

# Barcelona against the state: Defending the rights of people to seek refuge



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## Learning objectives

Through this case, participants will learn about the following:

- How cities' entrepreneurship in solving glocal problems (i.e., the interconnectedness of global problems that affect cities) emerges when conflicting and competing framings exist with other administrative levels.
- How cities can build a narrative to present themselves as human rights defenders vis-à-vis restrictive and security-based migration framings. How political and social local leaders are key actors in the process of offering solutions to glocal problems.
- How building human rights capacities over time can create resilient cities whose administrations can rapidly respond to emerging challenges.

## Case description

In 2015, Europe confronted a major immigration-related crisis. War in Syria and political and economic instability in the vicinity of the European Union (EU) prompted the arrival of the highest number of immigrants and refugees since the Second World War (Trauner, 2016). EU member states discussed what should be done. In the end, the EU took a security-based approach that reinforced border control, opened refugee camps (i.e., on the Greek islands), and externalised border control operations to Turkey. This was combined with an EU relocation system where asylum-seekers and refugees would be distributed across member states according to national quotas. Many European cities took a strong stance and criticised such approaches, as they went against international humanitarian law. These cities asked for a model that respected human rights. Barcelona, one of the most active cities for this cause, joined forces with Athens, Milan and Zurich, among others, to denounce these EU actions. Despite not initially being a primary refugee-reception location, the City Council became deeply involved in defending those fleeing conflict. In September 2015, Barcelona's mayor Ada Colau drafted a letter with mayors from other major cities entitled 'We, the cities of Europe'. It asked for a more humane European response to people fleeing war-torn territories and economic deprivation. The letter also declared the will of cities to become places of refuge

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while urging a coordinated response where they were included. The City Council's position produced important political and administrative tensions with the Spanish central government. The latter defended its restrictive approach to welcoming refugees in the context of a rigid and centralised asylum system that, on the one hand, prevented asylum-seekers from obtaining the refugee status and on the other, prevented cities from having any administrative role in reception.

Through this case, we shall look into how Barcelona City Council overcame opposition to its call for a multi-level approach to refugee reception while successfully leading international voices in defence of migrants' and refugees' human rights. In this context, we shall discuss how cities can lead change amid political-administrative conflicts with other levels of government in response to global challenges.

## Background

Barcelona, a city on the shores of the Mediterranean Sea, has been known for its innovative approach to social policies based on a 'new localism', where local problems received local answers (Blanco, 2015). The city developed over time, and especially in preparation for the 1992 Olympic Games, the so-called 'Barcelona Model', based on opening spaces for local actors to intervene in decision-making processes steered by local state actors. The model aimed to build consensus around policies designed and implemented by the city (Eizaguirre et al., 2017). This model has been promoted by successive progressive political parties governing the city since 1978, when the first democratic municipal elections were held at the end of Francisco Franco's four-decade-long dictatorship. The Barcelona model also entailed building an international identity for the city through its participation in forums and transnational networks, such as EuroCities, the C40 on climate change or the United Cities and Local Governments (UCLG).

Barcelona's relationship with immigration and integration is linked to a deep demographic transformation. Foreign-born residents jumped from accounting for less than 1.9 percent of the city's population in 1996 to 24 percent of the 1.5 million population in 2018 (Ajuntament de Barcelona, n.d.). The economic boom experienced by Spain in the 2000s and the local bonanza brought by the 1992 Olympic Games attracted migrants mainly from Latin America, Morocco and Eastern Europe. This evolution accompanied the City Council's progressive and innovative actions on immigrant and refugee reception and integration. Its stance benefits from the Spanish quasi-federal government structure which allocates the sub-national level (comprising regions and municipalities) authority in designing and implementing socio-economic policies that are relevant for receiving and integrating migrants (Bazurli, 2019; Triviño-Salazar, 2021). This situation, along with political leadership that was sensitive to social issues, paved the way for developing a local approach to immigrant integration, even before it was a relevant topic in Spain. In fact, in 1989, the city started investing in immigrant reception as it opened the Care Service for Immigrants, Emigrants and Refugees (SAIER) (Garcés-Mascareñas and Gebhardt, 2020). This one-stop shop offered information on various issues for



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those who had newly arrived in the city. In 1997, Barcelona pioneered its first integration plan, where local authorities institutionalised the foundations of what would be the city's governance approach to migration.

