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Tackling the problem of migrant smuggling into the European Union

Master's thesis
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Silver Lulla

Table of Contents

Abstract

Irregular movement on the Mediterranean Sea has been an issue for the European Union already for a few decades. During the last five years the scope of the irregular movement has rapidly expanded and has gained more public attention. The European Union is facing the complicated question of how to retain security and sovereignty while protecting human life. The objective of this thesis is to assess the different approaches to tackle the problem of people smuggling on the external borders of the European Union. This is done by analysing two main proposed policies, one of which focuses on limiting the supply of smuggling services while the other focuses on limiting the demand for smuggling services. The thesis will assess the expected effectiveness and (un)intended consequences of both policy options. The result of this thesis show that the combination of limiting the supply of smuggling services and limiting the demand for smuggling services is the best combination in order to fight human smuggling in the Mediterranean Sea.

Introduction

Europe is on the verge of a human catastrophe. The European migrant crisis or European refugee crisis arose due to the rising number of refugees and migrants crossing the Mediterranean Sea or coming through Southeast Europe to apply for asylum in the European Union. Ascertaining motivation for emigration is complex, but most of the migrants are refugees, fleeing war and persecution in countries such as Syria, Afghanistan, Iraq and Eritrea. The European migrant crisis has been a hot political topic during the few last years and there has been significant amount of debate regarding the European migration policy.

It is hard to determine when exactly the migrant crisis in Europe started. The irregular movement on the Mediterranean Sea has lasted for over decades. During the last ten years the comprehensiveness of the problem has increased. The public started to notice this

phenomenon around 2013 when the Italian government started to find solutions to the increased immigration to Europe during the second half of 2013 and migratory ship wreckages off Lampedusa. The Operation Mare Nostrum (OMN) was launched on 18 October 2013 and it was mainly focused on saving migrants from the Mediterranean Sea. After the operation ended in 31 October 2014 because of the enormously high expenses for the Italian government, a new Frontex's multinational project was launched called Operation Triton. This operation was led also under the Italian control but as of today there are 15 other contributors to the European Union's border security operation. Operation Triton differs from Operation Mare Nostrum. While OMN was a sea rescue operation, Operation Triton is a border security operation which primarily focuses on border surveillance, though it may contribute to rescue efforts. Although Operation Triton is considered as a replacement for OMN it lacks resources and mandate needed for saving lives (UNHCR 2015). Neither of these operations actually limited the supply.

One of the solutions for the crisis is to limit the supply. In order to do that the European Union launched in April 2015 a military operation known as European Union Naval Force Mediterranean (EUNAVFOR Med), also known as "Operation Sophia" after the name given to a baby born on an European Union ship that rescued her mother off the coast of Libya in August 2015. The aim of this operation is to limit the supply of smuggling services, by neutralising smuggling routes in the Mediterranean Sea. European Union did gather intelligence about smuggling networks across the Mediterranean Sea before officially launching the project. The operation is focused on the area of the Mediterranean north of Libya, from where hundreds of thousands of migrants have attempted to enter Europe through Italy.

In the beginning of March 2016 European Union and Turkey reached an agreement and decided to end the irregular migration from Turkey to the EU. If all that European Union and Turkey agreed on stands then this should also limit the demand of smuggling services. Officially EU and Turkey agreed that all irregular migrants who aren't asylum seekers or who are rejected as asylum seeker and who are crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey (European Commission 2016). This should discourage migrants to risk their lives crossing the stormy sea because they might be sent back to Turkey. For every Syrian being returned to Turkey from Greek islands there will be another Syrian from Turkish refugee camps who will be resettled in the EU.

This should encourage Syrians to drop the ideas of illegal border crossing and focus on legal ways to find asylum in the EU. According to the UNHCR data there has been only 12799 migrants arriving from the Mediterranean Sea in April 2016 which is about two times less people than in 2015 during the same time. Although there hasn't passed much time since the Turkey-EU deal the trends are showing a decrease in the irregular movement on the Mediterranean Sea. Whether these numbers continue to decrease or has the deal been successful it is still too early to evaluate.

The objective of this thesis is to assess the possible policy options for fighting human smuggling. The thesis will analyse the history, political motives and logic behind the two main policy approaches – one focusing on limiting the supply of smuggling services and the other curtailing the demand for smuggling services – in the context of the ongoing European refugee crisis. The first of these is at the centre of European Union's Agenda for Migration which focuses mainly on the fight against smuggler networks while the other is at the core of proposals made by different human rights organizations, advocating for opening legal and secure escape routes. What implications and outputs do these two approaches produce in regards to the problem of human smuggling on the Mediterranean Sea? What are the cons and pros, intended and unintended consequences of such policy approaches? Based on this analysis the thesis will reach policy suggestions for the current crisis.

This thesis has been divided to two main chapters. First chapter examines human smuggling as a global problem, and reviews the ways in which states and the international community have sought to fight the problem. In terms of the global picture, the main destination for human smuggling has been the United States of America and the two main departure states have been China and Mexico. This is where most of the human smuggling has been done before the European Migrant crisis. In the first chapter I will look into these two main smuggling routes from China to the US and from Mexico to the US. I will also review the global regulation and the main source documents for the global fight against human smuggling. Hopefully by doing this I will find what has been more effective solution while fighting against human smuggling across the world. In the second chapter I will analyse the European migrant crisis. When and why did it start? What is the current status? What has been done, could be done and should be done to solve the crisis? The two main concepts are limiting the supply and limiting the demand for

smuggling services in the Mediterranean Sea. By doing this I hope to find the best solutions for the European migrant crisis to retain Europe's security and sovereignty while protecting human life.

The ongoing crisis is new for the European Union, which has never before had to deal with such amount of irregular movement on the Mediterranean Sea. The main contribution of this paper is that it offers a fresh comprehensive overview of the scope and nature of the problem of human smuggling in the EU, and assesses the various proposed solutions to the problem. There are researches about different approaches to resolve migrant crisis in the European Union, but there isn't done enough researches which would mainly focus on human smuggling and how to reduce the usage of their services. In this research the core is to understand the pros and cons of the two main approaches for reducing the use of smuggling services on the Mediterranean Sea. This paper offers a fresh contribution which takes into account the recent developments in the European migrant crisis.

1. The problem of migrant smuggling

In this chapter I will look into the main concepts of migrant smuggling. I will explain the difference between human (migrant) smuggling and human trafficking. Besides that there are few terms that need to be understood in order to comprehend the topic of migrant smuggling. It is important to understand the differences between refugees and illegal immigrants and I will explain when asylum seekers receive refugee status or are claimed illegal immigrants. Besides this I will give a brief overview of the history of migrant smuggling around the world and I will present the severity of migrant smuggling problem as of today. Finally, I will show how the world has fought against migrant smuggling and the relevant aspects of the international and European law.

1.1 Main concepts

There are few terms in this paper that need to be defined. First of all it is important to understand the concept of people smuggling (also called human smuggling) which should not to be confused with human trafficking. According to United Nations Convention against Transnational Organized Crime the concept of people smuggling is defined as "the facilitation, transportation, attempted transportation or illegal entry of a person or persons across an international border, in violation of one or more countries' laws, either clandestinely or through deception, such as the use of fraudulent documents" (US Department of State 2006).

Internationally, the term is understood as and often used interchangeably with migrant smuggling, which is defined in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime as "...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national" (United Nations 2004).

It is important to understand the difference between migrant smuggling and human trafficking. The Victims of Trafficking and Violence Protection Act of 2000 is a comprehensive statute that addresses the recurring and significant problem of trafficking of persons for the purpose of committing commercial sex acts, or to subject them to involuntary servitude, peonage, debt bondage, or slavery. Unlike smuggling, where after the transportation of the human the transaction is complete, trafficking specifically targets the trafficked person as an object of criminal exploitation (U.S Department of State 2006).

We must distinguish refugees from illegal immigrants. While talking about irregular movement on the Mediterranean Sea, we are not talking about legal migrants, we are mainly talking about asylum seekers who become either refugees or illegal immigrants. Asylum seeker is someone who left their country seeking protection but has yet to be recognized as a refugee. During the time an asylum claim is being examined, asylum-seekers must not be forced to return to their country of origin (Amnesty International 2014). Asylum seekers become illegal immigrants only if their claim to refugee status fails.

According to the 1951 Geneva Convention Article 1 refugee is a person who has fled from their own country because they have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and their government cannot or will not protect them. Asylum procedures are designed to determine whether someone meets the legal definition of a refugee. When a country recognizes someone as a refugee, it gives them international protection as a substitute for the protection of their country of origin (Geneva Convention 1951). According to the Dublin Regulation the asylum seeker must apply for asylum in the first European Union country they entered. The state where asylum seeker enters the European Union is also responsible for the examination of the application of asylum seeker for international protection and refugee status (Dublin Regulation 2003).

