in Chapter 5, due to the Schengen exclusion of Ceuta and Melilla, Moroccans from the adjacent provinces are allowed to cross to the enclaves. People traffickers take advantage of this exceptionality and rent Moroccan passports to migrants with Arab features (Algerians, Syrians, etc.), who return the passport to the gang after having reached the enclaves. As a result, the migrants lack any documentation. According to Romero, this is the main practice by people with Arab features.
2. Swimming from a Moroccan beach to the enclaves: Migrants are equipped with a wetsuit, a tyre, and a lifejacket provided by the people traffickers. This method is the one most commonly practiced by Sub-Saharan. Eritrean national, Bob Rharb²³⁴ used this strategy to reach Ceuta.
3. Hidden in modified cars (see figure 6.6). In January 2009, a gang specialising in smuggling migrants into Melilla using modified cars (the police seized 12 of them in this operation) was dismantled by the Spanish

233. Alejandro Romero, author interview, Ceuta, 16 March 2009.

234. Bob Rharb, author interview, Ceuta, 2 April 2009.

National Police and the Guardia Civil²³⁵ in the most important operation against people traffickers in the Spanish enclave (*El Pais*, 16/01/2009). This method is used by Indians, Pakistanis, and also Sub-Saharan.

4. Migrants coming in big vessels which are anchored near Ceuta. Small boats then transport those migrants to the shores of Ceuta.
5. Crossing the fence. Despite the difficulty and the high risk involved, there are migrants who still attempt to reach the enclaves by crossing the double fence (treble in Melilla). In October 2008, 65 migrants (40 succeeded) attempted to cross the fence in Melilla, taking advantage of a stretch of the fence which was partially destroyed due to the torrential rain which had fallen in the city (*El Pais*, 27/10/2008). Less successfully, a Senegal national died from his injuries, caused by the fence's barbed wire, while attempting to cross the fence in Ceuta in March 2009 (*El Faro de Ceuta*, 10/03/2009).

Devolutions and expulsions

Once the migrant has arrived in the Spanish territories of Ceuta and Melilla, the Spanish law (L.O. 4/2000 and Real Decreto (RD) 2393/2004) may contemplate two possibilities for expelling the migrant; devolution (*devolución*) and deportation (*expulsión*). The devolution case, in which there is no need for an expulsion order, applies to all the migrants who 1) after being expelled, have contravened the prohibition of entering Spain, or 2) have been intercepted at the border or its immediate area (RD 2393/2004, art. 157.1). The Spanish security forces in charge of the border control must bring the migrant to a National Police Station in order to identify the person and, if applicable, then proceed with his/her devolution (art. 157.2).

The devolution process has to be conducted within 72 hours; otherwise an expulsion order must be requested from the judicial authorities (art 157.4). Thus, deportation or expulsion applies to all those who were unable to be devolved such as migrants who have applied for political asylum and who cannot be expelled until their application has been rejected (art. 157.6b). This procedure provides a comprehensive judicial guarantee which includes legal assistance and the right to appeal against the ruling. As it was shown in previous paragraphs, most of the residents in the CETI in Ceuta have applied for asylum (90%) and most of them have had their applications rejected.

235. 21 people (19 Spanish and 2 Moroccans) were arrested under seagull operation (*El Pais*, 28/03/2009).

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Nonetheless, several NGO have complained that the legal procedures have been infringed on several occasions by the Spanish Security forces in the enclaves. Inés de Frutos, Amnesty International Refugee's coordinator in Spain, has complained that the Guardia Civil has not respected the devolution procedures since they have expelled migrants who were inside the enclaves or between the first and the second fence (which is already Spanish territory) without identifying them²³⁶. Alejandro Romero recounts the case of Ceuta:

‘What the Guardia Civil was doing was not that which was envisaged by the law; they caught the migrant on the streets, took him into the police van, opened the fence gates and kicked him out. There have been numerous cases but on the 28th December 2004 we discovered them practised openly. On that day, they were illegally expelling asylum seekers, which means that they were infringing the Geneva Convention’²³⁷.

José Palazón describes a similar situation in Melilla:

‘The Guardia Civil has frequently violated the Aliens Law. The problem is that all the governments have considered Melilla as a special territory, and, as a result, there is a lot of permissiveness towards the security forces. The police illegalities, such as the illegal expulsions of migrants, are justified with the excuse of our frontier character and our geographical situation’²³⁸.

As a result, due to the high numbers of unregistered illegal expulsions, Palazón has argued that the official figures concerning migration in the enclaves (devolutions, expulsions, and illegal entries) are not accurate. Nonetheless, despite the inaccuracies caused by the irregularities, it is strictly necessary to provide a quantitative analysis of migration in the enclaves in order to determine its significance, its evolution, and the impact of the securitization measures implemented in recent years.

Quantitative analysis of migration in the enclaves

With the purpose of elucidating the importance of the migration phenomenon in the enclaves it is crucial to determine the number of devolutions and deportations that take place in Ceuta and Melilla. From table 6.3 and Figure 6.7, we can observe that the number of devolutions in Ceuta and Melilla was almost non-existent during the period 1991-1993. However, in 1995, the year that the fence started being built

236. Inés de Frutos, author interview, Madrid, 8 June 2009.

237. Alejandro Romero, author interview, Ceuta, 16 March 2009.

238. José Palazón, author interview, Melilla, 18 June 2009.

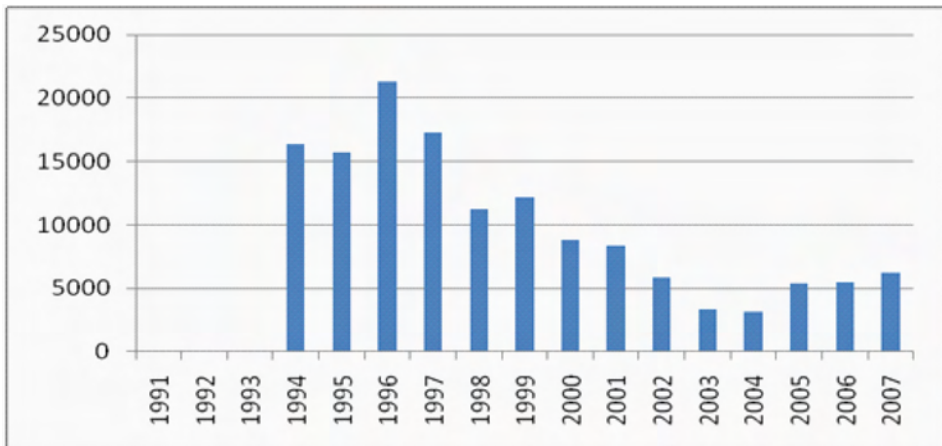
in Ceuta, the number of devolutions reached its peak with 15,729 cases. In general, the highest number of devolutions occurred in the mid and late 1990s. In the past decade, the figures have considerably decreased. Carrera argues that the fences brought security to the enclaves, making it easier for security forces to apprehend illegal migrants²³⁹. According to Carrera, before the fenced off perimeter, the border used to be an open passageway for migrants.

Table 6.3: Devolutions in Ceuta and Melilla (1991-2007)

	1991	1993	1995	1997	1999	2001	2003	2005	2007
Ceuta	30	16	2.116	10.163	8.356	8.244	3.121	4.402	5.362
Melilla	14	2	13.613	7.139	3.791	135	200	978	892

Source: Comisaria General de Extranjería y Documentación²⁴⁰ (CGED) *Memorias Anuales 1991-2007 Estadística de Extranjería y Documentación*.

Figure 6.7: Devolutions (joint) in Ceuta and Melilla (1991-2007)



Source: Comisaria General de Extranjería y Documentación (CGED) *Memorias Anuales 1991-2007 Estadística de Extranjería y Documentación*.

239. Andrés Carrera, author interview, Ceuta, 30 March 2009.

240. General Boureau of Alien Affairs and Documentation, Annual Memories 1991-2007 ‘Statistics of Aliens affairs and Documentation’

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The fact that devolutions have been gradually decreasing in the last few years can be explained by the fact that the security of the fence, which also has a dissuasive effect, has been improved and has made it more difficult for migrants to reach the enclaves. The methods to cross to the enclaves have been diversified, as seen above. The enclaves, however, continue to play an important role in the devolution of migrants nationwide. In 2007 this percentage increased to 39.4%, that is, out of the 15,868 devolutions carried out in Spain, 6,254 took place in the enclaves (Ministerio del Interior, 2008, p.13).

Table 6.4: Illegal entries in Ceuta and Melilla

2005	2006	2007	2008	2009	2010	2011
5.566	2.000	1.553	1.210	1.108	1.567	3.345

Source: Balance de la lucha contra la inmigración 2007, 2008, 2011²⁴¹

The decline of illegal entries into the enclaves is another indicator that migration has diminished in recent years. Even though the figure has visibly risen in 2011, it is still lower than in 2005, when the height of the fences was 3 metres. The peak of illegal entries was reached in 1999 (a year before the security improvements made on the Ceuta's fence), when 7,747 migrants entered the enclave illegally. The surge in the last two years is explained by the emergence of new techniques developed by the mafias to cross the border.

