
New narratives for the Spanish cities of Ceuta and Melilla

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Theme

The discourse surrounding the autonomous cities of Ceuta and Melilla needs to be strengthened, with new narratives that emphasise their status as democratic European societies.

Summary

This paper presents new approaches to Spain's narrative regarding the 'Spanishness' of Ceuta and Melilla, both on the domestic and international stages. At present the story is largely based on historical entitlements enshrined in the treaties negotiated with the Sultans between the 18th and 20th centuries, and on the respect for the principle of Spain's territorial integrity. These arguments can be supplemented by new narratives that locate the cities of Ceuta and Melilla within Spain's sovereign democracy, in the context of an axis of democratic European states in a non-democratic regional setting. This also involves delving deeper into the reality of the cities as multicultural democracies with full respect for the Council of Europe's human rights and the basic democratic values of the EU, where a special role is assigned to the rule of law and the principles of tolerance, solidarity and structural equality between men and women. In this context, there is an obligation for Spain and the EU to safeguard the 'democratic security' of the autonomous cities and the 170,000 European citizens who consider them their home.

Analysis

1. Ceuta and Melilla, revisiting the traditional discourse

The structural changes taking place in the governance model of international society, with the wars in Ukraine and Palestine as a backdrop, provide the setting for analysing the situation of Spain's autonomous cities of Ceuta and Melilla. The area around the strait of Gibraltar is one that may well experience the shockwaves of the world's geopolitical changes, upheavals that might impact the cities directly or indirectly, subject as they are to [Morocco's](#) active and ongoing territorial claims.

Meanwhile, the cities stand in need of a rejuvenated and positive perception from Spain and Europe, promoting their unique values in the Euro-Mediterranean context.

Insofar as the territorial claim is concerned, of course, the underlying positions are not going to change. Morocco is going to celebrate 70 years of independence, steadfastly retaining its aim of annexing these territories, in the context of an irredentism that continues to aspire to its natural or 'authentic' borders (2011 Constitution), something

that affects all its neighbours. This is a State policy conducted with discernment and determination, adapting it to scenarios of international politics and relations with Spain.

For its part, Spain considers that it has valid legal entitlements to sovereignty pursuant to international law. There are various entitlements for each territory: in the case of the cities, a claim of occupation by the kingdom of Castile (Melilla) and of assignment from Portugal (Ceuta); moreover, Spain's presence and sovereignty was repeatedly confirmed by the pre-sovereign Moroccan entity, by virtue of treaties signed with Sultans dating back to the 18th century.

The periodic crises with Morocco, which sometimes leverages territorial questions in other bilateral matters, constitute an objective fact. A flagrant example was the crisis of May 2021: *mass immigration* was used against Spain as a way of securing foreign policy objectives (the Spanish position on Western Sahara), constituting in any event an instance of interference in Spanish foreign policy, which moreover attracted unanimous international condemnation, the reaction of the European Parliament being a case in point.¹

Spain's traditionally reactive attitude and lack of initiative mean that greater involvement and presence on the part of the EU is required to recalibrate bilateral Spain-Morocco relations.² Admittedly, Spain's legal case has been sufficiently solid to enable it to get along without substantive threats, supported and protected for more than 40 years by the EU and the North Atlantic Treaty Organisation (NATO) and, in general terms, with the unchallenged coverage provided by the protective European umbrella.

Despite that, the bilateral territorial dispute, which looms over Ceuta and Melilla without respite, obliges Spain to modify its perception of the problem and equip itself with fresh arguments amid a historical situation of great upheaval.

In this context, Spain must first and foremost bear in mind the fact that Morocco is a geopolitical partner of the utmost importance. At the same time, it should not overlook the fact that Morocco views Spain (the converse does not hold) as a geostrategic adversary,³ essentially because it stands in the way of it securing its key national, territorial and identity objectives, a struggle it is permanently and actively engaged in. This twofold status of Morocco (a fundamental geopolitical partner, but one that views Spain as a geostrategic adversary, impeding its full realisation as an independent State) is one that Spain sometimes loses sight of; and in truth it is Spain's only neighbour that

¹ European Parliament resolution of 10 June 2021, regarding a breach of the UN Convention of the Rights of the Child and the use of minors by the Moroccan authorities in Ceuta (2021/2747(RSP)), see *Peace & Security-Paix et Sécurité internationales*, n° 10, 2022, Documentation III, <https://revistas.uca.es/index.php/paetsei/article/view/9559>. Point 1 of the EP resolution: '1.- Rejects Morocco's use of border control and migration, and unaccompanied minors in particular, as political pressure against a Member State of the EU...'

² A. del Valle (2021), 'Consolidar a la UE en el área del Estrecho (1): Ceuta, Melilla, Marruecos', *ARI*, nr 66/2021, Elcano Royal Institute, 13/VII/2021.

