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**IRREGULAR IMMIGRATION AND THE SPANISH MARITIME BORDER:  
THE ROLE OF INTELLIGENCE**

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#### Introduction

Although the phenomenon of international migration has been defined as “the movement of people, that is to say, not nationals or foreigners, that cross the national borders with other purposes, which are not tourism or short visits,”<sup>i</sup> a multitude of disciplines exist that offer different perspectives of approaching the migration reality and although not all are relevant from a theoretical point of view, it is necessary to point out that there is not one coherent, unified international migration theory that exists, but a series of theories and different methodological conceptions that have been developing, for the most part, isolated from each other.<sup>ii</sup> In this way, although the attempt to understand the flows produced in their social contexts dates back to the 15<sup>th</sup> century, **in Spain there exists a lack of theoretical and methodological debate about international migrations** (although less and less so), studies concerning this subject in Spain are incipient.<sup>iii</sup>

The migratory flows are not isolated phenomenon; on the contrary, they have been part of human history since the beginning of time. Thus the migratory movements that we contemplate today are the continuation of a historical process that starts in the XV century with the European colonial expansion and the fusion of new economical, cultural, and philosophical values. This way, today migration is, more than ever, a **global phenomenon**, intrinsically related to the process of globalization in both its causes and effects. In fact, this characteristic has influenced enormously in the most recent approaches to the migration reality, which understand the current migrations as the consequence of a process; connected and influenced by globalization. Therefore, migrations are part of the development and globalization of markets. They are highly

conditioned by the rapid process of economic, political, environmental, and socio-cultural change that has occurred in the latest years, as a consequence of modernization, decolonization, and unequal development. **Globalization is changing the circles in which states move**, including the formations of its security policies. Particularly in the area of migration policy, globalization leads states to count the costs and benefits of the different national policies and their repercussions in society and in its economic growth, without losing sight of the implications for international security, and its influence in regional and bilateral relationships; its repercussions in sovereignty, national identity, and security. But looking beyond these traditional considerations, today there are other aspects to keep in mind when studying current international migrations,<sup>iv</sup> such as the rapid population growth of the country of origin, unstable policies, ethnic conflict, environmental deterioration, and economic fall, all of which are clear conditioners for emigration. Therefore migration cannot be fully understood, nor can policies be determined without a deep analysis of the economic, political, and demographic conditions of the societies: both the one of origin and the one of destination.<sup>v</sup>

In this sense the current migrations present some very peculiar characteristics with respect to the characteristics of traditional migrations: The feminization of migration as a form of family survival, the diversification of destinations, mainly due to economic instability; migration expands to more diverse places, without historical or political links, the diversity of the routes (Senegal, Spain, via Las Palmas [in the Canary Islands]), the commercialization of the migrations, which means that the age lowers and the risk rises, and finally, the acceleration of the flow of people throughout the world.

In International Law there exists a contradiction between the right of any person to emigrate and the lack of obligation of each State to accept immigrants. In this sense, the point to begin with in this study is that current migration is understood, generally, from a double view, as a window of opportunity for the immigrants and as a “problem” for the security of the Europeans. From this standpoint it is necessary to understand that migrations, like terrorism, are “darwinistic”<sup>vi</sup> since, once the will to act is present (in the case of migrations, risking one’s life in the sea, or trying to enter by established checkpoints, and in the case of terrorism by creating fear and insecurity with political aims), the restrictive measurements do nothing more than shift it toward more plausible objects, demonstrating a clear nature of adaptation. As we will see, with the amplification of the security agenda since the end of the Cold War, intelligence services should include among their assignments the monitoring of “new” risks and threats, among which, without a doubt, migratory phenomenon are found. Along these lines, in Spain, in 2003, 20 million Euros were invested in improving the technological and human resources for border monitoring in the Canary Islands, with more staff, two new patrol boats, and a SIVE (Integral System of Exterior Monitoring, an operative system designed to monitor drug trafficking and irregular immigration along the southern coasts of Spain) installed on the island of Fuerteventura, which was the island where 90 percent of the small boats packed with immigrants arrived back then. Following this argument, in the “crisis of 2006” not one single immigrant boat arrived at Fuerteventura, which shows not only the effectiveness of the SIVE, but also the search for the opportunity for the easiest entry; this has come to be called *the theory of the communicating vessels*.<sup>vii</sup>

For this, a correct approach to current migrations, from the point of view of Western intelligence services, whichever the geographical area of study, should start off

from the premise that irregular migration is an emergent risk, with global characteristics, and does not have defined policies a priori which guarantee success, since this will depend on the idea of the society where one is headed, and most importantly, besides the fact that there are groups who say otherwise, under our point of view, it will be a phenomenon that **will grow in the coming years**.

*“Migration is one of the three emerging problems of the XXI century. Together with telecommunications and the ecology, the three are global problems that know no limits, the three have common characteristics, and there is no determined political response that exists, but its political management is being constituted, and so its correct study will be fundamental to be able to give a correct response to a phenomenon that in the coming years will do nothing but grow.”<sup>viii</sup>*

Therefore it seems less than credible to affirm that in the future the migratory movements will have the tendency to reduce by themselves.<sup>ix</sup> In this sense, the developed world cannot turn a blind eye to the contemporary migratory phenomenon, a phenomenon that affects Spain to a great extent and that will tend to prove more difficult in the future, which means trying to find a lasting solution in a *short amount of time*, with political connotations, is even less realistic.<sup>x</sup> The insufficiency of the current system highlights the necessity of a double approach, with the aim of reducing pressure which has its origins in disorganization and negativity, whether it is from economical, political, or environmental motives, being necessary to give opportunities to alleviate this pressure by countries with an abundance of workforce under shared objectives and obligations. And all of this being in a harmonized, clear frame, and with the development of an instructional, coordinated agreement. But the consequences of including these phenomena in the security agendas in a pro-active way are also made manifest. Alerting certain politicians of its country’s strategic risks and threats is without a doubt a job for the intelligence services. In this sense, it is necessary to understand the role of intelligence in a double sense, from a strategic point of view, alerting about the phenomenon and its possible evolution from a tactic point of view, putting at one’s disposition technical and human resources to control this type of phenomenon. In this sense, if the migration that we are witnessing in our country and in the surrounding countries is a complicated subject that has begun to approach the existing legal and material provisions, turning into a problem of security for the different affected countries, it is necessary to approach this subject from various angles. The possible evolution of the situation is from a lack of foresight on behalf of the decisive politicians, and this is either because intelligence has not been able to alert, on time, those who have to make decisions, or because the politicians have decided to ignore these types of predictions.<sup>xi</sup> What is clear today is that the migration problem plants a security challenge that cannot be solved exclusively by controlling the borders, but without progressing in the control of these, the diplomatic and political efforts that are in play will be worth nothing, seeing that the fact a State not being able to control its borders creates juridical insecurity, as well as a lack of trust in the institutions, in the State of Law, and in the capacity of the public powers to enforce the law.

Knowing the precise number of irregular immigrants in Spain is practically impossible since, being a contingent of people who have entered mostly by irregular means, not through any checkpoints, it is an unknown number.<sup>xii</sup> But, whatever may be the exact number of irregular immigrants in circulation in Spain, what is certain is that a country cannot allow, without political cost in internal and international credibility, its

borders to be systematically violated and its legislation, in this regard, to be violated as well.

Before we continue it is worthwhile to highlight, with emphasis, the fact that the present work is oriented around raising ways to combat the illegality in the migratory phenomenon, from the point of view of the intelligence services of the implicated countries and, concretely, in the cases of Spain and Greece. At no point has immigration, in the context in which it ends up being highly beneficial for both the countries of origin and the destined countries, been the viewpoint.<sup>xiii</sup> For this reason it is necessary to specify that immigration constitutes a beneficial social reality for Spain, which could dynamically change its economy.<sup>xiv</sup> However, certain problems and associated risks exist which advise a close watch on this phenomenon. The politics of immigration should be approached with the same intensity in both its effective management and in the integration of the illegal immigrants, as well as the detection, control, and neutralization of the uncontrolled flows of irregular immigrants.<sup>xv</sup> Therefore, as we are pointing out, this should be understood in a double sense, in a strategic way, to alert the right politicians on time and in a precise manner, of the possible arrivals of these events. And this should be done tactfully, contributing human and technical means that help the security forces to control and manage the migratory flows in a correct form.

