

FRAMEWORK REPORT

EU AND SPANISH DEVELOPMENT COOPERATION AND FOREIGN ACTION ON ISSUES OF MIGRATION IN AFRICA: MAIN INSTRUMENTS AND IMPACTS



CEA(R)

Comisión Española
de Ayuda al Refugiado

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During the investigation, in order to analyse the impact of border externalisation and development cooperation policies linked to migration control, the CEAR team held meetings and interviews with Action Against Hunger, UNHCR, Action-Aid, Alarm Phone Sahara, Alianza por la Solidaridad- Mauritania, Alianza por la Solidaridad Senegal, AMDH, Amnesty International Senegal, Cooperation Assembly for Peace-Senegal, Augusto Delkáder (UCM researcher), CEAR Canarias, CONCORD, CONGDE, Euromed Monitor, EuroMed Rights, EUTF, FAMSI, FIIAPP, Government of the Canary Islands, Hahatay Sonrisas de Gandiol, IRIDIA, Javier Roldán (UGR professor), LADDH, Laurence Thieux (UCM professor), Lorenzo Gabrielli (UPF professor), Lutheran World, MAEC-MAUC, Doctors of the World, IOM, OTC Mauritania (AECID), OTC Senegal (AECID), OXFAM-Intermón, Pepe Naranjo (El País), REMIDEV, Sira Rego (member of the European parliament) TDH as well as activists, migrants, asylum seekers and refugees. We would like to thank all of them for their contributions.

Cover image:

Children playing on the beach in the town of Ngor, Dakar, Senegal (2019).

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The Spanish Commission for Refugees (CEAR) is a non-profit organisation founded in 1979 and engaged in voluntary, humanitarian, independent and plural action. Our aim is to work with citizens to defend the right to asylum. Our mission is to defend and promote human rights and the comprehensive development of asylum applicants, refugees, stateless persons and migrants in vulnerable situations and/or at risk of social exclusion. Our work approach is comprehensive, including temporary shelter, legal care, psychological and social care, training and employment, and advocacy and social participation.

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List of Acronyms

AECID: Spanish Agency for International Development (Agencia Española de Cooperación Internacional para el Desarrollo)

ODA: Official Development Assistance

DAC: Development Assistance Committee

EC: European Commission

ECOWAS: Economic Community of West African States

CIE: Foreigners internment centre (Centro de internamiento de extranjeros)

MS: (EU) Member States

EUTF: European Trust Fund

EDF: European Development Fund

EAFRD: European agricultural fund for rural development

FIIAPP: The International and Ibero-American Foundation for Public Administration and Public Policies (La Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas)

FRONTEX: European Border and Coast Guard Agency

GAM: Global Approach to Migration

GAMM: Global Approach to Migration and Mobility

ENI: European Neighbourhood Instrument

NDICI-Global Europe: Neighbourhood, Development and International Cooperation Instrument

MAEC/MAUC: Ministry of Foreign Affairs and Cooperation/Ministry of Foreign Affairs, EU and Cooperation (Ministerio de Asuntos Exteriores y Cooperación/Ministerio de Asuntos Exteriores, UE y Cooperación)

MoU: Memorandum of Understanding

OECD: Organisation for Economic Cooperation and Development

SDG: Sustainable Development Goals

IOM: International Organization for Migration

NGO: Non-governmental organisation

AP: Africa Plan

EU: European Union

1. Introduction

In 2021, in line with its objective to defend human rights and the right to asylum, the Spanish Commission for Refugees (CEAR) conducted an investigation as part of the ‘Observatory on the right to asylum, migrations and borders’ project. The study aimed to analyse the impact of border externalisation and conditional development cooperation policies in priority transit countries (Mauritania, Senegal and Algeria) on Spanish migration, asylum and development cooperation policies.

During the research process, we detected the need for a framework report describing the key concepts and instruments at the European and Spanish levels. Therefore, this report complements the specific ones for each country investigated and provides the necessary information to understand the evolution of border externalisation and development cooperation policies and their impact. The work was carried out based on the analysis and review of bibliographic sources and interviews with various key actors, such as institutions and official bodies, NGOs, migrants/refugees, journalists, researchers and academics.

2. Context

Current cooperation legislation has been in force for over two decades. Among the priorities of the new Foreign Action Strategy 2021-2024¹, the government has prioritised the approval of a new development cooperation law (scheduled for 2022) and the reform and strengthening of the Spanish Agency for International Development Cooperation (AECID)². Furthermore, it has announced its commitment to allocating 0.5% of the gross national income to official development aid by the end of this legislature.

The European Union is also undergoing a transition as two significant financial instruments for development cooperation expire—the Trust Fund for Africa (EUTF) and the European Neighbourhood Instrument (ENI)—and a new neighbourhood instrument (the NDICI-Global Europe) is launched. Additionally, the general directorate responsible for defining the International Development and Partnerships policy of the European Union has changed its name and is now called the Directorate-General for International Partnerships.

The development cooperation system both in the EU and Spain is complex and scattered, as reflected by the many actors and instruments in the field.

To gauge the importance of development cooperation in EU and Spanish foreign policy and migration policy in Africa, we will now analyse the main instruments and their scope of application. This analysis considers aspects related to migration contexts and the evolution of externalisation and border control policies. Lastly, we address the risks posed by the conditionality of development aid on border externalisation and control and its impact on migrants and refugees.

¹ GOVERNMENT OF SPAIN. (2021) Estrategia de Acción Exterior 2021-2024 <http://www.exteriores.gob.es/Portal/es/SalaDePrensa/ElMinisterioInforma/Documents/Proyecto%20Estrategia%20Accio%cc%81n%20Exterior%202021-2024.pdf>

² The AECID has 31 offices in different countries, 19 cultural centres, four training centres and more than 900 employees. Oxfam Intermón, 2020. Op. cit.

AECID only managed 10.03% of Spanish ODA in 2019 and 12.2% in 2020. In 2009, it managed 49.2% of ODA.

AECID. (2020) Memoria AECID 2020. <https://www.aecid.es/Centro-Documentacion/Documentos/Seguimiento%20y%20transparencia/MemoriaAECID2020.pdf>

3. Main eu development cooperation and foreign action instruments for issues of migration in Africa

On 16 January 2021, the Directorate-General for International Cooperation and Development (DG DEVCO)³, responsible for formulating the EU's International Partnership and Development policy, changed its name to [Directorate-General for International Partnerships \(DG INTPA\)](#)⁴.

This renaming may already denote the new course of policies. At any rate, we could say that the new title is more consistent with reality given the EU's broad conception of development cooperation. Still, the eradication of poverty, sustainable development and the promotion of democracy, human rights and the rule of law worldwide remain among the new Directorate's objectives.

In the [Directorate's Strategic Plan 2020-2024](#)⁵ International Cooperation and Development, migration makes an appearance as Theme 5 and is the axis of objective 13: 'Support comprehensive and balanced Migration Partnerships with priority partner countries are supported in line with sustainable development and poverty reduction goals'⁶.

Listed below are the most important financial instruments for EU development cooperation, as well as several of the most important political initiatives.

3.1. Financial instruments for EU development cooperation in Africa

3.1.1 The EU Trust Fund for Africa (EUTF)

The most important European ODA instrument focused on the geographical area in question⁷ is the [EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa \(EUTF\)](#)⁸. This fund was established in November 2015 as a result of the [Valletta Summit on Migration](#)⁹. Its programming has already ended but it still has projects in execution. The fund was conceived as an innovative tool that would allow a more flexible response to the challenges of irregular migration. It has an action plan¹⁰ based on five pillars:

- 1) Address the root causes of irregular migration and forced displacement
- 2) Promote cooperation on legal migration and mobility
- 3) Reinforce the protection of migrants and asylum seekers

³ It should be noted that DEVCO has financed some FRONTEX activities. For example, AFIC-Frontex projects aimed at training experts and establishing risk analysis cells in Africa. FRONTEX. News.13/06/2019. Frontex opens Risk Analysis Cell in Senegal. FRONTEX. News. 13/06/2019 Frontex opens Risk Analysis Cell in Senegal . <https://frontex.europa.eu/media-centre/news/news-release/frontex-opens-risk-analysis-cell-in-senegal-6nkN3B> and News Release. 29/09/2020. Frontex launches capacity building project for Africa during AFIC meeting . <https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-capacity-building-project-for-africa-during-afic-meeting-g3JfQJ#:~:text=Frontex%20launches%20capacity%20building%20project%20for%20Africa%20during,African%20countries%20and%20a%20number%20of%20EU%20institutions>.

⁴ ICEX.15/01/2021. *Noticias. Dirección General para Asociaciones Internacionales (International Partnerships, DG INTPA) es la nueva denominación para DG DEVCO* <https://www.icex.es/icex/es/navegacion-principal/todos-nuestros-servicios/organismos-internacionales-y-de-desarrollo/noticias-multilaterales/dg-intpa-dg-devco-new2021869672.html>

⁵ EUROPEAN COMMISSION. Strategic plan 2020-2024 - International Cooperation and Development https://ec.europa.eu/info/publications/strategic-plans-2020-2024-international-cooperation-and-development_es

⁶ This is in line with Sustainable Development Goal (SDG) no. 10 and is linked to existing global and European initiatives such as the Global Compact on Migration, the Global Compact on Refugees, the Global Action against trafficking in persons and the EUTF

⁷ This is in line with Sustainable Development Goal (SDG) no. 10 and is linked to existing global and European initiatives such as the Global Compact on Migration, the Global Compact on Refugees, the Global Action against trafficking in persons and the EUTF

⁸ EUROPEAN COMMISSION. EUTF (website) https://ec.europa.eu/trustfundforafrica/index_en

⁹ EUROPEAN COUNCIL (website) Valletta Summit on Migration, 11-12 November 2015 <https://www.consilium.europa.eu/es/meetings/international-summit/2015/11/11-12/>

¹⁰ Valletta Summit Action Plan. 11-12 November 2015. https://www.consilium.europa.eu/media/21839/action_plan_en.pdf

- 4) Prevent and fight against irregular migration, migrant smuggling and trafficking in human beings
- 5) Strengthen cooperation in order to facilitate returns, readmission and reintegration

It is important to stress that 51% of EUTF funding is directly related to issues of migration¹¹; 30%¹² of the total funds has been allocated to 'improved migration management'¹³, in which projects focused on border control and externalisation carry significant weight. Among these projects are those aimed at return and reintegration, operational partnerships with security forces and support for the authorities in managing migration and controlling irregular flows.

The EUTF's resources (€5 billion) come mainly from the European Development Fund (EDF)¹⁴. As a development cooperation instrument, it should be implemented in accordance with the principles of development aid effectiveness set forth in the Declaración de París de 2005¹⁵ (ownership, alignment, harmonisation, managing for results and mutual accountability)

The EUTF has often been the subject of criticism. The European Court of Auditors reported in 2018 that 'its objectives are too broad to efficiently steer action across the African regions, and the European Commission has encountered difficulties in measuring the extent to which the fund has achieved its objectives. The auditors also found weaknesses in its implementation'¹⁶.

An evaluation report on the EUTF delegated by the European Commission to the consulting firm GDSI concluded that although 'it has ensured increased local and international attention to the migration issue [...] the focus on irregular migration, combined with weak migration policy frameworks in partner countries has undermined attempts to engage in effective dialogue on the larger migration challenges'¹⁷.

On the other hand, a draft report presented by the Foreign Affairs, Development and Budgets Committees of the European Parliament expresses their criticism of the way in which extrabudgetary and extraordinary tools such as the EUTF and the Fund for Turkey were established and prolonged, 'failing to secure their proper involvement and Parliament's control over these tools has also been limited'¹⁸. In a plenary session debate, various parliamentary groups also denounced the politicisation of these funds, the prioritisation of border control, the lack of support for regular routes, as well as the link between development and migration policy¹⁹.

