

THE EUROPEAN UNION'S COOPERATION WITH THIRD COUNTRIES: TURKEY AND LIBYA

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ABSTRACT

The European Union has recently been an attractive destination for asylum seekers and migrants. Despite the deadly migration routes, the migration crisis has proved that asylum seekers and migrants are willing to enter European Union territory. The flow of irregular migration to the European Union peaked in 2015. The intensity of migration movement over such a short period raised concerns about internal and external security. At the same time, due to the migration crisis, the European Union intensified its cooperation with third countries on the migration issue. This article first explores the concept of international cooperation on migration and assesses if the selected case studies have any common characteristics to the concept. Second, the paper studies the effectiveness of the European Union's cooperation with Turkey and Libya, which emerged due to the migration crisis. Additionally, the paper provides data to test the effectiveness of cooperation with third countries. The cooperation with Turkey and Libya was an essential tool for the European Union to control its Mediterranean borders. When the consensus was reached, the number of irregular arrivals significantly decreased.

Keywords: European Union, migration crisis, security, external borders, third countries

INTRODUCTION

The recent migration crisis has been difficult to tackle, presenting challenges for the European Union (EU) and member state governments. The EU's response to the crisis has been criticised, and several member states, such as Visegrad Group countries, have assessed that the EU failed to secure its external borders (Sørensen et al., 2017). In addition, the mass irregular migration movement exposed the weakness of the EU's asylum policies. In May and July 2016, the European Commission presented a reform of the Common European Asylum System (CEAS) to have a fully functional, fair and humanitarian asylum policy. In 2017, the European Parliament and European Council agreed on five proposals. The approved proposals include a full-fledged setup of the European Union Asylum Agency, the reform of Eurodac, the review of the Reception Conditions Directive, the Qualification Regulation, and the EU Resettlement framework. Nevertheless, the Council disagreed on reforming the Dublin system and the Asylum Procedure Regulation (European Commission, 2022).

In the case of the Dublin Regulation, the proposed reforms would give the asylum seeker the choice of choosing one of the four EU member states that receive the fewest asylum applications. The main problem with the Dublin Regulation, which required reforms, is the first-entry rule, especially for the EU member states located at the Union's external borders. It means that the first entry point country of asylum seekers should be responsible for the application examination. In this situation, countries like Italy, Greece, and Spain suffered a lot because mainly they were the first entry points for asylum seekers.

Despite the internal disagreements within the EU over tackling the crisis, cooperation with third countries was crucial in addressing the migration crisis.

This research examines the EU's agreements with third countries to prevent irregular migration and secure the Union's Mediterranean borders. The research argues that the number of irregular arrivals decreased after the EU and third-countries agreements on cooperation were reached. Furthermore, statistics will be presented to confirm it.

The paper aims to analyse two case studies. The first is the EU-Turkey and the second is the EU-Libya cases. Turkey was the most popular destination and transit country during the migration crisis. Also, Libya was a transit and asylum seeker or migrant-sending country. On the other hand, after giving theoretical and statistical information about two selected case studies, with the help of the comparative method paper will compare data on the total percentage of sea arrivals and dead and missing categories. It will allow us to identify the differences and correlations between the case studies.

Moreover, this research studies the concept of international cooperation on migration and examines it in the selected cases. The primary purpose of this step is to illustrate how international cooperation on migration control is carried out in the selected cases. Second, to discuss why international cooperation on migration might break down in the landscape of refugee accommodations and if these elements were noticeable during the migration crisis.

INTERNATIONAL COOPERATION ON MIGRATION

According to Castles, international cooperation on migration helps ensure orderly migration and boost the contribution of migration advancement (Castles, 2018). International cooperation can benefit both sides that agree on a specific issue, but there are significant obstacles to cooperation (Sykes, 2013). In this case, the main obstacle is the *one-way problem* – in reality, some countries may be worse off due to cooperation (Ibid). It is not easy to implement arrangements among states or institutions that all are net beneficiaries. Also, cooperation is more likely to happen if specific criteria are fulfilled. Hansen claims that a simple scenario occurs when two or more states have a joint policy target which can be achieved through collective action (Hansen, 2011). For example, if two or more irregular migration destination states can have more secured external borders and prevent irregular migration via cooperation, they are more inclined to collaborate if they are in a position to do so (Hampshire, 2016). However, in this case, cooperation can happen if politicians assume that the positivity and benefits could convince the domestic audience of the cooperation.

