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An Analysis of the Management of the Migration Processes in Macedonia before and during the Migration Crisis of 2015

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Abstract

In the past few decades the Balkan Peninsula has held the status of being an intensive crisis territory. Regional countries were confronted with a huge number of refugees coming from different parts of the world, as well refugees coming from neighbouring countries. The Republic of Macedonia became a transit country within the Balkan states. It is one of the so-called “victim” countries of the migration process. There is a tendency for migration and asylum processes taking place towards, in and out of Macedonia, bearing in mind its geographical location. Consequently, there has been a need for public institutions to regulate migration processes. During the process of transition, legal acts were signed, amended and annexed which have regulated these issues. During the process of migration, in 2015 in the Republic of Macedonia as well as in other countries in the region many measures were undertaken which have been drastically different to the previous legal bases related to this problem. The main aim of these measures is to provide legal support, transport, and hygienic and food supplements to the refugees on the one hand, whilst providing state security on the other. One serious dilemma for the Republic of Macedonia and other Balkan and European countries is the doubt in the cause for migration: whether it is the armed conflicts in the countries which lies at the origin of migration, or is the main aim for migration which involves looking for better economic living conditions. Bearing in mind that most of the migrants are not fleeing to their neighboring countries, but are heading towards the European Union, makes us conclude that most of them are searching for better economic living conditions.

Keywords: migration processes, migration crisis, migrants, asylum.

Introduction

Since the beginning of 2015, southeastern Europe became a crossroad of active migration processes with significant migration from, through and into the region. This region is having to confront and deal with regular migration from other countries around the world, such as states in North Africa, the Middle East, and South and South East Asia. As of 2008, the statistics show that the number of migrants is almost doubling in number from year to year (Eurostat, 2008, p. 65). The final destination point of the migrants is the EU, while the countries from Southeastern Europe are simply represented as transit countries for migrants and refugees. This is one of the main trends in the region, today. The Southeast European countries that are part of the accession process to EU integration are mostly affected by transit migration. The situation in North Africa and the Middle East generates a significant flow of migrants and asylum seekers towards the region, especially the huge number of Syrian citizens who are heading to Turkey, and in huge numbers in the other countries in the southeastern Europe, including Macedonia. The migration flows today, are very dynamic and present enough in different parts of the world, especially in the Southeastern European countries and in the other member states of the European Union. Consequently, these migration problems need to be resolved. As in the words attributed to Benjamin Franklin: “If we do not hang together, we shall surely hang separately” (Public Papers of the Presidents of the United States, 1994, p. 1537).

The Republic of Macedonia is one of the so-called “victim” countries of the migration flows. It is part of the group of South East European countries and represents a crossroads among the Balkan countries. Throughout the recent history, the Republic of Macedonia has been subject to migration flows which became a regular process in the country. Therefore, these processes recently have caused amendments to the legislation which regulates this issue. Aiming towards facing the migration crisis, which started before the summer of 2015 and which took an intensive swing during the summer and autumn months of 2015, Macedonian legislation has undergone significant changes regarding these happenings. This analysis is directed towards explaining the intensive and drastic changes in the legislation, as well as the institutional reaction to the migrants’ problem, which can serve as a means of finding a way out of the migration crisis in the Republic of Macedonia. Also, this paper will attempt to identify the causes of origins and flow of these migration processes. Does the cause of the current migration crisis lie in the conflict regions and unstable territories or is migration caused by a search for better economic living conditions?

The South East European countries including the Republic of Macedonia in order to face the migration crisis, took measures which are directed towards the protection of their safety. These measures have provided the conditions for the free movement of migrants through their territories, as well as providing the necessary conditions for meeting their hygiene and food needs.

In order to provide a qualitative outcome to this paper, a number of methods have been used. First of all, statistical methodology is used considerably. The statistical data are taken from the official institutions and official web sites. Therefore, the further step while using this statistical methodology is the analyses of the data. Hence, the analytical method is used when analyzing the obtained results. The comparative method is also used in order to make a comparison between one period and another, or between the Republic of Macedonia “before the migration crisis in 2015” and the Republic of Macedonia “during the migration crisis in 2015”. This comparative method is used when comparing the legal acts of these two periods. This methodology leads towards improved analysis when answering the main question of this paper, whether or not migration is caused by armed conflicts or if it is all a matter of searching for better economic living conditions.

