

# 4

## Conceptual Framework: The Mainland–Enclave– Surrounding State Triangle

### RELATIONS IN THE MAINLAND– ENCLAVE–SURROUNDING STATE TRIANGLE

Enclaves do not exist in a vacuum. They exist in a world full of players and powers with often contradictory interests. The two powers that have most to do with an enclave are the mainland state and the surrounding state. These two sides and the enclave itself compose the mainland–enclave–surrounding state triangle, which I will later refer to as the MES triangle (see Figure 4.1.). It will serve as the main conceptual framework for our exploration of enclaves.

The MES triangle is composed of four vectors. These are, first, mainland–enclave relations; second, enclave–surrounding state relations; third, mainland–surrounding state relations on general issues; fourth, mainland–surrounding state relations on the enclave issue. The arrows comprising the

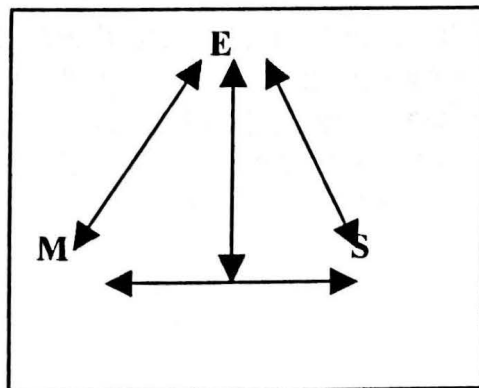


Figure 4.1. The MES triangle.

triangle are double-sided. This reflects the mutual impact rendered by the parties. The impact is not necessarily of equal strength. It is natural that the mainland exerts the decisive influence upon an enclave's fate and fortune. Likewise, the general context of mainland-surrounding state relations is *the* context in which an enclave must find its place and to which it should adapt its vital activities. Further, the impact of the surrounding state's economy and politics is immeasurably larger than the reverse. Nevertheless, it is remarkable that, however small and insignificant an enclave is, it exerts certain influences on both its mainland, the surrounding state, even M-S bilateral relations, in a variety of ways.

I will preliminarily characterize relations along all four vectors:

### 1. Mainland-Enclave (M-E) Relations

From the point of view of the enclave, this is the most important vector, one that usually determines its politics and economics. Since the enclave is an inherent part of the mainland state, it is guided by the mainland's national politics and legal system. The mainland exerts a powerful influence over the enclave and determines its economic and political policy. On the economic side, in particular, the mainland may or may not provide the enclave with a special economic policy responding to the latter's specificity. On the political side, the mainland is often concerned with the issue of sovereignty over the enclave. This concern is likely to have serious implications on the policies employed by the mainland. For example, direct governance and some restriction of local democracy are likely to happen in order to ensure the mainland's full sovereignty. In other words, there are negative and positive stimuli for the mainland to assign heavier weight to the enclave than it would normally have deserved based on the sheer "weight" of its population and territory. First, the central government in the mainland is worried about the potential secession of the enclave. This is a negative stimulus for the mainland to take care of the enclave. Second, there are certain strategic/military/geopolitical considerations that effectively give enclaves more weight in the eyes of the central government. These form the positive stimuli. These two factors combined appear to have enough weight to determine the central government's decision to pay the price in order to hold on to the enclave and to use its strategic advantages. Often this price means giving the enclave certain economic privileges that are unthinkable for other regions on the mainland.

### 2. Enclave-Surrounding State (E-S) Relations

Despite the mainland being the decisive power from the enclave's perspective, the surrounding state is a pivotal actor that has a powerful impact

on the enclave's affairs. This impact may be exercised actively and willingly, or not. This does not exclude the surrounding state wanting to exert an active influence on the enclave, considering the latter to be within its own sphere of political and economic interests. In doing this, the surrounding state is restricted by the enclave being under foreign sovereignty, the enclave may normally rely on the support of the mainland to resist the influence of the surrounding state. An enclave can be perceived as an annoying splinter in the body of the state or a "stone in the shoe." It may cause some military-strategic concerns because of its geographic location. An enclave may also cause some economic problems based on differences in legal policy, the opportunities for smuggling, the costs of sustaining necessary border policies, and so on. Should the surrounding state's policies be neutral or even benevolent, it nevertheless exerts powerful economic and political influence by the very fact of surrounding the enclave.

### 3. Mainland-Surrounding State Relations on General Issues

Much of the enclave's well-being and order depends on the general state of M-S relations. Should these relations be disturbed, even for matters not directly related to the territory, the negative impact on the enclave will tend to be large. On the other hand, peaceful and friendly M-S relations create a positive political framework for the enclave. A deep and comprehensive integration between the mainland and the surrounding state can to remove most of the problems (though also some of the opportunities!) altogether.

