

The Spanish-Moroccan Cooperation on Immigration: The *Summary Returns* Cases of Isla de Tierra-Alhucemas (2012) and Ceuta and Melilla (2014)

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Abstract: The Moroccan territorial claims over the Spanish territories in the North African coast has not been an obstacle for cooperating with Spain on immigration. This political question has not prevented the States from adopting Agreements of a political nature, *ad hoc*, specifically for the return of Sub-Saharan immigrants from Spain to Morocco after attempts to cross the border fences at Melilla in 2005 and the arrival on the Isla de Tierra-Alhucemas in 2012, enabling this latter episode to revive the bilateral Agreement on readmission of foreigners who have entered illegally, adopted in 1992. But the Spanish practice on hot returns of migrants let us analyze the violation of human rights and the procedural guarantees for the immigrant removal.

Keywords: Immigration – Ceuta, Melilla, Isla de Tierra, Alhucemas – Hot Returns – Territorial Claims between Spain and Morocco – Human Rights.

INTRODUCTION: TERRITORIAL QUESTIONS AND IMMIGRATION

A constant feature of Spanish-Moroccan relations is Morocco's claim to sovereignty over the autonomous cities of Ceuta and Melilla and the Spanish islands and islets off the North African coast. This was made clear in Morocco's interpretative Declaration made on June 11, 2007, when ratifying the United Nations Convention on the Law of the Sea of 1982, in which Morocco reiterated its non-recognition of Spanish "occupation" of these territories¹, prompting a new Spanish response in the form of a Communication².

This territorial claim has led to a lack of agreement between Spain and Morocco on the delimitation of the maritime areas adjacent to these territories, which have been the scene of the latest actions taken by the two countries in the fight against illegal immigration³. This is because a new maritime route to Spain has emerged for immigrants from sub-Saharan Africa in recent years, one which crosses the Mediterranean Sea via the islands and islets under Spanish rule in North Africa.

The influx of boats to the Spanish islands intensified in 2012 with the arrival of 250 immigrants on the Isla de Alborán between January to August, while others arrived in late August on the

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¹ E.M. Vázquez Gómez, "Crónica de Derecho del Mar (Enero -Junio 2007)", 14 *Revista Electrónica de Estudios Internacionales* (2007), at. 2-3.

² See the Spanish Communication of 10 September 2008 at BOE (Official Gazette) no. 274, 13 November 2009.

³ E. Sánchez-Montijano and J. Zaragoza Cristiani, "Crisis migratorias en Melilla: un instrumento de negociación política", 71 *notes internacionales CIDOB* (March 2013), at. 1-5.

uninhabited Isla de Tierra, which together with the Isla de Mar, both located a few metres from the Moroccan coast, form the Peñón de Alhucemas archipelago.

Our aim in the present paper is to show that Morocco's claim to territorial sovereignty over Spanish territories in North Africa has not prevented the two countries from reviving the Spanish-Moroccan Agreement signed in Madrid on February 13, 1992, which regulates the readmission of third-country nationals (not Moroccan or Spanish citizens). This Agreement finally entered into force following the arrival of immigrants on the Isla de Tierra (Alhucemas) in the summer of 2012⁴, after an *ad hoc* joint action; territorial claims have not impeded continuing to cooperate after large-scale attempts to climb the border fences at Ceuta and especially Melilla in 2014, raising the issue of summary returns ("hot returns"⁵, "automatic expulsions" or "push backs") of migrants. This Agreement was not in force at the time, as was demonstrated in 2005 when Spain returned a group of 73 immigrants to Morocco who had managed to cross the border fence at Melilla⁶.

To understand the events described, it should be borne in mind that border control and the management of migration flows is one of the main areas of cooperation between Spain and Morocco⁷. This was made clear in the VII Spain-Morocco high-level meeting held in Seville and Cordoba on September 29, 2005, after both States had agreed to continue their cooperation on immigration through existing bilateral instruments such as the 1992 Agreement on the readmission of immigrants⁸, and at the XIII meeting of the Permanent Working Group on Immigration, held in Barcelona on October 15, 2011⁹.

