

# Along the Balkan Route: The Impact of the Post-2014 'Migrant Crisis' on the EU's South East Periphery.

Edited by Alexandra Prodromidou and Pavlos Gkasis

A publication within the EU-financed project 'MIGRATE:  
CTRL + Enter Europe: Jean Monnet Migrant Crisis Network'





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the South-East European Research Centre (SEERC), Thessaloniki, Greece.

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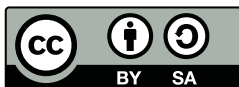
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For more information about the project visit the website of MIGRATE Jean Monnet Network [www.migrate-project.com](http://www.migrate-project.com)

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## About the book

The publication 'Along the Balkan Route: The Impact of the Post-2014 'Migrant Crisis' on the EU's South East Periphery' is one of the main deliverables of the EU-financed project 'MIGRATE: CTRL + Enter Europe: Jean Monnet Migrant Crisis Network'.

The network was established in 2016 and it comprises of nine partner institutions from eight different countries along the Balkan route. The present edited volume is the result of scientific research and knowledge exchange among the project partners, academia and policy experts throughout the three year duration of the project on the topic of the impact of the post-2015 'migrant crisis' on the countries of the Balkan corridor and on EU integration as a whole.

All articles show only the opinion of the individual authors and do not represent the opinion of every network member or of the network as a whole. The same apply for the usage of specific terms and names.

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# Introduction

**Alexandra Prodromidou, Pavlos Gkasis,  
with Iryna Kushnir, Majella Kilkey and Francesca Strumia**



## Abstract

The post-2014 'migrant crisis' focusing mainly on the European Union's southeast periphery where the so called Balkan Route<sup>1</sup> exists, has demonstrated that the degree of integration and solidarity among EU members is not as deep and complete as expected. Attempts to outsource the crisis to its periphery impacted also on the relationship of the Union with EU candidate countries. The lack of a common EU policy and reluctance to share sovereignty became evident among EU members from early on. This has in turn led to a demise in the credibility of the EU, its fundamental principles like solidarity among its member states and protection of human rights, as well as, its institutions. The Erasmus+ Jean Monnet project MIGRATE CTRL + Enter Europe – Jean Monnet Migrant Crisis Network<sup>2</sup> looks into the developments in the Balkan Route pre and post the EU-Turkey Statement and the responses by the individual countries inside this framework.

## Rationale of the MIGRATE Book

In recent years, the European Union (EU) has moved into great uncertainty threatening to unravel some of the pillars of its stability. The Eurozone crisis<sup>3</sup>, along with the crisis of liberal democracy<sup>4</sup> and of compromise-based decision-making and cooperation at the EU level have created a groundswell of support for xenophobic, populist and anti-democratic politicians across the continent that are strongly opposed to the further widening and deepening of the EU, to the degree of observing reversal secessionist tendencies, like in the case of 'Brexit'. The 'migrant crisis', has demonstrated that the degree of integration and solidarity among EU members is not as deep and complete as expected, bolstering the already existing economic and socio-political crises. Reluctance to share sovereignty has become evident especially among the post-2004 EU member states. This has in turn led to a demise in the credibility of the EU, its fundamental principles like solidarity among its member states, as well as, its institutions.

The First Vice-President of the European Commission (EC), Frans Timmermans has recently stated that the 'migrant crisis' no longer exists, but we do still experience its consequences<sup>5</sup>. Scholarship discusses the implications of the crisis for the EU's existence in general<sup>6</sup> and highlights the connection between the 'migrant crisis' and a conglomerate of other recent crises in Europe, such as the Eurozone crisis and the security crisis<sup>7</sup> and how the coexistence of these crises aided the strengthening of Euroscepticism in the EU<sup>8</sup>.

The fact that the EU faces developing problems is not new in the EU. The EU experienced many challenges before, a lot of which, arguably, became more visible during the 'migrant crisis'. Some frictions in the relationships among the Member States led to the debate about a so-called differentiated integration. Stubb<sup>9</sup> states that this debate 'is characterised by an excess of terminology which can give even the most experienced specialist of European integration a severe case of semantic indigestion'. The multiplicity of routes for differentiated integration has been analysed more recently too, in particular by Antonioli<sup>10</sup> and Schimmelfennig and Winzen<sup>11</sup>. Regarding EU's enlargement to include more Member States, the advantages of EU enlargement for the EU as an institution during each of the prior waves of enlargement in 1995, 2004, 2007 and 2013 was questioned, for instance, in Sjursen<sup>12</sup> and Grabbe<sup>13</sup>. Nevertheless,

the doubts about it were not strong enough to prevent the enlargement from taking place. These and other problems were integral to a cyclical process of EU integration<sup>14</sup>. However, while prior crises facilitated integration, current crises are seen as a threat to the existence of the EU<sup>15</sup>, as different Member States are now on the path of re-nationalising their policies, including creating a hostile environment for immigration<sup>16</sup>. All of these challenges combined, question further EU integration<sup>17</sup>. Some scholars<sup>18</sup> even recognize the start of EU disintegration.

In this volume we define EU integration broadly as both structuring and strengthening the relationships among the existing and exiting Member States, as well as enlarging to include new Member States. These processes are referred to as deepening and widening in previous research on EU integration, such as in La Barbera<sup>19</sup>.

The purpose of MIGRATE CTRL + Enter Europe – Jean Monnet Migrant Crisis Network (MIGRATE)<sup>20</sup> is to explore how the so called ‘migrant crisis’ affects the future of the integration process in the EU by examining the Balkan Corridor, including Turkey, Greece, North Macedonia, Serbia and Hungary. The case studies analysed present the multifaceted responses of these states towards EU immigration policies, or their lack of, in the area, conditioned by both the domestic environment of each country, but also by its relationship to the EU.

MIGRATE is an Erasmus+ Jean Monnet Networks funded project for the period between 2016 and 2019. Jean Monnet Networks have as a goal to assist in the creation and development of consortia in the area of EU studies in order to gather information, exchange practices, build knowledge and promote EU integration. MIGRATE aimed to create a trans-European forum for debate and dialogue and build a network of researchers, with expertise on EU Integration, Western Balkan Integration, Migration, Political Economy, Sociology, Law, Politics and Economics. The project focused on EU integration processes through investigating the impact of the on-going post-2014 ‘migrant crisis’ on these processes as a trigger-event of instability and transformation in the region.

The partners comprising the consortium are the South-East European Research Centre (SEERC), Greece, which is heading the project, Bilkent University, Turkey, the Navarino Network (NN), Greece, the Ss. Cyril and Methodius University in Skopje, North Macedonia, the Faculty of Political Sciences, University of Belgrade, Serbia, the Central European University (CEU), Hungary, the Centre for Southeast European Studies, University of Graz, Austria, the Konrad-Adenauer-Stiftung e. V., Berlin, Germany, and the University of Sheffield, UK.

This volume is structured around a mental map of the Balkan Route. The central idea is to examine the peculiarity of the route comprised different countries with different relations to the EU (as of 2019), i. e. EU member states (Greece and Hungary) and EU Candidate countries (Turkey, North Macedonia and Serbia), the impact of EU decisions related to managing the ‘migrant crisis’ on them, as well as, their individual responses based on already existing crises and tendencies in each specific country. The research took place from 2016 to 2018 and it comprised of both qualitative research, including semi-structured interviews and desk research.

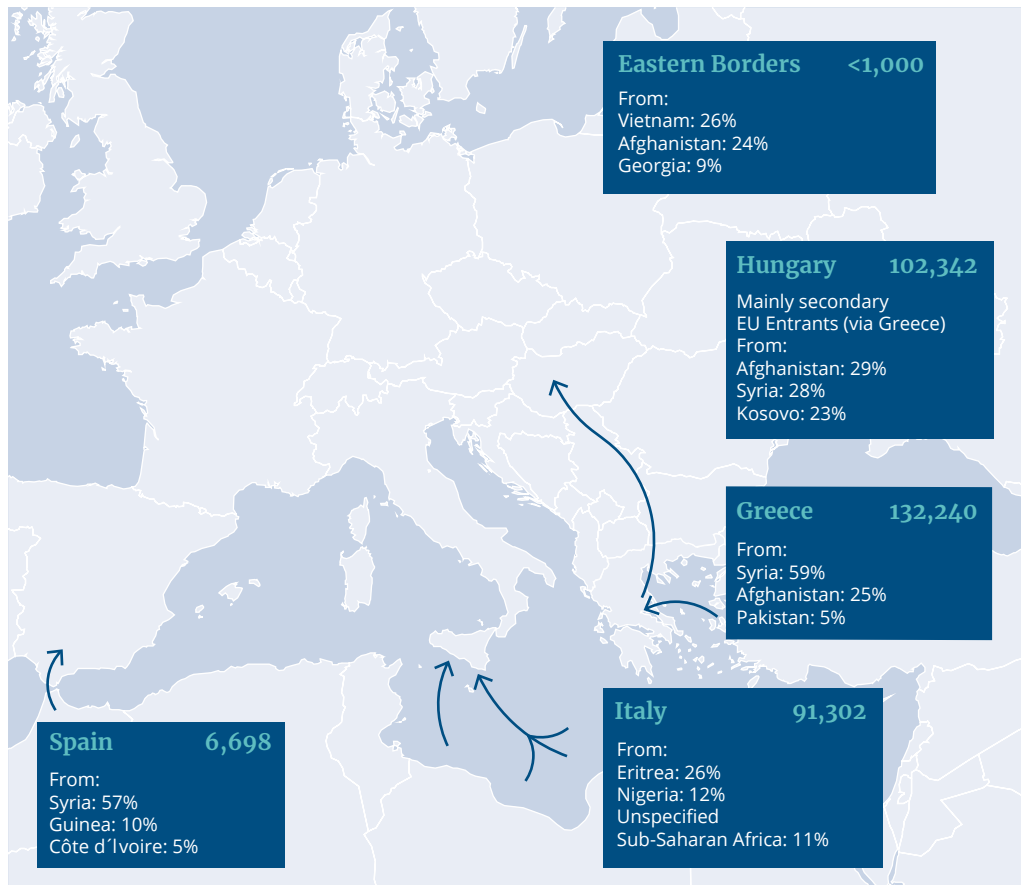
In Chapter 1 Marcus Engler gives a critical overview of the EU-Turkey agreement, the first organised official reaction to the ‘migrant crisis’ at the EU level backed by the German government, setting the framework that conditioned the post-2016 responses of the countries on the Balkan Route. In Chapter 2 Dimitris Tsarouhas discusses Turkey’s response to the Syrian civil war and the inflow of migrants<sup>21</sup> within the framework of the Joint Action Plan and

the EU-Turkey agreement, conditioned by the country's EU membership negotiations and aspirations of visa liberalization. In Chapter 3 Dimitris Keridis discusses the managing of the 'migrant crisis' in Greece, the impact of the closing of the Balkan Route and the suspension of the Schengen Area on the isolation of the country from the rest of the EU, as well as, the turning point for Greece with the signing of the EU-Turkey Statement. In Chapter 4 Ilievski and Runcheva Tasev present the case of North Macedonia, an EU Candidate country bordering Greece, an EU member at the epicentre of the crisis, dealing with flows of migrants transiting its territory and impacting on both its internal and external politics. In Chapter 5 Armina Galijaš showcases Serbia's response to the migrant flows and the country's EU Candidacy motives behind it. In Chapter 6 András Szalai and Gabi Göbl deliberate on how in the Hungarian case, one of the Visegrad states, the 'migrant crisis' was securitized and used by the Viktor Orbán government in order to strengthen its position domestically. In Chapter 7 Stefan Surlić discusses burden sharing by means of EU driven defined quotas in the Western Balkans, making a case for Serbia as an exception against other Western Balkan countries and highlighting EU candidacy as the main driver conditioning state responses.

### **The 'Migrant Crisis' and MIGRATE's Contribution to its Understanding**

What is today known and documented in the literature as the 'migrant crisis' of the current decade dates back to 2011, when a civil war erupted in Syria as part of the then on-going Arab Spring movements that arose in various countries in the South and South-East Mediterranean basin, contributing to the fear of growing flows of irregular migrants from the region into EU territory and exposing the gap among European policy circles on burden sharing<sup>22</sup>. The Syrian civil war has been widely reported as the trigger event that displaced large parts of the Syrian population in an attempt of the latter to seek asylum in neighbouring countries of the region (mostly Turkey) or in other developed countries such as Germany, Sweden, Canada, USA, and Australia, just to name but a few. With 2011 being the starting point of this crisis, numbers of irregular migrants increased steadily in the following years, reaching a peak in 2015 when the movement of people towards the Southern borders of the European Union got out of control with authorities in Greece and other countries in the region not being able to control the influx of people in their territories. The United Nations High Commissioner for Refugee (UNHCR) Operational Portal on the Refugee Situation in Greece officially reported in 2015 856,723 arrivals by sea, 4,907 arrivals by land and 799 people dead or missing. This is in stark contrast with the 2014 reported figures of 41,038 arrivals by sea, 2,280 arrivals by land and 405 people dead or missing<sup>23</sup>. Figure 1 below presents the main entry routes of migrants to Europe between January and July 2015 when the 'migrant crisis' reached its peak.

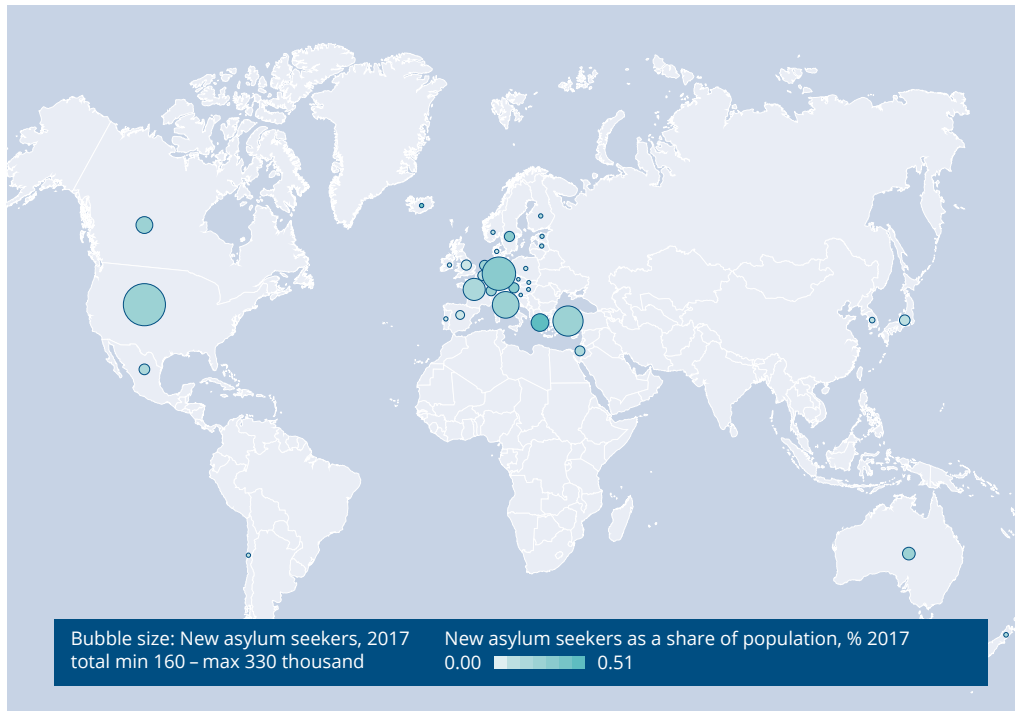
**Figure 1.** Main Entry Routes to Europe by Migrants and Refugees, January–July 2015



Sources: Frontex<sup>24</sup>

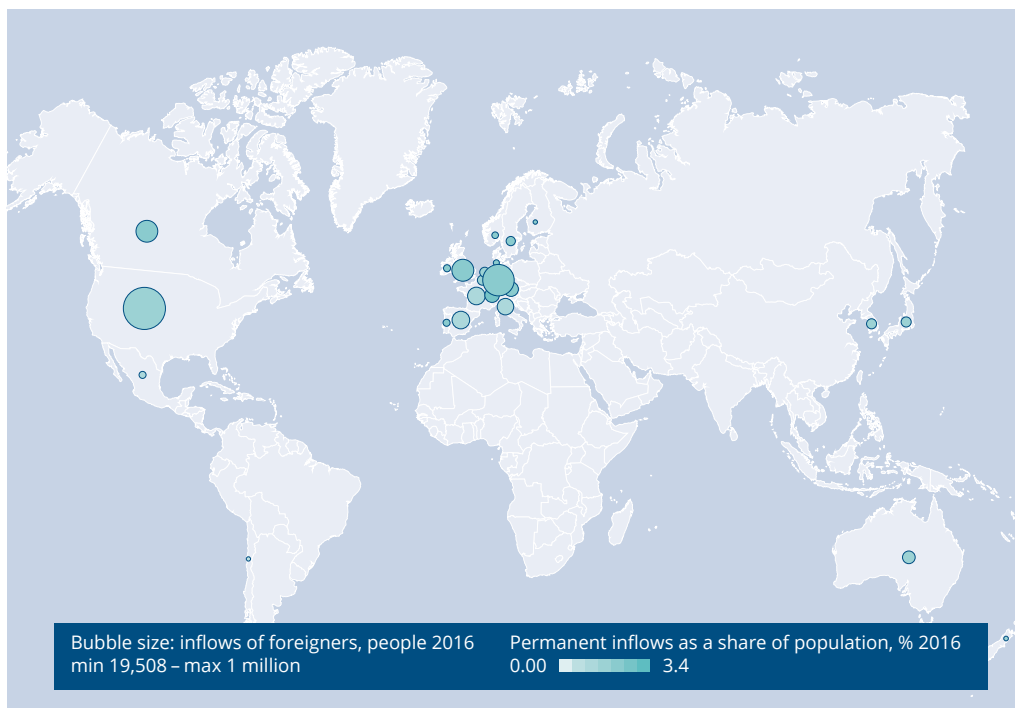
The composition of the groups of people crossing the Mediterranean comprised not only of people coming from civil war stricken Syria, but also of other countries of origin such as Afghanistan, Pakistan, Bangladesh and North African countries. Figures 2, 3, and 4 report in turn data on new asylum seekers, flows and stocks of migrants, and countries of origin of asylum seekers.

**Figure 2.** New Asylum Seekers, 2016



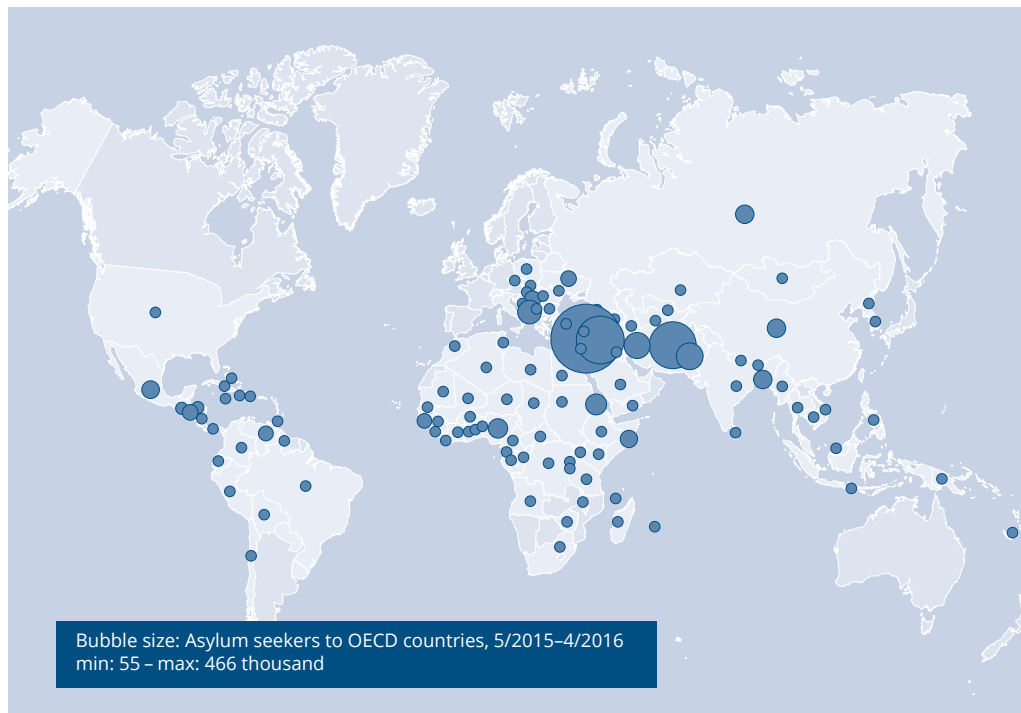
Source: OECD<sup>25</sup>

**Figure 3.** Flows and Stocks of Migrants, 2016



Source: OECD<sup>26</sup>

**Figure 4.** Countries of Origin of Asylum Seekers, 2016



Source: OECD<sup>27</sup>

The main route followed by irregular migrants through the Balkans was named the Balkan Route, from Turkey through to Greece, to the Western Balkans, Hungary and then onward to Northern and Western Europe. As the intention of the people crossing was not to reside in any of these countries, their status was that of transit states.

In the midst of rising criticism on human rights violations and lack of granting refugee protection in the EU, the German Chancellor Angela Merkel proclaimed in August 2015<sup>28</sup> that Germany would provide full protection to Syrian refugees, suspending for the first time the Dublin Protocol<sup>29</sup> in her country. Nonetheless isolation from her traditional supporters both domestically and at the EU level, pushed Angela Merkel to gradually abandon this position. At the same time, growing discontent by several EU members, most notably the Visegrad states and Austria, for the failure of border management in the periphery of the EU resulting in increasing numbers of irregular migrants passing through the Balkan Route, rooted for solutions that would include 'better management of borders, the speedy review of asylum claims, the repatriation of those whose claims were rejected and the granting of economic aid to the poor and distressed countries where most migrants come from, provided they do a much better job in controlling their borders effectively<sup>30</sup>.

In early 2016, Hungary, alongside Poland, the Czech Republic, Slovakia (the so-called Visegrad group of countries), and Austria decided to unilaterally close their borders in order to stop the transition of irregular migrants through their territories, in this way jeopardising the sustainability of the Schengen regime, a system, which as a concept, lies at the heart of EU mobility and integration. In March 2016, the EU-Turkey statement<sup>31</sup> resulted in the closing down of the Balkan corridor in order to stop the influx of irregular migrants into Europe.

Engler (Chapter 1: Route Closed? The impact of the EU-Turkey Statement on refugee migration flows into Europe) focuses his analysis on providing a critical overview of the EU-Turkey Statement by examining humanitarian, legal and other related considerations. In his very insightful work he attempts to shed light on the inconvenient realities associated with the signing and implementation of the agreement. The author discusses how the much debated<sup>32</sup> agreement has been a consensus between EU and Turkey on the grounds of common understanding and as an attempt from each side to minimize losses. As Engler asserts, the agreement, that was heavily criticized in respect to human rights, was based on the one hand on the urgency on the side of the EU, to control the inflow of irregular migrants, especially in view of rising populism within its territory, and on the other, Turkey's aspirations to obtain visa liberalization and to resume its EU accession negotiations.

Analysing the case of Turkey, Tsarouhas (Chapter 2: Turkey and the European Migration Crisis: apprehensive cooperation) examines the pre- and post- environments that were formed with the Joint Action Plan and the EU-Turkey Statement in the country. He discusses in detail Turkey's role in offsetting part of the impact that the 'migrant crisis' would have on the EU and in doing so, it enhanced a transactional securitised form of cooperation with the Union as a 'third country'.

Apart from Turkey, on the receiving end of the policy split inside the EU on how the crisis should be managed, a set of another four countries on the Balkan Route were affected in a multitude of ways based on their domestic environment and their relationship to the EU before and after the route closed.

The first such case is presented by Keridis (Chapter 3: The Migration/Refugee Crisis and the (Un/Re)Making of Europe: Risks and Challenges for Greece). Greece, an EU and Eurozone member, undergoing austerity and political turmoil<sup>33</sup>, found itself in the midst of the 'migrant crisis', facing a series of humanitarian, political, financial, foreign policy and security challenges. Keridis looks critically at EU asylum and migration policies and discusses how the split among EU policy makers impacted on Greece, which found itself cut off from the rest of the EU when it was suspended from the Schengen Area and later when it faced the closing of its borders with North Macedonia.

Next on, Ilievski and Runcheva Tasev (Chapter 4: The Balkan Refugee and Migrant Corridor and the Case of North Macedonia) discuss extensively how the 'migrant crisis' impacted on North Macedonia at a time when the country was going through a prolonged dramatic internal political crisis. When in the beginning of 2016, the Visegrad states, together with Austria and Slovenia, unilaterally decided to close their southern border and adopt pushback policies, North Macedonia made the contested decision to close its border with Greece in order to contain the flows of migrants resulting into a diplomatic crisis between the two countries. The authors discuss in length how the political ripples of anti-immigration sentiments shared by a group of EU countries and diffused in the Western Balkans, impacted on the domestic political scene in North Macedonia.

Galijaš (Chapter 5: Permanently in Transit. Middle Eastern Migrants and Refugees in Serbia) makes a case of how EU conditionality played a significant role in the decisions taken by the Serbian government, in an attempt to move closer to opening more Chapters in the accession discussions with the EU. The author showcases how, while other countries faced with the crisis exhibited secessionist dynamics, Serbia, having its accession to the EU as a strategic goal,

used the migrant crisis as an opportunity to show the EU its willingness to act as a facilitator in this very difficult and troubling period for the Union.

Contrary to the case of Serbia, Hungary has been an example of secessionist forces operating within the EU. Already existing tendencies of rising populism, Euroscepticism and anti-EU sentiments fed into the 'migrant crisis' and became central to state rhetoric. Szalai and Göbl (Chapter 6: The Construction of the Refugee Other in Hungary during the 2015 'Migration Crisis') discuss one of the most important cases of a Visegrad state, which defined to a large extent how the crisis unfolded throughout Europe, and also severely affected the advent of populist forces at the EU level. The FIDESZ-government<sup>34</sup> of Viktor Orbán by way of securitising the 'migrant crisis' through populist narratives, meticulously constructed external threats to the purity of the Hungarian population and used the crisis as a vehicle to further establish control over the political environment domestically.

Finally, Surlić (Chapter 7: Who said Quotas? The Role of Serbia in Burden Sharing of the Migrant Crisis) discusses the Quotas system, which refers to an EU proposition in reference to a joint response to the 'migrant crisis' by all member states and the willingness of Serbia, as a candidate member state in the Western Balkans<sup>35</sup>, to take part in it. By doing so, Serbia would not only ensure a safe and humane transit of migrants through the country, but also become a destination country proper. The author offers a detailed assessment of the Quotas system and a critique of the rejection of a common asylum policy at the EU level. Lastly, he questions the ability of Serbia to actually become a destination country for migrants. Surlić cautions that the Quota system could be appealing to countries in financial need that would benefit from external funding, as opposed to the more developed countries in the EU. This means that in case of a new migrant wave, Serbia and other Western Balkan countries may well find themselves in a position similar to the Turkish one, where EU countries would be more willing to financially assist the integration of migrants away from their borders, rather than to admit them in their territory.

In the conclusions, Prodromidou and Gkasis discuss the effect that the managing of the 'migrant crisis' on EU integration and enlargement, within the framework set in the section 'Rationale of the MIGRATE Book' by Kushnir, Kilkey and Strumia, defined as 'both structuring and strengthening the relationships among the existing and exiting Member States, as well as enlarging to include new Member States'.



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- 1 The Balkan Route is defined in this volume as the passage starting from Turkey and including Greece, North Macedonia, Serbia, and Hungary and from there to the north and west of Europe, most often to Germany and Sweden.
- 2 MIGRATE Jean Monnet Network Official website (2019) <http://www.migrate-project.com/>.
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# Chapter 1

## Route Closed? The Impact of the EU-Turkey Statement on Refugee Migration Flows into Europe

**Marcus Engler**

## Abstract

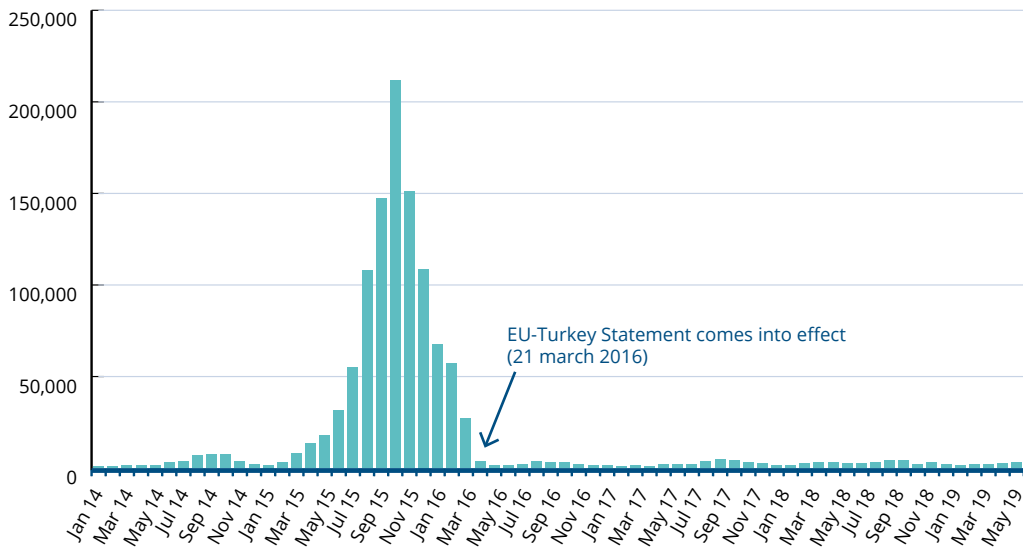
The number of refugees and migrants who arrived in Europe via the Eastern Mediterranean Route rose sharply in 2015 and subsequently decreased just as sharply. Politicians and media representatives frequently attribute this decrease exclusively to political measures for controlling migration. However, this view disregards both the complexity of the factors that influence refugee flows and the inherent limitations of migration data. Using the example of the EU-Turkey Statement, this article aims to demonstrate not only that restrictive migration control measures should be criticised in normative terms but also that causal connections should be critically examined.

## Introduction

Despite significant human rights criticism<sup>36</sup> and considerable doubts about the length of its political shelf life<sup>37</sup>, the EU-Turkey Statement of 18 March 2016 is still in force more than three years later. It survived the failed Turkish coup attempt of July 2016 as well as the resulting substantial disruption of EU-Turkey relations, including the de-facto suspension of Turkey's EU accession process as well as the failure to realise the liberalisation of visas, which was central to the Erdoğan government's agenda. The statement stands despite repeated threats by the Turkish government to terminate<sup>38</sup> it.

The German government's and the EU's primary goal for collaborating<sup>39</sup> with Turkey was to halt the spontaneous and irregular inflow of refugees and migrants via the Aegean Sea. Additional objectives were to prevent migrant deaths in the Mediterranean Sea, to implement legal entry routes into Europe, and to improve living conditions for refugees in Turkey. To this end, a joint action plan<sup>40</sup> was agreed on 29 November 2015. In it, Turkey assured stricter controls of its sea and land borders, the implementation of readmission agreements with Greece and Bulgaria, and the tightening of its visa policy. In return, the EU promised to support Turkey with extensive financial aid (€3 billion) to improve the living conditions of refugees. Additionally, collaboration on refugee policy was linked to the resumption of Turkey's EU accession negotiations and the planned lifting of visa requirements for Turkish citizens. However, EU governments did not consider these measures sufficient to reduce the number of arrivals on the Greek Islands, which gave rise to the EU-Turkey Statement of 18 March 2016. In it, Turkey agreed to take back all individuals who entered the EU irregularly via Turkish territory as of 21 March 2016. As a quid pro quo, the EU agreed a one-for-one principle whereby it would accept and settle a Syrian refugee for every Syrian refugee returned to Turkey, with a cap set at 72,000 refugees. Moreover, the EU promised that its member states would accept a larger number of refugees from Turkey as soon as the number of irregular border crossings would show a sustained decrease. Lastly, Turkey was awarded an additional €3 billion in financial aid to support refugees.

**Figure 1.** Sea Arrivals Recorded on the Greek Islands



Source: UNHCR 2019/Operational Portal – Refugee Situations (accessed 190619),  
Chart by the Author

## Debating the Causes of the Decrease in Crossings

Even though the war in Syria and the conflicts in Iraq and Afghanistan continue, and although the number of refugees arriving in the European periphery remains high, the number of arrivals via the Eastern Mediterranean Route has dropped to relatively low levels since the refugee agreement has come into effect (see chart). Representatives of the European Commission (EC)<sup>41</sup> and national governments, including the German government, frequently attribute these low levels directly and exclusively to the EU-Turkey agreement, partially in combination with the ‘closure’ of the Balkan Route. Many representatives from the media, academia<sup>42</sup>, think tanks<sup>43</sup>, and NGOs also accept this explanation without question.

