

BORDER GAMES: HAS SPAIN FOUND AN ANSWER TO THE POPULIST CHALLENGE ON MIGRATION?

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September 2019

SUMMARY

- Spain, and Europe, need a new story about migration – there is some recognition of this in Spain but it remains to be seen how the country will put this into practice.
- Spaniards are relatively open towards migration, but the policy challenge for their government should be to allay, and not provoke, fears of migrant invasion.
- The Spanish government has called for reform of the EU asylum system, favouring solidarity and shared responsibility as opposed to simply stopping ‘secondary movements’.
- Spain’s migration diplomacy aspires to work with origin and transit countries rather than acting in a coercive way towards them.
- The Spanish experience should inform EU member states’ efforts to seek to answers to the populist challenge: they should enact comprehensive, planned, and proactive policies that see migration as normal and necessary.

Introduction

For most of its recent history, Spain has been a country of emigration more than it has been a country of immigration. Whether to Latin America or to Europe, and both before the civil war and under Franco, it was more common for Spaniards to see relatives leave than foreigners arrive. This phenomenon was so marked that, when Spain joined the European Economic Community in 1986, other member states imposed lengthy transitional periods on the country, out of concern about the number of Spaniards that would leave the country. But there was no exodus.

Spain has a generally welcoming attitude to newcomers that has been punctuated by moments of public anxiety, such as the 2006 ‘Cayuco crisis’, in which Spaniards witnessed the kinds of live broadcasts of arrivals and disembarkations that would become so familiar for Europeans elsewhere ten years later. In the 2010s, the spike in arrivals in Spain came in 2017 and 2018 – later than elsewhere in Europe – as flows of migrants and asylum seekers increased along the [Western Mediterranean Route](#), which ends at Spain’s southern border. As a result, migration has now become more politicised in Spain than it was in previous periods.

Nevertheless, the Spanish public has retained a relatively open attitude towards migrants and refugees. [Two-thirds of Spanish citizens expressed a positive attitude towards immigrants in 2018](#), a share surpassed in Europe only by the Irish. [Pew Research Centre studies show that a huge majority of Spaniards welcome refugees](#).

Migration and asylum governance remains a political challenge for the Spanish government: it aspires to follow the principles of shaping migration policy in a comprehensive, planned way. This means building genuine partnerships with other countries based on cooperation, not delegation; devising proactive rather than reactive policies; and leading public opinion rather than encouraging anti-migrant sentiment. The challenge for Spain is to ensure that [invasion anxiety](#) does not undermine the development of new ways of thinking about migration governance that is driven by a solidarity ethic and sees migration beyond the lens of a problem to be solved.

This paper draws on interviews carried out with key stakeholders from the Spanish

government in Madrid and Brussels, and with experts on migration governance in Spain from international organisations, academia, NGOs, and the media. It finds that the European Union and its member states can learn from the Spanish experience by formulating new ways of thinking about migration.

Spain and migration: A welcoming nation?

Around the turn of the century, Spain had some of the fastest-growing immigration numbers in the world. The [average annual net inflow](#) of migrants was close to 500,000 people a year in the first decade of the 2000s, making Spain the second-largest recipient of immigrants in absolute terms among the OECD countries, after the United States. In contrast to Germany and other countries, Spain immediately opened its labour market to migrants from the new EU member states in central and eastern Europe. [This resulted in another net influx of immigrants, most of them from Romania](#), which now represent the second largest-group of immigrants (669,434) after Moroccans (812,412).

Spain also experienced the largest growth in foreign-born residents as a proportion of the population of any OECD country: [its total rose from less than 1.5 million immigrants \(4 percent of the total population\) in 2000 to 6.5 million \(almost 14 percent\) by 2009](#). The country's experience of immigration was positive, in both economic and social terms, with [notable levels of socio-economic integration](#) and a relatively open approach to regularisation and naturalisation policy. On several occasions in the 1990s and the early 2000s, Spain regularised the status of large numbers of undocumented migrants. When dealing with sudden increases in immigrants, public opinion and the labour market have been relatively accommodating. That said, Spain's migration governance has entered crisis mode twice this century. The Cayuco crisis saw around 60,000 west African migrants arrive on the Canary Islands in just one year. This prompted a renewed focus on border security and cooperating with transit and origin countries to increase migrant returns.

