

## **The Tangier Statute Centenary Conference, 18<sup>th</sup> December 2023**

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On the 18<sup>th</sup> of December 1923, the Statute of Tangier was signed in Paris. This treaty, signed between France, Spain and the United Kingdom, and later joined by Sweden, Belgium, the Netherlands, Portugal and Italy, provided for the creation of a new legal entity: the International Zone of Tangier. Established by 1925, the Tangier Zone was formally an integral part of Morocco, but subject to a special regime that left most of its institutions under the joint administration of several Western powers. This special regime would last until Morocco's independence in 1956, with some international elements remaining in place under a Royal Charter until 1960.

Even before the entry into force of the 1923 Statute, Tangier had been no stranger to foreign presences and a certain degree of autonomy and internationalisation due to its strategic location at the mouth of the Strait of Gibraltar.<sup>1</sup> The International Zone itself was characterized by a Western-dominated multinational—or 'shared colonial'—governance system, legal pluralism and the corresponding legal lacunae, a lack of taxes, numerous inequalities, and heavy interference by individual Western powers, notably France and Spain.<sup>2</sup> As a 'free' zone in more than one way, Tangier attracted a wide array of personalities, ranging from smugglers to international bureaucrats and everyone in between and beyond. Especially after World War II, due to its lack of regulations and currency controls, Tangier experienced a major boom as a banking and tax haven.<sup>3</sup> Many fortunes were made, including that of the Reichmann family, which would eventually lead to the building of another banking haven: Canary Wharf in London.<sup>4</sup> Tangier also played an important role in the decolonization of Morocco, as it was at least partially a safe haven for Moroccan activists and it is where the Sultan proclaimed his wish to reunify the three zones of Morocco on the 9<sup>th</sup> of April 1947.<sup>5</sup>

Whilst Tangier continues to be known as a hub for artists after World War II and as the inspiration for the classic movie *Casablanca*, most other aspects of the International Zone seem to have become subject to collective amnesia. This is all the more regrettable as Tangier acted

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<sup>1</sup> For more on the history of Tangier see: Farid Bahri, *Tanger, une Histoire-Monde du Maroc*, BiblioMonde (Paris, 2022); Leopoldo Ceballos, *Historia de Tánger*, 2nd ed. (Madrid: Almuzara, 2013); Graham H Stuart, *The International City of Tangier*, 2nd ed. (Stanford: Stanford University Press, 1955); Rom Landau, *Portrait of Tangier* (London: Robert Hale Limited, 1952); Boubekeur El Kouche, *Regarde, Voici Tanger* (Paris: L'Harmattan, 1996); Richard Hamilton, *Tangier. From the Romans to the Rolling Stones* (London: Tauris Parke, 2019).

<sup>2</sup> Francesco Tamburini, 'L'Amministrazione della Giustizia nella Zona Internazionale di Tangeri (1923-1957)', 3/4 Africa: Rivista trimestrale di studi e documentazione dell'Istituto italiano per l'Africa e l'Oriente 60 (2005), at 305; Antoine Perrier, 'Tanger, Ville Fermée: Le Sabotage Economique d'une Ville Internationale par la France et l'Espagne (1912-1956)', 20 & 21 Revue d'histoire N° 150 (2021), at 65; Michel Erpelding and Fouzi Rherrousse, *Mixed Court of Tangier* in Hélène Ruiz Fabri (ed.), Max Planck Encyclopedia of International Procedural Law (Oxford University Press, 2019) (Oxford University Press, 2019); Daniela Hettstedt, *Die internationale Stadt Tanger: Infrastrukturen des geteilten Kolonialismus, 1840–1956* (De Gruyter Oldenbourg, 2022).

<sup>3</sup> Vanessa Ogle, "'Funk Money': The End of Empires, The Expansion of Tax Havens, and Decolonization as an Economic and Financial Event", 1 Past & Present 249 (2020), at 213, at 220–226.

<sup>4</sup> Walter Stewart, *Too Big To Fail, Olympia & York: The Story Behind the Headlines* (Washington D.C.: Beard Books, 2000), at 26–29.

<sup>5</sup> Abdelmajid Benjelloun, 'Le Mouvement Nationaliste Marocain à Tanger', 1 Horizons Maghrébins - Le droit à la mémoire 31 (1996), at 24.

in many ways as an incubator for our current-day global and European legal and economic order.