As we have been seeing, the use of concepts in the right way in this subject is key; and so for some years now, there has not been so much talk about control, but rather about the management of flows. Without a doubt this terminological evolution reflects the desire to give a less reactive and repressive image to which migratory politics refer. It is no longer sufficient to simply control; rather, the challenge lies in managing this flow in a worthwhile manner: anticipating, preventing, driving regular migration mechanisms from the origin point, since, in general, today it is recognized that a complete closure of borders as an impossible myth to put into practice, the same way that a complete opening of borders would be inadmissible.<sup>xvi</sup>

The last necessary point before discussing the subject is that the migratory flows can interact with other factors, such as the new technologies, influencing in internal conflicts, terrorism, and organized crime, in which globalization supports the development of transnational criminal structures which influence in the conception of national security in diverse ways, which has come to be called “the corruption of the global civil society.”<sup>xvii</sup> And this is done agreeing with statements like those made by the ex-minister Josep Piqué, who affirmed that “To fight against illegal immigration is to reinforce the fight against terrorism.”<sup>xviii</sup> In fact, the information unit of the national police is especially attentive to the changes in the migratory tendencies; any sign is studied meticulously, although on occasion they do less than they actually could with the information that they have.<sup>xix</sup>

## **1. Spanish intelligence faced with the migratory phenomenon.**

### ***1.1. Irregular immigration and the amplification of the security agenda.***

The evaluation of the risk that immigration poses should start from an idea of security in its most broad sense because, although different approaches to security, particularly the



realistic and nonrealistic ones, have traditionally assumed that states try to protect themselves against the threats that other states present, the threats that have sprung forth since the Cold War emanate mainly from non-State figures.<sup>xx</sup> Along the same lines, the multiplication of actors fragments the centrality of the State as a reference of security.<sup>xxi</sup> The proliferation of identities affects the definition of all politics, but especially those of security and defense, because the links between risk, interest, and the use of force are gradually diffusing.<sup>xxii</sup>

If the borders are less of an object of attention from the Defense's point of view, now they are taken more and more into account as an object of security.<sup>xxiii</sup> We must remember that both the Strategic Concept of NATO in 1999 and the Strategic Revision of the Spanish defense, approved in 2002, pointed out one of the risks for national security as "...the extraordinary, uncontrolled migratory movements...". The shift from defense toward security has diluted the traditional dichotomy between time of war and peace that the mobilization for peace marked politically, legally, and militarily for national defense.<sup>xxiv</sup> For this the discussion about the concepts of security and defense flow between the supporters of a restricted concept of security and those who support a more ample concept. The first of these battles within the realistic trains of thought whose vision of international anarchy and the role of military power for the national security of the States led international security during the Cold War.<sup>xxv</sup>

Subsequently, liberalism sharing the assumptions of realism, especially the leadership of the State, started including new questions such as the collective systems of security, interdependence, and peace. The concept of security was open to new fields such as society, the individual, identity, development, the environment, health, migrations, food, and water, among others.<sup>xxvi</sup> The amplification of the concept of security suggests that it should be approached from the focus of "securitization," a term that the Copenhagen school assigns to public policies that go to extraordinary means in the face of situations of exceptional risk.<sup>xxvii</sup> This debate does not question the amplification of security, and the supporters of the restricted and ample interpretations coincide in the proliferation of new facets and actors in security. The difference lies in the fact that the first consider that the principal nucleus of security continues to be the military aspects and its State management, while the non-military are secondary and their management ministerial. On the contrary, the second group considers that military security is no longer the important nucleus of security, neither the State its only reference. Félix Arteaga and Enrique Fojon point out well that another factor that has been making way in the strategic analyses has been the interaction between identity and security. On one hand, the concept of security is referred to as collective construction and, on the other hand, it is referred to as the identification of societies with their security and defense policies. The problem is no longer the defense of national interests; but rather, its definition.<sup>xxviii</sup> In this sense, giving an answer to the problematic side of migrations is a reflection of the principal changes in those who should confront the intelligence services in an international environment of security, with the adoption of a long-term point of view being more than necessary, keeping in mind the risks and benefits of migration, establishing coherent and effective migration policies for these types of risks, but keeping in mind the labors that intelligence can lend, on a tactic and operational level.

The new century has brought with it a great number of risks and threats, which intelligence should keep in the forefront of its mind. These types of threats are of a non-

military character, which does not mean that all of the non-military threats and risks are included in the list of the new threats of the 21<sup>st</sup> century.<sup>xxix</sup> In spite of the fact that threats outside of the context of purely military threats are usually (and wrongly) categorized as new threats, the majority of the new threats that the intelligence services have to face are threats that were previously in existence and, either they show a new face, favored by the development of technology and globalization, or they have come to occupy higher positions in security agendas since the end of the Cold War.<sup>xxx</sup>

However, it is true that certain risks and threats can be understood as “new” in the security agendas of Western countries since the Cold War. This is the case of migrations, questions that traditionally have either been outside of the security agendas of the different governments, or have occupied a marginal role. It is important to bear in mind these types of risks and threats, highly complicated, not only for their multitude of forms, but also for simply being new phenomenon which intelligence services should face, and so there is nothing with which to compare the consequences.

This way, it is necessary to keep in mind the impact of the north-south migratory flows in the conception of national interest and before the policies applied today, where the protection of the national borders is diluted with the absence of measures of prohibition in the migration policies, as is the case of Spain.<sup>xxxii</sup>

The migration that we are witnessing in our country and in the surrounding countries is a complicated matter that has started to overthrow the existing legal and material forecasts, converting into a problem of security for the different countries affected; and so it is necessary to approach the matter from various fronts. In fact, perceiving immigration as a problem has turned into one of the characteristic features of contemporary Western thought, and has been deeply rooted in the collective mentality, expressing itself in our social attitudes.<sup>xxxiii</sup> According to national surveys from the Central Barometer of Spanish Sociological Investigations (CIS, 2005: 1-2), citizen insecurity is considered one of the three most important problems by only 16.7% of those surveyed, occupying fourth place after unemployment (58.2%), ETA terrorism (53.3%), and immigration (20.2%). The order varies when they are asked for the top three problems that affect them personally: terrorism lowers to third place (14.6%), and citizen insecurity to fifth (11.9%) behind unemployment (27.8%), housing (17.1%), and economic problems (14.2%), with immigration passing to sixth (8%).

A tendency that we will see during this analysis is that migrations are, in general, enhancers of other types of threats. Another tendency that we have been able to confirm is that these types of risks present a multitude of forms and manifestations, and so its analysis proves to be highly complicated.

What seems clear is that in Spain, to a certain degree, it is the responsibility of the National Center of Investigation (CNI) to alert the politicians of the coming situation, with respect to the phenomenon. Although it is true that, fruit of the velocity and growth of the immigration phenomenon, its management has resulted very complicated; to a great degree this has been due to the lack of a correct foresight of this phenomenon. If the intelligence services are not able to anticipate a crisis and the new situations and requirements that the 21<sup>st</sup> century poses, the management of the new circumstances will be totally mistaken; and this will finally mean a waste of resources

and a deadlocking of the problems. This way, it is urgent to thoroughly analyze the role that intelligence services play in the migratory phenomenon.

If it is true that the international migrations are not new phenomenon, never before have they had such large proportions as they have today and with such evident expectations of growth in our country. On numerous countries the migratory phenomenon in Spain, toward the Canary Islands, has been called the “avalanche,” or “invasion”; however, at the hour of approaching such a complex problem it is important to precisely quantify what is the real range of these flows, by the forces of State security in general and, concretely, by the subject which occupies us, the role of the intelligence services. Now that in comparison, and besides the media impact that it receives, clandestine immigration in small boats or canoes is less relevant, as far as numbers are concerned, and has less influence in the dimensions of irregularity than immigration received by legal means and that later passes to irregular conditions.<sup>xxxiii</sup>

In this sense, the majority of the cases of irregularity are caused by an instance in which the visa limit is passed; in fact, one of the realities that we must refer to when dealing with international migrations is that the great majority of irregular immigrants do not enter clandestinely, but with a tourist visa, and later stay.<sup>xxxiv</sup> However, officially, it is impossible to give an exact figure.<sup>xxxv</sup>

The reduced numerical importance of these flows is due not only to the difficulties and dangers of this type of immigration, but also to the efforts made in the last years to increase the border controls along the Mediterranean. However, the dramatic images that these events give rise to, together with the expectations of growth, explain the need to organize a political response to a growing citizen concern, with very important implications for the future of Spain. In this sense, when talking about the control of the borders, it is important to make reference to the role that the media plays through elaborate speeches that create a state of public opinion. However, this debate does not give an objective analysis. Just 10% of all the illegal immigrants in Spain come through the Mediterranean and Atlantic maritime paths, although they are of more social alarm.