The Republic of Macedonia before the Migration Crisis in 2015

Legal acts in force

In the transition period since 1991, there have been changes in the scope and nature of migratory movements in the country, which primarily took place due to the dissolution of Yugoslavia. In addition, the enlargement of the EU in some countries in South Eastern Europe caused an increase in the scope and pace of transit and illegal migration in the Republic of Macedonia. Given the geographical position of the country, further growth of migration movements in the country was expected.

The permitted and illicit movement of foreigners in the Republic of Macedonia, as well as their transit, is provided for in the Law on foreigners. According to the Law, “a foreigner stays illegally in the country, if:

- He has entered illegally into the Republic of Macedonia,
- Does not possess a valid and recognized travel document with a visa or residence permit,
- His visa has been cancelled, revoked or its validity reduced,
- The visa has expired,
- The right of residence has been withdrawn,
- He stays longer than three months during the six-month period from the date of arrival, and does not need a visa to enter the country, or
- Is rejected by the procedure of applying for asylum and does not leave the territory of the Republic of Macedonia within the specified term “(Law on foreigners).

This law, as well as the Criminal Code of the Republic of Macedonia (Official Gazette no. 37/1996 of 6 August, 1996) regulates the help of foreigners to enter illegally into the country and transit (Law on foreigners, Article 148) through the country, and the consequences for the perpetrators of that crime. The Criminal Code of the Republic of Macedonia clearly specifies penalties that follow in the case of the smuggling of migrants. (Criminal Code, Article 418-b) In terms of legislation, the issue of asylum is also related to migratory movements.

In 1994, the Republic of Macedonia ratified the Convention on the Status of Refugees of 1951 and the Protocol on the Status of Refugees of 1967. The right of asylum to foreigners and stateless persons expelled because of democratic political convictions and activities was guaranteed, initially by the Law on Movement and the Residence of Foreigners. Later, in August 2003, the Law on Asylum and temporary protection was adopted. According to this Law, there are two types of international protection:

- Refugees under the Convention on the Status of Refugees 1951 and the Protocol on the Status of Refugees of 1967, and
- A person under subsidiary protection (Law on asylum and temporary protection).

By applying the above mentioned legal regulations in the area of migration and asylum, Macedonia managed to face the massive influx of refugees from the crisis following the war in Kosovo in 1999 and refugees from the earlier conflict in Bosnia and Herzegovina. However, the persistence of the illegal migration of individual cases, and the trafficking of migrants remained to be settled in the courts which are also governed by legal acts.

Statistical Data of Migration and Asylum

The Republic of Macedonia, from a geopolitical perspective serves as a crossroads in the Balkan Peninsula. The Balkan Peninsula is a bridge between the Middle East and Europe is often the first choice for illegal migration.

Bearing in mind the status of the Balkan Peninsula as a crisis territory in the latter decades of the previous century, the states in the region are now faced with a huge number of refugees, who are moving from one country to another among the neighboring states. The refugees have been leaving their home countries in massive numbers and were moving around the countries in the region, as well as in the Western European countries. As a consequence of the armed conflicts of the 1990s, 66,370 refugees have stayed in Serbia, while in the Republic of Macedonia that number is significantly smaller, at 750 refugees, as of 30 June 2013 (UNHCR, 2013, p. 14).

While Macedonia was part of the former-Yugoslavia, it was faced with migration problems. The data gathered from the Ministry of the Interior show that in the period between 1990 and 1991 there were 1,150 cases of registered illegal crossings over the borders. 300 of them were identified as refugees. In the period after the independence of Macedonia and the beginning of the Bosnian crisis, a new influx of refugees was noticed. In the period between 1992 and 1995 there were between 32,000 and 35,000 migrants and refugees registered in the Republic of Macedonia, coming from the territories of the former-Yugoslavia which were affected by war (Resolution of the migration policy of the RM 2009 – 2014).

The beginning of the crisis in Kosovo (1999) caused a drastic increase in the number of migrants in Macedonia. In 1999, the Republic of Macedonia faced a massive influx of 360,000 refugees from Kosovo. About 1,150 requests for asylum seekers (the largest number of ethnic minorities from Kosovo) were submitted from people who held the status of temporary humanitarian assisted persons. In the aftermath of the crisis in Kosovo, in the period between 2003 and 2008, there were 2,600 asylum seekers registered, of whom 2,580 were from Kosovo.

