



Perejil/Leila: Lessons for Europe. Why Have All Failed?

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The dispute between Spain and Morocco took an unexpected turn with the Moroccan occupation of the rock of Perejil/Leila and the heavy-handed Spanish military intervention that followed, both accompanied by strong pressure from the European Union and a declaration of support for Morocco from the Arab League. The most shocking aspect of the current crisis is that in the year or so since the Moroccan ambassador was recalled from Madrid, diplomacy has failed on both sides to find solutions to the dispute that poisons relations between two states, which beyond their known divergences have a lot of common interests arising from geographical as well as economic, human and growing political proximity. It is a proximity that condemns both countries to get along. The failure of two prestigious diplomacies in managing bilateral differences is a case study of what not to do. The EU intervention thus far should also be examined because it shows how delicate it can be to adopt a position when a member State puts pressure on European institutions and a friendly country which has placed so many expectations on a closer relationship with the Union are at odds over a number of unresolved bilateral and multilateral issues. The crisis also reveals the absence or perhaps the inadequacy of mechanisms for Euro-Mediterranean crisis prevention and resolution, and how necessary they really are – even more so in the post-September 11 climate of mutual suspicion.

The current crisis is plainly absurd, moreover, in light of the fact that Morocco is the Arab country that has made the most visible efforts to liberalise its politics. It is the only Arab country about which one can talk of a political transition that could culminate in the establishment of a democracy. This deserves all the support of European institutions, and of the Spanish government as well. Clearly, Morocco's political achievements do not give it *carte blanche* to resolve its historical and colonial disputes with Spain unilaterally. Nonetheless, this fact should be taken seriously into account when seeking negotiated solutions based on common interests to existing conflicts. For internationally isolated Francoist Spain it was a lot harder (perhaps impossible) to resolve the Gibraltar question than for a democratic Spain in partnership with the UK as a member of the European Union.

True, the Euro-Mediterranean Partnership created on the basis of association agreements between the European Union and Southern countries like Morocco is far from being an integration process comparable to the Union. Yet it is also true that the aim of the Partnership is to widen the area of inclusion to the South. From a symbolic point of view, southward enlargement begins with the nearest region, the 15-kilometre Strait of Gibraltar that separates but should unite Europe and the Maghreb. Only this is not merely nor primarily a geographical issue. Morocco is the only Arab country that has requested accession to the European Union. It is a country that defines its identity in multiple ways, being both Arab and of the Maghreb but also proud of its historical and cultural European heritage.

For the current Moroccan government the process of integration with Europe implies not only or even fundamentally economic restructuring; above all, it is about political convergence. I was able to observe, at a number of seminars on transitions to democracy organised in Rabat with the Centre of Social Science Studies headed by Abdallah Saaf, the current Minister of Education, that there is freedom of expression and that Moroccans want to learn from the Portuguese and Spanish experiences. Although progress has not been as fast as some Moroccans would like (the right to demonstrate is not fully respected, police brutality has yet to be curbed, and some issues like Western Sahara are still more or less taboo), Mohammed VI undoubtedly has permitted significant progress in the area of civil and political rights. Freedom of the press has improved dramatically, political prisoners have been freed and a significant number compensated. Today there is a good chance that the transition to democracy will meet with success. However imperfect, the reforms that have been undertaken in Morocco have no parallel among the southern members of the Partnership, and constitute the only clear political success in this arena so essential for the aims of the Barcelona Process. All of this should be taken into consideration by the Spanish government and the European Union – should, indeed, have been taken into account particularly in the months that led up to the current crisis.

What one witnessed instead was the accumulation of disputes to which there was no concerted problem-solving response. The crisis did not begin on 1 July; there had been various incidents and points of tension over the preceding year. Some examples of unsettled disputes are the suspension of the fishing agreement between the EU and Morocco, the obstacles placed by Spain where agriculture is concerned, the divergences over Western Sahara and over the control of illegal migrants, with the Spanish government actually proposing economic sanctions against their countries of origin, in other words, primarily against Morocco.