The second crisis took place in 2017 and 2018. The EU and Turkey concluded their migration agreement in 2016, and the Italian government introduced measures to strengthen the Libyan coastguard to stop embarkations, leading to a marked fall in arrivals entering the EU along the [Eastern](#) and [Central](#) Mediterranean Routes.

These developments meant that the Western Mediterranean Route – which was already experiencing increased numbers – saw a further rise in crossings from Morocco into the cities of Ceuta and Melilla. Rescues at sea in the Strait of Gibraltar and disembarkments on Spanish shores also grew.

Though the absolute number of arrivals was low compared to the peaks witnessed by the EU in 2015–2016, the twofold increase in arrivals at Spanish shores from 2016 to 2017 – and again from 2017 to 2018 – captured the attention of the media and generated invasion anxiety among the public, the government, and political parties. Migrant arrivals are now about [25 percent lower](#) this year than those in the same period in 2018, but the rises of recent years have coincided with a string of local, municipal, general, and European elections. Live broadcasts of disembarkments and migrants jumping fences en masse at Ceuta and Melilla shifted migration from the normal governance mode into crisis mode, which saw the government limit its search and rescue capacity in the name of reducing the so-called ‘pull factor’. And, for the first time since the end of the Franco era, a radical-right political force, in the form of the xenophobic party Vox, tried to capitalise on the disembarkment crisis by stirring up public fear.

Unlike those in power in the wake of the 2006 crisis, recent Spanish governments have not taken steps to conduct mass regularisations in Spain. Their external activity has focused on trying to stem migrant flows along the Western Mediterranean Route. Following the regional election held in December 2018 in Andalusia, where [Vox made significant electoral gains](#), the government appears to have felt a strong impulse to not look weak, especially with a general election looming.^[1] As a result, the Spanish government began to adopt a less engaged approach to search and rescue, in favour of working with third countries to prevent embarkation from occurring in the first place. It is true that Pedro Sánchez won wide media coverage for the welcome he extended [to the Aquarius](#) following Italian deputy prime minister Matteo Salvini’s refusal to let the rescue ship dock in Italy. Indeed, this was one of Sánchez’s first acts as prime minister. This early political gesture was always intended to be a one-off – both to shame Italy and to present Spain as a humanitarian champion. It did not see any follow-through in the face of continued sea arrivals.

Opposition parties nonetheless attacked the government’s move for [allegedly generating a pull factor for migrants](#)

and for encouraging human smugglers to open a new migration route after the closure of the Eastern and Central Mediterranean Routes. After a brief episode of rhetorical change Spain pressured Morocco to increase its control of departures from its shores and to prevent migrants from jumping fences in Ceuta and Melilla. It also refused navigation permits to NGO rescue vessels, to prevent repeats of the Aquarius episode. The Spanish government set about redesigning search and rescue operations in areas close to Morocco, to give the Moroccan Navy more responsibility.

According to the former director of Spain's rescue operation, Salvamento Marítimo, "[the operation philosophy in the southern border has changed](#)". The Spanish civilian rescue mission was formerly under the supervision of Spain's Ministry of Public Works – it was not a policing mission and, until recently, had functioned quite separately from the Ministry of Interior. With the increase in disembarkments spurred on by Italy's closure of its ports, however, the government set up a central command involving all relevant ministries in the name of more efficiently coordinating rescue and disembarkment operations.

Salvamento Marítimo now works across zones that have less need of such activity than others do. This is a deliberate choice: earlier this year, the government transferred [four of the agency's rescue ships](#) from the Sea of Alboran – where large numbers of crossings and rescues have taken place in the last few years – to areas that see less such activity, such as the Balearic Islands, Cartagena, and the Canary Islands. As a result, just one vessel is now expected to cover the whole of Spain's southern coast, which the previous year benefited from four ships. For over a year, [radars on all of the four coast guard planes](#) used to detect ships in distress have remained unrepaired.[2]

Salvamento Marítimo's social media accounts used to publish the number of individuals it saved on a daily basis. Previously, the Spanish government did not present search and rescue as an instrument of weak border control, but as symbolic of a strong humanitarian ethos. But, in December 2018, Salvamento Marítimo ceased publication of the numbers and profiles of rescued persons, in order to lower the publicity received by rescues.[3] In January 2019, the Barcelona port authority prevented search and rescue vessel [Proactiva Open Arms](#) from leaving the harbour. Spain's public works ministry accused it of not taking the

migrants it had rescued to the nearest available port. Another NGO rescue ship, Aita Mari, was also banned from leaving the port or engaging in rescue operations for migrants. Eventually, both ships won permission to leave Spanish ports, provided that their search and rescue activities took place in the eastern Mediterranean and not between Spain and Morocco. And, in July 2019, following in [Salvini's footsteps](#), Spain's maritime authorities warned the captain of the Open Arms rescue ship about the [heavy fines it could face](#) if it engaged in operations without the permission of the Spanish, Italian, or Maltese authorities.