11 According to a report commissioned by the EU from ALTAI to assess the EUTF: ALTAI (2021). Learning Lessons from the EUTF - Phase 2 - Paving the way for future programming on migration, mobility and forced displacement EXECUTIVE SUMMARY. https://ec.europa.eu/trustfundforafrica/sites/default/files/exec_summary_learning_lessons_from_the_eutf_final.pdf

12 At least €1.425 billion.

13 According to responses from EUTF sources obtained during this investigation and EUTF for Africa. Factsheet. (2021 update) https://ec.europa.eu/trustfundforafrica/sites/default/files/factsheet_eutf-for-africa_january_2021_0.pdf

14 The resources of the EUTF (€5 billion as of June 16, 2021) come mostly from the European Development Fund (EDF) (€4.4 billion) but also from other financial instruments such as the DCI, ENI, FAMI funds and donations from Member States or third parties. https://ec.europa.eu/trustfundforafrica/content/trust-fund-financials_en

15 The Paris Declaration on Aid Effectiveness (2005) <https://www.oecd.org/dac/effectiveness/34580968.pdf>

In a 2008 resolution, the European Parliament urged all Member States to follow up on these principles. Follow-up to the Paris Declaration of 2005 on Aid Effectiveness European Parliament resolution of 22 May 2008 on the follow-up to the Paris Declaration of 2005 on Aid Effectiveness (2008/2048(INI)). <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:279E:0100:0108:ES:PDF>

16 European Court of Auditors. Press release. 05/12/2018, https://www.eca.europa.eu/Lists/News/NEWS1812_05/INSR_EUTF_AFRICA_ES.pdf o <https://www.eca.europa.eu/es/Pages/DocItem.aspx?did=48342>

17 GDSI. (2020). Mid-term Evaluation of the European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa 2015-2019. European Commission. https://ec.europa.eu/international-partnerships/system/files/evaluation-eutf-2015-2019-final-report-october-2020-volume-1_en.pdf Executive Summary in Spanish http://www.exteriores.gob.es/Portal/es/SalaDePrensa/Multimedia/Publicaciones/Documents/Cooperacion/Planificacion/Planificaci%3%b3n%20multilateral/20210601_Resumen%20ejecutivo%20espa%3%b1ol%20EUTF%20for%20Africa_conNIPO_version%20imprimir.pdf Conclusión 9ª.

18 In the draft report, the rapporteurs state that 'external assistance should be financed in full from the Union budget and be implemented in a coherent way following a streamlined set of rules, based on co-legislated instruments and in full respect of Parliament's legislative, budgetary and control prerogatives'.

DRAFT REPORT on the Implementation report on the EU Trust Funds and the Facility for Refugees in Turkey (2020/2045(INI)) 07/04/2021 https://www.europarl.europa.eu/doceo/document/CJ31-PR-680999_ES.pdf

19 EUROPEAN PARLIAMENT. 05/10/2021. Plenary session. Implementation report on the EU Trust Funds and the Facility for Refugees in Turkey (debate). https://multimedia.europarl.europa.eu/es/event_20211005-0900-PLenary_vd?start=20211005153052&end=20211005153237

Moreover, organisations such as Oxfam Intermón, which have analysed the evolution of this instrument, question many aspects of its intention and effectiveness. According to a 2017 study carried out by Oxfam Intermón, at the time, only 63% of the money from the EU Emergency Trust Fund for Africa had gone to real development cooperation. Other organisations such as CONCORD express concern about the EU's tendency, as reflected in this instrument, to base relations with certain countries on their collaboration on returns and migration control, imposing its own agenda and objectives and ignoring the negative effects this has on the population it aims to support (by not considering it)²⁰.

The very conception of the EUTF as an emergency response to a structural reality is contradictory with the development endeavour, since, by definition, this requires long-term planning²¹, a process logic, and work based on the needs of the countries.

3.1.2. European Development Fund (EDF)

The European Development Fund (EDF) is the EU's main instrument for providing aid for development cooperation in the ACP countries (Africa, Caribbean and Pacific)²² and overseas territories through regional, multi-annual programmes²³. These programmes are considered to be development assistance as it is understood that trade agreements can reduce poverty and improve living conditions by improving economic relations and establishing a free trade zone.

In the XI cycle (2014-2020) of the EDF, the EPA programmes for the West Africa region received €1.15 billion.

3.1.3. Neighbourhood Policy Funds

The [New Neighbourhood, Development and International Cooperation Instrument](#)²⁴ (NDICI-Global Europe) 2021-2027 of the EU arose as a continuation of the previous European Neighbourhood Policy²⁵, -instrument, called ENI²⁶-, and the EUTF.

20 CONCORD. (2018) *¿Asociación o Condicionidad? Supervisión de los Pactos sobre Migración y el Fondo Fiduciario de la UE para África* https://coordinadoraongd.org/wp-content/uploads/2018/04/EUTFReport2018_-espa%C3%B1ol.pdf

21 This is one of the criticisms in the report commissioned by the EU from ALTAI (2021).

ALTAI. (2021). Learning Lessons from the EUTF - Phase 2 - Paving the way for future programming on migration, mobility and forced displacement EXECUTIVE SUMMARY Altai Consulting for the European Union. https://ec.europa.eu/trustfundforafrica/sites/default/files/exec_summary_learning_lessons_from_the_eutf_final.pdf (pag. 25)

22 This is a group of 79 countries (48 African, 16 Caribbean and 15 Pacific) with which the EU has economic partnership agreements stemming from the Cotonou Agreement. Morocco, Algeria, Tunisia, Libya and Egypt are not part of the Africa group.

23 Relations between the countries of the ACP group and the EU are governed by regional and bilateral negotiation agreements stemming from the Cotonou Agreement (2000), known as Economic Partnership Agreements (EPAs).

Pursuant to the Cotonou Agreement, EPA negotiations began with the various regions in 2002. The objective of these agreements is to promote the economic development of ACP countries through the progressive and asymmetrical opening of the market to trade in goods and services, and the improvement of cooperation in areas related to trade. They also try to establish a transparent and predictable framework that promotes investment in these countries. To this end, they include chapters on trade in goods and services, investment, intellectual property and public procurement, among other topics. The agreements are accompanied by financial measures channelled through the EDF to mitigate the impact of the structural adjustment of the countries.

MINISTRY OF TRADE (s/f). Trade Agreements. Mauritania. ACP <https://comercio.gob.es/PoliticaComercialUE/AcuerdosComerciales/Paginas/mauritania.aspx>

24 EUROPEAN COMMISSION.(s/f).Webpage. Global Europe: Neighbourhood, Development and International Cooperation Instrument – Performance. https://ec.europa.eu/info/strategy/eu-budget/performance-and-reporting/programmes-performance/global-europe-neighbourhood-development-and-international-cooperation-instrument-performance_en#:~:text=The%20objective%20of%20NDICI%20E2%80%93%20Global%20Europe%20is,the%20needs%20of%20the%20different%20countries%20and%20regions.

Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:32021R0947>

25 The European Neighbourhood Policy (ENP) was created in 2003 as a new model of political partnership and economic integration. It applies to Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Morocco, Moldova, Syria, Palestinian Territories, Tunisia and Ukraine. With legal grounds in art. 8 of the Treaty of the European Union, it aims to 'establish an area of prosperity and good neighbourliness based on the values of the Union and characterised by close and peaceful relations based on cooperation'. MAEC-MAUC (website). European Neighbourhood Policy <http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/politicaeuropeavecindad/Paginas/indicevencidad.aspx>

26 The European Neighbourhood Instrument 2014-2020 (ENI), under the European Neighbourhood Policy (ENP), was the Union's main financing instrument for bilateral cooperation with southern partners (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, the Palestinian Territories and Tunisia) for the 2014-2020 period. The former instruments were: the European Instrument (or Initiative) for Democracy and Human Rights (EIDHR) 2000-2006 and the Financing Instrument for the promotion of democracy and human rights in the world (2007-2013).

The corresponding regulation established that at least 93% of the expenditure must meet the ODA criteria determined by the OECD²⁷. It has a budget of €79.359 billion. By way of example, 10% of this must be specifically allocated to migration management²⁸. It also has a rapid response financial component for emergency issues and a budget allocation of more than €9 billion for unexpected events, such as crises and post-crisis situations and migratory pressure²⁹.

On the other hand, article 8.10 of the Regulation establishing the NDICI-Global Europe leaves no room for doubt about the instrumentalisation of cooperation in issues of migration. It speaks of achieving 'a more coordinated, holistic and structured approach to migration' with partners 'maximising synergies' and 'comprehensive partnerships'. All this, in combination with 'all the appropriate tools and the necessary leverage through an 'incitative approach' and a 'flexible funding mechanism' that allows 'changes in the allocation of funding', according to the 'effective cooperation and implementation [...] agreements and dialogues on migration'.

From this complex article it can be concluded that funds will be allocated based on the cooperation of third countries on migration matters, thus introducing the conditionality approach to the NDICI. It is also curious that there is talk of countries of 'origin and transit', ignoring the fact that third countries may also be classified as countries of destination and thus imposing a Eurocentric vision of migration. In this sense, the claim of appropriation, effective development cooperation and compliance with obligations on development and human rights is called into question, since forced displacement and migration are not priority issues for most of the countries the NDICI is aimed at³⁰.

The NDICI represents the continuation of the path forged by the EUTF³¹ in as much as imposing a Europeanised view of development cooperation and the use of its funds for the purpose of containing mobility is concerned³².

²⁷ Article 3.4 NDICI Regulation.

²⁸ See recital No. 51 of the NDICI Regulation.

Although civil society organisations denounced this percentage as excessive, it was maintained in the text. See the recommendations that organisations made on CONCORD's behalf in this regard:

CONCORD (2019). Recommendations on the NDICI migration spending target. https://concordeurope.org/wp-content/uploads/2019/09/CONCORD_MFF_Migration_Spending_Recommendations.pdf#:~:text=The%20volume%20of%20the%20migration%20spending%20target%20-,balanced%20development%20approach%20to%20migration%20throughout%20the%20text.

²⁹ Council of the EU. 09/06/2021. Press release. <https://www.consilium.europa.eu/es/press/press-releases/2021/06/09/ndici-global-europe-final-green-light-for-the-new-financial-instrument-to-support-the-eu-s-external-action/>

³⁰ ECRE. (2021). Tightening the screw: use of EU external policies and funding for asylum and migration. ECRE's assessment of changes to EU external relations brought about by the pact, the visa code and the NDICI. <https://www.ecre.org/wp-content/uploads/2021/03/Policy-Note-34.pdf>

³¹ CLAES and SCHMAUDER. (2020). When the dust settles Economic and governance repercussions of migration policies in Niger's north. Clingendael <https://www.clingendael.org/pub/2020/when-the-dust-settles/1-construction-of-the-migration-paradigm/> and experts and civil society organisations interviewed for this CEAR project.

³² Sources consulted from the EUTF as part of this project indicate that the continuation/follow-through of programmes financed by this fund will be guaranteed in the new NDICI funding instrument and framework. The funding programme will be planned annually following consultations with the EU delegations and other partners.

TEAM EUROPE

The so-called Team Europe emerged as a result of the COVID-19 pandemic and represents a new approach under the EU's 'working better together' campaign.

It aims to promote reinforced cooperation (linking EU cooperation with the bilateral cooperation of each Member State) through joint programming and implementation. A series of initiatives called TEI (Team Europe Initiatives) stems from this approach in various areas, including migration issues³³.

In this sense, since January 2021, Spain led the initiative to apply the Team Europe approach in the field of migration: it has promoted TEIs for the Atlantic and Western Mediterranean routes aimed at ensuring that migration to the EU from priority countries in the Maghreb, Sahel and Horn of Africa (for the first route) and West Africa (for the latter) is 'safe, regular and orderly'.

According to an EU programme document, this will contribute to the partnership approach of the new Pact on Migration and Asylum and allow the benefits of migration to be reaped while addressing its challenges³⁴.

These TEIs aim to cover the five pillars of the Valletta Action Plan in the wake of the EUTF.

Financing for it comes from the NDICI—being an essential part of its programming lines—and funds from MS³⁵.

Regarding its formulation, the opacity with which these initiatives have been created stands out, as they were prepared without the assistance of civil society³⁶ and without including the principle of appropriation and effectiveness, while prioritising visibility and European positions³⁷.

Thus, according to the strongest critics, it is a new contribution from MS to support externalisation projects and control their relations with African countries through migration³⁸.