1.2 Scope of the problem

In 2015, the number of international migrants worldwide was all-time high, reaching 244 million people. This is around 3% share of the world population. The world hosted over

15 million refugees by mid-2015, which is a 45% increase compared to 2012. The main reason for this increase is the conflict in Syria (GMDAC 2016). People smuggling affects every country in the world, be it in the capacity of country of origin, transit, or destination. While exact data is not available it is suggested that there are about 30 million irregular migrants worldwide. Most of them use the services of smugglers at least once in their journey from one country to another. Also the information about the number of people being smuggled is scattered and incomplete. However it is estimated that as of 2005, 350.000 illegal immigrants were smuggled over the border from Mexico to America. Last year in Europe there were around one million people smuggled over the Mediterranean Sea. People smuggling is also a very dangerous operation which results in the death of many illegal immigrants who try to get from one country to another (UNODC 2010).

Over the years, smuggling has evolved into a sophisticated service industry, where there are certain schemes used by the human smugglers. Main smuggling networks have been developed for example from Mexico and Central America to the United States, from West Asia through Turkey and Greece to Western Europe, and within East and Southeast Asia (Väyrynen 2003). This business has been enlarged because of a combination of factors. Starting from corrupt officials, weak legislation, lack of border control and the rise of organized crime in the departure country.

Smuggling service is very expensive for the client. Annual profit for example for the "Coyote" smugglers reach up to 5 billion dollars (Spener 2009). The profit number for smugglers who bring their clients from East, North and West Africa to Europe and South to North America is estimated to be around 6-7 billion per year. The price for one immigrant is around 4000 dollars to get to the United States from Mexico. However to get to the States from China can cost up to 50.000 dollars. These prices have risen significantly during the last ten years because the demand for smuggling services continues to rise and the operation itself becomes more complicated for the smugglers (Havocscope 2016).

The main reason for why people become clients for smugglers is the lack of other possibilities to escape natural disasters or conflicts and to seek asylum. Others maybe searching for a better opportunities abroad by escaping poverty. In general these people are poor and uneducated, but there are also many who belong to the educated middle

class, especially in the case of Syria where almost everybody irrespective from their wealth and education level try to escape from the civil war. The practice of people smuggling has seen a rise and become more important issue during the last few decades. Today we can see irregular immigration everywhere around the world. Although there is high demand for smugglers the operation itself is very complex.

Migrant smuggling has become daily topic for Europeans during the last few years because of the latest European migrant crisis although migrant smuggling is no new concept in the world. Although smugglers are operating in numerous countries across the globe there are minor and major players in the business. One of the most notable and widespread smugglers are Snakeheads and Coyotes who respectively operate in the business of smuggling Chinese and Mexican migrants.

The name "Snakehead" refers to those underground smugglers who operate in facilitating the illicit transport of Chinese migrants to the West, mainly the United States. The name "Snakehead" originates from the fact that the lines of illegal immigrants sneaking under boarders looks like a snake. Snakeheads started their business around the 1970s when they started ferrying customers from Fuzhou or Changle into Hong Kong. Since then they have expanded their activities into other countries although their main operation is still in China. Snakeheads gain enormous profits but they do not consider theirselves as criminals. They identify themselves as resourceful guides (Gallagher & David 2014). "Coyotes" are the name for smugglers who help mainly Mexicans to across the Mexico-United states border. They have also enlarged their activities during the years and as of today they are a large, well-organized syndicate who have become more sophisticated in their operations (Spener 2009).

But smuggling from China and Mexico to the United States are not the only smuggling routes. There are also smuggling routes from Africa to Israel, where around 10.000 migrants were smuggled annually in 2010-2012. Since mid-2012 a fence was hastily completed. This route has been dangerous for migrants also because of the lawlessness in Egypt which has ended up for many migrants being kidnapped, extorted or abused (OECD 2015). In 2013 Israel announced agreements with safe countries in Africa where they let smuggled migrants voluntarily return. As of 2014 6000 migrants have used this option. There are smuggling routes also in Asia where Malaysia is a desired destination.

Smugglers are transporting people from Indonesia, Myanmar and Bangladesh to Malaysia. For example according to UNHCR in mid-2015 there were around 150.000 migrants from Myanmar who were in Malaysia. Another popular destination in Asia is Australia where many migrants enter through Indonesia to Christmas Islands (OECD 2015).

1.3 Fighting migrant smuggling

The biggest contributing organisation who fights against migrant smuggling is United Nations Office on Drugs and Crime (UNODC). They aim to prevent and combat the smuggling of migrants, to protect the rights of smuggled migrants and to promote cooperation between states. In order to achieve these goals globally, UNODC focuses mainly on assisting states in bringing their legislation in line with the Protocol and in developing an effective criminal justice response to migrant smuggling (UNODC 2016). Although it is important to mention that UNODC gives its main focus to human trafficking as they see that as a larger scale problem. The main international instrument in the fight against transnational organized crime is the United Nations Convention against Transnational Organized Crime and the Protocols Thereto. The Convention has three Protocol, which all target specific areas and manifestations of organized crime. One of them amongst others is the Protocol against the Smuggling of Migrants by Land, Sea and Air (UNODC 2004).

UNODC highlights that while the data is too scattered and incomplete to understand migrant smuggling business completely there is still enough available evidence to understand some trends and patterns. While the border controls have improved, migrants are afraid from attempting to illegally cross themselves. This is why most irregular migrants are ready to pay huge amounts of money to profit-seeking smugglers. As more and more migrants are willing to pay to smugglers, more criminals are becoming attracted to the business. According to UNODC criminals also enjoy low risk of detection and punishment. This makes migrant smugglers better organized with professional networks (UNODC 2016).

It is clear that highly sophisticated and expensive services rely on document fraud or "visa-smuggling" which is safer for smugglers. Methods with lower cost for migrants have high risks for migrants. Recently these methods have led to a dramatic increase of loss of life. For surveillance intelligence it is hard to detect the traffic of migrant smugglers because they constantly change their routes. UNODC stresses out that thousands of people have lost their lives because of the indifferent or even deliberate actions of migrant smugglers. These are the main factors why fighting migrant smuggling business is not the easiest job to do. In order to be successful there is a need of internationally coordinated and cooperated combat with adequate methods (UNODC 2016).

As of today fighting against smuggling has been largely focused on the capturing and deporting of individual illegal migrants. There hasn't been much done in fighting against the organized groups of smugglers. According to the UNODC: "Tackling migrant smuggling necessitates a comprehensive, multi-dimensional response, which begins with addressing the socio-economic root causes of irregular migration to prevent it, and goes through to prosecution of criminals who commit smuggling-related crimes" (UNODC 2016). So the focus has been largely on limiting the demand, not the supply.

Other proposals include the idea of offering (asylum) seeking immigrant's temporary visas for cheaper rate than they pay for smugglers. This would create a legal option for migrants to enter their desired destination. It would be cheaper and safer for them and more secure and controlled to the receiver state. If the person decides to departure to his/her homeland, some amount of visa fee could be returned to him/her. On the other hand there should or could be opportunities to purchase additional visas for those who didn't break any law (Janson 2015).

1.4 Relevant aspects of the international law

One of the most important international law documents which regulates state and refugees relations is the 1951 Geneva Convention which defines the situations in which a state must grant refugee status to persons who apply for it, and the rights and responsibilities of those persons. Other relevant documents are the 1982 United Nations Convention on

the Law of the Sea and the 1979 International Convention on Maritime Search and Rescue ("the SAR Convention") (amended in 2004), which regulate sea rescue. Notable are also the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime ("the Palermo Protocol") (2000), which regulates the fight against smugglers and the 2011 Resolution 1821 of the Parliamentary Assembly of the Council of Europe, which focuses on the migrant crisis in Europe

The 1951 Geneva Convention relating to the Status of Refugees also states in Article 31 that states may not penalize those refugees who have entered the state illegally and/or their presence there is illegal. The contracting state may not restrict refugees movement any more than needed until status in the country is regularized or they obtain admission into another country. This applies when these refugees come directly from the state where their life or freedom was threated. The principle of not penalizing applies in practice also to those refugees who have traveled from other states but didn't receive any protection from there. Refugees are also expected for cooperation with the local powers. According to the Geneva Convention Article 33 no contracting state could expel or return a refugee to the frontiers of territories where his life or freedom would be threatened.

The 1982 United Nations Convention on the Law of the Sea (aka the Montego Bay Convention) states in Article 98 that all ships have a duty to render assistance to any person found at sea in danger of being lost. This means that when the asylum seekers are entering Europe on the Mediterranean Sea with overload vessels then if they would be in danger then all ships nearby would be obliged to help them imminently. If they are not capable to deal with the problem themselves then they are also obliged to call for assistance. The 1979 International Convention on Maritime Search and Rescue (aka the SAR Convention) describes the rights and responsibilities to the ships providing assistance in sea rescue operations.

Since smuggling became larger scaled problem then in 2000 the Palermo Protocol was adopted. The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime was accepted in order to fight against smuggling. None in that protocol affects any other rights, obligations or responsibilities of states and individuals under international law.

The 1951 Geneva Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement have remained sacred.

