Annex

Annex A Treaty of Maastricht

The Treaty of Maastricht is also referred to as ‘Treaty on European Union’ and entered into force in 1993. The Treaty establishing the European Economic Union was amended in order to create a European Community. The term ‘European Economic Community’ was therefore replaced by ‘European Community.’ The Treaty created legal mechanisms in order to act more widely on a global level on the basis of intergovernmentalism, what can be described as external dimension to European integration (Glencross, 2014). Beyond economic goals, the Union pursued also political motives in the creation of the Treaty of Maastricht, mainly striving for five key-objectives: strengthening the legitimacy and improving the effectiveness of its institutions, establishing an economic and monetary union, developing the social dimension further and developing a common foreign and security policy (Eur-Lex, 2010).

To give a short overview of the Treaty: the TEU literally created the EU (Article 1 para. 3 S. 1 TEU), which points out its enormous importance for the development of the Union ‘as new stage in the process of creating an ever closer Union among the people of Europe’ (Article 1 para. 2 TEU). Article 9 S. 2 TEU in conjunction with Article 20 (1) S. 1 TFEU established ‘European citizenship,’ stating that every person holding the nationality of a European member state should be citizen of the Union. The citizenship is additional, not replacing the national one (Article 9 S. 3 TEU). Moreover, the citizens can benefit from an area of freedom, security and justice (Article 3 (2) TEU) where social exclusion and discrimination shall be combated (Article 3 (3) S. 4 TEU). The Union shall establish an internal market (Article 3 (3) S. 1 TFEU), defined further in Article 26 TFEU. Additional rights were granted to European citizens, e.g. the right to petition (Article 227 TFEU).
Annex B  Three-Pillar Structure of the Union

The figure below portrays the ‘Three-Pillar Structure of the European Union.’ A detailed description of the development, change and shift of competences is left out, as it is not necessary for the understanding of this paper.

*Fig. B1  Three-Pillar Structure of the European Union*

Source: Homewood (2014: 6) in conjunction with Treaty of Amsterdam
### Annex C  The Arab Spring – A detailed Overview of 2010 – 2016

**Fig. C1 Arab Spring Overview from 2010 – 2016**

<table>
<thead>
<tr>
<th>Year</th>
<th>Tunisia</th>
<th>Libya</th>
<th>Egypt</th>
<th>Syria</th>
<th>Yemen</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>Protests begin; President Ben Ali flees, temporary government takes over</td>
<td>Uprising against Muammar Gaddafi, begins in Benghazi</td>
<td>Protests in Cairo against the rule of Hosni Mubarak</td>
<td>Regime begins shelling Homs, the third city; Jabhat al-Nusra, affiliated with al-Qaeda, is founded in Syria</td>
<td>Protests begin; President Ali Abdullah Saleh promises not to seek re-election</td>
</tr>
<tr>
<td>2011</td>
<td>Protests begin, sparked by self-immolation of Mohamed Bouazizi</td>
<td>NATO imposes no-fly zone, destroys Gaddafi’s air force</td>
<td>After brutal crackdown in Tahrir Square, Mubarak hands power to military council</td>
<td>Rebels launch offensive to take Aleppo, Syria’s second city</td>
<td>Troops kill 45 protesters in Sana’a, the capital</td>
</tr>
<tr>
<td>2012</td>
<td>First election held; Islamist Nacia party wins most seats in parliament</td>
<td>First democratic election, independents take most seats in new General National Congress</td>
<td>Referendum shows strong support for parliamentary &amp; presidential elections</td>
<td>Islamic State of Iraq &amp; Syria founded; captures Raqqah</td>
<td>Six Leicester REPs to be held</td>
</tr>
<tr>
<td>2013</td>
<td>Opposition MP assassinated; political crisis; Nacia government resigns</td>
<td>Rebels seize oil terminals in east Libya</td>
<td>Parliamentary elections won by Democratic Alliance led by the Muslim Brotherhood’s Freedom and Justice Party</td>
<td>Regime begins shelling Homs, the third city; Jabhat al-Nusra, affiliated with al-Qaeda, is founded in Syria</td>
<td>㎛orea leaves Yemen, ceding power to his deputy, Abd Rabbo Mansour Hadi</td>
</tr>
<tr>
<td>2014</td>
<td>Political crisis resolved; constitution approved by parliament</td>
<td>Centrist/secular Nidaa Touareg party wins parliamentary elections; its leader Beji Caid Essebsi is elected president</td>
<td>Over 100 die in protests</td>
<td>IS consolidates territory between Syria &amp; Iraq, abolishing former border</td>
<td>Elections held, with Hadi the only candidate; ADAP attacks presidential palace, killing 26+</td>
</tr>
<tr>
<td>2015</td>
<td>Jihadist gunman kills 38 people at beach resort</td>
<td>Libya: Dawn, backed by mainly Islamist militias, takes Tripoli. Parliament relocates to Tobruk</td>
<td>Morsi overthrown by military coup</td>
<td>Government forces lose most of Idlib province</td>
<td>Fuel-price rise provokes anti-government demonstrations; Hadi sacks cabinet</td>
</tr>
<tr>
<td>2016</td>
<td>Egypt bombs Islamic State in Libya</td>
<td>IS establishes control over port city of Sirte</td>
<td>Abdel-Fattah al-Sisi, a former army chief, wins presidential election</td>
<td>Russia launches air strikes against IS</td>
<td>Houthis rebuke take most of Sana’a</td>
</tr>
</tbody>
</table>

Source: The Economist, 2016
Annex D  Theory of ‘Imagined Community’ as Trigger for Pan-Arabism

Three geographical clusters define the Middle East: Southwest Asia including the Arabian Persian Gulf, the Fertile Crescent and North Africa (Hovsepian, 1995). Due to inter-Arab rivalry, two forms of nationalism have been developed: ‘state nationalism’ and ‘pan-Arab nationalism.’ Pan-Arab nationalism cannot hold in strong governments, as it contradicts the desire to center citizens’ affiliation to the national state (Amaney, 2004). Therefore, pan-Arab unionism is the result of regional regime instability (Tibi, 2008), although it had never been political reality but rather a symbol when it comes to the Palestinian question as example (Barzilai, 1999).

Benedict Anderson developed a theory on ‘imagined community,’ whereby the community as a whole is opaque for the individual, yet all are sharing the image of an association. Again, the media play a fundamental role in defining national identity by reflecting and driving public opinion. The Arab Spring benefits from the created awareness and the awoken sentiment regarding Arab consciousness and identity definition as Muslim first, Arab second, and member of a national state third (Pintak, 2009), showing opposed forces: religion and secularity (Hovsepian, 1995). The Arab Spring as movement is the result of created pan-Arabism, whereby the Arab Spring combines values, myths and symbols, not distinguishing between nationalities, but linked by habit and language (Pintak, 2009).
Annex E  Differentiation between ‘Jihad’ and ‘Holy War’

The reference of ‘jihad’ to ‘Holy War’ is a remnant of the past era of crusades. In the Western world, the term ‘jihad’ is mainly associated with terror and violence. Yet jihad also means striving for personal development in order to improve (Ali, 2003). ‘Jihad’ (English: effort, endeavor) is split in ‘jihad akbar’ and ‘jihad athim,’ the big and the small jihad. With the big jihad, the individual aims daily at moral perfection, constantly improving inner purification using prayers and repentance. The small jihad refers to sole defense of the Muslim community (Napoleoni, 2015).