According to the data of the Ministry of interior, in 2013 there were 1,132 registered illegal border crossings. In 2014 there were 1,750 illegal registered border crossings.

As for the criminal acts of illegally transferring migrants in recent years, statistics from the Ministry of the Interior show that in 2013, there were 31 cases registered for the crime of smuggling migrants, while in 2014 there were 92 cases of registered smuggling crimes. Criminal charges were brought against 166 people. Also, in 2014,

there were 17 cases of criminal acts of organizing a group and incitement to commit crimes of human trafficking and migrant smuggling registered. Criminal charges were brought against 43 people.

Table 1: Criminal acts

Year	Illegal transit	Smuggling migrants	Criminal charges
2013	1,132	31	166
2014	1,750	92	43

Source: Ministry of Interior of the Republic of Macedonia, information gained by e-mail in December, 2015.

The above data indicate the massive migration processes that the Republic of Macedonia was confronted with, since its independence from the former Yugoslavia in 1991. In parallel with these processes individual illegal crossings of borders were also observed, that occurred independently of the mass migrations. At the level of individual migration and transit criminal actions could also be noticed. Most often, in such individual cases this concerned the smuggling of illegal immigrants, where court proceedings were undertaken. These procedures carry cases of organized crime related to drug trafficking, human trafficking and trafficking of migrants.

Meanwhile, in 2015 completely different rules and processes were created to solve these migratory movements, which have greatly facilitated the movement of migrants across the country. Hence, the question: “How would the previously mentioned court cases end, taking into consideration that the amended legislation that resulted from the migrant crisis of 2015 caused a facilitated way of travel and transit in Macedonia?”

The Republic of Macedonia during the Migration Crisis of 2015

Amendments to the legislation and institutional confrontation with migration and asylum

The Republic of Macedonia is a transit state, which in previous decades had confronted migration seriously. That is one of the reasons why the legislation of the Republic of Macedonia changed during periods of crisis. In the summer of 2015, Macedonia faced thousands of illegal migrants. To regulate their transit or residence, the Government of the Republic of Macedonia, decided to declare a crisis situation in

the regions of the southern and northern state borders on 19 August 2015 (Governmental session, 2015) thereby stepping up the presence of the Army of the Republic of Macedonia in these regions. The pressure prevailing in the southern state border and the increase in the intensity of transit through the so-called Balkan migration corridor, forced Macedonia to take measures for the more efficient control of border crossings within the integrated border management.

These measures were adopted by the Government. They have a dramatically different approach towards migrants before and during the migration crisis. Previously, the transfer of migrants by any means was meant as a crime which is punishable with imprisonment. With the adoption of new legislation, migrants can use transport organized by the state from the southern to the northern borders of the country. Clearly, these measures are undertaken in order to transfer, as many migrants as possible to the following transit countries. Thus the Republic of Macedonia would reduce the number of refugees who would come, and also the number of asylum seekers in the country. In parallel with the measures undertaken by the Government, the institutional capacities of the country were also strengthened. The Center for Crisis Management, took measures to establish infrastructures in order to provide for the basic living conditions of the migrants while they were on the territory of the Republic of Macedonia. Concrete decisions by the Centre for Crisis Management were adopted, among which the most significant are:

- The public utility company “Komunalec” Gevgelija to pump more water from the well to provide a greater quantity of potable water;
- A territorial fire brigade in Gevgelija to provide a water tank in the reception center;
- If you provide water from the well, it is fenced and secured by an appropriate official;
- The Centre for crisis management to provide tanks with drinking water from neighboring municipalities;
- The installation of barracks in order to receive migrants who might want to rest and spend the night in sheltered accommodation;
- To relocate several toilets from the railway station in Gevgelija in the shelter;
- The road to the shelter to be finalized;

- The municipality of Gevgelija, in cooperation with the UNHCR to take action to build a septic pit and to hire a firm for its discharge;
- The Border Police to provide safe direction to the migrants to other vehicles (Centre for crisis management, 2015).