On 21 June 2011 the Parliamentary Assembly of the Council of Europe (PACE) adopted the Resolution on the interception and rescue at sea of asylum-seekers, refugees and irregular migrants. More and more irregular migrants arrived Europe every day. As the migratory flows didn't seem to stop and despite the fact that the surveillance of Europe's southern borders had become priority, more and larger scale sea rescue operations were activated, there still was every day reports of missing or dead migrants in the Mediterranean Sea, because their transportation vessels were unseaworthy. The Assembly reminded member states of their obligations under international law, including the European Convention on Human Rights, the United Nations Convention on the Law of the Sea of 1982 and the 1951 Geneva Convention. The Assembly also dwelled on the obligation of the state's parties to the 1974 International Convention for the Safety of Life and Sea and the 1979 International Convention on Maritime Search and Rescue. If the member states have not signed and ratified these documents then they are pressurized to do that as soon as possible.

The Assembly noted five main problems related to the recent refugee crisis. Although there are several international instruments which are applicable in this area, some states do not agree on the nature and extent of their responsibilities. Some even question the principle of non-refoulement, which however is equally applicable in the high seas. Even if states understood that the physical protection of people is necessary, then some did not understand that they should also respect their fundamental rights. Even if the role of the European Agency for the Management of Operational Cooperation at the External Border of the member States of the European Union has been risen, there still is a lot of job to do in order to guarantee the respect for human rights and obligations under international law everywhere in Europe. Another alarming issue is that some states put the lives of the people to be rescued in risk with their delaying decision-making process. The Assembly reminded member states of their moral and legal obligations to save people from the sea without delay. And finally the burden for Greece, Italy and other southern states in Europe has risen to excessive amount. The goal of responsibilities being shared more fairly and greater solidarity in the Europe is far from being attained. In order to reduce the pressure in southern states, member states need to be unitary in their responsibilities.

Another thing that the Assembly stretched out are the circumstances that the situation is rendered more complex by the fact that these migratory flows are of a mixed nature and need specialised responses. In order to respond sea arrivals adequately, the states must take account this aspect in their migration management policies and activities. States must guarantee access to fair and effective asylum procedure for those who are in need of international protection and for those who are victims of human trafficking. Vulnerable categories such as refugees, stateless persons, women and unaccompanied children, migrants, victims of trafficking or at risk of being trafficked, or victims of torture and trauma must be treated under great attention and care.

The Assembly is concerned about the lack of clarity regarding the respective responsibilities of European states and Frontex and the absence of adequate and the lack of democratic supervision in particular where the respect for fundamental rights and international standards is concerned. The Assembly also encourages states to step up their efforts to promote peace in the refugee origin countries. The Assembly asks the international community to provide any assistance to the states in a spirit of solidarity and sharing of responsibilities and to establish and inter-agency group with the aim of studying and resolving the main problems that the Assembly had identified.

2. European migrant crisis

In the second chapter of this thesis I will plunge into the European migrant crisis. I will give an overview of the recent European migrant crisis and analyze the reasons why such crisis has arisen and what has happened in the main refugee origin states in Syria, Afghanistan, Iraq and Eritrea. After that I will seek into the migrant crisis impacts in Europe. The main core of this thesis is the European migration policy and legal framework in order to fight against human smuggling operators. I will analyze pros and cons of the different programs and plans which would limit the supply and demand of illegal smuggling services.

2.1 The recent refugee crisis

A vast majority of the approximately 1.015.000 migrants had reached Europe by sea according to the data in 2015, almost five times the number of arrivals in the Mediterranean for the entire 2014. 50% of Mediterranean Sea arrivals came from Syria. Approximately 3.771 people had lost their lives in the Mediterranean in 2015 (UNHCR 2015). Over 32.000 people have died or gone missing since 2000 (The Migrants Files 2016). As of 17 May 2016 there has been around 190.000 incoming migrants and 1361 have gone missing or died this year (IOM 2016). For the last six years data for sea arrivals and missing/dead persons in the Mediterranean Sea look respectively for figure 1 and figure 2.

Almost all of the arriving migrants and refugees use the help of the smugglers to enter the EU. While an illegal and immoral business on one hand, it is also the only means of entry for most of the people fleeing persecution or conflict. The EU is therefore faced with a double challenge: to limit irregular migration and fight smuggling networks while keeping its borders open to people in need of international protection, in line with its traditions as well as with its own international conventions and declarations. Finding

solutions to the problem of illegal smuggling within the framework of this tension of conflicting values is at the heart of the Master's thesis.
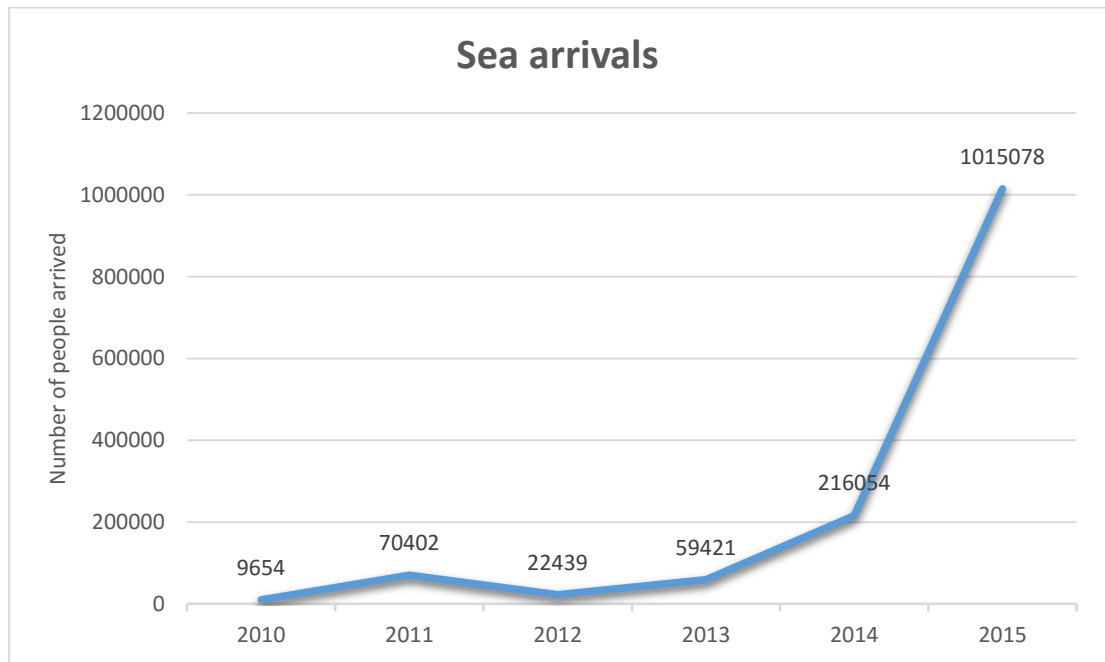

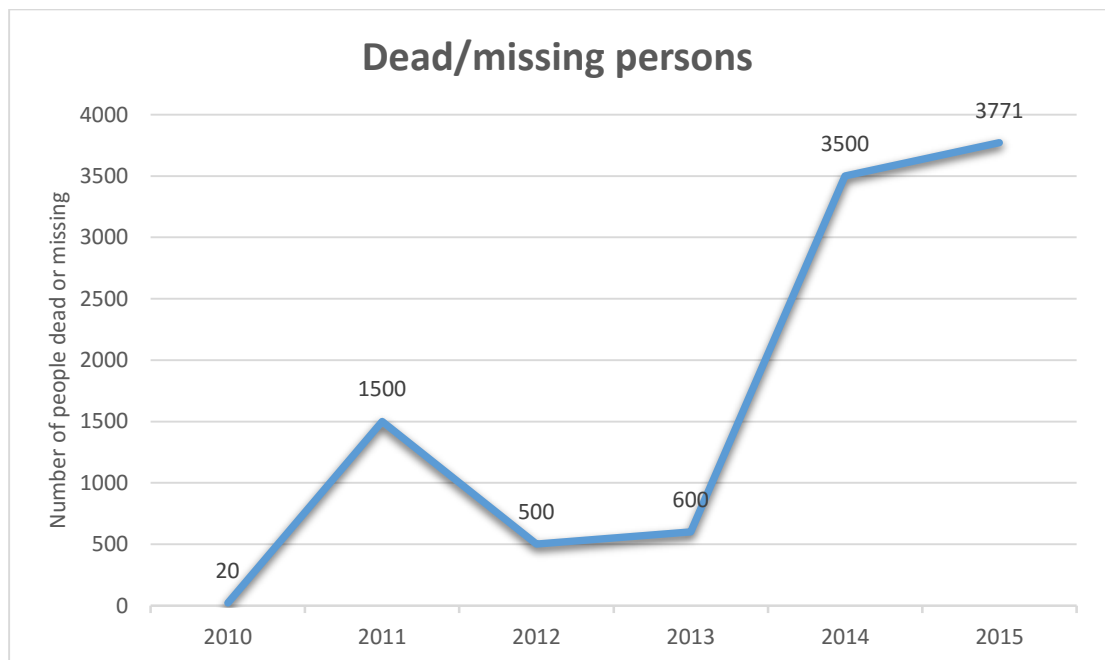Figure 1. Sea arrivals

Source: (UNHCR 2015)

Figure 2. Dead/missing persons

Source: (UNHCR 2015)

2.1.1 Roots of the European migrant crisis

Between 2007 and 2011, large numbers of undocumented migrants from the Middle East and Africa crossed between Turkey and Greece, leading Greece and the European Border Protection agency Frontex to upgrade border controls (Janson 2015). In 2012, immigrant influx into Greece by land decreased by 95% after the construction of a fence on that part of the Greek–Turkish frontier which does not follow the course of the Maritsa River (Ekathimerini 2012). In 2015, Bulgaria followed by upgrading a border fence to prevent migrant flows through Turkey (Reuters 2015). This did not stop migrant flows to Europe. Migrants unfortunately had to focus even more to a more dangerous way to enter Europe – a boat trip over the Mediterranean Sea. Nor only this is more dangerous but also it is more expensive for the migrants.

