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Response and Responsibilities of the Republic of Macedonia in the Migrant and Refugees Crises

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The Republic of Macedonia has had a long history of dealing with migrants and refugees. Since the late nineteenth century, conflicts, including the Balkan Wars (1912–1913), the First and Second World Wars, the Greek civil war (1945–1949), the Kosovo conflict, and the 2001 internal security crisis, have caused successive waves of migration. More recently, armed conflict in the Middle East, especially in Syria, caused a migrant and refugee crisis that has deeply affected the country. This article analyses how the Republic of Macedonia has responded to this crisis. It examines the initial period of the crisis, the measures, activities, and deficiencies of the institutions dealing with the crisis, the inhumane treatment of migrants and refugees at the beginning of the crisis, and the measures that the Republic of Macedonia has taken to deal with the illegal crossing at their southern border.

The Republic of Macedonia is an important transit country for migrants. Its policy regarding migrants has three goals: protecting the lives and health of migrants, suppressing migrant smuggling and human trafficking, and ensuring national security and protecting public health. The tragic fates of many migrants traveling through the Republic of Macedonia led to new legislation and regulations governing the treatment, transition, and residence of irregular migrants, including the right to request asylum.

At first the Republic of Macedonia was not prepared to deal with the challenge of protecting the lives and health of migrants and refugees. This institutional lack of preparedness was replicated throughout the states along the Balkan migrant route, and even in the countries of the European Union.

In 2015, when the so-called refugee crisis exploded, Amnesty International expressed its deep concern about the prolonged detention of hundreds of refugees and migrants, including families and unaccompanied children, at Macedonia's Reception Center for Foreigners, without any legal safeguards, such as the right to challenge the lawfulness of their detention or to have opportunities to seek asylum.

Under international standards, detained persons may not be held in conditions that threaten their health or their lives or that amount to cruel, inhuman, or degrading treatment or punishment. Such conditions may include a lack of adequate nutrition, medical care, and sanitary conditions. Detainees must be provided with adequate space to sleep and access to adequate light and ventilation. Macedonia's largest center for refugees, in Gazi Baba, fails to meet these standards. Originally a nursery, the reception center is housed in a dilapidated building, inadequately converted for detention purposes in 2006. Though its official capacity, according to the Ministry of Interior Affairs, is 120 to 150 people, normally about 200 people are detained there, and former detainees have attested that at times more than 350 people were detained there. During such periods, there is an insufficient number of beds for men. Meals are sparse, consisting mainly of bread, butter, and jam, and occasionally canned fish or other processed food.

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Access to adequate sanitation and health care is limited. Several former detainees have reported that because of the lack of hot water, children and adults developed skin infections but were not provided with appropriate medical treatment.¹

Macedonia's System of Crisis Management

Because of its geopolitical and geostrategic position, the Republic of Macedonia has become a transit route for irregular migrants who originate in Africa and the countries of the Middle East and whose objective is to reach Western Europe, where they hope to find safety and employment. In their attempt to arrive at their desired destination, they are facing conditions that endanger their safety and welfare. The countries they traverse are unable to protect their rights according to international agreements and to ensure peace and order within their own borders.

Official data from by the Ministry of Interior Affairs reveal that 694,679 migrants passed through Macedonia in 2015. Amendments to the Law on Asylum and Temporary Protection enacted June 18, 2015, state that persons who illegally enter the territory of the Republic of Macedonia and express their intention to apply for asylum or to transit through the country have the right to expect a response within seventy-two hours of their application.²

All entities involved in Macedonia's System of Crisis Management, including the Ministry of Interior Affairs, undertook the following measures and activities in an effort to maintain security and collect data for evaluation:

1. Amendments to the Law on Asylum and Temporary Protection
2. Declaration of a crisis situation
3. Selective approach in the right of entry of migrants
4. Restrictions to the flow of migrants
5. Determination of the final destination of migrants
6. Entry and transition only of migrants who come from endangered areas
7. Unified registration form for migrants
8. Engagement of foreign police services

Amendments to the Law on Asylum and Temporary Protection

To allow migrants to register for asylum, in keeping with the provisions of the amendments, and to provide humanitarian and medical help to migrants, the Macedonian government opened two temporary transit centers with a total capacity of two thousand persons: Vinojug in Gevgelija on the southern border and Tabanovce in Kumanovo on the northern border. Between the June 2015 enactment of the amendments and February 2016, more than twelve thousand migrants submitted applications for asylum. During this same period, the number of registered cases of smuggling migrants has significantly decreased.

Declaration of a Crisis Situation

Because of the increased inflow of migrants, on August 19, 2015, the Macedonian government declared a crisis situation on its southern and northern borders and activated the System for Crisis Management, comprising representatives from various institutions that consist of the Managing Committee, the Assessment Group, and headquarters in the Center for Crisis Management. This measure involves the resources of other state institutions,

notably the Army of the Republic of Macedonia and the Directorate for Protection and Rescue.

