'Building Fortress Europe?

Schengen and the Cases of Ceuta and Melilla'

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ABSTRACT

Because of their unique geographical location, Ceuta and Melilla are the only places from which Africans can reach European soil without risking their lives in the Mediterranean. As a result, both enclaves are territories in which EU migration policies have a special significance. The fact that they were fenced off by the Spanish government[1], has rendered the enclaves paradigmatic examples of various metaphors used to conceptualise the external EU border, Fortress Europe being the most successful among them. Apart from scrutinizing the concept and the policies which lie behind it, I claim that the 'gated community' metaphor, which is the lesser used, is more accurate on the basis that it takes into account cooperation and interaction between both sides of the border. In the case of the enclaves this interaction becomes evident in the selective permeability applied to the enclaves and their Moroccan hinterland.

Introduction

In recent years different metaphors have been created in order to describe the external borders of the European Union (EU). To a certain extent, these metaphors have attempted to equate European borders with the Berlin Wall and with 'El Dorado'. In the case of the Mediterranean the focus is mainly on the North-South divide: the 'new wall of shame', the 'gold curtain', the 'European wall' (Driessen 1996, p.180) and most successfully 'Fortress Europe' are prominent

[1] The fences were partly financed by the EU-in the case of Ceuta, the EU covered 75% of the costs of the fence (Alscher 2005, p.11). Similarly, the EU covered 2/3 of the costs of the fence in Melilla (Gold 2000, p.130).

examples of this trend. The steady arrival of migrants from Africa to Europe has helped to reinforce the significance and popularity of these metaphors.

However they are meaningless unless the policies behind them are comprehensively analysed. Thus, immigration policy, Schengen, European Neighbourhood Policy and the Barcelona Process each require consideration. A central objective of this article is to establish that border control and border policies are usually shaped by two competing priorities. One of these priorities (the one that best fits the Fortress Europe metaphor) is control and securitization; the other is dialogue and cooperation with neighbouring states. It will be essential to determine if one of these two priorities consistently outflanks the other.

The final part of the article discusses the example of two Spanish enclaves, Ceuta and Melilla, which have usually been portrayed as the Southern Frontier of Fortress Europe. While acknowledging that the double wired fences in the enclaves[2], as well as the considerably high numbers of deported from them, contribute to the idea of 'hard border', these enclaves also serves to show that even in highly controlled borders, there is room for interaction with the other side of the border. The selective permeability applied to the citizens of the Moroccan provinces of Nador and Tetouan illustrates that even borders primarily aimed at stopping human beings can allow for a measure of inclusion.

Setting the scene

During the penalties of the quarter-finals match between Spain and Italy in the Eurocup 2008 around 20 Sub-Saharans tried to reach the Spanish border in Beni Enzar, Melilla (El País, 23/06/2008). A few hours before, at 4.30am, another group of 70 immigrants had also tried to reach the enclave. Attempts by Sub-Saharans to reach the Spanish enclave are not new, however, what is new is the means that were used this time. Instead of jumping the treble fence as in previous attempts, both groups ran desperately through the border controls, leaving several officers injured in their wake. The vast majority of those immigrants were arrested by the Spanish police hours later.

[2] Treble in the case of Melilla

This incident highlights firstly that we are dealing with a European problem, even though the enclaves of Melilla and Ceuta are not geographically in Europe, and secondly that the fence does not dissuade the immigrants from crossing but instead diverts them and forces them to try new strategies. Finally, it shows that Ceuta and Melilla have become visual embodiments of Fortress Europe. Not surprisingly, Walters (2004, p.692) describes the wall in Ceuta (Melilla should also be included), which was built in order to defend the enclave(s) from migrants seeking their way into the EU, as the best material representation of the idea of Fortress Europe.

As the Italian sociologist Raimondo Strassoldo predicted back in 1982 (1982, p.133), the successful integration of the EU has lead to an intensification of frontier problems with non-EU states. In fact, 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 fanatism on the other.' (Driessen 1998, p.100)

Fortess Europe, a new paradigm based on security?

How do we conceptualise Fortress Europe?

The securitization and Europeanization of immigration issues together with the terrorist threat have led to a greater emphasis on control and served to reinforce the EU's external border. Securitization has received new impetus under the French Presidency of the European Council in the second semester of 2008[3]. As an approach it is based almost exclusively on policing, while its emphasis on the security aspects of the border policies has given rise to the idea of *Fortress Europe,* by way of analogy with the enclosed medieval (European) political space. Indeed, Ceuta

[3] The French government has designated 'l'Europe de la Défense' as a key priority for its Presidency of the European Council in the second semester of 2008. (Agence France-Presse 10/1/2008)

and Melilla highlight the double standards of the EU, which was founded to build bridges[4] across borders but at the same time has built barriers on its Southern frontier.

Furthermore, Fortress Europe seems to erect racial, ethnic and religious boundaries. These boundaries are especially significant in its southern boundary, where borders seem to act as a means to filter out and exclude the discomforting other (Houtum 2003, p.54), that is to say, the outsiders who challenge the EU *borders of comfort*. Walters (2004, p.691) argues that the Mediterranean frontier is the area of Europe which materialises more than anywhere else the idea of edge and limit. This notion of *Fortress Europe* has been defined by Rumford (2006, p.160) as a combination of internal mobility with an impermeable external shell.

Some scholars though have dismissed the concept as misleading and imprecise. Bigo, for instance, (cited in Walters 2004, p.676) 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 (2000, p.16) partly agrees, suggesting that the notion of Fortress Europe has become more associated with a politics of symbols rather than state capacity to control immigration. Leonello Gabrici, head of the Commission's Maghreb unit in the External Relations Directorate-General, 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 (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)

However, given that 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 more than a mere cliché or metaphor since it has political implications. Snyder (2000, p.219) points out that 'as the military and economic functions of the border lose some of their significance, the traditional police function of borders has been reasserted both in Europe and North America'. In the European case, the reassertion of the

[4] The Preamble of the *Treaty Establishing the European Economic Community, Rome 25 march 1957,* for instance asserts that common action is needed in order 'to eliminate the barriers which divide Europe'.

border is intrinsically linked with single market liberalisation (Geddes 2000, Walters 2002, Berg and Ehin 2006) 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, p.17).

