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Postgraduate MA studies in International Relations and Conflict Resolution

The position of refugees in the countries of the Western Balkans and the case of refugees  
from Syria

Позицијата на бегалците во земјите од Западен Балкан и случајот со бегалците од  
Сирија

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Skopje, 2016

## Contents

1. Thesis proposal.....	5
1.1 Formulation of the research issue.....	5
1.2 Research question.....	8
1.3 Goals and tasks.....	8
1.4 Defining the subject of research .....	9
1.4.1. Theoretical determination .....	9
1.5 Defining the key concepts.....	11
1.5.1. Term for postconflict building peace.....	11
1.6 Integration of refugees and displaced people .....	13
1.7 Operationally determination .....	13
1.8 General / specific hypothetical framework.....	15
1.9 Research variables .....	15
1.10 Indicators of research .....	16
1.11 Research methods .....	16
1.12 Social justification of the research .....	16
1.13 Geographical determination and period of research .....	17
1. Идејна скица .....	18
1.1 Формулација на проблемот на истражување .....	18
1.2 Истражувачко прашање.....	21
1.3 Цели и задачи.....	21
1.4 Дефинирање на предметот на истражување .....	22
1.5 Дефинирање на клучните концепти .....	24
1.6 Интеграција на бегалци и раселени лица.....	26
1.7 Оперативно определување .....	26
1.8 Општо / специфична хипотетичка рамка .....	28
1.9 Истражувачки варијабли .....	28
1.10 Индикатори на истражување .....	28
1.11 Истражувачки методи.....	29
1.12 Општествена оправданост на истражувањето .....	29
1.13 Географска одредница и период на истражување .....	30
2 Introduction .....	31
3. Migrants and Refugees .....	33

3. 1. Refugees and human security .....	33
3.2. Migration and Security .....	34
3.3. Theoretical distinction between refugee and migrant .....	40
3.4. Refugees and Human Rights.....	42
3.5 Refugees and IDPs as human security victims .....	43
3.6. Displacement, conflict and insecurity in the developing world.....	44
3.7. Asylum, border control, crime and terrorism after 9/11 .....	46
3.8 Balancing responsibility and solidarity on migration and asylum .....	47
3.9. Protracted displacement .....	48
4. General principles.....	49
4.1. Factors that push and factors that attract (Push and pull factors) .....	51
4.2. The obligation to save human life .....	53
4.3. Strategy for integration of refugees and foreigners.....	54
4.4. 2015 UNHCR subregional operations profile - South-Eastern Europe .....	55
4.4.1. Response and implementation.....	57
4.4.2. Financial information.....	58
4.4.3. Number of applications for international protection in the EU+ in December 2015.....	59
4.4.5. Main countries of origin of applicants in the EU+ in December 2015 .....	59
4.4.6. Western Balkan nationals.....	61
4.4.7. Number and type of decisions issued in first instance in EU+ countries .....	61
4.4.8. Number of applications for international protection in the EU+1 .....	63
4.4.9. Main countries of origin of applicants in the EU+ in 2015.....	64
4.4.9.1.Evolution of the flow for main citizenships of applications in 2015.....	64
4.4.9.2. Number and type of decisions issued in first instance in EU+ countries .....	69
4.5. Illegal border-crossings .....	70
4.5.1 Facilitators .....	71
4.5.2. Clandestine entries .....	73
4.5.3. Document fraud .....	73
4.5.4. Refusals of entry .....	75
4.5.5. Large and sustained transit through the Western Balkans of migrants originally entering the EU via Turkey.....	75
5. The evolving security discourse and refugees .....	78
5.1. Refugee flows as threats to peace under Chapter VII of the UN Charter.....	79

5.2. The break-up of Yugoslavia: Wars of the early 1990s.....	81
5.3. The Balkan crises.....	83
5.3.1. Refugees in Albania.....	84
5.3.2. Refugees in Kosovo.....	85
5.3.3. Refugees in Serbia.....	87
5.3.4. Refugees in Croatia.....	89
5.3.5. Refugees in Slovenia.....	90
5.3.6. Refugees in Bosnia and Herzegovina.....	90
5.3.7. Aspects of Refugee in Macedonia.....	94
5.3.8. Return initiatives.....	96
5.3.9. The stabilization and association process.....	97
6. Access to territory and asylum procedures.....	99
6.1. The procedures for asylum.....	101
6.2. Law for Asylum and temporary protection.....	103
7. Case of refugees of Syria.....	104
8. EU response to the migration crisis in Western Balkan.....	111
8.1. Migrants – Mediterian route.....	111
8.2. Geographic location - Balkan route.....	112
8.3. Protection of the external borders of the Union control of the Balkan Route.....	120
8.4. EU response to the migration crisis.....	121
8.5. Balkan conference in Luxembourg.....	123
8.5.1. "Waiting Room Balkan".....	126
8.6. Dublin rules/regulation.....	127
8.6.1. Dublin regulation.....	128
8.7. EU migration crisis update – March 2016.....	130
8.8. The humanitarian consequences of border closures.....	130
8.8.1. Immigrants from Rwanda, Eritrea, Burkina Faso - who all went through Macedonian Reception Centre for Foreigners.....	132
8.8.2. The EU decision to create centres for migrants in the Balkans.....	133
9. Conclusion.....	136
9.Заклучок.....	140
10. References.....	144

## 1. Thesis proposal

### 1.1 Formulation of the research issue

The process of stabilization and association agreement as a long-term EU policy on assistance to the Western Balkan countries in dealing with the challenges of the reform of democratic institutions, promoting trade and economic development and the fight against corruption, ethnic violence, poverty and social exclusion resulted with membership Croatia's in EU, start membership negotiations with Serbia and agreement for stabilization and association in Kosovo.

Despite this progress, the countries of this region face with a still open question of refugees and now the pressure of the crisis in Syria. According with an official data of the UN, a consequence of the disintegration of the former Yugoslavia because of the ten-year war, over 1,200,000 refugees and displaced persons in the region. Most or 667 000 refugees and displaced persons living in Serbia and Montenegro, of which 437 000 are refugees from Bosnia and Croatia, and 230,000 displaced persons from Kosovo.

The conflict in Croatia during the 1991-1995 year has forced over 500,000 people to flee their homes. Only fighting in 1995, which resulted with new prosecutions, including the 250,000 Serbs who were expelled from Kraina by Croats? It is estimated that by the end of 1996, "more than a million Bosnian refugees and displaced persons remained in other parts of the former Yugoslavia or in other countries of Europe."

Yugoslavia's drama ended with the Dayton Peace Agreement (1995); simmering Kosovo problem and exploded in 1999. A mass exodus of Kosovo Albanians, partly as a result of NATO bombing caused suffering and new refugees and internally displaced persons. When the UN assumed administrative control over Kosovo, the majority of the refugees returned to their destroyed homes. But almost the entire Serb population of the province, about 200,000 in number, had moved out of Yugoslavia without any chance to back "At the end of April 2000, there were 218.129 registered displaced persons (in Yugoslavia), of which 81.894 were children ".With the official figure of about 3,000 Macedonia is a country with the lowest number of refugees in the region, to which are added and IDPs product of the 2001 conflict.

In the spring of 1999, to avoid the crisis in Kosovo, more than 340,000 of these people entered in Republic of Macedonia, seeking shelter in camps along the border and families – host. Approximately 90,000 refugees were evacuated to third countries through humanitarian evacuation program. Within a few weeks of the signing of Resolution 1244 of the Security Council on June 10, 1999, approximately 200,000 Kosovo refugees who were in the country went back to Kosovo. Because of further voluntary repatriation, the number of refugees fell below 10,000 in the summer of 2000.

„ In the past decade in Macedonia spent over 600 thousand refugees and their current number is about 2300, mostly Kosovo Roma, whose return to the province is still uncertain”. In R. Macedonia currently has some 1,600 Kosovar refugees, mostly Roma, of which about 1,100 are still legally entitled to reside in the territory of the Republic of Macedonia and the rest, though not meet the necessary legal requirements, are allowed to remain on the territory of the Republic of Macedonia until do not create conditions for their return to Kosovo. The right to return to their home country is a fundamental human right enshrined in numerous international mechanisms. The Universal Declaration of Human Rights states says that everyone has the” right to leave any country, including his country and return again in the state where he lived”.

As part of the Sarajevo Process, implementation of the Regional Housing Programme continues in Bosnia and Herzegovina, Montenegro and Serbia, as well as in Croatia (now covered under the Northern, Western, Central and Southern Europe subregion). Additional funding may be needed to provide sustainable housing solutions for all 74,000 vulnerable refugees, returnees and IDPs from the 1991-1995 conflicts.

Advances made in the durable solutions process in the western Balkans have led UNHCR to recommend that refugee status should cease for Croatian refugees by December 2014. Where local integration or repatriation processes are still underway, this could be progressively implemented between 2014 and 2017. A similar process, which will lead to a recommendation concerning the cessation of status for refugees from Bosnia and Herzegovina, is ongoing. UNHCR is of the view that all remaining displaced people should be able to access durable solutions by the end of 2017.

Despite efforts to improve relevant laws and administrative practices, 17,000 people who are stateless or of undetermined nationality, many of whom belong to the Roma minority, continue

to lack access to civil registration and documentation in the subregion. UNHCR works closely with the OSCE High Commissioner on National Minorities and the European Commission in assisting Governments to resolve civil registration and nationality-determination issues. All countries are parties to the 1954 Convention relating to the Status of Stateless Persons and only Macedonia has yet to accede to the 1961 Convention on the Reduction of Statelessness.

Macedonia and Serbia are part of the main transit route for refugees heading to northern Europe. About 160,000 have transited through Serbia into Hungary since the beginning of the year. This is a tenfold increase compared with last year. Dealing with this humanitarian emergency has been a major undertaking for Serbia and Macedonia. The other countries of the Western Balkans – Albania, Kosovo, Montenegro, and Bosnia and Herzegovina – have been largely unaffected as they lie outside the main refugee route.

Non-discriminatory attitude towards refugees and displaced persons, as well as caring for displaced persons and refugees is the first and common concern for all countries in the region, and addressing urgent national and regional socio-economic problems that impede the progress of the countries of the region and to regional integration.

Meetings and discussions within the EU - Western Balkans forum for common issues, in recognition of the progress of countries in the region on their way to Europe, and exchange views on major developments in the EU, international and regional conferences lasting solution to the problems of refugees and other forms of cooperation are tools for local and regional integration. For the status settlement and the return of refugees to their countries or integrating them into the new environment, the Stability Pact launched a regional initiative involving government and NGOs in the region. Because of the universal nature of the problems of these people and the Republic of Macedonia is included in the regional project of the Stability Pact.

„ Regional Initiative for the return of refugees and displaced persons of the Stability Pact is a framework of organizations and governments concerned and interested in issues relating to refugees and displaced persons in the region. After preparation of national strategies in countries of the region are expecting concrete results”.<sup>1</sup>

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<sup>1</sup> An Agenda for Peace, Preventive diplomacy, Peacemaking and Peace-keeping. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, June 17, 1992, A / 47 / 277S / 24 111

## 1.2 Research question

Research question in this paper will be formulated as follows:

Whether and how the situation of refugees affects peace and stability in the Western Balkans in this regard and refugees from Syria. How to solve the problems of refugees in some countries of the Western Balkans? As the EU or other institutions affect the resolution of these issues?

## 1.3 Goals and tasks

Scientific goal: Research and analysis activities of the Western Balkans towards a lasting solution to the problems of refugees and internally displaced persons in the territory of the Western Balkans, as a key priority in the regional development of democratic peace, stabilization and association on the road towards integration in EU.

Practical purpose: Through research should determine:

- The situation in the Western Balkans in the field of solving the problems of refugees and displaced persons.
- Progress in resolving the problems of refugees and displaced persons, with special reference to Macedonia.
- The impact of regional cooperation and initiative of improving the situation of refugees and displaced persons in the Western Balkans (MARRI).
- The impact of the integration of refugees and displaced persons to the integration of the Western Balkans.
- The influence of the Syrian refugee crisis on stability in the countries of Western Balkans.



## 1.4 Defining the subject of research

### 1.4.1. Theoretical determination

Term peace-building began to be used more in 1992, when UN Secretary General Boutros Ghali announced his Agenda for Peace (Boutros Ghali, 1992).

Agenda for Peace regarding the mechanism for peace-building provides for the following activities,, disarming previously irreconcilable parties and restoring the order, store and if possible destruction of weapons, repatriation of refugees, counseling and practicing security personnel, monitoring elections, increasing government institutions and promoting formal and informal processes of political participation,,.

Since then, the term widely used though often ill defined as activities that go beyond crisis intervention, such as long-term development and building governing structures and institutions. It includes capacity building of NGOs (including religious institutions) for peace and peace building.

Peace building includes a full range of approaches, processes and stages needed for transformation toward more sustainable, peaceful relations regimes and governance structures. Peace building includes building legal and human rights institutions, the rule of law and peaceful resolution of disputes, solid democracy and solidarity. John Paul Lederach under,, peace-building involves a long-term commitment to a process that includes investments collecting funds and materials, architecture and planning, coordinating resources and labor setting firm foundations, building walls and roofs, finishing and maintenance.<sup>2</sup> Also, Lederach, emphasizes that peace building centrally involves the transformation of relations.

Sustainable reconciliation requires ‘‘structural, but and transformation of relations’’.

And the emphasis of the United Nations is the structural transformation, with a primary focus on institutional reforms. Actually means support the transformation of deficient national structures and strengthening of new democratic institutions and providing technical assistance when it will be needed. In this sense, the Agenda for Peace, emphasizes that ‘‘social peace is as important as strategic and political peace’’.

In this context the position and status of refugees is extremely important because they are a consequence of insecurity and conflict and part of the processes of peace building.

But peace building differs from international assistance / help in the form of humanitarian and development assistance, according to what should be a long-term process aimed at eliminating essential roots of the conflict. Because none of the current UN system was not directly responsible for helping countries to quickly build when the conflict ends to establish peace, UN Secretary General Kofi Annan in March 2005, proposed creating a permanent Commission for Peace Building.

The idea came from thinking about the complexity of the threats and challenges to international peace and security and changes in international relations in terms of the need for strategies for post-conflict rehabilitation.

Commission peace-building United Nations (Peace-building Commission) was established in 2006 (inaugural session of the Commission on peace-building was held on June 23, 2006 and it was chaired by Secretary-General Kofi Annan) , to help post-conflict da countries move towards lasting peace, to help countries in transition from post-conflict environment in an environment of sustainable peace.

The Commission is an advisory body of the Security Council and the General Assembly, composed of 31 members of the United Nations.

They bring together government officials and representatives of UN agencies, the World Bank, IMF, regional organizations and civil society; these groups are working together to create strategies for building peace in countries which emerging from conflict.

These strategies identify priorities for a country, for example: "justice and the rule of law", "good governance" and others. Commission on peace-building in the UN should unite all relevant factors, including international donors, international financial institutions, government, other governmental and nongovernmental institutions and propose integrated strategies for post-conflict reconstruction and peace building, where appropriate, while noting any gaps that threaten to undermine peace. The Commission has an advisory role and the Member States that are on the brink of a return to conflict and Member States arising from the conflict may petition to the Commission for aid directly, provided the Security Council does not already include it.

Commission focuses on post-conflict environment and its main tasks are pooling all the relevant factors in mobilizing the resources needed for early recovery and medium to long-term financial investments; advising on integrated strategies for post-conflict peace-building and promoting sustainable development; develop best practices; helping to ensure predictable financing; extension of the attention of the international community places on post-conflict rehabilitation. Following the request by the General Assembly and the Security Council, the Secretary-General set up a fund for post-conflict initiatives for peace building in October 2006. Fund (United Nations Peace-building Fund - PBF) is an essential component of the UN, and to ensure commitment to support countries emerging from conflict and peace-building support activities so that directly will contribute to post-conflict stabilization and strengthening the capacity of governments, national / local institutions and transitional or other relevant bodies. Also, when sufficient resources are not available from other funding mechanisms, the fund will support interventions of direct and immediate relevance for building peace and contributing to the process of solving critical gaps in the process. He is currently supporting more than a hundred projects in 18 countries, through rapid allocation of adequate funding, which is more than 60% from \$ 206 million, funds that are on the agenda of the Commission on peace-building. The Fund has recognized the need to increase its focus on the work program and it is necessary to allocate and spend \$ 100 million annually in the next three-year period, from 2011 to 2013, which is possible because the Fund has received \$ 342 million, well above the initial target of \$ 250 million. The 2010 review of the new instruments for peace-building is aimed and trying to improve the synergy between the political work of the Commission and the Fund.

## 1.5 Defining the key concepts

### 15.1. Term for postconflict building peace

Post - conflict peace building means action to identify and support structures designed to strengthen and consolidate the peace.

Post-conflict peace-building as it is titled in the Agenda for Peace, in terms of the process of conflict resolution applies when the conflict will bring to a close. Its function at that level is peace to be set on firmer foundations.

For these reasons, most urgent activity is easing the effects of war on the civilian population, including the repatriation of refugees, mine clearing and disarmament. It should emphasize the need for inevitable link between post-conflict peace-building, peacekeeping, in terms of coordinating activities regarding the clearance of mines and preventive diplomacy through the possibility of applying the demilitarized zone.

### Refugee

According to Article 1A (2) of the Convention on the Status of Refugees 1951, the term "refugee", shall apply to any person who:

„ As a result of events that occurred before January 1, 1951 and due to justified fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or their political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to be under the protection of that country; or which, if not citizenship, it is outside the country where there were once habitual residence because such events, is unable or, owing to such fear, unwilling to return to it „,<sup>3</sup>

### Internally displaced people

According to the Guiding Principles, internally displaced people are persons or group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of the effects of armed conflicts or in order to avoid them, in situations of general violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border.

### Asylum-seekers

Asylum-seekers are persons who have applied for asylum or refugee status, but who have not yet received a final decision on their application. A distinction should be made between the number of asylum-seekers who have submitted an individual request during a certain period ("asylum applications submitted") and the number of asylum-seekers whose individual asylum request has not yet been decided at a certain date ("backlog of undecided or pending cases"). The Statistical Online Population Database provides both types of data. Caution should therefore be exercised when interpreting data on asylum-seekers.

## Violence

Violence is defined as an act of aggression and abuse, which currently creates or in the future will create damage and harm to people, animals or property.

The very etymology of the word violence (violence) refers to the Latin word power (violntia) and the Greek word for strength and / or violence.

As a specific social phenomenon as a problem of modern society, the concept of violence opens Sorel in his 'Reflections on Violence' and later Galtung within peace studies, by introducing the broader concept of violence (physical violence, directly or indirectly -structure violence). To describe the violence, Galtung use the terms direct, structural and cultural violence.

The direct and indirect violence according to Galtung associated with the source of violence, while the source may direct violence, while indirect source can not be identified. Indirect or structural violence built into the structure of society and shows how the situation of unequal power, the result is unequal opportunity for life.

Cultural violence refers to the culture, religion and ideology, language and art, empirical and formal science, which can be used to justify or legitimize various forms of direct or structural violence.

### 1.6 Integration of refugees and displaced people

That integrated politics, in accordance with the recommendations of the EU, can be defined as a dynamic long-term process and a continuous process of adaptation of immigrants and domicile population of the host. Integration is not easy to plan: it is a long and uneven process. Both processes are critical to improving outcomes of immigrants: the elimination of inequalities and taking duties. These challenges form the core of the integration policies in Europe.

### 1.7 Operationally determination

As previously mentioned, the subject of this research will be the development and institutionalization of the policy of the Western Balkan countries to solve the problems of refugees and displaced persons, as one of the segments of building peace in the region and its

integration into the EU. Due to the operationalization of the research subject, you do a breakdown of several segments. Which express its essence, among them the following:

- Situations of refugees and displaced persons from the conflict in the western Balkans
- Situations of Syrian refugees in the countries of the Western Balkans
- Office of the High Commissioner for Refugees (UNHCR) is an agency that works under the Agenda for Peace and planned activities under the mechanism for peacebuilding, among other assistance and repatriation of refugees. The UN refugee agency relies on contributions and about 97 percent of income spent on UNHCR's care for over 10 million refugees in the world, and another 14.4 million people forcibly displaced within their own countries. In situations of continuing conflicts and crises - anywhere where people are forced to leave their homes - UNHCR helped provide protection, shelter, food and clean water, and education and health care - all vital and urgent needs of people who fled persecution or conflict. The end of the Cold War marked continued inter-ethnic conflicts, which have contributed greatly to the large number of refugees. Frequent interventions by the multinational forces, the NATO mission in Yugoslavia in 1999, the Rwandan genocide in 1994 have caused massive refugee crises. Despite the difficulties for UNHCR to adhere to its mandate, however, continues to fight against restrictive asylum policy in etc. "rich" nations.

For those who are forced to leave their homes, of course, because of war or persecution, the UN agency for refugees is often the last hope for a return to normal life. Today, the staff of about 6,300 in more than 110 countries to help about 32.9 million people in need.

Since the mid-1990s, the number of "protected persons" UNHCR was the highest at the end of 2009 and amounted to 43.3 million, which included:

- 15.2 million refugees
- 983 000 asylum seekers
- 251 500 refugees who were returned in 2009
- 27.1 million internally displaced persons (IDPs)
- 2.2 million internally displaced persons who have returned to their place of origin in 2009

- 6.6 million stateless persons in 60 countries

Afghanistan was the leading country of origin of refugees over the past three decades. In 2009, one of four refugees were from Afghanistan. Iraqis were the second largest group of refugees, with 1.8 million having sought refuge mainly in neighboring countries.<sup>4</sup>

Of 922,000 individual applications for asylum or persons having the status of refugees, 112,400 displaced in 19 countries. United States of America accepted the majority of them (80,000). Today their approach to the Syrian crisis the number of refugees from Syria exceeded the number of those from Afghanistan and one of the routes of movement across the western Balkans to Western Europe.

## 1.8 General / specific hypothetical framework

The data obtained in this study should allow us to confirm or eliminate the following hypotheses:

### General hypothetical framework

Failure to resolve the situation of refugees and displaced persons from the conflict in the Western Balkans adversely affect the process of long-term peace-building. Neglecting this problem is further complicated by the influx of refugees from the conflict in Syria and creates an opportunity for regional instability.

## 1.9 Research variables

Independent variable

- Refugees and displaced persons from the conflict in the former Yugoslavia refugees from Syria

Dependent variable

- Regional stability of the Western Balkans

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<sup>2</sup> Lidia Geogjeva: Conflict Prevention: From idea to the culture of conflict prevention in Macedonia; Friedrich Ebert Foundation, Skopje, 2004, 52

### 1.10 Indicators of research

- Data on refugees and displaced persons returned and integrated refugees and displaced people from conflicts in the former Yugoslavia;
- Data on humanitarian assistance to refugees and displaced persons
- Data for refugees from Syria by the states in the Western Balkans

### 1.11 Research methods

During the research will apply the following methods:

- Analysis of the content of documents:

Will used within specific research through analysis of official reports and documents pertaining to the Western Balkans, which are aimed at building peace and the resolution of problems of refugees and displaced persons.

- Comparative analysis of cases

They will analyze and compare the situation and the results achieved in individual countries of the region (Macedonia, Bosnia, Serbia and Kosovo) in terms of resolving the problems of refugees and displaced persons. Comparative analysis of provisions to address the problem of refugees and displaced persons in the three cases will identify factors that are common or specific to each case or as the number of refugees from Syria influence decisions of these countries to cope with them.

### 1.12 Social justification of the research

The social justification of this research can be seen through the following components:

- The presence and the need to address the problems of refugees and displaced persons in the conflicts of the former Yugoslavia, which are still not solved permanently
- The presence of reasons, which can lead to new displacement and persecution in the Western Balkans



- Summarizing the positive experiences and initiatives (international and regional) to find new solutions and avoiding new conflicts.<sup>5</sup>

- A necessity in view of the research and analysis area, for actualizing and determining directions for further positive engagement of the regional and international levels in order to facilitate the process of regional stabilization and association to the EU.

### 1.13 Geographical determination and period of research

The survey will be conducted over the year 2010/2015, the area of the Western Balkan countries / states of the former Yugoslavia affected by armed conflicts: Macedonia, Serbia, Kosovo, and Bosnia and Herzegovina.

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<sup>3</sup> A group of authors: International Relations, Faculty Politichkih znanosti, Zagreb (1995), 57

## 1.Идејна скица

### 1.1 Формулација на проблемот на истражување

Процесот на стабилизација и асоцијација, како долгорочна политика на ЕУ за помош на земјите од Западен Балкан во справувањето со предизвиците со демократските реформи, промовирање на трговија и економски развој, борба против корупција, етничкото насилство, сиромаштија и социјална исклучување резултираше со членството на Хрватска во ЕУ, почеток на преговорите за членство со Србија и договор за стабилизација и асоцијација во Косово.

Македонија, Босна и Херцеговина и Косово се потенцијални кандидати за преговори за членство за пристапување во ЕУ.

Покрај овој напредок, земјите од овој регион се соочуваат со бегалци од распадот на Југославија и со бегалци од Сирија. Во согласност со официјалните податоци на ОН, како последица на распадот на поранешна Југославија, десет години војна, има повеќе од 1.200.000 бегалци и раселени лица во регионот. Повеќето или 667 000 бегалци и раселени лица кои живеат во Србија и Црна Гора, од кои 437 000 се бегалци од Босна и Хрватска и 230.000 раселени лица од Косово.

Конфликтот во Хрватска во период од 1991-1995 година принуди повеќе од 500.000 луѓе да ги напуштат своите домови. Само во 1995 година, 250.000 Срби биле протерани од Краина од страна на Хрватите. Се проценува дека до крајот на 1996 година, "повеќе од еден милион босански бегалци и други раселени лица останале во другите делови на поранешна Југославија или во други земји на Европа."

Југословенската драма заврши со Дејтонскиот мировен договор (1995), додека косовскиот проблем експлодирал во 1999 година. Масовниот егзодус на косовските Албанци, се случил како резултат на бомбардирањето од страна на НАТО кој предизвикал страдање, нови бегалците и внатрешно раселените лица. Кога ОН ја презедел административната контрола над Косово, поголемиот дел од бегалците се вратиле во своите уништени домови. Но, речиси целата српско население на покраината, околу 200.000, се преселиле од Југославија и никогаш не се вратиле во своите домови "На крајот

на април 2000 година, имало 218,129 регистрирани раселени лица (во Југославија), од кои 81,894 се деца" .Со официјалната бројка од околу 3000 бегалци, Македонија според оваа бројка е земја со најмал број на бегалци во регионот, меѓу кои се и внатрешно раселените лица од конфликтот во 2001 година.

Во пролетта на 1999 година, за да се избегне кризата во Косово, повеќе од 340.000 бегалци влегле во Република Македонија, барајќи засолниште во кампови по должината на границата и семејства - домаќин. Приближно 90.000 бегалци беа евакуирани во трети земји преку програмата хуманитарна евакуација. Во рок од неколку недели од потпишувањето на Резолуцијата 1244 на Советот за безбедност на 10 јуни, 1999 година, околу 200.000 бегалци од Косово кои беа во засолнети во Македонија се вратија во Косово. Како резултат на дополнително доброволно враќање, бројот на бегалци опадна од 10.000 во текот на летото во 2000 година.

„Во изминатата деценија во Македонија имало повеќе од 600 илјади бегалци и нивниот број се намалил на околу 2300, претежно косовски Роми, чие враќање во покраината се уште е неизвесно." Во Република Македонија во моментот има околу 1.600 косовски бегалци, главно Роми, од кои околу 1.100 се уште се законско право да живеат на територијата на Република Македонија, а останатите, иако не ги исполнуваат потребните законски услови, им е дозволено да останат на територијата на Република Македонија се додека не се создадат услови за нивно враќање во Косово. Право да се вратат во својата земја е основно човеково право, наведено во бројни меѓународни договори. Универзалната декларација за човекови права наведува дека секој има "право да ја напушти земјата, вклучувајќи ја неговата земја и да се врати повторно во државата каде што живеел. "

Како дел од процесот на Сараево, имплементација на Регионалната програма за домување продолжува и во Босна и Херцеговина, Црна Гора и Србија, како и во Хрватска (сега се опфатени во рамките на Северна, Западна, Централна и Јужна Европа регион). може да бидат потребни дополнителни средства за да се обезбеди одржлив станбени решенија за сите ранливи 74.000 бегалци, повратници и внатрешно раселените лица од конфликтот во периодот 1991-1995 година.

Напредок во процесот на трајни решенија во Западен Балкан ја спроведе УНХЦР така што статусот на бегалец треба да престанал за хрватските бегалци од декември 2014 година каде локалните процеси на интеграција или репатријација се уште е во тек, ова може постепено да се спроведува од 2014 до 2017 година. Сличен процес, што ќе доведе до препораката за престанок на статус на бегалци е и од Босна и Херцеговина, кој е во тек.

И покрај напорите за подобрување на релевантните закони и административни практики, 17.000 луѓе кои се без државјанство, каде што повеќето припаѓаат на ромското малцинство, немаа пристап до граѓанска регистрација и документација во регионот. УНХЦР тесно соработува со високиот комесар на ОБСЕ за национални малцинства и со Европската комисија во помагање на владите да го реши прашањето околу граѓанска регистрација и државјанство. Сите земји се членки на Конвенцијата од 1954 година во врска со статусот на лицата без државјанство, додека Република Македонија допрва треба да пристапи кон Конвенцијата од 1961 година за намалување на лицата без државјанството.

Денес Македонија и Србија се дел од главната транзитна рута за бегалци кои имаат само цел да се упатат кон северна Европа. Околу 160.000 транзитирале низ Србија во Унгарија од почетокот на оваа година. Ова е зголемување за десет пати во споредба со минатата година. Другите земји од Западен Балкан - Албанија, Косово, Црна Гора и Босна и Херцеговина, тие се надвор од главниот пат на бегалците.

Земјиве низ кои поминуваат бегалците треба да имаат едискриминаторски однос кон бегалците и раселените лица, и да се грижат за нив. Тоа е првиот и заеднички интерес за сите земји во регионот, како и решавање на итни национални, регионални, социоекономски проблеми кои го попречуваат напредокот на земјите од регионот и за регионалната интеграција.

Дури се одржуваат редовно средби и разговори во рамките на ЕУ - Форум за земјите од Западен Балкан за заедничките прашања. Се разменуваат мислења за главните случувања во ЕУ, меѓународните и регионални конференции на трајно решение за проблемите на бегалци и други форми на соработка се алатки за локални и регионални интеграции. За решавањето на статусот и враќањето на бегалците во нивните земји или нивно интегрирање во нова средина, Пактот за стабилност започна со регионална иницијатива за

вклучување на владини и невладини организации во регионот. Поради универзалната природа на проблемите на овие луѓе и Република Македонија е вклучена во регионалниот проект на Пактот за стабилност.

„ Регионалната иницијатива за враќање на бегалците и раселените лица на Пактот за стабилност е рамка на организации и влади кои се засегнати и заинтересирани за прашањата кои се однесуваат на бегалците и раселените лица во регионот. По подготовката на националните стратегии во земјите од регионот се очекуваат конкретни резултати. "

## 1.2 Истражувачко прашање

Предметот на истражувањето во овој труд ќе бидат формулирани како што следува:

Дали и колку за состојбата со бегалците влијае на мирот и стабилноста во регионот на Западен Балкан во врска со ова и на бегалците од Сирија. Како да се решат проблемите на бегалците во некои земји од Западен Балкан? Како ЕУ или други институции влијаат на решавањето на овие прашања?

## 1.3 Цели и задачи

Научни цели: истражување и анализа на активностите на земјите од Западен Балкан за трајно решение за проблемите на бегалците и внатрешно раселените лица на територијата на Западен Балкан, како клучен приоритет за регионален развој кон демократски мир, за стабилизација и асоцијација на патот кон интеграцијата во ЕУ.

Практична намена: Преку истражување треба да се утврди:

- Ситуацијата во регионот на Западен Балкан во областа на решавање на проблемите на бегалците и раселените лица.

- Напредок во решавањето на проблемите на бегалците и раселените лица, со посебен осврт на Република Македонија.<sup>4</sup>
- Влијанието на регионалната соработка и иницијатива за подобрување на состојбата на бегалците и раселените лица во Западен Балкан (МАРПИ).
- Влијанието на интеграција на бегалците и раселените лица во процесот на интеграција на Западен Балкан.
- Влијание на сириската бегалска криза врз стабилноста на земјите од Западен Балкан.

#### 1.4 Дефинирање на предметот на истражување Теоретско определување

Терминот за градење мир започна да се употребува повеќе во 1992 година, кога генералниот секретар на ОН, Бутрос Гали го објави во својата агенда за мир (Бутрос Гали, 1992).