The European migrant crisis gained publicity's attention in 2015, when a rising number of refugees and migrants made the journey over the Mediterranean Sea or through Southeast Europe to seek asylum in the European Union. It is important to understand the push and pull factors of these people. Why do people depart from these regions and why do they come to Europe? Why do they try to cross the Mediterranean Sea at any price? Around 75% of these migrants come from war zones in Syria, Afghanistan and Iraq (UNHCR 2015). Other 25% comes mainly from West Africa and South Asia. These migrants are more likely economic migrants, who are fleeing from poverty and lack of jobs. Although ascertaining migrant motivation for leaving their homes is rather complex task, then by knowing the migrants' origin state then it is easier to determine whether he/she is actually running from war and persecution or is he/she claiming refugee status without valid reasons (Koelbl et al 2015, Nossiter 2015, Stojanovic 2015).

In order to have a better understanding about the problems in the most of refugees' origin states I will give a brief overview of the current war status in the main refugee origin state Syria, but also about the wars in Afghanistan and Iraq. The refugees from these states are running from Syrian Civil War, War in Afghanistan and Iraq War. I will also describe the complex situation in Eritrea. Refugees from Eritrea come from one of the most repressive state in the world. They flee from forced labour and indefinite military conscription (Kingsley 2015).

The Syrian Civil War began in the early spring of 2011 within the context of Arab Spring protest. There were nationwide protests against Syrian president Bashar al-Assad, whose forces responded protests with violence. The conflict escalated to armed rebellion where there is several belligerents. There are four main forces in this war who all have different allies.

1. Syrian Government, who are allies with Russia, Iran and Hezbollah.
2. Syrian Opposition, who are supported by Qatar, Saudi Arabia and Turkey.
3. Islamic State of Iraq and the Levant (ISIL), who have frightened not only Syria and Iraq but also Europe and the United States.
4. Kurds, who are supported by the Combined Joint Task Force - Operation Inherent Resolve (CJTF-OIR). CJTF-OIR was established by the international (US-led) coalition against the ISIL. Kurds are also supported by the Russians.

By April 2016, 13.5 million Syrians had fled their homes and are in need of humanitarian assistance. Around 4.8 million people had fled their country and 6.6 million people are internally displaced because of the Syrian Civil War (UNOCHA 2016). Most of the refugees have found shelter in Turkey, who is the largest refugee host country with over 2.75 million refugees (UNHCR 2016). Turkey has spent over eight billion Euros on direct assistance of refugees (UNHCR 2015). Around one million Syrian refugees have requested asylum in the European Union. The recognition percent for asylum seekers is over 95% which means that if the person manages to cross the Mediterranean Sea then it is very likely that the person will get further protection (Janson 2015).

The fact that Syrian Civil War has become also a very expensive war is probably no surprise. According to UNHCR the financial requirements for Syrian internally displaced people (IDP) did increased from 116.9 million dollars in 2011 to 362.5 million dollars in 2015. If there is any shortage from that finance it would mean that the welfare of internally displaced people is in risk. There is a clear need for substantial funding (UNHCR 2015). But not only IDP group need extra funds. Millions of Syrians around nearby countries refugee camps need also extra finances to meet basic needs like shelter, clothing and food.

The war itself doesn't explain the travel to Europe. Around 90% of the Syrian refugees have found shelter in their neighbouring countries. The big question here is why did migration to Europe start in 2015 when the Syrian Civil War was already lasted for four

years. The main reason for this is protracted war, but also Syrian neighbouring countries whose policies do not allow Syrian refugees to local labour market (Turkey, Lebanon, Jordan) and who haven't founded any official refugee camps (Lebanon) (Armstrong 2016, ILO 2015, Kingsley 2016). This is why the humanitarian situation in the Middle East and Turkey has become very complicated for the Syrian refugees. This is why they have started to find other solutions and have founded illegal organisations who deal with people smuggling.

One of the largest group (24%) of illegal immigrants come from Afghanistan (UNCHR 2015). Afghanistan has been in a constant state of war for over 38 years, since 1978, when the People's Democratic Party of Afghanistan took power in a military coup, known as the Saur Revolution. The war got boost in 1979 when Afghanistan resistance forces supported by the United States, known as mujahedeen, started to fight against the communist government, began the Soviet war in Afghanistan which was one of wars of the Cold War. The Soviet-backed Afghan communist government fall three years after the collapse of the Soviet Union in 1989 (Giustozzi 2000).

The war in Afghanistan reached to a new phase in 1992 when the Islamic State of Afghanistan was established. This resulted up as the Afghan Civil War (1992-1996). The Afghan Civil War (1996-2001) began in 1996 when Taliban captured Kabul and established the Islamic Emirate of Afghanistan. The next chapter of the War in Afghanistan began after the events of 9/11. The United States invaded Afghanistan in 2001 in order to destroy Al-Qaeda and to capture or kill its leader Osama bin Laden. After the killing of Osama bin Laden in 2011 the US started to end the operations in Afghanistan and give the power back to the Afghanistan government, which eventually happened in 2014.

The latest phase of the War in Afghanistan began in 2015 when a third party entered the war besides Afghan Government with NATO and Allies and Taliban. In early January 2015 the Islamic State of Iraq and Levant (ISIL) established positions in Afghanistan. Since the US started to bring home their troops, Taliban and ISIL have started to control larger parts of Afghanistan (Almukhtar & Yourish 2016). The fact that there hasn't been any real peace for almost 40 years in Afghanistan is the main reason why many Afghan people are forced to leave their homes and seek asylum in nearby states or in Europe.

There are 2.6 million registered Afghan refugees in over 70 countries around the world. 95% of them are in Iran and Pakistan. More than 50% Afghan refugees are children (UNHCR 2015).

Third largest group of refugees come from Iraq. The armed conflicts in Iraq have also lasted for a very long time, but the latest and most relevant war is the Iraqi Civil War which started in 2014 following the Iraq War (2003-2011). In 2003 the United States invaded Iraq to remove the government led by Saddam Hussein. Although Saddam Hussein was captured and sentenced to death and the ruling regime in Iraq is not repressive to its citizens anymore, it has become too week to actually govern Iraq and has allowed ISIL to take control major parts of Iraq which has led to Iraq Civil War in 2015. Because of the war around 3.4 million people from Iraq have been displaced across the country since the start of 2014 and nearly 220,000 are refugees in other countries. It is estimated that by the end of 2016 there are over 11 million Iraqis that may be in need of humanitarian assistance (UNHCR 2016).

Many people also flee from Eritrea, although the country is not in war but is run by a repressive regime (Kingsley 2015). Eritrea is a one-party state with weak judiciary and no constitutional provisions which could protect individual freedom. According to Amnesty International, there are around 10,000 political prisoners in Eritrea, who may suffer torture as punishment, interrogation and coercion (Amnesty International 2013).

Since 2011, and particularly since 2014, instability and the Second Civil War in Libya have made departures from the north-African country to Italy easier, with no central authority controlling Libya's ports and dealing with European countries, and migrant smuggling networks flourishing. The war could also have forced to leave many African immigrants residing in Libya, which used to be itself a destination country for migrants looking for better jobs (BBC 2015). The 2013 Lampedusa migrant shipwreck involved more than 360 deaths, leading the Italian government to establish Operation Mare Nostrum, a large-scale naval operation that involved search and rescue, with some migrants brought aboard a naval amphibious assault ship (Marina 2016).

In 2014, the Italian government ended the operation, calling the costs too large for one EU state alone to manage; Frontex assumed the main responsibility for search and rescue operations, although with significantly lower scale and only from the coastal waters. The

Frontex operation is called Operation Triton (European Commission 2014). The Italian government had requested additional funds from the EU to continue the operation but member states did not offer the requested support (Vice News 2014). The UK government cited fears that the operation was acting as "an unintended 'pull factor', encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths" (Travis 2014). The operation consists of two surveillance aircraft and three ships, with seven teams of staff who gather intelligence and conduct screening/identification processing. Its monthly budget is estimated at €2.9 million (European Commission 2014).

