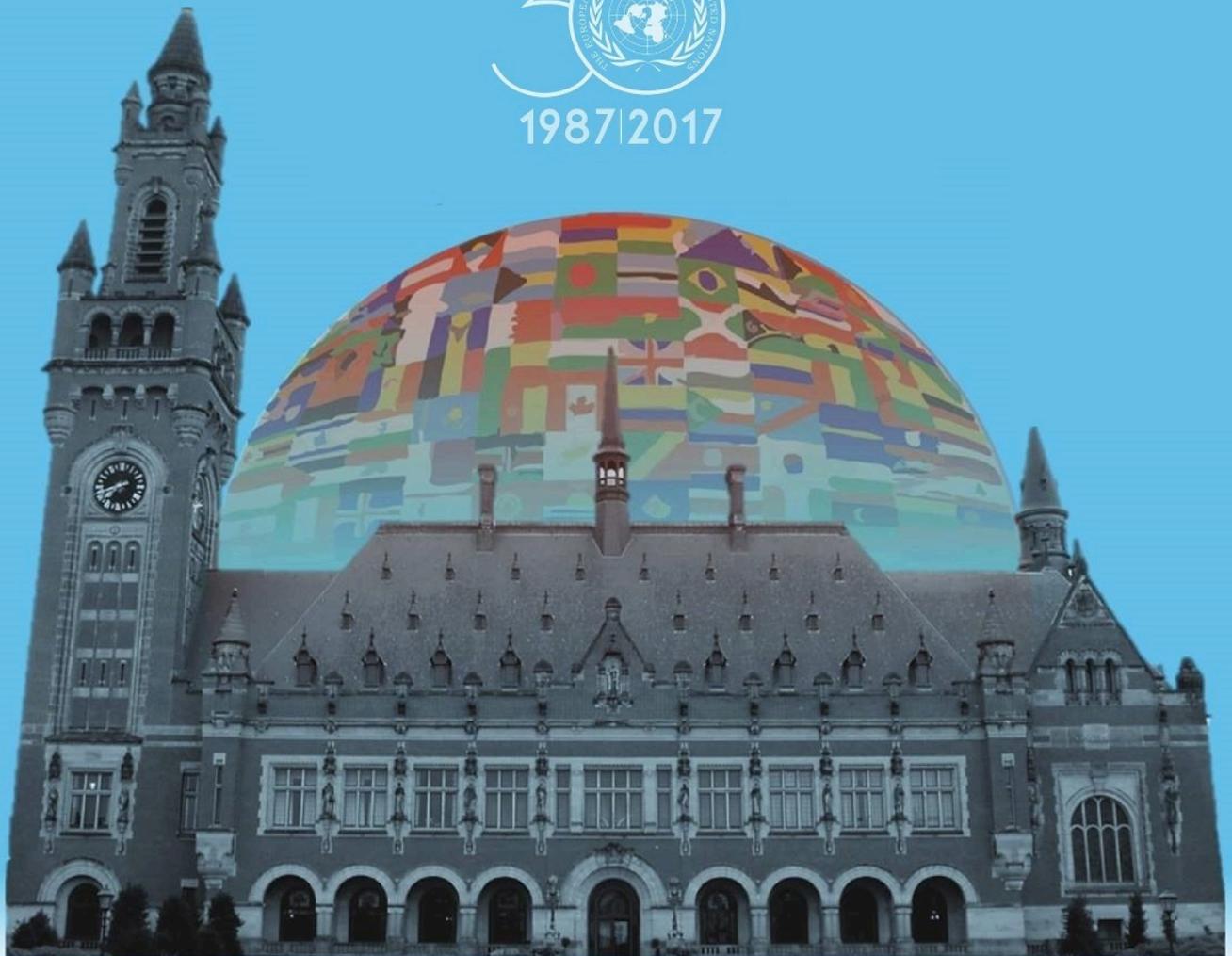


TEIMUN

THE EUROPEAN INTERNATIONAL MODEL UNITED NATIONS

EUROPEAN COUNCIL

STRENGTHENING THE EU'S EXTERNAL BORDERS



Welcome letter

Distinguished delegates,

As The European International Model United Nations (TEIMUN) conference swiftly approaches, we would like to bid you a fair welcome to The Hague. At TEIMUN it does not matter if you are an experienced delegate or first time MUN'er, you will leave the conference with new friends, fun memories and a better understanding of how the United Nations operates.

