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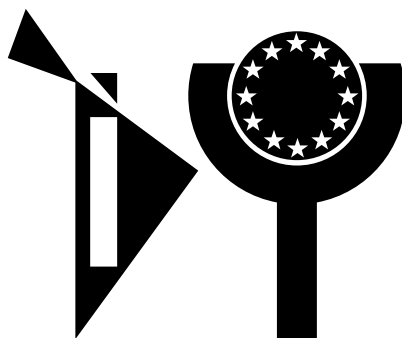


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Gibraltar, Ceuta, Melilla, and Western Sahara: Four Euro-Spanish Challenges

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INTRODUCTION

Gibraltar, Ceuta, Melilla, and Western Sahara are four disputed territories that present unique geopolitical challenges in international relations due to their historical backgrounds and contemporary significance. Situated at strategic maritime and land crossroads, these territories have long been centers of contention between different nations, primarily between Spain and the United Kingdom for Gibraltar, and Spain and Morocco for Ceuta, Melilla, and Western Sahara. This article provides a comprehensive examination of the historical events, international legal principles, and contemporary diplomatic stances that define the status of these territories.

WESTERN SAHARA

The Sahara Desert, spanning vast stretches of North Africa, is not merely a land of sand dunes and mirages; it's also a region marked by complex histories, geopolitical struggles, and the aspirations of its indigenous people, the Sahrawis. Central to this narrative is the Spanish Sahara, later known as Western Sahara¹, and the Sahrawi struggle for self-determination amidst competing interests and historical legacies.

One of the last non-self-governing territories (NSG)², the last in Africa, Western Sahara³ was left to its fate in 1976, when Spain, its former colonial power, ceased its temporary administration of the territory claimed by Morocco and terminated its presence.

The Spanish presence in the Western Sahara dates to the late 19th century when Madrid established colonial control over the region. Over the decades, Spanish colonial rule shaped the socio-political landscape of the territory, leading to tensions and resistance movements among the indigenous Sahrawi population.

In the mid-20th century, as waves of decolonization swept across Africa, pressure mounted on Spain to relinquish control over its colonies, including the Spanish Sahara. This paved the

¹ Western Sahara is located on the northwest coast in West Africa and on the cusp of North Africa, bordering the North Atlantic Ocean to the northwest, Morocco proper to the north-northeast, Algeria to the east-northeast, and Mauritania to the east and south.

² Western Sahara is the only NSG territory that is under the direct responsibility of the UN since no state has been identified as administering power of it.

³ Officially the Spanish Possessions in the Sahara from 1884 to 1958, then Province of the Sahara between 1958 and 1976. The Spanish Empire gained control over the territory as a consequence of the Berlin Conference (1884-1885), where the European powers set up zones of influence or protection in Africa.

way for the emergence of nationalist movements, most notably the *Frente Polisario* (Polisario Front), founded in 1973 with the aim of liberating Western Sahara from Spanish colonialism.

Polisario's struggle for independence was met with resistance from both Spain and neighboring Morocco, which laid claim to parts of Western Sahara. The ensuing conflict escalated in 1975 into a full-scale war between Polisario guerrillas and Moroccan forces, with Algeria providing crucial support to the Sahrawi cause⁴.

Central to the conflict are the aspirations of the Sahrawi people for self-determination and sovereignty over their ancestral lands. The Sahrawis, predominantly of Berber and Arab descent, have a distinct cultural identity shaped by their nomadic lifestyle, language (Hassaniya Arabic), and traditions such as poetry and music.

The protracted conflict drew international attention, prompting efforts by the United Nations to broker a resolution. In 1991, the UN brokered a ceasefire agreement between Morocco and the Polisario, accompanied by promises of a referendum on self-determination for the Sahrawi people. However, the referendum has yet to materialize due to disagreements over voter eligibility and the status of the region's sovereignty.

In March 2022, the Spanish government came out of the blue with by recognizing Rabat's territoriality over Western Sahara. This position was reiterated in February 2024. Behind economic and political interests and motivations, is remarkable that Spain, a member state of the European Union (EU), have abandoned the core principles of international law, and sacrificed the legitimate aspirations of the Saharawi people for self-determination. What is more remarkable, is the lack of concrete support from the EU, despite statements on respecting international law and fundamental human rights.