### ***1.2 Contextualization of the current situation: The Spanish exterior maritime border.***

The closing of the camps in the proximities of the Spanish cities after the 2005 avalanches displaced the migratory pressure toward the Western African coasts, through the west, and in the Mediterranean, through the east, refueling the maritime migration phenomenon in the southern border. As a result, and after some months of adaption, in 2006 waves of boats headed toward the Canary Islands, overcoming the police resources, maritime rescue, and humanitarian assistance, already having difficulties with the earlier flow of immigrants.<sup>xxxvi</sup> After the suppression of the huge amounts of emigrants en route to the barriers of Ceuta and Melilla, the flows have redirected toward the Mauritanian coasts and from there they have been shifted toward the south in such a way that Spain has established bilateral agreements with Mauritania and Senegal. And although from Africa the main route toward Spain and Europe is still the maritime coast of the African continent, new routes have been opened, tending more toward the west, to elude the patrol boats that guard the coasts. Those who come from Senegal, although they are generally very prepared,<sup>xxxvii</sup> are venturing out more and more, going further from the coast to avoid controls, and so they find themselves more exposed to oceanic

waves; there are more losses and they arrive in worse conditions. Consequently, they have adapted their boats, and the capacity and autonomy of these have increased.

The boats that come from Mauritania are made out of fiber, and usually arrive in the worst conditions; however, those that arrive from Senegal are more prepared for long voyages, though they still do not reach the quality of supply ships.<sup>xxxviii</sup>

The clandestine immigration of people, like illegal trafficking, fits within crimes characterized not only for undermining values of a humanitarian character considered essential by the International Community; we also find ourselves before a type of transnational criminality, a field from which the factor of impunity derives, not so much from the lack of will from the States with more links of connection, as its lack of capacity for individual repression of a generally private criminality (although it can also be organized), though it is not very common in the case with which we are dealing.

In this respect we must keep in mind that the Constitutional Law of Judicial Power places the extension and limits of Spanish jurisdiction in Article 23, combining the general criteria of territoriality that determines its competence for knowing about the crimes committed on Spanish soil, whatever the nationality of the subjects may be. In this respect, currently, in the event that a boat is rescued from the sea by a Spanish ship, with people who were, presumably, looking for entrance to Spain, regardless of the border checkpoints in effect and lacking the correct document to do so, it would not be possible to consider that the Spanish courts have jurisdiction for the instruction and trial of the crimes. This is true unless, of course, the trafficking of human beings with the aim of sexual exploitation is detected in international waters, in compliance with Article 23.4 e) of the Constitutional Law of Judicial Power.

However, the 2000 United Nations Convention, in relation to Protocol against the illicit of migrants by land, sea, and air, in the article 15.2 c), authorizes the States part so that they can establish their jurisdiction in respect to these crimes of illegal traffic or clandestine immigration, even when they are committed outside of their territory. This would be the concrete assumption of the small immigration boats intercepted before arriving at the Spanish coasts and, certainly, of crimes that are carried out with the realization of activities of kidnapping, transportation, intermediation, or any other crime that supposes the promotion or favoring clandestine immigration or illegal trafficking; with independence of the result achieved, being irrelevant that the operation which is being carried out for reasons outside the will of the agent, such as possible police intervention, are not concluded. To this degree, in 2007 the Constitutional Law 13/2007 of 19 November was written, with the purpose of making possible the extraterritorial persecution of the clandestine immigration of people, and the illegal traffic of the same. Similarly, what the constitutional law 10/1995 of 23 November does, and section 1 of article 318 B of the Penal Code, where such behavior would also be punished when the destination is any other country in the European Union. Equally, the power of jurisdiction in the case of the trafficking of people that affects workers is included, being applicable article 313.1 of the Penal Code.

It can be affirmed that in Spain, for its strategic position and its 8,000 kilometers of coastline, much of it just within miles of third world countries, offers one of the most complex maritime borders with regard to its vigilance, which makes it so that the maritime-coastal issue receives a great deal of importance. These borders are patrolled

according to the distribution of responsibilities that the *Constitutional Law 2/1986* of the State Forces of Security establishes, which, summed up, is: the control of the coming and going of people through the checkpoints and the police rules on the status of foreigners, refuge, asylum, and immigration belongs to the National Police Force, and to the Civil Guard, the control of irregular immigration in the context of the safekeeping and surveillance of the coasts, borders, ports, airports, and sea territory. And its action will consist in carrying them with the greatest brevity possible to the corresponding precinct of the National Police Force.

In contrast to checkpoints, the technical standards that can be found in maritime European borders are as diverse as those in their coastal borders, given that it is not the same to survey a maritime border in northern Europe as one adjacent to third-world African countries. If, to the previous, we add the diversity of the Administrations implicated in the maritime media phenomenon that are not unique to Spanish laws, and we must keep in mind the international laws of rescue, and other circumstances, the result can overflow the capacities of any country.

Another aspect to keep in the forefront of our minds is that of the differentiation of the deterrent part, of the humanitarianism in the operations. Rescue is a peculiarity of the maritime borders, given that the laws of the sea obligate one to act upon the evidence or possibility of a shipwreck, and all of the means present should participate in the rescue. In issues of saving lives at sea, the international compromises assumed by the Spanish state come mainly from the Agreement on security of the human life at sea, 2 November 1974 (SOLAS 74/78) of the International Agreement on search and rescue (SAR 79), and the United Nations Convention on Laws of Sea (UNCLOS 1982). Therefore, all of the national regulations should adapt to the international agreements, and also gather the regulatory activity of the International Maritime Organization, a branch of the United Nations that deals with sea issues, that produces Recommendations and Resolutions pertinent about this subject. These agreements establish that every person in distress at high sea is considered as a shipwreck and therefore should be lent help, which in the case of Spain is the rule that applies until the SAR zone. The SAR zone of Spanish responsibility in maritime rescue, assigned for the OMI, is the most extent zone of the state, more than 1,000,000 km<sup>2</sup>. It is crossed by more than 35,000 ships each year, many of these oil ships, dangerous or contaminating; without counting recreation ships, 12,000<sup>xxxix</sup>

It is precisely the responsibility of Spain in the SAR zone of the Canary Islands (1,091,014 km<sup>2</sup> versus 238,661 km<sup>2</sup> in the Mediterranean and 156,671 km<sup>2</sup> in the Cantabric), which is provoking the “gathering” phenomena of the small boats; as soon as they are sighted by any merchant or fishing boat, farther from our coasts every time, the result is a process that should be of a border control character rather than becoming a rescue. This brings about an interesting fact, which is that the immigrants involved are not worried about being intercepted at sea; on the contrary, they look for and find rescue, in most cases, when they are approached by the boats of the Civil Guard or Maritime Rescue. This implies that, normally, the same forces that are to avoid the arrival of irregular emigrants must simultaneously guarantee their arrival once they reach international waters. The aero naval patrols detect the arrival of boats but they normally neither intercept nor rescue them because rescue means only rescue. However, police patrols intercept and rescue indistinctly, which takes away the deterrent character from them.

Besides the means that the Department of the Inter has already mentioned, the Treasury Department (DAVA) and the ministry responsible for public works (SASEMAR) are also actors in the illegal immigration phenomena; within its attributes, the Armed Forces (Noble Guard operation, etc.), Non-Governmental Organizations (NGOs), and autonomous and local administrations, and this gives an idea of the complexity of the coordination and the array of resources that this involves. In this sense, at the hour of analyzing the intelligence efforts in this subject, it is necessary to bear in mind the different centers and agencies involved in the fight against irregular immigration, in the area of the Mediterranean, such as the Coordination Center of the Canary Islands and the Integrated System of External Vigilance, (SIVE), in order for us to focus afterwards on the efforts of the Union in this subject with the creation and development of the European Agency FONTEX.