Furthermore, the Ministry of the Interior had spread its branches throughout the borders of the Republic of Macedonia, in order to ensure internal peace and stability in the country, and to provide for the safe transit of migrants across the state. Also, based on the amendments of the Law on Asylum, as of 18 June 2015, the Ministry of Interior started issuing certificates to the foreign nationals who had illegally entered into Macedonia, with the expressed intention of submitting an application for asylum in the country. The Red Cross of Macedonia appeared as an institution which is responsible for providing humanitarian assistance and the care of migrants, providing assistance and protection against adverse factors. These institutional measures and decisions to some extent helped and are still helping in the process of resolving the migratory flows in the Republic of Macedonia.

Statistical data of the migration flows as of November 2015

The long term conflicts and the ongoing collisions in some of the Middle East countries, especially in Syria, Afghanistan and Iraq have caused enormous international concern and international humanitarian and security involvement. The instability of the region, has caused the displacement of population both internally and externally. As a way of escaping the armed conflict, most of the population is looking towards moving into European Union countries. The road to their goal goes through the South East European countries and these countries are the first to face the influx of migrants from the Middle East. Migration flows from the Middle East caused a migration crisis that was recognized in the spring of 2015, and continued undiminished in the summer and autumn months of 2015.

According to the data from the Ministry of the Interior, in the period from 19 June 2015 to 12 November 2015 there were transit or residence certificates issued in total to 241,649 foreign nationals, out of which:

143,622	Males
36,333	Females
55,086	Children in total
42,636	Children who accompany the holder of the certificate
12,450	Unaccompanied children who had been issued a certificate of expressed intent to submit a request for recognition the right of asylum

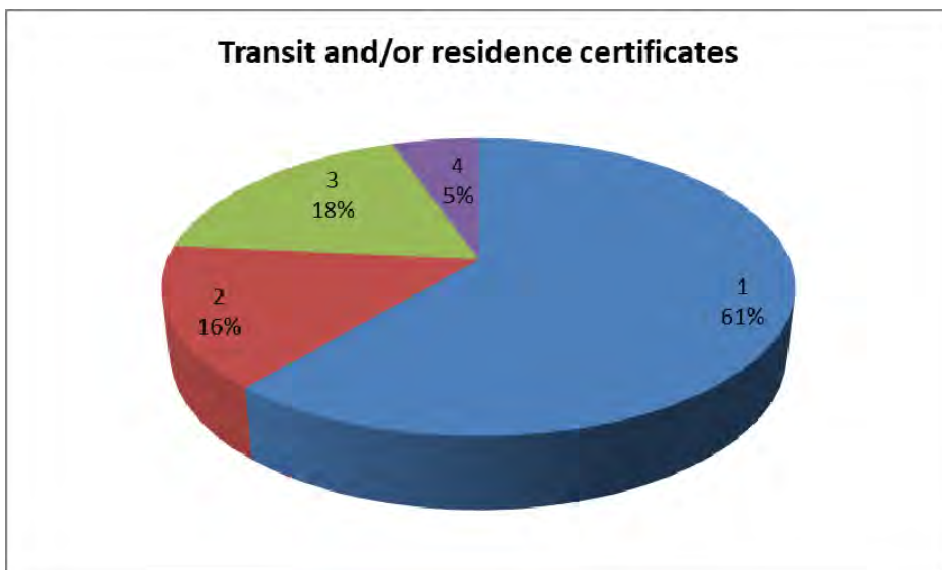


Figure 1: Issuance of certificates / Source: Ministry of interior of the Republic of Macedonia, information gained by e-mail in December 2015

According to the citizenship of the persons who were issued certificates, the most numerous are citizens of:

Country	Citizens
Syria	137,006
Afghanistan	45,451
Iraq	16,310
Pakistan	4,515
Iran	3,813
Palestine	1,758
Somalia	1,080
Bangladesh	990
Congo	504

Morocco	291
Algeria	281
Nigeria	264
Lebanon	255

There are migrants from other countries, but they are very few.