The saga of the Spanish Sahara and Western Sahara encapsulates the complexities of colonial legacies, geopolitical interests, and the aspirations of indigenous peoples. Despite decades of displacement and hardship resulting from the conflict, the Sahrawis have demonstrated resilience and determination in their struggle for independence. Many Sahrawi refugees continue to reside in camps in Algeria, while others remain in the disputed territory, enduring political uncertainty, and human rights abuses. The ongoing struggle for self-determination waged by the Sahrawis, represented by the Polisario Front, remains unresolved, highlighting the need for continued international attention and diplomatic efforts to address one of Africa's longest-standing conflicts.

CEUTA AND MELILLA

Ceuta and Melilla serve as autonomous cities of Spain, located in North Africa⁵, enjoying a degree of self-governance under the Spanish constitution⁶. Situated on the Mediterranean coast, these territories have witnessed a succession of civilizations and colonial powers, each leaving its mark on the socio-cultural fabric of the region. The enclaves have been the subject of numerous diplomatic disputes between Spain and Morocco⁷, with tensions periodically flaring

⁴ In 1976 the Polisario Front proclaimed the Sahrawi Arab Democratic Republic (SADR) whose government is recognized by 46 UN member states and a full member of the African Union.

⁵ Spanish territories in Africa include the Canary Islands, an autonomous community and archipelago in Macaronesia in the Atlantic Ocean west of Morocco.

⁶ Ley Orgánica 1/1995, de 13 de marzo, de Estatuto de Autonomía de Ceuta, *Boletín Oficial del Estado*, no. 62, 14 March 1995, pp. 8055-8061; Ley Orgánica 2/1995, de 13 de marzo, de Estatuto de Autonomía de Melilla, *Boletín Oficial del Estado*, no. 62, 14 March 1995, pp. 8061-8067.

⁷ Disagreements regarding the border of Ceuta resulted in the Hispano-Moroccan War (1859-60).

over issues such as fishing rights and border controls. The EU has provided financial and logistical support to Spain for border management efforts in Ceuta and Melilla, reflecting broader efforts to address irregular migration flows into Europe.

The history of Ceuta and Melilla is intertwined with the broader narrative of Mediterranean geopolitics, characterized by conquests, rivalries, and exchanges of power. Founded by Phoenician and Carthaginian settlers, these territories came under Roman rule before becoming part of the Islamic world during the Arab conquests of the 8th century. Subsequent centuries saw a succession of Berber dynasties, culminating in Spanish control following the *Reconquista*⁸. Spain acquired definitive sovereignty over Ceuta through the *Treaty of Lisbon* in 1668⁹. Despite their geographic proximity to the African continent, Ceuta and Melilla remained integral parts of the Spanish colonial empire, serving as military outposts, trading hubs, and centers of missionary activity.

The legal status of Ceuta and Melilla within the framework of international law has been a subject of contention, particularly in relation to Spain's assertion of sovereignty and Morocco's territorial claims. While Spain maintains that Ceuta and Melilla are integral parts of its national territory, Morocco contests this interpretation, arguing that the enclaves constitute occupied territories subject to decolonization. The principle of *uti possidetis juris*¹⁰, which recognizes the boundaries of former colonial territories upon independence, has been invoked by both parties to support their respective claims. However, the applicability of this principle to Ceuta and Melilla remains a matter of interpretation, complicated by historical precedents and diplomatic considerations.

In the contemporary context, the status of Ceuta and Melilla holds significant implications for regional stability, migration governance, and bilateral relations between Spain and Morocco. The enclaves have emerged as focal points for debates surrounding border security, irregular migration, and human rights, particularly in light of the Mediterranean refugee crisis. Spain's efforts to manage migration flows through Ceuta and Melilla have faced criticism from human rights organizations and the international community, raising questions about the compatibility of border control measures with principles of international law and humanitarian assistance.

GIBRALTAR

On the other hand, Spain itself hosts an exclave, Gibraltar, a British Overseas Territory (BOT)¹¹ located on the southern tip of the Iberian Peninsula, that has been a subject of legal and diplomatic contention for centuries. Gibraltar's strategic location at the entrance to the Mediterranean Sea has made it a coveted territory throughout history, resulting in a succession of conquests, occupations, and disputes. From its earliest inhabitants to its BOT status, Gibraltar's sovereignty has been contested by Spain, which asserts historical and territorial claims to the region.