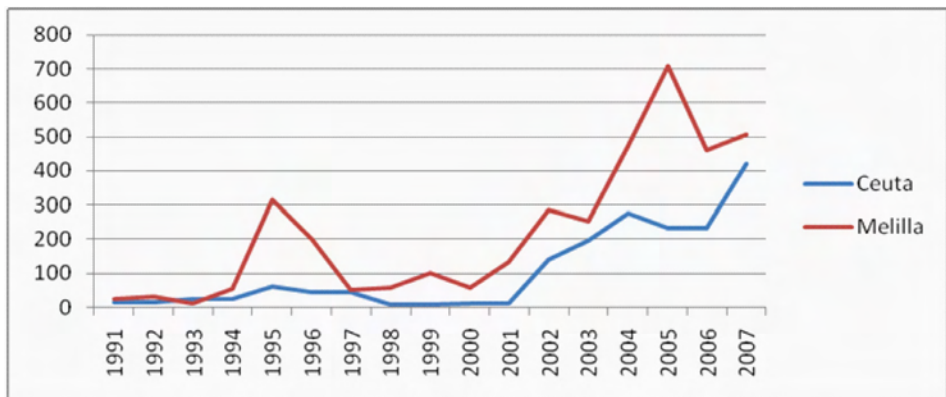


Figure 6.8: Expulsions from Ceuta and Melilla

241. See: Balance de la Lucha contra la inmigración 2011-Ministerio del Interior. Disponible en: <http://www.interior.gob.es/file/54/54239/54239.pdf> (accessed 16/05/2012)

Source: Comisaria General de Extranjería y Documentación (CGED) *Memorias Anuales 1991-2007 Estadística de Extranjería y Documentación*

As for expulsions, with the exception of the year 1995, this practice had been of minor importance for the enclaves, and it did not become significant until 2002. Paula Domínguez, general coordinator for 'Elin' NGO, attributes the low level of expulsions during the 1990's to the fact that, until very recently, the common practice in Ceuta and Melilla was to authorize travel to mainland Spain, or give residence permits, in other words, a *laissez passer* strategy²⁴². This strategy can be explained by the fact that the enclaves were unable to cope with the high number of illegal migrants settling in the enclaves. Domínguez claims that during this period the enclaves were considered a 'papers paradise', but the situation gradually changed in the 2000's with the inauguration of the CETI's.

According to Romero the authorizations previously given to travel to mainland Spain have suddenly stopped and, at present, the only way to reach mainland Spain is if a migrant has been granted refugee status²⁴³. Inés de Frutos interprets this change in the policy of transferring migrants to mainland Spain as a warning for potential migrants, to let them know that if they reach the enclaves, they will be in a no man's land²⁴⁴. As a result, the number of expulsions has increased despite the fact that the number of migrants reaching the enclaves has declined.

The role of the Temporary Reception Centres for Migrants (CETI)

Aside from the sealing of the border perimeter, the Spanish government implemented other measures to reduce the migratory pressure in the enclaves. Firstly, the systematic transfer of migrants arriving at Ceuta and Melilla to mainland Spain. This short-term measure provoked a 'pull effect', since migrants realised that reaching the enclaves meant that they would (almost) automatically be brought to mainland Spain. Thus, between October 1996 and September 1997, 1,410 migrants were transferred from Ceuta and Melilla to mainland Spain (Soddu, 2002, p.56).

Another measure was the construction of centres for allocating migrants-the CETI's (Temporary Reception Centre for Migrants). CETI's are designed to host illegal migrants who, after entering Ceuta and Melilla illegally, are waiting for their order of expulsion or for their asylum application to be processed. Before the CETI's, migrants were staying in improvised camps such as the Calamocarro

242. Paula Domínguez, author interview, Ceuta, 1 April 2009.

243. Alejandro Romero, author interview, Ceuta, 16 March 2009.

244. Inés de Frutos, author interview, Madrid, 8 June 2009.

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camp in Ceuta (inaugurated at the end of 1995), and the Lucas San Lorenzo and the Granja in Melilla. These camps, which suffered numerous shortages, were a sign of improvisation by the administration, which delegated its responsibilities to local NGO's^{245,246}. By the end of 1999, the situation in the Calamocarro camp had become unsustainable with 1,551 migrants in a camp that was designed to host 150 people (Soddu, 2002, p.87). As Severiano Gil has noted, it appeared clear that Sub-Saharan migration posed an infrastructural challenge for the cities that was not properly dealt with until the creation of the CETI's²⁴⁷.

The installation of the CETI in 1999 in Melilla and in March 2000 in Ceuta illustrated that the Spanish Government was fully aware of the magnitude of the problem that migration represented for the small enclaves of Ceuta and Melilla. Hence, after almost a decade of confusion, neglect, and delegation of responsibilities, the Central administration was ready to act. Valeriano Hoyos assesses the importance of the CETI stating that: 'The CETI represents a significant change in terms of the approach followed by the [Spanish] administration'²⁴⁸.

The CETI in Ceuta can host a total of 512 people, although in critical situations such as October 2005 the centre has been overcrowded with 682 residents (European Commission, 2005b, p. 17), and in the summer of 2007 the centre hosted a record number of 768 people. The CETI in Melilla has suffered more problems connected with overcrowding than its counterpart in Ceuta. Thus, despite its capacity officially being 472, on 13th October 2005, it was hosting 1135 people (European Commission, 2005b, p.17).

According to Alejandro Romero, an NGO lawyer working in the CETI in Ceuta, the overwhelming majority of residents in the CETI apply systematically for political asylum²⁴⁹. Thus, in July 2009, out of 426 residents in Ceuta, 380 (representing nearly 90% of the total) had applied for asylum. However, most of the applications (308)²⁵⁰ were denied on the basis that the applicant was an economic (and not a political) migrant.

245. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

246. For instance, in the Calamocarro camp in Ceuta, the Red Cross was in charge of the medical assistance to migrants and the Federation of Migrant Associations (FAIN) was developing social mediation programmes (Soddu, 2002, p.85).

247. Severiano Gil, author interview, Melilla, 19 June 2009.

248. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

249. Alejandro Romero, author interview, Ceuta, 16 March 2009. Romero is a lawyer from CEAR, (Comisión de Ayuda al Refugiado), a Spanish NGO which provides assistance to migrants and political refugees.

250. This data information was kindly given to the author by Alejandro Romero, based on figures from the Spanish Ministry of Labour and Social Affairs.

The CETI's are administered by the Spanish Ministry of Employment and Social Security, which defines them as 'public administration institutions, conceived as first reception instruments intended to provide basic social services and benefits [...]to migrants and asylum seekers'²⁵¹. According to Valeriano Hoyos, the director of the CETI in Ceuta:

'We are the kind face of the Spanish administration [...] we are an open centre, there is no one obliged to stay here since we are not a prison, which means that we can work in a relaxed way with migrants. Our institution provides migrants with a multidisciplinary team of lawyers, doctors, psychologists, and with social activities (Spanish lessons, IT courses, library, sports activities...) aimed at integration. Our end is not to solve the migration problem but to provide solutions for those who arrive [...]. For instance, all residents receive a lecture at their arrival on the characteristics of the Spanish asylum law so that -if they meet the criteria- they are able to apply. The CETI represents a social benefit for migrants and for the city because [thanks to the CETI] they [migrants] do not collapse the local social services, and they do not beg for food on the streets because here they have roof and food'²⁵².

In terms of these services, Bob Rharb, an Eritrean resident in the CETI since September 2008, assesses the CETI as 'generally good, we get food, a bath and shelter'²⁵³. Similarly, a delegation of MEP's from the European United Left/Nordic Green Left who travelled to Melilla in October 2005, were surprised 'to see a well-functioning centre where migrants were free to come and go as they pleased, were given food, accommodation and education [...] in a clean and pleasant-looking environment', underlining the differences between the CETI and the much more oppressive centre for migrants, Italian administered, in Lampedusa (2005, p.22).

NGO's connected to the Bengali community in Melilla however have criticised the CETI's arguing that the centres also serve as a tool for the expulsion of migrants who have not managed to regularise their situation (*Melilla Hoy*, 19/12/2009). Hence, in 2008, in Melilla, 130 Bengalis slept in the streets outside the CETI, fearing that the Spanish police would enter the centre and deport them (*Melilla Hoy*, 4/02/2008). On the 7th April 2007, a similar situation occurred in Ceuta, when 72 Indian nationals fled the CETI and built their own camp in the

251. See: 'Guía Laboral - Actuaciones dirigidas a inmigrantes, refugiados, solicitantes de asilo y desplazados' del Ministerio de Empleo y Seguridad Social. Disponible en: http://www.empleo.gob.es/es/Guia/texto/guia_8/contenidos/guia_8_22_4.htm (accessed 18/05/2012).

252. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

253. Bob Rharb, author interview, Ceuta, 2 April 2009.

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mountains (see figure 6.9). Gurpreet Singh, the spokesperson for the Indian migrants²⁵⁴, explains that the decision to leave the CETI was taken on the basis that they ‘feared being deported from the CETI after 48 compatriots were taken back to India’ on that day²⁵⁵. Thus, despite the fact that the CETI’s represent the, as Hoyos puts it, ‘kind face’ of the administration –represented by their integration approach, their open regime and their transparency– it should not be forgotten that they remain part of the administration²⁵⁶.

