

CHAPTER 1

THE ROLE OF THE UNITED STATES IN MEDIATING THE TERRITORIAL DISPUTE BETWEEN SPAIN AND MOROCCO OVER THE PARSLEY ISLAND DISPUTE IN 2002

Introduction

This thesis attempts to investigate the process of the conflict resolution which was held between Spain and Morocco over the Parsley Island in 2002. The writer is interested in analysing the process of the conflict resolution, which has settled by both countries after the conflict. In this case, the writer also would like to examine the possible framework in order to analyze the resolution conflict over the Parsley Island between Spain and Morocco. The writer believes that, the conflict resolution between Spain and Morocco in 2002 has been affecting to the improvements of the relation between both countries until today.

A. Background

Spain controls over five territories on, or just off, Morocco's northern coastline.¹ Spanish was controlling *plazas de soberania* ("places of sovereignty") on the Mediterranean coast of northern Africa, including the two *plazas mayores* ("greater plazas"), and *plazas menores* ("lesser places"). The largest territories, which are under control of Spanish are Ceuta, and Melilla, and both of them are the only territories, which has stable population, also called as *Ciudades*

¹ TRINIDAD, J. (n.d.). AN EVALUATION OF MOROCCO'S CLAIMS TO SPAIN'S.

Autónomas or Autonomous Cities. The other three territories the peninsula of Vélez de la Gomera, the islet of Alhucemas and the Chafarinas Islands are only containing some Spanish military with no civilian population.²



Figure 1 Disputed Territory between Spain and Morocco

The other territory which is disputed by Spain and Morocco in recent years is about the Parsley Island territorial dispute between Spain and Morocco which occurred on July 11, 2002. The Parsley Island and knowing as la Isla Perejil in Spanish or Laila in Morocco, this is a small rocky island which the position was around 250 meters from Morocco and 8 kilometers from the Spanish city of Ceuta, and 13.5 kilometers from mainland Spain.³ It only has a size of football field and uninhabited where there is nothing exists beside coarse grass and rocks.

The Parsley island dispute between Spain and Morocco began when Moroccan troops landed in the island bringing many armies equipment's then the troops set the tent and raised the Morocco Nation's flag. Nevertheless, the Moroccan troops occupied the island with only equipped with a radio, two flags

² http://www.spain.info/en/informacion-practica/sobre-espana/geografia/situacion_geografica.html -Retrieved on October 2015

³ Giles Tremlett. "Moroccans seize Parsley Island and leave a bitter taste in Spanish mouths". the Guardian Retrieved on 7 August 2015

and a couple of tents. But then the tension increased when a patrol boat of the Spanish Civil Guard found them and approached the Moroccan troops in order to investigate it.⁴



Figure 2 The Parsley Island locations

The government of Spain in Madrid heard the information about the occupation of the Moroccan troops directly through the Spanish Foreign Minister, Ana Palacio, she made contact with the Rabat through the Spanish Embassy to warn Morocco. Spanish government claimed that the act of the Morocco is a kind of occupation action which threatening the security of Spain. But in another part, Morocco claimed that the action that they did was not a kind of occupation because the location of Parsley Island is belonging to its territorial based on their official map. So, that was one of the reasons that the Moroccan troops landed in the Parsley Island. They carried out in order to monitor the illegal immigration

⁴Giles Tremlett. "Moroccans seize Parsley Island and leave a bitter taste in Spanish mouths". The Guardian

and to fight the drugs smugglers who use the island as the shelter place in their own territory.⁵

The government of Spain could not accept the reasons of the Moroccan government, on the other hand they responded it quickly and unpredictably in order to protect their interests in the area of the Parsley Island. First of all, Madrid decided to withdraw its ambassador from Rabat, then followed by Rabat which pulled out its ambassador from Madrid. Then the tension was became worst after the Spanish government acted over military actions.

Then on 17 July 2002, Spain through Spain's Defence Minister, Federico Trillo decided to launch an aggressive action, they launched the Operation of Romeo-Sierra in order to take over the Parsley Island from Moroccan troops and force the Moroccan government to withdraw its troops from the location of the dispute.

They took the military actions in order to protect their defence. They claimed that the act of the Moroccan armies in the Parsley Island was “act of war” which brought some political agendas particularly in order to re-claim the Ceuta and Melilla lands.⁶ Madrid argued that, they should to protect their security and their dignity from disruption from other states.