Over the years, successive plans considered integration 'as a "natural" process that will emerge from immigrants' equal access to all social welfare services, which are based on the same principles and requirements [as] for pre-existing residents' (Morales and Jorba, 2010: 272). Such processes were built on the understanding that the presence of migrants should be normalised in all aspects of daily life. In this context, consciously promoting spaces in which local residents and newcomers could interact through culture, public space and civic engagement, among other elements, became the rule. Not only that, social policies were based on a needs-based approach and not on the targeting of specific groups because of their immigrant or non-immigrant status (Zapata-Barrero, 2017). Since the 1990s, the City Council started building a network of pro-immigrant and immigrant-based organisations that contributed to the service delivery of language or training courses, legal advice and housing where migrants, who were counted as city residents, could benefit (Però, 2007; Bazurli, 2019).

In 2015, the radical left political platform led by the pro-housing activist group Barcelona in Common [Barcelona en Comú] (BeC) won the municipal elections. Their government brought to the fore a movement of activists and intellectuals on a platform for social inclusion and global justice that was born of the Spanish Indignados protests in 2011. Before their government, during most of the democratic period, the city had been governed by the centre-left Socialist Party of Catalonia (PSC) and for a brief period (2011–2015) by the Catalan nationalist centre-right Convergence and Union (CiU). BeC's electoral victory centred the political agenda on issues such as participation, social inclusion and local empowerment. Although the inclusion of migrants in the city's policies was encouraged in previous governments, the BeC administration put the marginalisation and labour precariousness experienced by migrants and their right to the city at the heart of their agenda. In fact, during the European Refugee Crisis in September 2015, the BeC-led City Council embarked on an ambitious project to promote cities' central role in receiving refugees. In the open letter published on 28 August, 2015, Mayor Colau made clear her government's position (Sindicato de Estudiantes, n.d.):

What Europe urgently needs is a 'call for affection', a call for empathy. They [meaning the refugees] could be children, brothers or mothers. It could be us, just as many of our grandparents were also exiled (...). Even though this is a matter for state and European responsibilities, in Barcelona we will do all that we can to be part of a network of refuge cities. We want cities that are committed to human rights and life, cities we can be proud of...

The municipal government argued that cities should prepare for migration flows and treat these as issues that were as pressing as climate change, given that political tensions and increasing economic inequality were sure to produce further flights of people from different regions around the world. Furthermore, the municipal government argued, cities should be ready to welcome in those people. The radical left Barcelona government, along with local civil society actors and ordinary citizens, started urging Spain and Europe to stand in solidarity with those who were fleeing conflicts. This mobilisation reached a high point on 18 February, 2017, in a march involving 200,000 demonstrators (according to police figures), asking for a more humane EU approach to the arrival of refugees.

A combination of factors led to Barcelona's mobilisation around refugee reception and the subsequent political and administrative conflicts with the Spanish central government. Firstly, the Spanish asylum system, considered by experts to be highly dysfunctional and centralised (Garcés-Mascreñas and Gebhardt, 2020; Bazurli, 2019), granted the central government the prerogative in processing asylum applications and

receiving and integrating applicants and beneficiaries, according to three asylum laws approved in 1984, 1994 and 2009. The decision to grant refugee status depended on the Interministerial Commission of Asylum and Refuge, formed by state representatives from all the ministries involved in the asylum process (i.e., Interior; Justice; Inclusion, Social Security and Migrations, among others) and with a representative from UNHCR (Royal Decree 203/1995, 10 February). The Ministry of Interior and the Refugee Attention Offices were responsible for formalising the applications and coordinating notification and subsequent protection. The reception and integration of asylum-seekers and refugees were overseen by the Ministry of Inclusion, Social Security and Migrations through the Reception System for International Protection (known as SAPI in Spanish). The system's guiding premise was to provide beneficiaries with the tools to become an active part of society. The system was based on the state network formed by Refugee Attention Centres (CAR in Spanish) and the Centres for Temporary Residence of Immigrants (CETI in Spanish). These were complemented by 21 national NGOs to which the government outsourced this work, such as the Red Cross and the Spanish Commission for Refugees or CEPAIM (AIDA, 2021). Sub-national administrations had little to no formal say in the process.

