

CENTRAL EUROPEAN UNIVERSITY

**NORMS, STATE INTERESTS AND PARTY POLITICS: AN ANALYSIS OF
SPANISH ASYLUM AND IMMIGRATION POLICES IN THE EU CONTEXT**

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ABSTRACT

The thesis analyzes the underlying reasons for opposition of the Spanish government to the proposal of establishing migrant camps in the transit countries of North Africa presented in 2004 by German Interior Minister Otto Schily. Within the theoretical dimension of analysis carried out in the framework of social constructivism – rational choice debate I propose a new complementary approach which uses domestic politics concepts in order to assess more accurately the causal role of normative ideas and pragmatic state interests in the formation of the Spanish response. Testing rational choice and social constructivism assumptions on the ideological discourse and foreign policy of the Socialist government allows arguing that both normative ideas and pragmatic interests could have had an effect at the Spanish response. The domestic politics approach, used in the comparative analysis of immigration policies of Popular and Socialist Party governments, helps refining the results and showing that in the Spanish response human rights values were instrumental as to legitimizing underlying pragmatic interests which Spain had in the Maghreb.

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INTRODUCTION

Problem summary

The importance of an “external dimension” of European Union (EU) asylum and immigration policy in relation to the Mediterranean has grown significantly since 1990s. As migratory flows from the Mediterranean were gradually increasing throughout this time period¹, the EU member states responded by launching the Barcelona process in 1995 which had among one of its objectives establishing a “common area of peace and stability²” between the EU and North Africa, also in relation to migration. Within the Barcelona process, EU member states envisaged achieving this “immigration stability”, first of all, through an incorporation of North African countries in the EU system of development aid³, and reaffirmed this commitment in the Tampere Council Conclusions⁴. As a result, in the Euro-Med Partnership Program for the 2002-2006 a budget of 6 million euro was designated, among other goals, “to reduce migratory pressures and manage migratory flows ...as well as combat illegal immigration”⁵.

Despite these EU efforts, the Mediterranean stayed a highly problematic region in relation to immigration, as the inflow of asylum seekers from Northern African states into the EU mainly through Italy and Spain was growing faster than could be ever expected⁶. Only in

¹ Dirk Kohnert. *African Migration to Europe: Obscured Responsibilities and Common Misconceptions*. Retrieved on 2 June 2009 from: <http://mpira.ub.uni-muenchen.de/3360/>

² Tomáš Profant. “Barcelona Process: Political Background and Goals in Global Politics” in *Global Politics*. Retrieved on 2 June 2009 from: <http://www.globalpolitics.cz/clanky/barcelona-process>

³ Andrew Geddes. *Towards Common EU Immigration and Asylum Policies?* Paper prepared for the international conference ‘Immigration Issues in EU-Turkish relations’, Bogazici University, Istanbul, Turkey, 8-9 October 2004 –p.13.

⁴ Tampere Summit Conclusions, para. 11; <http://www.statewatch.org/news/2008/aug/tamp.html>

⁵ Euro-Med Partnership. Regional Strategy Paper 2002-2006 and Regional Indicative Programme 2002-2004, para. 3.4.4. http://ec.europa.eu/external_relations/euromed/rsp/02_06_en.pdf

⁶ Gaining from Migration. Proposal from a New Mobility Management System. 29 March 2007. Retrieved on 2 June 2009 from: www.oecd.org/dataoecd/62/9/38367802.pps

2004, some 15,675 undocumented boat migrants were intercepted⁷ by Spanish Border Patrol Guards. The need for a new approach for the external dimension of EU asylum and immigration policy became apparent, and a proposal reflecting such an approach indeed followed shortly.

In July 2004, during the Brussels Justice and Home Affairs Summit German Interior Minister Otto Schily came up with a new approach to the external dimension of EU asylum and immigration policy. The proposal suggested setting up what was called in unofficial discourse “migrant camps”, and in the document itself “reception facilities”⁸ in the transit countries of North Africa, where potential asylum seekers would be accommodated, with a possibility for those in genuine need of protection of later being admitted to EU member states with a refugee status⁹. In October 2004, the EU informal Justice and Home Affairs Council considered similar follow-up pilot projects on extraterritorial processing proposed by the European Commission, aimed at “upgrad[ing] existing processing facilities and develop[ing] asylum laws in Algeria, Libya, Mauritania, Morocco and Tunisia¹⁰”. As the follow-up Commission proposal named these specific countries, it is logical to assume that they could become the potential venues for migrant camps.

Schily’s idea was supported by Austrian and Italian interior ministers, however provoking a vocal opposition from France and Spain. Spanish Interior Minister Jose Antonio

⁷Hein de Haas, *Morocco: From Emigration Country to Africa's Migration Passage to Europe*. October 2005; Retrieved on 29 May 2009 from: <http://www.migrationinformation.org/Profiles/display.cfm?ID=339>

⁸ Madeline Garlick “The EU Discussions on Extraterritorial Processing: Solution or Conundrum?” in *International Journal of Refugee Law*, Vol. 18 (2006) -pp. 620 – 622.

⁹ Effektiver Schutz fuer Fluechtlinge, wirkungsvolle Bekaempfung illegaler Migration — Ueberlegungen des Bundesministers des Innern zur Errichtung einer EU-Aufnahmeeinrichtung in Nordafrika”, German Interior Ministry written press statement, 9 Sept. 2005 – p.3; Retrieved on 29 May 2009 from: <http://www.proasyl.de/texte/mappe/2005/104/8.pdf>. (Translation mine)

¹⁰Rutvica Andrijasevic “Europe’s Transforming Identity: the Southern Gate to Fortress Europe” in Pamela Kilpadi (Ed.) *Islam and Tolerance in Wider Europe*, Budapest: Central European University Press, 2006 – p.8. Retrieved on 29 May 2009 from: <http://www.policy.hu/ipf/policyperspectives/A03-RA-Fortress.pdf>

Alonso “fiercely opposed the proposal¹¹”, saying that the camps would not give humanitarian guarantees¹², and going on to declare that Spain “*is not going to back any initiative that does not respect minimum social and humanitarian conditions*”¹³. And it was true indeed, as the German proposal was in breach of European human rights instruments¹⁴, and could be legitimately considered as the one “rais[ing] a number of practical and legal issues and concerns, including in terms of human rights and refugee rights¹⁵”.

The puzzle in this situation, however, lies not in whether the German proposal breached European human rights standards, but whether these standards indeed were the driving force for the Spanish response. Indeed, what has made Spain oppose the document which basically offered it safely getting rid of thousands of migrants yearly coming to its shores, by detaining them in camps in North Africa? A look at the statement of Spanish Interior Minister cited above would suggest that the government was concerned about possible human rights violations which might take place in the camps. However, it could it have been that by opposing the proposal the Spanish government was trying to defend non-obvious pragmatic state interests which would significantly suffer if Spain said yes. In this

¹¹ “Pas de rapprochement en vue sur le projet de camps en Afrique du Nord”, par AFP , Le Jeune Indépendant, 18 octobre 2004 in *Algeria-Watch*; Retrieved on 29 May 2009 from: http://www.algeria-watch.org/fr/mrv/mrvref/projet_camps.htm

¹² “EU split over migrant camp plan”, 18 October 2004, in *BBC New Online*; <http://news.bbc.co.uk/2/hi/europe/3750420.stm>

¹³ “EU’s five biggest countries split over migrant camp proposal”, Monday 18 October 2004 in *EurActiv.com*; <http://www.euractiv.com/en/security/eu-biggest-countries-split-migrant-camp-proposal/article-131044>; Here at seq. – italics mine.

¹⁴ Prohibition on torture and inhuman or degrading treatment (European Convention of Human Rights, Art. 3; Charter of Fundamental Rights of the EU, Art.4; the right to liberty (ECHR, Art. 5, the Charter, Art.6); prohibition on non-refoulement (the Charter, Art. 18-19); right to a fair and public hearing (ECHR, Art.6); right to private and family life (ECHR, art. 8, the Charter, Art.7); non-discrimination on the grounds of sex, race, color, language and religion (ECHR, art. 14, the Charter, Art.21).

¹⁵ Council of Europe Resolution 1569 (2007) “Assessment of transit and processing centers as a response to mixed flows of migrants and asylum seekers”, Retrieved on 29 May 2009 from: <http://www.unhcr.org/refworld/category/POLICY/COEPACE/470657452/0.html>

case, human rights discourse of the Spanish government was purely instrumental as to legitimize these underlying pragmatic interests.

Research question

In my thesis I intend to analyze these two “competing” versions of how the response of the Spanish government was formed. I will assess the degree to which pragmatic state interests and normative human right ideas have influenced the opposition of Spanish government to migrant camps in North Africa in order to contribute by my findings to a more general debate on whether pragmatic state interests or European ideas and values define policy choices of political actors of EU member states.

Theoretical framework and methodology

The assessment of the relative role of normative ideas versus pragmatic interests in the formation of policy responses has traditionally been carried out within rational choice – social constructivism debate. As the debate will be presented in the first chapter in a greater detail, here I will just remind the reader of the basic postulates of the two theories.

From the social constructivist viewpoint, as Risse puts it, preferences of actors have ideational and cultural origins, and are often influenced by collective norms and understandings¹⁶. As applied to policy-making in the EU which Schimmelfennig describes as “a liberal community of states committed to the rule of law, human rights and democracy¹⁷”, this stance implies, first, that European law, norms and rules have a constructive effect for

¹⁶ Thomas Risse “Social Constructivism and European Integration” In Antje Wiener and Thomas Diez (Eds.) *European Integration Theory*. Oxford University Press, 2004 – pp. 163-165.

¹⁷ Frank Schimmelfennig “The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union” In *International Organization*, Vol. 55, No. 1 (Winter, 2001), pp. 47-80. Retrieved on 2 June 2009 from: <http://www.jstor.org/stable/3078597>

actors' identities, and, second, that EU is expected to constrain the way actors define their interests¹⁸.

According to the rational choice theory, actors are benefit-maximizers, acting strategically in order to achieve self-interested goals¹⁹, which contrasts with social constructivism, according to which posits that actors' behavior is rule-guided by the logic of appropriateness²⁰. Rational choice scholars "treat cultural factors as secondary, as a "superstructure" determined in the last instance by the material "base"²¹ and, as Goldstein and Keohane argue, posit that "interests are prior to any beliefs held by actors"²².

Well-established as the debate is, there is still a considerable gap in it. Despite the fact that many scholars recognized that in some cases policy outcomes are defined by actors' beliefs, and in other ones by strategic calculation and pragmatic interests, the debate so far failed to generate a specific approach which would allow singling out "conditions under which causal connections exist between ideas and policy outcomes"²³.

An important contribution of my thesis is that I propose such an approach. In order to single out and assess the causal effect of human rights beliefs and pragmatic state interests on the Spanish response, in my research I use a two-level theoretical account. The first and most important level of debate will be the one between social constructivism and rational choice.

¹⁸ Thomas Risse "Social Constructivism and European Integration" In Antje Wiener and Thomas Diez (Eds.) *European Integration Theory*. Oxford University Press, 2004 – pp. 160-162.

¹⁹ Karen S. Cook and Margaret Levi *The Limits of Rationality*. University of Chicago Press, 1990 – p.11

²⁰ Thomas Risse "Social Constructivism and European Integration" In Antje Wiener and Thomas Diez (Eds.) *European Integration Theory*. Oxford University Press, 2004 – p. 164.

²¹ Ronald Jepperson, Alexander Wendt and Peter Katzenstein "Norms, Identity and Culture in National Security" in Peter Katzenstein (Ed.) *The Culture of National Security. Norms and Identity in World Politics*. New York: Columbia University Press, 1996 – p.38

²² Judith Goldstein and Robert O. Keohane "Ideas and Foreign Policy: An Analytical Framework" In Judith Goldstein and Robert O. Keohane (Eds.) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*. Cornell University Press, 1993 – p.2

²³ Risse: 2004; Jepperson, Wendt and Katzenstein: 1996; Goldstein and Keohane: 1993.

At this level, I analyze the ideological discourse of the Spanish Socialist Party related to European human rights values, as well as foreign policy of the Socialist government in connection with pragmatic interests in the Maghreb. On the basis of the preliminary findings of this analysis, I then use the method of inductive reasoning in order to make a general assessment of the role of principled beliefs and pragmatic state interests in the formation the Spanish response. I complement my analysis by concepts and assumptions of domestic politics. I apply these concepts in a comparative analysis of immigration policies of Popular and Socialist Party governments in Spain in order to show how power limitations within a coalition government, political competition and electoral needs put constraints on making policy choices according to principled beliefs.