However, this territorial issue was very sensitive. It was not only become bilateral conflict but then it arouse become internationally. In that point, both

⁵ Gold, P. (2010) *Parsley Island and the intervention of the United States*. Journal of Transatlantic Studies, 8 (2). pp. 83-104. Retrieved on 7 August 2015

⁶ (Estapa)

countries tried to look for any supports from other countries to find the solution for this issue. Spain tried to contact European Union and its ally such as NATO in order that they might give supports and their views about this crisis. So did Morocco, they tried to contact its ally, such as Arabs Leagues and also the United States.

In that case, the acts of the third parties to find solutions were very dominant. The third actor in this case is the United States. The involvement of the third parties in the conflict had important role, remembering that it was so difficult for both parties to initiative resolving the issue diplomatically, particularly after both of them withdrew their ambassador from each states. Both of them needed the third parties to bridge their own perceptions in order to find the solutions of the problem.

Actually, both parties realise, that bilateral settlement was more likely required than the military actions. As a result, both parties tried to interact with other parties in order to find the mediator in the resolution process. Despite both parties had tried to call for support from their allies in this conflict resolutionn over the Parsley Island dispute, the third parties particularly the United States actually had important role as the mediator and facilitator for Spain and Morocco. It offered and provided open diplomacy for Spain and Morocco to resolve the conflict and to negotiate the settlement of the dispute between both parties.

The involvement of the third parties basically is needed to be facilitative and supportive for the both parties. The third parties was in the middle position to

analyzing and resolving the problems. In the mediation process, the third party acted by asking some question, seeking clarifications, challenging misperceptions, and explaining processes of interaction in order to find out some alternatives in order to achieve the settlement effectively.

The involvement of the third parties, the United States have managed to produce a return to the status quo ante and have planned to discuss the improvements of bilateral relations. According to the letters the two Governments, among Spain and Morocco had agreed that their actions would be without prejudice to their positions regarding the status of the island; that any differences would be resolved solely through peaceful means; that they would publicly take the position that this resolution of their dispute was in their mutual interests, without winners or losers; and that both sides would implement this understanding in good faith. With this agreement accepted in Madrid and Rabat, Spain withdrew its forces after less than four days on the island, landing them by helicopter in Ceuta on 20 July.⁷

Initially, the role of the United States in the process of the conflict resolution between Spain and Morocco over the Parsley Island began after both parties tried to communicate with third parties, particularly after each parties communicate with the United States in order to protect their interests, such as when The Foreign Affairs Ministers of Spain did discussion with the United States Ambassador in Rabat in the small hours of 17 July.⁸ But either, it was reported

⁷ El País, 21 July 2002. There was a staged withdrawal of the support vessels from 21 July onwards (El País, 22 July 2002).

⁸ El pais, 19 July 2002

also that King Mohammed VI also spoke with the US Ambassador on 19 July in order to secure guarantees for Morocco about the Parsley Island.⁹

After several meetings were held by both parties between Mohammed Benaissa, the Minister of Foreign Affairs of Morocco and Ana Palacio the Foreign Minister of Spain took place in Rabat on 22 July. The meeting aimed to restore the status quo ante of the Parsley Island. The meeting was attended by the representative of United States, Collin Powel the Secretary of State. A joint communiqué issued after the Rabat meeting, stating that the agreement negotiated by Colin Powell had been confirmed by both sides ‘without prejudice to their respective positions with regard to the status of the island’.¹⁰

At the end, the role of the United States in the conflict resolution between Spain and Morocco was succesfully bringing both parties into peace settlement. Generally, the succesful of the involvement of the United States particularly in the Bush Administration, was influenced by the effectiveness of the United States itself. Such the United States as the mediator was bridging the different culture and religious from Spain and Morocco to prevent the risk actions from both parties. The involmment of the United States has been resulting in some agreements signed by both parties in order to manage their relation for near future in order to prevent any other conflicts.

⁹ ibid

¹⁰ El País, 22 July 2002.

B. Research Question

Based on any facts that mention about Parsley Island dispute above, and the involvement of the United States as the mediator, the most appropriate research question is *“how was the United States successfully mediating the territorial dispute between Spain and Morocco over the Parsley Island in 2002?”*

C. Theoretical Framework

In order to analyse the process of the conflict resolution of territorial dispute in the Parsley Island between Spain and Morocco, theories and concepts are required. In the further discussion, this thesis will describe the concept of conflict, the concept of conflict resolution and the third party intervention, and Constructivist theory.