From a global perspective, Tangier became synonymous with a form of internationalism that seemed bent on reducing, while also thriving on, the rivalries between nation-states. This internationalism seemingly offered many possibilities for international trade and finance too. The Zone was one of the world's first modern tax havens, with many companies and vast sums of money being relocated from Tangier to Panama, Liechtenstein, Switzerland and Luxembourg in the time period of 1955–1960, before its full reintegration into Morocco.<sup>6</sup> Similarly, certain parts of the Zone's institutional setup, including its Mixed Court, resemble contemporary 'novel' concepts such as Special Economic Zones<sup>7</sup> or International Commercial Courts<sup>8</sup>—both terms were in fact already used in the context of the Tangier Zone.<sup>9</sup>

There are indications that the Tangier Zone precedent had an even bigger impact on European integration. Many core legal principles of European Union law, such as the primacy of treaty law and the free movement of goods, persons, services and capital, were to a certain extent already present in the case law of the Tangier Mixed Court. The latter's decisions in the 1939 *Radio-Tanger* and the 1948 *Nordlund* cases are especially striking in this regard.<sup>10</sup> Likewise, several figures of European integration history had direct ties to the Zone. For example, the Italian Nicola Catalano, a major 'Euro-lawyer', who was one of the drafters of the Treaty of Rome, a judge at the CJEU, and the author of the first EEC law textbook, had once been the Tangier Zone's Legal Counsellor. In that capacity, he had advised local authorities to accept the Mixed Court's case law on primacy.<sup>11</sup> Another lawyer, Armando Laredo Toledano, the scion of a Tangerine Jewish family with Italian *protégé* status, later emigrated to Brussels, where he held the position of Principal Legal Adviser within the European Commission's Legal Service for several decades.<sup>12</sup> Henri van Vredenburg, a top Dutch diplomat and administrator

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<sup>6</sup> See for example the *Annonces Legales et Judiciaires* of the Tangier Gazette from January to March 1960 (as found in the archives of the American Legation in Tangier).

<sup>7</sup> *Chambres de Commerce Britannique, Espagnole, Internationale, Italienne, Marocaine de Tanger, Régime Economique de Tanger* (Tanger, 1956) as found in the Dutch National and Diplomatic Archives (90 - Beëindiging van het Internationaal Gezag 1956 - onder 2.05.120 - Inventaris van het Archief van de Nederlandse Vertegenwoordiger in het Comité de Controle, Assemblée Législative en in de Commission du Port, Tanger, Marroko, 1924-1956).

<sup>8</sup> Wnd. Consul, 'De Nieuwe Rechtspraak te Tanger', 840/152, 8 Augustus 1957, as found in the Dutch National and Diplomatic Archives (2256 - Internationale Rechtspraak te Tanger onder 2.05.69 - Inventaris van het Archief van de Nederlandse Diplomatieke vertegenwoordigingen in Frans Noord-Afirka, 1881-1954)

<sup>9</sup> Willem Theus, 'International Commercial Courts: A New Frontier in International Commercial Dispute Resolution? Lessons from the Mixed Courts of the Colonial Era', in *European Yearbook of International Economic Law 2021* (Cham: Springer, 2022) 275–308, at 282–283; Pierre Malo, *Le Vrai Visage de Tanger* (Tanger: Éditions Internationales, 1953), at 137–144. Self-translation of '*juridiction spéciale chargée des arbitrages et des litiges en matière de commerce international*' as found in Wnd. Consul, 'De Nieuwe Rechtspraak te Tanger', 840/152, 8 Augustus 1957, as found in the Dutch National and Diplomatic Archives (2256 - Internationale Rechtspraak te Tanger onder 2.05.69 - Inventaris van het Archief van de Nederlandse Diplomatieke vertegenwoordigingen in Frans Noord-Afirka, 1881-1954)

<sup>10</sup> Michel Erpelding, 'Juristes internationalistes, juristes mixtes, Euro-Lawyers : l'apport de l'expérience semi-coloniale à l'émergence d'un droit supranational', 22 *Clio@Themis Revue électronique d'histoire du droit* (2022), at <http://journals.openedition.org/cliiothemis/2023>, at 9.

<sup>11</sup> *Ibid.* See also: Michel Erpelding, 'International Law and the European Court of Justice: The Politics of Avoiding History', *Journal of the History of International Law / Revue d'histoire du droit international* (2020), at 446, at 461.

<sup>12</sup> Décision du premier président de la Cour suprême du 17 octobre 1960 arrêtant la liste valable pour l'année judiciaire 1960-1961 des avocats admis à assister et représenter les parties devant la Cour suprême, *Bulletin Officiel* n° : 2508 du 18/11/1960 - Page : 1962 (Maroc) ; Michel Dumoulin et al (eds), *The European Commission*

of the International Zone from 1948 until 1951, was later deputy-secretary general of NATO and the ECSC's first ambassador to London.<sup>13</sup> Alfred Wauters, the last Belgian judge at the Mixed Court, later became President of the Benelux Court and the President of the Belgian Court of Cassation.<sup>14</sup> Pedro Cortina, one time Spanish diplomat in Tangier and later Legal Counsellor to the Zone, was amongst others connected to the Permanent Court of Arbitration in The Hague and the last Minister of Foreign Affairs of Francoist Spain.<sup>15</sup> Gunnar Lagergren, a well-known leading international arbitrator who was a President of the Iran–US Claims tribunal and a judge at the European Court of Human Rights, in fact started his international legal career as the Swedish judge at the Mixed Court.<sup>16</sup>

