

EU burden-sharing in the Refugee Crisis: A Strategic Game Perspective

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Abbreviation List

MS – Member states
CEAS – Common European Asylum System
EU – the European Union
DR – Dublin Regulation
EASO - European Asylum Support Office
EC – European Commission
EP – European Parliament
EU MS – Member states of the European Union
HRW – Human Rights Watch
IOM – International Organization for Migration
PD – The Prisoners' Dilemma
UN – The United Nations
UNHCR – the United Nations High Commissioner for Refugees

Abstract

Recent developments in migration filed within EU showed problematic character of EU member states co-operation in face of migration burden-sharing.

Migration crisis of 2015-2016 shed a light on migration burden-sharing and made subject one of the most discussed issues in European Union. There is a continues flow of migrants who want to enter and lodge their application for protection in EU states. Therefore EU boarder states are often faced with overwhelming number of migrants, number that exceeds their receiving capacity. Consequently there is need for migration burden-sharing. But, since reception of asylum seekers is connected to costs and is overall politically sensitive subject we see limited migration burden-sharing practiced by EU member states. This project analyses member states behaviour from game theoretical viewpoint applying non-cooperational game model Prisoner's Dilemma to problematic burden-sharing practices within EU. Aim of the paper is to find out if game theory is a sufficient basis for explaining and understanding member state behavior in regards of migration burden-sharing, on the background of migration crisis 2015-2016. It even examines hypothesis regarding weather EU provides member states with sufficient settings for practicing migration burden-sharing.

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1 Introduction

This study is inspired by the overwhelming situation of refugee crisis European Union (EU) finds itself in recent years. UN secretary general António Guterres at World Refugee Day on 20th of June 2017 wrote in his message¹ to public that at least 65.6 million people have been forced to leave homes and seek for help across the boards. Normally displaced people seek themselves to European Union countries and he states that it is heartbreaking to see member states borders closed. António Guterres writes that 84 per cent of worlds refugees are hosted by low or middle income countries and we together can not continue allow those countries shoulder this weight alone. It's about sharing responsibilities and obeying very specific EU regulations and international law.

Press and media have generated wide public and states interest on recent development in migration. Never the less Jean-Claude Juncker, President of European Commission making migration question number one point in his agenda. He addressed the topic in his speech "The first priority today is and must be addressing the refugee crisis. Since the beginning of the year, nearly 500,000 people have made their way to Europe. The vast majority of them are fleeing from war in Syria, the terror of the Islamic State in Libya or dictatorship in Eritrea. The most affected Member States are Greece, with over 213,000 refugees, Hungary, with over 145,000, and Italy, with over 115,000"².

EU has harmonized Common European Asylum Policy, adopted and several times reformed Dublin Regulation, initiated resettlement and relocation projects but recent development in the world (migration crisis of 2015) showed that scales are not balanced and far less then every EU member state is willing to share responsibility.

Despite EU's efforts instability in relatively less developed parts of the world has resulted in war and famine, which in its part lead to mass influx of refugees into EU countries. Societies and economies are becoming more and more integrated in European Union and mass inflow of refugees have affected all of them creating a "burden" for all member states (MS). Burden is common but acknowledging that responsibility for handling it is also common has shown to be difficult. Since burden is mutual approach to it should be mutual as well. Reasoning about common approach brings us to main subject of this study "burden-sharing" in terms of EU refugee crisis. Burden-sharing is crucial for achieving durable refugee crisis solution in EU and successful collaboration for MS.

1.2 Research question and specific aim of the study

Despite UN secretary general's call for sharing responsibilities and EU's call for collaboration MS don't seem to be willing to strain themselves with sharing burdens created by increased immigration into EU. Settings EU developed for guiding MS into handling migratory flows into EU is practiced to different extend by each and every MS. Migrations crisis of 2015 put EU's burden-sharing regimes out of the game and which allowed states to act in their own best interests. European governments became to see situation as zero-sum game looking out for its own individual benefit, which in this case is less burden - less costs. MS's limited initiative in burden-sharing makes us wander if applying rational choice theory, in particular game theory to MS behavior in refugee crisis would give us deeper understanding of reasons to MS conduct.

¹ <http://www.un.org/en/events/refugeeday/messages.shtml>

² http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm

The research question of this study is following:

- Is rational choice (game theory) a sufficient basis for explaining and understanding member states behavior in face of the problem of burden-sharing, in context of the refugee crisis?

Researching above formulate problem might give us different angle of common picture. As for right now we know that MS are exercising limited amount of burden-sharing and avoid straining themselves by “problems of others”. But every MS’s behavior is consistent with certain pattern dynamic. Their behavior is rational to them and by applying game theory to their behavioral pattern we might be able to come to the reasons behind limited exercise of burden-sharing. Coming across to the reasons will enable us to explain and understand their behavior based on it. Game theory can also be applied on MS eventual shift from their usual behavioral pattern. Testing reason for the limitations of asylum burden-sharing through game theory can lead us to consideration that we otherwise might not ponder over.

Game theory as a tool for analysis

Game theory is one of the approaches within rational choice theory and we will apply game theory for analysing behavioural patterns of MS asylum burden-sharing in European Union. There is an asymmetry in refugee burden-sharing in EU and following Christine Chwaszczas suggested two applications of game theory, *explaining individuals behaviour in social settings* and *using it as tool for analysing social structure* we’ll get better understanding of situation. The purpose of this study is to analyse the behaviour of EU member states in face of the problem of burden-sharing in the context of recent refugee crisis. To do so, this study will draw from the rational choice theory, specifically the game theory to examine the behaviours of EU member states.

Researcher has come to develop a hypothesis with the background of all information we’ve reviewed and observed earlier in research process. It has been formulated in order to arrive to possible explanation of the research question. This hypothesis appears to be testable through extended data analysis and interpretation.

- The reason MSs are exercising limited cooperative refugee burden-sharing is because EU failed to provide optimal settings for doing so

Employing game theory for interpreting and understanding MS behaviour will give us opportunity to observe member states behavioural patterns. But MS behavioural patterns are formed/created within a set of regulations/recommendations that EU developed. EU’s settings for refugee burden-sharing applies equality to every MS state thus we have notable differences in MS conduct in migration burden-sharing. States like Germany, Sweden, Austria, Italy and France and deal with disproportionate numbers of asylum seekers, while the others are accused of being free riders (Fletcher, Herlin-Karnell and Matera 2016). States express their concern verbally but its not backed up by deeds and mechanisms for enforcing refugee rights are weak just as incentives for burden-sharing (Thakur, Thakur, Maley 2015 p 260). By using game theory as analytical tool for drawing sense-making explanations to MS real-life behaviour and at the same time studying frames EU has given MS for burden-sharing we’ll probably obtain knowledge whether MS have comprehensive systems for practicing burden-sharing.

1.3 Definition of core terms

For readers who are unfamiliar with the terminology in migration area it would be helpful to define some of the main terms we will be using throughout the whole thesis.

Refugee Key legal document that forms the very definition of term “refugee” is Refugee Convention of 1951. Refugee Convention has 145 signatory states and according to the 1967 Protocol relating to status of refugees, a refugee is any person who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”³.

Burden-sharing There are various different wording like balance of efforts or solidarity, which used in migration context have the same meaning as “burden-sharing”. The term burden-sharing used in connection with migration most often refers to distribution of costs related to refugees. While for state governments refugee subject is a type of cost and speak of it as “burden”-sharing Non Governmental Organizations (NGO) prefer to refer to it as “responsibility”-sharing⁴. Burden-sharing has been discussed in EU since middle 1980s and UNHCR lines out different forms of it “*Forms of burden-sharing*: Burden-sharing thus assumes different forms depending on the problem, ranging from contributions to agency programmes for bilateral assistance, provision of human resources, temporary admission of refugees or their resettlement. There is also an underlying assumption that while regional solutions depended principally on cooperation between countries most directly affected in the particular regions, a comprehensive approach should also be able to call on the assistance and cooperation of countries outside the region”⁵.

Refoulement Refoulement is one more core term in this study reader should be familiar with. Refoulement can be defined as expulsion/sending back a person who has a privilege to be recognized as refugee in the country it’s being. Principle of non-refoulement of an individual who fled its country is clearly defined in UNHCR’s Refugee Convention of 1951. This principle not only applies an individual’s country of origin but any other country where a person will have well founded fear of being subject to persecution or being denied protection.

“Temporary protection” Temporary protection is as defined in UNHCRs *Guidelines on temporary protection or Stay arrangements* pragmatic “tool” of international protection assisting states in providing temporal sanctuary in unexpected humanitarian crisis. This measure is introduced for handling the sudden and complex population movements. Temporary protection is not substitute to internationally adopted management of migration flows and it is subject to repatriation when conditions in country of origin changed to better⁶.

³ <http://www.unhcr.org/4ca34be29.pdf>

⁴ [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/419620/IPOL-LIBE_ET\(2010\)419620_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/419620/IPOL-LIBE_ET(2010)419620_EN.pdf)

⁵ <http://personal.lse.ac.uk/THIELEMA/Papers-PDF/EUSA-2005.pdf>

⁶ <http://www.refworld.org/docid/52fba2404.html>

2 Background

In this chapter there is described a picture of migration crisis during 2015-2016. In order to conduct a research one should clarify why studied phenomenon is interesting and how it is relevant for researching. Our aim is to study migration crisis in EU during 2015-2016, therefore there is a necessity of giving background picture of event: what happened, which factors caused crisis, how it progressed and what kind of affect did it have on European Union.

2.1 Refugee burden on EU

Migration crisis picked in 2015 by people fleeing massacres, famine and conflicts, which blew up beyond continent's borders, but not all of them were able to make it and in 2015 as much as 2.850 people died in the Mediterranean. But this had not broke people and they continued journey with European Union as destination point (article Time September 9, 2015).

Overwhelming character of crisis led to a call for broader responsibility sharing and necessity to further assistance, help that goes beyond traditional and engaging larger number of partners. There were held a wide range of high-level meetings during 2016 affirming urgency of common efforts towards responsibility sharing. Continued outreach of partnership brought together 200 local, national and international actors who contributed to intervention and addressed refugee's needs (UNHCR annual report 2016 p 5-8).

Warfare in Syria, disorder in Iraq, Afghanistan, Somalia, Eritrea etc. resulted in that number of displaced people seeking themselves to Europe continued to increase. EU member states together registered 570.800 asylum applications in 2014, which is 44 per cent increase of asylum claims compared to 2013. Germany was the largest recipient country in EU with 173.000 asylum claims registered in 2014, followed by Sweden with 75.100 registered applications and Italy with 63.700 asylum claims submitted in 2014 (UNHCR report 2015 p 2-3). According to the same report Europe is still most popular destination for asylum seekers.

As a consequence to the situation described above EU continent was faced to one of the hardest challenges in decennium. Developing countries were and still are hosting big majority of migrants, humanitarian funding to those countries was limited and therefore situation was overwhelming. Increased number of migrants started coming to EU and German Chancellor Angela Merkel's pledge to Syrians encouraged even more to find way of reaching EU. Angela Merkel pledged that if Syrians would be able to reach Germany they would be able to submit asylum application there, thereby temporally suspending EU law requiring that first EU country of arrival is responsible for migrant's application. Pledge resulted in disproportionate hardship on Southern countries like Malta, Greece and Italy who receive most arrivals from Mediterranean (article Time September 9, 2015). This pledge was alluring because it was Germany in 1994 who proposed that asylum seekers were supposed to be redistributed equally among EU member states according to states capacity, population, territory and gross domestic product. Germany's proposal was denied but as a respond to this proposal solidarity and balance of efforts was incorporated in CEAS. Solidarity and balance of efforts was supposed to be practiced by making financial donation to the host countries that received extensive number of refugees. This practice was supposed to maintain spirit of solidarity in region (Boswell 2003 p 1-3).

According to newspaper Time because of a pressure running high EU leaders were divided on question of how to act in response of the crisis. Germany was willing to dispense 6.6 billion

US dollars to assist 800.000 migrants during whole 2015. By July 2015 Germany has already accepted 99.000 Syrian refugees and Sweden has taken in 65.000 of Syrian refugees. That was the point when national quotas of relocating 120.000 asylum seekers was proposed by EC president Jean-Claude Juncker. Quota implied that 60 % of refugees were supposed to be moved from Italy, Greece and Hungary to Germany, France, Spain and some other member states. France has pledged on taking 24.000 refugees in upcoming two years and Spain committed to taking 15.000. By mandatory quotas EU tried to restore the sense of order of migrant inflows and give a breathing time to countries like Germany, Italy, Sweden, Malta. Far from every MS where welcoming to compulsory quotas, especially Poland, Romania and Czech republic. Slovakia has resettled 61 Syrian refugees in 2015 and announced that it will only be open for taking in limited number of solely Christian migrants. "Christian" note in context of refugees was taken up by Hungary's Prime Minister commenting that large number of migrants from Middle East carry a threat with it to Europe's Christian identity. Along with this point Hungary in that period was occupied by putting up barbed-wire fence on its boarder to Serbia (article Time September 9, 2015). According to journal The Economist EU received totally 1 million refugees in 2015, which is less than a number of refugees residing in Lebanon, a country that has 5 million in population. 1 million refugees on a background of EU's population that is 500 million people are not extremely overwhelming. But EU governments were set against each other and triggering point for that was chaos caused by irregular migration. Refugee's persistence on reaching certain countries with good reception and costs associated with refugee reception was frustrating for EU governments. Therefore, later in 2016 MS started tightening asylum rules and closing territorial borders. This strained MS relations with Union (article The economist February 6, 2016).

Migration crisis influenced European Union on many levels. In 2016 EU's boarder free Schengen area experienced growing amount of boarder controls hindering truism, commuting and trade relationships within the Union. Increasing number of boarder controls endangered Schengen and Jean-Claude Juncker was quick to state that end of Schengen area could result in collapse of Euro and EU's extraordinary achievement – single market.

3 Research methodology and framework

Choosing research method means that researcher has to identify techniques she will be using for collecting data. In “*approaches and methodologies in the social science*” Della Porta and Keating are referring to Thomas Kuhn (1962) who suggested that mature scientific disciplines have a paradigm that on one hand concerns *what to study* which means that phenomenon we are to do research on should be relevant in social science and on the other hand concerns *how to study*, that implies which methods/approaches we are to choose for studying phenomenon (Della Porta and Keating 2008 p 19). We’ve covered to the topic of research - *what we study* in previous section therefore this segment of the paper will be about *how* we will conduct the research, techniques researcher will be using to obtain knowledge. Consequently, in this section of paper will be presented research strategy, research design, method researcher has chosen for data collection, reliability, validity, framework for analysis and limitations of the study.

3.1 Research strategy: qualitative research

Qualitative method is often linked to interpretive approach and according Bhattacharjee accent in qualitative approach is “sense-making” or understanding researched phenomenon than predicting it (Bhattacharjee 2012 p 113). Della Porta and Keating state following: “qualitative research involves interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret phenomenon in terms of the meanings people bring them” (Della Porta and Keating 2008 p 28).

Two techniques of qualitative research will be employed in this study. They are *open coding* and *content analysis*. Glaser and Strauss were first to suggest open coding technique and it means analysing textual data by identifying hidden ideas that are weaved in it. Open coding technique of qualitative approach will be used by researcher in a way that researcher will be going through raw textual data for identifying concepts of potential significance. Once essential concepts are identified matching ones will be grouped into categories. Categories tend to be generalizable in character and organizing data by categories should enable researcher to present “bigger picture” of situation for understanding social phenomenon (Bhattacharjee 2012 p 113-116). Findings will later reflect on analytical part of research. Content analysis technique will also be used in this study. Bryman writes that content analysis is to some extent means of generating data but it is normally treated as a research method (Bryman 2012 p 289). There is sea of reports, reviews, articles etc. available on a given topic and researcher will be assessing material in objective and systematic manner. That means researcher will be going through relevant material analysing and interpreting content lying beneath the surface with transparency and without bias (Bryman 2012 p 289-290).

There can occur a problem in qualitative research because in this type of research there is a lack of relevant quantitative data evidence to uphold the findings. But, regardless deficiency of quantitative data like questionnaires, extended amount of statistics and etc. for testing hypothesis controlled deductions can still be achieved in case study through generation behavioural predictions build on theoretical considerations and by testing generated predictions over time (Bhattacharjee 2012 p 101).

