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SÜDOSTEUROPA-GESELLSCHAFT

BEYOND THE SHORT-TERM HORIZON:

Addressing the Refugee and Migrant Crisis

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Beyond the Short-term Horizon:

ADDRESSING THE REFUGEE AND MIGRANT CRISIS

Minutes, findings and recommendations from the international expert workshop
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Conflicts taking place in weak states of North Africa, the Middle East and Central Asia (Libya; Syria; Northern Iraq; Afghanistan) have forced millions of people to move. Along the "Balkan Route" and across the Mediterranean, we witness a massive and complex migration of people probably unseen since 1945.

Among these people there are refugees running from war-torn Syria and Northern Iraq, but also economic migrants. What these people have in common is search for better, more secure conditions of living. The image of despair is completed by the presence of a large number of women and children who are under the threat of becoming victims of widespread criminal networks. The ever-rising number of migrants, who since the "Arab Spring" have sought asylum in the EU, has reached 1.2 million in 2015. On the other hand, the number of people who have drowned in the highly risky crossings over the Mediterranean has risen to 2,500.

Several "triggers" of the migrant crisis that started during the summer of 2015 have been identified. On the one hand, there was the decision of the Macedonian authorities to allow the transit of migrants, thus making the much shorter and less dangerous "Balkan Route" more attractive. The other factor that came into play was the perception of the migrants themselves, based on the actions of Chancellor Merkel, who stated that Syrian refugees will not be sent back. The decision to widen the military draft made by Bashar Al-Assad moved many opponents of the regime to leave Syria.

The EU failed to offer a comprehensive response, given the different standpoints of countries within the Union. The countries of Southeast Europe saw a priority in expediting the passage of migrants through their territories, and any kind of attempt to limit this process (such as the attempt of Hungary to close its borders) was faced with strong diplomatic reactions from the neighbouring countries.

The relations of Croatia and Serbia, as well as Croatia and Hungary have reached a new low in the context of secret transfers of groups of migrants over the borders under the cover of night. Some countries have decided to raise fences in order to stop the influx of migrants, starting from Hungary to Slovenia and Austria.

Across Europe, parties on the (far) right saw this as a chance to capitalize, playing the card of identity under threat. The centre parties approached the crisis as a natural disaster: believing that it would pass and not elaborating a strategy of integrating more than a million people who are currently in the EU.

This enhanced the pressure on the countries of Southeast Europe, who have citizens living within the EU illegally. Besides having to continue facilitating – and as many suppose, keeping – thousands of people stranded on the "Balkan Route", these countries face an accelerated return of thousands of their own citizens - economic migrants. Their integration into the poor, post-conflict societies of the Balkans has been shown to be very problematic in 2011-2012, and there are no indications that it will look any different now.

In the conditions of the migrant crisis, a wide spectrum of organizations and civil society initiatives have found themselves handling the situation. From administering direct aid to campaigns to raise awareness, creating solidarity with the "people in motion", the volunteers attempted to compensate what the state and international response lacked. But, except for the international conference organized by Group 484 in October 2015, there was no coherent attempt to network stakeholders who might offer possible solutions to problems such as – facilitating the stay of migrants and their consequent crossing of the borders; readmission; "sharing the burden"; integration. It is our intention as organizers of this workshop to find these solutions.

Here are the minutes, findings and recommendations from the **international expert workshop** for a **regional approach to addressing the migrant crisis** in Southeast Europe.

1. The "state of play":

EUROPE-WIDE RESPONSES TO THE REFUGEE AND MIGRANT CRISIS

(Presentations provided by Alexandra Stiglmayer, Franz-Lothar Altmann and Catherine Woollard; with additional inputs provided by Tobias Flessenkemper, Hans Friedrich Schodder, Vladimir Petronijevic, Sonja Licht and Hansjoerg Brey)

STIGLMAYER: There are two competing visions in the EU regarding the refugee crisis, which are "the Merkel vision" and "the Orban vision". First stands for compliance with international humanitarian obligations, and speaks against borders and walls. It has rejected any upper limits on how many refugees should be taken in by Europe. It has also spoken out against treating the refugees badly in order to deter them from coming. Merkel's vision tries to find "a EU solution" and emphasizes the importance of fighting route causes, and that is important to protect external borders and to reduce the refugee flow. One of its calls is that illegality needs to be replaced with legality.