### 4. Mainland-Surrounding State Relations on Enclave Issues

The fourth vector might not be as evident as the previous ones. It is, however, of special importance. It has two subarrows. First, there are the M-S relations on the specific issues created by the enclave's existence which have a profound impact on the latter. Vice versa, an enclave can have a significant impact on M-S relations. That not only the nature of M-S relations influences an enclave but also an enclave (its mere existence and specific situation, needs, and events) can influence M-S relations is of vital importance for understanding enclave specifics. It helps reveal the role of enclaves in not only the bilateral relations of large states but also in world politics. Besides, it helps to reconstruct the frameworks for the political and economic life of enclaves. Enclaves are given attention in national politics to a degree disproportionate to their population and territorial weight. To a somewhat lesser extent, the same is true for the external politics of the surrounding state. My idea is not that enclaves are simply "very important" but that, while being small, their importance to the world's economy and, especially, politics can be disproportionate to their population size and territory.

The impact of the enclave on M–S relations often appears to be negative and almost never positive. If there exist any territorial claims over the enclave (as in the cases of Gibraltar, Ceuta and Melilla, Macao, Hong Kong, Mount Scopus, and the Armenian and Azerbaijani enclaves), the general M–S relations can worsen significantly, up to the point of military conflict. If the enclave's ownership is not disputed, there are several options for M–S relations on the enclave issue. Nevertheless, any positive impact of enclaves on M–S relations is not clearly seen.

To clarify the idea of the triangle, let us look at the relations between a surrounding state and a sovereign enclaved state. The absence of the second apex of the MES triangle—the mainland state—changes the framework completely and has comprehensive consequences for the international environment in which an enclaved state operates. There is no triangle because there is no mainland but just an axis enclaved state—surrounding state (ES–S axis). The major political difference between an enclave and an enclaved state is twofold. On the one hand, the enclave has a mainland country that can put pressure on the surrounding state, while a small enclaved state like San Marino has no equalizing mainland, and is almost entirely at Italy's command. On the other hand, an enclaved state is more flexible in determining its external politics, including its economic ones. A nonsovereign enclave is usually not able to determine its external policy as this is formulated by the mainland (Robinson 1959; Whyte 2002b).

Consider an example of two entities, Campione, an exclave of Italy in Switzerland, and San Marino, an enclaved state fully surrounded by Italy. Both of them wanted at a certain time to develop a casino, both as a form of major revenue and to benefit from a larger influx of people from the respective surrounding states. In both cases, the surrounding state was not overly enthusiastic about the idea. Switzerland, where gambling is prohibited by law, put pressure on Campione. This pressure, however, had a natural limit since Campione could always rely on the mainland, Italy, for support. Finally, a compromise was reached where Switzerland agreed to tolerate the casino in Campione, as long as restricted opportunities for gambling by Swiss citizens were enforced. When San Marino ventured a casino opening, Italy exerted pressure that the tiny enclaved state could not oppose. In this case, San Marino is entirely at the command of Italy, since the latter was able to impose sanctions, which could prove to be all too heavy for the enclaved state to bear. The absence of a mainland has far-reaching consequences for such an enclosed state. It finds itself at the surrounding state's command both politically and economically. Even if it has some forms of international political leverage, its economic dependence on neighborly relations with the surrounding state and on the latter's goodwill is unavoidable. A comprehensive transfer of competencies to the surrounding state is a natural consequence of the logic of the axis enclaved state–surrounding state. France is responsible for Monaco's defense, the enclave has

full customs integration with France, and Monaco's legal system is based on French law. Italy holds responsibility for San Marino's defense and trade. South Africa exerts powerful influence upon Lesotho, with which it has a customs union.

Now consider the other side of the coin. An enclave, unlike an enclaved state, has less room in determining its own economic policies. Usually an enclave has no right to develop its external relations and forge international contacts, as it has to go through the mainland. Besides, it is not uncommon that the mainland would look suspiciously at an enclave's attempts to communicate with the outside world directly, as this could undermine the mainland's authority and sovereignty over the enclave. This is a sensitive issue in mainland-enclave relations caused by the enclave's detachedness. In contrast, an enclaved state is generally not bound by such constraints and can develop independent external policies, albeit with regard to the position of the surrounding state. This point is vividly illustrated by the development of tourism. Enclaves have to deal with numerous constraints as concerns their attempts to forge international alliances and implement policies to attract larger numbers of foreign tourists. Enclaved states are much more flexible and, usually, more successful in increasing their touristic attractiveness and developing their appeal as an unusual and individual tourist destination. As Robinson noted, "the exclave shares most of the disabilities of isolation with the enclaved state but can reap few of the rewards that can compensate for it, because these rewards depend on the exercise of some degree of sovereignty, which the enclave normally does not have" (1959, 295).

