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Editorial Comment

The CFSP and the Leila/Perejil Island Incident: The Nemesis of Solidarity and Leadership

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It seemed like a badly played re-enactment of a 19th century colonial land grabbing conflict. On 11 July the Kingdom of Morocco, apparently in high spirits over King Mohammed's wedding celebrations, sent a dozen gendarmes, later replaced by marines, with a flag to the tiny goat-inhabited islet of Leila situated a few hundred metres from the Moroccan mainland. The 'occupation' of Perejil ('Parsley') island as it is most appropriately called in Spanish – its only natural resource being the wild parsley eaten by the goats – raised a storm of anger in Spain. Concerned about a negative precedent being set for the status of other Spanish North African exclaves like Ceuta and Melilla, Madrid insisted on its centuries-old claim to the islet and demanded the immediate withdrawal of the Moroccans. When this did not happen the Spanish Government dispatched five warships, a submarine, helicopters and other war planes to the area, put the Spanish Foreign Legion troops in Ceuta and Melilla on high alert and – on 17 July – had the island 'retaken' by Spanish elite commando troops. The Moroccan soldiers were captured unharmed, put ashore and freed. Yet outside the realm of the politics of prestige and symbols any more lasting occupation of the parsley-garnished rock made no more sense to Spain than to Morocco, especially as international diplomatic pressure was mounting and emotions were increasingly running high in some Arab countries. As a result Spain, in the context of a brokered agreement, withdrew its legionaries again on 20 July, this under the loud cheering of hundreds of Moroccans watching the spectacle from the mainland shore. Ten days after the start of the incident the islet was therefore again as empty as it had been before.

Nothing more than a farce on the international stage? Yes, but also a diplomatic disaster for the European Union's Common Foreign and Security Policy (CFSP). Within a few days CFSP failed the test on two of the most important elements of an effective 'common policy' – solidarity and leadership –, and this in such a way as to merit a closer look.

When the news of the Moroccan 'invasion' arrived, the reaction in several EU capitals was one of slight embarrassment rather than forceful support for

Spain. The argument came up that this was essentially a 'colonial matter' which Spain should sort with Morocco on its own, that the centuries-old Spanish claim was not as watertight as Madrid tried to present it and even jibes were circulating about the prickly Spanish pride. All this, of course, missed entirely the point: What had happened was that a third country was trying unilaterally and with the use of armed personnel to change an existing territorial status quo against the interests of one of the EU Member States. Even if there might be different views about whether or not the islet can be regarded as EU territory there could be little doubt that the interests of a Member State had been violated in a unilateral way not compatible with the EU's usually strong emphasis on the negotiated settlement of international disputes. If the 'spirit of loyalty and mutual solidarity' in CFSP referred to in Article 11(2) of the Union Treaty had any meaning at all this was a situation in which it should have fully come to the forefront.

Instead several days passed without any official CFSP declaration condemning the Moroccan move and supporting Spain. Commission President Prodi made an early and brave attempt to fill the void, but this was contested by Member States and in the end only exposed the Union's leadership problems (see below). It took the Danish Presidency three days – until 14 July – to come up with a statement of support for Spain and a request for Morocco to withdraw, but the statement could not have been briefer and there was no hint whatsoever at potential EU diplomatic or other action in case Morocco would not withdraw. On 17 July the political and security committee (COPs) met and it was widely expected that it would at the very least agree on a forceful declaration on the issue. Yet this was the day when the Spanish sent their legionaries to occupy the islet, and the French delegation blocked the adoption of a solidarity statement arguing that as Madrid had not properly informed and consulted its EU partners it could not now claim political support for an operation some Member States clearly disapproved of. This was a rather thin argument, though, as Spain had it made clear right from the outset that it would not accept the Moroccan occupation, military preparations had been under way for some time and nobody could really expect Madrid to closely consult with continuously with EU partners which so far had shown little or no solidarity. What made matters worse was that it was quite obvious that the main reason for the French position was not any real doubt about the Spanish rights or Madrid's information policy but the close economic and political links between France its former colony which Paris did not want to put at risk by a tougher EU position. One has to say, though, that several other Member States, not wishing to be drawn into a major international conflict over what they regarded as a Spanish overreaction, were quite happy to hide behind the French back. By the time Spain withdrew its troops again there was no trace of solidarity left.

On the leadership issue the CFSP looked at least as poor. One would

have thought that it was up to the Danish Presidency to take the lead for an energetic joint response. Yet discouraged by the hesitations and doubts in several capitals and hampered both by a lacking diplomatic presence in Rabat – Denmark had closed its Embassy there – and by the desire not to cause too much upheaval in EU–Arab relations, the Danish Presidency left it first at silence and then at the brief statement of 14 July (see above).