"There are two competing visions in the EU regarding the refugee crisis, which are 'the Merkel vision' and 'the Orban vision'."

In opposition there is the Orban vision. This vision sees the refugee crisis as a massive invasion. Last year Orban pointed out that the number of refugees will increase, and that these are people who were raised in different religion and a radically different culture. In his opinion all of this stands opposite to EU identity, which is rooted in Christianity. He has also spoken out in favour of borders. For his political vision this is the opportunity to restore the prestige appeal of Christian identity, in opposition of liberal identity.

In September 2015, the European Stability Initiative (ESI) had developed a plan by which Germany should commit to resettle 500,000 refugees per year from Turkey, joined by other member states on volunteer basis. At the same time Turkey should commit to readmitting everybody who reaches Greek islands, based on the safe third country notion.[1] In accordance with this notion, refugees who arrive to Greece are asked if they want asylum, and if the answer to this is positive, Greek authorities have to examine the asylum claim and issue the decision whether Turkey is safe for the asylum applicant in question. If Turkey is found to be safe, one applicant may be returned. Under Greece's legislation, an applicant has a deadline of 15 days to appeal against the decision and can remain in Greece until this appeal is resolved.

In its reports, ESI emphasizes the need to improve conditions for refugees in Turkey, which specifically means full implementation of the 2013 Law on Foreign and International Protection. This Law has been praised by the UNHCR, as it establishes a distinction between EU refugees and non-EU refugees, since Turkey has introduced a geographic imitation on the Refugee Convention. However, depending on implementation, this distinction could be just symbolic. The problem is that the law hasn't been fully implemented yet. In the line with a law, this country has been building a new asylum authority to deal with asylum claims; it hasn't yet passed all the necessary bylaws, especially those which would regulate access to labour market, social services, accommodation and humanitarian aid.

If refugees were returned from Greek islands to Turkey, they would soon stop going there. Why would anyone risk his life and pay a smuggler only to be returned after a few weeks.

However, this deal must be accompanied by large – scale resettlements of Syrian refugees from Turkey to the EU since the EU has obligation towards the refugees, it must show compassion and share the burden with Turkey, which hosts 2.7 million Syrian refugees. It can also only work if the readmission of refugees from Greek islands goes in tandem with legal resettlement of refugees from Turkey to the EU.

The European Commission is now thinking about putting in motion the allocation for international resettlement that member states agreed in July last year. Every year, the UNHCR resettles some 100,000 people from all around the world. EU member states haven't taken in that many (in the past it was around 4,000-6,000 per year). Last July, they agreed they would increase the number to 9,000 per year. But this will by far not be enough. It is therefore encouraging that a group of interested EU countries – a coalition of the willing – is discussing taking many more, hundreds of thousands, per year.

In essence, the desired results would be that the lives of refugees are saved since they would no longer make the dangerous and illegal Aegean crossing, that responsibility for Syrian refugees is shared with Turkey and among willing member states, and that the illegal movements are replaced by orderly and safe movements to the EU. This requires creating better conditions for refugees in Turkey with substantial EU financial assistance - the 6 billion euro - and offering Turkey other incentives such as visa-free travel. Overall this approach would also save the Refugee Convention, and stop the rise of anti-liberal forces in the EU.

FLESSENKEMPER: Many of the discussions are happening outside of European institutional framework, like it was the case with the 7th of March statement regarding "the coalition of the willing". And the last time the European institutional framework was used – in October for a relocation decision – it actually

[1] A notion in the EU asylum legislation, a safe third country is the one where one country might return an asylum applicant for the resolution of his asylum request.

antagonized players very much, particularly if you look at the changed position of Greece.

ALTMANN: In 2015 Germany received almost 500,000 first-time applications for asylum. Back then, 35.9% of applicants originated from Syria, with applications from the Western Balkans (Albania, Kosovo in particular) accounting for 20% of all being processed.

The situation has changed in 2016. Still there is quite a number of applications for asylum (67,000), but applications from the Western Balkans are all but gone. Now, the concentration is on three countries: Syria, Iraq and Afghanistan, with 77% of all applications. In February 2016, Germany adopted 51,000 decisions and out of these, 65% were positive – resulting in granting of asylum according to the Geneva Refugee Convention. In addition to the Western Balkans, the German Cabinet has placed some of the African countries (Algeria, Morocco and Tunisia) on the list of safe countries, which makes it easier to come to quicker decisions of non-acceptance. The list was extended to countries like Afghanistan and Pakistan, with people arriving from these countries now having minimal chances for asylum.