### ***1.2.1. The Center of Regional Coordination of the Canary Islands (CCRC)***

On October 11<sup>th</sup>, 2006 the Agreement of the Council of Ministers (Order Pre/3108/2006) was published, in which the creation of the authority of the coordination of action was made available in order to face illegal immigration in the Canary Islands, as an attempt to coordinate local, national, and European resources, which are indispensable. In this Agreement the creation of the Regional Coordination Center of the Canary Islands was established, directed by a general officer of the Civil Guard, located in the Center of Naval Operations of the Navy Command of Las Palmas. Such a center would coordinate all the administrations involved in the fight against illegal immigration, and several representatives of the Armed Forces, FRONTEX, the National Center of Intelligence, the Civil Guard, the National Police Force, the Center of Evaluation and Management of Strategic Operations, DAVA, Maritime Command, SASEMAR, and the Red Cross will be involved. Among the different missions to coordinate are those which control the illegal immigrations toward the islands, conduct the coastal patrols united with the countries in the area, centralize and spread the information received, coordinate naval, police, and customs operations, articulate rescue operations, and direct the flow of illegal immigrants into the reception center, among others.

The availability of control forces, operative means, and coordination procedures allows the CCRC to adopt a proactive focus in its management, anticipating immigration from the starting point and foreseeing the reception of the detected boats. The police forces made up of Interior advisers and go-between officials preventatively from the very beginning in coordination with the local police and with mixed crews of people with which patrol operations are carried out. When interception is not possible, the detection and following of the boats permit the CCRC to coordinate the rescue efforts when necessary and the tasks of the reception upon their arrival from the detected boats.

However, we cannot forget that in the result of the coordination of the CCRC other factors also intervene, such as the climate factor and the attitude of the people who live on the other side of the coastline. The CCRC can make an effort to maintain a good operative relationship with the local immigration authorities and make profitable the effort of formation of the personnel of the countries of origin in the mixed crews of the patrol boats of the Civil Guard, but little can be done to influence the political will of

collaboration of the countries of origin or the transit of illegal immigrants, and so it continues to be necessary that diplomatic action in the destined countries back up their operative performance. At the present time, collaboration works among a structure of agreements negotiated bilaterally through Spain, from which frames of multilateral collaboration can be integrated. The agreements are renovated case by case, for short periods of time, with the countries of origin and the transit of the migratory flows being negotiated with an advantage over the destined countries. This obligates the maintenance of a structure of support to the CCRC formed by the Minister of Exterior Affairs and Cooperation, the National Center of Intelligence and the network of connections in the zone of the European Union (Seahorse). The CCRC also provides an Area of Intelligence to elaborate on daily, periodical, and specific reports on intelligence, share them with the other coordination centers, and integrate the intelligence and information that these obtain, developing its work. On top of these, analyses of risks that facilitate the adaptation of the coordination devices for the changing tendencies are elaborated.

### ***1.2.2. The Integrated System of External Vigilance (SIVE)***

The first flood of boats in the Strait of Gibraltar proved the Civil Guard to begin the study of a prototype that was later called SIVE (the Integrated System of External Vigilance), which commenced in Gibraltar in 2002. This is an operating system that, based on technical support, facilitates vigilance in the border of the territorial sea and its surroundings, supplying, in real time, information that is obtained to the Force and Control Centers, from which precise orders are given for the interception of any element suspicious of illegally entering into our territory. The functions it performs are detection, identification, monitoring, and the interception of any suspicious boat.

The Civil Guard complements the system with the creation of the National Center of Sea Vigilance, which will be located in Madrid and in the Regional Centers of the Mediterranean, Strait, Atlantic, and Cantabria, which will be located in Valencia, Algeciras, Las Palmas, and La Coruña.

### **1.3. *The role of the European Union in the management of the Southern border. Frontex or the step from ad hoc cooperation to multinational cooperation.***

The economic development and the resulting change in the social patterns in the Southern countries in the EU, such as Spain, has given rise to an increase in economic immigration, of an irregular character, that satisfies an increase in the demand of cheap labor existing in Spain.

In 2006, sub-Saharanans discovered the possibility of navigating long distances with their fishing boats, and the flood of those without papers broke records. We will never know how many lost their lives, and continue losing them, in a distance of 1,200 km to the Canary Islands.<sup>x1</sup> These events in the external borders of the Union called the attention of the media, and they placed the management and control of such borders in the political community agenda. Therefore, we face a phenomenon that can hardly be automatically managed by each country. In an EU without internal borders (with the exception of the United Kingdom and the new members that have not joined in the Schengen States), an integral approach that bears in mind the European interests is still

missing. However, the member countries negotiate according to their need, perceptions, and circumstances, supporting those initiatives which match their interests.<sup>xli</sup>

**The Spanish Government has mobilized its diplomatic resources before the EU to obtain the diplomatic economic support and collective operatives for the control of a sea border that overlaps the Spanish and European borders for 8,500 km.** In this sense, during the Spanish presidency in the Council of the Union, in the first semester of 2002, Spain demonstrated its intention to introduce the migratory subjects as a priority in the Union. And we can say that up to the Council of Seville there was no agreement among the means that should be adopted by the European Union.

In Seville they tried to find a balance in the liking of the countries of origin concerning the control of flows. Although Spain cannot claim any merit concerning the European developments in this respect, it can be considered a key player in the process of the Europeanization of this logic of action. Among these same lines, since then, the EU has presented different communications that have affected the importance of the exterior dimension of immigration politics.<sup>xlii</sup> And although progress like the presentation of the “global focus of migration” developed in the annex of the European Council in Brussels on the 15<sup>th</sup> and 16<sup>th</sup> of November 2005, which confirmed that the migratory subject was to be included in the plans of PEV action (the European Policy of Vicinity) and in the EUROMED<sup>xliii</sup> context, as well as the periodical political dialogue with all the ACP countries (Asian, Caribbean and Pacific countries which subscribe to the Lomé Agreement)<sup>xliv</sup>, initiatives such as the Plan of Action of the Euro-African Conference of Rabat in 2006, or measures such as the ones adopted in the dialogue about these questions with the main sub-Saharan Africa upon the foundation of article 13 of the Agreement of Conotu, which making use of the system of quick reaction to support Mauritania and Senegal in their efforts to fight against illegal immigrations, can ease the migratory pressure in the long and short terms; in the short and medium term, the control of these sea borders will depend on national capacities, mainly. In spite of Rodriguez Zapatero’s Government stating that the EU has assumed the Spanish immigration policy, the fact is that there is no exterior European policy in common in the subject of immigration. Spain is still on its own when it has to negotiate the repatriation of people without papers to Africa.<sup>xlv</sup>

In the present day the cooperation between countries on the subject of migration has become a fundamental point. From the State Department the signing of agreements with third countries for the readmission, the collaboration with nearby countries and the search for multilateral solutions is favored. This means an increase in the dialogue and cooperation with African countries and all the countries that are included in the Mediterranean area. The government has increased its embassies in Western Africa from four to ten. The “migratory Diplomacy” with African countries is new, and Spain has opted for reinforcing the bilateral relationships with countries of origin and migratory transit, indicating different negotiating rounds and opting for agreements within the context of migratory cooperation (second-generation agreements) that link migratory policies with development and incorporate elements of technical cooperation with third countries in the line of Euro-Mediterranean agreements of association.<sup>xlvi</sup>

Secondly, the Spanish government presented sub-Saharan Africa plan, which proposes as a general objective a better cooperation in the management of migratory flows. Creating a concept of responsibility shared between the countries of origin,



transit, and destination in the management of migratory flows through the so-called “spirit of Rabat” that comes from the Ministerial Conference of July 2006.<sup>xlvii</sup> However, in the Euro-African scene a shared vision about the migratory phenomenon is missing, and flow control is not a main concern for many African countries, which demand more opportunities for development. The Euro-African conference about migration and development celebrated in Rabat in 2006 is the first and most visible act that consolidates the acknowledgement that the management of migratory flows requires the participation of the countries of origin, transit, and destination.