Now, one might ask a perfectly reasonable question: why do we restrain ourselves to the mainland and the surrounding state only, within the framework of the MES triangle, leaving aside the rest of the world, its great powers and supranational organizations? The explanation lies in a remarkable feature of enclave politics and economics. The impact that the mainland, the surrounding state, and their bilateral relations exert on the enclave far exceeds any possible by the rest of the world. The importance of the mainland and the surrounding state is decisive to the degree that the influence of the world's great powers or international organizations is negligible for all practical purposes. Even if there is some effect, it is usually channeled through either the mainland or the surrounding state. The sensitivity of enclave issues within the triangle also prevents outside powers from intervening directly. Consider Gibraltar. Its strategic location and the fact that both Great Britain and Spain are members of the European Union and NATO have led to a situation where several influential organizations and states (EU, NATO, UN, U.S.) share concerns over the issue of the Rock. Nevertheless, none of them intervene directly, as they prefer to leave this thorny issue to Anglo-Spanish bilateral relations. A similar situation exists around

Ceuta and Melilla. As Spain is a member of both NATO and the EU, it would be natural to expect that the enclaves be "within" these organizations. However, that is only partially the case. Both enclaves are explicitly excluded from the defense responsibility of NATO, as the Alliance did not want to be involved on the African coast. Again, the disputed issue of ownership of the enclaves is left to the bilateral relations of the mainland, Spain, and the surrounding state, Morocco. As for the EU, Ceuta and Melilla, just like Gibraltar, form part of it, but the enclaves are not the part of its customs territory. They are not subject to the Common Agricultural Policy nor the EU's fisheries and trade policies, either. It may be that only the United Nations has traditionally been active on enclave issues, mostly in the context of colonialism, but, in most cases, its influence was restricted to the regular introduction of new resolutions and was not substantial as such.

### CEUTA AND MELILLA: THE FOUR AXES OF THE MES TRIANGLE IN PRACTICE

The MES triangle is composed of four vectors. These are, first, mainland-enclave relations; second, enclave-surrounding state relations; third, mainland-surrounding state relations on general issues; fourth, mainland-surrounding state relations on the enclave issue. Let us see, step-by-step, the content of each of them using the example of the Spanish exclaves Ceuta and Melilla. Despite being located some 250 km from each other, the two towns are often treated jointly as one case by Spain and Morocco, since they share the same issues.

Ceuta and Melilla are located on the Moroccan coast. Thus, they are representative of coastal enclaves. They are well known in the world for several reasons. One reason is that these are the only parts of the European Union on the North African coast. In addition, Ceuta and Melilla are well covered in the media since they are the objects of a continuous dispute on sovereignty matters between Spain and Morocco. The population of Ceuta was nearly 76,000 in 2002. Nineteen and a half square kilometers in territory, it is located on the North African coast some 25 km away from continental Europe across the Strait of Gibraltar. A ninety-minute ferry ride connects the town with the Spanish port of Algeciras. Melilla lies some 250 km to the east of Ceuta. It has an area of 12.5 km<sup>2</sup> and, in 2002, over 62,000 inhabitants. The direct shortest distance from the mainland is approximately 160 km. By ferry, it takes around eight hours to cross the sea to Malaga on the mainland. Ceuta had been Portuguese since 1415, and was formally transferred to Spain in 1668, following the ending of the union between Spain and Portugal. Melilla has been in Spanish hands since 1497. Close to 80 percent of the enclave's residents are Spanish, with the rest being Moroccan.

There are six other Spanish territories on the Moroccan coast. These are two very small peninsulas and four tiny islands within Moroccan land and territorial waters:

- Isla Perejil, three km west of Ceuta, 15 ha;
- Peninsula Peñón de Velez de la Gomera (named Badis de Nekor in Morocco), 125 km eastward of Ceuta, Spanish since 1508, 4 ha;
- The Peñón de Alhucemas (Al Hoceima), 155 km east of Ceuta and 250 meters off the coast, 1 ha;
- Islas Chafarinas (Moulouya), a group of three islands 4 km off the coast and 40 km east of Ceuta, Spanish since the nineteenth century, 61 ha (Gold 2000, xvi).

Although the history of Ceuta and Melilla as Spanish colonies dates back to the fifteenth to seventeenth centuries, their existence as enclaves began with the independence of Morocco in 1956. The northern Moroccan coast had belonged to Spain for several centuries. The last partition of Morocco between Spain and France left the Mediterranean coast in Spanish hands. Thus, Ceuta and Melilla, as well as six micro-enclaves, became such only when Morocco finally acquired independence in 1956.