Figure 6.9: Indian migrant camp outside the CETI in Ceuta



Source: author

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254. This group of migrants remained in Ceuta for four years. For over two years they stayed in shanty camps in the mountains like the one photographed by the author (figure 6.9). In 2011, a documentary was launched ‘Los Ulises’, where the Indian migrants tell of their long journey since they abandoned their home country until they reached Ceuta. In an interview that took place in the mountain of ‘el Renegado’ (Ceuta), in March 2009, they explained to the author that their particular *odyssey* began in New Delhi in August 2004. Before arriving in Ceuta at the end of 2006, they passed through Burkina Faso, Mali, Algeria and Morocco. On their way, they suffered from malnutrition (two of them died in the Sahara desert as a result of it), they were victims of burglars and organised mafias, and finally, they were systematically abused by security forces from different North African states.
255. Gurpreet Singh, author interview, Ceuta, 16 March 2009.
256. All the migrants staying in the CETI have previously been registered by the Spanish Police. If there is an expulsion order for a migrant, the Spanish Police enters the CETI and takes the migrant away, beginning the procedure for expelling him/her (Valeriano Hoyos, author interview, Ceuta, 20 March 2009).

The effects of the Double Border on migrants

'Oh my warriors, whither would you flee? Behind you is the sea, before you, the enemy. You have left now only the hope of your courage and your constancy' (Tariq Ibn Ziyad²⁵⁷ address to his soldiers, 711 AC in Horne, 1917, p.141)

It is believed that in the early stages of the conquest of the Iberian Peninsula, the Berber General Tariq Ibn Ziyad encouraged his soldiers to be courageous in battle by warning them that they had no other choice; 'behind you is the sea, before you the enemy', that is, behind you the Strait of Gibraltar, before you the Iberian Visigoth troops (Horne, 1917, p.241). 1,300 years after Tariq's speech, migrants in Ceuta and Melilla face a similar challenge at the Southern shore of the Strait. In effect, behind them is Africa, poverty, their past, what they left behind, and before them the Strait of Gibraltar²⁵⁸, operating as a natural obstacle which impedes them to reach continental (Schengen) Europe. Soddu defines the Strait of Gibraltar as a natural barrier which jeopardises the aspirations of African migrants: 'The illusion of having reached Europe [upon arrival in the enclaves] encountered a geographical obstacle, a line of separation between two worlds' (Soddu, 2002, p.70).

According to Amado, migrants travel to the enclaves in order to be transferred to mainland Spain²⁵⁹. The paradox is that when they reach the enclaves, which are the stepping-stones towards continental Europe, they are officially in Spain but they are unable to travel to their ultimate goal: 'la grande Espagne'^{260,261}. However, in recent years this transfer has become almost unviable, and in many occasions, the migrant is trapped in Ceuta and Melilla, making the approval of his/her asylum status the only way to successfully escape from the Spanish cities. Consequently, Ceuta and Melilla constitute a double border; on the one hand a border with Africa, and, on the other hand, a geographical border (the Mediterranean Sea) which is enhanced by the enclaves' exclusion from Schengen. Valeriano Hoyos explains the consequences of this double border for migrants:

'There are two borders in Ceuta and Melilla; a land border with the Third World and a sea border in the Strait. Thus, when they [migrants] come here [Ceuta/Melilla], they enter Spain but they are unable to continue

257. Tariq is the Muslim general who led the conquest in the Iberian Peninsula.

258. In the case of Ceuta, the Strait of Gibraltar, in the case of Melilla, the Mediterranean Sea.

259. Juan Amado, author interview, Ceuta, 30 March 2009.

260. Sub-Saharanans who are from French speaking countries refer to mainland Spain as 'la grande Espagne', in contrast with the isolated 'petite Espagne' which constitute Ceuta and Melilla.

261. José María Martínez Campos, author interview, Ceuta, 1 April 2009.

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their journey into mainland Europe. The natural border of the Strait stops them here [Ceuta/Melilla] as when they arrive, an expulsion order is automatically issued. Even though the migrant is officially not retained in Ceuta, and they are allowed to circulate freely within the city, they cannot leave the city since there is an order of expulsion in force²⁶².

In practice, due to the situation of Ceuta, the city becomes a big retention centre for migrants. This partly explains why, unlike in the rest of Spanish territory, there are no retention centres²⁶³ in Ceuta and Melilla. Migrants have described the enclaves in similar terms. For Bob Rharb, being in Ceuta is 'like being locked up in a big space, in a big jail'²⁶⁴, whereas for Gurpreet Singh Ceuta represents a 'golden jail'²⁶⁵. Both Bob and Gurpreet ignored the fact that there was another border between Ceuta and the rest of Spain. As Bob Rharb put it; 'I didn't know that I couldn't get to the [Iberian] peninsula. I thought it would be easy since it [Ceuta] is Spanish territory but Ceuta is like an island, it's isolated'. In the case of Gurpreet, this ignorance was fuelled by human traffickers who made false promises about Ceuta and Melilla, omitting the fact that there is another border between the enclaves and the rest of Spain.

Francisco Antonio González, MP for Ceuta, assesses the problems which illegal migrants face in Ceuta: 'Even though all their basic needs are covered by the CETI that is not what they were aiming for. They [migrants] have to look for resources, begging on the streets'²⁶⁶. Bob Rharb's account confirms González analysis: 'In Ceuta I cannot work, I have to beg for money'²⁶⁷, I hate it but it's the only way to get pocket money. It is not decent but it's the only choice I have. All I want is to get my papers and go anywhere in Europe', that is, Schengen Europe. The final problem highlighted by migrants was the long time that the processing

262. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

263. Centros de Internamiento de Extranjeros (CIE).

264. Bob Rharb, author interview, Ceuta, 2 April 2009.

265. Gurpreet Singh, author interview, Ceuta, 16 March 2009. On the one hand, the concept involves a positive factor, since migrants in the enclaves are provided with food, shelter and health and education services. It should also be added that Ceuta is seen as pleasant, beautiful and cosmopolitan city by both Bob and Gurpreet. On the other hand, it also has a positive connotation since it denotes being entrapped, unable to continue their journey towards continental Europe.

266. Francisco Antonio González, author interview, Ceuta, 20 March 2009.

267. Aside from begging for money, migrants have very little options to earn pocket money. Among these options, the most common are: washing cars, charge drivers with an optional parking tax (the driver gives them a tip to thank them for providing a parking space and for taking care of the car's safety) and helping old people to carry their bags from the supermarket in exchange of a tip.

of their expulsion orders (or acceptance of their refugee status) was taking: 'The government delegate wants us to be deported... but why didn't he do it before? Why are we waiting for so long? Why there is not a time limit?'²⁶⁸.

The double border and the price of being fortified

The fences' main justification is that they are necessary to prevent migration, not only due to the enclaves' incapacity to deal with large number of migrants in their tiny territory but also for the sake of EU security. However, it is essential to elucidate what the drawbacks of the fortification policy are, i.e. what is the price of being fortified? In terms of discourse, the head of cooperation in the Tetouan local government, Dounia Rochdi, has claimed that the fences represent a shameful contradiction between the good neighbourhood discourse offered by Spain and the EU and the construction of separation fences between Ceuta and Melilla and Morocco²⁶⁹. Likewise, Icham Rachidi argues that the symbolism of war indicated by the barbed wire, the deployment of the army, infra-red cameras, and 4x4's patrolling the borders, does not make for good neighbourly relations²⁷⁰.

Another common criticism towards the fortifying practices in Ceuta and Melilla is that, aside from protecting the enclaves, the fences also isolate them²⁷¹. Thus, Severiano Gil notes that the enclave dwellers are thus fenced off from their hinterland by the fences which are designed to protect them, whilst Najib Bachiri, goes a step further, claiming that the residents of Ceuta and Melilla resemble 'free prisoners'²⁷². This argument is also defended by David Newman (2008) who rhetorically asks, 'when we build a fence or a wall, rather than keeping others out, do we fence ourselves in?' In the case of Ceuta and Melilla, due to their enclave character and their limited territory (19km² Ceuta and 12.3km² Melilla), the erection of the fences have contributed to aggravating the idea of being locked up in a small European ghetto. The fact that Schengen Europe also has a border with both enclaves means that they are surrounded by a double border, thus aggravating their isolation. According to Hassan Mettaich, with the erection of the fences both enclaves have all the attributes to make it a 'European ghetto': they are surrounded on the one hand by their land border with Morocco, which is now

268. Gurpreet Singh, author interview, Ceuta, 16 March 2009.

269. Dounia Rochdi, author interview, Tetouan, 6 April 2009.

270. Icham Rachidi, author interview, Rabat, 12 June 2009.

271. Antonio Bravo, author interview, Melilla, 16/ June 2009.

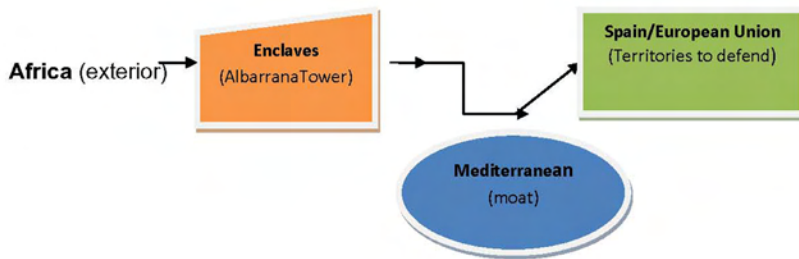
272. Severiano Gil, author interview, Melilla, 19 June 2009; Najib Bachiri, author interview, Nador, 19 April/2009.

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protected with the 6.1 metre double fence, and on the other hand, by the border with Schengen Europe²⁷³.