3.2. Foreign policy instruments of the UE in the field of migration

The relationship between migration policy and development cooperation, on the one hand, and countries of origin and transit in EU foreign policy, on the other, is especially noteworthy following the adoption of the 2011 Global Approach to Migration and Mobility (GAMM), which renewed the 2005

33 As for the actors on this 'team', there is the EU itself, the MS—including their implementing agencies and public development banks—the European Development Bank and the European Bank for Reconstruction and Development. <https://europa.eu/capacity4dev/wbt-team-europe#:~:text=Team%20Europe%20consists%20of%20the%20European%20Union%2C%20the,the%20European%20Bank%20for%20Reconstruction%20and%20Development%20%28EBRD%29.>

34 EUROPEAN COMMISSION. (2021). SUB-SAHARAN AFRICA MULTI-ANNUAL INDICATIVE PROGRAMME 2021-2027. https://ec.europa.eu/international-partnerships/system/files/mip-2021-c2021-9373-sub-saharan-africa-annex_en.pdf

35 EU. (web). Working better as Team Europe. <https://europa.eu/capacity4dev/wbt-team-europe>

36 CONCORD. (2021). Team Europe Initiatives: first insights and questions to Member States' agencies <https://concordeurope.org/resource/team-europe-initiatives-first-insights-and-questions-to-member-states-agencies/>

37 DIE(2021) "Visibility and flexibility prioritised over partner ownership and effectiveness" https://www.die-gdi.de/uploads/media/DP_22.2021.pdf

38 Interview conducted by CEAR with an expert member of civil society.

GAM³⁹. This updated approach, along with the aforementioned Valletta Summit of 2015 and the EU-Turkey agreements of 2016 revitalized the EU's border externalisation strategy.

Over the years, it has been confirmed that, under the premise of solidarity, development and the search for a global approach to managing migration, the EU has worked hard to transfer its border controls, and on the readmission of migration flows by the countries of origin and transit. To do this, it has used development aid and visa quotas as an instrument, among other strategies.

As a member state of the EU, Spain forms part of this system, considering itself a pioneer and forerunner⁴⁰ in matters of migration policy.

3.2.1. The European Agenda on Migration, the Partnership Framework and the New European Pact for Migration and Asylum

The increase in the number of asylum seekers, refugees and migrants arriving in Europe in 2015 and 2016 caused a political, rights and migration management crisis throughout the EU. In this context, the European Agenda on Migration⁴¹ was adopted in May 2015 and a New Partnership Framework on migration⁴² in June 2016. The European Agenda on Migration promoted a holistic response for the management of all aspects related to migration based on four pillars: reduction of incentives for irregular migration; saving lives and protecting the external borders; a strong asylum policy; and a new legal migration policy. The Partnership Framework introduced positive and negative conditionalities in development policy with third countries in the field of migration⁴³ and reinforced the externalisation of the EU's migration policy⁴⁴.

Subsequently, in September 2020, the European Commission presented a proposal for a new European Pact on Migration and Asylum⁴⁵.

The document portrays migration as 'an essential component' and recognises that the various policies (including development cooperation, visa issuance and trade) 'should not be dealt with in isolation. They are best handled as part of a tailor-made approach, at the core of a real mutually

39 The GAM (2005) was intended as a joint strategy to handle irregular migration and trafficking in persons, on the one hand, and to manage migration and asylum through cooperation with third countries of origin and transit, on the other. It was based on existing forums such as the Barcelona Forum, the ACP-EU dialogue and the Budapest, Rabat and Prague processes, among others.

It included the participation of European agencies such as Europol and Frontex. By uniting migration management with development cooperation, the GAM attempted to address 'push factors' to reduce migration pressure. It established the 'more for more' concept: conditioning the issuance of visas on the level of cooperation in flow management.

In 2011, the GAM strategy was reviewed, giving rise to the GAMM, which added the mobility component—because it is a broader concept—and an effort was made to improve the management of circular flows. Like its predecessor, it linked migration and development. Regarding refugees, this GAM update placed greater emphasis on their protection and the external dimension of asylum. STATEWATCH (s/f) The Global Approach to Migration and Mobility: the state of play. <https://www.statewatch.org/media/documents/analyses/no-215-gamm-state-of-play.pdf> y COMISIÓN EUROPEA https://ec.europa.eu/anti-trafficking/communication-global-approach-migration-and-mobility-gamm_en

40 EL PAÍS. 30/04/2016. "Somos un modelo de referencia para Europa en política migratoria" https://elpais.com/politica/2016/04/29/actualidad/1461939788_786313.htm

41 EUROPEAN COMMISSION (2015). Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions A European Agenda On Migration <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:52015DC0240&from=EN>

42 EUROPEAN COMMISSION (2016). Communication From The Commission To The European Parliament, The European Council, The Council And The European Investment Bank On Establishing A New Partnership Framework With Third Countries Under The European Agenda On Migration. <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:52016DC0385&from=EN>

43 'Positive and negative incentives should be integrated in the EU's development policy, rewarding those countries that fulfil their international obligation to readmit their own nationals, and those that cooperate in managing the flows of irregular migrants from third countries, as well as those taking action to adequately host persons fleeing conflict and persecution. Equally, there must be consequences for those who do not cooperate on readmission and return. The same should be true of trade policy, notably where the EU gives preferential treatment to its partners'.

EUROPEAN COMMISSION (2016). Partnership Framework. (Op. Cit) pgs. 9-10.

44 CONCORD. (2018) Op. cit

45 EUROPEAN COMMISSION (2020). COMMUNICATION FROM THE COMMISSION on a New Pact on Migration and Asylum. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0609&from=EN>

beneficial partnership'⁴⁶.

For CEAR⁴⁷, the proposals made in this pact represent 'another disappointment and another lost opportunity to establish criteria of solidarity and shared responsibility, by focusing mainly on measures to facilitate readmission and the externalisation of borders, leaving the protection of migrants and refugees in the background'.

Furthermore, the new pact plans to codify its political ambitions and those of the European Agenda on Migration⁴⁸ in a new Migration and Asylum Regulation⁴⁹. As we will see below, the common visa policy will be applied as a punishment against countries that do not cooperate⁵⁰.

3.2.2. EU visa policy

The 2019 amendment to the Visa Code⁵¹ introduced article 25 bis which, with the title *Cooperation on readmission*, conditions the issuance of visas based on the 'the level of cooperation of a third country with Member States on the readmission of irregular migrants'.

The European Parliament and Council defined it in their proposal as a 'modulated negative incentive mechanism'⁵². According to a document by the European Parliament Research Service⁵³, it would serve 'to put pressure on third countries not cooperating on the readmission of illegally staying third-country nationals' so that, when it is considered that a country does not cooperate 'enough'⁵⁴, nationals of that country would be punished⁵⁵.

The ECRE⁵⁶ emphasises that this cooperation on readmission would not only cover that of nationals of the territory but could include the readmission of third parties who have transited through it in accordance with certain agreements, which would be especially problematic from the perspective of human rights protection.

46 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on a New Pact on Migration and Asylum. 23/09/2020 COM/2020/609 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0609&from=EN> Pg. 20.

This vision ignores the fact that for many of the countries with which the EU seeks these partnerships, migration is not a priority issue or its management is not in line with European standards. The external dimension of the Pact would be a continuation of the approach taken in the 2016 Partnership Framework, which focused on making foreign policy an extension of community policies.

47 CEAR. 30/09/2020. *Nuevo Pacto de Migración y Asilo de la UE: cinco claves de una propuesta decepcionante* <https://www.cear.es/claves-nuevo-pacto-migracion-asilo>

48 Introducing externalisation. The proposed regulation makes continuous references to the responsibilities of third countries and the creation of beneficial alliances and close cooperation with those 'addressing the root causes of irregular migration, supporting partners hosting large numbers of migrants and refugees in need of protection and building their capacities in border, asylum and migration management, preventing and fighting irregular migration and migrant smuggling, and enhancing cooperation on readmission'. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management Op. Cit.

49 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020PC0610&from=ES>

The ECRE analysed this proposal in ECRE (2021). Ecre Comments On The Commission Proposal For A Regulation On Asylum And Migration Management <https://www.ecre.org/wp-content/uploads/2021/03/ECRE-Comments-RAMM.pdf>

50 Ibid. Art. 3 c.

51 Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), amended in 2011, 2012, 2013, 2016 and 2019. <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:02009R0810-20200202> It came into force in February 2020.

52 See: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=COM:2018:252:FIN>

53 European Parliamentary Research Service. Plenary April 2019. At a Glance Revision of the Visa Code. [https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/637900/EPRS_ATA\(2019\)637900_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/637900/EPRS_ATA(2019)637900_EN.pdf)

54 Indicators include the number of return decisions issued/irregular persons from that country; the actual number of forced returns; the number of readmission applications by MS. Visa code. (op cit). Art. 25.bis. 2.

55 In October 2021, the EU launched with Gambia its visa reduction mechanism for countries that do not collaborate on readmission. EL PAÍS. 25/10/2021. *Gambia paga su rechazo a repatriar a sus nacionales*. <https://elpais.com/internacional/2021-10-25/gambia-paga-su-rechazo-a-repatriar-a-sus-nacionales.html>

56 ECRE. (2021)

This type of policy highlights the conditionality approach in relations with third countries to reinforce externalisation and migration control.

It also opens a new scenario for blaming people who migrate or attempt to migrate irregularly for the reduction of visas. This could promote xenophobia and aporophobia in the countries of origin and transit, in addition to re-victimising and/or criminalising migrants⁵⁷.

3.2.3. Readmission, expulsion and voluntary return agreements

Returns are an integral part of the EU's migration and asylum policy⁵⁸.

The Return Directive⁵⁹ was approved in 2008⁶⁰ and promotes the establishment of readmission agreements between the EU or its Member States and third countries.

In a 2017 recommendation⁶¹, and because of the low rates of effective return, the Commission called on Member States to increase the rate of return, streamline these procedures, and increase the training, availability and deployment of personnel at the external borders of the Union.

It is worth noting that, depending on the agreements, readmission may refer only to the obligation to readmit nationals of the signatory country or also include the return of third country nationals who have entered Spain and have previously transited through the signatory country⁶².

⁵⁷ Mbour : un mois de prison ferme pour des pères de migrants clandestins <https://www.bbc.com/afrique/region-55186160>

Article 175.1 bis of the February 2009 amendment to law 09-01 of the Algerian Penal Code introduced the punishment of Algerian citizens or foreigners for leaving the country illegally (using document fraud, outside border posts or other means) with a sentence of two to six months in prison and/or a fine.

⁵⁸ EUROPEAN COMMISSION (website). Migration and Home Affairs. Return and readmission. https://ec.europa.eu/home-affairs/policies/migration-and-asylum/irregular-migration-and-return/return-and-readmission_en

⁵⁹ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&from=EN>

⁶⁰ See arts. 6-8 Return Directive (op.cit)

The directive includes a deadline for 'voluntary departure' followed by an 'expulsion decision' that can lead to internment and effective expulsion.

⁶¹ Commission Recommendation (EU) 2017/432 of 7 March 2017 on making returns more effective <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017H0432&from=EN>

⁶² For example, Article IX of the 2003 agreement on migration between Spain and Mauritania establishes the repatriation of third-country nationals through Mauritania 'provided it is presumed that the third-country national has transited through the territory of the requested Contracting Party'. Since 2019, Mauritania has been the main country to receive deportation flights from Spain (chartered by Frontex).

Agreement between the Kingdom of Spain and the Islamic Republic of Mauritania on immigration, drawn up in Madrid on 1 July 2003 <https://www.boe.es/boe/dias/2003/08/04/pdfs/A30050-30053.pdf>

AIDA (2020). Country Report. Spain. 2020. Update. https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-ES_2020update.pdf pg. 28

EU and Spanish readmission agreements

In addition to the agreements that each Member State may have with third countries, the EU currently has 18 readmission agreements⁶³ and six non-legally binding readmission agreements⁶⁴. (See Annex I.)

In boosting its foreign policy with Africa, Spain has entered into several agreements with different countries, either specifically on readmission or 'new generation'⁶⁵ migration cooperation framework agreements, which include clauses on readmission.

According to data from the General Secretariat for Migration, Spain has 16 readmission agreements for people in an irregular situation, four of them with African countries: Morocco, Algeria, Mauritania and Guinea Bissau⁶⁶.

Anyone who takes on the challenge of analysing the impact and scope of readmission agreements faces a 'bastion of opacity'⁶⁷. This lack of transparency fuels concern about the violation of rights during deportations and readmissions. The rights violated include the right to legal assistance and an interpreter, the right to be informed of the reasons why the transfer for readmission in another State is taking place, access to appeals that may be filed against the readmission decision and the principle of non-refoulement⁶⁸. In addition, we must consider the potential violations of rights during the internment period prior to expulsion and those which might be violated upon readmission to the countries of origin or transit⁶⁹.