Агенда за мир во врска со механизам за градење на мирот ги предвидува следниве активности „ разоружување претходно непомирливи страни и враќање на мир, чување и ако е можно уништување на оружје, враќање на бегалците, советување и практикување на припадници на безбедносните сили, која ги следи изборите, подобрување на владините институции и промовирање на формални и неформални процеси на политичко учество „.

Оттогаш, терминот се користи иако често лошо се дефинира како активност за кризна интервенција, кон долгорочен развој и изградба на раководни структури и институции. Тоа вклучува градење на капацитетите на невладините организации (вклучувајќи ги и верските институции) за мир и градење на мирот.

Градење на мир вклучува целосен спектар на пристапи, процесите и фазите неопходни за трансформација на режими кон поодржливи, мирољубиви односи и структури на владеење. Градење на мир вклучува градење на институциите за правни и човекови права,

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4 An Agenda for Peace, Preventive diplomacy, Peacemaking and Peace-keeping. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on January 31 1992, June 17 1992, A / 47 / 277S / 24 111

влдаеење на право и мирно решавање на спорови, цврста демократија и солидарност. Според Јован Павле Ледерих „градење мир вклучува една долгорочна посветеност на некој процес кој вклучува инвестиции, собирање на средства и материјали, архитектура и планирање, координација на ресурси. Исто така, Ледерих, истакнува дека изградбата на мирот централно вклучува трансформација на односи.

Додека акцентот на Обединетите нации е кон структурна трансформација, со примарен фокус на институционалните реформи. Всушност да се поддржи трансформацијата на недостаток на националните структури, зајакнување на новите демократски институции и обезбедување на техничка помош кога тоа ќе биде потребно. Во оваа смисла, Агендата за мир, потенцира дека "социјален мир е толку важен како и стратешки и политички мир".

Во овој контекст, положбата и статусот на бегалците е исклучително важен, бидејќи тие се последица на конфликт и дел од процесите на градење на мирот.

Но, градење на мирот се разликува од меѓународна помош / помош во форма на хуманитарна и развојна помош, според она што треба да биде долгорочен процес во насока на елиминирање на основни корени на конфликтот. Бидејќи ниту еден од сегашниот систем на ОН не бил директно одговорен за помагање на земјите кога конфликтот ќе заврши да се воспостави мир, генералниот секретар на ОН, Кофи Анан, во март 2005 година, предложи создавање на постојана комисија за градење на мир.

Идејата дојде од размислување за комплексноста на заканите и предизвиците за меѓународен мир и безбедност, промени во меѓународни односи во однос на потребата за стратегии за постконфликтна рехабилитација.

Комисијата за градење мир на Обединетите нации е основана во 2006 година, за да им помогне на пост - конфликтни земји кои се движат кон траен мир, да им помогне на земјите во транзиција од постконфликтна средина во услови на одржлив мир.

Комисијата е советодавно тело на Советот за безбедност и Генерално собрание, составена од 31 член на Обединетите нации.<sup>5</sup>

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<sup>5</sup> Bbghali, building peace ana development , Anual report on the work of the Organization; Department of Public Information, United Nations, New York, 1994

Тука се соберени владини претставници и претставници на агенциите на ОН, Светската банка, ММФ, регионални организации и граѓанското општество. Овие групи работат заедно за да се создадат стратегии за градење на мир во земјите кои произлегуваат од конфликт.

Овие стратегии се идентификуваат кон приоритети за една земја, на пример: "правда и владеење на правото", "добро владеење" и други. Комисијата за градење на мирот во ОН треба да ги обедини сите релевантни фактори, вклучувајќи ги и меѓународните донатори, меѓународни финансиски институции, Владата, други владини и невладини институции и да предлага стратегии за постконфликтната реконструкција и градење на мир, каде што е соодветно, Комисијата има советодавна улога и земјите-членки, кои се на работ на враќање од конфликт и земјите-членки кои произлегуваат од конфликтот може да поднесуваат претставки до Комисијата за помош. Комисијата се фокусира на постконфликтните средини и нејзините главни задачи се здружување на сите релевантни фактори во мобилизирање на ресурси потребни за почеток на закрепнување советување на интегрирани стратегии за пост-конфликтно градење на мир и промоција на одржлив развој, развивање на најдобри практики, помагаат да се обезбеди предвидливо финансирање. По барање од страна на Генералното собрание и Советот за безбедност, генералниот секретар формира фонд за иницијативи за постконфликтно градење на мир во октомври 2006 година. Фондот ги поддржува интервенциите на директна и непосредна важност за градењето на мир и да придонесе за процесот на решавање на критични пропусти во процесот. Тој во моментов е поддршка на повеќе од сто проекти во 18 земји, преку брза распределба на соодветно финансирање, што е повеќе од 60% од \$ 206 милиони евра, средства кои се на дневен ред на Комисијата за градење на мир.

### 1.5 Дефинирање на клучните концепти

#### Постконфликтно градење на мир

Пост-конфликтно градење на мирот како што е наслов во Агендата за мир, во однос на процесот на решавање на спорот се однесува кога конфликтот ќе доведе до крај. Неговата функција на тоа ниво е мирот да биде поставен на поцврста основа.



Поради овие причини најбитната активност е олеснување на последиците од војната врз цивилното население, вклучувајќи го и враќањето на бегалците, расчистување и разоружување. Треба да се нагласи потребата за неизбежна врска помеѓу пост - конфликтно градење на мирот, мировните мисии, во смисла на координативни активности за превентивната дипломатија преку можноста за примена на демилитаризираната зона.

## Бегалци

Врз основа на член 1А (2) од Конвенцијата за статусот на бегалците од 1951 година, терминот бегалци се применуваат за секое лице кое:

„ Како резултат на настаните што се случиле пред 1 јануари 1951 година и поради оправдан страв од прогонување врз основа на раса, вера, националност, припадност на одредена социјална група или нивно политичко мислење, е надвор од сопствената земја и не е во состојба или поради страв, не сака да биде под заштита на таа земја. <sup>6</sup>

## Внатрешно раселени лица

Внатрешно раселени лица се лица или група на лица кои биле присилени или принудени да побегнат или да ги напуштат своите домови или пал места на вообичаен престој, особено како резултат на ефектите на вооружените конфликти или со цел да се избегне од нив, во ситуации на општо насилство, повреда на човековите права или природни катастрофи предизвикани од човекот, и кои не преминале меѓународно призната државна граница.

## Барателите на азил

Барателите на азил се лица кои аплицирале за азил или статус на бегалец, но кои се уште не добиле конечна одлука за нивна примена. Треба да се прави разлика меѓу бројот на баратели на азил кои поднеле лично барање во текот на одреден временски период ( "апликации за азил поднесено") и бројот на баратели на азил и нивните поединечни барања за азил за кои се уште не е одлучено на одреден датум ( "заостанати неопределени или нерешени предмети").

## Насилство

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<sup>6</sup> Ghali B.B. An Agenda for Peace; Second edition, United Nations, New York, 1995

Насилство е дефинирано како акт на агресија и насилство, кои во моментот се создава и во иднина ќе се создаде штета и штета на луѓето, животните.

Самата етимологија на насилство зборот (насилство) се однесува на моќта латинскиот збор (violntia) и грчкиот збор за вредност и / или насилство.

Како посебна општествена појава како проблем на современото општество, концептот на насилството го отвори Сорел во неговата "Рефлексии на насилство", а подоцна Галтунг во мировните студии, со воведување на поширокиот концепт на насилство (физичко насилство, директно или индиректно - структурно насилство) . За да се опише сила Галтунг користи термини за директно, структурно и културно насилство.

### 1.6 Интеграција на бегалци и раселени лица

Интегрирана политика, во согласност со препораките на ЕУ, може да се дефинира како динамичен долгорочен процес и континуиран процес на адаптација на имигранти и живеалиште населението на земјата домаќин. Интеграција не е лесна за планирање бидејќи тоа е долг и непредвидлив процес. Двата процеси се од клучно значење за подобрување на резултатите на имигранти: елиминирање на нееднаквостите и преземање обврски. Овие предизвици ја сочинуваат основата на политиките за интеграција во Европа.

### 1.7 Оперативно определување

Како што претходно рековме, предмет на ова истражување ќе биде развојот и институционализацијата на политика на земјите од Западен Балкан за решавање на проблемите на бегалците и раселените лица, како еден од сегментите на градењето на мир во регионот и нивната интеграција во ЕУ . Како резултат на операционализација на истражување тема, ќе се направи анализа на неколку сегменти, кои ја изразуваат својата суштина, меѓу кои и следниве:

- Состојбите на бегалците и раселените лица од конфликтот во Западен Балкан
- Состојбите на сириските бегалци во земјите од Западен Балкан

- Канцеларијата на високиот комесаријат за бегалци (УНХЦР) е агенција која работи под Агенда за мир и планирани активности во рамките на механизмот за градење на мир, помош и враќање на бегалците. Во ситуации на продолжување на конфликти и кризи - секаде каде што луѓето се принудени да ги напуштат своите домови - УНХЦР помогна обезбеди заштита, засолниште, храна и чиста вода, како и образование и здравствена заштита - сите витални и итни потреби на луѓе кои побегнале од прогонување или од конфликт. Со крајот на Студената војна се означил континуираниот меѓуетнички конфликт, кои значително придонесе за голем број на бегалци. Чести интервенции од страна на мултинационалните сили, мисијата на НАТО во Југославија во 1999 година, геноцидот во Руанда во 1994 година предизвикаа масовни бегалски кризи. И покрај тешкотиите за УНХЦР да се придржува на својот мандат, сепак, продолжи да се бори против рестриктивната политика на азил во т.н "богати" земји.

За оние кои се принудени да ги напуштат своите домови, се разбира, поради војна или прогонување, агенцијата на ОН за бегалци, често е нивната последна надеж за враќање на нормалниот живот. Денес, персоналот брои околу 6.300 луѓе во повеќе од 110 земји кои работат со цел да помогнат на околу 32,9 милиони бегалци.<sup>7</sup>

Од средината на 1990-тите години, бројот на "заштитени лица" според УНХЦР е највисок, додека кон крајот на 2009 година изнесува 43,3 милиони, во кои биле вклучени:

- 15,2 милиони бегалци

- 983 000 баратели на азил

- 251 500 бегалци кои се вратиле во 2009 година

- 27,1 милион внатрешно раселени лица

- 2,2 милиони внатрешно раселени лица кои се вратиле во нивното родно место во 2009 година

- 6,6 милиони лица без државјанство во 60 земји

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<sup>7</sup> Lidia Georgieva : Conflict Prevention: From idea to the culture of conflict prevention in Macedonia; Friedrich Ebert Foundation, Skopje, 2004, 52

Авганистан беше водечка земја на потекло на бегалците во текот на изминатите три децении. Во 2009 година, еден од четворицата бегалци беа од Авганистан. Ирачаните втората најголема група бегалци, со 1,8 милиони кои бараа засолниште, главно во соседните земји.

Од 922.000 индивидуални барања за азил или лица кои имаат статус на бегалци Соединетите Американски Држави прифати дел од нив (80.000). Денес нивниот пристап кон сириската криза бројот на бегалци од Сирија го надмина бројот на оние од Авганистан и еден од нивните правци на движење е кон земјите од Западен Балкан во Западна Европа.

### 1.8 Општо / специфична хипотетичка рамка

Податоците добиени во ова истражување треба да ни овозможи да се потврди или елиминира на следниве хипотези:

#### Општа хипотетичка рамка

Доколку не се реши ситуацијата на бегалците и раселените лица од конфликтот во Западен Балкан негативно влијае на процесот на долгорочно градење на мирот. Занемарувањето на овој проблем е дополнително комплициран од приливот на бегалци од воениот конфликт во Сирија и создава можност за регионална нестабилност.

### 1.9 Истражувачки варијабли

#### Независната варијабла

- Бегалци и раселени лица од конфликтот во поранешна Југославија бегалци и од Сирија

#### Зависна варијабла

- Регионална стабилност на Западен Балкан;

### 1.10 Индикатори на истражување

- Податоци за бегалците и раселените лица кои се вратиле, интегрирани бегалци и раселени лица од конфликтите во поранешна Југославија;

- Податоци за хуманитарна помош за бегалците и раселените лица

- Податоци за бегалци од Сирија од страна на државите од Западен Балкан

### 1.11 Истражувачки методи

Во текот на истражувањето ќе се применуваат следниве методи:

- Анализа на содржината на документи:

Ќе се користи во рамките на специфично истражување преку анализа на официјалните извештаи и документи кои се однесуваат на земјите од Западен Балкан, кои се во насока на градење на мирот и решавањето на проблемите на бегалците и раселените лица.

- Компаративна анализа на случаи

- Ќе се анализира и ќе спореди ситуацијата и напредокот постигнат во одделни земји од регионот (Македонија, Босна и Херцеговина, Србија и Косово) во однос на решавање на проблемите на бегалците и раселените лица. Компаративна анализа на одредбите за решавање на проблемот на бегалците и раселените лица во три случаи ќе се идентификуваат факторите кои се општи или специфични за секој случај, бројот на бегалци од Сирија, и нивното влијание врз одлуките на овие земји да се справат со нив.

### 1.12 Општествена оправданост на истражувањето

Општествена оправданост на ова истражување може да се види преку следните компоненти:

- Присуството и потребата за решавање на проблемите на бегалците и раселените лица во конфликтите во поранешна Југославија, кои се уште не се решени засекогаш

- Присуството на причини, што може да доведе до нови поместување и прогон во земјите од Западен Балкан

- Сумирањето на позитивни искуства и иницијативи (меѓународни и регионални) за да се најдат нови решенија и избегнување на нови конфликти

- Неопходност во поглед на просторот за истражување и анализа, за актуелизирање и утврдување на насоки за натамошен позитивен ангажман на регионално и меѓународно ниво, со цел да се олесни процесот на регионална стабилизација и асоцијација во ЕУ.<sup>8</sup>

### 1.13 Географска одредница и период на истражување

Истражувањето ќе се спроведува во текот на 2010/2015 година, на подрачјето на балканските земји / држави од Западен Балкан, земји од поранешна Југославија под влијание од страна на вооружени конфликти: Македонија, Србија, Косово и Босна и Херцеговина.

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<sup>8</sup> A group of authors: International Relations, Faculty Politichkih znanosti, Zagreb 1995, 57

## 2 Introduction

The complexity of the issues of asylum, migration and integration of new residents in European countries and elsewhere around the world, leaves a deep reflection on the theoretical problems related with these issues.

Similarly, becoming more urgent proposals for practical solutions to the ongoing transformation of the structure of modern societies. The stabilization and association as a long-term EU policy on assistance to the Western Balkan countries in coping with the challenges of the reform of democratic institutions, promoting trade and economic development and the fight against corruption, ethnic violence, poverty and social exclusion resulted with membership for Croatia in EU, start membership negotiations with Serbia, Agreement for stabilization and association in Kosovo. Despite this progress the countries of the region face a still open question of refugees and now the pressure of the crisis in Syria. According to official data of the UN, a consequence of the disintegration of the former Yugoslavia as a result of the ten year war, over 1,200,000 refugees and displaced persons in the region. The integration of newcomers into society is dynamic, two-way process which requires efforts by all involved in this process.

It requires a willingness of immigrants to accept the host society without having to give up their own cultural identity, and the willingness of communities host and public institutions, to accept newcomers into society and meet the needs of a diverse group of people.

Integration is a process of adaptation to those in the new environment and includes measures and activities offered by the state for their easier inclusion in society. The integration process is implemented according to the Strategy for Integration of Refugees and Foreigners and the National Action Plan defining the integration of refugees. The strategy contains a framework for implementation of the process of integration that covers recognized refugees and persons under subsidiary protection, and also under certain conditions.

For this purpose it formed a separate department or center for the integration of refugees and foreigners who carry out all activities in all sectors relevant to the integration of refugees as housing, health care, education, employment, social protection and others.

The right to return to their home country is a fundamental human right enshrined in numerous international mechanisms. The Universal Declaration of Human Rights states “everyone has the right to leave any country, including his country and return again in the state where he lived”.

Non-discriminatory attitude towards refugees and displaced persons, as well as caring for displaced persons and refugees is the first and common concern for all countries in the region, and addressing urgent national and regional socio-economic problems that impede the progress of the countries of the region to regional integration. Meetings and discussions within the EU - Western Balkans forum for common issues, in recognition of the progress of countries in the region on their way to Europe, and exchange views on major developments in the EU, international and regional conferences lasting solution to the problems of refugees and other forms of cooperation are tools for local and regional integration. For the status settlement and the return of refugees to their countries or their integration in the new environment, the Stability Pact launched a regional initiative involving governments and NGOs in the region. Because of the universal nature of the problems of these people and the Republic of Macedonia is included in the regional project of the Stability Pact.

„ Regional Initiative for the return of refugees and displaced persons of the Stability Pact is a framework of organizations and governments concerned and interested in issues relating to refugees and displaced persons in the region. After preparation of national strategies in countries of the region is expecting concrete results”.

Macedonia since its independence on several occasions demonstrated its hospitality and protection to refugees from the surrounding region, until conditions for their return to countries of origin.



### 3. Migrants and Refugees

#### 3.1. Refugees and human security

Human security is the latest turn in the evolving security discourse. Defining human security is conceptually and practically troublesome, but a broad definition may be as follows: Human security is concerned with the protection of people from critical and lifethreatening dangers, regardless of whether the threats are rooted in anthropogenic activities or natural events, whether they lie within or outside states, and whether they are direct or structural. It is “human-centered” in that its principal focus is on people both as individuals and as communal groups. It is “security oriented” in that the focus is on freedom from fear, danger and threat. In other words, contemporary security, if it is to be relevant to changing conditions and needs, must focus on the individual or people collectively. This does not exclude the importance of traditional ideas of security, but it does suggest that it may be more effective to reorient the provision of security around people – wherever the threat comes from. Traditional conceptions of state security – based on the military defence of territory – are an important but not a sufficient condition of human welfare. Human security has at its heart a multidisciplinary and comprehensive approach to critical welfare issues and questions of survival. Challenges and solutions are seen not as phenomena that can be addressed in isolation from each other, but as being interconnected, and even sometimes interdependent. Human security must be approached in an inclusive and holistic manner – not only examining the symptoms or manifestations of human insecurity, but also seeking to produce recommendations that address root causes. Does the concept of human security bring new insights or new analytical rigour to the study of refugees and human displacement? Can refugees and the states that seek to manage the impact of refugee flows and guarantee the protection of refugees ultimately benefit from it? To answer positively, one could argue that human security thinking can highlight the plight of refugees, attract more resources, and push the issue higher up the policy agenda. Refugees suffer through being displaced and they suffer while being displaced.<sup>9</sup> Even in resettlement or return, they experience particular vulnerabilities. Their needs are not adequately met through the conventional “high politics”

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<sup>9</sup> Alexander Betts and Gil Loescher, *Refugees in International Relations*, Oxford University Press, 2011, 261

security mindset. Therefore, it could be argued, human security offers a reorientation of security that embraces both the ethical and humanitarian requirements and the practical needs of contemporary security. A negative response to the question might suggest that the concept of human security is itself analytically weak – in fact not a concept at all – in addition to being overly broad. Moreover, in terms of forced migration and human displacement, as some of the authors in this book indicate, there is a danger that, by “securitizing” refugees, a pretext is provided for states to interdict and deter them even more. The result can be an even greater deterioration in the rights of refugees and a heightened sense of vulnerability.<sup>10</sup>

The legal rights of refugees, institutional responses and support mechanisms, must be reoriented within a framework of a broader definition of security in the contemporary interdependent era. The ethical framework regarding refugees, displacement, and asylum – our moral responsibilities beyond borders – must be reconsidered in light of the emergence of solidarist ideas of global community and human security. This thesis seeks to make a contribution to this debate. An overarching objective is to suggest strategies through which legal, political/normative, and institutional frameworks can genuinely confront these challenges rather than simply putting a “cap” on the situation and developing policies that keep refugees “out of our backyard.”

### 3.2 Migration and Security

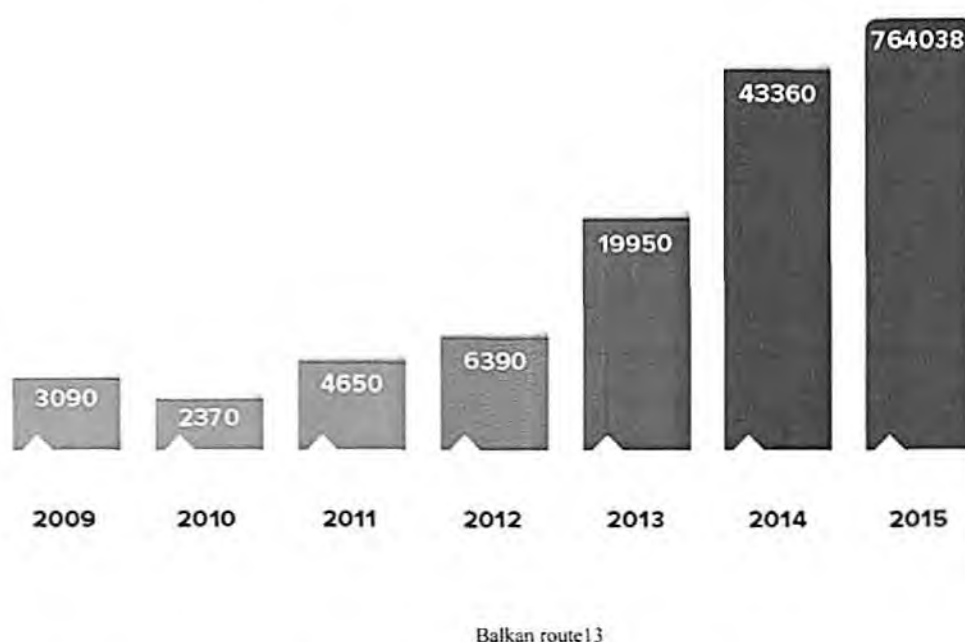
The term ‘migration’ stems from the Latin root *migrare*, meaning to move from one place to another. It first appeared in the English language in the 1610’s, referring to persons; and in the 1640’s referring to animals. Today the term also refers to a variety of movements, amongst them the processes of transferring data between storage types, formats or computer systems; or the movement of microorganisms between people, animals and plants. It is clear that migration of diverse kinds is essential to life in all aspects and that, for humans, migration involves organization, change and adjustment. Surveillance of human movement has been a core activity for modern nation-states since their inception in the 16th and 17th centuries in Europe. Foucault

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<sup>10</sup> European Asylum Support Office- EASO is an agency of the European Union set up by Regulation (EU) 439/2010 of the European Parliament and of the Council - EASO-EUROPA.EU-, accessed April 14, 2016, doi: <https://easo.europa.eu/wp-content/uploads/Latest-Asylum-Trends-January-2016.pdf>

traced the historical transformation of discipline and punishment associated with the rise of the modern state and provided insights into why and how human migration became an issue for state surveillance.<sup>11</sup>

The function of these techniques of power was gradually adapted to take up a more positive role in the society – notably to increase the possible utility of the individuals subjected to these techniques of surveillance – in other words, to make them ‘productive’. This inversion of the functionality of power – from repressive to ‘enabling’ – initiated the formation of a disciplinary society, connected to the broader historical processes of economic, juridico-political and scientific reform in the search for progress.<sup>12</sup>



Viewed from this vantage point, human movement between different localities within modern Europe was originally framed in the negative terms of a danger to society.

11 International Organisation for Migration. *Baseline Research on Smuggling of Migrants in, from and through Central Asia*. Vienna, 2006.

12 Koser, K. *Why Migrant Smuggling Pays*. *International Migration*, June 2, 2008, 89, vol. 46

13 Frontex (from French: *Frontières extérieures* for "external borders") is an agency of the European Union established in 2004 to manage the cooperation between national border guards securing its external borders; report for Western Balkan, quarter 3, July to September 2015; accessed April 10, 2016, doi: <https://mail.google.com/9a42553f-ed7c-4bf8-8741-0780033013be>

But with transformations of production relations and the recognition of migration as a structural and durable phenomenon with far-reaching economic, social and political consequences, the notion of 'danger/threat' began to be juxtaposed with that of 'opportunity'. Torpey's analysis of the gradual emergence of the passport over the past three centuries extends Foucault's insights on state surveillance of population movements and complements two key perspectives in historical analyses of the state. These are Marx's concept of appropriation of the means of production by the capitalist classes, and Weber's concept of appropriation of the means of violence and the control of their legitimate use by the state. Torpey emphasizes a third dimension of processes of appropriation and monopoly: that of "the legitimate means of movement". Torpey shows that the passport was not an invention of the early 20th century, but of a much earlier era. Monopolization of the right to authorize and regulate movements has been intrinsic to the state, even in its early modern form. <sup>14</sup>

The progressive advance of the use of the passport as a means of controlling population movements today expresses the 'stateness' of states and their power to provide an 'identity' – a national identity – for citizens, which is not independent of the documents that 'prove' it. It distinguishes the 'national/citizen' from the 'alien' and from the undocumented. Without this passport as a document of national identity, not only is identity unknowable, it is non-existent from a legal perspective. Although a national identity gives access to rights, and can be therefore crucial to livelihood, people can only enter it on stringent conditions and escape from it with difficulty. This monopolization has the effect of reinforcing an interlinked set of processes. They include: the (gradual) definition of states everywhere – at least from the point of view of the international system – as 'national' (i.e., as 'nation-states' comprised of members understood as nationals); the codification of laws establishing which types of persons may move within or across their borders, and determining how, when and where they may do so; the stimulation of the worldwide development of techniques for uniquely and unambiguously identifying each and every person on the face of the globe, from birth to death; the construction of bureaucracies designed to implement this regime of identification and to scrutinize persons and documents in order to verify identities; and the creation of a body of legal norms designed to adjudicate claims

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14 Doomernik, J. Kyle, D. Introduction. *International Migration and Integration*, June 3, 2004, vol. 5

by individuals to enter into particular spaces and territories.<sup>15</sup> A product of incremental juridico-political reform, the passport conjoined the repressive side of state discipline with its enabling side. State-security and the security of its citizens or nationals were connected through this means. The question of states accepting aliens from other countries arose as an issue during the two World Wars, owing to rising concerns for institutional accountability for the massive movements of refugees across the continents.<sup>16</sup>

Ambivalence about state accountability was evident and has persisted until today. Nevertheless, the legacy of inter-state collaboration did provide a certain degree of institutional accountability for international labour migrants as guest workers and for refugees, most of whom would be today termed 'forced migrants' or 'asylum seekers'. For many countries today, the economic utility of aliens has become the prime criterion by which to assess the impact of in-migration. Cross-border migration patterns since the end of the Cold War show complex characteristics that pose new challenges to established notions of identity and security.<sup>17</sup> Attempts to address problems arising from cross border migration have given birth to several different (through logically interconnected) policy agendas on migration in development cooperation, in the Western world, membership regimes in the city-states of classical Greece were severely restrictive. Aristotle who initiated a long tradition of republican exclusionism declared them legitimate. The subsequent decline of the city-states and the rise of the Roman Empire saw unprecedented freedom of movement and multiple-citizenship, supported by the idea of cosmopolitanism and moral inclusiveness.

Post-conflict reconstruction, durable solutions for refugees, and co-development to stem the outflows of economic migrants; Control over movements facilitated by privately organized networks that challenge state surveillance and undermine state security; Economic costs and benefits of migration to sending and receiving countries; Globalization, the knowledge economy and the supply of talents. Government control is compartmentalized into these separate policy agendas and remains also within the dualistic frame of 'danger' (to be contained) and

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15 David J. Whittaker, *Asylum seekers and refugees in the contemporary world*, Routledge Taylor and Francis Group, 2006, 4

16 Melanie, P. *The costs of human smuggling and trafficking*, Global Migration Perspectives, Geneva. Global Commission on International Migration. No. 31, 2005.

17 Koser, K. *Irregular migration, state security and human security*. Paper prepared for the Global Commission on International Migration. Geneva. September 2005.

'opportunity' (to be promoted).<sup>18</sup> Taking into account the mixed forces that often drive the migration processes remains a challenge for policymakers. From a developmental and North-South perspective, although the volumes of the flows of people and remittances are often referred to as a key concern, there is reason to think that the politics of human migration and its relationship with the nation-state are really the core issues. In 2003 the United Nations estimated that the total number of international migrants in the world stood at 175 million in 2000, up from 154 million in 1990, or about three per cent of the total world population. Today the estimated stock of people living outside their country of birth is 214 million in 2010, or 3.1 per cent of the total world population of 6,900 million. The statistical picture shows gravitation from low to high-income areas, suggesting that cross-border labour migration is to a great extent an issue of security of livelihood and economic advancement. By contrast, refugees and internally displaced persons are primarily located in the developing world, reflecting pervasive conflicts in the development process.<sup>19</sup> The UNHCR <sup>20</sup> database shows that there were some 42 million forcibly displaced people worldwide at the end of 2008, including 15.2 million refugees, 827,000 asylum-seekers (pending cases) and 26 million internally displaced persons. Developing countries are host to 80 per cent of the world's refugees. Unlike cross-border movements of goods – which can be stored, destroyed or sold cheaply when in excess – the movements of people involve human lives, which are inevitably interwoven with each other in intricate ways. States' handling of migrants affects both the individuals concerned and the lives of those connected to them, and therefore human rights and dignity have always been a primary issue. Beyond the questions of economic efficiency and effective border control, migration policy of all types has broader implications for social ethics and the morality of a given polity. Attempts to make social ethics more prominent in international relations have brought the link between international migration and human security to the fore. The concept of human security entails that states are responsible

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18 Futo, P. Jandl, M. Karsakova, L. Illegal migration and human smuggling in Central and Eastern Europe. *Migracijske i etnicke teme*, June 2, 2005, vol. 21, No. 1

19 The Global Migration Group (GMG) is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better-coordinated approaches to the issue of international migration. Global Migration Group, Discussion paper April, 2015, accessed April 15, 2016 doi: [http://www.globalmigrationgroup.org/sites/default/files/ForCirculation\\_Post-2015\\_discussion%20paper\\_April\\_2015.pdf](http://www.globalmigrationgroup.org/sites/default/files/ForCirculation_Post-2015_discussion%20paper_April_2015.pdf)

20 UNHCR - The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a United Nations agency mandated to protect and support refugees at the request of a government or the UN. Its headquarters are in Geneva, Switzerland and is a member of the United Nations Development Group. The UNHCR has won two Nobel Peace Prizes, once in 1954 and again in 1981

not only for national security but also for protecting the basic rights of citizens and residents. The concept challenges the orthodox approach to international security which marginalizes concerns for security of the daily lives of ordinary people. The international security policy agenda has similarly tended to marginalize issues of human displacement and migration – both as a cause and a consequence of conflict. The concept of human security further helps to draw out the connections of migration issues in a continuum of events, from conflict to failures both in development efforts and development-related global governance frameworks.<sup>21</sup> The concept respects the personal dimensions of security, and those factors of oppression and exploitation derived from the specific nature of migrants' entry to circuits of cross-border movement. Migrants are often placed in a situation of liminality, suspended at a threshold, straddling between different administrative and juridical systems, cultures and identities. Apart from social and economic vulnerabilities, this situation generates new types of risks for migrants owing to the perceptions held by society about the legitimacy of their presence and to a process of identity construction based on fear and distrust for the 'Other'. Since 9/11, the 'War on Terror' has re-asserted the orthodox approach to international security, thwarting the concept of human security. Security now acquires communitarian meanings. For example 'homeland security' in the US; 'societal security' (which involves the security of a collective identity) in the EU. Law and policy in many parts of the world today reflect the tendency to approach migration management in a narrowly instrumental way. Emphasis is placed on economic expediency, exclusionary communitarian principles, and technological fixes in surveillance aimed at discouraging particular types of migration. The legal space around international migrants is hierarchical, conditioned by state preferences and admission policies that define the relation between the alien and the state in specific ways. Those in the lower strata are the least protected groups under international law. The race, class and gender effects of migration restrictions are visible through societal discourses characterized by polarizations between 'cultural diversity' versus 'homogeneity', economic 'gains' versus 'losses', or 'social cohesion' versus 'disintegration'. These framings of 'opportunity' and 'danger' can translate into discriminatory practices that impose great financial, social and physical costs, especially upon the weakest groups.

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21 Tamura, Y. *Illegal Migration, People Smuggling and Migrant Exploitation*. Australian National University, 2011, 99-100

### 3.3 Theoretical distinction between refugee or migrant

With almost 60 million forcibly displaced people worldwide and crossings of the Mediterranean by ships that appear every day the headlines are more often seen in the media and in public chat terms 'Refugee' and 'migrant' are used interchangeably. But if there is a difference between the two and whether it matters?<sup>22</sup>

Yes, there is a difference, and that is important. Both terms have separate and different meaning, and their interference leads to problems in both populations.