In the same way, the positions, interests, and perceptions of the European members are quite varied and negatively affect a true European approach on subjects of migration. However, in the absence of a more resolved collective answer, they must try other means of cooperation, bilateral or multilateral, apart from the EU with whom they really want and can contribute to the solution of the problem. Concerning such critical questions like cooperation in the fight against illegal immigration, organized crime, or international terrorism, some countries have decided to go on outside the European institutions through the signing of the Agreement of Prüm (Belgium, Spain, Germany, France, Luxembourg, the Netherlands, and Austria), linked to cross-border cooperation in the matters of the fight against terrorism, crime, and illegal immigration, through the automatic exchange of information, or the informal meeting of Heads of State and Government in Hampton Court in October 2005 in which the United Kingdom included, at Spain’s request, the subject of illegal immigration as one of the relevant subjects of discussion. In this meeting the French-Spanish initiative which tried to deal with the subject of immigration in a global way was dealt with, and proposed main measures focused on Africa and the Mediterranean, in order to reinforce the cooperation with third countries for a better management of the migratory problems in Europe and established a new financial endowment of 400 million Euros for sub-Saharan Africa.<sup>xlviii</sup> Nevertheless, if they cannot keep up with the progress reflected in the Constitutional Agreement and there continues to be a deadlock that hinders the progress in this matter, it is predictable that more initiatives to the style of the Agreement of Prüm might be proposed. That is, those States that can and are willing to progress in this sense will. However, the formation of the European Agency of Frontiers (Frontex) has taken an important step toward the research of a progressive communalization of the migratory subjects. **Beginning at these premises we will see in the following lines what the European Agency Frontex has attempted in the control of the southern border of Europe.**

### **FRONTEX**

Migration coming from the Western coast of Africa toward the Canary Islands represents one of the greatest routes of the illegal entrance of people into the European Union. Therefore, having become the “guardians of the border” by the Schengen Agreement, Italy first and secondly, Spain, have had to face the critics of the “ancient” countries of immigration in the north of Europe, who from the beginning have shown themselves very skeptical about the Mediterranean efficiency in regard to migratory control. In fact, the perception that Italy and Spain are the “strainers” of Europe has not disappeared.<sup>xlix</sup> For that reason in the last years, the evolution of migratory flows into Europe has been characterized by an increase and improvement in the exterior controls, in which improvement has represented an important step toward the management of

flows which use sea transport as the means to enter. This improvement in the control systems has turned into a closer cooperation between the members of the EU.

In this context, the establishment of the European agency Frontex (European Agency for the Management of the Operative Cooperation of the Exterior Borders) in 2004 in Salonica, has brought about a fundamental change of attitude in the relationships between countries from the north and south of Europe. The Agency, which should have gone into effect on the 1<sup>st</sup> of May 2005, according to the regulations (CE 2007/2004 26 October 2004) did not do so until October 3<sup>rd</sup> in the same year in Varsovia, and in a very precarious way as far as personnel and economic interdependency is concerned.

Based on the conclusions of Frontex risk analyses, a series of **combined operations in sub-Saharan Africa** was decided to be accomplished. In the first place, a series of groups of experts of other member countries to help Spanish authorities in their interview with immigrants was created (the United Kingdom, Germany, Norway, Portugal, Italy, and France). In the same way, the HERA operation was developed, a series of combined patrols along the Western coast of Africa. HERA I (17 July 2006) was created to patrol, with technical means, the affected zone, which included besides the Spanish equipment, with two patrol boats (one Italian and one Portuguese) and an Italian airplane. HERA III (12 February 2007-12 April 2007), an operation that was developed with an array of experts from Germany, Luxemburg, Italy, and Portugal in the Canary Islands and with the display of combined patrols by naval and aerial groups from several Members of the Union collaborating with Senegalese authorities.

**Currently the Frontex agency counts on little resources and experience to face the migratory flows that are originated along the perimeter of the EU.** For the resources not regarding to personnel, it depends on national contributions, and one thing is that the Frontex database accumulates offers of contributions (19 airplanes, 24 helicopters, and 107 ships), and another is that they partake when needed. In fact, out of the 10 European countries that initially committed themselves to support Spain, only four-Italy, Luxemburg, Finland (with one airplane), and Portugal-have participated in the southern border control mission of Europe, with the Canary Islands (France quit after the first week). Even more, in November 2007 the endowment of our European members to the agency for this area consisted only of two airplanes, one from Luxemburg and the other from Italy, and a corvette from the Portuguese Army that patrolled in Cabo Verde waters.

In the same way, Spain has obtained the concise development of article 17 of the Regulation of the creation of Frontex, which foresees the existence of an inventory of control and vigilance equipments of the external borders of the Union which each one of the member States offer to this community Agency. At the end of 2007 this inventory was already a reality, and Spain has contributed to it with two helicopters (one from the police and one from the Civil Guard), eight ships (five to guard the coasts and three to monitor from high up), and diverse material among which we find six thermal imaging cameras, one of them mobile, a mobile CO<sub>2</sub> detector, and a mobile radar. These contributions place Spain among the countries that are at the top of the list in regard to contributions.

Spain has also been one of the member States most supportive for the approval of the CE Code n. 863/2007, which took effect on 20 August 2007, and regulates the

Rapid Border Intervention of Equipment (RABIT's). This code allows the quick display of experts of a member State of the Union in the territory of another member State, assuming the arrival of a high number of illegal immigrants, in order to develop the European Patrol Network with the objective of increasing the cooperation with member States nearby to organize vigilance patrols.

In spite of these limitations, Frontex participation as an element of border control turns out very positive, because it channels toward the zone means, funds, and the EU attention needed.<sup>1</sup> As the head of the Coast and Border Service of the Civil Guard has explained, it is “the dissuasive effect that people may see there are European sources watching, and it persuades them not to leave. If even though they decide to go out to sea, the mission consists of detecting them in waters of the coastal African country, which with the previous agreement between us has the obligation and commitment to accept both the boats and the immigrants. After passing the territorial waters of those African countries, they enter international waters that are Spanish responsibility, so that the boats are intercepted there, and not accepted by African countries, and will have to be taken to the Canary Islands. Therein lies the importance of being able to patrol in territorial waters of the country of origin.”<sup>li</sup> In this sense, the display of Spanish resources in Mauritanian, Senegalese, and Cabo Verde waters must be emphasized, which has been maintained since some time ago, even between the intervals of the different Frontex operations. Therefore, Frontex has not only been useful to prevent a great number of boats from arriving to Spanish coasts, but it has also allowed the effective collaboration with the Mauritanian and Senegalese authorities. In fact, according to the Secretary of the Interior Perez Rubalcaba, Frontex could also be the prototype of a border protection system unique to Europe.<sup>lii</sup>

What is clear is that the external maritime Spanish border is the objective of our European associates. Its importance will grow greater and, therefore, it must be this border that paves the path for the national definition of an integrated management. For all of that, in order to get an effective management of the external borders it is necessary that progress is made as quickly as possible in three subjects. First, the interconnection between all databases that can be useful at the time to control, not only entrances but also the exits, detecting those who are abusing the visa system by staying illegally in European territory after their visa expires. And secondly, by applying as soon as possible the results of MEDSEA and BORTEC studies, based on combined controls and vigilance systems, respectively, with the support of enough communal funds. Learning about only one police force in charge of the borders, both in checkpoints and outside of them for which the creation of a coast guard with political customs and rescue missions would be a probability to consider, as it would simply the number of Administrations with jurisdiction in our waters. And lastly, they must continue to work together with the countries of transit and origin, because without their collaboration nothing of the above would be of use.

## ***2. The dissemination of the migratory intelligence and its application: The consequences of a late inclusion of the migratory phenomena in the political agendas. The evaluation of policies created up to this time.***

No intelligence service in Western intelligence can ignore the migration phenomenon, and much less in a country like Spain with a southern border in the Mediterranean. However, the migratory phenomenon in Spain has been dealt with in an inertial way on

the part of the various governments; this is a reflection, either of a lack of perception on the part of intelligence, or because of a lack of interest by the politicians concerning these questions, even though Spanish intelligence has warned about the possible evolution of the situation. In this sense, although we have dealt with the extent of security agendas after the Cold War, it will be interesting to analyze the different policies and initiatives developed by the Spanish government after the migratory phenomena, with a clear objective; if intelligence is not listened to by the decision-making politicians it is of no use, in the same way that without a correct risk and threatening perception intelligence will not orientate its resources in time to face coming situations.