63 Only one with an African country: Cape Verde.

64 Three of them African: Ethiopia, Gambia, Guinea and Ivory Coast.

65 The main novelty is that they include measures that address immigration from a comprehensive perspective: control of flows, the fight against trafficking, strengthening of institutions responsible for migration issues, legal migration, returns, etc. CABRERA A. (2008) *Los Acuerdos Bilaterales Suscritos Por España En Materia Migratoria Con Países Del Continente Africano: Especial Consideración De La Readmisión De Inmigrantes En Situación Irregular* <https://www.ugr.es/~redce/REDCE10/articulos/04MASuncionAsinCabrerera.htm#12bis>

66 MINISTRY OF INCLUSION. Migration Portal. <https://extranjeros.inclusion.gob.es/es/normativa/internacional/readmision/index.html>

67 IRIDIA. 2020. *Vulneraciones de Derechos Humanos en las deportaciones*. <https://iridia.cat/wp-content/uploads/2020/10/Deportaciones2.pdf> (pag.66)

68 As an example, the Ombudsman has shown concern about the 'conditions of respect for fundamental rights in Mauritania and the situation of those countries from which the returnees are nationals and to whose authorities Mauritania allegedly hands them over', highlighting the case of Malian nationals who may come from areas declared by the UNHCR as at risk.

OMBUDSMAN. 2020- Annual Report 2019. National Mechanism for the Prevention of Torture https://www.defensordelpueblo.es/wp-content/uploads/2020/06/Informe_2019_MNP-1.pdf (pg 206 y 207)

69 See the reports on Algeria, Mauritania and Senegal to find out more about these violations of rights.

Internment and expulsions in Spain and Europe

Chapter IV of the Return Directive regulates the internment of persons who are the subject of return procedures due to expulsion.

In Spain, according to a SJM report⁷⁰, the nationality with the highest number of internments at CIEs (Foreign Internment Centres) in 2019 were Moroccans (2,645), Algerians (1,922), Albanians (232) and Senegalese (218)⁷¹.

No official data has been published regarding the number of expulsions carried out by Spain. However, the media, NGOs and the Ombudsman confirm that they are taking place⁷².

With regard to the EU as a whole, according to data from the European Commission⁷³, Algeria, along with Morocco, is the country of origin with the most deportation orders. However, it has one of the lowest rates of effective return (less than 5%, only lower for Senegalese [3.1%], Guineans, Ivorians and Malians), which highlights the ineffectiveness of these mechanisms⁷⁴.

On the other hand, voluntary return is introduced as an integral part of the common EU returns system⁷⁵. It is carried out from EU countries, such as Spain⁷⁶, and from transit countries, in which, according to the IOM, 'it is an essential component of a comprehensive and integrated approach to migration management'⁷⁷.

In Spain, voluntary return programmes are managed by third sector entities or the IOM in collaboration with the government. At the EU level, projects aimed at the voluntary return of migrants to their countries of origin are funded under the framework of the EUTF⁷⁸. Various organisations and the media have issued highly critical reports on such projects⁷⁹.

70 Servicio Jesuita a Migrantes-SJM. (2020). *CIE, Diez años mirando a otro lado*. <https://sjme.org/wp-content/uploads/2021/01/Anexo-Informe-CIE-2019-SJM.pdf>

71 Figures similar to those for 2018, when the 2,801 Moroccan people interned made up 35.66% of the total, the 2,513 Algerians interned represented 31.99%, the 418 Guineans 5.32% and the 320 Senegalese 4.07%. Ibid.

72 This data was requested through the transparency portal but no response was obtained.

Público, 02/12/2020 <https://www.publico.es/sociedad/deportacion-migrantes-interior-retoma-deportaciones-migrantes-argelinos-cie.html>

El País, 23/12/2020. *Interior fletó de urgencia tres barcos para expulsar a 120 argelinos en situación irregular* <https://elpais.com/espana/2020-12-23/interior-fleto-de-urgencia-tres-barcos-para-expulsar-a-120-argelinos-en-situacion-irregular.html>

Europa Press 30/06/2020. *Defensor del Pueblo cuestiona repatriaciones de migrantes a Mauritania porque pueden vulnerar tratados internacionales* <https://www.europapress.es/epsocial/migracion/noticia-defensor-pueblo-cuestiona-repatriaciones-migrantes-mauritania-porque-pueden-vulnerar-tratados-internacionales-20200630182023.html>

73 EUROPEAN COMMISSION (webpage). Statistics on migration to Europe. https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en#overall-figures-of-immigrants-in-european-society

74 The lack of effectiveness is recognised by the European Commission itself and is highlighted by the European Court of Auditors. EUROPEAN COMMISSION (Website). Statistics on migration to Europe. (Ibid).

EUROPEAN COURT OF AUDITORS (2021). Special Report. 17/2021: EU readmission cooperation with third countries: relevant actions yielded limited results. <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=59347>

75 EUROPEAN COMMISSION (27/04/2021). Press. Migration Management: New EU Strategy on voluntary return and reintegration: Questions and Answers https://ec.europa.eu/commission/presscorner/detail/es/ip_21_1931 and COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL The EU strategy on voluntary return and reintegration

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0120&from=ES>

76 IOM-Spain.(website) *Retorno voluntario*. <https://spain.iom.int/es/proyecto-de-retorno-voluntario>

77 IOM (2021). Assisted Voluntary Return and Reintegration. <https://web.archive.org/web/20211020190505/> <https://www.iom.int/assisted-voluntary-return-and-reintegration>

78 For example, AECID, in collaboration with the French Cooperation Agency and the IOM, receives funds from the EUTF to develop the project Strengthening the management and governance of migrations and sustainable return and integration in Senegal and the accompaniment of investments of the Senegalese Diaspora approved in 2017 for €27,900,000.00. In Mauritania, IOM manages the programme Strengthening Border and Migration Management, facilitating the sustainable protection, return and reintegration of migrants in Mauritania for €8 million.

79 Euromed Rights Report (/2021). https://euromedrights.org/wp-content/uploads/2021/04/EN_Chapter-1-EU-Return-Policies.pdf; Transnational Institute <https://www.tni.org/es/externalizarlaopresion>; HRW (2019) 'No Escape From Hell', https://www.hrw.org/sites/default/files/report_pdf/eu0119_web2.pdf; AMMODI <https://ammodi.com/2020/11/23/the-iom-and-voluntary-return-programmes-in-africa/>; EuroNews documentary series <https://www.euronews.com/2020/06/19/paying-for-migrants-to-go-back-home-how-the-eu-s-voluntary-return-scheme-is-failing-the-de> which received a reply from the IOM: <https://www.euronews.com/2020/07/22/iom-responds-to-euronews-investigation-into-the-eu-iom-joint-initiative>

Other civil society organisations interviewed for this project confirmed these criticisms.

On the other hand, return, whether voluntary or forced, has a high personal impact. It is perceived as a failure of the vital, individual, social and community project and often involves a complex process of reintegration into the communities, with family rejection and psychological problems being common⁸⁰.

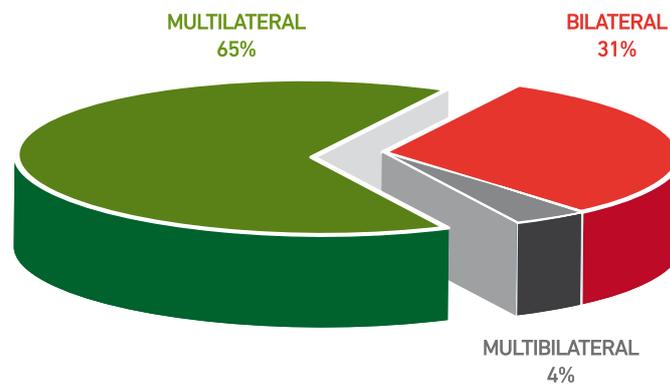
4. Main spanish financial and programming instruments for development cooperation and foreign action on issues of migration in africa

4.1. Official Development Assistance in Spain: Recent data and trends

Since 2010, Spanish ODA has not exceeded 0.40% of the Gross National Income. Although an increase in the proportion of funds allocated to ODA is expected⁸¹, in 2019 it did not exceed 0.21% of the GNI.

As for how it is channelled, it should be stressed that bilateral aid⁸² -that is, direct action in developing countries- carries very low weight in Spain on a whole. In 2019, it only accounted for 35% of the total⁸³. Furthermore, according to Oxfam Intermón, this aid follows 'concerning patterns'. That very year, the top five sectors aid was allocated to (the 'reception of refugees in Spain' [28%]⁸⁴, social infrastructures and services, multisectoral, donor administrative costs, and emergency aid) do not correspond with the lines laid out in the strategic plans⁸⁵. Thus, in practice, Spanish aid does not reflect in many cases the strategies set out in its cooperation policy.

Graph 1. Channels for ODA from Spain



Own creation based on data from Oxfam-Intermón

80 EL DIARIO. 18/12/2019. La "vergüenza" de volver: los deportados luchan contra el estigma del 'fracaso' en Senegal. https://www.eldiario.es/desalambre/deportados-senegaleses-luchan-estigma-fracaso_1_1162548.html

81 The current executive branch pledged to reach 0.5% by the end of the current legislature. And in January 2022 the Minister of Foreign Action proposed to give legal status to the commitment to allocate 0.7% in 2030.

EL CONFIDENCIAL (14/02/2022). Adiós a la "década perdida" de la cooperación española: ¿por qué necesitamos la nueva ley? https://www.elespanol.com/enclave-ods/historias/20220214/adios-decada-perdida-cooperacion-espanola-necesitamos-nueva/649435443_0.htm

82 Bilateral aid is a method of channelling by which the donor country provides ODA to a country for performing specific actions.

Aid flows delivered by the donor country to a multilateral development organization (MDO) are considered multilateral aid, previously specifying the destination and/or the sector/programme to which funds will be allocated. (Therefore, the DAC considers it a subtype of bilateral aid.)

Oxfam Intermón (website). The Reality of Aid. Glossary. <http://www.realidadayuda.org/glossary>

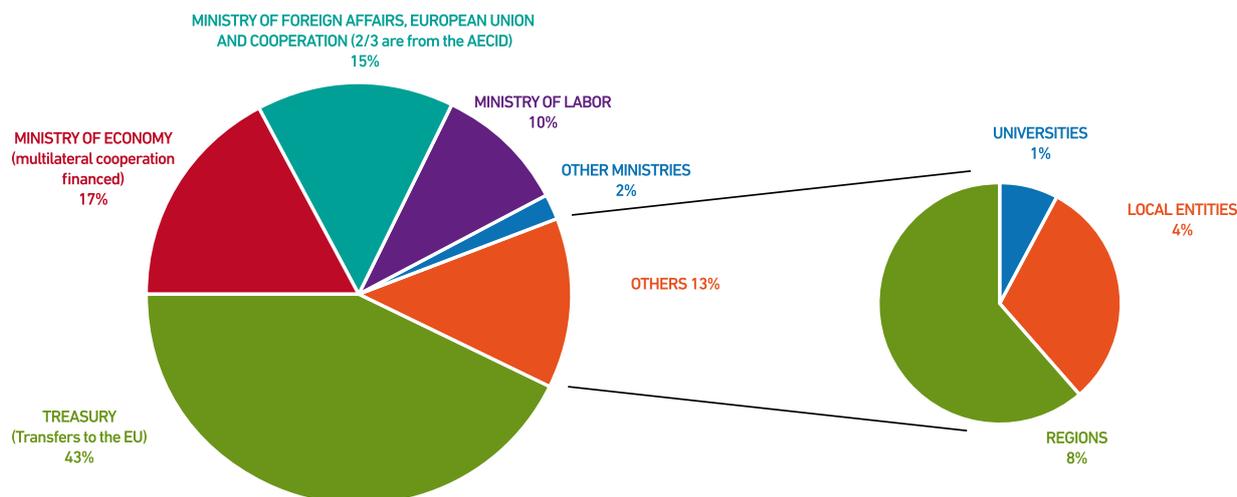
83 Including the multilateral

84 For organisations like Oxfam Intermón, these funds should be excluded directly from ODA calculations because they are unrelated to any development strategy and they do not have a direct impact on the population of the countries. To understand why these funds are considered ODA by the OECD, see Annex 10 of the Information System for Official Development Assistance and Other Official Flows. (Tossd) <https://infoaad-info.maec.es/frontend/portada/seccion/anexos>

85 It would also be difficult to identify a previous strategy in the distribution of resources and allocation of Spanish cooperation through multilateral channels: in 2019, almost two-thirds of the net ODA that arrived through multilateral channels (€1.70 billion), 72.7%, was mandatory contributions.

