SALING THROUGH THE STORMS – A BALKAN RESPONSE TO CONTEMPORARY MIGRANT AND REFUGEE CHALLENGES[1]

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ABSTRACT

As a result of the geopolitical significance, the Balkan region throughout history has been a scene of numerous disruptions. This was reflected in the recent migrant and refugee crisis that faced the Balkan countries with serious challenges. Through analysis and comparison of the common measures taken by the concerned countries, this paper attend to present what we learned from this challenges, as a base for further Balkan cooperation.

KEY WORDS: Balkan countries, migrant and refugee challenges, solutions

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[1] review scientific papers

INTRODUCTION

"The protection of refugees is not the responsibility of countries that are neighbors of crisis hotspots, it is the collective responsibility of the international community" (UNHCR 2017, 13). These words of Antonio Gutierrez, Secretary-General of the United Nations, were accepted by the Balkan countries during the migration crisis. Learned from their own experiences, they showed great skill in dealing with it.

Due to its geographical location as a crossroads between continents, the Balkan region always has been a ground for the movements of the different ethnicity. And the recent great migration crisis across the Balkans were preceded by similar migration movements originating from this region.

In 2015 and 2016, over one million refugees from the Middle East hot spots, affected by wars, as well as economic migrants from other countries headed for the European Union (EU), through the Balkan region and confronted the continent with a humanitarian and security threat. The Balkan countries themselves are tackling their own internal economic and political challenges, so the migration crisis has been an additional burden for them. But in some way, the crisis seems to contribute to the unification of the region. Faced with the common problem, the Balkan countries realized that each of them, by itself, cannot solve it and that it is necessary for cooperation. By taking measures to facilitate the crisis, this region proved to the EU that the Balkan borders is the borders of the common security.

STORM BEFORE THE STORM – MIGRANTS FROM THE BALKAN COUNTRIES IN THE EUROPEAN UNION BEFORE MIGRANT AND REFUGEE MOVEMENTS ACROSS THE BALKAN REGION

Less than two years ago, before migrants and refugees from Middle East and other countries, flooded the Balkan region on their way to the EU, several thousand migrants from the Balkan countries went on the same road. Immediately after the visa liberalization for the countries of the Western Balkans in 2009, a large number of persons from this region, legally with a passport, went to the EU (most often in Germany) and there apply for asylum. Their number grown sharply in 2014. With 66,000 asylum applicants from Albania and as well as the same number from Kosovo, both countries counted

among the top five asylum-applicants in the EU for 2015, just behind Syria, Afghanistan and Iraq (Eurostat, 2014/2015). And other Balkan countries did not lag behind this two countries. The most frequent asylum applicants were persons of Roma nationality. The main reasons for that are rising unemployment, poverty and social inequality in their countries. Moreover, another reason is growing disappointment with political situation in their countries with partocracy and clientelism that produced "captured state". The citizens by this country had to apply for foreign citizenship and to seek foreign passports, mostly from Bulgaria, that opening the doors for them to work in the EU.

The reaction of the EU was aimed at removing the consequences, rather than preventing the causes of the phenomenon. The EU shifted the blame in the Western Balkans countries that contribute for adoption of a new legislation. So, North Macedonia in 2011 amended the Criminal Code by introducing the criminal act "Abuse of the visa-free regime with the EU Member States and the Schengen Agreement" (The Criminal Code, Art.418-d). Similar changes were made in criminal legislation on the other Balkan countries. Even more, they began profiling its citizens upon departure, stopping certain categories of citizens from leaving for Western Europe (European Stability Initiative 2013, 8-11). That contribute some organizations for protection of human rights to accuse this countries for discrimination of citizens, especially Roma people (Taleski 2016, 2-3). In the same time, the Migration Commission and the European Council concluded that the Western Balkan countries and Turkey are "safe countries" and that the asylum applicants by these countries will be rejected (European Commission 2015, 3-6).