Borders aren't completely closed, and still there are 3,000-5,000 people arriving to Germany every day.

In order to realize the amount of human resources this crisis requires, we need to know how that the Federal Office for Migration and Refugees in January 2015 had 2,500 people employed, while this year alone this number has been almost tripled: there are 6,300 people now who only deal with applications for asylum. Last year it cost 21 billion euros to deal with the refugees, with each and every one of them costing Germany 30,000 euros. This covers also costs of administration, language courses etc. There are 20,000 language teachers, who are trying to teach the refugees German language in order to overcome the gap in communication.

If Germany should expect 1 million refugees per year from next year on, by 2020 the actual cost of "open doors" policy would reach 55 billion euros cost, 2% of its present GDP. At the same time, the Federal Office for Migration and Refugees could find temporary employment for 300,000 – only a third of migrant population arriving.

There are two important political implications out of this situation. The first one is the initial period, when there was a welcoming climate for refugees. This year, the situation has changed into one of scepticism and fear, nourished by two movements. The first one is PEGIDA, (Patriot Europeans against Islamisation of the West), which organizes demonstrations every Monday in different cities in Germany; while the second one is political party AFD (Alternative for Germany). AFD has become a real political factor. It is a populist right wing party, which already is represented in five of Germany's states. **The biggest problem is that the rise of AFD has made extremism socially acceptable in Germany.**

"Germany has become isolated in the EU."

WOOLLARD: EU policy-making on this issue has become both dysfunctional and irrational. They (Brussels institutions) are operating in crisis mode.

The EU agenda on migration was the last serious attempt by European Commission to exert how to expose and guide a solution from the mid-side. From the ECRE perspective what is happening now is a series of responses from different countries, in many cases extra judicial in terms they don't have any clear legal basis. These responses are unilateral, in some cases bilateral and multi-lateral, meaning a coalition of the willing parties that come together. **We should therefore characterize the unfolding situation as a crisis of policy rather than a refugee crisis.**

Even the public within the EU isn't hostile, certainly not on the refugee question. The majority still supports

protection for refugees. People are more concerned with the failure to cope, rather than presence of migrants. **We must underline the long-standing lack of enforcement of common EU asylum system.** One aspect of that is lack of equivalence across the member states, which is further generating "the race to the bottom". There is a lack of political legitimacy in the EU, whereby political leaders and political parties are not trusted and the approval ratings for both of them are so low that the situation itself is unsustainable. **This (refugee) crisis is a manifestation of that deeper crisis.**

Regarding the enlargement process, it has lead to the **cliché of a wider but not deeper Europe**. And it is also about economic disparities that persisted, despite the enlargement process. There is a fear among member states their core interests of economic mobility will be affected by acceptation of refugees.

"The question is what will the EU become in the situation where human right standards and respect of international law are evaporating in front of our eyes?"

Regarding the concerns of ECRE about the refugee crisis, the first of them are building fences and walls in order to keep people out. The second issue is that building fences and walls are leading to illegal practices of placing asylum policies into the hands of border police. Second concern is the situation in Greece. We see the plan being deliberated as a plan for a long-term containment of people in Greece and that humanitarian crisis is already happening. The third concern regards the EU-Turkey deal. **ECRE consider that it was delegating the EU's responsibilities to Turkey, which means that the lowest standards are in place.** There are also some more factors, as Turkey already has 2.7 million refugees and it isn't a safe country. Also the problem is that almost 700,000 Syrian children don't have access to education. **Actually, this is a deal based on exchange and it is a part of a wider transaction relationship between the EU and Turkey**. There is no legal basis for anyone to be sent back to Turkey, unless the Turkish vessels in Turkish waters pick them up.

We see so many illegal and unethical proposals, which have been put forward. But also, there are some positive suggestions, in terms of stopping illegal practices at the borders, "pushback" and selective admissions. The "hotspots" doctrine could be useful, but at the moment there is a risk that they can become legal black holes. **We need to ensure legal assistance in the hotspots and to co-opt international laws in the hotspot model.**

The second suggested action is that humanitarian response is essential. For the first time EU is proposing humanitarian instrument within the EU and this process must be speeded up in order to alleviate the situation in Greece. **The ECRE is also recommending the large-scale resettlement programs, which should be as much international as possible.** Then, other safe and legal channels should be opened, in particular family reunification relocation within the EU. Furthermore, we recommend actions that include opening up the financial instruments, suspension of rights for these who aren't implementing relocation agreements and better integration of this issue in the integration process. **Actually, there is a need to use accession process to reemphasize the values of the EU.**

"One positive aspect of this situation is non-state, non-institutional reaction, which has been positive in many senses."

