THE BALKAN ROUTE: A NEVER ENDING TRAGIC STORY

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Abstract: Since 2015 more than half a million people migrated in many of the European Union Countries through the Western Balkan route. Most of the migrants traveled from Syria and its neighboring countries via Turkey, Greece and the Western Balkans to the Western European countries in order to seek asylum and a better life. There are a couple of routes that the migrants use, one is the Western Mediterranean route, the Central Mediterranean route that is the most deadly, and Eastern Mediterranean route through Turkey and Greece. The Balkan route was opened and used because the migrants that passed through these countries were not there to stay and seek asylum but to transit and move to Germany and the other EU member states. The Balkan countries cannot host the migrants because they do not have the capacities due to different circumstances but on the other hand, the migrants don't want to seek asylum in these countries their destination is upward. From 2015 the Balkan route was a fast transit route, migrants passed from Serbia to Hungary, or toward Croatia and Slovenia. This scenario changed with the introduction of new stricter asylum policies and closing of the borders by many EU states and implementing of the EU-Turkey agreement which was planned to close the Balkan Route. On 18th of March 2016 was signed the EU-Turkey Statement to end the flow of irregular migrants and replace it with safe and legal means. EU promised Turkey financial help and resettling the refugees directly from Turkey to other EU member states. Although the deal was partly successful and reduced the inflow of legal refugees it also left many refugees stranded in the Balkan countries territories especially in Serbia and Macedonia which is a great burden for this countries. The closing of the borders or the closing of the Balkan Route it may decrease the frequent inflow of refugees but it did not stop the irregular migration, in fact, it increased it, which opened the doors for smugglers, and new alternative routes opened like the route between Serbia and Bulgaria. In order to stabilize the refugee crisis, especially the problems with the strained refugees and to prevent the other possible scenarios that may arise as a consequence of the above situation, there should be increase in the regional cooperation, straightening the border management, balance the reception capacity, the EU assistance to be increased as well as the humanitarian support and the fight against smugglers these have to be the key steps that need to be taken to stabilize the crisis.
Keywords: Balkan Route, Turkey agreement, EU policies, refugees, border securitization.

1. INTRODUCTION

The European Crisis began when the European Union was caught off guard with enormous numbers of refugees and migrants and all of this was due to the Unions failure to turn the asylum system into an accepted and unified one. In 2013 the refugees and migrants inflow increased, the EU having no other solution securitized its external borders which were very ineffective because it did not stop the migrants instead they used different routes and different ways to enter the EU.[264] The questions at this point to be analyzed are whether or not the Union had the chance to prevent this crisis from happening? Why did it place the Countries on the Balkan route with a burden that was difficult to handle, was it just to test them whether they will be able to manage and cooperate with each other despite their past? And the final question is whether or not the EU did the right thing in signing the agreement with Turkey knowing it will not be able to fulfill it, and how it will manage the situation?

2. THE BALKAN ROUTE

The Balkan Route was not the only route before 2015, there were and still are couple other active routes, but the Western Balkan Route was different. The other routes were extremely dangerous, in April 2015 around 800 migrants drowned in the Libyan Cost in order to get to Italy. This is only one incident as an example of what happens on those routes that is why the Balkan Route was more attractive it was safer because the countries

[264] Weber Bodo. "The EU –Turkey refugee deal and the not quite closed Balkan route". FRIEDRICH EBERT STIFTUNG. June 2017. Online. Available: http://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf pg. 6

themselves facilitated the transport of the migrants and refugees.[265] This was an act of will and an act to prove worthiness but also an act of humanity.

The Balkan Route is not a new route, in the 1990's due to the violent conflicts inside the Balkans, thousands of people left to the EU countries. In fact, it was due to the Yugoslav refugees that the Common European Asylum Policy was created. [266] The Western Balkan route consisting of four countries Macedonia, Serbia, Croatia, and Slovenia was the transit route in 2015. The four countries had to organize appropriate registration, accommodations, and transport for the migrants. [267] They did this because Germany decided to accept a large number of Syrians, so the countries formed a passage and helped refugees transit. Most of them did not fill the asylum papers. Dublin III and other asylum and refugee directives did not apply in 2015/2016 refugee crisis. [268] And the asylum policies could not apply given the numbers of refugees and migrants that passed through these countries, if it was all done procedurally it would have most probably led to bigger chaos and incidents. In this situation, the four countries cannot be blamed because they were placed in this situation due to the promise that all of them will be transited to Germany and other EU countries and there they will seek asylum.