³ The author wishes to differentiate the term 'geopolitics' from 'geostrategy' in accordance with his own concepts: 'geopolitics' is understood as 'the study of the shaping and effects of geography and territory on a State's national interests, foreign policy and international relations'. And 'geostrategy' is understood as 'the study of States' international strategies for securing their national interests, conditioned by their geographical and territorial characteristics and their geopolitical situation'.

has this twofold condition. This leads to relations often being labelled as ‘awkward’, when in reality what is required is a specific foreign policy towards Morocco, well differentiated from other countries in the Maghreb, North Africa and the Sahel; a policy that befits Spain’s southern neighbour, which is neither a democratic State nor bound by the values of the rule of law, human rights or respect for international law; and with territorial goals written in to its national DNA as an independent State, inducing it to pursue the break-up of Spain’s sovereign democratic territory.

These objective facts must lead us to set out a recalibration of Spain’s overall position and arguments regarding the autonomous cities. Subsequent analysis will also focus on Vélez, Alhucemas and Chafarinas, to put forward new functions, significances and singular statuses for Spain’s islands and promontories in the southern Mediterranean, clearly differentiated from those of the democratic cities.

2. New narratives for Ceuta and Melilla

2.1. *Narratives and ‘relatos’ (accounts)*

According to the *Real Academia Española* (Royal Spanish Academy, RAE), a *relato* is a ‘discursive reconstruction of certain events’ (third meaning), with an interpretation that tries to promote a particular position. Thus it is not a case of artificially constructing a discourse for the cities so much as making a selection of ideas and motifs, and of new connections with existing discourses, with the goal of lending greater solidity to Spain’s arguments and reasoning regarding the cities; and especially conveying greater communicative coherence on the Spanish side, adapting it to the current situation.

2.2. *The legal entitlements to the cities*

The entitlements to the acquisition of sovereignty over these territories submitted by Spain are valid in international law. Their acceptance is assessed in accordance with the intertemporal law in light of the historical circumstances pertaining to each case.

The claims are extremely well founded in terms of jurisprudence, but with debatable value in terms of current international relations, since they can easily be cast into doubt by the political assessments of governments and public opinion regarding the era of colonialism.

In the present author’s judgement, emphasis should be placed on the strongest legal claim, which is that of the historical origin of the State, in the late Middle Ages, between the end of the mediaeval period and the beginning of the modern age.

Although there is scope for debate about the exact moment when Spain came into being as a political entity and sovereign international subject, incorporating previous kingdoms, it seems clear that it was a process that took place at the end of the mediaeval period; and it was precisely in this period that the incorporation of Ceuta and Melilla into the Portuguese (1415) and Spanish (1497) Crowns took place, contemporaneously with the incorporation of the kingdom of Granada (1492), during the 15th century.

Focusing the original legal claim of Spanish sovereignty over Ceuta and Melilla on the period of the late Middle Ages and the end of the mediaeval era is the best legal option, given the strength inherent in the primordial claim rooted in the historical origins of any State. It is true that the assignment from Portugal to Spain took place later, in 1640, but it is a derivative claim to sovereignty that does not alter the original Portuguese claim of 1415. Moreover, in the 16th century, with the union of Portugal and Spain, Ceuta became part of the combined monarchy.

This enables us not to rely on the basic legal claims to sovereignty contained in the subsequent treaties signed between Spain and the Sultan. These treaties constitute derivative claims, highly valuable for the territorial demarcations and delimitations of the cities, confirming Spanish presence over the course of five centuries, accepted by the pre-sovereign political entities in the territories of what is now Morocco. But all in all, one has to choose the strongest legal claim for the argument, which is the primary one of the historical birth of the current Spanish State. Moreover, a comparison of territorial claims on the international scene reveals that territories that were constitutive of States at the time of their genesis, territories that have formed an integral part of such States for various centuries, are not disputed.

In short, anchoring the main Spanish sovereignty entitlement to the end of the mediaeval period and to the historical origins of the State enables a degree of distancing from the later period of European colonisations in subsequent centuries, something that mirrors the juridical-political reality of the cities; and it accounts for the fact that, for example, during the protectorate era in the 20th century, Ceuta and Melilla had full legal status and standing as Spanish territories, because they were *plazas de soberanía* (technically and etymologically 'a place, city or fortress of sovereignty'), unlike the surrounding territory of the Spanish protectorate, established both in the north and south of what is now Morocco.

2.3. *The terminology*

Morocco has repeatedly referred to Ceuta and Melilla using terminology with a pejorative and derogatory undertone: garrisons; occupied, expropriated or usurped cities; enclaves; and colonial enclaves, for example.