Refugees are people who flee from armed conflict or persecution. By the end of 2014 there were 19.5 million such people worldwide.<sup>23</sup> Their situation is often so dangerous and unbearable that they cross the boundaries of their own countries to seek safety in neighboring countries, and thus become internationally recognized as 'refugees' access to the aid of countries, UNHCR and other organizations. They also recognized precisely because for them it is too dangerous to return home, and it is a safe haven elsewhere. Refusal seeker has potentially deadly consequences for these people.

Refugees are defined and protected by international law. Refugee Convention of 1951 and its Protocol of 1967 and other legal texts remain the foundation of modern protection of refugees. The legal principles that they are laced through founding countless other international, regional and national laws and practices. Convention of 1951 defines who is a refugee and outlines the basic rights which states should deliver them to refugees.<sup>24</sup> One of the most basic principles of international law is that refugees should not be expelled or returned to a situation where their life or freedom is threatened. Refugee protection has several aspects. It includes insurance against the risk of a return to that escaped; access to asylum procedures which are fair

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<sup>22</sup>The Council on Foreign Relations (CFR) is an independent, nonpartisan membership organization, think tank, and publisher. In this video, members explain why CFR is a trusted and indispensable resource. CFR.ORG, accessed April 16, 2016 doi: [http://www.cfr.org/migration/europes-migration-crisis/p32874?cid=ppc-Google-grant-europe\\_migration\\_crisis\\_backgrounder-110515&gclid=CKPY3YCZ6skCFSQYwwodGqIIPQ](http://www.cfr.org/migration/europes-migration-crisis/p32874?cid=ppc-Google-grant-europe_migration_crisis_backgrounder-110515&gclid=CKPY3YCZ6skCFSQYwwodGqIIPQ)

<sup>23</sup>The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a United Nations programme mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland, and it is a member of the United Nations Development Group.

UNCHR.ORG, accessed April 17, 2016 doi: <http://www.unhcr.org/pages/49e45bb01.html>

<sup>24</sup>Kristin Archick and Rhoda Margesson, Europe's Migration and Refugee Crisis September 4, 2015, accessed April 14, 2016 doi: <https://www.fas.org/sgp/crs/row/IF10259.pdf>



and efficient; and measures to ensure that their basic human rights are respected and allow them to live in dignity and security while helping them to find long-term solution. States bear the primary responsibility for this protection. Therefore, UNHCR works with governments, advising and supporting them as necessary to implement their responsibilities.

Migrants choose not to move because of a direct threat of persecution or death, but generally to improve their lives by finding work, or in some cases, education, family reunion or other reasons.

Unlike refugees who cannot safely return home, migrants do not face such obstacles to return. If they choose to return home, they will continue to receive protection from their government. This distinction is important for governments. States deal with migrants according to their own laws and procedures for immigration. States deal with refugees through norms for the protection of refugees and asylum seekers as defined in national legislation and international law.

States have a particular responsibility towards everyone who seek asylum on their territory or their borders. UNHCR helps countries deal with their responsibility to protect asylum seekers and refugees. Politics has a way to get involved in such debates. The mixing of refugees and migrants can have serious consequences on the lives and safety of refugees. Blur the two terms it removes attention from specific legal protection that is needed for refugees. It could undermine public support for refugees and the institution of asylum, at a time when more refugees need such protection.<sup>25</sup> All human beings should be treated with respect and dignity. We should ensure that respect human rights of migrants. At the same time, we should provide an appropriate legal response to refugees because of their particular accident. Well, back in Europe and the large number of people this year and last year with ships arrived in Greece, Italy and elsewhere. What are they? Refugees or migrants?

In fact, they are both. Most people who arrive in Italy this year and especially in Greece, from countries mired in war or for other reasons are considered "producers of refugees" and requiring international protection. However, a smaller proportion coming from other places, and many of

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<sup>25</sup> The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10 December 1948 at the Palais de Chaillot, Paris. The Declaration arose directly from the experience of the Second World War and represents the first global expression of what many people believe to be the rights to which all human beings are inherently entitled. UN xiv decolonization 119, accessed March 28, 2016 doi: <http://www.un.org/en/index.html>

these individuals, and the term 'migrant' would be correct.<sup>26</sup> Well, the UNHCR said "refugees and migrants" when talking about the movement of people by sea or in other circumstances, when one thinks that both groups are present - the movement of ships in South Asia is another example. They said 'refugees' when referring to people fleeing war or persecution across an international border. And it said 'migrants' when referring to people who move for reasons that are not included in the legal definition of refugees.

### 3.4 Refugees and Human Rights

The main reason why the refugee law shall be evaluated within the context of human rights law is the "fear of persecution". Thus, to expel, return ("refouler") or refoula refugee in any manner whatsoever to the frontiers of territories where he/she fears of persecution is the violation of the 1951 Convention. Thus, the authorities of the contracting states have no such power to return (refouler) a person who is granted "refugee" status as mentioned above. An opposite decision given by a contracting state shall obviously be a violation of the 1951 Convention:

- No contracting State shall expel or return ("refouler") 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.<sup>27</sup>

- This generally accepted rule of international law is known as "non-refoulement" or "prohibition of refoulement or expulsion". As a standard rule of international human rights law, this issue is also reiterated in the United Nations Convention on the Prevention of Torture, Other Cruel, Inhumane or Degrading Treatment and Punishment of 1984.

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<sup>26</sup> Economic and Social, Council – General E/CN.4/Sub.2/2015/17, June 28, 2015, accessed March 27, 2016  
doi:<http://www.un.org/en/index.html>

<sup>27</sup> The refugee Convention (1951 Convention, article 33, paragraph (1)), accessed April 15, 2016  
doi:<http://www.unhcr.org/4ca34be29.pdf>

1. No State Party shall expel or return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.<sup>28</sup>

2. For determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

In accordance with the 1951 Convention, exception on the rule of prohibition of expulsion or refoulement can be made for reasons of “national security” and “public order”:

The Contracting States shall not expel a refugee lawfully in their territories save on grounds of national security or public order.<sup>29</sup>

The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.<sup>30</sup>

### 3.5 Refugees and IDPs as human security victims

Being among the most vulnerable people in the world, refugees are by definition central referent objects of human security. In traditional IR thought, the state provides security for its citizens, a condition that was long taken for granted to the extent that IR theorists argued that it was unnecessary for students of international politics to concern themselves with the internal affairs of states. Refugees, who have lost the protection of citizenship, would in this world of competing sovereign states with discrete citizenries be eminently insecure. Wight’s stark contrast between the inside and the outside of states is less pronounced in reality, and a

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28 Martinus Nijhoff, *UNHCR and Voluntary Repatriation of Refugees: A Legal Analysis*, BostonMA, Zieck, Caroline 1997.

29 The refugee Convention (1951 Convention, article 32, paragraph (1)), accessed April 15, 2016 doi:<http://www.unhcr.org/4ca34be29.pdf>

30 The refugee Convention (1951 Convention, article 33, paragraph (1)), accessed April 15, 2016 doi:<http://www.unhcr.org/4ca34be29.pdf>

range of international-and, in most countries, domestic-legal and ethical norms afford refugees a considerable degree of legal and practical protection, whether provided by host states or by the international community through the UN, the ICRC and humanitarian NGOs. Refugees nevertheless are among the more insecure people in the world. Having fled from persecution, generalized violence or war (or a combination of these), refugees leave the direct threat of violence but arrive to a life of uncertainty. Their refuges are often not safe havens, especially when refugee camps are situated close to the border of their home state. Their legal status is often not secure, leaving many refugees constantly worried about the threat of forced repatriation or refoulement, such as when Lao Hmong refugees were forcibly returned from Thailand in December 2009 after spending years in detention centres, and despite strong protests from UNHCR. As a result of such insecurities, refugees have been among the core beneficiaries of human security advocacy. The same is the case for other forced migrants, especially IDPs, who in many cases lead even more insecure lives than refugees.

### 3.6 Displacement, conflict and insecurity in the developing world

While human security has been on the wane, a conflict perspective on displacement has gained momentum. It is linked to the human security discourse, in that it shows concern for the security of displaced persons. However, the main concern raised by this conflict perspective is the security impact mass displacement can have on conflict dynamics. Most forced migrants, whether refugees or IDPs, are displaced by (general or targeted) violence and war, or by conflict-induced insecurity combined with a sharp deterioration of living conditions (due to environmental and/or economic strains). Displacement is increasingly seen as intrinsic to conflict. For instance, the definition of 'complex emergencies', a relatively new term used to show that contemporary conflicts are characterized by large-scale humanitarian crises as much as by the actual fighting between warring parties, includes 'extensive violence and loss of life; massive displacements of people; widespread damage to societies and economies'. Sometimes displacement occurs Victims or Threats. As a side-effect of conflict, sometimes as a tactic (as a means of controlling populations to control territory), but other times as a war aim in itself, taking the form of ethnic cleansing or even genocide, for instance, includes in her definition of

'new wars' the aim 'to control the population by getting rid of everyone of a different identity (and indeed of a different opinion) and by instilling terror', explaining this as the reason behind 'the dramatic increase in the number of refugees and displaced persons' in contemporary conflicts.

Such targeting of particular groups of civilians based on their ethnic, religious or other group identity has been a common aspect of many of the bloodiest post-Cold War conflicts, including the former Yugoslavia, the Great Lakes of Africa and Sudan, as well as in lower-intensity conflicts in parts of, for instance, Kenya, Nigeria and many former Soviet republics. But it is not only identity politics and ethnic animosities that create displacement. Displacement can ensue from an economically motivated agenda of preying on civilian populations, ranging from pillaging or protection money to the creation of 'shadow states' based on patronage and predation. Displacement can also be the result of warring factions clearing an area of (some of) its population in order to conduct illegal economic activities (mining, cultivating, logging, extracting and/or smuggling valuable commodities such as diamonds, timber, oil, drugs) unencumbered by the presence of civilians.

The self-evident observation that conflict creates displacement has increasingly been complemented by the assertion that the causal relationship between displacement and conflict runs both ways. Or rather, this relationship can be described as a vicious cycle of conflict and displacement, where each feeds into the other and both contribute to underdevelopment, environmental strain, and weakened state structures. Such conflict and displacement cycles can destabilize local areas, states and regions. Displacement, counter-displacement and the uncertain citizenship created by serial flight contribute to the protracted and intractable nature of many conflicts. Such conflict and displacement cycles have been particularly visible in regions such as the Great Lakes of Africa. In this section, I will look at how refugees and other forced migrants have been depicted as harbingers of insecurity and carriers of 'the contagion of conflict'. I discuss how forced migrants are deemed to contribute to vicious conflict cycles-not only as victims of insecurity and violence, but also as perpetrators and threats. I also consider why this 'contagion of conflict' perspective has become more widespread and influential, and discuss if

one consequence of such a perspective could be to contribute to perpetuating vicious cycles of conflict and displacement.<sup>31</sup>

### 3.7 Asylum, border control, crime and terrorism after 9/11

Some analysts have argued that the strong states of the North are not immune against the contagion of instability and conflict carried by mass refugee influxes. Kaplan (1996) envisions a scenario where mass cross-border movements carry with them crime, disease, human misery, and destructive conflicts. This is both a result and further cause of the erosion of borders, and thus of states and the stability they provide. Furthermore, Kaplan argues that the global nature of refugee movements ensures that this contagion of violence is not contained within developing regions, but will spread across the world. Albeit adding to a generalized sense of alarm about migration from the South to the North, Kaplan's vision has not gained widespread currency. The depiction of forced migration as conflict-inducing, as described above, has in most of its invocations been focused on weak and poor states in the global South. For instance, when in the early 1990s Germany began to receive hundreds of thousands of new asylum seekers every year, this raised many concerns, but not warnings of violent conflict.

Security concerns over forced migration have taken another form in the rich, strong and stable countries of the global North. Reflecting a different-and higher-baseline of security, there is little concern over civil war and political upheaval, and more with the protection of political and cultural values and a particular way of life. Forced migration as a potential threat has mostly been understood within the context of asylum, border control, crime and terrorism. I begin by describing the impact of the terror attacks on New York and Washington on 11 September 2001 on Western perceptions of asylum as a terror risk, before moving on to map out the precursors to this discourse found in concerns with identity security.

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31 Edward Newman and Joanne van Selm, *Refugees and forced displacement, International security Human vulnerability and the state*, United nations university press, Tokyo New York Paris, 2003, 50

### 3.8 Balancing responsibility and solidarity on migration and asylum

In managing asylum and migration policy comprehensively, responsibility and solidarity must go hand in hand.

EU legislation includes specific provisions to fight against abuses, for example by allowing swift processing of asylum applications likely to be unfounded, including for people originating from countries considered as 'safe'. In September 2015, the Commission proposed a Regulation establishing an EU common list of safe countries of origin. A European list would allow for swifter processing of individual asylum applications of persons originating from 'safe' countries and for faster returns if it is complying with the common European asylum system (CEAS) and assuming responsibility putting solidarity into practice

- **Funding:** The European Commission is providing over €8.4 billion under the Asylum, Migration and Integration Fund (AMIF), and the Internal Security Fund (ISF) to address migration and security challenges in Europe. For 2016, the Commission proposed an increase in the EU budget for dealing with the refugee crisis, and has foreseen emergency financial assistance for Member States of €133 million under the AMIF and €55.9 million under the ISF.

- **Relocation:** In September 2015, the Council adopted two Decisions establishing a temporary emergency relocation mechanism to relocate 160,000 persons in clear need of international protection from Italy and Greece.

- **Resettlement:** Following the Commission's Recommendation, Member States adopted in July 2015 a plan to resettle 22,504 displaced persons from outside the EU who are in clear need of international protection, through multilateral and national schemes. The priority areas for resettlement are the Middle East, North Africa and the Horn of Africa. According to information communicated by Member States, 3,358 people had been resettled by the end of 2015. The Commission will soon bring forward a horizontal resettlement initiative to ensure a collective approach to resettlement as a central tool in the EU's assistance to countries hosting large numbers of refugee populations.

- Hotspots: Under the European Agenda on Migration, the Commission has sent migration management support teams to provide assistance to national authorities at Hotspots in Greece and Italy. Five hotspot areas have been identified by the Greek authorities in the Aegean islands of Lesbos, Chios, Samos, Leros and Kos. Currently one hotspot is fully operational (in Lesbos). Six hotspot areas have been managing the refugee crisis balancing responsibility and solidarity on migration and asylum confirmed that they have no right of asylum. Applicants will have the right to challenge the presumption of safety in light of their individual circumstances, and should receive protection if the conditions are met. The Commission proposed to include Albania, Bosnia and Herzegovina, Macedonia, Kosovo, Montenegro, Serbia and Turkey in the EU common list of safe countries of origin. The proposal must now be adopted by the European Parliament and Council. The Commission has also called for a stronger and more coherent use by Member States of the provisions allowing the return of asylum seekers to safe third countries.

### 3.9 Protracted displacement

Displacement of populations across the globe is on the rise. For the first time since World War II, the number of refugees, asylum-seekers and internally displaced persons (IDPs) worldwide has exceeded 51 million people. Moreover, the number of year's refugees and IDPs spend in exile or displaced inside their own country is also increasing. Protracted displacement is currently defined as "a situation in which 25,000 or more refugees of the same nationality have been in exile for five years or longer in a given asylum country". On this basis, the United Nations High Commissioner for Refugees (UNHCR) reported that at the end of 2013 of the total 11.7 million refugees under its mandate globally, 6.3 million refugees, or 54%, were living in protracted situations across 27 countries. In addition, the average length of time a refugee spends in exile is now thought to be approaching 20 years. As for the 33.3 million IDPs displaced by conflict or violence, around 25.1 million can be estimated to live in a situation of protracted displacement.



#### 4. General principles

##### Respect the human rights of refugees and migrants

All states affected by the large number of migrants and refugees to their obligation to ensure full respect of international and regional human rights instruments, including the Geneva Convention on the 1951 status of refugees; European Convention on Human Rights; and relevant OSCE commitments on human dimension.<sup>32</sup>

Refugees and migrants are entitled to protection from discrimination and from any other incitement to discrimination.

Every state has a duty to perform their respective national obligations under international law.

##### Providing full access to asylum procedures

All countries along the migration route facing migrants and refugees must respect the principle of non-re-foulement; and ensure non-discrimination on any grounds, unimpeded access to a fair, fast, effective and gender-sensitive asylum procedure, protecting the best interests of the child; right to information; and the right to an effective remedy.

##### Protection of rights through cross-border cooperation

All countries that receive a large number of migrants and refugees should closely cooperate and establish channels for the exchange of confidential information in order to provide

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<sup>32</sup> The Ombudsman is special, specific, professional and independent organ with special status for protection of citizens rights, which means that it isn't legislative body, executive nor judicial authority and it isn't state prosecutor, nor inspection organ. His meaning and specific of his function lies in the way of his work and behaviour. Method and way of work of the Ombudsman consists of giving proposals, advises, suggestions, co-operation, ability to hear citizens and to act timely for realisation rights citizens. Ombudsman / National Institutions for Human Rights – accessed April 17, 2016 doi: <http://ombudsman.mk/upload/documents/2015/Deklaracija-Migranti-MK.pdf>

humanitarian response and to ensure humane reception of migrants and refugees residing or transiting through their territories.<sup>33</sup>

#### Protection from inhuman and degrading treatment

All countries that deal with migrants and refugees must abide by their obligations arising from ratified international and regional treaties governing detention as a means of last resort and forced return in order to prevent inhuman or degrading treatment of migrants and refugees. Relevant human rights bodies within the Council of Europe and United Nations urged countries to avoid detention of migrants and refugees. The detention of migrant children should be fully eradicated. All instances of physical or other abuse of migrants and refugees must be immediately and fully investigated and the perpetrators be brought to justice.

#### Strengthening of measures for integration and family unity

All public bodies should support the unity of the family and implement long-term measures for integration, such as educational strategies, policies on the labor market and measures for social integration with non-discriminatory participation in public and political life.

#### Promotion and protection of economic and social rights

States should ensure that migrants and refugees effective approach to economic and social rights, including adequate shelter, health care, food, water, sanitation, child protection and family, as well as the fastest possible integration into mainstream education, where it respectively.

#### Provision of protective measures for vulnerable groups

All countries which are facing with migrants and refugees, should identify and provide special needs of vulnerable groups in order to protect their rights, such as children (accompanied

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<sup>33</sup> Roel Jennissen, Leo van Wissen, The distribution of asylum seekers over the northern and western European countries, Chapter 7, accessed April 18, 2016 doi: <http://www.rug.nl/research/portal/files/9799526/c7.pdf>

separated and unaccompanied); victims of torture, sexual violence or human trafficking; persons at risk to remain without citizenship; LGBT people; traumatized persons; persons with intellectual and / or physical disability; and the elderly; with due attention to gender-specific aspects of human rights.<sup>34</sup>

#### 4.1. Factors that push and factors that attract (Push and pull factors)

The factors that force people to leave their homeland are called push factors (push factors). Usually associated with poor economic situation and low living standards, but there are security reasons. Often, they both play an important role. On the other hand, factors that attract (pull factors) are the ones that motivate people to move in a particular country or area. Logically, people migrate to countries where are offering better economic conditions and a better standard of living, and a good system of social care and health care, as wealthier Member States of EU. Moreover, people tend to go to countries where there are communities of their origin, especially where already have relatives.<sup>35</sup>As already mentioned, the Balkan route begins in Turkey. One of the factors that facilitate illegal migration is a liberal visa policy that Turkey has for the countries of North Africa and the Middle East, including visa-free regime with Iran, Iraq, Syria, Egypt and so on.<sup>36</sup>

In addition, Turkish Airlines has established direct flights with all Western Balkan countries, as well as many African countries, they are easily connected and more attractive for those migrants who use forged documents (forged passports or identity cards, and fake work permits or student visas). The strategic position of the Western Balkans, which connects the "east" and "west" serves as a factor that attracts migrants (pull factor).Macedonia with its central location is no exception. Anton Travner, Head of Secretariat for the Convention on Police Cooperation in Southeast Europe represents the theory of price. "The probability that a person will decide to migrate illegally, even though this may mean that his life or the lives of his close is placed in

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34 Roel Jennissen, Leo van Wissen, The distribution of asylum seekers over the northern and western European countries,Chapter 7, accessed April 18,2016 doi: <http://www.rug.nl/research/portal/files/9799526/c7.pdf>

35 Anton Travner, power point presentation Combating illegal migration - printed version delivered to the author, past experience of the December 4, .2012

36 Michael Dummett,On immigration and refugees, Routledge Taylor and Francis group, London and New York, 2001, 109

danger, and taking into account psycho-social circumstances, is directly proportional to the vision of his life in the country of his order, and inversely with the cost to be paid for the trip and the troubles that expected during the journey or in the desired country ".

In other words, the person decides to migrate and selects the route according to the image that has the desired country (better living conditions), the price to pay and the expected risks and difficulties. More generally, it is a "cost-benefit" analysis which should show that switching off. The presence of facilitators of illegal migration is another factor attracting (pull factor) and that needs to be addressed. The role of facilitators is generally to represent the relationship with organized criminal group that organized the trip of migrants, including people who are engaged in smuggling and trafficking as well as "way stations" where migrants housed and can rest before you continue travel.

Such a place is Lojane village near the border crossing point Tabanovce. The local population is particularly concerned about the health of migrants and possible health risks. Given that these villages are very coherent in terms of ethnicity, religion and culture, this new situation causes unease among the population.

Another factor that may play a role is the ability to access the shadow economy as a source of financing their journey. However, migrants are very careful not to engage in illegal activities during the journey because of the risk to be discovered by the police.

Smuggling of migrants was first classified as a crime in the Macedonian Criminal Code in 2004. Part of the thirty-fourth chapter of the Criminal Code of Macedonia - crimes against humanity and international law as Article 418-B29 and is consistent with the Protocol against the Smuggling of Migrants by Land, Sea and Air which complements the United Nations Convention against Transnational organized crime.<sup>37</sup>

According to the law, an offender may be a person who illegally transfers migrants across the state border, a person who makes, acquires or possesses a false travel document for that purpose or a person who recruits, transports, buys, sells, harbors or accepts migrants. In the case where the life and health of migrant is disrupted while performing the work, there are higher punished

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<sup>37</sup> Madeline Galick , Strengthening refugee protection and meeting challenges: The European Union's next steps on asylum , June 2014 , accessed April 17, 2016 doi: Asylum-Brief-Strategic-Guidelines - file:///C:/Users/User/Downloads/Asylum-Brief-Strategic-Guidelines-FINALWEB\_0%20(2).pdf

with imprisonment of at least eight years. This can often happen, given that migrants are smuggled in vehicles are hiding in small rack. There is a separate article (418-c) an organized group and inciting the perpetration of acts of trafficking in persons and smuggling of migrants. It is important to note that objects and vehicles used to commit the offense (or organizing a group for that purpose) shall be confiscated. The first case of smuggling migrants from Afghanistan was discovered in 2009. Border crossing "Bogorodica" (near Gevgelija).

The migrants were found in a truck driven by Macedonian driver. Previously, most of the migrants who had been smuggled Chinese or Albanian origin and in most cases their ultimate destination was Greece.

#### 4.2. The obligation to save human life

At first sight, it might seem paradoxical for a government to devote resources to saving the lives of those trying to enter the country illegally, but there are many reasons why governments might do this. First, the need to save lives of illegal migrants is required, or appears to be, under the human rights protocol accepted by the United Nations. This stipulates the right of all individuals to life, human dignity, personal liberty, freedom of movement, privacy and the right of self-determination, among others (United Nations 1948). Ignoring migrants whose lives are at risk could be interpreted as an infringement of their right to life, and more generally as denying their right to accessible medical care regardless of nationality or legal status. It is true that the application of human rights mandates to willing participants in human smuggling is not as clear as its application to victims of human trafficking schemes whom are placed under servitude and transported against their will. Even so, it is certain that saving human life – illegal migrant or not – is soundly embedded in the fundamental respect for humans intrinsic to democratic values.<sup>38</sup>

Second, governments might accept the responsibility to save migrant lives in an effort to stem criticism by groups concerned with the welfare of illegal migrants.

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38 Steiner, Niklaus, Gibney, Mark and Loescher, Problems of Protection, the UNHCR, Refugees and Human Rights, London: Routledge, 2003, 87

### 4.3. Strategy for integration of refugees and foreigners

The complexity of the issues of asylum, migration and integration of new residents in European countries and elsewhere around the world, leaves a deep reflection on the theoretical problems related with these issues, said the government's strategy for the integration of refugees and foreigners 2008-2015 year.<sup>39</sup> "Similarly, becoming more urgent proposals for practical solutions to the ongoing transformation of the structure of modern societies.

The media and other segments of society, prevail "live" discussions on migration and refugees. The opinions and recipes for activities resulting from such discussions are not always conclusive. The issues of migration and refugees is still seen as particularly challenging. Therefore, countries usually respond to this challenge by elaborating policies, and strategies of integration, which would make them enforceable policies. The integration of newcomers into society is dynamic, two-way process which requires efforts by all involved in this process. It requires a willingness of immigrants to accept the host society without having to give up their own cultural identity, and the willingness of communities host and public institutions, to accept newcomers into society and meet the needs of a diverse group of people. The concept of the development of integrated policies for immigrants, should provide measures by the state, which would allow immigrants to become responsible of the economic, social and political life of the society, which had come. Also, it should be taken into account and respecting the cultural and social differences as well as human rights and human dignity. The promotion of fundamental rights, non-discrimination and equal opportunities for all are key to a successful integration process.

The Republic of Macedonia still lacks a comprehensive policy document on its policy for integration of immigrants. With this in mind, it will be effectively isolated developing strategy for the integration of refugees and foreigners in society, without any reflection of the broader context of migration and cultural implications of the processes of integration. To issues that relate to refugees and foreigners with long-term residence in the country, it should be approached within the broader concept of public policy, aimed at social issues related to changing

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<sup>39</sup> Nicholson, Frances, and Twomey, Patrick, *Refugee Rights and Realities: Evolving*, 1999, 95

demographic situation.<sup>40</sup> Macedonia, like most European countries, has exposed a growing migration within the processes of globalization. Furthermore, the Republic of Macedonia as a multicultural state in its policy must reflect one additional element, namely the integration of newcomers into society, composed of different ethnic groups, which regularly emphasize their cultural differences. Indeed, the strategy document is essentially a political instrument, though he can not develop in a vacuum.

The first step towards developing a functional policy of social integration are recommendations aimed at improving the existing legislation and the means of its implementation. Further steps concerning the development of more advanced policy, which is mainly based on the institutions that already exist in the country. This national strategy is in harmony with other national strategies in the country and with the international legal framework of the EU. The strategy recognizes the right man for Individual behavior and choices in the context of the fundamental rights of present and future needs of the population. It ensures, through socio-economic development, to create comprehensive, sustainable and equal development opportunities for individuals. This ensures that the strategic objectives for the integration of refugees and foreigners in the country to move within the values, norms and social rights, which are characteristic of the European Union.

Strategy for the integration of refugees and foreigners, will serve as the basis for the development of national action plans for the integration of refugees and foreigners in society, which will define specific measures and actions for achieving the strategic objectives and guidelines contained in this strategy.

#### 4.4. 2015 UNHCR subregional operations profile - South-Eastern Europe

While the number of asylum-seekers in South-Eastern Europe continues to rise, most national asylum systems in the subregion do not meet international standards. The majority of

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40 Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises. We are an independent organization, and do not accept any government or UN funding. Refugees International.org - accessed April 15, 2016 doi: [http://www.refugeesinternational.org/?gclid=CK\\_Z44erqssCFUE\\_Gwode9kP1Q](http://www.refugeesinternational.org/?gclid=CK_Z44erqssCFUE_Gwode9kP1Q)

new asylum-seekers are Syrian, with Serbia receiving by far the largest percentage of those seeking international protection in the subregion. However, many asylum-seekers and refugees move on before their international protection needs have been assessed. Such movements are prompted in part by: difficulties in applying for asylum, for example at borders; inadequate or insufficient reception conditions; low recognition rates; or a lack of local integration prospects.

Following the regional initiative on Refugee Protection and International Migration, UNHCR, IOM and key stakeholders are pursuing dialogue with Governments in the Western Balkans, at national and regional levels, to promote protection-sensitive asylum and migration systems consistent with European and international standards. UNHCR also offers technical advice to Governments across the region and provides legal assistance and direct support to particularly vulnerable people of concern.

As part of the Sarajevo Process, implementation of the Regional Housing Programme continues in Bosnia and Herzegovina, Montenegro and Serbia, as well as in Croatia (now covered under the Northern, Western, Central and Southern Europe subregion). Additional funding may be needed to provide sustainable housing solutions for all 74,000 vulnerable refugees, returnees and IDPs from the 1991-1995 conflicts. UNHCR, with OSCE, help to ensure projects provide sustainable solutions for the most vulnerable.<sup>41</sup>

Advances made in the durable solutions process in the Western Balkans have led UNHCR to recommend that refugee status should cease for Croatian refugees by December 2014. Where local integration or repatriation processes are still underway, this could be progressively implemented between 2014 and 2017. A similar process, which will lead to a recommendation concerning the cessation of status for refugees from Bosnia and Herzegovina, is ongoing. UNHCR is of the view that all remaining displaced people should be able to access durable solutions by the end of 2017.

Despite efforts to improve relevant laws and administrative practices, 17,000 people who are stateless or of undetermined nationality, many of whom belong to the Roma minority, continue to lack access to civil registration and documentation in the subregion. UNHCR works closely

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41 The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a United Nations programme mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland, and it is a member of the United Nations Development Group. UNCHR – accessed March 17, 2016 doi; <http://www.unhcr.org/pages/49e45b906.html>



with the OSCE High Commissioner on National Minorities and the European Commission in assisting Governments to resolve civil registration and nationality-determination issues. All countries are parties to the 1954 Convention relating to the Status of Stateless Persons and only the Macedonia has yet to accede to the 1961 Convention on the Reduction of Statelessness.

#### 4.4.1 Response and implementation

In Bosnia and Herzegovina, UNHCR is working in close partnership with local authorities, NGOs and international actors to achieve solutions for the remaining 84,500 IDPs and 47,000 minority returnees. For new arrivals, the organization is working with IOM and an intra-ministerial group under a regional initiative on asylum and migration, with the aim of strengthening reception conditions and refugee status determination procedures, and reducing the use of detention for asylum-seekers. UNHCR will continue to focus on preventing statelessness and providing legal aid to existing populations, including at least 1,500 Roma, who lack birth certificates or proof of citizenship.

UNHCR's work in Macedonia is primarily aimed at assisting the Government in building and maintaining high quality asylum procedures as mixed migration movements to the country increase. The country has seen a sharp rise in arrivals from outside the region-seeking asylum. The Office will continue to advocate for durable solutions for around 900 people of mainly Ashkali, Egyptian and Roma origin, and will provide direct assistance to some of the most vulnerable. UNHCR will work with the authorities to resolve the situation of another 800 people who lack civil registration and documentation, and will continue to advocate for the country's accession to the 1961 Convention on the Reduction of Statelessness and the establishment of a statelessness determination procedure.<sup>42</sup>

As its European integration process progresses, national legislation and practice around Montenegro's new asylum system is being harmonized and UNHCR is offering assistance to the Government to strengthen its capacity to deal with mixed migration flows.

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42 The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a United Nations programme mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland, and it is a member of the United Nations Development Group. UNCHR – accessed March 17, 2016 doi; <http://www.unhcr.org/pages/49e45b906.html>

Particular attention will be given to cross-border cooperation and prevention of *refoulement*. UNHCR aims to find durable solutions for the region's remaining group of people of concern.

Serbia observed a sharp increase in asylum-seekers in 2014, with more than 5,000 new applications received by July. As these asylum-seekers arrive in mixed flows, UNHCR remains focused on safeguarding asylum space and helping to build the capacity of both national authorities and other stakeholders. The Office estimates that some 88,000 internally displaced people still need assistance and will work with the authorities on a comprehensive package of durable solutions. The Regional Housing Programme will provide permanent solutions for approximately 43,000 refugees from Croatia and Bosnia and Herzegovina. Close cooperation and coordination of activities between UNHCR and the relevant Serbian authorities will continue to address the statelessness issues of the Roma population.

The priority in Kosovo is to strengthen the national asylum system, primarily by building the authorities' capacity to manage mixed migratory flows efficiently. UNHCR is working with the Kosovo authorities on implementing durable solutions for around 17,000 IDPs and around 10,000 people willing to return to Kosovo from the region. The Office is implementing a return and reintegration project for Ashkali, Egyptians and Roma, and returnees from camps in Montenegro and Macedonia and will provide support to community-level reconciliation initiatives. Ensuring access to birth registration and civil documentation remains central to the Office's work.