These repressive measures cannot eliminate the reasons for migration movements. On the contrary, it contributed to the increase in illegal migration and the spread of organized criminal networks. According to Europol, over 90% of illegal migrants, used services offered by migrant smuggling networks, which brought them profit between 3 and 6 billion Euros (Europol 2016, 2). Besides that, migration wave from the Balkans, helped migrant smugglers to prepare ground for the later large migrant and refugee storm.

**LARGE STORM ACROSS THE BALKANS - THE GREAT REFUGEE
AND MIGRANT CRISIS**

Between the summer of 2015 and early 2016, the European continent has faced with the largest migration processes in its history. Many perceived this as "a new migration of nations". Most of them entered the EU through the route of the Western Balkans and traveled to Hungary or Austria, then in Germany and Northern Europe. In 2015 from Turkey to Greece, 856,723 migrants arrived by sea. Of these over 600,000 people went through Greece in 2015 (House of Commons 2016, 4). While in 2016 about 172,000 people arrived in Greece by sea (European Commission 2017, 1). According to the International Organization for Migration, a total of 639,152 migrants transited through Serbia, starting from early 2015 to February 2016 (IOM 2016, 7).
Statistical data show that in the period from 16 September 2015 to 5 March 2016, 658,068 persons were transferred to the territory of Croatia (At the Gate of Europe 2016, 11). When Hungary closed the border with Croatia, migrants were diverted to Slovenia, where the Ministry of the Interior recorded more than 378,000 transits in 2015 (UNHCR 2016, 113). According the European Parliament, until January 2016, about 408,000 people passed through Slovenia (At the Gate of Europe 2016, 14).

Table 1: Asylum seekers before, during and after the refugee crisis (Weber 2017, 6)

Country	2014		2015		2016	
	Asylum seekers	Positive decisions	Asylum seekers	Positive decisions	Asylum seekers	Positive decisions
N.Macedonia	1,289	13	435,907	3	89,152	6
Serbia	16,490	11	577,995	30	12,821	42
Croatia	450	25	149	40	2, 150	100
Slovenia	385	45	260	50	1,265	170

What were the reasons for this massive flood of refugees through the Western Balkans ?! As more significant, the following could be distinguished:
1. The strategic geopolitical position of the Western Balkans;
2. Lower risks compared to the "deadly" central Mediterranean route;
3. The new route for the migrants was shorter, especially for those coming from the Middle East, for which Turkey was at an easier reach than Libya;
4. The road and railway infrastructural links between the states;

5. The border control systems still show major structural deficiencies;

6. The low level of cooperation between states in terms of border control;

7. Criminal smuggling networks, which were elaborated from the mentioned migration movements of citizens from the Balkan countries, etc.

This confronts the Balkan countries with numerous challenges, of which the largest was of humanitarian nature. As signatories to the UN 1951 Convention and the 1967 Protocol on the Status of Refugees, all countries have a duty to provide refugees with access to protection and various rights. But most of the countries agreed to be only a "transit country." After closing the border with Greece in March 2016, North Macedonia left a large number of migrants in the border area without any living conditions. Croatia and Hungary, have returned migrants back to Serbia using brutal methods. Such acts of violence are contrary to the UN Convention against torture and inhuman treatment.

Second, most Balkan countries have an inadequate system of asylum. In November 2015, Slovenia, Croatia, Serbia and North Macedonia began to select asylum applications only for citizens of Syria, Iraq and Afghanistan and many other applicants were rejected.

Third, as the number of refugees and migrants grew, it turned out that these countries do not have sufficient centers for their acceptance, and the existing centers were overburdened, without basic hygiene conditions.

Fourth, instead of "safe countries", many of migrants died by train strokes, following the railroad. Others were robbed by local criminals or beaten up, and others suffered in mutual battles between the migrants.

Fifth, families were separated along the road through the Balkans, and many children were left to travel without escort (Report from the Balkans 2016, 3).

But in spite of these deficiencies, the Balkan countries have undertaken a series of positive measures to deal with the migrant crisis.