Jihad akbar remained unchanged over the centuries, whereas jihad athim changed under the influence of imperialism and developed to a defensive and offensive power. The defensive jihad is about protecting Islam against malicious attacks, but the offensive jihad is about the violent spreading of Islam. Historically speaking, only the Caliph, as religious leader, was empowered to call out for the offensive jihad. Today, the jihad led by the Islamic phoenix shares part of both meanings (Napoleoni, 2015). The re-establishment of the Caliphate under a Caliph refers to the legitimate call for offensive jihad in today’s world and therefore important to mention in order to understand the implementation in the context and to comprehend this meaningful reawakening of past times.
History of Perceived Sunni Arab Humiliation and Suppression

The fall of the Caliphate in Bagdad in 1258 resulted in the end of the predominant Sunni Arab hegemony. In the 13th century, the political guidance of the Islamic world was shifted to the Turkish Seljuk, the Mongol Ilkhanate and the Mamlucks and later to the Ottoman Empire in the 16th century ruling the Islamic territories. At the end of the medieval times, the Sunni Arab world had even lost its predominance in trade and shipping. In contrast, Persia remained independent and an economical driver in the region. A second humiliation was the suppression of the Ottomans as first colonial power. In the Sykes-Picot Agreement of 1916, France and Britain defined the geographical borders as part of their spheres of influence as second phase of colonial dominance, replacing the Ottomans. The new political order separated economic and social networks as well as tribal areas known for centuries in the Levante (Hanne/Flichy de la Neuville, 2015: 61).

The Islamic State does not recognize the separation caused by the West back then. Historically, Iraq and Syria have been one territory characterized by a linguistic, religious and political entity. The IS does not neglect the happenings throughout history, but refers to the perceived humiliation in its whole action plan (Hanne/Flichy de la Neuville, 2015: 62). Even the expansion strategy is similar to the Muslim expansion strategy in history: the Arabian Peninsula, Persia and finally Rome (Hanne/Flichy de la Neuville, 2015: 56). 'No man-made border is eternal and no man-made organization will remain,' therefore the grouping under a common flag fights primarily the post-colonial borders. The perceived humiliation of Sunni Muslims has continued during the 20th century through e.g. the Alawite minority ruling in Syria, economic frustration and Western-driven exploitation of natural resources. The lack of modernity in the region (author’s note: whereby ‘modernity’ was defined by the West), triggered resentment and anger. The development of Islamism during the 1990s can be seen as attempt to retain pride and to take revenge for the historical humiliation (Hanne/Flichy de la Neuville, 2015: 63).
# Annex G  Islam and its Denominations

## Tab. G1  Denominations of Islam – Overview

<table>
<thead>
<tr>
<th>Denomination</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunni</td>
<td>1,371 – 1,471 Mio. constituting the Muslim majority of 85 – 90%</td>
</tr>
<tr>
<td></td>
<td>Mainly in Asia and Africa</td>
</tr>
<tr>
<td>Shia</td>
<td>Religious separation created as result from the Ali affiliates’ split</td>
</tr>
<tr>
<td></td>
<td>Today around 154 – 200 Mio. Shia Muslims</td>
</tr>
<tr>
<td>Imamah</td>
<td>Constitute around 90% of Shias today</td>
</tr>
<tr>
<td></td>
<td>Mainly in Bahrain, Iran, Iraq, Pakistan, Lebanon, Azerbaijan and Afghanistan</td>
</tr>
<tr>
<td>Alevi</td>
<td>Mainly in Turkey</td>
</tr>
<tr>
<td>Zaidiyah</td>
<td>Mainly in Yemen</td>
</tr>
<tr>
<td>Ismaili</td>
<td>Mainly in Yemen, India, Central Asia and East Africa</td>
</tr>
<tr>
<td>Druze</td>
<td>Mainly in Israel, Lebanon and Syria</td>
</tr>
<tr>
<td>Alawite</td>
<td>Mainly in Syria and Turkey</td>
</tr>
<tr>
<td>Ibadi</td>
<td>Today around 2 Mio. constituting the Muslim minority</td>
</tr>
<tr>
<td></td>
<td>Mainly in Algeria, Oman, Tunisia and Zanzibar</td>
</tr>
</tbody>
</table>

Source: Fürtig/Bank, 2016: 13
Annex H  Number of Terrorist Incidents caused by Major Terrorist Organizations in 2015

The following figure shows the approximate incidents caused by major terrorist groups in 2015 and underlines the ongoing threat from all present terrorist organizations. Despite the medial omnipresence of the Islamic State, other violent, militant groups like e.g. Taliban or Al Quaida still cause active threat.

Fig. H1  Number of Incidents caused by Major Terrorist Groups in 2015

![Graph showing number of incidents by major terrorist organizations in 2015](source: Statista, 2016 b)
On 2 September 2015, Fahad al Shalami, a Kuwaiti official, declared that his country and the GCC states would not accept refugees as they exposed them to the risk of terrorism. Al Shalami stressed that people suffering from stress and trauma were not welcome in Kuwait and argued that the region was too valuable and too expensive for refugees to settle down in terms of living costs. The official declared that GCC countries only fit for workers but that ‘it is not right to accept people who are different’ from their domestic [Kuwaiti] culture (France 24, 2015).

The GCC countries have been criticized for not taking in refugees despite their financial capabilities and cultural (closer) proximity to the respective ethnical group seeking refuge (Fathalla, 2015). The countries on the Arabian Peninsula argued that taking in refugees would expose the GCC to a safety risk, as terrorists could hide under the influx of people, so the countries that rank among the richest in the world according to the GDP started to donate financial aid to fund refugee camps externally, e.g. in Jordan or Lebanon (Edmunds, 2015). The regional media discussed this issue, and several statements portrayed the various opinions across the GCC population on this off-sealing behavior. Some cynically asked ‘how the ones declared as infidels (=the Westerners) can take more responsibility of refugees than their Muslim brothers?’ (Fathalla, 2015).

The Saudi Makkah Newspaper published a cartoon in 2015: the man on the right, dressed in traditional Gulf-dress resembling Khandoura and Ghoutra, claims, ‘why don’t you let them in, you discourteous people?!,’ while his own door is barricaded with a barbed wire fence, witness of attempted entry, dotted with the remnants of cloth scraps. The door on the left side is designed in the colors of the European Union flag, symbolizing the door to Europe. Behind the door peephole, a man is eying his demanding door neighbor critically while a covered woman (here: reference to Muslim refugees through hijab and link to perceived obvious cultural proximity to Muslim countries) dressed in ragged clothes kneels in front of the door holding a child in her arms, both seeking refuge. The ambivalence and sarcasm of this cartoon made it to one of the most widely shared ones in social media underlying the discrepancy between those arguing in favor of changing the law and taking in people and others refusing to help by taking in refugees, yet compensating externally by donation.
Sarah Leah Whitson, executive director of Human Rights Watch for the Middle East and North Africa, refers to the ‘check-signing attitude of GCC countries in order to let someone else deal with it.’ Although cartoons and articles portray some critical voices within the population and question the procedure, Michael Stephens, head of the Royal United Services Institute in Qatar, refers to ‘the paradigm in which the West is continuously stepping in to solve the problem.’ Stephens argues that the West did not step in on time for once, so ‘this has left many people looking at the shattered vase on the floor and pointing fingers’ (Hubbard, 2015).

On 25 August 2015, the BAMF tweeted that the Dublin III Procedure would not be applied to Syrians, which meant that Syrian nationals would not be sent back to the European member state where the first registration had taken place. This statement was (mis)interpreted as right to stay in Germany without fearing deportation when holding a Syrian passport. However, it has to be pointed out that Dublin III had failed long before, it was just this day that the BAMF made it ‘public,’ an act that is important to know in the chronology of the happenings during the following weeks (Faigle/Polke-Majewski, 2016).