On the other hand, Hampshire, in his work, mentions that the "*government's concerns about relinquishing sovereignty through interstate cooperation are not unique to migration, but the increased politicisation of immigration in most destination countries makes this a susceptible area for governments* (Ibid, p.573)." A paper written by Pijnenburg, Gammeltoft-Hansen, & Rijken notes that international cooperation in migration control can take several forms, such as allowing foreign migration officials to operate in partner countries' territories or establishing joint patrols between two or more counties (Pijnenburg et al., 2018). At the same time, if necessary, a partnership might include financing, training, and equipping partner state migration control agencies (Ibid). The EU started to intensify its partnership with third countries during the migration crisis. The cooperation agreements with third countries mentioned in the next chapter have characteristics Pijnenburg, Gammeltoft-Hansen, & Rijken stated regarding international cooperation in migration control. For example, the EU cooperation agreement in Libya allows the EU to provide training, equipment and support to the Libyan national coast guard. On the other hand, the EU – Turkey agreements were essential for the EU to have more secured external borders and stop the flow of irregular migration. Also, the EU provided Turkey with necessary tools such as funds and other humanitarian measures to fulfil its obligation.

In his study, Sykes suggests that cooperation in the landscape of refugee accommodation between parties can break down at least three reasons (Sykes, 2013, p.338). First, the problem begins to emerge when the host countries are subject to shock from the high flow of refugees. Second, host countries can set their criteria for identifying who a refugee is, and governments may set an unjustifiably high benchmark. Third, the dilemma occurs when economic migrants attempt to claim refugee status. During the migration crisis, we observed all three reasons Sykes mentioned in his research, which made EU cooperation with third countries more complex. The EU and its member states expected a flow of refugees but not a crisis in which a large number of people would arrive in a short period. For example, in 2014, in 27 EU countries, 530,560 first-time asylum applicants registered. However, in 2015, 1,216,860 and in 2016, 1,166,815 first-time asylum applications were submitted (Eurostat, 2022a). Secondly, governments of several EU member states introduced border controls which allowed them to dictate their own rules in the case of identifying who is eligible for refugee status. Also, not only asylum seekers eligible for refugee status arrived during the migration crisis, but also economic migrants who entered the EU.

During the crisis, the governments of the Visegrad Group countries were among the first to raise security concerns and to draw attention to the mixed-migration phenomena, which included both refugees and economic migrants. They argued that irregular migration, featuring economic migrants, presents a risk to the economy and social security of the country. Following the Paris Freedom March, Hungary's prime minister, who has a solid anti-migration stance, spoke to the Hungarian media about the dangers of uncontrolled economic migration (András, 2015).

Recognising the difference between economic migrants and refugees is not always a simple process for responsible government authorities. The identification procedure can take longer than expected for several reasons, such as the inability of authorities to gain enough information about the applicant or lack of documents.

It is essential to mention that before the informal meeting of heads of state and governments in the European Council on 23 September 2015, the Prime Ministers of the Visegrad Group countries released a joint statement on the solution to the migration crisis to stop economic migrants from entering the EU through uncontrolled migration routes (Visegrad Group, 2015). They pushed for the creation of hotspots outside the Union. The main reason for this proposal was to identify asylum seekers eligible for refugee status outside of the EU and then relocate them legally to the EU member states. Subsequently, at the end of the Council meeting, the EU leaders agreed the "assist frontline member states in the establishment of hotspots, to ensure a correct identification of migrants and at the same time ensure relocation and returns (European Council, 2015a)." Later, the EU followed the agreed principles and created a safe hotspot in Turkey.