Here it is merely pointed out that, with regard to the 'enclaves' label, the cities cannot be 'enclaves' in the legal sense since they do not meet the requirement of being isolated and completely surrounded or enclosed by the territory of another State.⁴ 'Cities', 'European cities' or 'autonomous cities' are better options.

With regard to the reality of being located on the African continent, it is preferable to emphasise their status and essence as European cities in Africa. As Euro-Mediterranean cities or European cities of the southern Mediterranean, they are the only cities of the

⁴ Indeed, the *Max Planck Encyclopedia of Public International Law* cites Ceuta as an example of what does *not* constitute an enclave in international law, cf. 'Enclaves', *Max Planck Encyclopedia of Public International Law*, 1995, vol. 2, p. 80-82.

EU that, forming part of the territory of the Union, have the characteristic of being located on the southern coast of the Mediterranean Sea.

In general, rather than listing all the territories, referring to the cities, islands and promontories avoids mixing all the various territories as an indistinct whole, which are of a very different nature and status, and safeguards the undiluted status of Ceuta and Melilla as European cities.

Lastly, there is another terminological point: Ceuta and Melilla are sometimes erroneously referred to as subject to a dispute or conflict with Morocco. But the use of the concept of 'international dispute' –which is an extremely serious matter in international law– does not reflect the reality and damages Spain's interests. In formal terms, Gibraltar *is* an international dispute, overseen by the United Nations (UN) and by international institutions such as the EU, and subject to the principles of peaceful resolution and negotiation. By contrast, Ceuta and Melilla do not constitute a 'dispute' acknowledged by Spain or recognised by the UN or by any international organ or institution. In terms of international law, it is a case only of a permanent territorial claim or demand on the part of Morocco.

2.4. New discursive approach: democracy, human rights, the rule of law and European values

The strongest argument in these new narratives being put forward for Ceuta and Melilla involves repositioning the Spanish advocacy of the cities within the oppositional pairing of Democracy and the rule of law vs Authoritarianism and illiberalism.

The suggestion is therefore that of offering new democratic perspectives in Spain's accounts of Ceuta and Melilla, both on the domestic and international stages. Currently they are mainly based on the legal entitlements drawn from the treaties negotiated with the Sultans in the 18th-20th centuries and with regard to the principle of Spain's territorial integrity. The proposals seek to complement these arguments with new narratives positioning the cities of Ceuta and Melilla as part of Spain's sovereign democracy within the political context of the EU and the framework of the Council of Europe, within an axis of democratic European States that conduct relations with a neighbourhood and regional contexts that are non-democratic.

It is a matter of foregrounding the twofold membership of Spain –and by extension its autonomous cities– of the two foremost international organisations in Europe for democratic principles and values: the EU and the Council of Europe. Both have immense legal systems in operation, in the case of the EU, stemming from the process of European integration with its primary and secondary legislation; and in the case of the Council of Europe, stemming from the multiple treaties and entities bound up with the European identity and the human rights fostered by its normative framework. Meanwhile, both judicial systems find legal application and expression through each of the statutes of their member States, including Spain. Through their interwoven legal and institutional systems the Council of Europe and the EU constitute a space of 'democratic security' in Europe, to which the cities belong; with the consequences of the existence of a Statute

of European Citizenship and fundamental rights enjoyed by the approximately 170,000 nationals of member States and foreigners resident in Ceuta and Melilla.

In particular, regarding European values, they are the only cities on African soil where, courtesy of Spain, the EU treaties, the EU Charter of Fundamental Rights, the European Convention on Human Rights and other conventions of the Council of Europe are fully applicable, with the complete assurance of respecting and protecting the values of democracy, fundamental rights and the rule of law. These are the basic democratic principles of the EU and the Council of Europe, and are fully applied in the autonomous cities.

This discourse emphasises Ceuta and Melilla as territories of multicultural democratic coexistence, characterised by tolerance, respect and effective safeguarding of human rights and minorities, and the structural principle of male-female equality.

2.5. Unique multicultural cities

Delving deeper into the reality of the cities reveals some underappreciated –indeed, unknown– characteristics that render them unique. They constitute multicultural democracies with full respect for the human rights recognised by the Council of Europe and for the EU's basic democratic principles, in which the rule of law and the principles of tolerance, pluralism, non-discrimination and respect for minorities all play a special role.

The centuries-long reality of the cities is one of peaceful coexistence between cultures and religions. Both Ceuta and Melilla provide examples of coexistence within a Spanish autonomous territory, populated by people of Christian, Muslim, Jewish, Hindu and Roma cultures. These populations and minorities live together democratically in accordance with the Spanish constitution and the European treaties concerning integration and human rights.