#### 4.4.2 Financial information

Between 2011 and 2015, the financial requirements for South-Eastern Europe have steadily declined from USD 76.2 million in 2011 to USD 46.7 million in 2015, due to the progressive downscaling of operations. In 2015, the financial requirements of USD 46.7 million are set slightly higher than the 2014 budget. This is partly due to UNHCR's additional activities in Bosnia and Herzegovina for IDPs, as part of responsible disengagement, and to the creation of a Regional Office in Sarajevo.

#### 4.4.3 Number of applications for international protection in the EU+ in December 2015

In December 2015, EU+ countries registered 110 378-asylum applications. This was a 35 % decrease compared to November, when applications were slightly below October's record high level, and the lowest monthly total in the second half of 2015. Despite the drop, the influx of asylum applicants in the EU+ remained at very high levels and more than 50% higher than in December 2014. A total of 1 349 638 applications for international protection were received in EU+ countries in 2015.<sup>43</sup>

The share of repeated applicants rose again to 4 % after declining for several months. The number of applicants who claimed to be unaccompanied minors (UAMs) at the moment of lodging an application fell from 9 % of the total in November to 7 % in December. The number of UAMs halved to 7 189 applicants. The share of UAMs from Afghanistan remained highest with 67 %, despite the decrease from 11 656 to 4 894 applications. Syrian and Iraqi UAM applicants also decreased compared to the previous month, but remained in 2nd and 3rd place respectively with 7 % and 4 % of all UAM applications.

#### 4.4.5. Main countries of origin of applicants in the EU+ in December 2015

The number of asylum applicants from all of the top ten citizenships decreased by between 10 % and 55 % in December. Syria remained, for the eighth consecutive month, the top citizenship with 35 711 applications registered in the EU+. Afghanistan remained in second place (21 503) and Iraq in third (11 513). The number of applications from WB nationals decreased further but – as a group – WB remained in fourth position. The remaining top ten citizenships of applicants were made up of applicants from Iran, Pakistan, Nigeria, the Russian Federation, Eritrea and Bangladesh.<sup>44</sup>

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43 Frontex (from French: *Frontières extérieures* for "external borders") is an agency of the European Union established in 2004 to manage the cooperation between national border guards securing its external borders. Report for Western Balkans Quarterly - Quarter 2 April - June 2015, accessed April 3, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)

44 Frontex, Report for Western Balkans Quarterly - Quarter 3 - July September 2015, accessed April 15, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)

Syria – In December 2015, EU+ countries registered 35 711 applications lodged by Syrian citizens, a decrease of 35 % compared to November 2015, but still close to three times the level recorded in December 2014. The number of Syrian applicants decreased for the third month in a row following seven consecutive months of increase from February to September 2015. Germany remained the main receiving country with over 70 % of all Syrian applicants, followed by Sweden, Austria and Belgium. The largest relative drop in applications took place in Norway (-89 %). Only four EU+ countries noted (minor) increases in the numbers of Syrian applicants. Twenty EU+ countries had Syrian applicants in their top three citizenships of applicants.

Afghanistan – After nine months of consecutive growth and a record high in November, the number of applications lodged by Afghan nationals dropped for the first time in December (21 503) falling to about half the number of November, but still more than three times higher than in December 2014. The decrease in registrations was principally observed in Sweden where Afghan applicants lodged 5 290 asylum claims, compared to 14 652 in November.

Iraq – The number of applications by Iraqi citizens (11 513) decreased by 41 % in December, continuing the decrease reported in November, the number of Iraqi applicants remained much higher than the levels recorded during 2014 and the first half of 2015. Germany, Sweden and Austria together accounted for two thirds of all applications lodged by Iraqi applicants.<sup>45</sup>

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<sup>45</sup>Frontex (from French: *Frontières extérieures* for "external borders") is an agency of the European Union established in 2004 to manage the cooperation between national border guards securing its external borders. Report for Western Balkans Quarterly - Quarter 3 - July September 2015, accessed April 15, 2016, doi; [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)

#### 4.4.6 Western Balkan nationals



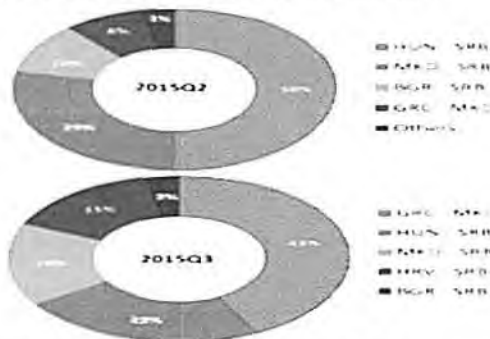
Western Balkan nationals (WB) – The number of applications from WB nationals dropped further by 30 % to 6 367 applications, the lowest number registered since June 2014, following measures implemented by destination countries (mainly Germany). Germany continues to receive the majority of applications by WB nationals, but the

number of WB applicants fell by about half and Germany’s share of the EU+ total decreased from 72 % to 62 %. In contrast, France’s share grew to 16 %.<sup>46</sup>

#### 4.4.7. Number and type of decisions issued in first instance in EU+ countries

Figure 9 The southern borders continue to be the main points of entry to the region. The Croatian-Serbian border increases its importance as an exit point after mid-September

Shares of the non-regional flow detected between BCPs in Q2 and Q3 2015 by top border sections



Source: WB-RAN data as of 14 January 2016

In December 2015, EU+ countries issued 72 576 decisions at first instance, an 8 % increase compared to November and 79 % higher than the level recorded in December 2014. It is the highest monthly number of decisions in 2015, but also for any month since the EU-wide EPS monthly data collection started in March 2014.

<sup>46</sup>Frontex, image source - General map of the Western Balkan - Western Balkans Quarterly - Quarter 3 - July September 2015, accessed April 15, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)

In the EU+ as a whole, the share of positive decisions was 61 % of total decisions in first instance, one percentage point higher than in November, <sup>47</sup>reflecting a higher number of positive decisions issued on cases of Syrian applicants.<sup>48</sup>

Syrian nationals continued as the citizenship receiving the largest share of decisions at first instance. In December, EU+ countries issued 29 861 decisions on Syrian applications, 23 % more than in November, and 43 % of the EU+ total. Of those decisions, 99 % resulted in a positive outcome; 91 % granted refugee status and 8 % granted subsidiary protection. The number of decisions issued in the EU+ on Albanian cases (3 898) remained stable in December after the significant decrease registered in November. Almost all (98 %) of first instance decisions issued to Albanian applicants were negative. The number of decisions on Eritrean cases decreased to 3 654 after two months exceeding 5 000 decisions. At EU+ level, 95 % of these decisions were positive, with a higher share of subsidiary protection compared to November.

For the other nationalities belonging to the top ten, the number of decisions in first instance issued in December increased compared to the previous month for Somali, Serbian and Kosovar applicants, were stable for Iraqi, Afghan and Pakistani applicants, whereas they decreased for Nigerian nationals.

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47 Frontex, image source - General map of the Western Balkan - Western Balkans Quarterly - Quarter 3 - July September 2015, accessed April 15, 2016, doi;

[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)

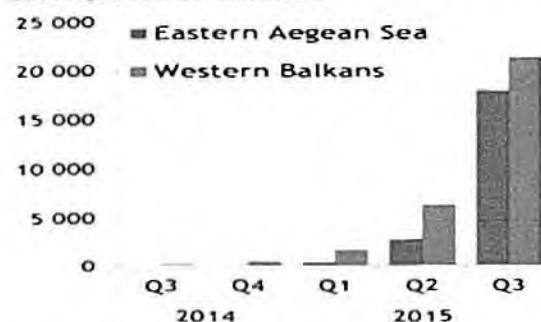
48 Frontex, (Quarter 3 - July September 2015, accessed April 15, 2016, doi;

[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)

#### 4.4.8. Number of applications for international protection in the EU+1

Figure 11. The Western Balkans and Eastern Aegean routes were the most transited by Iraqi migrants on their way to the EU

Detections of Iraqi nationals crossing the border illegally between BCPs on their way to the EU in Q3 2014–Q3 2015, by main routes



Source: FRAN and WB-RAN data as of 14 January 2016

In 2015, EU+ countries recorded 1 349 638 asylum applications. This is more than twice the level recorded in 2014 and the highest annual number of asylum applications in the EU+ since EU-wide data collection started in 2008. Several factors have influenced this record number of applications; however, the dominant dynamic was the deterioration of the security environment in some of the main <sup>49</sup> countries of origin.

The unprecedented increase in the number of applications for international protection in the EU+ occurred primarily in the second half of the year, when the number of monthly applications exceeded 100 000 and reached a record 176 430 applications in the month of October alone. Following six months of consecutive growth, November and December saw a decrease in the monthly totals, but levels remained much higher than in previous years.

The share of repeated applicants decreased throughout 2015, and for the whole year represented only 5 % of the total. In contrast, the share of applicants who claimed to be unaccompanied minors (UAMs) at the moment of lodging an application increased to 6 % of all applications. 85 482 UAMs applied for asylum in the EU+ in 2015, more than three times higher than in 2014. The majority of UAMs were nationals of Afghanistan (54 %), followed by Syrians (13 %), Eritreans (7 %), Iraqis (5 %) and Somalis (4 %).<sup>50</sup>

<sup>49</sup> Frontex, Quarter 3 - July September 2015, accessed April 15, 2016, doi:

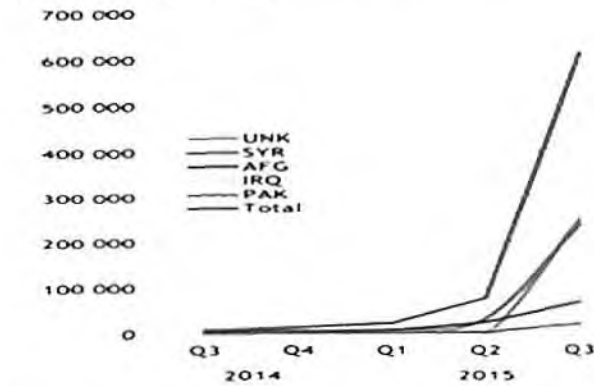
[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf) image source

<sup>50</sup> Frontex, Western Balkans Quarterly - Quarter 3 - July September 2015, accessed April 3,

2016, doi:<http://frontex.europa.eu/news/frontex-publishes-analysis-of-borders-in-the-western-balkans-for-q3-RgTWDN>

#### 4.4.9. Main countries of origin of applicants in the EU+ in 2015

Figure 10. All top five nationalities contributed to the sharp increase in detections during Q3. Pakistanis and Iraqis consistently ranked high in the whole Western Balkans region  
Detections of illegal border-crossing between BCPs by non-regional migrants



Source: WB-RAN data as of 14 January 2016

Afghanistan (14 %) and Iraq (9 %). Applications from citizens of Syria, Afghanistan and Iraq rose sharply in the second half of 2015. The top ten citizenships of applicants in 2015 were further made up of citizens of Pakistan, Eritrea, Nigeria, Iran, Somalia and the Russian Federation.<sup>51</sup>

The map displays the main countries of origin of asylum applicants in EU+ countries in 2015. Syria was the top citizenship of applicants reported and Syrians accounted for 27 % of all applications in the EU+. The Western Balkan countries considered together (15 %) were the second ranked citizenship group followed by

##### 4.4.9.1. Evolution of the flow for main citizenships of applications in 2015

Syria – In 2015, EU+ countries registered 369 871 applications lodged by Syrian citizens, a three-fold increase compared to 2014. The influx of Syrian asylum applicants increased significantly from May and reached its highest level in September with almost 63 000 applicants in EU+ countries in that month alone. Syrians increasingly applied for asylum in Germany (over 40 % of the EU+ total). Hungary and Sweden were also main destination countries, together comprising over 30 % of all applications by Syrian nationals. In Hungary, however, almost all of those applying for asylum subsequently absconded and applied again in other EU countries. Since legislative changes in October, the monthly number of Syrian applicants dropped to near

<sup>51</sup> Frontex Quarter 3 - July September 2015, accessed April 15, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf) image source



zero, whereas in Sweden it remained high until November before falling sharply in December. The Syrian influx was spread widely throughout Europe with 20 EU+ countries reporting Syria in their national top three countries of origin.<sup>52</sup>

Western Balkan nationals (WB) – Considered as a group, the number of applications from nationals of all six WB countries represented 15 % of all applications in the EU+ in 2015, totalling 199 202. Applications by citizens of Kosovo and Albania each accounted for 6 % of the total (respectively 72 855 and 68 193 applications). The number of WB applicants peaked in February with 31 502 applications, 23 728 of which were by citizens of Kosovo. Various measures led to the decrease of the number of Kosovar applicants over the course of the year, but in contrast, applications by Albanian nationals rose. Measures were implemented by destination countries (mainly Germany) such as adding WB countries to the national list of safe countries of origin and prioritising decision-making on these nationalities as well as speeding up return procedures. Applications by WB nationals were predominantly lodged in Germany (over 70 % of the EU+ total).

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<sup>52</sup> Angelique Chrisafis and agencies; EU and Balkans agree plan for 100,000 places in reception centres for refugees; Theguardian.com, accessed April 16, 2016 doi: <http://www.theguardian.com/world/2015/oct/26/eu-and-balkan-leaders-agree-migration-plan>

Table 1. Illegal border-crossing between BCPs

Detections reported by Western Balkan and neighbouring countries, by purpose of illegal border-crossing, top five border sections and top ten nationalities

	2014			2015			2015 Q3		per cent of total
	Q2	Q3	Q4	Q1	Q2	Q3	% change on year ago	% change on previous Qtr	
<b>Purpose of Illegal Border-Crossing</b>									
Irregular migration	4 571	6 006	9 326	15 739	46 797	476 179	7 828	918	77
Not defined	2 698	8 751	27 715	32 807	34 439	138 596	1 484	307	23
Other	93	91	85	69	92	88	+3.3	+4.3	0.0
Smuggling	80	72	67	143	328	84	17	+74	0.0
<b>Top Five Sections</b>									
FYR Macedonia • Greece	413	675	499	591	6 547	259 986	38 416	3 871	42
Hungary • Serbia	2 959	9 762	29 579	35 274	39 459	142 918	1 364	267	23
FYR Macedonia • Serbia	671	1 082	1 288	5 381	21 881	98 209	8 977	349	16
Croatia • Serbia	318	280	108	174	173	91 698	32 649	52 905	15
Bulgaria • Serbia	27	147	557	1 886	7 828	18 673	12 603	139	3
Others	3 054	2 974	5 162	5 447	5 768	3 463	16	+40	0.6
<b>Top Ten Nationalities</b>									
Not specified	16	36	138	137	214	247 991	688 764	115 784	40
Syria	1 000	3 912	6 476	8 446	33 182	236 445	5 944	613	38
Afghanistan	1 232	2 605	5 445	7 986	24 293	67 428	2 488	178	11
Iraq	31	114	383	1 618	6 258	21 198	18 495	239	3.4
Pakistan	100	107	241	897	3 891	19 757	18 364	408	3.2
Bangladesh	23	70	176	404	951	4 765	6 707	401	0.8
Albania	2 947	2 995	4 018	2 760	3 749	2 972	-0.8	+21	0.5
Iran	22	60	113	236	643	2 332	3 787	263	0.4
Somalia	166	101	66	1 113	1 511	1 634	1 518	8.1	0.3
Palestine	88	370	515	351	757	1 506	307	99	0.2
Others	1 817	4 550	19 622	24 805	6 207	8 919	96	44	1.5
<b>Total</b>	<b>7 442</b>	<b>14 920</b>	<b>37 193</b>	<b>48 753</b>	<b>81 656</b>	<b>614 947</b>	<b>4 022</b>	<b>653</b>	<b>100</b>

Illegal border-crossing at BCPs Detections reported by Western Balkan and neighbouring countries, by type of crossing, top five border sections and top ten nationalities 53

Afghanistan – 190 013 Afghans applied for international protection in EU+ countries in 2015. This is more than four times the number registered in 2014. As with Syrians, the influx increased over the course of the year, culminating in November with 38 434 applications in that

53 Frontex (from French: Frontières extérieures for "external borders") is an agency of the European Union established in 2004 to manage the cooperation between national border guards securing its external borders, Quarter 3 - July September 2015, accessed April 15, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf) image source

month. Afghan nationals applied for asylum mainly in Hungary, Sweden, Germany and Austria, and together these four countries received over 70 % of all applications by Afghans in 2015.

Iraq – The number of applications by Iraqi citizens reached 125 529 in 2015. Compared to 2014, this was a five-fold increase. The main countries of destination of Iraqi applicants were Germany, Sweden, Finland and Austria, together registering two thirds of all Iraqi applicants in the EU+. The influx of Iraqi applicants varied significantly throughout the year. In January, 2 522 Iraqis lodged their application, but by September and October the number had increased ten-fold to about 26 000 applications in each of these months.

Eritrea – The number of Eritrean applicants changed only slightly compared to 2014 with 46 640 applications in 2015 – the vast majority arriving by boat in Italy. The seasonal pattern observed

Table 2. Illegal border-crossing at BCPs

Detections reported by Western Balkan and neighbouring countries, by type of crossing, top five border sections and top ten nationalities

	2014			2015			2015 Q3		per cent of total
	Q2	Q3	Q4	Q1	Q2	Q3	% change on year ago	previous Qtr	
<b>Clandestine/Other</b>									
Others	37	113	90	58	133	170	50	28	68%
Clandestine	272	477	455	315	178	78	-84	-56	31%
Not defined	1	0	0	18	36	1	n.a.	-97	0.4%
<b>Purpose of Illegal Border-Crossing</b>									
Others	37	113	90	58	133	170	50	28	68%
Clandestine	272	477	455	315	178	78	-84	-56	31%
Not defined	1	0	0	18	36	1	n.a.	-97	0.4%
Smuggling	1	3	0	1	36	0	n.a.	n.a.	
<b>Top Five Sections</b>									
Bulgaria - Serbia	6	9	34	19	114	147	1533	29	59%
Hungary - Serbia	91	203	130	78	63	72	-65	14	29%
Croatia - Montenegro	0	10	7	12	1	7	-30	600	3%
Croatia - Serbia	152	225	113	11	19	6	-97	-68	2%
Kosovo* ABL - Serbia	4	1	43	6	0	5	400	n.a.	2%
Others	57	142	218	268	150	12	-97	-97	5%
<b>Top Ten Nationalities</b>									
Syria	105	107	110	86	115	126	18	9,6	51%
Afghanistan	93	274	293	197	142	72	-74	-49	29%
Iraq	6	7	6	9	34	16	129	-53	6%
Serbia	3	14	7	8	2	10	-29	400	4%
Albania	18	33	42	29	18	9	-73	-50	4%
Kosovo*	4	13	4	7	1	7	-46	600	3%
Pakistan	23	17	8	4	4	2	-88	-50	1%
Iran	0	0	0	2	2	2	n.a.	0	1%
Ukraine	0	0	0	0	0	1	n.a.	n.a.	0.4%
Turkey	5	6	19	0	0	1	+83	n.a.	0.4%
Others	58	124	75	52	29	4	-97	-86	2%
<b>Total</b>	<b>310</b>	<b>590</b>	<b>545</b>	<b>394</b>	<b>347</b>	<b>249</b>	<b>-58</b>	<b>-28</b>	<b>100</b>

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence

was also similar to 2014, with Eritrean applications lower in the winter months and <sup>54</sup>increasing to a monthly level of 5 000 to 6 000 in the summer months. Switzerland, Germany, the Netherlands and Sweden combined registered over 70 % of all Eritrean applications at EU+ level. <sup>55</sup>

Pakistan – In 2015, 47 809 Pakistani nationals applied for international protection in EU+ countries, double the 21 617 applications lodged in 2014. Applications rose since May and reached their highest level in August, when 9 499 Pakistani nationals registered. Hungary saw a major increase in Pakistani applicants compared to 2014 and was the main receiving country with more than 30 % of the EU+ total.

Nigeria – The number of applications lodged by Nigerian nationals increased by half compared to 2014 and reached a 2015 total of 31 532. The seasonal pattern in the monthly numbers also show an increase during the summer months, culminating in the highest level in September with 4 203 applications throughout EU+ countries. Italy was the main destination country: more than half of all Nigerian applicants in EU+ countries applied in Italy.

Iran – Applications from citizens of Iran increased sharply at the end of 2015, rising from a monthly average of about 1 000 applications up until May to almost 7 000 in November. With a total of 28 043 applications in 2015, Iranian nationals mostly applied for international protection in Germany, Sweden and the United Kingdom, with about half of all applications in the EU+ lodged in these three countries. <sup>56</sup>

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54 Illegal border crossing at BCPs - Western Balkans Quarterly - Quarter 3 - July September 2015, seen 15.04.2016

55 Niels Frenzen, Highlights from Frontex Annual Risk Analysis 2015 – Detections of Illegal Border-Crossing Between Border Crossing Points, migrantsea.org, May 5, 2015 · 05:37 , accessed April 16, 2016, doi: <https://migrantsatsea.org/2015/05/05/highlights-from-frontex-annual-risk-analysis-2015-detections-of-illegal-border-crossing-between-border-crossing-points/>

56 Niels Frenzen, Highlights from Frontex Annual Risk Analysis 2015 – Detections of Illegal Border-Crossing Between Border Crossing Points, migrantsea.org, May 5, 2015 · 05:37, accessed April 16, 2016, doi: <https://migrantsatsea.org/2015/05/05/highlights-from-frontex-annual-risk-analysis-2015-detections-of-illegal-border-crossing-between-border-crossing-points/>

#### 4.4.9.2. Number and type of decisions issued in first instance in EU+ countries

In 2015, EU+ countries issued 603 014 decisions at first instance, 63 % more than in 2014. This is the highest number of first instance decisions registered since the start of Eurostat data collection in 2008. In the EU+ as a whole, the share of positive decisions was 49 % of total decisions in first instance, six percentage points higher than in 2014, reflecting a higher number of decisions issued on cases with high recognition rates, mostly Syrians, and a significant increase in recognition rate for Iraqi applicants.

Syrian applicants received the most decisions at first instance. In 2015, EU+ countries issued 166 746 decisions on Syrian applications, more than double the number of 2014. Of those decisions, 97 % resulted in a positive outcome; 81 % were granted refugee status and 16 % subsidiary protection. In second place, the number of decisions issued in the EU+ on Albanian cases reached 42 636, over three times more than in 2014. 98 % of all first instance decisions issued to Albanian applicants were negative. The number of decisions issued to citizens of Kosovo increased (36 757) with a negative outcome in 98 % of the cases. The number of decisions on Eritrean cases went up by half with an EU+ recognition rate of 90%. For Iraqi nationals, the number of decisions issued doubled and the recognition rate of 83% was significantly higher than the 69 % recognition rate of 2014.<sup>57</sup>

For the other citizenships in the top ten at EU+ level, compared to 2014 the number of decisions increased most for Nigerian applicants (+64 %) and for Pakistani applicants (+16 %). For applicants from Afghanistan, Iran and the Russian Federation the number of decisions remained stable.

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<sup>57</sup> Niels Frenzen, Highlights from Frontex Annual Risk Analysis 2015 – Detections of Illegal Border-Crossing Between Border Crossing Points, migrantsea.org, May 5, 2015 · 05:37 , accessed April 16, 2016, doi: <https://migrantsatsea.org/2015/05/05/highlights-from-frontex-annual-risk-analysis-2015-detections-of-illegal-border-crossing-between-border-crossing-points/>

#### 4.5. Illegal border-crossings



During the analysed period, over 610 000 illegal border-crossings by non-regional migrants en route from Turkey, Greece and Bulgaria were reported at the common and regional borders (Fig. 2). This represents an eight-fold increase compared to the previous quarter. Unsurprisingly, the sheer volume of the flow (at some point between 6 000 and 12 000 persons per day) clearly overwhelmed border-control authorities.<sup>58</sup>

At the same time, less than 1% of the illegal border-crossings in the Western Balkans were associated with regional migrants.

Syrians and Afghans remained the two main nationalities with a 39% and 11% share of the non-regional flow, respectively. In terms of absolute numbers, both nationalities registered high increases compared with the previous quarter (almost eight-and threefold rise, respectively). However, their respective shares both decreased in relation to the previous quarter due to a very high number of migrants reported as 'unknown'<sup>2</sup> (41% of total non-regional flow).

<sup>58</sup> Frontex (from French: Frontières extérieures for "external borders") is an agency of the European Union established in 2004 to manage the cooperation between national border guards securing its external borders, Quarter 3 - July September 2015, accessed April 15, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf) image source

Iraqi and Pakistani migrants ranked third and fourth, respectively. The growing trend in detections of these two nationalities has been accelerating in recent quarters. Compared with the previous period, detections of Iraqis have risen over threefold and of Pakistanis – fivefold.

Together, these top four nationalities counted for over 56% of the non-regional migration flow between BCPs, while a share of 41% was accounted by persons reported as ‘unknown’.

The number of detections involving African migrants continued to increase, registering a 39% rise compared to the previous quarter. All regions of Africa were represented in the total number, with Somalis, Nigerians, Eritreans and Congolese featuring as the top reported nationalities (accounting for 51% of African detections).

The Western Balkan regional migrants demonstrated a 19% decrease in detections compared to the previous quarter, mainly linked to a drop in the number of detected Albanians and Kosovo nationals and only represented less than 1% of the overall flow affecting the region. This fall comes somewhat unexpected (as the third quarter typically brings a rise in the number of regional migrants) and could be due to the fact that many regional migrants manage to pass undetected taking advantage of the massive transiting flow.

The vast majority of the Western Balkan country nationals detected while attempting illegal border-crossing were reported, at the Greek-Albanian border (69%) as part of Albanian circular migration.<sup>59</sup>

#### 4.5.1 Facilitators

During the third quarter of 2015, the number of detected facilitators was 618, representing a minor 8% increase compared with the previous three-month period. This increase can be regarded marginal if compared with the eightfold rise in the number of reported illegal

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<sup>59</sup>Frontex, Quarter 3 - July September 2015, accessed April 15, 2016, doi; [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)image source

border-crossings by the non-regional migration flow. This indicates that migrants are increasingly able to self-organise and/or rely on authorities when it comes to travel arrangements

Table 3. Facilitators

Detections reported by Western Balkan and neighbouring countries, by place of detection and top ten nationalities

	2014			2015			2015 Q3		per cent of total
	Q2	Q3	Q4	Q1	Q2	Q3	% change on year ago	previous Qtr	
<b>Place of Detection</b>									
Land	178	242	418	448	551	542	124	+1.6	88
Inland	11	44	65	66	21	76	73	262	1.2
Air	2	0	1	0	0	0	n.a	n.a	
Sea	2	6	2	3	0	0	n.a	n.a	
<b>Top Ten Nationalities</b>									
Serbia	89	92	254	285	338	348	278	3	56
Bulgaria	7	20	22	30	32	51	155	59	8.3
Albania	36	61	60	49	48	38	+38	-21	6.1
Greece	14	22	28	21	31	28	27	+9.7	4.5
Hungary	2	6	5	10	11	23	283	109	3.7
Not specified	11	18	18	27	13	22	22	69	3.6
Pakistan	1	1	0	0	0	20	1900	n.a	3.2
Iraq	1	0	1	0	1	14	n.a	1300	2.3
Romania	0	0	5	3	5	14	n.a	180	2.3
Croatia	5	1	4	4	3	8	700	167	1.3
Others	27	71	89	88	86	52	-27	+40	8.4
<b>Total</b>	<b>193</b>	<b>292</b>	<b>486</b>	<b>517</b>	<b>572</b>	<b>618</b>	<b>112</b>	<b>8</b>	<b>100</b>

Detections reported by Western Balkan and neighbouring countries,  
by place of detection and top ten nationalities

for transiting the region (Greece/ Macedonia/Serbia/Croatia/ Slovenia). As regards nationalities, 67% of all facilitators detected in the analysed quarter were nationals of Western Balkan countries, 20% were citizens of the neighbouring EU Member States and 11% were third-country nationals from outside the region or ‘unknown’. Serbia continued to report the highest share of detections (55%), in great majority involving Serbian nationals.

Importantly, a 70% increase in detected facilitators compared with Q2 was reported at the Bulgarian-Serbian border section. This is in line with the increasing number of migrants



targeting this section but also with increased efforts by the Bulgarian authorities, which reported 250% more facilitators compared to the previous quarter.

#### 4.5.2 Clandestine entries

In Q3 2015, a total of 224 non-regional migrants were detected while attempting to illegally cross the border hiding in vehicles. This is a significantly lower number than the peak observed in Q2 and also than the total of Q3 2014. In terms of nationalities, similar to the situation at the green border, Syrians, Afghans and Iraqis were the top nationalities, together accounting for 96% of detections. Additionally, only 25 nationals of Western Balkan countries were reported at BCPs.

#### 4.5.3 Document fraud

During the third quarter, there were 216 cases of false document use reported by the six Western Balkan countries, a number 8% lower than that of the previous quarter. Serbia continued to rank first, with 48% of all regional detections, followed by the Macedonia and Albania, with 19% and 14% shares, respectively. In Q3 Albanians continued to rank first amongst false document users, followed by Kosovo and Serbian citizens. The most commonly used false documents were passports, ID cards and border stamps. Unsurprisingly, the large majority of ID cards (41 out of 43) were EU Member States' documents, as they can be used to move freely inside the Schengen area and the EU. The majority (79) of false passports detected were reportedly issued by countries from the region. Most of these documents were Albanian (60), largely used by Albanian nationals (56) who attempted to avoid entry bans imposed due to their misuse of visa liberalisation.<sup>60</sup>

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<sup>60</sup> Frontex, Quarter 3 - July September 2015, accessed April 15, 2016, doi: <http://frontex.europa.eu/trends-and-routes/western-balkan-route/>

Detections reported by Western Balkan countries, by border type, document type, fraud type, top ten nationalities and top countries of issuance of documents

	2014			2015			2015 Q3		per cent of total
	Q2	Q3	Q4	Q1	Q2	Q3	% change on year ago	previous Qtr	
<b>Border Type</b>									
Land	114	110	171	161	139	136	24	+2.2	63
Air	48	50	59	76	88	60	20	-1.7	28
Sea	24	51	18	23	8	15	-71	88	6.9
Not specified	0	2	0	0	0	5	150	n.a.	2.3
<b>Document type</b>									
Passport	94	131	117	161	119	133	1.5	1.7	6.2
ID	28	36	87	54	49	43	19	-1.2	2.0
Stamp	23	8	15	13	49	17	113	-6.5	7.9
Residence permit	14	20	12	17	13	11	-4.5	-1.5	5.1
Visa	6	5	7	13	5	7	40	40	3.2
Unknown	21	13	10	2	0	5	-6.2	n.a.	2.3
<b>Fraud Type</b>									
False-counterfeit	57	57	80	64	121	83	46	+3.1	3.8
Auth-impostor	54	73	64	80	40	46	-3.7	1.5	2.1
False-no more details	2	20	20	19	16	22	10	3.8	1.0
False-new biopage	4	5	10	15	8	16	2.0	100	7.4
False-mutilated	4	2	6	10	9	14	600	56	6.5
Others	65	56	68	72	41	35	+3.8	-1.5	1.6
<b>Top Ten Nationalities</b>									
Albania	61	57	81	102	85	74	30	+1.3	3.4
Kosovo*	68	64	32	43	34	37	-4.2	8.8	1.7
Serbia	18	15	23	20	34	34	100	+1.7	1.4
Syria	2	28	47	27	25	18	-3.6	+2.8	8.3
Turkey	7	8	14	10	21	11	3.8	-4.8	5.1
Iraq	0	5	3	7	6	11	1.0	8.3	5.1
Pakistan	0	0	0	1	7	8	n.a.	14	3.7
Iran	0	4	2	2	2	6	50	200	2.8
Ukraine	0	0	0	0	0	2	n.a.	n.a.	0.9
Others	30	32	46	48	21	15	+5.1	+2.9	6.9
<b>Top Ten Countries of Issuance of Documents</b>									
Albania	37	50	55	72	56	63	26	1.3	2.9
Serbia	21	16	25	30	42	22	3.8	-4.8	1.0
Greece	16	23	22	27	27	15	-3.5	-4.4	6.9
Italy	8	8	29	26	18	11	3.8	-3.9	5.1
Bulgaria	14	15	14	12	10	10	+3.3	0	4.6
Switzerland	4	4	2	6	4	8	100	100	3.7
France	4	3	5	9	2	7	133	250	3.2
Slovenia	11	4	3	5	4	6	50	50	2.8
Turkey	2	3	4	6	13	6	100	+5.4	2.8
Russian Federation	0	0	0	0	2	6	n.a.	200	2.8
Others	69	87	89	67	57	62	-2.9	8.8	2.9
<b>Total</b>	<b>186</b>	<b>213</b>	<b>248</b>	<b>260</b>	<b>235</b>	<b>216</b>	<b>1.4</b>	<b>-8.1</b>	<b>100</b>

Detections reported by Western Balkan countries, by border type, document type, fraud type, top ten nationalities and top countries of issuance of documents 61

61 Frontex, Quarter 3 - July September 2015, accessed April 15, 2016, doi: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf) image source

#### 4.5.4 Refusals of entry

In the analysed period, the number of refusals of entry increased by 38% compared to the previous quarter: from roughly 9 800 to 13 600. This increase appears to be largely corresponding to usual seasonal trends caused by high tourist mobility as compared to the corresponding quarter of 2014, the number of issued refusals was stable. However, what stands out is the higher number of refusals issued to Turkish nationals, which can be also associated with the general trend of workers returning to the EU after summer holiday period. As usual, a large majority of refusals of entry were issued at the land borders (90%), while the remaining 10% were largely reported at the air borders. Most of the refusals reported by the neighbouring EU Member States were issued to nationals of the Western Balkans, while in the six countries of the region the largest number of refused persons were nationals of EU Member States/Schengen Associated Countries followed by local residents and Turkish nationals. The third quarter is usually the period when the highest number of refusals are issued to Turkish nationals. This seasonal phenomenon is mainly linked to Turkish illegal workers who try to return to the EU after spending their summer holiday in Turkey. However, in Q3 2015 the number of refusals issued to Turks was 68% higher than that of Q3 2014, possibly because more Turkish nationals try to take advantage of the unprecedented migratory flow in order to get to the EU. The overall number of refusals issued to the non-regional nationalities associated with the migratory flow originating from Turkey/Greece continued to represent a very low share of the total. This fact indicates that the non-regional transiting flow directly targets green borders and avoid BCPs.<sup>62</sup>

#### 4.5.5 Large and sustained transit through the Western Balkans of migrants originally entering the EU via Turkey

The number of detected illegal bordercrossings by the non-regional transiting flow throughout the analysed period was unprecedented, setting an absolute record since data collection began for the Western Balkans. More precisely, the 54 437 detected illegal border-

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<sup>62</sup> Frontex, Quarter 2 - July September 2015, accessed April 15, 2016, doi; [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf)image source

crossings by nonregional migrants (52 221 between BCPs and 2 216 at BCPs) was comparable to the sum total of detections of non-regional migrants in the past two years (54 692 in 2013 and 2014). As presented in the WB-ARA 2015 as well as in the previous Western Balkans Quarterly analyses there is a direct link between the non-regional migration flow transiting the Western Balkans and the one affecting the borders of Greece, especially in the Eastern Aegean Sea. Specifically, the high pressure on the Aegean Islands is later echoed on the Western Balkan route with a certain time lag, which is basically the time migrants need to organise their onwards movements. With this observation in mind it can be considered that the record numbers registered in the Western Balkans in the second quarter are a direct consequence of the unprecedented number of migrants reported in the Eastern Aegean in the same period. More exactly, the number of illegal border-crossings reported by Greece in the Aegean Islands in Q2 2015 is the highest since data collection began (roughly equal to the totals for this area over the past five years – between 2010 and 2014). The direct link between the two regions can be also confirmed by the composition of migrants' nationalities similar to the previous periods, during the second quarter of 2015 the non-regional migration flow continued to enter the Western Balkans across the southern common borders with Greece and Bulgaria before heading north and exiting the region almost exclusively across the Hungarian- Serbian border. In line with the surge in the overall flow, virtually all the regional and common border sections reported higher detections throughout Q2. In the south of the region, judging by the shares of reported detections of illegal border-crossing, the Bulgarian-Serbian border appears to have increased its appeal as an entry point for non-regional migrants to the Western Balkans in relation to the same period last year.