MACEDONIA

The Balkan Route from Greece to EU begun at Idomeni continued to the Macedonian southern border, and migrants were accepted at the Vinojug camp in Gevgelija. Then they traveled to Tabanovce and crossed the Serbian border to the town of Miratovac. And from there continued to Croatia or Hungary. In 2015 and the beginning of 2016 several hundred thousand migrants passed through Macedonia. Since July 1, 2015, 697,228 migrants transited.[269]

The Macedonian asylum system was based on the law on Asylum and temporary protection, it was changed in 2012, and it was revised again on June 2015 to lower the restrictive rules and respect the EU asylum instrument. Migrants are allowed to fulfill an application at the border, which gives them 72 hours to be legally on Macedonian territory. [270]

In Macedonia the migration crisis escalated in spring 2015, at least 30 migrants died, on April 24, 2015, 14 migrants were killed by a train. Furthermore, the numbers of migrants continued to increase between June and August 2015, 52,757 persons. With new arrivals, Macedonia had to introduce a nationality screening program meaning that only those coming from Syria, Afghanistan, and Iraq were allowed to enter Macedonia. On November 28, 2016, Macedonia begun to build a fence along the border with Greece in order to limit the entries. [271] Although the securitization of the borders comes in first place when a county stability and security are at threat still the closing of the borders and restricting the migrants entry was not part of the EU plan or proposal.

[265] Sardelic, Julija. "THE WESTERN BALKAN ROUTE: A NEW FORM OF FORCED MIGRATION GOVERNING IN EUROPE?" Green European Journal. (Aug 31, 2017) Online. Available: https://www.greeneuropeanjournal.eu/the-western-balkan-route-a-new-form-of-forced-migration-governance-in-europe/ pg.2

[266] Greider, Alice. "Outsourcing Migration Management: The Role of the Western Balkans in the European Refugee Crisis". (August 17, 2017) The Online Journal. Migration Policy Institute. MIGRATION INFORMATION SOURCE. Online. Available: https://www.migrationpolicy.org/article/outsourcing-migration-management-western-balkans-europes-refugee-crisis pg. 1

[267] Šabic Šelo Senada and Boric' Sonja. "At the Gate of Europe. A Report on Refugees on the Western Balkan Route". FRIEDRICH EBERT STIFTUNG. Online. Available: http://www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf pg. 4

[268] Sardelic, Julija. "THE WESTERN BALKAN ROUTE: A NEW FORM OF FORCED MIGRATION GOVERNING IN EUROPE?" Green European Journal. (Aug 31, 2017) Online. Available: https://www.greeneuropeanjournal.eu/the-western-balkan-route-a-new-form-of-forced-migration-governance-in-europe/ pg.2-3

[269] Šabic Šelo Senada and Boric' Sonja. "At the Gate of Europe. A Report on Refugees on the Western Balkan Route". FRIEDRICH EBERT STIFTUNG. Online. Available: http://www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf pg. 5

[270] Ibid pg. 6

[271] Šabic Šelo Senada and Boric' Sonja. "At the Gate of Europe. A Report on Refugees on the Western Balkan Route". FRIEDRICH EBERT STIFTUNG. Online. Available: http://www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf pg. 6

SERBIA

From 2015 to February 2016, 639,152 migrants transited through Serbia. The legislation in Serbia consists of the laws on Asylum, Foreigners, and State Border Protection from 2008, the 2012 Law on Migration Management and the 2014 Law on the Employment of Foreigners all of them as part of the Serbia's framework for accession asylum legislation but they are all partly in accordance with the EU acquis. The 2008 asylum law gives the opportunity to the migrants to apply for asylum either at the border or once in Serbia which is similar to Macedonian law. But as in Macedonia few of the migrants wanted to stay in the country. When the border closed the number of applications increased. Most of the migrants from Serbia traveled to Hungary therefore in July 2015 Hungary built a fence along the Serbian border and introduced penalties for illegal border crossing. Many incidents occurred at the border with the Hungarian police and the migrants. The fence was completed on September 15 and migrants were redirected to Croatia. At the end of February 2016, Serbia issued an alert to protect its borders. [272] Like in Macedonia, Serbia acted the same way in order to protect itself because the migrants are stranded on its territory they don't want to stay and apply for asylum but they cannot go neither upwards to the EU countries neither back home.