Structure

I structure my thesis according to the theoretical framework outlined above. The research starts at the theoretical level (Chapter I). Here I, first, present the rational choice - social constructivist debate and account for its limitations and, second, introduce concepts and assumptions from the domestic politics theory, which will later allow for a more accurate assessment of the causal effect of human rights beliefs and pragmatic state interests on the Spanish response.

The practical level of research is represented by Chapters II and III. At this level I first test the causal effect of human rights values on the Spanish response (Chapter II). I do so through an analysis of influence of European human rights ideas on the ideology of Spanish Socialist Party from the historical perspective. In this chapter I also provide a comparative analysis of internal immigration policies of Popular and Socialist Party governments in Spain in order to account for the domestic limitations on policy responses formed according to

principled beliefs. The causal effect of pragmatic state interests on the Spanish response is tested in Chapter III. Here I analyze foreign policy of the Socialist government towards the Maghreb and assess the role of pragmatic state interests in the Spanish response.

The conclusion summarizes the main findings of the thesis. My argument is that the response was shaped according to the following pattern: human rights values were instrumentally invoked by the leaders of the Spanish government in their discourse in order to legitimize underlying pragmatic interests which Spain had in North Africa, and especially the Maghreb.

The thesis contributes to the existing research on the role of ideas in policy-making both at the theoretical and practical levels. At the level of theory, the thesis fills the methodological gap in social constructivist – rational choice debate by suggesting the approach which uses specific domestic politics concepts in order to show limitations which internal political competition imposes on the role of principled beliefs. At the practical level, the thesis tests this approach in the comparative analysis of immigration policies of the Socialist and Popular Party governments in Spain and shows that domestic politics concepts allow analyzing the role of ideas in policy-making much more accurately than the general social constructivist – rational choice debate.

CHAPTER 1 - Explaining Spanish opposition to German proposal on extraterritorial processing in North Africa: theoretical framework

In this chapter, I will introduce a new complex account for the explanation of Spanish opposition to migrant camps in Northern Africa, combining metatheories such as rational choice and social constructivism with concepts and assumptions of domestic politics theory.

The aim of this research is to assess the relative importance of European human rights ideas versus pragmatic state interests in the formation of Spanish response. Thus, the main debate is going to take place between rational choice and social constructivist theories, as the former attributes the primary role to pragmatic state interests, and the latter – to “principled beliefs”, imbedded in actors’ behavior through the process of Europeanization (see below). Within this primary debate, I will propose three patterns of how pragmatic state interests and European human rights ideas can influence actors’ policy choices. Domestic politics theory, in its turn, will have a complementary role by accounting for the limitations which pragmatic *party* interests have on exercising policies according to European human rights values. In this dimension, I will introduce three patterns of how party policies can depend on Europeanization with respect to limitations imposed by internal political competition. Before coming to the actual patterns, below I will review the literature related to the theoretical debate.

1.1. The two competing approaches: rational choice vs. sociological constructivism in the explanation of Spanish response

As it has been shown in the introduction, the response of Spanish Socialist Party government, according to the official discourse, points to the concerns that Prime Minister Zapatero and its team had for human rights violations which might take place in migrant camps. This may suggest that European human rights values have been internalized in the

ideology of the Spanish Socialist Party strongly enough to influence policy choices of its representatives. In this connection, Europeanization theory and the process of social learning as envisaged by social constructivism need to be taken into account.

Social constructivists increasingly emphasize the effects of the European integration process on policy preferences of political actors in EU member states, stating that European institutions and ideas to a great extent shape the preferences of political actors²⁴. Thus, it can be implied that those social norms which are embedded in the functioning of EU as an international institution, such as democracy, liberty, and respect for human rights construct preferences of political actors according to the *logic of appropriateness*, and thus political leaders in the respective EU member states are trying to do what is right, but not necessarily brings the most benefits²⁵. According to this logic, the following assumption can be made about the response of the Spanish government: Socialist Spanish government was opposing extraterritorial processing as something contrary to the rule of law and respect for human rights and fundamental freedoms – the principles on which the EU was built.

The discussion of the impact of European human rights ideas and norms on the response of Spanish government would be incomplete unless the Europeanization process is mentioned. There is at the moment extensive literature on Europeanization, and a wide variety of definitions has been attributed to the term. Buller and Gamble, for instance, in their article “Conceptualizing Europeanization”, propose to define the latter as a “process whereby domestic politics becomes increasingly subjected to European policy-making²⁶”. Different scholars have suggested a variety of additions to this rather broad definition. Within this

²⁴ Thomas Risse “Social Constructivism and European Integration” In Antje Wiener and Thomas Diez (Eds.) *European Integration Theory*. Oxford University Press, 2004.

²⁵ James G. March, Johan P. Olsen *Rediscovering institutions: the organizational basis of politics* Free Press, 1989 – p.761.

²⁶ Jim Buller and Andrew Gamble “Conceptualizing Europeanization” in *University of Sheffield, Department of Politics > ESRC/UACES Series of Seminars on EBPP > 2002-11-29 Seminar on EBPP*, Sheffield, U, 2000 – p.19; Retrieved on 29 May 2009 from: <http://aei.pitt.edu/1724/01/bullerandgamble.pdf>

framework, Knill prefers to focus on how Europe becomes part of the ‘organizational logic’ or administrative practices of governments and assigns *institutions* a leading role in the domestic change²⁷, whereas Radaelli emphasizes the impact of informal [European] rules, *beliefs*, paradigms, styles, ideologies and culture²⁸ on national policies. Though Knill’s stance on the role of European *institutions* in the process of domestic change appears important within a more general Europeanization debate, for the purpose of this research I will focus on the Europeanization as the process of influence of European ideas, rules and beliefs on national policies, as was suggested by Radaelli.

Thus, I will define Europeanization as *the process of internalization by political leaders of European norms and beliefs*²⁹ and the impact of the latter on the policy choices of the respective governments. As the accepted definition of Europeanization gives a special weight to the impact of *ideas* on the policy choices of political actors, is necessary in this connection establish what exactly ideas are within this research framework.

As the basis for my definition, I will use the Goldstein-Keohane definition of ideas as “beliefs held by individuals”³⁰. As the authors rightly point out in their article “Ideas and Foreign Policy: An Analytical Framework”, ideas are not necessarily opposed to rational interests. Goldstein and Keohane distinguish between *principled* beliefs and *causal* beliefs, defining the former as “normative ideas that specify criteria for distinguishing right from wrong and just from unjust”, and the latter as “guides to individuals on how to achieve their

²⁷ Christoph Knill, *The Europeanisation of national administrations: patterns of institutional change and persistence*, Cambridge University Press, 2001 – p.20; Retrieved on 29 May 2009 from: <http://books.google.com/books?id=RfeqDxV-F3MC&printsec=frontcover#PPA20,M1>

²⁸ Claudio Maria Radaelli. *Conceptualising Europeanisation: Theory, Methods and the Challenge of Empirical Research*, paper presented to the Europeanisation Residential Easter School, University of York, 24-25 March 2001.

²⁹ In this research especially – European *human rights* norms and beliefs.

³⁰ Judith Goldstein and Robert O. Keohane “Ideas and Foreign Policy: An Analytical Framework” In Judith Goldstein and Robert O. Keohane (Eds.) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*. Cornell University Press, 1993 – p.3.

objectives³¹”, and argue that both these types of beliefs, if they provide roadmaps and increase actors’ clarity about their goals, can influence policy choices³². Recognizing Goldstein-Keohane’s stance that ideas themselves (the aforementioned “causal beliefs”) can be instrumental and serve the attainment of self-interested goals, for the purpose of simplification of the debate I will narrow down the definition of ideas to *principled beliefs*. Thus, for the purpose of this research, the adopted definition of ideas is as follows (adopted from Goldstein-Keohane): *normative beliefs held by individuals that specify criteria for distinguishing right from wrong and just from unjust*. These ideas can have a power of their own and constitute the basis for actors’ policy choices, but can also be instrumental and serve as a discursive “cover” for pragmatic state interests³³.

In relation to the last point that even normative, principled beliefs can be merely instrumental to the attainment of pragmatic goals by self-interested political actors, the following assumption arises. The fact that close historical and cultural ties exist between Spain and the region of Maghreb where the migrant camps were proposed to be established, and that Spain and North Africa are interdependent in a number of ways other than immigration, such as geopolitics, security and economy³⁴, suggests taking a more attentive look in the direction of pragmatic state interests which could have formed Spanish response to the proposal. It may have been that Spanish government was merely using its discourse on possible human rights violations in migrant camps in order to create a legitimate cover for the

³¹ Ibid, p.9-10.

³² Ibid, p.3.

³³ Judith Goldstein and Robert O. Keohane “Ideas and Foreign Policy: An Analytical Framework” In Judith Goldstein and Robert O. Keohane (Eds.) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*. Cornell University Press, 1993.

³⁴ Said Haddadi “The Western Mediterranean as a Security Complex: A *liaison* between the European Union and the Middle East?”, November 1999 – Jean-Monnet Working Paper n° 24; Retrieved on 29 May 2009 from: <http://www.fscpo.unict.it/EuroMed/jmwp24.htm>

pragmatic state interests which would suffer significantly in case migrant camps are established in North Africa. This assumption is in accordance with the rational choice theory.

In contrast with social constructivism, rational choice presents political actors' preference formation as guided by the *logic of consequentialism*, according to which political and societal actors have fully shaped interests and policy preferences and are trying to realize these preferences through strategic behavior³⁵, so that in choosing certain policy responses they also take into account how other agents are most likely to act³⁶. The core of rational choice theory is, according to Friedman and Hetcher, representing social interaction as an economic transaction based on cost and benefit calculation³⁷. Thus, according to rational choice individuals are self-interested actors, acting with an aim of maximizing benefits and reducing costs³⁸. As Mary Zey puts it in her work "Rational choice theory and organizational theory: a critique", "[according to rational choice theory] an actor will choose an action [...] that promises the highest net benefit to the actor and the highest probability of occurrence³⁹".

Which of the two assumptions is right? Was it indeed that European human rights values constituted the basis for Spanish response, or were they merely instrumental to the attainment of self-interested goals, connected with Spanish interest in and close links with North Africa? In order to obtain a more structured and precise answer, I propose three

³⁵ Thomas Risse "Social Constructivism and European Integration" In Antje Wiener and Thomas Diez (Eds.) *European Integration Theory*. Oxford University Press, 2004 – p.162.

³⁶ Peter Abell. *Rational Choice Theory*. Aldershot: Edward Elgar Publishers, 1991.

³⁷ Debra Friedman and Michael Hechter. "The Contribution of Rational Choice Theory to Macrosociological Research" In *Sociological Theory*, Vol. 6, No.2 (Autumn, 1988) - pp.201-218; Retrieved 1 June 2009 from: <http://www.orbitfiles.com/download/id1179980842.html>

³⁸ Karen S. Cook and Margaret Levi. *The Limits of Rationality*. University of Chicago Press, 1990 – p.11.

³⁹ Mary Zey. *Rational choice theory and organizational theory: a critique*. London: SAGE, 1998 – p.2; Retrieved on 1 June 2009 from: <http://books.google.com/books?id=wHca96KWSS8C>

combinatory patterns of influence that European human rights ideas and pragmatic state interests could have had on the response of the Spanish government.

1. **Pragmatic interest domination; human rights values an instrumental cover to self-interested goals.** In this pattern, the greatest influence on the policy choices by political actors is attributed to pragmatic state interests. The pattern suggests that the Spanish government was using human rights violations discourse against the proposal in order to legitimize underlying self-interested goals. This pattern suggests hardly any influence of Europeanization process on the Spanish response.
2. **Combined influence pattern (European human rights ideas + pragmatic state interests).** In this pattern, both European human rights ideas and pragmatic state interests had play a constitutive role in political actors' decision-making. According to this pattern, European human rights ideas constituted a part of the ideology of the Socialist Party, and thus made Zapatero's government view pragmatic state interests through the lenses of this ideology. Thus, the policy on human rights protection became in itself a part of pragmatic state interests for the Socialist Spanish government.
3. **Principled beliefs domination; pragmatic state interest plays a very limited/no role.** In this pattern, the greatest influence on political actors' decision-making is attributed to principled beliefs. According to this pattern, in terms of pragmatic state interests Spain would lose if it rejected German proposal. The leaders of Spanish government were acting purely according to the logic of appropriateness, and European human rights values reflected in the

Spanish response were the decisive factor for its formation.

All these patterns will be tested in the course of research, and the one which reflects the process of the Spanish response formation most precisely will be singled out.