The European Commission talks about a fall in irregular migration flows of 97 percent<sup>44</sup> as a result of the EU-Turkey Statement. However, this view does not factor in prior and overarching trends. Admittedly, through the course of 2015 the number of refugees and migrants arriving on the Greek Islands from Turkey via the Aegean Sea rose until it peaked at 211,663 recorded arrivals in October 2015; but following that peak, there was a steady decrease through the rest of the year. Yet the EU-Turkey Statement did not come into force until 21 March 2016. Afterwards, arrival numbers continued to decrease, and since April 2016, numbers have returned to the levels recorded in early 2015.

In view of these numbers, Thomas Spijkerboer<sup>45</sup> concludes that there is no correlation between the EU-Turkey agreement and the decrease in the number of migrants and refugees crossing the Aegean from Turkey to Greece. However, he does not offer an alternative explanation. Murat Erdoğan<sup>46</sup> also considers the effectiveness of the agreement as ‘very limited’. He argues that the decrease was largely due to Russian intervention in Syria, which commenced at the end of September 2015 and which cut off escape routes into Turkey.

## Research Findings: Complex Causalities and Limited Impact of Political Decisions

Migration research uses a variety of theoretical models to describe the determinants of refugee movements, in particular their development and changes in their quantity and quality, but all models agree that these determinants are extremely complex. Empirical research into the most recent migration flows into Europe (e. g. Crawley et al; Squire et al.; Brücker et al.; Kuschminder)<sup>47</sup> also emphasises the diverse nature of influencing factors. Protecting the EU's external borders and reducing 'illegal migration' – which political actors frequently present as a threat to security, cultural homogeneity and social order - has long been a political goal both for the EU and its constituent nation states. The catalogue of measures implemented in pursuit of this goal has been widely described and comprises physical border controls, restrictive visa policies, carrier sanctions<sup>48</sup>, and collaboration with countries of transit.

Researchers have been intensely debating<sup>49</sup> for some time the effectiveness of migration policy in general and policies to reduce migration in particular. Some argue that border control policies are not effective in preventing irregular migration<sup>50</sup>. These researchers emphasise that such measures simply promote short-term shifts in entry routes, which consequently become ever more dangerous and more expensive. Other researchers do see an impact of border control policies, whereby a key variable is the willingness to cooperate on the part of countries of transit<sup>51</sup>. Collaboration with countries like Morocco, Mauretania and Senegal is quoted as a key reason for the fact that for several years now comparatively few refugees and migrants have been arriving in Spain via the Western Mediterranean route. Conversely, the collapse of the political systems and state apparatus in Tunisia in 2011 and in Libya<sup>52</sup> in 2014 have been cited as the main cause for the rise in the number of crossings via the Central Mediterranean route. Against this backdrop, a key responsibility for controlling migration in the Eastern Mediterranean falls to the Turkish government.

## Limited and Unreliable Data

In contrast to the complexity of potential influencing factors, the available data which would allow for an empirical verification of correlations is very limited. Analyses like those completed by the European Commission (which focus exclusively on data relating to crossings via Mediterranean routes) do not take into consideration multiple key factors. For a start, these analyses suggest that data relating to crossings – produced by the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) or national authorities – is reliable, and that it is possible to make clandestine migration entirely transparent. In addition, an exclusive focus on gross quantitative data fails to consider the large extent of diversity within the migrant and refugee population and migrants' many varied motivations. For example, it is a common assumption that political instruments such as the EU-Turkey agreement will have an identical, equal impact on many different groups of people.

However, a simple look at the nationalities and places of residence of the refugees who have already arrived and those who continue to arrive in Europe via the Eastern Mediterranean Route renders the above assumption implausible. Among these refugees are Syrians arriving directly from Syria and Syrians who have already spent a longer time in Turkey; Afghans straight from Afghanistan and Afghans who have spent years living in Iran or Pakistan. Furthermore, there are differences regarding existing social networks and family situation

(e. g. single, married, with children, etc). In addition, academic research has shown that only a small proportion of all refugees globally who seek to migrate to Europe is able to do so. Even before the EU-Turkey Statement, the very act of crossing of the Aegean Sea – which is only one stage of the entire flight route – posed an insurmountable barrier for many refugees due to the risks and costs associated with it. Owing to an underlying misjudgement of the varied preferences, needs, and levels of mobility of migrants, instruments such as the EU-Turkey Statement are therefore based on the erroneous assumption that a constant, anonymous, and homogeneous ‘mass’ of people would continue to make its way towards Europe.

In view of the complex causal connections and the limitations of data sources, further extensive empirical analyses are urgently required. Such analyses would need to triangulate multiple data sources and should consider data relating to the intentions and abilities of a representative number of migrants before and after decisions such as the EU-Turkey Statement came into force. Analyses should be configured to differentiate according to groups (e. g., nationality, place of residence, socio-demographic characteristics, social networks, family situation). Research should also seek to obtain information regarding the numbers of attempted crossings/numbers of migrants intercepted by Turkish authorities both at Turkey’s eastern and southern land borders as well as in the Aegean region. Additional data about the living conditions of refugees in Turkey and other countries as well as changes in these conditions is also required. Lastly, any such research should be embedded in a more extensive temporal and geographic context and should consider migration movements on different routes.

### **Factors Underlying a More Complex Explanation**

Even though there is a demonstrable need for further research as discussed above, this is nonetheless a good place to list the factors which might have contributed to the decrease in the number of crossings. I will present these with the caveat that there are many research gaps which make it impossible to quantify the importance of individual influencing factors. The political measures along the Balkan Route<sup>53</sup> as well as collaboration with Turkey have undeniably made the Eastern Mediterranean route significantly more difficult, prompting refugees to postpone or abandon<sup>54</sup> their migration plans. This is because such measures expose refugees to the risk of being returned to Turkey and/or of being detained in the desolate hotspots of the Greek islands for long periods of time. With that, my main argument here is that while political decisions clearly have an impact, they are neither the most important nor the single decisive factors for explaining the decrease in numbers.

As numbers of crossings started to decrease from November 2015, it is likely that seasonal factors had an effect. Indeed, 2014, 2016 and 2017 show similar patterns. Due to bad weather conditions and the subsequent higher risks of sea travel, fewer crossings occur during the winter months.

A second explanation for the decrease in the number of crossings is the depletion of the pool of refugees in Turkey who wanted to migrate to Europe and were able to do so. Evidence in this regard comes from surveys conducted among Syrian refugees in Turkey, according to which a majority of refugees would like to remain in Turkey until it will be possible for them to return to Syria, and this majority has no intention of travelling onwards into Europe<sup>55</sup>. The decrease in numbers would thus be explained through the fact that a large proportion of those refugees who wanted to reach Europe and had the possibility of doing so had already



achieved their goal by March 2016. The depletion of the potential migrant pool is also a result of changed Turkish policies. Turkey abandoned its initial open borders policy in the spring of 2015 following high arrival numbers and terror attacks, and instead implemented a rigorous policy of closure<sup>56</sup>. This involved closing border crossings, making it more difficult to obtain visas, and building walls along Turkey's borders with Syria and Iran. Some reports claim that border guards shot refugees dead. This situation made it significantly more difficult for refugees to reach Turkey. While the legality of the EU-Turkey agreement in itself is a matter for debate<sup>57</sup>, the above listed policies are clearly in breach of international law; and yet they are being silently tolerated by European governments.

It is also possible that reports about refugees' living conditions in Europe by refugees already settled in Europe deterred at least some refugees from realising their migration plans. The large influx of refugees into Europe in 2015 was fuelled by some extremely unrealistic expectations about life in Europe partly resulting from misinterpreted political communications and 'welcome' messages. In view of refugees' actual experiences – shaped by processing times lasting several months, accommodation in gyms, and hostile reception by host country populations – some of these unrealistic expectations have become more moderate, prompting some refugees to return or seek to return<sup>58</sup> to their own countries or to Turkey. To what extent this factor has indeed directly impacted refugees' intentions to migrate must become the focus of additional research.

Further evidence for the hypothesis that migration potential has become depleted is that the significant 'shift in routes' anticipated by many observers has not yet manifested itself. Granted, the number of recorded crossings via the Central Mediterranean Route rose slightly in 2016 (2015: 153,842; 2016: 181,436; 2017: 119,369; 2018: 23,370), prior to falling again significantly since mid-2017. However, very few refugees from Syria, Afghanistan or Iraq used this route, as it is far too difficult for these groups to even reach Libya. Some refugees continue to choose the Aegean route despite the EU-Turkey agreement (2016: 173,500; 2017: 29,700; 2018: 32,500); in addition, a rise in crossings of the Greek-Turkish land border<sup>59</sup> has been recorded (2016: 3,300; 2017: 6,700; 2018: 18,000). Crossings via the Black Sea Route as well as smuggling from Turkey into Italy have been limited so far<sup>60</sup>. Ultimately, refugees continue to enter using people smugglers or false papers. In 2017 alone, the EU28+ (including Iceland, Liechtenstein, Norway and Switzerland) received just under 200,000 first-time applications for asylum from refugees from Syria, Afghanistan and Iraq. This trend continued in 2018 (166,000). In light of this figure, assertions issued by political actors according to whom the Eastern Mediterranean Route and the Balkan Route have been closed since April 2016 have to be moderated<sup>61</sup>. Even so, this number is low considering that there are more than 5.6 million Syrian refugees in neighbouring countries (June 2019)<sup>62</sup>.

## Conclusions

Explanations that attribute the decrease in the numbers of refugees arriving via the Eastern Mediterranean Route simply to the EU-Turkey agreement must be considered with caution. Given the limited nature of the available data and the complexity of influencing factors and causal connections, it is not empirically possible to attribute causality in such a direct and unambiguous manner. Where politicians make such assertions, they offer a political fairy-tale rather than a meticulous analysis of causation. The narrative of 'the active and successful closure of migration routes' serves two purposes. Domestically, in view of the electoral suc-

cesses of extreme right parties, it is intended to demonstrate to unsettled segments of the population a political ability to act. At the same time, it sends a signal to potential migrants and refugees currently residing in countries of first asylum and/or their country of origin. In conjunction with deterrent campaigns<sup>63</sup> and more restrictive asylum and deportation policies, the message is that it is simply not worth it to undertake the dangerous and arduous journey to Europe. The narrative thus intertwines a causal impact and a claim regarding the legality – or at least the legitimacy – of the underlying political action. It suggests that political measures such as different development- or trade policies or large-scale legal admission schemes are unnecessary because migration control seems to be working.

The overestimation of the impact of the EU-Turkey Statement in political circles further carries the risk that governments with a dubious and worrying human rights record are being put into a position of strength. While the Turkish government is a key actor in European migration control, it cannot simply send to Europe hundreds of thousands of refugees who actually have no intention to migrate further, even if it threatens to do so for strategic reasons.

The EU-Turkey agreement, and even more so the collaboration with Libyan militias, has been rightly criticised by many from a human rights perspective. Political concepts which emphasise a short-term reduction of immigration fail to consider that the negative medium- and long-term consequences of such policies on the global refugee situation could be devastating. When countries like Australia, the United States or the European Union are in breach of human rights or visibly reduce their commitment to refugee policy, they reduce the incentive for Southern states, which harbour the vast majority of refugees in the world, to improve their record of respecting refugee rights and human rights<sup>64</sup>.

With regard to the continued implementation of the EU-Turkey agreement, it would be desirable to activate at long last the Voluntary Humanitarian Admissions Scheme contained within it. In practice, the one-for-one principle has long been abandoned. Until the end of February 2019, 20,292 Syrian refugees were resettled from Turkey into EU states as compared to 2,441 readmissions into Turkey<sup>65</sup>. However, in view of around 3.6 million Syrian refugees in Turkey, that number is negligible. It is shameful to hear the European Commission talk about solidarity with Syrian refugees and even see it calculate how many lives have allegedly been saved through the refugee deal<sup>66</sup>. Despite the financial aid given by the EU, many refugees in Turkey continue to live in the most difficult of conditions. The increasing and occasionally violent clashes between host communities and refugees during which in 2017 alone thirty-five people are said to have died<sup>67</sup> are but one piece of evidence of these difficult conditions. Establishing larger quotas would be an effective lever and could improve the coordination and control of migration flows. In this way, EU governments could indeed prove their solidarity.

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# Chapter 2

## Turkey and the European Migration Crisis: Apprehensive Cooperation

**Dimitris Tsarouhas**

## Abstract

This chapter examines the migration and refugee crisis, as well as its aftermath, placing Turkey at the heart of the analysis. Turkey has played a pivotal role in this policy area, both with regard to its handling of Syrian and other refugees who fled to Turkey, as well as by assisting the European Union in dealing with migration flows to its territory. The chapter derives from data from secondary sources as well as in-person semi-structured interviews conducted in 2016 in Istanbul and Ankara with representatives of the Turkish state, international NGOs and civil society actors.

The chapter starts off by providing the context within which Turkey dealt with the influx of Syrian refugees after 2011. It then moves on to analyse the policy framework that governed issues pertaining to refugee and asylum prior to the onset of the Syrian civil war, thereby highlighting some of the limitations of Turkey's approach stemming from the Cold War era and its identity-building process during the 1930s. The next section of this chapter elaborates on the changes introduced during the 1990s and 2000s, a period characterized by a reformist drive amidst fluctuating relations with the EU. The next part discusses the landmark agreements reached between the Union and Turkey in 2015 and 2016; the Joint Action Plan (JAP) and EU-Turkey Statement have proven durable and long-lasting, allowing the EU to contain the domestic political repercussions that the crisis has had on a number of member states (especially those hardly affected by it in the first place), while locking in a cooperative framework between the two sides. However, EU-Turkey cooperation on migration is also indicative of a new, transactional approach in EU-Turkey relations, whereby Turkey becomes a valuable partner for the Union on issues of common interest but is progressively removed from the circle of potential accession states and thus relegated to an EU 'partner' on an ad hoc basis. The 2013 Readmission Agreement between the two sides is illustrative of this development.

## Introduction

The 'migration crisis' has dominated European Union politics from 2015 onwards, when large number of migrants arrived at the borders of a number of member states. For Turkey, however, the issue of how to deal with a large number of refugees had emerged in 2011, following the onset of the disastrous Syrian civil war. Turkey has been at the forefront of hosting Syrian refugees in its territory and, along with Jordan and Lebanon, has done more than any other individual state to confront this major issue head on. Further, at the peak of the European migration crisis, EU-Turkey relations were revived, albeit temporarily, due to the key role played by Turkey in dealing with the issue and the need by Brussels and major member states to engage in a domestic damage limitation exercise. Paradoxically, precisely at the moment when EU-Turkey relations appeared to be on terminal decline, the EU-Turkey agreements of 2015 and 2016, as well as the commitments made by the two sides, revived the prospects of wider cooperation.

However, and as argued in the chapter below, this revival was the result of an agreement that was strictly based on an interests-based approach. In a general sense, the implementation of the EU-Turkey deal has reinforced the transactional character of EU-Turkey relations.

Moreover, the sheer number of both refugees and migrants now on Turkish territory pose a major challenge for policy-makers regarding prospects and options for integration and accommodation in public life.

This chapter examines the migration and refugee crisis, as well as its aftermath, in light of EU-Turkey relations. It starts off by providing a context to the refugee crisis in Turkey and by discussing the country's policy prior to the onset of the crisis. The next section analyses the content of the EU-Turkey migration agreements, namely the Joint Action Plan and the EU-Turkey Statement as well as their aftermath and repercussions. Without doubt, Turkey has been the main protagonist in offsetting some of the consequences of the migration and refugee crisis for the European Union. In the process, its own legal framework has been transformed and a securitized form of cooperation with EU member states has been enhanced. This has survived waves of crises and deepening mistrust between the two sides.

### **The Syrian Refugees' Arrival in Turkey: Context**

At the present time, Turkey, Jordan and Lebanon are hosting more than five million refugees, primarily from Syria. Turkey is by far the country that has undertaken the heaviest task: according to the United Nations High Commission for Refugees (UNHCR), almost 4 million Syrian refugees currently reside in Turkey alone<sup>68</sup>. At the peak crisis point for Europe, back in 2015–2016, Turkey had been hosting more than 3 million people from Syria (Konrad-Adenauer-Stiftung, 2017: 2). In terms of population, there is now roughly one refugee or migrant for every 20 Turkish citizens residing in the country, a number that no EU member state have had to deal with in the past.

The vast majority of Syrian refugees live outside camps, as only 360,000 currently reside in the camps<sup>69</sup>. As the country was faced with an influx of Syrian refugees, primarily from cities such as Aleppo, as early as 2011, Turkey created camps early on. It could, however, not be foreseen that the civil war would escalate quickly over the next few years and that existing camp infrastructure would prove wholly inadequate to accommodate and ever-increasing number of people entering the country. The Turkish government repeatedly argued that closing the door to those seeking refuge would be an inhumane act; it stressed the cultural affinity with the Syrian population, as well as its humanitarian concerns for the plight of people fleeing war, so as to prepare the ground for Turkish citizens to accept the high number of refugees entering the country<sup>70</sup>. A very large number of refugees have sought to settle in Istanbul, not least because of the city's size and economic potential. As discussed below, they are now able to work legally in the country; however, the vast majority engage in informal employment, which has contributed to growing resentment by the local population. The majority of the rest of the refugees live close to the Syrian border, which resulted in a rather asymmetrical distribution of the refugee population in the country (see Table 1). On the part of Turkish authorities and a large part of the population, the expectation was that settling close to the border was a welcome development, encouraging the prospects of Syrians returning to their homeland following the end of conflict. Nevertheless, the extent to which the end of conflict will mean the return of Syrian refugees is unknown. Crucially, the Turkish government's -welcoming policy towards Syrian refugees was predicated on the foreign policy assumption that the Assad regime would soon collapse, and that regime change was all but inevitable<sup>71</sup>. Thus, the very generous policy that was followed at the beginning of the crisis in terms of welcoming record numbers of refugees was very much based on the assumption that the



country would be able to reap the benefits of this generosity in post-Assad Syria, to which it expected to play a protagonist's role. The fact that the Civil War has followed a very different path, that Russia has become the most active power in the region propping up Assad and that the latter is now increasingly re-legitimized by the international community as the country's sovereign leader has meant that this policy logic has been undermined. Until the EU-Turkey Joint Action Plan was agreed upon, Turkish President Erdoğan asserted that the country had already spent more than \$8 billion in seeking to provide for Syrians in the country<sup>72</sup>. The figure rose further and had reached \$12.5 billion by the time the agreement with the EU was reached (see Figure 1). Support received from abroad was negligible, reaching only a paltry 3 percent of the total amount spent (EU-Turkey Statement, 2015).

**Table 1:** Top-10 Turkish Cities Hosting Syrians

**Ten Provinces with Highest Number of Registered Syrians (as of 10 November 2016)\***

Province	Total Population (excluding Syrians)	Number of registered Syrians	% of Syrians**
1. Istanbul	14,657,434	413,406	2.7
2. Sanliurfa	1,892,320	398,551	17.4
3. Hatay	1,533,507	377,731	19.8
4. Gaziantep	1,931,836	318,802	14.2
5. Adana	2,183,167	149,049	6.4
6. Mersin	1,745,221	135,921	7.2
7. Kilis	130,655	122,734	48.4
8. Bursa	2,842,547	100,665	3.4
9. Izmir	4,168,415	95,610	2.2
10. Mardin	796,591	93,071	10.5

\* Figures of the Turkish Directorate General of Migration Management (DGMM).

\*\* Figures rounded

Source: International Crisis Group 2018<sup>73</sup>

## Turkey's Migration and Asylum Policy

Following the establishment of Republic, Turkey's refugee laws were characterized by an extreme degree of restrictiveness. According to the relevant Settlement Law dating back to 1934, those eligible to receive the status of a refugee in the country were solely people 'of Turkish culture and descent'. Although the country changed greatly ever since, severe restrictions on the legislative framework remained in place for a long period of time. Following the start of accession negotiations with the European Union and as analysed below, Turkey revised the 1934 through a new law but maintained the emphasis on the ethnic background of those who are entitled to settlement and, potentially, citizenship. The fundamental philosophy of the state's approach thus remained unchanged, as discussed in more detail below<sup>74</sup>.

In 1951, the landmark Geneva Convention consolidated in one definition the understanding of who is a refugee and established the principle of non-refoulement, prohibiting states from returning refugees to states where they could face torture and other forms of prosecution due to their race, ethnicity, nationality or opinion<sup>75</sup>. In 1967, the additional protocol agreed in 1967 broadened the definition of a refugee and obliged states to comply with the Convention's provisions without limitations to date<sup>76</sup>. Turkey is a signatory to both of those key documents; however, the country added a geographic limitation in terms of incoming refugees. Simply put, this means that a right to asylum in Turkey could be granted only to those arriving from Europe. The direct consequence of the geographic limitation has been that refugees arriving from elsewhere in the world, as happened both in the aftermath of the Iraq war in the 1990s and more recently due to the Syrian conflict, are legally seen as 'guests', with no asylum claim right and therefore expected to depart from the country at some ill-defined point in the future. After the end of the Cold War and the beginning of the first Gulf War, as well as the earlier Iraq-Iran war of 1980–1988, people fleeing conflict in the Middle East (and further East) started arriving in Turkey. The country became a transit spot for those whose destination was further west, while others would attempt to settle in Turkey itself. The legal and regulatory framework of the country was inadequate to deal with the new reality; Turkey had ceased to be a country of emigration to safer and more prosperous western nations. It was therefore imperative that new initiatives be taken to deal with the changing reality. This gathered pace following the Syrian refugee crisis.

In 1994, Regulation 69/1994 offered a temporary protection status to refugees. Those whose status was approved then became entitled to resettlement in third countries by use of UNHCR services<sup>77</sup>. This was the first instance in which Turkey defined refugees (stemming from Europe) and asylum-seekers (stemming from elsewhere in the world) by use of national legislation instead of merely relying on international legal commitments<sup>78</sup>. However, the big legislative changes to consolidate various instruments occurred in the 2000s as a result of two factors: first, Turkey's EU accession talks; second, the Syrian crisis and agreements with the European Union. Turkey's EU vocation appeared solid after 2005: having obtained a candidate country status in 1999, it began accession negotiations in 2005. Legislative alignment with the EU *acquis* is a major precondition for accession, and the National Action Plan (NAP) for Asylum and Migration, endorsed by then Prime Minister Erdoğan in 2005, pointed to Turkey's willingness to proceed with alignment.

In 2006 and as accession negotiations were under way, an Implementation Directive further specified the legal status of refugees and asylum-seekers; nonetheless, the geographical limitation was maintained throughout, resulting in effect in a two-tier asylum and migration sys-

tem: the first, referring to Europeans, was resulting from Turkey's approximation to the West during the Cold War. The second, referring to non-Europeans was a nascent development of developments in Turkey's eastern neighbourhood during the 1980s and early 1990s, such as the influx of Iraqi Kurds after 1988 as well as the first Gulf war of 1990<sup>79</sup>. Nevertheless, this did not automatically mean dropping the crucial geographic limitation. The NAP had identified two preconditions for lifting that limitation. Turkey wished for a) EU member states to commit to burden sharing so as not to impede the implementation of such a change and b) amendments to existing legislation so as to impede a rapid influx of refugees in the country during the country's accession process<sup>80</sup>.

The EU accession process had offered fresh impetus for reform in Turkey's legislation regarding migration and asylum. By the time the Syrian civil war erupted, however, the two-track system identified above had remained in place and those already in the country had limited access to vital services and legal protection. What is more, relations with the European Union had become unstable and unpredictable, as the Cyprus imbroglio slowed down the accession prospects of Turkey and scepticism by large member states, such as France and Germany, slowed down Turkey's alignment with EU law. By 2011, Turkey's politics in dealing with the Syrian crisis pointed to generosity and solidarity; its capacity to deliver sustainable protection was limited and its relations with key EU member states under strain.

In 2013, the adoption of the Law on Foreigners and International protection (LFIP) was a major step forward, constituting the first ever integrated national law concerning asylum in the country<sup>81</sup>. Along with the creation of an integrated new body to deal with the issue of migrants and refugees, the General Directorate for Migration Management (GDMM), it constitutes a major innovation in Turkey's approach. It is not accidental that the UNHCR, which warmly welcomed the new law, played a considerable role in drafting it as well<sup>82</sup>. Moreover, the European Union hailed Turkey's legislative efforts in the context of the Visa Liberalization Roadmap<sup>83</sup>. The new law focused on individual asylum request cases and was very much in line with EU legislation and asylum procedures, such as provisions regarding 'safe third countries' and 'first-country-of asylum'<sup>84</sup>. It defined a number of categories of foreigners for the first time and was explicit regarding the term of entry, stay and exit in the country<sup>85</sup>. The creation of the GDMM, subject to the Interior Ministry, meant that tasks regarding the management of migration would now fall under the authority of the newly established body instead of the General Directorate for Security. The new law also granted, for the first time, limited access to social services for vulnerable groups such as conditional refugees and asylum seekers<sup>86</sup>. The formation of the GDMM has had consequences for other Ministries as well: there is now a more integrated approach by way of incorporating migration-related Departments to agencies such as the police or the gendarmerie; previously, such agencies merely had units dealing with the issue (Interview 3).

Finally in 2014 a Temporary Protection Regulation was issued, which included the granting of rights to healthcare and education to those under protection status and in line with the provisions of the Geneva Convention<sup>87</sup>. A number of changes were introduced to ease the presence of Syrian nationals in Turkey and despite the high number of unregistered citizens of Syria residing in the country. Aside from the temporary protection status offered to them, Syrian nationals would from that point on be issued with biometric ID cards, in line with EU laws and regulations. Furthermore, access to the labour market would now be made possible, as would access to psychological services and counselling. The latter is particularly relevant for the thousands suffering from post-traumatic stress disorder and carry not only the

physical but, equally importantly, the mental health scars that brutal conflict is accompanied by. The implementation of the regulation, however, has been far from smooth. Both bureaucratic delays and the reluctance to follow through on what is actually prescribed in the regulation means that the number of Syrians who have managed to gain access to the biometric ID cards remains very low (Interview 2).

It is worth stressing that the process of adaptation to international norms on asylum and migration has had a discernible effect on the Turkish authorities' management of the crisis. Cooperation with international NGOs has expanded greatly, not least because of the latter's direct involvement in capacity building and project implementation as implementing partners (Interview 1). Further, organizations such as the UNHCR and the International organization for Migration (IOM), now a UN body, play a key role in managing the process. Non-governmental organizations, municipalities and international agencies set up language courses for Syrians in an attempt to break the important language barrier; success has been limited, however, as demand is sky-high and the ability of the country to coordinate a unified response and respond to the challenge is far from guaranteed (Interviews 1, 2 and 4). Nevertheless, the picture is far from rosy: as most refugees are in the south of Turkey and municipalities are primarily dealing with attempts to ease their living conditions, asymmetries in approach between the central state and municipal authorities often impedes their cooperation (Interview 4). Coordination problems go to the heart of managing the migration and asylum framework.

All of the above demonstrate the cooperation between Turkey and international organizations, including the European Union, at a particularly sensitive time. Nevertheless, important limitations to Turkey's full alignment with international practice persisted. First, the 2013 Law did not grant equal protection to all groups entering the country, relying instead mostly on a 2001 EU Directive on temporary protection<sup>88</sup>. Second, the new legislative framework did not include the right to work for Syrian refugees. Instead, the people concerned would need to apply and receive work permits under a cumbersome and heavily bureaucratic process, which drove most in the underground economy<sup>89</sup>. As a consequence, the spirit of the new legislative framework, while greatly expanding on existing arrangements, did not offer a path towards sustainable livelihood for the millions that had entered the country and left their ability to access healthcare and education services to the discretion of the government instead. Finally, the geographic limitation was not lifted. According to Kirişçi<sup>90</sup>, the reasons behind this decision emanate primarily from Turkey's fears about the consequences of lifting the limitation without entering the EU.

## EU-Turkey Relations After 2013

### The EU-Turkey Readmission Agreement

In late 2013, EU-Turkey relations started improving after a prolonged period of stagnation. In October, a new chapter was opened for negotiations, as a result of a change in government in France and the election of Francois Hollande replacing the 'Turkey-sceptic' Nicolas Sarkozy. Cooperation between the two sides was affirmed through changes in Turkish legislation discussed above. In December of that year, the two sides took a step further, signing a Readmission Agreement. According to the agreement, Turkey would readmit third country nationals that had entered the European Union illegally through Turkey in exchange for assistance in beefing up border security and, more importantly, setting out a roadmap that would eventually lead to visa-free travel for Turkish citizens visiting EU<sup>91</sup> member states<sup>92</sup>.

The agreement is significant for a number of reasons: it bolstered the cooperation between the two sides at a time when the migration crisis was intensifying, especially for Turkey. Second, it signalled that the Union was now in search for viable agreements with third countries to enhance its internal cohesion in the face of vociferous opposition against migration-friendly policies, especially by the newly admitted members in Central and Eastern Europe. Finally, it symbolized the interdependent nature of the EU-Turkey relationship on migration, despite the fact that the framework of the agreement did not relate to Turkey as a candidate country but was rather placed in a 'third country' context and with an eye to limiting migration flows entering EU territory<sup>93</sup>.

### The Joint Action Plan and EU-Turkey Statement

In November 2015 an EU-Turkey Joint Action Plan was adopted by the two sides, followed by the EU-Turkey Statement in March 2016. These provided the backbone to long-lasting cooperation over the migration issue between and remain, until today, the key instruments through which the two sides have sought to manage this policy issue. They therefore need to be examined in some detail. The JAP resulted from a decision by the European Council in September 2015 to step up cooperation with Turkey on the issue of migration. Heads of State and Government understood the key role played by Turkey in mitigating some of the effects of the migration crisis regarding their ability and willingness to host migrants and/or refugees. Crucially, the JAP linked cooperation on migration with Turkey's EU aspirations, by promising to open new *acquis* chapters for negotiation. This was a minimal price to pay for the EU, considering that earlier efforts to lock Turkey closer into the EU policy framework had not been particularly successful.

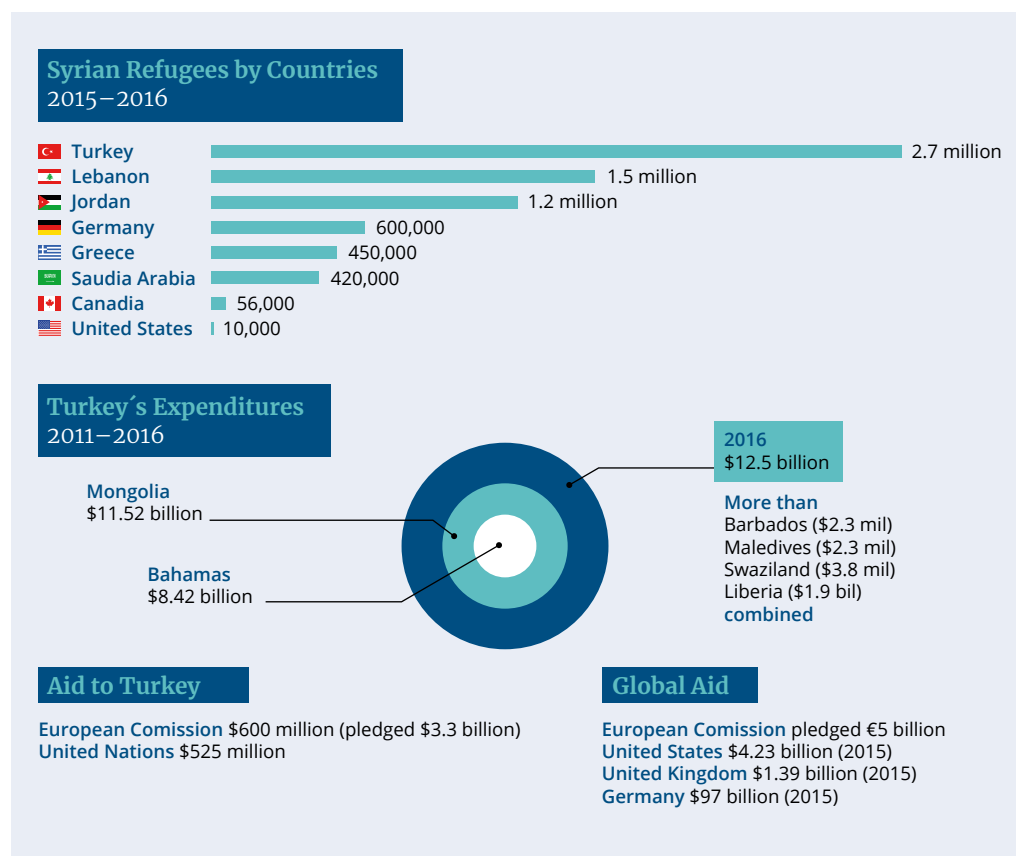
Aside from reinvigorating EU-Turkey accession talks, the JAP called for more cooperation between the two sides, including the deployment of the European Border and Coast Guard Agency Frontex (Frontex) personnel to Turkey and extra financial assistance to Turkey to cope with Syrian citizens under temporary protection, beyond the funds already committed through the Instrument for Pre-Accession (IPA)<sup>94</sup>. Three billion Euros were thus earmarked for Turkey under the Facility for Refugees in Turkey scheme; crucially, the money would be disbursed through project implementation through NGOs and international organizations, and Ankara would thus prove unable to be the direct beneficiary. EU financial assistance was also foreseen to assist the country in enhancing its capacity to meet the benchmarks identified by the EU regarding negotiating with Turkey for visa-free travel of its citizens to the EU, a major prize for any Turkish government. Visa liberalization discussions had begun in 2013 and the Union had identified 72 benchmarks for Turkey to meet prior to gaining the right for visa-free travel. A new anti-terror law, alongside appropriate regulation concerning personal data, have long been the major obstacles to the successful conclusion of these negotiations; JAP offered new impetus to the process. Moreover, the JAP reinforced Turkey's EU aspirations by stressing the 'negotiating candidate country' status of Turkey, thus linking the issue of cooperation on migration with Ankara's aspirations towards full membership. Indeed, chapter 17 on Economic and Monetary Policy was opened in December 2015 and more were promised in the future. Meanwhile, Turkey was shaken by successive terrorist attacks on its soil, which underscored its close geographic proximity to the Syrian civil war (the two states share a 900km long border) as well as its resulting vulnerability. To illustrate, a dreadful attack in Ankara took place only days prior to the EU-Turkey Statement.