The second factor was political. Up until 2015, refugees were low on the political agenda (Garcés-Mascareñas and Moreno Amador, 2019), as Spain was not characterised as a main refugee reception country. However, the headlines produced by the Syrian crisis, including the picture of the body of Alain Kurdi – a 3-year old child who was trying along his family to reach Europe on a boat that capsized before shores of Turkey while trying to reach Europe, put refugee reception at the heart of Spanish public opinion. Barcelona's political leaders were able to convey a message that resonated with city residents and within regional, national and international circles, which was counter to the restrictive message coming from the Spanish government and the EU. The city demanded to be considered in the implementation of the EU relocation plan. Also, it demanded resources for receiving refugees and called for coordination with the central government in order to provide coherent solutions to the problem. In the tragedy occurring in the Mediterranean, the municipal government saw a situation that spoke to the ideological background of BeC, which was based on principles of global justice, respect for human dignity and solidarity among peoples. Mayor Colau's August 2015 message was not only built on the premises of her political platform but also on the city's historical reception and integration of newcomers. In this regard, the traditional good relationship between the city government and civil society contributed to coordinating the voice of diverse local actors who were asking for more city involvement in the issue. Barcelona found a strong ally in the Catalan Regional Government, as the territorial conflict between the Spanish government and Catalonia fit the narrative that an independent Catalonia would provide refuge to those fleeing conflict (Garcés-Mascareñas and Moreno-Amador, 2019). Finally, the city's activism was echoed by other progressive governments in Spain, such as in Madrid, Zaragoza and Cádiz, among others, through the network Cities of Refuge. This activism also included European and international forums, such as Eurocities, UCLG and the 5th Mayoral Forum on Mobility, Migration and Development in Marrakesh held days before the 2018 Intergovernmental Conference to adopt the Global Compact on Migration. As part of this international activism, Barcelona unsuccessfully tried to sign a city-led relocation agreement with Athens to help the Spanish government meet the refugee relocation goal – but this met opposition from the central government. The City Council's national and international diplomatic offensive benefited from the city's early engagement in formal networks of cities in the early 2000s in the field of migration (e.g., the Eurocities' Working Group on Migration and Integration; the Intercultural Cities Programme).

The Spanish government rejected Barcelona's demands for coordination and cooperation, as they considered matters relating to refugees to be the exclusive prerogative of the state. The government replied that: 'The state, and no other public administrations, ensures that these international obligations [regarding

asylum] are met and that the support is equal across the national territory' (Bermúdez de Castro Mur, 2017, translation by the author). The central government argued that cities could support the state's efforts instead of competing through short-term solutions. Moreover, the Conservative Prime Minister Mariano Rajoy noted that his government would follow the EU relocation scheme and that it would coordinate with local levels of government (García-Agustín and Jørgensen, 2019). Thus Barcelona City Council saw policy coordination with other levels and societal actors as absolutely necessary to fulfil its human rights duties, whereas the Spanish government saw refugee reception as a top-down exercise where cities were expected to follow the work done nationally (Garcés-Mascareñas and Gebhardt, 2020).

The third factor contributing to Barcelona's mobilisation around refugee reception and the conflicts with the Spanish central government was administrative. The sudden increase in the number of asylum-seekers since 2016 produced the collapse of the centralised system responsible for granting international protection and socio-economic support for asylum-seekers and refugees (Garcés-Mascareñas and Moreno-Amador, 2019). However, the pressure in the system came not from asylum-seekers from the Middle East under the relocation scheme, as initially envisioned, but from Venezuelan, Colombian and Central American nationals who were escaping socio-political instability. While in 2014 Spain only had 5,947 asylum-seekers, in 2019, that number reached 117,000, making it the third-largest EU recipient of asylum-seekers (CEAR Report, 2020). This situation prevented applicants from accessing rights established by law (i.e., housing). In fact, the system reached a point of crisis where potential asylum-seekers had to sleep outside the public offices where their applications would be processed (Vargas, 2020). In 2018, a new national-level government, led by the centre-left Socialist Party, promised a complete overhaul of the system to give more voice to other levels and actors. However, by 2021, this promise had still not been realised.

## Discussion questions

### Questions for reflection

- What was the policy issue in question and why was it so difficult to solve?
- What are the challenges and opportunities that Barcelona faced in solving the dilemma?
- Who would you say was at fault for the dynamics of conflict that emerged between Barcelona and the Spanish central government over the reception of refugees?
- To what extent did the city's previous immigration and integration work account for the position it assumed in receiving refugees?
- To what extent did the leadership of Mayor Ada Colau affect the city's position in receiving refugees?
- To what extent did the quasi-federal Spanish structure give space for different administrative voices to emerge?
- What elements of this case are idiosyncratic and unique to Barcelona's context and history? What elements are relevant and applicable to other contexts as well?

### 'What if' questions

- Do you believe that Barcelona would have positioned differently vis-à-vis the Spanish government if someone else was in power locally? Moreover, do you believe that a conservative political party in power would have acted differently?
- Do you believe that in a scenario of decentralisation in asylum and reception, a similar situation could have emerged?
- Would Barcelona have had such a controversial role in this dilemma if true political and administrative cooperation between the local and national levels existed?
- Would Barcelona have been positioned differently if Mayor Ada Colau were a polarising figure among local civil society actors and activists?