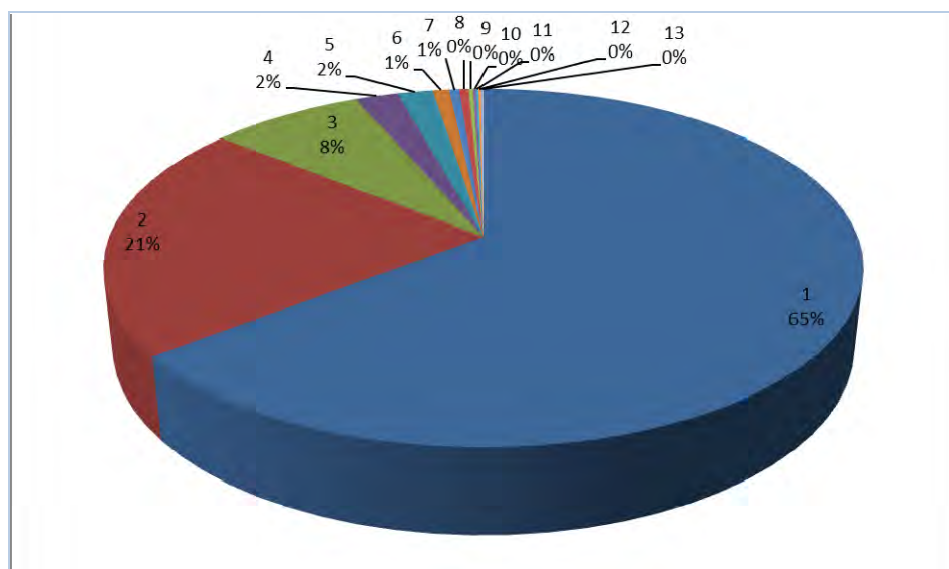


Figure 2: Migrants according to citizenship / Source: Ministry of interior of the Republic of Macedonia, information gained by e-mail in December 2015

Before 4 November 2015, there were 70 requests submitted to the Department for Asylum for recognizing the right for asylum, based on previously issued confirmation.

From the total number of requests for asylum, 15 requests from Syria relate to children accompanied by their parents and 8 requests relate to children accompanied by their parents from the other states.

Number of requests	Country
51	Syria

5	Afghanistan
3	Pakistan
2	Morocco
2	Lebanon
2	Palestine
2	Algeria
2	Iraq
1	Egypt

Bearing in mind the instability in the Middle East and the everyday conflicts in that part of the world, it is assumed that the number of migrants and the number of asylum applications will increase in South East European countries. According to the geographical location of the Republic of Macedonia, the tendency for such asylum-migrant processes undoubtedly will increase.

What can this crisis refer to?

So far, the aforementioned information can lead to the conclusion that the migratory movements themselves are related to conflict and criminal actions. The data suggest that migration flows are the result of instability and conflicts that occur in the countries of the Middle East. However, one of the key questions is why the largest number of migrants flees away from the conflicts in their countries, all the way to the European Union? Will the European Union protect them enough and will those seeking asylum ever be returned to their countries of origin?

Theory and practice recognize seven causes of migration: increasing armed violence, ethnic and racial conflicts, aspects of globalization, such as unemployment and cultural conflict, degradation of the environment, induced migration, the rejection of democracy and highly prevalent corruption (Adler and Gielen, 2003, p. 14).

Mass migrations taking place from the Middle East heading towards the European Union countries, point out that the reasons are not only increased armed violence in specific areas, but may include some aspects of globalization as a reason for migrating. That would include the search for better economic conditions. If the only reason for

mass migration is the armed conflicts, then the migration should not occupy the so-called Balkan migration corridor. In other words, the neighboring countries would be the first to face migration in the greatest number.

Syria, as a country that has recently been confronted with armed conflicts is taken as an example in this paper. The movement of migration from 2012 until today shows a growing trend of migration flows to countries of the European continent.