According to Vicente Moga the EU and Spain consider Ceuta and Melilla as Albarrana towers (i.e. detached defensive towers built outside the fortified walls), that is, territories, which in practice belong to the EU but, whose main aim is to protect the rest of the EU (Schengen EU) against illegal migration²⁷⁴. Using a similar argument, fortifications expert Antonio Bravo admits that Ceuta and Melilla constitute European Fortresses (see figure 6.10) stating that ‘for us [Ceuta and Melilla], the word ‘fortress’ has no negative connotations, because they [fortresses] are part of our heritage’²⁷⁵.

Figure 6.10: Ceuta and Melilla as Albarrana Towers



Source: Figure by author from information provided by Antonio Bravo²⁷⁶

Figure 6.10 graphically describes the frontier guard role played by Ceuta and Melilla. Their aim is to protect themselves and the EU from illegal migration coming mainly from Sub-Saharan Africa. However, the picture is more complex: their sharp border with Africa is accompanied by another sharp border with mainland Spain. Similar to Albarrana towers, they are detached from the territory they aim to protect. In the case of the enclaves, the geographical detachment is consolidated in legal terms through their exclusion from the Schengen regime. As argued previously, this exclusion from Schengen entails a border between the enclaves and mainland Spain/Schengen Europe.

273. Hassan Mettaich, author interview, Nador, 17 April 2009.

274. Vicente Moga, author interview, Melilla, 21 April 2009.

275. Antonio Bravo, author interview, Melilla, 16 June 2009.

276. Antonio Bravo, author interview, Melilla, 16 June 2009.

CHAPTER 7

EXTERNALISING THE FORTRESS: THE STRATEGY OF COOPERATION IN EXCHANGE OF SECURITY IN MOROCCO

The fences in Ceuta and Melilla, and other measures such as SIVE or FRONTEX were insufficient to combat illegal migration. In response to this it was found to be necessary to extend border controls beyond EU territories. This European strategy, which can be named externalization, has a vital importance in Morocco. Its implementation means that, in practice, the fortresses of Ceuta and Melilla go beyond their territories and Morocco becomes a constitutive part of Fortress Europe.

7.1. The externalization policy

The legal roots of externalization

The Tampere European Council, in October 1999, was the first phase of the process of externalisation, during which European leaders agreed on the elements for future migration and asylum policies. It should be noted that, some of these elements directly involve (migration) countries of origin and transit. Thus, the Presidential conclusions of this Council acknowledge that cooperation with countries of transit and origin is necessary by stating that; ‘partnership with third countries concerned will [...] be a key element for the success of such a [EU common migration] policy’ (Council of the European Union, 1999).

Following the Tampere conclusions, the Seville Summit, in June 2002, also underlined the necessity for cooperating with transit countries in order to manage migration flows. However, the Seville conclusions represent an unprecedented step in terms of the externalisation of borders strategy, since the Council explicitly conditions any future EU cooperation with third countries to the commitment of these countries in the fight against so called ‘illegal migration’. Never before

had the conditionality clause, or the carrot and the stick policy as it is sometimes called, been so unambiguous. It can be argued that the Seville conclusions were heavily influenced by a right-wing agenda and by conservative figures such as former Spanish PM José María Aznar. Cooperation had never before been as openly linked to the fulfilment of EU interests and demands. Thus, in the Seville conclusions it is stated that:

‘the European Council urges that any future cooperation, association or equivalent agreement which the European Union [...] concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration’ (Council of the European Union, 2002, p.10).

According to González and Sorroza, the Seville Summit introduced a new form of conditionality; cooperation in migration issues (2009, p.16). This new form of conditionality, however, was not the only measure proposed by the Seville European Council. In addition it was proposed that, in the case of unsatisfactory cooperation by a third country, the establishment of closer relations with the EU could be hampered (Council of the European Union, 2002, p.11). Further to the jeopardy of relations, if the third country still refuses to cooperate, the EU opens the door to sanctions. Several NGO’s have severely criticised the Seville Summit for conditioning economic cooperation from the EU to migration cooperation by third countries. It is important to note that since 2002, the *Seville doctrine* has been essential in defining the conditionality-based relationships between the EU and North African states.

Necessary conditions for externalisation

The EU needs its neighbours to meet several requirements and policy adaptations for the externalisation policy to be successful. The following are the most significant:

- Exporting classical migration control instruments such as border controls to transit or sending countries (Boswell, 2003, p.622).
- Centres to hold migrants while awaiting return to a final destination.
- The creation of asylum procedures in the transit countries that make return legally palatable.
- Transit states/states of origin acceptance of the ‘returnees’ (readmission agreements).

(Schuster, 2005, p.2)

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For the purpose of exporting migration control instruments, the EU needs to provide third countries with technical experts from EU member states (such as Immigration Liaison Officers), the development of twinning programmes or joint initiatives, the provision of training for the neighbours' border guards, and the provision of equipment and financial support is provided by the EU (European Commission, 2005b, pp.5-8; European Commission, 2006). With this 'assistance' the EU implies that the countries which it involves in externalisation are, putting it mildly, useless. The provision of training for third countries is particularly paternalistic and it reveals mistrust towards these countries as well as a will to (re) define the migration policies of its neighbours.

Of the above conditions, the creation of 'retention centres' in transit countries such as Libya and Morocco is, without a doubt, the most controversial. It has been suggested that the EU was, in some form, involved in building, promoting, and financing these camps in the Maghreb (Migreurop, 2005; Valluy, 2005). However, the EU backing of these camps did not materialise as a result of the EU Parliament's rejection of the project (European Parliament, 2004). The pressure from the civil society and the categorical rejection from individual states such as France and Sweden made sure that the Transit Processing Centres²⁷⁷ (TPC) proposal did not succeed. However, the mere fact that such an idea was suggested highlights that in the war on migration carried out by the EU and member states all means are valid.

Capacity building of asylum procedures in transit countries is another necessary condition for the realization of the externalisation approach. As argued by Schuster, it is a necessary condition for making readmissions to third countries 'legally palatable' (2005, p.2). The asylum procedures, required by the EU to transit countries, are based on goals of the Agenda for Protection, conducted by the United Nations High Commissioner for Refugees (UNHCR) (2003) and include; a strengthening of the 1951 Convention relating to the Status of Refugees, the protection of refugees within broader migration movements, the sharing of burdens and responsibilities more equitably, and the building of capacities to receive and protect refugees.

277. The origins of these controversial camps can be found in a UK paper, entitled 'New International approaches to asylum processing and protection'. TPC's were planned to be 'established protected zones in third countries, to which those arriving in EU member states, and claiming asylum could be transferred to have their claims processed' (Home Office, 2003). The paper states that these potential centres would be located outside the EU and that the financing would come from member states and the Commission. The European Commission expressed concerns on the compatibility of this project with the 1951 Refugee Convention, EU legality and the member states legality (European Commission, 2003b).

The issue of promoting asylum procedures in transit countries is strictly connected with the fourth element of externalisation: signing readmission agreements with these countries. Readmission agreements are based on a simple premise: commit third countries to readmit migrants (nationals or otherwise) who have passed through their territory into the EU (Boswell, 2003, p.622). As stated by the European Commission, 'Readmission Agreements stipulate the obligation to readmit nationals of the country with which the EU has signed the agreement [...] [and] persons of another jurisdiction who entered the EU illegally from the country in question' (2005c).

Readmissions are a key priority for the EU fight against unauthorised migration as the incorporation, in the 1999 Tampere Council, of readmission clauses in all association and cooperation agreements concluded by the EU with third countries shows (Lavenex and Uçarer, 2004, p.428). Subsequently, the Laeken Council of 2001 also stressed the importance of readmission agreements with third countries (Council of the European Union, 2001, p.11). However, the EU is faced several difficulties involved when sending migrants to transit or origin countries. Firstly, Sub-Saharan countries are sometimes reluctant to collaborate with forced readmissions and do not accept large numbers of irregulars (Haas, 2008a, p.19). In other cases, as, Indian irregular migrant in Ceuta, Gurpreet Singh notes, human traffickers systematically steal migrants' passports with the purpose of making them more vulnerable to the trafficker's extortion²⁷⁸.

It is important to highlight that no readmission agreement has hitherto been signed between the EU and a North African state²⁷⁹. The main reason that explains this fact is that North African countries do not benefit from this policy and in some cases it goes against their national and regional interests. In short, they have to deal with a problem which on many occasions it is not their problem. As a result of the refusal to sign the readmission agreements, the EU commissioner for Justice and Home Affairs, Jacques Barrot, has stated that the relations between the EU and countries such as Algeria, Morocco and Libya were becoming 'difficult' (Emarrakech, 12/03/2009). Barrot's complains clearly summarise the nature of externalisation and the policy constraints faced by North African states. In other words, they ought to comply with the EU demands on the fight against migration since, if they refuse, their relationship with the EU 'becomes difficult'.

278. Gurpreet Singh, author interview, Ceuta, 16 March 2009.

279. The EU has concluded readmission agreements with the following countries: Russia, Sri Lanka, Hong Kong, Macau, Ukraine, Albania, FYROM, Serbia, Pakistan, Georgia, Montenegro, Bosnia and Herzegovina and Moldova (Parliamentary Assembly-Council of Europe, 2010, p.6).

Externalisation and the ‘Arab Spring’

The Arab spring has been a concern for EU leaders for a wide variety of reasons. One of these reasons is migration. In terms of migration, the EU policy makers are preoccupied with the Arab Spring for two reasons. On the one hand, since the instability in North Africa has led to an increase of the so called ‘illegal border crossings’ into the EU. Between January and March 2011, for instance, over 20,000 Tunisians arrived in Lampedusa (Frontex, 2011). Security orientated think-tanks have claimed that the instability in North Africa required large-scale investments in border enforcement to further seal the EU borders (Morehouse & Blomfield, 2011, p.1).