Refugees have decided to make these dangerous trips over the sea to seek asylum in Europe because they don't have any better alternatives. The main reason is that Europe is the closest wealthy and safe region from the Middle East and Northern Africa. There are also some European countries who are popular among for example Syrians because they have officially invited Syrians to come there. These countries are Germany and Sweden who are well known to asylum seekers that they are welcomed there. Many of their relatives have already fled to Europe thus they are more likely to follow them. It would be extremely difficult to stop these people coming to Europe. But it wouldn't be impossible for Europe to take control of the situation.

But Syrian Civil War, War in Afghanistan, Iraq War and repressions in Eritrea are not the only reasons of the mass movement. There are 60 million people displaced worldwide - the most since the United Nations started keeping records and the most since World War II. The United Nations have recorded 15 new conflicts in the past five years. There is also war or insurgency in Somalia, Sudan, South Sudan, Libya and Nigeria. There are millions of people who have lost their homes and who do not have nowhere else to go.

2.1.2 Impact of the European migrant crisis

There is an interesting conflict between saving human lives and protecting sovereign states and their borders. European Union has been demanding for a role of global human rights actor (Howorth 2010). Refugee policy is based on human rights norms stipulated in a number of key documents. At the same time, the European Union has been pursuing policies aimed at separating the area of freedom, security and justice from the rest of the

world (Donnelly 1998; Kaldor et al 2007; Hurrell 2007; Bretherton et al 2013; de Burca 2011; Smith 2014; European Think Tanks Group 2014). This is most evident from policies aiming at strengthening control at EU external borders. A key task for the European Union, thus, is to figure out how to pursue both humanitarian and border-control policy agendas simultaneously and how to solve the problems and conflicts arising from these different commitments.

The European migrant crisis may have three main impacts for Europe's future. Firstly, migrants could give a boost for the labour force or on the opposite put pressure on the economy. Migrants tend to take jobs that locals wouldn't. If migrants' integration is successful then they become a valuable members of society, increase demand and generate extra value which sums up in the increase of GDP. Secondly, it might be a solution for aging Europe. Current birth rates aren't very promising so immigration could soothe this problem a little bit. Thirdly, thanks to media's misinterpretations and political agenda far-right movements have risen across Europe in the recent years. Some politicians and parties inflame passions by using demagogy and intimidation. In countries where xenophobia and racism is more common among citizens these far-right politicians and parties might be successful enough to crab power. If there are too many extremist governments among EU member states then this will fragmentize the unity of European Union. All of the aspects listed above will be discussed in more detail in the following sections.

The economic impact of refugees

There are three main positive short-term effects that migrants have on the economies of their host countries (Sharma 2015):

First of all migrants might lead to increases in social sector spending. Although there will always be a risk that some migrants will never integrate to the society and will only rely on social benefits, but if the host countries accommodates and sometimes educates refugees well enough besides their integration then they should become productive members of the local economy.

Secondly refugees increase aggregate demand. New migrants represent potential markets for new services. They can revive and resuscitate host economies, leading to increases in

real income and GDP for their host countries as native workers and professionals migrate to new forms and types of work. Studies show that immigration to the United States between 1990 and 2007 resulted in a 6.6% to 9.9% increase in wages per worker (Peri et al 2014).

Thirdly migrants alter the local labour market. More and less skilled refugees compete with local workers for jobs and may end up displacing them. This may result up in a temporary increase in local unemployment numbers. The labour markets of host economies may become flexible, with migrant workers taking jobs that locals shun. Conversely, in the case of countries with aging populations, migration may increase the number of working-age members in an economy.

Solution for aging Europe?

It is well known that Europe's demographic has been negative for a long time. Ageing populations are squeezing economies as an increasing number of retired workers and elderly citizens have to be looked after by the state and working people. Some of the European's largest economies - Germany, Italy and Spain, have some of the lowest birth rates in Europe (Eurostat 2016). Many European countries face with major population decrease. Accepting migrants might reduce criticality the matter. Although it would be naïve to think that this is the magical solution for the European demographic problem then it is obvious that at least in the short term this could alleviate the demographic problem.

It is expected that in the European Union in 2060 there will be only two workers for every person aged 65 or over. This is only half as many as today, which means that the proportion of retired and elderly people will increase while the proportion of people of working age will fall. This is caused by the facts that Europeans tend to live longer than ever before but also have fewer children (European Commission 2015). Meanwhile it is expected that in 2050 the population in the Middle East and North Africa (MENA) region will nearly double from 380 million to 720 million (Roudi 2001). This means that the population of working aged people is growing in MENA very rapidly and as these people enter labour market there is hard to find work for them. Another problem is the rapid growth of urban populations which means that there are house shortages, fresh water shortages and inadequate infrastructure in the most populated areas. Many of these people

who can't handle these conditions will start to look abroad and Europe is very likely their main destination.

The rise of the far-right movements across the Europe

Xenophobia and racism are not the only reasons why anti-immigration sentiments have risen across Europe. People are afraid that accepting refugees might be a backdoor for ISIS to enter Europe. People are shocked because of the events that happened in November 2015 in Paris and in New Year's Eve in Germany. In this case media has amplified the fear of people by manipulating with headlines and twisting facts into more commercial and selling way. For example the terrorists who attacked Paris in November 2015 were not asylum seekers or refugees, they were EU citizens who have lived in Europe for decades. With the help of media some people tend to mix local citizens who have roots in Arabic or African countries with asylum seekers or refugees who are running away from armed conflicts in Syria, Iraq or Afghanistan.

Media has shown footage where migrants behave outrageously on their way from Greece to Germany. It is true that some of the migrants have been disrespectful towards hosting countries and some migrants have done crime. But the way media has presented this to European citizens' means that many people have gotten biased opinions about refugees. Although footages might be real, there isn't enough journalism to investigate the context and background of these events. Mass media doesn't give enough analysis of these conflicts and let viewers to do their own assumptions based of what they see. People don't realise that this isn't the majority of the refugees. This is why EU's citizens tend to dislike refugees. Because of this many simple citizens have turned their heads to far-right parties who have used demagogy and promised to stop this wave of immigration by building walls, increasing military budget and refusing to accept refugees.

Far-right parties have gained support all across Europe. In March 2016 Germany held regional elections where in all three states the far-right, anti-immigration party the Alternative for Germany (AfG), finished second. According to polls AfG is the third most popular political party in Germany. But Germany is not the only country in Europe where far-right parties have grown support. Far-right parties have grown their support also in Denmark, Switzerland, Italy, Poland, Slovakia, Hungary, Greece but also elsewhere in Europe (Payne 2016).

2.2 European Union's migration policy and legal framework

Relevant law documents in the European Union about the refugees and asylum seekers are the 2000 Charter of Fundamental Rights of the European Union, the 1985 Schengen Agreement, the Council Regulation (EC) no. 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Council Decision of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (2010/252/EU).

The Charter of Fundamental Rights of the European Union (2000) provides in Article 19 that "no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment." The 1985 Schengen Agreement provides in Article 17 that "in regard to the movement of persons, the Parties shall endeavour to abolish the controls at the common frontiers and transfer them to their external frontiers. To that end, they shall endeavour to harmonise in advance, where necessary, the laws and administrative provisions concerning the prohibitions and restrictions which form the basis for the controls and to take complementary measures to safeguard security and combat illegal immigration by nationals of States that are not members of the European Communities."

The Council Regulation (EC) no. 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) contain provisions which calls for increased coordination of operational cooperation between the member states. As the community policy in the field of the European Union's external borders aims to establish common rules on standards and procedures, member states must understand that the responsibility for the control and surveillance of external borders is a matter of the utmost

importance to member states regardless of their geographical position. There is a need for higher solidarity between member states in the field of external boarder management.

Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) regulates in Article 3 that the regulation applies to any person crossing the internal or external borders of member states, without prejudice to the rights of persons enjoying the community right of free movement and to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

The Council Decision of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union states in their general principles that the taken measures for the purpose of surveillance operations may not graze the fundamental rights and may not put at risk the safety of the persons intercepted or rescued as well as of the participating units. No person shall be handed over to the authorities of a country who do not respect the principle of non-refoulement or where is a risk of expulsion. The special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation shall be considered throughout all the operation.

Although since 1999, the European Union has been developing a common immigration policy for Europe, the immigration rules are not the same in every EU country. Member states have agreed that they should have a common, EU-wide, immigration and visa rules that are valid everywhere in the European Union member states. 24 EU member states out of the 27 have agreed with the EU-wide immigration rules. Denmark, Ireland and the UK are the exceptions. One of the main source documents in the EU's migration policy is the Treaty on the Functioning of the European Union, which was agreed in 2009 (European Commission 2015). This document regulates the entry and residence conditions for migrants, procedures for long-term visas and residence permits and the

rights of migrants living legally in the EU. It also a source document to tackle irregular immigration and human trafficking.

Also since the 1999 the EU has been working to create a Common European Asylum System (CEAS) and improve the current legislative framework. Between 1999 and 2005, several legislative measures harmonising common minimum standards for asylum were adopted (European Commission 2015). Few of the key moments were the establishment of European Refugee Fund, which strengthened the financial solidarity, Temporary Protection Directive, which gave more rights to displaced persons and stopped EU states from sending them back to their origin country,. Not less important was the Family Reunification Directive, which applies also to the refugees (European Commission 2015).