This issue is deeply influenced by European Union (EU) Law¹⁰ and bilateral EU-Morocco relations, in both of which the guarantee of respect for human rights¹¹ has always played an important role. This is reflected in general terms in readmission agreements between the EU and third countries, and in particular with Morocco, whose fifteenth formal round of negotiations was held on May 10,

⁴ Agreement between the Kingdom of Spain and the Kingdom of Morocco regarding the circulation of people, the transit and the readmission of foreigners who enter illegally, signed in Madrid on 13 February 1992, BOE no. 100, 25 April 1992. Its final entry into force was on 21 October 2012, in accordance with the statement included in the BOE no. 299, 13 December 2012.

⁵ See: *Legal Report*, "Hot Returns: When the State acts outside the law", 27 June 2014, text available at <<http://eprints.ucm.es/27221/1/HOT%20RETURNS.%20WHEN%20DE%20STATE%20ACTS%20OUTSIDE%20THE%20LAW.%20Legal%20report.pdf>> accessed 6 November 2015.

⁶ I. González García, "El Acuerdo España-Marruecos de readmisión de inmigrantes y su problemática aplicación: Las avalanchas de Ceuta y Melilla", *XXII Anuario Español de Derecho Internacional* (2006), at. 255-284, text available at <http://dadun.unav.edu/bitstream/10171/22221/1/ADI_XXII_2006_08.pdf>

⁷ D. del Pino, "La inmigración y las relaciones hispano-marroquíes", no. 108, vol. XIX, *Política Exterior* (November/December 2005), at. 55-67.

⁸ See: Press release of the Spanish Ministry for Foreign Affairs and Cooperation, 30 September 2005 and the different Joint Declarations adopted on the occasion of the Spain-Morocco high-level meetings in 2005, 2007, 2008 and 2012, in A. del Valle Gálvez and J.D. Torrejón Rodríguez, (eds.), *España y Marruecos: Tratados, Declaraciones y Memorandos de Entendimiento (1991-2013)* (Servicio de publicaciones de la Universidad de Cádiz, 2013).

⁹ *Informe Anual de Políticas de Inmigración y Asilo 2011. España*. Red Europea de Migraciones, at. 52-53.

¹⁰ See Title V (Area of Freedom, Security and Justice) of Part Three of the Treaty on the Functioning of the European Union (TFEU), in particular arts. 77-80 (Policies on border checks, asylum and immigration).

¹¹ See the Joint Declaration (7220/10, Presse 54, 10 March 2010) published at the end of the EU-Morocco Summit held in Granada on 7 March 2010. See also *Informe Anual de Políticas de Inmigración y Asilo 2011...*, *supra*, page 53 et seq.

2010¹². In September 2013, Morocco declared the beginning of a process of regularisation of immigrants (from January 1 to December 31, 2014), as part of a new immigration policy ordered by King Mohamed VI after adopting the Report of the National Human Rights Council of the Kingdom of Morocco on the status of foreign nationals and refugees in Morocco, as well as the reopening in Rabat of the Office for Refugees and Stateless Persons, which had been closed since 2004¹³.

PROCEDURES FOR THE EXPULSION/RETURN OF IMMIGRANTS FROM THE ISLA DE TIERRA -ALHUCEMAS IN 2012

The fact that for administrative purposes the Isla de Tierra does not belong to the Autonomous City of Melilla¹⁴ calls into question the application of the provisions of the Immigration Regulation¹⁵ for single province Autonomous Communities, since these do not require the opening of expulsion proceedings in order to return foreign nationals attempting to enter in the country illegally¹⁶.

This is a matter that has already been denounced as a source of conflict (the lack of a uniform criterion in the application of Article 157(1)(b) [currently Article 23(1)(b)] of the Immigration Regulation¹⁷) in the report submitted by the Commissioner for Human Rights of the Council of Europe on his visit to Spain in 2005¹⁸. In fact, if an irregular immigrant is arrested on Spanish

¹² The negotiations for a readmission agreement between EU and Morocco started in 2000. See SEC (2011) 209, Brussels, 23.02.2011, Commission staff working document accompanying the Communication from the Commission to the European Parliament and the Council, Evaluation of the EU Readmission Agreements, EU Readmission Agreements: Brief overview of State of play, February 2011, at. 3-4.

¹³ “Regularización de inmigrantes en Marruecos”, *Diario digital Nueva Tribuna* (11.12.2013).