5 September 2015 – A major Turning Point in the Refugee Crisis from a German Perspective

The night of 4/5 September 2015 will be remembered as sidereal hour of glory for humanity and the epitome of the ‘Willkommenskultur’ referring to the act of Angela Merkel, chancellor of the Federal Republic of Germany, to open Germany’s borders.
for refugees. However, her wording and act have been subject to heavy criticism for Merkel opponents and foreign governments when e.g. Hungary’s president Victor Orbán declared ‘the refugee crisis a German matter’ (Noviny, 2015). Due to the tense situation at the station in Hungary, where hundreds of refugees had been waiting to make their way to Austria, the competent authorities were expecting an escalation.

Werner Faymann, Austrian chancellor, wanted to open the Austrian border to let in refugees waiting directly behind the Austrian-Hungarian border: uncontrolled and without any bureaucracy in an exceptional time to relieve Hungary and to take some burden off the tense situation (Unknown, 2016 d). Merkel and Faymann wanted to prevent panic and to disburden Hungary. The politicians were sure that the people blocking the station while waiting for their chance to enter West Europe could only be stopped by force – which both denied (Rothenberg, 2016). In accordance with Merkel, Faymann released the breaking news on Saturday, 0.42 a.m., by declaring that ‘the refugees waiting in Hungary can enter Austria and Germany.’ However, that weekend around 20,000 people arrived in Munich, despite the expected number of 4,000–6,000 people (Unknown, 2016 d). Merkel’s slogan ‘we can make it’ became the trigger for what is known as ‘Willkommenskultur,’ when the refugees had been awaited at the stations by singing, hugging German citizens, handing over flowers to the newly-arrived ones. On this ‘trail of hope,’ an effusive description of Europe’s highways, hundred thousands more entered the Union on their way to the center of Europe, striving for a better future (Faigle/Polke-Majewski, 2016).

The ‘Merkel Effect,’ which defines a significant rise in numbers of persons seeking refuge in Germany after the decision of 4 September 2015, is correct in so far as the number of refuge seekers back then almost doubled from 30,000 to 60,000 refugees per week. However, the wave of migration has to be analyzed: many had already been on their route before the decision to open the borders was even made. Merkel’s decision might have motivated others to start migrating or to resettle to Germany, if already within the Union. But the people waiting in Hungary had been on their way for quite some time and did not expect an invitation, so the wave of migration has not initially been triggered by Merkel’s decision, as was argued by many critics later. The search engine ‘Google’ analyzed search requests with the word combination ‘asylum in Germany’ in Arab language. It could be proven that the search intensity immensely grew as of August 2015, yet not everyone searching for information on this matter would actually become a refugee. The data analysis also showed that Merkel’s slogan, which was later interpreted as unlimited invitation, had not directly increased the number of asylum seekers. The Google analysis underlines that many had already been on their way before or even thought about searching for refuge in Europe (Faigle/Polke-Majewski, 2016).
The general attitude towards foreigners and also the German ‘Willkommenskultur’ changed due to several incidents with persons under granted refugee status across the European Union. Angela Merkel’s decision including her slogan ‘we can make it’ was openly post-discussed and questioned by skeptics of the refugee matter and by anti-immigration supporters.
Annex J  Exclusive and Shared Responsibilities between the EU and its Member States

The following tables provide an overview of (1) the exclusive responsibilities of the Union, (2) the Member States’ exclusive responsibilities and (3) shared ones. The ranking does not imply priority, and the responsibilities mentioned are selected examples.

**Tab. J1  Exclusive EU Responsibilities (Article 3 (1) (a-e) + (2) TFEU)**

<table>
<thead>
<tr>
<th>Exclusive Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customs union</td>
</tr>
<tr>
<td>Rules on competition within the Single Market</td>
</tr>
<tr>
<td>Monetary policy for member states using the Euro as currency</td>
</tr>
<tr>
<td>Marine biological resources under common fisheries policy</td>
</tr>
<tr>
<td>Common commercial policy</td>
</tr>
<tr>
<td>Concluding international agreements</td>
</tr>
</tbody>
</table>

Source: Fontaine, 2006: 36

**Tab. J2  Shared Responsibilities between the EU and its Member States**

(Article 4 (1) + (2) (a-k) + (3) + (4) TFEU)

<table>
<thead>
<tr>
<th>Shared Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Market</td>
</tr>
<tr>
<td>Social policy</td>
</tr>
<tr>
<td>Economic and social cohesion</td>
</tr>
<tr>
<td>Agriculture and fisheries (except the ones named under exclusive EU responsibilities)</td>
</tr>
<tr>
<td>Environment</td>
</tr>
<tr>
<td>Creating an area of freedom, justice and security</td>
</tr>
<tr>
<td>Consumer protection</td>
</tr>
<tr>
<td>Transport</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Research, technological development and space</td>
</tr>
<tr>
<td>Humanitarian aid</td>
</tr>
</tbody>
</table>

Source: Fontaine, 2006: 36
### Tab. J3  Member States’ Responsibilities with Potential Support of EU
(Article 6 (a-g) TFEU)

<table>
<thead>
<tr>
<th>Member States' Responsibilities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Education, vocational training</td>
<td></td>
</tr>
<tr>
<td>Civil protection</td>
<td></td>
</tr>
<tr>
<td>Culture</td>
<td></td>
</tr>
<tr>
<td>Tourism</td>
<td></td>
</tr>
<tr>
<td>Human health</td>
<td></td>
</tr>
<tr>
<td>Youth and sport</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
</tbody>
</table>

Source: Fontaine, 2006: 36
Annex K  Temporarily Reintroduced Border Controls at October and December 2016 levels

The following tables show countries that have decided in favor of temporarily reintroduced border controls in May 2016. All data are taken from the online release by the European Commission. The time of research for this paper covered the end of the reintroduced border controls in November 2016 and the decision to prolong border checks, which led to an update of the website. Therefore, the same source is stated but with updated information.

**Tab. K1  Temporarily Reintroduced Border Controls (October 2016 levels)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Duration of Reintroduced Border Controls</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>12 May – 12 November 2016</td>
<td>Land border to Austria</td>
</tr>
<tr>
<td>Austria</td>
<td>16 May – 12 November 2016</td>
<td>Land border with Slovenia and Hungary</td>
</tr>
<tr>
<td>Denmark</td>
<td>1 June – 12 November 2016</td>
<td>Danish-German land border, Danish ports with ferry connection to Germany</td>
</tr>
<tr>
<td>Sweden</td>
<td>8 June – 11 November 2016</td>
<td>Several Swedish ports</td>
</tr>
<tr>
<td>Norway</td>
<td>10 June – 11 November 2016</td>
<td>Norwegian ports with ferry connections to Germany, Denmark and Sweden</td>
</tr>
</tbody>
</table>

Source: European Commission, 2016 e

**Tab. K2  Temporarily Reintroduced Border Controls (December 2016 levels)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Duration of Reintroduced Border Controls</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>12 November 2016 – 12 February 2017</td>
<td>Land border with Austria</td>
</tr>
<tr>
<td>Austria</td>
<td>12 November 2016 – 12 February 2017</td>
<td>Land border with Slovenia and Hungary</td>
</tr>
<tr>
<td>Denmark</td>
<td>12 November 2016 – 12 February 2017</td>
<td>Danish ports with ferry connections to Germany, Danish-German land border</td>
</tr>
<tr>
<td>Sweden</td>
<td>12 November 2016 – 11 February 2017</td>
<td>Swedish harbors in the police region South and West, Oresund bridge</td>
</tr>
<tr>
<td>Norway</td>
<td>12 November 2016 – 12 February 2017</td>
<td>Norwegian ports with ferry connections to Denmark, Germany and Sweden</td>
</tr>
</tbody>
</table>

Source: European Commission, 2016 e

Due to the massive number of persons seeking international protection (e.g. Germany, Austria), the unexpected migratory flow (e.g. Denmark, Norway) and the unprecedented influx of persons (e.g. Sweden), border controls have been reintroduced and prolonged for the European member states listed in the tables before.