SCHODDER: We need to realize that this was a refugee, not a migration crisis. Over 80% of the persons moving through Serbia would qualify for asylum in EU standard procedures. Unresolved conflicts in the countries of origin (violence and persecution in Afghanistan, Iraq and in particular in Syria) are at the root of these movements. Turkey is by now hosting almost 3 million refugees from Syria. Too many refugees have died at the mercy of ruthless smugglers when crossing the Mediterranean sea.

However, it has also been a crisis of European policy and values. The foundations of the UN Refugee Agency and the EU are similar in aiming to prevent the horrors of the first half of the 20th Century to ever be repeated in Europe. Many European and universal values, for example the right to seek and enjoy asylum from prosecution, are thus identical. The European asylum and migration system, however, was not sufficiently developed and harmonized to safeguard these values. We saw considerable discord and lack of solidarity among EU Member states. While many issues have been harmonised in Europe, asylum and migration policy were kept as a monopoly of national Ministries of Interior. This cannot address the fact and necessity that since the mid 20yth centrury asylum and migration policy can no longer be the internal affair of any one country, but must be understood and addressed as an international issue. Moreover, respect for human rights and safeguarding security, national and international are not anathema but mutually reinforcing. Attempts by individual EU states and institutions to develop a functioning system with true solidarity, however, continue to be foiled by national chauvinism or fears by some authorities to become more transparent in policy development.

These are some of the reasons why the European - as opposed to the Civil Society, United Nations or Serbian - response was too slow and overall ineffective. Since spring the number of refugees moving on the Balkan route doubled every month until October, when it started to radically drop again. Important international agreements, however, were only reached during the leaders meeting of 25 October. But most of these agreements were not implemented and if so only partially and sluggishly. Unless, a truly functional, harmonized EU asylum and migration system is developed, in line with applicable law, and implemented fully such refugee and policy crises as the one of the second half of 2015 are bound to reoccur, threatening European values and solidarity.

"It is important to get back to rule of law, to put law back into place."

FLESSENKEMPER: If we take the 7 March document as a starting point, there we can see all the legal problems connecting to this issue; such as problem of resettlement and broadening the alliance of the "willing" countries. There are also some lessons learned from visa liberalization and its inclusion in asylum and migration policies.

PETRONIJEVIC: In case of Turkey getting a visa free regime, what would be the European response to Ukraine, with high expectations of visa liberalization in this country?

LICHT: We should use the accession process in order to reinforce standards and values. Western Balkan countries have showed more positive attitude towards this crisis and migrants in general than the hard-core European countries. It is of utmost importance to include deliberations regarding asylum policy in chapters 23 and 24. Finally, this crisis must be viewed from the global to a more local perspective.

BREY: Regarding the coalition of the willing countries, some of the Western Balkan countries seem to be more value-aware than some of the core countries of the EU. Is there a possibility that some countries might join this coalition by taking over the contingents of refugees and therefore improving their position in terms of the EU integration process?

WOOLLARD: In the short-term view, **we can expect further securitization of this issue including detention, and situation in Greece is going in that direction.** On the legality of the returns issue, there is a question of Turkey's position as a safe country without opening the debate of safety. **Regarding the short-term point, the EU needs international help in this crisis, because EU policy-making has become dysfunctional and the crisis represents an international issue and concern.**

2.
PROVISION OF AID AND COOPERATION "ON THE GROUND"

(Presentations provided by Rados Djurovic, Nikola Kovacevic, Vanja Bakalovic, Tvrtko Barun and Francesca Bonnelli; with additional inputs provided by Johanna Deimel, Vladimir Petronijevic and Tobias Flessenkemper)

DJUROVIC: The situation in the field has become quite dramatic since the crises started. The first impression is the one of a humanitarian worker and his/her humanitarian approach in the field. But on the other hand, **empathy and understanding of who is coming and what is going on in the field is quite lacking.**

One of the priorities of the Balkan route was fast movement of people and their resolution to go on. There are a lot of problems in the field, such as separated families and children who have been left alone. **There are a lot of needs, on which humanitarian society and organizations are trying to response.** But often there is just humanitarian support without background support, especially when there is potential for violation of human rights.