Similarly, Loshitzky (2006, p. 629) has condemned what he sees as a double standard, noting that on the one hand Europe encourages the expansion (and integration) of the EU, while on the other it is closing its borders to the 'other'. Some scholars (Mortimer 1990; Buzan 1991) have argued that migration encourages western states not only to construct physical barriers but most importantly, to emphasise 'its differentiation from the society whose members it seeks to exclude' (Buzan 1991, p.448). Likewise, Mortimer (1990, p.12-13) also stresses the *dangers* of large wave of immigration from Muslim countries to Europe, which inevitably pushes Europe to emphasize as sharply as possible the distinction between itself and the world of Islam. The problem with this interpretation is that the fences of Ceuta and Melilla do not distinguish between a Christian Cameroonian and a Muslim Senegalese.

Finally, it is necessary to be aware that 'fortress' is not the only metaphor used to define the European external border. Fortress Europe is a concept used mainly by NGO's, left-wing parties[5] and human rights activists. Conversely police officials and security experts prefer to use a completely opposed metaphor: Sieve Europe. It highlights the vulnerability of Europe in terms of transnational threats (Walters 2004, p.676) due to its openness and porous character. Bigo (1998, p.155) argues that sieve Europe is not more real than its opposite, Fortress Europe, and concludes that both rest on false premises.

Christiansen and Jørgensen (2000, p.74) prefer to use yet another metaphor. They argue that *Maze Europe* is more accurate since Europe is a 'construction that manages to keep some out, some in and most confused as to their precise whereabouts'. The notion of a 'maze' clearly places more emphasis on the confusion caused by the lack of an agreed final destination for the EU, even by those who are inside. The vision of maze Europe is also shared by those who argue that the inside/outside debate will become increasingly blurred (Zielonka 2002, p.518) because

[5] See European United Left/Nordic Green Left, 'Lampedusa and Melilla: Southern Frontier of Fortress Europe'. Brussels: UUE/NGL, 2005.

of the emerging border regime of the EU and that cross border cooperation will flourish accordingly.

Finally, some scholars (Houtum & Pijpers 2007; Zaiotti 2007) have suggested that the EU is beginning to resemble a gated community. This model, while it acknowledges that the EU allows new entrants (Houtum & Pijpers 2007, p. 306), highlights the existence of a strict admissions policy deigned to exclude the "undesirable" groups. The trend towards a gated community is manifested in the security oriented policies like Schengen but also in policies, like the ENP, oriented to cooperation and friendship with the neighbours (Zaiotti 2007, p.145).

Why the stress has been put on security?

What seems clear is that the notion of Fortress Europe confirms a marked trend towards the securitization of the European border(s), both in discourse and practice. David Newman argues that, in the post-11 September 2001 context, the securitization agenda and talk of resealing borders have gained greater currency compared to the 1990s, where the focus was on 'opening borders'[6]. The study of borders has also changed significantly 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 used to be along the national frontiers, but is instead geared toward 'new security concerns' such as terrorism, drugs smuggling, people trafficking, asylum seeking, etc (Walters 2004, p. 678).

Although September 11 was obviously a major turning point, in the Spanish and European contexts the 11 March attacks in Madrid also had a great impact on the formulation of security strategy in the EU. Reinares (2007, p.3) warns that the terrorist threat is especially significant for Spain since: 1) there have been expressions of hostility by prominent al-Qaeda leaders concerning the 'Spanish occupation of Ceuta and Melilla'[7]; 2) Spain has received generic threats on the basis of its current military presence in Afghanistan; 3) and the idea of the violent

[6] Keynote lecture by David Newman: 'Borders are Still important: Learning from the narratives of every day life' to the European Conference of the Association of Borderland studies, Kirkenes-Norway (11/09/2008).
[7] In a message broadcast by Al-Jazeera in December 2006, the prominent al-Qaeda leader Ayman Al-Zawahiri, explicitly denounced the Spanish occupation of both enclaves.

recovery of *Al-Andalus* has permeated the narratives of North African Jihadist Networks. It is also important to note that the 'threat' comes mainly from the southern shore of the Mediterranean, since 77.7 per cent of those arrested in Spain on suspicion of being involved in Jihadist terrorism are from Maghribian countries (Reinares 2007).

Not surprisingly, fourteen days after the attacks on the Spanish capital, the European Council issued the *Declaration on Combating Terrorism* (European Council 2004a) in which the Council stated the need to strengthen border control in order to tackle terrorism. The declaration also called for creation of a European Border Agency[8], 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 & Carrera *et al* 2004, p.6). Therefore, the need to control illegal immigration and defeat international terrorism ensure that the European external borders remain as effective barriers to free movement (Blake 2000, p.17). In fact, this security package promoted by the Council closely resembles Schengen in terms of customs cooperation, strict control of external borders, judicial cooperation.

The 'fight against illegal immigration' (European Commission 2004, p.23) and the need to control 'the exploding population growth' (European Council 2003) on the European borders is another key factor that serves to explain why the stress has been put on security. Andreas (2000, p.1) has argued that new walls are designed 'to deter a perceived invasion of "undesirables". In the context of enhanced borders, unwanted immigrants seem to be leading the list of state concerns. Houtum (2003, p.48) has highlighted that across the EU the temptation to arrest the movement of migrants seems to be growing to disconcerting levels.