¹⁴ The first problem is to determine the legal status of the Spanish territories on the North African coast. As Professor del Valle has said in the Chafarinas Islands and the Peñones de Vélez de la Gomera and Alhucemas, there are military bodies which depend on the General Headquarters of Melilla, but are not administratively linked to the Autonomous City of Melilla. All of those territories are governed from Madrid and there is a legal vacuum. In the case of Isla de Tierra, the military presence is in the Peñón de Alhucemas but there is not National Police Station. Isla de Tierra is an uninhabited rock in which there are no police or borders stations. See A. del Valle Gálvez, “Ceuta, Melilla, Chafarinas, Vélez y Alhucemas: tomar la iniciativa”, *ARI 163/2011 Análisis del Real Instituto Elcano* (20.12.2011).

¹⁵ Spanish Royal Decree 557/2011 of 20 April, approving the Regulation of the Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, after the amendments made by Organic Law 2/2009.

¹⁶ According to Art. 58(3) of the Organic Law 4/2000: “Need not expulsion proceedings for the return of foreigners in the following cases: a) Those who, having been expelled in violation of the prohibition of entry into Spain. b) who seeks to enter the country illegally”. This second case is also established into the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

¹⁷ According to Art. 23(1)(b) of the Immigration Regulation, by resolution of the Sub-Delegate or Delegate of a single province Autonomous Communities it is not necessary to initiate expulsion proceedings for returning foreigners who try to enter in the country illegally. The foreigners intercepted at the border, or in its immediate vicinity are included in this case.

¹⁸ “One of the controversial questions in both Ceuta and Melilla stems from the application of Article 157.1b) of the Aliens Regulation, whereby it is not necessary in single province Autonomous Communities to initiate deportation proceedings in order to return foreigners who try to enter the country illegally. There is apparently no consistent criterion for applying this rule. Some authorities consider this eventuality to include persons intercepted at or near the border. The strict application of this legal principle could accordingly lead to situations of injustice by violating the “non-refoulement” principle already referred to. It is essential, however, that every foreigner in an irregular situation who is detained on Spanish territory —at the border, in the surrounding area, or in the corridor between the two fences of the border perimeter separating Ceuta from Morocco (considered by the authorities to be Spanish territory)— be subject to expulsion

territory, at the border, in its immediate vicinity or in the corridor between the two fences, it is Guideline No. 3 of the Committee of Ministers of the Council of Europe¹⁹ that should apply, which states that the deportation procedure must observe the guarantee of legal counsel and an interpreter, if necessary, once the detainee has been taken to the police station of the National Police.

These same deportation guarantees are also envisaged in the Immigration Regulation²⁰. Thus, pursuant to Article 23(1)(b), when returning foreign nationals attempting to enter Spain illegally, the State Security Forces responsible for guarding coasts and borders which have intercepted these nationals “shall conduct them as soon as possible to the corresponding police station of the National Police for identification and, where appropriate, return”²¹. This provision guarantees application of the principle of non-refoulement²² in cases where return would endanger the migrant’s life or physical or moral integrity, since even if a decision to deport were taken, it could not be carried out and its enforcement would be suspended upon submission of an application for international protection until a decision was emitted²³.

However, the legal framework cited by the Spanish Government to justify the expulsion of 73 immigrants from the Isla de Tierra in the early hours of the 3rd to 4th of October, 2012, is much more problematic.

Taking the Spanish Government’s statements as their source, in the days following the expulsion the media reported that the operation had been carried out in application of the Spanish-Moroccan 1992 Agreement on the readmission of third-country foreign nationals. If this Agreement had indeed been applied, Spain’s application for readmission should have included the available data concerning

proceedings including the necessary guarantees such as access to a lawyer and interpretation prior to their deportation”. Report by Álvaro Gil-Robles on his visit to Spain, 10-19 March 2005, for the attention of the Committee of Ministers and the Parliamentary Assembly. Office of the Commissioner for Human Rights/Bureau du Commissaire aux Droits de l’Homme, Strasbourg, 9 November 2005, CommDH(2005)8, para. 132, at 42. See the cases of Ceuta and Melilla (Ceuta and Melilla’s migration problems in summer 2005), paras. 115-136 at 38-43), text available at <<http://www.refworld.org/pdfid/43a1986f4.pdf>> accessed 6 November 2015.