3.2 Research design: Case study

Researcher has chosen case study as a research design of this project. Case study is known to be a method for studying a phenomenon in its natural state of being from one or few angles.

Bhattacharjee states that goal in using case study method is understanding complex process and answering questions why and how about phenomenon.

Since this research is about migration crisis in Europe it can be reasonable to choose one, most affected EU member state for a case study. That will give us opportunity to closely describe what happened in this country, how this situation spilled over and affected European Union as a whole and other MS reaction in regards to influx in this particular state. UNHCR reports clearly point out that most affected EU countries during migration crisis 2015-2016 were Greece and Italy (UNHCR reports 2015, 2016, 2017). Purely because of it's geographical location Greece was more exposed to irregular migration than any other EU state, if we'll not consider Italy. We'll therefore pick Greece as a country of case study in this research. There is no any preferential reason why one should pick Greece and not Italy as a case study other than limited capacities to cover case study of two states within frames of this thesis. We want to study how migration crisis took place in 2015-2016 therefore we'll be reviewing migration state of affairs in Greece and in European Union during a specific timeframe that are years 2015 and 2016. 2015-2016 represent somewhat pick of the crisis and focus on this timespan will give us relevant picture over situation.

One of the reasons why we chose case study is that researcher has a freedom to simultaneously conduct multiple unit analysis. That means that phenomenon can be studied at individual, group or organisational settings. Phenomenon can even be studied at multiple settings. This research will apply the later, multiple level studies. That means presenting Greece's situations in respects of migration at individual level, as well as studying MS conduct towards Greece in terms of refugee burden-sharing at group level and finally studying EU and its regulations concerning migration burden-share at organisational level. Multiple level analysis can potentially give us richer understanding of subject in question.

Case study method has it weaknesses too. One of them is internal validity of findings. As case study doesn't not involve any experimental control internal validity of findings can be considered weak (Bhattacharjee 2012 p 93). Consequences of weak internal validity can cause criticism regarding the degree of causal findings being influenced by other factors rather than being based only on studied variables. Although it must be noted that this concerns not only case study but all research methods excluding experiments. However this hinder can be apprehended by ensuring cause-effect relationship between studied variables and verifying constant causality through elimination of confounding, external variables which will exclude their possible influence (Bhattacharjee 2012 p 35-38).

3.3 Data collection techniques

Data collection method varies depending on discipline and a goal of study. There are many types of data collection methods associated with qualitative research like participant observations, qualitative interviewing, language-based approaches as discourse analysis, conversation analysis and etc (Bryman 2012 p 383). Main approach selected for this project for gathering qualitative data was *document revision*.

Document revision method is based on using already existing valid documents, going over the books and other relevant literature sources. Lincoln and Guba (1985) state that document is "any written or recorded material"⁷ and define between public records and personal documents (Frechtling Westat, Frierson, Hood, Hughes 2002 pp 57). This study will be based

⁷ https://www.nsf.gov/pubs/2002/nsf02057/nsf02057_4.pdf

on secondary data that are documents such as academic journals, memorandums, books, annual reports, policy manuals and articles. Using already existing records as primary data source will be cost and time effective considering researchers language, time and financial limitations. Therefore data presented in this study was not authentically generated for this project but originates from wide range of sources. For making sure of validity of data records considerable volume of it will be obtained from United Nations High Commissioner for Refugees (UNHCR), international organisation for Migration (IOM), European Commission (EC), European Union (EU) and other trusted international organisations. Bryman writes “documents are significant for what they are supposed to accomplish and who they are written for” (Bryman 2012 p 555). These organisations are assumed to be reliable entities aiming to provide objective picture of state of affairs. Factual data supplied by them is considered to be accurate and trustworthy therefore these data is often presented in academic journals, research projects and etc.

3.4 Material

As we’ve wrote above there will be a number of materials used in this project and majority of it will be scientific publications, reports from different institutions and newspaper articles.

By scientific publications we mean articles written by Noll, Thielemann, Schuck and Czaika about migrations burden-sharing practises within EU. Purpose behind using these articles is to get a background and understanding of what established practices of migration burden-sharing exists, how successful these practices are and factors that contribute to their success or eventual downfall. There will also be used multiple reports from UNHCR and Human Rights Watch. Goal for using these reports is to get information about how migration crisis was developing and get information about displaced people’s situation as well as statistical data. Through documents from European Parliament and European Communication we’ll be able to get an understanding of status quo over migration crisis, which states were active and in which way, we’ll be able to read about EU’s standpoint in regards of migration crisis and remedies that were under negotiations among states or remedies that are already implemented. Newspaper articles from The Guardian, Times, The Telegraph, BBC news and The Economist will also be used in this study. Objectives behind using articles from above named newspapers is to get statistics over how many asylum seekers were in specific countries during specific time and to get information how their geographical location changed during years 2015-2016. Since Migration crisis of 2015-2016 is somewhat new event there is relatively little written or analysed about it so far, consequently information from newspaper articles might be necessary to be able to give as rich and detailed picture of migration crisis 2015-2016 as possible.

We will not put tight timeframe on publication dates of scientific articles and go through relevant articles published between years of 2000 to 2017. In that manner we’ll be able to understand history of existing migration burden-sharing practices. That will give us opportunity to reflect over burden-sharing development and make analysis. However, there will be a specific timespan applied to reports and newspaper articles. Criteria used for selection of reports and newspaper articles are that they should be relevant to event we are aiming to describe and they should be current. Because of these reasons we’ll go through reports and newspaper articles published during a period of 2015-2018. In this fashion we’ll be able to get information over event of our interest and frame it in time period that is interesting for this project.

3.5 Reliability and validity

When it comes to evaluating quality of social research there are two major criteria used which are reliability and validity. Reliability relates to the question if results of the research are repeatable while validity considers study's conclusions and their integrity (Bryman 2012 p 46-47). Although both, reliability and validity are primarily criteria they are traditionally applicable mainly to quantitative research. Having in mind qualitative nature of this research alternative criteria have been employed. One of the naturalistic scholars, Guba suggested four criteria that are relevant when conducting qualitative study for achieving trustworthy research. Guba's four criteria are: **credibility**, which corresponds to internal validity, **transferability** instead of external validity, **dependability** substitute criterion for reliability and **confirmability** corresponding to objectivity (Shenton 2004 p 63-64)

One of the operational measures suggested by Shenton to ensure **credibility** is *developing familiarity with participating organisations through appropriate documents or paying visit to the organisation* and *triangulation*. Researcher has been following written and broadcasting media reporting on refugee crisis situation and MS steps for regulation migration well before and during intensive works on this study. Although, visiting organisations, which in this study will be visiting studied country has not yet been possible. *Triangulation* will be widely used throughout the project. Technique will express itself through obtaining data sources, viewpoints, experiences and cross-examining them against each other. At the same time supportive data will be collected from various sources like UNHCR, EU, IOM for providing background picture and explaining viewpoints.

Transferability, Lincoln, Guba as well as Firestone advice that its researchers duty to provide adequate contextual information about carried out work to make it possible for a reader to make a transfer. That means making it possible for reader to make a comparison of studied phenomenon and somewhat alike phenomenon readers observed in other situations (Shenton 2004 p 69-70). Chapter four of this study provides adequate contextual information. Although it must be noted that refugee burden-sharing among member states in EU is a case which occurs in EU, its has local character and results of this research might be less relevant and even not applicable to asylum practices found outside European Union.

For addressing **dependability** in a research Shenton suggests employing three criteria "*the research design and its implementation*" which is thorough description of project plan and steps executed, "*the operational detail of data gathering*" that corresponds to detailed portrayal of existing findings in field and "*reflective appraisal of the project*" which refers to evaluation efficiency of the undertaken research process (Shenton 2004 p 71-72). These criteria are considered, met and are easily observable in chapters.

Confirmability concerns objectivity in science projects and that the achieved results are free from researchers subjectivity and bias. Shenton suggests that through providing well-detailed methodological description reader will be able to decide on degree of confirmability in a project (Shenton 2004 p 72). In order to achieve a certain degree of confirmability researcher will strive to present that findings are seemingly linked to data available in field. Researcher is therefore determined to supply extensive information in order to show how concepts and assumptions emerged.

3.6 Framework for analysis

Above presented method together with analysis is assumed to lead to answer of research question as well as possibility of proving or disproving proposed hypothesis. That will be achieved in a following manner.

We're looking for answer to question if game theory is sufficient basis for explaining and understanding member states behavior in face of the problem of burden sharing, in the context of refugee crisis. We also have a hypothesis that the background to the reason why MS are exercising limited cooperative refugee burden-sharing is because EU failed to provide optimal settings for doing so.

For answering research question and testing hypothesis we've chosen case study design for this project. We've selected Greece as a case study because it is a member state, enjoys same rights and is under the same regulations as other MS in terms of migration within EU. But, unlike other states Greece was one of the most affected MS by refugee influx in 2015 because of its location. EU has Common European Asylum policy, Dublin Regulation and with necessity it goes in with resettlement and relocation programs but migration influx in 2015 showed asymmetric share of responsibilities by MS over the situation. Therefore analyzing case of Greece we will be looking for to illustrate Greece situation and show how burden-sharing on free willing basis was exercised there. Showing the picture of Greece will give understanding of current state of affairs, some states sharing responsibilities and some states refraining from it. In order to explain and understand states behavior we'll employ game theory as an analytical tool-kit. Chapter three is dedicated to game theory, presenting its core concepts and its application possibilities in social science. Due to make use of game theory as analytical lens in looking for the answer to research question we'll need deeper contextual understanding. Consequently chapter four will provide wide range of information about burden-sharing as a concept, contributing actors, existing circumstances for practicing in burden-sharing and discussion on Dublin III Regulation. Information about Dublin Regulation is provided in connection to our case study and aim is to show how EU's current system handled asylum influx of 2015. Thereafter study continues with chapter five which begins with analysis of effectiveness of burden-sharing with the background of contextual information. We will be looking for patterns and tendencies in states behavior and in next following segment of the study we'll engage in theoretical analysis using game theory. By analyzing emerged patterns and tendencies we might be able to interpret states behavior through modeling it as a strategic game(s) and accordingly providing the answer to research question whether game theory is a sufficient basis for explaining and understanding MS behavior in respects of asylum burden-sharing in context of refugee crisis. Putting a light on existing burden-sharing regimes and EU's system of managing migration should even enable us to prove or disprove hypothesis that a reason why we see limited cooperative refugee burden-sharing is because EU failed to provide optimal setting for doing so. Study will be finalized with chapter six that is a conclusion of analysis and presentation of findings.

3.7 Limitations

According to Bhattacharjee social science tend to be less accurate with high degree of measurement error (Bhattacharjee 2012 p 2). Researcher is therefore well aware that she will during research be dealing with some levels of ambiguity and uncertainty with in its way can reflect in this academic work.

As Bhattacharjee points out that goal of scientific research is to discover laws and suggest or assume theories that give phenomenon reasonable explanation. But he at the same time

underlines importance of understanding that gained knowledge might be imperfect and even not true because sometimes there is “equilibrium of multiple truths” (Bhattacharjee 2012 p 3). Reader should therefore understand that findings in this study might not be universal truth but a theory/explanation researcher suggests after conducting scientific study on phenomenon in question.

One more limitation to this paper is qualitative data collection method. Qualitative research is exploratory in its character seeking understanding and gaining insights. But qualitative data can not be quantified and therefore its measurability becomes a concern.

Research is also illustrating one angle and that is representing European viewpoint. It is because of resource and time intensiveness limited from considering countries outside European Union and their contribution to global burden-sharing of migrants.

One more shortcoming of this project is choosing Greece as a case study. As we wrote before according to UNHCR Greece and Italy were most affected states during migration crisis of 2015-2016. We chose to pick Greece as a case study but there is no particular reason why one should choose studying Greece over Italy. Only reason we can not study both is time, resources and overall limitations of master's thesis that author should consider.

4 Theoretical framework

This chapter aims to introduce game theory as an analytical tool for understanding EU member states behavior in refugee burden-sharing problem within European Union. Since game theory originates from rational choice theory chapter begins with a brief introduction of rational choice theory pointing out its connection to game theory, core concepts and implications. Thereafter chapter focuses on game theory; its origin, meaning, key assumptions and its application to asylum burden-sharing issue within EU. Focus lies on non-cooperational game Prisoner's Dilemma and its utility for understanding problematic issue of co-operation among MS.

4.1 Game theory, a branch of rational choice theory

As Chwaszcza writes game theory is a branch and derives from rational choice theory (Della Porta and Keating 2008 p 139). In game theory it is presumed that it's actors are rational acting from logic and analysis.

Most significant presumption and perhaps most debatable is that in game theory actors are "rational". Tsebelis defines rationality as excellent compliance between ends and means. Rational choice approach is believed to be one of the most popular approaches in political processes. Although it calls for many requirements in an actor such as being consistent, deciding according to the best judgment and interacting with other actors in accordance with existing settings in game theory (Tsebelis 1991 p 18). Rational choice theory presumes that actors choose the actions that are most fit to their preferences for outcomes. This theory is used to portray decision-making and assists in gaining better understanding of behavior in regards to individuals actions explained through rationality.

4.2 Game theory: origin, meaning and core concepts

Rational choice game theory provides mathematical structure for analyzing actor's interdependent interactions. Aumann writes that game theory is an "interactive decision theory" originally used for mathematical reasoning. Despite that during the years game theory has been used to explain phenomena in various disciplines like biology, philosophy, economics and business etc (Osborne 2008 p 14 preface). Some game-theoretic ideas emerged already in 18th century but it was first after "*the theory of games and economic behavior*" by Neumann and Morgenstein (1944) game theory has been extensively used in political science for deep analysis of social interactions (Osborne 2000 p 3).

Game theory consists of a set of games, also called models. Model can be interpreted as an abstraction used for understanding behavioral observations and experiences. Osborne defines understanding as "perceiving relationships between situations isolating principles that apply to a range of problems so that we can fit into our thinking new situations that we encounter" (Osborne 2000 p 1).

There are different types of games with maxmin and minmax strategies (Leyton-Brown and Shoham 2008 p 15). Every game has two or more actors and they are believed to make moves according to their strategy. Game theory presupposes that actors are similar reasoning rational opponents who are conscious about each other's preferences. Actors can even be aware of each other's game strategies. A strategy can eventually be explained as a game plan employed by an actor for reaching outcome of its preference. In this study focus is on zero-sum games in normal form, in particular Prisoner's Dilemma.

Game theory is used by social scientist for picturing, explaining and perhaps even predicting collective outcomes. Chwaszcza writes about two forms of game theory applications that are explaining individual's behavior and using it as a model for analysis of social structure (Della Porta and Keating 2008 p 139).

Using game theory as analytical device is quite popular among social scientists. Firstly because it is particular form of reasoning with means-end rationality and serves as a device for development of realistic assumptions for behavioral explanations; secondly because it can be used for analysis structure and development of institutions, norms etc; and thirdly because game theory allows us to produce a hypothesis that may prove wrong but by using game theory it is possible to conclude where and why hypothesis was wrong. Although, despite these pros like every other theory game theory has its shortcomings too. Game theoretical modeling allows continues development of research question (Della Porta and Keating 2008 p 152). In game theory it is assumed that actors are rational maximizing utility, which Noll states to be quite a faulty assumption because it fails to consider values and symbolic actions (Noll 2003 p 238).

4.3. Game theory application on member states asylum burden-sharing within EU

As Noll puts it "burden-sharing in the asylum field is a problem of cooperation in an international environment without a central enforcement institution" (Noll 2003 p 238). According to Thielemann asylum burden-sharing is a matter of how should costs and provision of public goods be shared among states. Consequently he raises two questions in respects of this subject, question of motivations and question of patterns and analysis these two though applying "*cost-benefit*" and "*norm-based*" approaches for explaining states participation in burden-sharing (Thielemann 2003 p 253).

Existing co-operation initiatives explained from cost-benefit approach implies co-operation among states on international level due to the provision of public goods, which is not possible for single individual state by its own. It also implies allowing states to expect reduced costs in future crisis if they are contributing "today". As for the norm-based approach, it entails states cooperation based on their acting out of solidarity in accordance with *universalization* principle. Universalization encourages actors to act in a manner they would like others to act in analogous situation (Thielemann 2003 p 256- 257).