After the first steps of refugee protection in the EU there was necessary to take time and make analysis how had the system worked. Based on the pros and cons in 2007 a Green Paper was developed which was the basis for the European Commission's Policy Plan on Asylum which was presented in June 2008 (European Commission 2015). The Policy Plan on Asylum was the development of the CEAS. It helped to bring more harmonisation to standards of protection, to make procedures more effective, to increase solidarity and the sense of responsibility among the European Union member states and also between the EU and non-EU countries.

Other important European Union directives and regulations which affect asylum seekers are Asylum Procedures Directive which helps to achieve fairer, quicker and better asylum decisions. The Reception Conditions Directive, which ensures that all fundamental rights of the asylum seeker are guaranteed and all humane conditions during investigation are applied. Qualification Directive which identifies the grounds for international protection and helps to reduce the subjectivity in the assessment process. Dublin Regulation which gives protection to asylum seeker during the process and helps to detect early problems in national asylum or reception system. And EURODAC Regulation which gives access to databases of asylum seekers fingerprints for law enforcements to prevent, detect or investigate the most serious crimes.

When talking about European Union action plans and programs in order to fight the roots of current European migration crisis and human smuggling then we must start with the Solidarity and Management of Migration Flows Programme 2007-2013. According to its

funding external boarders were regarded as priority. From the programme's budget of €4 billion 46% of the fund was used for investments in external borders while only 17% of the fund was used for funding refugees. 21% of the fund was used for integration programs and 17% was used to send back the migrants (Amnesty International 2014). This shows that in the beginning of the crisis the European Union started to fight against human smuggling by spending more resources on building walls. For example Greece used resources from this fund in the operation "Shield" where they spent over 200 million Euros for live fingerprinting scans, helicopters, police patrol vehicles, offshore patrol vessels, coastal patrol vessels, high-speed boats, airplanes with sensors, off-road vehicles, motorcycles, night vision goggles, long-distance day goggles, thermal cameras, CO^2 detection devices and search and rescue boats (Astynomia 2014).

Although most of this equipment was used for surveillance and patrolling on the Greek-Turkish border, Amnesty International has documented serious violations of the rights of migrants and refugees who were pushed back to Turkey without being given the right to seek asylum. This once more proves that funds used for investments in external borders have not had any positive affect on limiting the demand or supply for human smuggling networks. Not any human smugglers were captured nor any asylum seeker lost motivation to enter Europe. If they can't enter Europe by land they must try entering Europe by sea which is clearly more expensive and dangerous for them.

In April 2014 EU established two new funds to replace these four SOLID programmes. Also the budget for this was increased almost by 50%. First of the funds was called "The Asylum, Migration and Integration Fund" (AMIF) with a budget of 3,137 million Euros. The second fund was called "the Internal Security Fund (borders and visa)" (ISF) with a budget of 2,760 million Euros. These new regulations were set up to urge EU member states to follow human rights obligations. If states want to use these funds then they are fully complied to follow human rights obligations. Unfortunately there was no control mechanism set up to monitor states if they actually follow their obligations (Amnesty International 2014).

In April 2015 the European Commission proposed the European Agenda on Migration which was 10 point plan to tackle the crisis with four main priorities to establish a common asylum system in all member state, to have a new European policy on legal

migration, to fight against irregular migration and human trafficking more robustly and to increase the security of Europe's external borders (European Commission 2015). Although there hasn't passed much time since this plan has been enacted, this plan should have significant positive effect against fighting human smuggling. This Agenda was mainly created to reduce single states burden while dealing with migration which actually affects whole Europe and to increase every states involvement in this crisis. The EC Action Plan covers the period from 2015 to 2020 and has four main objectives. Firstly to enhance police and judicial response, secondly to improve data collection and sharing, thirdly to enhance prevention of smuggling and assistance to vulnerable migrants and fourthly to enforce co-operation with third countries (OECD 2015).

In order to achieve that the European Commission insisted that joint operations in the Mediterranean Sea, namely Triton and Poseidon should be reinforced by increasing their financial resources and the number of assets. Thanks to the European Agenda on Migration these operation areas were also extend, allowing them to intervene further, within the mandate of Frontex. This in turn led to a more systematic effort to capture and destroy vessels used by the smugglers. The positive results obtained with the Atalanta operation inspired enough to launch similar operations against smugglers in the Mediterranean. In order to achieve better co-operation between states, Europol, Frontex, EASO and Eurojust meet regularly and work closely to gather information on smugglers' modus operandi, to trace their funds and to assist in their investigation. Since the activation of the plan all member states ensure fingerprinting of all migrants.

While Italy and Greece were and still are overloaded with asylum applications EASO deployed international teams there for joint processing. Another idea to reduce their burden was to start an emergency relocation mechanism and a European Union wide resettlement. All member states received a quota to accept refugees but this actually has not been very successful because of the member states opposition to the quota and fact that most of the refugees do not want to go any member state. The European Agenda on Migration also established a new return programme for rapid return of irregular migrants coordinated by Frontex from frontline Member States.

In order to enforce co-operation with third countries European Agenda on Migration provided engagement with countries surrounding Libya through a joined effort between

the Commission and the EEAS and to push initiatives in Niger to have stepped up. EU plans to deploy Immigration Liaison Officers (ILO) in key third countries, to gather intelligence on migratory flows and strengthen the role of the EU Delegations. The idea behind this is to involve more countries next to asylum seekers origin countries to help to solve the refugee crisis.

2.3 Proposed solutions to the problem of human smuggling

The two main solutions to the problem are limiting the supply and limiting the demand for migrant smuggling services. In this chapter I will give a detailed overview of these two approaches and analyse their advantages, disadvantages, feasibility and possible outcomes.

2.3.1 Limiting the supply for smuggling services

As of today the European Union has launched several ideas how to fight against human smuggling. On 18 May 2015 EU launched European Union Naval Force Mediterranean (EUNAVFOR Med) aka "Operation Sophia" In the end of 2015 EU launched the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants. On 22 February 2016 EU launched the European Migrant Smuggling Centre (EMSC). All three projects have been launched during the last 12 months which shows that only now has the European Union started to fight systematically against the organized human smugglers. All these actions are directed to limit the supply of human smugglers.

"Operation Sophia" managed to achieve its full operating speed in the end of July 2015. Its objective is to disrupt smuggling routes and capabilities and to reduce the flows originating from the Libyan coast, which has been together with the eastern route the main point of departure of migrants who are entering Europe. The operation itself is conducted in three sequential phases. The first phases consists of data collection about human trafficking networks. The second phase involves conducting boarding, search, seizure and diversion on vessels used for migrant smuggling. This phase is first conducted in the high seas and later in the territorial and internal waters of Libya. The premise of this action is the mandate from the UN Security Council or the consent of the Libyan

authorities. In the third phase of the operation there is a permission to take all necessary measures against a vessel and its related assets. In general this means that the vessels are disposed or rendered into inoperable condition. "Operation Sophia" is the first operation that explicitly brings together the internal and external security agendas (Tardy 2015).

The European Union (EU) and UNODC have also launched the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants. A four-year joint initiative between the EU and UNODC that will be implemented in partnership with the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF) through to 2019 (UNODC 2016). This project brings together 15 strategically selected countries across the world. Most of them coming from Africa and Asia, but also Eastern Europe and Latin America. This programme aims to help the selected countries in their journey to establish an acting and comprehensive mechanisms which are able to fight against trafficking and human smuggling (UNODC 2016). This project doesn't have any instant effect on the flow of illegal immigrants but it should have a long term effect among the most problematic or key states in terms of trafficking and human smuggling.

European Migrant Smuggling Centre (EMSC) goal is to proactively support EU member states in their combat against criminal networks involved in organised human smuggling. The Centre is going to focus on geographical criminal hotspots. The push factor to establish this centre was the fact that 90% of migrants arriving to Europe have used a criminal organisation in their journey to the European Union (Europol 2016). As of today the centre has only operated for a very short period of time. This is why it is too early to give any evaluation to the centre. Albeit I cannot judge their action, it is remarkable that the EU has decided to make this step. It shows that the European Union has fully conscious of the comprehensive migrant crisis in Europe and has started to make decisive action.

It is important to understand that the business for smugglers depends mainly on risk, reputation and trust. There is much competition in the business. If you are not capable to deliver, then you will lose your reputation. If you have very high reputation then it is going to be harder to hide yourself from the police. Smugglers need to find the balance between their reputation and their personal risk of being discovered. The service itself could be considered mutually beneficial as the smugglers get very well paid for their

deliveries and the smuggled migrants are capable to recoup the money in two years (Koser 2008). These positive customer experiences spread among the people who are also tempted to make an illegal travel to Europe.