CROATIA

Between September 16, 2015, and March 5, 2016, 658,068 migrants entered Croatia. Until July 2, 2015, the right to asylum in Croatia was regulated by an Asylum Act, but because of the harmonization with the EU directives a new act of International and Temporary Protection was created on July 2, 2015. Croatia like Macedonia and Serbia is a transit country. Migrants entering Croatia can apply for asylum, they are fingerprinted and taken to centers in Kutina or Porin. If they do not want asylum they are issued a decision of return. The crisis in Croatia begun the day that Hungary closed its borders. Unable to manage the huge number of migrants, Croatia closed all borders with Serbia and it halted all cargo traffic. Serbia, of course, responded by closing its border to Croatian goods. Croatia closed its border to Serbian citizens. This lasted several days, then the bans were lifted and the relations normalized. Croatia redirected the migrants to Hungary, Hungary closed the border with Croatia and from there the migrants were directed to Slovenia.[273] In a region were relations are fragile even the smallest misunderstanding can trigger a conflict. Unable to cope with the crisis not just Croatia but all of the neighbors and with a sense of protecting their own, all of the countries reacted in the same way, they closed the borders and restricted entries but also pushed the migrants back were they came from, from their neighbors and that is how a crisis should not be managed.

SLOVENIA

When Hungary closed its border with Croatia the migrants were rerouted to Slovenia by mid-January 2016, 408,000 migrants passed through Slovenia. Slovenia was also a transit country. On November 11, 2015, Slovenia begun constructing a wire fence along the border with Croatia. This decision intensified the relations between the two countries. Croatia claimed that Slovenia's fence was on Croatia territory resurrecting the sensitive border dispute, but as the refugee's numbers decreased so did the relations between the two. On November 27 Austria started a fence along the border with Slovenia. [274]

As future candidates for EU membership except for Slovenia and Croatia, the Balkan countries were obliged to adopt EU asylum law as part of accession negotiations. But when one country presented restrictions, the other countries followed with the restrictions in order to avoid any kind of responsibility for the migrants resulting in "de facto coordination". At the beginning of 2016, Germany and Austria introduced their own restrictions, Slovenia and Croatia introduced quotas for restricting passage, irritating the situation at the Greek-Macedonia border. Macedonia began building a fence and closed its border with Greece.[275] The Visegrad Group consisting of Czech Republic, Slovakia, Poland, and Hungary refused to help with the relocation of the migrants, and they did not want to let the migrants enter in any of the countries in the group. Germany proposed the idea to manage the migration with an agreement with Turkey, but the Visegrad countries did not want to. In 2016 restrictions increased for the migrants,

[272] Ibid pg.9
[273] Ibid pg.11-12
[274] Ibid pg.14-15
[275] Greider, Alice. "Outsourcing Migration Management: The Role of the Western Balkans in the European Refugee Crisis". (August 17, 2017) The Online Journal. Migration Policy Institute. MIGRATION INFORMATION SOURCE. Online. Available: https://www.migrationpolicy.org/article/outsourcing-migration-management-western-balkans-europes-refugee-crisis pg. 2

border controls were set, and this threatened the Schengen area. Austria and Slovenia joined the Visegrad group.[276] In order to have a solution to a crisis all of the states involved should be united with one stand otherwise there is no possible solution, especially in this case where all of the countries, first of all, have a fragile past and their communications can be easily broken and lead to the even harder situation but not a solution.

Migration through the Balkans is now driven by the 57000 migrants that are stuck in Greece, and are living in terrible conditions. EU member states promised to relocate them but the system is working so slow that only 2681 refugees have been sent to other countries. [277]

Although the migrant crisis affected each country individually it affected terribly the relations between them. The crisis intensified fears that the lack of cooperation would strain the precious relations among neighbors. The region struggles with the history of the 1990's. [278]

3. TURKEY-EU RELATIONS

On 18 of March 2016, EU Heads of States and Turkey signed the EU –Turkey Statement. This deal was created to end the flow of migrants from Turkey to EU and replace it with organizing safe and legal transfer of migrants to Europe. The effects of the agreement were immediate but only partially, thanks to the Turkish authorities. [279] Since April 6, 2016, arrivals on the Greek islands have dropped from several thousand to an average of 80 a day. The winter of 2016/2017 the daily arrivals dropped to 40 migrants. [280]