John Bruton once said that: "the European Union is the world's most successful invention for advancing peace." From the initial establishment of the EU and its institutions, the organization has been unique in the world and has developed, grown, and changed. This is a continuous process. The European Union has been a trailblazer in human rights, development and economic prosperity. This year within the European Council we will be discussing two topics. These are "Strengthening the EU's External Borders" and "Reassessing EU-Iran Relations". As your chairs, we are looking forward to heated debates, productive sessions and a conference filled with fun. Throughout this week, we hope that you will seize this unique opportunity to open your mind to new friends, new ideas and new experiences. At TEIMUN we all become one big family and that is only possible if you come with open minds and open hearts to The Hague.

If you have any issues concerning the topics or the rules of procedure, or perhaps you simply wish to have a chat with us, please feel free to contact us at any time. We are looking forward to meeting you soon, and wish you a warm welcome to TEIMUN 2017!

Your chairs,

Laurens van der Sluijs and Stephan Naumann
EC@teimun.org

Introduction

In 1951 France, Italy, Belgium, The Netherlands, Luxembourg and Germany signed to so-called European Coal and Steel Treaty in order to collectively regulate heavy industry and prevent the repetition of a major war in Europe. The establishment of the European Coal and Steel Community today is considered the first step towards the emergence of the European Union (EU).

The European Council (EC) brings together the 28 heads of state and government, as well as the President of the European Commission, the High Representative and the President of the EC. While it does not have legislative powers, it determines the political direction of the EU. Hence, it conditions the legislative actions of the Union by setting the long-term political agenda. Moreover, its political status and leverage over governments explain its role as ultimate arbiter, meaning that it deals with issues that cannot be resolved by the other institutions.

One of the areas that has been at the centre of the EC's agenda and of public attention is that of the European border policy. The so-called 'migrant crisis' in 2015 and 2016 exposed not only the weaknesses of the current legislative framework but also the political fragmentation between the Member States. While the arrival numbers have levelled out in the meantime, in large parts due to the controversial deal with Turkey, the strengthening of the EU's external borders remains at the center of the European political debate. This holds true not only for the EU's policy makers, but also for the general public, politicians from all sides of the political spectrum, and human rights groups which heavily critique the EU's approach. In a period in which integration is stalling and public opinion of the EU deteriorating, it is essential for the EC to formulate a comprehensive framework for strengthening its external borders.

The EU's Border Policy

The Schengen Area

To understand the current situation, it is important to reflect on the history of the EU's border policy and more specifically the establishment of the Schengen Area. In 1985 five of the then ten member states of the European Economic Community (EEC) signed the Schengen Agreement, which sought the abolition of internal border controls between the parties as well as a common visa policy, and took effect in 1995.¹ While the initial agreements were established outside of the EEC framework,

¹ European Commission. "Schengen, Borders and Visas." 6th Apr 2017. Accessed 21st April 2017. https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas_en

they were incorporated into the EU's body of rules with the treaty of Amsterdam in 1997. Nowadays, the Schengen zone comprises 26 European states, including the four non-EU members Switzerland, Iceland, Liechtenstein and Norway, and is widely considered "one of the greatest achievements of the EU."²