This left the leadership stage to the Commission. Already on 13 July Commission President Prodi issued a statement expressing the Commission's 'full solidarity' with Spain and demanding the immediate withdrawal of Morocco from the islet. On the same day, at the request of the Spanish Government, Prodi also held a long telephone conversation with Moroccan Prime Minister Abderrahmane Youssoufi, expressing his 'grave concern'. This was followed by a statement from Commission spokesman Jonathan Faull, who taking up earlier remarks by Prodi, said that support for Spain was obvious and that this was an issue concerning 'EU territory'.[1] All this, however, was not taken well by some of the Member States which felt that the Commission had gone too far and that it was endangering the 'good' relations with Morocco (recently overclouded by a mounting Moroccan trade deficit vis-à-vis the EU) and potentially upsetting feelings in the Arab world. Faced with a stiff wind from the Member States, the Commission – not for the first time – changed its course. On 17 July Prodi issued another statement in which he called for a 'return to the status quo ante', offering the Commission's help as a facilitator for a dialogue between Spain and Morocco. This caused fury in Madrid as the Commission had now obviously moved to a position in which Morocco did not any longer appear as the culprit and in which – with its call for a return to the status quo ante – it seemed to call for a Spanish withdrawal from the islet which Spain had just occupied.[2] The new position adopted by the Commission seemed indeed slightly odd: How could it have acted as a mediator in a conflict between a Member State and a third country? It would have forced it to distance itself from a Member State to adopt a reasonably neutral position, and even that position was unlikely to have credibility with the Moroccan side which would not have been able to overlook the fact (as the Commission seemed prepared to do) that Spain is a member of that European Union the Commission is intended to serve. With the other Member States clearly not willing to give the Commission any major role and Spain now upset about the change in position, the Commission ended up being completely sidelined in the final days of the story.

[1] Quoted in European People's Party, News release: 'EU demands Morocco end takeover', Brussels, 16 July 2002.

[2] For the different statements issued by Romano Prodi on the incident see European Commission documents IP/02/1064, 1068, 1088 and 1090.

Yet there was still one other position which could have been used to provide leadership, that of the CFSP's 'High Representative', Javier Solana. The High Representative was on 22 July congratulated by Spanish Secretary of State Ramon de Miguel on his 'discreet diplomacy'[3] in the final compromise brokering involving the USA (see below), and he apparently also had the sensitive task of communicating to the Commission the concerns of the Member States over its initial approach. Yet discreet diplomacy is something different from actual leadership, and Solana clearly neither had the ambition nor the mandate to fill the leadership void left during the incident by both the Presidency and the Commission.

With the CFSP providing neither effective solidarity nor leadership the Leila/Perejil Island incident inevitably ended up as a purely bilateral Spanish–Moroccan issue, with both sides eventually gratefully accepting the mediating efforts by US Secretary of State Colin Powell who played a key role in brokering the agreement which led to the withdrawal of the Spanish troops on 20 July and the restoration of the status quo ante. EU representatives then tried to play down the whole issue, and when the just-renamed 'General Affairs and External Relations Council' met on 22 July it only got a briefing over lunch on the outcome of the affair and reportedly did not open a debate. The ministers may be forgiven for avoiding a debate which would have been rather unpleasant.

What conclusions can be drawn from the whole incident? The first is clearly that a CFSP which is unable to provide solidarity to a Member State whose long-declared interests are violated by a third country is ultimately not credible. One can easily understand that other Member States are less than enthusiastic about being drawn into potential major trouble over a distant rock most of them had never heard of, but this is part of the price they have to pay if they really want to be part of a 'Union' with a 'common policy' on the international stage. Providing or not providing support depending on the respective national interests is simply not enough. Some might object that demonstrating greater solidarity can be dangerous as it might encourage the Member State concerned to bank on unlimited support and to behave rather unreasonably. Yet one should not forget that effective solidarity is also an instrument to bind a Member State into a common discipline. It is quite possible that if the EU had come out with a strong show of solidarity with Spain against Morocco on the day of the 'invasion', including the threat of sanctions, that Spain would not have taken military action in order not to endanger a common front which Morocco would have found difficult to resist. The second is that quite obviously none of the current potential leadership instances in EU external relations – Presidency, Commission and High Representative – are able to provide any effective leadership if there are

[3] Europe, No. 8260, 22–23 July 2002.

major disagreements between the Member States. A greater consensus among Member States on the need for solidarity would make it easier to provide leadership but still leave the question open – clearly not answered by the Leila/Perejil case – who would be most effective in exercising it.

Taken together solidarity and leadership appear as the real nemesis of the further development of the CFSP and its ancillary, the ESDP. For the current work of the Convention on the Future of the European Union this is not too encouraging: Neither solidarity nor leadership can be brought about simply through provisions of treaties or even constitutions.