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SPANISH TERRITORIAL BOUNDARIES IN NORTHWEST AFRICA

I. SCOPE

The following information includes data on Spanish territorial boundary claims to Ifni, Ceuta, Melilla, Spanish Sahara, and Southern Morocco. These claims are indicated on the accompanying five maps.

The boundaries of all five territories have been described in various international agreements, but little information is available as to whether or not these boundaries have actually been demarcated. Lack of specific information indicates that the boundaries have not been demarcated, except for the frontier between Rio de Oro and Mauritania. In this case, a mixed Spanish-French team recently delimited and marked the frontier. Additional information on the demarcation of frontiers is being requested from the field.

II. SUMMARY

Spain's claim to Ifni can be traced to the fifteenth century, but an 1860 treaty between Spain and Morocco is generally cited as the legal basis for Spanish occupation of the territory. The boundary of Ifni has been delineated in various international agreements, most recently in 1912. After the occupation of Ifni by Spanish troops in 1934, a boundary to the east of the 1912 line was shown on some maps, and still other versions of the boundary have been used on recent official Spanish maps. Thus, no single official interpretation of the line is available, but the 1912 version appears to have most validity.

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Ceuta, opposite Gibraltar on the Mediterranean coast, has been a

Spanish possession for centuries, but a treaty between Spain and Morocco in 1912 is believed to be the legal basis of the boundary currently in use. The boundary of Melilla, another ancient Mediterranean coastal possession of Spain, was delineated in 1862.

The boundaries of the several parts of Spanish Sahara have been defined with considerable precision, but only along the Rio de Oro-Mauritania frontier have boundary markers been established. This boundary was agreed upon in 1900, but it was not demarcated until recently. The territorial limits of Sagua el Hamra were established in 1904, and apparently have not been so controversial as most other boundaries in the area. The present-day boundary of Southern Morocco is based on a 1912 treaty signed by France and Spain. The current controversy over Southern Morocco is not one of boundaries but of territorial ownership. Morocco's claim to sovereignty over Southern Morocco would appear to be substantiated by the 1904 and 1912 treaties.

III. BOUNDARY DETAILS

A. IFNI

Spain first claimed Ifni in the latter part of the fifteenth century, when Spanish troops from the Canary Islands disembarked on the land and the local ruler submitted himself as a vassal of the Spanish monarch. The Spaniards then constructed a small fort, but it was rapidly overrun by the Berbers. Within a relatively few years, almost all trace of the fort had disappeared. Spain's claim was not formally reaffirmed until 1860, this time by an article in the treaty which ended the Spanish-Moroccan war of 1859-1860. The Treaty of Peace and Amity between Spain and Morocco of 26 April 1860, included in Article VIII the following in reference to Ifni:

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Morocco cedes to Spain on the coast of the ocean close

to Santa Cruz la Pequeña [Ifni] ground that shall be sufficient for the formation thereon of a fishery establishment, similar to that which Spain possessed there in ancient times.

Despite this treaty, Spain's claim to Ifni remained beclouded because almost as soon as the treaty was signed, the question arose as to the exact location of Santa Cruz la Pequeña. In 1878, a mixed Spanish-Moroccan expedition was organized for the purpose of establishing the geographic basis of the treaty. The mission located ruins of a Spanish fort on the right bank of the Ifni River, which seemed to identify the site of Santa Cruz la Pequeña (also called Santa Cruz de Mar Pequeña), but with very little degree of certainty.

In Article IV of the Convention of 3 October 1904 between Spain and France, Spain's claim to Ifni was again reaffirmed--this time with somewhat more geographic precision--as follows:

The Moroccan Government having, in accordance with the Treaty of 26 April 1860, conceded to Spain an establishment at Santa Cruz de Mar Pequeña, it is understood that the territory of the establishment will not extend beyond the course of the Wadi Tazeroualt from its source as far as its confluence with the Wadi Mesa and the course of the Wadi Mesa from its confluence as far as the sea.