Although according to Thielemann there exists valid incentives and international co-operation among states is motivated, there is a lack of immediate incentives in asylum burden-sharing. Protector seekers initial reception expenses are costly. It might not be possible setting exact numbers on integration but cost of food and housing can be calculated. More refugees a country receives more are the costs, at least short- term costs and therefore main receiving countries request for sharing schemes entailing redistribution of asylum seekers. For a nation-state it implies redistribution of expense source - fiscal, political or social costs. For protection seeker it might imply leaving family members or possible social network in temporal host country and uprooting for the second time (Noll 2000 p 273).

Noll portrays two scenarios of states *co-operation* and *non-cooperation* in regards of asylum burden-sharing, both showing strategies for externalizing costs. From game theoretical viewpoint these two situations can be modeled as games. First situation presents a state shifting part of the cost to other states that are willing to shoulder the costs and cooperate with the anticipation of reciprocity. This scenario stages a type of co-operative game, where co-operation is preferred over defection. Second situation presents a state "pushing back"

protection seekers to safe-third-country⁸. This scenario models a “burden-shifting” game and implies state’s defection from shouldering burden with the assumption that some other state would offer protection. Therefore scenario presents non-cooperative game (Noll 2003 p 240).

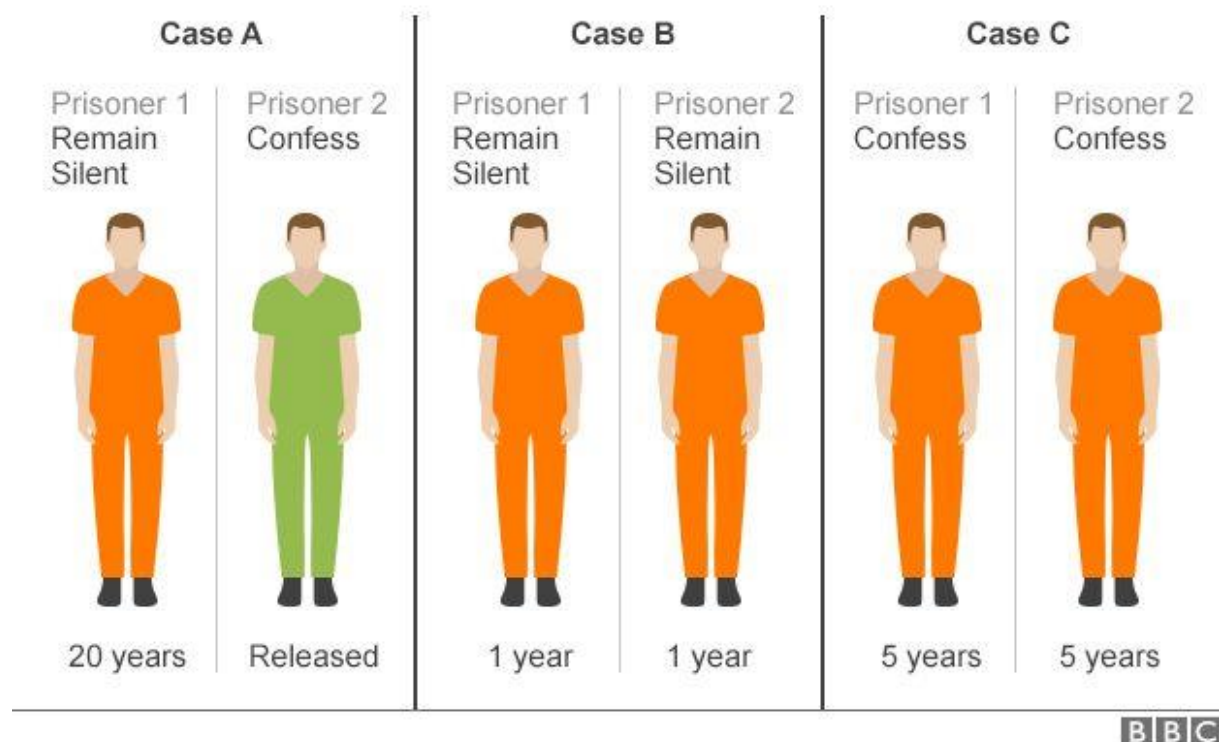
Burden-sharing is a issue of co-operation among nation states in the absence of central enforcement institution (Noll 2000 p 338). Therefore it can be relevant to make use of one of the most famous game theoretical non-cooperative game Prisoner’s Dilemma.

4.4 Prisoner’s Dilemma

Osborne states that game theory models are neither “right” nor “wrong” but their usefulness depends on the purpose for which we use it (Osborne 2000 p 2). In this study game theory will be used as analytical lens and Prisoner’s Dilemma will be used for illustration of non-cooperative scenario.

Classic Prisoner’s Dilemma has two actors who are suspects of a crime and they are held in different cells. There is evidence for convicting both for minor crime but not enough evidence for convicting both for major crime, that unless one of them acts as an informer and tells on the other one. If both actors decide to be quiet they both will get one year in prison. If one of them decides to tell on the other one, he will be released and used as witness against the other one, who will be imprisoned for twenty years. If they both tell on each other they both will be imprisoned for five years (Osborne 2000 p 12).

Prisoners’ dilemma



Imigery from BBC.com⁹

⁸ https://ec.europa.eu/home-affairs/content/safe-third-country_en

⁹ <https://www.bbc.com/news/magazine-31503875>

The Prisoner's Dilemma shows goal-seeking behavior where actors objective to maximize their utility has an opposite result of their best interest. Although we apply this game to asylum burden-sharing we should point out a couple of differences between Prisoner's Dilemma in unexpanded form and asylum burden-sharing among international states. Prisoners find themselves in one time situation where maximum preferable outcome must be drawn from one single game under the conditions of no communication between players. Whereas burden-sharing talks normally includes extended communicative process. It implies negotiations, recessions on deciding weather to cooperate or defect. In contrast to Prisoner's Dilemma 1951 refugee convention encourages states to numerous duties while in Prisoner's Dilemma actors have a single goal. Furthermore, burden-sharing in not one time experience like Prisoner's Dilemma rather then it has a systematic, repetitive nature (Noll 200 p 338-343).

In classic Prisoner's Dilemma both actors are to choose either co-operate or defect. Actors are not aware of each other's choices. Since each of them is promised freedom under some conditions they have motive to defect since it's a one-time game and decisions are made simultaneously. In actual burden-sharing practice there is extensive process of negotiation and recession prior to decision. One can even say in burden-sharing actors might even have "perfect information" they can base decisions on (Osborne 2000 p 151). Although, even on the background of the perfect information one state receiving refugees can refuse to open borders to them if burden-sharing will not be exercised from other member states through providing financial or other kind of assistance. For instance, in September 2015 there was made an agreement by EU member states to relocate 160.000 protection seekers from Greece, Italy and Hungary. Relocation was supposed to be implemented during following two years and refugees were supposed to be redistributed in all member states. This agreement proved to be difficult to execute and as much as 1.263 protection seekers got relocated. Czech republic, Hungary, Poland and Slovenia took in minimum number of refugees while UK refused to participate at all¹⁰. While Greece or other two countries have not threatened to close their borders to coming refugees, it is a real life example of member states interaction and them failing to co-operate on voluntary basis.

Two above written approaches developed by Thielemann assist as an interpretive device for explaining why member states should agree on asylum burden-sharing despite absence of immediate benefits for themselves. Although, in reality co-operation in asylum burden-sharing is an issue. Burden-sharing will be analyzed and discussed in this study through using game theory as an analytical tool-kit. As noted above Chwaszcza suggests that one of the forms of application of game theory is for *explaining individual's behavior*. We will try to get better understanding of states difficulties to co-operate and logic behind their behavior by applying non-cooperational game model prisoner's Dilemma. There is a limited asylum burden-sharing exercised in EU and it lacks central enforcement authority, therefore non-cooperative game Prisoner's Dilemma can be one of the most appropriate models for conceptualizing present burden-sharing practices.

¹⁰ http://www.ecfr.eu/page/-/Bear-Any-Burden_Dennison-Janning.pdf

5 Contextual understanding

In order to come to an answer of research question one has to have contextual understanding of phenomenon in question. Contextual understanding is supposed to give us information on which circumstances influences and forms research phenomenon. Therefore this part of the project explains origin and development of burden-sharing concept, observes current burden-sharing regimes within EU, presents existing motivational factors for burden-sharing and gives brief picture of migration crisis within EU in 2015-2016 with Greece in lime light. It offers an overview of CEAS and Dublin III Regulation as EU's main tools for asylum burden-sharing and covers observed practices of practical co-operation and deflection in regards to migration. Consequently, this part of project will give us knowledge of conceptual and practical settings necessary for addressing research question in upcoming chapters.

5.1 Burden Sharing

“Burden-sharing” as a term is most often used in discussions about unequal distribution of costs generated by migrated people. State governments discuss refugees in terms of cost category and consequently use expression “burden-sharing”, while non-governmental organisations (NGOs) focus on necessity of protection and use expression “responsibility-sharing”¹¹. Expressions like “solidarity” or “balance of efforts” was also used during the years for addressing same issue. Noll considers term “burden-sharing to be problematic since it seems to suggest that protection of refugees is burdensome. He suggests that this implication is conditional according to the timeframe one choses to look at. That because first months of refugee's reception can be costsome but if one looks at long-term perspective benefits might outweigh initial costs, particularly if one considers immigration to EU from public good perspective. On this background term “burden-sharing” seemingly underlines a short-term perspective (Noll 2003 p 237).

The concept of “burden- sharing” emerged in 1950s with the aim of promoting solidarity among refugee receiving states in situations of mass influx. Officially it was United Nations 1951 Convention on the Status of Refugees that first lifted the need of shared responsibilities by calling for “international cooperation”¹². Burden-sharing as a concept in refugee context was developed and strengthened after 1960s as a result of decolonization of Africa that developed into mass influx of refugees¹³. After that, on international level burden-sharing developed into call for two actions that is supplying financial assistance to asylum receiving countries through financing UNHCR programmes and “physical” burden-sharing, that is resettlement approach for handling refugee crisis¹⁴. But despite what burden-sharing developed into in practical mechanisms, in big picture it is addressed to handling migratory inflows. According to UNHCR as a concept burden-sharing means that regional and international actors are supposed to take part in sharing the responsibility that “burdens” refugee receiving countries¹⁵.

5.2 Encouraging factors of international burden-sharing

Thielemann states that international burden-sharing is an issue concerning how costs related to common initiatives and the provision of international public goods aught to be shared

¹¹ European Parliament 2010 *“What system of burden-sharing between member states for the reception of the asylum seekers?”* p 26.

¹² Boswell Christina 2003 *“Burden sharing in the new age of immigration”*

¹³ UNHCR 2000 p 1.

¹⁴ Boswell Christina 2003 *“Burden sharing in the new age of immigration”*

¹⁵ UNHCR 2000 p 2.

among nation-states (Thielemann 2003 p 253). Europe has created Common European Asylum System and European Refugee Fund in order to regulate somewhat equal contribution of MS in refugee burden-sharing, but Thielemann points out necessity of to even more conceptualize burden-sharing in EU context and proposes two approaches why states should take more initiatives in burden-sharing practices. These are “cost-benefit” and “norm-based” approaches (Thielemann 2003 p 254). However Noll identifies a third approach. Noll’s first two approaches are corresponding to Thielemann’s two forms of burden-sharing initiatives that are sharing money and sharing norms and the third one Noll lists is sharing people (Noll 2003 p 243).

When discussing background of his two approaches Thielemann lifts two main logics of social actions “logic of expected consequences” referring to cost-benefit approach and “logic of appropriateness” addressing norm-based approach. The first one represents rational strategic behaviour of goal seeking character, a behaviour that is a product of careful anticipation of consequences. The second one demonstrates actions guided by identity and socially accepted norms and practices. Norm-based approach considers “appropriate” behaviour. The general point between these two according to Thielemann is that both imply co-operation but first account for material and later for non-material reasons (Thielemann 2003 p 254-255).

5.2.1 Sharing people

The most discussed approach in regards to asylum burden-sharing is sharing people. Sharing people is quota based burden-sharing proposal grounded on concept of physical sharing of asylum seekers among MS. States relative receiving capacities are considered when distributing people among countries. Criteria’s like GDP, country’s territory or population density are counted in. First reference to such practice was made in 1992 by European Union ministers in field of asylum and migration. Draft of proposal by Council on burden-sharing in 1994 read that if one state exceeded its fixed number of protection seekers, refugees located in that country were supposed to be taken by other MS that have not reached their fixed number. This proposal did not get necessary support and one of the criticisms it received was that relocating refugees from one state to another without their consent might have violated human rights. On the other hand according to Thielemann redistribution of refugees might be most effective way to balance out the scales. But, it might as well be the most controversial one since there might be risks involved for individuals and for new host countries in such an action. That because relocation is secondary uprooting of a protection seeker and it might lack a social support in a new country that can lead to higher total cost for a new host state. On the other hand it might be an effective way of equalizing costs generated by reception, integration etc. (Thielemann 2005 p 17-18).

Resettlement is an established model of burden-sharing nowadays but it was first utilized during Indo-Chinese refugee crisis in 1970s. It was based on “voluntary pledging” of states taking in refugees. There were several western countries that accepted refugees in that fashion. However, in 2001 Council came out with a new directive (Council Directive 2001/55/EC of 20 July 2001, OJ L 212, / August 2001) founded on the principle of “double voluntarism”. “Double voluntarism” means that there is established mutual agreement on resettlement between receiving state and a person that is supposed to be resettled. Furthermore, MS were supposed to point out their capacity of receiving and justify their proposed number of receiving (Thielemann 2005 p 18-19).

EU modern day framework for resettlement should be seen as one of the tools to help protection seekers to find themselves in Europe safely and legally. Resettlement is permanent

solution that entails transfer of those in need of protection from one state to another. Its primary goal is providing protection to refugees but at the same time it is an action of strengthening solidarity and responsibility sharing among EU states. In practice, for a resettlement to be carried out first UNHCR needs to identify that applicant is a refugee according to the 1951 Geneva Convention and determine that resettlement is most appropriate solution. As a part of reforming CEAS there was made a proposal by European Commission in July 2016 about standard of common procedures in regards of resettlement in EU. Proposal is seen as complement to national resettlement initiatives ¹⁶.

In context of people burden-sharing Noll also lifts the example of resettlement. He is positive to resettlement meaning that it is beneficial for certain category of protection seekers who will not find adequate help in country of first entrance to be resettled to another country capable or receiving them. Resettlement has been used as protection tool in many countries like Latin America, Africa etc. and it is adjusted to needs of refugees and not of the states. But it is relevant to note here that only a limited number of states regularly offer places for resettlement through UNHCR. States submit their quotas every year but these offers do not meet observed needs because number of people being in need of resettling is higher than places offered by MS (Noll 2000 p 273-275).

Schuck refers to resettlement as a last resort and defines it as a strategy that can be used when causes of protection needs cannot be prevented and safe return to home country or different type of temporary protection is not available. He points out resettlement struggles for refugees from social perspective and costs put on recipient countries that in long run might lead to repatriation (Schuck 1997 p 268-269). Schuck writes about an action of showing solidarity through countries offering resettlement places but at the same time points out political pressure on recipient state that seems to have a direct affect on it's offers. Schuck identifies that some countries make very low or no resettlement offers at all, even though they might have ample resources. As a consequence in a time of emergencies UNHCR and other NGOs are approaching countries that usually participate in refugee burden-sharing practices (Schuck 1997 p 269-270).

5.2.2 Sharing money

The second approach to fair burden-sharing within migration is financial burden-sharing, implemented through paying out financial compensation to states that are popular destination points. In large spectrum states contributions to organizations like UNHCR help run programmes in those countries that are disproportionally overburdened because of their location or other reasons. Fiscal burden-sharing has been practiced within EU since establishment of European Refugee Fund (ERF) by Council's decision in 2000 (Thielemann 2005 p 16).