### Co-creation of alternative solutions

- If you were to advise the Barcelona government on this conflict, what would you tell them?
- If you were the mayor, what would you have done?
- What actions would you have taken to reassert the role of your city as a human rights defender?
- What would be more important to you: effective management of the problem internally or effective leadership that put the problem on a global stage, beyond the city's boundaries?
- Can you think of other cases where conflict on a policy issue existed among different administrative levels? If yes, how was it solved?

## Case ending

Barcelona City Council's conflict with the Spanish government and its critique of the EU over the reception of refugees reminded states about their human rights obligation to provide asylum and support for vulnerable people. Not only that, the local government, based on the capacity it had built up over time on migration and integration, was able to reach broad consensus with local actors on the direction that refugee reception should take while garnering support at national, European and global scales.

The City Council's position had different consequences. The most visible and positive outcome resulted in the launch of the Barcelona, Refuge City programme in September 2015. The initiative was discussed and agreed on with migration activists and civil society organisations, municipal officers specialised in migration and local politicians. Most of the active civic organisations and advocacy groups in the city overwhelmingly supported the Barcelona, Refuge City programme. By 2021, the programme was still a central component in the local governance of the issue. Barcelona, Refuge City is based on four principles: (1) advocacy with the Spanish government and the European Union; (2) an effective reception strategy based on a comprehensive care model where local organisations collaborate beyond networks of volunteers; (3) boosting municipal services and resources for those seeking international protection; and (4) appeals for collaborative work with city organisations and associations to intervene in the design, formulation and implementation stages of actions. One of the most significant actions developed under the Barcelona, Refuge City programme is the Nausica programme. It offers 'temporary accommodation services and specialised intervention for people or families' who are not considered part of the central government's national reception programme. As part of its networking activities with other cities, in March 2017 the City Council launched the 'Barcelona Declaration. Cities and the reality of refuge in the Spanish state [in Catalan: La declaració de Barcelona. Les ciutats davant de la realitat del refugi a l'Estat espanyol]' (Ajuntament de Barcelona, 2017). The manifesto denounced the passive role of the central government and asked the EU to include municipalities in the allocation of resources for the relocation of migrants.

Over time, the City Council's work in the field of refugee reception has widened to include migrants in an irregular situation. It has also joined forces with Stop Mare Mortum, a citizen platform for refugees and migrants' rights which supports sea rescue operations of migrants in the Mediterranean. The municipal government declared Barcelona a safe harbour for NGOs involved in such operations. The municipal government has fought to create policies that include all residents notwithstanding their administrative status. For example, the initiative to grant 'neighbourhood documents' to irregular migrants aims to give a degree of recognition as 'city-zens' to all the residents who live in the city.

Despite the positive outlook, the actions taken up until 2020 produced fewer positive results. In total, several thousand refugees arrived in the city in 2019. Although such numbers do not match those arriving in Turkish, Greek and even Italian cities, the local government's resources to attend to the numbers of refugees were still insufficient. Accommodation made available through the Nausica programme only provided 120 beds – not nearly enough for the numbers of people it needed to serve. The failure to bring the national government on board hampered the reach of the City Council initiatives. Another element to consider was the impossibility of expanding Spanish or European city networks for wider refugee reception. The lack of organisational infrastructure for these networks and their inability to bring together municipal governments from across the ideological spectrum prevented such initiatives from growing and strengthening.

The case of Barcelona poses important questions related to the role of cities in intractable policy controversies such as those related to refugee reception. To what extent can cities use the resources they have to innovate in offering answers to social problems in contexts where where it is possible for cities to

work independently of national government approaches? How valuable is it to build local networks with actors that, through collaborative relationships, can contribute to the overall implementation of city actions? Finally, in contrast to the dynamics of conflict studied here among administrative levels of government, what would have been the results if dynamics of cooperation and complementarity existed among these different levels?

Answering these questions in one way or another may lead to positive or negative effects and outcomes. In this sense, how cities and national governments understand the origin of the problem as well as the solutions to it may affect the role of cities as policy entrepreneurs in areas where they do not have formal authority. Furthermore, identifying the features that political leaders have when advancing their vision may help to explain how cities can create spaces to act on social issues within and beyond their administrative boundaries. More importantly, building spaces of action for cities may require horizontal cooperation at the city level but also vertically across different administrative levels. Building successful governance models on issues close to the heart of state sovereignty, such as migration and asylum, raises important questions over the role that cities may have as innovators and actors that apply pressure to change the status quo.

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