Croatia has set up two reception centers for refugees and asylum seekers. The government has improved regular interagency coordination and meetings chaired by the UNHCR (Regional Refugee and Migrant Response Plan 2016, 101). Many local NGOs were active in assisting refugees before they arrived in Croatia. The citizens showed solidarity by offering food, clothes, blankets and other needs. Some have offered to transport free refugees to the Slovenian border (At the Gate of Europe 2016, 13-14).

In Slovenia, the revised asylum legislation entered into force on 24 April 2016, providing accelerated processing of asylum applications (Regional Refugee and Migrant Response Plan 2016, 99). On 4 March 2016, a new Law

on International Protection introducing some important changes: the right to financial compensation, which is abolished upon leaving the asylum center and private accommodation for family who received subsidiary protection (Parliamentary Institute 2016, 50).

The relevant legislation in Serbia regarding the refugee consists of the 2008 asylum laws, foreigners and state border protection and the Law on Migration of 2012 (At the Gate of Europe 2016, 9-10). The Serbian Asylum Care Center mobilized hundreds of volunteers to provide assistance to migrants.

SALING TOGETHER THROUGH THE STORM – COOPERATION AMONG THE BALKAN COUNTRIES IN DEALING WITH THE MIGRANT CRISIS

Despite the stated measures and adjustments to national laws with international standards and the situation on the ground, none of the Balkan countries without mutual cooperation could not successfully deal with the migrant crisis. After the Western Balkans Summit of 25 October 2015, more attention was paid to the regional engagement of the countries because, as pointed out, "... only a collective, transboundary cooperative approach can solve the problem" (European Commission 2015, 1). But in addition to negative, the crisis has also played a positive role and has thrown away the need for governments to cooperate to achieve their goals for dealing with it.

The creation of a corridor along the route of the Western Balkans was not a novelty. It was already applied one year earlier by smugglers with people from the Balkan region. The novelty was that now the states have taken control of migrant transport and have become a kind of institutionalized "traffickers". But unlike the actual merchants, the intention of the states was different - to provide safe and humane transport.

Although the co-operation has been strengthened, it has de facto taken place outside the formal framework of EU law, such as the Provisional Protection Directive (2001/55 / EC) and the Dublin III Regulation. Therefore, changes in the national legislation of these countries were necessary. In June 2015, the Parliament of North Macedonia adopted an amendment to the Law on Asylum and Temporary Protection. According to this amendment, refugees and migrants can apply for a passport which will allow them to stay in the state for 72 hours. During this period, they may apply for asylum or continue on their way to Serbia. In July 2015, Croatia adopted a new Law on

International and Temporary Protection. But during the crisis, Croatia only transmitted people through its territory.

In February 2016, the police chiefs of Austria, Slovenia, Croatia, Serbia and North Macedonia signed a statement on the registration of refugees at the border between the North Macedonia and Greece. This means that after registering illegal migrants (only from Syria, Iraq and Afghanistan) on the Macedonian-Greek border, they will be allowed to continue controlled trips to Austria and Germany (Parliamentary Institute 2016, 63). In June 2016, the European Commission announced a "Partnership Framework and Enhanced Co-operation with Third Countries to Improve Migration Management".

Particularly important are the efforts of local civic organizations to establish an informal network of NGOs working on asylum issues in the region and beyond. A concrete example of such cooperation is the preparation of a Memorandum of Understanding (Zagreb Protocol) for regulating the exchange of information for asylum applicants. These efforts were further strengthened by the adoption of the Skopje Declaration on Cross-Border Cooperation of NGO in December 2013.

HOW DOES THE NORTH MACEDONIA HANDLE WITH THE MIGRANTS AND REFUGEES CHALENGES?

As a transit country, North Macedonia have been faced with complex challenges. On the one hand, there was a need to provide security protection, which, on the other hand, was the need to provide treatment and quick passage of migrants to their destinations.