The EU-Turkey Statement of March 2016 confirmed the progress made since the JAP and the fruitful cooperation between the two sides in their fight against smugglers and the attempt to

ease living conditions for Syrians in Turkey. Ankara opened its labour market to Syrian nationals and updated its legislation on visa requirements for Syrians and other foreign nationals. Nevertheless, a concrete formula to stem the flow of migrants crossing from Turkey into Greece, and therefore potentially further west deep into EU territory, was seen in Brussels as necessary. To that end, the Statement set out a 'one-in, one-out' formula: for every one irregular migrant returned to Turkey from Greece another Syrian in Turkey would be resettled in an EU member state, up to a maximum of 72,000 persons (European Council 2016) Aware of the potential outcry over a measure that threatened impersonal treatment in violation of fundamental human rights, the Statement underlined that the process would be governed fully by the relevant international humanitarian standards, and that it constituted a 'temporary and extraordinary measure...necessary to end the human suffering and restore public order' (ibid.). This did little to assuage fears that the European Union was now becoming complicit in a process that undermined human rights, both regarding Turkish nationals in the south-east of the country<sup>95</sup> as well as the rights of refugees<sup>96</sup>. Equally significant was the 72,000 cap that the Statement placed on the potential irregular migrants that member states would be hosting. The number was very low, given the scale of human movement at the time, and this was soon proven true. The Union claimed that 'voluntary contributions' by member states would suffice to deal with the issue. However, the question of reallocation soon split the Union, with countries from the Visegrad in particular refusing to show the solidarity they had expected earlier from western Europe, countries like Greece becoming overwhelmed by large numbers (see Figure 1), and member states further west being hardly affected by the crisis.

The Statement further called on Turkey to make sure that all illegal land and sea crossings towards EU territory be blocked for smugglers carrying irregular migrants. It thus turned Turkey into the most important EU ally in the fight against irregular migration. Brussels considered the deal the necessary price to pay and therefore went beyond the JAP in a) allocating another €3 billion of financial assistance to Turkey b) promising the opening of another acquis chapter (number 33 on financial and budgetary provisions) and c) accelerating the visa liberalization dialogue with a view to ensuing the lifting of the visa requirement for Turkish citizens by end June 2016, provided all benchmarks could be met. A long-stalled accession process was now being revived by Brussels and Berlin in particular, as Chancellor Merkel faced the largest crisis of her premiership by accepting more than one million migrants into Germany and steadfastly refusing to place a cap on the number of people that Germany would be welcoming<sup>97</sup>.

**Figure 1:** Global Distribution of Syrian Refugees, 2016



Source: Turkish Heritage Organization 2016<sup>98</sup>

Turkey and Germany, two countries of roughly equal size, deep economic bonds and a love-hate relationship spanning decades, became the main protagonists in the ongoing saga. Ankara had every right to be pleased: it was voluntarily undertaking the task that the European Union had refused to implement itself – and rightly felt that the lack of solidarity among EU member states provided it with a golden opportunity to make progress in its relations with the Union at a time when its relations with the EU had reached a new low. Crucially for the Turkish government, harmonious cooperation with the EU and the reliance of Brussels on Ankara to deal with the migration crisis suggested that visa-free travel to the Union could become a reality. Not least for electoral purposes, the realization of this long-cherished goal would be seen as the ultimate triumph of Turkish diplomacy, above and beyond the opening of a few more negotiating chapters.

### Durable Agreements, Worsening Tensions: the Post-Deal Environment

Although the criticism against the EU-Turkey migration deal has not fully subsided, its successes cannot be ignored. The number of people attempting to cross illegally into EU territory has dropped considerable, and the networks of smugglers that profited greatly from the absence of such cooperation in the past have lost out. The European Union, though regular updates and data pertaining to the agreement, has stressed the benefits incurred through the implementation of the deal. The second anniversary of the deal saw the Commission

claim that arrivals on the Aegean Sea islands from Turkey had dropped by an astonishing 97 percent in two years; daily, this meant an average of about 80 a day, compared to more than 3,000 during 2015<sup>99</sup>. Further, the Commission underlined that resettlement of Syrian refugees to member states continued apace and that support provided to Greece had allowed the latter to manage the crisis more effectively. Finally, the Commission underscored how its financial aid to Turkey had enabled hundreds of thousands of Syrian kids to attend school in Turkey, 1.2 million people to get access to healthcare and hundreds of new schools to be constructed<sup>100</sup>. Despite occasional threats to end the agreement, mostly resulting from the alleged 'dishonesty' and 'non-cooperation' by the EU<sup>101</sup>, Turkey has continued to implement the agreement throughout. It has also partnered with both Greece and NATO to beef up coast guard supervision of the Aegean Sea and to continue disrupting smugglers' attempts to bypass surveillance and policing at sea.

Nevertheless, tensions with the EU have remained throughout the implementation period and domestic instability has fuelled deterioration in relations with Europe<sup>102</sup>. In that context, two events stand out: the 15 July 2016 coup attempt against the Turkish government is the most important. The bombing of the Turkish Parliament, tanks on the Bosphorus Bridge and the attempted assassination of President Erdoğan came as a surprise to most observers. Hundreds of civilians lost their life and thousands got injured, as the President called on the people to defend democracy in the country. This extraordinary coup attempt was attributed to a faction of the armed forces linked to the Islamic preacher Fethullah Gülen, who has been living in the United States since the 1990s. The government responded by clamping down on the putschists and then moved quickly to declare a state of emergency to 'cleanse' the state of conspirators and fellow-travellers of the alleged masterminds. In the process, hundreds of thousands of civil servants, and private sector employees, lost their jobs and associated rights. The army, police, media, judiciary and academia all saw alleged conspirators imprisoned or accused of cooperation with the putschists. Whilst the Turkish government called for solidarity by Europe amidst its 'anti-terrorist' measures and accused the Union of ignoring the trauma of 15 July, the EU condemned the coup attempt but also called for respect for democratic institutions and the quick return to the rule of law<sup>103</sup>.

Second, acrimony increased further ahead of the controversial 2017 Turkish referendum to transform the regime to a (sort of) Presidential democracy. As domestic Turkish politics and the associated tensions between different segments threatened to spill over to EU member states with a large Turkish population, Germany and the Netherlands were accused by President Erdoğan of restricting freedom of speech by prohibiting or curtailing campaign events. Turkey's belligerent rhetoric, characterizing German and other officials as 'nazis', heightened already escalating tensions<sup>104</sup>. Turkey's close cooperation with Russia, beginning in 2016, meant that the EU and Turkey were driven further apart on how to even deal with the Syrian crisis, an issue that had united them until then. To top it all, stringent anti-terror legislation, objected to by the EU, has meant that visa-free travel remains elusive for Turkey, further fuelling existing tensions. Gaining the right to visa-free travel has been a long-cherished goal of every Turkish government since the EU ceased the practise following the 1980s coup<sup>105</sup>.

Heightened political instability in Turkey has been combined with the non-resolution of the Syrian crisis and has led to increasing tensions regarding the integration and accommodation of millions of refugees. Turkey is ambivalent as to the extent to which it wishes to integrate the Syrians in the country (Interviews 2 and 3). Sections of civil society, such as some trade unions, argue that informal employment by refugees undercuts minimum wage legislation



and penalizes Turkish workers as a result (Interview 6). Integration becomes harder still considering that Syrians are a majority in certain cities on the border (see Table 1) and form majorities in Istanbul neighbourhoods. The erstwhile welcoming attitude of the Turkish people has turned to increasing disappointment and anger, as it is becoming increasingly clear that most Syrians intend to stay in the country even after a political solution has been reached in Syria<sup>106</sup>. Worryingly, politics has now entered the picture and the issue is no longer a matter of displaying solidarity to those fleeing conflict. When President Erdoğan raised the prospect of granting citizenship to Syrians in 2016, the opposition vociferously opposed such a plan and popular backlash forced Erdoğan to backtrack. Although about 70,000 Syrians had been granted citizenship by early 2019, the government now claims that eventually all refugees will return home, a rather unlikely prospect<sup>107</sup>. Humanitarian organizations in the field allege that the current status of Syrians in Turkey cannot continue as is for a long period of time (interview 6–8), although it is equally clear that awarding full citizenship rights to all of them is not feasible. Meanwhile, incidents of violence between Syrians and locals, sometimes resulting in deaths and widespread urban violence, have been on the increase, especially in the western urban centres where cultural misunderstandings and differences are as ripe as those between Syrians and EU member states<sup>108</sup>. At least in the western part of Turkey, polls suggest that locals see the Syrian refugees as neither willing nor able to integrate in Turkish society.

## Conclusion

This chapter has argued that EU-Turkey cooperation over the migration crisis, although real, has been apprehensive. Fraught with challenges and complexities, the EU-Turkey agreement has been a landmark in how the Union has dealt with the crisis and has offered it the possibility of diffusing some of the tension associated with the issue. Turkey's generous and hospitable reaction at the onset of the crisis, a combination of benevolence and political calculation regarding Syria, proved a saving grace for a Union divided and split on how to deal with yet another structural problem, following the Eurozone crisis. Moreover, Turkey has cooperated closely with Europe as well as international organizations and NGOs to upgrade its legislative toolkit and adjust it to the changed realities of the 21st century. Turkey is today much more than a country of emigrants abroad: it is a transit country for migrants and refugees wishing to migrate from East to West; as well as a destination country resulting from its raised economic profile<sup>109</sup>. The modernization of its laws and regulations on migrants, refugees and asylum-seekers is an attempt to reconcile the multiple identities that country has now acquired.

Although the EU-Turkey agreements have survived waves of instability and tension, major challenges remain. For the EU, immigration continues to top citizens' concerns in several member states, fuelled by populist short-termism and the desire for electoral gains. Meanwhile, Turkey's approach has undergone important changes too. The sheer number of refugees now residing in the country has led to inter-ethnic clashes and the consolidation of a schism between Syrians' and Turks' expectations as to the way forward. While the latter are openly questioning the desirability of Syrians remaining in the country, most of the former have sought to rebuild their livelihoods on Turkish soil and are reluctant to contemplate a return to their homeland. For years to come, Turkey will face a massive challenge regarding how to deal with its Syrian population. Whatever solution it comes up with, it will be met with resistance and doubts by segments of the population. Cooperation with the European Union and a sincere willingness to reach mutually acceptable solutions is but one of the many pre-conditions on which the success of this project depends on.

## Appendix

### List of Interviewees

#### Interview 1:

International Organization for Migration (IOM) Project Coordinator, Ankara, 13 October 2016

#### Interview 2:

International Organization for Migration (IOM) Project Development and Implementation Unit, Ankara, 14 October 2016

#### Interview 3:

International Organization for Migration (IOM) Programme Officer, Ankara, 14 October 2016

#### Interview 4:

Confederation of Progressive Turkish Trade Unions (DISK) Istanbul Regional Representative, Istanbul 8 December 2016

#### Interview 5:

Support to Life Foundation (Hayata Destek Vakfi) Program Manager, 9 December 2016

#### Interview 6:

Support to Life Foundation (Hayata Destek Vakfi) Protection Expert, 9 December 2016

#### Interview 7:

Support to Life Foundation (Hayata Destek Vakfi) Protection Expert I, 9 December 2016

#### Interview 8:

Support to Life Foundation (Hayata Destek Vakfi) Protection Expert II, 9 December 2016

#### Interview 9:

Istanbul Development Foundation (IKV) Secretary General, Istanbul, 12 December 2016

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# Chapter 3

## The Migration/Refugee Crisis and the (Un/Re)Making of Europe: Risks and Challenges for Greece

**Dimitris Keridis**

## Abstract

The migration and refugee crisis that erupted in 2015 landed recession riven Greece with a series of humanitarian, political, social, and financial as well as foreign policy and security challenges. Following a near disastrous open-borders policy steeped in leftist ideological parochialism, Athens aligned itself closely with Germany in support of the EU-Turkey deal that drastically reduced the human flows from Turkey into the EU and invited NATO naval forces to help monitor the implementation of the agreement. This paper is structured around two parts: the first part describes the immigration and refugee crisis itself, from a global, European and national-Greek perspective; the second part analyzes the risks to and policy responses of Greece and how they relate to the country's overall geostrategic position, at a time when Europe is being redefined as it struggles to respond to a multitude of challenges.

## Introduction

In 2015 Greece faced an unprecedented crisis when almost a million people crossed disorderly its borders from Turkey on their way to Europe. The crisis landed Greece with a humanitarian challenge at the peak of its own economic recession, while it threatened to overwhelm the Greek state's limited administrative capacity, destabilize the regional order by potentially igniting tensions with neighbouring Turkey and North Macedonia, marginalize Greece further within the European Union (EU), both politically and physically, and upend European integration at a time when Greece needed and depended the most on the solidarity of its EU partners.

At first, the incoming government of Alexis Tsipras exacerbated the problem by adopting an open-borders policy that reversed some of the border controls that its predecessors had struggled to introduce. Eventually, however, Athens proved flexible and realistic. It supported the emerging EU consensus on enhanced border protection and the controlled and measured flow of refugees into the EU. The Greek government abandoned its leftist proclamations and aligned itself closely with Germany in support of the EU-Turkey deal that drastically reduced the human flows from Turkey into the EU. Furthermore, the Greek government invited NATO naval forces to help monitor the flows in the Eastern Aegean Sea between Turkey and Greece. Finally, the Greek government buried away much of its populist euro-scepticism and turned into a champion of furthering integration, especially in the field of immigration and asylum policy that should be dealt with at the EU level rather than by each state separately.

The crisis, however, weakened the EU as a whole as it seemed to confirm its geopolitical weakness while it strengthened the nationalist, euro-sceptic voices within many EU member-states and contributed to the Brexit vote in the British referendum of 2016. In Germany, the EU's core country, it allowed a xenophobic, right-wing party, named 'Alternative for Germany', to enter the federal parliament, coming third in the September 2017 elections, making the formation of a new governing coalition in Berlin a difficult political and numerical exercise.

The Schengen Area did hold together, as its dissolution would have been extremely costly, especially for the very open and inter-dependent economies of northern Europe. But the crisis, that followed a period of severe economic contraction after 2008, has had a deep political

impact, turning Europe sharply rightwards. With the exception of France where, thanks to the electoral law and the daring charisma of Emmanuel Macron, a staunchly europhile president and parliament were elected, the crisis accelerated the decline of Europe's most distinct political force, that of social democracy, and contributed to the rise of a group of nationalist and, occasionally authoritarian, leaders in Central Europe that view Brussels with increasing hostility. In fact, the crisis threatened to divide the EU along a Western mainstream and an Eastern alternative (plus an exiting Britain) that has come to resent the influence and the reforms propagated by the EU bureaucracy.

Moreover, it seems that there has been no permanent fix to the challenge of managing the influx of migrants and refugees and that a new crisis might occur with devastating consequences for the future cohesion of the European Union. There is still no administrative capacity in Greece to process in a timely manner the influx of people and return significant numbers of illegal immigrants to Turkey. Germany, with its fairly generous asylum policy and with an economy of full employment, continues to act as a gigantic magnet stimulating human flows that can undermine European integration and strengthen further the return to strict national border controls.

This paper is structured around two parts: the first part describes the immigration and refugee crisis itself, from a global, European and national-Greek perspective; the second part analyzes the risks to and policy responses of Greece and how they relate to the country's overall geostrategic position, at a time when Europe is being redefined as it struggles to respond to a multitude of challenges.

## The Crisis

With one person displaced every 3 seconds, there are more displaced people in the world today (approx. 65 million) than during World War II<sup>10</sup>. Still, with armed conflicts becoming more protracted and environmental pressures mounting, the number of refugees is bound to increase. Despite the magnitude and the importance of this phenomenon, general perceptions and policy responses are often incorrect or inadequate and the gap between public opinion and the opinion of experts is vast and growing.

While recent wars in the Middle East and Northern Africa pushed a dramatic wave of asylum seekers and migrants toward Europe in 2015–2016, 84 percent of the displaced remain in low to middle-income countries and 8 out of 10 refugees are living in neighbouring countries. With more than 40 percent of refugees displaced for more than 10 years and 20 percent for more than 30, supporting alternative livelihoods and ensuring access to services and legal protection has never been so compelling.

The above short exposé provides a concise picture of the refugee challenge from a global perspective. Zooming into Europe, before dealing with the specifics of the 2015 crisis, it is useful to bear the following facts in mind. The international regime protecting the refugees was put in place in the aftermath of World War II. The provisions of the regime are generous and mandate the full protection of refugees.



The regime was meant for the protection of the few political refugees escaping communism or military dictatorships during the Cold War, in other words for the protection of people coming from the First or the Second World, sharing the colour, religion and cultural outlook of Europeans and not for people from the impoverished and culturally alien global South. Indeed, the United Nations High Commissioner for Refugees (UNHCR) was created in 1950 and came of age with the 1956 refugee crisis, caused by the failure of the Hungarian revolution and the invasion of Hungary by the Soviet army when, as a result, 200,000 Hungarians fled to the West<sup>111</sup>.

Moreover, some Western countries, including Germany and Greece, went further and introduced specific refugee-protection clauses into their constitution. The Greek constitution of 1975 provides a good example of that when it states that 'The expulsion of an alien under persecution for his defence of liberty is forbidden' (article 5, paragraph 2).

However, things evolved differently. There has been an interesting but much understudied chain of developments during the post-war era. War between states became rare and war among great powers became obsolete, in part thanks to nuclear weapons. War has not disappeared but it has been 'domesticated'. The vast majority of wars in the post-war era have been civil wars<sup>112</sup>. Civil wars are very much associated with poverty and they occur, almost exclusively, in the global periphery or what used to be the Third World<sup>113</sup>. As a result, contrary to the experience of World War II, that gave birth to the current international regime for the protection of refugees, the vast majority of refugees and internally displaced people today come from poor, third-world nations engulfed in civil war.

As already mentioned above, traditionally, most of these people have remained either within their country of origin or in neighbouring countries. This has been the case with the millions of Palestinians festering in various Arab states, the millions of African refugees, as a result of the recurring sub-Saharan civil wars, surviving in the various African refugee camps or the millions of Afghans in neighbouring Pakistan and Iran. As long as these people remained far and away from the West, little attention was paid to them. They were a concern for the hosting countries and the international humanitarian agencies dedicated to dealing with these issues but they were not a concern for the leaders or the public opinion of the powerful nations of the world.

An exception in this 70-year long history was the forced displacement caused by the Yugoslav wars of succession in the 1990s. The violent disintegration of Yugoslavia produced an intra-European wave of refugees not seen since World War II. However, the sympathy towards the victims and the relatively small numbers involved did not produce an anti-refugee backlash among the Western publics. After all, most of the forcefully displaced people remained within the borders of former Yugoslavia, with Serbia receiving the vast majority of them, some 800,000 Serbs from Croatia and Bosnia. When war came to Kosovo in 1999, it was neighbouring North Macedonia that hosted the hundreds of thousands of Albanian refugees escaping Slobodan Milosevic's terror. In short, the Yugoslav tragedy was a European war fought by Europeans. Europe and the West, after some hesitation, were both able and willing to deal with it. It took place in the midst of the euphoria caused by the fall of the Berlin Wall, the collapse of East European communism and the end of the Cold War. As a result, NATO intervened militarily twice, first in Bosnia in 1995 and then in Kosovo in 1999. The United States, together with its major European allies, imposed a peace settlement first at Dayton over Bosnia and then, with Security Council Resolution 1244, over Kosovo, that opened the way for the secession of Kosovo from Serbia.

Things changed dramatically two decades later with the refugee crisis of 2015. With the advent of the crisis, Europe and Germany, in particular, were flooded by non-European, non-Christian and culturally alien refugees and immigrants at a time of increasing Islamophobia and social anxiety. For the first time since the introduction of the refugee-protection international regime, Europe was asked to walk the humanitarian talk it has been preaching for seven decades.

At first, Angela Merkel, the German chancellor, welcomed the newcomers and, in a famous proclamation that has haunted her ever since, she welcomed the challenge and reconfirmed post-war Germany's commitment to the full protection of refugees wherever they come from. However, as the crisis deepened, her allies started to abandon her. First it was Austria and then the sister party of her Christian Democrats, the staunchly conservative Bavaria-based Christian Social Union. Eventually, she was forced to change course, accepted the closing of the Balkan corridor, through which most of the influx took place, with the erection of heavily guarded border fences, and sponsored an EU repatriation agreement with Turkey that decreased the flow by 97 percent.

Meanwhile, as a result of the crisis, many in Europe started calling for the tightening or even the abandonment of the international regime for the protection of refugees altogether. They include not only the Visegrad extremists, of the likes of Viktor Orban<sup>114</sup>, who has equated the refugees with terrorists, but many conservatives on the centre-right as well. The overall European consensus has moved towards the better management of borders<sup>115</sup>, the speedy review of asylum claims, the repatriation of those whose claims were rejected and the granting of economic aid to the poor and distressed countries where most immigrants come from, provided they do a much better job in controlling their borders effectively<sup>116</sup>.

As the French President Emmanuel Macron put it in his speech at the Sorbonne in September 2017 'Only with Europe can we effectively protect our borders, take in those eligible for asylum decently, truly integrate them, and at the same time quickly return those not eligible for such protection. So long as we leave some of our partners submerged under massive arrivals, without helping them manage their borders; so long as our asylum procedures remain slow and disparate; so long as we are incapable of collectively organizing the return of migrants not eligible for asylum, we will lack both effectiveness and humanity ... we need to do that without leaving the burden to the few, be they countries of first entry or final host countries, by building the terms for genuine, chosen, organized and concerted solidarity.'

Nevertheless, the feeling remains that the problem of immigration and refugees is here to stay, that the income inequality among the world's regions has increased, that globalization has facilitated immigration and that Europe will be facing similar or worse crises repeatedly in the future<sup>117</sup>. Interestingly, the 2015 crisis proved that even small numbers can have huge political consequences. There were no refugees going to Great Britain and, yet, the images of disorder and chaos emanating from the Greek islands of the eastern Aegean played a major role in the voters' turn against Europe in the British referendum. There are no refugees in Hungary today and, moreover, there are no refugees who want to go to Hungary anyway. This did not stop Orban from turning the refugee crisis into a major public concern and from proclaiming a crusade against the refugees and the cosmopolitan elites of Brussels who supposedly support them. Even the number of close to two million people who came into Europe in 2015, while much higher than in previous years, is, comparatively speaking, manageable, one might argue, for a European Union of 510 million with vast economic resources at its disposal.

With this background in mind, let's now turn to the crisis itself and its impact on Greece. The numbers paint a dramatic increase in the amount of illegal crossings into the European Union during 2015. While there were 72,500 crossings in 2012 and 283,500 in 2014, the number exploded to 1.8 million crossings in 2015, reports Frontex (The European Border and Coast Guard Agency) Risk Analysis Network<sup>118</sup>. According to UNHCR, the majority of these crossings, around one million, took place through the Mediterranean Sea Routes, and, more specifically, from Turkey into Greece, through the eastern Aegean Sea<sup>119</sup>. The total number of arrivals in Greece increased from 77,000 in 2014 to 911,000 in 2015. Whereas in the past, prior to 2014, most arrivals involved land crossings, mainly over the river border between Greece and Turkey in Thrace, in 2015 more than 90 percent of arrivals were by sea, with the Greek island of Lesbos being the primary destination followed by the islands of Chios and Samos. From these and the other Greek islands across from the Turkish coast, refugees and migrants were transferred to the northern border at Idomeni, on their way to Central Europe, in what became known as the Balkan corridor.

According to Greek Police statistics, the number of sea crossings increased 1,905 percent between 2014 and 2015, from 43,500 to 872,500, of which half a million came from Syria, 213,000 from Afghanistan, 92,000 from Iraq followed by citizens of Pakistan and Iran<sup>120</sup>. Among Syrians there were many women, children and older people. However, incoming Afghans were mostly young men. The crisis peaked in October 2015 with 218,000 sea crossings into Greece but the number remained substantial until March 2016, when, following the signing of the EU-Turkey Statement, the influx started receding.

However, according to the Financial Times, '...some worry the problem is merely being moved elsewhere.' In April the numbers of migrants reaching Italy exceeded the total for Greece for the first time since June 2015, according to Frontex, the EU border agency. Some 8,300 migrants were detected on the Central Mediterranean Route compared with 2,700 on the Turkey-Greece crossing<sup>121</sup>.

According to UNHCR, there are around 15 million refugees in the world today, excluding the internally displaced people and the 5.1 million Palestinian refugees, registered with UNRWA<sup>122</sup> since 1949. Syrians constitute the largest group, followed by Afghans and Somalis. Due to the Syrian civil war, Turkey became the largest refugee-hosting country worldwide in total numbers, for the first time ever, but Lebanon remained the country with the highest concentration of refugees in per capita terms<sup>123</sup>. Today, it is estimated that some 3.1 million Syrians are in Turkey alone<sup>124</sup>, with only 10 percent in refugee camps and the rest in various Turkish cities, according to a Turkish Confederation of Employer Associations' report<sup>125</sup>. It is important to keep this broader picture in mind because while the increase in refugees and illegal migrants heading to Europe in 2015 was dramatic, the actual number reaching the European Union, which comprises 28 member-states, remained relatively small, especially when compared with the number of refugees reaching some smaller and much poorer countries outside Europe.

Why the surge? The answer to this question is not so straight forward. There is the obvious reason of the Syrian civil war. Indeed, while violence in Syria erupted in 2011 and intensified after 2012, the summer of 2015 was a turning point. The reversal of Assad's fortunes, with the help of Russia, meant the prolongation of the war and persuaded many Syrians to leave and seek permanent resettlement elsewhere, preferably in Europe. The Islamic State's reach from Syria's eastern wastelands into its Kurdish and Arabic heartland, in the north and the west, and into Iraq, with the fall of Mosul, that country's second largest city, together with the

intensification of the fight around Syria's main city, Aleppo, further contributed to the forced displacement of hundreds of thousands of Syrians and Iraqis.

However, there is no consensus that the objective realities on the ground in Syria and Iraq alone caused the surge. Far from it, the cause of the surge is hotly debated in Europe, as the refugee crisis became highly politicized and polarized between two opposite visions. One is best represented by German Chancellor Angela Merkel, and the other by Hungary's Prime Minister Victor Orban. For Orban, there was no influx of refugees but an 'invasion' of illegal immigrants, as even Syrians came to Europe not directly from war-torn Syria but through safe Turkey. Furthermore, the flow included many non-Syrians, coming from poor third-world nations. According to Orban, this 'invasion' took place because of the misguided perceptions and the policy mistakes of the passive liberal elites of Europe who espouse multi-culturalism at the expense of Europe's Christian identity.

Critics of Merkel, both inside and outside Germany, pointed to her statements, welcoming the Syrian refugees stranded in Hungary in September 2015, as a main reason for turning the refugee wave into a tsunami<sup>126</sup>. Similarly, the newly elected Greek government of Alexis Tsipras, initially a radical leftist, was accused of foolishly abolishing all border controls and doing away with the detention of all illegal entrants, as applied by the previous Greek administration, led by Antonis Samaras, a conservative.

Critics claim that when it comes to influxes of such magnitude, being 'humane' has the unintended consequence of acting as a magnet, attracting more people and complicating, rather than resolving, the refugee problem. They point to the fact that whereas, in the past, Italy was the preferred gate of entry into Europe, after the election of Tsipras to the Greek premiership, in January 2015, Greece became, by far, the most heavily trafficked entrance into Europe. Furthermore, the influx receded when the 'inhumane' closing of the land border took place, effectively blocking the Balkan corridor.

It is true that the Greek government included many activists and supporters of migrant and refugee rights. But even Greeks who did not belong to the Left showed a certain understanding for the government's argument. Faced with Turkey's intransigence, boats entering the Greek territorial waters could only be escorted to the nearest Greek port and not be pushed back towards Turkish waters, since this could easily have caused their sinking and the loss of human lives. However, when the pressure from Europe to do something and start controlling the flows mounted, Tsipras, quite realistically, subscribed to Merkel's plans for a deal with Turkey, that involved the return to Turkey of all people coming to Greece after March 20, 2016, and the detention of all entrants in the Greek islands away from the Greek mainland.

Apart from the 'pushing' and 'pulling' factors described above that directly contributed to the surge, there has been a third set of indirect factors. These factors concerned the policies of other countries in Europe's borderlands. Italy, under the leadership of Matteo Renzi, abandoned the policy of 'mare nostrum' and intensified the patrolling of its sea borders during 2015. Morocco successfully cooperated with Spanish authorities to effectively control the land and sea border between the two countries. On the contrary, Turkey, faced with a humanitarian crisis within its borders, a failed policy in Syria and Europe's indifference, did not do much to stop or, even limit, the smuggling of hundreds of thousands of people from its coasts.

The refugee crisis afflicting Europe in 2015 was the result of many factors, with each factor pointing to a different culprit and requiring a course for future action<sup>127</sup>. While there has been a certain rise in the 'demand' for crossing illegally into Europe, the incoherent and ineffective border-controlling and refugee/immigration policy on the part of the EU as a whole exacerbated the problem. The increased 'supply' of illegal, uncontrolled, undocumented and, often, chaotic crossings further stimulated the demand to migrate in the first place.

As a consequence, during 2015, there was a continuing shift in the flows of people coming out of Syria from Lebanon and Jordan towards Turkey, as the easiest conduit into Europe. Similarly, Turkey attracted many economic immigrants from Africa and Asia who wanted to cross into Europe. It has been little noticed and not much discussed in Europe but this accelerating shift threatened to destabilize Turkey and provided the main impetus for agreeing to the March 2016 deal with the EU.

In sum, all these events affirmed Europe's need for both an effective and unified border-control mechanism and a legal and organized way for immigration, grounded in the protection of refugees according to international law, a *via media* as proclaimed by President Macron.