The same appears to be the case for the border between the Macedonia and Greece, which accounted for 12% of all detections of non-regional migrants in the Western Balkans. However, the latter development is not entirely new and is likely to have just become more apparent in the data due to increased activity of the border police and the diminished migrants' motivation to transit the Macedonia undetected (see section on Countermeasures triggered by the increased migratory pressure at regional level overleaf). In the northern part of the region, the Hungarian-Serbian section remained the busiest border in terms of detected illegal border-crossings associated with non-regional flow and the main point used to exit the region. During the discussed quarter, roughly 37 000 detections of non-regional migrants were reported from this

section, which represents a new quarterly record. At regional level almost all nationalities manifested increases. Similar to previous periods, Syrians and Afghans ranked first and second, while Pakistanis and Iraqis occupied the third and fourth place, roughly reflecting the above described trends in the Eastern Aegean Sea. Despite overall lower numbers, during the analysed period an over threefold rise could be observed in detections of African migrants throughout the Western Balkans. As regards the regions of origin, migrants from Eastern, Central, West and North Africa all contributed to this overall increase. More precisely, migrants from Central Africa ranked first both in absolute numbers (1 251) and in terms of the largest increase (+640%), mainly due to the remarkable rises in Congolese and Cameroonians (nine- and six fold, respectively).

West Africans ranked second in terms of numbers (1 174) showing a 175% rise compared to the previous quarter, including mainly Nigerians and Ghanaians (with six and fourfold rises, respectively). The third place, with a total of 1 024 detections and a 75% increase, was taken by East African migrants, mainly Somalis and Eritreans (with +47% and threefold increases, respectively). Finally, North African nationals ranked fourth, with a total of 622 detections representing a 465% increase, mainly due to increased numbers of Algerians, Sudanese and Moroccans. The increase in detected Africans in the Western Balkans could be partly explained by the expansion of Turkish Airlines connection network in Africa.

A multitude of internal conflicts and resulting massive human displacement brought the linkages between international and national security and refugee protection to the foreground once again in the 1990s. This turbulent decade was reminiscent of the inter-war period, which, amongst other things, led to the establishment of the first UN High Commissioner for Refugees (UNHCR). Immediately after the Second World War, the protection and solutions for millions of displaced people necessitated another paradigm shift, namely the creation of an international and global refugee regime at whose centre are the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The UNHCR has been given the task of upholding this refugee regime. The past decade brought forward the need for another paradigm shift in order to prevent and respond effectively to the multitude of internal conflicts as well as to the new types of threats emanating from the realities of a globalizing world. This time around, a shift is required in our understanding of security. Increasingly, emphasis is placed on the primary responsibility of states

to protect their nationals as the fundamental and ultimate function of sovereignty. State security should no longer be narrowly interpreted in terms of protecting territory against external threats, but must also include the protection of citizens. The focus should, therefore, be on ensuring the safety of people, or human security. As events since 11 September 2001 have demonstrated, the fight against terrorism requires a strong sense of national security, but this should be complemented by human security. Protection against critical and pervasive threats is at the centre of human security and should be linked to a strategy that empowers people. In many respects, the protection and empowerment of people are mutually reinforcing strategies. Security should also be interpreted in a broad sense. It is not limited to protection against war, conflict, or serious human rights violations, but also extends to protection from serious economic deprivation. Without access to adequate food, shelter, health, and other necessities, the value of legal protection is limited, and vice versa.<sup>63</sup>

## 5. The evolving security discourse and refugees

International security has traditionally been defined, ultimately, as the military defence of territory. The context is traditionally seen as an anarchic state system whose chief characteristic is a perennial competition for security based upon (primarily military) power. In international relations theory, this is “structural realism”: although unit-level changes may occur inside states, the system remains a self-help, anarchic, hierarchical arena that conditions or even determines the behaviour and attitudes of the units. National security therefore is the imperative of defending territory against, and deterring, “external” military threats. A sense of “security dilemma” – for example during the Cold War – provides a pretext for the extremes of the narrow national security paradigm. Mainstream structural realism is a systemic, structure-dominant school. Therefore, developments such as democratization within states, the growing multiplicity of transnational actors, economic interdependence, and the growth and thickening of

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63 EASO is an agency of the European Union set up by Regulation (EU) 439/2010 of the European Parliament and of the Council European Asylum Support Office, Latest asylum trends - 2 Annual Report on the Situation of Asylum in the European Union 2015, accessed April 7, 2016, doi: [https://www.easo.europa.eu/sites/default/files/public/EN\\_%20Annual%20Report%202015\\_1.pdf](https://www.easo.europa.eu/sites/default/files/public/EN_%20Annual%20Report%202015_1.pdf)

international institutionalization are viewed as not changing the basic nature of the system: “the structure of international politics is not transformed by changes internal to states, however widespread the changes may be.” Interests, identities, and the need for relative gains are determined by structure. Agency is secondary. In the context of this structural realist analytical security framework, refugees are almost invisible: they are an inevitable and peripheral consequence – although not a cause – of conflict, insecurity, and instability. The realist model focuses mainly on conflict amongst states and the structural determinants of conflict in a state-centric environment. Accordingly, human displacement is seen as part of a “humanitarian” agenda issue, a spillover, but substantively separate, from the security agenda. Furthermore, refugees were to a large extent simply part of the ideological and political game of the Cold War. Those within Europe were protected by the strategic use of the 1951 Convention. Only in 1967 did developed states expand the refugee regime to cover those arriving from Africa, Asia, and Latin America, fleeing conflicts induced by the Cold War in those regions too. During many major conflicts in which refugees were a result of the battles, refugees’ well-being was assured or presumed owing to their links to one or other “side”: the flow of Vietnamese refugees was managed through international agreements, relieving the pressure on South-East Asian states because the burden of the protection of the anti-communist refugees was shouldered by the anticommunist Western states. The issue of refugeehood was subsumed in the ideological issues relating to conflict more broadly.

### 5.1. Refugee flows as threats to peace under Chapter VII of the UN Charter

In recent years, refugee movements have played a historically unprecedented role in international politics and have repeatedly been at the centre of a rapid succession of international crises, from the Kurdish uprising in northern Iraq in 1991 to the mass exoduses from Kosovo and East Timor in 1999. Refugee movements have frequently been cited by states and international organizations as a basis for action regarding both civil and international conflicts. There has been increasing recognition that massive refugee flows do in fact constitute a threat to international peace and security, and that they therefore invoke the enforcement powers of the United Nations. As a threat to peace and security, the imposition of refugees on other states falls under Chapter

VII of the UN Charter and therefore legitimizes enforcement action not subject to the limits of purely humanitarian action. This link has been recognized for at least the past 15 years. As early as 1986, the report of a Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees recognized the “great political, economic and social burdens [of massive flows of refugees] upon the international community as a whole, with dire effects on developing countries, particularly those with limited resources of their own.”<sup>64</sup> Accordingly, it recommended intervention by the international community through the good offices of the Secretary-General, refugee prevention actions by appropriate UN bodies (including the Security Council), and better use of aid programmes to deter massive displacements.

The report was subsequently endorsed by the UN General Assembly, which explicitly defined such flows as a threat to peace and security, thus opening the door to action by the Security Council under Chapter VII several years later. It should be pointed out that Article 2(7) of the UN Charter, protecting the domestic jurisdiction of member states, specifically exempts from this protection enforcement actions taken under Chapter VII. In short, a country that forces its people to flee or takes actions that compel them to leave in a manner that threatens regional peace and security has in effect internationalized its internal affairs, and provides a cogent justification for policy makers elsewhere to act directly upon the source of the threat. This argument was also made over six decades ago by James G. McDonald, the League of Nations High Commissioner for Refugees, when he resigned in frustration at the lack of international action to halt the persecution in Germany, which was causing refugee flows to neighbouring countries. In his dramatic letter of resignation of 27 December 1935, McDonald wrote that “it will not be enough to continue the activities on behalf of those who flee from the Reich. Efforts must be made to remove or mitigate the causes which create German refugees.” Such efforts, declared McDonald, fell under the League’s authority to deal with any matter affecting the peace of the world, since “the protection of the individual from racial or religious intolerance is a vital condition of international peace and security.” The argument is also made by contemporary analysts of refugee issues: “When there is aggression by a state against its own minority such that the domestic issue becomes an international one and is perceived to threaten peace and

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64 Interpretation of article 39 of the UN chapter (Threat to the peace) by the security council is the security council a legislator, for the entire international community; Scielo.org, accessed April 4, 2016, doi; <http://www.scielo.org.mx/pdf/amdi/v11/v11a6.pdf>



security because the minority begin a mass flight, then defensive military intervention is justified.” Others point out that, if refugee flows constitute an “internationally wrongful act” or “international crime” under the principles of state responsibility, this is also a violation of the Charter and therefore responses to it are not intervention in a state’s domestic affairs.<sup>65</sup>

## 5.2. The break-up of Yugoslavia: Wars of the early 1990s

By the end of the wars of 1991-1995 in Croatia and Bosnia, more than 500,000 people were displaced either from or within Croatia. In addition, Croatia played host to a large number of refugees from neighbouring countries, particularly from Bosnia. A. DISPLACED CROATIAN CROATS By the end of the war, an estimated 220,000 mainly ethnic Croats remained displaced from areas of Croatia that were under Serb control. As of 1 October 2002, the return of some 205,000 of these had been recorded, including 80,500 out of an estimated 90,000 displaced from the Danube Region in Eastern Slavonia, the last piece of Croatian territory to be returned to the control of the Croatian government, at the beginning of 1998.<sup>66</sup>

Of more than 300,000 Serbs who had either fled Croatia or been displaced to the Danube Region (then still under Serb control) by the end of the war, some 96,500 had, according to official data, registered as having returned to Croatia by 1 October 2002, including 22,700 from the Danube Region to other parts of Croatia. The large majority of Croatian Serb refugees are located in Serbia, with smaller numbers in Bosnia and elsewhere. At the peak of the refugee crisis in late 1991, there were over 600,000 internally displaced persons, mainly Croats, within Croatia (information from UNHCR). Data from Croatia's Ministry for Public Works, Reconstruction and Construction, Department for Expellees, Returnees and Refugees (known as ODPB). According to the Serbian authorities, 246,000 Croatian Serb refugees were registered in Serbia in 2001 (noted in the Serbian government's National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, Belgrade, 30 May 2002). That figure may be over-stated,

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65 Interpretation of article 39 of the UN chapter (Threat to the peace) by the security council is the security council a legislator, for the entire international community; Scielo.org, accessed April 4, 2016, doi: <http://www.scielo.org.mx/pdf/amdi/v11/v11a6.pdf>

66 Dragana Kovačević Bielicki, The break-up of Yugoslavia: Wars of the early 1990s; accessed April 20, 2016; doi: <http://www.crisisgroup.org/~media/Files/europe/138%20-%20A%20HalfHearted%20Welcome%20-%20Refugee%20Return%20to%20Croatia.pdf>

given that a comparison of Croatian and Serbian data showed that, according to UNHCR, more than 30,000 were simultaneously registered as refugees in Serbia and as returnees in Croatia. Part of the explanation for this discrepancy may be some individuals keeping their options open in both countries. This is also indicated by the observation of OSCE monitors in the field that a significant proportion of Serb returnees does not stay for long. There are some indications that of the Serbs who have not so far returned to Croatia, only a relatively small number intends to return. According to one survey, as few as 6 per cent of Croatian Serb refugees in Serbia expressed a desire to return. Official Croatian data show that as of 1 October 2002 some 13,000 refugees in the Federal Republic of Yugoslavia (FRY) and Bosnia had officially applied to return to Croatia. This outlook for return largely explains the emphasis in the Serbian government's refugees strategy on measures to integrate those refugees who choose to remain in Serbia. Nevertheless, the same survey by Serbia's Commissariat for refugees showed that more than 25 per cent of Croatian Serb refugees in Serbia remained undecided as to whether to return. Serb refugees continue to return to Croatia, and in the first nine months of 2002 some 8,000 returns were recorded from the FRY and Bosnia. It is likely that the widespread negative attitude towards return among Serb refugees in part reflects the continuing (in many respects justified) concerns about the unsatisfactory conditions for return and reintegration in Croatia. As is discussed below, concerns about issues such as security, property repossession and reconstruction remain disincentives to larger-scale return. Although an application for reconstruction assistance does not represent conclusive proof of an intention to return, the fact that more than 40,000 households (i.e. representing a much larger number of individuals) have applied for such assistance suggests that a significant number of Serb refugees are at least keeping the option of return open. A representative of Croatian Serb refugees in the to the OHR, as of June 2002 there were 23,000 Croatian Serb refugees in Bosnia, mainly in Northwest Republika Srpska, in and around Banja Luka. The Deputy Commissioner of Serbia's Commissariat for Refugees, Dejan Keserovic, reported in July 2002 that, based on the Commissariat's research, only around 4 per cent of Croatian Serb refugees in Serbia wished to return (Jutarnji list, 20 July 2002). However, many Croatian Serbs have returned without UNHCR/ODPR assistance. Many who have already acquired Croatian documents are free physically to go to Croatia. The Serbian government's National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, Belgrade, 30 May 2002. Information

from UNHCR. Applicants for reconstruction assistance formally oblige themselves to return to and live in the reconstructed property. Republika Srpska noted that most would like to reclaim their property in Croatia, especially given the recent increase in pressure to vacate the homes they temporarily occupy in Bosnia. However, he believed that most would want to sell their property once they had recovered it, and that few, apart from the elderly, would want to return to Croatia.

### 5.3. The Balkan crises

As the ministers of the European Community sought through intergovernmental agreements to restrict admission to their territories and to bring asylum and immigration issues onto the integration agenda more formally, conflict broke out on the periphery of the Community, causing the displacement of hundreds of thousands of people and calling into question the increasing restrictions. For example, among the restrictions were visa requirements. As conflict in the Balkans worsened through 1992, West European states one by one placed visa requirements on citizens of the Federal Republic of Yugoslavia, Slovenia, Croatia, and Bosnia–Herzegovina. With embassies in Sarajevo closing, those people who most needed to escape conflict and even individual persecution were theoretically to head to Zagreb, Belgrade, or Ljubljana to collect a visa in a passport in order to be legally permitted to enter a West European state. Such entry restrictions should not, according to the letter and spirit of the 1951 Convention, affect a claim to refugee status. However, the symbolism is the important feature for this chapter: in order to give the appearance of control over the immigration aspects of the displacements from former Yugoslavia, West European governments increased the bureaucratic measure nominally required for entry to their territory, at the expense of the fear and anguish that any attempt to acquire such documentation must have brought.<sup>67</sup>

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<sup>67</sup>Amnesty International, Guidelines for Journalists on Proper Coverage of Refugee-related Topics, published for National Union of Journalists Ethics Council, 2004

### 5.3.1. Refugees in Albania

From Albania via Montenegro to European Union, and from Albania by ferry to Italy, is a new alignment of economic migrants once among their countrymen who were "trapped" in Greece heralded in that too difficult, even impossible with false documents of origin to cross the Greek-Macedonian border and Macedonian-Serbian.

The new alignment of the road to EU refugee was discovered by Albanian police near the Greek-Albanian border near the village Vrisera Deropoli. Patrol arrested 12 Moroccans. They stated that due to problems in Gevgelija, went on foot across the border illegally and wanted by Albania to arrive in Montenegro, and from there to Italy.

New refugee route is the result of enhanced security Macedonian-Greek border, which started on 28 November after Macedonian security structures on the recommendation of the EU, which sought to stop the entry of economic migrants began to ask three foot fence to protect Greece.

At the request of the EU, but also to protect the two countries, Greek and Macedonian security forces have stepped up cooperation. First it learned that economic refugees started for the sum of 200 to 300 euros to buy fake documents allegedly originate from Syria. When this was discovered, quickly spread the news to all those who hoped that from Greece will join to the EU.<sup>68</sup> Greek media reports that large groups of economic refugees who arrived on the Greek island of Lesbos climbing the ferries route to Athens with fake documents that are from Syria, Iraq or Afghanistan. But as the Greek police and the attempt was discovered, they returned back to the island for new refugee patterns.

Meanwhile he failed plan quickly spread among economic refugees, and they are now finding different ways to reach northern Greece, particularly in border towns to Albania, where hope for a fee they arrive in the EU.

Integration minister Klajda Gjoshka said the buildup on Albania's frontier appeared to be in response to neighboring Macedonia's decision at the weekend to deny entry to Afghan migrants coming from Greece and impose tougher checks for Syrians and Iraqis.

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68 Over 210 000 first time asylum seekers in the EU in the second quarter of 2015, Ec.eurostat.com, 163/2015 – September 18, 2015, accessed April 14, 2016, doi: <http://ec.europa.eu/eurostat/documents/2995521/6996925/3-18092015-BP-EN.pdf>

“I was informed that a large number of Syrians are waiting to enter Albania,” said Gjoshka, without providing an exact number.

Although both Macedonia and Albania share a border with Greece, the latter has so far not been a main transit country on the migrant trail into northern and western Europe. More than a million migrants and refugees have arrived in Europe since last year, most entering via Greece. Since July, Albanian police have stopped several hundred migrants from crossing over from the Greek side of the border.

On Thursday, police said they had forced back a dozen Pakistanis who had tried to enter Albania illegally. According to local media, Albanian authorities have drawn up plans to provide reception centers for 10,000 Syrian migrants in the southern town of Korca and Gjirokastra, near the border with Greece.

### 5.3.2 Refugees in Kosovo

The United States' initial response to Macedonia's calls for assistance in protecting Kosovars in 1999 was to suggest participation in a humanitarian evacuation programme by transferring some 20,000 Kosovars to Guantanamo Bay, where they would remain “temporarily” prior to returning to Kosovo or being processed for entry to the United States. This plan was met with concern by a range of NGOs and policy analysts in Washington DC. <sup>69</sup>The fear that “the prison-like atmosphere at Guantanamo Naval Base could only exacerbate the trauma and suffering of the Kosovar refugees, who should be placed in a hospitable environment and not in conditions of confinement,” was expressed. The US Committee for Refugees suggested that the refugees themselves were not indicating a desire to leave the region, so transfer to Albania, which was offered (and also took place), was more appropriate than evacuation. Martin suggested that, on the surface, TPS was most appropriate for Kosovars. In the

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<sup>69</sup> Marrus, Michael, *The Unwanted: European Refugees in the Twentieth Century*, Oxford:Oxford University Press, 1985

event, the US government turned to its traditional manner of transferring refugees from a country of first asylum to its shores, and included the Kosovars in its resettlement programme.<sup>70</sup>

Australia created a new Temporary Safe Haven visa during the Kosovo crisis of 1999, permitting those seeking short-term protection from conflicts to apply and reside temporarily in Australia. Applicants signed a declaration stating that they understood and agreed to the Australian government's offer of temporary safe haven and would leave when the government required that they do so.<sup>41</sup> This category has, to date, been used for Kosovars and East Timorese. When the time came, in the government's view, for a return to Kosovo in summer 1999, several hundred of the 4,000 people concerned filed law suits and, through legal and political pressure, managed to remain in Australia for several more months. Some were granted longer temporary permits to remain, but others were deported by the government and some were encouraged to leave through sponsorship by the existing Albanian community in Australia and through measures ensuring the possibility of a return to Australia should their situation prove to be unsafe in Kosovo. The Australian system demonstrates a strong state interest in controlling immigration. Security concerns about the number of arrivals have led the government to choose to use the existing programme in an effort to confirm its control of the situation as a whole. It is, however, questionable whether the departure from an orderly arrival programme has been positive for either state or individual security – even if it may give the individuals concerned more autonomy in actively seeking asylum rather than quite passively remaining in line. This positive “spin,” however, cannot outweigh the clear dangers associated with the use of smugglers and hazardous crossings in overcrowded boats. Rather than obvious security concerns influencing refugee protection policy in the Australian case, it seems that the perception of an insecure border, demonstrated by the arrival of boats, has driven policy changes over the years. This concern can certainly explain the changes in policies; the bigger question for Australia is whether that is a genuine security concern, or some kind of phantom that could be better managed in other ways.

On the record number of Kosovo Albanians, which past illegally entering in the Schengen zone, the European Commission called on the Kosovo government to strengthen border controls and measures to stop the wave of immigrants.

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<sup>70</sup>Marrus, Michael, *The Unwanted: European Refugees in the Twentieth Century*, Oxford:Oxford University Press, 1985

"Kosovo Albanians are almost 40 percent of immigrants who enter the EU illegally, which is more than the number of Syrians and Afghans," said EC spokesperson Natasha Berto.

Berto stressed that Kosovo should organize intensive information campaign, to strengthen border controls and checks the bus companies that perform transportation of illegal immigrants.

According Berto EC officials have placed these demands in ongoing negotiations with the Kosovo authorities to liberalize the visa regime.<sup>71</sup>

Kosovo President AtifeteJahjaga called on the country's Government to allow the re--settlement of about 3,000 refugees from Syria.According to President Jahjaga, the refugees could be settled in military bases formerly used by the KFOR peacekeeping force.

Jahjaga spoke with the Labor and Welfare Minister ArbanAbrashi, and asked him to examine the conditions for accepting Syrian refugees in Kosovo.Largely Sunni Muslim Kosovo was itself a war zone in 1999, when a NATO intervention expelled Serbian forces from the province, which later declared independence.ManyKosovans expressed their solidarity on Thursday evening with the drowned three-year-old Syrian boy whose picture, taken at a beach in Turkey, shocked the world.Several hundred Kosovans are also estimated to have traveled to Syria and joined Islamist groups such as ISIS.In late 2014, the Kosovan police initiated a large-scale operation to disrupt ISIS recruitment groups in the country.

### 5.3.3. Refugees in Serbia

Serbia so far were recorded 83 thousand people seeking asylum, but only 500 have submitted a formal request to the Serbian authorities, a statement of the head of the UN High Commissioner for Refugees (UNHCR) in Serbia, Hans Shoder.

Since late 2014, MSF teams have been present at both entry and exit points in Serbia offering medical services, mental health support and distributing NFIs to people transiting through Serbia, onwards towards Croatia. MSF has also conducted mobile clinics at the Bulgarian border and

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71 Syrian refugees, Kosovo citizens make largest number of asylum seekers in EU,accessed March 23,2016 doi; <http://inserbia.info/today/2015/10/eurostat-syrian-refugees-kosovo-citizens-make-largest-number-of-asylum-seekers-in-eu/>

since January 2016 has re-started activities in Belgrade. While the flow of refugees through the Balkan route was already restricted to small group of Syrians and Iraqis, the new measures have effectively blocked the passage of refugees of all nationalities. The restrictions on the Balkan route have pushed more people to criminal networks and exposed them to additional violence and abuse. Since November, teams in Serbia have seen an increase in cases of violence by smugglers and police at the border. Moreover, many people have expressed confusion and frustration, as they are unclear about the reasons for the closure to any onward passage along the route.

Most numerous were refugees from conflict zones in Syria with 57 percent, about 25 percent of Afghanistan, thousands come from Iraq, and most of them just passing through Serbia. The biggest pressure is in the south of Serbia, in the area of Presevo, but the situation has improved since the center is open for acceptance of immigrants and refugees who are registered for assistance, food and instructions for continuing path.

"It Center is under pressure, with more than a thousand people who are recorded daily in Presevo and we are in constant cooperation with the state to improve conditions," said Shoder. While not want to predict what will happen next month, explaining that it depends of Greece and other countries in the European Union.

"There should be a legal way for these people to go to the countries of Western Europe, can legally cross borders, but not illegal, and to allow some legal protection," said the UN official. Thus he praised the reaction of the Serbian government. "The response of the Serbian government is good, it is important that Serbia receives on its territory, records and assisting refugees, allowing medical aid," said Shoder.

Speaking of Hungary, he said that Budapest has the right to erect a fence on its territory, but also that there is an obligation "under national laws and international law to receive refugees to let their territory and to give them protection."

Speaking of Hungary, he said that Budapest has the right to erect a fence on its territory, but also that there is an obligation "under national laws and international law to receive refugees to let their territory and to give them protection."



"The fences are not the solution, UNHCR is against it ... It is no practical solution and has proved that it is not official," said Shoder in the context of the initiative of Hungary to raise a fence on the border with Serbia to stop the flood of immigrants as well as similar initiatives have emerged in Belgrade regarding the border into Macedonia.

#### 5.3.4. Refugees in Croatia

By the end of 1995, some 225,000 mainly, but not exclusively, Croat refugees from Bosnia and the FRY were registered in Croatia. Around 150,000 of them (120,000 from Bosnia and 30,000 from the FRY) have gained Croatian citizenship, and thus no longer have refugee status. By October 2002 about 8,500 people, mostly from Bosnia, were still registered as refugees in Croatia. The rest of the Bosnian refugees had either returned to Bosnia or departed for third countries. Very few Croat refugees from the FRY have returned. While the official figure for Croats who continue to have refugee status in Croatia is relatively low, a large number of Bosnian Croat settlers have still not satisfactorily resolved their position. In particular, as is discussed below, many of them continue to occupy Serb-owned properties, which they will have to vacate when the owners return. Official figures show that, as of 1 October 2002, some 5,500 families (21,000 persons) were occupying the property of others.<sup>72</sup> Indications from representatives of Bosnian Croat settlers in Croatia are that relatively few Bosnian Croats wish to return to Bosnia.<sup>72</sup>

Croatia received the first groups of refugees and migrants from the Middle East and Africa. After Hungary decided to close the border for those who wish to register as asylum seekers, columns through Greece, Macedonia and Serbia go to the west, now appeared on the Serbian-Croatian border.<sup>73</sup>

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<sup>72</sup> Compilation of the information available in the Global IDP, Database of the Norwegian Refugee Council, Profile of internal: Croatia, as of May 27, 2004, accessed April 21, 2016,

doi:<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan016823.pdf>

<sup>73</sup> Syrian refugees finding care and compassion in Croatia, accessed March 29, 2016, doi

<http://www.commdiginews.com/world-news/syrian-refugees-finding-care-and-compassion-in-croatia-50395/>

Croatian officials say they are concerned mainly women and children who are suggesting emergency room, they share water, clothing and blankets and then all will be transported to detention centers in Zagreb.

- We came to Croatia because Hungary closed its border. We want to join the EU but do not know what will happen to us. Woe is us, we are tired, we have no food and water, no nothing - said one refugee at the border.

Croatia has approved crossing through its territory only to refugees from Syria, Iraq and Afghanistan, which are saved from the war.

### 5.3.5. Refugees in Slovenia

Returned economic migrants coming through neighboring Croatia after UNHCR announced that other Balkan states began restricting the wave immigrants only allowing passage of Syrians, Iraqis and Afghans.

Police had announced that will be released only immigrants from countries where there are armed conflicts.<sup>74</sup>

- Official notify Croatia to return economic migrants groups. We have not yet received a response from the Croatian side-statement Drago Menegalija police spokesperson.

### 5.3.6. Refugees in Bosnia and Herzegovina

As the exodus from Bosnia–Herzegovina became, in 1992/1993, a largescale influx to European Union member states (particularly Germany and the Netherlands) and other European states (Austria, Sweden, and Switzerland), European governments generally sought two regional approaches to add to their “protection portfolio”: “temporary protection” and “burden-

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<sup>74</sup> Refugee crisis: Slovenia struggling to cope in chaotic scenes at border as violence in Syria forces more to flee accessed April 4, 2016, doi:<http://www.independent.co.uk/news/world/europe/refugee-crisis-slovenia-struggling-to-cope-in-chaotic-scenes-at-border-as-violence-in-syria-forces-a6715176.html>

sharing.” These two elements have become inextricably linked for most European policy makers, even if descriptions of what the two approaches mean vary enormously. The creation of temporary protection policies by European governments was not novel. Temporary stay in a country of first asylum prior to resettlement had been practised in Europe previously: Hungarians in 1956 had been protected for up to nine months in Austria and Yugoslavia before moving on as regular immigrants to settle and work in other European (and Western) states. Europe had also been the final destination of Vietnamese who had first been temporarily offered asylum on condition of burden-sharing resettlement in Malaysia, Thailand, and other South-East Asian states. The 1990s however saw a new twist in temporary protection. This form of temporary protection was an alternative to asylum and generally premised on the understanding that the “exit strategy” would be return rather than resettlement, and certainly rather than the longer-term residence that the future ultimately held for many Bosnians in spite of the reluctance of their hosts. Likewise, the notion of burden-sharing took on new twists. In the past, burden-sharing had been the term used to describe how richer, more distant, developed states shouldered some of the financial responsibility for protection in poorer, neighbouring states and often resettled refugees, offering them a durable solution to their lack of protection. In the 1990s, European burden-sharing came to mean distributing the protection responsibility between a group of cooperating developed states within one continent. The use of temporary protection approaches for Bosnians fleeing civil war and ethnic cleansing came about because of the complexities and conjunctures of timing, law, and politics. In the late 1980s and early 1990s, Western Europe had been limiting access to the protection of asylum, because the numbers of people arriving to claim refugee status had been increasing. Restrictions such as visa imposition, carrier sanctions, and strict interpretation of the Geneva Convention definition<sup>75</sup>

(Article 1A) were being developed in response. Strict application and interpretation of the Convention definition were the reason given for needing to create alternative protection modes for those fleeing a conflict. The definition describes individuals whose fear of persecution is deemed to be well founded. Large numbers of people fleeing generalized violence were generally understood by governments not to be in fear of persecution as individuals but to be in fear of the consequences of war as a group. The UNHCR, mandated to promote the protection of refugees, saw its major donors reluctant to grant Convention status but apparently willing to

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<sup>75</sup> *A Bosnian Fortress: return, energy, and the future of Bosnia*. Berlin/Sarajevo: European Stability Initiative, 2007

permit limited numbers of people to reside on their territory for the duration of the conflict, with fewer rights than they would have had if recognized as refugees. The UNHCR thus acquiesced and agreed that temporary protection was a feasible path to take.<sup>76</sup>

The May 2000 proposal came after the exodus from Kosovo prior to, during, and after the NATO bombardments of March–June 1999. Whereas temporary protection for Bosnians had been anything but temporary in most cases, for a great many Kosovars their stay in EU states was temporary. However, they in effect received a form of double temporary protection: initial short-term refuge in a neighbouring state (Macedonia) followed by what might be called temporary resettlement to the EU states and others under the Humanitarian Evacuation Programme (HEP). Addressing security concerns in a country of first asylum, Macedonia, the HEP could be described as a version of the type of burden-sharing seen in the Indo-Chinese case, except that resettlement was not resettlement in the “traditional” understanding of the word for the European states involved, because it was intended to be temporary (unlike resettlement to the United States). To that extent, this was a new departure in policy terms, which may or may not be replicable in future, depending on variables over which protecting states might have little or no control.