To this list one has to add that for Moroccans it is not acceptable to see progress in the resolution of the Gibraltar issue without similar progress over the issue of Ceuta and Melilla. If a sovereignty-sharing scheme is put in place for Gibraltar, the Moroccans will certainly call for a similar arrangement for the North Africa enclaves that are seen by most as remnants of Spanish colonialism. In such cases, it is useless to have international law formally on one's side, as the case of Goa and Damão and Diu demonstrated. In other words, patient and considered negotiation and imaginative solutions that respect the

interests and sensibilities of both sides are the only way forward, even over the thorny issue of enclaves.

The position of the European Union is central here, as this is an issue that affects a member State, and a key country in the consolidation of the Euro-Mediterranean project. EU solidarity with Spain was clear. It could not have been otherwise, given the violation of the *status quo* both sides had agreed to preserve (given the ambiguity over sovereignty, the rock would not be occupied by either of the parties). This does not mean, however, that the European Union should consider the islet as a part of 'its' territory, as some of the declarations produced seem to indicate, something that not even Spain does. It was inappropriate for the Union to threaten Morocco with sanctions and the suspension of the association agreement. Consultations with Morocco have to be undertaken with due consideration for its position as an important partner of the Union, and the search for a diplomatic solution should be the unwavering goal.

Many of the Spanish-Moroccan divergences have an important European dimension: fishing, the control of illegal migration to the European Union, and access to the EU agricultural market. These are in the final analysis the central issues in Euro-Mediterranean relations and the Partnership was created precisely with the aim of resolving differences over these questions. Regular political dialogue within the framework of the Partnership is meant to be a North-South confidence-building measure. Once again, however, the existing mechanisms did not work and the European Union did not take any steps to prevent the crisis. It is nonsense to say that this is a bilateral crisis that has nothing to do with the Partnership or Euro-Mediterranean relations, if only because the positions adopted by the Danish presidency and the Commission gave the crisis a Euro-Moroccan dimension.

Europe is seen, at home and abroad, as being unable to face up to Ariel Sharon but willing to show its muscle when an Arab country is concerned. The Moroccans are particularly sensitive about the EU positions, considered by some to be possible only as a result of the post-September 11 security climate inspired by the US but rapidly 'infecting' Europe, which now tends to see the enemy as emerging from the south, disguised as an immigrant. This distorted view is nonetheless held by significant sectors of European public opinion, and also predominates within the extreme right, part of which is in power. It is essential to contradict these negative perceptions in the Arab world and among the European public, in order that peace and democracy in the region may halt the growth of radical nationalism and identity politics both to the north and south of the Euro-Mediterranean region. This implies a significant reinforcement of the political dialogue between the European Union and its partners in the Barcelona Process.

One must conclude that the crisis-prevention and crisis-management mechanisms which the Euro-Mediterranean Charter for Peace and Stability was supposed to have established, had it been adopted, are also needed in a North-South direction if issues like migration, refugees and territorial disputes are not to grow out of all proportion. All the elements feeding the crisis have been known for a long time, and specialists have been sending out warning signals about the linkage that the Moroccans establish between Gibraltar and the Spanish enclaves. As the lingering bilateral crisis became acute, the Partnership was powerless to provide a conciliatory framework leading to its resolution. The need to give substance to the Partnership allowing it to function as a mechanism for conciliation where prevention has failed would seem to recommend that the debate on the Charter be reopened with a new sense of urgency. Otherwise, Barcelona risks to be seen increasingly as politically irrelevant.

Though the EU should proceed with its efforts to revive the Barcelona Process, which were apparent precisely under Spanish presidency and in particular with the Valencia ministerial, this does not mean that EU action in resolving bilateral south-south or north-south disputes should be confined to the Partnership. The current situation calls for concerted action between the European Union and Spain.

The EU must now prioritise a global negotiation to settle all matters in the economic and internal security realms still pending with Morocco. At the same time, Spain and Morocco must re-establish normal diplomatic relations and initiate bilateral talks on pending differences, including the enclaves, which after the forceful expulsion of Moroccans from the islet will take on a new urgency in Morocco.

The Moroccan legislative elections are set to take place in September. The government has promised that they will be free. In short, the current crisis is taking place at a crucial moment of the Moroccan political transition and could become an important factor in its outcome. Some say that the occupation of the islet may have been pushed by sectors that are opposed to the transition process. If so, this is yet another reason not to exacerbate nationalist sentiment (on both sides, at that), and to strive toward a rapid diplomatic solution to the dispute.

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