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A few years later the boundaries of Ifni again were the subject of an international agreement. According to Article III of the French-Spanish Convention of 27 November 1912, France and Spain delineated the boundaries as follows:

The Moroccan Government having, by the Treaty of 26 April 1860, conceded to Spain an establishment at Santa Cruz de Mar Pequeña, it is understood that the territory of this establishment has the following limits: to the north, the Wadi Bou-Sedra [or Asif en Salguemal] from its mouth; to the south, the Wadi Noun [or Uad Asaca] from its mouth; and to the east, a line approximately 25 kilometers from the coast.

An interpretation of the boundary according to the 1912 Treaty is shown on Map 1. Spain did not accomplish an effective occupation of Ifni until 1934. At that time, however, Spanish forces claimed a more easterly boundary than that shown on Map 1. The 1934 claim has been added to Map 1, along with the most recent available Spanish version of the boundary, which appeared in an official 1954 publication of the Dirección General de Marruecos y Colonias.

None of the sources of information on the Ifni boundary indicates that the line has been demarcated.

B. CEUTA

In 1580, Ceuta came into the possession of Spain, and it was confirmed as Spanish in 1640. Ceuta has been a Spanish possession since that date, although, with Spanish consent, it was occupied by the British during the Napoleonic Wars.

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On 25 August 1844, a treaty was concluded between Spain and Morocco in which the limits of Ceuta were defined. This treaty was confirmed on 7 October 1844. The following year, on 6 May 1845, another treaty was signed by Spain and Morocco relative to the Ceuta frontier; again on 26 April 1860 the boundary was the subject of a Spanish-Moroccan agreement. The last agreement, the Treaty of Peace and Amity between Spain and Morocco, is believed to be the legal basis of the present-day boundary.* The delineation of the boundary according to this treaty is indicated on Map 2 accompanying this memorandum; it is shown in greater detail on a map available on loan from the U. S. Army Map Service.**

Nowhere in the literature dealing with the Ceuta boundary is any mention made of actual demarcation of the line.

C. MELILLA

In 1490, Melilla came into the possession of Spain; but the earliest known reference to the boundaries of Melilla is dated 24 August 1859, at which time a convention was concluded between Spain and Morocco extending Spanish jurisdiction beyond its previous limits. The following year, on 26 April 1860, the boundary was defined in a treaty between Spain and Morocco as follows:

* Pertinent sections of this 1860 Treaty may be found in British and Foreign State Papers, Vol. II, page 928.

** Mapa del Norte de Marruecos, Hoja 2, Ceuta-Tetuan, AMS Library call No. 23P 3-30-52001-100.

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The limits of this concession to Spain shall be

fixed by Spanish and Moroccan engineers, who shall adopt as their basis of operations for fixing the extension of said limits, the range of a piece of cannon....

There is no information to indicate that Spanish or Moroccan engineers ever fired the "piece of cannon" in order to establish in this picturesque but imprecise manner the limits of Spanish territory. In fact, differences soon arose over the fulfillment of both the 1859 Convention and the 1860 Treaty. Another treaty was therefore concluded on 30 October 1861. As a result of this treaty, an Act of Delimitation was signed by the commissioners of Spain and Morocco on 26 June 1862 fixing both the boundary of Melilla and that of a surrounding neutral zone. These boundaries are indicated on Map 3 accompanying this memorandum. They are shown in greater detail on a map available on loan from the U. S. Army Map Service.*

No information is available as to whether or not boundary markers have been established on the ground.

D. SPANISH SAHARA

1. Río de Oro

On 9 January 1885, Spain gave formal notice of the extension of Spanish protection over certain territories on the northwest coast of Africa extending from Cape Blanco to Cape Bojador, that is, the area now known as Río de Oro. On 26 April 1887, this territory was placed under the charge of the Spanish governor-general of the Canary Islands.

* Plano del Campo Exterior de Melilla y Croquis del Campo Fronterizo.

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Despite the 1885 decree, the Convention between France and Spain signed on 27 June 1900 is generally listed by Spanish sources as the legal basis for the boundary between French Mauritania and Spanish Río de Oro.