On the other hand, the EU policy makers are concerned because of the potentially damaging consequences for externalisation as a result of ‘regime change’ in North Africa. A publication from the EU Commission from November 2011 asserts that ‘The Arab spring and events in the southern Mediterranean in 2011 further highlight the need for a coherent and comprehensive migration policy for the EU’ (EU Commission, 2011: 2). This publication unveils a new EU strategy to tackle migration: ‘Global Approach to Mobility and Mobility’.

This approach is nonetheless not new. In fact, it should be interpreted as an adaptation of previous strategies in order ‘to respond to the challenges of changing migration trends’ (EU Commission, 2011: 2). It is an adaptation not only to changing migration trends but also to changing ruling elites (at least in Tunisia and Libya) aimed at engaging the new post-revolutionary governments in the cooperation on migration. In effect, the ‘new approach’ contains the old ingredients: emphasis on readmission agreements, operational support to fight against unauthorised migration, etc.

At first sight it may seem that the uprisings and revolutions that have swept the North African region would necessarily challenge the policy of externalisation. Interestingly, however, there has been continuity in the policy despite the regime changes. In effect, the EU has taken the issue as a high priority and in October 2011 it had already launched dialogues on migration and security with the new administration in Tunisia and prepared similar dialogues with the new governments in Egypt and Libya (EU Commission, 2011: 2).

Likewise, Italy signed a bilateral accord with the Libyan National Transitional Council in June 2011 (two months before Tripoli was conquered by Libyan anti-Gadhafi fighters) aimed at ‘combating illegal immigration’ (Ministero degli Affari Esteri, 2011). This prompt reaction shows, first of all, how significant migration issues are for both the EU and Mediterranean member states. It also shows

that externalisation is not a priority for both sides but it is primarily a European concern, and as a result, the EU needs to provide third countries with incentives to ensure their cooperation.

Cooperation strategies; the carrot of externalisation

Thus the externalisation strategy reflects EU interests in reducing migration flows and has little to offer to transit and sending countries apart from picking up ‘the tab for those migrants prevented from entering the EU’ (Geddes, 2005, p.798). As explained above, the perverse logic of externalisation was set in the Seville European Council, which plainly stated that if (third) countries do not cooperate, their relationship with the EU could be at stake. This leaves third countries in North Africa with very little room for manoeuvring when it comes to negotiating with the EU.

However, aside from this ‘stick’, there is also a ‘carrot’, which comes in the form of economic cooperation. In effect, it appears clear that the externalisation of EU borders approach would be completely unworkable without substantial funding from the EU towards transit countries. In this sense, former Libyan leader, Muammar Gaddafi, taking advantage of his position of power derived from being a crucial transit country, claimed in August 2010 that the EU should pay 5 billion euro a year to help Libya in the fight against unauthorised migration and avoid a ‘black Europe’ (*bbcnews*, 31/10/2010).

According to Boswell, the EU attempts to achieve cooperation on migration management (readmission agreements, reinforced border controls, etc.) with sending and transit countries ‘through binding them into mutually beneficial areas of partnership’, that is, through financial aid (Boswell, 2003, p.636). It could be argued that the EU uses a quid pro quo strategy that offers privileged bilateral relations and financial assistance in exchange for cooperation in (mainly) migration issues. The European Parliament has perfectly summarised the link between economic cooperation with third countries and the EU migration policy by stressing ‘the need for cooperation between third countries and the EU so as to ensure a comprehensive and balanced EU asylum and migration policy’ (European Parliament, 2004). The Parliament recognises that such cooperation can be implemented through existing instruments such as the European Neighbourhood Policy (ENP).

Despite the fact that the ENP was originally conceived for Eastern European countries, since 2004 the neighbourhood policy also includes the Southern Mediterranean countries (Soler, 2008, p.23). This policy is, however, slightly different whenever it comes to the neighbouring south since there is no plausibility of ac-

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cession to the EU for the countries of the Southern Mediterranean shore. Indeed, the ENP contemplates ‘everything but institutions’ in return for internal reforms. Put briefly, the EU offers through the ENP a politically privileged relationship and economic integration to its neighbours in compensation for being excluded from the EU.

This privileged relationship is conditioned through the commitment of neighbouring states to the common values of democracy, human rights, rule of law, and, as stated in the Seville Summit, to cooperation with the EU’s fight against migration. One of the problems of ‘conditionality’ is that it is driven by an Euro-centric approach in the sense that EU member states are assumed to embody those ‘common values’ whereas neighbours lack them (Kramsch, 2011, p.201) and need to be monitored, assisted and even pressured to comply with them. According to Sarto and Schumacher, the ENP, ‘relies on a benchmarking approach: Only those states that share the EU’s political and economic values [...] will have anything to gain from the EU’s Neighbourhood Policy’ (Sarto and Schumacher, 2005, pp.22-23).

The ‘European Security Strategy’ document explains the reasons for the ENP’s existence; ‘[e]ven in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed’ (Council of the European Union, 2003, p.2). Similarly, former commissioner for external relations and the ENP, Benita Ferrero-Waldner emphasises the importance of stability and prosperity of the neighbours for the EU by noting that: ‘[i]t is absolutely crucial that we take an active interest in our neighbours’ living conditions and work with them to meet common challenges such as migration flows in order to create a more stable and safer environment in our respective countries’ (European Commission, 2006).

This sentence summarises one of the problems of externalisation: asymmetry. In effect, it is the EU who defines what the ‘challenges’ are and that these challenges are ‘common’. It is the EU perspective and the EU values and interests that prevail. The role for North African states is secondary at most—they are a partner who is expected to cooperate on ‘common challenges’ but who does not participate in the decision-making process. As van Houtum and Boedeltje note ‘the ENP is the EU’s new and main instrument to address the threats it currently perceives’ (2011, p.124).

Therefore, the fact that the EU seeks a level of interdependence with its southern neighbours through cooperation needs to be read more as part of their ‘defence strategy’ than a manifestation of altruism. As Bialasiewicz notes it is becoming more explicit that EU soft power policies have as an ultimate goal

tackling ‘hard threats’ and ‘preventative security’ (2009, p.79-80). In effect, one of the problems with the various neighbourhood policies seems to be their subordination and conditionality to the EU’s interest, and, most notably, to the EU internal security.

7.2. The role of Morocco in the fight against migration: the expansion of the European fortress

After having seen the nature and the goals of externalization, it becomes essential to link this policy with the state that surrounds the land borders of Ceuta and Melilla. A scrutiny on Morocco’s role in the EU’s externalisation strategy is useful since this state from the Maghreb is a crucial transit country between the African continent and Europe and the main receptor of EU funds through the European Neighbourhood Policy Instrument (ENPI). In addition, Morocco is one of the countries that have received the pejorative label of ‘Europe’s gendarme’. The relationship between Morocco and migration, however, is complex and multidimensional and therefore it requires a brief conceptualisation.

The triple dimension of migration in Morocco: sending, transit and destination

Morocco is, at present, not only a country of emigration, but also a transit country between Sub-Saharan and the EU, and even a destination country (Belguendouz, 2005, p.156). Traditionally however, Morocco has been a country of emigration: in 2009 3.5 million Moroccans were living in Europe according to the Council of the Moroccan Community Abroad (*El Pais*, 16/07/2009). In addition, according to the World Bank, in 2010 Morocco ranked the 18th top remittance receiving country, with \$6.4 billion being sent home from Moroccans living abroad²⁸⁰.

Nevertheless, in recent years, Morocco has been transformed into a transit country for mostly Sub-Saharan migrants attempting to reach Spain and the EU (Baldwin-Edwards, 2006, p.311). This transformation has meant for example that in every year since 2000 (except in 2002), the apprehension of foreign nationals by Moroccan security forces has been higher than the apprehension of Moroccan

280. World Bank, Development prospect group, (2011) *Migration and Remittances Top 10*. Available at: <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Top10.pdf> (accessed 4/03/2011).

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nationals. The International Organization for Migration estimates that between 10,000 and 20,000 Sub-Saharanans are currently staying in Morocco with the intention to reach the EU (Mghari, 2009, p.4).

According to research conducted by the 'Association Marocaine d'Etudes et de Recherches sur les Migrations', 76% of these Sub-Saharanans are irregular or *sans papiers* (without papers), 21.5% are asylum seekers and just over 2% have had their refugee status recognised (Mghari, 2008, p.10). Moroccan NGO Gadem points out that the presence of the Sub-Saharan community has become more visible in Morocco since the late 1990s after conflicts in Rwanda, D.R. Congo and Western Africa (Gadem, 2009, p.15).

Given the difficulty of crossing to the Spanish enclaves of Ceuta and Melilla or mainland Europe, as a result of the securitization of the EU borders, Morocco has also become a final destination for some of these migrants. In Haas's view; 'a considerable proportion of migrants failing or not venturing to enter Europe prefer to stay in North Africa as a second best option rather than returning to their [...] origin countries' (2008b, p.1308). However, staying in Morocco is the aim of only 2.4% of Sub-Saharan migrants (Mghari, 2008, p.12).

The fact that Morocco is challenged by migration is a concern for the EU due to the geographical proximity and, consequently, it is of great importance for the EU to assist, cooperate and also put pressure on Morocco so that it follows the requirements of externalisation.