Apart from the external factors, that is to say, the terrorist threat[9] 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 border securitization. The Europeanization of the border is *per se* a factor (an

[8] This agency (Frontex) became operational in October 2005. Frontex main tasks (Council Regulation (EC) 2004/2007) are: to coordinate operational cooperation between EU member states in the management of external borders (Article 2 of the Regulation), to carry out risk analysis (Article 4), to provide training for national instructors of border guards (Article 5), to follow up and disseminate relevant research (Article 6), to provide member states with technical and operational assistance at external borders when needed (Article 8), and to assist member states in organising joint return operations of third country nationals (Article 9).

[9] In the Mediterranean context, there are fears of a spill over of the terrorist activities of groups such as the Al-Qaeda organisation in the Islamic Maghreb (former Salafist Group for Preaching and Combat).

internal one) which has contributed to this securitization. It entails the disappearance of the EU internal borders (schengenization) which means the delegation of the border policy from the inner states of the EU to the outer states. Because of free movement within Europe this delegation implies that Germany or Austria in a certain sense share a border with countries like Morocco. Therefore, the Spanish enclaves of Ceuta and Melilla are no longer insignificant outposts of Spanish sovereignty, but gateways to the richest trading block in the world.

EU approaches towards its external borders

The ENP and other strategies seeking for good neighbours

At first glance it might seem that the combination of Schengen with the European Neighbourhood Policy[10] (ENP) is just a new version of the old carrot and stick strategy. Based on conditionality, this strategy has been used and abused[11] by the EU throughout the enlargement process. However, it is slightly different whenever it is applied to the neighbouring south, since there is no prospect of accession to the EU for countries on the other side of the wall. Indeed, the ENP contemplates 'everything but institutions' with the Southern Mediterranean countries in return for internal reforms. As Barbé (2003, p.94-95) highlighted it is essential to determine how far Europe's neighbours in the south will cooperate with the pre-accession strategy without the ultimate prize of accession. The EU has realised that it cannot enlarge forever, but at the same time, it wishes to maintain its influence. Nonetheless, without the carrot of accession, this influence has become more difficult to exercise and has proven to be less significant compared to the cases of Eastern European states or the Balkans (Cameron 2007, p.111).

It is important to remember that the main goal of the ENP is to export 'the European model' to the countries of *Wider Europe*[12]*,* that is to say, countries such as Morocco which have been given

[10] This policy applies to all immediate EU's neighbours, which have been ruled out as candidates, by land and sea except Russia: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine. The policy was officially adopted in the Thessalonica European Council of June 2003.

[11] In the enlargement of Central and Eastern Europe States, the carrot and stick tactics have been largely used by the EU. For comprehensive accounts of the use of this instrument by the EU in central and Eastern-European countries see: Berg and Meurs 2002; Schimmelfennig *et al.* 2003; Berg and Ehin 2006.

[12] In other words, countries that share a border with the EU.

no expectations of accession but who belong to Europe's 'ring of friends' according to Romano Prodi (cited in Barbé 2003, p.94). This privileged relationship is conditional on their commitment to the *shared* values of democracy, human rights, rule of law, etc. Therefore, it can be argued that the EU exhorts its neighbours to 'align with and implement parts of the *acquis communitaire'* (European Commission 2003).

Briefly put, the EU offers through the ENP a political *privileged* relationship and economic integration to its neighbours in compensation for being excluded from the EU[13]. In a way, the ENP can be interpreted as an attempt to make good neighbours through 'good' fences (DeBardelen 2005, p.10). However, despite the efforts to avoid polarization, the EU has not been able to avoid a certain degree of delimitation/exclusion through the process of enlargement (Hill 2002, p.104). Some authors (Cameron 2007, p.110) have expressed concerns that rather than a 'ring of friends', the EU might face a ring of states in distress. Morocco is the perfect example of an outraged country which was rejected in 1987 for geographical reasons.[14]

The Euro-Mediterranean Partnership[15], which was created in 1995 after the Barcelona Declaration, involves the 27 countries of the EU and 12 Mediterranean countries. One of its main *raisons d'être* is to tackle the disparities between the former and the latter. Gold (2000, p.134-136) points out that the EMP was a unique approach in the sense that for the first time cooperation extended beyond economic matters[16]. It shares similar goals with the ENP, which works to complement and reinforce the Barcelona process on a bilateral basis (European Commission 2004, p.7).

The Commission has stressed the compatibility of both policies, declaring that the ENP 'should not override the existing framework of EU relations with [...] the Southern Mediterranean Partners' (European Commission 2003, p.15). The main difference is that the EMP seeks the establishment of a multilateral framework whereas the ENP approach could be conceptualised as

[13] Morocco will be receiving 654€ million through the 'European Neighbourhood and Partnership Instrument' during the period 2007-2010. Besides, the Association Agreement, signed in 1996 plans to create a free trade zone between the EU and Morocco by 2012.
[14] In an interview with *Financial Times* (28 October 1994) deceased King Hassan II complained that: '[Europeans] look for allies more to the East, because their people are white... because it's one big family. And they look across the Mediterranean and say "Ah yes, it's true, there are those poor little people that we colonized.
[15] It is also known as the Barcelona Process.
[16] It also involves political and security issues along with social, cultural and human affairs.

'differentiated bilateralism' (Del Sarto & Schumacher 2005, p.21) with a high degree of flexibility[17].

Nevertheless, Walters has criticised the EMP[18], arguing that instead of bringing the two sides of the Mediterranean closer, it entrenches division 'by seeking to stabilise the frontier through various programmes of regional assistance' and consequently transforming the border into a 'fully colonial and integrative frontier' (Walters 2004, p.693). Others have argued that the EMP is a product of the Spanish lobbying in favour of balancing the Eastern and Southern dimension of Europe (Barbé 1998; Barbé *et al.* 2007), the Eastern dimension having dominated during the 1990s.