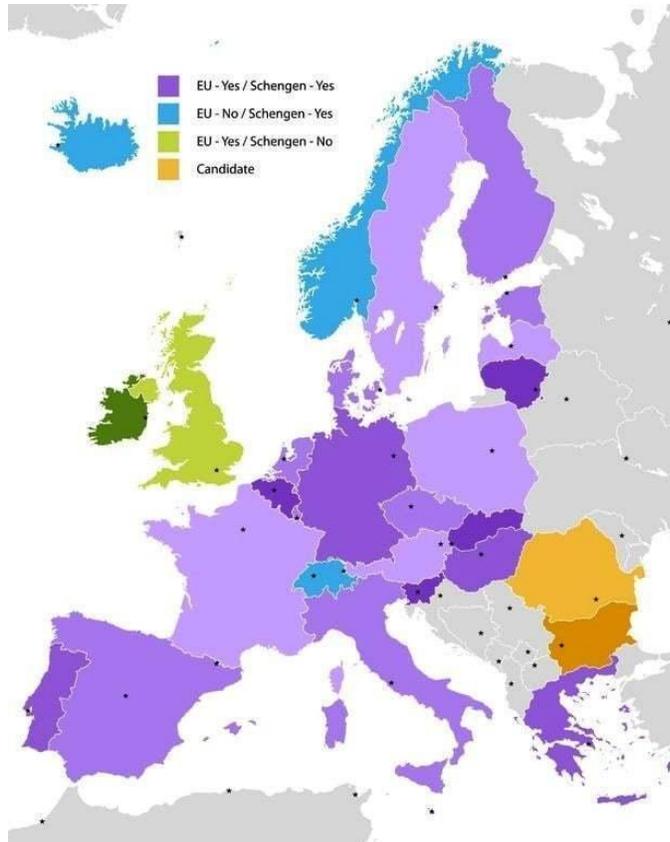


Figure 1: Schengen Area Member States, Schengen Visa Info.

The abolition of internal border controls also resulted in a common external border for all Schengen member states. Hence, the collective management of the EU's external borders gained importance and, starting with the Treaty of Amsterdam, the corresponding policies were centralised. The management of the EU's external borders can be illustrated in five pillars.³ The first and most important pillar is the Schengen Borders Code, which sets out the procedures for external border crossings, and defines the rules for the temporary imposition of internal border checks. The second pillar refers to the Internal Security Fund, which aims at supporting the Member States with the highest burden in regards to the protection

² Ibid.

³ European Commission. "Border Crossing." 24th Apr 2017. Accessed 21st April, 2017.

http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing_en European Parliament. "Management of the external borders." March 2017. Accessed 21st April, 2017.

http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_5.12.4.html

of the Union's external borders. Thirdly, the EU has established centralized databases for migration and border management, which are to be found in the form of the Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac. The fourth category is concerned with measures dealing with the prevention and punishment of unauthorized entry, transit and residence, while the fifth pillar emphasizes cooperation in border management, which is operationalized by the European Border and Coast Guard Agency (Frontex).⁴

The main purpose of Frontex can be found in its function to support member states with managing their external borders.⁵ To this end, it has a variety of mechanisms at its disposal, which are largely geared towards providing technical expertise and assistance. Amongst others, Frontex is responsible for carrying out risk analyses in all aspects of integrated border management, harmonising the training for the members' border control agencies, conducting research, and facilitating information exchange between the member states.⁶ An example for the latter can be found in the establishment of the European Border Surveillance System (EUROSUR), which aims at simplifying the sharing of information related to areas such as cross-border crime and unauthorized border crossings.⁷ Moreover, Frontex also provides assistance to members with external borders facing additional pressure in the form of joint operations and rapid responses. However, it is important to note that Frontex serves a coordinative function in this regard. It does not have or employ its own border guards, but rather pools and relies on the Member States to provide equipment, such as vessels, aircraft, and personnel.⁸

In response to the migrant crisis, Frontex's mandate and capabilities were significantly expanded in 2016 in what is seen as first step towards an integrated border management system.⁹ Most importantly, it was given the competence to realize joint operations with third countries, including the possibility of operating outside of EU territory, and a bigger role in the returns of migrants. Moreover, Frontex received its own equipment, and a rapid reaction pool of 1500 border guards from Member States.¹⁰ While the move has been welcomed by many, it has

⁴ Ibid.

⁵ European Commission. "Schengen, Borders and Visas"

⁶ Frontex. "Mission and Tasks." 2017. Accessed 20th April, 2017.

<http://frontex.europa.eu/about-frontex/mission-and-tasks/>

⁷ European Commission. "Schengen, Borders and Visas."