There are now loud calls from within the Spanish government for Spain to reorganise its search and rescue operations so that the Moroccan authorities take on a more active role in their own waters, despite their lack of capacity for such operations. The Spanish authorities recently struck a new agreement to return migrants saved in Moroccan waters to Morocco, despite the country's poor record on asylum and migrant rights. Indeed, there [are reports of people systematically being expelled](#) immediately after they were intercepted without being given an opportunity to seek asylum. Spain has chosen not to comply with the [2017 judgment by the European Court of Human Rights](#) that ruled against the practice of 'hot returns' by the Spanish state at the border with Morocco, denying migrants their legal right to access asylum. The obstruction of humanitarian efforts to save lives at sea and the outsourcing of rescue missions to third countries that lack capacity and violate migrant rights are part of [a wider phenomenon in Europe](#). Such obstruction and outsourcing focus on border control, arguably [producing anxiety about borders and reinforcing the sense that there is a humanitarian crisis in the Mediterranean](#). Overall, Spain has recently adopted a less engaged approach to search and rescue, in favour of working collaboratively with third countries to prevent embarkation.

Today, migrant arrivals have fallen to pre-2014 levels but the risks associated with crossing the Mediterranean have risen. Strengthened border controls, increased cooperation with third country partners, and the curtailment of search and rescue operations have led to [a growing death toll in sea crossings](#).

[Public opposition to immigration is still low in Spain](#) compared to other European countries. [A poll](#) carried out this year by ECFR across 14 EU member states revealed that voters care more about unemployment than they do about

immigration. It also showed that, in Spain (as in Italy, Greece, and Romania), the public is more concerned about people leaving the country than those coming in. But a tougher approach from the government in recent years may yet put Spain's "fragile tolerance" of immigration at risk. Indeed, there is evidence that electoral support for anti-immigration policies in Spain has grown lately: Vox leaped from zero representation in the Spanish parliament to win 24 seats in April's general election. And invasion anxiety is still likely to flare up, prompted by images of flimsy boats crowded with determined irregular migrants that are making their way towards Spanish shores or by [large-scale jumps at the border-crossings](#) at Ceuta and Melilla.

Spain's approach in the European context: Key issues

Spain has long been at the forefront of EU efforts to integrate and Europeanise justice and home affairs policies, both in its internal and external dimensions. It was a proponent of the Tampere Agenda's proposals on a common EU asylum and migration policy approved by the European Council in 1999. In particular, since developing its own migration externalisation agenda in 2006, Spain has been a staunch proponent of strengthening the European external dimension by encouraging cooperation with origin countries. From the very start, however, this approach has not won universal support in Brussels. During the Cayuco crisis, the Spanish government went to the EU and other member states to try to Europeanise the issue and secure assistance. But, according to those involved at the time, other member states argued that this was a domestic issue and not a European concern – so Spain set about [engaging with countries of origin on its own](#).^[4] This has not prevented the country from continuing to champion a strong European approach to migration and asylum governance. Spain's premise is that its own borders are also Europe's borders, meaning that responsibility should be shared across member states. This approach finds expression in several key areas of Spanish-EU-third country interaction, including: Dublin Regulation (asylum) reform; border control; and the Spanish externalisation approach.

Dublin Regulation reform

While 2016 saw [16,544](#) asylum applications in Spain, this increased to 31,120 in 2017 and 54,065 in 2018. In the first five months of 2019, the number of asylum

applications in Spain rose to 46,596. And, despite [the toxic nature of media attention](#) on arrivals by sea, the number of [asylum seekers](#) arriving by plane is increasingly significant. If this trend continues, by the end of this year, asylum seekers from Latin America will far outnumber sea and land arrivals at Spain's southern border. However, since these asylum seekers from Latin America enter the country through airports, they are concealed from public view and hence gain less media and political attention.

Media outlets and politicians in Spain are often quick to label migrant arrivals by boat as economic migration, and therefore less deserving. Today, those who seek asylum in Spain (or, indeed, any other European state) are almost always forced to embark on dangerous journeys.