1.2. Theoretical implications of domestic politics assumptions for the current research

Though the main theoretical debate is in this work envisaged as the one between social constructivism and rational choice theory, for the current research the importance of domestic politics dimension lies in that it will help show the limits of influence of Europeanization on party policies when internal political competition occurs. As Milner puts it, “Political leaders are constantly playing in the domestic and international arenas simultaneously. They try to achieve their various goals using these two arenas, and they face different – and sometimes contradictory – pressures and constraints from each. Their behavior can only be understood when both internal and external factors are considered⁴⁰”.

In other words, internal power struggle within a state puts constraints on conducting party policies according to European human rights norms, even if the latter constitute a part of a party's ideology, as it will be shown on the example of Spanish Socialist Party. Importantly, internal political struggle puts constraints on the policies of a governing political party both in internal and external dimensions.

As Milner goes on to argue, “domestic politics and international relations are inextricably interrelated [and] domestic situation [in a country] shapes its behavior in foreign relations⁴¹”. The same stance is found in the works of Wendt and Waltz, the former arguing

⁴⁰ Helen V. Milner. *Interests, institutions, and information: domestic politics and international relations*. Princeton University Press, 1997 – p.4; Retrieved on 1 June 2009 from: <http://books.google.com/books?id=ISrgRbwsQSEC&printsec=frontcover#PPA4,M1>

⁴¹ Helen V. Milner. *Interests, institutions, and information: domestic politics and international relations*. Princeton University Press, 1997 – p.4; Retrieved on 1 June 2009 from: <http://books.google.com/books?id=ISrgRbwsQSEC&printsec=frontcover#PPA4,M1>

that international behavior of states is often determined primarily by domestic politics⁴², and the latter going as far as introducing the “Second image” concept of politics, where policy courses adopted by political actors have domestic causes and international effects⁴³.

A greater attention to domestic factors influencing the behavior of political leaders is found in Putnam’s two-level games theory, which posits that “at the international level, national governments seek to maximize their own ability to satisfy domestic pressures⁴⁴”. These pressures, in their turn, often derive from domestic power struggle and political competition. As Downs puts it, “In a democracy, [...] a competitive struggle for power influences the behavior of the government, [...] and the latter] always acts so as to maximize the number of votes it will receive⁴⁵”. The struggle for power becomes especially visible when the governing party has to rule in coalition. If this happens, “[the coalition government] must include in its policy-set some policies espoused by each party in the coalition. In this manner it “pays off” voters at each cluster in return for their support. [As a result], in the coalition government policies are likely to be less definite and less well integrated⁴⁶”. In my research, I apply this assumption in the following way.

First, following Down’s stance, I recognize that any political party has pragmatic interests of two levels:

⁴² Alexander Wendt. *Social theory of international politics*. Cambridge University Press, 1999 – p.2. Retrieved on 1 June 2009 from: <http://books.google.com/books?id=rsK0ghBUPbQC&printsec=frontcover#PPA2,M1>

⁴³ Kenneth N. Waltz. “Man, the State and War: A Theoretical Analysis”. New York: Columbia University Press, 1959 (Quoted in: Robert D. Putnam. “Diplomacy and Domestic Politics: The Logic of Two-Level Games” In *International Organization*, Vol. 42, No. 3 (Summer, 1988) – p. 430. Retrieved on 1 June 2009 from: <http://www.jstor.org/stable/2706785>

⁴⁴ Robert D. Putnam. “Diplomacy and Domestic Politics: The Logic of Two-Level Games” In *International Organization*, Vol. 42, No. 3 (Summer, 1988) – p. 434. Retrieved on 1 June 2009 from: <http://www.jstor.org/stable/2706785>

⁴⁵ Anthony Downs. “An Economic Theory of Political Action in a Democracy” In *The Journal of Political Economy*, Vol. 65, No. 2 (Apr., 1957), pp. 135-150. Retrieved on 1 June 2009 from: <http://www.jstor.org/stable/1827369>

⁴⁶ Ibid

1. **State level.** Level of interests related to the state in the whole, wherein interests or goals are defined according to the principle of benefit maximization for a *state*.
2. **Inter-party level,** related to political competition between the parties, i.e. the party is most likely to pursue policies which will increase its electoral support.

As the first level of pragmatic interests is more related to an international relations debate, and the second one – to domestic politics, it is important to distinguish between them. An analysis of the Spanish response which takes into account these both levels of pragmatic interests will be especially effective, as it will help show that pragmatic party interests at the domestic level exercise considerable constraints on conducting policies according to European human rights values. Therefore, I will include this second definition of pragmatic interests in the overall scheme of the research, in order to create a full picture of the preference formation of Zapatero's government.

Second, I will use comparative analysis of immigration policies of the Popular Party and Socialist Party governments in order to assess the extent to which Europeanization vs. pragmatic party interests had influenced Spanish Socialist Party in the internal dimension of immigration policies. In order to provide a better structured assessment, I propose the following patterns of how Europeanization influences immigration policies, in the view of limitations imposed by internal political competition.

1. **The “unconditional convergence” pattern: Europeanization as defining factor.** This pattern is ideal in a way that it gives Europeanization the decisive role in the formation of policies of *all* political parties. According to this pattern, the convergence of European human rights values and party ideology through the Europeanization process takes place irrespectively of the political position (left-center-right) of the party. Here, European human

rights values institutionalized in the behavior of political actors so firmly as to form a unique “universal” part of an ideology of every party and thus level up actions of political leaders according to the principle of respect for human rights. The pattern will prove true if factors not related to Europeanization, which will allow arguing in favor of the explanatory power of pragmatic state interests would be “stably negative” in both cases. (E.g. at the time when both governments were in power an increased immigration as a result of improvements in migrants’ rights would bring limited economic benefits and serious security concerns).

2. **The “conditional convergence” pattern: ideological convergence model (ideological domination).** According to this pattern, we observe that the ideology of only a particular party and European ideas of human rights converge. Only the leaders of the party whose ideology initially suggests more opportunities for ensuring rights of immigrants and asylum-seekers (traditionally, left-wing parties) would internalize European human rights ideas in their behavior and pursue liberal immigration policies; right-wing parties, according to this pattern, are less likely to protect the rights of asylum-seekers and immigrants, and in their case the influence of Europeanization will be limited.

3. **The “formal convergence” pattern: interests convergence model (party interest domination).** This pattern looks similar to the first one; the conditionality here lies in the convergence of pragmatic party interests for the two parties governing in different times. By pragmatic interests here I mean party goals related to political competition: staying in power, attracting new allies, widening the electorate. Thus, according to this model, right- and left-wing parties will both have moderate immigration policies in the view of a number of limiting factors which prevent them from conducting immigration policies according to party ideology. Here, only the formal convergence takes place, and it should not be attributed to Europeanization.

These patterns will be useful for the research in the following way.

First, analyzing the internal dimension of immigration policy, I will show that for Zapatero's government, ruling in a coalition, it was important to pursue cautious middle-ground immigration policies. This was necessary in order to satisfy coalition partners and attract more "center" voters. Consequently, in the internal dimension of immigration policy this put limitations on conducting policies according to the Socialist Party ideology, which has historically influenced by European human rights principles more than ideologies of other Spanish political parties.

Second, with the help of the above patterns I will single out an important inconsistency between internal and external immigration policies of the Socialist government, which would call for a thorough analysis of Spanish response from the perspective of pragmatic state interests, associated with foreign and security policy towards the Maghreb⁴⁷.

⁴⁷ See Chapter II, Subsection 2.2.5.

CHAPTER 2 - Spain's opposition to extraterritorial processing in Maghreb and human rights values: a social constructivist account

In the preceding chapter I introduced three patterns of influence of pragmatic interests and European human rights ideas on political actors' decision-making. The aim of this chapter is to test the third pattern which assigns the greatest role to European human rights values. This will be done through an analysis of influence of European human rights values on the ideology of the Socialist Party from the historical perspective (Subsection 2.1.) and a comparative analysis of immigration policies of Popular and Socialist Party governments with the use of the assumptions of domestic politics theory.

2.1. Spanish transition to democracy: Political actors and EC membership as a push for imbedding European human rights values in party ideology

“Spain's prestige abroad is higher now than at any time in the past 200 years⁴⁸”

(Edward Malefakis, 1993)

In Spain, the discourse on the importance of European human rights and rule of law values for the Spanish society dates back as far as the end of the 19th century. It was at that time that a group of Spanish intellectuals, led by a prominent politician, economist and historian Joaquin Costa, began arguing in favor of adoption of *European* liberal, democratic and progressive ideas and values as a means of overcoming a growing marginalization of Spain in international affairs⁴⁹.

During the greater part of the 20th century, this trend of marginalization and aloofness from Europe and then European Community (EC) developed, caused by the fact that Spain

⁴⁸ Edward Malefakis, Remarks at the Conference “Spain on the Eve of the general Elections”, Council on Foreign Relations, New York, May 3, 1993.

⁴⁹ Susan Matrin Marques “Here's Spain Looking at you : Shifting Perspectives of on North African Otherness in Galdos and Fortuny”, in *Arizona Journal of Hispanic Cultural Studies*, Volume 5, 2001; Retrieved on 22 May 2009 from: dialnet.unirioja.es/servlet/fichero_articulo?codigo=2577540&orden=0

did not take part in either of the World Wars and later was ruled by the dictator Francisco Franco up until 1975. As the rest of Europe was constructing a new inclusive identity against its own past, rooted in oppression, nationalism and conflict⁵⁰, Spain was a pariah state with an oppressive political regime and lagged behind its northern European neighbors in terms of human rights protection, respect for fundamental freedoms and the rule of law. Especially up until the 1960s, the distinct features of Spanish ideology were pronounced nationalism and a scorn for democracy⁵¹, and oppressions and serious human rights violations continued up to the mid 1970s⁵².

However, the first signs of a future democratization could be seen in the statements by the members of Spanish government already during the last years of Franco's rule. Spanish Foreign Minister Gregorio Lopez Bravo said in 1970 after signing the Preferential Trade Agreement with the European Economic Community, *"Spain ever attentive to three continents has now taken the decision to plant its roots in Europe: our destiny is worked out. This agreement only represents the first step, but the practical irreversibility of the process is present in everybody's mind, as well as the certainty of the final objective"*⁵³.

Due to the limitations imposed by Franco on the freedom of speech⁵⁴, the 1970-1975 Spanish political discourse did not openly connect Europe with aspirations for democratization, human rights and rule of law developments. In 1975-1985, during the period of transition to democracy following Franco's death, Spanish discourse on EC membership

⁵⁰ Ivfersen, Jan and Kolvraa, Christopher "European Neighborhood Policy as Identity Politics", 2007. Retrieved on 22 May 2009 from: <http://www.unc.edu/euce/eusa2007/papers/ivfersen-j-12b.pdf>

⁵¹ Miguel Ramirez, *Europa en la conciencia española y otros estudios*, Trotta, 1996 – p.67.

⁵² Carols Closa and Paul M. Heywood, *Spain and the European Union*. Palgrave Macmillan, 2004 – p.12.

⁵³ Quoted in Eric N. Baklanoff, *The Economic Transformation of Spain and Portugal*, New York: Praeger, 1978 – pp.74-75.

⁵⁴ Antonio Cazorla-Sánchez. "Beyond 'They Shall Not Pass'. How the Experience of Violence Reshaped Political Values in Franco's Spain" In *Journal of Contemporary History*, Vol. 40, No. 3 (Jul., 2005), pp. 503-520. Retrieved on 22 May 2009 from: <http://www.jstor.org/stable/30036340>

constituted a much deeper commitment to Europe, which was this time not limited to political cooperation, but also reflected Spain's desire to adopt European values of democracy, human rights and political freedoms.

Importantly, during this period a wide spectrum of actors in the Spanish society expressed support for the European integration.

Juan Carlos, the King of Spain proclaimed the pro-European foreign policy course to the Parliament shortly after the end of dictatorship: *"The idea of Europe would be incomplete without a reference to the presence of Spaniards and without the consideration of the activity of many of my predecessors. Europe should reckon with Spain and we Spaniards are Europeans"*⁵⁵. Following Spain's fast developing political cooperation with EC members and application for membership, in his speech at the Council of Europe the King made further emphasis on the idea that *"the unity of Europe and of Europeans is a reality which existed before plans for European Union"*⁵⁶. He underlined the importance of unity of all European countries in "the task of building up Europe", saying that: *"The important thing is that we have decided to take this road and to follow it, all of us together"*⁵⁷.