ERF was put in place by Council on the basis of article 62 (2) (b) of the Treaty establishing the European Union Community. The aim of ERF is to distribute resources proportionally to the burden caused to MS because of their efforts of receiving refugees. ERF has been running since 1st of January 2000 and has been allocating funds according to two methods, fixed and proportional. Primarily, as a result of fixed method each country would get equal amount of funds regardless to number of protection seekers they took in. Secondly, remaining funds

¹⁶ European Parliament "resettlement of refugees: EU Framework"
[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2016\)589859](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2016)589859)

would be allocated to countries in accordance to the number of refugee seekers in each country (Thielemann 2005 p 16).

ERF was followed by the Asylum, Migration and Integration Fund (AMIF). It is structured in a way that it should run during 2014-2020. Generally speaking AMIF was set up to manage escalated migratory inflows in EU. AMIF has over 3 billion Euro pot and its purpose is to support Common European Asylum System ensuring equal distribution of resources and therefore promoting solidarity. All EU states excluding Denmark are participating in implementing AMIF and will practice shared management of resources (ec.europa.eu).

Thielemann discusses effectiveness of the fixed and proportional methods of allocating funds as well as its overall effect. Fixed method of paying out fund has been important element in creating ERF since every MS received some funding, while it might have been less effective in terms of “balance of efforts”, point being that if all member states receive the same fixed amount despite the number of refugees they received no burden-sharing will be practiced. But this element has been lifted and was supposed to scale down over a period of years. Despite the above written argument, fixed pay-outs can be viewed positively from solidarity perspective, fact that every state got an amount of funds met solidarity principle. As for proportional distribution of funds, it means that a certain number of asylum seekers will trigger a certain amount of funds regardless receiving states concerns about refugee inflow. Proportionality method results that some countries with bigger receiving capacity, size, population and GDP are benefiting more from it than other states with less receiving capacity, less territory, GDP and people. Because of this reason compensating states according to their number of received refugees appears to be sub-optimal according to Thielemann (Thielemann 2005 p 17).

Moreover, regardless the method used for distributing funds it's general impact would still be limited according to Thielemann. That is because of relatively small amount of money that is calculated per migrant. In 2002 Britain got a little more than 1000 Euros from ERF per migrant and is was supposed to cover administration costs, accommodation, legal bills and other related expenses. Thielemann states therefore that funds given to MS from ERF has more of a symbolic impact in regards of burden-sharing and balance of efforts than the practical one. He also comes to conclusion that fiscal burden-sharing as an isolated tool will not be sufficient because it is not the financial expenses of migration that states find burdening (Thielemann 2005 p 17). Although distributing funds in combination with other tools might have better success in balancing migratory burdens. It must be noted hereby that nowadays appropriate sum per migrant is 250.000 Euros according to EC's proposal (COM (2016) 270 final), but both arguments are applicable to EU's present burden-sharing issue to some extend.

In line with Thielemann, payments in co-operation regimes and financial transfers can be factors that promote balance of efforts and encourage positive asylum spillover according to Czaika (Czaika 2009 p 93-95). He argues that monetary transfers can possibly be able to positively impact states welfare and stabilize co-operative asylum settings but that only in case if states have relatively similar capacity. Monetary compensation might be insufficient among countries with relatively large asymmetries (Czaika 2009 p 109-110).

Similarly to precious two authors Noll also agrees with importance of redistribution of funds seeing it as a preventive approach with the goal of avoiding uneven burden-sharing. He

underlines reparative character of financial transactions seeking to level out inequalities among refugee receiving states (Noll 2000 p 272).

5.2.3 Sharing norms

Norm-based approach addresses states norm-guided behaviour, acting in solidarity to each other in harmony with the principle of universalization, i.e. behaving in a way they wish others would behave as well. That excludes free-riding or offshoring the costs for common goods on others. Norm of fairness will be creator of this type of behaviour (Thielemann 2003 p 257).

Approaches that highlight norm-based behaviour and lifts solidarity present explanation to issue of sharing costs. Solidarity as an encouragement factor in burden-sharing can be perceived in two ways. Primarily it can be commitment to others in many actor-cases, even when ones individual decision might not be highly influential to common outcome but a display of solidarity to collective decision. Secondly, solidarity can be interpreted as concern to others in group displayed in reluctance to benefit from situation if others are not benefiting and/or reluctance to accept benefit if it will wrong others. The second approach and in particular well-being of other group members can also be a recognition of obligations that comes by very being of the group member (Thielemann 2003 p 257-258). Consequently, solidarity can be understood as commitment and trust within group members as well as promotion of each other's well-being.

Solidarity and commitment in regards of refugee burden-sharing

Solidarity is one of the ground stones Common European Asylum System (CEAS) rests on. Second paragraph of article 67 in Treaty on Functioning of European Union (TFEU) reads as follows: "it shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Title, stateless persons shall be treated as third-country nationals"¹⁷. Furthermore article 80 in the same treaty states: "The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle"¹⁸

Solidarity written about in TFEU in first hand is aiming to financial solidarity and EU adopts it through putting together new financial framework that is supposed to run during 2014-2020. Solidarity also aims at relocation and "solidarity in emergency situations". The later refers to boarder control carried out by Frontex, developing better cooperation of transit countries and first countries of asylum. Goal for these common efforts is to diminish number of protection seekers coming to EU (Chetail V, Bruycker P.D and Maiani F. 2016 p 499).

Solidarity can therefore be seen as a tool for dealing with some unforeseen occurrence caused by external factors. This "tool" can be functional if it is utilized with common effort. Withholding the actions of showing solidarity and thereby not following EU's legislation

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E067>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E080>

might be interpreted as expression of disloyalty towards Union and its values. Solidarity, in particular showing solidarity in asylum burden-sharing context is taking initiative in supporting the MS that mostly because of their location are experiencing overwhelming influx of migrants coming into their territory. Assisting in this occurrence would mean using the tool of solidarity with the objective of achieving reasonable division of burden that can be translated as fair share of responsibilities. However, there is no particular, detailed out guidelines in article 80 TFEU exactly when should solidarity be practiced, therefore one can expect that states will employ solidarity instrument in crisis and non-crisis. Article 80 does not specify that solidarity shall be mainly shown in times of migration influx.

So far we've reviewed solidarity in regards with European Union member states. However, it should be mentioned hereby that according to Noll principle of solidarity is not only intra-EU concept but it could also be applicable to vis-à-vis third countries and/or vis-à-vis refugees (Noll 2016 p 3-4). Therefore there is a room for making an assumption that principle of solidarity in article 80 TFEU has both, external components through international obligations of MS as well as EU and internal component hence MS solidarity towards each other.

5.3 Dublin system as EU's binding tool of burden-sharing

Every application submitted within European Union territory needs to be processed and therefore there was a necessity of a system that would determine which country was responsible for the applicant. Consequently, based on necessity there was established Dublin regime in that came into force in 1997. Original Dublin regime was changed and developed multiple times during the years and turned finally into Dublin III Regulation (DR), as we know it today. Regardless amendments throughout the years core principle remained the same, that is determining a country responsible for asylum claim and thereafter examining application efficient possible way¹⁹.

According to Dublin system responsibility for an asylum seeker should be allocated among 32 countries that are 28 EU states and four European Free Trade Association (EFTA) "associate states". Once responsible country is established process overgoes to protection status determination while preventing applicant from submitting multiple claims in multiple states. Applicants on Dublin territory are according to article 3 (1) Dublin III Regulation to be examined by principle of single "responsible state". Single responsible state is supposed to be decided on through agreement among countries based on several "objective criteria" as family ties, where the first application was made etc.²⁰.

Functionality of paper version Dublin system is different from functionality of real life Dublin. Practical functionality of Dublin III Regulation, almost similarly to its previous versions has been criticized rather frequently. Critics claim that it is ineffective and inefficient and meets its goal to a limited extend. System works in way that first and foremost responsible state for applicant should be established until the applicant has an access to asylum procedure, meaning that applicant is not protected against being transferred to another state, therefore some applicants are discouraged from applying for protection in some MS in order to avoid being "stuck" there. This was showcased in Greece during crisis of 2015-2016

¹⁹ European Parliament, Directorate -General for Internal Policies, Policy Department, Citizens rights and constitutional affairs "The reform of Dublin III Regulation" 2016 [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU\(2016\)571360_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU(2016)571360_EN.pdf)

²⁰ Ibid.

when protection seekers tried to go “underground”, especially among those who were at Greek-Macedonian border. System discouraging applicants to submit their application due to avoid getting “stuck” there and preferring going “underground” is in opposition to CEAS and EU’s other migratory policies that addresses prevention of irregular stay and movements within EU territory. Another criticism directed towards Dublin III Regulation is that system is not living up to objective “*ensuring swift access to status determination*”. According to study done by EU’s office of Directorate-General for Internal Policies during normal circumstances Dublin procedure may last up to 11 months and that negatively influences reception costs and prolongs protection seekers uncertainty. One more objective of Dublin III Regulation is “*prevention of examination of multiple applications*”. Unfortunately multiple applications still seem to be frequent just as “take back” and “take charge” transfers. List of objectives of Dublin III Regulation has a hierarchy of certain criterion according to which system should function. Highest on criterion list is “*protection of family unity*”. Regardless it being a top criterion and therefore attempted to use for transfers, partly because of its restrictive wording MS have space to appraise evidence for family ties quite strictly and consequently states refuse taking responsibility for applicants even when family connection are shown. One more criterion is “*irregular entry*” and criterion by itself is giving an incentive to states to turn blind eye and not register asylum seekers to avoid responsibility for them. Successful application of this criterion allocates large responsibilities to EU’s Southern and Eastern boards, as it happened in case of Greece or Italy in 2015-2016. System is also criticized for its inefficiency because out of 70-80% accepted transfer requests only about 3-4% are practically carried out²¹.

Regardless the existing room for improvement and poor track-record of implementation Dublin system is MS’s shared approach and EU’s binding tool for managing migration. It is a cornerstone of CEAS and operates through rules that every MS signed up for (COM (2016) 270 final p 4-5). It represents MS’s common standards for international protection, state’s joint agreement and therefore it is part of EU’s shared norms.

5.4 CEAS as a tool of shared norms

CEAS is EU’s legislative framework based on Refugee Convention that sets common standards for Union member states in regards of refugee international protection. Within CEAS EU member states have common concepts and criterion for asylum law. It harmonizes interpretation of asylum framework that member states can apply. CEAS is regulating procedural and substantive matters starting from point when protection seeker enters the Union to point of final status determination (EASO 2016 p 13).²²

Abolition of EU internal borders put forward requirement of having harmonized asylum regulation on EU level. Absence of such would have brought protection seekers secondary movement. Refugees might have moved from state to state, choosing destination out of personal reasons or in order to submit their application in a country with most generous migration policies. Necessity of common framework was highlighted by large number of refugees generated by Balkan wars and by collapse of previously communist countries in Eastern Europe. After establishing Treaty of Amsterdam that provided legal basis for CEAS

²¹ Ibid

²² International Association of Refugee Law Judges European Chapter under contract to EASO “an introduction to Common European Asylum System for Courts and Tribunals, A judicial analysis” august 2016
<https://www.easo.europa.eu/sites/default/files/public/BZ0216138ENN.PDF>

and came into force in May 1999 asylum became a supranational matter of EU level that encouraged creation of CEAS.

Every EU member was part of 1951 Refugee Convention before establishment of CEAS. They have already had national asylum systems applying 1951 Refugee Convention and MS recognized that Refugee Convention was the heart of international protection system.

Common European Asylum System has following core concepts:

“a clear and workable determination of the state responsible for the examination of an asylum application;

-common standards for a fair and efficient asylum procedure;

-common minimum conditions of reception of asylum seekers; and

-the approximation of rules on the recognition and content of the refugee status (6)”. (EASO 2016 p 14-15).²³

CEAS was implemented in two phases; first phase was during 2000 and 2005 when all member states adopted minimum standards on asylum reception, Qualification Directive of international protection, different steps in asylum process etc. Second phase of harmonization started in September 2008 by EC with European Pact on Immigration and Asylum. Its goal was taking EU standards of asylum procedure harmonization to next step, establishing “common area of protection and solidarity”. Second phase of CEAS was supposed to enhance practical cooperation and support on subject of asylum among MS; second phase was completed in June 2013. Although every MS has its own migration policies, these policies are closely tied to CEAS because CEAS is binding to all member states except Denmark, Ireland and United Kingdom. Ireland and United Kingdom are part of CEAS to some extent, however Denmark has opted out from any Treaty or similar framework connected to CEAS (EASO 2016 p 15-19).

CEAS has direct applicability to all MS and takes precedence over national legislation on migration. But arrival of large numbers of protection seekers in 2015-2016 has strained Common European Asylum System in a manner that implementation of CEAS legal framework and practical co-operation among MS became challenging. System was not designed for migration influx of such scale and influx exposed before unseen weaknesses. Therefore EC in its proposal (COM (2016) 197 final) points out the importance of improving the function of existing tools within CEAS in order to regain order over present situation and manage migration inflows long term (COM (2016) 197 final p 2-5). EC underlines that situation showed the necessity of structural reform of CEAS for its better implementation while maintaining humane and effective asylum policy. Regardless systems efficiency it is undoubted part of Noll's and Thielemann's approach and represents shared norms for asylum burden-sharing within EU.

5.5 Case of Greece

War in Syria generated that Syrian nationals were dominating in global asylum statistics in years 2013-2016. By 9th of March the president of European Council Donald Tusk announced that western Balkan route was closed for migrants since so called Balkan countries closed their borders. At the time of announcement more than 10.000 migrants were at Greek side of Greek-Macedonian border living in concerning poor conditions. One could see German flag holding up, gesture of that they were aiming to get to Germany. Troubled with

²³ Ibid

miserable conditions they gave up their hope of getting to Germany and started registering their asylum applications in Greece (The Guardian march 2016).

Large numbers of migrants continued coming in to Greece and for establishing an order EU formed “hotspots” on 5 islands where most of the refugees land. Although only one of this “hotspot” centers functioned in line with its purpose, that is registering and processing applications. Center on Lesbos managed to screen, fingerprint and interview migrants and provided refugees from certain countries with document that made it possible for them to continue travelling to Greek’s mainland legally (article The economist February 6, 2016).

By January 2016 number of daily arrivals in Greece registered just under 2.000 and some politicians including Hungarian prime minister Viktor Orban were suggesting building fence inside Europe, regardless that EU governments are obligated by law to provide refugee to people asking for asylum because of warfare. Even withdrawal of Greece from Schengen zone was proposed by some politicians due to avoid taking shared responsibility for migrants gathered Greece. Proposal was quickly dismissed since Greece doesn’t share any land borders with other EU counties. Meanwhile Germany and European Commission reflected over sealing Macedonia’s boarder with Greece. This would on one hand make it possible to avoid taking responsibility for migrants but on the other hand it would have resulted in extraordinary build up of refugees on Macedonia’s land as well as forming massive bottlenecks in Greece.

Open northern boarder and migrants quick flow to northern EU countries was the factor that holed Greece up and saved from collapsing in 2015 and 2016 (article The economist February 6, 2016).

5.6 Remedies for managing crisis – common European “safe third country” list

There is a concept of “safe third country” in migration law and EU exercised this part of asylum law during and after 2015-2016 migration crisis, when refugees were coming to Italy, Greece and central Europe. Until 2015 list over “safe countries” were decided on national level and was not coordinated with other MS therefore application admission and rejection practices were not similar in member states. This dissimilarity could lead to different recognition rate of somewhat alike asylum applications and thereby giving a birth to incentive of applying for asylum in MS where admission rates are high.

On 9th of September 2015 European Commission proposed to appoint a common EU list of “safe” countries. Proposal was made by EC after European Council confirmed proposals initial draft by 25-26th of June 2015. Proposal was a part of European Agenda on Migration and list initially included Albania, Bosnia, Herzegovina, the former Yugoslav republic of Macedonia, Kosovo, Serbia, Turkey and Montenegro. Putting Turkey on the list was proposed by Bulgaria. It is to be noted that Denmark did don’t take part in adoption of such a list. (Briefing, European Parliament, October 8, 2015).