With many people seeking asylum, the new government has made efforts to increase staffing numbers in the Asylum and Refuge Office, and to provide financial resources for first assistance on the ground. But Spain's asylum system remains [poorly developed](#) and incapable of dealing with anything other than a very small number of applicants. According to Human Rights Watch, migrants and asylum seekers arriving by boat are often held for days in [dark, dank cells](#) and are not systematically informed about the possibility of seeking asylum. The Spanish government [grants only one in four asylum applications](#), which is one of the lowest acceptance rates in Europe.

Pressure for reform of the Common European Asylum System and the Dublin Regulation has been growing for some time. The Dublin Regulation determines which member state is responsible for the examination of an application for asylum, leaving a small number of European countries – particularly Spain, Italy, and Greece – responsible for managing the bulk of migrant arrivals. Effectively, European leaders had designed a system of delegation that allows many of them to avoid dealing with migrants and refugees altogether. In 2015 the European Commission proposed a temporary relocation mechanism that met with considerable resistance, particularly from eastern European countries, despite including a clause that allowed nations to avoid receiving asylum seekers and to adopt alternative forms of solidarity. The relocation scheme was an attempt to put in place a system of solidarity among member states. However, by 2017, at the end of the two-year temporary relocation scheme, member states had accepted [less than 30 percent](#)

of the asylum seekers they pledged to relocate in 2015. The relocation scheme was problematic partly because it was open only to asylum seekers from countries with a high rate of acceptance in Europe (mainly Syrians and Eritreans). As a result, thousands of people in need of protection were left in precarious situations in Greece and Italy, lacking safe options for reaching other countries in Europe.

Member states have now been in deadlock on Dublin Regulation reform for more than a year: some are against the idea of creating an obligatory relocation quota for asylum seekers and refugees. Spain and others are hostile to measures that would increase the responsibilities of “first country of asylum” states, which are often located on Europe’s perimeter, to process asylum claims, as well as to manage and return those who do not receive asylum. The reform package also proposes to make first-entry states responsible for assessing grounds for inadmissibility when processing asylum claims from individuals from states designated as “safe third countries”. In effect, these reforms would make states on the edge of the EU responsible for almost all asylum seekers.

The reforms risk following the same logic that underpins [externalisation practices](#) involving third countries – turning southern European states into de facto detention centres for processing migrants and refugees. They would constitute a delegation of responsibility rather than a pursuit of European solidarity. Spanish migration officials believe that Spain is being treated like a third country. Spain’s position remains that, if asylum seekers arrive in its territory, they arrive in the EU. [5] This is an important distinction. Spain, like Italy and Greece, does not want to take permanent responsibility for asylum seekers or their return. In contrast, several member states – particularly Italy, Austria, Malta, Hungary, and Poland – continue to insist that they will not be compelled to accept migrants and refugees.

The Spanish government has proposed a compromise within the context of the Dublin Regulation reform: to extend the period in which the first state of arrival is responsible for asylum claims from six months to two years – rather than indefinitely, as demanded by some member states. Yet Spanish government insiders state that their objections to certain dimensions of the Dublin Regulation reform have led Brussels to take the view that Spain is part of a difficult club of member states, one that does not engage in European solidarity. [6] Spanish representatives from the Ministry of Interior argue that this attacks the heart of

the European project as a space of free movement, pointing out that they do not oppose a recently [proposed reform](#) in which member states maintain border controls not only as a matter of national security but also as a response to increased levels of migration.^[7] Yet, despite their objections, the first state of arrival reform looks set to be adopted. Indeed, Spain's more inclusive approach to solidarity across EU member states is arguably more faithful to EU principles than the Dublin Regulation ethos is.

The European Common Asylum System, of which the Dublin Regulation is an important part, has become more about stopping 'secondary movements' than about reinforcing and harmonising access to asylum, solidarity, or shared responsibility among member states. The proposed reform of Dublin Regulation IV is driven by anxiety about the need to counter the secondary movements of migrants from their country of arrival to other signatory states. The European Commission has recently proposed strengthening what it calls "integrated border management", particularly through a reform of Frontex that is set to introduce [10,000 new border guards](#). In addressing how this affects Spain, the European Commission has even sought to frame the move as beneficial for the country and even an expression of solidarity with it. But the reform aims to support member states in containing migrants and refugees. As such, this expression of solidarity is more about preventing secondary movements of migrants than about strengthening the asylum system.