The first law of immigration in Spain was approved in 1985 and it was a prerequisite for entry into the Union more than a real need. For the first time in 2001, the foreign population in Spain passed 1 million people, which meant an increase of 23.8% in relation to the previous 5 years. The ex-president José María Aznar's government created different administrative structures allocated to respond to different aspects of migration. Flow control politics, integration resources, and immigrants' rights became, together with the debates about the participation of foreigners in social security and cultural diversity, main subjects in the political, social, and media agendas of the country. In July 2007 there already were about 3.5 million foreigners in Spain with a residence permit. The size, speed, and heterogeneity of migratory flows are the main characteristics of this transformation process of Spain in an immigration country. However, as a normal rule the answer to the presence of foreigners that reside in Spain has been of an immediate kind.<sup>liii</sup> And in spite of the efforts of the states to stop illegal immigration and its great importance, both theoretically and practically, to the study of the different governmental strategies to control the illegal immigration has been very limited.

In this way, immigration politics put into practice by the different countries have been inertial in Spain, trying to give an answer to punctual questions and circumstances of the moment. In this sense, Moratinos has affirmed that immigration (which reached the Canary Islands in 2006) meant a very serious problem and an unexpected situation.<sup>liv</sup> In this way in the "crisis" of 2006 it was seen in an alarming way how forecasts in matters of immigration were completely out of control. "I will give you an example, immigration via small boats, which come through the Mediterranean and destined toward the coasts of Andalusia, or which come through the Atlantic toward the Canary Islands, has experienced an important decrease. The year 2004 finished with a decrease in 18% of the arrival of people to our coasts, so it was in the month of January 2005."<sup>lv</sup> Though it is true that the speed and growth of the immigration phenomenon is on a great scale, its management has turned out very complicated, and to a great degree this has also been due to a lack of forecast of the phenomenon in a correct manner.

The essential objective for the **Spanish government** is to arrange and channel migratory flows according to the needs of the labor market and the reception capacity of Spain, as well as the full interpretation of the immigrants in the society. However, it is necessary to specify that President Rodríguez Zapatero's government has not elaborated a new legislation, although it has implemented a new institutional design to manage immigration in general and an approach to Africa in a particularly proactive manner.

At the present time, migration analysis, on the part of the Spanish intelligence services, requires a multidisciplinary approach, as the phenomenon is in a growing more and more complex. In this sense, the fundamental nucleus of problems that we suffer today lies in a **certain deficiency in the migratory management and, above all, in the absence of an integral vision of the migratory phenomenon in our country. Therefore, it is important to have a general vision of the migratory phenomenon because the change in the premises of which politics are applied will make them at least insufficient, and in the long term, wrong. In this sense, it will be fundamental not to lose sight of the urgent need of cultivation before the imminent increase of temperatures in the area, and not to lose sight of the new situation with the “entrance” of new players, such as China, which possibly will change the game rules, as far as the relationships between Europe and Africa are concerned.**<sup>lvi</sup>

## Conclusions

We are facing a situation which is already making headway, and will no doubt mark in the future the criteria of coexistence in modern societies, given the extension and intensity of the phenomenon. Therefore **the directing of migratory flows** through the control and canalization of irregular immigration, which benefits nobody, neither the reception society nor the illegal immigrants, will be a determining factor; therefore, it must be avoided. This binomial between the fight against irregular immigration and the canalization of migratory flows is very important.

**The directing** of migratory flows must be based in respect to the present legislation, being essential to maintain, or even reinforce, the security of border controls, bearing in mind that the present external border area of the European Union and the freedom of circulation of people in the Schengen space conditions its possibilities. The assumption of competitions on the part of the European Union in immigration matters is essential, and we must not forget that the constituent treaty of the European agency Frontex affirms that the control of external borders of the Union corresponds ultimately to the member states. So obtaining a common threatening perception and being conscious of the contradictions, inconsistencies, and malfunctions that have characterized the discourses of the European governments, as far as migratory policies are concerned, will be the key. It is necessary to break with the discourse of the 1980's in two axis, that the closing of borders leads to more labored migratory flows and on the other hand, to foment social integration politics of the immigrants can become easy solutions applied to complex problems, and can cause perverse effects.

On its part the State and Cooperation Department has made a diplomatic effort in Western Africa that has been translated, after the Africa Plan 2006-2008, into the opening of new diplomatic representatives in Cabo Verde and Mali and the reinforcement of those in Ghana, Mauritania, Cameroon, and Senegal. From those new capacities, the diplomatic element will be able to support police control and naval patrol operations combined in Senegal, Mauritania, and Cabo Verde. Secretary of State Miguel Angel Moratinus has been the promoter of what has been called “second-generation agreements.” In essence, what he has done is to condition the help toward the disposition of African governments in order to admit the repatriation of those who make it to the Canary Islands. Resources of the Department of the Interior affirm that effective repatriations are the best dissuasive measure. It is true that resources have increased greatly, and they only get out of control when there is a crisis. However, the

unpredictability of flows advises not to lower one's guard and to have an integral system of prevention and reaction before the migratory crisis, which no doubt includes the intelligence services.<sup>lvii</sup>

The second line of action, therefore, has to be that of **canalization**, establishing an appropriate system that has the best efficiency on the arrival of legal immigration. There is a demand that national workers do not cover. For that reason an effective and adaptable system must be established in order to satisfy it. In other words, it is counterproductive and unreal that we are not able to match supply and demand in our labor markets, in our job markets. However, it is also important to continue to reinforce the tasks of the Industrial Relations Commission to avoid that the existence of irregular manpower be used to establish unacceptable wage and labor conditions. So if we want to act in an effective manner against the phenomenon of clandestine immigration, we must do it with relation to the true source, which is no other than the irregular worker. The anticipated regime by the present legislation in matters of immigration has aspects that may suppose an incentive for irregular immigration. For example, the anticipation contained in article 45.2 of the Royal Decree 2393/2004, on 30 December, by which the regulations concerning rights and freedoms of foreigners in Spain were approved, when it establishes that by socially settling an immigrant in an illegal situation will receive, after having registered in a Spanish town hall for three years and having some family member accompanying him or by good behavior in the town, his respective work permit.<sup>lviii</sup>

In the same way, it is necessary to find a coherent repatriation policy of foreigners who illegally enter our territory, with enough infrastructure endowment of internment in order to order that politics and the impulse of international collaboration agreements for the ordination and control of migratory flows. For that the cooperation of countries or origin and transit is a key element which is necessary to continue to be reinforced with negotiations in order to reach new readmission agreements and other cooperation means in police and intelligence grounds.

In fact, under the structure created by the government after the crisis of 2006, dozens of agents of the Department of the Interior and the National Intelligence Center have disembarked in Africa in order to collaborate with local authorities and control the phenomenon.

However, in spite of the efforts made in the subject of repatriation, in the case of sub-Saharan migration for example, it results to be complicated to repatriate or expel an illegal immigrant because the present situation allows those who are in an illegal situation freedom of circulation and freedom to stay in our country, accepting that they will be illegally working and will be living in a state of marginalization after 40 days of interment in the CIE. The problem that arises from expulsion gives way to the legal paradox by excellence; immigrants without papers aspire at least to have an order or deportation because it accredits their situation and is not put into practice in a high percentage.<sup>lix</sup>

Another of the dissuasive measures for illegal immigration is the processing of the small immigration boat chiefs, as the Spanish Department of the Interior rightly points out. While this is not always easy, a time will come when there will be fewer fishermen willing to assume the mastership of those kinds of boats, and therefore the

phenomenon will have to decrease or mutate. As resources of the Department of the Interior rightly point out, it is necessary to look at the ones who repeat with a fine-tooth comb, as the day will come when there will be no more people to bring immigrants—in less than two months eleven masters have been arrested, being charged under the article 318b of the Penal Code, against the rights of immigrants, who facilitate or favor the illegal entrance of immigrants through checkpoints because if there is a corpse he can be charged for imprudent murder. The main problem for that is the lack of evidence in identifying the boat master in many cases, which goes in function of declarations (protection witnesses' and naval rescue workers' declarations). In any case the police answer is only a minimum part of the answer to the fight against illegal immigration, which precisely takes more importance when the application of other means fails.