Now, the situation is quite different because the borders are closed. **And the main impression is that no one is looking from the perspective of refugees in resolving these problems.**

Smuggling activities are getting more present and there is a significant lack of expertise meaning that people who are hired don't have any previous knowledge in asylum and refugee issues.

"People are coming without any alternative, they have left everything and they don't think that they can find safety in Turkey."

It is difficult for a system like Serbian to respond to the needs of this crisis, when you have a massive influx of people who spend less then 24 hours in Serbia. The situation is changing rapidly and at this point the police

is conducting asylum procedures for those who have remained. On the other hand, refugees are afraid that as restrictions and border closure on the Balkan route set in, the state will be tempted to deny the problem they are being faced with.

KOVACEVIC: There are a lot of problems regarding access to asylum procedure, especially when it comes to new policies that are now being introduced.

The Serbian authorities do not fully understand the concept of refugee. If a person doesn't ask for asylum that doesn't mean that she/he is not a refugee. A person becomes a refugee the moment when she/he leaves hers/his country for the reasons stated in the UN Convention from 1951.

One of the principal problems remains registration. There are people who are coming from Bulgaria, and who are disallowed to enter the registration procedure. Regarding the asylum procedure, **one of the reasons why Serbia isn't considered a safe country is because asylum procedure is not efficient and fair. The first instance asylum procedure lasts longer than statutory 2 months . Asylum authorities still automatically apply the safe third country concept. There are still decisions where applicants are rejected on the basis of the safe third country concept because they travelled through Turkey, Greece or Macedonia.**

"The asylum procedure in Serbia lasts longer than 2 months."

There is complete neglect of our international obligations, which we took after ratification of the UN Convention, when in 2008 we decided to establish our own asylum procedure. **For solution of the crisis it is important to allow these people to access the asylum procedure that would be right and fair and to allow those who decided to stay to properly integrate in our society.**

Serbia has punished more than 20,000 people last year for illegal staywhich is contrary to Art. 31 of 1951 Geneva convention. Among these people the majority are Syrians, Iraqis, Afghanis and other people who are coming from "refugee producing countries". In May 2015, the UN Committee against torture (CAT) has published its concluding observations on Serbia's second periodical report, where it is clearly stated that Serbia doesn't have a proper forced return procedure, one where each case would be examined individually, that will asses whether there are risks of human rights violations in case of return to third country or country of origin. People that are kept in transit zones of the airport Nikola Tesla or in "no man's land" between Serbia and Macedonia are not treated as the persons deprived of liberty which is contrary to binding practice of ECHR(Art. 5-1-f)

BAKALOVIĆ: Croatia has been facing the refugee crisis for around six months, and this period has been very solitary for lawyers who provide legal aid on asylum and migration issues. It has been a real struggle to find legally justified answer and to find which legal mechanisms are applicable in any given moment. There are problems with non-refoulement principle and in context of striking the deal with Turkey; the future of these principles is unknown. Also, there were practical problems in provision of legal aid for the people who came with refugee waves, because lot of them didn't get decisions that are explaining their states. One more problem is access to these people because they are quickly moving from one country to the other. **The only future in provision of legal aid is really empowering and strengthening networks of countries on the Balkan route.**

BARUN: The Jesuit Refugee Service – South East Europe has been in the field since the beginning of the crisis. **The overall situation was critical, especially in the beginning because of the lack of preparation from the part of the government.** One of the main JRS's points was related to (the lack of) interpreters. The other aid we provided was to help those family members who got left behind. Refugees showed gratitude to all who cared

and helped. From the aspect of legal aid, nobody really wanted asylum in Croatia. Only 21 people asked for the asylum, and 3 of them waited for the final decision. Regarding cooperation, there was solidarity between NGOs, international organizations and governmental actors. The approach of JRS is serving those who are serving refugees, in order to facilitate the situation on the ground.

"From the aspect of legal aid, nobody really wanted asylum in Croatia. Only 21 people asked for the asylum, and 3 of them waited for the final decision."