Were it to agree to this proposal, the Spanish government would have extra resources with which to ensure that all arrivals are immediately fingerprinted and entered into the EURODAC database, for the purposes of the Dublin Regulation. But Spanish interior ministry sources argue that the Frontex reform is a poor use of funds, as it is less about making border control more effective and more about outsourcing the European asylum system. In negotiations with the EU, the Spanish government has insisted that secondary movements should not be the pillar of the European asylum system. EU asylum legislation is being displaced by migration management concerns through an undue focus on obstructing secondary movements rather than harmonising asylum legislation.

The Spanish externalisation approach

Overall, it is possible to identify four key strands in Spain's aspirational approach to migration diplomacy. Firstly, it involves **informality and close cooperation**. The high frequency of visits by Spanish officials to sub-Saharan African countries rests on an understanding of the importance of face-to-face contact. According to one government official, the Spanish approach aspires to put oneself in the other's shoes.[8] Sitting down with partners to discuss initiatives, understanding each other's interests, and listening to the needs of partner states is central to the process. During the last year, the Spanish interior and foreign ministers have **visited numerous African countries**, including Algeria, Guinea, Gambia, Ghana, Côte d'Ivoire, Mauritania, Mali, Morocco, Niger and Senegal.[9]

Secondly, Spain strives to **avoid a mere 'colonial', formally transactional relationship**. This implies going beyond thinking that EU-African relations should focus on border control to something much more multifaceted. As noted above, some Spanish government officials comment that the way that the European Commission and some member states speak to third countries about return has risked contaminating Spain's relationship with them.[10] For these officials, the EU's overwhelming focus on return hinders cooperation and friendly relations, as origin and transit countries do not see it as being in their interests to return migrants.

Thirdly, Spain is committed to developing a **common professional security community with third countries**. Within this community, joint police stations in Spain and Morocco would enable officers from each country to work side by side on a daily basis. Spain has also set up joint police posts in Senegal, Mauritania, and Niger. As one Spanish official has commented: "We have to share the same diagnosis, try to understand how they understand the issue, to think about their concerns – like taking care of their diaspora and remittances. Governments and their people want more than merely to become the gendarme of Europe." [11]

Fourthly, Spain proposes **continuity in partnerships**. While the European Commission and certain member states tend to pursue cooperation as part of crisis management, Spanish officials stress the need to maintain relations over time.[12] Thus, as one official has stated, the Spanish government considered withdrawing its border guards and funding for Senegal and Mauritania when

migration flows fell dramatically after 2006 but eventually decided against this – in the interests of the long-term relationship.^[13]

Spain has an array of international agreements that it has developed over decades as part of its [migration diplomacy](#), working with third countries on governing migration. For instance, Spain has developed a close long-term relationship with Morocco that is [often heralded](#) as involving significant best practice. In 1992 Spain and Morocco signed a bilateral readmission agreement. Ten years later, by which time Morocco had become a transit and destination country, the Moroccan authorities stepped up policing of their borders and accepted an offer from Spain for technical and financial support to do this.

Spain's cooperation with Morocco was security-driven, primarily focused on border control. Spain could sometimes be insensitive to the latter's concerns about domestic unemployment and the significant role remittances played in its economy. Significantly, Spain brokered deals with an initially reluctant EU to finance efforts to strengthen Morocco's borders and to conclude [a circular migration arrangement](#) under which 20,000 people would come to southern Spain for the harvest season every year.

[Some studies](#) have shown that open borders would result in less permanent migration and more forms of circular migration. Indeed, the perception among migrants that borders will soon be closed may induce them to use what they see as a window of opportunity before it is too late. But the phenomenon of circulation is underexploited in both Spain and the EU more generally. Spain has not yet attempted to benefit from this reality by establishing a legal framework for circular migration and short-term mobility that could be mutually beneficial for both it and third countries such as Morocco.

The Spanish government made cooperation with third countries to regulate migration flows an explicit requirement of its first Africa Plan (2006–2008). To this end, in 2005 [Spain helped initiate the EU's Global Approach to Migration and Mobility](#), which aimed to put migration governance on an equal footing with foreign policy and development cooperation. Spain does not have the same historical ties to sub-Saharan Africa as countries such as France and the United Kingdom. While Spain has long had strong diplomatic links to north Africa, the

arrival of migrants from Senegal and other parts of west Africa led to the development of its first Africa Plan, which involved new embassies, development money, and repatriation agreements. And, since the 2000s, Spain has developed bilateral readmission agreements with several sub-Saharan African states, including Gambia and Guinea in 2006, Cape Verde in 2007, and Niger and Guinea-Bissau in 2008.