The discourse on democratization, both in its internal and external dimensions, continued in Spanish politics with the coming to government of the "Union of the Democratic Center" (UCD in Spanish), a center-right coalition and then party under the leadership of Adolfo Suarez. Under Suarez, who pledged for UCD to *"carry out a moderate set of policies in a spirit of service to the whole Spanish people"*⁵⁸, a number of democratic reforms were

⁵⁵ Paul Preston and Denis Smyth. *Spain, the EEC and NATO*. London: the Royal Institute of International Affairs, 1984 – p. 24.

⁵⁶ His Majesty Juan Carlos King of Spain, Speech at the Council of Europe on 8 October 1979. Retrieved on 22 May 2009 from the Official Website of the Council of Europe; <http://www.coe.int/aboutCoe/index.asp?page=nosInvites&sp=juancarlos>

⁵⁷ Ibid

⁵⁸ Jonathan Hopkin "From Consensus to Competition: The Changing Nature of Democracy in the Spanish Transition" in (Ed.) Sebastian Balfour, *The Politics of Contemporary Spain*, Routledge, 2005 – p.17.

indeed carried out, and basic human rights were granted to Spanish citizens and aliens on the territory of Spain in the Constitution, adopted in 1987. Moreover, Suarez gave priority to EC accession⁵⁹, and in 1977 Spain applied for membership.

Notably, Spanish economic elites also expressed support for EC accession⁶⁰. However, their motivations were to a large degree pragmatic. *“I’d like [Spain] to be a part of a better planned, rationalized environment. In this sense, [Europe] can teach us a lot in terms of discipline, to the benefit of the Spanish economy”*⁶¹ - these were the incentives for integration into EC present among Spanish economic elite. For the latter, preferences for democratization and European integration were to a great extent formed by pragmatic interests. Spanish businessmen of the transition period viewed Europe as a symbol of greater opportunities in a liberalized and open market, and an associated increase in profits⁶². They also realized that a full integration into a common market was impossible without democratization as a prerequisite of EC membership⁶³ – hence their support of democratic reforms.

Attitudes of some political actors of the transition, such as Juan Carlos, the King of Spain and the leaders of UCD, were formed both by norms and pragmatic factors. The King was committed to the democratization of the country and human rights developments⁶⁴, but also had to take into account pressures from powerful economic elites which were expecting

⁵⁹ Benny Pollack, *The Paradox of Spanish Foreign Policy*, London: Pinter, 1987 – p.154.

⁶⁰ M. Fatiḥ Tayfur, *Semiperipheral development and foreign policy: the cases of Greece and Spain*, Aldershot: Ashgate, 2003 – pp. 183.

⁶¹ Statement by a representative of Union Comisiones Obreras. Juan Díez Medrano. *Framing Europe: attitudes to European integration in Germany, Spain, and the United Kingdom*. Princeton University Press, 2003 – p.160. Retrieved on 22 May 2009 from: <http://books.google.com/books?id=4eSWI2LGY1sC&printsec=frontcover#PPP13,M1>

⁶² M. Fatiḥ Tayfur, *Semiperipheral development and foreign policy: the cases of Greece and Spain*, Aldershot: Ashgate, 2003 – pp. 183-184.

⁶³ Ibid

⁶⁴ Kenneth Maxwell and Steven L Spiegel. *The New Spain: from Isolation to Influence*. New York: Council on Foreign Relations Press, c1994 – pp 10-14.

business benefits associated with the EC accession and thus pushing for reforms⁶⁵. The same was true for UCD leader Suarez and his political team. The block was initially formed from right-wing parties, many of which were associated with Franco's regime⁶⁶, and largely supported by Spanish economic elites. Though many important democratic reforms were conducted by Suarez' government, and his commitment to democratization was visible, it is important to account to the high degree of influence which Spanish businessmen has on its policies⁶⁷.

For certain political actors, however, the factor of ideology was a decisive one in preferences for democratization. The most prominent example in this group would be the Socialist Party of Spain. During Franco times, the party was banned and most of its leaders were in exile in European countries such as France. However shortly after the end of dictatorship charismatic Felipe Gonzalez managed to revive the party and gradually eliminate Marxist elements from its ideology, re-orienting the party towards Europe and European values of democracy and human rights⁶⁸. In his early career, Gonzalez stated that Western European governments, including the Government of Spain, needed to "*awaken once more the spirit of 1950s, when European unity was an ideal that attracted the energies and enthusiasm of the new generations*"⁶⁹. Furthermore, Gonzalez repeatedly expressed his

⁶⁵ Paul Preston "The Monarchy of Juan Carlos" in (Ed.) Sebastian Balfour, *The Politics of Contemporary Spain*, Routledge, 2005 – p.35.

⁶⁶ José M. Magone. *Contemporary Spanish politics*. New York: Routledge, 2008 – p.16.

⁶⁷ Jonathan Hopkin "From Consensus to Competition: The Changing Nature of Democracy in the Spanish Transition" in (Ed.) Sebastian Balfour, *The Politics of Contemporary Spain*, Routledge, 2005.

⁶⁸ Peter McDonough, Samuel H. Barnes and Antonio Lopez Pina. "Economic Policy and Public Opinion in Spain" in *American Journal of Political Science*, Vol. 30, No. 2 (May, 1986), p.448. Retrieved on 22 May 2009 from: <http://www.jstor.org/stable/2111104>

⁶⁹ Felipe Gonzalez "A New International Role for a Modernizing Spain" in Robert P. Clark and Michael H. Hatzel (Eds.) *Spain in the 1980s: The Democratic Transition and a New International Role*. Cambridge, Massachusetts: Ballinger Publishing Company, 1987 – p.185 (Quoted in: Kenneth Maxwell and Steven L Spiegel. *The New Spain: from Isolation to Influence*. New York: Council on Foreign Relations Press, c1994 – p.41)

aspirations for “*a more humane and solidaristic world*” with reference to foreign policy and human rights⁷⁰.

Thus, for Spanish Socialists more than for any other political party in Spain integration into the EC meant overcoming of separation from Europe and European affairs and an enhancement of Spain’s international image and influence⁷¹. What is most important in the context of this research, Socialists envisaged this process through the commitment to European values of democracy, rule of law and human rights⁷².

This brief analysis of the extent to which the discourse on EC accession during the transition period in Spain reflected principled beliefs of key political actors in the view of pressures exercised by powerful economic elites allows drawing the following conclusions.

1. Spanish political discourse on EC-Spain relations during the first years of the transition period put emphasis on the inclusion of Spain into European political structures, based on the common *historical, geographical and cultural aspects*.
2. The discourse connected a future EC membership with the necessity for internal developments in Spain, namely in the fields of *human rights, liberty and the rule of law*.

The following preliminary conclusions can be drawn in relation to the third theoretical model of pragmatic interests – principled beliefs influence, according to which the greatest influence on Spanish political leaders is attributed to European human rights values.

⁷⁰ Benny Pollack and Graham Hunter. *The Paradox of Spanish Foreign Policy: Spain’s International Relations from Franco to Democracy*. London: Pinter, 1987 – p.196.

⁷¹ Holmes, Peter "Spain and the EEC". In David S. Bell (ed.), *Democratic Politics in Spain: Spanish Politics after Franco*. New York: St. Martin’s Press, 1983 –pp.165-79.

⁷² Esther Barbé "Spain: the Uses of Foreign Policy Cooperation". In Christopher Hill (Ed.), *The Actors in Europe’s Foreign Policy*. New York – pp.109-112; Retrieved on 22 May 2009 from:
<http://books.google.com/books?id=NJZcLCliXgIC&printsec=frontcover>

1. The leader of Spanish Socialist Party Felipe Gonzalez, in contrast to other actors of the transition period, not only supported democratization and human rights developments in his discourse, but also made them a constitutive part of Socialist Party ideology.
2. An important finding is that the ideology of the Spanish Socialist Party had been influenced by Europeanization *since period of transition* to democracy in Spain. Between the mid-1970s when the transition began until 2004 when Spanish Socialist government had to respond to the German proposal, 30 years had passed. Following the social constructivist logic, during this time European human rights values must have been imbedded into the perceptions of PSOE leaders firmly enough to define their actions in a number of policy areas, including immigration and asylum, according to the “logic of appropriateness”⁷³. This allows attributing a greater role to human rights values as a constitutive force for the Spanish response, and assuming at this stage that the fourth pattern may be its correct explanation.

However, the assessment of the model remains incomplete until the policies of Zapatero’s government are analyzed from the perspective of domestic politics, and the role of pragmatic party interests is accounted for. This will be done in the next section through a comparative analysis of immigration policies of left- and right- wing Spanish governments.

⁷³James G. March, Johan P. Olsen *Rediscovering institutions: the organizational basis of politics* Free Press, 1989 – p.761.

2.2 Europeanization or party interests domination: Comparative analysis of asylum and immigration policies of Popular Party (1996-2004) and Socialist (2004-2008) governments

2.2.1. Popular Party (PP): Official discourse on political orientation and ideology

Since the beginning of the 1990s, the PP leader, Jose Maria Aznar, attempted to get rid of the legacy of Francoism, considered by many as a “skeleton in the Party’s cupboard⁷⁴” and position the party in the political center. In his speech in April 1991 he defined the task of the party as to launch “*a common project of democratic renovation*⁷⁵”. The party “centrist” discourse continued as well during the 1996-2000 period, when PP was first in government. In 1999, the party Secretary-General Javier Arenas provided the following description of the political center which according to the official party discourse PP represented: “*It is not the exclusive potion of a party, or equidistance between right and left, or the intermediate zone between liberalism and extreme socialism. It is an attitude of openness contrary to sectarianism*⁷⁶”.

In reference to the spirit of renovation that Aznar was attributing to the PP, during the first period when the party was in power its policies could hardly be described as the ones producing a great deal of renovation of the democratic tradition. Rather, it was a moderate and a cautious policy, to a great extent continuing the one of the previous Socialist government.

In fact, a lot on the way to democratic renovation had been done by the previous Spanish governments of Suarez’s Union of Democratic Center (UCD) and the Socialist Party under the leadership of Gonzales, but a more important point in the explanation of cautious PP policies in the 1996-2000 period would be the distribution of power in the Spanish parliament and government.

⁷⁴ Sebastian Balfour, *The Politics of Contemporary Spain*, Routledge, 2005 – p.151.

⁷⁵ Quoted in: Sebastian Balfour, *The Politics of Contemporary Spain*, Routledge, 2005 – p.152.

⁷⁶ Ibid

2.2.2. Popular Party: Explanation of immigration policy in 1996-2000

When the PP came to power in 1996, it won a number of seats insufficient to form a majority government and thus had to stick to the coalition with smaller parties such as the Catalan “Convergencia I Unio” and the Basque “Partido Nacionalista Vasco”. In order to keep these important allies in the government coalition, PP had to pursue moderate and pragmatic policies not only in the two communities that these parties represented, but also more generally. In addition to that, the opinion polls during the 1996-2000 were continuously suggesting that the Socialist Party was overtaking the PP by almost five percent⁷⁷. Thus, in order to win the center vote PP had to stick to more moderate and even “leftist” policies in a number of areas.

The impact of all the above factors on the immigration policy was that by the end of the PP’s first term in government, a very liberal immigration law was introduced in Spain, *Organic Law 4/2000 on the Rights and Liberties of Foreigners in Spain and their Social Integration*. According to Monclus, “the law [reflected] willingness towards social integration much clearer than the old law and [provided] the maximum leveling of rights between nationals and foreigners⁷⁸”. The law provided in the Article 3.1. that “*Foreigners will enjoy the same rights and freedoms recognized by the Title I of the Spanish Constitution in the terms established by the International Treaties. [...] Foreigners will exercise the rights recognized in this Law on equal conditions with Spaniards*” and further stated that in the Article 3.2. that “*The rules related to the fundamental rights of foreigners will be interpreted*

⁷⁷ Jose Ignacio Wert ‘Opinion Publica. Encuestas y elecciones 1996-1999’ in Javier Tussel (Ed.) *El gobierno de Aznar. Balance de una gestion*, 1996-2000. Barcelona : Critica, 2000, pp.221-222.

⁷⁸ Marta Monclus, “La gestion penal de la inmigracion. El recurso al sistema penal para el control de los flujos migratorios”. Thesis doctoral Universitat Barcelona, 2005 – p.390 (Quoted in: Cristina Fernandez Bessa and Jose Maria Ortuno Aix, *Spanish Immigration Policies and Legislative Evolution in that Field as a New Exceptional Framework*, 2006 - p.10; Retrieved on 22 May 2009 from: <http://www.libertysecurity.org/article964.html>)

*in conformity with the Universal Declaration of Human Rights and the International Treaties and Agreements on this subject currently in force in Spain*⁷⁹”. Thus, the law was indeed very liberal, granting foreigners in Spain the same basic rights and freedoms as nationals and obliging officials from all three branches of power to interpret these laws in accordance with international human rights treaties. The law was a result of the consensus of all political parties except for PP itself – however, in the view of the upcoming elections and the above mentioned fact that the Socialists seemed to be overtaking PP according to opinion polls, Aznar’s administration had to provide its agreement to the introduction of the law.