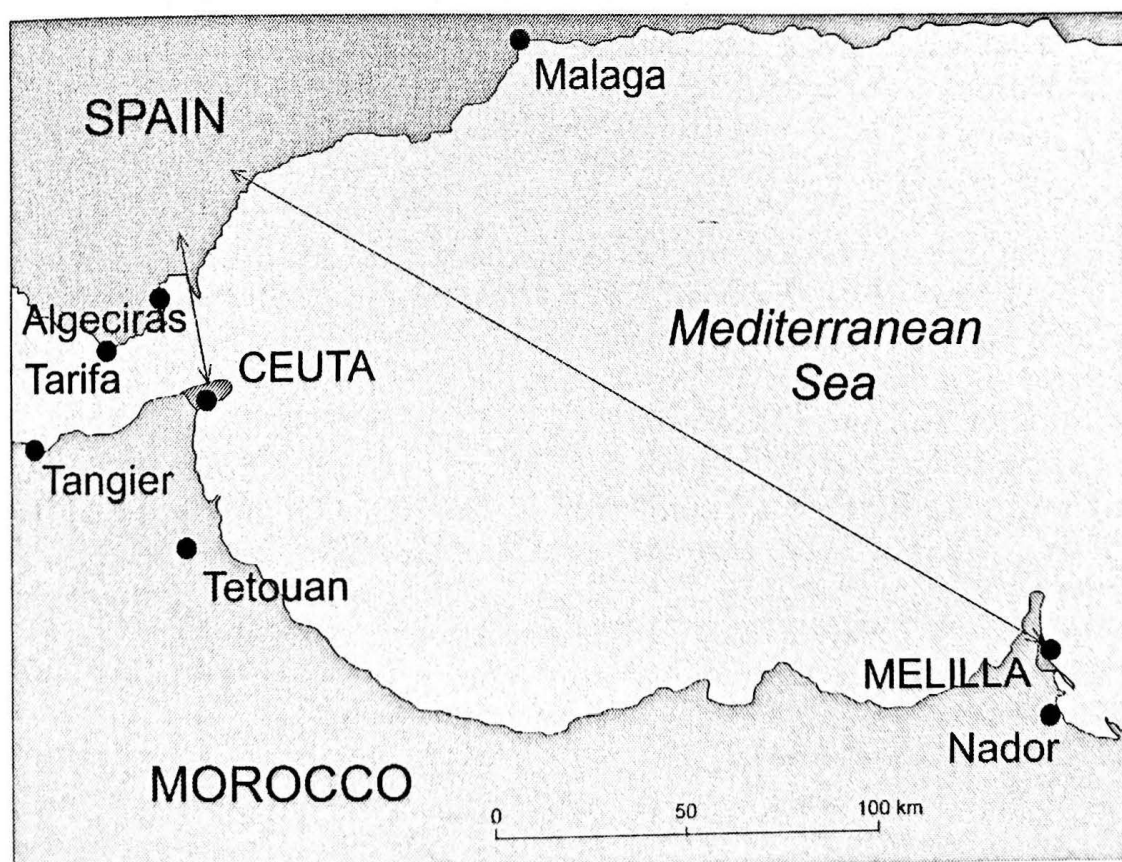


Figure 4.2. Ceuta and Melilla.

### First Axis: Mainland–Enclave Relations

The domestic Spanish debate on the enclaves has centered on three issues: first, the territorial integrity in the face of Moroccan territorial claims; second, more autonomy for the enclaves; and third, new Spanish legislation on immigration imposing hardships on the enclaves.

Until recently, both enclaves were administratively part of *Andalusía*. The new Spanish Constitution, adopted in 1978, included articles 144 and 151, which dealt with the devolution of power to newly established Autonomous Communities. Already in 1981, the Council of Ceuta passed a resolution to seek autonomous status from the national parliament. Melilla followed suit two weeks later. The granting of an autonomous status to these enclaves proved to be a delicate issue in Madrid as long as bilateral relations with Morocco could possibly be damaged. It effectively took almost fifteen years for the necessary legislation to come into force.

There were a couple of reasons for the enclaves' inhabitants wanting more autonomy:

1. Uncertainty about the future. Negotiations on Gibraltar were soon to begin, and there was a fear that this could lead to the opening of such negotiations concerning the North African enclaves. It was expected that autonomous status would ensure that the Spanish central government would take a firm stand on the issue of the enclaves' ownership.
2. Worries about economic prospects. The enclaves hoped that clarification of the autonomy issue would help bring about initiatives on the economic front as well.