As asylum policy should be coordinated between all 28 MS, EU’s joint list of “safe countries” included the states that are considered to be “safe” in accordance with criteria presented in Asylum Procedures Directive and corresponding with principle of non-refoulement. Citizens of listed “safe” countries can be returned back with relatively simplified asylum process. Germany was one of the EU member states advocating for EU-wide list of “safe” countries to make it simpler rejecting applications of western Balkan economic migrants. A little more than 40% of asylum seekers registered in Germany in 2015 were from Balkan (article BBC.com

September 9, 2015). Germany put Kosovo and Albania on list in 2015 and in February 2016 added Morocco, Algeria and Tunisia to it (article The economist February 6, 2016).

5.6.1 Externalization to lighten intra-EU burden -Turkey deal

Part of EU's strategy of handling the migration crisis was so called "Turkey deal". It made a deal with Turkey primarily because 2.7 million Syrian refugees were in Turkey waiting for the opportunity to get to EU and secondarily because Turkey has last couple of years become transit place for migrants from various countries with the purpose of getting to EU in a smoothest way. As a follow up to EU-Turkey Action plan set up on 29th of November 2015, EU and Turkey came to agreement about ending irregular migration from Turkey to Union on 18th of March 2016. EU and Turkey deal has two dimensions.

Agreement on one hand includes granting Turkey 3 billion Euros as reward for helping out in reducing migrant flows into European Union. On the other hand it includes looking over visa-free entry for Turkish nationals into Union in return to taking back migrants that already managed entering EU territory, did not make claim for asylum or their application got denied. According to agreement Turkey is supposed to take measures for preventing new sea and land routes from opening. Deal came into force on 20th of March 2016. According to deal even Turkey's possible EU membership will be looked over and both sides will "re-energise" in talks about Turkey joining EU block, as well as works on upgrading Customs Union will continue. It is worth mentioning hereby that all member states have to approve visa-free entry that is a challenge in its own and even 3 billion was relatively difficult to put together (article The economist February 6, 2016; European commission - fact sheet 19th of March 2016).

Since the deal was made president Erdogan has commented on EU and expressed possibility of opening Turkey's borders and letting everybody willing to head towards Europe do so (article The Telegraph, November 25, 2016). Moreover, according to article from BBC president Erdogan expressed that "EU is wasting Turkey's time", he denied jailing 150 journalists, denied extended detention on Amnesty International's local director and nine other people and he is pressuring EU into Turkey's membership in Union (BBC.com July 12, 2017). Regardless these factors EU does all in its power to have Turkey deal in place. European Commission underlines the importance of unabrupt engagement with Turkey regardless the "challenging circumstances". Commission emphasized so far positive implementation of agreement with the accent on remarkable reduction of irregular border crossing and reduced number of people lost at sea (COM (2017) 204 final). As noted above EU has put Turkey in safe country list and Commission therefore underlines continues engagement with Turkey so that transfers back to Turkey can take place.

According to information sheet from European Commission dated 6th of April 2018 Turkey reached 3.9 million displaced people on its territory making it a country with a highest number of refugees (European Commission, Turkey April 6, 2018) Applicants transferred back to Turkey will therefore be facing excessive time of waiting while their application will be processed. Moreover, those whose homelands are countries listed as safe by EU, their applications will be inadmissible (Directive 2013/32 EU). Multiple international organizations such as UNHCR, ECRE and HRW expressed their deep concerns firstly about the deal and secondly Turkey being listed as safe country despite the conditions asylum seekers have there (Roma, Baird, Radcliffe February 2016).

5.7 Self-interest objectives promoting co-operation in asylum burden-sharing

There are several objectives that drive co-operation among states within asylum burden-sharing. Among those objectives is interest-based co-operation. States are interested in having mutual insurance against external, unforeseen factors that might put pressure on them. Co-operation in asylum-burden sharing in present allows states to potentially have reduced shock factor in future. Today's team-work gives states possibility of less asylum related costs in future since predictable costs today will give MS opportunity of avoiding large and sudden inflows afterwards. Example of it might be states contributing for humanitarian aids and refugee supporting camps in third countries. By maintaining supporting camps and approving sending humanitarian aids to third countries MS are co-operating through putting insurance or reducing possibility of mass inflow (Thielemann 2017 p. 14-15)

Asylum burden-sharing might also be promoted by certain fear of losing big objectives like European integration project. Migration pressures from non-EU countries might pose a threat to single market as well as threaten free movement. Fear of reestablishment of border controls within Schengen zone and desire to maintain single market operational promotes efforts of burden-sharing (Thielemann 2017 p.15).

One and perhaps most desirable objectives why MS come together in burden-sharing is lower costs. Possibility of joint procedures of evaluating asylum claims therefore less administrative costs and interest in reduction of asylum-shopping promotes burden-sharing practices (Thielemann 2017 p. 15-16).

Concluding, MS interest are different and therefore states are likely to prefer different forms of burden-sharing, employing the ways that they find least difficult. But even though the practices might be driven from self-interest it could count in as sharing asylum burden (Thielemann 2017 p. 15-16).

5.7.1 Burden-sharing – CO-OPERATION through protecting EU borders and EASO

European immigration policy is supposed to deal with both, legal and illegal immigration into Union. In respects of regular migration EU makes the decision about entry and residence while MS keep the right to decide how much people from non-EU states they'll grant the permission for residing in their territory for work purposes. EU is also responsible for irregular migration and particularly for policy about returning to home countries (europarl.europa.eu June 30, 2017).

European Parliament's official website reads that number of migrants generated in crisis of 2015-2016 was comparable to number of refugees generated in World War II. Frontex identified more than 2.3 million illegal entries into Union's territory during 2015-2016 (europarl.europa.eu June 30, 2017).

During that period EU had to focus on how to manage keeping people out of Union, as well as focus on quick examination and deportation procedures and faster process of fingerprinting and screening of migrants arriving in Italy, Malta and other MS located on EU's Southern borderline (article The Guardian September 22, 2015).

EU also increased resources to its border agencies and strengthened border management. Schengen Information System (SIS), Visa Information System (VIS) and the European Border and Coast Guard Agency (Frontex) experienced a high level of workload in 2015-2016. Single area without internal border controls – Schengen zone – requires a common

European policy for external boarder management. Mixed migration flows into Union and large-scale life lost in Mediterranean raised security concerns and called for more efficient boarder management. Therefore joint operation Trion was launched with the aim of patrolling sea boarder between Libya and Italy. Several member states were collaborating in the operation contributing with stuff and equipment for providing operational support to Italian authorities. For supporting Greece and migration flows there, joint operation Poseidon was launched. Poseidon was massively scaled up in December 2015 and turned into rapid intervention operation in order to respond to boarder management challenges. Similar to Trion Poseidon was also effort put together by MS common forces. With help of Poseidon “hotspots” were initiated and migration management support teams were created. By creating these teams European Asylum Support Office, Europol and Frontex were able to help MS national authorities with identifying, screening and registering refugees crossing EU borders. According to EP these maritime operations represented MS joint forces responding to humanitarian crisis (Fact Sheet PE 600.414 European Parliament). It could therefore be possible to say that these are the examples of MS co-operation in regards of refugee burden-sharing.

EASO

European Asylum Support Office (EASO) has been functional since 2011 and it was established in order to support practical co-operation among member states. Idea behind creating EASO was to make it a core of EU asylum system helping member states in rising quality on providing protection and handling cases of those who don’t qualify efficiently. According to article 9 in EASO regulation EASO’s roll is to “gather and analyse data” about asylum situation covering all member states. MS are providing EASO with raw data and that data is published by organization in quarterly reports. It is member states that provide EASO’s human resources and therefore fuel its services. Organization had a principal role in creating asylum-relocating schemes in 2015. Protection seekers that entered hotspots were registered, checked for eligibility for relocation and matched with MS under EASO surveillance²⁴ (Garlick 2016 p 10-12). Demands that migratory inflows put on Common European Asylum System and on EASO in 2015-2016 were much larger than MS commitments in regards to supporting EASO with human resources. Regardless, EASO could still be considered as an example of MS practical co-operation in migration area.

5.7.2 Burden shifting - DEFECTION through national structural changes

Fair burden-sharing has for a long time been subject of discussion not only in migration filed but in areas like peacekeeping, international security, defense, climate change and more. Hypothesis that small states are taking a road of free-riding through exploiting the larger ones has been around considerable amount of time. Most verbalized concerns that are not addressed to migration are directed to collective defense. Fair burden-sharing seems to be a concern in terms that US and other larger North Atlantic Treaty Organization (NATO) country’s make larger contributions to NATO than the smaller states. (Thielemann and Dewan 2006 p 351-353)

During refuge influx in 2015-2016 there were countries that sheltered relatively more protection seekers than the other states. Therefore there have been free-riding accusations

²⁴ Garlick 2016 p 10-12

<http://odysseus-network.eu/wp-content/uploads/2015/09/Searching-for-Solidarity-Short-Papers.pdf>

from states who received relatively large number refugees. Some states voiced threats of opting out of Geneva Convention and some refrained from taking part in EU initiatives of redistributing burden. For example UK has rejected offer to join resettlement scheme and Ireland as well as Denmark opt-put but committed to participation to some extent (article The Guardian September 22, 2015).

After May 2016 when refugee arrival numbers in EU hit sky-high levels Hungary started building fences along its boards and even authorized army to use teargas and bullets against migrants who would try to forcibly get into the country. Germany on the other hand unilaterally opened its boards in August 2016 but afterwards renewed its national borders despite lying in the middle of free-movement Schengen zone. According to other EU states Germany with it's "flip-flop policy" first declaring open doors to Syrians and later putting up national border controls on its territory towards Austria caused chaos in central Europe (article The Guardian September 22, 2015). According to Reuters both Italy and Malta denied ships from entering their sea territory, pushing them towards Spain, while Austria and France put up emergency border checks in 2015 (article Reuters July 8, 2018). Several countries including Sweden and Germany have reorganized their asylum policies through introducing temporal residence permits instead of permanent ones, attempting to make countries less attractive for asylum seekers. At the same time it must be noted here that recently there was made an agreement in Brussels that asylum requests will be processed in camps in Mediterranean and Africa and MS would share responsibility of those picked up at sea (article Reuters July 8, 2018).

Because of potential costs and political dissatisfaction around amount of resources it takes from states budget to cover migration expenses there are incentives of "free-riding" on efforts others. Deflection is attempting as long as others will take care of the issue. We've frequently heard from EU officials that free-riding and therefore burden-shifting can in long term undermine provision of European integration since whole EU system is build on notion of joint efforts. Provision of European system might partly help to explain why some states voluntarily admitted relatively large numbers of displaced people. States refusal to give refugee protection or redirecting those attempting to enter their territory might create instability at their borders and strain relationship with their neighbor countries. It also creates a secondary movement that might at some point damage function of Dublin III Regulation.

Another type of deflection is attempts of avoiding responsibility over situations that occur at international maritime boundaries. As one still hears in media and broadcast it is often a subject of discussion who's responsibility are migrants found in ships in maritime areas. According to United Nations Conventions on the Law of the Sea (UNCLOS) every state can point their territorial sea line up to 12 nautical miles. A boat within this mileage is to be considered in a certain states waters. UNCLOS also has article 33 that addresses sea territory that stretches over country's territorial zone up to 24 nautical miles. Within those 24 nautical miles, that sometimes is referred to "high seas" states can *if necessary* exercise its laws and regulations²⁵. But since *if necessary* part is open for interpretation sometimes migrants found in high seas were claimed not to be on any states territory and states didn't recognize obligation to take appropriate measurements even when migrants would claim asylum. This was first regulated in 2012 in case of *Hirsi Jamaa and Others v. Italy*²⁶. European Court of

²⁵ United Nations Convention on Law of the Sea

http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

²⁶ *Hirsi Jamaa and Others v. Italy*

human rights found that regardless the fact that migrants were in high seas applicants fell in jurisdiction of Italy and Italy violated European Convention on Human Rights by pushing their boat to Libya.

Seeking to establish restrictive migration policies with aim to alter asylums seekers final destination point can also be considered as a type of deflection. Restricting time of eventual residence permit or limiting access to welfare and healthcare systems will eventually make a state less attractive for protection seeker and burden will be shifted to other states. Therefore common rules or minimum standers applying to all MS might restrict states from adjusting their national migration policies. It might even balance out pick and choose behavior from migrants itself (Thielemann 2017 p 67-73).

6 Analysis

Objective of this chapter is to present and analyse data generated from contextual information that was provided in chapter four. Thus it is only relevant and appropriate data that matches the research aim exposed in this project. Due to it is a qualitative study this chapter contains relatively large quantity of written material divided into sections and subsections. Sections and subsections mirror thematic analysis of information reflecting on research question and hypothesis. Chapter opens with a theme of asylum burden-sharing and analyses migration burden-sharing among MS applying three approaches introduced in previous part of the paper. Thereafter it continues and presents case of Greece, how burden-sharing was practiced in regards of migration influx of 2015-2016 in Greece, illustrating existing systems flaws and strength. Next follows game theoretical analysis of member states migration burden-sharing practices while last part covers hypothesis.

6.1 Burden-sharing or burden-shifting?

In previous chapter we went through what concept of burden-sharing in regards of migration within EU is and provided George Noll's and Thielemann's standpoints on how it can be divided into three aspects: sharing norms, money and people. We have laid out what these three approaches imply according to these authors and therefore this subchapter will focus on application of these three approaches to analyse burden-sharing practiced in European Union.

6.1.1 Sharing people

When addressing burden-sharing practices carried out within EU in particular sharing people we mean taking responsibility for asylum seekers who would normally, under the rule of Dublin III Regulation be responsibility of some other member state. This approach can be connected to EU's resettlement schemes adopted in 2015-2016. Information about resettlement was provided in chapter four and the short, word-by-word statement what resettlement implies according EU's definition is as follows: "resettlement is one tool to help displaced persons in need of protection reach Europe safely and legally, and receive protection for as long as necessary. It is a durable solution which includes selection and transfer of refugees from a country where they seek protection to another country. Apart from providing international protection to refugees, its aim is also to strengthen solidarity and responsibility-sharing between countries. For a resettlement to take place, the United Nations Refugee Agency (UNHCR) has to determine an applicant is a refugee according to the 1951 Geneva Convention, and has to identify resettlement as the most appropriate solution"²⁷.

EU writings are clear about the necessity of solidarity and responsibility-sharing among countries in order to make transfers possible. Moreover, in order to make resettlement possible state that agreed on taking in refugee seekers on its territory should also have agreed on non-refoulement, meaning that refugees MS are resettling in their territory are to be admitted and granted permanent residency²⁸.

European Union put together the resettlement scheme with a condition that states that are to pay 250.000 Euro per person if they of some reason will fail to resettle migrants. It was a plan developed in order to balance the scales but there was no mechanism in place for executing

²⁷ European Parliament, Briefing "resettlement of refugees EU framework" EU legislation in progress, European Union 2017

http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/589859/EPRS_BRI%282016%29589859_EN.pdf

²⁸ Ibid.

the plan. Showing solidarity and practicing burden-sharing is voluntary based action. Permanent and binding system that can regulate implementation of migration burden-sharing by member states can therefore be practical. Migration and responsibility-sharing connected to it is a politically sensitive subject. Balkan wars and previous Middle Eastern conflicts that generated migratory flows into Union showed it already back then that it is difficult for MS finding common ground on this topic. Permanent and binding system regulating migration, redistribution of asylum seekers through resettlement would have saved EU “troubles”, similar to one EU found itself during influx of 2015-2016. Such a system will pressure states into implementing burden-sharing regardless objection of the MS that do not practice it and the MS that practice burden-sharing but practice it based on their political motives.

6.1.1.1 Resettlement

In September 2015, after a month long struggle EU pushed through refugee quota plan as a part of the effort for dealing with millions of asylum seekers. Several states opposed to quotas on sharing 120.000 people among them. Four countries voted against it but majority of positive votes from rest of the European governments overruled opponents. Czech Republic, Hungary, Romania and Slovakia all together voted against resettlement quotas while Poland abandoned its neighbors and voted in favor for quotas together with France and Germany. UK refused to participate in quota scheme but pledged on resettling 4.000 migrants in 2016 and 20.000 over upcoming five years. First stage of resettlement plan included relocating 66.000 people. 15.000 from 66.000 were supposed to be resettled and shared in nine countries located in central and Eastern Europe and double as much was supposed to be divided between France and Germany.