The narratives surrounding Ceuta and Melilla need also to be furnished with the cities' positive aspects, casting them as pluri-secular centres of multicultural coexistence and respect for religious minorities, and the European interconnections with the surrounding Maghreb.

In this regard, the Council of Europe has drawn up a [Framework Convention for the Protection of National Minorities](#), to which Spain has been a signatory since 1998. In its reports, Spain extends the application of the Convention's provisions only to [Spanish citizens belonging to the Roma community](#). It may be in Spain's strategic interest to extend its application to the Muslim and Berber communities and other minorities living in Ceuta and Melilla, something that would enable these groups to benefit formally from the Framework Convention's provisions, in a territorial context limited to the autonomous cities. The idea of broadening the practical scope of the Framework Convention exclusively to the two cities would very symbolically complement and strengthen the democratic system in Ceuta and Melilla, lending conspicuous visibility to their European singularity in the context of the southern Mediterranean.

2.6. *European border cities*

The fact that they are external land borders of the Schengen area makes Ceuta and Melilla unique in the European context.

There is an aspect of the border that is unfortunately the one that appears most frequently in the media, referring to migration and the unceasing arrivals, featuring attempts to enter the cities, mainly by crossing the border fences. This has traditionally conveyed a perception of the cities as places of frequent conflicts and occasionally horrendous violations of human rights in the perimeters and areas adjacent to the border fences. The fact of having an opt-out, also known as the Special Ceuta and Melilla Regime, introduced by Additional Provision X of the Citizenship Security Act of 2010, whereby the fences are deemed not to be a border for the purposes of immigration law,⁵ has made summary deportations and rejections at the border widespread, with serious doubt being cast on this practice by domestic, European and international courts and bodies.⁶

The negative perception induced by migration problems may be tackled using various approaches: first, by involving Morocco in the management and monitoring of the migratory flows, which should form part not only of a constant EU migration policy towards Morocco but also a specific Spanish policy regarding Morocco, part of a general geostrategy covering the Straits of Gibraltar.

Secondly, it requires a visible institutional and operational presence of the [Frontex Agency](#) in the two cities. Such a presence is symbolically important, but it may also be important in terms of operational support, given that immigration at the border fences and the assistance provided to asylum seekers and refugee applicants constitutes a permanent problem. Frontex can adapt its operations to the problems as they evolve and arise in the cities.⁷

In short, Spain and the EU should raise the international profile of respect for human rights at the border, applying an integrated policy of absolute respect at the border itself and in the subsidiary areas, with a guarantee to honour everyone's fundamental rights, especially those most in need of international protection. Borders (whether terrestrial, maritime or at airports) are generally places of weakness for respecting human rights, but those of Ceuta and Melilla are particularly sensitive.

This approach of respecting human rights is absolutely essential, due to the ideas of multiculturalism and European values, because it enables positive discourses to be

⁵ 10th Additional Provision of Organic Law 4/2000 regarding the rights and freedoms of foreigners in Spain and their social integration, *BOE*, nº 10, 12/I/2000, introduced by Organic Law 4/2015, of 30 March, regarding protection of citizens' security, *BOE*, nº 77, 31/III/2015.

⁶ See I. González García (2025), 'La discutible legalidad internacional del rechazo en frontera de inmigrantes entre España y Marruecos: una especial consideración sobre mujeres, niños y solicitantes de protección internacional', *Anuario de los cursos de derechos humanos de Donostia-San Sebastián*, vol. XXIV, p. 97-135.

⁷ To cite one example, Frontex has been operating since 2010 on the Greece-Turkey land border at the river Evros, engaged in a range of joint operations and assistance mechanisms.

offered highlighting the extraordinary values inherent in the cities within the European and regional context.

2.7. *Cross-border and customs cooperation*

There is a lesser-known aspect that Morocco has not been interested in developing, which is cross-border cooperation in the local area, in the regions surrounding the cities. All the data confirm that Morocco has turned down sizeable European structural funds on the grounds of the two cities being included in the European programmes (for example, the European Neighbourhood and Partnership Instrument –ENPI– in the 2006-13 period).

Similarly, the 2018 closure of the commercial customs post in Melilla and the hitherto non-fulfilment of the 2022 agreements to reopen the Melilla customs and the installation of a new customs post at the Ceuta border⁸ signal a dilatory attitude on the part of Morocco when it comes to establishing a normalised flow of trade with Spain.⁹ It seems, however, that the opening of customs posts is imminent for January 2025.¹⁰

This opening of customs posts has probably not been accompanied by a strategic reflection on the future economic model of the cities or the cross-border trading relationship with Morocco and the EU. Here it is worth pointing out some of the factors that are involved in this question: the full integration of Ceuta and Melilla into the European Customs Union, which continues to be an open issue; deciding whether the customs will allow for full EU-Morocco trade or only trade limited to northern Moroccan areas and/or particular products; Morocco being able to prevent the commercial customs facilities (not the current posts) constituting a precedent for the indirect recognition of Spanish sovereignty; and, lastly, it is possible that Morocco fears that fully normalised commercial customs with Spain and the EU may compete with its own development hubs, which it is promoting in its northern regions (Tangiers-Tetuan-Al Hoceima and Oriental).