Selective Approach in the Right of Entry of Migrants

Besides the existing measures, which emerged from key national decisions, additional measures were also promptly implemented, partly as a result of decisions made and policies enacted by other countries along the so-called Western Balkan route. After learning that Croatia and Serbia would no longer allow migrants from countries that were not affected by armed conflicts to continue their journeys, the government of Macedonia decided that beginning November 19, 2015, only migrants from Syria, Afghanistan, and Iraq would be permitted entry to the country. Between the time this new policy was implemented and February 23, 2016, 216,278 migrants who asked for asylum were permitted entry.

The implementation of this new policy led to a decrease in the number of migrants transiting the country but an increase in the number the illegal crossings on the southern border by persons for whom entry had been denied, and the reactivation of individuals and criminal groups involved in human smuggling through the territory of the Republic of Macedonia, particularly in the southeastern part of the country and near the southern border with Greece.

Also, after the introduction of the selective approach, between November 19 and December 31, 2015, police officers returned 9,422 migrants to Greece who were deemed economic migrants and 17,668 who tried to enter with forged passports or identity cards.³

Restrictions to the Flow of Migrants

The government of the Republic of Macedonia met with representatives of Greece and Serbia and began working with these countries to restrict the flow of migrants to three thousand people a day. This policy was implemented on January 11, 2016, and between then and February 23, 2016, an average of fifteen hundred migrants passed through the Republic of Macedonia every day.

Determination of the Final Destination of Migrants

Beginning on January 23, 2016, Serbia began admitting only those migrants who had clearly stated their final destination, and Greece began admitting migrants only from countries affected by armed conflicts. These migrants usually declared Germany or Austria as their final destination. These added requirements contributed further to the slowdown in emigration.

Entry and Transition Only of Migrants Who Come from Endangered Areas

At a meeting in Zagreb on February 19, 2016, the directors of the police of Austria, Slovenia, Croatia, Serbia, and Macedonia agreed that only emigrants fleeing from endangered areas are entitled to international protection. These areas were identified as Syria, Afghanistan, and Iraq.

Whereas escaping war is a valid reason to seek international protection, the desire to attain an education, to find better living conditions, or to avoid financial and military obligations are not. Also, prolonged stay in a third secure country (for example, citizens of Afghanistan who have resided in Turkey and Iran) does not make one eligible for international protection. The directors also agreed on measures to determine the reliability and authenticity of documents.

Unified Registration Form for Migrants

On February 19, 2016, the registration forms issued to migrants upon entry to Macedonia were standardized and now include a photograph. Also, cooperation among police officers on the Greek-Macedonia border was enhanced.

Engagement of Foreign Police Services

Beginning on December 21, 2015, coordination among the police services of Austria, Slovenia, Slovakia, Croatia, Serbia, and the Czech Republic was enhanced. Mixed patrols have been put into place, especially among police officers from Serbia and Croatia. These changes have had positive results in the prevention of migrant smuggling and the detection of forged documents. They have also helped streamline the reception and profiling of migrants.

Illegal Migrants and Security Challenges

Refugees crossing the border into Macedonia legally or illegally pose a serious security threat to Macedonia. The statistics for 2014 show the extent of the problem. That year, the Ministry of Interior Affairs submitted 94 charges against 166 migrant smugglers and received 1,250 applications for asylum. In the clandestine movement of refugees across the territory of Macedonia, dozens of migrants have lost their lives on the railways. The human smuggling business poses a further threat because dangerous persons, including terrorists, may try to take advantage of it.

In addition to human smuggling and train accidents, the refugee crisis has involved attacks on the Macedonia police force and attacks on officers in charge of securing the southern border that have led to serious injuries. For example, on March 14, 2016, 2,445 persons were involved in an attempt at a massive illegal crossing on the border with Greece. Three people were killed. An investigation by the Greek authorities turned up a leaflet written in Arabic with a map and directions for alternate routes across the Greek-Macedonian border. The investigation is being pursued by the office of Public Prosecution in Thessaloniki, which seeks to determine whether there is evidence for a case against the persons responsible for this criminal network that organizes the entry of emigrants from Greece while possibly endangering Greece's foreign relations with its neighbors.

To enhance security, a double wire fence approximately thirty kilometers long was installed on the state border with Macedonia on both sides of Border Stone 59. Migrants desperate to pass into Macedonia and from there to Western Europe reacted with violence, stoning the police and the army. Twenty-four persons were injured, among whom twenty-three were security officers. Public peace and order was disrupted in another attack on security forces on February 29, 2016, at Border Stone 59, during which stones and other hard objects were hurled at Macedonian police forces, injuring one officer. Greek authorities responded by releasing approximately five hundred migrants.