A detailed list on member states’ notification of reintroduction of border controls at internal borders pursuant Article 25 et seq. of the Schengen Borders Code is not included in this paper, but the European Commission provides the updated list on the following website:

[https://doi.org/10.5771/9783828866881-115](https://doi.org/10.5771/9783828866881-115)
**Annex L  Selected Legal Frameworks on Migration and Mobility**

**L1  GAMM Framework**

The European Union’s ‘Global Approach on Migration and Mobility’ (acronym: GAMM) is an overall framework on migration, implemented as ‘Global Approach on Migration’ (acronym: GAM) in 2005, as comprehensive strategy to address irregular migration and human trafficking and to manage migration and asylum by intensified cooperation with third-nations (Stern, 2015).

GAMM includes frameworks on various levels, e.g. the Rabat Process of 2005, the Khartoum Process of 2014 and bilateral agreements with e.g. Cape Verde and Tunisia. The Rabat Process is referred to as model for the Khartoum Process under the GAMM legal framework (Stern, 2015). In the following the paper focuses on the Khartoum Process, but a comparison and depiction between the two legal frameworks will not be discussed.

**L2  The Khartoum Process**

The ministers of Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kenya, Lithuania, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Somalia, South Sudan, Spain, Sudan, Sweden, Tunisia and the United Kingdom and the European and African Union Commissioners in charge of migration and development, as well as the EU High Representative / vice president of the European Commission, met in the presence of Switzerland and Norway on 28 November 2014 in Rome to sign the ‘EU-Horn of Africa Migration Route Initiative,’ also referred to as Khartoum Process (Declaration of the Ministerial Conference, 2014).

The Khartoum Process is a framework between the member states of the EU and countries of the Horn of Africa aiming at concrete projects in the field of migration. The initiative was inspired by the ‘Rabat Process of the EU with West African States’ in 2005. However it differs as it includes Sudan and Eritrea, both generally ‘considered outlaws in the international community’ (Stern, 2015: 1). The initiative focuses on fighting illegal migration within countries of origin and transit and on preventing migrants from using illegal transportation. Root causes of irregular migration ought to be removed through increased development aid, but the Declaration does not include ways to establish legal migration channels further (Stern, 2015).

The regional dialogue on migration and mobility reflects challenges posed by mixed migratory flows of irregular migrants, refugees and asylum seekers between the Horn of Africa and Europe. Concerns were raised regarding the human and social impact of mixed migratory flows and the number of endangered lives due to journeys across e.g. the Mediterranean Sea. The prosecution of smugglers, traffickers and others organizing these journeys, were addressed as well. The states agreed on the impor-

By launching the 'EU-Horn of Africa Migration Route Initiative,' it was agreed to undertake concrete actions to prevent e.g. human trafficking and smuggling of migrants in a partnership of shared responsibility. Further cooperation should be in the area of bilateral and regional development to improve the national migration management. Moreover, horizontal cooperation should be strengthened in order to assist migrants in vulnerable situations. Criminal law frameworks and the ratification of the Palermo Convention were also considered effective measures fostering a well-managed mobility, including intra and inter-regional labor mobility, addressing irregular migration and assisting the national capacity on migration management (e.g. voluntary return and readmission in accordance with the relevant international conventions and the Geneva Convention (Declaration of the Ministerial Conference, 2014).

The Declaration is a balancing act between the conflicting interests of the participating nations. First, it is not sure whether the Khartoum Process will be effective in actually reducing the number of illegal migrants. Second, the shift of responsibility towards the supranational level caused distrust and antipathy across the European population, as it reduces accountability. It will be difficult to oversee supranational action on a domestic level (Stern, 2015). The fact that the initiative includes autocratic regimes is seen critical, especially as many of these states caused circumstances, which later on led people to seek refuge elsewhere. The European Union risks its reputation and credibility by dealing with these regimes, causing the impression that the Union supports human right violations and legitimizes the respective states as business and cooperation partners (Stern, 2015).

The 'EU-Horn of Africa Migration Route Initiative' lacks binding effects for the participating states, as the initiative launched is on voluntary basis ‘without prejudice to the sovereignty of the participating states.’ The Khartoum Declaration does not create legal rights under international law (Declaration of the Ministerial Conference, 2014).

In the absence of the creation of legal rights, the initiative seems inappropriate to provide assets regarding the current challenges. Despite the focus on human trafficking and the impact of migration flows, no concrete measures are defined, as it is upon the individual states to apply the initiative voluntarily. Before concluding an agreement, Europe should weigh up the risk of losing reputation against the actual outcome, not the desired one. These undertakings will lower the EU’s possibility to claim certain standards and cause long-term effects with unknown outcomes in case of being a future potential political victim or if beaten a trick.
The adaptive process of ‘re-orienting the direction and shape of politics to the degree that political and economic dynamics become part of the organizational logic of national politics and policy-making’ defines ‘Europeanization’ (see Glossary) according to Robert Ladrech (1994: 17) (Bulmer/Lequesne, 2013: 16). The innovative feature of Europeanization captured in this definition refers to the continuously changing European environment (Bulmer/Lequesne, 2013) and the impact the EU exerts on national states (Sedelmeier, 2012). In a scientific study, Ladrech empirically investigated French institutions and how they had been affected by the increasingly dominant role of European ‘supranational institutions’ (see Glossary). As the definition of Europeanization differs from ‘European integration,’ a term referring to e.g. political integration and a loyalty shift to the European level, the first expression is associated with a top-down approach, constituting the second phase of research on the EU (Sedelmeier, 2012). In order to study Europeanization, according to Maarten Vink and Paolo Graziano (2007: 3–20), it is essential ‘to start investigating at a domestic level and to detect, whether policies or institutions formed at EU level determine political challenges and pressures by the diffusion of European integration at the respective domestic level’ (Bulmer/Lequesne, 2013: 18).

Following Claudio Radaelli (2003: 27–56), as a consequence of European integration, ‘Europeanization is not convergence,’ as ‘it has to be distinguished between a process and its consequences.’ Harmonization is set as goal, but Caporaso and Jupille (2001: 21–43) argue that e.g. directives leave too much room for continued national diversity due to the non-direct applicability of directives, resulting in unexpected deviations at the domestic level (Bulmer/Lequesne, 2013).
Annex N  Definition of ‘Refugee’ according to the Geneva Refugee Convention of 1951  
(Article 1 GRC)

A. For the purposes of the present Convention, the term ‘refugee’ shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfill the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term ‘the country of his nationality’ shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B.

(1) For the purposes of this Convention, the words ‘events occurring before 1 January 1951’ in Article 1, section A, shall be understood to mean either:

(a) ‘events occurring in Europe before 1 January 1951’; or

(b) ‘events occurring in Europe or elsewhere before 1 January 1951,’ and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D.

This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E.

This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F.