On 13th of July 2008, the EMP was replaced (or transformed) by the (French President) Sarkozy led *Union for the Mediterranean*[19]. This new international organization will concentrate on different issues, and like the ENP and the EMP, will stress the fight against illegal immigration. The Spanish Minister for Foreign Affairs, Miguel Ángel Moratinos, declared himself confident that this new organisation will help Europe to 'fight against criminal gangs of traffickers and smugglers and to manage migratory movements in an effective, responsible way' and that it will lead to the construction of 'an authentic geopolitical space'[20] in the Mediterranean.

Schengenization

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 (Apap & Carrera *et al* 2004, p.3) was signed by Benelux, West Germany and France. 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' (Walters 2002, p.561) was signed by most of the members of the EU. The Amsterdam Treaty represented a turning point since, in May 1999, part of the Schengen

[17] Due to the diverse feature of the actors involved ((Zaiotti 2007, p.146)
[18] The same criticism can be applied to the ENP.
[19] It includes the same members of the EMP plus Albania, Bosnia and Herzegovina, Mauritania and Montenegro.
[20] 'Del Proceso de Barcelona a la Unión Euromediterránea' *El Pais* 02/08/2007

Protocol was introduced into the legal framework of the EU, which means that the EU has a *de facto* external border. At present, all the members of the EU are members of the Schengen space[21], except for the UK and Ireland[22], which opted out from implementing the Schengen *acquis,*

The reason for the reinforcement of EU external borders, and for the popularity of the image of 'Fortress Europe', is pretty straightforward. With the implementation of the Schengen agreement, the inner countries delegated border control policy to countries adjoining non-member states. Needless to say, this delegation of border competences implied that the inner countries 'trusted' the capacity to control the border of the Schengen peripheral states. As the Frontex webpage concedes, 'enhancing cooperation of law enforcement bodies across Europe was an obvious consequence of that step [free movement of people][23]'. Similarly, Gerald Blake (2000, p.11) points out that the harder character of the outer border is due to the fact that this external border is now responsible for controlling movement of people and goods on behalf of the 15 (now 27) members of the EU. For that reason, *Schengenization* (or the trend towards security) appears to be a by-product of Europeanization in the sense that absence of border control among members has led to the reinforcement of common external borders (Snyder 2000, p.221).

Therefore, the EU is faced with significant border dilemmas, since on the one hand it encourages freedom of movement among its citizens at the internal level, and on the other hand, it creates a new external border which is rigorously patrolled and guarded with the countries that have been excluded from the 'European club' (Geddes 2000; Houtum 2003; Loshitzky 2005; Berg and Ehin 2006; Newman 2006). In other words, by fulfilling one of the main goals of the Treaty of Rome 'to eliminate the barriers which divide Europe[24]', the Schengen requirements raise the possibility of hardened external borders with the EU neighbours (DeBardeleben 2005, p.7). It is worth

[21] Also two members of the EFTA (Norway and Iceland) are within the Schengen Area. The other two (Switzerland and Liechtenstein) are to join the Schengen space in the foreseeable future along with Romania and Bulgaria.
[22] 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 from part of the Schengen *acquis)*.
[23] http://www.frontex.europa.eu/origin_and_tasks/origin/
[24] See *Treaty Establishing the European Economic Community, Rome 25 march 1957 (Preamble*)

recalling that the ultimate goal of Schengen is to uniformly enclose the emerging area of freedom, security and justice.

At this point it is worth asking 'to what extent does Schengen have its others?' [25] Despite the complexity of the question, we can observe that what is fascinating about Schengen as a border construction process is that its others are not classical nation states, but instead social threats personified in the racialised figure of Islamic non-white people (O'Dowd & Wilson 1996; Walters 2002; Houtum & Pijpers 2007). Moreover, it seems that those who are not citizens of the EU member states are no longer excluded from a set of nation-states, but from a unit which goes by the name of 'Europe' (Snyder 2000, p.223).

After briefly scrutinizing both the ENP and Schengen it seems obvious that the bordering process has two main objectives: security (Schengen) and close cooperative relationship (ENP). Nonetheless, if we look at the ENP in detail, it is evident that this policy fosters not only prosperity but also raises security issues. Thus it seems clear that the development of the wider Europe/ENP policy was shaped by the EU's internal dynamics (Del Sarto & Schumacher 2007, p.25), being motivated by its own interests and more particularly by a concern towards strengthening its own security. Zaiotti (2007, p.158) has pointed out that the securitization of the EU policies may well become counterproductive since it contradicts one of the main goals of the neighbourhood policy, that is, the improvement of relations between EU countries and their southern neighbours.

Indeed, if we take into consideration the policy documents, the securitization trend in the ENP becomes even clearer. The 2003 Communication requires the neighbours to strengthen controls on illegal immigration and offers 'intensified cooperation to prevent and combat common security threats' (European Commission 2003, p.5). This pressure on the neighbours could be

[25] Civil liberties organisations, antiracist and pro-immigration groups like SOS Racisme, Human Rights Watch or Andalucia Acoge have stressed the drawbacks of Schengen. Their main arguments are that Schengen represents a European-wide repressive system, which encourage governments to take a harsh line towards illegal immigrants who are entered in the same database (Schengen Information System) as 'real' criminals. Another common critique is the lack of transparency, since many of the Schengen agreements are negotiated confidentially and, therefore, are not subject to parliamentary scrutiny (Anderson 2000, p.22).

seen as an attempt to make neighbours buffer zones between the EU and areas of potential threat such as Sub-Saharan Africa (Del Sarto & Schumacher 2007, p.26; Zaiotti 2007, p.149). Even though the ENP is not directly mentioned in the European Security Strategy Paper (European Council 2003), this 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[26]' (European Council 2003, p.7-8).