¹⁹ Forced Return, 20 Guidelines”, adopted by the Committee of Ministers on 5 May 2005, Council of Europe Publishing, Strasbourg, September 2005, page 23. See Report by Álvaro Gil-Robles, at 42.

²⁰ Art. 23(3).

²¹ Art. 23(2).

²² The principle of non-refoulement has been codified in a number of international refugee instruments. At the universal level the most important provision is Article 33 (1) of the 1951 Convention relating to the Status of Refugees, which states that: “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”. This principle is also enshrined in EU law in Article 78(1) TFEU and Article 18 and 19 of the EU’s Charter of Fundamental Rights. Besides the European Court of Human Rights (ECtHR) have consolidated the application of this principle in many cases of States which suffer migratory pressures: *Sharifi and Others v. Italy and Greece* (Application no. 16643/09), 21 October 2014; *Hirsi Jamaa and Others v. Italy* (Application no. 27765/09), 23 February 2012; *M.S.S. v. Belgium and Greece* (Application no. 30696/09), 21 January 2011; and *A.C. and Others v. Spain* (Application no. 6528/11), 22 April 2014. In this last case, the ECtHR ruled that Spain violated the right to an effective remedy of 30 asylum seekers of Sahrawi origin who faced removal to Morocco before a thorough examination of their asylum application. See: S. Saliba, “Non-Refoulement, Push-Backs and The EU Response to Irregular Migration”, European Parliamentary Research Service, May 13, 2015, text available at <<http://epthinktank.eu/2015/05/13/non-refoulement-push-backs-and-the-eu-response-to-irregular-migration/>> accessed 23 November 2015.

²³ See Art. 23(6)(b) of the Immigration Regulation and Art. 19(1) of the Law 12/2009 of 30 October, regulating the right to asylum and subsidiary protection.

the identity and personal documentation of each migrant and the conditions of their irregular entry into Spanish territory, as well as any other information possessed about each individual²⁴. Then, if the application had been accepted, the Moroccan border authorities should have documented this by issuing a certificate or other document indicating the identity and, where appropriate, the documents possessed by the foreign national²⁵. There is no evidence that this procedure or the provisions of Article 5 were observed. According to the latter, Morocco shall ensure that returned foreign nationals are sent as soon as possible to their home State or to the State where they began their journey, if they do not have the right to remain on Moroccan territory. As we know, the Isla de Tierra immigrants were conducted by the Spanish Civil Guard to the Moroccan beach of Sfiha, where they had to swim or walk a few metres to the shore, and where Moroccan agents were waiting to transport them in handcuffs to the Algerian border²⁶.

However, the events reported above cannot be said to have violated the provisions of the 1992 Agreement, because under the terms in which it was published in the Official Gazette ²⁷, its entry into force was envisaged for October 21, 2012, whereas the expulsion occurred before this date, in the early hours of the morning from the 3rd to 4th of October, 2012. Furthermore, as mentioned earlier, in response to the large-scale attempts to climb the border fences at Ceuta and Melilla in 2005, Morocco had already declared that the Agreement was not in force, in accordance with the provisions of Article 16(2).

Thus, Morocco's claim to Spanish territories in North Africa did not represent a political barrier to reaching a bilateral agreement (*ad hoc*) with the Spanish Government either in 2005 or in 2012. On the contrary, the Isla de Tierra incident served to revive and speed up the entry into force of the Spanish-Moroccan Agreement of 1992 in the context of cooperation between the two countries in the fight against illegal immigration.

SUMMARY RETURNS AFTER LARGE-SCALE ATTEMPTS TO CLIMB THE BORDER FENCES AT CEUTA AND MELILLA IN 2014

The entry into force and applicability of the 1992 readmission Agreement also led to a meeting of the Spanish-Moroccan Joint Committee envisaged in Article 11. Under the authority of the Interior Ministers of both countries, the Committee is responsible for resolving any contentious cases that may arise from application of the Agreement, and for monitoring its provisions. In addition, it is also responsible for organising mutual assistance in the deployment of border control mechanisms, especially in regard to the equipment and training of border control personnel, and for exploring the modalities and criteria for compensating financial imbalances resulting from the readmission of expelled foreign nationals.

²⁴ Art. 2(2) of the Spanish-Moroccan 1992 Agreement.