The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Author's short digression: according to Article 16 a (I) GG, Germany grants asylum to those who are politically persecuted. Thereinafter, asylum is a basic right in the German constitution. How to treat the persecuted asylum seekers is defined in the Geneva Refugee Convention of 1951. Since 2002, people persecuted because of sexual orientation or due to gender are also granted the right of asylum in Germany. The European Charter of Human Rights prohibits the expulsion of individuals in case of ongoing severe human rights violations in the individual’s country of origin, even if the individual has not received the right of asylum due to several reasons (Bittner, 2016).
Historically speaking, Article 16a GG was defined in 1949, after the end of World War II. ‘We’ was actually interpreted differently than today: Foreigners were e.g. Spaniards or Russians, but actually the Article was primarily created for Germans. In its first formulation, Article 16a referred to the right of asylum for any German who was politically persecuted because of his engagement in democracy, unity, social welfare etc. It was changed, as ‘foreigners’ should also be granted asylum in case of their engagement in the previously mentioned activities and the ideal that asylum cannot just be granted to those who are culturally close to Germans (Bittner, 2016).
 Annex O  Brief Digression: Germany – An Immigration Country?

The following background information is summarized and exclusively taken from Karl-Heinz Meier-Braun (2013) in order to facilitate the understanding of the reader on the progress of German development concerning this matter with regards to today’s refugee crisis and the lack of an immigration act.

The first stage of Germany’s alien policy took place between 1952 and 1973 when many migrant workers, dominantly from Italy, followed the invitation to work under profitable conditions in Germany. Back then, it was expected that the migrant workers’ stay was temporarily, but as it became obvious that many settled down permanently in Germany, politicians started to discuss the advantages and disadvantages of keeping migrant workers during the second stage (1973−1979). The fear of intercultural and social conflicts led to a politically decided migrant-work-flow-stop in November 1973. This measure caused the remaining families to follow in order to prevent separation. The number of foreigners rose from 686,000 (1960) to 4.4 million (1980). Lothar Späth, prime minister of Baden Württemberg, officially declared Germany an immigration country in 1979 by referring to prior guest workers as migrants now.

The third stage can be described as development phase and implementation of integration concepts. The Kühn Report of 1980 already demanded an urgent social and political change and the final recognition of Germany as an immigration country in order to prevent unpredictable challenges arising from social developments, heated by potential intercultural conflicts. The influx of migrants, asylum seekers and economic migrants frightened the domestic population, as it was suddenly surrounded by people with different European, Asian and African roots. It was not just a phenomenon in selected metropolises anymore but turned out to be a common image in smaller cities as well. A breaking point was expected: at a foreign population share of 4.65 million, different strategies to handle the situation should be initiated at the time.

The fourth stage (1981−1990) in the process finally introduced a change to alien politics. Integration concepts were replaced by measures to limit foreign growth. Different means were debated (e.g. immigration stop in case the foreign share of e.g. the city of Frankfurt am Main would rise above 30%), while fear of social conflicts dominated and influenced the political decision-making. Thus, disagreement and continuous political denial for the urgent need to establish an immigration act prevailed and resulted in a social-political change towards xenophobia, whereby the fear of foreign infiltration prevailed. Debates triggered the common assumption that willingness and likelihood of foreign immigrants to assimilate and integrate would be rather unlikely. In this context, Franz-Joseph Strauß, Bavarian prime minister, introduced the concept of a ‘Prosperity-Asylum-Epidemic.’ The term refers to the impossibility to take in everyone around the world whose prosperity is below the German level. The tension climaxed in the elections of the federal state parliament in 1980. The NPD declared ‘Germany for Germans,’ and the question of the compatibility of celebrating Christian festivals in e.g. a kindergarten with a Muslim majority of minors aroused. Politicians promised to reduce the number of foreigners living in Germany. Yet during the reign

In the fifth stage (1990–1998), late repatriates and asylum seekers dominated the political sphere, while guest worker issues were neglected. Germany was confronted with a massive influx of foreigners from the previously named categories. Debates about Asylum Law continued, and the adoption of ‘asylum’ as basic right was implemented in the German constitution. In 1992, a report for the Ministry of Social Affairs of North Rhine-Westphalia showed the increased number of conflicts between refugees, late repatriates from the former Soviet Union and locals. A boy of Turkish descent but born in Germany claimed late repatriates for receiving the German passport and declaring themselves Germans, without even speaking the German language. The government supported late repatriates, mainly from Russia, by re-integration offers, like e.g. language courses free of charge, but missed the chance to do so with other immigrant groups, too. The situation climaxed as the conflict potential grew rapidly. The use of violence on the basis of xenophobia was driven by the extreme right-wing and increased especially in the new federal states in the early 1990s. In 1998, the parliamentary pre-election campaign demonstrated the split opinion about Germany being an immigration country or not.

During the sixth stage, the political parties declared that an irreversible immigration process had taken place. The demographic development was one of the political parties’ drivers to formulate an immigration and integration concept in order to handle future immigration. The thesis paper presented by the CSU in Bayreuth declared that ‘Germany was not a classical immigration country.’ Facing around 4 million unemployed people, the population questioned the previously defined consensus that Germany needed immigrants for its economy. The terrorist attacks of 9/11 also changed the perception of the foreigner-debate, as it was not an attack against New York but against the West, which negatively affected the generally positive attitude towards regulated immigration. Edmund Stoiber, prime minister of Bavaria, declared that Germany was still not an immigration country (2001). Stoiber did not deny that immigration was taking place, but he referred to humanitarian aid as the reason for the existing immigration. The same day, Petra Müller, head of the Commission for Immigration, declared that Germany was indeed an immigration country. Sigmar Gabriel, minister for economic affairs and energy, criticized the unregulated immigration of late repatriates from the previous Soviet Union and referred to statistics identifying this particular migrant group as the largest one – and the one with a high share of causing conflicts. Gabriel requested late repatriates and prospective migrants to prove persecution in the countries of origin to systematically reduce the number of late repatriates entering Germany.

The politicization of Aliens and Asylum Law, which had been abused for political party profiling before, dominated the political landscape again. Heiner Geißler, CDU general secretary, stressed the importance to condemn excessive nationalism. In the post-war history, the Aliens and Asylum Law became a focus of domestic political topics. Today, around 16 million people living in Germany (population: 82 million) have an immigration background, representing 19.6% of the population. The majority
is from Turkey (~3 million), Poland (~1.5 million), Russia (~ 1.2 million), Kazakhstan (~0.9 million) and Italy (~0.8 million).