1. The Concept of Conflict And Concept of Conflict Resolution

In the book of Contemporary Conflict Resolution by Oliver Ramsbotham, Johan Galtung offered a simplified model the relation between conflict, violence, and peace. In the late 1960s Johan Galtung proposed an influential model of conflict that encompasses both symmetric and asymmetric conflict. He suggested that conflicts can define as a triangle, with contradiction (C), attitude (A), and behaviour (B) called as the conflict triangle (see figure3).

Samsu Rizal Panggabean further examined the framework of this ‘abc-triangle’ of the Johan Galtung. He defines; attitude is the aspects of cognition

(such as the construction of 'the enemy') and emotions (such as hatred and hostility) experienced by the parties to a conflict. The sources of conflict attitudes are aggressive instincts, personal tensions, and frustrations. In addition, the contradiction or situation is disharmony of goals, needs, and interests of various parties. The sources of conflict situations are such as social structure, social values, scarcity, competition, migration, and changes.

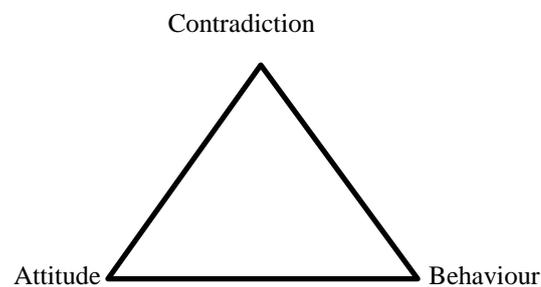


Figure3 Galtung's models of conflict, violence, and peace

Galtung argued that all three components have to be present together in a full conflict. A conflict structure without conflictual attitudes or behaviour is a latent (or structural) one. Galtung sees conflict as a dynamic process in which structure, attitudes, and behaviour are constantly changing and influencing one another.

First of all in order to define the definition of the conflict resolution, it should be defined the concept of the resolution itself as a part of the conflict, where the resolution is every effort to intervene. Harun ur Rashid in *An Introduction to Peace and Conflict Studies* said that the concept of the conflict resolution is popular in recent years, particularly in the post-Cold War, where there would be the emphasis on the "soft power" rather than relying on the "hard power" of military force. It was thought in the end of the Cold War, a new international

order of peace would prevail across the globe by creating an environment of cooperation and mutual understanding in many aspects among states. Furthermore, Rashid explained that conflict resolution has a role to play, even in war zones, since building peace constituencies and understandings across divided communities is an essential element of humanitarian engagement.

Oliver Ramsbotham in his book *Contemporary Conflict Resolution* defined the new field and some models of the conflict resolution particularly in the international relation, such as:

- Multilevel: levels of conflict: intra- personal (inner conflict), interpersonal, intergroup (families, neighbourhoods, affiliations), international, regional, global, and the complex interplays between them;
- Multidisciplinary: conflict systems with many disciplines, including politics, international relations, strategic studies, development studies, individual and social psychology, etc.;
- Multicultural: interconnected global cultural which defined by geographical locations where the conflict resolution initiatives deployed to address these cultural differences;
- Both analytic and normative: It is the study of systematic analysis and interpretation of the conflict and the foundation of the study of conflict was to be systematic analysis and interpretation of the potential violent conflict into non-violent processes of social, political and other forms of change.

- Both theoretical and practical: theoretical understanding and practical experience of what works and what does not work are connected can properly informed experience develop.

From the concept of conflict and concept of conflict resolution, it can be implemented in order to analysing the territorial dispute between Spain and Morocco in the Parsley island dispute which happened in 2002. From Galtung's figure, this territorial conflict were belonging to the conflict attitudes especially an aggressive act from Spain's government which influenced by its interests in order to protecting its sovereignty. Then, it can be analysed the reasonable background of both parties to involving in the territorial dispute.

2. The Role of Third Party Intervention In Conflict Resolution

Fundamentally, Oliver Ramsbotham stated that in the conflict resolution, the intervention of other parties is possible. There will be always third party intervention that may change the conflict structure and allow a different pattern of the communication, enabling the party to reflect and influence all the attitudes and the behaviours among the parties involved in conflicts.¹¹ Figure 4 illustrates how the third party may act as the mediator even the facilitator in order to mediate between two parties coercively or non-coercively.