The scholars who studied the concept of international cooperation on migration could provide solid theoretical knowledge. With the help of Pijenburg, Gammeltoft-Hansen, & Rijken work, we could identify how international cooperation on migration control took place between the EU and Turkey and the EU and Libya. On the other hand, following Sykes's findings, we successfully defined elements during the migration crisis that may aggravate the breakdown in international migration cooperation in the refugee accommodation landscape.

THE EUROPEAN UNION - TURKEY STATEMENT

After a series of meetings in November 2015, on 18 March 2016, the European Council and Turkey agreed on the EU - Turkey Statement (European Council, 2016a). The EU leaders and their Turkish counterparts agreed to stop the flow of irregular migration from Turkey to Europe (Ibid). The EU-Turkey Statement was a big step toward stabilisation of the situation on the borders of the EU. The agreement between the two sides opened up opportunities to develop and

strengthen relations between the EU and Turkey. One of the main aspects of this statement was the return of all new irregular newcomers who entered Greece territory from Turkey. By approving the statement, Turkey agreed to increase border security to prevent irregular migration from its land to Greece (European Council, 2016b).

According to the EU-Turkey deal, the EU took the responsibility to provide financial aid to Turkey under the EU Facility for Refugees in Turkey. The main aim of the funds is to address the needs of asylum seekers and migrants and the communities, specifically to focus on humanitarian assistance, education, health, economic support, and municipal infrastructure (Ibid). According to the European Commission report, the monetary support to refugees in Turkey concluded the final agreements under the operational €6 billion in December 2020 (European Commission, 2020a). Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement, commented: "*Today's signature of the last eight contracts under the EU Facility for Refugees in Turkey confirms the EU's delivering on its pledges. In total, €6 billion in support to refugees and host communities in Turkey have been fully contracted since 2016. This is an extraordinary achievement (Ibid).*"

Despite the success of financial support, the pace of returns of asylum seekers and migrants, notably from Syria to Turkey from Greece, remains a slow process or sometimes not carried out. Since March 2016, only 2,735 people have returned to Turkey. In addition to these numbers, since June 2016, 4,030 individuals have returned voluntarily to Turkey under the Assisted Voluntary Return and Reintegration Programme (AVRR). From 2016 to the end of January 2020, the AVRR program voluntarily returned 18,711 asylum seekers and migrants from Greece and their countries of origin. Despite the lack of positive outcomes, in the case of returning asylum seekers and migrants from Greece to Turkey, the EU achieved several objectives to improve the conditions in Turkey. Until the end of 2020, through Facility support, the EU managed to give access to schools to over 750,000 asylum seekers and migrant children and youth. Also, 3,400 healthcare unit staff were hired in 177 migrant health institutions (European Commission, 2020b).

It is essential to mention that the primary reason for the deal was to stop the irregular flow of people from Turkey to Greece. In 2014, 41,038 asylum seekers and migrants arrived in Greece by sea and 2,280 by land. In 2015 the numbers reached the highest point with about twenty times more people than before, in which 856,723 individuals arrived by sea and 4,907 by land. After the signed agreement between both sides, the numbers drastically decreased. For example, in 2017, Greece received 29,718 sea arrivals and 6,592 land arrivals. In 2018 and 2019, the number of arrivals to Greece slightly increased. However, in 2020, the numbers considerably reduced; in 2021, they reached their lowest point since 2014 (Table I).