According to The Guardian only around 5% of pledged 160.000 people have been resettled from Greece and Italy. By December 2016 8.162 people found homes within different EU countries. According to Greek commissioner Dimitris Avramopoulos EU was supposed to accomplish the target by September 2017 since more and more MS were taking their share of responsibility through opening the doors. 6.212 refugees from Greece and 1.950 migrants from Italy were resettled by the end of 2016 according to the same newspaper (article The Guardian, December 8, 2016).

Some states refused to participate in quotas. Slovakia stated through its Prime Minister that mandatory quotas would not be implemented in Slovakia. Czech government stated that any attempt imposing quotas mandatorily would be unworkable since according to Czech interior minister Milan Chovanec “we will soon realize that the emperor has no clothes” (article The Guardian September 22, 2015). Hungary, that according to The Guardian has European Unions most anti-immigration government accepted Unions decision but questioned the effectiveness of quotas meaning that it will be challenging keeping people in one particular country if they want to move to another because of the reasons such as relatives, network in that other state or social welfare system there.

Similarly to refugee advocates, according UNHCR and other international non-governmental organization’s quotas are one more step towards common burden-sharing and already the fact that except 4 out of 28 countries agreed on relocation schemes is a significant gesture in regards of the principle of sharing responsibility. Quotas are one of the instruments in the toolbox that EU employed for handling migrations crisis but it must be mentioned that already by the time quotas were decided number of migrants were quadrupled in EU (article The Guardian September 22, 2015). Making EU governments agree on resettling 120.000 in their countries was a contest wrote The Guardian. Contest not only because the fact that initial

proposal was only 40.000 but it was a first time quotas were attempted to be approved by all 28 members through 28 MS ambassadors drafting 39-page deal for three consecutive days (article The Guardian September 22, 2015).

Quotas were considered to be unworkable by some EU states and it went as far as some MS remarked on it as an assault of their sovereignty. Consequently by December 2016 neither Hungary nor Poland have resettled any migrants from either Greece or Italy. Slovakia, holding EU's rotating presidency by that time has contributed by resettling nine people and Czech Republic resettled twelve people. Therefore European Commission called on MS that openly rejected relocating program or didn't pursue their promise to pay 250.000 Euro for every person they were encouraged to take in. The idea was claimed to be blackmail by some member states (article The Guardian December 8, 2016).

6.1.1.2 Better success in EUREMA?

EUREMA was the first project about resettlement inside European Union started up after multilateral agreement among member states. It was started up and implemented in 2010-2011 after relatively large number of migrants entered Union's smallest country, Malta's territory. EUREMA was a two-part program. Ten EU states participated in the initial one and debated about number of places for migrants from Malta, while seven states took part in program second time around. Financial support for states engaged in the program was provided by European Refugee Fund²⁹. According to fact-finding report on intra-EU relocation activities issued by EASO in 2017 one of the absolute goals of the program was to safeguard and put in practice solidarity among member states³⁰. As the report shows this statement was confirmed by member states. Member states commented on resettlement in report saying that they made a decision on taking part in the project in order to show solidarity and fare-sharing as agreed on in European Pact for Immigration and Asylum. States approach to fare-sharing of migrants and exercising solidarity is a positive experience hence just 228 migrants were resettled under EUREMA project.

Main point of information given above that should be underlined is that it was volunteer-based project with the possibility for MS to pick and select protection seekers according to their national schemes of resettlement. It should be also noted that people that were picked had a possibility to accept or reject proposal. Situation created by migratory inflow in Malta cannot be compared to what EU has experienced in 2015-2016. Situation in Malta was solved but the lesson one could take might be necessity of developing a non-voluntary based system that will apply to all member states and leave less room for voluntary involvement in burden-sharing. Fixed quotas with the tools of following up its implementation and failure of its execution leading to consequences might bring more effective results in regards of migration burden-sharing within EU.

²⁹ European Resettlement Network + other legal pathways on intra-EU relocation
<http://www.resettlement.eu/page/intra-eu-relocation>

³⁰ EASO "EASO fact finding report on intra-EU relocation activities from Malta" July 2012
<http://www.refworld.org/docid/52aef8094.html>

6.1.1.3 Aspects to consider in case of non-voluntary based burden-sharing in respects of sharing people

According to Noll resettlement typically entails that industrial countries are receivers of protection seekers because developing countries are normally senders. Approved and implemented resettlement provides therefore very example of inter state co-operation in order to protect those in need (Noll 2003 p 275). Resettlement is typically not practiced among economically homogenous EU member states. Thus, migration crisis of 2015-2016 was an exceptional situation when Union put out the scheme for resettlement from Italy and Greece to other MS. We have previously suggested that Balkan wars and Middle Eastern conflicts created migratory flows before too and EU had difficulty with lack of burden-sharing among MS even back then. That's why it could possibly been feasible to establish permanent and binding system of refugee allocation already after that experience. Noll argues though that predetermined norms laid down as laws might cause the resistance in states and raise an issue of rigidity and flexibility (Noll 2003 p 275). Risks that Noll considers is underwriting and establishment of distributive key. By underwriting is meant that burden-sharing might be discussed in wide spectrum and impreciseness might cause systems instability. It can be assumed that MS might be able to deal with crisis with common, joint forces but Noll puts the question of where occurrence of two crises simultaneously leaves states? (Noll 2003 p 275). By establishing distributive key Noll means that states capacity should be taken into account when putting binding system on MS. He uses the example of Luxemburg and Germany and that these two countries are not on equal footing and therefore can not take in the same amount of migrants (Noll 2003 p 276). Noll's second argument was considered because European Commission's proposal on Dublin IV Regulation incorporates capacity element. If approved according to Dublin IV Regulation states would resettle amount of asylum seekers according to their individual GDP, population size and few other criterions (COM (2016) 270 final).

6.1.2 Fiscal burden-sharing (sharing money)

As we read in chapter four Noll and Thielemann conceptualized fiscal burden-sharing in terms of sharing money. That is collecting funds through various types of financial transactions from member states aiming to take away otherwise unequal practice of burden-sharing among states. Briefly put it can be distinguished between costs of food as well as housing of refugees and costs of their integration in their new country. While first one can be calculated out the last is difficult to measure. One should also consider costs generated by processing asylum seekers applications and cost that are created after they get positive decision in their case.

UNHCR can supposedly be portrayed as kind of mediator, fund relocation instrument that disposes money among states according to their contribution to burden-sharing. Regardless, UNHCR can catch a critique sometimes since there occurs some unequal distribution of funds among regions and crisis. Moreover, a donor state has a say in fund distribution and which country or crisis money goes to partially depends on donor states preference (Noll 2000 p 272-273). Fiscal burden-sharing encompasses financial means that states directly give to non-governmental organizations and these financial means are used for supporting other countries. Although in times of migration influx practice of fiscal burden-sharing within European Union is much limited (Noll 2003 p 244).

Large number of asylums seekers arrived in Greece and Italy in comparison to other member states and fiscal burden-sharing was supposed to be carried out through financial payment to most burdened MS. Article 80 TFEU is clear about the necessity of financial burden-sharing

in regards of responsibility-sharing. We've read about Asylum, Migration and Integration Fund (AMIF), about its structure and purposes in chapter four and that AMIF is due to run during 2014 - 2020. Funds that AMIF gets from EU's Home Affairs are supposed to be utilized for among others solidarity practices within migration area³¹. Initial finances that are transferred to each MS are considered to be starting point. It is based on calculation made after analysis of 2011-2013 allocations. Circumstances that are considered are number of submitted applications, number of admissions of both with refugee status and subsidiary protection, the amount of protection seekers that have been resettled, the amount of legally staying (visa-free) third country nationals, number of negative decisions made by national governmental authorities and number of implemented returns (European Parliament and Council Regulation 516/2014). Since mid term was by 2017 states were to submit their national evaluation until 1st of September 2017 and the European Commissions interim evaluation report on implementation and efficiency of AMIF was supposed to be written by the end of June 2018 (European Commission, January 2017). No evaluation report has been put out by EC so far. Considering we have no EU-level evaluation report on AMIF's impact on MS we cannot do an analysis of AMIF's effectiveness on MS's burden-sharing practices at this point.

We've reviewed resettlement above and European Commission's call to MS on paying 250.000 Euros if they are not perusing burden-sharing thorough resettling asylum seekers from worst effected countries. Member states have not only failed to contribute that amount of money but according to Amnesty International by September 25th of 2017 EU countries all together fulfilled only third of their promise to relocate migrants³². On the other hand each member state is regularly providing resources that are gathered in Unions common "pot", AMIF and thereafter funds are distributed according to necessity. In order to support Greece in refugee crisis and manage EU's external borders European Commission has allocated 371 million Euros as an emergency fund to Greek authorities since the beginning of 2015. That in addition to 537.6 million Euros that Greece already received through AMIF and EU's International Security Fund (ISF)³³. Noll defined concept of fiscal-burden sharing in terms of migration as various financial transactions made by states to even out otherwise unequal burden-sharing. Considering situation from Noll's approach and a fact that states do transfer funds to AMIF it could perhaps be possible to say that fiscal burden-sharing is practiced by MS to some extend.

6.1.3 Sharing norms

Third approach in migration burden-sharing scheme is sharing norms that simply put is harmonization of MS domestic refugee and asylum regulations in Union, thereby evening out unequal distribution caused by differences in admission requirements made by single

³¹ ec.europa.eu Asylum, Migration and Integration Fund (AMIF) May 15, 2018

https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en

³² amnesty.org September 25, 2017

<https://www.amnesty.org/en/latest/news/2017/09/eu-countries-have-fulfilled-less-than-a-third-of-their-asylum-relocation-promises/>

³³ European Comission, October 2017

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171222_eu_budget_financial_support_to_greece_en.pdf

countries (Noll 2000 p 270). EU has done a relatively many steps towards harmonization and implementation of mutual asylum policies in spirit of solidarity principle. Two major ones are listed below and their success is analyzed.

6.2. Dublin Regulation and proposal to recast Dublin

Dublin regulation should be in front line when reasoning about causes of unequal asylum-burden in European Union. As we've been able to read in previous chapter Dublin Regulation is most important element in Common European Asylum System. General rule of thumb is that country responsible for asylum applicant is the first EU country applicant enters. Hereby can be noted that there can be some exceptions like family ties or health situation that can according to applicant's wish make some other EU state responsible for him/her. Dublin system was created in 2003 and was not originally dimensioned for similar migration situations that took place in 2015-2016 (europarl.europa.eu June 30, 2017). In addition to circumstance that Dublin III Regulation somewhat crushed during the crisis when boarder states because of various reasons stopped fingerprinting and registering incoming migrants for some period, Dublin also causes that after getting a positive decision relatively more migrants are collected in boarder countries than in other MS. That is because of absence of common recognition of admission among member states.

Therefore European Commission aimed to confront system's shortcomings and reform EU asylum rules creating fair and effective system of distributing migrants among EU states. EC proposed in May 2016 to recast the system by implementation of "Dublin plus" – Dublin IV Regulation (COM (2016) 270 final). Dublin IV Regulation has so called "fairness mechanism" incorporated implying that member states are supposed to share responsibility for migrants in equivalence to their population and size. According to European Commission Dublin system is not designed to safeguard continues and sustainable responsibility-sharing by all MS. Because of disproportionate pressure on Greece and Italy European Commission stated that Dublin Regulation needs to be updated and effectivised. System update will supposedly result in speedy determination of which MS is responsible for applicant and lead to follow-up measures, discouraging secondary movements like "asylum shopping" (European Commission-Press Release May 4, 2016). The mechanism EC proposed is supposed to be activated automatically when the Union member state is in distress because of disproportional number of migrants. System is supposed to be overseen by EU-LISA and it will compare registered asylum applications to countries population size and it's GDP. If amount of applications will exceed 150% to the reference key created using population number and GDP of a particular state relocation of asylum seekers will be automatically triggered. Member states that might be considered for relocation can however buy off burden of taking in asylum seekers by paying 250 000 Euro per migrant during one year (COM (2016) 270 final/2, art 34 (1)).

Although European Commission itself acknowledges through proposal of recasting Dublin system by adding "fairness mechanisms" that Dublin is not successful in fair distribution or promoting solidarity Commission is not abandoning Dublin. Proposal on automatic system of relocation after a certain point might be promising, while possibility of buying off responsibility of taking in asylum seekers might turn out somewhat challenging. It leaves the room of hypothetical situation when during a potential influx all member states might choose to pay rather than receive asylum seekers. Scenario when other member states might also be massively burdened by irregular migration and how it will affect system should also be considered. Proposed Dublin IV Regulation simplifies procedures in many respects but it is at the same time restrictive to both applicants and states. Proposal is repressive to states

applications' avoidance strategies as well as it cuts back on applicants' rights. It puts extensive "gatekeeper" responsibilities on basically EU boarder states and it is in discrepancy to applicants' human rights guarantees. Therefore, despite proposed adjustments core structure of the system remains unchanged and consequently critics evaluated proposal suggesting that Dublin IV Regulation has a capacity to decline protection standers in CEAS³⁴.

6.3 Developing Common European Asylum System for making it crisis-proof

After crisis of 2015-2016 European Commission even proposed to reform Common European Asylum System. In it's communication of 6th of April 2016 Commission takes a standpoint that current system has flawed mechanism causing unequal pressure to certain MS and moreover, it is not fully implemented by some member states (COM (2016) 197 final p 2-3). Commission stresses the necessity to urgency *robust sustainable asylum policy* and *to create legal ways of entering Europe* in order to counteract to irregular migration and unroot smuggling. It reads further that mechanism EU shall be using must be resting on the principle of solidarity and fare-sharing and be crisis-proof (COM (2016) 197 final 3-19).

In difference from current Common European Asylum System Commission's proposed new system should be able to handle large number of asylum seekers while ensuring fair distribution of burden. For achieving that objective EU can either update Dublin III Regulation, making it capable of being relevant in situations similar to migration crisis of 2015-2016 or create a new system based on equal distribution of asylum burden in all scenarios.

Robusting EU's asylum policy means addressing its shortcoming in a certain order. Five priorities have been identified by European Commission. 1) Introducing **corrective fairness mechanism** to present system. Corrective fairness mechanism is supposed to be based on asylum distribution key allowing adjustment over certain circumstances. Corrective mechanism can be combined with updated Dublin Regulation and can be triggered in circumstances when because of pressure Dublin system is risking not to be practiced. Fairness mechanism adjustments can be used early in the process, that for example by relocating applicants from a country with likelihood of being granted international protection from one EU state to another. Corrective fairness mechanism has two elements. A) System will be operating based on distribution key. Under the system operating through distribution key determining who is responsible for applicant will no longer be based on in which EU state applicant was registered first. Allocation of responsibility will be done by distribution key system based on MS size, wealth and capacities. B) Moving towards long term perspective by transferring responsibility over migration from nation states to EU level and making EASO first hand, EU-level decision-making instance. This would create single and centralized decision-making agency, guaranteeing even more harmonization of migration policies within EU. 2) **Reinforcing Eurodac**. Eurodac system stores fingerprints in common EU database. Reinforcing usage of system at the same time developing it would allow EU to track irregular migration. It would also speed up identification and re-documentation of migrants boosting efficiency of eventual return and re-admission procedures. 3) **Creating genuine common asylum system** by setting new rules in key aspects of asylum processes, including admissibility and treatment of applicants, rights of being in a territory and maximum time of

³⁴ European Parliament, Directorate -General for Internal Policies, Policy Department, Citizens rights and constitutional affairs "The reform of Dublin III Regulation" 2016 [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU\(2016\)571360_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU(2016)571360_EN.pdf)

asylum procedure. It also includes adopting a common EU list of “safe countries of origin” and harmonizing rules in regards of “safe third countries”. Replacing current Qualification Directive and make substantial changes in current Reception Conditions Directive is also proposed. 4) **Preventing secondary movements within EU** is suggested as well and it should be done through making it obligatory to send back a protection seeker to MS of first entry, where person would have accelerated asylum procedure and right of appealing decision will not be automatic. 5) **New, extended mandate to EASO** is proposed too, that in order to ensure successful function of Common European Asylum System. Through extended mandate, more financial resources and increased legal means EASO will be able to monitor situation in all MS identifying shortcomings and remedy them. EASO will have mandate and capacity to make interventions and assist situations showcased at European borders. Giving EASO extended roll will also make it possible to harmonize assessment of protection inside EU (COM (2016) 197 final p 5-13).