The externalisation in Morocco

Morocco, as one of the main transit countries, represents a key player and a key priority for the EU in migration issues. The relationship between Morocco and the EU²⁸¹ is defined by an Action Plan signed in July 2005. The plan is a good summary of the ENP: Morocco commits itself to implement reforms in exchange of a set of incentives provided by the EU. Since October 2008, Morocco has developed a far closer relationship with the EU through a new formula, labelled as 'advanced status'²⁸².

281. The deceased Moroccan king, Hassan II, applied for EC membership in 1987 (Baracani, 2005, pp.274-275). The rejection of Morocco's application as an EC candidate on geographical grounds represented a cooling of the relationship.

282. The advanced status could be conceptualised as more than a neighbourhood relationship, but less than accession (Jaidi, 2007, pp.22-23). According to Jaidi the advanced status granted to Morocco represents 'a road map for the progressive, sustained development of bilateral relationships in the political, economic, financial, and human fields' which will facilitate

This unique status involves a deepening of political relations, and gradual integration of the Moroccan economy to the internal EU market through a convergence of regulations and promotion of cooperation. The concession of this advanced relationship has fuelled the debate on the motives behind privileging Morocco over its North African neighbours (Gillespie, 2010, pp.97-98). Ali Nasseh interprets the granting of the advanced status critically pointing out that it is a sort of recognition for Morocco's contribution to the fight against immigration²⁸³.

In this context, it becomes necessary to assess the cooperation provided by Morocco in the EU fight against irregular migration using the standards explained in previous sections:

Readmission agreement: Despite the recognition of a privileged relationship with Morocco, and substantial EU funding through the ENPI²⁸⁴, and specific funds to assist the Kingdom to fight against irregular immigration, the European Commission has not yet managed to sign a readmission agreement with Morocco. The negotiations over the readmission agreement, which would include both Moroccan and third country nationals who had entered the EU through Morocco, between the Commission and the Kingdom began in September 2000 and were still on-going in 2012. In fact, according to the European Commission, the readmission negotiations have not made any real progress in recent years (2009a, p.15).

Establishment of asylum procedures that guarantee the protection of refugees: the European Commission states that, despite the mention for the first time of the asylum right in the Moroccan constitution, little progress has been made recently in the field (2012b, p.12). The Commission yearly report on Morocco also claims that the North African country does not always officially recognise refugees arriving on its territory nor provide them with any assistance. Finally, the report exhorts Morocco to adopt its national legislation to the international commitments that they have signed and ratified (Comisión Europea, 2012b, p.12). Thus, with regards to the condition of implementing asylum policies, Morocco has still a long way to go to meet the externalization criteria.

Migration Control: Unlike the previous two points, the Moroccan collaboration in relation to the protection and control of its borders is in line with the externalization requirements.

Morocco's participation in certain community programmes and agencies (2009, p.149). For instance, in joint operations with the EU's border agency, FRONTEX.

283. Ali Nasseh, author interview, Tetoun, 6 April 2009.

284. Morocco has received €879 million during the period 2007-2011 from this EU instrument. Out of the 18 'neighbours' that benefit from them, Morocco is the second recipient, after the Palestinian National Authority (European Commission, 2012a, pp.35-37).

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- At an institutional level: creation in 2005 of institutional bodies such as the *Migration Observatory* and the *Agency for migration and the surveillance of borders* aimed at controlling the ‘infiltration’ points used by irregular migrants. Since October 2011, Morocco belongs to the Visa Information System (VIS), which gathers information from EU as well as third country nationals, and enhances the security of border controls through biometrical checks (European Commission, 2012b, p.13).
- At a legislative level: a major development took place with the enforcement of the law concerning the ‘entry and stay of foreigners in the Moroccan Kingdom, emigration and irregular migration’, also known as the ‘02-03 law’, in November 2003, which replaced previous laws inherited from the French Protectorate period (Gadem, 2009, p.7). The law for the first time regulates the expulsion procedures, and, according to Elmadmad, many chapters²⁸⁵ of the law are focused on sanctions towards illegal aliens and, as a result, the 02-03 law appears to be very repressive towards illegal aliens (2004, pp.4-6). Khrouz *et al.* state that these sanctions establish the criminalization of migration (2009, p.10). They also argue that this law was born within a context of growing pressure on Morocco concerning its European partners’ migration issues (Khrouz, 2009, p.18).

Likewise, Belguendouz claims that the 02-03 law responds primarily to the EU anxieties on migration (2009, p.20). Mostapha Sahel, the Moroccan Minister of Interior (2002-2004), acknowledged the EU role in the establishment of the 02-03 law, when he stated that: ‘[t]he law 02-03 is part of the adequacy of legislation [concerning migration] with international conventions [...], and the respect towards the commitment made by Morocco with its partners in the fight against immigration’ (*Le Matin du Sahara*²⁸⁶, 20/12/2003). Needless to say, by ‘its partners’ we should read the European Union.

- At a military level: a) there has been joint naval patrols of the Royal Moroccan Gendarmerie and the Spanish Guardia Civil, b) mobilisation

285. For instance, articles 42 to 56 are dedicated to offences committed by illegal migrants and consequent sanctions (Elmadmad, 2004, p.4).

286. Moroccan newspaper *Le Matin du Sahara* reproduce the speech made by the Moroccan Ministry of Interior in the conference ‘The problem of migration in the light of the new law 02-03 relative to the entry and stay of foreigners, and emigration and irregular migration’ which took place in December 2003.

of a total thousands of Moroccan security forces²⁸⁷ in order to watch and monitor the land borders of the Moroccan kingdom and its coastal line (Rachidi and Wender, 2008, p.23), c) permanent deployment of soldiers in the fences of the Spanish enclaves of Ceuta and Melilla, d) Moroccan participation in Frontex operations (such as HERA in 2008), etc.

The importance of the Moroccan collaboration for Ceuta and Melilla

In Ceuta and Melilla the Moroccan contribution in the fight against illegal migration has inevitable political connotations. The Moroccan collaboration in the fight against migration in the enclaves creates an enormous paradox in terms of status recognition for Morocco. On the one hand these territories are considered to be ‘occupied cities’ by Morocco, but on the other Morocco guards and protects these enclaves for their alleged occupier. Rachidi agrees that Morocco is recognising *de facto* the Spanish sovereignty over the enclaves by deploying soldiers and securitising the border. On the other hand, he claims, deploying its army also constitutes a tactical advantage for Morocco (the auxiliary forces or *mehaznies* were firstly deployed due to the events in 2005 in Ceuta and Melilla). For Rachidi, the Moroccan military posts which surround the entire land borders between Ceuta, Melilla, and Morocco could not have been dreamt of by Morocco if it wasn’t for the security approach fostered by Spain and the EU. In short, the outcome of the status paradox is that Morocco has benefited tactically (army deployment) but has lost in strategic terms (tacit recognition of the enclaves)²⁸⁸. Larbi Messari²⁸⁹ attempts to explain this apparent contradiction by arguing that ‘the borders are there and they need to be protected’ for security reasons which affect both states.

However, the territorial disputes over Ceuta and Melilla have, on some occasions, represented an impediment to cooperation between Spain and Morocco in their attempts to combat illegal immigration. The following case of four-wheel-drive vehicles, given by Spain to Morocco to assist in improving border controls, represents an illustrative example. In 2006, Spain provided Morocco with 80 four-wheel-drive vehicles that were to be handed over at the Ceuta-Morocco border. Morocco did not allow the entry of these vehicles into their territory on the grounds that if they did allow them, they would be recognising the Spanish sovereignty of Ceuta (*Abc*, 2/10/2006). Ultimately, Spain had to bring the vehicles

287. 11,000 according to Rachidi and Wender (2008).

288. Icham Rachidi, author interview, Rabat, 12 June 2009.

289. Larbi Messari, author interview, Rabat, 9 April 2009.

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back to mainland Spain and resend them via an alternative route from Algeciras to Tangiers.

In spite of this incident, the Moroccan role as a guardian of the border has played a significant role in Ceuta and Melilla. Juan Amado, Secretary General in Ceuta of the main Guardia Civil Association, points out that the current tranquillity of the border perimeter is due to the Moroccan collaboration, which he assesses as ‘extremely positive’ in recent years²⁹⁰. Amado also claims that when collaboration was not so evident (in the late 1990’s and early 2000’s) there were major repercussions for Ceuta and Melilla in terms of the flux of illegal migrants. The idea that Morocco had not been as committed in the past, as it presently is, to the fight against illegal migration is also held by Severiano Gil, who claims that ‘before becoming the EU’s border guard, Morocco turned a blind eye and even encouraged illegal migration towards Ceuta and Melilla in order to get rid of the problem’²⁹¹.

Figure 7.1: Moroccan soldier patrolling the Melilla border fence



Source: José Palazón

290. Juan Amado, author interview, Ceuta, 30 March 2009.

291. Severiano Gil, author interview, Melilla, 19 June 2009.

Guillermo Martínez shares the same analysis stating that both Moroccan collaboration and control measures, such as the fences, have played a vital role in the protection of the enclave borders²⁹². For Valeriano Hoyos, Director of the CETI in Ceuta, without Moroccan collaboration, all the other measures to protect the borders of Ceuta and Melilla would become worthless; therefore, he concludes that Moroccan collaboration is the best strategy to seal the borders of the enclaves. According to Hoyos, a key aspect of the Moroccan collaboration is the fact that it hinders the creation of migrant camps in the forests of Gurugú (beside Melilla) and Belyounech (beside Ceuta)²⁹³.