### **Greece's Geostrategic Position in and After the Crisis**

While the crisis initially threatened Greece's international standing, at the end it was somehow and, at least momentarily, resolved thanks, in part, to its privileged geostrategic position. What were the primary risks involved? To begin with, the risks were many and serious. The first and most immediate of them all was to have Greece cut off from the Schengen Area where it belongs and turned into a pan-European hotspot and detention center for immigrants and refugees alike. In the most nightmarish scenario, Greece would have become for Europe what Nauru is for Australia. The small island republic of Nauru in the south Pacific has been turned into a giant camp for the detention of all boat arrivals into Australia in exchange for some financial aid<sup>128</sup>. The prospect seemed real when the North Macedonia built a fence along the border with Greece and policed it with the help of some of Greece's EU partners. The then foreign minister of Austria, Sebastian Kurz and the country's newly elected chancellor, organized meetings with his counterparts from the countries lying along the Balkan corridor excluding Greece. Frontex dispatched a mission on North Macedonia's border with Greece. There was a lot of noise for suspending Greece's membership in the Schengen Area. Finally, on November 12, 2016, Germany temporarily reintroduced border controls for the flights from Greece, citing concerns for the security situation and the threats resulting from the continuous significant secondary movements. Since Greece shares no land border with any other member-state of the Schengen area, border-free travel from Greece is only possible through air and through the sea lane to Italy.

Another risk had to do with the security of Greece as a hosting nation, in the broader sense of the term. There is no doubt that the human wave of 2015 coming into Greece from Turkey included a small percentage of criminals, terrorists and would-be jihadists. A gunman, killed during the terrorist attack against the Stade de France in Paris in November 2015, carried a passport that belonged to a Syrian refugee who had passed through Greece the month before. There have been several stories of smuggled guns, forged passports and jihadist networks reported in the press. There was also a concern about public health and a fear of epidemics which did not materialize.

Another risk arose unexpectedly from the work of NGOs and international agencies. As the crisis gathered pace, Greece was flooded by a plethora of NGOs, pro-refugee activists and the media. UNHCR established a mission in Greece to deal with the emergency. While most of their efforts were commendable and they efficiently filled a gap in the management of the human flows crossing the waters in the Aegean Sea, their priorities and interests occasionally clashed with those of the Greek state. To begin with, these groups and agencies did not recognize the distinction between a refugee and an economic immigrant and thought of every incomer as deserving a free passage and asylum if he/she chose to apply for one. There were many incidents when activists attempted to mobilize and organize demonstrations and various forms of civil disobedience against the Greek authorities. The UNHCR itself is not accustomed to operate within a European environment as most of its past experience had to do with situations where state authority was non-existent or very weak. Many of these organizations had a lot of funding from various sources, including the EU, a significant administrative capacity, a long experience dealing with crises and a very good access to world media. As a result of this mostly complementary but sometimes antagonistic symbiosis between the Greek state and the NGOs/UNHCR, a peculiar relationship developed, punctured by the occasional flare ups of accusations of corruption from each side against the other.

In a more traditional sense, the crisis threatened to cause deterioration in Greece's relations with Turkey. At a minimum 'search and rescue' operations in the Eastern Aegean are complicated affairs. The proximity of the Greek islands to the Turkish mainland make the crossings easy during most of the year and limit the time for the coast guard to respond to just a few minutes. When NATO was invited to monitor the situation and assist the two states and Frontex, the Greek-Turkish rivalry complicated its mission. Alarmed by the crisis, NATO's defense ministers decided to dispatch NATO's Standing Maritime Group 2 to conduct reconnaissance, monitoring and surveillance in the territorial waters of Greece, Turkey as well as in international waters. But NATO's mission has included only the northern and not the southern Aegean and cooperation with Frontex has been rocky. In both cases, it was Turkey objecting to the expansion of NATO's mission into the Greek Dodecanese and in working closely with an EU institution, since Turkey wants no NATO operations in the demilitarized Dodecanese islands and is not part of the EU.

In addition, the flow threatened the stability of all the countries lying along the Balkan corridor, most of which are poor and fragile to begin with<sup>129</sup>. The building of a fence by the authorities of North Macedonia along the border with Greece was received as a particular affront to Greek pride. More ominously, the crisis seemed to afford Turkey and Russia an opportunity to undermine Europe's liberal consensus, which they have both come to detest in recent years. Ultimately, the crisis threatened to lead to the fragmentation of the EU with the nationalization of refugee policies and the adoption of a beggar-my-neighbour attitude towards the problem. In certain quarters, Greece was vilified for its inability to control its borders, process the influx in an orderly fashion and provide its EU partners with reliable security data. The crisis reconfirmed Greece's image as the sick man of Europe, the weakest of the weak links, a perennial problem that needed constant supervision if not amputation.

Greece, however, found two unexpected 'allies' in its efforts at climbing back to some international respectability. The first was Victor Orbán, his rhetoric as well as his policies. The other was Tayyip Erdoğan who agreed to the EU-Turkey deal.

Orban's policies of fence building trickled down to Hungary's southern neighbours who got scared they might get stuck with thousands of unwanted refugees. This forced others to build their own fences effectively sealing off the Balkan corridor. In the age of social media, news travel fast. Prospective travellers in Turkey soon learned that crossing into Greece would probably mean their confinement in a hotspot on a Greek island where living conditions were bad. However, it should be noted that fences can only work if and for as long as they are heavily patrolled; otherwise, loopholes are soon found and the flow trickles in as is currently the case.

Furthermore, Orban's aggressive rhetoric, specifically targeted towards a resentful domestic audience, frustrated by the ever elusive convergence of its standards of living with Western Europe after thirty years of reform, highlighted the perils of anti-European populism for the European elites. In juxtaposition, the Greek stand appeared less frightening and more liberal, rational, serious and pro-European. While the euro crisis had divided Europe between North and South, the refugee crisis divided Europe between East and West, reopened the wounds of the Cold War division but put, at least for a moment, Greece on the right side of history, together with Germany and its other old west European allies.

However, the main reason for Greece's come back, away from the grave risks the crisis initially posed, had to do with Turkey. The big question here is why did Erdogan offer his help and agreed to a deal with the EU? Some reasons are obvious: money and some rewards for Turkish citizens. Turkey was promised more than 3 billion of euros in aid for its refugee problem and an acceleration of the visa-free travel into Schengen for its people<sup>130</sup>. Currently, Turks are the only people west of Russia, together with the Kosovars, who need a visa to enter Schengen.

Two other reasons have not received a lot of attention but they did play a role. The one had to do with the declining desire of refugees to leave Turkey in the first place, as they preferred to remain close to Syria, where things started to get a bit more stable in 2016, and the Balkan Route was closed. The other had to do with Erdogan's ambition to be recognized as a powerful player on a par with Merkel, who together can shape Europe's future. The EU-Turkey Statement reaffirmed this belief and created some space for the rapprochement of the two on an equal footing. Rather than begging for EU accession from a position of weakness, Erdogan struck a deal with Germany from a position of strength.

However, the most important reason for Turkey not only agreeing to but, actually, championing the deal had to do with Turkey's own growing sense of destabilization caused by being turned into a global magnet attracting hundreds of thousands of people wishing to cross illegally into Europe. The more people boarded the boats heading towards the Greek islands the more people arrived in Turkey or planned to make the trip to Turkey. By the fall of 2015 the situation in Turkey was getting out of hand and Ankara understood this simple dynamic that escaped most liberal media reporting on the crisis.

The deal itself has pulled Greece out of the refugee conundrum, allowed for some EU aid (monetary as well as in personnel and technical advice) to flow to Greece as an EU front-line state while it drastically reduced the human flows that had threatened to overwhelm the Aegean islands. Moreover, the deal has provided the breathing space for the rethinking of Europe's asylum and immigration policy.

However, the EU leaders remain short-sighted. Relieved at managing to control the immediate crisis, they currently seem uninterested in dealing with its underlying causes and, thus, they make sure that the crisis, in one form or another, will return. One statistic is particularly disheartening: the total number of people returned from Greece to Turkey after the signing of the deal is only a few hundreds and it remains smaller than the corresponding number before the signing of the deal. In other words, although repatriation is at the core of the EU-Turkey Statement, it is not working due to the inability of processing the asylum cases currently piled up in Greece. While asylum cases in the Netherlands are decided within two months, in Greece and elsewhere it might take years, cancelling both premises of Macron's vision for effectiveness and humanity<sup>131</sup>.

Schengen has exhibited some of the same flaws found in the monetary union and the euro. It was designed as a technical solution to facilitate travel and trade among the core European countries without much consideration of the politics involved. It worked as long as there was no crisis. When the crisis erupted, its political weakness came to the fore and threatened to unravel it. And, just as was the case with the crisis of the euro, the refugee crisis has led to strengthening its provisions and to increasing coordination among its member-states but not to the resolution of its genetic flaws.

In the case of the euro, the main flaw has to do with the asymmetry between the surpluses of the north and the deficits of the south. In the case of the Schengen, that main flaw has to do with the attraction of Germany as an immigration destination and the asymmetry in the administrative capacity of the EU member states in dealing with the resulting flow in an efficient and humane way.

For all the difficulties involved, the stakes have been raised and failure is not an easy option. The unravelling of Schengen would have had dramatic consequences for inter-European trade and traveling. Most European economies are extremely open and interlinked with their neighbours. Reintroducing border controls would have deducted billions of euros from Europe's GDP. For all the appeal of the populist argument against immigration and in favor of renationalizing immigration policy, it is this inescapable economic logic that has proved integration's most important ally.

The irony in all this is the fact that Greece is the country that benefits the least from Schengen and, consequently, would have lost the least from its dismantling. The reason is that the Greek economy is fairly closed, the value and volume of goods traded with the Schengen area is a miniscule fraction of the total inter-Schengen trade and Greece shares no land border with any other Schengen member-state. So, for Greece Schengen is only about air-travel which mostly concerns the tourist industry and not the trading of goods. And, air-travel is already fairly restricted due to heightened security checks before boarding a plane.

Inescapably, for Greece the political effects of the 2015 refugee crisis were cumulative, as it occurred on the footstep of an economic depression. Despite some initial hesitation, Greece reaffirmed its devotion to Europe, as an unshakeable national strategic priority and put its trust on a European solution to the problem. The defeat of the anti-European option is to be welcomed to the extent that a Grexit (from the eurozone, the Schengen or the EU itself) could have exposed Greece to unmitigated geostrategic disasters. But it has to be admitted that the victory of the European option had more to do with the Greeks' lack of confidence in their own power rather than the strength of the EU.



The EU reality remains deeply problematic as it involves forces and dynamics that, left unchecked, might further contribute to Greece's marginalization into an unfavorable European periphery. It is high time for the Greek elites to realize the dangers involved in their unquestionable europhilia that often leads to a policy inertia or policy dependency on Brussels. They must find the courage, imagination and competency to work for the reform of the EU architecture, while understanding that EU membership is not a panacea but, on the contrary, it can, depending on national choices, accentuate problems and pathologies. In that regard, a good start for Athens would be to work together with other front-line states, such as Italy, for a new robust EU immigration and refugee policy. This policy will not only strengthen EU integration but it will also rebalance the costs of this integration in favor of southern Europe, that, without discounting its own responsibility, has paid the heaviest price for the flaws of the euro and the Schengen in recent years.

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# Chapter 4

## The Balkan Refugee and Migrant Corridor and the Case of North Macedonia

**Zoran Ilievski, Hristina Runcheva Tasev**

## Abstract

From its inception the European Union has been a preferred destination for refugees fleeing violence and persecution, as well as economic migrants from all over the world. This analysis explores the political consequences of the mixed migration flows moving from the Middle East, through the Balkans on their way to Central and Western Europe in 2015–2016. In addition to the refugees from the Syrian war, displaced persons originating from other parts of the Middle East, Africa, Afghanistan, and elsewhere were joined in Greece by migrants and refugees who were previously settled there, mostly unregistered people, outside the official temporary protection and asylum procedures. This migration phenomenon has encouraged nationalist political forces in the Western Balkan region and in the EU to portray it as a threat to national identity and core values, presenting competing visions about the future of the EU itself. Analyzing the extent to which such nationalistic reactions were evident in the countries along the Balkan mixed migration corridor, a particular focus is placed on the case of the Republic of North Macedonia<sup>132</sup>.

## Introduction

From its inception, the European Union (EU), especially the countries which are its leading economic and political motors have faced continuous inflows of economic migrants, refugees and asylum seekers. The last large waves of inflows were the people fleeing the wars in former Yugoslavia during the 1990's. Those ended at the turn of the century, to be followed by a substantial and steady influx of people from the very same region, seeking asylum status, mostly without any justification for political persecution, rather only as attempts to gain residence, access to social protection and the labor market. By the time Germany speeded up the deportation of these persons with full unjustified asylum claims,<sup>133</sup> a new crisis, more substantial and with a higher 'political explosiveness' emerged. The years of 2015 and 2016 were marked by a wave of over a million refugees and migrants arriving in the European Union through the Western Balkan Route. Although the old continent has always been an attractive destination for refugees and economic migrants, this last human influx has created unprecedented fears of 'serious long-term consequences', inspiring populist political forces to claim that it 'will change the demographic map of Europe', especially since these people came from countries outside Europe, the vast majority of them being Muslim. The bulk of this large number of people were refugees which made their journey across the Mediterranean, crossing from Turkey to the Greek islands, as a result of the after-shocks of the war there that shook that entire region. These people were joined within Greece by migrants and asylum seekers who were previously settled there, mostly unregistered people, outside the official temporary protection and asylum procedures. Therefore, hundreds of thousands of Afghani, Iraqi, Pakistani, Sudanese, Eritrean and other economic migrants and refugees, joined a massive mixed migration flow towards Western Europe.

The Balkan mixed migration corridor extended from the Eastern Mediterranean Route going from Turkey through Greece, the countries of former Yugoslavia, continuing through to Hungary in the North and Austria in the West. This route was previously used by displaced persons originating from the Middle East, as well as a substantial number of refugees and migrants originating from North Africa, Pakistan and Bangladesh. It became more intensively used after

the EU visa liberalization for Albania, Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia in 2009–2010, with numbers of people peaking from 2014–2016.

The authors refer to migrants and refugees, two groups that have a different level of assistance and protection under international law. Making a distinction between them is not always a clear-cut process. A refugee<sup>134</sup> is an asylum seeker<sup>135</sup> whose claim has been approved. However, the UN considers people fleeing war or persecution to be refugees even before they officially receive asylum. The ‘umbrella term’ migrant can refer to refugees, economic migrants<sup>136</sup> and asylum seekers. These groups of migrants can overlap, as in the case of this crisis where mixed-migration flows were formed: asylum seekers and economic migrants making their way to Western Europe together.

We place our research focus on the refugee and ‘migrant crisis’ along the Balkan human corridor in the period between September 2015 and March 2016, when the Western Balkan Route was effectively closed, after North Macedonia sealed its designated entry point for these people at the border with Greece, upon the unanimous decision of the EU Council.

The EU itself was at a crossroad, torn between its core democratic values and the protection of human rights, the need to reinforce the area of freedom, security and justice in the Union and the need to counterbalance nationalists whose leaders took stances ranging from advocating for ‘stronger nation-states’ at the expense of a weaker Union, down to outright racism.

This migration phenomenon has encouraged some of the right-wing political actors, as well as others in the region to present it as a threat to national interests, using this momentum to promote nationalistic policies, rallying for the ‘defense of the nation.’<sup>137</sup>

We place a particular focus on the case of the Republic North Macedonia, presenting an analysis of the implications of the migration crisis in domestic politics, within the wider context of the Balkan mixed migration corridor, which we call the ‘Balkan Human Corridor.’ We analyze the salience of the country’s role as ‘border-keeper’ in this context, along with the responses of its state and non-state actors.

## **The State of Play, Initial Policy Responses and Reactions of Civil Society**

The registration process of the people arriving at the improvised southern border crossing to Greece started as late as June 2015. Previously, waves of people had been allowed to enter and leave the country unregistered, in addition to the illegal crossings through other entry points in the country. Therefore, the actual number of refugees and immigrants who entered Europe between 2014 and 2015 is much higher than the official numbers, amounting to an estimated figure of over 1 million people.<sup>138</sup>

On August 19th 2015, the Government of the Republic of North Macedonia adopted a decision for declaring a ‘state of crisis’ on the southern and northern border of the country, based on the Law on Crisis Management (‘Official Gazette of Republic of Macedonia’ No.29/2005) due to the influx of refugees in the country. With the Parliament’s decision, the crisis was extended until June 2016 and was further extended until the end of 2016 at a session shortly before the unconstitutional dissolution of Parliament. During October 2016, the Government once again decided to extend the declared ‘state of crisis’ until the end of June 2017.

The country is a party of the Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967.<sup>139</sup> It is also a state party of the 1954 Convention relating to the Status of Stateless Persons and the 1997 European Convention on Nationality.

The basis of the national legal framework for the treatment of refugees and asylum-seekers is the Law on Asylum and Temporary Protection,<sup>140</sup> which was adopted in 2003, and amended in 2007, 2008, 2009, 2012, 2015 and 2016 to fully meet high international standards, in line with the EU. The law governs the conditions and procedure for granting and cessation of the right of asylum to an alien or a stateless person, seeking recognition of the right to asylum, as well as the rights and duties of the asylum seekers and persons who have been recognized the right of asylum (Article 1, Paragraph 1), and governs also the conditions under which the Republic can grant temporary protection as well as the rights and duties of persons under temporary protection (Article 1, Paragraph 2). Furthermore, other laws on the various aspects of the treatment of refugees and asylum-seekers include the Law on Social Protection, Law on Foreigners, the Law on Health insurance from 2010 which regulates the healthcare rights of the persons recognized as refugees, and others.

The Law on Asylum and Temporary Protection defines an asylum seeker as 'an alien who seeks protection in the Republic of Macedonia, and has submitted an application for recognition of the right to asylum, in respect of which a final decision has not yet been taken in the procedure for recognition of the right to asylum' (Article 3, Paragraph 1) and recognizes refugee as 'an alien who, after examination of his claim, has been found to fulfil the requirements set out in the Convention of Article 2 Paragraph 1 of the law, that is, a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or his political opinion, is outside the state of his nationality and is unable, or, owing to such fear, is unwilling to avail himself of the protection of that state, or who, not having a nationality and being outside the state in which he had a habitual place of residence, is unable, or, owing to such fear, is unwilling to return to it' (Article 4, Paragraph 1). Persons under Subsidiary Protection are defined in Article 4-a of the law as 'an alien who does not qualify as a recognized refugee but to whom the Republic of Macedonia shall recognize the right of asylum and shall allow to remain within its territory, because substantial grounds exist for believing that if s/he returns to the state of his/her nationality, or if he is a stateless person, to the state of his previous habitual residence, he would face a real risk of suffering serious harms.'

The main amendments of the Law on Asylum and Temporary Protection, made in 2015 and 2016, were aimed at approximating the law with EU asylum instruments by legislating improvements in the areas of access to territory and asylum procedures, as well as the conditions detaining people that are seeking international protection. Amendments include a procedure for registration of the intention to submit an asylum application at the border, which protects asylum-seekers from the risk of refoulement and allows them to enter and be in the country legally for a short timeframe of 72 hours, before formally registering their asylum application.<sup>141</sup> Therefore, refugees were no longer treated as 'illegal migrants' and they, and the people providing them with transport (at a high price) did not have to be on the run from state authorities, making their transit through the country within the 72 hours' time-frame legal, safe and organized.<sup>142</sup>

Ensuring the rights of asylum-seekers and persons who have been granted the right of asylum is a responsibility of the Ministry of Labor and Social Policy (Article 48 of the Law on Asylum and Temporary Protection). In this regard, in 2008, (North) Macedonia adopted an Integration Strategy for Refugees and Foreigners for the period 2008–2015<sup>143</sup> and a corresponding National Action Plan (NAP)<sup>144</sup>. In this context, the Ministry of Labor and Social Policy, in partnership with UNHCR, established the Center for Integration of Refugees and Foreigners responsible for facilitation of main activities outlined with the NAP. During the crisis two transit centers were in operation (Vinojug near Gevgelija/the border with Greece and Tabanovce near Kumanovo/the border with Serbia) in addition to the older, already operational reception centers located in Vizbegovo and Gazi Baba in the capital Skopje. It is noteworthy to mention that the 2008–2015 strategy was primarily aimed at facilitating the local integration of Roma, Ashkali and Egyptians (RAE) from the region, who were granted international protection, without special consideration for refugees from outside the region.<sup>145</sup> In July 2016, the Ministry of Labor and Social Policy published a Strategy for Integration of Refugees and Foreigners 2017–2027 and the National Action Plan for Integration of Refugees 2017–2027, which caused a significant domestic political disturbance.

A number of bodies of domestic and international character, including the United Nations High Commissioner for Refugees (UNHCR), believe that 'the country does not as yet meet international standards for the protection of refugees, and does not qualify as a safe third country', and even advises 'that other states should refrain from returning or sending asylum seekers to the former Yugoslav Republic of Macedonia, until further improvements to address these gaps have been made, in accordance with international standards.'<sup>146</sup>

While the North Macedonian administration attempted to keep out people trying to cross its border with Greece, 'ordinary citizens mobilized to help the refugees by donating food, clothes and medicines. In the absence of adequate aid or coordinated government support, donations from NGOs and individual volunteers proved life-saving for refugees waiting at the borders.'<sup>147</sup>

'Legis' is one of the few civil society organizations working with migrants and refugees in North Macedonia. Mersiha Smailovikj, one of the founders of Legis, provided a complex picture of the situation in the country back in 2015: 'Macedonia has the dramatic record of 30 migrants hit by trains while walking along the railway lines they used to get their bearings. In most cases it happened in tunnels or on bridges where the victims, even if they saw the train arriving, had no room to get away. As Legis we have been looking for solutions, taking as an example the fact that in Serbia asylum seekers were not dying on the roads because there was a law permitting refugees to travel legally through the country for 72 hours. We applied pressure for the same law to be adopted in Macedonia. From June 19, 2015 a law came into operation authorizing refugees to circulate in the country for 72 hours and use public transport.' She explains furthermore how the country copes with the situation: 'In Macedonia, the state does not run the refugee camps (while Serbia has many) or provide aid to refugees – this is only given by non-governmental organizations. Policemen are not paid overtime. Refugee centers are at present empty because the migrants hurry to leave Macedonia. So Macedonia has, in effect, no expenses. It even earns a million Euro a month from tickets the refugees buy, the price of which has recently doubled. Before the migrants arrived, the trains were empty.'<sup>148</sup>



Legis has published a Public Policy Document on Improvement of Access to Rights and Protection of Refugees and Migrants with Focus on Vulnerable Groups where they had presented their work, their expectations and recommendations.<sup>149</sup>

The North Macedonian President Gjorge Ivanov presented an analysis of the budget costs of the state in the following way: 'the truth is that Macedonia did not receive any financial assistance from the EU to tackle the crisis, while the insignificant equipment received was largely inappropriate and inadequate for the actual needs. State institutions did not receive anything. The only donations as funds were allocated to international organizations and NGOs for the humanitarian aspect of the crisis. The state has no insight in the money. For the deployment of the army and police only we spend over €1.5 million a month. So far, the Republic of Macedonia has spent about €30 million from the budget. The reallocation of €10 million from the Instrument for Pre-Accession Assistance (IPA) funds for 2016, 2017 and 2018 (necessary for European reform of North Macedonia) to deal with the 'migrant crisis' speaks of the hypocrisy of Brussels. It is misleading the public that the Union has met our requirements.'

The Helsinki Committee for Human Rights of the Republic of Macedonia in its Annual report for 2018 indicates that:

'In the Republic of Macedonia, the official number of refugees and migrants present in the camps was relatively low compared to the number of refugees and migrants, men, women and children, traveling on unregulated roads, which has significantly increased compared to last year. Refugees and migrants who travel via on unregulated routes are invisible to the country's protection system and are left solely at the 'mercy' of smuggling crime groups or on their own survival instinct. Regarding the actions undertaken by responsible institutions, an improvement has been noted in comparison to the previous years, especially in relation to the detection and prosecution of the smuggling groups operating in the country. However, in certain instances, responsible institutions have continued the already established practices that are contrary to the principles and standards of human rights prescribed in international documents.'<sup>150</sup>

## The Impact of the Migration Crisis on National Politics

Due to the dramatic internal political crisis, the migrant and refugee issue had only a tributary role on the North Macedonian political scene between 2015 and 2016. The beginning of 2016 created conditions for tensions along the Western Balkan Route, especially when the Visegrad Group of countries (Poland, Hungary, the Czech Republic and Slovakia), together with Austria and Slovenia decided to close the Western Balkans Route, which prompted North Macedonia to follow by shutting down its designated border crossing with Greece and to construct a fence along the Southern border, following the Hungarian and Slovenian examples. These border closures along the Western Balkan Route gave German Chancellor Angela Merkel some maneuvering space, in light of her isolated political position at home and in the EU, due to her welcoming policies for these large numbers of people.<sup>151</sup> Anti-immigrant and islamophobic groups further flared the rise of the populist right in Germany, Austria and Hungary.

The North Macedonian-Greek crossing was in the focus of international attention again in March 2016 when the refugees confronted the border guards at Idomeni, sparking a bilateral diplomatic dispute. Greek President Prokopis Pavlopoulos accused the North Macedonian

authorities of ill treatment of refugees while they were attempting to cut the fence and cross over through the crossing near Idomeni from the Greek side.<sup>152</sup> North Macedonian President Gjorge Ivanov accused Greece of irresponsibly channeling more than a million people, including as Greek Defense Minister Panos Kammenos stated: possible 'jihadists' to Western and Northern Europe.<sup>153</sup>

Tensions decreased when the EU officially decided to close the Western Balkans corridor and the EU-Turkey agreement was reached. The number of migrants passing through North Macedonia as a transit country dropped dramatically.

The North Macedonian political scene lacked a substantial public debate during the peak of this crisis because of three main reasons: the domestic context, the cacophony of opposing positions of the two 'blocks' of EU countries plus the ones from EU institutions, and public opinion.

### **The Domestic Political Context**

The last North Macedonian political crisis started at the beginning of 2015 with a wiretapping scandal, when then opposition leader of Social Democratic Union of Macedonia (SDSM) and later Prime Minister Zoran Zaev publicly released a large number of secretly recorded phone conversations by the Ministry of Interior, which involved the highest-ranking government officials, including the former Prime Minister and leader of VMRO-DPMNE (Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unit) Nikola Gruevski. Following an array of lawsuits, large protests and political struggle, the so-called Przino Agreement was reached, with the assistance of the US and the EU.<sup>154</sup> Nevertheless, the internal turmoil continued, reaching its pinnacle on 27 April 2017 when the North Macedonian Parliament was violently stormed by angry protestors, and many members of Parliament from the opposition were physically attacked, while the police was not intervening for several hours. Therefore, the country was in a state of severe political crisis from the end of 2014 until June 2017 when a new Government was formed with Zoran Zaev as Prime Minister, taking the 'migrant crisis' out of the stage of prime public interest. Certainly, political opponents used the 'migrant crisis' as an opportunity to attack each other but only as attempts to gain public attention as such, rather than manifesting real difference in concepts and ideologies.

The main reason why the theoretically leftist opposition was posturing, rather than actively opposing the government's and the President's decisions, was the strong support of public opinion to the so-called 'protective measures' taken by the state. These meant facilitating a transit of these people through the country as fast as possible in the first stage, while at the later stages, reducing the inflows of people through quotas coordinated with countries to the North along the route, and finally, shutting down the entry as requested by a joint decision of the EU Council.

Within the country, certain actions were rejected by the opposition simply because the governing party suggested them. The main opposition party at that time, criticized the amending the Law on Asylum and Temporary Protection, claiming it would not solve the problem of abysmal conditions in the refugee centers.<sup>155</sup> However, they did not do more to stop or slow down the parliamentary legislative process on this issue. Furthermore, the opposition criticized the decision to build a border fence in November-December 2015, arguing that it will not

solve the problem,<sup>156</sup> but they did not protest against the building the fence once construction started, nor did they go against the decision to build another parallel fence in February 2016. When several NGO's were signing a petition demanding that the fence be removed in March 2016,<sup>157</sup> the conservative media accused Zoran Zaev's SDSM of being behind that initiative,<sup>158</sup> a thesis that seems very far-fetched, as the opposition focused its energy on issues that would bring them more fresh votes, rather than possibly inflicting political damage on itself (as the public opinion polls demonstrate below).

The North Macedonian political scene witnessed the migration crisis (2015–2016) as a horizontal political issue on which the government had no substantial political obstacles, across the party spectrum, to manage the transit of migrants along the short corridor. Ironically, the largest political disturbance related to the migrant and refugee crisis occurred well after the peak of the crisis, and it was used by the opposition party VMRO-DPMNE (which was a governing party during the peak of the crisis) mainly as a short-term proxy issue to spur anti-government sentiment, rather than a substantial policy standpoint.

### The EU Institutions and the Crisis

Different groups of actors- the European Commission (EC), Germany's policies (supported by Greece) and the Visegrad group, emitted messages which were conflicting at worst and dissonant at best. This revealed a striking lack of capacity, cooperation and solidarity, as well as necessary communication between the countries along the route.<sup>159</sup> The EC adopted a plan of action for immediate implementation, on how to cooperate, and what to achieve collectively to better manage the flows of migrants and refugees, especially regarding quotas for receiving asylum applicants, reception capacities and border management.<sup>160</sup> However there was serious push-back by the Visegrad group supported by Austria, Slovenia and Croatia.

The migrants did not consider the countries along the Western Balkan Route as their final destination. However, even as transit stops, Western Balkan countries were trying to limit the number of incoming persons, on the request of some recipient countries at the end of the corridor. As the numbers of people coming through the corridor increased, pressure from the latter group of countries increased, ultimately leading to a domino effect of border closures and increasing restrictions on movement.<sup>161</sup> These countries refused to participate in any proposed mechanism for influx management which made a mutually acceptable solution for migrant management by the EU an even more distant prospectus.

Thus, this crisis has created two 'ideological blocks.' A part of EU member states supported managed migration, which was a German proposal.<sup>162</sup> The other group stood in support to the 'Visegrad Four' that proposed closing borders along the Western Balkan Route.

Hungary at the beginning of September 2015 witnessed thousands of people that were blocked at Keleti train station in Budapest for several days. The Hungarian right-wing government led by Viktor Orban had many attempts to contain and restrain migrants in camps once they entered Hungary. However, the migrants decided to move towards the Austrian border, following the so-called 'March of Hope', as people reclaimed their mobility and filled a two-lane motorway marching westward.<sup>163</sup> Throughout just one weekend, at least ten thousand people arrived in Germany<sup>164</sup> as the events in Hungary pushed the German government to declare, on 5 September 2015, that it would not close its borders to those wishing to seek asylum. Subsequently,

buses were organized to shuttle people from Hungary, across Austria, to Germany<sup>165</sup>. Hungary closed the border to Serbia immediately afterwards, and the migrants were prevented from crossing by a massive fence and an enormous number of security forces. The Hungarian decision to reintroduce border controls forced refugees coming up from Serbia to steer through Croatia which created a politically manufactured humanitarian crisis at the Bapska-Berkasovo crossing on the Serbo-Croatian border in the second half of September 2015.<sup>166</sup>

The state of crisis in summer 2015 in North Macedonia resulted with measures undertaken by the army that was deployed and in November 2015 began to erect a fence along the border with Greece for limitation of migrant influx. The bilateral tensions between Greek-North Macedonian relations were a reflection of the divisions between the so-called 'Merkel vs Orban' positions. They were also reflected at other points of bilateral conflicts along the Western Balkan corridor, such as the Serbian-Croatian tensions.

At the beginning of 2016, the Schengen Area was under intense pressure and some border controls, albeit partially, were restored.<sup>167</sup> Austria and Slovenia supported the block which advocated for the closure of borders along the Western Balkan Route, receiving support by the President of the European Council, Donald Tusk.

Western Balkan countries increasingly coordinated migrant policy and action, both logistically and politically. In November 2015, Croatia, North Macedonia, and Serbia took their first joint restrictive measure; they began to allow transit only to migrants from Syria, Afghanistan, and Iraq. This was a result of Slovenia's request to redirect migrants from non-war-torn countries back to Croatia.<sup>168</sup>

Restricting the numbers of migrants became a trend at the beginning of 2016 in many countries throughout the EU. Slovenia and Croatia adjusted their policies and introduced restriction on migrants by limiting entry only to those who intend to seek asylum in Austria and Germany.<sup>169</sup>

Austria put a cap on the number of refugees: it limited the number of asylum claims to 37,500 in 2016, and a total of 127,500 up to 2019. The latter number represents 1.5 percent of Austria's population of 8.5 million.<sup>170</sup> Afterwards, Austria decided to limit the number of new arrivals, created a plan for repatriating over 50,000 asylum seekers of three years and to construct new fences along its border with Slovenia. Finally, in February 2016, Austria introduced new measures for limiting the number of asylum applications to 80 per day<sup>171</sup>, and the number of transits to Germany to 3,200 per day. This measure followed the meeting between the heads of police services of Austria, Croatia, North Macedonia, Serbia and Slovenia in Zagreb, whereby collaboration was reached to significantly reduce migration flow to the greatest possible extent<sup>172</sup>. This was an introduction to the closure of the Western Balkans Route. At this meeting several other measures were adopted, such as standardization of migrant registration (unification of form and procedure) and allowing entry only on the basis of refugees fleeing war zones and in need of international protection (basically refugees from Iraq and Syria).