As for the actors involved, the General State Administration executed 87.5% of Spanish cooperation funds⁸⁶. As in previous years, the main actors were the economic ministries: the Treasury and Economy and Business, whose resources include the payment of obligatory contributions to multilateral organizations⁸⁷.

Graph 2. Spanish development cooperation actors



Own creation based on data from Oxfam-Intermón⁸⁸

Within the framework of development cooperation policy and Spanish foreign action, there are many strategic plans and documents, despite the previously mentioned difficulty in effectively reflecting the strategy contained therein. On the one hand, there are Master Plans for development cooperation that cover the whole of cooperation. On the other hand, there are regional plans (such as the Africa Plans) and national plans (Country Partnership Frameworks)⁸⁹, which have been developed in recent years.

Next, we will briefly address the Master Plans for development cooperation, the Africa Plans (from foreign action) and other derivative instruments, focusing especially on aspects related to migration in Africa.

4.2. Spanish programming instruments for development cooperation and foreign action

4.2.1. Development cooperation master plans

Launched in 2001, the Master Plans are the basic planning instrument for establishing the sectoral and geographical objectives and priorities for Spanish development cooperation. They aim to define the intervention criteria to be followed when executing the development policy and the necessary monitoring and evaluation processes for consistent, coherent and sustained management thereof⁹⁰.

⁸⁶ OXFAM-INTERMÓN- (2020). Op. Cit.

⁸⁷ As part of the study carried out by CEAR on important countries of transit for migrants (Algeria, Senegal and Mauritania), it was found that the importance that ODA from the Ministry of the Interior has played in Mauritania is noteworthy, thus leading us to reflect on the role of this ministry in cooperation. To learn more, you can refer to the reports on Senegal, Algeria and Mauritania published by CEAR as part of this project.

⁸⁸ OXFAM-INTERMÓN(2020). Op. Cit.

⁸⁹ The Country Partnership Frameworks (CPFs) are strategic planning instruments for development cooperation focused on a specific country and aimed at achieving greater appropriation, alignment and harmonisation with the partner country MAEC (2013). Manual for the establishment, monitoring and evaluation of Country Association Frameworks. <https://slimlink/Ti>

As for the countries under study in this project, both Mauritania and Senegal have CPFs. (See the specific reports for these countries.)

⁹⁰ AECID (Website). Spanish Cooperation Master Plan https://www.aecid.es/ES/Paginas/Sectores%20de%20Cooperacion/Cultura%20y%20Ciencia/Publicaciones/Coop_Espanola/Plan_director/Plan-Director.aspx

Given that it is not possible to carry out a detailed analysis of each plan here, we focus below on the issues related to migration and human mobility included in them (Table 1). As can be observed, the interest and focus on this subject has fluctuated.

Table 1. Migration in the Master Plans for Spanish Cooperation:	
First Master Plan (2001-2004)	There is hardly any reference to migrants beyond studying possible solutions to the 'concerning issue of migration'.
Second Master Plan (2005-2008)	- The importance of maintaining policy coherence is underlined: 'Therefore, it will be of little use to have a committed and quality development aid policy if the rest of the public decisions work in the opposite direction, limiting the opportunities for progress of the countries of the South'. (PD 2005-2008, p. 117) - The 'co-development' ⁹¹ approach is introduced. In terms of human mobility, it mentions the positive aspects of migration. An attempt is made to include the diaspora communities and/or their remittances as promoters of development in their communities of origin. There was an attempt to incorporate remittances as part of ODA; this was a very controversial issue that was finally discarded.
Third Master Plan (2009-2012)	The link between migration and development is emphasised, speaking of ' <i>encouraging the reciprocal positive effects between migration and development through the promotion of co-development, empowerment of diasporas, and support for the creation and implementation of adequate and coherent public migration policies in the countries of origin, transit and destination, protecting the rights of migrants in all phases of the process</i> ' (pg. 124), specifying that ' <i>no activity aimed at the controlling/regulating of migration flows will be included as ODA</i> ' (p. 174).
Fourth Master Plan (2013-2017)	Migration disappears from the plan. The line of migration and development is not continued, nor is the co development approach.
Fifth Master Plan (2018-2021)	The SDGs ⁹² are included and the interest in working on migration management is recovered. Target 10.7: Responsible and well-managed migration policies <i>'Spanish Cooperation will work on institutional strengthening at the national and regional levels in terms of migration management and the fight against its root causes and will support the free movement of people in intra-regional spaces and the protection of migrants in transit. Special emphasis will be placed on raising awareness of the risks of illegal migration, its prevention and the fight against smuggling and trafficking in human beings'</i> (p. 53).
Own creation based on the content of the master plans	

4.2.2. The Africa Plans

Given the geographical scope they encompass and their importance as a foreign policy instrument, we must analyse the Africa Plans and their approach to migration⁹³.

According to researchers from the Elcano Royal Institute, the Africa Plans are some of the few plans prepared by the Spanish administration to include a joint vision of Spanish foreign action, including all kinds of sectors, from development cooperation to defence policy⁹⁴. However, while the instrument has great potential, the sectoral and geographical⁹⁵ distribution of its foreign action limits its possibility of success.

The First Africa Plan (2006-2008)⁹⁶ reconfigured Spain's foreign policy in Africa. In addition to increasing opportunities and the internationalisation of Spanish export companies, the plan sought to consolidate the

91 It is worth mentioning as a highly illustrative element that the Fifth Master Plan was approved by the Council of Ministers (in March 2018) despite the resolution against the current parties in the Government considering their 'lack of political ambition and strategic vision', an assessment also shared by numerous NGOs that also highlighted their lack of resources and coherence, among other deficits.

See: https://www.eldiario.es/desalambre/congreso-plan-director-cooperacion-gobierno_1_2254462.html and <https://coordinadoraongd.org/2018/02/la-segunda-propuesta-v-plan-director-condena-la-agonia-la-cooperacion/>

92 Sustainable Development Goals See: <https://www.agenda2030.gob.es/objetivos/>

93 For more information, see Annex II 'Objectives of the Africa Plans'

94 OLIVÉ. I. and OYA (2009) *Desarrollo, Coherencia y Concentración: algunos comentarios al Plan África -2009-2012*. Elcano Royal Institute. http://www.realinstitutoelcano.org/wps/portal/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/ari94-2009

95 The Second AP lists 25 countries, without including those that form part of the regional integration organisations with which it will maintain relations.

96 MAEC. Africa Plan. 2006-2008. <http://crea-africa.org/wp-content/uploads/2008/09/LIBROPLANAFRICA.pdf>

partnership with Africa in terms of migration control (developing internal, bilateral and multilateral lines of action). It was not mere chance that the first plan was launched in 2006, when, with the focus on fighting irregular immigration to Spain, diplomatic, trade and cooperation relations (highlighting migration⁹⁷) with African countries multiplied.

The Second Africa Plan (2009-2012)⁹⁸ delved further into the line developed by the first plan. In broad strokes, both plans mainly responded to Spain's interests in Africa, treating the continent more as an object than an active subject⁹⁹. Foreign action is designed -although some question whether there is any real planning involved¹⁰⁰- without any dialogue with civil society¹⁰¹ or government actors in the countries where it is going to take place. In these two plans, the objectives related to both security and economic and trade interests (with special emphasis on the fishing and energy sectors) acquire great relevance compared to the objectives related to the fight against poverty and inequality.

Between 2012 and 2018 -around the time of the Fourth Cooperation Master Plan (2013-2017), which did not address migration-, an Africa Plan was not developed. The Third Africa Plan wasn't approved until 2019, when Spain became the main route of entry by sea to Europe, with more than 57,000 migrants arriving to its shores¹⁰².

The Third Africa Plan reflects the constant nature of African migration and the fact that intra African migration makes up the majority of the total (70-80%), with flows from Africa representing 'only part of the total number of migrants received by the Union'. It also mentions that remittances in many countries represent a greater amount than ODA and the perception that exists in Africa is that the EU excessively focuses its relations with the continent on the issue of controlling irregular immigration and, specifically, on repatriations.

Although it makes a diagnosis of the situation in Africa and lists the actions required to achieve the proposed objectives (promotion of sustainable development, promotion of peace and security, strengthening of institutions and support for orderly, regular and safe mobility¹⁰³), in terms of planning, the Third AP lacks specificity.

Furthermore, despite mentioning the positive impact that migration can have¹⁰⁴, it focuses too much on internal causes and repeatedly emphasises the possible risks, challenges or threats it poses. According to the African Studies Group (GEA), it shows excessive concern and a rather negative view of African

97 During the term of the First AP, 12 agreements were signed with West African states. Six of them were 'new generation agreements' for cooperation in migration matters. These agreements contain clauses on the fight against irregular immigration, the readmission of migrants in this situation, the integration of workers into the Spanish labour market, the integration of migrants in the host society and the strengthening of the links between immigration and development.

ENTRECULTURAS (2011) *Políticas de control migratorio y de cooperación al desarrollo entre España y África Occidental durante la ejecución del primer Plan África* https://www.entreculturas.org/files/documentos/estudios_e_informes/InformeControlMigratorioyAOD_2011.pdf?download

98 Government of Spain. Africa Plan 2009-2012. AECID. <https://www.almendron.com/tribuna/wp-content/uploads/2009/06/II-plan-africa.pdf>

99 AZKONA, N. (2013) *La coherencia de los Planes África a examen: La relación entre los flujos de migración y los fondos de cooperación al desarrollo entre África Occidental y la Unión Europea* [Tesis doctoral, UPV-EHU]. Universidad del País Vasco. <https://www.casafrica.es/sites/default/files/contents/document/toc0000005233001.pdf>

100 Gabrielli argues that, although the Africa Plan is considered a key element of Spanish foreign action on migration, the empirical development of the external dimension of immigration policy is implemented in a much more improvised way based on formal bilateral agreements and informal agreements between countries. GABRIELLI, L. (2017). *La externalización europea del control migratorio: ¿La acción española como modelo?*. http://www.cidob.org/es/articulos/anuario_cidob_de_la_inmigracion/2017/la_externalizacion_europea_del_control_migratorio_la_accion_espanola_como_modelo

101 Civil society organisations interviewed for this project confirm these criticisms.

102 Work on the Third Africa Plan began in July 2003.

The plan, approved in 2019, is currently in force.

MAEC-MAUC (2019). Third Africa Plan. Plan África 2019. http://www.exteriores.gob.es/Portal/es/SalaDePrensa/Multimedia/Publicaciones/Documents/2019_PLAN%20AFRICA.pdf Law 2/2014, of 25 March, on Action and the Foreign Service of the State is noteworthy. <https://www.boe.es/boe/dias/2014/03/26/pdfs/BOE-A-2014-3248.pdf> article 23.2 establishes that 'Foreign Action on immigration will be aimed at organising migration flows to Spain and reinforcing the fight against irregular immigration'.

103 The Plan lists the actions that would have to be taken to develop that support. Africa Plan 2019. Pg. 47 Op. cit.

104 'We must continue to commit to a global and comprehensive approach that addresses the root causes of the migration phenomenon, firmly fighting against human trafficking and smuggling and articulating safe, orderly and regular migration routes, since well-managed migration has a positive impact on the migrant, communities and countries of both origin and destination'. Africa Plan 2019. Pgs. 46-47 Op. cit.

mobility and demographic growth, portraying them as ‘threats’ and continually associating them with other problems such as political instability, radicalism, terrorism or illicit trafficking, among others. There has also been criticism of how the Third AP does not determine how its actions are aligned with other government commitments in development, such as the SDGs, the 2030 Agenda or the Migration Pact, without the policy coherence approach for development appearing at all¹⁰⁵.

In response to the criticism of the geographical dispersion of the previous two plans, the third plan acknowledges the need for concentration¹⁰⁶ and seems to attempt to reduce the number of countries at which its actions¹⁰⁷ are aimed. However, this detail appears to have been forgotten in the document that lays out the plan’s programme (Africa Focus)¹⁰⁸.