Moroccan collaboration was particularly prominent during the 2005 crisis, when Morocco deployed 1,600 extra troops in Ceuta and Melilla, used helicopters to watch the border, dug a 1.5 metre moat adjacent to the fences, and closed down the camps of Gurugú and Belyounech. The Moroccan effectiveness in solving the Ceuta and Melilla crisis, however, raised concerns regarding the serious violations of Human Rights, as indicated by its denouncement by several NGO's (Médecins Sans Frontières, 2005b; Amnesty International, 2006; Migreurop, 2006; Sos Racismo, 2006; Gadem, 2007, 2009).

Side Effects of Externalization in Ceuta and Melilla

Khrouz *et al.* are deeply critical of the agreements reached to combat illegal migration between the EU and third countries such as Morocco, arguing that neither the ability of the latter party, nor the possible consequences in terms of Human Rights violations, have been considered by the EU (2009, p.18). According to Baldwin-Edwards, in North Africa illegal migrants, asylum seekers, etc., have received treatment, which is 'at best inadequate, at worst profoundly inhuman' (2006, p.312). Likewise, Haas claims that externalisation policies 'have had a series of unintended side effects in the form of increasing violations of migrants' rights' (2008a, p.10). The 2005 events in Ceuta and Melilla played a central role in terms of these so called 'unintended side effects' of externalisation.

In the midst of the 2005 crisis, Morocco began transferring Sub-Saharan migrants to the desert borders with Mauritania and Algeria. Some of these migrants were in Northern Morocco aiming to make their way into the enclaves. Others (who managed to enter the enclaves during the collective storming of the fence) had been expelled from the enclaves to Morocco under the bilateral 1992 Readmission Agreement. In the case of migrants being expelled from Spain, Am-

292. Guillermo Martínez, author interview, Ceuta, 30 March 2009.

293. Valeriano Hoyos, author interview, Ceuta, 20 March 2009.

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nesty International complained that these expulsions contravened the principles of *non-refoulement*²⁹⁴ since although 'Morocco is a party to the Refugee Convention, it cannot be considered a safe third country' (2006, p.19).

According to Amnesty International, between the 1st and the 5th October, those arrested were transported to the desert border between Morocco and Algeria by Moroccan security force personnel in buses and trucks (2006, p. 24). Sos Racismo accounted the first 'abandonments' of migrants in the middle of the desert on the 3rd of October 2005, when 240 migrants were transported by Morocco to the border with Mauritania (2006, p.52). 22 of these migrants had applied for political asylum in Morocco, which was clearly contravening the 1951 Convention on the protection of asylum seekers. On the 5th of October, Sos Racismo denounced the Morocco action of abandoning hundreds of migrants in the Saharan desert, and demanded an EU intervention to avoid a potential massacre (2006, p.55).

Likewise, on the 6th of October, Médecins Sans Frontieres (2005b) located 500 Sub-Saharan migrants, who had been expelled from Ceuta and Melilla to Morocco, in a desert area in Southern Morocco, near the Algerian border. On the 8th of October, Cimade and AVFIC (2005, p.4) located around 1,500 migrants in the small Moroccan border village of Ain Chouettar. Gadem (2007, p.19) argues that this practice, which is carried out outside any legal framework²⁹⁵, is particularly cruel when migrants are brought to the border with Algeria since the Moroccan-Algerian border has been closed since 1994 and, consequently, migrants are forced to stay in the desert. According to the report by Amnesty International some migrants, many of whom were suffering from dehydration and exposure: 'headed into Algeria before being stopped by Algerian military personnel, who told them to return to Morocco' (2006, p.25). Moreover, it should be added that Algeria has 'neither adopted asylum legislation nor established a procedure to deal with asylum-seekers and refugees' (Amnesty International, 2006, p.25). Migreurop interviewed a Senegalese national abandoned on the Moroccan-Algerian border, who accounted that:

294. The principle of *non-refoulement* is explained in Art. 33 of the *Convention and Protocol Relating to the Status of Refugees* which states that; 'No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion' (UNCHR, 2007, p.32).

295. Amnesty International notes that in all these expulsions carried out by Morocco, no migrant was given the right to appeal, there was no access to a lawyer or to the consulate of the migrants' country of origin despite these rights are guaranteed by the 02-03 law (Amnesty International, 2006, p.23).

‘[W]e were abandoned in the desert [by Moroccan Security Forces], we did not really know where we were. [...] we walk[ed], [and] the weakest stopped. We walked towards Algeria, but the Algerians threatened us, they have weapons and they are ready to shoot. It’s [like] a football match being played between Morocco and Algeria, and we are the ball’ (Migreurop, 2006, p.13).

The mounting pressure from NGO’s and the Press seems to explain the fact that Morocco, on the 8th of October 2005, changed its policy of sending migrants to the desert (Cimade and AVFIC, 2005, p.4). Hence, between the 8th and the 18th of October, Morocco began to regroup Sub-Saharan migrants in military bases in order to repatriate them by plane to their countries of origin from the bases of Oujda, Guelmine and Bouizakarne²⁹⁶ (1,600; 970; and 206 migrants in each case respectively) (Sos Racismo, 2006, pp.62-63). Despite the migrants’ accounts stating that several Sub-Saharan migrants had died in the desert, NGO’s were unable to verify those deaths (Cimade and AVFIC, 2005, p.5).

Surprisingly, although Morocco’s *refoulement* of migrants and asylum seekers to the desert has been considered by NGO’s as a patent violation of Human Rights, these actions have received very little criticism from Spanish and European officials (Médecins Sans Frontières, 2005b; Cimade and AVFIC, 2005; Amnesty International, 2006; Sos Racismo, 2006; Gadem, 2007). Unofficially, the Moroccan hardline approach is acknowledged and condemned. For instance, General Director of Spanish Internal Affairs, Adolfo Hernández, considers the abandonment of migrants in the desert in October 2005 as an ‘act of cruelty’, and Severiano Gil claims that Europe turns a blind eye on Morocco’s repression²⁹⁷.

However, at an official level, Morocco is congratulated on its commitment to the fight against illegal migration. During the 2005 crisis, Spanish Foreign Minister, M. Ángel Moratinos, expressed his satisfaction with Moroccan collaboration (Sos Racismo, 2006, p.44). Similarly, on the 6th of October 2005 (a few days after Morocco began sending illegal migrants to the Saharan desert), Spanish PM Rodríguez Zapatero, called on the EU to support Morocco in a more active way as the North African country was ‘also a victim of migratory pressure’ (*Aujourd’hui le Maroc*, 6/10/2005). In addition, Zapatero praised the Moroccan effort in security terms (*Aujourd’hui le Maroc*, 6/10/2005). This discourse is practically identical to the discourse of Ferrero-Waldner, former commissioner for external relations and the

296. Spanish NGO’s Sos Racismo and CEAR attempted unsuccessfully to stop the repatriation of 26 asylum seekers from Bouizakarne (Sos Racismo, 2006, p.64).

297. Severiano Gil, author interview, Melilla, 19 June 2009; Adolfo Hernández, author interview, Madrid, 3 March 2009.

ENP, who, as shown previously in this Chapter, ‘acknowledge(s) the efforts already made by Morocco in this field [of migration]’ (European Commission, 2006).

Critique to the externalization in Morocco

Using third countries such as Morocco to send migrants back at any price, comes at a high price: it jeopardises the role of the EU as an ‘ambassador’ and defender of Human Rights. The incongruence lies in the fact that, on the one hand, the EU exhorts its neighbours to become democratic and respect Human Rights, while on the other, it presses them to stop the migration flow ‘by all means’ and turns a blind eye when the neighbours commit ‘excesses’.

The role played by Morocco in protecting the EU frontiers is highly controversial, particularly with regards to internal public opinion. Why does Morocco have to be the gendarme of Europe?’ This question is crucial and it illustrates a common feeling of uneasiness among Moroccans²⁹⁸. The matter, consequently, should not be overlooked by policy makers in Brussels. The answer from EU practitioners is that it is also in the interest of Morocco to tackle migration ‘problems’ and that if they don’t cooperate with the EU they will be affected by security threats derived from migration in the near future²⁹⁹.

This view, however, is challenged by many Moroccans. Najib Bachiri, President of Moroccan NGO *Homme et Environnement*, stresses that no Moroccan citizen can accept the police patrol role Morocco has been assigned, in other words, ‘the dirty job’ of guarding the European borders. One of the results of externalization is that EU neighbours become ‘buffer zones’ between the EU and areas of potential threat such as Sub-Saharan Africa in order to reduce the migratory pressure from the south of Europe (Sarto & Schumacher 2005, p.26; Zaiotti 2007, p.149; Haas, 2008^a, p.11).

Another negative consequence of externalisation is that it shapes policies from neighbours like Morocco. Thus by pursuing a deeper relationship with the EU, Morocco potentially compromises its foreign relations with other states, discouraging, for instance, further integration with (North) African states. In that respect, as noted by Darbouche, the ENP’s bilateral approach also has a damaging effect since it aggravates tensions and old rivalries between Morocco and Algeria (2008, p.385). Needless to say, the concession of a privileged status to Morocco

298. Hassan Mettaich, author interview, Nador, 17 April 2009; Omar Charik, author interview, Nador, 16 April 2009.

299. Luis Dey, author interview, Rabat, 9 June 2009.

in October 2008 did not go down well in Algeria and exacerbated the frictions between the two states from the Maghreb.