Together with this trading issue, there is Morocco's ever greater difficulty involving the small-scale crossing of people between the cities and their Moroccan surroundings. The practice of the *porteadoras* (literally 'carrier women') in the so-called 'atypical trade' was an ignominious slippery slope that needed to be eliminated. However, the maintenance of strict day-to-day restrictions at the border posts for Moroccans and Spaniards and their goods may point to a structural change in the Moroccan position with the regard to residents crossing from one side of the border to the other.

⁸ 'La plena normalización de la circulación de personas y de mercancías se restablecerá de manera ordenada, incluyendo los dispositivos apropiados de control aduanero y de personas a nivel terrestre y marítimo', according to Point 3 of the declaration entitled 'Nueva etapa del partenariado entre España y Marruecos', Joint Spain-Morocco Declaration of 7/IV/2022, included in Peace & Security, nr 10, 2022, available at <https://revistas.uca.es/index.php/paetsei/article/view/9556/9776>.

⁹ Everything was already prepared on the Spanish side in December 2023: 'Albares asegura que las aduanas de Ceuta y Melilla abrirán en cuanto Marruecos resuelva sus 'problemas técnicos'', *Europa Press*, 18/XII/2023, <https://www.europapress.es/nacional/noticia-albares-asegura-aduanas-ceuta-melilla-abriran-cuanto-marruecos-resuelva-problemas-tecnicos-20231218145158.html>.

¹⁰ 'España y Marruecos ultiman la apertura de las aduanas de Ceuta y Melilla en los próximos días', *El País*, 2/II/2025, <https://elpais.com/espana/2025-01-02/espana-y-marruecos-ultiman-la-apertura-de-las-aduanas-de-ceuta-y-melilla-en-los-proximos-dias.html>.

This is especially negative from a legal perspective, because Morocco is probably breaching treaty provisions from the 18th century and asserting its *de facto* opposition to the centuries-old local custom involving the free passage of citizens, without visas, between the two cities and the regions of Tetuán and Nador, respectively, with goods for personal use in one direction or another, and which probably originated in the Portuguese era. This precedent involving Morocco's probable abandonment or breach of an international obligation towards Spain does not seem to have elicited a Spanish protest. It was precisely this local custom, firmly supported by bilateral treaties, that prompted the enactment of a special statute for the two cities involving dual external border checks (inbound from Morocco into the two cities and from the latter into the peninsula) when Spain and the cities joined Schengen.¹¹ It is also true that Spain, as a provisional measure, is not currently applying this visa exemption, pending the full normalisation of the movement of people agreed in April 2022.¹²

In this regard, it would be advisable to continue offering, even if on a unilateral basis, the fullest cross-border cooperation possible with the Moroccan side, supported by a Spanish and European funding base, with the idea of creating 'shared prosperity zones';¹³ similarly, requiring fulfilment of the agreements of 2022 (Route Map) and 2023 (12th High-Level Meeting)¹⁴ regarding the 'full normalisation of the movement of people and goods', with commercial customs posts in both cities; and, in general, calling for free movement, something that both countries have been extending to their citizens from the Tetuan-Ceuta and Melilla-Nador regions for hundreds of years. Although perhaps at the same time the two cities should seek to link themselves to areas of prosperity in peninsular Spain.¹⁵

2.8. Gibraltar-Ceuta and Melilla, democratic cities on the shores of the Strait

For a long time Morocco likened the situations of Ceuta and Melilla to the Spanish claim to Gibraltar. Here there is a very important circumstance that it would be in Spain's interest to explore.

The link between the cases of Ceuta and Melilla and Gibraltar is legally inadmissible but inevitable on the stages of international public opinion and in international forums and

¹¹ Visa exemption for residents of the Tetuan and Nador provinces, covering small-scale border traffic between Ceuta and Melilla and the Moroccan provinces of Tetuan and Nador included in the Declaration on the cities of Ceuta and Melilla, issued on the occasion of Spain's accession to the Convention implementing the Schengen Agreement of 19 June 1990. Instrument ratifying the Accession Agreement, 25 June 1991, section III.1.b of the Final Act, *BOE*, nr 163, 5/IV/1994, p. 10392.

¹² Resolution of 13 December 2022, of the Secretary of State for Security, whereby it is agreed to maintain the temporary partial closure of the terrestrial posts for entering and leaving Spain via the cities of Ceuta and Melilla, *BOE*, nr 300, 15/XII/2022.