The fact that immigration is taking place has already been noticed in the 1960s, but the lack of concrete concepts and the failure to take decisions in advance to influence the overall societal political scene in order to reach sustainable integration demonstrated again the persistent negation and neglect of immigration as factor. Article 73 (1) No. 2 GG issues that immigration is a federal task, however, the government officially denied that Germany was an immigration country and the concept of temporarily staying guest workers prevailed for centuries. Today, the refugee crisis challenges not only Europe's but also Germany’s legal basis. In 2006 Wolfgang Schäuble, federal minister of the interior, declared that 'Islam is part of Germany and part of Europe.' In 2010, Christian Wulff, federal president, stressed the pun of a 'Bunte Republik Deutschland' (English: *Federal State of Germany*), replacing the term 'federal' with 'colourful,' referring to the different ethnical and cultural backgrounds of families living in Germany. Later in 2011, the new federal minister of the interior, Hans-Peter Friedrich, dissociated himself from Schäuble's words but did not deny that 'Muslim people living in Germany are part of Germany, however, historically seen Islam has no roots in Germany.' A study of the Institution of Labor Market and Occupational Research in Nürnberg revealed in 2010 that xenophobia has increased in the politically moderate societal layer. The polling institute TNS Emnid at the University of Münster discovered that 40% of the population actually feared foreign infiltration. Due to the intensive focus on integration policies over the last years, asylum and refugee politics were not developed further, which became obvious in 2012 when the first wave of refugees entered the federal territory of Germany as a result of the Arab Spring.
Annex P  Statistics on Asylum

Germany received 702,293 initial asylum applications in 2016, which is a plus of 79% compared to 2015 (392,028 initial asylum applications). The number of follow-up applications decreased to 20,535, resulting in a total amount of asylum applications of 723,027 in 2016, which equals a total increase of 70.1% compared to 2015. The total protection rate of all countries of origin is at 63.3% (BAMF, 2016: 2)

Tab. P1  Overview of Initial Applications and Protection Rate in Germany (2016)

<table>
<thead>
<tr>
<th>Country</th>
<th>Initial Applications</th>
<th>Percentage of all Initial Applications</th>
<th>Protection Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syria</td>
<td>262,268</td>
<td>27.3%</td>
<td>98.1%</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>124,909</td>
<td>17.8%</td>
<td>55.5%</td>
</tr>
<tr>
<td>Iraq</td>
<td>94,251</td>
<td>13.4%</td>
<td>70.3%</td>
</tr>
</tbody>
</table>

Source: BAMF, 2016

Tab. P2  Asylum Applications in the Union and in selected Member States (January – September 2016)

<table>
<thead>
<tr>
<th>Country</th>
<th>Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>723,027</td>
</tr>
<tr>
<td>Italy</td>
<td>67,555</td>
</tr>
<tr>
<td>France</td>
<td>63,310</td>
</tr>
<tr>
<td>Sweden</td>
<td>57,395</td>
</tr>
<tr>
<td>Austria</td>
<td>29,065</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>24,175</td>
</tr>
<tr>
<td>Greece</td>
<td>7,610</td>
</tr>
</tbody>
</table>

Source: Eurostat, 2016
Fig. P1  Share of Countries of Origin for Initial Applications in Germany (2015)

Source: BAMF, 2015
Annex Q  The Registration of Refugees portrayed exemplarily at the Federal Republic of Germany

The number of reports about multiple registration of refugees and the simultaneous collection of benefits from various social welfare systems by using different identities is not surprising by critically analyzing the current status quo. In the absence of law harmonization and the lack of centralization, the member states use different systems for registration, causing secondary illegal migration and triggering social frauds committed under diverse identities (Unknown, 2016 e). The Federal Republic of Germany is used as an example to underline the importance to harmonize standard procedures and systems within first, a country, and second, among the member states on a supranational-level.

Refugees arriving in Germany are primarily registered via the tracking system ‘Easy’ and are distributed to the 16 federal states on the basis of an allocation key called ‘Königssteiner Schlüssel,’ which is based on quotas including the income and the number of population. However, the system does not register any personal data (e.g. names, fingerprints) or criminal history, and in case of an allocation to e.g. Bavaria, the refugee might still decide individually against the official guidelines and move to e.g. Berlin. The right to move freely within a member state is granted to an individual recognized under international protection (Article 33 of the Directive 2011/95/EU). As no personal data are registered, the competent authorities in Berlin will most likely grant new papers to the individual, as they cannot check on the identity or on potential prior registration, especially if a new name and a new identity are stated. In 2015, around 13% of the registered and allocated refugees never reached their target place but disappeared from the screen. The federal states also differ e.g. when it comes to granting a health care card, accommodation and to providing integration courses. The benefits also vary in height and in the form they are issued. So far, only Bavaria sticks to granting benefits in voucher form and performance in kind, other federal states like Hesse or Saxony-Anhalt hand out monetary means in cash but rethink this measure now in order to prevent improper spending (Fischer/Gathmann, 2016).

Not all federal states use the IT application Easy. Hamburg, as an example, uses ‘Paula Go’ (Stadt Hamburg, 2016). The fact that Germany uses different systems for registering refugees on the national level makes the application of various systems across Europe not surprising. The lack of harmonization leads to the inability to exchange data and besides to the fact that e.g. Easy does not save fingerprints or personal data at all (Aust/Bewarder, 2015). In case of terrorism and prevention mechanisms, the registration systems were heavily criticized, as e.g. the attackers from Paris in 2015 were traced to have entered the Union via the Balkan Route with forged Syrian passports (Diehl/Reimann, 2015). The inability of competent authorities and police forces to collect sustainable evidence in time is the result of a lack of knowledge about the individuals’ past or criminal history. Additionally, Frontex cannot access the databases of Europol and Interpol. It is extremely difficult to differentiate between forged
passports and real ones (Aust/Bewarder, 2015), but data synchronization would reduce the existing security risk.

Every German national holds an ID Card, which is uniform and equally valid in all 16 federal states. Yet, in many cases, refugees arrive without passport or identification documents, because of loss or because it enhances the chances to stay under a different identity and a misstated nationality. However, the residence title, which is granted after successful recognition as refugee, has not been uniform. Multiple registrations, time-consuming procedures and the exchange between BAMF, Federal Labor Office, Federal Police Force and other authorities slow down the entire process. It was not before April 2016 that North Rhine-Westphalia, as first of the 16 German federal states, introduced a new proof of arrival on the federal government’s decision (Stawowy, 2015) by starting to collect biometrical data from newly arriving refugees to avoid the abuse of multiple registrations. The idea was to create a nationwide database for the authorities to compare biometric data and to double-check potential prior registrations before handing out final documents (N24, 2016). Without a valid prior registration, neither an application for asylum nor (monetary) benefits should be granted. The implementation of the new proof of arrival aims at faster processing periods resulting in a facilitated procedure (Stawowy, 2015). Nevertheless, the process of implementation is time-consuming and allows many to still benefit from the fragmented application systems.
The Directive 2011/95/EU

The Directive 2011/95/EU of the European Parliament and the Council ‘on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted’ was issued on 13 December 2011. The purpose was in defining ‘standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted’ (Article 1).

According to Article 5 (1), ‘a well-founded fear of being persecuted or a real risk of suffering serious harm may be based on ‘events, which have taken place since the applicant left the country of origin,’ or ‘on activities, which the applicant has been engaged in since he or she left the country of origin’ (Article 5 (2)). Actors of persecution include the state (Article 6 (a)), parties or organizations (Article 6 (b)) and non-state actors (Article 6 (c)).

Member States would not grant international protection, if ‘in a part of the country of origin, the individual had no well-founded fear of being persecuted or is not at real risk of suffering serious harm (Article 8 (1) (a)) or had access to protection against persecution or serious harm (Article 8 (1) (b)). This means that the individual ‘can safely and legally travel to […] that part of the country and can reasonably be expected to settle there.’ In order to decide on granting international protection, the Member States should ensure the cooperation with the United Nations High Commissioner for Refugees and the European Asylum Support Office to get information on the general circumstances prevailing in that part of the country and on the personal circumstances of the applicant (Article 8 (2)). The Directive provides a list with qualifications for being a refugee in accordance with Article 1 (A) of the Geneva Convention by naming acts of persecutions (Article 9), e.g. violation of basic human rights (Article 9 (1) (a)), violations of human rights (Article 9 (1) (b)) and by qualifying the form of persecution, e.g. acts of physical or mental violence, including acts of sexual violence (Article 9 (2) (a)), legal, administrative, police and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner (Article 9 (2) (b)), prosecution or punishment which is disproportionate or discriminatory (Article 9 (2) (c)), denial of judicial redress resulting in a disproportionate or discriminatory punishment (Article 9 (2) (d)) or acts of a gender-specific or child-specific nature (Article 9 (2) (f)). In order to obtain international protection, one of the reasons written down in the list in Article 10 and Article 9 (1) must be fulfilled (Article 9 (3)).