Furthermore, the externalisation policy, similarly to the ENP, is deeply 'Euro-centric', that is, it is concerned with EU's security agenda while the role for neighbours is subordinate to those interests. The vital question is: for how long will the EU will be able to use 'Euro-centric' policies in the current global context conceptualised by Kramsch as 'an increasingly non-Euro-centred world' (2011, p.194)? In effect, the EU is gradually losing influence in the international arena, where the emergent powers have entered the stage.

It remains to be seen if this new reality will have any impact in the short-mid-term with regards to the destination of migration flows, and if with the multifaceted crisis³⁰⁰ affecting the Euro-Mediterranean region since 2007/2008, the old continent will still be attractive for potential migrants. If this trend changes significantly, the externalization policy as well as other EU strategies towards the southern neighbours would become obsolete. Thus far and despite the mounting European decadence, migration keeps being a crucial phenomenon in the EU agenda, and consequently, the collaboration of countries like Morocco continues to have a tremendous importance.

300. Financial, economic, social, political, etc.

CHAPTER 8

FINAL THOUGHTS

This book has explained that the enclaves of Ceuta and Melilla are not Schengen borders but rather European territories that border Schengen Europe as well as a North African EU neighbour: Morocco. This particularity makes Ceuta and Melilla a double border and exposes them to a situation of double isolation: from their hinterland and from the rest of the EU. This isolation has been especially significant for migrants, who have become trapped in them. Their geographical location and their double border isolation contribute to portraying the Spanish enclaves as European ghettos in the African continent.

In the last two decades, the most crucial challenge for the enclaves' borders has been illegal migration. This challenge has been the main excuse for justifying the deployment of strict border controls inspired by Schengen. Therefore, migration crises and the need to stop the migration flux in both enclaves prompted the reaction of the Spanish government to construct the fences. This reaction, however, cannot be understood without considering the European context of the 'fight against illegal migration' and the security oriented vision that illegal migration should be fought using all means. The preponderance of this vision has meant that since the mid-1990s the land perimeters of both cities have been securitised by border fences. At present, a 6.1 metre double barbed-wire fence surrounds Ceuta, and treble border fence surrounds Melilla. The justification for the fortification policy in Ceuta and Melilla combines the security discourse with a discourse that could be conceptualised as *realpolitik*, which claims that the security fences are a 'necessary evil' and that 'under current circumstances there is no alternative to the fences'. Through numerous interviews to relevant actors, this book has shown that this discourse is dominant among Spanish and enclave officials as well as among enclave dwellers.

In addition to being a desperate governmental strategy to stopping migrants, the fences also highlight that, far from disappearing or becoming de-territorialised, the Ceuta and Melilla borders have experienced a process of re-bordering through

state intervention and EU and the Schengen initiative influence. This re-bordering has crucial implications for the debates surrounding borders. In the first place, because the re-bordering is occurring on European soil, that is, the continent that was apparently leading the way towards border integration and de-bordering. In the second place, because the re-bordering is, partly, as a result of the elimination of internal European borders. Finally, since the fences and the fortification of Ceuta and Melilla are not an isolated case but can potentially become a trend in other European borders. Similarly to Delanty, who argued that the idea of Europe had reinforced rather than undermined the idea of nationality, this book has stressed that the EU has reinforced rather than undermined the significance of borders (1995, p.8).

Therefore, the re-bordering and the fortification policies implemented in Ceuta and Melilla are in stark contrast with the narratives that dismiss the significance of borders in the 21st century. On the contrary, the example of the enclaves reinforces James Anderson's view that globalisation has not abolished territoriality as a mode of control. Contrary to what the French political scientist Bertrand Badie claimed in his book *la fin des territoires* (1995), borders and territoriality have not disappeared as a result of globalisation and the new post-Cold War order. Thus, when applied to borders, the term 'globalisation' is normally used to describe de-bordering trends and to dismiss the significance of borders. However, the examples provided by this book make us re-think this connection, since, in some cases globalisation does not equal free movement of people but rather the globalisation of border security measures.

As a result of the prominent security measures set up in their borders, Ceuta and Melilla constitute what could be conceptualised as 'hard borders' or 'sharp borders'. The security measures, in general, and the visual impact of erecting barbed-wire fences in European territories, in particular, contribute to the depiction of the enclaves of Ceuta and Melilla as European fortresses on the African continent and, consequently, as ideal examples for 'Fortress Europe'. The importance of Ceuta and Melilla for the 'Fortress Europe' argument is that they have created a European precedent in terms of border fortification, which can potentially be spread to other land borders, as the plans for a 12.5km future border security fence between Greece and Turkey on the Evros river show. It should be noted that the fences of Ceuta and Melilla will be the main model for this planned border fence, according to a Greek Police spokesperson (*Faro de Ceuta*, 04/01/2011).

Since their erection the controversial fences have worked as a deterrent, a lethal one in some cases, but have been insufficient for the complete protection of the enclaves. Indeed, the consolidation of the sealing of the borders in Ceuta and

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Melilla has been completed with a surprising feature: Moroccan collaboration. It is commonly agreed by Spanish security forces and Spanish officials that without the Moroccan contribution it would be practically impossible to protect the perimeters of Ceuta and Melilla³⁰¹. This statement is key to understanding the high importance given to the collaboration with North African states by the Spanish government and the EU.

This collaboration is framed in a wider framework: the Moroccan collaboration with the EU in the fight against illegal migration. Due to this collaboration, which, as stated by European leaders in the Seville Summit, is inescapable for Morocco if it wishes to have a constructive relationship with the EU, Morocco is obliged to protect the borders of two enclaves whose Spanish sovereignty it does not recognise. Another reason that explains the gendarme role played by Morocco at the southern EU border is that, through a positive relation of interdependence with the EU, it ensures that the 27 will not interfere in the Western Sahara conflict. This issue is, by far, the main political priority for Morocco. In any case, thanks to Moroccan collaboration the attempts to storm the fences by illegal migrants have nearly ended, illegal entries into the enclaves have been dramatically reduced and, consequently, the European fortresses of Ceuta and Melilla are now more consolidated than ever before, since, unlike in previous centuries, they are consolidated on both sides.

Another element that consolidates the connection between the enclaves and ‘Fortress Europe’ is the fact that the fortification practice has had a prominent role in the history of these Spanish territories. When they were conquered by the Christian powers in the 15th Century, they became scouting parties of the Spanish *reconquista*. As a result, the fortification practice, the main aim of which was to deter potential Muslim attacks on the Iberian Peninsula, had vital importance for the enclaves and it lasted until the end of the 19th Century. At the end of the 20th Century, barbed-wired fences were erected in order to protect the enclaves from an entirely different threat: illegal migrants. This book has argued that despite the differences in the nature of the threat (military invasion versus unarmed illegal migrants) and the kind of fortress used (bastioned and neo-medieval versus barbed wired fences), a common pattern remains: the protection of the enclaves. Indeed, it appears that historically and contemporaneously the enclaves are bound to play the role of border guard, by protecting not only themselves but also the territory at the other side of the Mediterranean.

301. From interviews conducted between February and June 2009.

In addition to the historical element and the immediate cause (migration), there is a profound cause that explains the erection of the fences in the enclaves and their consequent 21st century fortification: economic imbalance. The most unequal borders are usually protected with physical barriers and other measures to stop the migration flow from the poorer to the richer neighbour. Consequently, (land) border inequality is a factor that triggers the development of fortification strategies³⁰² to deter migration from the poorer country. Since Bill Clinton initiated *Operation Gatekeeper* in the early-1990 in the U.S.-Mexico border, nearly 1,000km of their border is protected by fences and barriers and the rest is monitored with sensors and patrols. Similarly, an (in)famous concrete wall surrounds the border between the occupied West Bank and Israel. In addition, in May 2012, the latter began the construction of a 7 metre wall with Lebanon (*Haaretz*, 03/05/2012). Despite its criticisms towards the Israeli walls, Saudi Arabia has also fortified its borders with Yemen in order to avoid that the instability from its troubled neighbour reaches its territory. Therefore, the fortification in the Spanish enclaves is not an isolated phenomenon but a trend which is taking place in several unequal borders around the globe. Political tensions and economic imbalance between neighbours are the basic conditions for this practice to be reproduced.

In the case of Ceuta and Melilla, however, the fences are not primarily aimed at Moroccan migrants but those from the rest of the African continent. It should be noted that the fortresses in the enclaves allow a breach when it comes to Moroccan nationals from the provinces of Tetouan and Nador. This special regime leads to a border which does not exclude systematically but selectively, depending on the pragmatic considerations of Spain and the EU. Selective permeability highlights the EU dichotomy of inclusion/exclusion and shows that both concepts are compatible, at least in terms of border practices. In brief, the book has shown that the fortresses in the enclaves have breaches and, as a result, they are not impermeable but selective. Due to this practice, two of the most protected borders in the world are crossed by 30.000 people on a daily basis, showing that the concepts of fortification and interaction are perfectly compatible.

To conclude, it could be asserted that as a result of being ‘fortresses’, ‘European’, located in the world’s poorer continent, and not recognised by Morocco, the enclaves will inevitably face challenges at their borders. In other words, troubles at the border will persist, as long as Ceuta and Melilla remain Spanish/European territories. In short, the fortresses constitute the enclaves’ curse, that is, the price they have to pay for being the only European territories in mainland Africa.

302. As seen in chapter 5, the Spanish-Moroccan border is the 12th most unequal land border in the world.

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