Yet another way of presenting the migrant problem is to claim that they form some kind of religious threat to the target society. Thus an influx of Islamic people into a Christian society would be construed as a major threat to the religious integrity of that society. This is the “swamping” argument sometimes heard from within, for example, portions of the former Yugoslavia.

In fact, there are few refugee returns to Bosnia–Herzegovina (BiH), to minority areas or elsewhere (about 13,000 in 2000). However, a number of Bosnians who were ethnically cleansed from minority areas are now seeking to return to their places of origin after years living in majority areas. This movement more than quadrupled between the first quarter of 1999 and the same period of 2000. By September 2002, minority returns numbered 80,711 according to UNHCR and OHR figures. The welcome news, if it becomes a trend, would vindicate international humanitarian support for rebuilding and reconciliation. There are, however, still

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<sup>76</sup>Fitzpatrick, D. 2002. Land policy in post-conflict circumstances: some lessons from East Timor. *New Issues in Refugee Research*. Working Paper, Feb. 2002, No. 58

over 800,000 internally displaced persons in Bosnia. Without question, the years of international programmes, pressures, and incentives in BiH were fundamental to improving conditions for minority returns. Nevertheless, a review of the international efforts to achieve these ends also demonstrates lack of clarity among donors and agencies about the linkages among their programmes, as well as unrealistic expectations about the feasibility of early refugee returns. Moreover, although it is encouraging that significant numbers of people now are willing and able to move back to areas that were ethnically cleansed, the challenges of integration still lie ahead. Whether adequate international assistance and protection will be available to facilitate that integration is very much in doubt. Between 1992 and 1995, internal conflict in Bosnia–Herzegovina (BiH) and Croatia, formerly part of Yugoslavia, produced approximately 1.7 million refugees, at least the same number or more internally displaced persons, and 200,000 deaths, from an initial population of about 4.4 million. The population fell by half between 1991 and 1995 and, of those remaining, more than half were displaced from their original areas. Serbian aggression was intended to achieve ethnic uniformity by forcibly displacing the non-Serb population (consisting primarily of Muslims and Croats). By the time the war was brought to a close in December 1995, Bosnian cities, towns, and rural communities were sharply segregated along ethnic lines.<sup>77</sup>

In Bosnia and Herzegovina, arrived Syrian refugees aircraft. They used to land at the airport in Sarajevo entirely proper documents, including valid tourist visas and hotel vouchers.

Immediately after arriving migrants are not accommodated in the hotel, which paid, but heading to one of the neighboring countries - Serbia. The first ten people arrived with a flight from Istanbul - nine Syrians and one citizen of Somalia.

Migrants receive regular visa from the embassy of Bosnia and Herzegovina in Abu Dhabi after given hotel vouchers from Sarajevo. They all directly from the airport goes to the border crossing Mali Zvornik with neighboring Serbia, the announcement Izet Nizam, Director of the Directorate for Foreigners of the Ministry of Security.<sup>78</sup>

"They wanted to go to Serbia and we informed Serbian authorities about it."

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<sup>77</sup>Harvey, J., Return dynamics in Bosnia and Croatia: a comparative analysis. *International Migration*, 2006, Vol. 44, 3: 89–112.

<sup>78</sup>Bosnia Mulls Action in Case of Refugee Crisis, accessed April 15, 2016, doi; <http://www.balkaninsight.com/en/article/bosnia-mulls-action-in-case-of-refugees-influx-08-25-2015>

Directorate for Foreigners in Sarajevo acknowledged that abuse has on hotel vouchers when issuing visas Bosnian.

"We ask ourselves - Who guarantees that somewhere there is some vouchers for printing letters and calls," a statement of IzetNizam. According to him, if it came to the closure of the border in Croatia then quite logical to expect refugees to run Bosnia and Herzegovina.

### 5.3.7. Aspects of refugee in Macedonia

Macedonia since its independence on several occasions demonstrated its hospitality and protection to refugees from the surrounding region, until conditions for their return to countries of origin.

During 1991, after the events in Albania, about 1180 people, mostly from regions bordering the Republic of Macedonia, they sought protection in the country. All these people were housed in shelters in Resen, Ohrid and Struga.<sup>79</sup>

After overcoming the situation in Albania, many of these people have returned to their country of origin, while a number of them, mostly from the region of Mala Prespa, Albania, and remained in the country.

During 1992, the Republic of Macedonia to offer protection to refugees from Bosnia and Herzegovina. Around 35,000 people fleeing the crisis in Bosnia were accommodated in 7 collective centers around country, while some of them were accommodated in households. Republic of Macedonia these people provide protection until 1997, a period when, after overcoming the situation in Bosnia and Herzegovina was possible safe and orderly return.

Based on a repatriation agreement between the Republic of Macedonia and Bosnia and Herzegovina, as well as flights organized, these people were returned to Bosnia and Herzegovina. As a consequence of the Kosovo crisis in the spring of 1999, a total of 360,000 people, mainly ethnic Albanians demanded international protection in the country. On

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<sup>79</sup> Strategy for integration of refugees, And foreigners in Republic of Macedonia, accessed April 2 ,2016, doi:[http://mtsp.gov.mk/WBStorage/Files/strategija\\_begalci.pdf](http://mtsp.gov.mk/WBStorage/Files/strategija_begalci.pdf),

02.03.1999, the Government of the Republic of Macedonia brought Conclusion for giving temporary humanitarian protection. Or 234,000 (64.9%) persons were placed in families.

The remaining 126,000 (35.1%) were placed in eight collective centers built for that purpose, the Republic of Macedonia, of which 91,476 (72.6%) were located in the largest collective center "Stenkovec" located near Skopje.<sup>80</sup>With the improvement of the security situation in Kosovo, most people with the status of temporary humanitarian protection in Macedonia, voluntarily returned to their homes. At the end of 1999, only 8103 remained refugees, mostly Roma from Kosovo.<sup>81</sup>

Their numbers continue to decline, on the basis of voluntary repatriation or individual voluntary departure in third countries. Thus at the end of 2000 on the basis of temporary protection in the Republic of Macedonia, 5416 visited refugees at the end of 2001-3410, and at the end of 2002-2750 people, so in November 2008, the number of these groups amounted to 1,300 .On 22.09.2003, the Government adopted a Conclusion, which lifted the temporary humanitarian protection to refugees from Kosovo.

In addition, all those who seemed to have not created the conditions for safe return and stay in Kosovo, were allowed to submit individual applications for asylum in the country, according to the new Law on Asylum, which entered into force in August 2003. This right has been given to 2,311 persons. In subsequent years, the number of submitted asylum applications has decreased significantly compared to the years that followed, and was reduced to only 26 applications in 2007.

In late 2007, a profiling refugee in Republic of Macedonia defined between target groups in order to obtain a clear social and demographic profile of the refugee in the country. In the interview process it was covered the entire refugee population of which 50.36% are men and 49.64% women. In terms of age structure, approximately 45.45% were children under the age of

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80 Strategy for integration of refugees, And foreigners in Republic of Macedonia, accessed April 2 ,2016, doi;[http://mtsp.gov.mk/WBStorage/Files/strategija\\_begalci.pdf](http://mtsp.gov.mk/WBStorage/Files/strategija_begalci.pdf),

81 Nikola Osilo, Hospitable Macedonia: Over 400,000 refugees from Albania, Bosnia and Kosovo resided in the country August 22, 2015, accessed April 4,2016, doi; <http://emagazin.mk/vesti/vest/12019?title=gostoprivliva-makedonija-nad-400.000-begalci-od-albanija-bih-i-kosovo-prestojuvale-vo-zemjava>

17 years, and 48.49% are aged between 18 and 55 years of age, and around 6.06% are people over the age of 55 years.<sup>82</sup>

8.61% have completed primary education, about 5.24% have completed secondary education, and less than 0.21% have a university degree. In terms of job skills of refugees, and the level of participation in the public and private sectors in their country of origin, only 30.06% of refugees reported that they had legal or professional work experience in their country of origin.

### 5.3.8 Return initiatives

Before 1998 the return of Serbs to Croatia was limited to simple cases such as family reunions. In 1997 an agreement was reached on the two-way return of internally displaced Croatian Serbs from and Croats to the Danube Region, then under transitional UN administration. However, that agreement brought only limited results. The majority of displaced Serbs in the Danube Region left for third countries, primarily the FRY. Since 1998 there has been a series of initiatives to facilitate the return of Serb refugees to Croatia. In April 1998 a Protocol on the Procedures of Organised Returns was signed by Croatia and the FRY. In the same month, the Croatian government issued procedures for return. These procedures met with international criticism, above all because they required potential returnees to apply for Croatian citizenship anew, rather than just affirming the Croatian citizenship to which they were already entitled. In response to this criticism, the government in May 1998 issued "Mandatory Instructions" on the acquisition of Croatian documents, that partially addressed the shortcomings in the procedures. In June 1998 parliament adopted the Return Program. While the procedures and mandatory instructions regarding the obtaining of Croatian documents remained valid, the Return Program acknowledged that everyone considered a refugee under the 1951 Geneva Conventions had the right to return. According to the Program, refugees lacking Croatian citizenship documents can have their citizenship confirmed through the interior ministry. A principal aim of the Program was to lay down procedures for the repossession of properties that,

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<sup>82</sup> Nikola Osilo, Hospitable Macedonia: Over 400,000 refugees from Albania, Bosnia and Kosovo resided in the country August 22, 2015, accessed April 4, 2016, doi: <http://emagazin.mk/vesti/vest/12019?title=gostoprivliva-makedonija-nad-400.000-begalci-od-albanija-bih-i-kosovo-prestojuvale-vo-zemjava>



as is discussed below, had been allocated to temporary occupants (the majority of whom were Bosnian Croats). "The Agreement of the Joint Working Group on the Operational Procedures of Return", signed on 23 April 1997 by the Croatian government, UNHCR and the UN transitional administration in the Danube Region (UNTAES). "Procedure For Individual Return of Persons Who Have Abandoned Croatia", April 27 1998. Mandatory Instruction For Acquiring Documents Required For Implementation of the "Individual Return Procedure For Persons Who Left The Republic Of Croatia", adopted by the government on 14 May 1998. Program for the Return and Accommodation of Displaced Persons, Refugees, and Resettled Persons, 26 June 1998. From the outset there were concerns about how the Return Program would work in practice. That scepticism has proven justified. While return did pick up after 1998, the results were nevertheless disappointing, and serious blockages hampered the process. In particular, a number of discriminatory legal provisions and practices placed potential Serb returnees at a disadvantage. Many of those who initially returned were relatively straightforward cases of people whose citizenship was noncontroversial and who owned property which was neither destroyed nor occupied by someone else. For many others, serious obstacles to sustainable return remained.

### 5.3.9 The stabilization and association process

In October 2001 Croatia signed a Stabilisation and Association Agreement (SAA) with the EU, in which refugee return is one of the key areas in which progress is expected. In its 2002 Stabilisation and Association Report for Croatia, the European Commission reiterated the concerns of the OSCE and others concerning property repossession, occupancy rights, reconstruction assistance, the amnesty law and the lack of economic opportunities for returnees. The prominence given to return in the SAA has been a crucial factor in presenting the Croatian government with a clear, unambiguous international position on the expectation of progress on return. This has undoubtedly been a key factor encouraging the more serious attitude of the government towards return in 2001 and 2002, and the new measures designed to promote return. The importance that the EU attaches to refugee return was also underlined by the inauguration in October 2002 of a €23.2 million program for return and economic development in the war-

affected areas. Such clarity was not always apparent in the international approach towards Croatia. During 2000, such was the relief of the international community that the previous HDZ government had been defeated that there was a marked tendency to be over-lenient towards the government. The OSCE Mission in particular found that its warnings of a lack of progress on return and other issues went largely unheeded. The government thus got the message that it need not take the OSCE seriously. That is no longer the case, but it is important that the unity of approach among the international community in continuing to stress the importance of return should be maintained, and that failures to take adequate measures in line with international standards should be clearly rejected, above all by the EU, in the context of the Stability and Association Process. NATO has also stressed progress on return issues as a condition for Croatia's progress towards membership. The success of the EU's clear conditionality towards Croatia demonstrates the effectiveness of offering rewards after, rather than before, compliance by the target government.<sup>83</sup>

UNHCR has been gradually drawing down its involvement in Croatia for some time. By 2003, it is planned that the UNHCR presence in Croatia, especially its field presence, should be significantly cut back. UNHCR has played an important role in creating conditions for return and operating the organised return procedure to Croatia, in transporting belongings, tractors etc. It has provided care for refugees in Croatia and returnees to Croatia, including immediate reintegration assistance, healthcare, essential supplies (stoves, beds etc.), legal aid etc. Much of what it does has been through partners such as the Croatian Red Cross and nongovernment organisations (NGOs).

While a reduction in UNHCR's presence is justified as the immediate humanitarian crisis recedes, such core activities that UNHCR funds should be maintained. The OSCE Mission, with its reduced, but still extensive field presence is in any case better placed to carry out the key task of monitoring the return process.

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83 Dragana Kovačević Bielicki, *The break-up of Yugoslavia: Wars of the early 1990s*; accessed April 20, 2016; doi: International crisis group.org - <http://www.crisisgroup.org/~media/Files/europe/138%20-%20A%20HalfHearted%20Welcome%20-%20Refugee%20Return%20to%20Croatia.pdf>

So why were the media, and the general public, so much more sympathetic to the Kosovar “safe haven” refugees than to the “boat people” refugees who were arriving in Australia at around the same time? Why were the Kosovars portrayed as “good” refugees and Afghans and Iraqis as “bad”? As indicated above, I argue this had in part to do with the level of agency displayed by the refugees themselves and the degree of control exerted by Australian authorities. The more passive and under control the refugees appeared, the more sympathetic the response. Clearly it was also influenced by official attitudes toward the refugees; government leaders welcomed the Kosovars but remained hostile to onshore asylum seekers. At another level, detailed and very immediate reporting of the Kosovo conflict had given Australians some understanding of why people had been forced to seek refuge outside their home country. The media presented the war as a contained narrative with a clear aggressor (Serbia/Milosevic) and obvious victims (the Kosovars). By comparison, the tragedy of Afghanistan, when it was reported at all, was portrayed as a long-running saga with no obvious beginning or end point. The country was generally presented as an intractable site of conflict, in which individual actors could not easily be identified or ascribed with motives. Even after 11 September 2001, when the barbarity of the Taliban regime received more detailed coverage – in particular the oppression of women – sympathy for Afghans themselves was constrained by the identification of their country as enemy territory and the home of terrorists. Similarly, although coverage of Iraq tended to portray Saddam Hussein as the arch-villain (the equivalent of Milosevic), one enduring legacy of the Gulf War is that sympathy for people suffering under his regime is tempered by the identification of the country as a whole as an aggressor and an enemy.<sup>84</sup>

## 6. Access to territory and asylum procedures

Until 2010 most people who entered in the Republic of Macedonia were from countries of the former Yugoslavia, Albania and Turkey. Since then Macedonia receives and is a hosts for a growing number of asylum seekers who are not from the region, notably Afghanistan, Pakistan, Somalia and more recently Syria.

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<sup>84</sup> Herbert Vytiska (Vienna), Western Balkans route still preference of most refugees, Euractiv.com, accessed April 17, 2016, doi: <http://www.euractiv.com/section/justice-home-affairs/news/western-balkans-route-still-preference-of-most-refugees/>

In 2011 Macedonia received 744 requests for asylum from persons who are not from the region, which was four times more than in 2010.<sup>85</sup>

In 2012 it received 638 requests, in 2013 a total of 1,353 new asylum applications were submitted.

In 2014 around 1,289 new asylum seekers from 19 different countries were registered in the country, and by the end of June 2015, 1,446 persons applied for asylum of which more than 50 percent were Syrian nationals.<sup>86</sup> Currently about 80 percent of those seeking asylum are men, males (aged 18-35 years), but there is a growing trend of children unaccompanied or separated children from parents. Reports show that 90 percent of those seeking asylum in the country leave the country en route to the Member States of the EU before being interviewed or a first instance decision. For example, the 1,353 asylum applications submitted in 2013 was done only one interview any decided that aid was granted subsidiary.

In 2014, 1,289 requests from only 16 decisions on asylum applications have been approved, of which 12 asylum seekers from Syria has been granted refugee status, and one person has been granted subsidiary protection; Despite the small numbers, this was a positive step compared to previous years.

In 2015 despite the high number of asylum applications by a single person up to now has been recognized refugee status. Since many of the asylum seekers are leaving, most cases in 2013, 2014 and 2015 were rejected because of 'withdrawal' of asylum applications, although in some cases awaited the decision of the Asylum Unit.<sup>87</sup> Meanwhile, in the period between the adoption of amendments to the law on asylum and temporary protection on June 18, 2015 and the end of July 2015, the authorities registered 18,750 persons who expressed their intention to seek asylum in the country, with a steady trend of around 1,000 new arrivals daily. Since 2005 Macedonia is a

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85 Jonathan Clayton, ed. Leo Dobbs ,Refugees and migrants on Western Balkans route at increasing risk – UNHCR, the Office of the United Nations High Commissioner for Refugees also known as the UN Refugee Agency, is a United Nations programme mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland, and it is a member of the United Nations Development Group, June 12, 2015, accessed April 14, 2016, doi; <http://www.unhcr.org/557afd4c6.html>

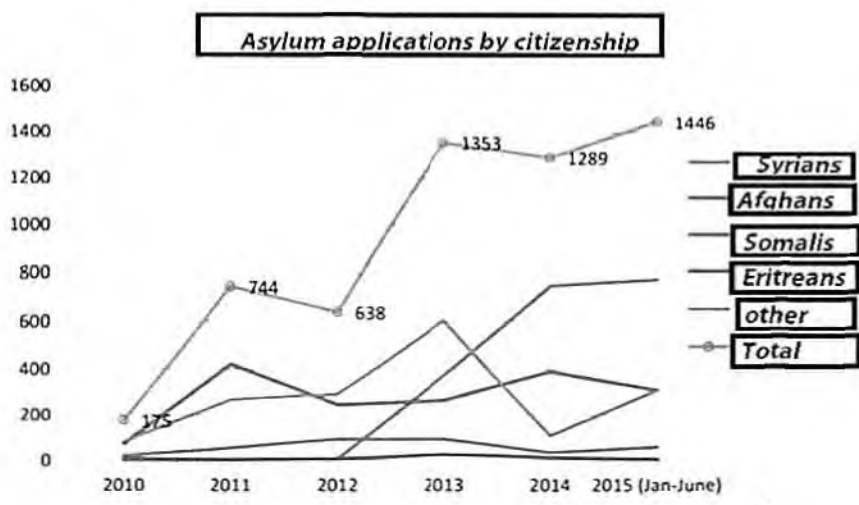
86 Eric Neumayer, Bogus Refugees? The Determinants of Asylum Migration to Western Europe ,Lse.ac.uk , accessed April 21, 2016 doi; <http://www.lse.ac.uk/geographyAndEnvironment/research/Researchpapers/rp82.pdf>

87 Strengthening refugee protection and meeting challenges: The European Union's next steps on asylum by Madeline Garlick, June 2014, accessed April 17, 2016, doi; file:///C:/Users/User/Downloads/Asylum-Brief-Strategic-Guidelines-FINALWEB\_0.pdf

candidate country for EU membership, and in March 2012 started with the EU "accession dialogue at a high level."

European Commission assesses the progress of the Republic of Macedonia and the accession process is expected to lead to a strengthening of the asylum system, in particular with the adoption of legislation in accordance with the legal instruments that together form the Common European Asylum System.

In 2015 the government started drafting a new asylum law in accordance with [the purified text of] asylum instruments of the EU to be adopted in 2016 In accordance with previous practice, UNHCR participated in the drafting process.<sup>88</sup>



Request for asylum by citizenship <sup>89</sup>

### 6.1. The procedures for asylum

According to the Law on Foreigners, a foreigner who shows intent to seek asylum should not be prevented from entering the country.

<sup>88</sup> Strengthening refugee protection and meeting challenges: The European Union's next steps on asylum by Madeline Garlick, June 2014, accessed April 17, 2016, doi: file:///C:/Users/User/Downloads/Asylum-Brief-Strategic-Guidelines-FINALWEB\_0.pdf  
<sup>89</sup> Analysis for national policies and practices tackling illegal migration and asylum seekers , image source - Request for asylum by citizenship, accessed April 14, 2016, doi; [http://www.analyticamk.org/images/stories/files/report/14055\\_illegal\\_migration\\_mk.pdf](http://www.analyticamk.org/images/stories/files/report/14055_illegal_migration_mk.pdf)

According to the amendments from June 2015 the Law on Asylum, asylum seekers can now register intention to apply for asylum at border crossings, in which case the asylum seeker receives a license which is valid for travel 72 hours to be able to travel to the police station and formally filed for asylum. If already in the country, the asylum seeker must register their request for asylum in the nearest police station. After the initial recording, the police are responsible to refer asylum seekers to Asylum Unit within the Ministry of Interior (MOI), which is the primary government body responsible for implementing the procedures for admission and asylum, including to implement asylum seekers the only reception center for asylum seekers in the country. In practice, the authorities are faced with a series of challenges in terms of effective management of mixed migratory flows.<sup>90</sup>

Currently there is no check on persons entering the country is sensitive to the need for safeguards to ensure standard procedure for identification, profiling, referral and response to specific needs (including unaccompanied children and children separated from their parents, victims of trafficking and sexual and gender-based violence (SGBV), older persons or persons with disabilities). Although the law allows registration of the border, border officials have limited capacity to identify persons in need of international protection, including asylum seekers and victims of trafficking. Also missing interpretation services and information on the right to seek asylum accessible to the border. In practice around 15 percent of asylum applications registered at the border, while the remaining 85 percent of the requests were filed in police stations in Skopje. Although not conclusive, this information suggests that there is a lack of effective mechanisms for identifying the border of persons who may need international protection.

Asylum Unit (MI) regularly conducts training of police officers on issues related to asylum, but the training focus on procedures for asylum, not the procedures for identifying, profiling and referral.<sup>91</sup> Positive something that began in September 2014 it is the fact that some asylum seekers are referred to asylum procedures directly from police stations outside Skopje.

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<sup>90</sup> Law on foreigners, published in the Official Gazette, Unofficial translation of the Aliens Act (revised text) in English can be found on <http://www.refworld.org/docid/44b2668a4.html>, see also Amendments to the Law on Asylum, published in Official Gazette no. 49/03, 66/07, 142/08, 146 / 09.166 / 12 and 101/15, no. 35 of March 25, 2006, Article 25 accessed March 28, 2016, doi;

<http://www.slvesnik.com.mk/Issues/F019E5B23924EC42AA5E26D2BFBE7A10.pdf>

<sup>91</sup> Amendments to the Law on Asylum, published in the Official Gazette no. 49/03, 66/07, 142/08, 146/09 and 166/12, 101/15, Article 16.

However, UNHCR noted that police stations outside Skopje generally give priority to the requirements of asylum for other priorities, and instead refer such person in police stations in Skopje for there to apply.

Also interpretation is provided in police stations, meaning that the registration of asylum seekers usually involves only very basic biographical data. No gender-sensitive approach and did not identify any take into account the special needs in this initial stage of the asylum procedure.

Hence at the moment with all the people who have expressed their intention to seek asylum are handled the same way, without paying attention to their age, gender or special needs.

## 6.2. Law for Asylum and temporary protection

Macedonia has a solid legal framework in the field of asylum and protection of refugees, which fully incorporated its obligations arising from the Convention on the Status of Refugees of 1951, as it was amended by the 1967 Protocol.

The main act, the Law on Asylum (LATP) since 2003, was prepared in accordance with EU standards in the field of asylum - EU Acquis, and reflect best practice in Europe. The provisions of the Law reads, provided the basic framework for further integration of refugees. In a special chapter of this legal solution, fully regulates the rights and obligations of asylum seekers, persons under protection and persons with recognized refugee status. The right to compensation for this category of persons defined in two laws.

Thus, depending on the status that acquire these persons in the country (persons under protection and persons with recognized refugee status), they are entitled to financial assistance, which can make by, locally relevant Social Work Centres, for a period of two years.

After that period, the recognized refugees are equal with Macedonian citizens in respect of all social protection rights.<sup>92</sup> The right to housing of asylum seekers is regulated by the formation of a specialized public institution for social protection-Shelter, whose business is besides

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<sup>92</sup>Amendments to the Law on Asylum, published in the Official Gazette no. 49/03, 66/07, 142/08, 146/09 and 166/12, 101/15, Article 16.

accommodation, provide and food, social and other cultural and entertainment services, in accordance with the minimum standards for reception of asylum seekers, determined by international treaties, ratified in accordance with the Constitution. Applicants for asylum are required to, stay in the Reception Centre or other place of accommodation set out by the Ministry of Labour and Social Protection, the final procedure for recognition of the right of asylum. The procedure for accommodating asylum seekers in Reception Centre, realized on the basis of a request submitted by the Department for Asylum at the Ministry of Interior. Based on this request, the locally competent Centre for Social Work, you should prepare a decision to accommodate the person to whom a decision under the existing law on social protection has the right of appeal to the Minister of Labour and Social Policy.

On the other hand, the placement of recognized refugees and persons under subsidiary protection, after gaining appropriate status should be further clarifies. It should be borne in mind that, although the process of decentralization in Macedonia is completed, the responsibilities of local government, the implementation of the Law on Asylum, and a good part of powers that were to be decentralized, however, cannot be realized in practice.

This situation can lead to recognized refugees cannot exercise their right to accommodation, that for this category of persons, would cause further difficulties in their efforts to socialization and integration into society. In order to overcome this situation, the period of fully assuming the responsibilities of local government, by the Ministry of Labour and Social Policy prepared "Mandatory instructions for determining the right to financial assistance required to provide premises for housing".

## 7. Case of refugees of Syria

Defined as the "worst humanitarian disaster since the end of the cold war," the Syrian civil war has to date claimed over 200,000 casualties, including over 8,000 documented killings of children under eighteen years of age. In a country of approximately 22 million people, the bloody and prolonged conflict has resulted in 7.6 million internally displaced persons and an additional 3.2 million refugees, as well as approximately 12.2 million people (more than 1 in 2 Syrians) in need of humanitarian aid to survive. Over 700,000 Syrians have registered as



refugees with the United Nations High Commissioner for Refugees (UNHCR) in 2014 alone, with an average of approximately 70,000 Syrians fleeing their country every month.

Even though the average monthly number of new refugees has declined since 2013, the regional crisis is by no means subsiding, especially as it becomes clear that returning to Syria will not be a viable option in the short or medium term. To date, the humanitarian cost of the crisis has been paid mainly by Syria's neighbors, with Jordan, Lebanon, and Turkey currently hosting over

**Table 1: Refugees from Syria in neighbouring countries <sup>93</sup>**

Country	Persons of concern from Syria	Palestinian refugees from Syria
Lebanon	1,117,095	51,300
Turkey	789,678	Not reported
Jordan	602,182	10,687
Iraq	225,475	Not reported
Egypt	138,101	~6,000
Total	2,872,531	67,987 reported

600,000, 1.14 million, and 1.6 million refugees, respectively, and with a smaller number of Syrians seeking shelter in Egypt (over 140,000) and Iraq (over 220,000). In reality, the number of Syrians present in these countries is higher than the official UNHCR figure of registered refugees, as a number of Syrians choose not to register, for reasons that range from fearing the consequences of having their names in official records, to lacking either proper information or access to the registration points.

For nearly five years now, the world has been witnessing the unfolding of one of the largest displacement crises since World War II.

Fleeing a devastating conflict that has already claimed the lives of more than a quarter of a million people, more than four million people have left Syria and found temporary shelter in neighbouring countries. <sup>93</sup>

This year, driven by a loss of hope and worsening living conditions across the Middle East, Syrian refugees have taken to risky migration to Europe in larger numbers than ever. Their

<sup>93</sup> Humanitarian situation and needs, European Commission, Humanitarian aid and civil protection, accessed April 15, 2016, doi: [https://ec.europa.eu/echo/files/aid/countries/factsheets/syria\\_en.pdf](https://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf)

arrival has signalled more clearly the need to create a radical new approach to managing the mass displacement across the wider Euro-Mediterranean region. Most refugee crises last for ten years or more, and there is little to suggest that the current crisis in Syria will fall outside this trend.

As the situation inside Syria continues to deteriorate, there is no foreseeable prospect for the safe return of refugees. At the same time, the main refugee-hosting countries – Turkey, Iraq, Lebanon, Egypt and Jordan – are all facing enormous and diverse economic and social challenges as a consequence of the crisis. These challenges range from localized demographic shifts to pressure on infrastructure, public services and labour markets.

The scale and duration of the crisis mean that emergency humanitarian responses, while as necessary as ever, are no longer enough. Humanitarian aid must now be complemented by more sustainable approaches to help refugees and host communities cope in the medium and longer terms. Over the past year, the governments of Syria's neighbours, in cooperation with international aid agencies and donors, have increasingly recognized this reality. Together, they have developed a so-called resilience agenda to help refugee-hosting countries deal with the huge weight associated with supporting refugees from Syria. But for the refugees themselves, increased vulnerability, not resilience, is the norm. More and more refugees are being pushed to make desperate choices.<sup>94</sup>

Children are forced to leave school and work illegally, girls are forced into marriage before their time, and many have little option but to risk their lives on dangerous boat journeys in the hope of reaching Europe, or even to return to Syria. This briefing highlights the pressing needs faced by refugees and host communities and describes the possible pathways towards a new approach by Syria's neighbours and the international community. This approach would offer hope, safety and dignity to the millions who have fled Syria, and a chance to contribute to the societies and economies of their host countries by offering them greater social and economic opportunities as refugees. Such an approach entails host countries addressing the legal and policy barriers that prevent refugees from building a dignified existence in their temporary displacement.

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94 Asylum quarterly report, Eurostat, statistic report, Data extracted on 21 September 2016. Most recent data: Further Eurostat information, Main tables and Database. Planned update of the article: December 2016, accessed September 25, 2016, doi: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_quarterly\\_report](http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report)

It pays special attention to the issues of legal stay in their host countries and their ability to support themselves and their families better and to access services. For its part, the international community must recognize that refugee-hosting states cannot and should not take these necessary steps on their own. This presumes a commitment to providing stable and predictable long-term funding and investment in building the technical capacity of host countries to manage the displacement and its consequences.

The alternative future is one of missed opportunities, not only for millions of refugees from Syria, but also for neighbouring countries to leverage the positive contributions that these refugees can make. To address the challenges facing refugees and the countries that received them, seven organizations call on international donors and refugee-hosting governments to work together on five different areas:

- Ensuring the ‘resilience agenda’ benefits the most vulnerable. The resilience agenda should include and benefit all those affected by displacement – including refugees and vulnerable members of host communities.
- Enabling refugees from Syria to reside in neighbouring countries legally without discrimination. Procedures to maintain valid documentation and registration must be clear, accessible, and affordable.
- Allowing refugees from Syria to access basic services, including adequate and affordable education, medical care and housing, without compromising the quality of public services for host communities. This means significant new investment in national institutions and infrastructure to boost service delivery.
- Supporting refugees to be more self-reliant through greater livelihoods opportunities, without negatively affecting the economies of host communities. Donors and host governments should work together to unlock the potential economic contribution that refugees can make to meet their basic needs, while also benefiting the countries where they temporarily reside.
- Ensuring countries neighbouring Syria receive adequate support to change policies and practices to allow refugees and the communities hosting them to cope better; pending a political solution to the conflict in Syria and options for the safe return of refugees or resettlement or other forms of admission to third countries.