EU and Turkey both had backup reasons why they signed the agreement. The Turkish authorities used the threat of migration to use the EU. With the deal, the EU guaranteed financial aid, visa liberalization, and the re-opening of EU accession talks. But the deal has been at risk as relations between the EU and Turkey became tense once again. The EU critics the Turkish president for his repression against political opponents and authoritarianism. Erdogan accuses the EU of having sympathies toward his enemies. In November 2016, the European Parliament paused Turkey's EU accession talks. [281] This is a huge problem because it will lead to many unwanted scenarios for all the actors included whether they are directly or indirectly linked to the problem.

If there is a connectivity war between EU and Turkey the casualties would be the Western Balkans. If Turkey would reopen the doors for migrants Austria, Croatia, Hungary, and Slovenia will close the borders but the problem will rise for Serbia and Macedonia. [282]

4. STRANDED MIGRANTS, NEW ROUTES, AND POSSIBLE SOLUTIONS

Conditions for the stranded migrants have been terrible because of the inadequate facilities, most of the places were designed to accommodate people for only days not months. The frequent change of policies has led to fortifying people in one place with horrible conditions. Therefore the migrants who decide to travel need to use irregular means in order to travel even do the borders are closed. They are willing to risk exploitation of smugglers or

[276] Šabic Šelo Senada and Boric' Sonja. "At the Gate of Europe. A Report on Refugees on the Western Balkan Route". FRIEDRICH EBERT STIFTUNG. Online. Available: http://www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf pg. 4

[277] "Tens of thousands migrate through Balkans since route declared shut". Online. Available: https://www.theguardian.com/world/2016/aug/30/tens-of-thousands-migrate-through-balkans-since-route-declared-shut pg. 2

[278] Šabic Šelo Senada and Boric' Sonja. "At the Gate of Europe. A Report on Refugees on the Western Balkan Route". FRIEDRICH EBERT STIFTUNG. Online. Available: http://www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf pg.17

[279] "EU-TURKEY STATEMENT ONE YEAR ON". European Commission. Online. Available: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf pg. 1-2

[280] Weber Bodo. "The EU –Turkey refugee deal and the not quite closed Balkan route". FRIEDRICH EBERT STIFTUNG. June 2017. Online. Available: http://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf pg 9

[281] Vuksanovic' Vuk. "The Western Balkans could be the first casualty of a 'connectivity war' between EU and Turkey" (29/05/2017) Online. Available: https://europeanwesternbalkans.com/2017/05/29/the-western-balkans-could-be-the-first-casualty-of-a-connectivity-war-between-the-eu-and-turkey/ pg. 1

[282] Ibid pg.2

traffickers and risk physical injury, beatings and detention. [283]At the end of 2016, Serbia and Bulgaria apart from Greece were the countries with the highest number of stranded asylum seekers. Serbia 6232 and Bulgaria 5534 migrants. [284]

The migration crisis happened because of the wrong decisions by the EU and could have been avoided with the political will. If the International community had completely funded UNHCR Syria refugee plan instead of providing only 35% in 2015, and if the member states were willing to resettle 2-300.000 Syrians from Turkey, Lebanon, and Jordan, the EU would not be in this situation. Without EU joint action, the member states in order to receive the refugees tried to reduce the flow of refugees and migrants through the Balkan route. The failure to manage the EU crisis revealed the main problem: the EU's own unresolved internal problems which turned a manageable migration emergency into an existential issue. The failure to address its structural challenges contributed to the destruction of internal legitimacy and joint action (Brexit). In order to resolve the situation, the EU should address its own internal crisis, then change the current asylum policy and approache the refugee crisis with legal obligations, joint action, and responsibility. Furthermore, a new EU Turkey deal that will reward Turkey for cooperation while decoupling EU accession and visa liberalization. Also, the EU must push for a thorough reform of the Common European Asylum policy. [285]