Reasons for persecution include, inter alia, race, color, descent or membership of a particular ethnic group (Article 10 (1) (a)), religion or holding of theistic, non-theistic and atheistic beliefs, including e.g. the participation in, or the abstention from formal worship in private or public (Article 10 (1) (b)) and political opinion (Article 10 (1) (e)).
A third-country national or a stateless person is excluded from the definition ‘refugee’ according to the Geneva Convention if considered under scope of Article 1 (D) of the Geneva Convention ‘relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees’ (Article 12 (1) (a)). A person is also excluded from the status refugee, if the individual has committed, inter alia, war crime or crime against humanity (Article 12 (2) (a)). However, every individual, qualified as refugee under the Directive (Chapter II+III), shall be granted international protection under refugee status by the Member States (Article 13). In accordance with the rights laid down in the Geneva Convention, Article 21 refers to the protection from refoulement, as Member States have to respect the principle of non-refoulement in accordance with their international obligations according to Article 21 (1). Article 33 of the Geneva Refugee Convention refers to the principle of non-refoulement as prohibition to return or expel a refugee. No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (Article 33 I GC), as was explained by the Committee: ‘the turning back of a refugee to the frontiers of a country where his life or freedom would be threatened on account of his race, religion, nationality or political opinion, would be tantamount to delivering him into the hands of his persecutors.’

The Directive defines access to employment (Article 26), access to education (Article 27), access to procedures for recognition of qualifications (Article 28), access to social welfare (Article 29), healthcare (Article 30) and access to accommodation (Article 32) for an individual under the status of a refugee according to the Geneva Convention. Additionally, Freedom of Movement within the territory of a Member State is granted to ‘beneficiaries of international protection, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories’ (Article 33).

The Directive is important, as it highlights that every individual defined as refugee is granted international protection within the European Union and refers to the principle of non-refoulement in accordance with the Geneva Convention of 1951. It is a directive, not a regulation, but it still binds the member states at least to a common ground, yet, as discussed in the paper, the actual usage, implementation and solidarity among the member states are lacking on this matter.
Annex S  Differentiation between Directive and Regulation

The legal basis for a regulation is laid down in Article 288 para. 2 TFEU. Thereinafter, a regulation has general application, as it is binding in its entirety and directly applicable in all member states.

In contrast, a directive is governed by Article 288 para. 3 TFEU, stating that a directive ‘shall be binding upon each member state to which it is addressed, but shall leave to the national authorities the choice of form and methods.’ A directive is not directly applicable but needs to be implemented on national level. A union-wide harmonization cannot be achieved by releasing a directive, but the actual accordance and acceptance is improved, as the member states are free to achieve the directive’s end regarding form and method (Kenealy/Peterson, 2015).
Annex T  Terrorist Attacks

Terrorist Attacks Worldwide (2015)

The following figure provides an overview of the terrorist attacks executed in 2015. With focus on Europe, a geographical concentration becomes obvious in Germany and France. Other areas on the world map and potential geographical concentrations of attacks are not argued further.

Fig. T1  Terrorist Attacks (2015)

Source: Global Terrorism Database, 2016 b, adopted by Dankert, 2017
**Terrorist Attacks in Detail**

*Fig. T2  Types of Terrorist Attacks in Europe*

![Graph showing types of terrorist attacks](chart)

- Bombing / Explosion
- Assassination
- Armed assault
- Unarmed assault
- Hostage-taking
- Facility / Infrastructure
- Unknown

Source: Global Terrorism Database, 2016 a

*Fig. T3  Number of Injuries in Terrorist Attacks*

![Graph showing number of injuries](chart)

0
1−10
11−50
51−100
101

Source: Global Terrorism Database, 2016 a
The lack of democratic governments in the Arab world is not because Arabs are per se afraid of democracy, although many do not have access to literature to understand the term in its full meaning. The separation of secular humanism and the isolation from developing a bourgeois society which, back then, enabled the freedom of thought, the right of self-determination, tolerance and the right of taking initiative in the West, is lacking. So far, no Muslim state, apart from Turkey, has declared itself secular (Mernissi, 2002).

Democracy (Arabic: *dimukratia*) refers to fear of the unknown, as it enables everyone to read, think and behave in any possible way. Many other words have been adopted in the Arab language like e.g. car (Arabic: *sayyara, automobile*) or telephone (Arabic: *telifun*). Nevertheless, no other adopted word is as intensely debated as the term ‘democracy,’ which is derived from the Greek. The autocratic regimes refer their legitimacy out of religion, the ones demanding democracy are called ‘kafir’ (English: *non-believers*). The translation reveals that the term democracy is not only foreign to the culture, but it also raises a conflict of interests. Supporting democracy means supporting the unbelievers. The Arabic word for ‘West,’ which refers to Europe but also to America and Canada, is ‘*garb*’; literally meaning *darkness or the inconceivable*. It is the literal area of the strange, the unknown (Arabic: *al Garib*), which includes everything that is frightening and elusive. Islamists argue that a secular state will remove the memory of the Prophet Muhammad and will lead to the renunciation of God, triggering hubris resulting in nihilism as part of what is considered and feared as ‘Western aggressive consume culture’ (Mernissi, 2002).

Contrary to Judaism and Christianity, ‘Islam’ does not root in a tribe or person but in a relationship, as it literally means *submission, surrender or the laying down of arms to finish the state of war*. ‘Istislam at-tasallum’ means *ceasefire or interruption of hostility*. Looking at the year 8/630, Mekka was a city in pagan Arabia with a multitude of more than 360 gods. The daily lives back then were characterized by violence and fear, which can be summarized as ‘*shirk*’ (English: *merge*). The year 8/630 refers to the date of conquest of Mecca through Muhammad by literally overthrowing the diversity of gods from the throne and replacing them by monotheism. Islam changed the status quo as it guaranteed peace, so the people abjured the freedom of thought and religion in return (Mernissi, 2002).

The reference text for democracy is the Charter of the United Nations. After World War II, Muslim territories had been transferred to quasi parliamentary democracies on paper. The majority of the Arab states signed the Charter, but their actual reference text remained the Qur’an. Despite the signature, incompatibilities between the Charter of the United Nations and the Muslim states appeared. As this paper does not focus on a juxtaposition of religious norms and articles of the Charter, some examples are provided afterwards just to get an idea about the conflicting situation.

Article 1 (3) UN Charter describes the purpose of the Charter in achieving ‘international cooperation […] in promoting and encouraging respect for human rights.
and for fundamental freedoms for all without distinction as to race, sex, language and religion.’ The Charter refers to ‘equal rights and self-determination of people’ and highlights the universal respect for human rights and fundamental freedoms for all without distinction as to race, sex, language of religion (Mernissi, 2002). The equality of men and women is laid down in Article 8 UN Charter and in the determination of the signatories on page 2 UN Charter. Mernissi (2002) refers to Article 8 as anti-discriminatory fundamental right versus practiced sharia. Article 18 UN Charter refers to the definition of ‘jahiliyya’ (English: ignorance), meaning to revert to the status quo of the year 0/622, as Mernissi connects the article to the freedom of conscience. The concept of ‘voting,’ as depicted in the article, supports the claim for freedom of conscience and freedom of thought, although the article is about the General Assembly. The presidential electoral reality in many states is to be elected for a lifetime (Mernissi, 2002) like e.g. Mahmud Abbas, Jassir Arafat or Ali Abdullah Saleh. In 2011, Saleh, president of Yemen, had to step down after 32 years of presidency, as the opposition claimed the lack of democratic elections in the country during the Arab Spring in Yemen (Borgstede, 2011).