Criminalizing Illegal Migration

National legislation in the Republic of Macedonia provides penalties for activities related to the illegal crossing of the state border. Article 402 provides penalties for illegal crossing of the state border; Article 418-b, for migrant smuggling; and Article 418-v for organizing a group and encouraging the perpetration of human trafficking, trafficking of minors, and migrants smuggling. During 2014–2015, the government placed 429 criminal charges of “migrant smuggling” against 398 offenders.

Human smuggling into Macedonia has gone through changes since 2009. Between 2009 and 2011, the organizers of the smuggling were Macedonian citizens who cooperated with criminal groups from Greece and Serbia. Since the beginning of 2012, human smuggling has

been managed principally by organized criminal groups from Afghanistan and Pakistan who operate from Turkey and Greece. These new groups manage the complete smuggling route, from the country of origin to the country of destination. The Afghans and Pakistanis who manage these networks arrived earlier in Macedonia as irregular migrants and asylum seekers and established contacts with Macedonian nationals. They work principally in Skopje and the Kumanovo region (Vaksince and Lojane). They have recruited people in the area of Gevgelija to accept the migrants from Greece and transport them to Vaksince and Lojane, where they can then be transferred to Serbia. Smuggling is carried out in groups of ten to fifteen migrants. Each group has a guide from the criminal network who leads them from Greece to Macedonia. The cost for transportation of illegal migrants through Macedonia is between one thousand and fifteen hundred euros per migrant. Payments are carried out through rapid electronic payments.

From November 2015 until the present, criminal groups that smuggle irregular migrants have been active in Macedonia. Besides the Syrians, Afghans, and Iraqis who generally have good cases for asylum, other migrants have arrived who will not be able to apply for asylum. Their origin countries include Iran, Pakistan, Morocco, Bangladesh, Liberia, Sudan, Algeria, Congo, and others.

During 2015, the peak of the refugee crisis, most migrants seeking to cross into Macedonia were from Syria, Afghanistan, Iraq, Somalia, and Pakistan. Their route began with a crossing of the Greek-Macedonian border and went from there to the Gevgelija-Demir Kapija region and on to Skopje and Kumanovo. From there, they entered Serbia for the journey to Western Europe. President Gjorge Ivanov of Macedonia has noted that smugglers earned about six billion euros in 2015. He discussed clandestine human smuggling in his opening speech on March 21, 2016, at a scientific conference titled *The Geopolitical and Geostrategic Position of the Republic of Macedonia amid the Migrant and Refugee Crisis*.

The interdiction of migrant smuggling is conducted by the criminal police, custom officers, the Directorate for Security and Counter-Intelligence, the Intelligence Agency, and other police agencies. Greater collaboration, particularly in the gathering of intelligence information and undercover policing, has enhanced police effectiveness, as have new methods of photo-documentation and other special investigative measures. New technology has been introduced, such as heat sensors that can be placed at borders to respond to the heat of the human body and scanners that detect cars and trucks that can provide evidence of the irregular transport of migrants.

Despite these efforts and the signing of an agreement between the European Union and Turkey aimed at suppressing migration to Europe, the refugee wave to Europe may diminish but it will persist because the ongoing conflicts in Syria and other countries have not been resolved. Irregular migrants will continue to be at risk for abuse and victimization, including robbery, kidnapping, assault, and rape. To move forward, it is vital that improvements be made to strengthen agency and interagency cooperation through regular meetings at the local, regional, and national levels with the border guard services of neighboring countries, regular participation in joint operational activities organized by Frontex in the Republic of Macedonia and abroad, the development and maintenance of bilateral police cooperation with competent authorities of the member states of the European Union and countries in the region, and cooperation with the International Organization for Migration, the United Nations High Commissioner for Refugees, the Migration, Asylum, Refugees Regional Initiative, the Geneva Center for the Democratic Control of Armed Forces, the International Center for Migration Policy Development, and other international organizations and forums and NGOs that deal with irregular migration.

Notes

¹ Amnesty International, *Europe's Borderlands Violations against Refugees and Migrants in Macedonia, Serbia, and Hungary* (London: Amnesty International, 2015), 14–29.

² Official Gazette of the R.M. no. 101 of June 18, 2015. Within the seventy-two-hour period applicants for asylum have the right to use public transport. If they voluntarily agree to be vaccinated, they can avoid the necessity of being housed in a closed facility. To date, since the amendment went into force, more than twelve thousand migrants have expressed their intention to apply for asylum. In the same period, the number of registered cases of smuggling migrants has decreased significantly and no accidents with fatal consequences to the illegal migrants have been reported.

³ Ministry of Interior of the Republic of Macedonia, *Информација за состојбите со илегалната миграција* (Information about situation with illegal migration) (Skopje: Ministry of Interior, 2016).