²⁵ *Ibid.*, Art. 2(3).

²⁶ "Madrid y Rabat desalojan a 'escondidas' a los 'sin papeles' de Isla de Tierra", *El Mundo* (04.09.2012).

²⁷ BOE no. 299, 13 December 2012.

Thus, in accordance with the provisions of Article 15 (which empowers the Contracting Parties to propose the modalities and improvements deemed necessary for the better implementation of the Agreement and in order to safeguard the national interests of both parties), the Spanish Minister of the Interior proposed to his Moroccan counterpart (at the bilateral meeting held on the occasion of the Paris meeting of the G-4 —Spain, France, Portugal and Morocco— on February 20, 2014) that a meeting of the Joint Committee should be convened. Initially it was envisaged that the Committee would meet in Tangier on March 26, 2014, following a preparatory meeting between the Spanish Secretary of State for Security and his Moroccan counterpart held on March 17.

Thus, the meeting of the Joint Committee reflected the need to improve the implementation of the 1992 Readmission Agreement, in a framework of cooperation between the two countries due to the strong migratory pressure to which the autonomous cities of Ceuta and Melilla had been subjected since the beginning of the year. This need arose as a result of concern and criticism from national and European institutions (such as the Spanish ombudsman and the European Commission) following complaints from NGOs about the conduct of the Civil Guard on the beach of Tarajal (Ceuta) on February 6, 2014, and the death in Moroccan waters of 15 African immigrants who had attempted to swim to the city. It was also provoked by media broadcasts of videos and photographs of summary returns (without identification) of immigrants trapped in the corridor located between the double border fences at Ceuta and Melilla, perched on the fences or detained in the vicinity, following the large-scale attempts to climb the fences that had been happening since early 2014²⁸.

Once again, it was another migration crisis, this time in 2014, that led Spain and Morocco to address, in the Joint Committee and “within the framework of the excellent cooperation and the decisions taken at the meeting between the two ministers” (according to the text of the statement issued), the end of a practice that the Spanish Minister of the Interior in particular acknowledged amounted to “sporadic” summary returns²⁹. This statement has been criticised for proposing, among other initiatives, the “development of a coordinated mechanism for the immediate return of those who violently or flagrantly enter Ceuta and Melilla”³⁰.

However, as the Spanish Minister had occasion to clarify in response to questions from the media, immediate return is based on effective implementation of the 1992 Agreement, and does not imply legalising summary expulsion (“hot returns”), which would violate the provisions of the Foreign Nationals Act and the obligations imposed by International Law³¹.

Thus, the abovementioned questions regarding the lack of legal status of Spanish islands and islets in North Africa and the impact of this on Spain’s exercise of sovereign powers in border control and especially in procedures related to the expulsion/return of immigrants, lead inescapably to an analysis

²⁸ “Más devoluciones irregulares de inmigrantes a través de la valla de Melilla”, *El País* (04.02.2014) and “La Guardia Civil reconoce que devuelve sobre la marcha a los inmigrantes que llegan a la playa de Ceuta: ‘Es lo habitual’”, *El Mundo* (07.02.2014).

²⁹ “Interior admite la posible existencia de expulsiones de tapadillo en Melilla”, *El País* (04.02.2014).

³⁰ “Interior quiere poder echar a Marruecos al inmigrante que entre de forma ‘violenta’ en Ceuta o Melilla”, *CeutaDía.com – Diario Digital* (20.02.2014) and “España propone a Marruecos la ‘devolución inmediata’ en las entradas a Ceuta y Melilla”, *El Mundo* (21.02.2014).

³¹ See: “European Court of Human Rights demands explanations from Spanish government on “hot returns” in Melilla” (07.08.2015), text available at <<http://www.statewatch.org/news/2015/aug/echr-hot-returns.html>> accessed 6 November 2015.

of the human rights of migrants in relation to complaints about summary returns following large-scale attempts to climb the border fences at Ceuta and especially Melilla.

As we know, national immigration laws, including Spain's, are constrained by general and conventional International Law, which imposes limits that are linked to respect for the dignity of human beings, this being the minimum standard of international protection accorded to foreign nationals, including irregular immigrants³².

Special mention should be made of the provisions concerning protection of the right of asylum and subsidiary protection, and in particular, of the guarantees of entry and stay granted to foreign nationals by the receiving State, and the principle of non-refoulement.