According to the Ministry of the Interior and UNHCR, between June 2015 and March 2016, the number of refugees entering our territory and expressing intentions to apply for asylum in EU member states reached the number of 477,856 migrants. Of these, 4% were women (85,510) and children (148,051) who traveled unaccompanied. Only 115 people decided to apply for asylum in North Macedonia (Parliamentary Institute 2016, 27-29). These figures have drastically reduced with the closure of the Balkan route at March 2016, when only 1,223 refugees and migrants were registered in the country (Macedonian Young Lawyers Association 2017, 1). Table 2

Country	2015	2016	Summary
Syria	216,157	44,734	260,891
Afghanistan	95,691	26,546	122,237

Iraq	54,944	18,337	73,281
Others	21,441	6	21,447
Summary	388,233	89,623	477,856

In 2015, a Crisis Management Center was established to manage the flow of refugees and coordinate the infrastructure needs of the transit centers. At the same time, the National Coordinator for the refugee crisis and the Ombudsman Office had a coordination of the protection of migrants that allowed them to have access to basic needs.

Humanitarian assistance to migrants and refugees has been facilitated by a number of NGOs. Their volunteers inactive and refugee camps offered food and other assistance, registration and asylum procedures.

Assistance in securing the borders of North Macedonia was provided by border control units from FRONTEX and from several Central European countries, as well as Serbia.

In order to provide the necessary legal framework for the provision of humanitarian relief for refugees, in January 2015, the Parliament adopted a Resolution on Migration, Strategy and Action Plan 2015-2020. In June 2015, the Law on Amendments to the Law on Temporary Protection was adopted. This allows refugees to file an asylum application with a police officer within 72 hours of their arrival in the country. Thus obtaining approval for temporary free movement and use of the public transport system. This significantly reduced the possibilities of organized criminal groups for smuggling with migrants and reduced the risk of accidents.

In October 2016, an appropriate program was implemented to consolidate the following services and assistance: the conditions for return improved; development of standard operating procedures for their accommodation and treatment in the established reception centers; support institutions for children and the family function continuously to identify the specific needs of persons depending on age, sex and special needs; medical services and construction of mobile clinics that provide services in transit centers; water, sanitation and hygiene facilities (WASH); the efforts for involving children in informal education has been developed, etc. In order to achieve these goals, a multi-sectorial approach was established with the participation of more than 30 representatives from different ministries and civil society organizations (Regional Refugee and Migrant Response Plan 2016, 76-77).

CONCLUSIONS

The great migrant and refugee crisis through the Western Balkans showed the reluctance not only of the Balkan countries, but also of the EU to find an adequate response to these challenges. Moreover, the crisis had a security aspect, as there was a risk of infiltrating potential terrorists in the ranks of migrants for the purpose of their destructive action in European countries.

Despite the reduced number, there are still a lot of migrants, who want to get to EU, either in a legal or illegal way. No answer to the current situation can succeed in the long run, if it is not based on collective action of all affected countries. Therefore, the following strategic goals are needed:

1. Each country shall provide for the unhindered flow of people, because it is guaranteed by Article 3 of the European Convention on Human Rights in order to prohibit any form of inhuman and degrading treatment, as well as to Article 4 of the Protocol no. 4 to the ECHR, which refers to the prohibition of collective expulsions and the non-acceptance of refugees. This should include resettlement, flexible procedures for family reunification, through increased use of humanitarian visas (Protocol No.4 of the ECHR 1963, Art.4, p. 2).

2. States to ensure that migrants have access to protection, based on human dignity and non-discrimination. Particular attention should be paid to children, because some of them are separated from their families; protection for women and persons with special needs;

3. States to ensure a legal, efficient and independent asylum procedure for all applicants. It involves an individual assessment of each request, legal advice and the right to appeal; while allowing it the right conditions of life and protecting their rights during the decision-making process;

4. To strengthen the coordination of the institutions with the civil sector and between non-governmental organizations from different countries;

5. Balkan countries through coordinate cooperation to develop a response to smuggling of migrants, exchange of information, mutual assistance and creation of a common Balkan platform, which will be the basis for their international joint appearance.

These are a small part of the measures that should help deal with the migrant crisis. Let's hope that the common experience will contribute to the process of creation for more effective and humane responses to future refugee crises.

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