¹³ 'Tragsatec hará los planes estratégicos de Ceuta y Melilla con "zonas de prosperidad compartida" con Marruecos', *Europa Press*, 15/XII/2021, <https://www.europapress.es/ceuta-y-melilla/noticia-tragsatec-hara-planes-estrategicos-ceuta-melilla-zonas-prosperidad-compartida-marruecos-20211215141126.html>; 'Albares: la apertura ordenada de las aduanas de Ceuta y Melilla busca crear 'una zona de prosperidad compartida'', *Europa Press*, 1/III/2023, <https://www.europapress.es/nacional/noticia-albares-dice-apertura-ordenada-aduanas-ceuta-melilla-busca-crear-zona-prosperidad-compartida-20230227170151.html>.

¹⁴ Joint Declaration, 12th High-Level Morocco-Spain Meeting (1-2/II/2023) *Peace & Security*, nr 11, 2023, Documentation, <https://revistas.uca.es/index.php/paetsei/article/view/10303>.

¹⁵ See, for example, the report titled 'La zona económica especial de Ceuta y Melilla. Una apuesta por el desarrollo y la prosperidad de las ciudades autónomas', by D. Sánchez de la Cruz, Observatorio de Ceuta y Melilla, Instituto de Seguridad y Cultura, 2024.

organisations; sometimes it is even aired on the occasion of Spanish-British crises.¹⁶ The nature of the two cases is of course completely different.¹⁷

Since the end of the 1980s, however, Morocco has ceased making a comparison between the two cases on either side of the Strait, a parallel that had formerly been drawn frequently in its strategy of reclamation.

So, if promotion of the Gibraltar-Ceuta/Melilla comparison is no longer in Morocco's interest, it is possible that the comparison could be of value to Spain's interests now and in the future.

Morocco's current relative silence is probably due to the recognition of the process of internal self-determination and the commitment to consult the population in the case of Gibraltar. Deep down, it is about the need to offer democratic respect to the people most affected in Gibraltar and in the Campo de Gibraltar district, incorporating the interests of the population into decisions about the future of these territories. It is thus essentially a democratic issue, one that Morocco probably has no interest in spilling over into the autonomous cities.

Here it must be pointed out that the reasoning and motivation for a plebiscite is different in the case of Gibraltar compared to the case of the autonomous cities.

As far as Gibraltar is concerned, its international status as a Non-Self-Governing Territory pending decolonisation has been overseen by the United Nations since 1946. There is no 'people' of Gibraltar with a right to external self-determination, because it is not recognised by the UN or even the UK itself, given that it deems the last paragraph of Art. X of the Treaty of Utrecht (right of refusal) to remain in force, interpreting it in the sense that Gibraltar cannot be independent without Spain's consent. Meanwhile, there is a duty of 'listening to the interests and aspirations of Gibraltar that are legitimate under International Law', according to the annual resolutions of the UN General Assembly.¹⁸ Internationally, therefore, 'listening to' or 'consulting' the population of Gibraltar about its interests and aspirations regarding the definitive solution reached by the UK and Spain is mandatory. Internally, meanwhile, Gibraltar has its particular democratic system as an overseas territory, not incorporated into the British State.

As far as the inhabitants of the Campo de Gibraltar district are concerned, domestically their interests need to be borne in mind; these have been progressively identified and

¹⁶ See, for example, stemming from the 2013 crisis, 'The battle over Ceuta, Spain's African Gibraltar', *The Telegraph*, 10/VIII/2013.

¹⁷ For the present author's analysis, see 'Gibraltar-Ceuta y Melilla, ejercicio comparativo desde el Derecho internacional', in *España y la Unión Europea en el orden internacional*, AEPDIRI, Ed. Tirant, Valencia, 2017, p. 179-192.

¹⁸ According to the formula that is restated annually, with the same wording since the last modification in 2013: 'The General Assembly, (...) (a) Urges the Governments of Spain and the UK of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, ...'. The initial consensus of the 'Committee of 24', issued on 16 October 1964, had already established the need to bear in mind 'the interests of the territory's inhabitants'.

integrated into the Spanish position on what comprise Spain's general interests regarding Gibraltar.¹⁹

As a domestic rather than an international matter, the populations of Ceuta and Melilla are consulted on an ongoing basis within the framework of Spanish democracy, in European, regional/local and general elections (and referendums, such as the 2004 vote on the European constitution), where they exercise the so-called right of domestic self-determination. There is no 'people' of Ceuta or Melilla with a right to external self-determination, able to make a declaration about their adherence or separation from a State, nor is the matter internationalised as it is in the case of Gibraltar.