In figure 4, Oliver examined some differences of third parties intervention, such as, 'pure' mediators have traditionally been seen as 'powerless' they have powerful communications, In other situations there may also be powerful third

¹¹ Ramsbotham, Oliver. *Contemporary Conflict Resolution*, 3rd Edition, 2011

parties whose entry alters not only the communication structure but also the power balance with using violent.

Such third parties may change the parties' behaviour as well as their communications by judicious use of the carrot and the stick (positive and negative inducement); and they may support one outcome rather than another. Of course, by taking action, powerful third parties may find themselves sucked into the conflict as a full party.

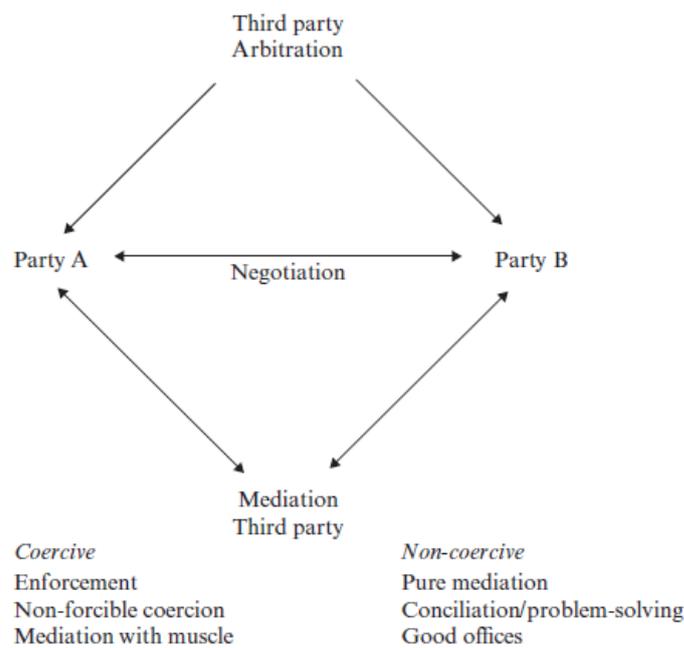


Figure 4 Coercive and non-coercive third party intervention

- Mediation

Fisher explains¹² that,

Mediation is generally seen as the intervention of a skilled and impartial intermediary working to facilitate a mutually acceptable negotiated settlement on the issues that are the substance of the

¹² Fisher, Ronald J. *Methods of Third-Party Intervention*, 2001

dispute between the parties. As such, mediation is essentially a pacific, noncoercive and non-binding approach to conflict management that is entered into freely by the concerned parties, who at the same time maintain control over the substance of the agreement. Thus, mediation is primarily a task-oriented method directed toward solving a shared problem of the parties; it is, in general, not directly concerned with the nature of the social relationship between the parties. Mediation can be directed toward disputes between two parties in its bilateral form, but can also involve multiple parties when it is called upon to assist in multilateral negotiations.

Furthermore, the third intervention in the conflict resolution should have many motives behind them, Fisher describe some motives from third parties, such as:

- Identity And Motives of Third Party in Mediation

Identity of third party is important in identifying his or her relationship with the conflicting parties. Identity is also closely linked to the motives and interests which lead third party involved in the conflict. With the specific motives of the parties entering mediation, the third parties wish to resolve the conflict in their own unilateral and bilateral attempts.

- Qualities And Competencies of Third Party in Mediation

Beyond such fundamental attributes, third parties require the requisite knowledge and skill to properly fulfill their role. In the case of mediation, third parties should have capacity to facilitate the negotiation process.

- Effectiveness of Third Party in Mediation

At the international level, mediation has for centuries been an integral part of the standard practice of diplomacy, although its effectiveness has only recently become the object of scientific study. Kenneth Kressel and Dean Pruitt (1989) provide a comprehensive list of the types of indicators that have been used to evaluate the success of mediation.¹³

One might add that it is also important to look at the integrative nature of agreements, that is, the degree to which “win-win” rather than “win-lose” or “lose-lose” outcomes are produced. Kressel and Pruitt also note the importance not only of the effectiveness of mediation, but also of its efficiency.¹⁴

In the case of the territorial dispute between Spain and Morocco over the Parsley Island, the role of the third actor is very dominance. In the conflict resolution process, the third actor tries to mediate and provide any negotiations processes for Spanish government and Moroccan government. The United States position was in the middle position in order to find any agreements and resolutions in the case of territorial conflict in the Parsley Island at that time peacefully without military means.