Creating legal ways of entering Europe aims managing irregular inflows and creating proactive policies for sustainable migration. Commission stressed the important of creating legal channels of coming to EU. Legal pathways will ensure orderly inflow and would uproot unsafe and unmanaged migration. To do so EC makes several points that are: having **proactive labor migration policy** that will enhance economic growth and secure sustainable welfare system; more focus on **Resettlement** - as one of the efficient ways of migration through legal routs as well as **simplifying procedures of getting Blue Card** in order to attract highly skilled workers, necessity of creating way to **attract entrepreneurs** that will contribute to EU’s competitiveness on world market and necessity to **enhance cooperation with countries of origin** in order to prevent mass emigrations as well as reinforce readmissions and returns (COM (2016) 197 final p 14-19).

We’ve read above about Commission’s proposal about recasting Dublin III Regulation. Dublin IV Regulation is assumed to be central feature in updated CEAS, making it more efficient. EP adopted its position about proposal in November 2017 after making some changes in it while Council is on the level of informal negotiations with MS. Dublin IV is still pending and even if adopted and implemented it has some questions to consider. Most central is a question weather it’s asylum seeker or member state that should decide where asylum seeker will be relocated and live permanently. According to Dublin IV if a state gets massive influx, certain groups of asylum seekers will be offered to be relocated in one of 4 states with least protection seekers and have 5 days to decide. Hereby asylum seeker has only four out of 28 countries to choose from and if no decision is made one will automatically be relocated to a member state with lowest number of migrants³⁵ (asylumeineurope.org November 30, 2017). Quite similar to Dublin Regulation current CEAS is also criticized for its inefficiency. Most common criticism is that in order to not breach CEAS rules and regulations states are supposed to meet minimum standards. Absence of legal pathways forcing migrants to risk lives in order to enter EU territory is also a subject of criticism (Peers 2013 p 1, 15-16). EC’s proposed reform of CEAS (COM (2016) 197 final) addresses both of the issues in detail. Weather it will be successful or not it is left to see. Proposal to amend and develop CEAS is already a step in right direction and giving a bigger roll to EASO might be particularly beneficial. It has big potential of monitoring application of updated CEAS and sharing

³⁵ asylumeineurope.org November 30, 2017

<http://www.asylumeineurope.org/news/30-11-2017/ceas-reform-state-play-negotiations-dublin-iv-regulation>

information. EASO's acting and monitoring practical application of CEAS and promoting its objectives would even help promoting solidarity.

6.4 Greece

409.900 asylum claims were made in 2015 and 347.600 applications were lodged in 2016. Despite the fact that Syrians were granted protection in Jordan and Lebanon and received temporary protection in Turkey their destination of choice remained Europe. Germany received largest number of applicants followed by Greece with 26.600 people (UNHCR report 2016 p 42). According to Guardian protection seekers were trying to reach northern Europe through entering Greece from Turkey. Refugee influx was ongoing and around one thousand people each day were entering island of Lesbos. People were intensively coming to Greece's other islands too which made up around 35.000 asylum seekers that resided in Greece by March 2016 (The Guardian march 2016).

In September 2015 there was adopted two years scheme with a plan that 66.400 asylum seekers were supposed to be relocated from Greece. In total 10.900 people were relocated from Greece and Italy together to other EU states as well as to states that are part of European Free Trade Association (UNHCR report 2016 p 44).

6.4.1 Burden-sharing regimes practiced in regards of Greece

Case of Greece can be analyzed on the basis of burden-sharing regimes named above that are sharing people, money and norms. Already here it can be said that number of people that migrated into Greece exceeds Greece's capacity making it impossible to manage situation singlehandedly. Consequently, action plans were made and one of them was resettlement program that was supposed to ease up pressure in Greece. Through sharing people by resettlement Greece was supposed to get a breathing space and states taking in migrants were supposed to show solidarity in accordance with article 80 TFEU and practice migration burden-sharing. As we've read above less than a hand full of member states resettled and took in number of protection seekers they initially agreed on, some took in less and some not at all. That leaves us with possibility of assuming that migration burden-sharing through *sharing people* is practiced by some single MS but when one considers degree of solidarity and fairness on EU level it is somewhat low.

We wrote above that fiscal burden-sharing in regards of migration is expressed by a state that makes a financial payment to support the other member state that finds itself overwhelmed by migratory inflows. States are either direct donors to other countries through donations made to for example UNHCR or being a contributor through European Union common funds. Greece has received considerable amount of money through AMIF and ISF during the crisis and since AMIF is running until 2020 it is scheduled to assign more financing to Greece upcoming years. We have not taken close look at how much have single MS supported Greece migration crisis financially but considering financial assistance Greece received from European Union's common funds approach of *fiscal burden-sharing* is perhaps being implemented on European Union level.

The third approach is *sharing norms* that is harmonization of member states asylum policies. In context of sharing norms we've lifted Dublin system and Common European Asylum System. Shared norms might be best recognized approach within Union since all member states that are part of the EU have signed up for Dublin and CEAS. Among others CEAS establishes minimum common standards for treatment of protection seekers and Dublin assigns responsible state. But both of them were incapacitated during heaviest influx periods.

Although Greece is signatory to both, during a period of massive inflow asylum seekers were not fingerprinted and registered by Greece therefore no responsibility in spirit of “country of first entrance” was taken at some occasions. As mentioned CEAS sets minimum common standards for treatment of migrants but as UNHCR reported conditions for migrants were poor in Greece and in several cases European Court of Human Rights ruled against transfers to Greece, as well as states like Germany, Sweden and France stopped transferring migrants back to Greece for some time, thereby temporally terminating Dublin’s strongest feature. In this regards, by only considering Dublin and CEAS we can perhaps conclude that member states have shared norms in general but implementation of this norms differ significantly.

6.4.2 Inconsequent asylum reception and disproportionate distribution

As we mentioned above as soon as refugees cross the European boarder they are face to face with the problem of submitting application for international protection. Dublin III Regulation asserts that application should be lodged in the first EU country but migration influx of 2015-2016 has overburdened MS located at the external boarder of EU, including Greece.

Therefore these states and Greece developed tolerance to secondary movements. So called policy of tolerance refers to not registering arrivals through illegal routes and letting them “bypass” the country for submitting refugee claim in EU state of their choice. At the same time Dublin III Regulation is still in force and applies but in practice it does not seem to be attainable any more. Today’s systems for migration burden-sharing is almost totally voluntary-based and thereby heavily effected by member states interests. We’ve read about resettlement schemes above and it showed clearly which states committed to it and which refrained. Article 80 was introduced in the Treaty of Lisbon. Treaty is on the Functioning of European Union (TFEU) and its reads that Union’s asylum policy is founded on the principles of solidarity and fair-sharing of responsibility. But there is no detailed guide provided what these principles imply or how they should be interpreted. Fair-sharing in migration field is generally accepted as the ground for solidarity concept. On the background of limited success of resettlement schemes one might put the question if principle of solidarity is symbolic in European Union policy, statement suggested in reference to previous writings in this chapter showing that there is unsatisfactory balance of efforts in handling the consequences of migration.

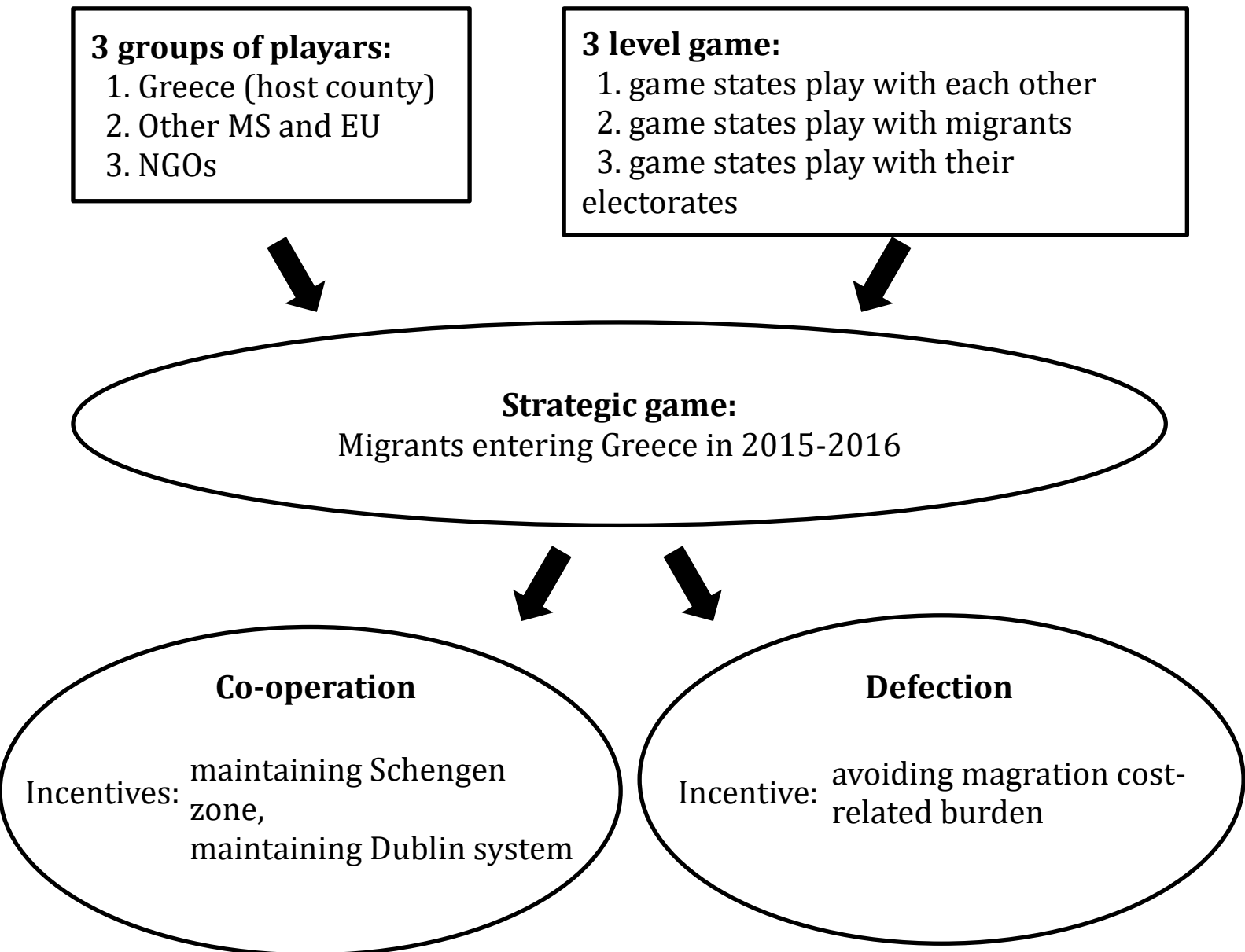
6.5 Game theoretical approach

Like mentioned in chapter three we would take game theoretical approach and thereby apply Prisoner’s Dilemma as analytical lens to the situation. For doing so we can split up MS into two groups and thereafter place them in a “game”. Every member state tends to have different objectives starting from protection ended with cost reduction and the outcome of created game will enable us to present objectives MS have been striving to as they “play”. It should even be able to show if MS words and MS deeds match (Noll 2000 p 338-339).

As we wrote previously Prisoner’s Dilemma is about an agreement, a deal about both being silent between metaphorical prisoners will lead to outcome advantageous for both of them, that is minimum prison sentence, although there exists strong temptation for both prisoners to breach the agreement and escape punishment altogether. Therefore, confession is overpowering to non-confession or, in other words defection and prospect of avoiding even minimum punishment is more tempting and it consequently dominates co-operation (Noll 2000 p 339).

Burden-sharing has multiple actors and it is not only actors themselves – states or refugees who are influenced or are the only participants in this practice. Noll states that burden-sharing

can be viewed as three level game. There can be identified a game that states play with each other, game that states play with migrants and a game between states and their domestic electorates (Noll 2000 p 343). In this project we can identify and focus on three major actors to model a game. We can begin with Europe's frontliner Greece and lift it as one of the prime host countries because of its location. Next comes rest of the member states and European Union. And final players will be most influential NGO's like UNHCR and EU's own institutions EASO and AMIF. Game began when hundreds of thousands of protection seekers mostly from Middle Eastern countries arrived to EU borders in 2015 and were asking for sanctuary.



Since Greece is an EU country it was not only Greece's own concern but it became a massive concern for every player. Nevertheless, unexpectedly heavy burden was left on Greece as

Balkan countries Macedonia, Croatia and Slovenia left hundreds of thousands migrants trapped in Greece (The Guardian, March 2016). On 9th of September 2015 EU Commission decided on European Agenda On Migration creating a comprehensive package of proposals regarding ongoing migration crisis. Agenda read that 120,000 people would be relocated from Greece, Italy, and Hungary to other member states. It read further that in case of some justified and objective reasons MS could not take part in relocation programme they in that case were to contribute financially. But departure point was clear that all of member states were to take in protection seekers (European Commission press release, September 9, 2015). This situation from game theoretical point of view can be interpreted in a following manner. Hosting states choice of outcome would be a full implementing of the programme that is sharing people therefore less burden. But other MS choice of preference would be just a financial assistance to hosting countries because receiving protection seekers into their territory would increase their burden. The players of division three NGOs and EU's refugee institutions were very positive to Commissions proposal (UNHCR September 10, 2015). Goal with resettlement was to ease up host countries load and at the same time provide protection to people in need of refugee. Therefore division - one hosting states and division three - NGOs would wish for one and the same outcome. In order to achieve this goal tight co-operation was necessary. Tight co-operation is preferable outcome for division one and three. But division two consisting of other MS lack a motivation for co-operation. Member states that are not hosting countries don't want costs connected to refugees and Commission's agenda is merely a proposal therefore there is no binding agreement or central enforcing institution as Noll points out in his works. As mentioned above we observed states putting up internal borders for keeping refugees from entering their territory. On the other hand there is an incentive of co-operation even for them and that is maintaining free movement within Union. That because internal borders means blocking access not only for refugees but triggers problem with free movement of goods (Noll 2000 p 343-344). On 15th of December 2015 European Commission wrote that in EU area without internal borders, unregulated migration through external borders of the MS affects all other member states within area and it has put considerable strain on functioning and coherence of the Schengen zone (COM (2015) 671 final p 2). It reads further that Schengen area is among one of the most important achievements of EU and focus should lie on strengthening external borders in order to protect and maintain single area where persons and goods can travel freely. Commission proposes common management of migration influx, specifies several key factors for handling it and concludes that dealing with the situation is only achievable as a shared task among MS as it is in harmony with principles of solidarity and responsibility all EU member states should have in common (COM (2015) 671 final p 2).

In addition to maintaining free movement of people and goods within EU, MS have one additional incentive to comply with co-operation and that is preserving Dublin system. Dublin system is much criticized for being ineffective and even meaningless but states in division two should have interest of preserving it since it puts responsibility on a country a protection seeker enters first. Since states in division two are not host countries and some of them are not even boarder countries its beneficiary for them if Dublin system upholds. Although, hereby it should be noted that in a situation of migration influx some countries let protection seekers "trace-pass" without demanding that they would register themselves there. Moreover, system partly depends on protection seekers as well, that because some individuals are travelling through first EU country in an "underground" manner and seek themselves to a state to which they have ties or good job market etc. without state knowing it.

As Noll states game theory can be a tool-kit for translating complex real-world interactions into games (Noll 2000 p 338). Asylum burden-sharing within EU is a real-life interaction strained with problem of co-operation in an international environment. Going through states incentives for co-operation and temptation for defection showed that Prisoners Dilemma can well be applied for analysis in accounts for both co-operation and defection, and both of the choices can eventually be reasoned as a rational choice. Prisoners Dilemma applied to the situation will not give us predictable outcome or help us to find solution to refugee burden-sharing but it did help us to identify emerged situation, model it as a game and distinguish rational choices.