H.R.H. Amir Faisal Ibn Abdul Aziz, viceroy of the Hejaz and minister for foreign affairs and chairman of the delegation from Saudi Arabia, officially signed the United Nations Charter at the San Francisco Conference in June 1945 (United Nations, 1945). Mernissi (2002) points out that Saudi Arabia, including other Muslim states as signatories, never opened up to further debates about the relationship of religion and state in the respective countries. The Charter of the United Nations awakes the Muslim idea of ‘shirk,’ which etymologically means to merge, to join and which is seen negatively, as it is heavily interwoven with the time of chaos and confusion. The question of democratizing Muslim countries triggers a conflict between Islam and ‘shirk,’ which is seen as synonym for freedom and pluralism. Islam replaced individuality by including the single individual in a community (Arabic: umma) in order to create uniformity and equality. Thus, individualism is exchanged for lasting peace (Mernissi, 2002).

From a Muslim perspective, the term ‘party’ is associated with a rather negative connotation, meaning ‘hizb’ and ‘si‘a,’ referring to a group of people having different opinions. The term has a sectarian character, causing a split, as it refers to the so-called ‘army of non-believers’ (Arabic: djunud al-kuffar). Historically, the army of non-believers, as the Quraish tribal people favoring polytheism were called, were the ones combating Muhammad during his siege of Mecca. Their polytheism is seen as synonym for the variety and diversity of gods and at a subtle level, it can be referred to the freedom of opinion, resulting in pluralism (Mernissi, 2002).

Some researchers refer to the importance to provide development aid in countries of origin and to undertake military interventions to establish democracy in autocratic states of Middle Eastern regimes. But the conflicts between the Charter of the United Nations and the idea of democratization in Muslim countries arise by name. The term ‘democracy’ refers to one of the pillars of Western societies. However, it was declared a Western illness by many regimes before, mainly to keep the civilians calm. During the peace walks of 1991 on the ongoing Gulf War in Bagdad, people first expressed
their wish for political change by openly claiming: ‘Ma sa’luna! Ma sa’luna! Al-qarar qararuna!’ (English: *we haven't been asked! The decision is at us!*) (Mernissi, 2002).

Undoubtedly there is a movement across Arab countries, supported by those striving for change. Despite the terror of violent organizations, it can be said that even these formatted violent groups strive for change, despite their backwards orientation (Mernissi, 2002).
Annex V  Concealment Worldwide: Selected Portray of Countries forcing or banning the Islamic Veil

Fig. V1  Concealment Worldwide

- Headscarf ban for state servants and in public institutions
- Burka ban
- Regional burka ban
- Governmental enforcement to cover with hijab or niqab
- Governmental enforcement to cover with hijab

Source: Speer, 2016
Scientifically speaking, there are four categories of immigrants adopting a local culture: \textit{assimilation} (= adopting local culture, while continuing to practice the original culture), \textit{integration} (= maintaining original culture and adopting local culture), \textit{separation} (= maintaining original culture and failing to adapt to local culture) and \textit{marginalization} (= failing to adapt to local culture and failing to maintain the original one) (Ghorbani, 2011).

The differentiation equals the degree of migrants’ willingness to give up or stick to the original culture. Depending on the multi-religion and multi-ethnic societies of host-countries, people and governments vary regarding their acceptance of newcomers. Typical immigration countries like America employ a ‘melting pot’ policy, which is referred to as ‘Americanization’ (Ghorbani, 2011) or ‘Civil Integration’ (Mouritsen/Faas, 2015). The local culture rejects the immigrants’ practices as intolerable, fearing to lose control, so the newcomers’ culture is not appreciated as addition to the domestic one. Melting pot societies encourage immigrants to think like locals and aim to integrate them as adapted members of the domestic culture including values, attitude, behavior and practice (Ghorbani, 2011).

In contrast, multicultural societies embrace the mixture of cultures as addition to the local community (Ghorbani, 2011). ‘Multiculturalism’ as term was first used in 1971 in educational literature and became popular as Canada adopted the expression to label its policy on linguistic differences and cultural diversity (Bryson, 2002). Differences in terms of cultural values are part of this ethno-cultural merger, where cultures co-exist within a society, enriched by individual cultural additions (Saunders, 2012) based on respect, integrity and tolerance. Multiculturalism as paradigm of pluralism (Henry, 2002) increases the likelihood of a successful integration. In contrast, the melting pot policy leads to assimilation, marginalization or separation (Ghorbani, 2011).
Annex X  Support for Sharia across 39 Muslim Countries

Fig. X1  Support for Sharia
(Percentage of Muslims who favor to make sharia the official law in the country)

Source: Pew Research Center, 2013
Fig. X2  Higher Support for Sharia where Islam is the officially favored Religion

The data are important and have to be understood as background information, relating to the number of nationals seeking refuge in the Union and the percentage of affiliation of certain nationalities with Islamic law. The paper will not focus on this issue further, but the actual non-compliance with the rule of law, and Islamic law as thought-impulse should be given here, referring to the integration task as challenge for the European Union in the years to come. The consequences of a conflict of profound interests between the sharia and the rule of law should not be underestimated.
Annex Y  Mutual Suspicion and Incrimination thwarting Impartiality

Missing will and failure of international endeavors to solve issues increased the divergence of value systems between the Orient and the Occident. The Orient interprets the Western demand for freedom and democracy in Arab countries as hidden enforcement of Western interests, like access to natural resources. Since the early 1980s, religion has constantly been displacing the development of a modern civil society by commencing on common values on the basis of religious conviction. Both sides make a bogeyman out of the counterpart. Not political interests but religious belief marks the boundary along the longitudinal side where the conflicts are dealt with. Members of other religions are murdered, not because of their belief primarily but due to their belonging to a certain culture, creating a paradox situation. In the Western society, Islam is seen as disruptive factor in the development of a global society, as Islamic states and Islam in general are equated with a lacking ability to change. In contrast, the Orient fears the Western submission in order to control and exploit mineral deposits. The situation is paradox and portrays the deep crisis of confidence whereby the gap is increased by every religious minority searching refugee in the West. The suspicion becomes obvious, as it is claimed the West had no interest in exporting democracy but did so due to several other interests (Tilgner, 2006), which are not explained further.

Many Arab intellectuals see the elimination of e.g. Saddam Hussein as an attempt to weaken the Arab world with the aim to access oil resources. The increased discrepancy between ideological claims of the regime and the corruption, repression and incompetence of authorities triggers the wish for codetermination supporting rule of law and accountability of the respective rulers. The media fuels the created bogeyman by limiting the reporting to a non-differentiated image of the oriental society, e.g. Iran. Despite its complexity, Iran is portrayed as center of radical Shia Islamism. The possibilities to engage in a dialogue are limited, as the imposed perception removes the complexity and existing differences within the oriental society (Tilgner, 2006).
**Annex Z  Performance of Right-Wing Populist Parties in European Parliamentary Election**

The following figure provides an additional graphical overview of the performance of right-wing populist parties in European Parliamentary Elections with voting share in percentage.

**Fig. Z1  Europe drifts to the Right**

Source: McCarthy, 2016