Ceuta and Melilla

The 'border of borders'

Ceuta[27] and Melilla[28] are two Spanish coastal-enclaves located in Northern Africa which comprise the only territories in mainland Africa belonging to an EU member state and, as a result, the only land border between the two continents. Both enclaves became European cities by treaty when Spain joined the European Community in 1986. 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.* Their anomalous geographical location exposes them to border challenges as well as to a complex situation of interdependent concentric circles which involves the enclaves, Spain, Morocco and the EU.

The complex divisions of the enclaves can be divided into three different concentric circles. Firstly, the local circle (1st circle), which denotes the border crossing and the border in general, and the political divisions within the enclave[29]. The second circle constitutes the national border and involves the surrounding state (Morocco) and the mainland (Spain) and their bilateral relations which are largely shaped by the enclaves' existence. Finally, the third circle refers to the EU and its borders with its Muslim neighbours in Northern Africa. This third circle not only

[26] It should be noted that the 'ring of friends' has been replaced by a more security oriented concept such as 'ring of well governed countries'.

[27] Its total perimeter has a length of 28 km, 8 of which constitute the land border with Morocco (Instituto Geográfico Nacional)

[28] Its total perimeter has a length of 20km, 11 of which constitutes the land border with Morocco (Instituto Geográfico Nacional)

[29] there is a significant Muslim minority which is politically organised along with Jews and Indian merchants.

implies a post-national border between the EU and non-EU states but also concerns the broader civilisational divide between the so called West and Islam.

What makes the cities of Ceuta and Melilla interesting politically, sociologically and anthropologically is that they are not only crossroads between two states but also between the EU and Africa, between Christianity and the Muslim world, between the 1st developed world and the 3rd world, between "us" and "them", between those who regard themselves as "civilisation" and those they regard as "barbarians". (Driessen 1998; Donnan and Wilson 1999; Gold 2000; Ferrer-Gallardo 2006). Based on this multiplicity of divisions, Ferrer-Gallardo (2006, p. 2) has labelled the Spanish and Moroccan frontier as "border of borders".

Cooperation on border issues

First of all, it is essential to highlight that the reinforcement of the border has been partially financed by the European Commission. In practice, this funding has meant that border controls have not only been strengthened, but they have also been externalised towards the Maghreb countries. Indeed, North African countries have been receiving funds from the MEDA[30] programme (European Neighbourhood Partnership Instrument since 2007) in order to reduce immigration through boosting development (de Haas 2008, p.1309).

In the Spanish-Moroccan context, it should be noted that, despite the disagreements over territorial issues[31], there is an increasing cooperation in the field of the fight against terrorism and people trafficking. Thus according to the Moroccan Ministry of Internal Affairs, 28,000 migrants were arrested on Moroccan soil in 2005[32]. Only in the first semester of 2008, 960 Sub-Saharans were arrested in the province of Nador (El Pais 16/11/2008), which adjoins Melilla. This cooperation has also born fruit in an increase of border controls by Morocco on the Mediterranean and Atlantic coasts and remarkably in Ceuta and Melilla[33].

[30] MEDA comes from Mesures d'Accompagnement (French for Accompanying measures).
[31] Morocco claims sovereignty over Ceuta, Melilla and several islands on the Southern Mediterranean shore, since the very first day of its independence in 1956. Indeed, Morocco has brought the enclaves question to the UN Assembly, trying unsuccessfully to put them in the UN decolonisation list.
[32] UNODC, *Organised Crime and Irregular Migration from Africa to Europe*
[33] www.eudimensions.eu

Therefore, territorial disagreements do not preclude cooperation in other areas, especially in the 'fight' against illegal immigration. This cooperation is of paramount importance since it is through Morocco that most immigrants reach not only the enclaves but also the Andalucian coast and the Canary Islands (the latter route mainly through Saharan territory). Notably, since 2003 Spain and Morocco have carried out on joint naval patrols. In this context, it is necessary to highlight that the Spanish government has renegotiated the 1992 Agreement of Return with Morocco in order to repatriate all illegal immigrants who arrived through Morocco, regardless of their nationality. SOS Racisme and other NGO's have been extremely critical of this agreement because they see it as a 'transfer' of the border to states that do not respect democratic principles in order to avoid legal scrutiny from European citizens and social organizations[34].

The principle of selected permeability applied in Ceuta and Melilla[35]

Because of their geographical location the enclaves have been held up as a good example of Schengen flexibility (Apap and Tchorbadjiyska 2004, p.6). In a protocol attached to the Schengen *acquis* it is stated that the citizens from the Moroccan provinces adjacent to Ceuta (Tetouan) and Melilla (Nador) are exempted from visa requirements (European Council 2000, p.73[36]). Moroccans from outside these two provinces, though, remain subject to the ordinary visa requirements. Therefore, Moroccans from Nador and Tetouan may apply for a one year residence permit 'visado multiple limitado' which allows them to enter and exit the enclaves on a daily basis (*Ibid)*. Obviously these permits facilitate the movements of the citizens of Nador and Tetouan across the border (Berg and Ehin 2006, p.65). However, the visas are only valid for Ceuta and Melilla and do not permit access to the rest of the Spanish territories. In fact, Spain maintains checks (on identity and documents) on sea and air connections departing from both enclaves and having as their destination the Spanish territory.

This flexibility should be understood in the context of historical interaction between the enclaves and their hinterland. In fact, the economic viability of the enclaves depends on their interaction

[34] In October 2005, a group of 1000 sub-Saharans were transferred from the border in Ceuta and Melilla to the border between Morocco-Algeria by the Moroccan authorities. 24 of them died of thirst according to SOS Racisme (El Pais 8/10/2005)
[35] It shall be noted that I will refer indistinctively to Ceuta and Melilla as enclaves, cities, or autonomous cities.
[36] Agreement on the Accession of the Spanish Kingdom of Spain (Declaration on the towns of Ceuta and Melilla)

with their hinterland (Ferrer-Gallardo 2006, p. 10). This economic dependency, which partly explains the visa exceptions, leads to a selective permeability of the border. Indeed, thousands of Moroccans from the adjacent provinces enter the enclaves on a daily basis for trading purposes (Gold 2000).