With the implementation of the EU-Turkey Statement, the number of asylum seekers and migrant arrivals to Greece from Turkey decreased. Furthermore, after the announcement of the EU-Turkey Statement, international organisations, civil society organisations, and experts publicly criticised certain aspects of the statement. This criticism may generally be divided into political and legal categories (Ulusoy et al., 2017). Regarding the legal assessment, criticism mainly focuses on recognising Turkey as a safe third country for refugees and migrants from the EU (Şimşek, 2017). Turkey's status as a safe third country is primarily based on providing non-refoulement protection and accessibility to fundamental human rights. Turkey is a signatory to the 1951 Geneva Convention and its 1969 Protocols but has retained a geographical restriction that provides asylum rights solely to Europeans (İçduygu, 2015). In this case, Syrians are not considered refugees, raising issues about Turkey's classification as a safe third country. Turkish authorities protected Syrian refugees who had faced years of uncertainty because of the conflict in their country, despite the limitations imposed by international law. The challenges in the abovementioned paragraph apply to political criticism, which the EU may experience due to this statement.

THE EUROPEAN UNION COOPERATION WITH LIBYA

Libya is located in the Maghreb region and is known as a predominantly desert and oil-rich state. The country remains a transit, asylum seeker, and migrant's sender country. In recent years, Libya has been a springboard for asylum seekers and migrants willing to reach the EU. Libya's lawlessness makes it an attractive point for those escaping oppression or seeking a way out of severe poverty and human traffickers who profit from those who desire to reach Europe (Adesina, 2021). Based on the geographical location of Libya, there are three primary entry points for asylum seekers and migrants: "(1) via Niger or Chad, along Libya's southern borders; (2) via Algeria, on the north-western or southwestern border; and (3) via the eastern route, with refugees and migrants reaching the south-eastern region of Alkufra transiting through both Chad and Sudan (El Ghamari et al., 2020, p.6)."

According to data gathered by the United Nations High Commissioner for Refugees (UNHCR), 43,000 registered refugees and asylum seekers are residents of Libya as of 1 July 2022. Mainly, refugees and migrants are from Sudan (42.9%), Syria (36.3%), Eritrea (10.4%), Ethiopia (3.3%), Palestine (2.8%), Somalia (2.1%), Iraq (0.9%), South Sudan (0.8%), and Yemen (0.3%). On the other hand, 159,996 Internally Displaced Persons (IDP) live in Libya as of 30 April 2022 (UNHCR, 2022b).

It also needs to be specified that despite Libya being a transit and sender country did not develop a migrant governance system or institutional system to handle the migration problem justly (El Ghamari et al., 2020). Also, it can be explained by the fact that the government does not have sufficient control over the country's territories. Also, Libya is not a signatory to the 1951 Refugee Convention and its 1967 Protocol (UNHCR, 2018). Nevertheless, Libya is a party to The Organisation of African Unity (OAU) Convention Governing the Specific Aspect of Refugee Problems in Africa which encompasses the 1951 Refugee Convention (African Union, 2016).

Furthermore, on 22 May 2013, the Council of the European Union approved the EU Border Assistance Mission (EUBAM) in Libya. EUBAM is a civilian mission operating under the Common Security and Defence Policy (CSDP). The EUBAM's mission in Libya is to assist the Libyan government in developing border management and security along all land, sea, and air borders. It is also important to note that EUBAM helps the Libyan government at the strategic and operational levels as a civilian crisis management mission with a capacity-building mandate (EUBAM, 2021).

From its creation, the EUBAM helped the Libyan authorities establish a cross-ministerial body, the Border Management Working Group (BMWG), to organise collective responses to the involved naval, police, border guard, customs, and other departments. Also, as a part of the mission, hundreds of border management officials have been trained on vehicle and passport checks, maritime search, rescue, and risk analysis. Additionally, to prevent and fight terrorism and organised crime, including drug trafficking, irregular migration, and financial crimes, the mission assisted in training personnel in the judicial and law enforcement sectors. On 18 June 2021, with the Council decision, the mandate of the EUBAM was extended for another two years until 30 June 2023. The planned budget from 1 July 2021 to 30 June 2023 is €84.85 million (EUBAM, 2021).