Still, Spain has strived to develop a bilateral approach with African countries that goes beyond border control and migrant return by seeking to take account of their interests – through, for instance, the promotion of circular migration (although this remains limited). This has, at times, created tension between Spain and the European Commission, which has a tendency to impose a relationship characterised by border control and migrant returns. Spanish foreign ministry officials have expressed concern that the European Commission's preferred approach risks harming Spain's bilateral relations with its African partners and the more holistic approach it seeks to adopt.^[14] Spanish diplomats describe their approach to African governments as one that strives to be empathetic in appreciating that they cannot simply coerce their partners into controlling their borders to serve European interests.

Spain has also sought more comprehensive policy solutions through international frameworks. Despite its limitations as a non-binding document, the recent Marrakech Global Compact on Migration caused so much controversy that some EU member states (Austria, Bulgaria, Croatia, Czech Republic, Hungary, Poland, and Slovakia) pulled out of it, in the name of protecting their sovereignty. Nonetheless, the pact helped frame the migration question as part of a values-based, principled, and comprehensive approach that ought to underpin the EU foreign policy agenda in the long term. Equally importantly, the pact sought to encourage policymakers and the public to consider how valuable it could be to establish partnerships that go beyond a security approach. Such agreements would be based on solidarity and mutual interests with origin and transit countries, seeking to move the agenda away from securitisation and coercion. However, it remains to be seen how the compact will be implemented in practice.

On occasion, Spain's and the EU's promotion of regional development and the free movement of people within Africa has run up against a policy that militates against

such efforts – sometimes, a policy that is also of Spanish or EU origin. For example, the Economic Community of West African States (ECOWAS) protocol was developed in west Africa in 1975 with a mandate of guaranteeing free movement for people in the region. Over the years, Spain and the European Commission provided financial and technical support to ECOWAS countries to facilitate legal migration in the region. Recently, however, border security initiatives such as that in the framework of EUCAP Sahel Niger led to the adoption of an anti-smuggling law in Niger in 2015 and the criminalisation of cross-border movements in the country. According to the International Organization for Migration, this resulted in a [75 percent decrease](#) in migration flows through the Nigerien city of Agadez to Algeria and Libya. This has had [two unintended consequences](#). Firstly, the Sahel, particularly northern Niger, has a long history of intraregional migration that is essential to the local economy. Following the securitisation of Niger’s border, there were no alternative income-generating activities for those who relied on cross-border activities for their livelihoods, leading to a climate of widespread frustration and instability. Secondly, Sudanese smugglers created new routes that are potentially more dangerous, notably through Chad and Darfur towards Libya.

The negative consequences of [the securitisation of Niger’s borders](#) work against many aims of ECOWAS and the EU’s Sahel Regional Action Plan 2015–2020, which seeks to capitalise on migration for development by facilitating legal migration and promoting stability in volatile regions. Not only does a preoccupation with border security hinder development, it also exacerbates the risk of fatalities through illegal crossing attempts both within Africa and at the European border.

As this example demonstrates, potential development gains from intra-regional migration are often undermined by an overriding concern for securitising migration and borders. That said, there are signs that the Spanish authorities have the political will to support intra-regional migration in Africa in its new Africa Plan.

The 2019 Africa Plan has three aspects. Firstly, it strives to go beyond perceptions of Africa as merely a passive recipient of humanitarian assistance, towards treating the continent as an economic partner through strengthened trade and investment. Secondly, the plan espouses job creation for migrants in economic hubs in South Africa, Nigeria, and Ethiopia. It recognises that migration governance cannot be successful without taking into account broader governance issues, security, and

economic growth. The plan strives to integrate trade, development, and security objectives – although, given that it lacks a budget, it remains to be seen whether its proposals will be put into practice. Thirdly, the plan pursues a comprehensive approach. It declares that it will look beyond migration control to embrace issues such as peace and security, political stability, economic growth, and sustainable development. The plan strives to offer more than a Eurocentric lens, recognising the importance of intra-regional mobility in Africa and the fact that [only a minority of migrants \(around 15 percent\) from sub-Saharan Africa travel to Europe](#).