Focus Africa 2023

According to the executive summary, Africa Focus 2023¹⁰⁹ (AF) is the action programme of the Third Africa Plan, specifying and laying out the scope of Spain’s foreign action until 2023. It is part of the 2021–2024 Foreign Action Strategy¹¹⁰ and translates it into all the institutional actors of the Spanish Government in Africa and other Spanish actors on the continent. Moreover, it is aligned with the SDGs of the 2030 Agenda and the 2063 Agenda of the African Union.

The ‘Focus Africa 2023’ action programme attempts to delimit the objectives of the Third AP, criticised for its lack of specificity, detail¹¹¹ and alignment with other instruments.

It includes the four strategic objectives of the Third Africa Plan (peace and security; sustainable development, inclusive and resilient economic growth; institutionality; and orderly, regular and safe mobility) and develops them through seven priorities.

Geographically, it attempts to focus on the countries indicated in the Third AP as anchor countries and priority countries (a total of 10 countries). However, it introduces countries that were not initially included¹¹² based on economic, development and peace and security interests¹¹³, once again losing sight of the goal of concentration¹¹⁴.

105 Grupo de Estudios Africanos-GEA (2020). *¿Más allá del “interés nacional” y la seguridad?: propuestas para otra política exterior española en África. Algunas reflexiones críticas desde el grupo de estudios africanos al III Plan África*. <http://grupodeestudiosafricanos.org/noticias/el-gea-publica-un-analisis-critico-sobre-el-iii-plan-africa.htm>

106 The document recognises it as follows: ‘A strategy for Africa must be capable of enacting more appropriate policies for each region and country. This necessarily entails allowing degrees of priority based on Spanish interests in the various regions and work areas, accompanied by the appropriate instrument(s) in each case. This also translates into the necessary concentration and adaptation of the strategic objectives in certain regions according to our degree of presence and the interests that we intend to develop. It is an indisputable reality that the resources available do not allow for everything to be done everywhere, so priority will be given to different dimensions according to the different national and regional realities’.

MAEC-MAUC. (2019). Third Africa Plan. Concentration Principle. (pg. 38.)

107 It mentions three ‘anchor countries’ (Nigeria, Ethiopia and South Africa) and seven priority countries (Senegal, Ivory Coast, Ghana, Angola, Mozambique, Tanzania and Kenya). Grouped this way, the Third Africa Plan has 13 countries less than the Second and 17 less than the First.

108 See Annex III. ‘Map showing the geographical distribution of countries in the Third AP and Focus Africa.’

109 MAEC-MAUC (2021) AFRICA FOCUS 2023. <http://www.exteriores.gob.es/Portal/es/SalaDePrensa/ElMinisterioInforma/Documents/ESP%20DOCUMENTO%20FOCO%20AFRICA%202023.pdf>

110 2021–2024 Foreign Action Plan (2021). Spanish Government. <https://bit.ly/3Fi7W7g>

111 As stated in the detailed analysis by the Group of African Studies, ‘the Africa Plan is not a planning instrument but a foreign action strategy, a communicative, declarative and illustrative document, with strategic objectives and very ambitious lines of action. It lacks a prior analysis on which to adequately support the strategic objectives, which should be linked to the specific objectives more consistently and on the basis of causal logic’. (GEA, 2020:8) Op. Cit.

112 Morocco, Algeria, Egypt, Uganda and Rwanda due to economic interests; Mauritania, Mali, Niger, Tunisia and Equatorial Guinea in the field of development cooperation.

113 Geographic priorities. Africa Focus is centred on the countries indicated in the Third Africa Plan: Nigeria, Ethiopia and South Africa, considered ‘anchor countries’ due to their demographic characteristics, political and economic projection and influence on the stability of their subregions; as well as Senegal, Ivory Coast, Ghana, Kenya, Tanzania, Mozambique and Angola, which are considered ‘priority’ countries. Moreover, Africa Focus establishes specific geographical priorities in the various areas of strategic intervention: in economic terms, it focuses on Morocco, Algeria, Egypt, Rwanda, Uganda, Senegal, Ivory Coast, Kenya, Tanzania and Ghana. In peace and security, priority is given to the Sahel, the Horn of Africa, the maritime space of the Gulf of Guinea, and Mozambique. In the area of development cooperation, special emphasis is placed on the priority countries of the V Master Plan for Spanish Cooperation: Mali, Niger, Senegal, Cape Verde, Equatorial Guinea, Ethiopia, Mozambique, Morocco, Mauritania, Tunisia and Egypt.

114 (See Annex III. Map showing the geographical distribution of countries in the Third AP and Focus Africa)

Various civil society organisations have pointed out that both the Third Africa Plan and Africa Focus are very much centred on economic development, mobility and security rather than human rights, gender equality or sustainable development¹¹⁵.

Let us remember that the Africa Plans are not development cooperation plans but foreign action plans: we see how aspects related to development cooperation fluctuate among the priorities, along with other purely economic and security issues. This instrument is a good example of the intersectionality created between development, economic, political, diplomatic and border management objectives, among others.

4.3. Other instruments of Spanish Foreign Action:

4.3.1. MoUs, agreements, treaties and bilateral declarations

Memoranda of Understanding (MoUs) are informal instruments for establishing agreements and represent an essential foreign policy instrument due to their flexibility and lack of oversight. They deal with all sorts of matters such as education, trade, economic matters, security issues, maritime control, repatriations or returns, and many of them are not public.

Memoranda of Understanding (MoUs)

MoUs are established in Law 25/2014, of 27 November, on Treaties and other International Agreements, which mentions them under the name of 'non-regulatory international agreements' (NRIAs), defined in article 2 as 'international agreements that do not constitute a treaty nor an international administrative agreement (between the State, Government, bodies of the General State Administration, autonomous communities, public universities and any other subject of public law with the competence to enter such an agreement) which contain declarations of intent or establish political, technical or logistical action commitments, and do not constitute a source of international obligations nor are they governed by International Law'.

It is noteworthy that Law 40/2015, on the Legal Regime of the Public Sector, excludes MoUs from its scope of application, so there is no legal regulation of this instrument. This allows the Parties greater freedom of content, provided that it does not imply the adoption of legal commitments. As there is no legal regulation, it is not necessary to comply with any procedure-unlike collaboration agreements-, which implies greater processing agility and a significant reduction in deadlines.

José Martín, professor of international law, warned in 2015 of the risk posed by NRIAs due to their growing use and the possibility of them becoming an international instrument to legally articulate relations between subjects of international law, relegating the use of treaties and international administrative agreements to cases in which there is no other option¹¹⁶.

According to this author, to channel the use of NRIAs into their natural scope of action (commitments of a purely political nature) and avoid inappropriate use (NRIAs that conceal international treaties) or abusive use (resorting to an NRIA due to the non-obligation to publish), it is particularly important that the Law of Treaties and Other International Agreements regulates their use and establishes a registration requirement.

¹¹⁵ African Studies Group-GEA (2020). Op cit. and Coordinator of NGOs. 09/06/2021. Interview with Irene Bello, Spanish Development NGO Coordinator. Casa África. <https://www.youtube.com/watch?v=mRsv6Ul19cs>

¹¹⁶ MARTÍN, J. (2015). *La ley de tratados y otros acuerdos internacionales: Una nueva regulación para disciplinar una práctica internacional difícil de ignorar* – Revista REDI. Retrieved 5 November 2021 from <http://www.revista-redi.es/es/articulos/la-ley-de-tratados-y-otros-acuerdos-internacionales-una-nueva-regulacion-para-disciplinar-una-practica-internacional-dificil-de-ignorar/>

In addition to MoUs, there are other instruments of international law, such as treaties, bilateral agreements and declarations signed in multiple areas, including matters related to migration such as readmission agreements (deportations) and which on many occasions are not public either.

4.3.2. Delegated cooperation

Spain is among the top European countries¹¹⁷ to implement delegated development cooperation¹¹⁸ in recent years. The agencies certified by the EU for this type of cooperation in Spain are the AECID, which has been executing this type of project since 2011, and the FIIAPP since 2014.

A significant portion of the projects delegated to Spanish cooperation by the EU have been framed in the migration¹¹⁹ and security¹²⁰ sector, thus sometimes making it a participant in the implementation of this European securitised and externalising approach.

Taking the EU Trust Fund for Africa (EUTF)¹²¹ as an example, Spain manages 15 projects either alone or with other actors (nine from AECID and six from FIIAPP for €163,026,233 and €154,500,000 respectively)¹²².

The significant role of FIIAPP—and the Spanish Ministry of the Interior as a collaborating institution—in the Sahel and North Africa region in managing projects and funds for Development Cooperation is remarkable¹²³.

117 AECID (16/12/2021). Press. *La Comisión Europea renueva la acreditación de la AECID como agencia ejecutora de cooperación delegada europea* https://www.aecid.es/ES/Paginas/Sala%20de%20Prensa/Noticias/2021/2021_12/16_reacreditaci%C3%B3n_aecid.aspx and OLIVIÉ, I. and PÉREZ, A. (2019) *¿Dónde está la ayuda española?* Elcano Royal Institute. <https://media.realinstitutoelcano.org/wp-content/uploads/2021/11/ari49-2019-olivie-perez-donde-esta-la-ayuda-espanola.pdf>

118 Delegated cooperation is a type of cooperation whereby one or more donors transfer funds to another donor or cooperation agency to which they entrust the execution of a project. In the case of Spain, the two EU-certified Spanish agencies are the AECID and the FIIAPP.

119 Over the years, delegated cooperation on migration matters has focused on the regulation of flows, security and governance processes related to mobility control. See Annex V: EUTF projects executed by Spanish delegated cooperation

120 As stated in an article by the Elcano Royal Institute, the cooperation funds delegated to Spain for projects related to security (conflict resolution, peace and security, governance, security and the fight against drugs, security and the fight against organised crime) are very high. From 2010 to 2019, it amounted to just over €183 million, which represents 30% of total delegated cooperation, much more than that received by this sector from Spanish ODA. OLIVIÉ, I. and PÉREZ, A. (2019) (op.cit)

121 Spain contributed €9 million to the EUTF https://ec.europa.eu/trustfundforafrica/content/trust-fund-financials_en. See later section on the EUTF to learn more about it and the work of the FIIAPP as a delegated cooperation agency and the annex to see the projects.

122 See Annex IV: EUTF projects executed by Spanish delegated cooperation

123 Through funding from the European Commission, including the implementation of EUTF projects.

International and Ibero-American Foundation for Administration and Public Policies-FIIAPP

The FIIAPP is the Spanish Cooperation agency specialised in the improvement of public systems and the participation of institutions in international cooperation. Its action 'falls under Spanish foreign policy'¹²⁴. FIIAPP is certified to execute EU delegated cooperation projects and manage the twinning programme¹²⁵.

FIIAPP began working on migration in 2006 following the 'Cayucos crisis' with a programme on Migration and Development. The foundation's 2013-2016 strategic plan continued work along the same lines, gaining greater relevance between 2017 and 2020 when, in addition to dealing with issues related to security and the fight against organised crime, the strategic plan aims to promote public policies that improve international protection and orderly management of migrations.

Currently, under the 2021-2024 Strategic Plan, migration is not only considered a priority issue but is also one of the crosscutting axes in all interventions¹²⁶. Since 2013, more than 90% of the funds come from the EU or other international organisations (with the contribution from the General State Administration being only 3% in 2019¹²⁷).

Graph 3. FIAPP annual funds



Own creation based on FIIAPP Annual Reports

124 FIIAPP (Website). <https://www.fiiapp.org/acerca-de-fiiapp-main/>

125 COMISIÓN EUROPEA. European Neighbourhood Policy and Enlargement. Negotiations <https://ec.europa.eu/neighbourhood-enlargement/funding-and-technical-assistance/twinning>

126 Focusing on governance, comprehensive border management, labour and circular migration, protection of migrants and victims of trafficking and smuggling crimes, the fight against criminal activities linked to migration flows. FIIAPP. Strategic Plan 2021-2024 https://www.fiiapp.org/wp-content/uploads/2021/05/Plan-Estrat%C3%A9gico-2021-2024_EN_update-2022.pdf

127 FIIAPP. Memoria 2019. <https://www.fiiapp.org/wp-content/uploads/2020/10/2019-MEMORIA-DE-ACTIVIDADES-FIIAPP.pdf>

5. Risks of conditioning development cooperation in africa on migration control

As we have seen in this report, in recent years the EU has introduced more and more elements of migration control both into its development cooperation policy and its financial instruments. In this sense, several of the people interviewed (researchers, members of NGOs and government institutions) have highlighted the fact that, following the orientation of European policy, some grants for development cooperation projects are based on or introduce elements of migration control. This goes against the very philosophy and principles of development cooperation¹²⁸.