At first glance, it might seem that illegal trade is concentrated on smuggling drugs. According to the World Drug Report of 2008[37], Morocco is a major source of the supply of cannabis resin (26.9% of the world total) and Spain has the highest seizures of the same product (45% of the total). This combination of circumstances locates not only Spain but also the enclaves of Ceuta and Melilla on the main trafficking route between North Africa and Europe. Not surprisingly, according to the 2007 report conducted by Spanish Drugs Observatory[38], the 3.4% of the arrests for drug trafficking in 2006 took place in Ceuta. This percentage is extraordinarily high if we consider that Ceuta represents just 0.17% of the Spanish population.

Despite the importance of cannabis, there are other illegal trades which can not be overlooked. The enclave dwellers euphemistically refer to them as *atypical trade*[39]. This *atypical trade,* or smuggling, is carried out mainly by women and usually consists of basic products such as food and clothing, which are packed in bundles. In average, the *porteadores*[40][see fig.1] get 50 dirhams (4.5€) for every bundle they transport[41]. Subsequently, these goods are transported and resold in the Northern provinces of Morocco (El Pais 18/11/2008). This unorthodox trade is estimated at 440million € (data from 2006) in Melilla (which represents over 40% of the local economy according to the Government Delegation), and 500million € in Ceuta (El Pais 15/07/2008). If we take the illegal trade into account, Spain becomes the main trade partner for Morocco. The latter also benefits from the illegal trade since it supports 45,000 direct jobs and 400,000 indirect jobs.

[37] UNODC, 2008 *World Drug Report*
[38] See Informe 2007 del Observatorio Español sobre Drogas. Situación y tendencias de los problemas de drogas en España.
[39] Comercio atípico in Spanish
[40] It can be translated as porters.
[41] It usually weights between 50 and 70 kg.

Between 20,000 and 30,000 Moroccans (mainly *porteadores*) cross the border of Barrio Chino[42] in Melilla on a daily basis. Due to their haste to re-cross the border and pick up more deliveries, tragic accidents on this overcrowded border are a frequent occurrence[43]. Needless to say, this trade would not be possible if the enclaves did not have a special status introduced in the Schengen *acquis.*

Figure 1-*Porteadores* queuing in the Ceuta border (Diario Sur 16/11/2007)

There are two basic reasons for the significant interaction between the enclaves and the adjacent Moroccan provinces. On the one hand, both enclaves are *de facto* tax free zones, and many Moroccans take the opportunity to buy goods for resale at home. This privileged situation is likely to change in 2012 with the liberalisation of trade between Morocco and the EU[44] (abc 5/11/2007). This liberalisation will seriously threaten the economy of both enclaves since they will no longer be able to benefit from their tax free status. On the other hand, Ceuta and Melilla also rely heavily on illegal workers from the surrounding Moroccan villages who cross the border to do all sorts of unqualified jobs (being the construction sector one of the most significant) for as little as 10€[45] a day[46].

[42] Since the summer of 2008, the border crossing takes place temporarily in Barrio Chino. Normally border crossing occurs in Beni Anzar but it is currently being reinforced.
[43] On the 17th of November 2008, due to an avalanche, a woman (a *porteadora*) was killed and several people were injured while attempting to reach Melilla though the border post of Barrio Chino (El Pais 18/11/2008)
[44] Professor Joaquin Aranda has coordinated a report (which has not yet been published) entitled 'Advantages and disadvantages of the integration of Ceuta in the Customs Union of the EU' which analyses the consequences of the free trade agreement between the EU and Morocco for the town of Ceuta.
[45] 'Melilla Rap' documentary broadcast on Spanish National TV (8/01/2008)
[46] A legal worker would be at least 7 times more expensive. Therefore, many employers take advantage of the Moroccans' vulnerability and exploit them on a regular basis.

Therefore, on the one hand Spain is pressured to open up the enclaves for more interaction with the hinterland, while on the other hand the enclaves are viewed as central to the construction of Fortress Europe and to the notion of 'enlargement with security' (Berg and Ehin 2006, p.65). However, the fortress is not an impregnable barrier, since it allows for 'selective permeability', as the example of the Moroccan citizens of Tetouan and Nador have shown.

The fences

The permeability of the trade border is in sharp contrast to the hard anti-immigration border manifested in the fences of Ceuta and Melilla. Because of their geographical location, the Spanish enclaves seem to challenge the natural border that represents the Mediterranean; they are politically in the north but geographically in the South. This specific background leads to several paradoxes that have been highlighted by Peter Gold (2000, p.1-2) such as the fact that they are located in the world's poorest continent but they belong to the richest trading block in the world. In addition, they are physically in the African continent but the majority of their citizens are fully European[47].

The fences that surround Ceuta and Melilla make the enclaves an extreme case of a gated community. The fences were first erected in 1993 in Ceuta (8.2km) and in 1996 in Melilla (10.5km)[48] by the Spanish Socialist Government. At the beginning, the equipment was rudimentary and, as a result, it was relatively easy for illegal immigrants and smugglers to make their way across. Before reaching their present state of sophistication the fences were reinforced on several occasions at considerable cost[49] which was partly covered by the EU.