The inhabitants of the enclaves have vigorously defended their political demands. There were several marches and demonstrations in the 1980s and the first half of the 1990s, in which an astounding number of people (as a percentage of the population) took part. For example, in 1994, perceiving official procrastination, between 15,000 and 20,000 people (7,000 according to the police) took part in a demonstration in Ceuta. This figure should be compared with the total population of 70,000, including children. The placards demanded, "For Us to Be Equal, an Autonomous Community for Ceuta Now."

The bill was finally passed on February 15, 1995, and provided Ceutís and Melillenses with the status of Autonomous Towns but not Autonomous Communities. It meant an effective enlargement of rights but no legislative power. Gold (2000) notes that these statutes may not have satisfied all the aspirations of the inhabitants, but nor were they likely to cause any permanent upset in Morocco, and it was clear that *realpolitik* required that Moroccan concerns carry greater weight in Madrid than those of the enclaves.



So, do the enclaves have enough autonomy? It is not foreseeable that Ceuta and Melilla will acquire the same powers as other communities in Spain. On the other hand, they are also much smaller than other autonomous communities, though compared with other towns of comparable size elsewhere in Europe, they have a good deal more autonomy. The question remains, though, as to whether they have *enough* autonomy to counteract their enclavity.

The enclaved towns have been treated differently from the rest of Spain not only economically and administratively but also in the sphere of defense. When Spain joined NATO in 1981, the enclaves were explicitly left outside the NATO defensive area. NATO members, particularly the United States, were not willing to defend the territories in North Africa, as this would have entailed the risk of escalation into a wider conflict in the Middle East. Spain, therefore, has had to bear defensive responsibility for Ceuta and Melilla on its own. This led to the stationing of military garrisons in both towns, which comprise about 10 percent of the total population. Spanish armed forces do have contingency plans to attack Morocco in the event of aggression against the enclaves.

The costs of Ceuta and Melilla are significant for the mainland not only in political terms but also in direct economic terms. Let us sum up the main components of what the enclaves cost to the federal center and to the EU:

- both towns are excluded from the customs territory;
- heavy subsidies from Spain and the EU for infrastructure projects;
- the costs of smuggling (drugs, diamonds, and so on);
- 50 million euros (with two-thirds of financing coming from the EU) for the *Perimetro* (border fence) around each town plus maintenance costs;
- up to 40 percent of people working in the civil service, paid mostly from the federal budget;
- six to seven thousand military personnel garrisoned in the towns;
- a disproportionately large law-enforcement service.

Yet despite the very high total cost of supporting the enclaves, Spain is willing to continue doing it.

Table 4.1 does not reveal the inequalities in terms of legal status and citizenship between Christian and Muslim communities in the enclaves. By the time the immigration law became an issue, there were some 15,000 Muslims in Ceuta (22.5 per cent of the total population). Only 2,400 of them possessed Spanish nationality. The rest either had a "statistical" identity card or were stateless, including a large number of those who were born in the enclave. The same was true for Melilla: of 17,800 Muslims,

**Table 4.1. Total and Muslim populations of Ceuta and Melilla, 1875–1986**

Year	Ceuta		Melilla	
	Total population	Muslims (in % of total)	Total population	Muslims (in % of total)
1875		91 (0.9%)		
1877	9,703		1,517	
1887	10,744		3,539	
1888		204 (1.9%)		
1910	23,907		39,852	95 (0.2%)
1930	50,614		62,614	932 (1.5%)
1935		2,717 (5.3%)		
1950	59,936		81,182	6,277 (7.7%)
1960	73,182	7,102 (9.7%)	79,586	7,626 (9.5%)
1970	67,187		64,942	
1975				14,178 (21.8%)
1981	70,864		58,449	11,105 (19.0%)
1986	65,151	15,002 (23.0%)	52,388	17,824 (34.0%)
2003	76,152		69,184	

Sources: Gold (2000, 92), Carabaza and de Santos (1992, 50–51, 94–97), the CIA World Fact Book (2004). The totals include garrisons and prison numbers. Percentages have been calculated in relation to the nearest year for which total figures were provided.

making up 34 percent of the total population, only 6,000 had Spanish citizenship, while 12,000 were stateless. There are clear similarities between the situation in both enclaves and the fears of the Christian part of the population over gradual "Moroccanization."

In 2002 there were officially five mosques and ten Muslim associations in Ceuta as well as three mosques and five associations in Melilla. There are, however, many more informal mosques. When the Spanish government attempted to register all of them, there were many protests: the Muslims of the Maghrebian community of Ceuta have pointed out that on their territory they have 24 small mosques, all probably the object of the new registration policy.<sup>1</sup>

There are eight Catholic churches in Melilla but the strong influence of Islamic traditions and customs is also evident. Melilla and Ceuta represent a cultural and ethnic crossroads, though the majority of their inhabitants remain "as European as the Belgians or the Germans" (Gold 2000, xii).