Following these decisions, North Macedonia passed new controls that restricted Afghan refugees from crossing its border. As well, Iraqis and Syrians would now be subject to further regulations, which included language tests to try to determine the person's city, region and country of origin.<sup>173</sup> North Macedonia explained these heightened measures as a response to the decisions taken by countries further along the route.<sup>174</sup>

North Macedonia decided to construct a second fence along the border on February 8, 2016.<sup>175</sup> It was positively accepted by the countries of the Visegrad Group that offered their support for the country and sent police forces in late 2015 to the border with Greece, making a paradoxical case of policemen from several EU states protecting a border crossing from the side of a non-EU state from people coming from a EU and Schengen zone state.

Austria hosted a summit in Vienna at the end of February 2016 for the ministers of foreign affairs and ministers of interior of Austria, Slovenia, Croatia, and the Western Balkan countries. Greece was not invited, and in a clear sign of diplomatic protest, it called its Ambassador back to Athens on consultations. Official Athens also added that this meeting was 'unfriendly and anti-European'.<sup>176</sup> The European Commission also criticized the restrictions along the Balkan Route 'as unlawful and contrary to an EU-wide approach.' Austria's foreign minister, on the other hand, heavily criticized Germany's refugee policy, calling it contradictory. 'Last year, Austria accepted per capita twice as many asylum applications as Germany,' Austrian Foreign Minister Kurz said, adding that 'it won't happen a second time.'<sup>177</sup>

That dramatic period was also marked by a meeting of EU interior ministers in Brussels to discuss the crisis, at which point the EU Commissioner for Migration warned that, 'the EU has ten more days to reduce the number of migrants or else there is a risk the whole system will completely break down.'<sup>178</sup> The following days Slovenia capped the number of migrants allowed to enter the country at 580, a step followed by Croatia and Serbia. In the last days of February 2016, there were approximately 500 new arrivals in North Macedonia. The new entry restrictions quickly aggravated the already tense situation at the Greek-North Macedonian border, which culminated in protests on 29 February 2016. Migrants stranded on the Greek side of the border broke the barricade and were quickly barraged with teargas by the North Macedonian police.<sup>179</sup> During the following days the border was entirely closed, giving impetus to the EU-Turkey summit, and the official shut down of the Western Balkan Route, with a unanimous vote of the EU Council.

After the closure of the Western Balkan Route, inflows were significantly reduced. The International Organization for Immigration reported that 172,000 migrants reached Europe by sea in 2017 compared to 363,000 in 2016.<sup>180</sup>

The EU Council's request for the closure of the North Macedonian-Greek designated crossing point gave the domestic managers of the processes a solid political and societal legitimacy, that they have done an efficient job in implementing an important requirement of the EU, much to the distaste of liberal political and academic circles throughout Europe.

### Public Opinion and Media

At the peak of the crisis, in October 2015, a survey conducted by the Institute for Political Research – Skopje (IPRS), showed that the majority of respondents (66.2 percent supported it, while 25.4 percent opposed) supported building a fence on the southern border.<sup>181</sup> Additionally, citizens of North Macedonia evaluated EU's handling of this crisis as highly negative, as reported by the public opinion poll of the International Republican Institute from January 2016, when 59 percent of the respondents answered that the effects of EU's handling of the crisis on North Macedonia are negative. That same poll also showed that 28 percent of the respondents thought that the government is providing 'too much support to refugees', while

another 37 percent responded that the government support is 'sufficient.'<sup>182</sup> According to Balkan Barometer 2017: Public Opinion Survey,<sup>183</sup> only 7 percent of the Macedonians viewed refugees as the most important problem that Southeast Europe was facing at that moment. This is a significant drop, compared to the Balkan Barometer 2016: Public Opinion Survey,<sup>184</sup> according to which 18 percent of the North Macedonians believed that refugees were the most important problem, which was more than four times more than the regional average of 4 percent. In general, the 2017 survey concludes that attitudes towards refugees are less hostile than before.

The regional average shows that the proportion of the population with a negative (40 percent) and a neutral (41 percent) attitude towards refugees is equal. Compared with 2015, when the problem of refugees was significantly more relevant, there has been a change in attitude towards them: the number of those who regard them as a threat to their economy has decreased (from 47 to 40 percent). Nevertheless, according to the 2017 survey, North Macedonia was the only country where a majority of respondents found that refugees had a negative impact on the economy. In North Macedonia, 57 percent of the population gave negative responses to the question 'What do you think about refugees coming to live and work in your city? Is it good or bad for your economy?', compared to Albania with 29 percent, Kosovo with 17, Bosnia and Herzegovina with 44, Montenegro with 37, Croatia with 43, and Serbia with 47 percent. Only 8 percent believed that refugees are good for the economy, whereas 29 percent were neutral. In 2015, 66 percent had considered the arrival of migrants to be bad for the economy.

Furthermore, the survey established respondents from North Macedonia as the least supportive of affirmative government action in favor of displaced persons and refugees. Only 47 percent of the respondents from North Macedonia agreed that the Government should provide affirmative measures to promote opportunities for equal access of displaced persons and refugees, whereas this number was 74 percent in Albania, 89 percent in Kosovo, 82 percent in Bosnia and Herzegovina, 75 percent in Montenegro, 67 percent in Croatia, and 71 percent in Serbia. Similarly, only 43 percent supported affirmative measures for displaced persons and refugees when applying for a public-sector job, compared to Albania with 68 percent, Kosovo with 79 percent, Bosnia and Herzegovina with 81 percent, Montenegro with 71 percent, Croatia with 54 percent, and Serbia with 64 percent. Furthermore, North Macedonia had the lowest support for better housing conditions for displaced persons and refugees compared to the other countries of the region. Only 51 percent believed that the Government should do more in order to ensure better housing conditions, compared to Albania with 77 percent, Kosovo with 90 percent, Bosnia and Herzegovina with 84 percent, Montenegro with 72 percent, Croatia with 61 percent, and Serbia with 65 percent.

Such negative public perceptions of migrants and refugees are tied to the characteristics of the country's political culture, and thus are highly resistant to snap changes. Luckily, North Macedonia does not have significant far-right populist movements which would actively work on spreading anti-migrant sentiments and propaganda.

As Marina Tuneva notes, during this crisis, the media poorly fulfilled its role to publish and broadcast relevant, topical news while also reflecting on the actions of government. 'Media covered and interpreted the events in ways that revealed deep political divides within their ranks. Reports by outlets on one side of the divide could be seen as legitimizing government policies and helping spread the message that refugees did not belong in the country'. 'On

the other side, several media outlets voiced criticism of the government's policies towards refugees, while presenting the main problem in the frame of humanitarian crisis and the suffering of the refugees. Human-interest stories in these outlets in effect called for vulnerable groups to be helped. These media to some extent presented the views of civil society, unlike the pro-government media which portrayed NGOs mostly as groups that opposed the government's efforts to deal with the crisis and contributed to the endangerment of national security. Media in both groups, however, often ran news articles that lacked information needed for a good understanding of the context.<sup>185</sup>

### **The Strategy for Integration of Refugees and Foreigners 2017–2027 and the National Action Plan for Integration of Refugees 2017–2027**

Ironically, the largest political disturbance related to the migrant and refugee crisis occurred well after the peak of 2015–2016. Namely, the new North Macedonian Government led by SDSM, i. e., the Ministry of Labour and Social Policy, drafted the Strategy for Integration of Refugees and Foreigners 2017–2027 and the National Action Plan for Integration of Refugees 2017–2027, which were presented to the general public for comments before the final version was approved by the Assembly. According to the Ministry, the Strategy was drafted in coordination with UNHCR and other relevant institutions. It was aimed at dealing with four significant areas for asylum seekers: housing, education, employment, and integration, revising shortcomings of the previous strategy and improving the integration process.

The draft Strategy and Action Plan were met with severe antagonism from VMRO-DPMNE, the leading opposition party. It accused the ruling SDSM of threatening the overall security, the economy and the health system of the country with the permanent settlement of 150,000 to 200,000 migrants on its territory. 'These strategic documents will mean enormous costs totaling billions of Euros in the next ten years for accommodation and construction of buildings and settlements for migrants. That means enormous costs in the field of employment, social programmes, and funds that North Macedonia does not have any resources for.' stressed VMRO-DPMNE MP Vlatko Gjorcev, adding that North Macedonia would be transformed from a transit country into a final destination for refugees.<sup>186</sup> Furthermore, the VMRO-DPMNE pointed out that granting citizenship to tens of thousands of migrants and their permanent settlement would cause serious distortion of the labour market and significantly worsen the already difficult situation regarding the high unemployment, which has forced many North Macedonian citizens to move to other countries in order to secure work and livelihood.<sup>187</sup>

The Government categorically disputed these accusations, claiming that VMRO-DPMNE was trying to halt reforms by unfounded accusations and false news. According to SDSM, the Strategy was based on international standards and the Convention on the Rights of Refugees, which North Macedonia has ratified. The party said it had a document that serves as a road-map and contains no binding acts concerning any ministry or institution. According to SDSM, 'the draft Strategy, which VMRO-DPMNE is abusing in its attempt to fuel fear and scare the citizens, is just a continuation of the same strategy for the period 2009–2015, adopted by the former government led by VMRO-DPMNE'.<sup>188</sup> Furthermore, SDSM pointed out that the number of migrants interested in permanently settling on the territory of the Republic of North Macedonia was negligible. Official statistics support this stance. Namely, the Helsinki Committee recently published a report stating that, in the Republic of Macedonia, in the period from 2015 to June 2017, a total of 2243 requests for granting the right to asylum had been

submitted by 2,717 persons, only five of which had been granted official refugee status, and only 11 subsidiary protection.<sup>189</sup> This shows that North Macedonia is merely a transit country for refugees, and hardly a country of final destination.

The public debate regarding the Strategy and the Action Plan instigated numerous instances of xenophobic hate speech towards refugees, and several civic initiatives organizing citizens petitions against migrants were set into motion. These civic groups were inspired and exploited by political forces in their populist hunt for votes. Furthermore, following the deadline for submitting comments on the Strategy and the Action Plan, the Ministry of Labour and Social Policy reported that it had received identical comments from several VMRO-DPMNE-led municipalities, stating that accepting refugees and foreigners in North Macedonia 'will destabilize the region and the country as a whole.'<sup>190</sup>

The opposition's disapproval of the Strategy culminated when VMRO-DPMNE filed an interpellation motion against Minister of Labour and Social Policy Mila Carovska, who, according to VMRO-DPMNE, had consulted neither citizens nor municipalities when drafting the strategic documents.<sup>191</sup> The interpellation did not pass in the Assembly. As the local elections scheduled for 15 October 2017 were approaching, twelve VMRO-DPMNE-led municipalities announced their decisions to call for a referendum for the citizens to voice their opinion regarding a permanent settlement of migrants in their respective municipalities. The decisions of the municipalities to hold referendums were annulled by the State Inspectorate for Local Self-Government Units.<sup>192</sup>

It is noteworthy to mention that, even though the Ministry of Labour and Social Policy initially planned for the Strategy for Integration of Refugees and Foreigners 2017–2027 and the National Action Plan for Integration of Refugees 2017–2027 to be adopted by the end of 2017, they have not been approved by the Assembly to this day.

### **Nationalist Backlashes in the East and West**

The crisis has affected national politics along the Balkan migrant and refugee corridor and European politics in general, creating a momentum to present the wave of migration as a threat to national interests and ideals, cultural attitudes, social structures and demographic balance.

As Charles Kupchan states, Europe has 'historically embraced more ethnic than civic approaches to nationhood, unlike the United States.'<sup>193</sup> This is clearly visible during the 'migrant crisis' when leaders of Eastern European states like Hungary, Poland, Slovakia, and the Czech Republic have all expressed a strong preference for non-Muslim migrants.<sup>194</sup> Slovakia came out with a statement that it will only accept Christian arrivals and that Muslims should not move to Slovakia because they will not integrate easily with the country's majority Christian population.<sup>195</sup> This wave of statements was additionally encouraged by Hungary, whose Prime Minister Viktor Orban said that his country did not want to accept Muslim refugees and he did not want to create an impression that Hungary is ready to accept everybody. According to Orban, 'the moral, human thing is to make clear: please don't come.'<sup>196</sup> Poland was one more country in a row that encouraged Syrian Christians to apply for asylum because 'religious background will have impact on the refugee status applications.'<sup>197</sup> The selection of migrants based on religion as main criteria is an openly discriminatory policy, and a strong indicator



of the growing nationalism. The issue about Muslim migrants was one of the key topics for debate at national elections, debating on 'how many people should be accepted' and what the most suitable EU mechanisms for dealing with the crisis are.

The 2016 French presidential elections were affected by the 'migrant crisis', strengthening the position of Marine Le Pen's National Front. Even incumbent French President Macron stood for controlled migration.

The pressure over this issue made changes to German policies, which initially promoted its 'welcoming culture' for the migrant policies. In later stages, in order to avoid the breakup of government 'due to immigration fight' with her coalition partner, Chancellor Angela Merkel reached a compromise on immigration policy with Christian Social Union (CSU). The deal proposed new screening at the Germany-Austria border to 'prevent asylum seekers whose asylum procedures are the responsibility of other EU countries from entering the country.' A network of 'transit centers' would serve as processing points from which ineligible migrants would then be sent back to relevant countries, but only if those countries consent. If those countries do not agree, Germany's rejected migrants would be sent to Austria, 'on the basis of an agreement.'<sup>198</sup> Certainly, this 'deal' had to do much more with political maneuvering and crisis public relations than substance. Germany's so called 'open door policy' maintained cautious support at the last elections in 2017, although damaged on its right flank. Chancellor Angela Merkel at her first speech at the beginning of latest mandate said that 'there is no question that Germany is historically Christian and Jewish. It is also true that Islam has in the meanwhile become part of Germany', acknowledging that some Germans find that hard to accept.<sup>199</sup>

The Italian elections campaign of 2018 was heavily based on narratives connected to migration and refugees. The former Prime Minister Silvio Berlusconi claimed that there are 600,000 illegal migrants living in Italy who are a 'social time bomb',<sup>200</sup> promising mass deportations. The new Italian government mounted heavy criticism 'to Brussels' for the way it dealt with the 'migrant crisis', promising to roll back liberal policies and 'take back control' over the migration movements through its land and seas.

Generally, the 'migrant crisis' has created numerous divisions along Europe. It affected internal divisions in the European states and activated populist parties. After the 'empty chair' crisis in 1965 and the Euro crisis in 2009, the issue of these mixed migration flows has created the deepest divisions between EU Member States. The political leaders aimed to preserve the 'core European values', disagreeing on the hierarchy of values in need of protection and the methodology how to proceed, even if something is vaguely agreed.

Nevertheless, it is interesting to explore the different historical experience with immigration in post-communist countries compared to Western member states of the EU. After World War II, Western European countries took in large numbers of non-Christian migrants from multiethnic backgrounds, particularly from former colonies. France saw an influx of Algerians fleeing the civil war from 1954 to 1962. In Britain, immigrants arrived from the Indian subcontinent and the Caribbean. In general, from the 1960s onward, the majority migrants to Western Europe came from outside the Continent, including people arriving as guest workers.<sup>201</sup>

Post-communist countries, on the other hand, historically have had fewer migrants of diverse ethnicities, religions and cultures. And since the collapse of the Berlin Wall, there have been no large waves of non-European migrants to Eastern Europe.<sup>202</sup> These circumstances affected

the population of Eastern Europe to have less contact with people from different ethnic, linguistic, religious and cultural backgrounds, making populist parties sound 'relevant' when presenting migrants as a 'serious threat for the counties and its nations.' What none of these populists can answer is how their societies will maintain the demographic power for their needed economic and societal development, in the context of their rapidly aging populations and galloping brain-drain towards the West.

The second reason anti-immigration parties have a stronger presence in post-communist Europe is that those parties typically reject liberal social values that are more prevalent in Western member states and instead support Christian-based values.<sup>203</sup> The re-emergence of these values in politics is related to the fall of the communist ideology, a sacred victory for these newly re-established democracies.

As Ivan Krastev says, just three decades ago 'solidarity' was the symbol of Eastern Europe.<sup>204</sup> Today it suffers from disappointment, distrust, demography and democracy. He points out that 'faced with an influx of migrants and haunted by economic insecurity, many Eastern Europeans feel betrayed by their hope that joining the European Union would mean the beginning of prosperity and an end to crisis, while many government leaders fear that the only way to regain political support is by showing that you care for your own, and not a whit for the aliens.'<sup>205</sup> So, at the core of moral panic provoked by influx of migrants lies fear of Islam, terrorism, rising criminality and a general anxiety over the unfamiliar. In addition to this, as Krastev points out, the demographic panic is one of the least discussed factors shaping Eastern Europeans' behavior because the alarm of 'ethnic disappearance' could be felt in many of the small nations of Eastern Europe.

To paraphrase Krastev, while the issue of large influx of people politically divided Western European societies, the very same issue united many in Central and Eastern European states against the prospects of these people coming to their countries. Whereas one in seven Germans found a way to volunteer or assist the people coming in their country, many of the latter group of countries saw volunteers for the exact opposite.<sup>206</sup>

## Conclusions

The 'migrant crisis' of 2015–2016 has created numerous internal and external divisions in countries along the corridor, from its starting points, up to the receiving end in Europe. These divisions have been manipulated to the effects of strengthening of populist forces that are threatening the core values of the European Union. The clear divisions among member states of the Union on this issue point to deeper cleavages in political cultures, with strategic consequences, and a continuing cacophony about which political values take precedence, highlighting competing visions for the future of the EU.

These anti-immigration sentiments gave wind in the sails of nationalists in the EU, sending along signals to their Western Balkan counterparts to follow suite. The phenomenon of migration was presented as a threat to national identity, interests and ideals, cultural attitudes, social structures and way of life. Such sentiments and policies, in general, have stronger standing in post-communist countries compared to Western EU member states. This became clearly visible when leaders of Eastern European states like Hungary, Poland, Slovakia, and the Czech Republic all expressed distaste for receiving these people, whereas for the numbers that they would agree to host, a strong preference for non-Muslim migrants was openly displayed.

The (North) Macedonian political scene witnessed the migration crisis (2015–2016) as a horizontal political issue on which the government had no substantial political obstacles, across the party spectrum, to manage the transit of migrants along the short corridor. Ironically, the largest political disturbance related to the migrant and refugee crisis occurred well after the peak of the crisis, and it was used by the new opposition mainly as a short-term proxy issue to spur anti-government sentiment, rather than a substantial policy standpoint.

Regarding the media, as Marina Tuneva notes, 'very little attention was given to the background of stories or to push factors that were driving the population flows. A paucity of information from state bodies, lack of human resources, and journalists' lack of specialized knowledge and experience have been mentioned as some underlying causes of these defects ... the capacity of Macedonian media to provide quality journalism in general is hampered by heavy influence from powerful political and economic actors, including the government. These factors, together with the commercialization of the media, combine to worsen the overall very sick state of Macedonian journalism.'<sup>207</sup>

Public opinion which is a reflection of the country's political culture maintains a frightened and uninformed view on incoming migration, a topic on which all political and societal stakeholders need to address with an honest, analytical and objective approach, breaking harmful stereotypes, prejudice and daily propaganda.

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# Chapter 5

Permanently in Transit.

Middle Eastern Migrants  
and Refugees in Serbia

**Armina Galijaš**



## Abstract

Serbia has never been the chosen final destination for refugees from Iraq, Syria and other beleaguered countries like Afghanistan, which have embarked on the so-called Balkan route since 2015. But following the closure of this route in March 2016, between 3,500 and 4,500 migrants have found themselves living in Serbia. This chapter analyses the composition and changing size of the migrant population, looking at the legal status of individuals and migratory paths taken. It moves on to examine reactions to the migrants by the state authorities and the Serbian public, together with the institutional response manifested in legal measures and infrastructural facilities, as well as, the political context in which related decisions were taken. Specific attention is given to the situation of refugee children, who attend state schools in Serbia. The analysis reveals a pragmatic and quite flexible administrative response to the refugees' situation. However, the remarkable level of tolerance is largely related to awareness that the great majority of those stranded in Serbia are doing everything in their power to continue their journey into central and northern Europe – that is to leave Serbia.

## Introduction

From 2015, until the corridor was blocked in March 2016, nearly 700,000 people from the Middle East travelled along the so-called Balkan route from Greece to central and northern Europe. Though the Balkan route was formally closed, this should not be taken to imply a complete barricade of the Western Balkans: numerous paths continue to exist despite restrictive movement policies. It was a specific, state-controlled route that had emerged in mid-2015, and which wound its way through North Macedonia and Serbia to the European Union (EU), that was officially closed after the EU-Turkey Agreement in March 2016. The existence of this special route had allowed for a 'partial suspension of the European migration regime, signifying that people otherwise not authorized to do so could exceptionally travel across a number of borders in a relatively safe and quick manner'. Since the authorities put an end to this 'safe and quick manner', several thousand of migrants have been stranded in Serbia, without realistic possibilities of continuing their journeys in a legal way.<sup>208</sup>

In this chapter, I firstly attempt to give an accurate picture of the size of this migrant population and to shed light on its composition in terms of nationality, gender, and age. Next, I explore the migrants' situation in Serbia and the reaction of the host society. In trying to cope with the 'refugee crisis', Serbia is very much learning the hard way – though experience. The country has chosen a more humane way of dealing with migrants than have its neighboring countries Bulgaria and Hungary. A lot of questions can be asked about this stance.

1. To what extent have the state authorities' decisions been affected by Serbia's process of rapprochement with the EU? Do they come from the Serbian legislature itself?
2. Does Serbia's policy influence migration into the country? Why, for example, did a relatively high number of migrants from Iran register in Serbia in 2018?
3. Were there specific Serbian foreign policy acts related to migration?

As well as, addressing such policy questions, I illustrate the very practical ways in which the state has been prepared to shelter, nurture and help migrant people. The role of the numerous NGOs working in this policy and social field is also considered. It is significant that, since September 2017, most migrant children have been attending state schools. In a micro case study, the article explores how local communities have interacted with the newcomers.

At the height of the 'refugee crisis' in 2015 and 2016, fairly intensive research efforts were made, on which this study builds. The dynamics of the Balkan route have been explored ethnographically in two sample places, Preševo and Ljubljana.<sup>209</sup> Scholars have investigated the emergence and closure of the route and its legal and political ambivalences. They have exposed the 'violent European border regime' that prevailed.<sup>210</sup> North Macedonia and Serbia were deeply implicated in this regime, though, before the corridor was established, they had veered between humanitarian efforts and concern with securitization.<sup>211</sup> There have been analyses of civil society organizations with a focus on attempts made at cooperation with the authorities in 2015; and Serbian migration legislation and politics have been explored in terms of how they produce migrant 'illegality'.<sup>212</sup> One consequence of this illegalization process has been the replication of borders far away from the actual state border.<sup>213</sup> Between 2015 and 2017, organized responses to the migration movements were transformed through a policy of 'learning by doing' which was adapted to local situations.<sup>214</sup> During the 'long migration summer' of 2015, the Hungarian and Serbian governments embarked on increasingly different policy paths.<sup>215</sup> In Serbia, there has been a great deal of attention paid to questions about human rights, the asylum system, and unaccompanied minors.<sup>216</sup> Last, but not least, the 'refugee crisis' has been linked analytically to the migrant situation before this surge occurred.<sup>217</sup>

I build on this body of research and focus on the situation that has existed since the closure of the Balkan route, and especially on developments in 2018. This period of aftermath has been characterized by the finding of alternative routes, reduced migration flows, and a longer retention of people on Serbian soil. The questions I address in my discussion of these new circumstances include:

1. How has Serbia acted since the borders were closed?
2. Has there been a change in the legal status of the migrants?
3. How has interaction between the state and the variously involved NGOs developed, and how strong is the state's dependence on these numerous organizations and their financial and human capacities?
4. Has longer retention of migrants had an effect on the hospitality shown by the host society?
5. With thousands of migrants staying within its borders for more than a year, is Serbia continuing to be no more than a transit country?

The empirical basis for what follows consists of twelve semi-structured interviews conducted with different stakeholders and representatives from participating NGOs, and fourteen informal interviews with migrants, all of which took place between 23 February and 26 April 2018 in greater Belgrade. The first of these were at the Rade Drainac primary school in Borča, a suburb just to the north of Belgrade. Those present were the school principal, Slavica Zajić Smiljanić, the teaching supervisor, Marina Todić, and a social worker seconded to the school. After that, I had the help of an interpreter, Snežana Mottaghi, while I talked informally with seven Farsi-speaking students, mostly from Afghanistan. Marina Todić participated in these interviews.

In March 2018 an interview with Hans Friedrich Schodder, head of the United Nations High Commissioner for Refugees (UNHCR) in Serbia was conducted, along with Mirjana Milenkovski from the UNHCR public information unit, at the organization's headquarters in Belgrade. Additionally, interviews were conducted with Nataša Markovska from the non-governmental Ecumenical Humanitarian Organization (*Ekumenska humanitarna organizacija*, EHO), a Christian organization focusing on poverty reduction, the development of inter-church cooperation, the promotion of human rights, and the building of a cohesive civil society in Serbia; with Stevan Tatalović, an information officer at the NGO Info Park, a refugee centre in Belgrade specializing in protection, information, communication, and education services, and at the national level a researcher for the International Centre for Migration Policy Development (ICMPD); and with Vladimir Lukić, a social worker at the Asylum Centre in Krnjača, an urban development adjacent to Borča, (also in greater Belgrade). In the course of a one-day visit to this asylum centre, I interviewed seven migrants. In April 2018, I spoke informally with representatives from several different NGOs: Samuel Horn from Refugee Aid Serbia, Marija Tomić from the Ana and Valde Divac Foundation, Senka Škero Koprivica from the Belgrade Centre for Human Rights, Jana Stojanović from the Asylum Protection Centre, and Snežana Mottaghi from the Swiss Adventist Development and Relief Agency (ADRA).

In addition to this material, UNHCR reports were used, and documents from the following organizations: the Commissariat for Refugees and Migration, Serbia; Médecins Sans Frontières; Amnesty International; the International Rescue Committee; the Serbian Ministry of Education, Science and Technological Development; and the United Nations Development Programme. Finally materials were consulted from several regional non-governmental and civil society organizations, such as the Belgrade Centre for Human Rights; Info Park; Atina; Are You Syrious?; the Asylum Protection Centre; Group 484; Refugee Aid Serbia; and the Ana and Vlade Divac Foundation.

## The Size and Legal Status of Serbia's Migrant Population

Most migrants did not perceive Serbia as their country of asylum. Even if they have sometimes lived in the country for years, they see it as a place of transit. On 30 December 2018, according to the UNHCR, there were 4,468 refugees, asylum-seekers and migrants in Serbia. Of these 94 percent (4,205 individuals) were accommodated in sixteen centers administered by the Serbian government.<sup>218</sup> Besides these, there were inner city facilities in Belgrade accommodating migrants, almost exclusively men, who had recently arrived. The inner city is the first stop both for those who seek accommodation and registration, and for those who do not want to be registered and intend to move about irregularly.<sup>219</sup>

The same source records over 206 migrants, again mostly men, known to be living outside the centers. These included some hundreds in Belgrade city, and smaller groups near Serbia's borders with Croatia, Hungary, and Bosnia and Herzegovina. The number of new arrivals is currently a few hundred per week; in November 2018, the UNHCR and its partners counted 788 newly-arrived migrants in Serbia. Up to the autumn of 2018, most came from Iran, but this seems to have been a temporary trend directly linked to the abolition of the visa requirement for Iranians and the introduction of direct flights from Tehran to Belgrade three times a week. The pattern changed after 8 October 2018, when the Serbian government decided to reintroduce visas for all those coming from the Islamic Republic of Iran. A month later, the

most numerous newly-arriving migrants came from Afghanistan (44 percent), Iraq (21 percent), and Pakistan (9 percent)<sup>220</sup>. This compares with the August 2018 figures of Afghans (37 percent), Pakistanis (17 percent), Iranians (24 percent), Iraqis (9 percent), Bangladeshis (6 percent), Syrians (1 percent), and migrants from other countries (6 percent).<sup>221</sup>

Most migrants coming to Serbia continue to arrive via North Macedonia and Bulgaria.<sup>222</sup> Although Bulgaria is an EU member, migrants do not perceive it as an end destination. They are wary of that country's alleged pushback policy, whereby migrants have frequently been stopped at the state borders and forcibly turned back, sometimes with excessive use of force.<sup>223</sup> For Serbia, monthly arrivals of less than 1,000 migrants per month (as these now are) seem manageable, compared to the situation in September 2015, when up to 12,000 people arrived daily. It is possible to offer rudimentary humanitarian aid to those who need it. When the so-called Balkan route was closed to all except those of Afghan, Syrian and Iraqi origin – and a later on to Afghans too – migrants in increasing numbers were left stranded along the route.

What of those left stranded in the Republic of Serbia? According to circumstances, they can be granted different types of legal status. Migrants who come of their own volition and those who arrive involuntarily or as a result of persecution are differentiated. If the authorities determine that any asylum-seekers' fear of persecution in their state of origin is justified, formal refugee status is granted. At a lower level, incomers can be granted two other forms of protection: 'subsidiary protection' and 'temporary protection'.

The UNHCR office in Yugoslavia was opened in the late 1970s, and until 2008 it carried the sole responsibility for deciding who could be granted refugee status in Yugoslavia, later on Serbia. During this span of thirty years, no one receiving protection from this office remained in Serbia: all moved to the United States, Canada and Australia. Thus, it was possible to apply for asylum in Serbia, but not to stay there.