Following the high number of arrivals to the EU and the crisis in the Mediterranean on 23 April 2015, the European Council launched Operation Sophia. The mission's core objective was neutralising migrant smugglers or traffickers in the Mediterranean Sea and preventing loss of life. The operation consisted of four phases and included supporting tasks such as training the Libyan coastguards, inspections, confiscation, and diversions of smugglers vessels and assisting in implementing the UN's arms embargo into force in the high seas off the coast of Libya (European Union External Action, 2016).

Operation Sophia ended on 31 March 2020, and its successor is Operation Iriini which is planned to implement its tasks by 31 March 2023 (European Union, 2020).

Maintaining control of Libya's external borders is vital because most asylum seekers and migrants come directly from Libya to Italy. On 3 February 2017, the EU leaders adopted the Malta Declaration to stop migration to the EU territories, mainly from Libya to Italy. The main focus of the declaration is on measures to prevent migration from Libya to Italy.

A declaration noted that in 2016, on the Central Mediterranean route, over 181,000 irregular migrants arrived (European Council, 2015b). Understandably, the EU decided to partner with the Libyan authorities. According to the Malta Declaration, the priorities include training, equipping and supporting the Libyan national coast guard and other relevant agencies (European Council, 2015b).

After the agreed declaration, the number of asylum seekers and migrant arrivals to Italy decreased. In 2015, 153,842 asylum seekers and migrants arrived in Italy, but in 2016, the number increased to 181,436. In the following year, the numbers slightly decreased, and Italy received 119,369 asylum seekers and migrants. In 2018, one year after the declaration was signed, numbers reduced drastically, and only 23,370 asylum seekers and migrants arrived in Italy. For the next year, the level of decline continued. In 2020 and 2021, the numbers slightly increased (Table II).

However, it is essential to mention that thousands of asylum seekers and migrants live under dire circumstances and constant risks. For example, in early July 2019, an airstrike killed at least 53 residents of the Tajura refugee camp (Bathke, 2019). Also, on 27 May 2020, armed men opened fire on asylum seekers and migrants near the town of Mazda (Amnesty International, 2020). At least 30 asylum seekers and migrants died during the incidents (Amnesty International, 2020). At the same time, hundreds of individuals live in detention centres that human traffickers and the military control (Bathke, 2019). According to Amnesty International's research, asylum seekers and migrants are often forced to work by militias and armed groups. Libyan authorities are considered legitimate partners in the EU's attempts to prevent irregular migration to Europe, despite their documented abuses against migrants and refugees (Baldwin-Edwards et al., 2019).