According to the thesis on the primary importance of the national structure, the enclaves will continue to belong to Spain for the foreseeable future. The situation will not change even should the Moroccan population in the enclaves rise to 50 percent. As the economic divide between the mainland and the surrounding country is vast, Ceuta and Melilla will grav-

itate toward Spain even while the trend toward a growing proportion of Moroccans in the population continues.

A new immigration law, passed in 1985 in preparation for entering the European Community, presented a particular problem for the enclaves. According to the law, the majority of Muslims living in the enclaves could apply for Spanish citizenship only after ten years of residence. The law also established as a permanent feature an identity card allowing residence but not conferring citizenship. Muslims born in the enclaves were unwilling to apply for the identity card because they did not want to be classified as "foreigners" in the land where they had been born; besides, with this card, they would have had to wait ten years to apply for citizenship with no guarantee of acquiring it in the end. On the other hand, without this document they would be liable for deportation. Gold argues that the Spanish government was anxious to avoid an increasing number of Muslims with citizenship rights in the enclaves because this would alter the political equation and potentially lead to secession (Gold 2000, 94). The reaction of the Muslim population was not, however, anticipated. It came in the form of public disturbances, marches, huge demonstrations, and general strikes. There were also counter-demonstrations by the white community, with one of them in Melilla estimated at 35,000–40,000 people, virtually all of the white adult population of the enclave. As a result of these events, national and religious divides in both enclaves expanded and thus became more obvious. However, the conflict eventually ended in compromise: the Muslims in the enclaves were promised—and to a degree received—special treatment and the acceleration of the application process. Within several years, the majority of eligible persons had received Spanish citizenship. A new chapter in the political life of the enclaves began, for by the time both towns received autonomy in 1995 there was a sizable Muslim minority eligible to vote. For our purpose, we should mention that, despite the divide between the Muslim minority and *Cristiano* majority on various political issues, separation or secession has not become an issue thus far. The story of Dudú, the popular charismatic leader of the Muslim population in Melilla in its struggle for Spanish citizenship, is instructive. Having started out as an advocate of equal rights for Muslims in the enclaves, he had gradually become a Melilla separatist standing up for joining Morocco. As such, he lost his political base in the enclave and had to move to Morocco where he gradually faded from sight. Later on, even when Morocco accused Madrid of "Hispanicization" of the enclaves, the Muslim population of both towns did not share this view. On the contrary, their representatives constantly proclaimed their "Spanishness." Despite their nationality and religious affiliation and despite being condemned by Moroccan nationalists as traitors, the Muslim population in the enclaves kept insisting that they belong to Spain.

### The Second Axis: Enclave–Surrounding State Relations

The small Spanish enclaves have a disproportionately large economic and political significance for Morocco. Its official attitude centers on its sovereignty claim. Such attitude impedes progress in many fields of life. Nevertheless, the economic importance is high in terms of employment and border trade, as well as illegal activities. Some 15,000 Moroccans enter Ceuta and Melilla every day (Gold 2000, 123), mainly for the purpose of small trade. At the end of the 1980s, the goods they were trading in included clothing and footwear, foodstuffs, perfumes, alcohol, tobacco, cement, and petrol to the value of U.S.\$87–100 million per year (Carabaza and de Santos 1992, 294). The shadow economy may have even greater value than the legal economy. Black market trade in the enclaves includes stolen luxury cars, gold, diamonds, and currency and the shadow economy includes, on the one hand, smuggling of certain goods and, on the other hand, money laundering. One network, which was uncovered in Ceuta in July 2000, had laundered drug money to the value of \$153 million in eight months.<sup>2</sup> Drug trafficking is also an issue in the enclaves.

A further serious problem is illegal immigration. The main reason for immigration is economic disparity. The average income in Spain (in terms of purchasing power) is five and a half times that of Morocco (U.S. \$22,000 compared to U.S. \$4,000). North African migrants constantly encircle Ceuta on land. The majority of them are Moroccans, but in recent years there are increasing numbers of migrants from other countries, not only in Africa, such as Senegal and Cameroon, but also from Asia, for example Indians and Pakistanis (Wiedermann 2004). A modern high-tech fence was constructed around Ceuta in 1998 to ward off illegal immigrants, the cost of which equaled U.S. \$36 million in the year of construction alone (with two-thirds coming from EU funds), with another U.S. \$18 million for improvements by 2000. That makes about U.S.\$800 for each inhabitant of Ceuta.