2.2.3. Back to ideological roots?

Explanation of Popular Party immigration policy reforms in 2000 – 2003

A shift in the immigration policy of Aznar’s administration occurred when the PP won the majority of seats in the Parliament during the 2000 elections and formed the majority government without participation of smaller political parties with ideologies and preferences different from those of PP. As the need to agree policies with coalition partners no longer existed, PP policies started revealing right-wing tendencies soon after the party won the elections in 2000, which was clearly visible in the immigration policies. Especially explicit was the distinction which Aznar’s government drew between legal and illegal immigrants in granting basic rights. As the Prime Minister said, *“It is one thing to have to solve the problem of illegal immigration... but to give the same rights to both legal and illegal immigrants, that is something unthinkable*⁸⁰”. Below I will show how this position was reflected in the legislation on immigration under Aznar’s government in 2000-2004.

⁷⁹ Ley Organica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, Art. 3.1. – 3.2.

⁸⁰ “Spain Tightens Immigration Law” in ICARE – Internet Center Anti-Racism Europe; NEWS - Archive for January 2001, Headlines January 23, 200; Retrieved on 22 May 2009 from: <http://www.icare.to/archivejanuary2001.html>

The *Organic Law 4/2000 on the Rights and Liberties of Foreigners in Spain and their Social Integration* was reversed immediately, and the new *Organic Law 8/2000* was introduced on December 22. As Mr. Obreras, the President of the Commission of European Policies at Social Integration Forum put it, the reform law “*reduc[ed] the rights, and also the possibilities for regularization, and threaten[ed] the immigrants again with expulsion*”⁸¹. The new law made exercise of certain basic civil rights, such as the right to assembly (Article 7.1), right to association (Article 8), right to unionization and strike (Article 11), and right to free legal assistance (Article 22) conditional to being a regular immigrant⁸². Moreover, the Law 8/2000 toughened the conditions for regularization itself (in order to get a temporary residence permit, according to the Law 4/2000 2 years was necessary, according to the Law 8/2000, the time period was changed to 5 years), widened the conditions for expulsion and facilitated the expulsion procedure (Article 57.1) and, in connection with the latter, introduced detention centers for foreigners, providing that foreigners can be detained for “preventive reasons”, with the possibility of migrants being held in detention pending the issuance of an expulsion order once the proceedings have been initiated (Article 58)⁸³.

Later Aznar’s government reformed the law again two times. The first reform resulted in the Organic Law 11/2003 from 11 September 2003, facilitating the expulsion of immigrants who committed an offense⁸⁴, and the second one was reflected in the Organic Law 14/2003 from 24 November 2003, which “tri[ed] to make more effective the procedure

⁸¹ Quoted in: Cristina Fernandez Bessa and Jose Maria Ortuno Aix, *Spanish Immigration Policies and Legislative Evolution in that Field as a New Exceptional Framework*, 2006 - p.13; Retrieved on 22 May 2009 from: <http://www.libertysecurity.org/article964.html>

⁸² Ley Organica 8/2000, de 22 de diciembre, de reforma de la Ley Organica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en Espana y su integracion social.

⁸³ Ibid

⁸⁴ Ignacio Munagorri “La imagen del delito y del delincuente a partir de las nuevas politicas e ideologias sobre la seguridad” in C. Manzanos (Ed.) *Servicios Sociales y Carcel. Alternativas a la actual cultura punitive*, Salhaketa, Gasteiz, 2005 - pp.9-22 (Quoted in: Cristina Fernandez Bessa and Jose Maria Ortuno Aix, *Spanish Immigration Policies and Legislative Evolution in that Field as a New Exceptional Framework*, 2006 - p.18; Retrieved on 22 May 2009 from: <http://www.libertysecurity.org/article964.html>)

of deportations and returns, legitimiz[ed] the centers of detentions for foreigners, limit[ed] migrants' right to family unity and cancel[ed] the possibility of regularization in case of continuous stay in the country⁸⁵”.

Briefly summarizing the above, it cannot be convincingly argued that it was due to the Europeanization process affecting PP ideology that it, being a right-wing party, agreed to adopt a very liberal immigration law. Explanations to this step lie in PP's pragmatic interests. The party needed to stay in power and by winning the center-left voters' support, form a majority government during its next term in power. Here we see a reference to the definition of “pragmatic interests” as domestic politics theory puts it – this time in relation not to the state, but to a political party.

2.2.4. Immigration policy of the Socialist Party government (2004-2008)

In 2004, the Socialist government of Jose Luis Rodriguez Zapatero came to power. Having appeared in the situation very similar to that of PP in 1996, the Socialist Party was 12 seats short in order to form an absolute majority in the Parliament and had to form a coalition government with support of the “United Left” block and the “Republican Left of Catalonia”. Similarly to the Aznar's administration during its first term in power, Zapatero's minority government, though making radical changes in foreign policy (withdrawal of troops from Iraq and a general foreign policy shift from Atlanticism to Europeanism), pursued a rather moderate immigration policy.

Importantly, laws on immigration were not reformed radically by the Socialists. The government merely introduced the regulations for the implementation of the Organic Law

⁸⁵ Marta Monclus, “La gestion penal de la inmigracion. El recurso al sistema penal para el control de los flujos migratorios”. Thesis doctoral Universitat Barcelona, 2005 – p.390 (Quoted in: Cristina Fernandez Bessa and Jose Maria Ortuno Aix, *Spanish Immigration Policies and Legislative Evolution in that Field as a New Exceptional Framework*, 2006 - p.18; Retrieved on 22 May 2009 from: <http://www.libertysecurity.org/article964.html>)

14/2003, and the Royal Decree 2393/2004 later put these regulations into force. Basically, the aim of the law was to “give priority to legal immigration and pursue more efficiently illegal immigration, fighting the black economy⁸⁶”, and the decree failed to answer the question on the fate of regularized immigrants, once they fall out of regular status when their permits expire⁸⁷. However, Zapatero, who promised to “*govern for all with respect and with humility*⁸⁸”, made a favorable step towards immigrants, announcing one of the biggest regularizations in Spanish history, with the number of planned immigrants to be regularized amounting to 800, 000 people⁸⁹. In 2004 the party was planning, and in 2005 undertook a large-scale regularization of illegal immigrants, with 640,000 out of 800,000 applicants receiving work and residence permits⁹⁰.

Thus, generally under Zapatero’s government significantly more liberal immigration policy was pursued. However, as it has been mentioned in relation to the reform of immigration laws, there are smaller, but still interesting points of convergence between immigration policies of PP and Socialist governments.

2.2.5. Similarities in internal immigration policies of Aznar and Zapatero’s governments: pragmatic party interests as a point of convergence

Interestingly, internal immigration policies of the two governments did not differ from each other to the extent that would be expected from a right- and left-wing party.

⁸⁶ Cristina Fernandez Bessa and Jose Maria Ortuno Aix, *Spanish Immigration Policies and Legislative Evolution in that Field as a New Exceptional Framework*, 2006 - p.22; Retrieved on 22 May 2009 from: <http://www.libertysecurity.org/article964.html>)

⁸⁷ Amanda Levinson “Why Countries Continue to Consider Regularization”, September 2005 in *Migration Information Source*; Retrieved on 22 May 2009 from: <http://www.migrationinformation.org/Feature/display.cfm?id=330>

⁸⁸ “Spain’s New Government: Waking up to Reality”. In *The Economist*, 29 April 2004; Retrieved on 22 May 2009 from: <http://elkarri.org/en/pdf/economist-april24.pdf>

⁸⁹ “Spain is opening EU’s doors to illegal immigrants”, 4 February 2005 in *EurActiv.com*; Retrieved on 22 May 2009 from: <http://www.euractiv.com/en/security/concern-spain-opening-eu-doors-illegal-immigrants/article-135045>

⁹⁰ Juan Dolado “The Spanish approach to immigration”, 29 June 2007, Retrieved on 22 May 2009 from Vox Research Center Online: <http://www.voxeu.org/index.php?q=node/332>

First, worth paying attention to is the fact that immigrant regularizations were taking place under Aznar's government as well as under Zapatero's one. In 2001, PP government introduced the law awarding residence permits to immigrants who could prove they had been living and working in the country before January 23, 2001. As had been argued in newspapers, the idea of regularization coming from a right-wing government was not surprising, as the *"nation that, until recently, was used to massive emigration has suddenly discovered it needs new workers. The laws of supply and demand have worked faster and more efficiently than the laws of the land"*⁹¹. Here we can clearly see the influence of pragmatic interests on the state level - the need of Spanish economy for new workers. Policy preferences on how to achieve this goal were defined partly by rational choice, as regularization was the easiest way to play a catch-up with the number of illegal migrants already present in the country, and partly according to the party ideology (as PP was a right-wing party, regularizations did not amount to the numbers under Zapatero's left-wing government).

Second, despite the wide-spread criticisms of immigration laws introduced under Aznar and an approval of Zapatero's regulations for the implementation of the Organic Law 14/2003, they were basically aiming at the same thing – favoring legal immigration versus the illegal one. Both governments clearly shared the idea of fighting the black economy and getting as much benefits as possible out of immigration. However, the means that the two governments were using to achieve this goal appeared to be different: under Aznar, fighting the black economy was exercised by severely curtailing the rights of illegal immigrants, accompanied by medium-range regularizations, and under Zapatero it was done through the improvements of the rights of immigrants together with large-scale regularizations.

⁹¹ Giles Tremlett, "Asylum in Spain" in *The Guardian*, 10 September 2001; Retrieved on 22 May 2009 from: <http://www.guardian.co.uk/uk/2001/sep/10/immigration.immigrationandpublicservices1>

In relation to the three suggested patterns of how Europeanization influences immigration policies, (unconditional, ideological and formal convergence), these findings suggest some interesting conclusions:

1. The above comparative analysis allows saying that the process of Europeanization in the field of asylum and immigration policy in Spain was not “universal” and didn’t affect all political actors in the same way (which rightly allows saying that immigration policies of a left-wing government were more affected by Europeanization, but still rejects the “unconditional convergence” model and suggests that influence of the Europeanization process on Zapatero’s immigration policy was not absolute). Thus, out of the three patterns the first one of “unconditional convergence”, where the influence of Europeanization is the greatest needs to be rejected. In terms of ideological influence of Europeanization the second pattern one appears to be more acceptable - the one of “conditional convergence”, when the party whose ideology is initially closer to liberalism towards immigrants’ rights adopts European human rights values to a greater degree.
2. For a short time, pragmatic party interests (widening the electorate, expanding political influence and attracting new or preserve important old political allies) may define its immigration policies in their internal dimension. This argument is especially relevant in case the party in question rules in a coalition government, as it happened both with Aznar and Zapatero’s governments in 1996 and 2004 respectively. For both these leaders, the need to stabilize weak government coalitions, as well as to attract a greater number of votes from a moderate part of the population resulted in pursuing moderate immigration policies. However, forming a majority government in 2000 resulted in PP acting on a more ideological basis, tightening laws on immigration.

3. An internal dimension of Zapateos' government immigration policy of in 2004 could be characterized according to a mixed "ideological convergence" and "formal convergence" pattern. First, immigration policy under Socialists indeed showed a greater convergence with European human rights values than under the Popular Party (ideological convergence). Second and most important, in terms of laws on immigration and granting the rights to immigrants who already arrived to Spain it converged with the policies of Aznar's government due to similar pragmatic interests (formal convergence).

In terms of the social constructivist – rational choice debate the following conclusions should be drawn:

1. The third model of pragmatic interests – human rights ideas influence on the response of the Spanish government should be rejected. The effect of Europeanization in the field of human rights on immigration policies of the Socialist government was severely limited by internal political competition and power limitations in the coalition government.
2. In the internal dimension, imitations imposed by domestic political competition resulted in moderate immigration policies, and the legislation violating immigrants' rights was not radically reformed. Why then in the external dimension the Socialist government take such a strong opposing stance opposing the German proposal? This inconsistency suggests analyzing the response from rational choice perspective in order to find out possible state interests which were underlying it. Thus, in the third chapter the first and second models which attribute more power to pragmatic start interests will be tested.