BONNELLI: In May 2015, UNHCR and its partners realised the coming emergency and quickly established coordination along UNHCR's Refugee Coordination Model. This coordination had to be rolled out effectively in different areas, level, and locations. First interagency coordination meetings were held in early June, and then in early July the Preševo centre was opened. Right from the beginning our coordination focussed on fully including authorities and local civil society.

"A big challenge in terms of coordination was for all actors to readapt their usual methodology to the situation that was now completely different."

The closure of the Hungarian border in mid September led to a massive redirection of refugees and new challenges. It was always most important - but also difficult - to quickly source and deploy enough interpreters, to provide information on humanitarian assistance and protection. Another challenge in coordination was to encourage all actors to quickly adapt to a fast changing situations. Civil society was crucial in providing an effective humanitarian response and in supporting UNHCR's coordination functions.

DEIMEL: I would like to raise the question on addressing the problem of high number of unaccompanied children to Interpol in order to see that this problem is addressed on the ground as well.

DJUROVIC: Regarding this issue (of unaccompanied children), we always address both the Police and the Centre for Social Welfare, but we cannot reach the Interpol. The problem of separated families is very great. We need to call for specialized service in the field in order to prevent the trafficking of children.

BONNELLI: We are trying to be more innovative in terms of addressing the issue properly and to build capacities of the Centre for Social Welfare, and to build standard operating procedures.

PETRONIJEVIC: Before this crisis, Serbia and other countries in the region didn't have migration and asylum policies as a top political priority. That is why **in Serbia and in the region migration and asylum procedures are very young, and now is the moment to open a debate about the migration policy in the Western Balkan region and in EU, especially in the context of the EU integration** because of the reforms and more comprehensive approach to this issue. It is important to open negotiations in Chapters 23 and 24 and within this debate and reform process to try to find the best possible solutions for the region of Western Balkan. **It is also very important that the Western Balkan countries**

are involved in European debate about future European policies in this field.

FLESSENKEMPER: Who and how actually stopped refugees and the possibility of countries in the region to join the coalition of the willing (countries)?

DJUROVIC: The countries themselves have synchronized the movement of refugees, and it was more and more restrictive as the crisis was developing.

PETRONIJEVIC: Countries in the region must take responsibility for resettlement programs, but first the content of these programs must be known because there are a lot of issues that should be discussed.

"The fundamental question of all of this is if those candidate countries or potential candidates to membership in the EU are willing to accept the liberal approach to migration and asylum policies, which so far has been a part of the acquis."

3.
WHAT IS LEFT FOR THE COUNTRIES ON THE "ROUTE" TO DO?

(Presentations provided by Zoran Drangovski, Nenad Koprivica, Vladimir Petronijevic, Emir Prcanovic, Maja Ladic, Birgitte Krum-Hansen)

DRANGOVSKI: Policies and decisions made by some of the states are influencing the situation on the ground. Thousands of people are stranded between borders. **The biggest pressure at the moment is on Greek – Macedonian border with around 30,000 refugees**. The border is not closed due to the EU – Turkey Summit, it is closed due to statement /contract between Heads of the policies from the meeting held in Zagreb on 18 February 2016. Actually, this agreement is in place and this is important because it has made the biggest changes. It is well known that Balkan route exists for a long time, but **since June 2015 this route became so easy to pass and many people were encouraged to take this route**.

"The border is not closed due to the EU – Turkey Summit, it is closed due to the agreement that was reached between heads of police services at their meeting held in Zagreb on 18 February 2016"

There are many changes that are happening. One of them is profiling in terms of who is allowed to cross this route and who isn't. In terms of this statement only Syrians, Iraqis and Afghans can cross the route. On the other side, in their law there are no geographic provisions, so this decision has no legal basis.

Terms that were set up this February at heads of police meeting had huge reflection in practice. Now we have around 1,000 people stuck in Macedonia for more than twenty days because of this measures. What happened latest is that Macedonia did the profiling on the border with Greece. **The main concern at the moment is that there is de facto a registration and determination of**

status procedure done by border guards, and not by official department for refugee status determination.

"On its border with Greece, Macedonia is safeguarding the Schengen border, although it is not a Schengen member."