### The Third and Fourth Axes: The Mainland–Surrounding State

Spanish-Moroccan relations are generally influenced by territorial proximity and important economic contacts between the two countries. They tend to be generally good, especially as EU integration and the EU-Mediterranean framework advance and Spain becomes the most prominent interlocutor with Morocco inside the Union. Spain is also the second largest investor in Morocco. Both states are interested in peaceful and cooperative relations not only on a bilateral level but also at the EU level. Spanish efforts were important in setting in motion the so-called Barcelona process, which began in 1995 and should result in a free-trade zone on the Mediterranean Sea, as well as in other integration agreements. An important finan-

cial instrument is the Euro-Mediterranean Partnership (MEDA) Program. 917 million euros flowed into Morocco through this program. In 1995–2003, more than to any other North African state.

In contrast, the existence of the enclaves is generally a negative factor that tends to undermine bilateral relations, although at the same time, the “enclave card” is played carefully so as not to destroy the good neighborly relations of the two states.

The territorial dispute over Ceuta and Melilla has exercised an important influence on Spanish-Moroccan diplomatic relations. Morocco has territorial claims to the enclaves and the issue is raised whenever Morocco finds it opportune to do so. King Hassan II, who reigned from 1966 until his death in 1999, exercised a policy of pressure on Spain on the issue of the enclaves and used the territorial claim over Ceuta and Melilla as a token in a political game. Hassan more than once proposed to establish a “committee of experts” to work on the issue. In the same vein, a letter was sent in 1987 by fifty-five Moroccan intellectuals to forty-seven of their Spanish counterparts, inviting them to attend a seminar to discuss the “non-traumatic return of Ceuta and Melilla to Moroccan sovereignty.” The letter, most probably orchestrated by the Moroccan government, provided the usual arguments in favor of a transfer. It argued that “the Spanish colonial presence in the two Moroccan towns is based on archaic legal documents, the value of which is irrelevant in the face of geographic logic and the support of the international community for the ending of the last vestiges of colonialism in the world” (*El País*, June 19, 1987). Although the seminar never took place, the Spanish government has continually felt obliged to provide counterargumentation on the issue of colonialism. In the same year, Prime Minister Felipe González referred to the enclaves in his State of the Nation address. He stressed the Spanishness of the enclaves and pointed out that “contrary to what some people believe, it has never been a colony or a protectorate” (*El País*, February 25, 1987).

It was announced in 1988 that, under a new directive of the European Union, Moroccan citizens would have to obtain visas to enter Spain. This regulation was to be applied to the enclaves, too, with the exclusion of the frontier status clause. Frontier status applied to Moroccans living in the provinces of Tetuán (adjoining Ceuta) and Nador (bordering Melilla) regularly entering the enclaves. They would require only a passport to enter the enclaves visa-free for a maximum 24-hour stay. The Spanish government was trying to sweeten the bitter pill of the introduction of the visa policy and of the awarding of autonomous status to both enclave towns. The largest-ever credit package for Morocco, worth U.S. \$830 million, was agreed upon by the sides.

One of the instruments applied by Morocco to pressure Spain on the enclave issue was the bringing of a case to the UN Decolonization Committee.

The case was brought in 1988 when the Moroccan Foreign Affairs Minister addressed the General Assembly with the following remark:

"It is imperative to resolve the dispute concerning the enclaves of Ceuta and Melilla and other small Mediterranean islands under Spanish occupation, in order to prevent this anachronistic situation—a consequence of earlier times—from threatening the essential harmony which should prevail over the relations between the two countries situated on either side of the Strait of Gibraltar" (*El Pais*, October 18, 1988).

The Spanish internal stance on the issue remained rather strong, though not unanimous, throughout these years. In national opinion polls in the mid-1980s, less than a quarter of participants would potentially agree with the transfer of the enclaves to Morocco, while over half supported their retention by Spain. About one quarter was ready to support the armed defense of the enclaves if necessary (Carabaza and de Santos 1992, 294).

Morocco returned to its claim in 1993, when King Hassan again talked of establishing a "committee of experts" and persisted in its claim continuously thereafter. For example, the Moroccan Prime Minister Abdellatif Filali described the enclaves as "Moroccan towns under Spanish occupation" and called as late as 1997 for a solution, which would adhere to the examples of Hong Kong and Macao. This solution, then, should impose Moroccan sovereignty over the two towns while allowing Spain to preserve its interests (*El Pais*, September 26, 1987). As Gold (2000, 25) notices, this was precisely the same argument Spain used toward Britain over its claim to Gibraltar. The Spanish government would not find the argument appealing, however, in relation to Ceuta and Melilla. This illustrates the way that role dictates actions. Being the mainland in relation to the North African enclaves, Spain is also subject to the same arguments from the surrounding state as it uses as a surrounding state in relation to Gibraltar.