CHAPTER 3 - Pragmatic state interests and the Spanish response to extraterritorial processing in Northern Africa: a rational choice institutionalist account

The aim of this chapter is to test the first and second patterns within the social constructivism-rational choice debate. Reminder for the reader: According to the first pattern, invoking human rights in the Spanish response was purely instrumental to the achievement of self-interested goals. The leaders of Spanish government were acting according to the logic of consequentialism and invoking human rights ideas only in order to hide pragmatic interests which underlay their response. The second pattern attributes a combined role both to European human rights values and self-interested goals in the formation of Spanish response. According to this pattern, European human rights values that the Spanish government was mentioning in its response were not purely instrumental, but played a constructive role together with pragmatic state interests.

3.1. Pragmatic state interests factor: Importance in the explanation of inconsistencies in Spanish internal and external immigration policy under Zapatero's government

As it has been stated in the previous chapter, in 2004 when Zapatero's government had to respond to German proposal on extraterritorial processing, the Socialist party, due to the election results, had to govern in minority and, as Zapatero stated the next day after March 2004 elections, "*negotiat[e] accords on each issue with other parliamentary groups*"⁹².

This, as the previous chapter has shown, consequently led to certain limitations on conducting policies characteristic to party ideology. In other words, in an unstable minority

⁹²The Electoral Knowledge Network: Spain, 2004 general elections; Retrieved on 25 May 2009 from: <http://aceproject.org/regions-en/other/ES>

government the ruling Socialist party could not afford not consulting with its partners, who were securing the majority votes in the Parliament on important issues in question. The need to take into consideration the opinion of all parliamentary groups which were part of the minority government, as well as to secure the favorable vote of the majority of the population, led to moderate, middle-way policies in a number of areas, immigration being one of the most prominent examples⁹³.

Thus, in internal immigration policy pragmatic *party* interests prevented Zapatero's government from conducting more liberal policies towards immigrants, characteristic to its ideology, influenced by Europeanization⁹⁴.

It is important to understand that the same internal power limitations resulting in a more moderate immigration policy at home existed for the Zapatero's government in external immigration policies. Direct and tough policy responses in this field provided a greater risk for the Socialist party to lose support of certain political groups, as well as of a number of voters with moderate, "center" views. Interestingly enough, however, cautious immigration policies were characteristic to Zapatero's government only in their internal, "home" dimension.

The response of the Zapatero's government to the German proposal which represented a new approach in the *external* dimension of EU asylum and immigration policy was very direct and firm and reflected a significant concern for human rights of immigrants and asylum seekers⁹⁵. This, very much unlike internal immigration policy, did not seem to reflect the same concerns of the Socialist government about power distribution and domestic political competition. Which factor provoked this discrepancy then?

⁹³ See Chapter II, Subsections 2.2.4 -2.2.5

⁹⁴ See Chapter II, Subsection 2.1.

⁹⁵ See Introduction

The Spanish response to the German proposal appears to reflect European human rights values to a much greater extent than they are reflected in its internal policies, while internal power limitations in the minority government are the same. This means that the defining factor for this difference is neither the effect of Europeanization in the field of human rights protection, as the social constructivist approach suggests, nor pragmatic *party* interests, which act as an intervening variable. Therefore, following the outlined theoretical debate, the first and second patterns of pragmatic interests – principled beliefs influence, which assign the decisive role to the former will be assessed in this chapter.

3.2. Spanish opposition to the German proposal and the role of pragmatic interests: a special reference to North Africa

Before proceeding with the analysis of the role of pragmatic state interests in the formation of Zapatero's government response to German proposal on extraterritorial processing, the reader needs to be reminded on where exactly the centers were proposed to be established.

Out of the three regions generating the biggest inflow of immigrants, Latin America, Eastern Europe and North Africa⁹⁶, the German proposal concentrated solely on the latter. As was stated in the text of the proposal itself, the “reception facilities” were to be established in “North Africa”⁹⁷, without, however, any substantial clarification on the names of the potential hosting countries. Later at the EU informal Justice and Home Affairs Council Algeria, Libya, Mauritania, Morocco and Tunisia were suggested as potential migrant camps. As the

⁹⁶Migration and Asylum: Annual report on Europe, 2003 – p.6; ; Retrieved on 25 May 2009 from: http://ec.europa.eu/justice_home/doc_centre/asylum/statistics/docs/2003/2003_annual_statistics_report.pdf

⁹⁷ “Effektiver Schutz fuer Fluechtlinge, wirkungsvolle Bekaempfung illegaler Migration — Ueberlegungen des Bundesministers des Innern zur Errichtung einer EU-Aufnahmeeinrichtung in Nordafrika”, German Interior Ministry written press statement, 9 Sept. 2005 – p.1; <http://www.proasyl.de/texte/mappe/2005/104/8.pdf>. (Translation mine)

⁹⁹ Peter A.Hall and Rosemary Taylor “Political Science and the Three New Institutionalisms” in *Political Studies*, 44:5, p. 944-945.

response of Zapatero's government was firmly negative, the rational choice approach would explain it in the following way: a cost-benefit calculation by the Spanish government suggested that the maximum benefit for the state would be obtained in case the proposal was rejected⁹⁹. If this strategic calculation indeed took place, we need to find out which pragmatic interests it had been based on. In order to answer this question, let us first take a look at the geographical, historical and cultural links between Spain and North Africa, geopolitical benefits that the Spanish government saw in the cooperation with this region, and the possible reductions in these benefits for Spain in case the German proposal is implemented.

3.3. Bilateral level: Spanish acceptance of the German proposal and its effect on relations with Morocco

Historically, Northern African and South-Western European countries have close historical, geopolitical and cultural ties. What constitutes an important link between these two regions is the colonial experience and the resulting post-colonial close "special relationships", which exist between the two sides: France's relations with Algeria, Morocco and Tunisia; Italy's relations with Libya; Spain's relation with Morocco¹⁰⁰. As Haddadi puts it, "all these [relationships] together underline the fact that the region is indeed involved in a "mature" historical and geopolitical interaction¹⁰¹".

Though Spain maintained rather successful bilateral relations with countries such as Algeria and Tunisia, only the relation with Morocco can indeed be called "special". Historical and cultural links between the two countries, present since the establishment of the Spanish protectorate over a part of Morocco's territory in 1912, have been maintained in an intense

¹⁰⁰ Said Haddadi "The Western Mediterranean as a Security Complex: A *liaison* between the European Union and the Middle East?", November 1999 – Jean-Monnet Working Paper n° 24; Retrieved on 25 May 2009 from: <http://www.fscpo.unict.it/EuroMed/jmwp24.htm>

¹⁰¹ Ibid

bilateral relationship, constantly reinforced by Spain. Signing the 1983 Fisheries Agreement and the 1991 Friendship, Cooperation and Good Neighborliness Agreement, the latter aimed at “the proliferation and intensification of common ties and interests [with the objective of] eas[ing] tensions and facilitate[ing] fluid and stable relations¹⁰²”, as well Morocco being the first official destination on the agenda of Spanish Prime Ministers Gonsalez, Aznar and Zapatero since 1982¹⁰³ are only some of numerous examples that confirmed the priority that Spain was giving to its bilateral relation with Morocco. Clearly, Morocco has been a “bridge” between Spain and North Africa, a country crucial to the enhancement of Spanish role in the Mediterranean, as well as to gaining recognition and support of Spanish foreign policy course among the Arab countries, which have been increasingly influenced by other European states, such as for instance France.

Having said all the above, it is necessary to mention, however, that Spanish-Moroccan relations could not always be called perfect. Spain’s foreign policy towards Morocco was changing depending on the party in power, the tensest periods being the times when the right-wing PP was ruling in majority government, which last happened in 2000-2004.

Since 2000, when the PP formed a majority government, its policies towards the Maghreb increasingly reminded of a pre-1983 strategy of successive alignments with Algeria and Morocco, the only difference being that instead of these successive alignments the PP was explicitly supporting bilateral relations with Algeria at the expense of partnership with Morocco. In 2002, when the Friendship, Cooperation and Good Neighborliness Agreement was signed with Algeria, the Spanish-Moroccan relations were at their lowest point since the

¹⁰² José María López Bueno “For More Realistic and Efficient Spanish-Moroccan Relations” ARI 73/2004 - 4/5/2004; Retrieved on 25 May 2009 from: http://www.realinstitutoelcano.org/wps/portal/rielcano_eng/Content?WCM_GLOBAL_CONTEXT=/Elcano_in/Zonas_in/Europe/ARI+73-2004

¹⁰³ Dr. Jordi Vaquer i Fanes “What is left of Spain’s global approach towards the Maghreb?” – p.6; Retrieved on 25 May 2009 from: <http://www.idec.gr/iier/new/EN/Vaquer%20-%20Article%20Rethimnon.pdf>

announcement of the “global approach” strategy in 1983, as the two countries successively occupied the Perejil Island¹⁰⁴, a small rocky area 200m off the Moroccan shore in the Strait of Gibraltar, with a contested international status and in a joint use by Morocco and Spain¹⁰⁵. Though Spanish Foreign Minister Ana de Palacio stated that “*the aim of the Spanish government [was] to re-establish the rule of law, to return to the status quo which existed before the 11 July and [to establish] frank and constructive dialogue with Morocco*”¹⁰⁶, this did not at all improve Spanish-Moroccan relations, the situation remaining tense until Zapatero’s Socialist government came to power in 2004.

The Perejil island was not the only incident contributing to growing tensions between Morocco and Spain during 2000-2004 period, when the PP was governing in Spain in an absolute majority and, consequently, pursued policies more in accordance with party interests (see Chapter II, subsection 2.4.), which, as it had been mentioned above, were historically associated with supporting Algeria in the view of “cooling-down” in relations with Morocco. Shortly after the PP formed the majority government, the most problematic moments in the bilateral Spanish-Moroccan relations began to be heated up by politicians and the mass-media.

First and most importantly, Spanish-Moroccan territorial disputes did not stop with the withdrawal of Spanish commandos from the Perejil Island, and the incident was perceived from both sides as an alleged possibility of a conflict over Ceuta and Melilla, the two Spanish enclaves in the Northern African part of Mediterranean. As Moroccan Foreign Minister

¹⁰⁴ Isambard Wilkinson and Philip Delves Broughton “Spanish armada retake Parsley Island” in *Telegraph.co.uk* 18 Jul 2002; Retrieved on 25 May 2009 from: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/morocco/1401805/Spanish-armada-retake-Parsley-Island.html>

¹⁰⁵ “Spain withdraws after island deal” in *CNN.com – World*, July 20, 2002; Retrieved on 28 May 2009 from: <http://archives.cnn.com/2002/WORLD/europe/07/20/morocco.spain/>

¹⁰⁶ Andre Vornic “Spaniards back Perejil military action”, 17 July, 2002 in *BBC News, World Edition*; Retrieved on 28 May 2009 from: <http://news.bbc.co.uk/2/hi/europe/2134265.stm>

Mohammed Benaissa said, *"Sooner or later, we must confront this [Ceuta and Melilla] subject. Spain says it has a treaty, but it is a treaty of occupation [... and you] can change it"*¹⁰⁷. This statement by Moroccan Foreign Minister explicitly showed the degree of tension between the administrations of two countries, which never existed to this extent before the PP in the majority government started exercising rigid foreign policy towards Morocco.

Important as the territorial disputes are, they were not the only dimension on which Spain clashed with Morocco when the PP was in power. In 2001 the two-year negotiations on a new EU-Morocco fisheries agreement, which would extend the right of the EU and, consequently, Spanish vessels, to fish in the Moroccan waters, resulted in a failure. Moroccan Minister for Fisheries clearly stated that *"everything is negotiable except the renewal of the agreement"*¹⁰⁸, stressing out the importance for Morocco to develop its own fisheries industry and prevent the exhaustion of its fish stocks by the EU fishermen. In response to this, Spanish Prime Minister Joze Maria Aznar warned that *"there would be consequences in the relations between Morocco and Spain because of Morocco's unacceptable attitude"*¹⁰⁹.

And consequences followed indeed, as Spain, as it has been already shown above, started pursuing more rigid policies towards Morocco in relation to territorial disputes and immigration issues. However, an important point to note here is that it was not only Morocco that was suffering the consequences – it was the Spanish relations with Morocco which started to deteriorate due to Aznar's unbalanced foreign policy.