⁸ European Union. "European Border and Coast Guard Agency." Accessed 21st April 2017.

https://europa.eu/european-union/about-eu/agencies/frontex_en

⁹ Georgi Gotev. "Super-FRONTEx approved, acclaimed and decried." EURACTIV, 7th July, 2016. Accessed 21st April 2017. <http://www.euractiv.com/section/global-europe/news/super-frontex-approved-acclaimed-and-decried/>

¹⁰ Frontex. "New European Border and Coast Guard Agency launches today." 10th June 2016 Accessed 21s April 2017. <http://frontex.europa.eu/news/european-border-and-coast-guard-agency-launches-today-CHIYAp>

also faced severe criticism from human rights organisations and certain political parties. This is largely due to the alleged lack of accountability for potential human rights violations, not least arising from the capability to operate in third countries' territories, outside the scope of the European Parliament's democratic oversight.¹¹

The Dublin Regulation

The Dublin Regulation describes the legislative framework determining which Member State is responsible for examining an asylum claim of a third country or stateless person.¹² Referred to as Dublin III and dating back to the 1990s, the legislation in place today applies to all 28 Member States and the four non-EU Schengen members. The main rule of Dublin III states that the Member State where the asylum seeker first entered the Union is supposed to deal with an asylum claim and register the arriving person. Consequently, other Member States can transfer these persons back to the state of first arrival, if they move within the Union after their registration.¹³

While Dublin III aims at creating clear accountability, thereby preventing asylum claims from being stuck in a bureaucratic limbo, the migrant crisis exposed the shortcomings of the 'first country of entry' principle. Most importantly, it demonstrated that the system puts a disproportionate burden on the small number of Member States with external borders, namely Italy and Greece, where most migrants arrive first.¹⁴ Moreover, many immigrants were aware of the system, and hence circumvented registration by Greek or Italian authorities. The latter additionally had little desire to enforce the procedures, as it would further increase the pressure on Greece and Italy.¹⁵ Lastly, at the height of the refugee crisis Germany effectively set aside the 'first country of entry' principle by announcing that it would grant asylum to Syrian refugees, instead of transferring them back to the state of first entry.¹⁶

The shortcomings exposed during the height of the migrant crisis gave rise to discussions concerning a reform of the current system to better share the burden

¹¹ Natalia Ségura. "Frontex's new mandate, a controversial EU approach to the refugee crisis." *European Public Affairs*, 26th October 2016. Accessed 21st April 2017 <http://www.europeanpublicaffairs.eu/frontexs-new-mandate-a-controversial-eu-approach-to-the-refugee-crisis/>

¹² "Dublin III Regulation." *Citizens Information Ireland*, 2017. Accessed 25th May, 2017. http://www.citizensinformation.ie/en/moving_country/asylum_seekers_and_refugees/the_asylum_process_in_ireland/dublin_convention.html

¹³ "How the EU plans to overhaul 'Dublin Regulation' on asylum claims." *Financial Times*, 20th Jan 2016. Accessed 20th May, 2017. <https://www.ft.com/content/d08dc262-bed1-11e5-9fdb-87b8d15baec2>

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

among the EU as a whole. In 2015, despite strong political opposition from several central and eastern European Member States, the EU decided on a temporary emergency relocation scheme of 160.000 refugees from Italy and Greece toward other Member States in order to alleviate the pressure on the former.¹⁷ However, the implementation of this scheme remains poor to date, as only a minor amount of people has actually been relocated.¹⁸ Moreover, current legislative efforts fall short of a fundamental overhaul of the 'first country of entry' principle. At the moment, the European Parliament and the Council of the EU are discussing a legislative proposal of the European Commission for a Dublin IV Regulation. However, this proposal merely seeks to better streamline the current rules and suggests a corrective allocation mechanism, on which Member States can only rely temporarily when facing disproportionate numbers of asylum claims.¹⁹

Current situation

In what is commonly described as Europe's 'migration' or 'refugee crisis', the EU witnessed a particularly large influx of refugees and migrants in the years 2015 and 2016, largely as a result of the Syrian Civil War. The International Organization for Migration (IOM) estimated that in 2015 alone more than one million migrants reached Europe over sea, while another 35,000 arrived via land.²⁰ While the number of arrivals has significantly decreased from its peak, migration to the EU has generally grown in intensity and complexity in recent years and is by no means restricted to some few nationalities and migration routes.²¹

Common Migrant Routes

The focus of the 'migration crisis' lay on the Eastern Mediterranean Route, with more than 850.000 people, predominantly from Syria, reaching the Greek Aegean

¹⁷ Matthew Holehouse. "EU quota plan forced through against eastern European states' wishes," *The Telegraph*, 23rd September 2015. Accessed 21st April 2017. <http://www.telegraph.co.uk/news/worldnews/europe/11883024/Europe-ministers-agree-relocation-of-120000-refugees-by-large-majority.html>