On the other hand, the concern about migration management in Europe will be conditioned to other factors. As Charles Mutase, the executive director of the African Forum Debt Cancellation and Development (AFRODAD), rightly affirms, “most probably China is the factor that brings Africa and Europe close to each other. Chinese people talk with Africa like equals; Europe, on the contrary, looks at it with superiority”; it is clear that China has brought competitiveness to Africa and has broken with the monopoly that Europe had on Africa. From Africa there is a feeling that the political management of Europe in the last years has only served to make African representatives feel intimidated and obligated to fulfill their respective objectives. The presence of China changes this situation and gives new perspectives to the countries of the African continent. China seeks in Africa a way to spread its market and do business with Africa, without conditioning its presence with respect to human rights, or what has been called in the European Union gestures of good *governing* of the African leaders. Therefore if we really want to manage migration it will be basic to create development in the countries of origin, and that development should, necessarily, be based on a continual and progressive increase in democracy in Africa, together with a better use of globalization, breaking with the idea that globalization is harmful to Africa.

To finish, when we talk about irregular immigration, we cannot overlook the human drama that impels one to leave one's own land, roots, and all that is known to him, in order to venture toward the unknown. According to a report by the CNI, between 1200 and 1700 people died in boats in the Atlantic in winter of 2005, and 15 people died that same year in the Ceuta and Melilla borders.<sup>lx</sup>

*Therefore a medium-term future lies in the capacity of Africans and non-Africans to differentiate between states, where globalization will affect countries that go on well having repercussions from foreign trade and investment. It is a mistake to think of Africa as something unique; if we want to progress in matters of development we will have to focus our progress on the matters of development, and we will have to focus progress on the diversification of African economies—development does not depend on the amount of money received.<sup>lxi</sup> Money is not enough to make states grow. The African states are poor because they have not taken advantage of globalization and have not created institutions to do so. And as a result, working in Africa is costly. In order to change this situation it is necessary to acknowledge the failure of old formulas. For example, 40 years of external help in Africa, up to a total of 800,000 million dollars have not made the continent any richer than it was 30 years ago. It is necessary for Africa to discover how they can join in on globalization. The future seems to be more and more like the Latin-American reality, a variety of states, tense*

*rivalries, distinguished advantages, and exceptions to the general pattern of cautious reforms, but which are strengthened. With the idea of creating greater security on every level, which may promote investment, make expectations grow, and new opportunities and generations may begin to grow and new opportunities and generations may begin to grow in their countries and it may be possible to prosper in the place where one was born; where one's family, friends, and roots are found.*

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### **End Notes:**

<sup>i</sup> Messina, A. M., & Lahav, G. (2006). *The migration reader: exploring politics and policy*, Boulder, Colorado, Lynne Rienner Publishers.

<sup>ii</sup> We cannot lose sight of the fact that the theoretical focus used in the investigation of migrations is of utter importance, since the choice of one perspective or the other conditions the field of study. The data doesn't speak for itself, it just brings to light certain supposed theories; Díaz Matey, G.

<sup>iii</sup> The first foreign migration study in Spain concluded in mid-1986, realized by the group IOE "immigrants in Spain", monographic number of social documentation 66, (January-March 1987); in: Colectivo IOE, "Como estudiar las migraciones Internacionales", *Migraciones* 0, (1996)

<sup>iv</sup> Gustavo Díaz Matey, "Methodological approaches to the study of international migration", Unisci magazine, October 2007

<sup>v</sup> Marquina, A. (2008): *The migratory sub-Saharan flows toward the Canary Islands and Madrid*, Madrid, UNISCI.

<sup>vi</sup> According to the UN Development Program (1993), migration responds to the push in poverty and the pull of opportunity. Thirty percent of the qualified manpower of sub-Saharan Africa emigrates to Europe.

<sup>vii</sup> Sources from the Spanish Interior Ministry.

<sup>viii</sup> Gustavo Díaz Matey, "Methodological approaches to the study of international migration", Unisci magazine, October 2007

<sup>ix</sup> July 2006 Report produced by the Regional Office of Central and Western Africa together with the Section of Investigation and Analysis of Crime and Drugs of the U.N., "*The World Fact Book 2006*" CIA; The report "*The State of the World Population*" U.N. Population Fund, FNUP, September 2006; Kidron, M., & Segal, R. (1982). *Atlas of the state of the world*. Barcelona: Ediciones del Serbal, S.A.

<sup>x</sup> Sami Nair, "Whether they close the borders or not, the migratory pressure will increase", *El País*, 19 November 2007; Hania Zlotnik, "Developed countries will be having more and more immigrants", *ABC*, 19 November 2007.

<sup>xi</sup> Díaz Matey, G. "Methodological approaches to the concept of intelligence failure", *Unisci Magazine*, (January 2006)

<sup>xii</sup> Resources of the Department of the Interior estimate that there might be between 300,000 and 600,000 irregular immigrants, February 2008.

<sup>xiii</sup> Koffi Annan's discourse "Immigration, integration, and democracy" before the European Parliament, Brussels, 29/01/04; Les migrants font avancer l'humanité, *Le Monde Diplomatique*, June 2006.

<sup>xiv</sup> The Bank of the Spanish Economic Bulletin describing the contribution to the growth of the PIB that the immigration phenomenon has.

<sup>xv</sup> The European Commission defines irregular or illegal immigration as a series of phenomenon that include nationals of third countries that illegally enter into the territory of a member State via land, sea, or air, including airport transit areas. Such an irregular entrance is accomplished by the use of false or forged documents, or with the help of organized crime formed by smugglers and traders. There are also included, in the same way, people who enter legally with a valid visa or through a regime with no visa, but they prolong or modify the reason of their stay without the authorities' permission; there are also cases of those applying for asylum who have not yet left after a final negative decision. COM (2006) 402 final.

<sup>xvi</sup> As it has been observed in the European attempts to obtain "immigration zero". The closing of foreign borders because of the crisis in the mid-70's is promoted by the technological revolution that eliminates a great number of non-qualified jobs in Europe, which discourses affirm that before an increasing unemployment rate it is necessary for governments to protect their jobs. "Spanish people think that immigrants worsen their life quality", *ABC*, Thursday 29 November 2007; Carolina Mayeur, "Migratory discourses and practices: Contradictions, hypocrisies and perverse effects of present politics", *Migrations* 2 (1997), p. 20

<sup>xvii</sup> Mittleman, J.H. (2000). *The globalization syndrome: transformation and resistance*. Princeton, N.J.: Princeton University Press, p. 203-222.