Molly M. Melin writes that, there are some factors which impacts to the outcome of the mediation particularly for state-led mediation.¹⁵ (see table 1)

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ Melin, Molly M. Penn State Journal of Law & International Affairs, *When States Mediate*, Volume 2, Issue 1, April 2013

Explanatory Variable	Effect on Mediation Occurance	Effect on Mediation Outcome
Regime Type	Democracy increases mediation occurrence	Democracy increases mediation success
Third Party Capabilities	Capable mediators increase mediation occurrence	Capable mediation increase mediation success
Conflict cost	Violence increases mediation occurrence	Violence increase mediation success
Rivalries and Reoccurring conflict	Rivalries & reoccurrence increases mediation occurrence	<i>Not observed</i>
Mediation history	Previous mediation increases mediation occurrence	<i>Not observed</i>
Conflict stalemate	Stalemate increases mediation occurrence	<i>Not observed</i>
Conflict nature	International conflicts increase mediation occurrence	<i>Not observed</i>

Table 1 Summaries of Factors that Affect Mediation

- Regime Type

Regime type plays an important role in the frequency and likely success of mediation. Regime type, or form of government, can encourage mediation and its success at several levels. Mediation and accepting offers of mediation are more likely when democracies are involved, as these states are accustomed to third-party involvement in conflict and garner other states' trust, making them a more attractive option for conflict resolution.¹⁶

- Third-Party Capabilities

States (or third parties) with material strength and diplomatic powers are likely to be accepted and successful as mediators because these actors have access to resources and negotiating experience that makes them attractive as mediators and able to create and sustain peace. Their capabilities likely more to be accepted by the disputants.¹⁷

¹⁶ Mark J.C. Crescenzi, Kelly M. Kadera, Sara McLaughlin Mitchell & Clayton L. Thyne, *A Supply Side Theory of Mediation*, 55 INT'L STUD. Q. 1069, 1084- 85 (2011).

¹⁷ J. Michael Greig, *Intractable Syria? Insights from the Scholarly Literature on the Failure of Mediation*, 2 PENN ST. J.L. & INT'L AFF. 48 (2013).

- Conflict Costs

The more costly a conflict is in terms of violence, the more likely it is to be “ripe” for state-led mediation. Disputants also are more likely to accept mediation offers as the cost of conflict increases because increasing costs impact the disputants’ assessment of whether continued death, destruction and expenditures are worth achieving their initial objective. Furthermore, state mediators can expect fewer actions will be required to resolve costly conflicts, given the high cost of continued conflict.¹⁸

- Mediation History

States are more likely to agree to serve as mediators, and the mediation is more likely to be successful, when the disputants and the state have previously engaged in mediation. These prior mediation experiences, or mediation history, establish rapport and signal a commitment to peaceful conflict management. A state’s mediation experience can signal to disputants the mediator’s ability, preferred methods, resourcefulness, and objectives. To be effective, the state mediator must be perceived as having access to suitable techniques for encouraging bargaining, and as having sufficient authority and experience to be able to utilize them.

- Conflict Stalemate

Disputants sensing a conflict stalemate or seeing the improbability of winning are likely to accept state-led mediation as it offers a viable alternative to continued

¹⁸ Lesley G. Terris & Zeev Maoz, *Rational Mediation: A Theory and a Test*, 42 J. PEACE RES. 563, 579-80 (2005)

conflict. “When parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degrees or for the same reasons), they seek a way out.”¹⁹

- Nature of the Conflict

The international or domestic nature of the conflict has important implications for the effectiveness of the mediation effort as the cost of involving mediators varies between civil and international wars. Mediation is less likely in civil wars as it transfers legitimacy to the non-state actor and can hinder state sovereignty. In effect this means the political costs associated with accepting international mediation will be substantially higher in civil wars.²⁰

Considering the parse island dispute was resolved by third party intervention; the United States, from the concept of the third party intervention particularly mediation, through its figure can show the role of the United States itself in mediating Spain and Morocco in order to achieving peaceful settlement.

There are some categories that can impact to the outcome of the mediation process, such the third parties capabilities, qualities, and experiences. From any categories above, the effectiveness of the United States in mediating Spain and Morocco, it can be shown in the outcome of its mediation outcome. Considering that this mediation process was successfully, so there were some categories that fulfilled by the United States which impacting to the process of this mediation.