The technical implementation of the Convention of 1900 was long-delayed. Not until December 1956 did Spain and France reach a final agreement ratifying the work of a team that had been engaged for some time in delimiting and marking the frontier. That agreement is not yet available in Washington but was summarized in Amembassy Madrid Despatch 733 of 10 January 1957 as follows:

The frontier will run from the sea at Cabo Blanco on a line midway between the shores of the peninsula as far as the 21° 20' parallel of north latitude; then follow this parallel eastward as far as the 13th meridian west of Greenwich; then follow this meridian northward to Galb Azefal; then proceed by a series of straight lines uniting high landmarks to Grief Yerad; then continue to the intersection of the Tropic of Cancer with the 12th meridian; then follow this meridian northward.

No map is currently available that shows the results of the 1956 agreement. When such a map does become available, the interpretation of the Río de Oro-Mauritania boundary should be reexamined, since there appears to be a slight discrepancy between the boundary as described in the quoted agreement and that given by other presumably reliable sources.

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These other sources include a 1955 publication of the Spanish Consejo

Superior de Investigaciones Cientificas and the French Carte Aéronautique du Monde published in 1956 by the Institut Géographique National. The boundary shown on Map 4 is taken from the 1955 Spanish publication and is essentially in agreement with the French version of the boundary.

2. Sagua el Hamra

The boundaries of Sagua el Hamra shown on Map 4 were defined in Article VI of the French-Spanish Convention of 3 October 1904 as follows:

The Government of the French Republic acknowledges henceforth to the Spanish Government full liberty of action in the region between 26° and 27°40' north latitude and the meridian 11° west of Paris (8°40' west of Greenwich) [and the coast].

3. Southern Morocco

The boundaries of the territory variously called Southern Morocco, Spanish Southern Morocco, Southern Spanish Protectorate, Tekna, or simply the Zone South of the River Draa were defined by the French-Spanish treaty of 27 November 1912 (see Map 4). Article II of this treaty notes that:

In the south of Morocco, the frontier of the French and Spanish Zones will be defined by the thalweg of the Draa River; the frontier will follow the Draa from the ocean to its junction with the 11th meridian west of Paris (8°40' west of Greenwich); it follows this meridian southward to 27°40' north latitude.

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and VI of the Convention of 3 October 1904 will remain applicable. The Moroccan regions north and east of the delimitation described in the present paragraph will belong to the French Zone.

In reference to the present-day Moroccan and Spanish disagreement over this territory, it is reasonably clear from the terminology of various international agreements negotiated during the early part of this century that both Spain and France recognized the Sultan's claim to sovereignty over Southern Morocco. Spain and France carved out "spheres of influence" in Morocco; but, in theory, upheld the idea of Moroccan sovereignty. Much of the present confusion appears to be caused by the indiscriminate use of these two terms "spheres of influence" and "sovereignty."

In Article V of the French-Spanish treaty of 3 October 1904 (see Map 5), the Spanish sphere of influence was delimited so as to include Sagua el Hamra, Southern Morocco, and territory north of the Draa River, but in Article VI the fact that Sagua el Hamra was considered "outside of Moroccan territory" was specifically noted. Thus the very strong inference is that this whole territory was within the Spanish "sphere of influence" but that only Sagua el Hamra was actually an area of Spanish sovereignty.

In Article I of the French-Spanish treaty of 27 November 1912, it was noted that:

The regions comprised in the zone of influence determined by Article II remain under the civil and religious authority of the Sultan....

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Article II of the same treaty (quoted in part above) notes, in effect, that French influence extends as far south as the Draa River; that the area between the Draa and 27°40' N (i.e., Southern Morocco) is within the Spanish zone; and that the area south of 27°40' N is "outside of Moroccan territory." If Spain at that time had claimed sovereignty over Southern Morocco as well as over the area south of 27°40' N, it is reasonable to conclude that specific notice would have been made of that fact.