¹⁸ Jennifer Rankin. "EU met only 5% of target for relocating refugees from Greece and Italy." *The Guardian*, 8th December 2016. Accessed 21st April 2017. <https://www.theguardian.com/world/2016/dec/08/eu-met-only-5-of-target-for-relocating-refugees-from-greece-and-italy>

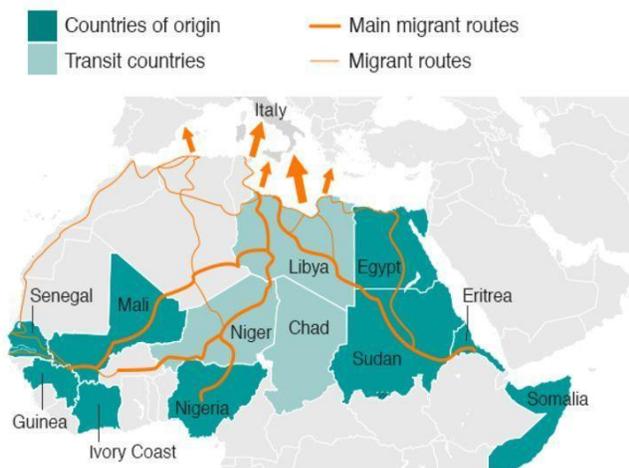
¹⁹ European Commission. "Country responsible for asylum application." Accessed 21st May 2017. https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en

²⁰ "Migration crisis: Migration to Europe explained in seven charts" *BBC*, 4 March 2017. Accessed 25th April, 2017. <http://www.bbc.com/news/world-europe-34131911>

²¹ "North Africa: The Other Side of Europe's Migrant Crisis." *Stratfor Worldview*, 7th August 2016. Accessed 20th April, 2017 <https://www.stratfor.com/analysis/north-africa-other-side-europes-migrant-crisis>

islands from Turkey in 2015 alone. However, this route served as primary entry point not only for Syrians but also more generally for people from the Middle East and South Asia.²² While the EU has blocked this route via the Aegean Islands causing numbers to drop significantly, arrivals via the Central Mediterranean Route have remained steady and making it the main port of entry for irregular migrants to date. The Central Mediterranean Route describes the route from North Africa, or more specifically Libya, Egypt and Tunisia, to the Italian coast. As opposed to the Eastern Mediterranean Route, the people attempting this journey mostly flee extreme poverty and political repression in Sub-Saharan Africa, and in particular Eritrea and Gambia.²³ The Central Mediterranean Route is particularly dangerous and in fact considered the most dangerous border between countries at peace.²⁴ In 2015 alone, 3,770 people are reported to have died off the coastlines of the EU, as migrants are cramped in overcrowded and unseaworthy boats by migrant smugglers in North Africa.²⁵

Central Mediterranean migrant routes

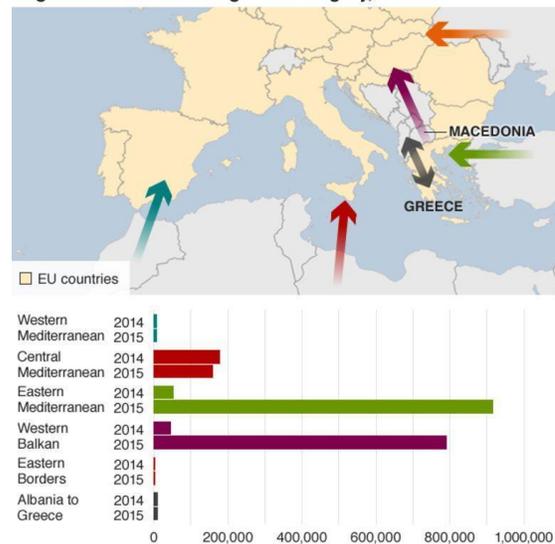


Source: Unicef

BBC

Figure 2: The Central Mediterranean Route, BBC.

Migrants detected entering the EU illegally, 2014-2015



Source: Frontex

BBC

Figure 3: Principle Migrant Routes to the EU, BBC.