Total number of Syrian refugees, March 2012 to August 2015

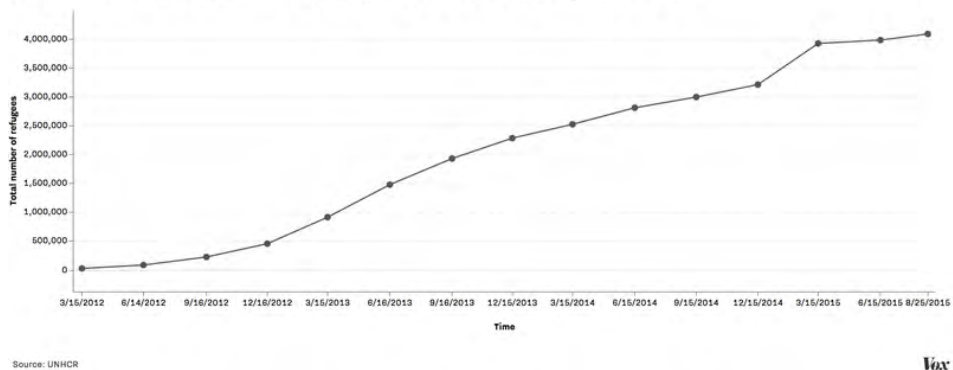


Figure 3: Movement of migration / Source: www.vox.com, November 2016

Figure 4 shows the countries where the migratory movements arise. According to this, we can conclude that the majority of the population that emigrated from concretely marked countries does not immigrate to the surrounding neighboring countries. Mostly, they move towards the countries of the European continent, whether there is an armed threat in their home country or not. This is the dilemma that engulfed the European continent. This dilemma causes different attitudes between the state apparatus of the European countries.

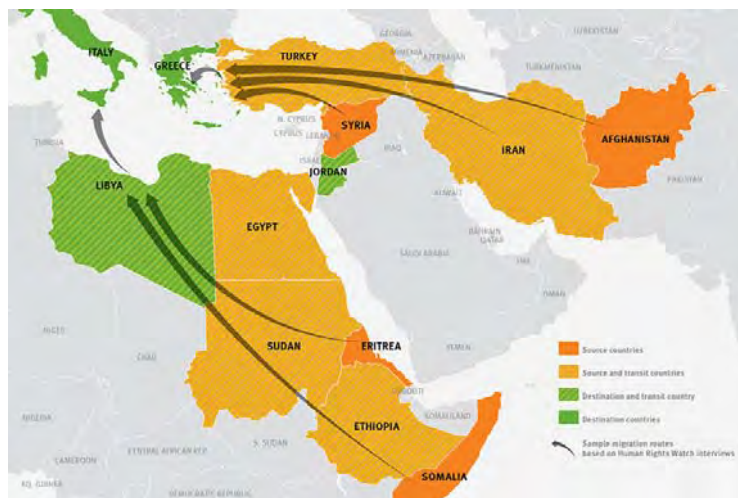


Figure 4: Countries of migratory movements / Source: www.hrw.org, February, 2017

According to the statistical data, the Republic of Macedonia has faced many migration crises. When analyzing the data obtained before the migration crisis of 2015, we can conclude that the previous migration flows mostly consisted of refugees who were fleeing from the neighboring countries of Macedonia where armed conflicts had occurred. What differs from this, the further data obtained in 2015 demonstrates that most of the migrants were fleeing from the Middle Eastern countries. Bearing in mind that most of the migrants used the Republic of Macedonia as a transit zone, we can conclude that even though armed conflicts have occurred, most of the migrants were heading towards western European countries in search of better economic living conditions.

Conclusion

Macedonia is a country that has faced migratory movements for many years. Migration is a crisis in one country due to the large number of people who have gained illegal entry. Mass migratory movements create a number of negative aspects of migration, such as creating large amounts of waste, increasing health risks, providing accommodation facilities, ensuring smooth and safe transport to another destination for migrants concerned, the occurrence of criminal activities and so on. Such emergent problems create serious challenges for the country. Therefore, the Republic of Macedonia since the beginning of its independence from Yugoslavia, has enacted legislation that tackles these issues.

In terms of increased migratory movements, the authorities are undertaking additional actions. The current migration crisis that happened in the Balkans and the European Union provoked the countries to take enhanced measures. Bearing in mind the unpreparedness and the lack of facilities to accommodate such a large number of migrants, the countries of the region have taken drastic measures to transfer the migrants to other areas.

When trying to answer the following question: “Is it the armed conflicts in the countries which provide the origins of migration or the main aim for migration is looking for better economic conditions for living?”, a doubt has risen about the refugees and economic migrants. Numerous analysis confirm that the armed crisis that reigns in the countries where migrants originate from, does not provide strong enough evidence that migrants are fleeing from their home countries because of armed conflicts. It would be logical for them to migrate and seek asylum in neighboring countries of their home countries. This statement forced the countries which face the migrant crisis to take additional measures and segregate migrants: migrants from armed conflicts (refugees) and migrants in search of better economic living conditions so-called economic migrants. Therefore, as a conclusion to this chapter it can be said that both refugees and economic migrants can find a place in these migration flows. Maybe the reason is the armed conflicts in the migrants’ domestic countries; however most of them are not fleeing to their neighboring countries. Instead they head towards Europe that makes us conclude that most of the migrants are searching for better economic living conditions.

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