Even if the business itself is dangerous for smugglers, it still is very beneficial for them. So in order to limit the supply for smuggling services we need to increase the cost of delivery to reduce smugglers profits. This could be done in several ways. The European Union should force its member states to reduce corruption by reinforcing anti-bribery policies and improve the technologies used in the identification and travel documents so that it would be easier to detect forgery. Also there should be more done in identifying money laundering activities and the smugglers identities itself. In order to keep transporters away from illegal work there should be more done in order to offer them alternative legal transportation job opportunities. Not less important is to increase sanctions against those who have violated the law.

A second step in this fight against smugglers is to evolve anti-smuggling into a more global analysis of criminal networks. There is a need for more international cooperation and data sharing in order to detect and clear smuggling networks. For a better identification of smugglers there should be used more help of smuggled migrants. Although individuals who have experienced a positive service from smugglers are less likeley to identify their smuggler, others less satisfied smuggled migrants could be tempted to report their smugglers. Migrants who cooperate with investigations or court cases could be offered temporary permits or special visas (OECD 2015).

If all of this is applied smugglers have mainly three options: a) they are forced to end their human smuggling operations and focus on something more profiting, b) they could increase the price for smuggling services or c) increase the amount of people they smuggle in order to maintain profit. First option is not very likely to happen because their alternatives would be probably be mainly drugs or arms trade which demands more connections and knowledge of international criminal networks. Human smuggling is easier and safer for smugglers because smuggled migrants could transport from one smuggler to another by themselves without using smugglers help. Increasing prices is also unlikely because smuggled migrants have their limits which are pushed already to the limits. Only the price of high-end smuggling service could rise which includes full

service and is safest to the smuggled migrant. So the most likely option for smugglers to maintain their profit would be to increase the quantity of migrants being smuggled. This ends up in crowding the vessels with too many people and abandoning them in the middle of sea which increases deathtoll (OECD 2015).

2.3.2 Limiting the demand for smuggling services

First of all it is important to understand that smuggling services are used both by refugees and migrants. There are several ways to reduce the demand. Firstly the legal options to access the European Union have to be more attractive than illegal options. This means that the legal options have to be available to as many refugees and migrants as possible, as cheap as possible and as fast as possible. While dealing with refugees and offering them protection and access to asylum seeking processes is obligatory by international law, then accepting more migrants is not mandatory for the states. This means that if there is no political will to open borders to more legal migrants, then this target group doesn't stop using smuggling services. In order to limit the demand for smuggling services drastically there is a need to deal with both refugees and migrants.

As for the migrants, increasing legal pathways is equally important in order to reduce the demand for smuggling services. States can limit migration by setting quota and limits to for example such conditions as knowledge of the host country language, minimum levels of education, work experience, availability of funds, having a presence of family in the host country and having a job offer from an employer in the host country. Although this would reduce irregular migration it also would increase the potential dangers of (mass) immigration. While the pros and cons of mass immigration is a rather wide and sophisticated topic and doesn't fit in this thesis, it is logically clear that if the goal would be limiting the demand for smuggling services then irrespective from the other potential causes it would limit the demand.

While strengthening the control of employers and increasing sanctions when they employ illegal workforce then this should also lower the demand for smugglers because when migrants understand that being illegally in Europe doesn't get them a job then they might start to look into more legal ways to enter Europe. When getting a place to live in the

European Union in an illegal way gets harder for migrants then this also reduces the demand for the illegal smuggling services. Not less important is prevention and information campaigns in the origin countries. Migrants tend to have unrealistic hopes and promises of life in the European Union. When they are well prepared and educated about their future then they can make better decisions for themselves whether to enter the European Union legally, illegally or to stay put. By giving them more adequate information about the life in the European Union they might understand that the life of an illegal migrant in the EU is not the life that they want to have. If they have less unrealistic expectations about their potential well-being in Europe then this might lower the wish to even try to illegally travel to Europe (OECD 2015).

When talking about refugees then one of the first things to do would also be establishing more legal options for the refugees to get into the European Union. There are several ways to do that – for example resettlement, which means that the refugee is moved from a country from outside the European Union to a European Union member state. Humanitarian admission, which is a process by which countries admit groups from vulnerable refugee populations in third countries so as to provide temporary protection on humanitarian grounds. Humanitarian visa, which grants visas to individuals outside of receiving states via their national embassies in third countries (European Resettlement Network 2016).

Resettlement is a protection tool for those refugees whose life and liberty are at risk. It is a durable solution for refugees next to integration and voluntary repatriation. It is most used in countries who host majority of the refugees. Resettlement forms a core part of the external dimension of European Union asylum policy. Member states cooperate on many aspects of the refugee resettlement, priorities and funding. Main relevant organizations are the European Asylum Support Office (EASO) and European Resettlement Network.

The status and rights given to refugee differ from state to state. In some states refugees receive a permanent residence permit, however in other states refugees must wait for a specified period of time (years vary from state to state) and fulfill several requirements for example such as language and civic knowledge, financial independence and good conduct before they can apply for permanent residence permit. Until then they have a temporary residence permit. Once you get permanent residents status a door is opened for

citizenship everywhere in Europe. Conditions once again vary from state to state. Full refugee status or subsidiary protection is granted to refugees in most European resettlement countries immediately. In others asylum seeker must complete an asylum procedure before receiving the status. Refugees resettled to Germany receive humanitarian status which doesn't provide same legal benefits available for refugees (European Resettlement Network 2016). According to UNHCR in the next three years there will become a need to resettle over 450,000 Syrian refugees. This is far more than the refugees resettled as of today (Rummery 2016).

Humanitarian admission is a short-term residence granted to a group of vulnerable refugee population in third countries. The need for protection is reviewed in the future. It differs from resettlement process by being a much fast tool for larger group of people. This means that it is generally only used in urgent matters. For example Germany admitted 5000 Syrian refugees from Lebanon refugee camps in March 2013. The pilot program then prioritized refugees with humanitarian needs, who had family links in Germany and who could contribute to reconstruction in Syria. Refugees arrived in September 2013 and were granted with a 2-year temporary status with the possibility of extension (European Resettlement Network 2016).

The "humanitarian visa" is an idea which should not be confused with humanitarian admission. Humanitarian visa idea allows the migrant to ask for asylum already from the origin state or from the refugee camp where he or she currently is. This would mean that the refugee doesn't have to illegally travel to Europe before asking for asylum. Although the humanitarian visa isn't yet an option for the refugees, there has become more and more options for refugees to access Europe in a legal way (Janson 2015). However these steps have not been successful enough because there is still large amount of refugees who aren't captivated from these options. The main reasons for that are lack of information, absence of documentation and long waiting time until the paperwork is done. Different legal options are necessary to reduce the demand for smuggling services, but there should me more and quicker access to resettlement facilities and legal life and working opportunities in the European Union. For example what could be done? In order to open and increase the use of legal entry channels the European Union and its member states should simplify visa requirements for certain nationalities or groups, lighten the family

reunification rules and use the existing channels for regular migration for purposes of labor and study.

But not all programs offered to refugees for protection are legal pathways which limit the demand for smuggling services. One of the most topical program is relocation where a refugee is moved from one state to another. Relocation is an intra-EU process, where EU member state agrees to help another member state who has too many refugees to cope with. Relocating refugees in the European Union was first used in this migrant crisis in 2011 when ten member states relocated 227 refugees from Malta. As of today there is a need to relocate thousands of refugees. Thanks to the European Agenda on Migration which was enforced in 2015 all EU member states have to show solidarity and burden-sharing and accept a number of refugees (European Resettlement Network 2016). However this does not limit the demand because these people are already in the European Union and have probably entered it in an illegal way. If the relocation program should become a successful and popular program then it would send out a message to refugees that entering Europe illegally is acceptable, because later on you will be successfully relocated.

But dealing on the state vs individual level with refugees only is not enough. There is a need for better state level cooperation among the European Union and third states. Thanks to the EU-Turkey deal made in March 2016 we can hope for a big step forward in reducing the demand for smuggling services. The European Union and Turkey agreed on 29 November 2015 on their join action plan. They met three times before Turkey agreed in March 2016 to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters (The European Council 2016).

According to the deal all asylum seekers coming from Turkey to Greek islands who have failed acquiring refugee status and are determined as illegal migrants are sent back to Turkey. For every illegal immigrant returned to Turkey there will be a legal Syrian resettled in the European Union. Before the deal migrants had no fear of being returned to Turkey and had less hope of getting to the EU in a legal way. This deal hopefully has changed the stars and the numbers are also promising which show the amount of people

illegally entering Greek islands from Turkey compared to the numbers last year (The European Council 2016).

Although only few months have passed since the deal and it is too early to make thorough and conclusive conclusions about the deal, then according to UNHCR data the movement of irregular migration on the Mediterranean Sea has rapidly declined. In April 2016 only 3650 irregular migrants arrived Greece which was 90% less than in March 2016. According to this data it seems that the deal is working and irregular movement between Turkey and Greece has almost dropped to zero. This shows that the deal has its potential and Turkey is capable to restrain the illegal movement to Greece.