In this way, development cooperation is losing credibility: civil society organisations in Africa and migrants interviewed stressed how the presence of the EU and some Member States is viewed with reservations, as it is understood that they are present more for their own interests than for the development of the countries in which they operate.

As an intersecting element, border control and defence has become a lucrative business¹²⁹, which could introduce an even more economic and calculating vision of migration and externalisation.

In short, there is no doubt that the use and conditioning of development funds (among other things) on border externalisation and control as a way of curbing migration has a serious impact. In addition to affecting our traditional understanding of development cooperation, it has repercussions above all on migrants, their rights, and the ideas we have about them.

5.1. Impacts on migrants and refugees

5.1.1. Migration control and externalisation: The impact on people's lives

We have already seen in previous sections how the return, expulsion and internment of migrants can have serious psychological and/or social consequences, in addition to sometimes entailing a violation of rights¹³⁰. The use of funds for migration control (including development cooperation funds) also has a strong impact on people's lives.

On the one hand, people for whom regional mobility is traditionally part of their daily lives find their usual activities challenging. As several representatives of civil society interviewed for this project highlighted, the EU is 'instituting borders within Africa', preventing the right to travel, and going against institutional efforts to create zones of freedom of movement for workers¹³¹.

¹²⁸ Organisations such as Medecins Sans Frontieres renounced European funds due to the EU's migration policy. See: Mundo Negro. 15/11/2021. *Salvar una vida tiene un impacto político*. <http://mundonegro.es/salvar-una-vida-tiene-un-impacto-politico/>

¹²⁹ In this case we are not referring to the illegal business of human traffickers, which we will deal with later, but to traditional industries that have found a new business niche in construction or border control.

For more information: PorCausa. (2017) *La industria del control migratorio ¿Quién gana en España con las políticas fronterizas de la Unión Europea?* https://www.porcausa.org/industriacontrolmigratorio/media/porcausa_LaIndustriaDelControlMigratorio.pdf AKKERMAN, Mark, (2019). El negocio de construir muros. TNI. <https://www.tni.org/es/construirmuros>

Since 2004, the EU has funded a huge number of projects by one or more MS to strengthen border security and control or take other measures to stop irregular immigration. The Internal Security Fund-Borders and Visas (ISF) has been one of the most significant.

MINISTRY OF THE INTERIOR. (s/f) Citizen Services. 2014-2020 Financial Framework. <http://www.interior.gob.es/web/servicios-al-ciudadano/fondos-de-la-union-europea/marco-financiero-2014-2020/fondo-de-seguridad-interior>

¹³⁰ In the countries along the migration route, the right to legal assistance/interpreter, information/motivation of decisions, non-refoulement and the prohibition of inhuman or degrading treatment, among others, may be violated in these circumstances.

¹³¹ These interviewees emphasised how European policies have affected the free movement established in ECOWAS, for example. This was confirmed by Senegalese activists and migrants.

On the other hand, the policies enacted using these funds have repercussions on the migration routes to Europe, making them more costly economically and in human lives¹³².

The IOM has been keeping tally of the number of deaths of migrants since 2014: 11,000 have lost their lives in Africa (almost half in the Sahara Desert) and more than 23,000 have died in the Mediterranean¹³³.

Far from stopping migration, containment practices lead to routes¹³⁴ being modified and the development of trafficking networks in the absence of legal and safe routes¹³⁵.

Regarding the fight against criminal networks, it has been proven that they grow exponentially richer the more difficult the routes become. The United Nations Office on Drugs and Organised Crime indicates that arrivals in southern Europe of sub-Saharan people through human trafficking and smuggling have remained stable over the last 10 years. It also estimates that some 55,000 migrants fall victim to trafficking each year from Africa to Europe, at a cost of €2,000 to €3,000 per person, representing an income of €150 million for traffickers¹³⁶.

Moreover, we cannot ignore the fact that limiting migration has an economic and social impact, especially for certain countries, given the importance of diasporas and their remittances for development¹³⁷.

All this, alerts us to the serious impacts of channelling development aid funds to actions that not only do not favour but rather make it difficult to improve the living conditions of the people whose countries they are allocated to.

5.1.2. The reality of migration in Africa and securitised discourse

Securitised politics, the corresponding discourse and the media have created and spread erroneous beliefs such as that the countries of the North are the ones that receive the most refugees. The reality is

132 In June 2018, the Council of Europe warned of the impact of the 'external dimension' of the EU's asylum and migration policy on human rights: 'The externalisation of responsibilities and the commitment of non-EU States to reinforcing EU border crossings (...) increases the risk of migrants being "trapped" in transit countries due to readmission and excessive use of punitive and restrictive measures such as refoulement, arbitrary detention and ill-treatment'. CEAR (2019). *Las personas refugiadas en España y Europa*. https://www.cear.es/wp-content/uploads/2019/07/INFORME_CEAR_2019.pdf

133 Figures from February 2022 in the IOM-MISSING MIGRANTS database. <https://missingmigrants.iom.int/>

134 In several reports, FRONTEX states that cooperation between the Spanish authorities and the collaborating countries has reduced the flow of certain routes, admitting that as a consequence there were transfers at the embarkation points or routes. As an example, see: Operational Plan (Main part) EPN CONCEPT Joint Operation EPN Hera 2015 2015/SBS/02. <https://www.statewatch.org/media/documents/news/2017/feb/eu-frontex-operation-hera-op-plan-2015.pdf> (Available thanks to the StateWatch publication, which received the reports with censored fragments after requesting them from FRONTEX.)

FRONTEX. FRONTEX EVALUATION REPORT, JO Hera (2018). https://frontex.europa.eu/assets/Key_Documents/Frontex_Evaluations_Reports/Sea/FER_JO_Hera_2018_-_PUBLIC.pdf

135 2019 Recommendation prepared by the Commissioner for Human Rights of the Council of Europe. <https://rm.coe.int/una-llamada-de-socorro-por-los-derechos-humanos-la-creciente-brecha-en/1680a1dcf0>

20MINUTOS. 10/05/2017 *Expertos advierten de que "la externalización de las fronteras ha potenciado las redes de trata"* <https://www.20minutos.es/noticia/3041095/0/expertos-advierten-que-externalizacion-fronteras-ha-potenciado-redes-trata/?autoref=true>

PÚBLICO. 10/05/2019. *"Fortificar las fronteras sólo genera más traficantes de personas"* <https://www.publico.es/sociedad/trafico-personas-fortificar-fronteras-genera-traficantes-personas.html>

136 UNDOC (2021) The 2020 UNODC Global Report on Trafficking in Persons, p. 135 https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf

137 In Africa, since the 1990s, it is not unusual for the sum received as remittances to be greater than the official development aid received from international donors as a whole.

In general, total remittance flows to low- and middle-income countries (not including China) are greater than the sums of Foreign Direct Investment and development aid. World Bank.

<https://blogs.worldbank.org/es/opendata/la-mayor-fuente-de-financiamiento-externo-de-los-paises-de-ingreso-bajo-y-mediano>

Of the countries studied, Senegal stands out since remittances account for a hefty portion of its GDP. In 2017, they represented 13%.

OIM- ASND (2019). *Migration au Sénégal: Profil Migratoire*. <https://bit.ly/3pQn6W>

that most migration takes place within the same country or between the countries of the South¹³⁸. The IOM¹³⁹ notes that African migration in the 21st century takes place above all by land and that the destinations of African migrants are overwhelmingly not to Europe or North America but mostly within Africa. According to OECD data, African migrants make up only 10.4% of the migrants in all OECD countries, almost half of whom are from North Africa¹⁴⁰. As for Spain, the total number of migrants who arrive irregularly from Africa does not surpass 10% of the total¹⁴¹.

The securitisation of migration

The securitisation approach posited by Buzan, Waeber and De Wilde attempts to explain the process through which an ordinary public issue acquires the status of an existential threat and becomes a security issue. In the securitisation process, the securitising actor presents, through a discursive act directed at a certain audience, an existential threat related to a 'referential object' with the purpose of taking emergency measures against it in a legitimate way. Due to this perception of the object as a threat, the matter is given priority over others in its processing and approval in a decision-making process that would not be consistent with the established ordinary procedures, limiting democratic control and accountability¹⁴².

Currently, EU institutions present the issue of migration in an oversized way, establishing an emergency and crisis scenario and adopting a security narrative that conceives of migration as a threat to identity security, thus affecting the culture and values of the EU¹⁴³.

In this sense, both the European Agenda for Migration and the Partnership Framework contain elements that allow us to confirm they constitute a securitisation strategy, with a strategic interest in getting the countries of origin and transit to be associated with the migration objectives of the EU, thus giving continuity to bilateral cooperation frameworks¹⁴⁴.

In contrast, Africans are the most represented in forced displacement globally: more than a third of the world's refugees are in sub-Saharan Africa¹⁴⁵. The IFRI¹⁴⁶ underlines how asylum is especially a regional phenomenon as refugees often do not have the opportunity to mobilise the time and resources necessary to travel to more distant places.

138 OIM. (2020) Africa Migration Report: Challenging the Narrative <https://publications.iom.int/books/africa-migration-report-challenging-narrative>

139 OIM.15/10/2020. News. IOM and the African Union Commission Launch the first Africa Migration Report <https://www.iom.int/news/iom-and-african-union-commission-launch-first-africa-migration-report>

140 OCDE. (2019). *Note d'information sur les données migratoires, n° 5, Organisation de coopération et de développement économiques « Quelles évolutions des migrations africaines vers les pays de l'OCDE ? »*. Agence française de développement. <https://www.oecd.org/fr/migrations/mig/Migration-data-brief-5-FR.pdf>

141 PorCausa.(2020) *Extranjeros, sin papeles e imprescindibles: Una fotografía de la inmigración irregular en España* <https://porcausa.org/wp-content/uploads/2020/07/RetratodelairregularidadporCausa.pdf> y

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142 BUZAN, B, WÆVER, O, DE WILDE, J. (1998). *Security: A New Framework for Analysis*. Lynne Rienner.

143 In an interview for this project with Augusto Delkáder-Palacios. UCM researcher.

For more information:

DELKÁDER-PALACIOS, A. (2019). *Securitización y condicionalidad migratoria en la ayuda oficial al desarrollo de la Unión Europea*. Revista Iberoamericana de Estudios de Desarrollo/Iberoamerican Journal of Development Studies volume 8, issue 2, pp. 172-201. http://ried.unizar.es/index.php/revista/article/viewFile/403/pdf_1

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144 Ibid.

145 BERTOSSI et al. (2021). *Notes de l'Ifri, L'agenda de l'Union africaine sur les migrations : une alternative aux priorités européennes en Afrique ?*. IFRI. https://www.ifri.org/sites/default/files/atoms/files/bertossi_elouassif_tardis_unionafricaine_migrations_2021.pdf

146 Ibid.

Therefore, the countries that bear the so-called 'migration pressure' are above all the countries of the South¹⁴⁷. Despite this, the image of 'avalanches' or massive inflows of people, especially of sub-Saharan or Maghreb origin, is pervasive.

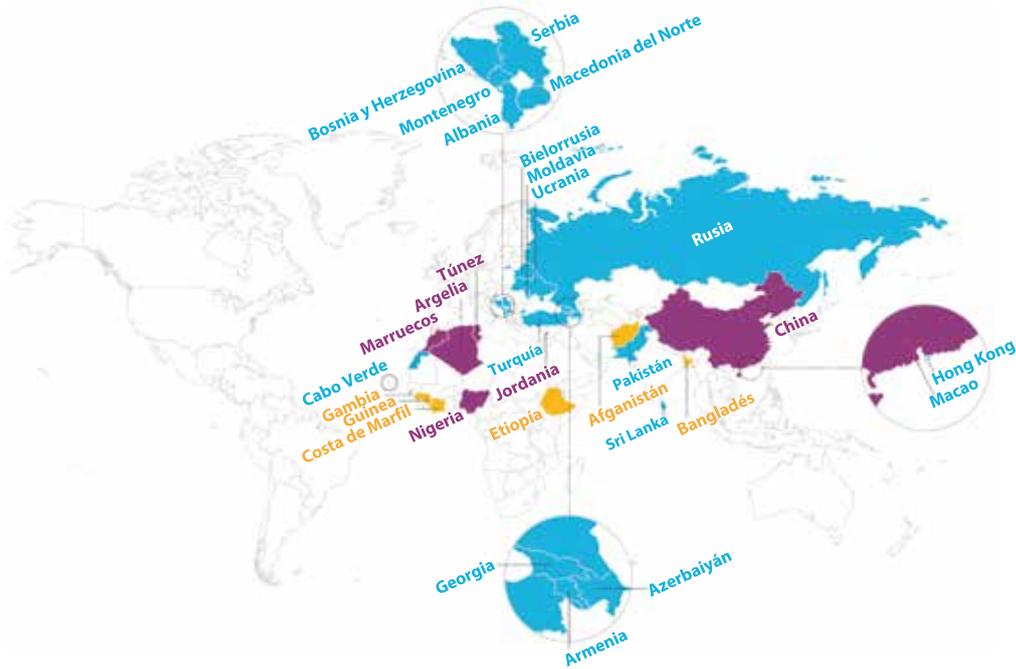
This narrative of an avalanche or invasion has spread, favouring the belief in a need for surveillance and control and promoting xenophobic and racist discourses that affect the coexistence and integration of migrants in European societies.