In 2008, with the implementation of a new Law on Asylum, the Border Police Department took over the mandate from the UNHCR.<sup>224</sup> As Senka Škero Koprivica from the Belgrade Centre for Human Rights points out, about one hundred people have been granted asylum since this change.<sup>225</sup> Some 59 individuals have been granted subsidiary protection, and 44 allotted refugee status.<sup>226</sup> There is a huge discrepancy between the number of people applying for asylum and those who have been successful in their application: '[T]wo people were granted asylum and one person subsidiary protection out of 74 who submitted an official request,<sup>227</sup> it was said; and 'even many of those who receive refugee status in Serbia, leave the country'.<sup>228</sup>

Problems begin one administrative step back. Effectively, most migrants from the Middle East do not even get to the stage of applying for asylum. Instead they must express an 'intention to seek asylum', upon which they receive the status of 'migrant in transit'. When the Law came into force in 2008, only 77 persons registered with an 'intention to seek asylum'; by 2015 this number had increased to 577,995. This form of registration is a necessary first step for migrants in Serbia if they want to get any kind of support. They can express their 'intention' orally or in writing to any police officer or competent official of the Ministry of the Interior at a border checkpoint or within Serbian territory. In doing so, they receive a 'certificate of expressed intention to seek asylum'. The officer collects the individual's personal and biometric data, takes an ID photo, enters all this into electronic databases, and sends the person to one of the asylum centers.<sup>229</sup> This procedure was first devised in 2015 in Preševo/Preshevë, a town in southern Serbia near the border with Kosovo and with what has recently been renamed

North Macedonia. According to a UNHCR employee, it all came from ‘learnin by doing’ and included a lot of improvisation.<sup>230</sup>

Any ‘confirmation about intention to seek asylum’ issued by the police does not mean that the procedure leading to the granting of asylum commenced. On the contrary: people who have been granted this preliminary status cannot apply for asylum on their own initiative. They have to wait for staff from the asylum office to contact them. The result is an administrative blockage, only increased by lack of communication between the different levels of authorities. Serbia’s aspirations to become a member of the EU and fulfil the conditions required has led to the adoption of a law and the implementation of non-comprehensive practices. Clearly local institutions and their personnel have not been adequately prepared.<sup>231</sup>

The majority of refugees and other migrants in Serbia – all those who have registered and claimed ‘intention to seek asylum’ but have not yet been admitted to any proper application process for asylum – are allowed to stay in reception centers only for the first fifteen days after their arrival. In practice, despite the stipulations of the current law, they continue to receive services and aid, although there is no legal framework governing their rights and status.<sup>232</sup> So they arrive as ‘illegal’, become ‘legal’ for fifteen days, and then become ‘illegal’, or ‘tolerated’, again.<sup>233</sup> After their first fifteen days in Serbia they are treated as ‘migrants in transit’, assumed to be on their way to destinations in the EU. In reality, however, this ‘transit’ is slowed to a standstill. Many ‘migrants in transit’ have been in Serbia for more than a year<sup>234</sup> – and this despite the fact that almost none of the incomers since 2015 has actually wanted to stay. This is not where the migrants had planned to seek international protection when they fled their countries of origin. Thus, their intentions coincide with the Serbian authorities’ aim to administer Serbia as solely a transit country.<sup>235</sup>

### **‘Pushback’ and ‘Game’, or How Migrants Move In and Out**

With rare individual exceptions, almost the only legal way to enter the EU from Serbia is by way of transit zones into Hungary. Two of these are located along the Serbian border, in the towns Tompa and Röszke, near Subotica (Serbia) and Szeged (Hungary). Here, in December 2018, the number of migrants the Hungarian authorities admitted was just twenty – the lowest number of admissions since Hungary closed its borders to Serbia on 14 September 2015 by erecting a fence, a move backed up by the closure of the Balkan route in March 2016.<sup>236</sup> The subsequent dwindling of admissions has been documented by the Hungarian Helsinki Committee: throughout 2016 twenty to thirty individuals were admitted through each of the two transit zones per day; from November 2016 it was ten; in 2017 only five; and since 22 January 2018 Hungary has reduced the quota further to one person in each transit zone per day – a total of just ten per week.<sup>237</sup>

This reduction has been made according to what is called the ‘Hungarian list’ a list issued by the Hungarian authorities containing the names of those migrants who have been admitted to asylum procedures and are permitted to enter Hungary. All asylum seekers wishing to be put on this ‘Hungarian list’ need to be registered in one of the asylum centers in Serbia and must then wait there until it is their turn to be considered. Among the various criteria that determine who is allowed access to the transit zones, time of arrival in Serbia and extent of vulnerability are among the most salient.<sup>238</sup>

It is officials at the Serbian Commissariat for Refugees who are responsible for filling in the list. During the wars in the former Yugoslavia, the remainder states Serbia and Montenegro united to become, for a while, the 'Federal Republic of Yugoslavia'. In 1992 this republic adopted a special Law on Refugees. It was mainly concerned with the admission of people from the other Yugoslav republics, and provided for their accommodation, necessary aid, and general humanitarian support. The Law was *not* concerned with determining the legal and administrative status of refugees and internally displaced persons (IDPs) who might be admitted. The Commissariat for Refugees emerged at that time as the most prominent national organization dealing with these issues, while the UNHCR, operating in Belgrade since the 1970s, has seen to asylum procedures within Serbian territory itself according to its mandate.<sup>239</sup>

The Hungarian border authorities use their 'Hungarian lists' to determine who may be permitted into the transit zones.<sup>240</sup> At Tompa they have a single list, while at Rösztke they have separate lists for families, unaccompanied children, and single men. Since the difference between the number of migrants in Serbia and those legally permitted to enter Hungary is so vast, many people try to continue their journey illegally. It is here that the so-called 'push-backs' come into play. These are places where such asylum-seekers are stopped and forcibly turned back to the country they came from. The practice of attempting to cross borders illegally is referred to as 'the game'.

Not only Hungary, but Croatia and Romania, and, since 2017, Bosnia and Herzegovina, have all sent large numbers of people back to Serbia – people who attempted to cross the state borders illegally. These pushback activities have often been accompanied by violence and serious injury.<sup>241</sup> According to the reports the UNHCR has made on collective expulsions, in December 2018 alone, 128 asylum-seekers were pushed back from Croatia to Serbia, six from Hungary, seventeen from Romania, and thirteen from Bosnia and Herzegovina. In 63 percent of these cases a denial of access to asylum procedures is alleged, and in 46 percent accusations of mistreatment by the neighboring countries' authorities.<sup>242</sup> There are further reports based on the testimonies of thousands of people, attesting to police brutality, humiliation or serious threats migrants have suffered when crossing the border from Serbia or Bosnia and Herzegovina to Croatia. Asylum-seekers have reported that they were hit, deprived of their belongings, and threatened with guns. They have also been denied access to asylum procedures after crossing the border.<sup>243</sup> According to the testimony of migrants and monitoring groups, since 2018 the Croatian police have engaged in a systematic campaign of violence and theft against migrants and refugees attempting to find a route to Western Europe through their country<sup>244</sup>. Asylum-seekers have often been slung into a van and been driven back to the other side of the border – or forced to walk. Amnesty International has released a report in which irregular migrants relate how the Hungarian police and military pushed them back to Serbia. In their own words:

'Once we managed to get 21 km into Hungary. But police came and still brought us back to Serbia. First of all when they caught us they said don't worry we will take you to a camp. [...] They transferred us to a different group of mixed police and military. [...] They had a video camera with them. They said I had to say to the camera that I broke the law and we were only 3 km in. They were aggressive, they said if we didn't do that, they would use tear gas and hit us. They gave us no papers, took no fingerprints. Just drove us back to the border by Kelebia and then looked at our passports and threw them over the fence.'<sup>245</sup>

Despite experience of suffering violence and injuries, migrants often try to cross the border again, daringly engaging in 'the game'. As Milena Timotijević from the International Rescue Committee, explains:

'Every time a refugee plays "the game" they are putting their lives at risk. They are at the mercy of unscrupulous smugglers and human traffickers; they are frequently pushed back, violently, by border guards; they are subjected to "survival sex" and other forms of sexual abuse. And yet they never stop trying.'<sup>246</sup>

Some have attempted to cross the border more than twenty times, and a few have eventually been successful. It is mostly men who play 'the game', but sometimes families with children play it too:

'Recently I met a family at Miksalište who have been in Preševo in southern Serbia since 2015. They have not moved from Preševo since then and they cannot stand it anymore. They also want to get into "the game". Now they have come to Belgrade to Miksalište and have asked whether they should go through Bosnia or Hungary.'<sup>247</sup>

Miksalište Refugee Aid is a coalition of citizens, local companies and civil society organizations that provides aid and medical support to refugees from war-torn countries like Syria, Afghanistan and Iraq. It tries to meet their most pressing needs while they are in Serbia – either at the borders or at the Miksalište aid collection post and distribution centre in the capital, Belgrade. Though playing 'the game' is frequently unsuccessful and always very risky, and though migrants continue to arrive, a UNHCR representative claims that there has been a decrease in the number of migrants remaining in Serbia between 2016 and 2019<sup>248</sup>. Obviously, significant numbers have found undocumented ways to move on.

Between 8,000 and 10,000 migrants travelled through Serbia in 2017. Robert Crepinko, Head of the European Migrant Smuggling Centre (EMSC), stressed that, in reality, 'the Western Balkans route is not closed, despite the borders being much better protected' now. Since refugees and other migrants cannot legally get to Western Europe, they have been increasingly dependent on traffickers, who profit from the EU border closures and often do not hesitate to expose refugees to great dangers.<sup>249</sup> Transit migration has been recriminalized, and refugees are in a state of extreme vulnerability. Yet, even though it has decreased, and even though transit has become more dangerous and financially more costly, the flow of migrants has not stopped. The migrants' choice of border to be crossed on the way to central and northern Europe is dependent on the connections they have with traffickers but also differs according to nationality. Kurds, Yazidi and other minority groups from Iraq go to the border of Romania, while others, such as Afghans or Syrians, go to the borders of Hungary and Croatia.<sup>250</sup>

On average, about forty people try to cross the Hungarian border each day, attempting to cut the fence. Often this is to no effect, but they continue trying nevertheless. NGO employees like Stevan Tatalović of Info Park have often managed to develop a trustful relationship with the migrants they know, and some of them feel sufficiently confident to talk openly about their experiences. In our interview, he related how some make attempts once or twice a week, and keep on doing so for months. Those who have the money make use of more sophisticated methods. For example, they hide between the goods in loaded trucks, or travel by car. If border guards find them, they might let them go, because there is much

corruption; such corrupt practices are called 'professional smuggling'. Lukić says that truck drivers now stop and inspect their vehicles before entering a country, because migrants might have climbed in without their knowledge.<sup>251</sup>

In greater Belgrade, Samuel Horn from Refugee Aid Serbia expressed a suspicion that the smugglers are omnipresent in certain places, including the asylum centers, and that, in this way, migrants are encouraged to attempt continuing their Journey.<sup>252</sup> According to Vladimir Lukić, social worker at the Krnjača Asylum Centre, employees know who the smugglers are and how they attach themselves to people touting their services.

With increased state securitization, there has also been an increase in 'grey zone' smuggling. New trafficking hubs have been established, for example in Timisoara in Romania, a city that is increasingly used as an anchor point for smuggling migrants towards Western Europe.<sup>253</sup> A refugee from Afghanistan, wanting to enter the EU through Hungary, explained his chances in an interview for the news portal *N1*: 'We have no choice but to go with smugglers, otherwise we wait here forever.'<sup>254</sup> According to my informants and media reports such as those of *Radio Free Europe*, smugglers' prices in 2018 were as high as 8,000 euros and even went up to 10,000. International intelligence agencies estimate that smugglers in Southeastern Europe earned more than 5 billion US dollars in 2015 alone. Vladimir Lukić suspected that refugees living in the asylum centers could not afford such sums.<sup>255</sup> In fact, it seems that, in 2018, most of those able to pay money like this were Iranians passing through Serbia on the smuggling route, invisible to the state and to statistics. Between August 2017 and October 2018 Iranians could travel to Serbia visa-free and were hardly anywhere registered as migrants.

Currently, there seem to be three main routes on which smugglers operate: a 'northern route' from Turkey via Bulgaria, Romania and Hungary, then to Austria and onward; a 'southern route' from Turkey via Greece, Albania, Montenegro, Bosnia and Herzegovina, Croatia and Slovenia to Austria and on again; and the 'Balkan route' already referred to. This route, through Serbia and Croatia, was the one most commonly used in 2015, and has not ceased functioning. But, as the numbers Bosnian officials released in 2018 show, a 'new Balkan route' has come into being – from Serbia through Bosnia.<sup>256</sup>

### **A Case Study of Migrants' Facilities: the Krnjača Asylum Center**

In December 2018, 4,205 migrants were being accommodated in sixteen centers in Serbia, run and financed by the government and referred to as transit centers (TC), asylum centers (AC) and refugee centers (RC). Before the crisis of 2015, there were just five centers for migrants in Serbia, with a total of 810 beds; so the increase is considerable.<sup>257</sup> Some of the centers had been used in the past to host refugees and internally displaced persons from former Yugoslavia. A large number of the present-day ones originated as barracks or resorts, and they have different owners. For example, the Adaševci Centre, once a holiday resort for workers, is located in Syrmia and is the property of NIS Petrol. The center at Bogovođa, a village in the Kolubara District, was once a resort hosting school children and families with health problems, but is now owned by the Red Cross. The Krnjača Asylum Centre, ten kilometers from Belgrade, is the property of the Ivan Milutinović Company (*Preduzeće Ivan Milutinović, PIM*) and once housed the company's workers. It is the one we will now look at.





*The Entrance Gate of the Old Ivan Milutinović Company, now the Krnjača Asylum Center.*

*Source: Armina Galijaš.*

The former Ivan Milutinović engineering factory has been subject to insolvency proceedings since 2015.<sup>258</sup>

Some of its previous personnel, such as the kitchen staff and the security men at the entrance, continue to be formal employees of the factory. However, ever since the Yugoslav IDPs and refugees started arriving during the wars of the 1990s, they have been paid by the Serbian Commissariat for Refugees and Migration. The old company still has a presence in things like its logo at the entrance gate, the uniforms of the security personnel and the photograph of Ivan Milutinović himself in the factory canteen, now turned into a dining room for the migrant inhabitants. Milutinović was a Yugoslav partisan general from Montenegro and an eminent military commander in World War II. He died in combat in 1944. In Tito's Yugoslavia he was held up as a hero who had devoted his life to the idea of a communist Yugoslav state. The strangely ironical photograph shows him in his partisan uniform with the communist star on his military beret. In socialist times, the company built dams and ports in the Middle East, for example in Iraq in Umm Qasr and Basra.<sup>259</sup> Quite by chance, those living today in the previous workers' barracks mostly come from the Middle East.

But the irony goes much further. Today's inhabitants had other migrant predecessors – those displaced by the wars of Yugoslav succession in the 1990s. According to the *Migration Profile of Serbia* published by the Commissariat for Refugees and Migration, there were 203,140 displaced persons from Kosovo, and 29,457 acknowledged refugees from other parts of the former Yugoslavia in Serbia in 2016.<sup>260</sup> These barracks and dining room were their quarters. The photograph of Milutinović is one of a partisan who gave his life for a state that then disintegrated in violence; of a man whose name was chosen for a company that profited from Yugoslavia's non-aligned status in the Cold War, but then suffered from new wars and vio-

lence twice over. When the first migrants from the Middle East came to Krnjača in 2015, they encountered the Serb refugees and internally displaced persons, many of whom had been living there since 1993. Several of my interlocutors were present during this time. In their recollections, there were very few episodes of conflict between the two groups.<sup>261</sup>

In fact, the Serbian refugees and IDPs benefited from the new crisis, since they were offered improved accommodation. Many had been living in these factory barracks or similar accommodation for more than twenty years. It seems as if the new crisis forced the Serbian authorities to speed up action to remedy the previous one. The Regional Housing Programme, a joint initiative shared by Bosnia and Herzegovina, Croatia, Montenegro and Serbia, was set up to tackle the protracted displacements the 1990s conflicts had caused. On 24 April 2012, an international donors' conference was organized in Sarajevo to raise funds for a housing programme. Sadako Ogata, who was the United Nations High Commissioner for Refugees at the time of the wars pledged to contribute, and so did whole nations – Cyprus, the Czech Republic, Denmark, Germany, Hungary, Italy, Luxembourg, Norway, Romania, the Slovak Republic, Switzerland, Turkey, and the USA.<sup>262</sup>



*The Photograph of Ivan Milutinović in the Company's Canteen / Migrants' Dining Room.*

*Source: Armina Galijaš.*

When I paid a visit to Krnjača in March 2018, about 600 people were living in the former workers' barracks. Krnjača is a 'family center', and proportionally, 44 percent of those there were children, 18 percent women, and 38 percent men. This contrasts with the transit center at Obrenovac, forty kilometres southwest of Belgrade, which, with 776 men in January 2019, has an entirely male population. In Krnjača (again taking January 2019 figures) the majority of the inhabitants (84 percent) are people who fled from Afghanistan, while 7 percent are

from Iran, 2 percent from Pakistan, 2 percent from Iraq, and 5 percent from other countries. Many of them have been in the center for more than twelve months.

The number has fluctuated, however: new migrants have kept arriving, and some older ones have managed to continue their journeys illegally. In the first half of 2018, the number of these older ones had decreased by about a hundred. They did not all leave the country, and sometimes people left, only to return. Occasionally, this was to spend a few months somewhere near the border, waiting for an opportunity to cross over illegally. Such initiatives are tolerated both by the staff in the centres and by the Serbian state. My interlocutors confirmed that attempts at illegal border crossings increase as soon as the weather permits. If an attempt fails, people return to gather their strength, and then try again.<sup>263</sup>

With the current capacity number of 600 Krnjača it functions well.<sup>264</sup> Three meals are served each day, and an impressive array of NGOs organizes different activities. In Krnjača, there are more than ten national and international organizations helping the migrants, including the International Rescue Committee (IRC), the Danish Refugee Council, the Adventist Development and Relief Agency (ADRA), the Ecumenical Humanitarian Organization, Caritas, the Red Cross, the Ana and Vlade Divac Foundation, UNICEF, UNHCR, SOS Children's Villages, and Te-Tzu Chang. The organizations' funds, however, are often very modest. After the closure of the Balkan route in 2016, the migrants' length of stay increased significantly, which means that, although *de jure* they remain 'migrants in transit', *de facto* they are not. With this drastic change, their needs have altered.<sup>265</sup> One of these needs is for proper medical attention, and, with aid from the EU, new medical units have been opened in all centres; in Krnjača currently there are three working surgeries.

Three-quarters of the migrants in Krnjača are families with children; the rest are single men and so-called unaccompanied minors, though these last are difficult to establish, as many carry no personal documents and the registration authorities are dependent only on their statements.<sup>266</sup> In March 2018, 71 unaccompanied minors were living in the centre, and four 'guardians' from the Municipal Centre for Social Work (*Gradski centar za socijalni rad*) are responsible for their care. The guardians come to the centre every day for two to three hours to support the minors in their leisure time, for example by taking them on short outings to the countryside, perhaps ending with a football match. However, as Vladimir Lukić, the social worker at Krnjača, pointed out, conflicts between the minors, or cases of drunkenness, are dealt with by others – for smaller incidents, the centre staff; for more serious ones, the police.<sup>267</sup> The police take records and intimidate the culprits. What the minors lack is adequate protection: they are in a particularly vulnerable position, and risk being exposed to violence, exploitation, and abuse. It is difficult to provide proper institutional support in Serbia because both the personnel and the knowledge are lacking. The infrastructures were not prepared for the situation the country now faces.<sup>268</sup>

## 'Arrangements' between the State and the Migrants

### The Migrants – Their Makeshift Lives

As Stevan Tatalović of the NGO Info Park has pointed out, the foremost problem migrants face is the uncertainty of their situation: 'There is no appropriate institutional support, and no proper protection.'<sup>269</sup> The Serbian state has provided humanitarian aid, including food, footwear, clothing, babies' nappies, and other similar things. But there is no prevention of

human trafficking or smuggling. Often only two private security employees are present in the centres, and they do not have the authority to be up to the task of controlling hundreds of people living in extreme circumstances. Tatalović mentioned the sexual abuse of boys, and a dozen robberies. There are no separate facilities for the accommodation of the unaccompanied minors. The police react if crimes are referred to them, but much goes unreported due to fears of retribution. Minors and women additionally risk ill treatment at the hands of traffickers and smugglers, who allegedly work through bribery of the victim, or the judge.<sup>270</sup>

Incidents such as these show the full effect of having illegal status. While refugees often choose the route through Serbia because they believe it is a safe passage posing little risk to life, and without extensive pushbacks or serious and systematic police maltreatment, they nevertheless have to survive without any institutional or legal protection. In Krnjača, minor incidents of crime or violence occur every two to three days, and major ones, once every two to three months. Sometimes the perpetrators end up in the detention room. But there are no consequences, either for the perpetrators or for the victims. Even if a report is filed, those responsible for the violence go unpunished, precisely because they have no legal status. If individuals are charged with a criminal offence or are caught at an illegal border crossing, the law stipulates that they should be deported from the country. But this measure is futile both in Serbia and in the rest of Europe, because there is nowhere the refugees can be deported to: it is impossible to send anyone back to Syria or to parts of Iraq. So, those who break the law continue to live in Serbia, and keep trying to enter the EU.<sup>271</sup>

Even if the migrants' legal situation were resolved in their favor, the economic situation in Serbia would make it very difficult to make any serious plans to stay, integrate, or expect a better future. The unemployment rate in Serbia stood at 11.9 percent in 2018, so that chances of finding a job are low, even for those able to learn the language.<sup>272</sup> President Vučić's commendation of the pro-active integration of a family from Afghanistan is no more than a showcase instance, and is an exception that confirms the rule.<sup>273</sup>

The migrants' situation in Serbia is indeed conflicted. On the one hand, they do not have a strong community there in any way comparable to those that exist in Germany, for example. A longing for this is one of the reasons migrants strive to go there. There, they imagine, they can find a 'grey zone' job and a place to sleep, even if their legal status remains unresolved. In Serbia the closest they can come to 'community' is a group of people of the same kinship group confined to a camp, and in a perpetual limbo that mocks their legal status of being 'in transit'. On the other hand, Serbia has seen no large-scale protests against migrants, and individual violent attacks on 'foreigners' have also been comparatively rare.<sup>274</sup>

Since the start of the school year 2016/2017, 150 migrant children have been enrolled in seven primary schools in greater Belgrade with the support of UNICEF. In early May 2017, the Ministry of Education, Science and Technological Development (MESTD) issued a *Guideline on the Integration of all Children in the Education System*, which regulates in detail the pupils' enrolment and the support they are to receive as they are integrated into the school system. The adoption of this guideline is very important, in view of the fact that in 2017 over 2,000 migrant children of school age were to be found in Serbia.<sup>275</sup>

The children who live in the Krnjača Centre attend schools in neighbouring Borča. To impart some idea of their lives, I focus on some Farsi-speaking children from Afghanistan who go to the Rade Drainac primary school. A school bus, paid for and organized by a Swiss humanitar-

ian organization, the ADRA, makes sure that the children arrive back at the asylum centre on time to receive their meals (they get a snack at the school as well). School attendance gives the youngsters their first opportunity to receive education since they left their home countries – or, in some cases, their first education at all.<sup>276</sup>

The general picture I got from my interviews at the school was that the migrant children were enjoying a successful intercultural and educational experience. The teaching staff observed that the newcomers have been well received and accepted by their peers, and the children confirmed this, saying that they were included in joint activities and that they played with the other pupils.

Importantly, they are assisted in their learning, especially with learning the Serbian language.<sup>277</sup> In advance of the beginning of the school year, teachers, parents, and pupils had been prepared for the new situation. Around 400 teachers in nine school catchment areas near the asylum and reception centres had received specific training and thorough instruction on how to put the Ministry's *Guideline* into practice. Together with the MESTD, the Commissariat for Refugees and Migration, UNICEF's Belgrade office, and the Centre for Education Policy (*Centar za obrazovne politike*, CEP) helped with implementation. The latter is an independent, multidisciplinary research centre providing professional support to decision-makers and practitioners in developing, implementing and evaluating policies in the field of education.<sup>278</sup> The migrant children have been equipped with the school supplies they need and have been assigned to regular classes. The language of instruction is Serbian:

'At the moment we have got interpreters who are very helpful for the children in the fifth to eighth grades, while the children from the first to the fourth grades have quickly mastered the language. [...] I do not speak English, which in fact is helpful, as they needed to learn Serbian very fast to communicate with me.'<sup>279</sup>

Care is taken in placement. The Branko Pešić primary school in Zemun, for instance, assessed the children's cross-curricular competences at the time of their enrolment, so as to fit them appropriately into the school's structure. Special IT-based applications have helped children learn the Serbian language in a separate group, while they have widened their knowledge of all other school subjects through an integrated curriculum which they share with the Serbian children.<sup>280</sup> So, although the UNHCR makes many complaints about the asylum system in Serbia, it acknowledges that the schooling of migrant children has been a shining example of good practice. Some 95 percent of the children living in the various refugee, transit, and asylum centres in 2018 were attending school.<sup>281</sup>

So how can the relations between Serbian society and the migrants be assessed more generally? According to the employees of the Krnjača Centre, the migrants have been well received by people in the surrounding area. A 2017 survey by TNS Medium Gallup in cooperation with the United Nations Development Programme (UNDP) Serbia showed that negative attitudes towards migrants arose due to security concerns. While many Serbian citizens donated food and equipment, they showed a lower level of readiness to initiate any closer interaction.<sup>282</sup> The Ninamedia Research Agency conducted a survey in 2016, according to which over 86 percent of Serbian citizens believed that the asylum-seekers would not remain in Serbia, and some 34 percent confirmed that they would be concerned if they did.<sup>283</sup> As an explanation, those surveyed observed that Serbia was a poor country and thus unable to help. In addition:

'the social distance towards asylum-seekers and migrants in general proved to be higher than what was recorded in surveys of 2012 and 2015: for example, only 55 percent of the respondents accepted the possibility of asylum-seekers living in the same town, and only 26 percent accepted the possibility of an asylum-seeker being their spouse.'<sup>284</sup>

Between May 2016 and May 2017, three more surveys into attitudes related to refugees and migrants in Serbia were conducted, this time by the ProPozitiv Agency in cooperation with the Ana and Vlade Divac Foundation. These surveys covered eight towns and municipalities that were directly affected by the migration, as they were located along what had been the former Balkan route. Of those surveyed, 43 percent showed a positive attitude and a degree of empathy towards the migrants.<sup>285</sup> A comparison of the results from all three of these most recent surveys reveals a relatively stable number of Serbian citizens expressing a similarly positive attitude.<sup>286</sup> As Aleksandar Pavlović points out, Serbia has had a far easier task than any of the EU countries, for one simple reason: 'The refugees entering Serbia had one, and one goal only – to leave it as soon as possible.' Thus, for Serbia, it has been relatively easy to brag about 'traditional Serbian humanism and hospitality'.<sup>287</sup> On the other hand, it is also true that Bulgaria, which is in a comparable situation as one of the poorest EU countries and also one where the migrants do not want to stay, has reacted very differently to the crisis.

#### The State's Dilemma – Treating the Migrants Well or Getting Rid of Them?

At the beginning of the 'crisis' Serbia established a formalized corridor in response not only to the border openings by Germany, but also to the border closures by Hungary.<sup>288</sup> Serbia aimed not 'to produce sustainable solutions and alternative long-term migration policies', but rather to ensure the swift transport of migrants out, which 'would transfer the responsibility for them to the next state' as quickly as possible.<sup>289</sup> The state thus attempted to regulate matters on the understanding that the transit was an exceptional arrangement, and most Serbians reacted in a manner that corresponded with this state policy. Most citizens are compassionate and respectful to migrants, as long as it remains implicit that they will continue their journey.<sup>290</sup>

The Serbian state authorities have acted strategically and have played an important role in deflecting potential protests among the population into what has been relatively good acceptance of the migrants. Mirjana Milenkovski from the UNHCR's public information unit credits the former prime minister and current president Aleksandar Vučić for this. He publicly denounced any protests that occurred, and has kept a firm grip through his substantially authoritarian rule<sup>291</sup> – there is hardly any opposition in Serbia left, as all voices against Vučić's rule have been silenced. The Serbian media, closely bound to official politics, has given its backing, contrasting a praiseworthy Serbia with its recalcitrant neighbors: 'Images of migrants in Belgrade's parks and smiling policemen holding migrant children were juxtaposed in the media with cages in which migrants were being held in Hungary, or angry Macedonian officers beating migrants on the border.'<sup>292</sup> During 2015 and in the first six months of 2016, such a slant on the news was widely disseminated. It condemned Hungary and Croatia, self-styled 'guardians of the gates to Europe', and also Bulgaria.<sup>293</sup> Serbia was different. Vučić proclaimed that his country would 'never erect walls' or restrict the movement of people seeking protection. He had a decisive influence on public opinion.<sup>294</sup> The media emphasized the humanitarian side of the migration, together with the humanity of Serbian citizens, effectively triggering empathetic attitudes. Many people became directly engaged in helping the refugees. Yes, there were dissenting voices: Mihalj Bimbo, mayor of the Kanjiža municipality in Vojvodina, claimed that 'foreigners do not have the basic elements of intelligence and culture'; but such outbursts were very rare.<sup>295</sup>

Vučić's approach at the time was in line with the politics of the German chancellor, Angela Merkel. He was calculating his politics carefully with an eye on EU enlargement, and he capitalized on the refugee crisis.<sup>296</sup> Accession to the European Union remains a strategic goal for the Republic of Serbia, but it involves compliance with European values and standards, and not least respect for human rights. A strategic legislatively and institutionally sound migration policy seemed particularly important for furthering the accession process.<sup>297</sup>

The benchmarks had been set by the EU. In the midst of the crisis, in July 2016, Serbia formally opened Chapters 23 and 24, which deal with issues of human rights and anti-discrimination. The Serbian Ministry of the Interior has been negotiating Chapter 24 with the EU, and the action plan for its implementation covers topics such as migration, asylum, visa policy, external borders, and the Schengen regime (in which border controls are dropped).<sup>298</sup> Already, following the closure of the Balkan route, Serbia began receiving financial support from the EU to cover the migrants' basic needs at the collective centres: health services, clothing, food, water, child-friendly spaces, and informal education in things like sewing or learning the language, and so on. Indeed, between the beginning of the refugee crisis and July 2018, the EU allocated more than 25 million euros in humanitarian aid to Serbia specifically to assist refugees and migrants. Furthermore:

'Since 2015 more than €80 million have been financed, through different EU financial mechanisms, helping Serbia to ensure the accommodation of migrants and refugees in accommodation centres; to support the delivery of health and other primary services to refugees, migrants and host communities; and to reinforce its border control capabilities.'<sup>299</sup>

In May 2015, there were five refugee centres in Serbia, mainly serving refugees and IDPs from the Yugoslav wars of the 1990s. Then, as Mirjana Milenkovski from the UNHCR's public information unit explained, the state responded to the new crisis by setting up thirteen more centres, all with the help of the EU and humanitarian organizations.<sup>300</sup> These new facilities were set up in abandoned halls, hotels, and former centres of collectives, all very quickly adapted in order to accommodate the large numbers of migrants. In March 2016, when the Balkan route was closed, around 8,000 people were stranded in Serbia. They were distributed amongst the eighteen centres. Initially the centres did not meet even 40 percent of the EU standards, but they improved with time. The capacity promised by the Serbian authorities in consultation with the EU was 6,000 places. By the end of 2016, this had been achieved, and, at the same time, the numbers of newcomers decreased. The UNHCR and its partners estimate that almost 7,000 refugees, asylum-seekers and migrants were present in Serbia in December 2016, with over 5,760 (82 percent) accommodated in governmental facilities.<sup>301</sup> By June 2017, the overall number had shrunk to 5,948.<sup>302</sup>

It is worth looking at how all this was started up. In May 2015 the Serbian government established a working group for migration that included the Ministry of Health, the Ministry of Labour and Social Welfare, the Commissariat for Refugees (up to this point concerned only with refugees and IDPs from the former Yugoslavia), the UNHCR, and several international organizations such as Youth for Refugees. The Ministry of Internal Affairs was responsible for registering the migrants; the Ministry of Defence saw to security issues; and there was support from many individual volunteers like the imam of a nearby village, Miratovac. With all this support, the government acted quickly and professionally. The first of the new centres was established in July 2015 at Preševo in southern Serbia: it was a converted tobacco

factory. The Preševo centre functioned between July 2015 and August 2018, when its inhabitants were distributed to other centres.<sup>303</sup>

Most of the refugees have an Islamic background. Has religious affiliation played a role in the distribution of migrants in Serbia? Some of the decisions about where to build the new centres had to be made literally overnight. In Bogovađa, a village situated in the Lajkovac municipality about seventy kilometers south of Belgrade, the locals had already tried to get the first wave of Middle Eastern migrants evicted. This was in 2014. In Banja Koviljača, to the west of Bogovađa at the border with Bosnia, there had also been problems. There the number of migrants came to equal the number of local people, who found it troubling that many strangers arrived without registration or any recognizable official procedure.<sup>304</sup>

Thus the decision was made to transfer the migrants to the towns of Sjenica and Tutin in Sandžak, a far-off area 300 kilometres to the south of Belgrade and near the border with Montenegro and Kosovo. Vladimir Lukić, the social worker at Krnajča, believes the state purposely chose places in the south of Serbia with a Muslim majority, and he told me that there have indeed been fewer problems of assimilation there.

In practical terms, building refugee centres in Sjenica and Tutin was not an economical solution for the state, as the centres are at about 1,000 and 760 metres above sea level, with snowfall between October and March, making them expensive locations to keep heated. Their physical distance from Belgrade also complicates efficient management.<sup>305</sup> But, as Lukić maintains, this is a small price to pay for social peace: 'Muslims have it easier in Muslim environments.'<sup>306</sup> Polls indeed confirm that in the municipalities of Sjenica, Tutin (and also Preševo), all areas with a Muslim majority, the percentages of mutual acceptance are strikingly above average: 'In Sjenica 99 percent of the contact was positively rated, in Tutin it was 100 percent, and in Preševo 94 percent.'<sup>307</sup> How far religion plays a role in this cannot be properly established on these data alone.

Another huge issue that demonstrates how disruptive the sudden closure of the Balkan route was, was the 'railway station case' in Belgrade. When it became clear that migrants were not going to be able to leave Serbia at all soon, the Serbian authorities launched a push to evict migrants and aid organizations from the Belgrade parks. In January 2017, between 700 and 1,000 young men, several of them unaccompanied minors, lingered on near the railway station. They did not want to go to the centres, as they were afraid that they would be registered, and that this would prevent them from applying for asylum in Western Europe: the countries there might send them back. The Serbian government found a way to handle the situation that avoided any major use of force. They moved the people from the two parks near the central bus station to state-run centres. Most were transferred to Obrenovac, some 40 kilometres southwest of Belgrade. An old military barracks was converted for their exclusive use and became the home for almost all of these men. They continue to live there, unregistered but tolerated by the state and receiving humanitarian aid, even though they have no legal status.<sup>308</sup> Nevertheless, in Belgrade, the state authorities restricted the activities of the non-governmental groups providing aid:

[A] squatted building serving as the No Border Hostel was demolished, and shortly afterwards the nearby central aid distribution facility *Miksalište* was torn down too. In the following period, the grassy parts of the parks where migrants used to sleep were ploughed over and fenced in.<sup>309</sup>



In sum, Serbia's treatment of migrants and refugees has been strongly influenced by international circumstances – by the policies of neighbouring countries, and by the political decisions of the European Union and of Germany in particular. Clearly, it has been in the European Union's interest to support Serbia in managing the stranded refugees. If the EU loses this interest, Serbia's pragmatic approach might very well change.