KOPRIVICA: Montenegro is still not faced with this crisis, as everybody well know. There is little discussion in public, observed not only from the standpoint of government but other actors as well. Overall capacity in Montenegro is very limited. **This is not only crisis of migration policy it is also crisis of democracy within the EU.**

Montenegro opened 22 out of 35 chapters in negotiation process, and has received an invitation letter from NATO. Among its priorities, Montenegro needs to respect international and European obligations in the field of migration policy. **Different voices coming from the EU are really confusing in sense of the crisis, as countries are unsure of what to do.** Despite certain improvements of Montenegro's asylum and migration system in recent years, progress achieved in protecting borders, combating irregular migrations and ensuring effective protection for asylum seekers, rights remain limited. On the other hand Montenegro has a new draft law on asylum that should be adopted in this year.

I need to underline how little progress has been achieved in the field of public awareness. There is strong negative prejudice of the general population toward migrants, because of the complete lack of informative campaigns to generate public awareness on migration issues. Also, it is important to strengthen capacities in establishment of the substantive dialog between government and civil society.

PETRONIJEVIC: From the very beginning of this crisis, Group 484 insisted that this situation must be observed on three levels: the EU level, the regional level (the Western Balkans region) and the national level. All of these levels are important and they are all interconnected.

The regional level is especially important, having in mind that the Western Balkan region is a post-conflict area, still with very clear economic and social challenges, frozen conflicts and undefined interethnic relations. One of the reasons for policy of welcoming refugees in Germany was to prevent potential conflicts in the Balkan region. **And one of the recommendations is a continuous dialogue on the highest level of the Western Balkan countries, as well as harmonizing policies and to trying to determinate bottom lines and proactive policy in the context of the EU integration process.**

Regarding the bottom lines, they have been defined at the EU level in terms that the **Western Balkan cannot be a parking lot for refugees.** There are potential conflicts that may occur in future, because there are not many documents related to the Western Balkan and EU relations, vis-a-vis this crisis. Actually, there is only one such document – the Action Plan in 17 points, with some of its provisions open to different interpretations. **One such potential conflict is related to readmission of the third country nationals.**

"The Western Balkan region cannot be a parking lot for refugees."

Regarding the proactive approach, there are two things that must be underlined. The first one is the position

of refugees who are stuck in Serbia and Macedonia. The second important thing is to open a debate within the countries of the region on protection provided to refugees. There must be a discussion on things that can be offered to them, as well as what kind of support can be provided. **This debate is essential because there is a lack of policy, especially in area of integration related to the access to the labour market and educational system.** There are also some challenges and problems that may occur, like secondary movements.

There are several reasons why Serbian society expressed positive attitude towards refugees and migrants. First of all there is a historical reason, because Serbia has already been faced with refugee issues in the past. Than there is a political message behind this situation, where media in Serbia is sending message that refugees are only transiting through the country and that they will not stay in Serbia.

PRCANOVIC: Bosnia and Herzegovina hasn't seen any dramatic changes in asylum and migrant flows in the country. But **if migration and refugee route changes its direction to Bosnia and Herzegovina's territory, it will be hard to expect that the current system would be able to provide all the benefits to asylum seekers.** The UNHCR plays a crucial role in monitoring and development of the asylum system, and still very much financially supports the policy developments, such as bylaws, which enable access to rights, direct assistance to people of concern, directly assisting the asylum reception enter with necessary funds, but also legal aid provision by different NGOs.

"If migration and refugee route changes its direction to Bosnia and Herzegovina's territory, it will be hard to expect that the current system would be able to provide all the benefits to asylum seekers."

The government enacted the new Law on Asylum and the new Law on Foreigners. There have been a few statements by the Minister of Security in the last years, that are very much notable. Actually, he stated in September last year that Bosnia and Herzegovina could accept up to 5,000 refugees. There is capacity to accommodate people, but very limited. Deputy Minister of Security has recently stated that many of those migrants who were using the Balkan route are not likely to remain in any of the Western Balkan countries. This Ministry and relevant agencies are monitoring the situation in the region on refugee and migrant issues. If there should be a need Bosnia and Herzegovina has prepared an action plan with the security and humanitarian aspects of the reception and transiting of refugees, with the Ministry of Security being the lead actor. This plan was drawn in late September 2015. **A group of NGOs, Red Cross, UNHCR and different stakeholders who are playing important role in the asylum and migration system were invited to potentially give pledge on capacities and financial support to the Ministry if need, in order to manage the humanitarian crisis. But when they got hold of this document they were surprised to see that first 10 points were more about the security aspects of the migration influx rather than the humanitarian aspect.**

There are talks inside Bosnia and Herzegovina about where the potential changes of the route of migration would be, meaning that refugees would potentially be allowed a passage through Albania, Montenegro and then Bosnia and Herzegovina.