Despite such a profound legacy, this ‘Tangier Connection’ seems to be overlooked and missing from most academic scholarship in various fields. The aim of this conference is to once more put the spotlight on the International Zone and the transition period (1956–1960), to critically examine these periods and, if deemed useful, to identify continuities and discontinuities with present-day institutions and practices. We warmly invite contributions on all aspects of the International Zone, especially on legal, political and economic matters, in either English or French or Arabic or Spanish (which will also be the working languages of the conference). We strongly encourage the use of other language sources and archival materials such as in Dutch, Italian, Swedish, Portuguese or German.

Possible research topics could include (but are not limited to):

- The Politics of Individual Powers Towards/Within the Zone
- Moroccan Attitudes and Policies Towards/Within the Zone and Its Institutions
- The Interzonal and Foreign Relations of the International Zone<sup>17</sup>
- Politics in the International Legislative Assembly
- The Veto-Role of the Committee of Control
- The Zone's Legal System/Codes
- The Operation, Case Law and Reforms of the Mixed Court
- The Bar of the International Zone

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*1973-86: history and memories of an institution* (LU: Publications Office of the European Union, 2014), at 515; Egmont Institute, ‘Activités et Publications de l’Institut Royal des Relations Internationales / Werkzaamheden en Publikaties van het Koninklijk Instituut voor Internationale Betrekkingen: 1947 -1979, 6 *Studia Diplomatica* 32 (1979), at 687, at 713.

<sup>13</sup> Hendrik F L K van Vredenburg, *Den Haag antwoordt niet: Herinneringen van Jhr. Mr. H.F.L.K. Vredenburg* (Leiden: Nijhoff, 1985), at 423–514.

<sup>14</sup> ‘Verkiezing van de President en de Vice-Presidenten en aanwijzing van het Hoofd van het Parket voor de periode 22 maart 1977 - 21 maart 1980’, 2 *Bulletin Benelux Publikatieblad* (1977), at <https://www.benelux.int/files/3914/3713/8461/1977-02-91.pdf>.

<sup>15</sup> ‘Cortina Mauri, Pedro; Diplomat und Politiker - Munzinger Online’, <https://www-munzinger-de.kuleuven.e-bronnen.be/search/document?id=00000011017&type=text/html&template=/publikationen/personen/document.jsp> (visited 1 August 2022).

<sup>16</sup> K Hobér, ‘In Memoriam, Gunnar Lagergren’, 4 *Arbitration International* 25 (2009), at 633; Anders Johnson, *Skiljedomens ädle konst, Gunnar Lagergren. Internationell Domare För Handel, Fred Och Mänskliga Rättigheter* (Stochkolm: Ekerlids Förlag, 2017), at 122–135. He was also the father-in-law of the UN Secretary General Kofi Annan. Kofi Annan and Nader Mousavizadeh, *Interventions: A Life in War and Peace* (Penguin, 2012), at 136; See Johnson, above n 16, at 288–289.

<sup>17</sup> See for example: Convention entre l’Administration de la zone du Protectorat Espagnol au Maroc et l’Administration de le Zone de Tanger, pour l’application de l’article 20 de la Convention de Paris du 18 Décembre 1923, done at Tetuan the 13th of November 1928 as found in the Belgian Diplomatic Archives (Afri (520) – P451/717).

- Trajectories of Individual Lawyers/Officials/Businessmen/Intermediaries
- The Tangier Banking System
- The Ecclesiastical, Jewish and Sharia Courts
- The Working and Case Law of the American Consular Court
- The Spanish Civil War and its Impact on the Zone
- The Architecture of the International Administrative Buildings of the Zone
- Smugglers and the Law
- The Legal System of the Transition Period (1956–1960)

As the International Zone is under-researched and as we want to open up the field, we first only ask for an expression of interest (150–200 words and a short CV) by the 15<sup>th</sup> of May 2023 on the following email address: [tangerstatut100@gmail.com](mailto:tangerstatut100@gmail.com). We will decide on the selection of contributions by the 1<sup>st</sup> of July at the latest. If your proposed topic is accepted, we will then ask for an abstract for papers by the 1<sup>st</sup> of November 2023. Note that we expect to publish an edited work after the conference.

The conference will in principle be held physically in Tangier on the 18<sup>th</sup> of December 2023, but with a hybrid option if needed. Unfortunately, we will not be able to cover the expenses of the speakers, but we can provide the necessary documents for external funding requests.