The Syria conflict has triggered the world's largest humanitarian crisis since World War II. Humanitarian needs continue to rise, population displacements are increasing, and an entire generation of children is being exposed to war and violence, increasingly deprived of basic services, education and protection.<sup>95</sup>

- The European Union and its Member States collectively are a leading provider of international aid. More than €5 billion have been mobilised for relief and recovery assistance to Syrians in the country and to refugees and their host communities in neighbouring Lebanon, Jordan, Iraq, Turkey and Egypt. In addition, the EU has pledged €3 billion at the 'Supporting Syria' conference held in London in February 2016.

- The European Commission is funding humanitarian programmes carried out by its humanitarian partners which provide millions of people with life-saving assistance including food and safe drinking water, non-food items, shelter, emergency medical treatments and protection.<sup>96</sup>

- The EU calls for the respect of International Humanitarian Law (IHL), the protection of civilians, especially children, women and other vulnerable groups, and condemns all indiscriminate attacks on civilians by all parties of the conflict. The EU also calls for all parties to the conflict to allow unhindered and sustained humanitarian access, across conflict lines as well as borders, to ensure safe delivery of humanitarian aid and medical care to all people in need.

As the first major hub on the migrants' path to Europe, Turkey became the biggest "onestop" check point and the host for 2.5 million of refugees. According to the UNHCR "Forced displacements" report even in the previous year (2014) it was the largest refugee-hosting country worldwide, with 1.59 million refugees. In 2015 it was joined by Lebanon which hosted more than a million refugees. As the EU is formed by 28 member states, a huge focus is being put on the common EU immigrant and asylum policy. Starting from the very beginning of 2016, many new things have happened concerning the so called Balkan route. The political disagreements

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<sup>95</sup> Benedetta Berti, *The Syrian Refugee Crisis: Regional and Human Security Implications*, accessed March 25, 2016, doi; [http://www.inss.org.il/uploadImages/systemFiles/adkan17\\_4ENG\\_7\\_Berti.pdf](http://www.inss.org.il/uploadImages/systemFiles/adkan17_4ENG_7_Berti.pdf)

<sup>96</sup> *Right to a future, Empowering refugees from Syria and host governments to face a long-term crisis*, 9 November 2015, accessed March 28, 2016, doi; <https://www.savethechildren.net/sites/default/files/Report%20final-%20Syria.pdf>

between the EU member states concerning the ethical dilemmas on immigrant acceptance culminated when the Schengen agreement was about to collapse. The system was near complete failure and all the weaknesses of the Union's asylum policy have become visible. The proposed quota system by some EU member states was rejected by Hungary at first, then followed by Slovakia, the Czech Republic and Poland, and eventually rejected at supranational level. Many political meetings were organised and decisions made during 2015. Starting from February 3<sup>rd</sup>, migrants were no longer able to pass the Balkan states' borders without passports or other valid documents. That was the main conclusion after the heads of national polices had made an agreement in Skopje (Macedonia).<sup>97</sup> Consequently, all migrants were being transported without any stop from Macedonia directly to Austria from 9<sup>th</sup> of February. As the nearest potential final destination of migrants, Austria was conducting numerous bilateral and multilateral meetings. The diplomatic activity of the Austrian minister of foreign affairs Sebastian Kurz became very dynamic especially at the beginning of February, when he visited the Balkan states in order to create the action plans for their EU integrations, but also, to create a framework for further refugee problems (especially with Serbia and Macedonia).

Another indirect way to reduce the pressure of the regional crisis is for the international community to substantially step up its commitment to resettlement. UNHCR has expressed hope

to resettle an estimated 130,000 Syrian in 2016, but to date that seems a particularly elusive goal. With the exception of Germany and to a lesser degree Sweden, European countries in particular lag behind, with countries like France having pledged to resettle only 500 refugees. Indeed, by and large European governments, with increasingly more securitized

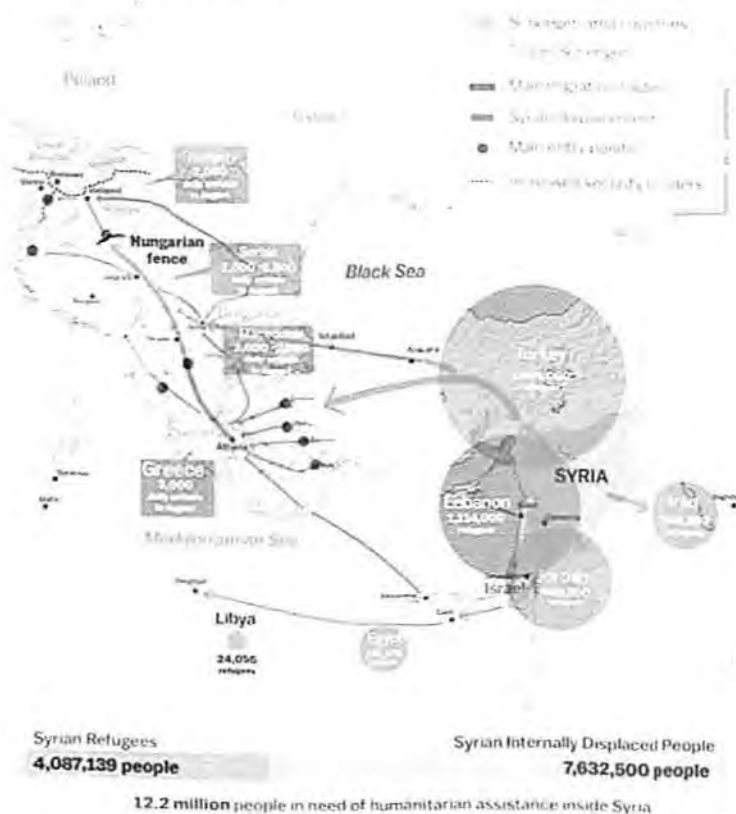


Figure 1, 4

immigration policies and facing a generally reluctant public opinion when it comes to refugee absorption, have taken only small steps with respect to resettlement. Given the general political climate in Europe, it is unlikely this policy stance will change substantively in 2015. In the longer term, preventing a further deterioration of the crisis also requires the international community to invest more in boosting the host communities' economies and infrastructure, so that they can better cope with the refugee crisis as well as with the increased vulnerabilities and needs of the local populations. Indeed, given the precarious context and the long term outlook of the crisis, investing in the long term development and resilience of the host communities should be seen as an outmost priority. This does not just require additional funds to deal with the refugee crisis and the increased needs of the local population, but also working to invest in long term economic development, institutional capacity building, and security sector assistance. Finally, there needs to be a clear focus on long term development and integration, which in turn requires host governments to relinquish their approach to treating refugees as "temporary guests." In this sense, a key priority should be on livelihood and income generation, including job creation, lending geared to fostering micro-enterprise, and vocational training. Clearly this approach also requires a shift in legal frameworks, easing the conditions for refugees to obtain work permits, and investing in sensible social and labor policies. In dealing with the Syrian civil war, the international community seems to have split the focus between the "military-security" dimension of the conflict and the "humanitarian" aspect, with the regional refugee crisis largely analyzed through the humanitarian lens.<sup>98</sup> While understandable, this approach has de facto created an artificial separation between regional and human security concerns. Put simply: the economic, political, and social impact of the ongoing refugee crisis should not be seen solely through the humanitarian lens.

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98 Benedetta Berti, *The Syrian Refugee Crisis: Regional and Human Security Implications*, accessed March 25, 2016, doi: [http://www.inss.org.il/uploadImages/systemFiles/adkan17\\_4ENG\\_7\\_Berti.pdf](http://www.inss.org.il/uploadImages/systemFiles/adkan17_4ENG_7_Berti.pdf)

## 8. EU response to the migration crisis in Western Balkan

### 8.1. Migrants – Mediterian route

A record number of 137,000 immigrants crossed the perilous journey across the Mediterranean Sea to reach Europe, only the first half of 2015.<sup>99</sup>

A report released by the Agency for Refugees, under which the number of newcomers in Europe thus increased by 83% compared to the same period last year.

"Europe is experiencing Marine refugee crisis of historic proportions," it said in the text of the UN. According to the data expected in the coming months the situation has worsened due to the summer and good weather which will increase the number of incoming immigrants. According to Commissioner for Refugees Antonio Gutierrez majority coming from the continent are not economic migrants.<sup>100</sup>

"Most people who arrive by sea in Europe, and refugees seeking protection from war and persecution," he said. Almost a third of immigrants arrived in Italy and Greece - the most affected by refugee wave countries, arriving from Syria, and Afghanistan and Eritrea is 12%. Other countries where many immigrants come, Somalia, Nigeria, Iraq and Sudan, the report said. There is a serious increase in deaths during attempts to cross the Mediterranean. Until now killed a total of 1867 people, and only in April this figure is 1308 persons. The arrival of so many immigrants has become a serious problem for the EU, Member States continue to consider options for dealing with the crisis. The increased number of people arriving in Greece and Italy before moving to other European countries, has caused a number of disputes in many European countries.

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<sup>99</sup>Feasibility study on irregular migration in the Western Balkans, the International Organization for Migration, 2014

<sup>100</sup> David Treece, Hari Priya Rangarajan, and Jordan Thompson, Past, Present, and Future of the Asylum, Perkinswill.com, accessed April 13, 2016, doi; <https://perkinswill.com/files/Past%20Present%20and%20Future%20of%20the%20Asylum.pdf>

## 8.2. Geographic location - Balkan route

Macedonia is part of the so-called "Balkan Route" which has the following course: migrants cross the Turkish-Greek border where have three options to leave the country:

- 1) By air (intra-Schengen flight)
- 2) After the waterway (intra-Schengen ferry to Italy)
- 3) By road (via Bulgaria or via the Western Balkans).

Those who decide to travel through the Western Balkans crossing the Macedonian border, usually near Gevgelija and to a lesser extent in the vicinity of Bitola, continue towards Serbia (near the border crossing point Tabanovce) in order to reach Western Europe. Most often, entry into the Schengen zone Hungary.<sup>101</sup>

Obviously, the Greek-Turkish border faces the most pressure. According to Frontex (the EU agency for external border security), only the first half of 2012 were observed nearly 21,000 illegal border crossings. In 2012. Macedonian media based on anonymous diplomatic sources wrote that the Greek authorities, trying to cope with this problem, sometimes remain "blind" and prefer to leave the migrants to leave the country rather than bring them because it cost the resources. On several occasions, the Interior Minister has stressed that the cooperation with Greece is not at the desired level and that the border is not kept on both sides with equal attention. Once migrants will cross the Greek-Macedonian border, some now continue towards Serbia, but many of them spend some time in villages near the Serbian border. Such known "way stations" are villages Lojane and Vaksince.<sup>102</sup>

While some of them are located in private houses (pay rent), others sleep in the woods. According to local estimates, while there are about 300 illegal migrants.

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101 Jonathan Clayton, ed. Leo Dobbs, Refugees and migrants on Western Balkans route at increasing risk, The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a United Nations programme mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland, and it is a member of the United Nations Development Group., June 12, 2015, accessed April 14, 2016, doi:<http://www.unhcr.org/557afd4c6.html>

85 National policies and practices tackling illegal migration and asylum seekers, Policy report, analytical.org, accessed April 17, 2016, doi:[http://www.analyticamk.org/images/stories/files/report/14055\\_illagal\\_migration\\_mk.pdf](http://www.analyticamk.org/images/stories/files/report/14055_illagal_migration_mk.pdf)



In 2015, of the main migratory routes to Europe by land and sea, that across the Western Balkans was the busiest. Starting in Turkey, the route heads west into Greece and then into the Western Balkans, at present primarily via Macedonia and Serbia. The region's aspiring EU candidates, particularly Kosovo and Albania, have largely been a source of irregular migration themselves, with a peak of border crossings in 2014 and early 2015. Increasing migrant flows from outside Europe, however, have shifted the trend, turning the region into a transit one. Some of the contributing factors include:

- Migrant flows stemming mainly from the Middle East and more broadly, Asia,
- The strategic geopolitical position of the Western Balkans,

- The construction by Greece (2012) and Bulgaria (2014) of fences along their borders with Turkey, which diverted most migrants to sea routes, The 1951 UN Geneva Refugee Convention defines refugees as people fleeing conflict or persecution. People who apply, or intend to apply, for asylum on these grounds, but whose applications are pending, are called 'asylum-seekers', whereas 'refugees' are those who have already been granted asylum. 'Refugees' is however often used more broadly in the media, to cover all those part of a flow, as in the present case, from a country/region stricken by conflict, irrespective of their legal status. The concept of 'economic migrants' has also gained prominence in recent years. Their primary motivation is considered to be economic gain. In Europe there is ongoing debate as to whether it faces a 'refugee' or an 'economic migrant' crisis. Refugees and economic migrants are often labelled with the same term – 'migrants', but they are subject to different laws and levels of protection. The difficulty of drawing a distinction between them, as well as their many shared characteristics, has brought the term 'mixed migration' into use. The 'Western Balkan route' is composed of two migratory flows: one from the Western Balkan countries themselves and another of migrants having entered the EU (Bulgaria or Greece) via Turkey by land or sea, with the aim of reaching the Schengen area.

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- The lower risk/cost compared to the 'deadly' central Mediterranean route,
- The introduction of visa-free travel within the EU for Western Balkan countries.

The new route is shorter, since for the majority of migrants, who come from the Middle East, Turkey is within easier reach than Libya. Although not devoid of peril, this route is also considered safer: sea trips from Turkey to the Greek islands have been successful for tens of thousands of people. Challenges on the road include new fences along borders and unpredictable reactions by the affected countries, which additionally burdens transit countries and leads to secondary routes within the region. What the Western Balkan countries are doing Despite the fact that the Western Balkan countries have relevant laws and migration management systems in place, the high number of refugees crossing their territory has put a strain on their legislation, asylum systems and migration policies. The EU has bilateral readmission agreements with Albania, Serbia, Montenegro, Bosnia and Herzegovina (BiH) and Macedonia. The challenges relate to ensuring consistent implementation of the relevant legislation, sufficient capacity for receiving migrants and compliance with international standards. Legal frameworks in the Western Balkans Although largely harmonised with the EU acquis, the legislative and institutional frameworks for migration management need further adjustment. All the countries have adopted three types of relevant laws regulating:

- 1) foreigners/aliens,

- 2) state border control, and

- 3) the revision of the criminal code so as to criminalise migrant smuggling and to assign penalties.

They also have key strategic documents defining the priorities, main objectives and measures related to managing irregular migration and illegal stay. The national asylum procedures in the region differ in a number of ways, for example as regards the steps involved in the asylum procedure and the grounds for granting or refusing asylum. In Albania and Kosovo, asylum-seekers cannot express their intention EPRS The Western Balkans – Frontline of the migrant crisis Members'

In BiH and Serbia, asylum-seekers can express such an intention, after which they are obliged to formally do so within a determined timeframe. Recent changes have also made this possible in Macedonia. However, the vast majority of refugees only spend a limited time in the Western Balkans and rarely submit asylum requests.

The United Nations Refugee Agency (UNHCR) and the IOM, as well as multiple NGOs, support governments in developing initiatives and good practices on refugee protection and international migration. Examples include the Balkans Asylum Network (BAN), established to contribute to asylum-related capacity-building of civil society in the region, as well as the Migration, Asylum and Refugees Regional Initiative (MARRI), created under the former Stability Pact for south-eastern Europe. There are also several regional consultative processes with migration-related agendas, such as the Budapest and Prague processes. Initiatives aimed at regional cooperation on migration issues are also undertaken by the South-east European Law Enforcement Centre (SELEC), the International Law Enforcement Cooperation Unit (ILECU), and within the framework of the Police Cooperation Convention for Southeast Europe (PCC). The IOM issued a 'response plan' for the period September-December 2015, in which it promoted regional approaches to addressing mixed migration flows. Together with UNHCR, the IOM leads the Western Balkan Initiative on refugee protection and international migration. UNHCR has put in place a targeted protection and humanitarian response in support of the governments and civil society, which includes enhanced monitoring and presence at exit and entry points. At the same time, UNHCR has engaged in the provision of basic humanitarian assistance, legal and social counselling, and information dissemination and interpreting through its local partners. Public advocacy, awareness-raising and community engagement have also been stepped up. Serbia: state of play Since the 1990s, Serbia has hosted the largest displaced population in Europe. Now it is mainly a transit country, in which migrants spend two days on average. With over 595 000 arrivals since January 2015, and with the closing of borders by neighbouring EPRS The Western Balkans – Frontline of the migrant crisis Members' Research Service Page 5 of 12 countries, its capacity has been exceeded and its situation has been aggravated further. To cope, the government set up a working group in June and adopted a plan in September 2015. Overall, Serbia's actions (open borders policy, political discourse, public attitudes) are seen as 'refugee-friendly', despite reported cases of mistreatment. The 2015 Commission progress report commended the country in that respect. Legal and Institutional framework, reception centres The Constitution of Serbia guarantees the right to asylum, primarily regulated by the 2008 Law on asylum. Migration is regulated by the Law on foreigners (2008), Law on state border protection (2008), Law on migration management (2012) and Law on employment of foreigners (2014). Relevant strategies are also in place, such as the Strategy for combating illegal migration (2009-

2014), among others. In the framework of Serbia's screening process with the EU, the action plan for Chapter 24 notes that asylum legislation is partly compliant with the EU *acquis* and outlines areas to be addressed. In 2013, the Ministry of Interior mandated a project group to draft proposals for a new asylum law, expected to be adopted in the first half of 2016. Several state authorities have competences regarding migration: the Ministry of Interior (Asylum Unit and Aliens Department), the Asylum Commission, the Ministry of Justice (the Administrative Court), the Commissariat for Refugees and Migration, the Ministry of Foreign Affairs, and the Ministry of Labour, Employment, Veterans and Social Policy. The 2008 Law on asylum foresees the establishment of an Asylum Office. Not yet officially established, it currently operates on an ad hoc basis. NGOs and international organisations such as UNHCR Serbia, the Serbian Red Cross, Asylum Info Centre, the Belgrade Centre for Human Rights, Praxis, the Danish Refugee Council, Caritas, and Group 484, are also relevant stakeholders. UNHCR cooperates closely with the European Commission, the EU's external borders management agency (Frontex) and the European Asylum Support Office (EASO). Currently, refugees along Serbia's borders can get help and services at several aid points. The country has five reception centres with limited capacity; in 2015, a One Stop Centre was opened in Preševo. Ongoing relevant projects include Group 484's 'Networking and capacity-building for a more effective migration policy in Serbia', 'Towards the Europeanisation of Serbia – improving the legislative framework, established policies and practices in the areas of asylum and readmission in the Republic of Serbia', and 'Improving migration policy in Serbia and countries of the Western Balkan'. In broad terms, they aim to boost the engagement of civil society organisations and raise awareness. Overall, the EU-funded projects aim to expand existing accommodation capacity and assist in drafting the new asylum law, reforming the asylum system, and further developing the border surveillance systems. Serbia has been encouraged to build additional centres with EU support. It has expressed willingness to take part in the EU quota system for refugees, and readiness to follow a common EU approach. It has, however, emphasised the need for a joint EU response and a uniform regional approach to the definition, rights and benefits of refugees. Macedonia also has a history of hosting refugees, both in the 1990s and after the 1999 Kosovo conflict. To keep track of the unprecedented migration movements, the Ministry of Interior issues daily reports; in October, record levels of about 10 000 daily arrivals were reported.

The situation escalated with violence on the border with Greece, which was temporarily closed due to lack of human resources to register migrants in a timely manner and ensure their transport to the next border. The Macedonian Young Lawyers Association (MYLA) reported that by 1 October 2015, only 50 asylum applications had been submitted. Legal and institutional framework, reception centres of Macedonia has progressed in aligning its legal framework with international standards, but a 2015 UNHCR analysis noted shortcomings as regards implementation. The 2015 Commission progress report assessed the former Yugoslav Republic of Macedonia as 'moderately prepared' to implement the *acquis* in that area. The Constitution guarantees the right to asylum, which is regulated in the Law on asylum and temporary protection. The law was amended substantially first in 2012 and then in June 2015, as a temporary solution for dealing with the massive flows of people. As the restrictive rules on asylum-seeking posed a risk of arbitrary detention and push-backs at the border, they were replaced by a procedure allowing people to register their intention to seek asylum at the border. The new procedure protects applicants from the risk of *refoulement* and grants them a 72-hour legal stay in the country, before formally seeking asylum. Migrants receive a document confirming their expressed intention and giving them access to public transport and medical help within 72 hours. In 2015, a working group was established with a mandate to draft a new asylum law, expected to be adopted in 2016. The Ministry of Interior (MoI) and the Ministry of Labour and Social Policy share responsibility as regards asylum procedures. The Section for Asylum and the Section for Border and Migration (MoI) are the primary government bodies responsible for implementing the reception and asylum procedure. The Crisis Management Centre coordinates activities on the ground. UNHCR Skopje supports the local authorities, in cooperation with the Commission, Frontex, EASO and civil society organisations such as Legis, MYLA, Help the Refugees, HERA, IOM and La Strada Open Gate, among others.

Macedonia's 'Vinojug' reception centre for asylum-seekers is in the town of Gevgelija at the border with Greece. The 'Tabanovce' refugee aid point is at the border with Serbia, and the 'Vizbegovo' reception centre is in Skopje. Reception capacities are being further strengthened under the UNHCR winterisation plan (November 2015-February 2016). Project Hope is an ongoing refugee healthcare project. Ongoing EU-funded projects primarily focus on renovating border police stations, fighting against trafficking in human beings and strengthening police capacities for border management. Other Western Balkan countries While the other Western

Balkan countries are not affected to such an extent, Albania fears that the route may deviate, turning it into another 'refugee hub'. The route from Albania to Italy had been tested after the collapse of the communist regime in the 1990s. Frontex announced that it would deploy forces to monitor the Greek–Albanian border. Two migrant centres in Gjirokastër and Korçë near Greece are being prepared for such events. An increased, although not yet high, number of refugees have been reported as crossing Bosnia and Herzegovina to enter Croatia, tracing another potential route. The impact, however, has not been limited to non-EU countries. EU Member States have also been overwhelmed and tensions have built up across Europe, leading governments to resort to individual, 'ad hoc policies'. Despite travel within the Schengen area being unrestricted, some states have reintroduced internal EU borders and tightened controls even further in the aftermath of the terrorist attacks in Paris. Overall, the EU's reaction has been qualified as 'ad hoc', with a strong focus on security. Divided national interests have hindered a common EU approach. The transit countries' divergent responses have strained their bilateral relations. So far, Hungary's initial reaction is considered the most drastic. The country recently amended its asylum legislation to restrict access for refugees, and also opposed compulsory EU quotas for relocation of asylum-seekers. In December 2015, the European Commission opened infringement proceedings against Hungary over a new law which allegedly prevents failed asylum-seekers from winning appeals to stay. Hungary erected fences and closed its borders both with Serbia (15 September) and Croatia (16 October), and plans to build another fence on its border with Romania. On 16 September, Hungarian police clashed with refugees at the border crossing at Horgoš and used teargas and water cannon against them while they were on Serbian territory. This led to tensions with Serbia; the border was closed and then reopened five days later. Hungary's relations with Serbia improved but its tensions with Croatia deepened. The restricted passage through the border with Serbia redirected the migrant flows to Croatia, which reciprocated by transporting people to Hungary. Hungary sent armed forces to the Croatian border, authorising them to use non-lethal force against migrants. Croatia and Serbia got into a more intense row which escalated into a 'trade war'. Following the high number of arrivals from Serbia, on 20 September Croatia closed the last of its eight crossings with Serbia, halting all cargo traffic. The trade ban lasted several days. Serbia closed its borders to all Croatian goods, and Croatia responded by closing its borders to all passenger traffic from Serbia. Croatia warned it might build fences along its border with Serbia. The Serbian Prime Minister sent a protest

letter to the EU, demanding mediation and adherence to the Stabilisation and Association Agreement with the EU. In November 2015, the bilateral crisis subsided and a mutual commitment for more structured cooperation followed. Both countries agreed to provide train services across their borders to ease travel through the region. The border closure between Hungary and Croatia affected Slovenia as well. Since mid- October, more than 150 000 people have crossed the country. The government called in the army and private security personnel to boost its small police force. Slovenia mentioned the possibility of invoking a 'never-before-used 'solidarity clause' in the EU treaties' to request EU aid and military support. On 11 November 2015, it started building a fence along its border with Croatia. In August 2015, Germany exempted Syrian citizens from the rules of the Dublin Regulation, but removed the exemption in November. It reinstated border controls on its border with Austria in September, after receiving hundreds of thousands of migrants in a few days. Austria also said it could build a fence on the border with Slovenia. Border controls have been introduced by others as well in what is seen as the greatest blow to Schengen since its inception. At the end of November, Slovenia and Croatia closed their borders to 'economic migrants' from countries not affected by war. This triggered a similar response by Macedonia and Serbia, which now only allow migrants from Syria, Afghanistan and Iraq; Macedonia has started building a fence along its border with Greece. The resulting tensions and the thousands of stranded people at the border have been a clear signal that cooperation with the Western Balkans is crucial. European Union response: implications for the Western Balkans The refugee crisis, which has led Member States to reintroduce border controls and erect fences, and has been considered a threat to the Schengen area of free movement, has been qualified as one of the greatest challenges the EU has ever faced. It has significant implications for the entire EU, straining Member States financially, and putting both their ability to cooperate with each other and the common EU values to the test. It may have a potentially disruptive impact on EU politics, especially when in the aftermath of the Paris attacks and New Year's Eve assaults in Cologne refugees have increasingly been regarded as a risk to security. The EU's ongoing search for a tailored response to migration intensified significantly in 2015, when migration was at the centre of a series of high-level meetings and conferences. The EU institutions took a number of internal measures to assist Member States most affected by the refugee influx due to their geographical position (Greece and Italy, in particular) and to look for a more efficient way to address this challenge in a coordinated manner, with shared efforts. The

refugee crisis also brought to the fore the realisation that the EU cannot act alone. Arriving via Turkey, migrants first enter the EU, then cross into non-EU countries and re-enter the EU again to reach the Schengen area. Therefore, in seeking solutions, the EU has attached high priority to working with these third countries. It has recently stepped up efforts for better cooperation with its neighbours involved in the crisis, especially Turkey and the Western Balkan countries. In a key debate during Parliament's October plenary session, concerns were raised that the present situation, apart from undermining the EU, might turn into a geopolitical crisis with a destabilising effect on the Western Balkans whose capacities to respond have been exceeded. The debate concluded that tighter cooperation with the Western Balkans was necessary to prevent further crisis in the region. Cooperation with third countries In the short-term, the focus has been on taking measures to stem the migrant influx to the EU, secure the borders with third countries, better manage arrivals and ensure timely and efficient information exchange. The EU has agreed on providing financial support for all of the above. Slowing down the migrant flow Host to a large number of migrants, as well as being the country from which most migrants reach the EU borders and the Western Balkans, Turkey stands out as a crucial. Both parties agreed to fully apply the EU-Turkey readmission agreement from June 2016, and to complete the visa liberalisation process for Turkish citizens in the Schengen area by October 2016. Turkey promised to impose stronger visa requirements and residence rules for certain migrants and return those not eligible for international protection to their countries of origin. To address the issue of migrants from the Western Balkans (together with Turkey, nationals of these countries account for a big share in the total number of applications lodged in the EU), in September 2015, the Commission proposed a regulation to set up a common EU list of safe countries of origin including Albania, Bosnia and Herzegovina, Macedonia, Kosovo, Montenegro, Serbia and Turkey.<sup>103</sup>

### 8.3. Protection of the external borders of the Union control of the Balkan Route

To reduce the tide of asylum seekers, foreign minister of Austria Sebastian Kurz urged better protection of the external borders of the EU and greater control of the western Balkan transit route. Kurz out five proposals for dealing with the refugee crisis and combating human

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<sup>103</sup> The Western Balkans Frontline of the migrant crisis, [Europarl.europa.eu](http://www.europarl.europa.eu), Briefing January 2016, accessed April 15, 2016 doi; [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS\\_BRI\(2016\)573949\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573949/EPRS_BRI(2016)573949_EN.pdf)



trafficking. Austrian minister stands for international action against the Islamic state, where it considers that Austria should participate in providing equipment. According to him, the refugees should be protected and taken care near their homeland.

"We must do more on the field and establish reception centers for refugees fleeing from terror," said Kurtz.<sup>104</sup> He noted that it is necessary refugees asylum to place in these reception centers in the countries they come or in neighboring countries. "Currently we do not have a sustainable system. Austrian minister, among other things, urge and fixing quotas for the distribution of refugees in the EU.

"German Chancellor Angela Merkel recently once again taken steps to better distribution, which fully support him".

Gerd Müller, the German Minister for Economic Cooperation said that the European Commission should invest more than 10 billion euros for the construction of refugee centers in the countries on the periphery of the EU.

#### 8.4. EU response to the migration crisis

Leaders of the European Union and the Balkan countries are considering ways to better manage the thousands of migrants who move in a continuous progress in their countries.

Here's what made so far in the EU response to the migration crisis, and is characterized by the arrival of some 700 000 people who arrived by sea but from the beginning the year.

Border Control Agency for the EU external borders (Frontex) was to get more resources to better protect the external borders of the free travel in the Schengen zone.

But by early European countries have pledged barely 291 additional border guards of the agency, who asked 775<sup>th</sup>.<sup>105</sup>

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104 EU protects, and Kurtz seek protection of external borders of the Union and control of the Balkan route , August 23, 2015, accessed April 13, 2016, doi; <http://www.mkd.mk/makedonija/politika/eu-se-shtiti-i-kurc-bara-zashtita-nanadvoreshnite-granici-na-unijata-i-kontrola>

105 Herbert Vytiska (Vienna), Western Balkans route still preference of most refugees, euractiv.com , accessed April 15, 2016, doi, <http://www.euractiv.com/sections/global-europe/western-balkans-route-still-preference-most-refugees-319172>

The European Commission proposed to establish a European Border and Coast Guard.

Diversion of migrants the EU applies a controversial scheme to redistribute 160,000 asylum seekers in Italy and Greece - the front lines of the migration crisis - to other countries. Germany and Sweden, countries that are major destinations for asylum seekers, calling for the creation of a permanent system of diversion. This however creates a strong resistance from other member states.<sup>106</sup> Return of Migrants The EU has demanded better work regarding the return of economic migrants who do not meet the requirements for international protection.

In the past, only about 40% of similar migrants were repatriated to their countries of origin.

The creation of reinforced shelters, known as "hot spots" in Greece and Italy provided help to quickly identify economic migrants and startup procedures for their return. It is planned also with "hot spots" to manage and resettlement.

Countries of origin and transit countries: the European Union involved in helping the countries of origin of migrants and transit countries, to deter the flow. EU offer Turkey financial aid and closer political relations, to encourage the country to do more on the issue, and negotiations between the EU and Turkey to continue.

EU leaders will also meet with African leaders in Malta in November in an effort to provide them with cooperation.

Military actions the European Union undertook Marine mission against criminal networks that smuggle migrants from Libya to Italy.

The mission cannot stop the boats and arrest suspects in international waters, but can not act in Libyan waters, because it requires support from the Libyan authorities and the UN Security Council. Efforts to obtain such permission present not resulted in success.<sup>107</sup>

The European Commission promised to do a few things, and by March 2016 is expected to propose a "structural system" to divert the displaced people who are outside the EU, but in need of international protection, as Syrians live in refugee camps UN .

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<sup>106</sup> What do the EU to deal with the migration crisis?, September 25, 2015, accessed April 17, 2016, doi:<http://vesti.mk/read/news/6863105/2565218/shto-napravi-eu-za-da-se-spravi-so-migraciskata-kriza>

<sup>107</sup> What do the EU to deal with the migration crisis?, September 25, 2015, accessed April 17, 2016, doi:<http://vesti.mk/read/news/6863105/2565218/shto-napravi-eu-za-da-se-spravi-so-migraciskata-kriza>

The Commission will try to reform the Dublin regulation, according to which applications for asylum must be submitted in the first EU country in which they arrive migrants. EC will try to facilitate the legal entry into the EU of skilled migrants.

#### 8.5. Balkan conference in Luxembourg

Declaration later has four main sections: an introductory section, analysis and principles, the difference between the countries over four years facing refugees those in transition route and the EU-countries of arrival.