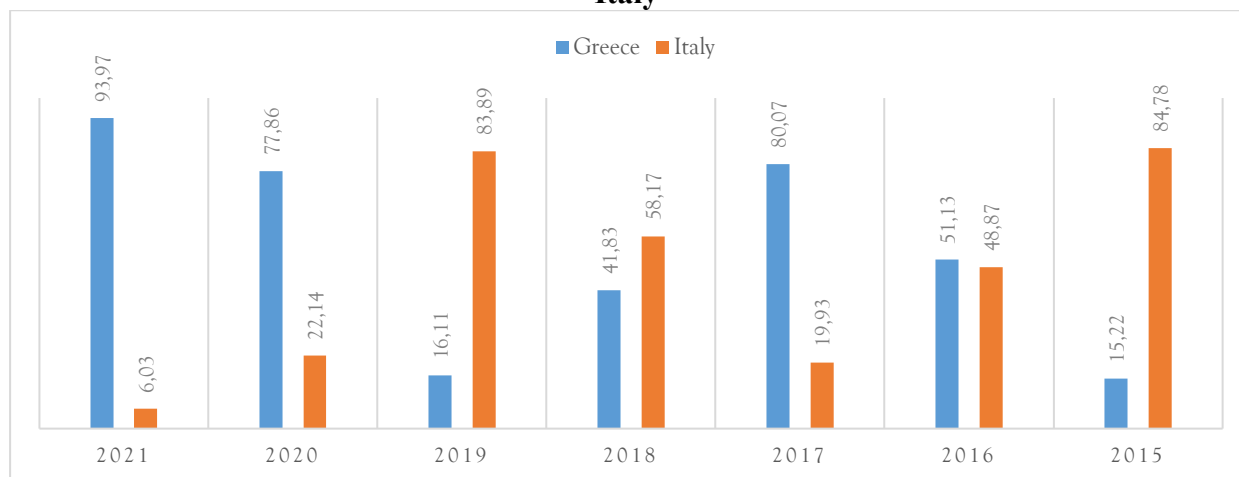
DISCUSSION

This part of the paper provides comparative data to determine the differences and correlations between the two selected case studies for our research. Figure 1 illustrates the percentage of migrants and asylum seekers arriving by sea in Greece via Turkey and Italy from Libya. Around 85% of all recorded migrants and asylum seekers' sea arrivals entered Italy via Libya in 2015, compared to 15% in Greece. However, in 2016, sea arrivals to Greece increased to around 51%, and in the case of Italy, it decreased to 49%. The difference between sea arrivals to Italy via Libya and Greece via Turkey significantly widened in 2017. Roughly 80% of sea arrivals were documented in Greece through Turkey in 2017, while 20% of entries were reported in Italy via Libya. It is significant to note that, compared to Greece, Italy had a considerable increase in sea arrivals in 2018 and 2019. However, there were more recorded sea arrivals in Greece in 2020 and 2021. For instance, in 2021, Greece registered 94% of all sea arrivals, compared to only 6% for Italy (Figure I).

Table III Asylum Seeker And Migrant Arrivals To Greece 2014-2021(UNHCR, 2022a)

Asylum Seeker and Migrant Arrivals to Greece 2014-2021			
Year	Sea Arrivals	Land Arrivals	Dead and Missing
2021	4,331	4,826	53
2020	9,714	5,982	102
2019	59,726	14,887	71
2018	32,494	18,014	174
2017	29,718	6,592	59
2016	173,450	3,784	441
2015	856,723	4,907	799
2014	41,038	2,280	405

Figure II Total Percentage of Asylum Seekers and Migrants Sea Arrivals to Greece and Italy



The numbers show how unpredictable the arrivals area is when we examine two migration routes (Turkey to Greece and Libya to Italy). It may be due to several factors, including the political climate in Turkey and Libya with the EU and increased security measures implemented by the responsible authorities along the routes. At the same time, an evaluation of which migration route would best facilitate migrants and asylum seekers to reach their destination country at that specific moment.

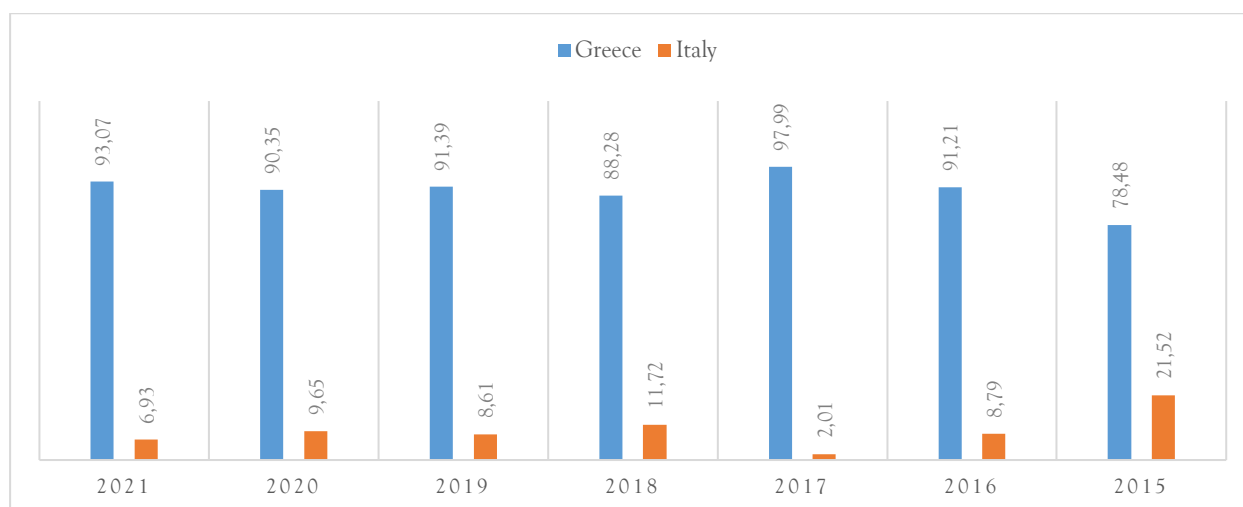
There is a significant gap in the number of individuals who attempted to go from Turkey and Libya to Greece and Italy but died or went missing. Figure 2 indicates that in 2015, the migration route between Turkey and Greece recorded 78% of all documented dead or missing persons, compared to 22% on the Libya-Italy route. The difference between the two cases widened during the following several years, reaching 98% dead or missing on the Turkey-Greece migrant route in 2017 and only 2% on the Libya-Italy migration route. In 2021, the figures marginally changed, with the percentage of dead and missing people along the Libya-Italy migrant route increasing to 7% compared to 93% on the Turkey-Greece migration route (Figure III).