¹⁹ I. William Zartman, *Ripeness: The Hurting Stalemate and Beyond*, in INTERNATIONAL CONFLICT RESOLUTION AFTER THE COLD WAR 225, 228 (Melin, Molly M. Penn State Journal of Law & International Affairs, When States Mediate, Volume 2, Issue 1, April 2013)

²⁰ Molly M. Melin & Isak Svensson, *Incentives for Talking: Accepting Mediation in International and Civil Wars*, 35 INT’L INTERACTIONS 249, 254 (2009).

3. Constructivism

Basically, constructivist approach is about ideas, beliefs, and identities of individual and states which constructed by their group affiliations. The social factors are more important than material factors in understanding international relation. In another hand, the constructivist defines the cooperation and/or conflict between state actors which resulting the relationship of the actors.

Finnemore on *Constructing Norms of Humanitarian Intervention* deeply explain that a constructivist approach does not deny that power and interest are important. They are. Rather, it asks a different and prior set of questions; it asks what interests are, and it investigates the ends to which and the means by which power will be used. The answers to these questions are not simply can be identified to each actor. The social nature of international politics creates normative understandings among actors that, in turn, coordinate values, expectations, and behavior. Because norms make similar behavioral claims on dissimilar actors, they create coordinated patterns of behavior that we can study and about which we can theorize.

Deeply, Finnemore also explains about the third party intervention particularly in the humanitarian intervention. Basically, in the humanitarian intervention, third party is creating the new norms in order to facilitating the third actor to intervene in some humanitarian cases.²¹ In the humanitarian intervention in order to protect citizens from humanitarian disaster. Beside that, Finnemore explains about International responsibility for ensuring human rights and justice

²¹ Finnemore, Martha. *Constructing Norms of Humanitarian Intervention*

and dictate appropriate means of intervening. It means that the intervention in order to protecting the human rights is needed, there is no exception. Moreover,

Moreover, talking about state action, Finnemore argued that in International, the factor that can impact the state action are about norms. Norms basically can shape identities of states, then this identities can be constituted as the national interests, then the national interests shape actions. Consequently, changing norms may change state interests and create new interests.²²

Considering the case of the territorial dispute in the Parsley Island dispute, especially the role of the United States, it was constructing some International norms and International values, likes democracy norms which is sharing mutual understanding to create peaceful condition among Spain and Morocco. Furthermore, the role of the United States can be analysed particularly its influences to changing conflicting parties national interests through their actions.

D. Hypothesis

Based on the background and theoretical framework in describing the territorial dispute between Spain and Morocco and the United States roles as the mediator, the following hypothesis can be put forward:

- The United States constructs International norm which change the conflict structure between Spain and Morocco, and encourage the successful of the mediation process.

²² *Ibid*

- The United States through its qualities, competencies, and its capabilities was facilitating the conflicting parties to conduct the negotiation process effectively.

E. Method of Research

The research method that the writer uses in this thesis is qualitative research. It is used to explain the problems and to verify the hypothesis based on the empirical reality. The sources of information or references are collected in the forms of books. In addition, various data from internet will also be used since some information and data dealing with the topic are only available through the internet media such as e-book, journals, e-news, articles, and other literary sources. The level analysis of this research is state; The United States, where the writer will limit the discussion to the scope of the United States roles in the conflict resolution over the Parsley Island dispute in 2002 conducted by Spain and Morocco.

F. Range of Research

In this research, the writer focuses more on the topic research, the writer limits the time that research was conducted. The writer will explain and define the understanding of the conflict and its conflict resolution in the case of the territorial dispute particularly about the mediation process through the third party intervention. In, this undergraduate thesis, the writer will limit the topic by mainly

discussing the Spain and Morocco territorial dispute In Parsley Island in 2002.

The writer collects information of the existing issues around 2002.

G. System of Writing

In this research, the writer limits the time of conducting the research.

- In chapter I, the writer will examine the introduction of this research as well as the explanation about the problem background from the case of the conflict resolution in the Parsley Island dispute. It is followed by the research question, theoretical framework, and hypothesis.
- In chapter II, there will be the explanation of the historical setting of the Spain and Morocco conflict.
- In chapter III, the writer will define Spain and Morocco dispute over the Parsley Island and the involvement of the United States in its conflict resolution process.
- In chapter IV, the writer will examine the United States position, it will define how effective the United States, particularly in mediating territorial conflict in the Parsley Island dispute in 2002 has successfully been bringing the conflict into peace settlement.
- In chapter V, the writer will provide conclusion.