The enclaves became internationally 'famous' when thousands of immigrants coming mostly from the South of the Sahel attempted to cross the fences in October 2005. The result of this *avalanche* was the death of 13 people (and several others injured) and the militarisation of the fences from both sides for two months. In July 2006 another 3 people died in Melilla. Amnesty

[47]Each town is entitled to elect an MEP to the EU parliament.
[48] In theory, before migrants cross the fences they are already in Spanish territory since when the fences were first built in the mid 1990, the Spanish government placed the fences a few metres within the Spanish territory.
[49]The reinforcement cost: in 1995 in Ceuta 48Million€, in 1998 in Melilla 12Million€, In 2005/07 in Melilla 33Million€.

International (International Secretariat of Amnesty International 2006) has denounced the Spanish and Moroccan authorities for failing to publish any results from an investigation into the deaths. Unfortunately, these have not been isolated episodes and attempts by Sub-Saharans to reach the enclaves continue unabated[50]. The tragic events of October 2005 resulted in an increase in the height of the double fences in the enclaves from 3 to the current 6 metres. In addition, both fences feature barbed-wire[51], motion sensors, CCTV and infra-red cameras along with control towers.

Beyond the tragic consequences, these events demonstrated the shortfalls of the security and public order policy introduced by Spain and the EU along its southern border (Soddu 2006, p.212) as well as the inefficiency of blocking borders in order to stop immigration. In short, the fences do not tackle the roots of the problem: instead, they merely divert migration to the realmf security and function as a reminder of the economic, political and cultural divisions between Europe and Africa (Gold 2000, p.144). This stands in direct contradiction to the main goal of the European Neighbourhood Policy (ENP), which is to avoid the emergence of dividing lines between the EU and its neighbours (European Commission 2003), that is to say, the 'them' who have been excluded *ad infinitum* from the 'club'.

Apart from enlarging the fences, the Spanish government decided to erect a third fence[52] in the shape of a tri-dimensional tow-rope between the two existing fences[53], which would be less harmful[54] and more secure (Notas de la Presidencia del Gobierno, 5 Octubre). The innovative system of the tri-dimensional tow-rope [see figure 2], which has never before been implemented, has attracted U.S. interest as a possible solution to the issue of Mexican migration (El mundo 22/03/2006). Paradoxically, while this third fence was being built, the Spanish PM signed a statement along with the rest of the 21 Ibero-American countries in the XVI Ibero-American summit[55] (November 2006), which strongly opposed the wall between Mexico and the U.S. The

[50] Between the 26/10/2008 and the 9/11/2008 there were five attempts in Melilla. On 2/11/2008 three Spanish *Guardias Civiles* were injured when trying to stop 13 immigrants from entering the enclave.
[51] In Melilla it was removed in November 2007 after the construction of the third fence (tri-dimensional tow-rope).
[52] Eventually, the local authorities in Ceuta have ruled out the possibility of the installation in the city, so it is only operative in Melilla since November 2007
[53] There is a 2.5 metres distance.
[54] On the 1st October 2006, 5 people were injured when trying to cross the new fence.
[55] See *Comunicado especial de la XVI Cumbre Iberoamericana de Jefes de Estado y de gobierno contra la construcción de un muro en la frontera México-Estados Unidos*

text concluded that 'building walls is incompatible with friendship relationships and cooperation between states' and that 'walls do not stop migration [...] but encourage discrimination and xenophobia'.

Figure 2- Tri-dimensional Tow-rope (third fence) in Melilla (El mundo 22/03/06)

The physical protection of the fences is currently supported 331 Spanish National police officers and 676 *Guardias Civiles* in Ceuta and 316 police officers and 626 *Guardias Civiles* in Melilla (European Parliament 2006). During the 2005 October crisis, 480 soldiers from the Spanish army were also deployed along both borders for two months. At the same time, Morocco has also heightened security by installing surveillance posts and a trench (which resembles the Maginot line) on the Moroccan side of the border in order to make crossing the border more difficult for illegal immigrants (El pueblo de Ceuta 24/06/2008).

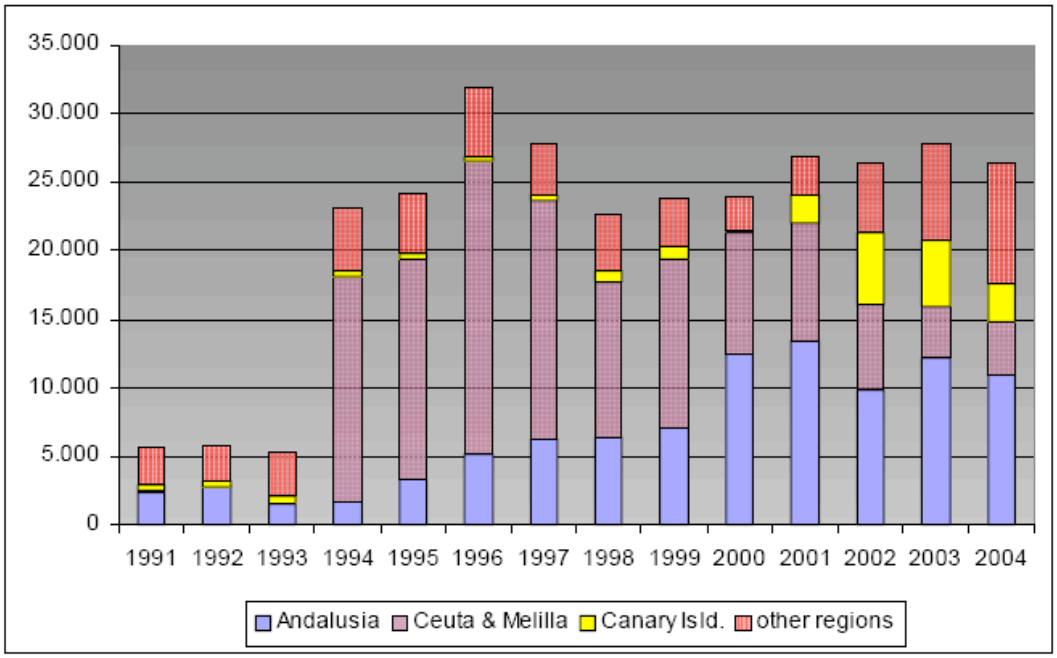
The 2005 incidents prompted the donation of 40 million Euros from the EU to Morocco[56] aimed at helping the country to tackle illegal immigration. This funding allows the EU to externalise the problem of illegal immigration. With these funds, the EU expects Morocco to build the trench mentioned above as well as immigrant holding centres similar to the CETI,[57] which are already operational in Ceuta and Melilla.