⁸ The *Reconquista* was the successful series of military campaigns that European Christian kingdoms waged against the Muslim kingdoms following the Muslim conquest of the Iberian Peninsula by the Umayyad Caliphate.

⁹ *Treaty of Lisbon* of 1668 was a peace treaty between King Afonso VI of Portugal and King Carlos II of Spain that was concluded at Lisbon on 13 February 1668 with the mediation of England in which Spain recognized the sovereignty of Portugal's new ruling dynasty, the House of Braganza.

¹⁰ *Uti possidetis* is an expression that originated in Roman private law, where it was the name of a procedure about possession of land. Later, by a misleading analogy, it was transferred to international law, where it has had more than one meaning, all concerning sovereign right to territory.

¹¹ The British Overseas Territories (BOTs) are the 14 territories with a constitutional and historical link with the United Kingdom that, while not forming part of the United Kingdom itself, are part of its sovereign territory.

The history of Gibraltar is characterized by a series of territorial struggles and power shifts that have shaped its identity and status. Ceded to Britain in perpetuity under the *Treaty of Utrecht* in 1713¹², Gibraltar became a crucial naval base and trading hub for the British Empire. However, Spain has consistently contested Britain's sovereignty over Gibraltar, citing historical grievances and territorial integrity concerns. Despite diplomatic efforts to resolve the dispute, tensions persist, fueled by nationalist sentiments and geopolitical rivalries.

The legal status of Gibraltar within the framework of international law is governed by a complex web of treaties, agreements, and customary practices. While the *Treaty of Utrecht* provides the foundational basis for Gibraltar's British sovereignty, subsequent treaties and conventions have sought to clarify and codify the rights and obligations of the parties involved. The principle of self-determination, enshrined in the *Charter of the United Nations*, has been invoked by Gibraltar's residents to assert their right to determine their political status. However, Spain maintains that the question of Gibraltar's sovereignty remains unresolved and subject to bilateral negotiations.

In the contemporary context, the dispute over Gibraltar has significant implications for regional stability, European integration, and transatlantic relations. Gibraltar's BOT status within the EU has raised questions about its future relationship with the European Union following Brexit. Moreover, Gibraltar's role as a financial center and strategic military outpost adds another layer of complexity to the dispute, with implications for maritime security, economic cooperation, and cross-border relations.

CONCLUSIONS

Gibraltar, Ceuta, Melilla, and Western Sahara are not merely remnants of historical conquests and colonial dominations but active geopolitical entities whose status continues to influence regional politics and international relations. As the geopolitical landscape continues to evolve, the resolution of the status of these territories remains a subject of diplomatic negotiation, legal interpretation, and historical reconciliation. Varying and contradictory positions are driven by economic and politic interests, rather than by the cornerstone principles of international law.

While Spain asserts its authority over Ceuta, and Melilla based on historical precedent and contemporary governance structures, Morocco challenges this assertion on grounds of historical injustice and the principles of self-determination, while adopts a double-standard over Western Sahara that frustrates Sahrawis' legitimate aspirations of independence. The question of Western Sahara, and its people, the Sahrawis, far from being close to a (positive and happy) conclusion, is evidence of the prevalence of force and interests over law and contributes to fueling conflicts and confusion between the international community, putting global security and governance at risk.

On the other hand, Spain contends the sovereignty over Gibraltar with far-reaching implications for the parties involved and the broader international community. While efforts have been made to address the dispute through diplomatic means and legal channels, fundamental disagreements persist, reflecting deep-seated historical grievances and geopolitical rivalries.

¹² Spain ceded Gibraltar to Great Britain in Article X of the *Treaty of Utrecht*, a series of peace treaties signed between April 1713 and February 1715 at Utrecht, in the Netherlands, that ended the War of the Spanish Succession.

The ongoing legal and diplomatic challenges surrounding these disputed territories necessitate careful navigation of international law, historical treaties, and negotiations. The potential paths forward for these territories involve either continued *status quo*, increased self-governance, or redefined sovereignty arrangements, each carrying significant geopolitical implications.

This comprehensive overview underscores the complexities of sovereignty, self-determination, and territorial integrity in international relations, providing a foundation for further academic exploration and policy considerations in the management of such unique geopolitical spaces. As Europe navigates its uncertain future in a rapidly changing world, the need for dialogue, cooperation, and respect for the rule of law is more pressing than ever.

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