Therefore, neither Gibraltar nor Ceuta or Melilla have the right to external self-determination (the right to decide their future by balloting their population, which includes the option of independence), whereas the three cities have and exercise their right of internal self-determination (right to democratic government) under the umbrella and oversight of the Council of Europe and the EU.

In this context of different situations, the Gibraltar-Ceuta/Melilla comparison regarding democratic respect for the interests of the populations in the three cities can be appropriated as an element of the narratives concerning the Spanish position on the autonomous cities. There is a democratic connection between Ceuta, Melilla and Gibraltar to the extent that there is an international obligation to listen to and bear in mind the interests of the Gibraltarian population, by Spain and the UK. Meanwhile, domestically, Spain incorporates the interests of the Campo de Gibraltar inhabitants into its position and the Spaniards living in Ceuta and Melilla periodically cast their ballots in a democratic regime with European values.

It is in Spain's interest when facing Morocco to bolster this democratic connection between the European cities flanking the Strait. The link to the Council of Europe and the EU, which is shared and extremely powerful in all three cities, provides a major argument for the case that the three cities form part of the same European democratic sphere.

That said, their highly singular institutional and economic characteristics could be better interwoven. In the wake of Brexit, Gibraltar currently finds itself in a decisive moment in its relations with Spain, because a specific UK-EU treaty on Gibraltar is being negotiated that will place Gibraltar's relations with Spain and the EU on a stable footing. There are two ideas that are worth highlighting in relation to the autonomous cities.

First, both cities should be incorporated into the negotiating process, because they have the potential of being affected directly or indirectly by the future 'area of shared prosperity' in the Campo de Gibraltar part of the Strait.²⁰ Indeed, Brexit has already had

¹⁹ This aspect is evident in the current author's analysis entitled 'Gibraltar, "año cero": *Brexit*, cosoberanía y nuevas oportunidades de España', *ARI*, nº 75/2016, 20/X/2016, p. 5, 13 & 16.

²⁰ Point 8 of the Council's Directives of Negotiation, cf. 'Negotiation mandate for the Treaty between the UK and the EU with respect to Gibraltar, 5 October 2021: Council decision authorising the opening of negotiations, as well as the negotiation directives', *Cuadernos de Gibraltar - Gibraltar Reports*, nr 4, 2021, p. 15, <https://revistas.uca.es/index.php/cdg/article/view/8394>.

a positive economic impact on Ceuta. There are mechanisms envisaged in the Treaties Act for the admission of Ceuta and Melilla into the Spanish delegation to the negotiation,²¹ with the goal of highlighting these cities' interests and their link with the internationalised area of prosperity being proposed for the province of Cádiz.

Secondly, it is more than likely that a future Gibraltar model as an 'internationalised' city, under the coverage of the EU flag, will pose a theoretical and practical example for the other side of the Strait. If a new and stable reality is agreed for Gibraltar and the Campo de Gibraltar area by means of an EU treaty, the format may serve Spain as the basis of a strategy towards Morocco. In any event, the international comparison regarding the cities on the other side of the Strait will be inevitable.

2.9. The singular status as European cities of the southern Mediterranean

These unique circumstances and situation endorse the reinforcement of the cities, equipping them with a special status within the EU framework.

A unique legal status within EU law could be determined by a specific appellation, for example 'European Cities of the southern Mediterranean', highly influenced by their character as EU cities with an external land border in Africa; but also because they are cities that combine their status as EU territories where the Council of Europe's legal system is applied and due to their unique location on the southern Mediterranean coast. Ceuta and Melilla's new and exclusive status could be established by the EU *ex novo* as a tailor-made solution for the cities, whose unique character as democratic spaces of equality and multicultural coexistence in the north of Africa must be preserved as much as possible within the framework of the policies, law and values of the EU.

This possible new made-to-measure status for the cities would find a legal foundation in the EU Treaties devised for its creation.²² Meriting special attention in this new EU status would be its adaptation to certain European policies and measures, such as trade and taxation, State aid and the cities' access as recipients of various structural programmes and funds, as well as those related to external borders and immigration, with the presence of Frontex. It is a matter of not only ensuring the best conditions, superior to the current ones, but also of ensuring that there is a provision in the European regulations for specific programmes for adapting the Funds to the singular situation of the cities of the southern Mediterranean with an external border on the African continent, including cross-border cooperation.

²¹ Cf. Articles 11.3 ('The Autonomous Communities and the cities of Ceuta and Melilla may take part in the negotiations of an international treaty in the terms envisaged in section V.') and 51.1 ('The Autonomous Communities and the cities of Ceuta and Melilla may apply to the Government to form part of the Spanish delegation negotiating an international treaty concerning matters that fall within their competence and specific interest or due to having a special bearing on the respective territorial domains') of Law 25/2014, dated 27 November, regarding Treaties and other International Agreements, BOE, nr 288, 28/XI/2014. Ceuta and Melilla can also negotiate Administrative International Agreements and non-regulatory International Agreements, Arts. 52 and 53 of the organic Law.