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- <sup>xviii</sup> Adamson, Fiona B., "Crossing Borders: International Migration and National Security", *International Security* 31, Number 1, Summer 2006, p. 165-199.
- <sup>xix</sup> Resources of the Spanish Department of the Interior.
- <sup>xx</sup> Fiona B. Adamson, "Globalization, Transnational Political Mobilization, and Networks of Violence", *Cambridge Review of International Affairs* 18, no. 1 (April 2005), p. 35-53
- <sup>xxi</sup> Gustavo Díaz Matey, "The New Intelligence Game after the Cold War", *Commentary UNISCI*, January 2008.
- <sup>xxii</sup> Aggestam, L., Hyde-Prince, A. G. V. (2000). *Security and identity in Europe: exploring the new agenda*. Southampton studies on international policy. London: Macmillan Press, p. 25-43; Nye, J.S. (1999). *Understanding international conflicts*. New York: Longman, p. 22-35.
- <sup>xxiii</sup> Felix Artega, "Operations of the last generation: Regional Coordination Center of the Canary Islands", *ARI* 54, Real Instituto El Cano, 17 May 2007.
- <sup>xxiv</sup> Felix Artega and Enrique Fojon, (2007): The planning of the policies of defense and security in Spain, Instituto Universitario Gutierrez Mellado, p. 59
- <sup>xxv</sup> Cueto, C.D., Jordan, J., and Artega, F. (2005), *Security management in the new strategic surrounding*. Granada: Editorial Comares.
- <sup>xxvi</sup> Buzan, B. (1991). *People, states, and fear: an agenda for international security studies in the post-Cold War era*. Boulder, CO: L. Rienner, p. 3-14.
- <sup>xxvii</sup> Buzan, B., Waever, O., and Wilde, J.D. (1998). *Security: a new framework for analysis*. Boulder, CO: Lynne Rienner Pub; see also: Alder, E., & Barnett, M.N. (1998). *Security communities*. Cambridge studies in international relations, 62. Cambridge, UK: Cambridge University Press.
- <sup>xxviii</sup> Felix Artega and Enrique Fojon, (2007): The planning of the policy of defense and security in Spain", Instituto Universitario Gutierrez Mellado, p. 73
- <sup>xxix</sup> Sommer, M: "Non military factors bring new meaning to the art of spying", *The Jakarta Post*, (15 January 1996), p. 5
- <sup>xxx</sup> Freedman, L.: "The Revolution in Strategic Affairs", *Adelphi Papers* 318, (1998).
- <sup>xxxi</sup> Marquina, A. (2008): Migratory flows toward the Canary Islands-Madrid, Madrid, Unisci.
- <sup>xxxii</sup> In the last studies of CIS on 18 December 2007 immigration was perceived by citizens as the fourth existing problem nowadays in Spain. [www.cis.es](http://www.cis.es)
- <sup>xxxiii</sup> The Police Union calculates that 500 immigrants "with a suitcase" enter Barajas airport everyday that fulfill the requirements as tourists, but they finally end up staying.
- <sup>xxxiv</sup> There are 3,740, 956 foreigners with a residency permit or a valid registrar certificate with date 30 September 2007 in Spain, out of whom 649,247 are found in Madrid, a number only exceeded by Catalonia, with 801, 980 and followed by Andalusia with 472, 870 people. Out of 649,247 foreign residents in Madrid, 459,880 are affiliated to, and registered with, social security. Out of the total number of foreign residents in Madrid, statistics of the permanent observatory of immigration do not reflect any country from sub-Saharan Africa. In fact, in 2006 there were 19,477 nationality residence concessions from Ecuador compared with only 289 from Senegal and 311 from Gambia. Out of 2.144,008 foreign works affiliated and regulated in Social Security on 11 July 2007, 9.229j were from Gambia, 11,398 from Mali, 5584 from Mauritania, and 22,279 from Senegal; before 24,028 from Pakistan or 209,683 from Romania, among others.
- <sup>xxxv</sup> "9% of citizens residing in Spain are immigrants registered in the town hall; Diary of Notice, 13 December 2007.
- <sup>xxxvi</sup> Felix Artega, "Operations of the last generation: Regional Coordination Center of the Canary Islands", *ARI* 54, Real Institute El Cano, 17 May 2007.
- <sup>xxxvii</sup> Resources of the Department of the Interior, National Police.
- <sup>xxxviii</sup> Resources of the Department of the Interior, Civil Guard, the Department of the Interior, to which corresponds the responsibility of the fight against irregular immigration, initially faced the situation from the Zone of the Civil Guard in Tenerife and form the Headquarters in Las Palmas of the The Canary Islands. While in May 2006 technical and operative assistance of the European Border Control Agency (FRONTEX) was solicited, the Secretary of Defense started the Operation Noble Guard to control both aerial and maritime areas in support of operatives of the Interior.
- <sup>xxxix</sup> Proposition of no-law related to the reorganization of the structures and means of the state for the attention of maritime security. 162/000742.
- <sup>xl</sup> "The offensive of five departments in Africa got to stop small migration boats.", *El País*, 8 January 2008.
- <sup>xli</sup> Alicia Sorroza, "Immigration and the European Union: Where can we get together?" *ARI* 64, Real Instituto el Cano, 1 June 2007, p. 3.
- <sup>xlii</sup> Communication 491, 621, 735, 246.
- <sup>xliii</sup> First ministerial conference EUROMED about migrations, Algarbe Portugues, November 2007.

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- <sup>xliv</sup> Interministerial conference EU-Africa about migration and development, Tripoli 2006.
- <sup>xlvi</sup> Consuelo Rumi, “The EU has assumed the Spanish immigration policies”, *El País*, 2 May 2007.
- <sup>xlvii</sup> International Agreements, framework agreement of cooperation in matters of immigration between the kingdom of Spain and the Cabo Verde Republic, Madrid 20 March 2007, presented 20 June 2007; Ise framework agreement of cooperation in matters of immigration between the kingdom of Spain and the Republic of Gambia, Banjul, 9 October 2006, presented 20 February 2007.
- <sup>xlviii</sup> Rabat 2005, Libya 2006.
- <sup>xlviii</sup> Rut Bermejo, “Progress in border control: Cooperation, information, and technology”, ARI no. 18, Real Instituto El Cano, 13 February 2007, p. 3
- <sup>xlvi</sup> Claudia Finotelli, “Italy, Spain, and the Mediterranean migratory model in the 21<sup>st</sup> century”, ARI no. 58, Real Instituto El Cano, 28 June 2007, p.1
- <sup>1</sup> Spain has been the main beneficiary of the European funds during the period 2007/2008, with 15 % of the total, some 87 million Euros. 41.36 million in 2007 and 45.95 in 2008. Between funds from external borders, integration, return, and refugee funds. In the same way, Spain receives external funds, such as the program ARCQ, operations HERA of FRONTEX, systems of quick reaction from Mauritania, in 2006 and Senegal, in 2007, the program of the migration center from Mali. We can say that the impulse given by Spain since Hampton Curt to the European immigration politics has seen its effect in a considerable increase of funds destined toward migratory matters.
- <sup>li</sup> “Defense will form Mediterranean people to fight against illegal immigration”, *El Mundo*, 17 October 2007.
- <sup>lii</sup> “Government asks the operative Frontex in the Canary Islands to have a permanent character”, [www.lukor.com](http://www.lukor.com), 29 November 2007; “Fontex patrol boats in the Canary Islands will be permanent since February”, *la provincia*, 29 November 2007.
- <sup>liii</sup> It is interesting that in spite of the importance of the migratory phenomenon in the Canary Islands there is no automatic migratory department and this subject is dealt with by social welfare, youth, and housing and, however, there is an emigration department (Canary Islanders living away and voting).
- <sup>liv</sup> “Moratinos favors diplomacy to face the radical Islamic fundamentalism challenge”, [www.canarias7.es/articulo.cfm?Id=84211](http://www.canarias7.es/articulo.cfm?Id=84211); “Moratinos says that two or three more embassies would be open in Africa without question”, [www.actualidad.terra.es/common/imprimir/portada.cfm?id=AV22250234](http://www.actualidad.terra.es/common/imprimir/portada.cfm?id=AV22250234)
- <sup>lv</sup> “Caldera’s answer to Mrs. Muñoz Muriel’s question”, from the Parliament Popular Group in the Congress, about immigration Politics, House of Representatives, plenary and permanent deputation, n. 71, plenary session celebrated 22 March 2005, p. 3422
- <sup>lvi</sup> Díaz Matey, G. “Maritime Border Control of the Canary Islands”, in: Marquina A. (2008): *Migratory flows toward the Canary Islands* Madrid, Madrid: UNISCI.
- <sup>lvii</sup> Felix Arteaga, “Operations of the last generation: Regional Coordination Center of the Canary Islands”, ARI 54, Real Instituto El Cano, 17 May 2007..
- <sup>lviii</sup> This period of time is reduced to two years if the illegal immigrant can demonstrate that he/she has been maintaining “laboral relations” for at least a year.
- <sup>lix</sup> Resources of the Department of the Interior, in conversation with the author, affirm that repatriation numbers in January 2007 were 1 out of 3 and they were reaching for 1 out of 2.
- <sup>lx</sup> *Diary of the House of Representatives Sessions*, plenary and permanent deputation 16, no. 195, 28 August 2006, p. 9847
- <sup>lxi</sup> Kenyan president Daniel Arap Mio’s discourse during his visit to the former Federal Republic of Germany.

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