²² Patrick Kingsley. "Refugee crisis: What does the EU's deal with Turkey mean?" *The Guardian*, 19th Mar 2016. Accessed 25th April, 2017. <https://www.theguardian.com/world/2016/mar/18/eu-deal-turkey-migrants-refugees-q-and-a>

²³ Philip Faigle. "The New Deadly Paths to Europe," *Die Zeit*, 26th of April 2016. Accessed 21st April 2017. <http://www.zeit.de/politik/ausland/2016-04/refugees-routes-europe-mediterranean-sea>

²⁴ Julian Borger. "EU under pressure over migrant rescue operations in the Mediterranean," *The Guardian*. 15th April 2015. Accessed 21st April 2017. <https://www.theguardian.com/world/2015/apr/15/eu-states-migrant-rescue-operations-mediterranean>

²⁵ Ibid.

Actions by the EU and Criticism

As mentioned above, the EU has effectively closed the Eastern Mediterranean Route and thereby considerably reduced the number of arrivals of irregular migrants. In particular, this was achieved by closing the so-called Balkan Route and striking a deal with Turkey. In regards to the former, Austria, Slovenia and Croatia, as well as non-EU members Macedonia and Serbia shut their borders to prevent the flows of migrants from their point of first entry, Greece, to the Northern parts of Europe.²⁶ While these measures mostly affected non-Schengen borders, also temporary border controls between Schengen members were imposed and remain in place today; a development which highlights the crucial importance of an effective control of the EU's external borders for the functioning of Schengen.²⁷ In addition, the EU struck a deal with Turkey in order to prevent irregular migrants from arriving in Greece in the first place. Under the arrangement, Turkey has agreed to take back asylum seekers arriving in Greece in return for aid amounting to €6bn to assist refugees in Turkey, and visa-free travel to Europe for Turkish citizens. Furthermore, the EU has committed itself to accept one Syrian refugee for every one sent back in the so-called 'one-to-one' approach.²⁸

While the Turkey deal has resulted in a considerable drop in arrivals from the Eastern Mediterranean Route, it has been heavily criticised by many human rights organisations, amongst others. First and foremost, the deal required the EU to classify Turkey as safe country for refugees, despite Turkey not granting full refugee status to non-Europeans and amidst claims of Turkey sending refugees back to Syria.²⁹ Moreover, Greece lacks the necessary resources to assess each individual asylum claim. While Frontex's joint-operation 'Poseidon' is providing it with assistance, the support lags far behind what is necessary, so that many refugees remain stuck in dire humanitarian conditions on the Greek islands.³⁰ Also the 'one-to-one' protocol has only achieved moderate results, with less than 4.000 refugees being resettled to the EU and only 13 EU Member States accepting refugees under the programme so far. Lastly, the recent strains on diplomatic relations between

²⁶ "Schengen: Controversial EU free movement deal explained." *BBC*, 24th April 2016. Accessed 21st April 2017. <http://www.bbc.com/news/world-europe-13194723>

²⁷ *Ibid.*

²⁸ Kingsley, "The Refugee Crisis."

²⁹ Kondylia Gogou. "Europe's Year of Shame." *Amnesty International*, 20th Mar 2017. Accessed 21st April, 2017. <https://www.amnesty.org/en/latest/news/2017-/03/the-eu-turkey-deal-europes-year-of-shame/>

³⁰ "The Economist Explains: Why the EU-Turkey deal is controversial." *The Economist*, 11th April 2016. Accessed <http://www.economist.com/blogs/economist-explains/2016/04/economist-explains-5>

Turkey and the EU have cast doubts over the general future of the agreement.³¹

In addition to Operation Poseidon, Frontex has also launched Operation Triton in the Central Mediterranean Sea.³² The latter seeks to support Italy with controlling and surveilling its borders and has replaced the Mare Nostrum mission of the Italian navy, which performed search and rescue missions close to the Libyan border. While the mission is seen by some as an example of burden-sharing within the EU, and the European Commission claims that it has saved almost 40.000 lives, critics abound.³³ Operation Triton has a more limited mandate, focused on border surveillance around the Italian coast, and has a smaller budget than Mare Nostrum. Consequently, many point toward the higher death tolls in the region following the establishment of Operation Triton and have called upon the EU to conduct the kind of large-scale search and rescue missions priorly carried out by Italy.³⁴