This is indeed a comprehensive approach, but it currently lacks clear mechanisms for putting it into practice. The experience of similar plans in the past is not suggestive of a positive outcome in this respect: for example, since the early 2000s, the EU's Global Approach to Migration and Mobility has declared an intention to govern migration holistically but, in reality, it is dominated by a security approach centred on a desire to contain migrants in the global south.

Enabling greater migration within regions, and between regions such as west Africa and Europe, would be of great benefit in allowing people to travel legally and safely, and in showing the public that governments can have in place planned migration governance structures that are both humane and address the public's invasion anxiety. Both Spain and the EU can go further on this.

Three principles for migration governance in Europe

If the migration 'problem' is security, then the 'solution' is likely to end up being more security. In contrast to a security-centred approach, supporting migrants as contributors to economies in Europe or their home countries – and as people with a right to life rather than reckless individuals at sea – provides a different level of consciousness from which to grapple with issues of mobility.

The Spanish approaches discussed in this paper show the potential of efforts to shift perceptions of migration towards a global conception of human mobility. Spain has pressed for a more equitable division of responsibility across European nations. At present, the EU is delegating such responsibility to countries on its periphery such as Spain, allowing some member states to refuse to take responsibility and to cleave to popular anxieties about threatened national

sovereignty. In disassociating themselves from the risk of populist aggression towards migrants, the challenge for Spain and for Europe is to avoid depicting migrants as an invading force.

It is noteworthy that opportunities for legal migration to Spain, particularly from Africa, remain unplanned and ad hoc. Migration has become associated with irregularity and perilous sea crossings. Saving migrant lives has come to be seen as indivisible from encouraging migrant crossings. And the Spanish approach to search and rescue conveys an image of the governance of this terrain as disorderly and predominantly reactive.

All this is of critical importance to the EU if it is to develop a new way of thinking about migration governance. The EU remains far from putting in place policies that will best equip it to govern migration and asylum challenges in future years. To date, it has failed to reform the Dublin Regulation, ensure comprehensive search and rescue in the Mediterranean, or to provide pathways for legal migration and humanitarian visas.

To make progress in these areas, EU member states and institutions could consider the nine recommendations described below. These operate under three main guiding policy principles.

Principle 1: Pursue cooperation, not delegation

Migrants that cross into the Schengen Area arrive in 'Europe'. In an internally borderless Europe, migration management requires shared responsibility among all EU member states. This migration governance needs to be based on an ethos of cooperation to ensure that countries on the periphery of Europe, as well as third countries, do not feel like buffer zones. Neither EU member states nor their neighbours should be expected to behave like contractors who do the EU's work by appeasing populist sentiment at home.

a) Press for a reform of the Dublin Regulation for how responsible countries of asylum are determined. This should involve including new criteria that go beyond geographic variables. Criteria for ‘burden sharing’ could be based on the GDP and population of the host country, as well as on incorporating an understanding of the social networks and aspirations of asylum seekers.

b) Support a comprehensive approach to externalisation practices. This should not be limited to containing migrants and refugees in third countries but should instead provide robust and systematic legal avenues to Spain for migrants and refugees. It should expand circular migration initiatives, increase the number of humanitarian visas that are available, and strengthen resettlement mechanisms supervised by the Office of the United Nations High Commissioner for Refugees. The EU’s high representative for foreign affairs and security policy should revise current policies on Africa with a view to developing a comprehensive Africa strategy.

c) Continue to back search and rescue training for third country coastguards such as Morocco’s. This should not, however, serve as justification for reducing Spanish (or other) search and rescue activities. Cooperation should reflect EU practices and core principles.

Principle 2: Be proactive, not reactive

Migration is a structural phenomenon in the context of globalisation. It requires planned and sustainable governance informed by evidence. Healthy migration governance needs to be rights-based, accepted as a normal occurrence given its potential to make a positive contribution, and embedded at all levels of government. This implies an appreciation of the place of migration in a country such as Spain, which has an ageing population. It is rarely acknowledged that, if governments act according to humanitarian principles – especially through actions such as preventing the loss of lives at sea – this will support effective long-term migration governance policies.

a) Address public anxiety by setting out clear governance measures and explain how they will avert any sense of emergency mobilised by populist movements. Actively trying to govern migration movements would be reassuring to the public.