²² For example, Cohesion and Structural Funds (Art. 177 of the Treaty on the Functioning of the European Union - TFEU), integrated management of borders (Art. 77.1.C and 77.2.d TFEU), the implicit powers clause (Art. 352.1 TFEU) or a combination of these. In any event, an initiative such as the one being proposed here appears more feasible than that of incorporating Ceuta and Melilla into the category of the EU's outermost regions (Art. 349 and 355 TFEU).

2.10. Geopolitics and the obligation to protect European spaces of 'democratic security'

Ceuta and Melilla have a potentially enormous scope for projecting Europe in the western Mediterranean region. Spanish geopolitics and also European geopolitics should explicitly incorporate the fully democratic spaces and their multicultural populations that the cities comprise. In this context, there is an obligation for Spain and the EU to safeguard the 'democratic security' of the autonomous cities.

Spain bears a special responsibility in the Straits region as the only EU member State with jurisdiction, sovereignty and competences to preserve and underwrite the Council of Europe and the EU's prevailing European space of 'democratic security' in these African coastal territories. It is the most conspicuous consequence of being the only European State responsible for the security of the democratic spaces and territories on the southern European shore, along with the EU.

The argument being put forward is not so much artificially forcing the EU to join or involve itself in these sensitive questions between Spain and Morocco, but rather to extract all the consequences from the fact that Spain, as a member State, applies and is the guarantor of EU law in all its territories. It is the State that has to ensure that the EU and Council of Europe's democratic values and human rights are protected and respected in the area of the Strait. In short, it is a case of accepting the utter reality of the fact that Spain is the only EU State with sovereignty, jurisdiction and control in the Straits area, where it wields State and European powers.

Moreover, the construction of a 'geopolitical Europe' with its own and universal geostrategic outlook supports the argument being advanced here, adding the need of a specific geopolitical axis of the EU's own security focused on the Straits of Gibraltar.

In a context such as the war of aggression against Ukraine, the EU has unanimously rejected the use of force to change the borders or the territorial integrity of that country. The invasion threatens the rules-based international order and the principles of the UN Charter, as well as the security order in the European continent. Respect for the borders of Spain, which are also the borders of the common territory of the EU, should be demanded by the EU from those States that threaten to annex territories and to change borders in the Straits area, with the same forthrightness that the EU has reacted in its foreign policy on Ukraine.

Conclusions

Renovating Spain's narratives and discourses regarding the cities of Ceuta and Melilla is desirable given the current situation involving systemic changes to the international order and society, and the need to anticipate and forestall crisis scenarios. Eventually, the logic of the media, international forums and international public opinion may no longer align with the legal logic frequently espoused by Spain.

Moreover, Spain has traditionally adopted a reactive stance in its relations with Morocco, which means that the unceasing Moroccan effort to reclaim part of Spain's constitutional territory is a constant factor. This makes the country's southern neighbour unique in terms of Spanish foreign policy.

The renewal of narratives has a particular bearing on the cities and affects aspects such as the terminology, the legal entitlements, border customs, cross-border cooperation and the connection with Gibraltar.

Two aspects for supporting Spanish narratives can be highlighted: the first involves basing the discourse on the oppositional pairing of democracy-European values vs authoritarianism-illiberalism; this enables the reality of the democratic Spanish and European spaces represented by the cities to be assertively advanced, citing the full application of the basic principles of human rights, the rule of law and democracy, including the pluri-secular, multicultural and multireligious identity of the cities.

Secondly, the creation of a specific legal status within the EU is proposed, adapted to the needs of Ceuta and Melilla as European cities of the southern Mediterranean, which would emphasise their status as unique cities of the EU in the Spanish, European and Mediterranean context. This new status would legally, institutionally and financially underwrite their condition as democratic spaces.

Spain, but also the EU, has a special geopolitical responsibility to ensure that the 170,000 citizens of these Straits-area territories benefit from the prevailing European space of democratic security, which the EU and the Council of Europe constitute on European soil. It is also in the interests of the EU to strengthen its involvement in the area, having turned the region around the Strait into a geopolitical axis of a continental dimension, in which the EU needs to be alert to any threats or actions with the potential of shattering the Union's security order and borders.

These new narratives and functions being proposed for the cities may be incorporated into a broader Spanish foreign and geostrategic policy designed for the southern region, which is necessary if Spain is to attain its strategic stature and assume its responsibilities as a member State of the EU. But it is especially necessary because the risk of not having a specific foreign geostrategy for the Strait region is that Spain, instead of using the vast potential of its geopolitical situation, may become the victim of it.