[56] UNODC, *Organised Crime and Irregular Migration from Africa to Europe*

[57] CETI stands for Centros de Estancia Temporal de Inmigrantes (Center for Temporary stay of Migrants). These centers are reception centers for immigrants and asylum seekers and have a capacity of 512 people in Ceuta and 472 in Melilla. Due to the length of the asylum procedure, some migrants stay in the CETI's for months or even years. Usually these migrants are from countries with no readmission agreements therefore they cannot go to Spain but they cannot be deported either.

Finally, it is important to consider the number deported from the enclaves in order to show the impact of the fences in terms of sealing the border. The construction of these fences should be interpreted not only as a result of the escalation of illegal border crossing through the late 1980s and early 1990's (Sandell 2005) but also as a consequence of EU membership (Gold 2000, p.130) provided that Spain was *encouraged* by the European Community to reinforce its borders[58]. Therefore, the Europeanization of the border in Ceuta and Melilla is a key factor in explaining the existence of the fences.

Figure 3-Deportations and *devoluciones*[59] in Spain by regions 1991-2004



Source: Alscher (2005) based on statistical yearbooks, Spanish national Police, Comisaria General de Extranjeria y Documentación, 1991-2004.

Figure-3 shows that the security trend supported by the Schengen *acquis* plays a crucial role in the enclaves because the number of deported in Spain increased drastically due to the

[58] In 1986 the year Spain joined the EC, the Spanish government installed an illuminated stretch of wire fence with a security post every few hundred meters. However, these fences were easily penetrable (Gold 2000).
[59] It can be translated as Immediate or expedited removal. The main difference with the deportation is that it has to be realized within 72 hours.

devoluciones from Ceuta and Melilla. Thus, the table indicates a substantial raise in deportations in 1994; from over 5,000 in 1993 to over 20,000 in 1994, which can be explained by a higher density in border controls as a result of border fencing systems (Alscher 2005, p.11) in Ceuta and Melilla. It should be noted that the deportation measures reached their peak in 1996 only one year after the Schengen Treaty came into force in Spain. Finally, it can be observed that the security measures introduced in the enclaves have not deterred immigrants from endeavouring due to the *devoluciones* from Ceuta and Melilla to reach the Spanish soil. Instead they have merely diverted the route towards Andalucía, the Canary Islands and other Spanish regions.

Conclusion

One of the most salient effects of the so-called *Schengenisation* has been the re-marking of the Spanish southern border by the EU, thereby transforming the economic and political relations in the region (Driessen 1998, p.119) and leading to several border challenges. One of the most significant was the creation of a sophisticated system of wired fences in Ceuta and Melilla, in the mid-1990s, intended to prevent (mainly African) immigrants from entering Spain and the EU, and, arguably, to delimit explicitly the boundaries between the EU and Africa.

Therefore, the fences play a pivotal role in physically, but most importantly politically, dividing what is inside and what is not, what is Europe and what is foreign. However, the fences have proven completely ineffective in achieving their declared aim, which was to stem the growing migratory pressure from Africa. The heightened of security along the fences has not stopped immigration but has diverted it to the Strait of Gibraltar and other routes, such as the Canary Islands.

In this context, the fact that the EU and Spain seek a level of interdependence with the southern neighbours through cooperation (ENP, EMP, and bilateral cooperation) needs to be read more as part of their 'defence strategy' rather than a manifestation of altruism. As argued by Wallace (2003, p.19): 'The costs of defending the EU from unstable states in its neighbourhood would be much higher than those of promoting prosperity and security beyond its borders'. This article has argued that one of the problems with the various neighbourhood policies is their subordination to

the internal security and as a result it seems that, even if border policy has two sides, they appear to belong to the same coin. As argued by Zaiotti (2007, p.154) it seems that the Schengen culture has '"spread" to the ENP as an unintended consequence of its consolidation', in other words, the ENP seems to be 'Schengenized'(p.155).

To a certain extent, the existence of these fences serve Delanty's argument (1995, p.1) that the discourse of Europe is not only about uniting and including but also about exclusion and the construction of difference based on norms of exclusion. Following the same line of argument, Schengen and the new (exclusionary) border regimes seem to be essential to EU integrity and to EU self-distinction from the 'other'. The watchtowers, the barbed wire fences, the sophisticated detection devices and the different policies that try to 'protect' the EU against the world's poor seem to suggest a trend towards Fortress Europe. Nonetheless, it is also true that this fortress is an imperfect one with many cracks. The visa exemptions for the Moroccans from the provinces of Tetouan and Nador, which allow them to enter the enclaves of Ceuta and Melilla, serve as an example of a more inclusive Schengen as well as a crack in the 'Fortress Europe' metaphor.

Thus the combination of a relatively open border regime between the enclaves and the Moroccan hinterland with the exclusionary fences in those enclaves creates a *southern gate* that does not seem to fit in the metaphors of Fortress, maze or sieve. Indeed, the dead people at the fences (which tie in with the idea of a fortress) are in sharp contrast with the openness towards the *porteadores* who constitute an 'economic desirable migrant'. Therefore, the metaphor of a *gated community* (Van Houtum & Pijpers 2007, p.302) seems to be the most suitable because it combines the ideas of restraining access to the gated territory and a greater level of control over those who enter it and selective permeability towards those who bring benefits to the gated community.

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