6.6 Hypothesis

Our hypothesis is as follows:

- The reason MSs are exercising limited cooperative refugee burden-sharing is because EU failed to provide optimal settings for doing so

The way hypothesis is formulated one can assume that member states are willing to take responsibility and share burden but information provided about migration crisis of 2015-2016 illustrates picture with a lack of solidarity. Overall MS tended to avoid taking on them any burden that they are not at risk of experiencing themselves. In subchapter above we've applied game theory to asymmetric burden-sharing practiced in Union, reasoning why co-operation or defection might be reasonable choice for single states.

Absence of enforcing institution that would monitor and act on states eventual defection from responsibilities put EU in challenging situation. We've mentioned possible necessity of binding and permanent system for enforcing solidarity within Union but on the other hand we've also lifted Noll's standpoint that predetermined norms laid down as laws might cause resistance in states and raise an issue of rigidity and flexibility (Noll 2003 p 275).

There are conditions for practicing solidarity even without pre-set rules and enforcing institution. Joint operations of Trion for patrolling Italy's coastline with Libya and joint operation Poseidon for giving Greece assistance should be named when reasoning over existence of states co-operation without pre-set rules by EU. Several member states were collaborating in these two joint operations contributing with stuff, equipment etc. Hereby should be included maintaining supporting camps and approving sending humanitarian aid to war affected countries. These are also examples of all member states cooperating in accomplishing common objectives without laws and regulations set by EU.

On the other hand volunteer-based solidarity practice puts Union on hot sits too. Dublin III Regulation's main purpose is defining a country responsible for migrants and thereafter comes resettlement schemes, an instrument for achieving fair allocation of asylum seekers. Failure of resettling 120,000 migrants even after agreement and planned out program might be used for argumentation in favor of hypothesis i.e. EU doesn't not have optimal settings for ensuring co-operation in burden-sharing.

Migration burden-sharing is non-binding phenomenon based on expectations that MS peruse their commitment to article 80 TEFU. Article 80 TEFU reads that member states are supposed to show solidarity through taking responsibility in situations that requires it. As we noted in chapter four there is no glass clear definition of solidarity provided in article 80 TFEU. Article 80 TFEU covers whole European Union meaning it applies to member states as well

as all together to Union's institutions. Since MS acknowledged and signed up to article 80 TFEU it is therefore presumed that they would be practicing it.

Reference can be made to the previous chapter where we went through possible MS "obligation" in acting in accordance with article 80 TFEU. We stated that the article does not oblige member states to conduct in harmony with writings in the article. In order to make it obligatory adoption of legal and political action will be required. As for now solidarity principle has no direct effect since firstly what "solidarity" implies is less than precise formulated in the article. Secondly, even if there was precise migration crisis scenario described in the article and written which MS actions could be considered as solidarity it still might be difficult to achieve fair burden-sharing without binding instruments and central enforcing institution being in place.

Considering two argumentations above and circumstances we looked at concluding remark about hypothesis might be that it is not strong enough. Asylum burden-sharing is practiced to some extent and by some countries. Because it is practiced by some member states and all EU states are under the same regulations hypothesis about Union failing to provide right circumstances for asylum burden-sharing is not holding up.

7 Conclusion

As German chancellor Angela Merkel expressed Migration question will decide if Europe will last (article Reuters July 8, 2018).

Migration plays oversized roll in every EU states national politics and because of the scale of migration nowadays no single state is likely to handle it by itself but it needs to be managed with common efforts. As scholars relevant in migration field such as Thielemann and Noll state refugee protection should be seen as a global public good and responsibilities should be shared. On one hand European states are united when it comes to sending financial aids, maintaining camps and implementing European Neighborhood Policy in order to with common efforts prevent irregular migration and help situation in place. On the other hand EU states are spitted when it comes to dealing with already occurred migration issues within EU territory. The ranking of asylum receiving countries has been very different throughout the years depending on political developments, their resources and changes in national migration policies (UNHCR report 2015 p 12).

Thielemann and Noll write about motivational factors why migration burden-sharing should be practiced among MS. Their argumentation why these motivational factors should be enough incentives for states to share-burden is logical. But findings that emerged after this research suggests different. Findings presented after evaluation of EC, UNHCR, EASO, IOM and other organizations reports on approaches: sharing norms, sharing money, sharing people suggest a picture shown below.

In regards of *sharing norms* we've reviewed CEAS and Dublin III Regulation. According to EC goal behind harmonizing migration policies and creating Common European Asylum System was to have orderly migration in EU, unroot people smuggling, discourage secondary migratory movements and practice overall balanced refugee distribution (COM (2016) 197 final). Dublin system is a cornerstone of CEAS and as we wrote previously some parts of Dublin III Regulation were temporally suspended during crisis of 2015-2016. But even if Dublin III Regulation would have been applied fully and strictly during that period there still would be independent pull factors such as family ties, network, employment opportunities, history etc. that would have driven migrants to certain countries without EU having control over it (Thielemann, 2017 p 73-75). As for *fiscal burden-sharing*, financial compensations has been practiced since European Refugee Fund was established. Purpose behind ERF was to support and promote efforts of MS in handling consequences of receiving asylum seekers. Nowadays ERF is turned into Asylum Migration and Integration Fund and as noted before AMIF has just over 3 billion to use as required during 2014-2020 to cover MS disproportionate asylum related expenses. Despite existing funding fiscal burden-sharing have showed to be less affective incentive than expected. Regardless EU's financial support to MS, in times of large-scale inflows states domestic expenditure is higher than funds EU has been able to provide so far. Consequently, EU's provided financial incentives for promoting fair burden-sharing is somewhat less successful than planned (Thielemann, 2017 p 75-76). Regarding incentives for *sharing people* based on receiving capacity of a state, it is a burden-sharing technique that targets disparities of unfair distribution. This method is voluntary and MS are expected to report their capacity and motivate their offers for relocation and resettling. There have been some relatively small-scale projects for example EUREMA (EU relocation Malta), but overall numbers of relocated people through people sharing initiative are around few hundred (Thielemann, 2017 p 76-78). Even resettling people from Greece, Italy and Malta has had a relatively modest success. European Commission in its latest report on relocation and resettlement underlines need of urgent actions that still need to be taken in

order to meet its relocation and resettlement goals. Around 27.600 people have been relocated from both Greece and Italy together by 4th of September 2017 and 17.305 people have been resettled to 22 Schengen states by the same date (COM (2017) 465 final p 2-7).

On background of this data we can state that there are migration burden-sharing practices in European Union but these practices are limited. According to numbers from EC there are states that sheltered hundreds of thousands refugees and states that resettled a few hundred. Regardless EU's encouragement on fair burden-sharing, states behavior seems to be guided out of their own interests. Observation showed that states have clear behavioral patterns. Prospect of understanding emerged behavioral patterns leads us the research question of this study:

- Is rational choice (game theory) a sufficient basis for explaining and understanding member states behavior in face of problem of burden-sharing, in context of refugee crisis?

Game theory presupposes that actors are rational and as we've mentioned before Tsebelis defines rationally as excellent compliance between ends and means (Tsebelis 1991 p 18). According to game theory with help of well thought out strategies actors are trying to get their preferable outcome. In previous chapter we've modeled a game with two scenarios, first one showcasing states *co-operating* and second one illustrating states *defecting*.

Game theoretical model of *co-operation* through burden-sharing can be applied to situations we've elaborated on previously. Main patterns that data showed is that co-operation is first and foremost encouraged by self-interest objectives. Some of the self-interested objectives are mutual insurance against unforeseen encounters, for example having a controlled, predictable cost today that might reduce or eliminate sudden costs in future. States co-operate therefore in maintaining for example European Border and Coast Guard Agency, SIS, Europol, EASO, VIS, supporting "hotspot" in most affected MS and supporting maintenance of refugee camps in non-EU countries as well as sending financial aids to states with significant numbers of immigrating population. Preserving "Europeanization" i.e. Schengen zone is also one of the examples of states incentive for co-operation out of self-interest. MS that are not EU's border states are interested in maintaining Dublin since it appoints responsibility for migrant to his/hers first entry state, not to say much about all MS being interested in preserving free mobility and single market. From game theoretical point there is an excellent compliance between ends and means in this practices. MS behavior appears to be perfectly rational if we'll consider end-result being their continues well-being by controlled expenses and continues access to single market. We've wrote before about one more example of co-operational game, that is states shifting part of the migration cost to other states that are willing to shoulder those costs with anticipation of reciprocity. This scenario was played out in EU- Turkey deal by Turkey hosting migrants with reciprocal expectation of financial support from EU just as well as eventual visa-free movement and progress in negotiation about Turkey being part of EU.

Game theory together with a *co-operational* has a *non-cooperational* game models. Non-cooperational models showcase defection. We've chosen to apply non-cooperational game Prisoner's Dilemma to problematic issue of burden-sharing in EU. As we've noted before game theoretical models are used for understanding behavioral observations, "perceiving relationships between situations isolating principles that apply to a range of problems so that we can fit into our thinking new situations that we encounter" (Osborne 2000 p 1).

Accordingly, “situation” that we’ve examined is limited migration burden-sharing and example case was Greece in context of migration crisis 2015-2016. Examined data showed following. UNHCR estimated that there were registered 570.000 applications in EU by 2014 and around one million by 2015 according to The Economist. Vast majority of them came into EU territory through Greece, Italy and Malta. This number largely exceeded receiving capacity of these boarder states and situation of urgent burden-sharing through resettlement and relocation emerged. Most of the member states agreed initially to relocate 120.000 migrants that later become 160.000. Works on relocation/resettlement began and burden-sharing showed be costsome engagement. It required finances that could have gone to welfare, school system etc. and consequently it created political sensitivity in states. Some of the MS pursued agreement and resettled migrants while some have been passive. European Commission proposed therefore mandatory quota system, action that agitated several MS governments. Some MS are yet to meet their resettlement commitment and share-burden as so far we’ve seen burden-shifting instead of sharing. Instead of implementing co-operative solution to the problem some MS left it up to other member states to handle the issue and there is no tool for pressuring them in participating.

We’ve put situation in game theoretical context by dividing MS in two groups and constructed non-cooperational game model. We’ve staged burden-sharing as three level game, game MS “play” with each other, game they play with protection seekers and game between individual state and their domestic electorates. We’ve identified three actors of each game, first actor being Greece as refugee receiving MS, second actor being rest of MS as well as EU and third actor being NGOs like UNHCR, EASO, AMIF. When Greece received overwhelming number of refugees there was made an agreement of resettlement. To portray this agreement we used game theoretical model Prisoner’s Dilemma and a deal prisoners made about both being silent in order to minimize sentence time. Moving forwards not all MS perused the agreement. Member states that were not in Greece’s shoes lacked the motivation to share-burden since it meant costs. While Greece’s outcome of the choice was full implementation of agreement other MS’s outcome of choice was to avoid expenses. In Prisoner’s Dilemma terms it is temptation of defection, telling on the other one and going free. Prospect of individual well-being in MS overrules the incentive of staying true to commitment. Consequently co-operation in migration area remains problematic. Similar to Prisoner’s Dilemma where end-result can not be enforced by authorities, there are no legal implication or any kind of “sanctions” for MS’s defection from burden-sharing. Absence of penalties and cost reduction makes defection a rational choice for non-hosting states.

Modeling different game scenarios according to some situation do not enable us to predict what can happen in future but it does allow us to understand a behavior and reason behind that behavior.

As Osborne states game theory models are neither “right” nor “wrong” but their usefulness depends on the purpose for which we use it (Osborne 2000 p 2). Goal of our project was to find out if game theory is sufficient basis for explaining and understanding member states behavior. We’ve modeled co-operational and non-cooperational games based on MS real life interactions and Prisoner’s Dilemma was used to stage MS goal-seeking behavior through defection. During the research we’ve detected some differences between game model Prisoner’s Dilemma and MS migration burden-sharing, such as Prisoner’s Dilemma being a single, one time game whereas MS burden-sharing is reoccurring phenomenon, as well as PD game actors lacking information about each others aspirations contra to MS having “perfect” information about each other’s actions. But overall game theory gave us tools to

conceptualize present burden-share practices and it therefore proved to be a sufficient basis for explaining and understanding member states behavior in face of problem of burden-sharing, in context of refugee crisis.

- The reason MSs are exercising limited cooperative refugee burden-sharing is because EU failed to provide optimal settings for doing so

This project was dedicated to research of migration burden-sharing issue within Union. Purpose was to find out why burden-sharing is problematic and thereafter try to understand it through applying game theory. We've identified to which extend migration burden-sharing is practiced in EU, factors that encouraged states to sharing-burden and factors that discouraged MS. Generally speaking both, encouraging and discouraging factors were generated by self-interest mentality from MS. Regardless their self-interest mindset we cannot look at MS behavior in isolation. To be able to do a certain mission one should be provided with adequate circumstances. Therefore our hypothesis was that EU has not provided MS with optimal settings for exercising migration burden-sharing. This hypothesis showed to be weak because of the findings given by data analysis.

On one hand data analysis showed inefficiency of EU's current burden-sharing settings, it exposed CEAS shortcomings and Dublin III Regulation's disability to uphold and successfully serve its purpose in times of crisis. Data also presented effects of voluntary character of article 80 TEFU and lack of commitment to principle of solidarity. On the other hand same data showed that there are settings provided for MS to be able to practice asylum burden-sharing. States like Germany and Sweden granted residence to more migrants than some other MS together. These two countries have the same settings provided from EU as rest of the member states. Having examined certain type of data, we lack possibility in this project to closely study exactly which incentives that lead these states to practice migration burden-sharing, but with help of communication reports from EC we can state that Germany and Sweden are one of the largest refugee receiving countries in Union. Both, voluntary and binding burden-sharing settings are in place. Article 80 TEFU promotes shared responsibility in accordance with principle of solidarity. All MS are signatory to article 80 TEFU but implementation of it is voluntary. Dublin III Regulation is binding and every MS are obliged to apply it. Consequently these provided settings leave MS with a roadmap of what to do, but how sufficient are these settings?

Arguing that our hypothesis appears to be solid contradicts data showing Germany and Sweden practicing migration burden-sharing. At the same time claiming that EU is providing optimal settings for burden-sharing can be exaggeration on the background of same data. Fact that EC has suggested amendment of CEAS and Dublin III Regulation speaks itself that there is a room for improvement. But keeping CEAS and Dublin III and only upgrading them instead of abandoning or replacing with completely new systems also shows that there are some settings provided for co-operative burden-sharing.

MS are different and it might be fair to say that they will continue to have diverse structural attractiveness that will contribute to future migratory movement. But in order to achieve somewhat balanced migration into Union, every state will need to apply current and proposed burden-sharing mechanisms. That would mean abandoning free-riding dynamics and respecting and implementing common agreements. That would also imply demolishing intra EU borders put up in 2015-2016 and promoting burden-sharing efforts instead of burden-shifting practices.

What is already known about topic of migration burden-sharing in EU is that it's rather limited. We could observe it though accumulated data and by reading works of different authors in filed. This topic has been analyzed several times through for example applying public good theory by well-known E. R. Thielemann (Thielemann 2003, 2003, 2006) or applying game theory by just as well-known in filed G. Noll (Noll 2000). Consequently subject of migration burden-sharing has been discussed and developed throughout years as well as game theory has.

Contribution of this thesis to topic of migration burden-sharing in EU is accurately collected data about relatively new event, meaning migration crisis of 2015-2016 and game theoretical analysis of how states chose to handle it. Ultimate aim of this project was to find out if game theory was sufficient basis for explaining and understanding MS's behavior in regards of migration on the background of crisis 2015-2016. It should be reasonable to say that project managed to meet its purpose. We've given data grounded picture of situation of 2015-2016, lifted motivational factors for burden-sharing as well as emphasized discouraging factors. Analysis of these motivational and discouraging factors led us to certain findings.

Findings we came across show both, that there is an equality of opportunity for MS to share burden, but there is also a room in system for strategizing one's actions in a way that some individual states successfully avoid migration costs and don't have to answer for it. We were able to see that there is a close interdependence among MS and individual state's actions today at some point impacts other member states.

Moreover, EU "system" around migration burden-sharing is large and complex enough with numerous variables to prevent one from making definite conclusions but findings show that if migration influx in EU is a factum again it most definitely should be managed with common forces. That not only because every MS is a part of EU community and that is an "appropriate thing to do" but mainly because as EC and some MS leaders underline alternative to equal burden-sharing is possible sabotage of Schengen zone and all freedoms and benefits it offers to EU states.

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