If we focus on the right to seek asylum, irregular entry into Spanish territory cannot be punished, according to Spanish domestic law, when such entry has been effected by foreign nationals who meet the requirements to qualify for the status of refugees, provided they present themselves without delay to the authorities. In this case, expulsion or return should be suspended from the moment the foreign national requests the protection conferred by asylum until a decision is issued on the application³³.

This right is also recognised in international treaties to which Spain is a party, and is therefore binding (Geneva Convention of July 28, 1951 on the Status of Refugees³⁴, and its Protocol of January 31, 1967), as is EU Law.

Furthermore, the protection of fundamental rights, including the right to life, physical and moral integrity and legality of foreign nationals who are under the jurisdiction of a State, must be guaranteed in expulsion/return proceedings, as noted by the jurisprudence of the ECHR and the Guidelines on forced returns of the Committee of Ministers of the Council of Europe, which prohibit collective expulsion orders and require the individual examination of each case as well as the adoption of individual decisions regarding returns³⁵. It should also be borne in mind that in 2009, Spain ratified Additional Protocol 4 of the Rome Convention (1950) for the protection of human rights and fundamental freedoms³⁶, which prohibits the collective expulsion of aliens³⁷. In addition, the right not to be subjected to inhuman, cruel or degrading punishment or treatment³⁸ should be guaranteed by Spain and Morocco³⁹.

FINAL REMARKS

³² A. del Valle Gálvez, "El frágil estatuto internacional y europeo del inmigrante irregular", in A. del Valle and M. Acosta Sánchez (eds.), *Inmigración irregular y Derecho* (Servicio de Publicaciones de la Universidad de Cádiz, 2005), at. 138-157.

³³ Art. 23(6)(b) of the Immigration Regulation; Art. 19(1) of the Law 12/2009 and Art. 58(4) of the Immigration Law.

³⁴ Morocco is also state party of the Geneva Convention since 1956.

³⁵ CommDH(2005)8, para. 123, at 45-46.

³⁶ BOE no. 247, 13 October 2009.

³⁷ Art. 4 Additional Protocol 4 of the ECHR (text electronically available at <<http://www.worldlii.org/int/other/COETS/1963/4.html>>) and Art. 19(1) of the EU Charter of the Fundamental Rights.

³⁸ Art. 3 ECHR.

³⁹ Spain and Morocco are states parties to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and have recognized the competence of the Committee against Torture to receive and consider individual communications under Art. 22.

The study of migratory crises between Spain and Morocco and of procedural safeguards in migrant expulsion/return proceedings and respect for their human rights should be conducted in the general context of Morocco's historical claim to the Spanish territories in North Africa.

There is, therefore, an underlying political problem that nevertheless has not prevented the States from adopting Agreements of a political nature, *ad hoc*, specifically for the return of immigrants by Morocco after attempts to cross the border fences at Melilla in 2005 and the arrival of immigrants on the Isla de Tierra in 2012. This latter episode enabled Spain and Morocco to revive the 1992 readmission Agreement and, following the strong migratory crisis caused by the death of 15 migrants in Moroccan waters close to Ceuta in February 2014 and complaints about summary returns following large-scale attempts to climb the border fences at Ceuta and Melilla since the beginning of the year, to convene a meeting of the Spanish-Moroccan Joint Committee in order to resolve contentious cases that could arise as a result of its application.

This reflects the "excellent condition" of bilateral relations between Spain and Morocco⁴⁰, enabling them to take stock of lessons learnt in a troubled political context occasioned by Morocco's historical claim to the Spanish territories in North Africa. Thus, territorial claims or disputes are put on hold or suspended in the face of major crises such as migration that affect bilateral relations between Spain and Morocco and relations with the EU.

However, especially in this troubled context of a regulatory vacuum regarding the administration and legal status of the territory of the Isla de Tierra-Alhucemas, under Spanish sovereignty and responsibility, and of the migratory pressure to which the autonomous cities of Ceuta and Melilla are presently subjected, the need should not be forgotten to respect human rights in the territories of EU Member States.

⁴⁰ H. Amirah Fernández, "España-Marruecos, una apuesta por el acercamiento", Comentario Elcano 46/2013, *Real Instituto Elcano*, 29 July 2013.