5. CONCLUSION

The migration crisis began with the EU ignorance to manage the problem when it could. If it funded the UNHCR refugee plan and resettled the Syrian migrants from Turkey than the situation would not have escalated as it did. But that is not the only problem, the EU is not unanimous in its decisions that was the case with the resettling of the refugees many of the member states did not want to open the doors to the refugees. All this build-up to the already big problems the EU had. The EU was placed in a de facto situation where it had to turn to Turkey. But why sign an agreement if you don't have the intention to attain it. Because if EU does not carry out the agreement then all of Europe is at risk of migrant inflow from Turkey. And this burden the Balkan countries will not be able to carry out for the second time. It will for sure create some kind of conflict in the region. And this a situation that should in any way possible be circulated around. Even the EU will not be able to manage the fast escalation of this kind of conflict with all the strains it has on its path. Therefore the EU should finally set an unanimous plan and a legislation that will bring back regional cooperation, be able to manage the borders, balance the reception capacities for the migrants, increase its assistance to states that need it, and fight against the smugglers instead of giving them what they need to prosper. Unanimity is a key to success and stability.

REFERENCES

[1] "EU-TURKEY STATEMENT ONE YEAR ON". European Commission. Online. Available: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf

[2] Greider, Alice. "Outsourcing Migration Management: The Role of the Western Balkans in the European Refugee Crisis". (August 17, 2017) The Online Journal. Migration Policy Institute. MIGRATION INFORMATION SOURCE. Online. Available: https://www.migrationpolicy.org/article/outsourcing-migration-management-western-balkans-europes-refugee-crisis

[3] "Migration to Europe through the Western Balkans" Serbia & the Former Yugoslav Republic of Macedonia Report December 2015-May 2016 REACH informing more effective humanitarian action. http://www.reachresourcecentre.info/system/files/resource-

[283] "Migration to Europe through the Western Balkans" Serbia & the Former Yugoslav Republic of Macedonia Repot December 2015-May 2016 REACH informing more effective humanitarian action. http://www.reachresourcecentre.info/system/files/resource-documents/reach_report_consolidated_report_on_migration_to_europe_through_the_western_balkans_2015-2016_july_2016_0.pdf Pg.26-27

[284] "Report: Western Balkans Route not closed, just diverted via Bulgaria" (June 22, 2017) Online. Available: https://www.euractiv.com/section/justice-home-affairs/news/report-western-balkans-route-not-closed-just-diverted-via-bulgaria/ pg. 2

[285]Weber, Bodo. "Time for a Plan B: The European Refugee Crisis, the Balkan Route and the EU-Turkey Deal". ADPC Policy Paper. Berlin September 2016. Online. Available: http://democratizationpoicy.org pg. 1-4

documents/reach_report_consolidated_report_on_migration_to_europe_through_the_western_balkans_2015-2016_july_2016_0.pdf
[4] "Report: Western Balkans Route not closed, just diverted via Bulgaria" (June 22, 2017) Online. Available: https://www.euractiv.com/section/justice-home-affairs/news/report-western-balkans-route-not-closed-just-diverted-via-bulgaria/
[5] Sardelic, Julija. "THE WESTERN BALKAN ROUTE: A NEW FORM OF FORCED MIGRATION GOVERNING IN EUROPE?" Green European Journal. (Aug 31, 2017) Online. Available: https://www.greeneuropeanjournal.eu/the-western-balkan-route-a-new-form-of-forced-migration-governance-in-europe/
[6] "Tens of thousands migrate through Balkans since route declared shut". Online. Available: https://www.theguardian.com/world/2016/aug/30/tens-of-thousands-migrate-through-balkans-since-route-declared-shut
[7] Vuksanovic' Vuk. "The Western Balkans could be the first casualty of a 'connectivity war' between EU and Turkey" (29/05/2017) Online. Available: https://europeanwesternbalkans.com/2017/05/29/the-western-balkans-could-be-the-first-casualty-of-a-connectivity-war-between-the-eu-and-turkey/
[8] Šabic Šelo Senada and Boric' Sonja. "At the Gate of Europe. A Report on Refugees on the Western Balkan Route". FRIEDRICH EBERT STIFTUNG. Online. Available: http://www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf
[9] Weber Bodo. "The EU –Turkey refugee deal and the not quite closed Balkan route". FRIEDRICH EBERT STIFTUNG. June 2017. Online. Available: http://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf
[10] Weber, Bodo. "Time for a Plan B: The European Refugee Crisis, the Balkan Route and the EU-Turkey Deal". ADPC Policy Paper. Berlin September 2016. Online. Available: http://democratizationpoicy.org