Instruments such as the EUTF, which treats a structural issue (migration and mobility) as an emergency, has contributed to reinforcing this narrative, including the development cooperation involved in it.

¹⁴⁷ CEAR (web) *Situación Refugiados*. <https://www.cear.es/situacion-refugiados/>

ANNEXES

I. MAP OF EU READMISSION AGREEMENTS AND NON-BINDING READMISSION TREATIES



- Acuerdo de readmisión; entrada en vigor
- Mandato de negociación; fecha
- Convenios de readmisión; entrada en vigor

Marruecos	2000
Argelia	2001
China	2002
Hong Kong	2002
Macao	2002
Sri Lanka	2003
Albania	2004
Rusia	2005
Bosnia y Herzegovina	2006
Moldavia	2006
Montenegro	2007
Macedonia del Norte	2008
Serbia	2008
Ucrania	2009
Pakistán	2010
Georgia	2010
Armenia	2011
Azerbaiyán	2012
Cabo Verde	2012
Túnez	2013
Turquía	2014
Jordania	2014
Afganistán	2015
Nigeria	2016
Bangladés	2016
Guinea	2017
Costa de Marfil	2018
Etiopía	2018
Gambia	2019
Bielorrusia	2020

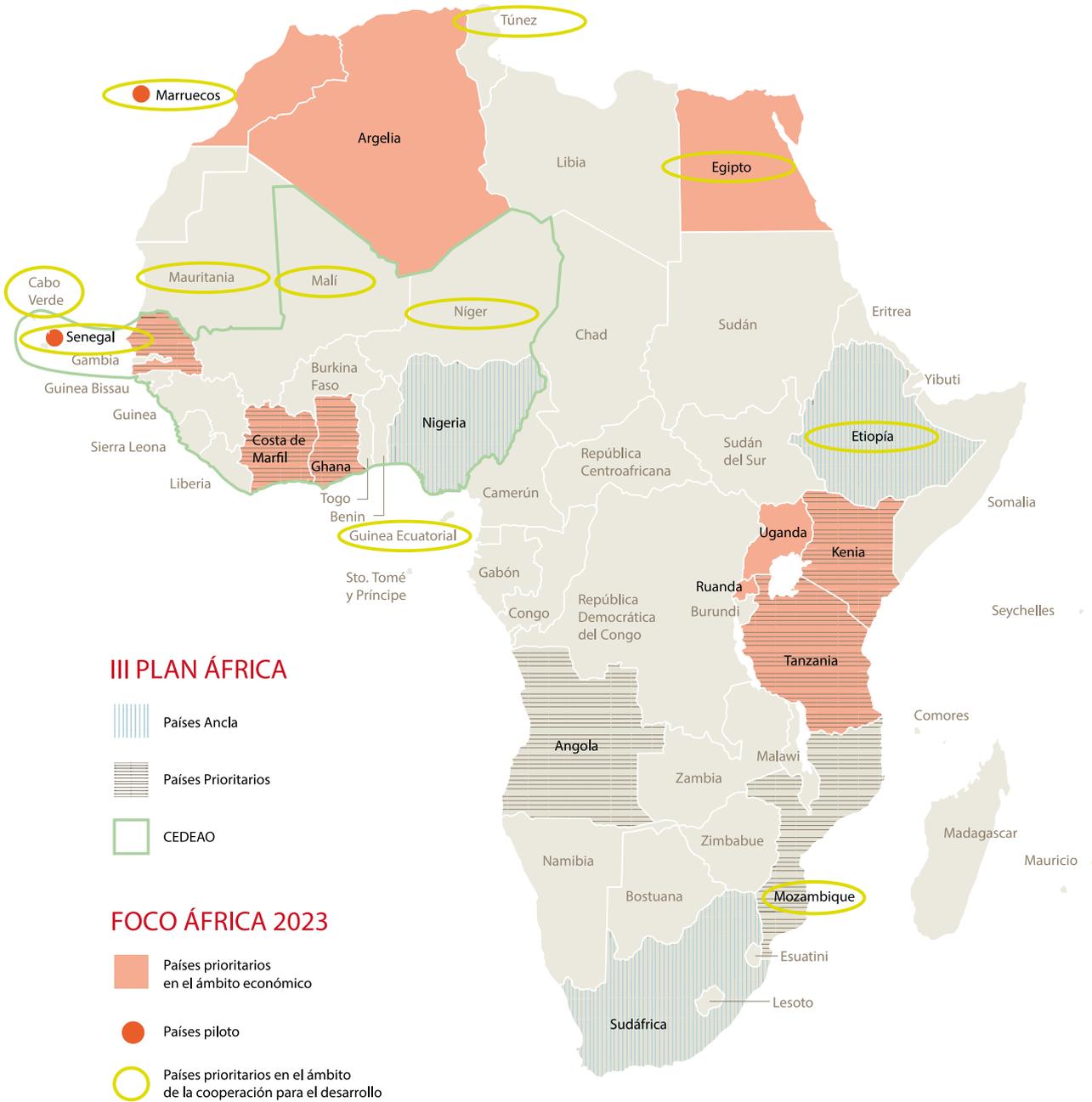
Source: European Court of Auditors, based on data from the Commission.
 Available at: https://www.eca.europa.eu/Lists/ECADocuments/SR21_17/SR_Readmission-cooperation_ES.pdf

II. OBJECTIVES OF THE AFRICA PLANS

FIRST AFRICA PLAN 2006-2008	SECOND AFRICA PLAN 2009-2012	THIRD AFRICA PLAN 2019- ...
1. Strengthen democracy, respect for human rights, peace and security.	1. Support for the processes of consolidation of Democracy and construction of peace and security in Africa.	1. Contribute to peace and security.
2. The fight against poverty and the contribution to Africa's development agenda.	2. The fight against poverty in Africa.	2. Promote sustainable development, inclusive and resilient economic growth.
3. Promote cooperation to adequately regulate migration flows.	3. Promote trade and investment relations between Spain and Africa, and African economic development.	3. Contribute to creating politically and economically open and inclusive societies and increase the institutional presence of Spain on the subcontinent.
4. Strengthen and diversify economic exchanges, and promote investments.	4. Consolidate the partnership with Africa on migration.	4. Commit to a global approach to the migration phenomenon that integrates migration, security and economic growth, in accordance with the Global Compact for Safe, Orderly and Regular Migration.
5. Strengthen cultural cooperation and mutual knowledge and appreciation, promote the Spanish language.	5. Reinforce the Spain-Africa relationship through multilateral channels and the European Union.	
6. Increase the political projection and institutional presence of Spain in the region.	6. Consolidate Spain's political and institutional presence in Africa. Casa Africa and other forms of diplomacy.	

TABLE. OBJECTIVES OF THE AFRICA PLANS- Own creation based on data from Planes África of Spanish Cooperation

III. MAP SHOWING THE GEOGRAPHICAL DISTRIBUTION OF COUNTRIES IN THE THIRD AFRICA PLAN AND FOCUS AFRICA



Own creation based on Africa Focus 2023 map and data available at <https://reliefweb.int/sites/reliefweb.int/files/resources/ENG%20RES%20EJECUTIVO%20FOCO%20AFRICA%202023.pdf>

IV. EUTF PROJECTS EXECUTED BY SPANISH DELEGATED COOPERATION (FIIAPP AND EUTF)

Projects/programmes	EUTF contribution	Implementors	Country	Theme	Adoption date
Common Operational Partnership (COP) Mali	2.850.000€	Civipol, FIIAPP	Mali	Prevention, Improved migration management	30/11/2020
Création d'une Equipe Conjointe d'Investigation (ECI) pour la lutte contre les réseaux criminels liés à l'immigration irrégulière, la traite des êtres humains et le trafic des migrants	11.500.000€	FIIAPP	Niger	Improved governance and conflict prevention	15/02/2017
GAR-SI SAHEL (Groupes d'Action Rapides - Surveillance et intervention au Sahel)	66.600.000€	FIIAPP	Burkina Faso, Mali, Mauritanie, Niger, Senegal, Chad	Improved governance and conflict prevention	01/01/2016
Partenariat Opérationnel Conjoint pour la Mauritanie (POC Mauritanie)	4.500.000€	FIIAPP	Mauritanie,	Improved governance and conflict prevention	01/09/2021
Programme de soutien à l'économie dans le contexte de la crise du COVID 19 en Côte d'Ivoire (PSRE_COVIC_CI)	25.000.000€	FIIAPP	Mali	Greater economic and employment opportunities	02/11/2020
Soutien à la gestion intégrée des frontières et de la migration au Maroc	44.000.000€	FIIAPP	Morocco	Improved migration management	13/12/2018
Création d'emplois par l'amélioration de la filière de l'anacarde, afin d'atténuer les causes de l'émigration, dans les régions de Sikasso, Kayes et Koulikoro	13.576.233€	AECID	Mali	Greater economic and employment opportunities	
Enhancing the Response to Migration Challenges in Egypt (ERMCE)	60.000.000€	GIZ, German Red Cross, P.Lan International, Agenzia italiana per la cooperazione allo sviluppo, AECID, Medium, Small and Micro Enterprise Development Agency, National Council for Women	Egypt	Improved migration management	23/05/2017
Projet d'Appui à la réduction de la migration à travers la Création d'Emplois Ruraux au Sénégal, par la mise en place de fermes agricoles villageoises et individuelles	20.000.000€	MAECI DGCS - Ministero degli Affari Esteri e della Cooperazione Internazionale, AECID	Senegal	Greater economic and employment opportunities	15/02/2017
PROMOPÊCHE: Promotion de l'emploi et amélioration des conditions de vie des pêcheurs artisanaux côtiers, jeunes et femmes aux alentours des espaces naturels protégés, secteur nord de Mauritanie	10.000.000€	AECID	Mauritanie	Greater economic and employment opportunities	10/05/2017
Renforcement de la gestion et de la gouvernance et le retour et la réintégration durable au Mali	15.000.000€	AECID, International Organization for Migration	Mali	Improved migration management	03/07/2017
Renforcement de la gestion et de la gouvernance des migrations et le retour et la réintégration durable au Sénégal et accompagnement des investissements de la diaspora sénégalaise	27.900.000€	AECID, Agence Française de Développement, International Organization for Migration	Senegal	Improved migration management	01/06/2017
Résilience des populations les plus vulnérables face aux crises nutritionnelles et alimentaires dans les zones de départ de Podor, Ranérou, Matam et Kanel	8.000.000€	AECID	Senegal	Strengthening resilience	03/09/2016
Shire Alliance: Energy Access for Host Communities and Refugees in Ethiopia	3.050.000€	AECID	Ethiopia	Greater economic and employment opportunities, Strengthening resilience	01/05/2018
Vivre ensemble sans discrimination : une approche basée sur les Droits de l'Homme et la dimension de genre	5.500.000€	AECID	Morocco	Improved migration management	16/12/2016

Source: Extracted from the EUTF website.

NOTE: There is at least one other FIIAPP project 'Support for maritime security in Mauritania' that does not appear on the EUTF website. Through interviews with the EUTF administration and press reports, we have verified that it is a project sponsored by the fund. FIIAPP. 30/09/2021. News *Refuerzo de capacidades para la seguridad marítima de Mauritania* <https://www.fiiapp.org/noticias/refuerzo-capacidades-la-seguridad-maritima-mauritania/>

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