The aim is to respect international law and human rights and the need for international protection of refugees, and those who do not enjoy international protection, to be able to return because there are some who are not refugees, so you'll have to return to the countries origin.

EU plans direct assistance to Jordan, Lebanon and Turkey, countries neighboring Syria where there is the greatest influx of refugees. Then, it is planned to support host countries and communities, information and registration of refugees, access to services such as education and the labor market so they know they are accepted.

The second action is to support transition countries, including the Republic of Macedonia, and this includes humanitarian aid to the countries of this route, building accommodation facilities, strengthening the management of borders and registration, regional coordination and information exchange.<sup>108</sup>

We must know who is coming and when countries prepare. Third section is to combat organized crime, because obviously someone reinforces these surges, and to increase the management of borders, the coordination between the police and judiciary and to protect refugees from smuggling. The European Union will require an opportunity to see if you can increase the area of stability in countries of conflict by supporting local authorities where possible and establishment of public services where possible.

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<sup>108</sup> There will be no "hot spots" on the Balkan conference in Luxembourg , accessed April 18,2016, doi; <http://www.idividi.com.mk/vesti/makedonija/1025624/index.html>

A key is the commitment of the countries of origin with regular migrants, many of those transiting seeking international protection, but some are economic migrants and therefore with the countries of origin will make cooperation to be able to come back with readmission.

About why the Balkan countries are key to this conference, stating that Brussels wants more broadly to look at the issue of registration of refugees. The Western Balkan countries need to take responsibility, border control and registration. The EU's goal is that all countries of migrant route have to take responsibility. In light of all this, the EU is planning a major financial support from the profit will be the Republic of Macedonia.

In fact, despite the promised 24 million for our country, plus 17 million euros will be split with Serbia this year and next year, Brussels has assigned about 500 million euros for humanitarian aid.

Millions 200 euros for 2015 and 300 million euros for 2016. It is not known how the country will be given, but it includes Syria, Iraq and neighboring countries of the Union, primarily for the Western Balkans.<sup>109</sup>

EU action plan to resolve the refugee problem consists of various stages, but the Union expects international contributions to improve reception conditions in countries of transit, to open higher prospect of deployment and avoid refugees continue to use irregular ways, but to do so on regular roads. The issue of relocation and redeployment is on the agenda and it is part of the original package of the European Commission. Idea's draft declaration have two paragraphs and sections mentioned redeployment with the parties and preparation in the Member States to relocated migrants in countries of the region.

There is no legal mandate for the formation of "hot spots" outside the EU, Frontex, Europol can advise countries of the Balkans.

One of the proposals of the EC declaration of safe countries of origin for all countries of the Western Balkans is in the idea that proposal when it comes to asylum seekers from the Western Balkans, it is quickly resolved. The plan is for these countries to assist in capacity building for

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109 There will be no "hot spots" on the Balkan conference in Luxembourg, accessed April 15, 2016, doi: <http://www.idividi.com.mk/vesti/makedonija/1025624/index.html>

people in need of international protection. The purpose of the Declaration as adopted is to ensure that all countries behave in a coordinated way.

Cooperation normal flow of people, control the surge of people coming to the limits and access tensions to ease. The spirit and purpose of cooperation and co-responsibility and management. For the EU, this is an international problem but a European problem and must show responsibility.

Regarding assistance to the Balkan countries, the EU has two types of support: special aid of 10 million euros for reaching problems for Serbia and Macedonia, and this assistance will be more of a humanitarian nature refugees and structural measures to increase the capacity of authorities to cope with the influx of immigrants.

The second is from the Instrument for Pre-Accession Assistance (IPA) which has a regional program of eight million for asylum and migration policy. Western Balkans generally, this is a help to set up a legal framework and to better manage their borders and the like. In fact, these are those about 17 million imposed by the European Commission for Macedonia and Serbia.<sup>110</sup>

Otherwise, in the Declaration of the Balkan Conference on Migration Route, the source of the EU confirms that in terms of redeployment of refugees will not be a new proposal on the table.

According to him, in two paragraphs of the Declaration will specify the redeployment since the Council of the Union is aware that the partners invited by the conference have different lenses.

However, Brussels does not hide that, as a first step in the process, moving beyond the EU borders "is one of the ideas on which the partners want to return, consequently the diversification of channels and routes of the Western Balkans, Jordan, Turkey and Lebanon".

If you look at the refugee crisis from different perspectives, placing "hot spots" in the Balkans does not allow the mandate of the Frontex agency, and they take the Europol but they can offer expertise. They have fund of ten million euros for Serbia and Macedonia, and Serbia has activated the European Civil Protection Mechanism in order humanitarian foundation. About what should be done with refugees in those countries of the west Balkans, it is something that requires further reflection.

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<sup>110</sup> There will be no "hot spots" on the Balkan conference in Luxembourg, accessed April 15, 2016, doi: <http://www.idividi.com.mk/vesti/makedonija/1025624/index.html>

The mechanism for the relocation of EU, but moving is something that will be contained in two paragraphs of the draft declaration.

Brussels considering how to keep part of the refugees and immigrants from the Arab world and the territory of the Western Balkans, focusing on Macedonia and Serbia. Whether through redeployment or rejection of the EU-countries to receive transitional route of the refugees, however, it is clear that the plan is the Western Balkans is not just a transit area.

#### 8.5.1. "Waiting Room Balkan"

Western Balkans "label waiting room of the EU," it is a country whose history is intertwined with each other to suffocation and whose future is completely uncertain.

In addition, there, those who wait, now have a united force to solve the worst refugee crisis that Europe experienced after the Second World War.

After months of observation can prudently be summarized: things do not go so well.

Relations between these countries have suffered damages.

Serbo-Croatian verbal bickering, with the conclusion that "a new participant in the circle for harms Slovenia."<sup>111</sup>

No dialogue between countries is not only dangerous for refugees who every hundred kilometers walk again or run smack into no man's land between states. It is dangerous for the citizens of Serbia, Croatia and Slovenia. When in mid-September started the march of refugees by Serbian-Croatian border, threatened Europe twitched, there are still mines! They are 20 years old. They are less security risk for refugees, which already run on the road, but are a reminder of how fresh and fragile peace is in southeastern Europe. For the right tone between Croatian and Serbian government occasionally reminiscent of military rhetoric. Are 20 years pass quickly or slowly depends on the question whether they were happy years.

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<sup>111</sup> Transit zone Balkans, accessed April 10, 2016, doi; <http://www.pravdiko.mk/tsel-na-eu-tranzitna-zona-balkan/>

For many of the countries of the former Yugoslavia 20 years they were not particularly happy. Besides the war, few things happened.

The expected economic upswing soon turned into a long agony.

Croatia has managed before Serbia becomes an EU member further worsened their relations. However, EU countries with historically less burdened relations have failed to agree on the relationship with the huge number of refugees.<sup>112</sup>

Thus arose the Balkans pictures that match the worst cliches about 'Balkan states': chaos, mud and hassle.

#### 8.6. Dublin rules

"Dublin rules" set procedures for dealing with applications for asylum within the Schengen area.

France insisted on the establishment of reception centers for faster examining applications for asylum at the main entry points into Europe and greater cooperation and coordination with transit countries.

Dublin procedures seem hiding and answer why Greece often organized and redirecting refugees to Macedonia and the Balkan route leading to Western countries.

In fact, according to those procedures, registration of asylum seekers should be done in the country in which they entered, which is then obliged to take back the request for asylum in one of European capitals be rejected. The mere acceptance of asylum applications, in turn, implies fulfillment of a number of other conditions for adequate reception centers, social, legal assistance and health care for asylum seekers.<sup>113</sup>

Therefore, according to analyzes of the European media, Greece has been unable to meet the stringent requirements of the European directives on treatment of asylum seekers, the practice of transfer of refugees actually diverts the burden and the problem of other countries.

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<sup>112</sup> Transit zone Balkans, accessed April 10, 2016, doi;<http://www.pravdiko.mk/tsej-na-eu-tranzitna-zona-balkan/>

<sup>113</sup> "Dublin rules "cause of a migrant Balkan route, accessed April 9, 2016, doi;

<http://vesti.mk/read/news/6287776/2368048/dablinskite-pravila-prichina-za-migranskata-balkanska-ruta>

Requires emergency plan and a common policy, is the answer to all doubts. However, doubts that will easily get to it are great because Member States in June already rejected the Commission's plan for a mandatory quota of migrants to accept.

#### 8.6.1. Dublin regulation

The Dublin Regulation is an EU law that designates member state responsibility for examining an asylum application. Its purpose is to assign one member state to one asylum seeker to ensure that individuals do not ask for asylum in multiple countries, and that governments do not outright ignore a person's asylum request.

The regulation does this by setting forth a hierarchy of criteria to guide a member state's decision on where an individual should have their application examined. The criterion most commonly used by states is the first EU country of entry, meaning that the member state responsible for examining an individual's asylum application is the one through which he or she first entered into EU.

In the view of EU and government officials, the Dublin Regulation is the cornerstone of the Common European Asylum System. Without it, asylum seekers could have applications open in several member states and it wouldn't be clear which state would be responsible for making a decision. But in the view of asylum seekers and civil society organisations working with them, the Dublin Regulation is a menace. This is because it forces asylum seekers to be in countries where they do not want to be. More often than not, asylum seekers are returned to member states located at the EU borders that have poorly functioning asylum systems. Consequently, people are stuck in countries where they cannot get protection.

Serious questions have been raised as to whether the Dublin system works well at all

- On average only 35% of transfer requests between member states are actually implemented. What happened to the other 65%?



- In 2011 four and half thousands asylum seekers were returned to Italy, while themselves transferring only 14 asylum seekers to the other countries. Is this an equitable distribution of asylum seekers?

- Less than one percent of Dublin transfers are made to reunite asylum seekers with their families. Why so few when so many asylum seekers are separated from their families in Europe?

JRF staff and volunteers work in several EU countries with asylum seekers who are trapped in the Dublin system. They provide legal advice, social support and help with understanding the regulation and how to ensure their human rights are safeguarded.

The core principle of the Common European Asylum System (CEAS) is: one EU member state, one asylum application. The EU is not a region where an individual can submit asylum applications in multiple countries, nor is it region where member states can ignore a person's applications.

In June 2013, The EU adopted a new version of the law that we and others call Dublin III.

### Dublin III

The fact that an individual applies for asylum in one EU country does not mean that he or she will have the applications examined there. The member state will initiate a Dublin procedure to determine the responsible state. Dublin III is applied in 32 countries: the 28 EU member states plus Norway, Switzerland, Iceland and Liechtenstein.

There are several reasons for why a particular EU member state may be responsible for examining an application: the presence of a family member in that country, having been issued a visa or a residence permit there, or whether the person had traveled through another Dublin III country by regular or irregular means.

## 8.7. EU migration crisis update – March 2016

21 March 2016

2015 will be remembered as the year in which Europe catastrophically failed in its responsibility to respond to the urgent need for assistance and protection of over a million men, women and children. Not only did the European Union and European governments collectively fail to address the urgent humanitarian and medical needs of refugees and migrants arriving at external and internal EU borders, but their policies and actions actively contributed to the worsening of the so-called “refugee crisis” and the health and wellbeing of those who fled.

The recent involvement of NATO ships in patrolling the Aegean Sea to intercept refugee and migrant boats is another worrying indication of the military focus of the European response, which is not adequate to address the assistance and protection needs of those fleeing for their lives.

## 8.8 The humanitarian consequences of border closures

Rash decisions to close borders and a lack of coordination between different European states have created incredible stress and dangerous conditions for thousands of people on the move. MSF has documented the domino effect of border closure: each time a border closes, thousands of people are abruptly halted, stranded in no man’s lands, with little to no humanitarian assistance, and ultimately, forced onto more dangerous routes or into the hands of smugglers.

Authorizing transit across the Balkans had so far been the only realistic response to the failure of the European asylum system and Greece’s inability to offer assistance and protection. In recent weeks, the decision to suddenly close the so-called Balkan road, implemented without any consideration of people’s protection, medical or shelter needs, shows once again the incapacity of European and Western Balkans States to provide coherent and humane solutions to the needs of desperate people in search of protection.

Contrary to what governments claim, the construction of fences at the EU's external borders over the past years has not lead to a decrease in the number of people trying to cross and seek protection in the European Union: it has only pushed people to take more risks by crossing the sea instead of safer land borders and has forced them to resort to a thriving smuggling business. As reception places and access to asylum procedures in Greece, the main country of entry, remain largely insufficient and below standards, the closure along the Balkan route- ring-fencing/entrapping tens of thousands of people in Greece - are of great concern to MSF. There is a deeper humanitarian crisis in the making.

Most of the world's displaced people live elsewhere in their home countries or in the counties surrounding their home countries, relatively few are granted asylum elsewhere. For example, twelve million Syrians have been displaced by the ongoing conflict. Eight million have fled to other parts of Syria. Four million live as refugees in the countries that surround Syria – many of these countries are now overwhelmed (one in four people living in Lebanon are now Syrian refugees). Only a million people have made it to Europe – that is less than 2% of the total number of European population. It is more than time for European countries to adopt more humane and asylum policies.

Externalized border controls in transit countries and countries of origin cannot be the EU's solution to the European refugee crisis

The enforcement of migration cooperation deals between the EU and its member states with third countries is resulting in unacceptable humanitarian consequences, including high levels of violence and a sustained erosion of refugee and asylum law.

The EU-Turkey proposed deal, presented as “the” solution to the current crisis, is a perfect illustration of this dangerous approach. Unless concrete protection measures to assure equal treatment and the dignity, safety and protection of people on the move are in place, abuses of migrants and refugees will worsen with increased externalization of border control.

The only way to save life and alleviate the suffering of these people is to provide them with a safe passage through:

The swift provision of safe and legal channels for people seeking asylum, in particular allowing asylum seekers to apply for asylum at external land borders, including the Evros land border

between Turkey and Greece. This also includes making wider use of legal entry schemes, such as for example family reunification, humanitarian visas, simplified visa requirements, resettlement and relocation. The creation of legal migration pathways to decrease the demand for irregular migration and smuggling networks. The creation of an ambitious search and rescue mechanism to save lives at sea. This operation should proactively search for boats in distress as close to departure points as possible and should be accompanied by pre-identified disembarkation points where humane disembarkation procedures, including adequate reception conditions, medical care and vulnerability assessments, are in place.

Investing in reception according to EU standards instead of deterrence measures only. Europe must move away from a fortress approach to a reception approach designed to address the needs and specific vulnerabilities of people arriving at its borders, in particular their medical and mental health needs.

In the absence of a functioning common European asylum system, investing more ambitiously in intra-EU relocation schemes and the creation of safe passage through the EU. Putting an end to acts of violence and abuse from state authorities.

#### 8.8.1 Immigrants from Rwanda, Eritrea, Burkina Faso - who all went through Macedonian Reception Centre for Foreigners

Ministry of Internal Affairs conducted three separate cases of smuggling migrants. Three Macedonian and one Greek citizen received criminal charges for the crime of smuggling migrants.

During the cleanup of these cases were discovered five Somali nationals, six Afghan and four Syrian nationals who are transferred to the Reception Centre for Foreigners. So far this year discovered and cleared 24 offenses Smuggling of 40 suspected perpetrators, as well as six crimes organizing a group and inciting the perpetration of acts of trafficking and smuggling of migrants "in which criminal charges were filed 14 perpetrators. Simultaneously within these police actions is identified 144 illegal migrants. As a result of increasing pressure from illegal migration movements from the Middle and Far East via Turkey and Greece, the Republic of Macedonia in

the past years has been a steady increase in the number of detected illegal migrants mostly transiting its territory in an attempt to enter a Member State of the European Union.

Because of the continuous increase in the number of detected illegal migrants in the Republic of Macedonia, MI - SGRM faces some difficulties in dealing with this phenomenon, particularly due to lack of adequate accommodation and difficulties relating to the procedures for the return.

Reception center for foreigners located in Gazi Baba, in the jurisdiction of the Ministry of Interior, the only accommodations for foreigners in time for the Ministry of Interior in its entirety.<sup>114</sup>

In 2012 the Shelter housed 436 foreign citizens (355 men, 81 women, among them 66 minors), mostly from Afghanistan, 145; Pakistan, 127 persons; Somalia-38; Morocco-14; Algeria 10 persons and Syria- five. At the center in 2012 and housed people from Albania, Kosovo, Bulgaria, Bangladesh, Eritrea, Egypt, Sudan, chambers, Tunisia, Guinea, Serbia and other countries. Last year again Reception Centre housed a total of 573 foreign citizens (511 men, 62 women, including 80 minors) and last year most of the migrants were from Afghanistan 125; Pakistan-72; Syria then-65; Somalia-43; Bangladesh 33 persons; Senegal-25, as well as citizens of Togo, Benin, Tanzania, Rwanda, Georgia, Cameroon, Sudan, Sierra Leone, Gambia, Guinea, Morocco and others. This year, respectively during the first three months of 2014 in the Reception Centre for Foreigners were placed 203 foreign citizens (162 men, 41 women, among them 34 minors). Nationality were mostly Syrian-81; Afghanistan-59; Albania-14; Eritrea-13; Somalia-9; Paksistan seven persons and citizens of the Congo, Kosovo, Burkina Faso, Cameroon, Morocco, Palestine, Bangladesh, Bulgaria, Turkey and others.

#### 8.8.2 The EU decision to create centres for migrants in the Balkans

Illegal migration is not a problem only in one state. All Western Balkan countries are facing the same challenge and it is obvious that it requires a regional approach to problem solving. Moreover, the EU itself has an interest in preventing illegal migration through the

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<sup>114</sup> Immigrants from Rwanda, Eritrea, Burkina Faso - who all went through Macedonian Reception Centre for Foreigners, accessed April 17, 2016, doi:<http://republika.mk/?p=239432>

Western Balkans since the end of the Member States of the EU bear the burden of the final destination of migrants.

Macedonia is included in all regional cooperation initiatives and has signed the relevant multilateral and bilateral agreements. Macedonia has signed the Convention on Police Cooperation in Southeast Europe that develops all forms of regional cooperation and serves as a basis for signing of bilateral agreements, such as for example protocols and agreements on joint border patrols with Serbia, Albania, Kosovo and Bulgaria; protocols and agreements on joint contact centers in Serbia, Kosovo, Bulgaria and Albania. People from the Interior Ministry who were interviewed are satisfied with the cooperation with neighboring countries, with the exception of Greece.

However, while signed contracts for joint contact centers and mixed patrols with Serbia, have not yet started work. In addition, the European Commission notes that the supervisory patrols along the border with Kosovo must deal with the challenge of illegal trafficking of goods and illegal migration.

These mechanisms are very important in light of the fact that the Macedonian-Serbian border is the one most subject to pressure from migrants.

Macedonia has also signed a Memorandum of Understanding on establishing a system for the exchange of statistical information in the field of illegal migration and participation in regional early warning system from 2008<sup>th</sup>. However, although there is a legal basis, the exchange of information is still not satisfactory. This is noted in the Feasibility Study of the International Organization for Migration, which underlines the lack of sharing and exchange of information between countries in the region impedes the ability of the competent authorities to deal with the influx of irregular migratory flows in a systematic way.<sup>115</sup>

Another important initiative is the Regional Initiative for Migration, Asylum, refugees Regional Initiative (MARRI). MARRI Regional Centre (RC) has located in Skopje and its role is to promote closer regional cooperation and coherent approach in the respective areas.

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115 The Memorandum of Cooperation was signed in the framework of the project "Developing systems for communication and information exchange in the field of illegal migration in the Western Balkans". Signatories: Macedonia, Serbia, Albania, Bosnia and Herzegovina Montenegro and Croatia), as part of AENAS 2005

However, MARRI RC no executive capacity, but only provides a platform for the exchange of information, policy analysis, identification of gaps and proposing solutions. Challenges in the work of MARRI that were identified could be considered to represent the challenges that the States should cooperate when - different priorities at the same time, language barriers, extensive administrative and bureaucratic work, lack of capacity to prepare comprehensive answers so timely.

## 9. Conclusion

When I was writing my thesis, I have answered the questions: Whether and how the situation of refugees affects on the peace and the stability in the Western Balkans in this regard and refugees from Syria. How to solve the problems of refugees in some countries of the Western Balkans? As the EU or other institutions, affect the resolution of these issues?

I achieved the set goals designed in the writing of this work:

- The situation in the Western Balkans in the field of solving the problems of refugees and displaced persons.
- Progress in resolving the problems of refugees and displaced persons, with special reference to Macedonia.
- The impact of regional cooperation and initiative of improving the situation of refugees and displaced persons in the Western Balkans (MARRI).
- The impact of the integration of refugees and displaced persons to the integration of the Western Balkans.
- The influence of the Syrian refugee crisis on stability in the countries of Western Balkans.

Moreover, I concluded that closing the doors to these people and setting barbed borders will not solve the refugee problem. The real solution is to stop the war in Syria as soon as possible. Syrians want to stay in their homeland, but that became impossible because of the civil war in the country. We can only remain observers while the bodies of refugees lie on the shores of the Mediterranean and the Aegean Sea. The only solution of the Syrian problem is collapsing from the power of the tyrant regime and its replacement with a government that will respect the will of the people and the reality in the region. The international community to help alleviate the huge burden on countries that have accommodated million Syrian refugees.

Humanitarian solution to this problem will not. The solution is political.



Macedonia consumes million euros a month just for the police and army, who care about acceptance and transit of refugees. The European Union has no strategy to resolve the issue with the refugee crisis that becomes more dramatic scale of its territory.

In case the intensification of the crisis with increased waves of refugees, of course, before Macedonia and Serbia will put much more difficult task, which will require enhanced security assessment and, at the same time, much greater real help from the EU. In that sense, I believe that Macedonia and Serbia should be much more determined to lay against the EU with specific requests for assistance (material, financial, health, humanitarian, human). On the other hand, I think that in the future the EU should build many fairer attitude towards Macedonia and Serbia. The reason for this conflict, I think that is located in the strategic goals of the world's most powerful states ruling the Eurasian space and its resources. Therefore, it should not expect quick end to the conflict.

The best evidence in this regard is that it increases the capacity of the United States and Russia toward belligerent territory (for example, the United States, despite the Air Force sends and special advisers).

The EU welcomed the refugee crisis entirely unprepared. I can say that reluctance is projected on two levels: first, the EU strategic plan, for now, there is no solution to the refugee crisis, which can be seen from the recent statement of F. Mogerini and second, individual EU states take or took steps that are contrary to the spirit of the Union to abolish borders and create free democratic space, in that they erected walls at the borders (Hungary, for example). I believe that this refugee crisis is already a major test for the EU in terms of preparedness, in general, to continue towards achieving the goals of the senior all fields. The inclusion of Russia in this conflict, I think that has a historical character. Namely, after the Cold War, this is the first case when Russian military forces acting outside its territory.

The daily come in many "hot zone" of approaching aircraft with the US and Turkey (a NATO member). Turkey is also the great air base NATO Incirlik. So, the possibility of accidents is very high. Hence the United States and Russia have great responsibility for world security, not just security in this part of the world. One gets the impression that the United States is surprised by

decisive military action by the armed forces of Russia and the open support of Assad, and, so far, very "easy" rumbled through its armed intervention in Syria. On the other hand, of course, there are minor or major ethnic and religious conflicts or misunderstandings that can receive and political color, but it can be solved through the mechanisms of "soft" security.

Countries affected should not only talk about each other and at each other, but also with each other. Neighbours should work together not against each other. Refugees need to be treated in a humane manner along the length of the Western Balkans route to avoid a humanitarian tragedy in Europe.

The immediate imperative is to provide shelter and ensure refugees and migrants along the Western Balkans route are treated in a humane manner.

Leaders commit to providing temporary shelter, food, health care, water and sanitation. Where national capacities fall short, the EU Civil Protection Mechanism should be triggered. Reception capacities will be increased to 100,000 places:

Leaders welcome Greece's intention to increase reception capacity to 30,000 places by the end of the year and commit to supporting Greece and UNHCR to provide rent subsidies and host family programmes for at least 20,000 more.

The UNHCR has committed to support efforts in improving capacities. An additional capacity of 50,000 would allow for a better and more predictable management of the flow on the Western Balkans route. The UNHCR will lend its full support to these efforts, increasing the provision of humanitarian support to those in need.

Managing the migration flows together - The only way to restore order to the situation is to slow down the uncontrolled flows of people. Leaders commit to sharing information about flows and, refrain from taking unilateral decisions whose effects are inevitably borne by others.

Border management - Leaders commit to increase the coordination of their actions relating to border management. This includes immediate bilateral border-related confidence-building measures, in particular, the strengthening of border cooperation, between Greece and the Macedonia. The deployment in Slovenia within a week of 400 police officers and essential equipment, through bilateral support.

My thesis is partly confirmed. However due to weak asylum regimes, refugees move on before having their protection needs determined. Of particular concern is the growing number of unaccompanied and/or separated children travelling irregularly. Today, despite extensive capacity building efforts of international actors such as UNHCR, most countries in the region do not have an effective administrative apparatus of protection nor integration models in place to address the needs of newly arriving refugees from Syria or other groups with specific needs from outside the region. Furthermore, asylum seekers may also be reluctant to seek protection in BiH, Serbia and Croatia based on rather restrictive status determination practices (which are reflected in relatively low recognition rates) and the lack of integration opportunities, reflected in deficiencies of protection quality standards in practice.

## 9.Заклучок

При пишување на трудот ги одговорив прашањата кои ги поставив, а тоа се: Дали и колку состојбата со бегалците влијае на мирот и стабилноста во регионот на Западен Балкан и дали е поврзана со бегалците од Сирија. Како да се решат проблемите на бегалците во некои земји од Западен Балкан? Како ЕУ или други институции влијаат на решавањето на овие прашања?

Ги постигнав целите кои при осмислувањето и пишувањето на овој труд ги поставив:

- Ситуацијата во регионот на Западен Балкан во областа на решавање на проблемите на бегалците и раселените лица.
- Напредок во решавањето на проблемите на бегалците и раселените лица, со посебен осврт на Република Македонија.
- Влијанието на регионалната соработка и иницијатива за подобрување на состојбата на бегалците и раселените лица во Западен Балкан (МАРПИ).
- Влијанието на интеграција на бегалците и раселените лица во процесот на интеграција на Западен Балкан.
- Влијание на сириската бегалска криза врз стабилноста на земјите од Западен Балкан.

Дојдов до заклучок дека затворањето на вратите пред овие луѓе и поставувањето бодликава жица на границите нема да го реши проблемот со бегалците. Вистинското решение е запирање на војната во Сирија што е можно побрзо. Сиријците сакаат да останат да живеат во својата таковина, но тоа станало невозможно поради граѓанската војна во земјата.

Не можеме да останеме само набљудувачи додека телата на бегалците лежат на бреговите на Средоземното и Егејското Море. Единствено решение на сирискиот проблем е уривање од власта на режимот на тиранинот и негова замена со влада што ќе ја почитува волјата на народот и реалноста во регионот.

Меѓународната заедница е потребно да да помогне при ублажување на огромниот товар врз земјите што згрижиле милиони сириски бегалци. Хуманитарно решение за овој проблем нема. Решението е политичко. Македонија троши милион евра месечно само за полицијата и за армијата, кои се грижат за прифаќање и транзит на бегалците.

Европската Унија нема стратегија како да го реши прашањето со бегалската криза која добива се подраматични размери на нејзината територија. Во случај на интензивирање на кризата со зголемени бранови бегалци, секако, пред Македонија и Србија ќе се постави многу потешка задача, што ќе бара продлабочена безбедносна проценка и, воедно, многу поголема реална помош од ЕУ.

Во тој поглед, сметам дека Македонија и Србија би требало многу поодлучно да се постават спрема ЕУ со конкретни барања за помош (материјална, финансиска, здравствена, хуманитарна, кадровска). Од своја страна, сметам, дека ЕУ во иднина би требало да изгради (покоректен) однос спрема Македонија и Србија.

Причината за овој воен конфликт, сметам, дека се наоѓа во стратегиските цели на најмоќните светски држави за завладување со евроазискиот простор и неговите ресурси. Оттаму, не треба да се очекува брзо завршување на конфликтот. Најдобар доказ во таа смисла е тоа што се зголемуваат капацитетите на САД и Русија спрема завојуваната територија (на пример, САД, покрај воздушните сили, испраќа и специјални советници).

ЕУ ја дочека бегалската криза сосема неподготвена. Можам да кажам дека таа неподготвеност се проектира на два нивоа: прво, на стратегиски план ЕУ, барем засега, нема никакво решение за бегалската криза, што може да се заклучи и од неодамнешната изјава на Ф.Могерини и второ, одделни држави на ЕУ преземаат или презедоа чекори што се спротивни на самиот дух на Унијата за укинување на границите и создавање слободен демократски простор, со самото тоа што подигнаа ѕидови на границите (Унгарија, на пример). Сметам дека оваа бегалска криза е голем испит за ЕУ во поглед на подготвеноста, воопшто, да продолжи кон остварување на високопоставените цели на сите полиња.

Вклучувањето на Русија во овој воен конфликт, сметам, дека има историски карактер. Имено, после Студената војна, ова е прв случај кога руските воени сили

дејствуваат надвор од својата територија. Притоа, доаѓаат секојдневно во многу „жешка зона“ на приближување со воздухопловите на САД и Турција (членка на НАТО). Во Турција се наоѓа и големата воздухопловна база на НАТО, Инџирлик.

Значи, можноста од инциденти е многу голема. Оттаму и САД и Русија имаат огромна одговорност за светската безбедност, а не само за безбедноста во овој дел на светот. Се добива впечаток како САД да се изненадени од одлучното воено дејствување на вооружените сили на Русија и отворената поддршка на Асад, па, засега, многу „лесно“ преминаа преку нејзините вооружени интервенции во Сирија.

Од друга страна, секако, постојат помали или поголеми етнички и верски судири или недоразбирања што можат да добијат и политичка боја, но тоа би се решавало преку механизмите на „меката“ безбедност. Земјите погодени не само што треба да разговараат едни за други и едни со други, но и едни со други. Соседите треба заедно да работат едни против други. Бегалците треба да се третираат на хуман начин по должината на трасата на Западен Балкан за да се избегне хуманитарна трагедија во Европа.

Непосредна императив е да се обезбеди засолниште и да се обезбеди бегалците и мигрантите по должината на Западен Балкан да се третираат на хуман начин. Лидерите да се посветат на обезбедување на привремено засолниште, храна, здравствена заштита, вода и санитарни услови. Кога националните капацитети падне на кратко, Механизмот за цивилна заштита на ЕУ треба да се активира.

Лидерите ја поздравувале намерата на Грција да се зголеми приемниот капацитет од 30.000 места, од страна на крајот на годината и да се посвети на поддршката на Грција и УНХЦР, да обезбеди изнајмување субвенции и семејства програми за најмалку 20.000 повеќе. УНХЦР има обврски да ги поддржи напорите за подобрување на капацитетите. Дополнителен капацитет од 50.000 ќе овозможи подобра и попредвидливо управување на протокот на патот на Западен Балкан. УНХЦР ќе дадат целосна поддршка на овие напори, зголемување на обезбедување на хуманитарна помош за оние кои имаат потреба.

Единствениот начин да се воспостави ред за оваа состојба е да се забави на неконтролиран прилив на луѓе. Лидерите да се заложат за размена на информации за текови и, се воздржи од преземање едностранни одлуки, чии ефекти се исто така, на товар

на другите. За да се олесни ова, сите ќе го именува од утре национални контакт точки со голема владино ниво за размена на информации.

Лидерите да се заложат за зголемување на координацијата на активностите поврзани со граничното управување. Ова вклучува: Непосредна билатерални мерки поврзани со границата за градење на доверба, а особено за зајакнување на прекуграничната соработка помеѓу Грција и Македонија и Распоредување во Словенија рок од една недела од 400 полицајци и основна опрема, преку билатерална поддршка.

Сепак, поради слабите режими азил, бегалците се движат пред да утврдени потребите за нивната заштита. Од особен интерес е поголем број на придружба и / или разделени деца кои патуваат нерегуларно. Денес, и покрај сеопфатна обука напорите на меѓународните актери како што се УНХЦР, повеќето земји во регионот немаат ефикасен административен апарат на заштита, ниту интеграциони модели за да се одговори на потребите на новопристигнатите бегалци од Сирија и другите групи со специфични потреби од надвор од регионот. Исто така, баратели на азил исто така може да бидат подготвени да бараат заштита во БиХ, Србија и Хрватска врз основа на многу рестриктивни практики утврдување на статус (кои се одразува во релативно ниски стапки признавање) и недостатокот на можности за интеграција, се гледа во недостатоци на стандардите за квалитет заштита во пракса.

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