¹⁰⁷ "Spain-Morocco conflict may be resolved this weekend" in *Associated Press*, News Reports, July 20, 2002; Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1P1-54615149.html>

¹⁰⁸ "EU-Morocco Fishing Agreement"; Retrieved on 28 May 2009 from: European Institute for Research on Mediterranean and Euro-Arab Cooperation, Official Website; <http://www.medeia.be/index.html?page=2&lang=en&doc=764>

¹⁰⁹ *EL Pais*, 18 May 2001 (Quoted in: Richard Gillespie "'Spanish Politics and the Mediterranean'" in (Ed.) Sebastian Balfour, *The Politics of Contemporary Spain*, New York: Routledge, 2005 – p.208)

Generally, “a diplomatic failure of Aznar's policy toward Morocco¹¹⁰,” was recognized by both sides. Unresolved bilateral problems, such as an unratified fisheries agreement, growing issues associated with illegal immigrants, drug smuggling and human trafficking, and an uncertain and tense situation over the Perejil Island and the enclaves of Ceuta and Melilla signified important negative developments in the Spanish-North African relations as a whole.

The Socialist government which changed Aznar’s administration in 2004 switched the course of Spanish-Moroccan relations towards the pre-2000 strategy of goodwill gestures and bilateral cooperation. Zapatero described Aznar's foreign policy [towards Morocco] as a "resounding failure" which had "humiliated" Spain¹¹¹, going on to say in relation to the Fisheries agreement that Spain had *"ceased to be a power in fishing thanks to Mr Aznar's policy"*. Moreover, while Aznar was still in government, Zapatero was paying frequent unilateral visits to Morocco, where he was received with state honors, with Moroccan state media *“describe[ing] him as the next leader of Spain and welcome[ing] his visits as gestures of goodwill”*.

Once in government, Zapatero pledged to maintain *"magnificent relations"* with Morocco¹¹² and chose the kingdom as the first destination in the official capacity of a Prime Minister. Moroccan King Mohammed VI and Spanish King Juan Carlos immediately commented on the visit as a commitment to *"[....] build[ing] strategic partnership in all*

¹¹⁰ "Spain Morocco" In *Associated Press: Worldstream*. 2002. Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1P1-54615901.html>

¹¹¹ Here at seq. in this paragraph: “Morocco visit divides Spain” *BBC News, Europe*, 17 December, 2001. Retrieved on 28 May 2009 from: <http://news.bbc.co.uk/2/hi/europe/1714398.stm>

¹¹² Rodriguez Zapatero foresees Spain's estrangement from US." *Xinhua News Agency*. Xinhua News Agency. 2004. . Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1P2-16543055.html>

*fields at the service of the two neighboring and friend countries and of the traditional friendly ties binding the two peoples*¹¹³”.

The actual policies of the Socialist government towards Morocco were in basic accordance to Zapatero’s discourse prior to and after an appointment as a Prime Minister. The new fisheries agreement, though involving a controversial idea of fishing in the waters of Western Sahara, was concluded¹¹⁴ and the tensions over Ceuta and Melilla seemed to be mitigated. Zapatero said he was “*determined to clear the air and create a new mood [in relations with Morocco]*¹¹⁵”, and to a high degree was following these promises.

Now let us have a look at how these newly established, but still fragile friendly relations with Morocco would be changed in case Spain accepted the German proposal for migrant camps in North Africa, and how it would affect Spanish image and state interests in relation to Morocco and the region in the whole.

For Morocco, migrant camps on its territory would constitute origins of social instability, a potential rise in crime and, even if most of the funding comes from the EU, unplanned expenses from the state budget. Spanish image, already seriously damaged by Aznar’s government, would be completely undermined in case Spain accepted the German proposal. Spanish “yes” to migrant camps would mean to Morocco that all rhetoric on “*open[ing] an era of good relations, [which is] priority for the government*¹¹⁶” that Zapatero

¹¹³ “Morocco, Spain hail relations following Zapatero visit.” *Al Bawaba*. Al Bawaba (Middle East) Ltd. 2004. . Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1P2-10821456.html>

¹¹⁴ “Commissioner Borg welcomes a new fisheries partnership agreement with Morocco” 28 July 2005. Retrieved on 28 May 2009 from Official Website of the European Commission: http://ec.europa.eu/fisheries/press_corner/press_releases/archives/com05/com05_38_en.htm

¹¹⁵ Marlise Simons. “Zapatero's first stop: Morocco Spanish leader pledges to bolster cooperation on terrorism.” *International Herald Tribune*. 2004. Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1P1-93852029.html>

¹¹⁶ Daniel Woolls, Associated Press Writer. “Spain and Morocco Put Aside Differences.” *Associated Press Online*. 2004. Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1P1-92615971.html>

was pursuing was fake. From Moroccan side, it would lead to even more rigid policies towards Spain than during Aznar's administration, and Spanish state interests would suffer significantly in a number of areas.

First, the economic side of relations between the two countries would bring disadvantages to Spain, the prospects for a new fisheries agreement moving into an undefined future. In case Spain accepted the German proposal, to Morocco it would signify the unwillingness of Spanish government to take into account the former's efforts in preventing illegal immigration, as well as its interests in local and region security. Thus, Morocco would be reluctant to negotiate a new fishing agreement, and this would be prompted not only by pure economic interests, as the agreement would most likely be concluded on unfavorable terms for Morocco¹¹⁷, but would also constitute a diplomatic gesture of protest against Spanish support for the establishment of migrant camp on its soil.

Second, in the view of the possible Spanish-Moroccan tensions over migrant camps, old territorial disputes on Ceuta and Melilla would be heated up. If Aznar's rigid policies towards Morocco, including immigration ones, resulted in the tensions over a tiny Perejil island, what could be predicted in relation to the two Spanish enclaves in case a much tougher "reception facilities" policy would be implemented on Moroccan territory? Though facts do not allow definitively predicting a bilateral military conflict, the tensions between the two sides will be higher than before – and this definitely was not something Zapatero was aiming for, as was shown in the analysis of Socialist Party discourse.

The next subsection will explore the effect of Spanish acceptance of the German proposal on the relations with the Arab world in a greater depth, and especially in relation to Spanish "global approach" strategy towards the Maghreb.

¹¹⁷ "EU/Morocco: Fisheries Agreement not up for Renewal." *European Report*. Europolitics. 1998. Retrieved on 28 May 2009 from HighBeam Research: <http://www.highbeam.com/doc/1G1-53412382.html>

3.4. Regional level: Spanish acceptance of German proposal and its effect on policy towards Maghreb and the “Global approach” strategy

For Spain especially, maintaining and increasing influence in the Mediterranean has been crucial to overcoming the trend of isolation from global and European international affairs, which dominated its foreign policy since the end of the 19th century up until the beginning of 1980s. It was since the latter period that Spain started intensively developing its cooperation with North Africa.

Despite Morocco being a country of primary interest for Spain, these visible Spanish preferences needed to be counterbalanced by diplomatic gestures and multilateral strategies towards other North African countries, such as Algeria and Tunisia. Therefore, in 1983, shortly after the Socialists first came to power in the after-Franco Spain, the doctrine of “global approach” to the Maghreb was announced. The approach was based on four main pillars: the establishment of good and intensive relations with the governments of Morocco, Algeria and to some extent Tunisia, creation of a “common interests buffer” linking Spain to the aforementioned countries in a number of areas and thus diminishing the possibility of a bilateral conflict; support for regional reconciliation, especially between Morocco and Algeria over the issue of Western Sahara, and the use of EU instruments (in particular EU Neighborhood Policy) for the objective of development of a “global policy” towards Maghreb¹¹⁸.

Importantly, the approach was taken as one of foreign policy priorities by the Spanish government, and resulted, especially in the 1983-2000 time period¹¹⁹, in a number of favorable diplomatic gestures and bilateral agreements, mediation efforts in the Western Sahara conflict between Morocco and Algeria, as well as an increase of investments in the

¹¹⁸ Ibid

¹¹⁹ The time when either the Socialist Party was governing in majority (1982-1996) or the PP in minority (1996-2000).

region, both state and the EU ones, through the Euro-Med Partnership programme. In the field of immigration, the first steps to the constructive dialogue were made in the course of the Barcelona process, a continuation and a refinement of the “global approach” with the help of EU instruments¹²⁰, which focused, among other foreign policy fields, on the “fight against terrorism, drug trafficking, international crime and corruption”¹²¹.

An important point to mention here is that the approach was established partly in order to overcome unilateral Spanish alignments with Algeria and Morocco, provoked by internal political competition between the Socialist and center-right parties. Socialists were historically more aligned with Morocco, while center-right parties more supportive of Algeria, which was most of all visible in party support of the respective country in Moroccan-Algerian competition for a dominant role in Maghreb, especially in relation to the territorial dispute over Western Sahara¹²².

The Spanish “global approach” was created by the Socialist Party and announced as a “*global policy, not a policy of balance, a policy of collaboration, not confrontation, and one of non-interference in the internal affairs of other countries*”¹²³, a policy aimed at a “fair” and equal partnership both with Morocco and Algeria and a balanced approach to the North

¹²⁰ “The Euro-Mediterranean Partnership”; Retrieved on 29 May 2009 from Official Website of the European Commission, http://ec.europa.eu/external_relations/euromed/index_en.htm

¹²¹ Final Declaration of the Barcelona Euro-Mediterranean Ministerial Conference of 27 and 28 November 1995 and its work programme. Summary in the Official Website of the European Commission: <http://europa.eu/scadplus/leg/en/lvb/r15001.htm>

¹²² Dr. Jordi Vaquer i Fanes “What is left of Spain’s global approach towards the Maghreb?” – p.3-4; Retrieved on 28 May 2009 from: <http://www.idec.gr/jier/new/EN/Vaquer%20-%20Article%20Rethimnon.pdf>

¹²³ Oficina de Informacion Diplomatica 1983 “Contestacion formulada por el Gobierno en relacion con la pregunta del Diputado don Gregorio Lopez Raimundo, perteneciente al grupo parlamentario mixto, relative a le politica Espanola hacia el Sahara” (BOGG 5-5-83) in *Actividades, Testos y Documentos de la Politica Exterior Espanola* 29: 499-503.

African region, with the Foreign Minister Miguel Angel Moratinos defining its intended result as “*a prosperous, stable and integrated Maghreb*”¹²⁴.

In case Spain supported German proposal as it was (and the latter did not envisage any consultation with or endorsement by North African partners¹²⁵), in the view of North African partners this would basically mean the end of “global approach” policy and would result in:

1. Bilateral tensions with the country/countries chosen as a migrant camp venue, which would be negative in economic terms (further non-ratification of Fisheries Agreement with Morocco and possible issues with oil and gas imports from Algeria, the most important North African partner in this field¹²⁶)
2. Undermining Spain’s image of a credible regional player and its role in North Africa to the benefit of France, the country which Spain, as it has been mentioned above, was traditionally competing with for influence in the region.

Thus, in relation to the “global approach” policy Spanish interests in the Mediterranean would suffer in case it supported German proposal. The deterioration of relations with Morocco and/or Algeria would provoke tensions with the respective country and in the region, signifying the collapse of the “global approach” policy. This would lead to a diminished Spanish influence in the Mediterranean in favor of France – something that the Spanish government would like least.

¹²⁴ Miguel Angel Moratinos (1991) (Quoted in: Dr. Jordi Vaquer i Fanes “What is left of Spain’s global approach towards the Maghreb?” – p.6; Retrieved on 28 May 2009 from: <http://www.idec.gr/ier/new/EN/Vaquer%20-%20Article%20Rethimnon.pdf>)

¹²⁵ Madeline Garlick “The EU Discussions on Extraterritorial Processing: Solution or Conundrum?” in *International Journal of Refugee Law*, Vol. 18 (2006) -p.621.

¹²⁶ Manfred Hafner “Oil and Gas Import Prospects for the EU from the Mediterranean Region”. MIEC-CGEMP Conference, 18-19 April 2005. Retrieved on 28 May 2009 from: <http://www.dauphine.fr/cgemp/Manifestations/MIEC/OME.pdf>

3.5. International level: ideology affecting state interests? Spanish acceptance of German proposal and its effect on Spain's international image and state security

The 2000-2004 period when the PP was governing in majority, was clearly marked by an Atlanticist orientation in Spanish foreign and security policy¹²⁷. Especially after the September 11th attacks, for Aznar's government a greater security was associated with "strengthening [...] transatlantic relationship with the United States"¹²⁸ and tackling possible terrorist threats with military means in the countries where these threats allegedly originated. These measures resulted in a policy of imbalance and exclusion towards Arabic countries, as it was shown the example of Morocco. Instead of solving security issues, this aggressive foreign policy provoked tensions with the Muslim world and resulted in greater threats, which may have later provoked incidents such as 2004 Madrid bombings.