### A Particular Serbian Story. Migration from Iran

If international policies and EU requirements influence Serbia's migration policies, Serbia itself has some responsibility for who comes in. The great increase in Iranian migrants to Serbia in 2018 has already been mentioned. That trend was directly linked to the abolition of the visa regime for Iran in August 2017, which made Serbia the only country in mainland Europe to offer Iranians visa-free travel.<sup>310</sup> The Serbian government says this move was made for economic reasons, but many doubt this and see it as a reward for Iran's support for Serbia's case in Kosovo.<sup>311</sup>

Serbia's Ministry of Trade, Tourism and Telecommunications, under Rasim Ljajić, has confirmed that in the first seven months of 2018, a total of 15,855 Iranians visited Serbia. Of these, more than 1,500 expressed an 'intention to seek asylum'. An unknown number then proceeded to the EU, and a lot of them emerged as migrants in Bosnia on their way.<sup>312</sup> Between January and September 2018, the number of Iranians entering Bosnia was more than a hundred times higher than the figure for the entire previous year. According to data gathered by Bosnia's Foreigners' Affairs Service, sixteen Iranians requested asylum in 2017; in 2018, up to September, the number was 1,647. Denis Zvizdić, chairman of Bosnia's Council of Ministers, commented on the 'fake Iranian tourists' suddenly appearing: 'They come to Serbia as tourists, and then emerge in Bosnia without any identification documents.'<sup>313</sup>

Shortly after the abolition of the visa in 2017, direct flights from Tehran to Belgrade were introduced, and the first Iran Air plane in twenty-seven years landed in Belgrade the following March. Two more Iranian airlines, Qeshm Air and Mahan Air, immediately followed suit. Iran Air, which is state-owned, took to operating on this route twice a week and tickets on the flights sold out several months in advance.<sup>314</sup> However, though the planes arrived full, they departed considerably emptier: 'When the number of tourists coming from Iran on arriving flights to Belgrade are compared to those returning to Tehran,' the director of Info Park, Gordan Paunović, told *The Guardian*, 'there is a 30 percent difference. The people who are missing on the return flights have continued their path toward [Western] Europe.'<sup>315</sup>

I was told that, while Info Park met most migrants in Belgrade after their arrival, the Iranians were an exception, because their recently established community in Belgrade had become so strong so quickly, and Serbia had become a place of opportunity for them, from which they could continue their journeys. In addition, Vladimir Lukić points out, Serbia was a budget country for them, and travelling there was comparably cheap – they did not need to spend their money on the long trip through Turkey, Greece or some other intermediate country, as migrants from Afghanistan, Pakistan and Syria do. Many of them came well dressed and with lots of luggage, and were not necessarily accommodated in the migrant centres. In March 2018 there were about 500 Iranians altogether living in the centres, fifty of them in Krnjača; the others were seeing to themselves.<sup>316</sup> Belgrade's hostels and holiday apartments were full, thanks to the Iranian tourists. If they intended not to return, they got into contact with traffick-

ers. Other migrant groups huddle together in the centres or even camp in certain parks, as in the Luka Čelović park, near Belgrade's main railway station, nicknamed 'Afghani Park' (*Avgan Park*) by the locals. The Iranians, by contrast, made their presence known. In Knez Mihailova, Belgrade's main pedestrian boulevard, Farsi could frequently be heard. In his interview with *The Guardian*, Gordan Paunović described how:

'you immediately recognise Iranians. You see Syrians, Afghans, and they all look poor. Suddenly you see a group of kids with backpacks, who look like they're on a school excursion [...] You look at them and you give them a smile and you get so many smiles back.'<sup>317</sup>

The reason for attempting to take refuge in Europe that most Iranians gave was that they were either LGBT, Christian, politically oppressed, or blacklisted because they had fought for the Assad regime in Syria.<sup>318</sup> My interlocutors confirmed that several Iranian Christians lived in the Krnjača Asylum Centre, and that most of them were converts from Islam. Their defiance of Islam was such that they would ask for pork on the menu, despite having no real desire to eat it.<sup>319</sup> The *Guardian* report just mentioned tells how Amin, a 27-year-old gay Iranian, fled from Shiraz after his father reported him to the police for having sex with his partner. Amin was quoted as saying: 'I came here with nothing. In Iran, my biggest threat was my own family, not the government. Family is the biggest problem when it comes to LGBT.'<sup>320</sup> For those who were fleeing from persecution, returning to Iran was not an option. Often, when Iranians arrived, it was clear how little they knew about Serbia; the only thing they knew was that they did not need a visa.<sup>321</sup> But 'one way or another, they will end their journey elsewhere, outside of this country,' Vladimir Lukić insists.<sup>322</sup>

No consensus exists on what the number of Iranian migrants may have been during 2018. Gordan Paunović believed it to be a significantly higher number than Rasim Ljajić at the Ministry admitted. According to *NI* and data that Info Park presented to the media in October 2018 (with the help of various other NGOs, and of Frontex, the European Border and Coast Guard Agency), more than 40,000 Iranians entered Serbia after the visa requirement was lifted.<sup>323</sup> Serbia received criticism about this from the European Union, and the European Council demanded that it respect EU visa policies. On 8 October 2018, the Serbian government gave in to this pressure and on 16 October it reintroduced its visa requirement for Iranians.<sup>324</sup> The Serbian minister of the interior, Nebojša Stefanović, said in parliament that Iranians had 'abused the abolition of visas'.<sup>325</sup>

## Conclusion

The response of the Serbian state to the refugee crisis was from the beginning both pragmatic and flexible. Refugees who registered and claimed an 'intention to seek asylum' have been allowed to stay in the reception centres for an unlimited period of time, despite the stipulations of the law, which defines them as 'migrants in transit', Serbia has adapted its laws so as to manage the situation – partly for its own political advantage, but to an extent out of genuine concern for the migrants. The state authorities have played an important role in containing outbreaks of racism and violence towards migrants, such as have occurred in Bulgaria and Hungary. President Aleksandar Vučić publicly denounced protests against migrants, and the media – often strongly influenced by the authorities – has largely refrained from using inflammatory language. A humanitarian approach is being enforced by autocratic means.

This has a lot to do with Serbia's EU accession process – its strategic goal of obtaining EU membership. In July 2016, the country formally opened Chapters 23 and 24, which, along with issues of human rights and anti-discrimination, deal with migration and asylum policy. Thus, Serbia's treatment of migrants and refugees has been influenced by EU conditionalities. Moreover, Serbia's 'humanitarian face' has depended on the assumption that migration through its territory will remain temporary and transitional.

On the other hand, Serbia's own policy has influenced incoming migration. This was especially the case when, in August 2017, Serbia offered Iranians visa-free travel. It was the first and only country in mainland Europe to make such a concession (probably because the Iranians had agreed not to recognize Kosovo). The move triggered a wave of migration from Iran in the months that followed. A significant number of Iranian 'tourists' came to Serbia visa-free but did not get on the return flights, instead becoming illegal migrants. Because of this, the Serbian government reintroduced the visa regime in October 2018.

Despite Serbia's deficient asylum system and the limited institutional and infrastructural capacities it had at the beginning of the refugee crisis, the country has opted for a policy of open borders. Its political discourse and its handling of the crisis can, on the whole, be assessed as positive. Numerous non-governmental and civil society organizations have played an important role in this achievement. They have been indispensable partners in tackling the migration problem.

Personal contacts and interactions between local populations and the migrants has been very limited. However, many Serbian citizens help by donating food and equipment; and flare-ups of conflict are comparatively rare. An analysis of opinions expressed in the Serbian media shows that the transitory character of the migrant community is key here: so long as the migrants are perceived as people who will not stay permanently, they are relatively well accepted.

A really exemplary achievement has been the enrolment of migrant children in schools. Since February 2017, almost all the migrant children in greater Belgrade have been attending seven selected primary schools and have been successfully integrated into the formal education system. Many teachers have shown extraordinary devotion and engagement in managing this. The efforts made seem to be governed by a widespread talent for improvisation, born out of notorious deficits in systematic planning. It is this that has made the teachers so capable of informal yet efficient help.

Last but not least, one reason for the relatively warm acceptance of the migrants by the local population is the lack of a fully-fledged welfare system. In Serbia, there is not much cause for jealousy and mistrust as it exists in richer countries, since there is no social security system which local people might accuse the refugees of infiltrating, and there is no labour market to engender fears that migrants might take over local jobs for less money under worse conditions.

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# Chapter 6

## The Construction of the Refugee Other in Hungary During the 2015 'Migration Crisis'

**András Szalai, Gabriella Göbl**

## Abstract

This paper investigates how the Hungarian government responded to the events of 2015 along the Balkan Route by systematically constructing the refugee as a threatening Other – one that is supposed to be a danger not only to our physical safety and jobs, but also to our very identity. The analysis relies on securitization theory, which depicts how security threats are socially constructed through language as a securitizing actor (usually the government) labels an issue as a security problem. If such a securitizing move is accepted by the relevant audience, most commonly the general population, the issue becomes by definition a security threat. Whether an issue can be successfully and efficiently turned into a security threat then depends on the context in which securitization unfolds. The paper identifies this context as the power-relations among relevant actors, the psycho-social disposition of the audience, and the presence and role of actors that offer a counternarrative – in the Hungarian case, civil society.

## Introduction

Hungary has been oft-cited in the international press as a textbook example for hostility towards refugees and migrants. During the course of the 2015 so-called migration crisis, the country introduced harsh anti-immigration registration, constructed a fence on its Southern borders with Serbia and Croatia, expanded, and has consistently resisted European level solutions, rejecting those that involved burden sharing through mechanism such as relocation quotas. Since 2015, Hungarian domestic politics underwent radical changes: while the FIDESZ-government of Prime Minister Viktor Orbán continues to cement its power through attacks on democratic freedoms and the rule of law, politics has become single issue. The government has periodically renewed its initial anti-refugee media campaign that now includes virtually all political opposition. Populist slogans depict corrupt globalist circles – personified by the image of Hungarian-American financier and philanthropist George Soros – in cahoots with European elites all aiming to dissolve Hungarian (and European) national identities by inviting migration. Meanwhile, in Hungary, the formula is simple: if you are critical of the government and any of its policies from healthcare to crackdowns on an independent judiciary, you are by definition with the above forces. Domestic politics have become dominated by a migration frame wherein migration to Hungary and Europe is depicted as the number one security threat.

The paper proceeds with a short introduction of securitization. It then offers the Hungarian securitizing campaign as a case study. Due to scope limitations, we focus our attention to the initial phase of the anti-immigration campaign from early 2015 until the construction of the border fence in September 2015. By highlighting its core elements, we suggest that the core of the Hungarian discourse is an adaptation of pre-existing European discourses that adds little to how migration has generally been securitized in terms of the frames used. Building on securitization theory, the paper identifies the specificities of the Hungarian case in terms of its socio-political context, which in turn will lead us to a set of conclusions that clarify how the events of 2015 could influence contemporary politics in Hungary.

## Securitization and Migration

Prime Minister Viktor Orbán first mentioned migration as a threat to Hungary and Europe in the wake of the Charlie Hebdo attacks in January 2015, after which the government launched a coordinated, well-funded media campaign that has showed all migrants and refugees as a threat to national security. The Hungarian government's strong anti-immigration rhetoric and policies that followed have since shocked many observers, begging the question of what made such a shift possible and how it came about. Xenophobic tendencies in Hungary have been steadily increasing since the introduction of the campaign, and the domestic discourse on migration is clearly dominated by the security frame<sup>326</sup>. Though the precise mechanisms of persuasion and their effectiveness are still under investigation, this paper is based on the assumption that the increase in xenophobia in Hungary can be largely attributed to the government's ongoing media campaign. Such success is puzzling as the campaign predates the 'migration crisis', meaning that at the time of its launch, the everyday Hungarian had no real experience with mass migration. Thus, the rapid securitization of migration cannot simply be attributed to societal shock and feelings of insecurity in the wake of the events of the summer of 2015.

The current Hungarian discourse on migration as a security threat bears some striking resemblance to some Western European discursive structures of the 1990s and early 2000s that depicted migration as a multi-faceted source of danger, threatening national job markets, identities and lives in the form of terrorism<sup>327</sup>. Yet, we argue that despite borrowing of frames, the Hungarian securitization campaign stands out due to the context of its inception and its evolution. In order to highlight this crucial distinction between discourse and domestic conditions, the paper relies on a refined version of securitization theory<sup>328</sup> that expands securitization-as-discourse to include practices and processes of securitization. This practice-oriented version of securitization invites three assumptions: effective securitization is audience-centered; it is context-dependent; and it is power-laden. For the purposes of this paper, the approach is used to highlight that, despite similarities in terms of the migration discourse, various European societies are receptive to different constructions of security. Therefore, on the one hand, we draw attention on structural aspects such as prevailing xenophobic tendencies in the Hungarian population (the audience), and the state of the political-institutional environment. On the other hand, we also highlight agential aspects of the context in deconstructing the governmental campaign. Finally, the paper draws attention to the role non-traditional desecuritization actors – most importantly civil society – can play, as well as to the role of non-policies as securitization tools, i. e. the elite's deliberate neglect of an issue in order to demonize the subject of security.

In its original formulation, securitization is the process when a securitizing actor uses the rhetoric of an existential threat on an issue, and thereby takes it out of the realm of normal politics into the realm of emergency politics, where any appropriate measure can be taken to curb the threat<sup>329</sup>. Thus, the utterance of the world security on its own creates a new social order wherein normal politics are bracketed, and emergency measures can be taken to counteract a threat. But contemporary securitization scholars, such as Thierry Balzacq<sup>330</sup> argue that securitization should be rather understood as a strategic practice. The practice oriented version of securitization combines processes of threat construction/design with that of threat management; and draws attention to a number of issues, specifically non-discursive securitization instruments such as border walls<sup>331</sup>, the role of the audience(s) and veto powers, as well as the context within which securitization occurs. Securitization's key components for the

purposes of this paper therefore are: the securitizing actor, the referent subject (that which is threatening), the audience, and the context and adoption of distinct policies.

The differences in securitization outcomes, say for example Germany's *Willkommenskultur* as opposed to Hungary's hostility, can be best explicated through their context. This context can mean a number of things, ranging from the political regime within which the securitization attempt unfolds to intersubjective meanings that govern threat perceptions, or the institutional structures that define relevant audiences. Thus, in the case of migration, the specific frame used to classify the phenomenon as a security threat largely depends on the national identity of the receiving – or in Hungary's case, transit – state as elites draw on established national symbols and myths to shape the discourse, achieve the issue's securitization, and enable/limit policy options. The aforementioned institutional structures and discursive practices that produce relevant audiences within the context of securitization merit special attention; they necessitate the analysis of actors beyond the government and the agencies to which they delegate authority in threat identification. Three such actors stand out: the political opposition, the judiciary and the media. These three institutions represent veto powers in democratic states that are able to question the securitization claims of the governing elite, and check the legitimacy of the policies they introduce.

The media in particular has been frequently highlighted as a key institution in the securitization of migration, since it has an important role in reproducing and maintaining dominant constructions of national identity<sup>332</sup>. By extension, the media also plays an instrumental role in constructing the 'Us' and the 'Other' when explaining what the conflict – in our case, the so-called migration crisis is about and what can be done to stop it<sup>333</sup>. As the media rarely generates its own frame, but selects from those available, the power relations among securitizing actors and those that present counter-frames influences the media image. For these reasons, the analysis of media coverage is essential to any understanding of the securitization of migration.

In the following, we will apply the above conceptualization of the securitization progress and its socio-linguistic concept to the case of Hungary's response to the 2015 refugee crisis.

### Securitizing the Migrant Other in Hungary

The successful securitization of migration and the continuous increase in xenophobic tendencies in Hungary are perplexing if one takes a look at the sequence of events that culminated in the erection of a barbed wire fence on the Serbian-Hungarian border in the September of 2015. First, the securitizing campaign was launched months ahead of the summer migration wave. Second, migrants were constructed as both an economic and a cultural threat, even though they were merely passing through the country on their way to Western and Northern Europe. In order to better understand the Hungarian government's motivations behind launching the securitization campaign, as well as the reasons why a large portion of the population approved of the securitizing move, the domestic context needs to be investigated.

When an actor engages in a securitizing move (attempt), they seek to elevate an issue into the realm of security, thereby limiting certain policy options and enabling others. Though the final goal of securitization is placing an issue on the agenda and then taking control over it, motivations differ among elites and individuals. Actual fears of a phenomenon may propel

elites to securitize an issue, like environmentalist groups do with climate change<sup>334</sup> (Hayes & Knox-Hayes, 2014; Mason, 2013). Nevertheless, highly dramatized national security crises also garner public attention and support, and through securitizing certain issues, the elite can also divert public attention away from other problems, like a crumbling healthcare system. At the same time, the successful mitigation – or the appearance of thereof – of the newly constructed threat can provide a government with political capital, and can be used to discredit opposition. ‘We could do what the opposition could not, and thereby provided security.’ We posit that this kind of cost-benefit calculation was the primary motivation behind the Hungarian government’s initial securitization moves in early 2015.

Since its landslide victory in the 2010 elections, the governing party<sup>335</sup>, FIDESZ (Hungarian Civic Alliance), has been relying on its constitutional majority to redraw political-institutional power relations in Hungary. Utilizing standard populist tropes like claiming to speak on behalf of the whole population, the party and its Prime Minister successfully capitalized on disillusionment with the first two decades of democratic change since the end of the Cold War, as well as the letdown of EU membership. Rather than proposing structural reforms, FIDESZ sought to monopolize political space and solidify its hold over the country – all under a strong nationalist rhetoric that offered a sense of exceptionalism to voters.<sup>336</sup> The resulting institutional changes, coupled with near-total control over the media now define Hungary’s ‘illiberal democracy’<sup>337</sup>, which has by now become, for all intents and purposes, a competitive autocracy<sup>338</sup>.

Political opposition was limited, and organized opposition movements were only created prior to the 2014 elections, and around narrow, topical issues, like the proposed ‘internet tax’ in the fall of 2014<sup>339</sup>. Nevertheless, by late 2014 FIDESZ’s public support was visibly waning due a series of corruption scandals, an underperforming economy, high unemployment, and the general feeling of fatigue with the aggressive rhetorics of the government<sup>340</sup>. Such loss in support necessitated new action to mobilize the core electorate and draw back lost voters. Meanwhile, FIDESZ’s extreme right wing opposition, Jobbik, became the second strongest political force in Hungary, overtaking the democratic opposition as the main challenger of the governing party (a fact reflected by the 2014 national election results). In an attempt to stop disillusioned voter gravitating towards Jobbik, FIDESZ had been taking over some of the extremist party’s most symbolic program points since 2010. The government rarely condemned anti-Roma or anti-European remarks coming from Jobbik, and even co-opted the party in parliamentary debates, including the one that made the 15 September 2015 laws on migration control possible<sup>341</sup>. Beyond mobilizing FIDESZ’s core electorate, catering to Jobbik sympathizers and drawing them closer to the governing party is the other motivation explaining the government’s initial approach to migration.

Since migration during the first few months of 2015 was limited when compared to numbers later that year, and not directed at Hungary as a destination, migrants and refugees represented an easy and obvious target for securitization. The government-controlled institutional structures could then be used to take over public discourse with the government’s frame and crowd out alternative views. In this sense, power relations underlying the context of securitization of migration in Hungary are so skewed that they can be externalized for the purposes of the analysis. FIDESZ’s monopoly over Hungarian politics namely effectively negates the veto power of the judiciary, the parliamentary opposition, as well as the media, leaving NGOs and non-institutionalized civilian movements as the promoters of a desecuritization frame, i. e. a narrative that seeks to depict refugees *not* as a security threat, and the migration ‘crisis’ as *not* a security, but a humanitarian issue.

The turn towards migration as a security challenge, which forms part of the political spectacle of FIDESZ's governing style, had mobilized supporters, drawn in extremist voters due to its hard stance on aliens, divided up the population along familiar lines, and avoided political costs traditionally associated with securitizing migration in Western Europe. This latter point merits our attention: when securitizing migration, the elite runs the risk of engaging two different groups: a softer stance might alienate extremists<sup>342</sup>, while a more radical stance on migration might alienate pre-existing migrants and moderate voters. Given that Hungary has had no prior experience with large-scale migration, and only served as a transit country in 2015, FIDESZ's securitization attempt offered higher benefits than costs. In addition, since a crisis narrative evokes societal feelings of danger and insecurity, they are by default high on the public agenda. As such, securitizing migration was yet another way for the government to detract both public and media attention from high profile scandals that wrecked support.<sup>343</sup>

### Security as Spectacle – FIDESZ's Governing Style

The current politicization of migration in Hungary is part of a wider political spectacle<sup>344</sup> (Edelman, 1988) wherein the conditions of belonging are contested. Within the spectacle, crisis situations and political myths are invoked as drama. It legitimates political decisions through summoning threats and dangers. Within this spectacle, one of the key issues is cultural identity, which in turn enables the politicization of migration, but also its securitization as a threat to national identity<sup>345</sup>. This dramatic interpretation of politics on behalf of the governing party originates in FIDESZ's unexpected election loss in 2002. Despite getting the majority of votes (48.7 percent), the governing party had to hand over power to a Liberal-Socialist coalition with an unstable majority in parliament<sup>346</sup>. Shocked by election results, FIDESZ supporters called fraud, and Orbán gave a series of speeches where he called for unity on the Right, with the slogan being 'the Fatherland cannot be in opposition' (*A haza nem lehet ellenzékben*). This image of a government-in-exile effectively divided Hungarians into true Hungarians (FIDESZ voters), and traitors/communists/liberals (supporters of the government); as well as lending FIDESZ' time in opposition a war-like tone, wherein 'retreat was impossible'<sup>347</sup>. This rhetoric followed the party throughout the 2000s.

With FIDESZ' landslide victory over the scandal-ridden Socialists in 2010, the rhetoric did not change: the party had to look for new 'enemies' to fight. This trope of Hungarians under attack, with only the government – more specifically, the Prime Minister – there to save them has been applied to a strikingly varied mix of issues, ranging from the 'war on unemployment', the 'war on national debt' all the way to 2014's 'war on utility costs'. This war-rhetoric has also been consistently used to delegitimize FIDESZ's critics, Hungarians and *not* the government serving once again the referent object of the 'attacks'. Again, the group of foes is very diverse, ranging from the EU on various occasions<sup>348</sup>, to foreign multinational corporations, the Western press ('a liberal conspiracy against Hungarians'), Western liberals, Hungarian watchdog NGOs<sup>349</sup>, and his domestic opposition ('the fight against Communism'). This constant rhetoric of war can then be used to justify restrictive domestic policies and the dismissal of compromise.

The analysis of the official discourse from January 2015 on reveals a strong, hostile language towards migrants, which served as the major legitimizing factor in introducing restrictive policies like the border fence, or a stricter penal code for 'illegal' border crossings. Security considerations have since dominated public discussions and have led to a shift in xenophobic tendencies<sup>350</sup>. The official discourse does not differentiate between asylum seekers and economic migrants, nor does it distinguish irregular from regular migration. Instead, all these

categories are subsumed under the term *'bevándorló'* (migrant). This term in Hungarian has an additional layer: it suggests an inward direction of movement, meaning that it refers to migrants coming into Hungary.

With relatively low migrant numbers at the beginning of 2015, official discourse mainly warned of economic migration as a potential threat, disregarding research on its benefit, as well as the massive outflow of Hungarians towards Western Europe. Elevated domestic and international media attention was directed at the question of migration after the January 2015 Charlie Hebdo attacks, when Orbán put the blame squarely on Western integration policies, and claimed that 'economic migration is a bad thing for Europe. One should not think of it as a beneficial thing, it only brings problems and dangers into the life of European people. Therefore it must be stopped'<sup>351</sup>. The rhetoric of the Hungarian government from the beginning of the concerted anti-migration campaign in late March 2015 matured as the security and identity axes supplanted the economic axis. FIDESZ has identified migration as a threat to the Hungarian state (terrorism), and, due to assumed cultural and religious differences, as a main threat to ethnic homogeneity (influx and higher birth rates), and the national tradition (Islam). It was, as in many other cases, reified as a threat to the survival of first the national community, and more recently, European civilization, defined as exclusively Christian. Not only did this discourse exclude the migrant from society, but framed them as dangerous.

The 'criminal migrant' is yet another familiar trope from Western European discourses, one that relies on dubious statistical data, commonsensical arguments, mandated 'expert' testimonies, and misrepresentative media reports<sup>352</sup>. This image transforms all migrant, irrespective of individual motivations, into threats to any receiving or transit country. Even if one accepts that migrants are passing Hungary towards Germany and other, more prosperous European states, as long as they are in Hungary, they represent a clear and present threat. One of the consequences of the criminalization of migration is the elimination of distinction between migrants and asylum seekers/refugees. This, as in other EU countries with similar discourses, can be seen in the reduced number of asylum seekers granted refugee status. With migrants criminalized, all of them become subject to suspicion by the host population, shifting the public discourse on economic migration – a bad thing in this context – and refugees – moral obligations to help those in aid – towards separating 'real' refugees from 'impostors', i. e. economic migrants or terrorists in disguise. It is then hardly surprising that the majority of the population considers most asylum seekers 'fake'.

As we mentioned, initially, migration was securitized primarily as an economic threat. Following the exponentially increasing pressure of growing migrant waves, the 'job loss' frame was dropped for an identity-based threat frame, wherein the economic threat only manifested in the costs Hungarians would have to bear while hosting migrants. Migrants therefore now threaten Hungarian culture, but also European civilization at large. Within this frame, the future of the community is a choice for or against migration, leaving no middle road open for a more nuanced treatment of a complex issue, especially the state's obligation to protect refugees<sup>353</sup>. Here, the role of Hungarians is that of the crusaders, the last defenders of Europe from a Muslim threat, mirroring the Turkish invasion of Europe in the Middle ages. In turn, any European criticism can be framed as betrayal.



### Resistance to Securitization

Political elites are not always able to rely on securitization to claim control over an issue. This ability is contextual and is conditioned by power relations between the securitizing actor and various audiences and veto powers, such as courts, opposition parties and the media. In the Hungarian case, however, political power relations are extremely asymmetrical. Due to FIDESZ's dominance of the media, competing frames offered by the opposition and local NGOs received little to no visibility. As both the judiciary and parliament have been filled with party loyalists, other, traditional veto powers also lacked the necessary political power to mount a desecuritization campaign.

These asymmetrical power relations forced desecuritization agents (those who sought to reverse securitization) to adopt new approaches. The centerpiece of these efforts were the counter-offensive mounted against the government's anti-migration billboard campaign, and the previously unprecedented grassroots campaign of activists in Budapest and major cities to help refugees into and out of transit zones during the summer of 2015. Both issues were highly symbolic, therefore they caught the attention of the Western media, offering further visibility to the desecuritization frame.

The à propos of the early June poster campaign was to boost awareness of the April 2015 'National Consultation on Migration and Terrorism'. National consultations are a key element of 'illiberal democracy' in Hungary: they have been used to supplant referenda, offering a semblance of influence on policymaking to supporters of the government. In reality, these questionnaires are little more than propaganda pieces with questionable methodology, biased and suggestive question. They provide tropes for supporters to shape public discourse, raise awareness about the government option, and are frequently used to demonstrate both the presence of democratic institutions and wide support for government policy against critics. The language used in the migration-related consultation is symptomatic of the securitization frame constructed by FIDESZ: it labels migrants as terrorists, and as a source of economic and cultural threat. The billboard campaign – which could also draw on Western examples – is equally hostile and reflects the image of the criminal/alien, with slogans like 'If you come to Hungary, you need to abide our laws/respect our culture' and 'you cannot take away the jobs of Hungarians'. The billboards were clearly not targeting migrants, but the general population: they were all in Hungarian and used the informal speech register, which in this context suggests condescension.

The poster campaign provoked outrage in many, and as soon as they were planted, a number of them were either painted over and/or rewritten. Those who did so mostly relied on humor to mock the hatred that the government media campaign, including billboards, radiated: they painted over certain words and letters to give new meaning to the poster. Two organizations elected to respond the campaign in kind: the mock-political party *Magyar Kétfarkú Kutya Párt* (Hungarian Two-tailed Dog Party-MKKP) and the UN's refugee agency, UNHCR, both launching poster campaigns of their own, but independently of each other. MKKP began collecting money for their campaign shortly after the billboards appeared. They were able to collect 33.3 million forints in donations by the early June, which showed unprecedented levels of activism among Hungarians.<sup>354</sup> This amount of funds – roughly one tenth of the cost of the government campaign – allowed MKKP to pay for 800 billboards, which, since they were positioned, allowed their message to reach a fairly wide audience. As mentioned, the campaign was not exclusively about migration, but involved other topical issues that had been the source of dissatisfaction with Orbán's government, including corruption, mass migration to Western Europe, or the controversial Paks II<sup>355</sup> deal with Russia.<sup>356</sup> The goal of the campaign was to ridicule government

fear-mongering, to raise awareness about systemic problems of Hungarian politics, and to reach out to the international public. The campaign was therefore targeting the government's securitization campaign, but did not offer a specific counter-frame about migrants themselves.

UNHCR on the other hand wanted to present a counter-frame about migrants that was to change the public's perceptions.<sup>357</sup> Their set of billboards, posted in Budapest metro stations, showcased refugees who have successfully integrated into Hungarian society. Not offering a comprehensive solution to the migration issue writ large, the UN campaign sought to problematize the undifferentiated, xenophobic treatment of migrants, and highlight the importance of assisting refugees. The posters themselves underlined this latter point: when helped, these refugees can become productive and successful members of Hungarian society. Though the posters spurred heated debates in social media, they did not really engage the population outside of Budapest due to their limited circulation.

The third element of the desecuritization campaign came from the NGOs and civilian activists working with refugees in transit stations, refugee camps and border towns. NGOs such as the Hungarian Helsinki Committee, the Association of Pediatric Practitioners, *Menedék Alapítvány* (Refuge Foundation), *Menhely Alapítvány* (Shelter Foundation), and *Oltalom* (Sanctuary) Charity Society worked together with ad hoc, non-institutionalized activist groups like *Segítsünk Együtt a Menekülteknek* (Let's Help Refugees in Hungary), Migration Aid, and the Migrant Solidarity Group of Hungary (Migszol). These latter, non-institutionalized organizations merit special attention: relying mainly on social media, they managed to attract media and public attention, as well as company and personal contributions in terms of know-how, working hours (activists, interpreters, drivers, cooks etc.), in-kind contributions (food, clothes, medicine). These contributions were all used transparently to assist migrants to reach transit zones, spend the minimum necessary time there and then move on to either a refugee camp or a train heading towards Western Europe. As their names suggest, these organizations sought to offer solidarity to migrants, irrespective of personal motivations. With a strong presence in the social media, active links to non-state and active media, they not only promoted solidarity for migrants, but also an image of Hungarians as solidary people with bad leadership. By organizing the daily life of migrants at transit stations, these civilian organizations effectively took over the responsibilities of the state, from providing information, food and shelter to providing legal council about migration policies. Their continued efforts form the backbone of the desecuritization campaign as they continuously promote a counter-frame that depicts migration as a humanitarian issue, not a question of security. Though unable to revert the government securitization efforts, these organizations helped to create an alternative frame that has received wide visibility in the capital and in the foreign press, but less so in the countryside. We suggest that the presence of an alternative frame can provide the basis of further desecuritization attempts. However, our initial research still suggests that NGOs and activist groups indeed lack the political power to mount a full desecuritization campaign on their own, without the assistance of traditional veto powers (judiciary, parliamentary opposition, media).

The increase in xenophobia in Hungary stabilized in late September according to recent polls, although it has reached record levels. This slowing down can partially be attributed to the rerouting of migration flow towards the countryside, and the resulting 'disappearance' of migrants from frequented urban areas, as well as the government's rhetorical turn towards European migration policy. However, with such a complex issue, a multi-causal explanation should not be excluded, wherein the promotion of counter-frames through unconventional means plays a role in shifting the public perception of migrants away from a racialized, threat-based security frame. This issue will have to be in the focus of further research.