Table IV Asylum Seeker and Migrant Arrivals to Italy 2014-2021(UNHCR, 2022c)

Asylum Seeker and Migrant Arrivals to Italy 2014-2021		
Year	Sea Arrivals	Dead and Missing
2021	67,477	1,496

2020	34,154	955
2019	11,471	754
2018	23,370	1,311
2017	119,369	2,873
2016	181,436	4,578
2015	153,842	2,913
2014	170,100	3,093

Figure IV Total Percentage of Dead and Missing Asylum Seekers and Migrants to Greece and Italy



These numbers suggest that the path between Turkey and Greece is more dangerous and deadlier. Although highly unsafe, Figure V shows that migrants and asylum seekers attempt to reach EU territory more via the Turkey-Greece migratory route.

CONCLUSION

This paper has discussed the EU cooperation agreements with third countries that emerged because of the migration crisis. As a result of partnerships with non-EU countries, the EU expects to have more security on its external borders and decrease the number of irregular arrivals. At the same time, the third countries that signed the agreement receive an opportunity to develop a partnership with the EU in different spheres and, depending on the terms of the cooperation, and the EU provide financial assistance to partner states.

The EU-Turkey statement was signed on 18 March 2016, and Turkey increased security on its external borders as part of the agreement, making it more difficult for asylum seekers and migrants to cross. Turkey was given a notable role in managing the migration, and responsible authorities of the Turkish government accomplished their task considering the number of people who arrived on Greek coasts in the years after the pact. Also, the EU provided Turkey with €6 billion under the EU Facility for Refugees in Turkey to improve the social and economic situation of asylum seekers and migrants who failed to reach Europe via Turkey. The EU - Turkey statement led Europe to address short-term and long-term external security concerns.

As a result of a cooperation agreement with Libya, the Libyan authorities have developed border security measures. The number of asylum seekers and migrants arriving in Italy declined significantly after the agreed cooperation. The Libyan government prevents asylum seekers and

migrants from reaching EU borders, according to a signed declaration on 3 February 2017. Nevertheless, the negative side of the agreement is the conditions in the refugee camps and detention centres, where mostly all asylum seekers and migrants are living conditions under minimum standards. Racism, xenophobia, and violence are used by personnel of camps and detention centres against asylum seekers and migrants.

The author concludes that the statistics provided in the paper demonstrate that after the agreed cooperation with the EU-Turkey and EU-Libya, the irregular entrance of asylum seekers and migrants via Turkey to Greece and Libya to Italy has decreased significantly. This shows that, despite internal problems during the migration crisis, the EU was prepared to cooperate with third countries and successfully managed to minimise the number of irregular entries into the EU. At the same time, the Turkey - Greece sea migration route has been more actively used by asylum seekers and migrants than Libya and Italy despite being deadlier.

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