On March 11, 2004, only three days before parliamentary elections in Spain, a terrorist attack at Madrid train station killed 191 and wounded some 1800 people. Though significant evidence was pointing to the involvement of radical Islamic terrorist groups in the matter, Aznar's government was attempting to connect the bombings and ETA, the Basque terrorist group, allegedly with an aim of manipulating public opinion in order to prevent the voters from linking the terrorist act with Spanish participation in the Iraq war¹²⁹. The elections, to a great extent due to the outrage of Spaniards at these attempts of Aznar's government to mislead the public¹³⁰, brought victory to the Socialist Party, which immediately adopted a

¹²⁷ Jose M. Magone. *Contemporary Spanish Politics*. New York: Routledge, 2009 – pp. 389-390.

¹²⁸ Speech by the President of the Spanish Government, José María Aznar, at St Anthony's College in the University of Oxford. 20 May 2002; Retrieved on 28 May 2009 from: <http://www.futurum.gov.pl/futurum.nsf/0/AD151CECEC7514D9C1256DA2003D1313>

¹²⁹ "Aznar to testify before Madrid bombing panel Nov. 22, a week before Zapatero." *AP Worldstream*. 2004. Retrieved on 28 May 2009 from: <http://www.highbeam.com/doc/1P1-100472763.html>

¹³⁰ "Mourners feel mocked; Spain.(investigations of Madrid Train Station Bombings, 2004)." *The Economist (US)*. Economist Newspaper Ltd. 2004. Retrieved on 28 May 2009 from: <http://www.highbeam.com/doc/1G1-120002776.html>

conciliatory foreign policy course towards the Arab states. Party leader Jose Luis Rodriguez Zapatero withdrew the troops from Iraq within a few months after becoming a Prime Minister, continued a policy of cooperation and goodwill gestures towards Morocco, which he started non-officially in opposition, and, most importantly, advanced a new project of reconciliation and a greater understanding between the Western and Muslim worlds, named “Alliance of Civilizations”.

The “Alliance of Civilizations” project, launched jointly by Spain and Turkey within the framework of United Nations (UN) cooperation, aimed at developing a greater understanding between (particularly) Western and Muslim cultures and overcoming prejudices and fears related to the cultural differences¹³¹. In his statement at the 59th UN General Assembly shortly after becoming a Prime-Minister, when Zapatero made an official proposal for the “Alliance of Civilizations” project, he described Spain as a country with a *“European, Mediterranean and Ibero-American identity”*¹³², and underlined its commitment to human rights values, the rule of law and democracy. In Zapatero’s view, *“peace and security [worldwide...] can only spread over the world with the strength of human rights, with the strength of democracy, of abidance by law [...and] with the strength of dialogue among peoples”*.

This statement of Zapatero shows that, though the Social Party government Spain was facing the same, even if not greater security issues than under the PP administration, Zapatero envisaged tackling them by quite different means than Aznar. A “fight with terrorism” under Zapatero stopped being a military confrontation, but became a policy of cooperation, development and a greater understanding of cultural differences with the countries in which

¹³¹ Jose M. Magone. *Contemporary Spanish Politics*. New York: Routledge, 2009 – p. 406.

¹³² Here et seq. in this paragraph: *Statement of the President of the Government of Spain Mr. Jose Luis Rodriguez Zapatero at the 59th session of the United Nations General Assembly*. New York, 21 September 2004.

security threats originated, which the “Alliance of Civilizations” project is a good example of. For the Maghreb region, it resulted in the “*policy to enhance political stability and economic and social development in the region*”¹³³, as it has been shown in the previous subsections.

On a more global level and especially in relation to human security threats originating from a massive illegal immigration, Zapatero endorsed the Millennium Declaration objectives regarding development and poverty eradication in the countries considered the ones generating security threats. In relation to asylum and immigration policies, it meant ensuring, first, that greater development assistance is available to countries where migratory flows originate, and second and very important, that Spain remains open to immigration and “*[...] no wall, however tall, will prevent those who endure extreme poverty from trying to escape and pursue their dignity as human beings*”¹³⁴. This perception was different from the one of Aznar, whose priority in immigration policy was “*[...] protection and control of the Union’s external borders to avoid avalanches of people whose dignity is thereby severely undermined*”¹³⁵.

In relation to the above points, the following state interest considerations of Zapatero’s government related to a possible Spanish support of the German proposal need to be accounted for. First, Spanish image which had significantly improved among the Arab countries when the country advanced the “Alliance of Civilizations” would be severely undermined if Spain accepted the proposal which specifically diverts immigrants from Muslim countries from entering Europe and thus goes against the very idea of the project. Consequently, this would lead to tensions not only with the countries chosen to be the migrant

¹³³ Statement of the President of the Government of Spain Mr. Jose Luis Rodriguez Zapatero at the 59th session of the United Nations General Assembly. New York, 21 September 2004.

¹³⁴ Ibid

¹³⁵ Speech by the President of the Spanish Government, José María Aznar, at St Anthony’s College in the University of Oxford. 20 May 2002; Retrieved on 28 May 2009 from: <http://www.futurum.gov.pl/futurum.nsf/0/AD151CECEC7514D9C1256DA2003D1313>

camp venues, but with the Arab world as a whole. Zapatero's rhetoric on friendly relations with "*brother Arab countries*"¹³⁶ would appear inconsistent with his policy responses and for the Muslim world would mean a betrayal of friendly and equal Spanish-Arab relations, which Zapatero was actively advocating for.

Second, and in relation to the previous point - in case Spain's image would be undermined among the Arab countries, it would lead to the following negative consequences in relation to security:

1. Similarly to the consequences in relation to the strategy towards the Maghreb, but in a more global perspective, there would be significant tensions with not only North African, but also Middle East countries, as the rhetoric of "Alliance of Civilizations" was touching upon Muslim civilization as a whole. Therefore, this would decrease Spanish influence in these regions.
2. As with the acceptance of German proposal the rhetoric of "Alliance of Civilizations" would appear fake to most Arab states, this would bring in greater security threats, especially from radical Islamist groups, with a possibility of repetition of Madrid bombings scenario.

All this suggests that in relation to Spain's international image, especially with reference to Arab-Spanish relations, as well as security concerns, the acceptance of Germany's proposal would bring significant losses to Spain.

The findings of the chapter can be summarized as follows. Spain has always been interconnected with North Africa, and particularly the Maghreb, in geopolitical, security and

¹³⁶ Speech by the President of the Government of Spain at the Summit of the League of Arab States. Algiers, 22 March 2005. Retrieved on 28 May 2009 from the Official website for National Plan for the Alliance of Civilizations: <http://www.pnac.es/IDIOMAS/en-GB/AboutTheAoC/Statements/dp20050322en.htm>

economic dimensions. An analysis of shifts in these three dimensions which would occur in case Spanish government accepted German proposal shows that Spanish international image would significantly deteriorate and tensions in the relations with North African countries would grow. This, in its turn, would undermine Spanish influence in North Africa to the benefit of France, and result in the decrease in imports from North Africa, as well as greater security threats, especially from Islamic fundamentalist groups.

These findings allow arguing in favor of either the first or second patterns proposed within the social constructivist – rational choice debate, as both these patterns account to the greater role of pragmatic interests in the formation of Spanish response. In the view of the findings of the previous chapter, the next section of the thesis will provide general conclusions.

CONCLUSIONS

The rational choice – social constructivism debate on whether pragmatic interests or principled beliefs influence policy choices of political actors will be timely as long as international system exists the way we see it nowadays. The complex realia of international relations comprise both ideologies and pragmatic interests which are often closely interwoven - and political actors in charge of states are increasingly guided by both these factors in their decision-making. Thus, the pragmatic interests – principled beliefs debate should focus not so much on *whether* the former or the latter influence policy choices, but rather on *to which extent* they do so. As a helpful complementary tool for this assessment, in my research I proposed an analysis of actors' decision-making within the domestic politics framework, which accounts for an additional influence of pragmatic *party* interests and the limitations which they may impose on conducting policies according to principled beliefs.

In this work, I have tested the extent to which European human rights values and pragmatic state interests have influenced external immigration policy of Spanish Socialist government, particularly its opposition to the establishment of migrant camps in North Africa. In order to do so I introduced three patterns of how the Spanish response could have been formed, with a varying degree of influence for each of these factors. The findings of the thesis allow concluding that the response was shaped according to the following pattern: human rights values were instrumentally invoked by the leaders of the Spanish government in their discourse in order to legitimize underlying pragmatic interests which Spain had in North Africa, and especially the Maghreb.

The accuracy of this assessment would have been impossible without an analysis of an internal dimension of asylum and immigration policy of the Socialist government through party politics concepts. The findings of the thesis in relation to Europeanization and

geopolitical, security and economic interests of Spain in the Maghreb suggest that both these factors could have been equally important for the formation of the Spanish response. However, it was pragmatic *party* interests that played the role of a distinguishing element and allowed building an accurate hierarchy of factors, according to which different decision-making patterns were used in internal and external immigration policies of the Socialist government. This hierarchy is represented in the chart below (arrows represent movement from the most to the least important factors).

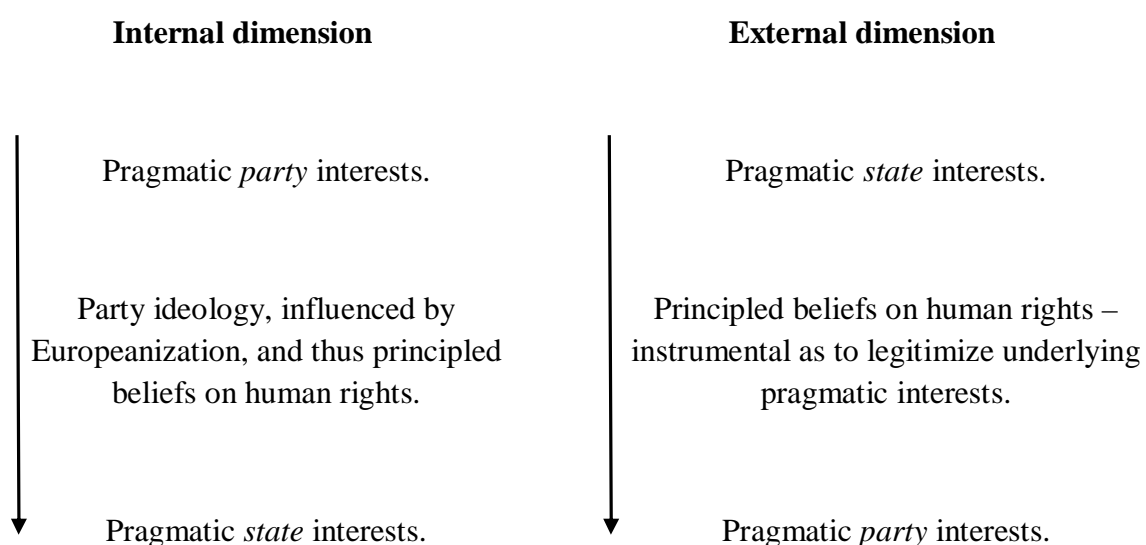


Chart 1. Internal and external immigration policies of Socialist Party government in Spain (2004-2008): hierarchy of factors influencing decision-making

As this research has shown, the Spanish Socialist Party historically imbedded in its ideology European ideas and values, including human rights ones, to a greater extent than any other party in Spain. However, in the internal dimension of its immigration policy pragmatic party interests, such as widening the electorate and stabilizing the ruling coalition played a decisive role. This resulted in rather moderate immigration policies and moved the influence of human rights values to the second place. The influence of pragmatic state interests was

even less significant, as it has been shown that in its internal immigration policy the Socialist government viewed pragmatic state interests through the lenses of the party ideology.

Decision-making in the external dimension of asylum and immigration policy of the Spanish Socialist government represents quite a different picture. The response of the Socialist government to the idea of migrant camps in North Africa was very firm and thus cannot be considered a part of “consensus policies”, characteristic to the internal dimension. Thus, here pragmatic party interests do not appear to have a decisive role.

The explanation of why human rights concerns could not have been the decisive factor in the Spanish response is even more interesting. Violations of migrants’ rights would follow as a result of “moderate” and conciliatory immigration policies both in internal and external dimensions. In the internal dimension, Zapatero’s government pursued conciliatory policies, whereas in the external dimension it surprisingly started showing much more serious concerns about human rights of migrants detained in the “reception facilities” in North Africa. It would be illogical assuming that, despite being aware of the seriousness of human rights violations in both cases, the Socialist government was pursuing different immigration policies in internal and external dimensions under the influence of human rights values. This allows mitigating impact of principled beliefs in favor of pragmatic state interests.

Indeed, in terms of international image, influence in the Maghreb and diplomatic relations with North African countries, Spain would lose a lot if it accepted the German proposal. Image deterioration and tense relations with the Maghreb would, in their turn, bring greater security concerns and economic losses to Spain. In connection with the previous arguments, this allows attributing the decisive role to pragmatic state interests in the formation of the Spanish response.

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