The Council of Ministers coordinated certain activities and has appointed a coordination team for refugee

and migrant crisis in Bosnia and Herzegovina. This coordination body has closely collaborated with the Government of Serbia, especially with its Ministry of the Interior, but also with the Ministry of the Interior in Macedonia. They have already visited Preševo and Šid and the reason for that was to see how Serbian authorities organized the admission centres and worked with refugees.

LADIC: The Slovenian Government has been stressing the security aspect since September 2015, presenting refugees as a potential security risk. The government was constantly emphasizing the security of Slovenian citizens, and the result of this kind of discourse is the obvious increase of racism, fascism, hate speech and protest against asylum seekers. In Slovenia they gave similar responses in the past towards Roma or migrant workers and refuges from ex Yugoslav Republics. **The highlight of the hostile response in Slovenia was the case when the government wanted to place six children younger than fifteen in one school and one student's dormitory. Parents of Slovenian children and some (not all) professors from this school have protested and said that they would all take their kids out of the school and dormitory if that really happened. Finally, the Government did not place these children in school (and dormitory).** There are also many problems in the field with the people who were passing through Slovenia. The most problematic policy in practice is profiling of people at the border. Ms. Ladic also mentioned that the international protection law in Slovenia is now changing, it's becoming more restrictive.

Regarding the list of safe countries, the Slovenian government has made it even broader, including, besides the former Yugoslav republics, Albania, Turkey, Morocco, Tunisia, Algeria and Egypt. **A group of NGOs in Slovenia has prepared suggestions to the Government in terms of making a safe path to the EU by making illegal migration legal, through providing humanitarian visas, higher quotas for relocation of refugees and improving their integration programs, humanitarian and financial help to the neighbouring countries of Syria.**

"The most important thing is to make it finally about refugees, because until now it was only about the EU."

Ms. Ladic concluded with global perspective of this crisis and raised a question whether we are prepared to give up some parts of our leisure in order to help others?

KRUM-HANSEN: This isn't just a European refugee crisis, it is an international refugee crisis. When it comes to international obligations, all of actors have to be reminded that they all are signatories to the UN Convention of 1951, so it is not only the EU accession that is in question here. EU accession is very important and the laws of the candidate countries must be in line with the EU legislation, but also separately the question is are these counties ready to participate in the international responsibility-sharing and solidarity. There are substantial resources available for one to be part of the solution. It is a matter of using the existing resources on a really resolved basis and starting moving to action on the ground. **Another important aspect in this current situation is the fact that families have been separated in this process.** And we can see in European countries the increasingly restrictive laws on family unification making that process more and more difficult. So there needs to be advocacy for restoring family links.

"There needs to be advocacy for restoring family links"

List of recommendations:

Short-term recommendations:

To governments, donors, international community:

1. Call for a South East Europe Cooperation Process (SEECP) summit
2. Take part in the resettlement scheme
3. Make sure that the deal being cut with Turkey is lawful
4. Secure non-conditional access to asylum procedure, full respect of the principle of non-refoulement
5. Sustain from accelerated forced return procedures
6. Restore/establish due process in the so-called "hot spots"

To civil society:

1. Utilize and engage regional initiatives and frameworks, i.e. Migration and Asylum Regional initiative (MARRI); and the Regional Cooperation Council (RCC)
2. Be aware of reverse processes that are taking place or are bound to take place - mixed migrations, readmission, etc.
3. Use litigation where and when possible to hold authorities responsible

Mid-term recommendations:

To governments, donors, international community:

1. Devote more attention to the prevention of secondary movements
2. Harmonize border regulations
3. Reach an agreement on "safe third countries"
4. Enable spaces, fora for involvement of civil society
5. Create a new border agency (Someone please rephrase)

Long-term recommendations:

To governments, donors, international community:

1. Chapter 24 (within the accession negotiations with potential members of the EU) must be the framework for discussing and measuring progress achieved in migration policies
2. Stop seeing refugees/migrants (only) as a burden, but also as contributors to local economy
3. Refugees/migrants must be consulted to a degree before integration begins, 'we can not decide for them'
4. Come back to the practice of integrated border management!

To civil society:

1. Prevent EU accession from becoming a "divide and rule" process
2. Open a serious debate on the multicultural future of Europe