In addition to strengthening the border surveillance itself, the EU also engages with third countries to prevent irregular migration before it reaches the EU's borders. Amongst others, the EU seeks to enhance the border management of the wider region by providing assistance to the affected states and building the capacities of the respective agencies.³⁵ While this policy is most obvious in the case of Libya, from which approximately 90% of all migrants attempting the journey via the Central Mediterranean Route depart, it also applies to transit states, such as the Sahel states, to prevent migrants from reaching the North African shore.³⁶ Moreover, the EU has stepped up its cooperation with North African states. Despite a deal with Libya similar to that with Turkey appearing to be off the table due to the war-torn state of the former, the EU is promoting voluntary returns from these states to the countries of origin.³⁷ In addition, some Member States have suggested resettling migrants in 'safer' North African states, such as Tunisia and Egypt, from where they could apply for asylum in Europe. However, similarly to the Turkey deal,

³¹ "EU-Turkey migrant deal in peril." *Politico*, 12th Apr 2017. Accessed 26th April, 2017. <http://www.politico.eu/article/eu-turkey-migrant-deal-cavusoglu-news-erdogan-netherlands/>

³² European Commission. "EU operations in the Mediterranean Sea." 4th Apr 2016. Accessed 21st April, 2017. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf

³³ Ibid.

³⁴ Borger, "EU under pressure".

³⁵ "North Africa: The Other Side of Europe's Migrant Crisis." *Stratfor Worldview*, 7th August 2016. Accessed 20th April, 2017 <https://www.stratfor.com/analysis/north-africa-other-side-europes-migrant-crisis>

³⁶ Tasnim Abderrahim. "Migration in Europe: Bridging the Solidarity Gap." *Carnegie Europe*, 23rd February 2016. Accessed 25th April, 2017. <http://carnegieeurope.eu/2016/09/12/migration-in-europe-bridging-solidarity-gap-pub-64546>

³⁷ Ibid.

these policies are heavily critiqued by human rights groups for failing to distinguish between the different reasons for migration and potentially being in breach of international humanitarian law.³⁸

Conclusion

In 1995 the Schengen Agreement came into force, abolishing internal border controls throughout most Member States of the European Union in what is considered as one of its greatest achievements. However, the emergence of Schengen is synonymous with the creation of one external border for the entire Schengen zone. Exemplified by the imposition of temporary border controls during the 'migrant crisis' of 2015 and 2016, which partly remain in place to date, the management of this frontier is of crucial importance for each and every Member State.

The 'migrant crisis' also highlighted the shortcomings of the EU's current legislative framework, most importantly the fact that it puts a disproportionate burden on the Member States with external borders, such as Italy and Greece. Some reforms are being initiated, but the principle of 'first country of entry' keeps putting the vast onus on those Members, while most Member States fail to live up to agreed relocation schemes. Moreover, support for Member States such as Italy and Greece remains insufficient despite the extension of Frontex's mandate, which in turn results in a dire humanitarian situation for many refugees and migrants, as well as an unacceptable death toll before they eyes of the EU. The EU finds itself at a crossroads of European integration and delegates will face the difficult task of balancing European solidarity with national interests, as well as of effectively controlling the EU's external border while acting in line with its values and its obligations under international humanitarian law.

³⁸ Tasnim Abderrahim. "The EU's migration cooperation with North Africa: will the carrot and stick approach work?" *European Centre for Development Policy Management*, 10th March 2017. Accessed 21st April 2017. https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas_en

Question a Resolution Must Answer (QARMAs)

- 1) How, if at all, should the current Dublin Regulation be reformed? Should the 'first country of entry' principle remain and, if not, how can it be replaced?
- 2) How, if at all, can and should the EU prevent migrants from departing on the Central Mediterranean Route while living up to its values and international obligations?
- 3) What can the EU do to strengthen the control and surveillance of its external borders? Should the mandate of Frontex be further expanded, possibly at the expense of the sovereignty of Member States, and, if yes, how?
- 4) What can the European Council do to ameliorate the dire human rights situation of the migrants in Italy and Greece?
- 5) How can the EU reduce the death toll in the Central Mediterranean Sea?
- 6) Given the criticism from human rights groups and the recent political developments in Turkey, should the EU reconsider the Turkey Deal? If yes, what form, if any, should it take and how can the EU deal with consequences thereof?
- 7) How can the EU alleviate the pressure that both Italy and Greece are still acutely facing given that the emergency relocation scheme has proved to be inefficient?

Additional Readings

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