To sum up, the existence of Ceuta and Melilla, as objects of Moroccan territorial claims, complicates the bilateral relations of the states involved; however, the existence and the preminent importance of other security and economic matters not involving the enclaves prevent the negative enclave factor from exposing Spanish-Moroccan relations to an altogether destructive impact. Nevertheless, Ceuta and Melilla have, on balance, a clearly negative impact on the relations of the mainland and surrounding state.

Isla Perejil was occupied on July 11, 2002, by twelve Moroccan soldiers. Spain immediately called on its naval forces to free the island, which was successfully done without bloodshed and on July 20, 2002, the Spanish troops were withdrawn. Although seemingly minor, this nine-day conflict was serious enough that the Spanish ambassador was summoned back to Madrid and the Moroccan ambassador was recalled to Rabat, with a substantial part of the Spanish fleet taking part in the operation. Morocco argued that the island, only 200 m away from the coast and 5 km away from

Ceuta, was used by smugglers and terrorists. The island remains uninhabited. An agreement on Perejil, concluded by the states on July 22, 2002, reiterated Spanish sovereignty but specified that the island remain henceforth uninhabited.

## LEGAL STATUS

An early analysis of the legal status of enclaves and exclaves was made by Raton (1958, 188–91). The most important part of Raton's analysis concerns the legal nature and the legal status of true enclaves. The relation of an exclave to its state is of a state-legal nature. The inhabitants of an exclave are citizens of the state and in principle the legal order of the mainland is valid in its exclave. The legal nature of an enclave is viewed from the points of view of the surrounding (enclaving) state, the mainland, and the third state or states.

1. For the surrounding state, the enclave is a foreign territory. Its borders are (or at least should be) properly demarcated as national borders. The citizens of the surrounding state have the status of foreigners in the enclave, and vice versa. It is not a condominium under shared sovereignty, though in some cases the surrounding state may exercise some powers over the enclave based on an agreement with the mainland state. Examples of this include Buesingen and Campione, both included in Swiss customs territory under agreements with Germany and Italy, respectively. Nor are enclaves neutral land but rather a territory over which the mainland states have full sovereignty.

2. From the point of view of the mainland state, an enclave is neither a colony nor a protectorate. It forms an integral part of the nation's territory. The residents of an enclave are neither foreigners nor stateless persons. They are nationals of the state with rights equal to those of the residents of the mainland. They possess both passive and active electoral rights and are subject to the same obligations including that of military service. With some subtleties being possible on the matter of rights and obligations, the legally decisive feature is that an enclave is regarded as an integral part of national territory, and its residents as citizens of the mainland state. Some limitations in the exercise of sovereignty of the mainland state in the enclave are not rare phenomena, however. Such limitations are directly caused by the geographical peculiarity of the enclave. They may concern, for instance, the military domain. The surrounding state may prohibit military transit through its territory, which therefore renders defense of a true enclave impossible. Furthermore, a bilateral agreement may explicitly prohibit military fortifications in an enclave, as was the case with the Spanish-French agreement of 1660 on Llívia. This legal stipulation, although of no practical importance now, remains in force today.

3. The sovereignty of a mainland state over an enclave is indisputable from the point of view of the enclaving state. The only problem that may arise is when either the mainland state or the enclaving state is occupied during the course of a war. The First and Second World Wars raised questions about several enclaves on European soil. Germany had respected Dutch neutrality in WWI, so it could not occupy Belgian Baarle-Hertog. German attempts to occupy these Belgian enclaves encountered a firm Dutch stand on the issue of the passage of troops through Dutch territory. Baarle-Hertog remained free throughout the war and was thus used for the transit of mail. Construction and operation of a radio station spying upon German communications in 1915–1918 constitutes an important page in Baarle-Hertog's history. Over the course of World War II, the Germans occupied France (and also Monaco) but left Llívia unoccupied. On the other hand, as Germany was occupied by the Allies at the end of the war, Buesingen was occupied by French troops only after negotiations with Switzerland, and then for just a limited time.<sup>3</sup> As for Campione, it avoided occupation altogether.

## NOTES

1. [http://www.fides.org/eng/dossier/2005/espana\\_islam05.html](http://www.fides.org/eng/dossier/2005/espana_islam05.html), accessed May 2007.

2. *El Mundo*, July 6, 2000, cited by Gold (2000, 34).

3. During the revolution of 1848–1849, Hessian troops entered Buesingen by ship via the Rhine in order to arrest several suspected revolutionaries. As this was done without the consent of the Swiss, Switzerland judged it a severe breach of its sovereignty and neutrality. The enclave was encircled by Swiss troops. The withdrawal of the Hessian troops was allowed only after long negotiations.