However not everybody praises the EU deal with Turkey. According to the European Parliament lawyer the deal between the EU and Turkey is not an agreement but a press release of a statement and it has no legal bearing (Nielsen 2016). This means that even if as of today the deal works in practice then there no real legal reliability that it will work in future. Both of the sides could easily back out from the deal. In reality this means that Turkey is in a power position because the European Union seem to need Turkey more as Turkey need the EU. This means that in order to have the deal continued, Turkey wishes get visa free access to the European Union. If the key anti-corruption and terrorism reforms are passed in Turkey then their 75 million citizens are allowed to enter Schengen zone for up to 90 days at a time with biometric passports from the end of June (Holehouse 2016). Should Turkey disagree with the reforms or should they ask for more benefits, for example such as the membership status of the European Union, which the European Union might not want to give to Turkey then the deal started in March 2016 is in great danger of collapse.

Conclusions

The objective of this thesis was to assess the possible policy options for fighting human smuggling. Reducing human smuggling on the Mediterranean Sea is possible in two ways – limiting the supply of human smugglers and/or limiting the demand for human smugglers. In this paper I have described and analyzed different programs, plans, ideas and methods in order to achieve this. In general I have found from my findings that a mixture of limiting the supply and demand is necessary in order to fight human smuggling on the Mediterranean Sea. Although there are priorities, having only one type of approach isn't as effective as having both methods in work.

The main idea behind limiting the supply of human smugglers is to make human smuggling operations for the criminal networks as expensive as possible. In order to do that there is a need for investments for better technologies to detect forgery, for more cooperation and data shearing between states to increase the identification of the human smugglers, for better anti-bribery policies to reduce corruption and money laundering, and for tougher sanctions meanwhile working on the search for alternative jobs for the potential ship masters and other associates. When their profit is under risk then they need to either increase quantity of people smuggled to maintain profit or find other profitable jobs.

Although the general irregular movement on the Mediterranean Sea has dropped, there is still traffic going between Libya and Italy. The best mechanism yet to fight against this is "Operation Sophia". Since the EU-Turkish deal, it seems that irregular movement between Turkey and Greece has dramatically reduced. "Operation Sophia" is crucial in order to fight human smuggling routes coming from Libya. Although the Global Action to Prevent Address Trafficking in Persons and the Smuggling of Migrants is important in order to limit the supply of smuggling services in long term, I don't believe that it will help to solve problems in short term, because changes in problematic countries take much

more time than we would like. It is also too early to assess European Migrant Smuggling Centre (EMSC), because it was only opened recently. However the idea behind the project seems to be right. Although the European migrant crisis is not a new problem, it has become more serious during the last years and it is still the first time that Europe had to face this kind of problem. This is why Europe hasn't had any effective methods in terms of fighting human smuggling before. If Europe wants to be successful in the fight against human smuggling then Europe needs to go one with these developments in the area of limiting the support of human smuggling.

As well as it is important to reduce the support of human smuggling it is equally important to reduce the demand for human smugglers. The idea behind this is to make legal immigration options more attractive than illegal options. This applies to both refugees and migrants. The best methods to do this is to open more legal pathways for refugees and migrants. While opening borders to migrants might open a set of new problems, then helping the refugees is obligatory from the international law. Although resettling, humanitarian admission and humanitarian visa are all good ideas, then the first two legal pathways are underused and the idea of humanitarian visa has not become reality as of today.

One great step that shows that fighting migrant smuggling is best with the combination of limiting the supply and demand is the latest EU-Turkey deal. Thanks to the deal Turkey has more motivation to limit the supply for the human smugglers and the refugees have more motivation to use legal pathways to enter Europe. As numbers seem to show that irregular movement between Turkey and Greece has reduced rapidly, I believe that this is the best combination of methods in order to fight human smuggling in the Mediterranean Sea.

All proposed policies need resources in the form of time, money and political will. Limiting the supply by increasing the cost for smugglers doesn't solve the problem for migrants. It only makes illegal travelling to Europe harder and more expensive for them. In order to actually help migrants while reducing the usage of smuggling services it would be better to reduce the demand for these services. It is a common sense that when people have demand for something then it would be easier and wiser to fulfill their demand not to limit the options for their desire. If the movement of migrants is under control by the

appropriate European Union institutions then this would reduce many negative effects that European migrant crisis has brought into.

This is mutually beneficial for the European Union and to migrants who otherwise would use the help of smugglers. As controlled migration is good for the states then legal ways entering Europe are also helpful for the migrants. Legal options are much safer and cheaper. They don't have the risk to die or injure themselves while travelling. They don't have to bear inhuman conditions and they don't have to fear of getting caught and being sent out from the state. Using legal options means that migrants don't have to pay enormous amounts of money for smugglers for their dubious services. If legal ways would be actually accessible to most of the migrants and if the paperwork wouldn't take too much time then it would be hard to understand why migrants would still like to use the help of illegal smuggling services.

Kokkuvõte

Selle magistritöö eesmärk oli hinnata erinevate strateegiate võimekust inimsmuugeldamise vastu võitlemisel. Inimsmuugeldamist Vahemerel on võimalik vähendada kahel viisil - tuleb vähendada inimsmuugeldajate pakkumist või vähendada nõudlust inimsmuugeldajate järele. Selles töös olen kirjeldanud ja analüüsinud erinevaid programme, plaane, ideid ja meetodeid inimsmuugeldamise vastu võitlemisel. Kokkuvõtvalt leian, et parim viis inimsmuugeldamise vastu võitlemisel Vahemerel on segu nii pakkumise kui ka nõudluse vähendamisest inimsmuugeldajatele. Mõistagi on mõned meetodid efektiivsemad kui teised, kuid parima tulemuse saavutab vaid siis, kui kasututada mõlemat strateegiat üheskoos.

Peamine idee inimsmuugeldajate pakkumise vähendamise strateegia taga on suurendada inimsmuugeldajate kulusid. Selleks, et seda teha, on tarvis võimaldada suuremaid investeeringuid paremasse tehnoloogiasse, et avastada võltsimist. Oleks vaja rohkem koostööd ja andmete vahetamist riikide vahel selleks, et tuvastada kurjategijaid, ning paremaid korruptsioonivastaseid seaduseid, et vähendada korruptsiooni ja rahapesu. Ühtlasi oleks tarvis tegeleda ka ennetustööga, et inimesed ei kaaluks inimsmuugeldajaks hakkamist ning et neile pakkutaks võrdväärseid legaalseid alternatiive tegevusteks.

Kuigi alates Euroopa Liidu ja Türgi diili jõustumisest on ebaseaduslike liikumiste hulk Vahemerel vähenenud, on endiselt palju liiklust Liibüa ja Itaalia vahel. Parim mehhanism selle vastu võitlemiseks on Operatsioon Sophia, mis tegeleb smuugeldajate võrgustike avastamise ja hävitamisega. Kuigi antud põgenikekriisi juured ulatuvad aastakümnete tagusesse aega, siis antud teema on teravaks muutunud alles viimase paari aasta jooksul. Sestap ka ei ole seni väga efektiivseid meetodeid selle vastu võitlemiseks välja mõeldud ja käima lükatud, kuid viimasest aastast on näha mitmeid positiivseid ja julgustavaid arenguid, mis näitavad, et Euroopa mõtleb aktiivselt selle peale, kuidas tulevikus antud probleeme ennetada ja ära hoida.

Smuugeldajate pakkumise vähendamine on võrdväärselt oluline ka nõudluse vähendamisega. Selleks, et nõudlust vähendada, on tarvis muuta legaalsed migreerumise võimalused atraktiivsemaks kui hetkel on illegaalsed võimalused. Kuna seni on legaalsed võimalused olnud reaalselt kättesaadavad vaid vähestele ning küllaltki aeganõudvad, siis seetõttu on eelistatud kasutada illegaalsete smuugeldajate abi. Kuigi massiimmigratsiooni lubamine Euroopasse võib avada mitmeid uksi erinevatele ohtudele, siis see oleks kindlasti üks viis vähendada inimsmuugeldajate kasutamist. Samas kui rahvusvahelisest seadusest ei ole Euroopal mingit kohustust suuremale hulgale migrantidele ust avada, siis kohustab rahvusvaheline seadus avama uksed pagulastele. Kuigi ka nende jaoks on täna olemas erinevad legaalsed võimalused asüüli taotlemiseks Euroopas, siis need võimalused ei ole piisavalt efektiivsed ning laialt kättesaadavad. Üheks täna mittesaadaval olevaks kõrge kasuteguriga ideeks on humanitaarviisa väljastamine pagulase koduriigis.

Üheks kõige olulisemaks sammuks inimsmuugeldajatega võitluses on hiljutine Euroopa Liidu ja Türgi diil, mis on näidanud, et õigete motivaatorite pakkumisel kolmandatele riikidele ning pagulastele on võimalik olulisel määral vähendada illegaalsete smuugeldajate teenuste kasutamist. Kuigi kõik väljapakutud programmid, plaanid, ideed ja meetodid nõuavad lisaks poliitilisele tahtele nii ajalist kui ka rahalist ressurssi, siis on selge, et parima tulemuse saavutamiseks on tarvis kasutada kõikvõimalikke meetmeid selleks, et vähendada inimsmuugeldajate tegevust Vahemerel.

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