Fear of invasion is likely to decline if disembarkations proceed in an orderly and regulated manner, and if there ceases to be a perpetual humanitarian crisis at sea.

b) Redefine Mediterranean waters as ‘EU territory’ for the purposes of migration. This would mean enabling migrants picked up in search and rescue operations not to have to ‘land’ in any one country. Such a step would help build greater solidarity among member states in governing migration. The EU should explore the idea of an active European rescue team (a European Mare Nostrum) which could distribute migrant and refugee arrivals at different sites among states, sharing out responsibility fairly.

c) Push for a coalition of willing member states to ‘share the burden’ in search and rescue, as well as disembarkation. This would help avoid a situation in which member states block, or refuse to participate in, any cooperation or receipt of migrants. This should involve exploring voluntary quotas among member states for the immediate transfer of migrants following disembarkation, deciding country participation from the outset rather than through declarations on a ship-by-ship basis.

Principle 3: Look for consensus rather than opt for coercion

Most migrants and asylum seekers remain close to their countries of origin, while countries of origin and transit are often key sites for European development interventions. As in the case of Spanish and EU policy in the Sahel, an undue focus on border control is likely to be counterproductive for promoting development in the region. Similarly, punishing origin or transit countries could be counterproductive and could undermine a partnership approach. Moreover, within the EU, punishing member states on the bloc’s external border with Schengen restrictions is unacceptable and contrary to European solidarity.

a) Oppose punitive measures that the EU may try to impose on third countries, particularly regarding the acceptance of returns, as this will have a negative impact on a partnership approach. A punitive approach compromises national sovereignty and could lead to hostility and mistrust. Sustainable partnerships that take account of mutual interests and the desire for agency are empowering and more likely to succeed. Ensure that the European Commission privileges incentives rather than sanctions.

b) Emphasise persuasion through debate within the EU and with citizens who hold anti-immigration views. What is at stake is a compelling narrative that does not treat migration as a problem or a threat. This should involve developing an alternative, evidence-based response to ill-informed views of migration. For instance, proponents of migration should seek to emphasise growth rather than excess, hospitality rather than burdens, and normal governance rather than a state of emergency.

c) Develop a comprehensive, long-term national strategy on migration and refugee governance across relevant ministries, ensuring that it receives adequate resources.

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Acknowledgements

We would like to thank ECFR Council Members Anna Terrón and Ana Palacio for their comments at different stages of the drafting of this paper, and Inma Aguilar, Joaquín Almunia, Irene Lozano, Cristina Manzano, Rocío Martínez-Sampere, Enrique Mora, and Andrés Ortega for their participation in the various sessions of the migration working group in Madrid, which met regularly between September 2018 and June 2019. We also thank the Spanish ministry of foreign affairs, the state secretary for migration, and the International Organization for Migration office in Spain for their support, Ambassador Stefano Sannino for hosting us at the Italian embassy, the participants of our working groups, interviewees, and Casa Árabe. This paper would not have been possible without the research support of Gisela Hernández and the coordination of Carla Hobbs at ECFR's Madrid office. One of the members of the working group, Alfredo Pérez Rubalcaba, Spanish interior minister (2006-2011), vice-president of the government (2010-2011), and secretary general of the Socialist Party (2012-2014) passed away in May 2019. He could not see this paper finished but hopefully much of his wisdom and experience is here. Gracias, Alfredo.

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Footnotes

[1] ECFR interview with Spanish government official, Madrid, March 2019.

[2] ECFR interview with a Spanish migration analyst, Madrid, March 2019.

[3] ECFR interview with a Spanish migration analyst, Madrid, March 2019; and ECFR interview with a Spanish

journalist, Madrid, March 2019.

[4] ECFR interview with a Spanish government official, Madrid, March 2019.

[5] ECFR interview with a Spanish government official, Madrid, March 2019.

[6] ECFR interview with a Spanish government official, Madrid, March 2019.

[7] ECFR interview with a Spanish government official, Brussels, March 2019.

[8] ECFR interview with a Spanish government official, Madrid, March 2019.

[9] ECFR interview with a Spanish government official, Madrid, March 2019.

[10] ECFR interview with a Spanish government official, Madrid, March 2019.

[11] ECFR interview with a Spanish government official, Madrid, March 2019.

[12] ECFR interview with a Spanish government official, Madrid, March 2019.

[13] ECFR interview with a Spanish government official, Madrid, March 2019.

[14] ECFR interview with a Spanish government official, Madrid, March 2019.

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