## Conclusion

Countries of the Visegrad region have been converging on their hostile stance on migration since the second half of 2015, making the Hungarian case less unique than it was seen in the summer of 2015. Nevertheless, the case study we presented in this paper can be seen as a pure, 'textbook example' for securitizing migration. It draws attention to the importance of the domestic sociopolitical and sociolinguistic context when investigating variance in state responses to the so-called migration crisis. Once we look closer into the country-specific context of securitization dynamics, Hungary is indeed a pure case where securitization discourses are largely unchallenged. The fact that the campaign at the core of government reactions was initiated well before the summer 2015 wave of refugees further highlights the importance of contextual specificities. Despite obvious parallels with other, European states both in terms of discourse and policies, the Hungarian story stands out. Accordingly, we emphasized a number of elements of the case that explain the initial construction of the refugee Other – a construct that dominates Hungarian politics to this day.

First, securitization is audience-dependent, and Hungarian voters on the one hand show consistently high levels of xenophobia, and have also been conditioned by government rhetoric to think in terms of emergencies and clear and present dangers. Second, securitization is power-laden. In the case of Hungary, power relations are extremely skewed with the government holding control over the media, the opposition and the judiciary. Therefore, desecuritization attempts were restricted to civil society actors – among them issue-specific, nontraditional grassroots – which used nonconventional techniques to counteract the government master frame. However, without the aforementioned veto powers present, these desecuritization attempts only received limited visibility. To these two elements, the chapter added non-discursive tools termed non-policies. These, along the practice-based approach of Balzacq, demonstrate that a focus on discourse is insufficient for understanding securitization. As its own contribution to this revision, the chapter suggested that non-policies are important precisely because they appear to be products of chance and circumstance, so they usually fall outside the analysis of practices targeted at securitizing certain issues, such as migration.

Hungary's position on migration is deeply rooted in domestic considerations, and is almost exclusively motivated by them. The anti-migration rhetoric has been serving the purpose of voter mobilization and thereby the consolidation of FIDESZ's hold over the country ever since the launch of the anti-immigration campaign in 2015. Thus, the rhetoric is not about perceived policy problems, but about manipulating public opinion. With this anti-migration campaign still in full swing, Hungarian politics has been rendered single-issue. Voters are primarily motivated by fears of migration (despite the lack of incoming migration), and the government equates all opposition of any kind with 'pro-migration forces'. Allegations of managed migration used against any form of criticism, for instance that of NGOs, the 'Soros network', EU elites, opposition parties and more recently, academics. Accordingly, the securitization frame is constantly expanded: people respond to securitized migration, so the government subsumes all policy issues under this frame. Moreover, until this rhetoric remains effective, the official position will not change vis-a-vis migration policy on the EU level. Therefore, we suggest, it is pivotal to understand how the anti-immigration campaign was initially conceived, how it operates, and how it resonates with the domestic context, first and foremost with the Hungarian public at large.

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# Chapter 7

## Who said Quotas? The Role of Serbia in Burden Sharing of the 'Migrant Crisis'

**Stefan Surlić**



## Abstract

This paper analyses the possibility of Serbia becoming a country of destination by taking on part of the burden by means of defined quotas. Although the idea of social solidarity and distribution of responsibility for the refugees has been rejected on the European level, this paper examines the justification and the effectiveness of the Quota system and its possible application in Serbia. The author points out the authorities' positive attitude towards migrants while the Balkan route was open, but that there are objective reasons why Serbia is not a preference for asylum seekers. Furthermore, the effects of the 'migrant crisis' on the EU integrations and European values are highlighted.

## Introduction

Ever since it was opened in mid-2015, the Balkan migrant route started from Greece, Bulgaria or North Macedonia, through Serbia towards Hungary and then alternatively also toward Croatia, i. e. toward the western part of the European Union. Before it was formally closed upon the conclusion of the agreement between the European Union and Turkey in March 2016, the walls between certain Balkan states erected in order to prevent further influx of unwanted guests had become symbols of this route. Concrete walls and barbed wire reinforced the attitude of some European countries that 'we do not owe anything to those people'<sup>358</sup>. From the moment it was opened, this route was characterized by heterogeneity and dynamism, in the face of rapid changes regarding the numbers of migrants in pursuit of international protection, but also diversity as to their countries of origin, nationality, religion, language, sex and age at which they were forced to depart from their homes<sup>359</sup>. It was exactly these 'features' of the migrants that played a key role when deciding about the possibility of their admission and permission to stay in the European Union countries, primarily in Germany.

In the course of 2015, more than 600,000 refugees passed through the territory of Serbia, heading towards the developed Western European countries, notably Germany. The reaction of the government of Serbia was assessed as very humane, since the state officials called for appropriate treatment of refugees, undertaking measures to ensure their adequate reception. Moreover, the attitude of the entire society, who demonstrated a remarkable level of understanding and compassion, added to the positive reputation of Serbia during the mayor wave of the 'migrant crisis'. Both sides, the state and the society, including non-governmental organizations, provided an unexpectedly high level of assistance and support to the refugees.

One of the proposed solutions for social solidarity in distribution of the burden of the sudden influx of migrants is the Quota system. Although this refers to the European Commission proposal about the member countries' joint response, Serbia as a candidate country expressed readiness to take on part of the burden not only in ensuring a safe and humane transit, but also in permanent care for the refugees. The intention of this paper is to answer the question why Serbia offered to assume part of the responsibility and whether this tentative was underpinned by real reception capacities? Our initial argument connects the idea about EU common response through a Quota system with the role of Serbia in sharing the burden of the 'migrant crisis' 2015: in spite of officially expressing readiness for participation in the Quota system, Serbia has limited capacities for full social integration of refugees.

## Quotas for Refugees: Between Solidarity and Dignity

The issue of fair allocation of responsibility for the refugees has been the topic of numerous theoretical debates for quite a long time. The controversy addresses the situation when the need for solidarity in sharing the burden encroaches upon the dignity of human beings who had been forced to depart from their homes. Even when there is unanimous consent on the need for establishing quotas for the refugees, setting objective criteria upon which the distribution of responsibility among the countries will be effectuated is no easy task.

Global trends indicate that there is a disproportion between the North and the South and that developing countries bear 80 percent of the burden in caring for the refugees, whereas Germany is the only country of the developed North among the top ten host countries<sup>360</sup>. The 2015 'migrant crisis' targeted Germany as the principal European destination not only for the population of war-torn Syria, but also for all the economic migrants from the area of the Middle East and northern Africa. Despite its traditional 'Willkommenskultur' and unilateral suspension of the Dublin Regulation, which is based on the principle of redirecting the asylum seekers to the first EU member state of entry, Germany persisted on the pursuit of a comprehensive, European response to the abrupt influx of migrants, in the form of relocation and resettlement<sup>361</sup>.

Pledging for a normative defense of the demand for fair distribution of refugees among host countries, Gibney<sup>362</sup> argues that the criteria need to be based on the integrative capacities relating to population, gross domestic product (GDP), and the existing refugee population. However, although many EU member states, according to their economic power and infrastructural capacities, would be eligible host countries, the absence of immigrant culture and public resistance to foreigners considerably diminishes their integrative potentials.

Although a remarkable number of authors emphasize the moral duty to provide a safe haven for asylum seekers, which does not entail their right of choice of destination, it is indisputable that the refugees often put forward justified preferences for a certain country. Their preferences depend on multiple factors, the most prominent being the presence of their compatriots in that area from earlier periods, the possibility to preserve their religious and cultural specificities, as well as to have good chances for employment in a non-discriminatory labor market<sup>363</sup>.

As opposed to the concept of solidarity there is the idea on tradable refugee quotas, which legitimizes the right of countries to express higher or lesser degrees of preparedness to admit and integrate asylum seekers. Nevertheless, this does not exclude their moral obligation of sharing the burden and contributing in other ways to the care of persons who have been forced to leave their home countries.

Disputing the moral difficulty of the market for bargaining in refugee quotas, Kuosmanen<sup>364</sup> analyzes three objections: the preference objection, the dignity objection, and the exploitation objection. We shall particularly dwell on the two latter ones, which have been confirmed during the 'Migrant Crisis'. In reply to Gibney<sup>365</sup>, who argues that such a system of distribution means negative valuation, since the refugees are treated as 'toxic waste' that ought to be avoided, Kuosmanen believes that, basically, every proposal for burden sharing may encompass a negative connotation<sup>366</sup>.

However, in the case of the 'migrant crisis', the request for a solidary response was primarily concerned with providing timely assistance to refugees, as a massive influx of migrants within a short period of time can paralyze even a system infrastructural wise prepared for the integration of asylum seekers. Moreover, the arguments put forward by Hungary, Slovakia and Poland encroached upon the issue of dignity, since they refused to receive refugees of Muslim religion, with Slovakia even publicly proposing to admit Christians exclusively<sup>367</sup>. Thus, Gibney's claim has been confirmed that 'when a state considers specific groups of refugees as less desirable than other groups, and attempts to purchase the physical accommodation of these refugee groups from other states, the traded refugees are humiliated as a consequence<sup>368</sup>'.

The next objection Kousmanen analyzes refers to the exploitation of less developed countries in the case of bargaining with refugee quotas. Although he points out that participation in this market is on voluntary basis and that the host countries enjoy some benefits when admitting refugees, there is justifiable fear that the avoidance of the rich parts of the world to assume responsibility will turn underdeveloped countries into 'refugee accommodating factories<sup>369</sup>'. Actually, Turkey can serve as a showcase of a country which, for the sake of financial assistance for the integration of large numbers of refugees and visa liberalization for its citizens enabled the EU to find a way out of the failure to create a single asylum system<sup>370</sup>. Serbia and the other countries of the Western Balkans may well find themselves in a similar position in case of a new migrant wave, where the EU countries would be more willing to financially assist the integration of refugees away from the threshold of their borders, rather than to admit them.

Based on solidarity mechanisms in emergency situations contained in the Treaty on the Functioning of the European Union, the Council adopted a quota to relocate 40,000 individuals. Still, due to a massive influx of migrants over a short period of time, this figure was augmented to 120,000 asylum seekers. In addition to relocation quotas, a resettlement quota was proposed for 22,000 persons in need of international assistance, with the aim to decrease the pressure on Syria's neighboring countries. However, the 28 EU members were not prepared to proportionally assume responsibility even for a total of 160,000 persons who were already within the borders of the Union<sup>371</sup>.

By rejecting the Quota system, the European Union has renounced from agreeing on a common response to the 'migrant crisis' and thus brought into question the idea of a common destiny of the Union. The Dublin Regulation has proved to be unjust and inapplicable, and the Schengen as easily to suspend. The treacherous concept of EU members 'regaining' their sovereignty actually brought about the physical closure of their national borders and absence of will to assume responsibility.

It should be noted that, from the normative point of view, the European Union had ideal conditions for agreeing on a common and systematic response to the 'migrant crisis'. Firstly, it is a coalition of countries characterized by close cooperation, whose mutual relations are defined by the European Union Treaty. Secondly, the joint participation of member countries in executive, legislative and judiciary bodies of the Union coupled with their indisputable supra-national authority would have ensured smooth coordination of a fair distribution of the burden. The third characteristic is that, by entering the region of interconnected countries, the refugees could have been offered alternatives of care through joint mechanisms of supervision, instead of leaving this task to individual countries of first entry. Lastly, the EU has developed logistic capacities of registration and monitoring by means of data exchange within the Schengen system, as well as direct operational assistance in saving and caring through the common European Border and Coast Guard Agency, Frontex<sup>372</sup>.

The question is why a common institutional response did not occur, in spite of all the mechanisms that the EU has put in place so far. Likewise, why did the number of 160,000 migrants bring about the absence of a common asylum policy, when Germany alone took in around one million refugees in the course of 2015? Zaun<sup>373</sup> points out that the traditional asylum recipients, such as Germany, Austria and Sweden required solidarity because of internal pressures for the reduction of the influx of new asylum-seekers, whereas other member countries, especially those with no immigrant culture, wished to avoid similar pressures.

The attitude of the countries of the Visegrad Group has shed a light on the challenges the European Union is facing, which up to that point, Brussels was not aware of. Firstly, that it is not easy to reach a unanimous decision of the EU countries in conditions of real crises, i. e. when one of the most developed regions of the world 'failed to address the health and humanitarian needs of refugees'<sup>374</sup>. Secondly, that the countries that became full-fledged members after 2004, and which prior to the 'migrant crisis' had a low bearing on the decision-making process in the EU, have actually diversified the EU societally much more than it had been presumed, especially regarding its values and cleavages<sup>375</sup>. Thirdly, that an agreement with Turkey was concluded so as to prevent a complete breakdown of the European system, which does not comprise control mechanisms that would sanction any instance of misuse of the €6 billion fund provided by the EU<sup>376</sup>. Finally, the 'migrant crisis' has generated so strong anti-immigrant preferences mobilized by the rightist populist forces in the Visegrad Group countries that they are in power in as many as four EU countries<sup>377</sup>.

In the context of the above mentioned outcomes of the 'migrant crisis' affecting the European Union, we can talk about the consequences for the Western Balkan countries situated along the Balkan Route, and primarily Serbia. It is evident that the experience of absence of a common asylum policy will have taught EU representatives in the path of further integrations, not only that legal commitments have to be made to respect European norms and practices, but also that European values have to be shared. Although it is a normatively undefined term, its political power is reflected in preferences dictated by public discourse in member states and candidate countries. On this trail also lies part of the explanation for the discourse of the Government of Serbia supporting idea of burden sharing of the 'migrant crisis'.

### **Serbia on the Balkan Route**

Before we explain the reasons why Serbia has created a positive discourse toward the migrants, it is necessary to explain the importance of the Balkan Route in the establishing of a new regional and European political context:

- › The 'migrant crisis' has exposed the fluidity of the European Union borders, since the Balkan Route encompassed both its member and non-member countries, with the migrants formally entering the territory of the Union twice, first through Greece or Bulgaria, and proceeding via Serbia into Hungary or Croatia afterwards.
- › Non-member countries or candidates for membership were indispensable in creating a comprehensive and effective action in the registration, care and accommodation of migrants. The Prime Minister of Serbia repeatedly pointed out that it was in the territory of Serbia that the migrants were often registered on their way from Syria<sup>378</sup>.

- › There were diverse responses of the countries along the Balkan Route to the process of reception and transit of the migrants. However, it is obvious that old feuds (between Serbia and Croatia) or new alliances (between Serbia and Hungary) had a bearing on the degree of regional cooperation and interstate solidarity.
- › Irrespective of its real capacities to become a destination country, the declarative readiness of Serbia to participate in the Quota system and the absence of anti-migrant climate in the public and political sphere gave it a more 'European' image as compared to many EU members.

There are several reasons for such a reaction of Serbia, which was in sharp contrast with the other countries of the Balkan Route. State representatives were guided by two key motives: the first derived from the wish to prove that Serbia, in spite of not being a full-fledged member of the EU, is a country that shares European values and is prepared to implement a policy of solidarity toward the migrants, as promoted by Germany. Coupled with this was the need to demonstrate institutional capacities for efficient registration and providing assistance to all those whose trajectory was through the territory of Serbia. The second reason is the wish to alter the image of Serbia, whose international reputation had been tarnished during the wars of the nineties. Out right solidarity was demonstrated with the Muslims, in clear contrast to ethnic conflicts it had been engaged in with people of the same faith in Bosnia and Herzegovina and Kosovo during the 1990s.

The open approach and the humane reaction of the entire society were based on a still vivid experience with the refugees from Croatia and Kosovo. Many Serbs who had fled those areas identified with the tragedy affecting families from a war-affected Syria. Also, the population knew that Serbia was not the migrants' final destination and that the extended hospitality in transit was not going to have any serious bearing on their habitual way of life.

With the closing of the Balkan Route for the migrants, the context of the crisis, as well as the institutional framework of behavior towards the migrants began to change. As of March 2016, when the borders towards Croatia and Hungary were almost completely sealed, it became increasingly obvious that a considerable number of refugees were going to seek asylum in the attempt to remain permanently in the territory of Serbia. That meant that Serbia would no longer be a country of transit, but a final destination.

For the majority of migrants, Serbia is not a country they genuinely intend to stay in, but rather a transit territory they plan to leave as soon as they have an opportunity to do so. The role of Serbia was exhausted on registration, providing initial assistance at reception and accommodation for asylum seekers. In its territory, it opened 5 permanent centers for asylum seekers and another 14 shelters that began mushrooming as of 2015, due to the increasing numbers of migrants who were predominantly using them while in transit<sup>379</sup>.

According to indicators for April 2019, the centers for asylum seekers host 848 persons (total accommodation capacity is 1,770) predominantly hailing from Middle East countries. As for reception centers, there are 14 altogether and they were opened between 2015 and 2017. The reception centers, according to data from April 2019, host 2,212 persons. Therefore, the current capacity utilization is 3,060 persons, as compared to the total capacity of 6,140 and the capacity of temporary accommodation for an additional 1,155 persons<sup>380</sup>.

Since the beginning of 2019, according to the statistics of the Asylum Office, 2,269 migrants who have also expressed their intention to seek asylum have been registered in the Republic of Serbia. There have been a total of 63 recorded requests for asylum since the beginning of 2019, out of which subsidiary protection has been granted to 10 persons, whereas 12 persons were granted asylum<sup>381</sup>.

The enormous influx of migrants in the area of the Balkans at some points seemed to revive old feuds among the countries situated along the Balkan Route. Croatia, and especially Hungary saw themselves as the 'guardians' of the external boundaries of the Union. Although the countries along the Balkan Route did not have the same policy toward the migrants, with Hungary erecting a wall along its border with Serbia at one moment, and then extending it along its border with Croatia, Serbia and Hungary have strengthened their partner relations. The Hungarian Prime Minister advised his Serbian counterpart to follow the example of Hungary in controlling national borders. 'We are ready to help, because it is our interest that no one should enter Serbia in an illegal way, which also increases the security of Hungary. That is why in the sphere of migration our security agencies and our ministries of the interior will be cooperating and we offer you our help', said Viktor Orban<sup>382</sup>.

However, the 'migrant crisis' brought the relations between Serbia and Croatia to their lowest point since the breakup of Yugoslavia, at the point when Hungary erected a barrier along the border with Serbia and thus redirected the wave of refugees toward Croatia. Croatia blamed Serbia for such developments arguing that it had concluded a secret deal with Hungary at the detriment of Croatia. The reaction of Zagreb sparked a kind of 'trade war', with a ban for heavy trucks to cross into Croatian territory from the direction of Serbia. Belgrade reacted to the refusal of Croatia to withdraw the imposed measures by countermeasures for Croatian trucks, upon which Croatia banned all vehicles with Serbian registration plates from entering its territory. This crisis was accompanied by sharp rhetoric of Croatian Prime Minister Milanović, who said that: 'We can allow people in through the fields, like Serbia is doing, but then it is not a state. It is an accidental, disorganized state that wants to join the European Union and they have to think very carefully about their future behavior in European Union, because I see this as a very bad signal. What I mean is that Croatia is the only one doing this job in an organized way at this moment'<sup>383</sup>. The then Prime Minister of Serbia, Aleksandar Vučić, also reacted to such measures publicly: 'We believed that the times when people were being taken off buses on the grounds of their nationality were long gone. We are not going to do that'<sup>384</sup>.

In the absence of a supra-national coordination and a common EU policy, Serbia as one of the countries situated along the migrant route, often found itself in the paradox situation of receiving the support of international organizations and institutions in providing a humane transit on one hand, and on the other being under pressure of EU member countries to stop the influx of migrants. Moreover, to be facing a situation where EU officials insist on the countries of the Western Balkans upholding European values, while at the same time closing the Balkan Route by legitimizing the autocratic rule in Turkey, in order to solve the refugee issue<sup>385</sup>.

### **The Prospect of Serbia Participating in the Quota System**

In October 2015, at the summit in Brussels dedicated to the 'Migrant Crisis', the then Prime Minister of Serbia said: 'We will accept the quota and we are prepared to bear our part of the burden'<sup>386</sup>. With that message, the prospect of Serbia changing its status from a country of

transit to a final destination for several thousand asylum seekers was publicly announced. To what extent would, under such conditions, Serbia be a more desirable destination for long-term stay of a certain number of migrants and possibly participate in the system of distribution according to quotas, depends on a number of circumstances.

First of all, Serbia as a country candidate for membership in the EU has been trying to harmonize its entire legal framework, including the asylum policy, with the legal heritage of the EU. In the normative sphere, Serbia has done this by adopting laws which are adapted to the newly created situation: The Law on Asylum and Temporary Protection, the Law on Foreigners and the Law on Border Control<sup>387</sup>. By adopting these new laws Serbia made the asylum procedure more effective in legal terms, as well as provided for a better definition of the rights and obligations of foreigners in its territory<sup>388</sup>.

The UNHCR report noted a significant legal improvement of the right to asylum and temporary protection, in particular provisions providing gender-sensitive asylum procedures, as well as the introduction of gender, gender identity and gender-based violence in the definition of refugees. Also, in identifying children as asylum seekers, especially unaccompanied children, improvements are recognized<sup>389</sup>.

Serbia's aspiration to become a full-fledged member of the European Union, in addition to legislative adaptation, was followed by a political commitment to the European values of sharing the burden of the 'migrant crisis'. However, Serbia has very limited resources for the actual integration of refugees into society. Although the accommodation capacities significantly exceed the current number of asylum seekers, a host country's long-term commitment is to provide a better and more humane living environment than asylum centers, as well as real opportunities for employment in the labor market.

Prior to the outbreak of the 'migrant crisis', Serbia was the first European and the 14th country in the world in the number of refugees and internally displaced persons<sup>390</sup>. It is therefore not surprising that it has not yet managed to find a long-term and comprehensive solution for people affected by conflicts during the breakup of Yugoslavia. According to UNHCR data, Serbia has about 22,886 households or 97,286 internally displaced persons in need. Unemployment in this group of people in need is 39 percent, while the majority (74.3 percent) survive on an income lower than €200 per month. The main problem is housing, with 94 percent of all internally displaced persons in need having emphasized this problem<sup>391</sup>.

Moreover, in addition to the concern about the care for refugees and displaced persons, as well as, migrants from the Middle East, based on readmission agreements in the EU accession process, the Balkan countries have committed themselves to the readmission of their own citizens who do not fulfill the conditions of permanent residence in the territory of the EU. It is a process parallel with the 'migrant crisis', where thousands of their own citizens return as economic migrants<sup>392</sup>. With this number of people, it is impossible to imagine Serbia being a successful destination country for new migrants without crucial financial assistance from EU countries.

According to experts, who from the beginning had been involved in monitoring institutions' activities in the admission of and care for refugees during the 'migrant crisis', Serbia is not ready for any longer-lasting admission of a large number of refugees: 'How will accommodation be organized for these people, learning of the Serbian language, access to the labor

market, and so on? For, these are all rights that our country guarantees to asylum seekers. We believe that Serbia is not prepared for that<sup>393</sup>. Speaking about the capacities that the Republic of Serbia has at its disposal, the spokesman for the Commissariat for Refugees, Ivan Mišković said that Serbia 'has capacities for six and maybe even nine thousand places, but this applies for a shorter period of stay in the Republic of Serbia. We believe that Serbia is not ready for that<sup>394</sup>'. On the other hand, Antonijević<sup>395</sup> from the Lawyers Committee for Human Rights (YUKOM) points out that if there really were a need for Serbia to take part in quotas, 'the society would not feel a greater burden by receiving about 6,000 refugees'.

The second argument that relates to Serbia's long-term prospect of being a destination country concerns demographic indicators. Serbia faces a number of serious demographic problems, such as the birth rate that is far below the need for the shift of generations, an intensive delay of the birth of the first child, depopulation, over-aging populations and a negative migration balance. As a result of these circumstances, Serbia cannot avoid two permanent processes: aging of the population and reduction of the total population. Therefore, it is not excluded that in the near future a structural deficit in the labor market will emerge as a result of the emigration of highly educated and highly qualified individuals, combined with the retirement of baby boom generations born in the 1950s. Migrants can be a significant solution for structural unemployment in Serbia, because it has already been noted that, although their volume is not large, asylum seekers illegally do jobs that the home population refuses, especially in agriculture<sup>396</sup>.

Although Serbia had a pronounced pro-migrant attitude, after the formal and coordinated closure of the Balkan Route, there has been a certain degree of securitization of the migrant issue. There were statements in the public space that showed a xenophobic tone and emphasized the negative consequences of the long-term presence of migrants followed by concrete actions, that is, the petitions of the local population to move away camps from Šid and Subotica. However, this did not hinder the process of integration of migrants into society. It turned out that the enrollment of children in schools has given the most positive results in bringing the migrant families and the local population closer<sup>397</sup>.

## Conclusion

Serbia, as one of the countries on the Balkan Route, expressed its commitment to a humane and timely treatment of the refugees, whose final destination was predominantly Germany. There is a prevailing opinion that the attitude of Serbia derived from a combination of experience in similar situations of crisis in the past and the wish of the political elite to present itself as an acceptable and cooperative partner of the EU in the context of further Euro-integrations. Also, its task was facilitated by the fact that Serbia was a country of transit, and not a destination on the migrant route.

It can be said that the promotion of European values by Serbia was 'with no or little cost, and with much benefits to itself'<sup>398</sup>. However, it should be taken into account that the anti-migrant attitude bore a certain political attraction as well, and that the representatives of some countries along the Balkan Route were not prepared to capitalize on the 'benefit' of a humane treatment of the refugees. As Reljić points out:



'When a head of government says 'Be nice to refugees', then the majority of a society is more likely to not be hostile to refugees. When, as in Hungary, the head of the government says 'We need to finish this brutally', then you see a different societal reaction emerge<sup>399</sup>.'

Despite dilemmas about its justice, solidarity and dignity, the Quota system constituted an attempt to provide a united European response in sharing the burden of an unexpected influx of migrants in 2015. Serbia officially offered to participate in the shared distribution of responsibility by admitting a certain number of migrants. Nevertheless, objective parameters indicate very modest capacities for full-scale social integration of larger numbers of refugees, although there have been some very positive instances of asylum-seekers' excellent adaptation to the Balkan social environment. Despite the inclusive legislation, a key obstacle is still the labor market and the limited possibilities of earning a decent living. However, the arrival of larger numbers of migrants could have 'positive demographic effects and help to stabilize society, bearing in mind that the annual migration from Serbia is estimated at between 10,000 and 15,000<sup>400</sup>'. Should Serbia in the near future become a more developed country and a full-fledged member of the European Union, and in case the migrant waves from various parts of the world reach once again the Old Continent, the option of Serbia being offered participation in the quotas one day cannot be excluded.

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# Conclusion

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## Abstract

The Erasmus+ Jean Monnet project MIGRATE looks into the developments in the Balkan Route pre and post the EU-Turkey Statement and the responses by the individual countries inside this framework. The study aspires to broaden the discussion on the ripple effects created during and in the aftermath of the post-2014 'migrant crisis' and the related responses to it affecting both integration and enlargement. It concludes that an open and inclusive de-securitised asylum and migration policy would be most beneficial to the future of the EU integration and enlargement.

## The Impact of the 'Migrant Crisis' on EU Integration and Enlargement

The EU construct has been experiencing during the past years one of its most turbulent periods, with the 'migrant crisis' acting as an event that led the EU spiralling down a maelstrom in uncharted waters. The current analysis sets out to explore the recent 'migrant crisis' in South-East Europe and more specifically, how the crisis acted as a trigger event that unearthed dormant crises or underlined pre-existing ones in the EU. These were mostly the Eurozone debt crisis and the crisis of liberal democratic institutions, which led to the advent of populist political parties occupying a political sphere that mostly represents secession inside the EU.

The case of the Balkan Route being the central focus point of the post-2014 'migrant crisis' showcases that the degree of integration and solidarity among EU members is not as deep and complete as expected. The lack of a common EU policy and reluctance to share sovereignty became evident among EU members from early on, exposing a deep split among EU members' policies towards managing the crisis. The main parameters setting the frame of this split have been the securitization of the 'migrant crisis' and its use in popular discourse.

A prime example used as a case study in this volume is Hungary. Szalai and Göbl (Chapter 6: The Construction of the Refugee Other in Hungary during the 2015 'Migration Crisis') analyse the process of securitization in the country. The authors assure that Hungary is far from being a unique case, but rather a 'text book' example of a Visegrad group state, vehemently anti-immigration, with a government constantly expanding the securitization agenda to include other issues other than migration. This, they caution, will continue to have a direct impact on Hungary's and other similar minded states' stance on policy formation at the EU level.

The impact of this tendency within the EU was evident in the case of the eventual common response of the Union to the crisis. The initial open door policy adopted by Germany was heavily opposed to by some EU members, which also became very critical of the lack of strict border controls in the transit states on the Balkan Route. As a result of the pressure, the policy was abandoned following a move by many countries to reinstated border controls, effectively suspending the Schengen regime. The EU-Turkey Statement was introduced in March 2018, quintessentially closing down the Balkan Route.

The EU-Turkey Statement is discussed by Engler (Chapter 1: Route Closed? The impact of the EU-Turkey Statement on refugee migration flows into Europe) who provides a critical overview of the statement by examining humanitarian, legal and other related considerations. Engler, while questioning the direct causality between the decrease in the numbers of migrants crossing the Mediterranean and the Turkey-EU Statement, he asserts that the heavily criticised in respect to human rights violations agreement sends out a message of prioritising border security over solidarity and burden sharing.

The impact of the split among EU policy makers, as Keridis showcases (Chapter 3: The Migration/Refugee Crisis and the (un/re)making of Europe: Risks and challenges for Greece) is most evident in Greece, which found itself cut off from the rest of the EU when it was suspended from the Schengen zone and later when it faced the closing of its borders with North Macedonia. The latter incidence was of particular importance as a non-EU member state closed its borders to an EU member state with the help of police forces from other EU-members.

Further to impacting on EU's human rights, solidarity and burden sharing principles, outsourcing management of the 'migrant crisis' to its bordering EU candidate member states had an effect on the Union's normative influence on them. The various countries on the Balkan Route formulated their policies based on their domestic political situation, EU conditionality and the specific trade off they had with the Union. The cases of EU candidate members used in this volume refer to Turkey, North Macedonia and Serbia.

On the Turkey case, Tsarouhas (Chapter 2: Turkey and the European Migration Crisis: apprehensive cooperation) examines the pre- and post- environments that were formed with the Joint Action Plan and the EU-Turkey statement in the country and he points out that the quid pro quo nature of the statement enhanced a transactional securitised form of cooperation between the two.

Likewise, Ilievski and Runcheva Tasev (Chapter 4: The Balkan Refugee and Migrant Corridor and the case of North Macedonia) discuss extensively the case of North Macedonia, a country in a prolonged political crisis at the time of the height of the 'migrant crisis', heavily impacted domestically by the wave of securitization of the 'migrant crisis' and adopting to EU policies on managing migration pertaining to its EU candidacy member status.

Serbia is another such example. Galijaš (Chapter 5: Permanently in Transit. Middle Eastern Migrants and Refugees in Serbia) makes a case of how EU conditionality played a significant role in the decisions taken by the Serbian government, in an attempt to move closer to opening more Chapters in the accession discussions with the EU. While other countries faced with the crisis exhibited secessionist tendencies, the Serbian government consciously adopted a more agreeable position having as a strategic goal the country's EU accession.

An example of the latter is Serbia's willingness to join the Quotas system, as described by Surlić (Chapter 7: Who said Quotas? The Role of Serbia in Burden Sharing of the Migrant Crisis). Nonetheless, the very nature of this transactional relationship if it were to be applied, echoing the EU-Turkey Statement, might lead to the creation of a EU periphery where core countries would be more willing to financially assist the integration of migrants away from their borders, rather than to admit them in their territory.

The post-2014 'migrant crisis' focusing on the Balkan Route has been a major test to EU integration and enlargement. Core values related to the protection of human rights, solidarity and burden sharing were side-lined in favour of renationalizing policies, border security and outsourcing of crisis management in the periphery of the EU, short-circuiting in the process central principles of EU enlargement like the strengthening of democratic forces in the region. As migration flows to the EU will most probably continue in the future, an open and inclusive de-securitised asylum and migration policy at the EU level would be most beneficial to the future of EU integration and enlargement<sup>401</sup>.

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401 For policy recommendations, see Dimitris Tsarouhas (ed.) (2019) MIGRATE Policy Paper, available on the project's website: <http://www.migrate-project.com/>.

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